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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SEVENTH U.S. CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XXXV.

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VOLUME XXXV, PART V.

CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

their inn till 8 o'clock, hoping that assistance would come from us; then, despairing of that hope, they left their inn and were surprised to find the town so quiet.

The sigh of relief they gave on reaching the town gate was turned into a gasp of dismay as they passed through and found a mob of several thousand people waiting for them outside. A band of 200 men lining the road waited till the last cart had passed out of the town and then made a sudden attack on our friends, who jumped off the carts and tried to frighten them off by firing a few revolver shots over their heads. Mrs. Leslie, who was completely prostrated by the fatigue of the journey, was unable to get off her cart, and it was in trying to shield her that Dr. Leslie was seriously injured. Besides a large number of flesh wounds he had his right wrist and right leg cut through to the bone, the large sinews in each case being severed. Mr. Goforth also received bad sword cuts on the head, and two of Mr. Jameson's men who fought bravely received severe wounds, which later proved to be fatal. When our friends got clear of the carts, the mob began at once to break open the boxes and the sight of the loot turned the armed band from their design, thus enabling our friends to make good their escape.

In the course of the day they all found their way back to the main road, managed to get the empty carts, and proceeded on their journey, having lost everything, but thankful to have escaped alive. At daybreak next morning the servant who had lost his way rejoined us. He belonged to Mr. Goforth, so we gave him a shoe of silver and sent him back to meet his party.

We pushed on toward Fan Ch'êng and about midday reached the border of Hupei province to find a fine body of soldiers sent out to meet us from Hsiang Yang Fu, by order of Chang Chih Tung. Our hearts went up in thanksgiving as we realized that here was real and adequate help, and that consequently our dangers were over. Arriving at Fan Ch'êng we found that every provision had been made for our safety and comfort. We waited here for our friends, who arrived on the night of the 10th, in a sad plight indeed, poor Dr. Leslie especially being in a bad case, having had to lie in the bottom of his cart for three days without having his wounds attended to since they had received the first rough dressing by Dr. Jennie Dow, who tore up one of her remaining garments to make bandages for him.

We spent all of the next day providing them with an outfit. Mr. Jameson and his friends were able to supply the gentlemen with underclothing, etc., while the ladies had to be content with a Chinese wardrobe. Our sweet little Eleanore died on the 11th, just 9 months old, and while our hearts felt too sore for words, we were so thankful that she had lived until reaching Fan Ch'êng, as we were able to take the body on from there and have it buried in the English cemetery at Hankow.

We traveled down the Han River to that port, and two days out from there were met by a steam launch sent out by the American consul to bring us in.

Arriving at Hankow on the 21st we went directly on board a steamer for Shanghai, having been twenty-four days on our journey.

ENGLISH BAPTIST MISSION, SHANSI.

Upon the entrance of Yü Hsien into Shansi as governor, the Boxers spread rapidly throughout the province.

Communication with the coast was cut off in May, so that money supplies were not received. About June 21 Mr. Farthing wrote from T'ai Yuan Fu to Mr. Dixon, at Hsin Chou, that it was known that a telegram had come from the Empress Dowager to destroy all foreigners, and added "If true, I am ready and do not fear; if such be God's will I can even rejoice to die." On reading this, Mr. Dixon said to Mr. Chao, his evangelist, "I feel just the same!"

In the city of Hsin Chou, from June 23–25, near the mission premises, theatrical performances were given to the god of wealth. A great crowd were present and a clamoring mob formed at the mission gate. Appeal was made to the magistrate who at first promised a guard, but it failed to appear.

By this time the edict telegraphed from Pekin had become known, as when another request was made, with threat of reporting to the governor if not granted, the magistrate replied, "Tell the foreigner he can report to the Emperor if he likes and I shall not fear!"

Reports from country stations of violence of Boxers toward native Christians led to sending a messenger to T'ai Yuan with a letter of consultation to Mr. Farthing. On reaching T'ai Yuan the messenger found some of the missions already destroyed and all abandoned. He hastened back and reported the circumstances. Mr. Dixon comprehended the growing danger, called the mission together, and after consultation decided upon flight. There were eight in their party.

Taking food, clothing, and bedding, with some money, they set out in the early morning and traveled 30 li, where they rested for a time. While at this point they learned that two hours after they left their homes a proclamation from the governor had come for the local officials to destroy the foreigners' houses and kill the foreigners. On hearing this they decided to move on at once to the place of hiding which they had chosen.

After leaving the village, Mr. Dixon dismissed the faithful evangelist, Mr. Chao, who was only pursuaded to leave them on the consideration that he might get word to foreign friends and perhaps secure help. It was a sorrowful parting, but in it shone forth the brave spirit of those who were soon to lay down their lives. Mr. Dixon said, "If we are all killed and not one escapes, there are many more to take our place." Mrs. Dixon spoke of her four children who were to lose a mother's care, but said, "God will surely raise up friends for them."

This same evangelist returned to Shansi in October and learned the rest of the story of this company.

On the evening of that day they reached the village of Liu Chia Shan, where the one Christian of the place had his home in a cave, and where they expected to prepare a cave for themselves as a place of refuge and defense.

They lived in this place for twenty days unmolested, when their place of hiding became known to the Boxers, who sent a company to arrest them. The villagers fled and the band could not effect their arrest. A few days later a deputy with soldiers went to them and with promises of a safe escort to the coast induced them to return to Hsin Chou. By this time their food supply was exhausted, and they had been five days without food.

On arriving at Hsin Chou they were taken to the yamen. The magistrate asked how much money they had in the bank, and when told drew it all out and kept it himself.

The missionaries were placed in the common jail, where they were kept for sixteen days, receiving only the poorest prison fare. On August 7 a deputy from Yü Hsien came to see that the governor's will was carried out.

Two days later they were taken from prison, placed in four carts, and told they were to be taken to the coast. Arriving at the east gate of the city the missionaries were dragged from their carts and stripped of all their clothes. Then both Boxers and soldiers set upon them and literally hacked their heads to pieces. Their bodies were dragged outside the city and left on the banks of a river where they were shamefully treated by villagers near by. Later the head of the literary graduates of the city, who had been friendly to Mr. Dixon, brought mats in which to wrap the bodies and hired men to bury them at the foot of the city wall.

After the massacre the highest military official went to the mission houses, chose the articles which he wanted for himself, and then turned the houses over to the soldiers and the people to loot.

CHINA INLAND MISSION, HONAN.[a]

The long-continued drought in Honan had produced a restless feeling among the people and made them ripe for mobs and riots. Warning had been sent by missionaries fleeing from the north that it would be better for us at Shê Ch'i Tien to escape at once.

Sunday, July 8, a large crowd gathered at the close of the service, watching the Christians as they scattered, and although it was dispersed without an outbreak it became evident that we must hasten our preparations for leaving.

The next morning at an early hour the streets were again packed with a mob, evidently intent on mischief. We could not go into the streets, but our boxes were taken over a wall into a neighbor's yard, and we all followed by means of a ladder. Soon after this the mob were battering on our front door. Our teacher, who was pale with apprehension, said: "I fear worse than death may happen to you." The landlord of that house led us to his guest hall, in one corner of which was a ladder leading to a loft. He bade us "Go up quickly and keep still."

There we lay hid, listening to the shouts of the mob and soon to the crash of falling timbers and masonry. The rioting had begun in earnest. The heat was intense, and in a little time we heard the crackling of flames and saw the smoke of our burning homes. Suddenly there was a rush. The mob had traced us over the wall and into the room beneath, where every sound was heard by us. "Kill the foreigners! They must be here! Let us go up the ladder!"

After brisk altercation they were dissuaded from doing so and went away, only to return again and again. They got on the roof and stared in through the five windows, but we stood between the windows, flat against the wall. Once two boys caught sight of us and spread the news. Back came the crowd, but again were bluffed off by the landlord.

So passed the day from 7 a. m. till 8 p. m., when darkness brought relief. One of the ladies had been seriously ill and was very weak. Her month-old babe might cry and reveal our whereabouts, when all would be lost. We prayed in silence, and the Lord heard and kept the child quiet from dawn till dark. A pot of tea was passed up, and then the wearied mother could quench her thirst.

Then the landlord came and said: "Don't delay; follow me." We descended the ladder, crossed the court, and entered a room where grain was stored. A stool was placed on a great basket of grain. From this we clambered through a trapdoor to a loft above. The stool was removed, the door shut, and all trace of our where-

[a] Dr. G. W. Guinness and party.

abouts was gone. The room was full of dust and rubbish, but it gave us a safe refuge for four long days.

That first night we left the loft to go to another house where carts were to take us away, when the police again appeared at the front gate to search the house. Back we hastened up the ladder, and their search was again futile. The next morning rioters came and finished the work of demolishing our house. All day their yells and blows on the house sounded in our ears. Toward night I heard two men piling timbers near our hiding place to burn us out, but they did not fire the house.

Every night new plans for escape were discussed. Every day fresh bands of searchers came to hunt for us. At midday of Thursday our landlord suddenly appeared and said, "Fly! they have come with swords to kill you." In two minutes all had dropped through the trapdoor and scaled the wall into the garden of our ruined home and were standing in the blazing sun. Soon a man followed us over the wall, failed to see us, and called back, "They are not here." We were soon safely back in our loft again.

That night came rain and with it a chance to escape to a large business firm, where we were hidden in the strong room in the top of the house. The room was small and dark, with one window 18 inches high. Here we stayed twelve days, guarded by a member of the firm who was armed with gun and sword and sharp, heavy iron pins for throwing.

In the early morning of our last day carts were brought, in which we made our way out of the city and 8 li down the river, where a small boat was in waiting with four men for escort. The boat was searched by customs officials at different barriers twelve times or more, but we were not discovered.

We and our escort lived in the one small cabin thirteen days until we reached Hankow in safety. We paid our escort their well-earned reward and dismissed them. We were ragged and dirty and in clothing that we had lived in for a month, but we were thankful to have been brought safely through our perils by One who "never forsakes those who trust in Him."

CHINA INLAND MISSION, SHANSI.*

Mr. and Mrs. Ogren had been stationed at Yung Ning in the western part of Shansi only a year. The officials were very friendly, one of them having asked Mr. Ogren privately the right way to pray for rain, as his own prayer had been unavailing. The people had become restless and threatening because of the long drought.

In the middle of June the Boxers came to the city. They rapidly made recruits, and soon a guard was sent to protect the mission from them. The official advised Mr. Ogren to take his family away. Their servants began to forsake them.

One day a man went through the streets beating a gong and warning the people away from the wells which the foreigners had poisoned. That day the main spring of the city turned red. The official dared not let Mr. Ogren longer visit him, but sent his secretary by night to consult with them. They at last asked the official to furnish them with funds for their journey, their own supply from the coast being cut off. This he was ready to do; also to take charge of their house.

That night, while packing, a spy was discovered in a tree of the court watching them. Before daylight the morning of July 13 Mr. and Mrs. Ogren and their little child started in a litter for the Yellow River, 80 li away, to go to Hankow. They were provided with a guard and also with an order from the magistrate to the official at the river bank to hire a boat for them. On arriving at the river there was a hostile demonstration by the crowd, but the official saw them safely off in person. Two soldiers went with them on the boat.

The current was very swift, and their frail craft was in constant danger of being wrecked. They went 500 li, halfway to Tung Kuan, the corner of the province where Shansi, Shensi, and Hanan join. At this halfway place they were told that a party of foreigners had been murdered and their bodies thrown into the river only a few days before, and it was probable that this would be their fate if they continued down the river.

They decided to get across the river into Shensi, and soon came to a place where there was an official 80 years old, who knew the Yung Ning official and showed them great kindness. He had a farm across the river in Shansi and offered to send them there and let them have food, while they could hide in caves near by till peace came. While with this old official, a party of soldiers came, saying they were sent to drive the foreigners out of the province. Their host gave the soldiers a feast and persuaded them to go away. He soon sent the refugees on their way, with servants to escort them across the river.

It was only 10 li distant, but before going half that distance they were set upon by robbers, who took all their money, except 100 cash, and most of their clothing. Reaching the ferry, they crossed in the early morning, but waited four days to send back to the old official for money. This came, and they walked on toward the farm, going slowly, carrying their child. The next day they reached the farm, but were not kindly received by the tenants. At first they refused them food, but later gave a scanty supply. They were twice visited by robbers, and at last were threatened by the farmer's son, who coveted the 100 taels offered by Yü Hsien for every foreigner's head.

This led them to leave their hiding place and make their way northward again to return to Yung Ning. The road was very rough, the country sparsely inhabited, but many people were kind, so they could at least get one meal a day and places to sleep.

After several days they came to a branch of the Yellow River, which they must ford on foot. An old man led the way through the swift current and also let them rest at his place that night and the next day. The day after, when nearing a customs barrier, they were set upon by a crowd and later followed by a customs guard, who had been ordered to get them out of Shensi. This guard several times seemed on the point of killing them, but finally went with them across the river and then handed them over to the Boxers.

The next morning Mr. Ogren was taken to the Boxer general. Mrs. Ogren could hear his voice for a time pleading for his life, then the sound of the incantations inquiring if their lives were to be spared, then followed a great uproar, which she thought to be his death.

Later a man came to take her on, telling her she and her husband were to be sent on to Yung Ning, but she did not believe that the latter was still living. She spent that night in a cave. In the morning, while going on, they met a Boxer band and her guide disappeared. The Boxers rushed at her as if about to kill her, but only ordered her to get away, which she did rapidly.

In the afternoon she stopped under the shade of a tree, where many women gathered around her. They were very kind and pitiful and gave food for herself and babe. At night she learned that there were Christians across the river. She forded it, being nearly swept away, and then found no friends, only enemies who would only give her water, and left her and the child to sleep under the open sky. In the night two Christians stole to her side and led her to a cave, but could do no more for her because of the Boxers.

In the morning she recrossed the river, but was soon seen by Boxers, who, with drawn swords, drove her to a temple. The headman of the village came out and rescued her, giving her food and some stockings; the next day he sent her on to Ta Ning under guard. The Boxers followed, full of fury, and were with difficulty restrained from falling upon her. Arriving at Ta Ning she was taken to the common prison. Food and fruit and some money were passed to her through a hole in the door. The keepers were quite kind.

The next morning she was taken to the magistrate, and made to kneel while she told her story. He became kindly in manner, and said her husband was still living and would rejoin her later. She was then led to an inner court, where the official's wife wanted to see her. The lady came out on a balcony and threw 100 cash to her. That night in the midst of the night she heard her husband's voice calling her. She found him speaking through a hole in the door. The next morning they were taken to a comfortable room in the yamen, where she was able to dress his wounds, cook some food for him, and hear the story of his escape.

When taken to the Boxer general he had first been upbraided for destroying the people with his doctrine, and was then given up to the crowd of Boxers. They kicked and beat him cruelly, taunting him with "Pray to your Jesus now!"

They led him to the bank of the river to kill him, and there fell on him with spears and swords. Being clumsy with their weapons they inflicted no fatal wounds. He finally jumped into the river, and although his hands were bound he struggled across and escaped in the darkness. The next day a Christian farmer helped him with food and money. Learning that his wife was at Ta Ning he worked his way on to that city, avoiding notice and evading Boxers until just as he entered the city, when he was chased to the yamen, where the official sheltered him. His wounds were severe, on head and neck and shoulders, from sword and spear.

By this time it was the last of August. After two days two donkeys with wooden pack saddles were furnished them, and they were sent on to P'u Hsien. They were attacked by Boxers, but their guard fought them off. From that place they were to have gone on to P'ing Yang, but orders came to send them back to Ta Ning.

This journey was made in great pain and discomfort, no food being given them. Her husband fell into the water when fording a stream, but they at last reached the city. They were again put in prison and given food. At this time the little one grew very ill, but a man brought a cow and they got milk. The vermin in the filthy prison were terrible, and Mr. Ogren grew ill with fever. Their only comfort was prayer.

Here they lived on till early in October, when deliverance came.

*Story of Mr. and Mrs. Ogren.

Orders arrived to suppress the Boxers and send the foreigners to P'ing Yang to be forwarded to the coast. They went part of the way in chairs and part way in mule litters, being forwarded from stage to stage by the officials.

Arriving at P'ing Yang they were most politely received by the officials and sent to a former mission house. It was nearly all in ruins but there were two rooms that could be used. After a few days Mr. Ogren grew worse and died October 15. The Chinese were kind and assisted in giving burial. Not a few surviving Christians came to sympathize with his widow.

Soon after the baby boy grew very ill, but again the mother got a cow and with proper food the child recovered. The latter part of October she was joined by Mr. McKie, Miss Chapman, and Miss Way, who, with herself, were probably the only foreigners who had remained in the province and survived the storm. Early in December a little daughter was born to her, and a month later the party were sent under escort south through Shansi, Honan, and Hupei to Hankow, which they reached after about six weeks of travel.

KALGAN TO KIAKHTA.*

On June 6, 1900, the Rev. Mark Williams and the Rev. J. H. Roberts left Pekin for Kalgan, returning to that station in haste to help the Rev. W. P. Sprague and other members of the mission of the American board against the Boxers. With us went Miss Dr. V. C. Murdock, to do medical work in Kalgan, and Mr. Carl G. Söderborn, whose family were there. Passing through Hsüan Hua Fu we persuaded Mr. Lundquist and family to go with us, for there were many Boxers in that city.

On June 10 we reached Kalgan, and found a howling mob at our gate—hundreds of men and boys having come to see our houses burned. After a long time an official sent the mob away, but they returned in the evening, and the danger became so imminent that a shotgun had to be pointed at the crowd. Most providentially they yielded to that argument.

In the night we sent away all the Chinese who were with us, and at daybreak we fled to the yamen of the Manchu general. There were six in our party, including Mrs. Sprague and Miss Engh. We asked to be protected one day and sent into Mongolia with a guard. In the afternoon a mob gathered in front of the yamen. The general tried to send us to another part of the city, but we refused to go. At sunset we and our baggage were removed to a little musty house in one corner of the yard and were locked up—whether for life or death we did not know—but after midnight we were sent with a guard of many soldiers through the Great Wall into Mongolia.

We found that the Mongols also were Boxers, and there was no place where we could remain. At Hara Oso, 50 miles northwest of Kalgan, we joined Messrs. Larson, Söderborn, and Lundquist, with their families, who were living in tents, and preparing to go to Urga. Mr. Sprague went back to Kalgan and got our money, which was on deposit in a Chinese bank. He brought with him Mr. A. L. Fagerholm, who was vainly trying to reach the coast. Mr. Roberts also went to Kalgan, to get warm clothing for the whole party. We all rejoiced that, when we had to flee for our lives, we found ten camels and nine horses ready for our use.

On June 23, under a glorious sunset sky, we started on our long journey. The third day we lost a camel, and the search for it delayed us two days. Meantime messengers came from four Swedish missionaries, who had been attacked by a mob in Fêng Chên and were hurrying to overtake us. Their magistrate, most wonderful to relate, had given them an indemnity of 800 taels ($600), and they came to us with large supplies of money and food. The latter was as necessary to us as our camels and horses were to them, and we saw that the loss of the camel was most providential, as without it they could not have overtaken us.

Our party consisted of 10 men, 7 ladies, 6 little children, and 7 Mongols to care for the animals. At the most we had 20 camels and 19 horses. At one place we were forbidden to draw water from the well. The King of the Sunit Mongols forbade his people to sell animals to us, and sent soldiers to watch the wells, lest we put poison in them.

Mr. Larson was a splendid leader, a good marksman and horseman, a fluent speaker of Mongolian, and a man of great courage. He had traversed the desert of Gobi twice before. We called him "Moses." We had an armament of 1 rifle, 1 shotgun, and 2 revolvers, which, under the divine Providence, saved us from attack.

Two ladies and two gentlemen each day formed a cooking committee. The other men were a fuel committee, the fuel consisting of the dung of animals, dried in the sun and wind. Two large buckets with covers, carried on a camel, contained our precious supply of water. The wells were far apart, and often the water was undrinkable. Once in a few days we killed a sheep and ate mutton, but the meat was little for so many hungry people. Our chief food was thin rice or millet gruel, with gravel in it that cracked our teeth. Once in five or ten days one would feel satisfied with his dinner.

In the desert ten days of great heat intensified our thirst. The shade of the six carts, in which the ladies and children rode and slept, was our only relief from the burning sun; and the lack of sleep, due to constant traveling in the night, made existence almost unendurable.

When within 120 miles of Urga, we telegraphed to the Russian consul-general: "Six Americans, seventeen Swedes, going to Urga request protection." His answer, telling us to come right to the consulate, gave us a new lease of life. Arriving there July 30, after thirty-eight days (660 miles) from Hara Oso, we had four days of rest.

However, Urga was full of Boxers, and we must move on. Russian passports were given us, to enable us to travel to St. Petersburg; food was bought for our journey; and we started for Kiakhta, the nearest town in Siberia. Mr. O. S. Nästegard, jr., a Norwegian missionary, who could speak Russian, went with us and became our "Joshua."

Shortly after leaving Urga we met 350 Cossacks, who had been sent to protect us. In thirteen days we traveled 210 miles to the border of the two Empires. There the Mongol mandarin tried to stop us, but the Russian governor of Kiakhta saved us from his clutches. We rested there two weeks. Many Russians were very kind to us. The infant child of Mr. Söderborn died, and was buried in a Russian cemetery, and even the priest attended our Protestant funeral. Money was sent by cable from America for our use, but the robbers, who dogged our steps fourteen days, could not get it, because we took it in letters of credit, to be paid in Irkutsk.

We hired a number of tarantasses—carriages with wooden springs, drawn by three horses, driven furiously—and after going five days over prairie and mountains, and through a magnificent forest, we reached Lake Baikal, which we crossed on a small steamer September 1. The waves on the lake were tremendous. Recovering from seasickness, we spent the night sleeping on a railroad station platform. The next morning we reached Irkutsk. Then ten days on the Siberian Railway brought us to Moscow. A Government permit granted us a special car, new, clean, and commodious. We left our Swedish companions in St. Petersburg, and came via Berlin and London to New York, where we arrived November 8, after traveling more than four months.

It was a special providence that we were driven out of China in the summer, for, exposed as we were to the weather day and night on the table-land of Mongolia and in the high latitudes of Siberia, we should have suffered terribly from the cold at any other season. A Russian friend, on hearing about our journey, said: "Your guardian angels have come with you all the way." Not only during our flight, but also afterwards, as we have learned of the many deaths of missionaries in China, we have realized that God himself was leading us and fulfilling His gracious promise: "My presence shall go with thee, and I will give thee rest."

The Rev. J. W. Stevenson, director of the China Inland Mission, compiled the following list of the Protestant missionaries who were killed, or who died from injuries received during the Boxer uprising of 1899 and 1900, the societies with which they were connected, the provinces in which they were located, and their nationality:

	Adults.	Children.	Total.
SOCIETY.			
China Inland Mission	58	21	79
Christian and Missionary Alliance	21	15	36
American Board	13	5	18
English Baptist Mission	13	3	16
Shou Yang Mission	11	2	13
American Presbyterian, North	5	3	8
Scandinavian Alliance Mongolian Mission	5	.....	5
Swedish Mongolian Mission	3	1	4
Society for the Propagation of the Gospel	3	.....	3
British and Foreign Bible Society	2	3	5
Unconnected, Mr. A. Hoddle	1	.....	1
	135	53	188
PROVINCE.			
Shansi, and over the Mongolian border	113	46	159
Chihli	13	4	17
Chêkiang	8	3	11
Shantung	1	.....	1
	135	53	188
NATIONALITY.			
British	71	29	100
Swedish	40	16	56
United States	24	8	32
	135	53	188
1901, Rev. J. Stonehouse, London Mission	1	.....	1
	136	.....	189

*Prepared at the request of the author by the Rev. James H. Roberts.

Number of Roman Catholic bishops, priests, and nuns killed in 1900.

Province.	Men.	Women.
Manchuria	10	2
Shansi	5	7
Mongolia	7	.....
Chihli	4	.....
Hunan	2	.....
Pekin	7	.....
	35	9

N. B.—This list is probably not entirely complete.

XXXIV.—CATASTROPHE TO THE NATIVE CHURCH.

The number of Protestant Christians in China at the beginning of the Boxer movement, by which is meant actual members of churches, was estimated to be somewhat more than one hundred thousand. To this should be added three or four times as many more who came under the general name of adherents, denoting those who, while not yet baptized, were either members of families where the leading elements were Christian or were themselves favorably disposed to the new faith. It is from this class that converts are perpetually recruited. The membership of the Roman Catholics, usually reckoned by families, was several times as numerous, that faith having been in China for many centuries. In each case these Christians were distributed over a large part of the Empire, the number of Protestants in Manchuria being much larger than elsewhere.

While there are among these communities some who are wealthy, or rather in a small way well-to-do, by far the larger number of them come from the farming and the working classes. In China, as in the land of its birth, it has always been true that "to the poor the gospel is preached," and considering the hopes which this faith enkindles and the barrenness of the average Chinese life, this is not singular.

It is a capital error to suppose that there are in the Chinese churches any considerable number of those who join them from unworthy motives, for what they can get. Of the Protestant churches at least we can speak upon this point from full knowledge. The Chinese are excellent judges of character, and in such a condensed society it is impossible that the main facts with regard to every applicant should not be well and accurately known. Numerous mistakes of judgment must, of course, be made, but missionaries and natives alike have learned by long experience that eternal vigilance is the price of a church which will not fall apart of its own weight, and the tendency accordingly is continually toward a raising of the standard.

It should be remembered that there are always and everywhere serious risks attending the identification of anyone with a body like that of the Christian church in China, and in the face of the inevitable ostracism the advantages are too precarious to be attractive. Those who had joined the Christians from unworthy motives hastened in this last year to cut loose as soon as the dangers of their connection became apparent.

It is important also to bear in mind the fact that in a society like that of China it is inevitable that every Christian should have many enemies. It is a classical saying that on entering a village one should inquire its customs. In China the first and greatest commandment is not to do what others do not do also, for thus only will the whole of the Chinese law and the prophets be fulfilled. But the Chinese Christian is ex officio a nonconformist. He objects to ancestral worship, which is the real religion of the Chinese race. He refuses to subscribe to the erection of temples, to the performance of Taoist and Buddhist ceremonies, and to the village theatricals held in honor of some god or goddess.

He is at variance with his family and with his clan on occasion of every wedding and every funeral, and weddings and funerals constitute a large part of the earthly joys of the barren life of the Chinese. In the incessant and intricate relations with innumerable individuals he will have differences on a great variety of subjects with a great variety of people, and whether he is himself at fault or not, he will have earned the ill-will of many persons. And the Chinese have long memories for grudges and spites, which are not infrequently carried on from generation to generation, each one patiently waiting until his turn shall have come for that revenge so dear to the Chinese, and so strongly inculcated in the classics.

All persecutions of Christians in China have within them these inevitable elements, but this special one differed from all that had gone before. Those were local and sporadic, often secretly stimulated by the literati, and not infrequently by officials. This one was an emanation direct from the Throne itself. Never had there been such an opportunity as was now afforded to pay off old scores with compound interest.

The social solidarity of China is such that all the parts are more distinctly and exactly representative of the whole than perhaps in any other society in the world. When it is remembered that the Chinese are deeply imbued with a profound respect for all the forms of authority, one gains a faint notion of what an official and especially an Imperial persecution must be in China, far exceeding in its inherent momentum those of ancient Rome. The Chinese mind does not readily entertain the conception of actual resistance to regularly appointed magistrates. Every Chinese is unconsciously something of a fatalist, and when he is commanded by the highest power of which he knows anything to do or to forbear doing certain acts, he naturally regards it as "the will of heaven," and bends to the storm. That all Chinese did not behave thus in this universal persecution is itself a phenomenon to be accounted for, and one which shows that some force absolutely new in Chinese history had taken possession of many of the Chinese race.

The officials, some through motives of the deepest hostility to Christianity, and some with a desire to save the lives of their subjects, issued orders to the Christians to recant, sometimes furnishing tickets which should be pasted over their doors, certifying that they were no longer members of "the foreign religion" and were thus entitled to protection. This plan was in accordance with an imperial edict, and it is not to be wondered at that many Christians fell into the cunning trap laid for them, especially when, as in Shantung, it was accompanied by the alluring words "temporarily recant." In Manchuria some of the magistrates hit upon the happy plan of requiring the converts merely to step over the figure of a cross drawn upon the ground, which many of them hastened to do, glad to have escaped with no worse test, by no means realizing the significance of what they had done.

In one marked instance in Shantung two native pastors under great pressure took upon themselves the responsibility and the sin of vicariously recanting on behalf of their whole flock in order to save their lives. They had not the smallest intention of denying the faith, but nothing else was to be done, they thought, and it was better that two men should incur guilt than that the whole church should do so.

The innumerable varieties of recantation, actual and merely nominal, make the problem of the rehabilitation of the church in the regions where it prevailed a delicate and a serious one. But it should be distinctly recognized that in all but a fraction of cases it was regarded as only a form, an error no doubt due in many cases to inadequate instruction on the part of their leaders. Innumerable instances of absolute refusal to deny the faith under any circumstances, especially among the large Roman Catholic communities, are everywhere reported, but the case is not fully set forth without the distinct avowal that this was by no means the universal rule.

In some regions the threats of the Boxers had been heard for many, many weary months, or perhaps for more than a year. The poor Christian communities had been living the lives of isolated sheep, with a day perpetually threatened for the advent of the wolves in force. Is it any wonder that at the last many of them fainted with terror at the actuality so long menacing them, and did whatever seemed to be required to prevent their aged parents from being turned adrift with no home and no food?

Some groups of Christians were pillaged over and over again, while elsewhere there was nothing but rapine and sudden death, the whole storm having passed over in an afternoon, leaving scarcely a living representative of the hated faith. "Destroy Christians root and branch" was often the war cry, which the Boxers sought to carry into literal effect by killing not only all human beings, but every cat, dog, and chicken belonging to the homes of Christians, cutting down every tree, uprooting flowers, and laying waste the courts and gardens of the ruined houses. In a room occupied by a refugee Christian family a forlorn little kitten was pointed out to a lady visitor, with the remark: "A whole village was out all night hunting for that cat. They said that it must be found and destroyed or it would bring calamity to the town. It was picked up and sent to relatives at a distance, and so escaped."

Never was the prophecy that the foes of a man shall be they of his own house more exactly fulfilled. They were themselves the spies and informants, whose precise knowledge nothing could escape. All human affection, all social sympathies seemed to be dried up at the roots. Daughters drove away their own mothers from their doors, saying, "Don't you come in here, or we shall be implicated too; go to your foreign friends; let them look after you." Even the storage of books, or clothing, or any article of furniture was absolutely forbidden under penalty of having the house pulled down or burned. The nearest neighbors were often the ones who invited the Boxers to come, leading them through the village and pointing out every door to Christian courts. Then when the goods were dragged upon the streets and sold for next to nothing, these were the ones who bought them for a trifle, subsequently reviling and taunting the owners, when they crept back to their desolated yards, with the observation that there was no more place for them—their goods were distributed to new owners, and their land had reverted to the village temples.

The cruelties of the persecutors found expression in the most hideous forms. All the barbarities practiced upon foreigners were

shared likewise by their followers. Men, women, and children were chopped into pieces and their bodies thrown into running streams to be dispersed beyond power of doing injury. Great numbers were burned alive, and children were flung back into the flames after they had once broken forth. Yet in one case known to the writer a lad who had twice been bound and thrown into the Grand Canal, and had each time succeeded in getting free, was allowed to escape, because it must be "the will of heaven." Unusually attractive Christian children were sometimes adopted by the Boxers or by others, valuable lives being thus saved. Many Christian maidens were sold to a life of odious slavery to be the "wives" of the Boxers who had killed all the other members of their families.

The mutilation of Christians may be said in some regions to have been the rule, not the exception, generally followed by a slow and terrible death. In other cases the joints of the victims were dislocated, and they were left in this maimed condition.

The writer was personally acquainted with a Roman Catholic school teacher who was persecuted by the Boxers, middlemen finally arranging that his life should be spared on payment of a fine of about thirty Mexican dollars. His father, however, begrudged the waste of so much money, and together with another son and a nephew tied up the son and his wife in the middle of the night and killed them with a sword, their little girl being thrown on the ground and stamped to death. Two small boys, however, made their escape. The people of the village, who had no sympathy whatever with Christianity, were so incensed at this inhumanity that they refused to assist in any way at the funeral.

It is worthy of notice that in many places the bitterest animosity extended even to those who had been treated in mission dispensaries, or whose connection with foreigners had been only temporary and casual. In cases where the number of those killed was large, sometimes amounting to quite half of the total membership, there was an additional percentage of those who thus suffered vicariously. There were, on the other hand, some who while not members of the church, nor even probationers, yet refused to renounce its teachings, thus forming an exoteric band of martyrs whose number will never be known.

Attention was early called to the important fact that in many places where the Chinese Church was about to be tested as never before, special strength was afforded them for the coming conflict. In Pekin, T'ung Chou, and Tientsin earnest meetings had recently been held, at which large numbers of the leading members of many churches had been brought near to God, and a similar experience was that of many mission stations in Shansi and Chihli which had been visited by Mr. William Cooper. Numbers of Christians afterwards testified that they had been thus unconsciously fortified for the terrible trials which proved to be so near.

The natural timidity and the clannishness of the Chinese is well known to those who have had intimate relations with them. It has been previously mentioned that both in Tientsin and in Pekin the greater part of the servants in every foreign establishment disappeared in a body upon the prospect of danger. It is important to recognize that the reverse was the case with the Christians, not merely where their safety was bound up with that of foreigners, but where they might, but for their fidelity, have easily escaped.

The most impressive instances of this are to be found where the peril to Chinese Christians was greatest, in the province of Shansi, where the governor had given formal authority to Boxers to kill all Christians, and where any one found writing letters to foreigners was slain without mercy. The foreign letters from those who were martyred in that province, continued in some cases to within a few hours before death and concealed at great risk by their converts, furnish the most ample evidence of the beautiful loyalty of the Christians, and of their fearful trials. In every mission headquarters the first quest was for the mission records, that the names of all the followers of the "foreign religion" might be certainly known. When these were discovered it went ill with the flock.

In repeated instances servants who had been sent away for their own safety returned on the eve of a riot, saying simply: "I heard that you were to be attacked to-night, and I thought that I ought to be here to help you." Many of them voluntarily served as couriers at the imminent risk of their lives, not once or twice, but constantly, and in this way it is known that many were killed. When the missionaries had been robbed of everything the poor Christians sometimes offered to them their own scanty hordes of silver or cash, saying that it was but right to do something for those to whom they owed so much. "As long as I have anything," said one such, "of course I will share it with you." Many Christians offered to find hiding places for the foreign pastors and the ladies, at the greatest risk to themselves, and others undertook the yet more difficult office of acting as their traveling stewards during their long and dangerous flight through hostile regions.

Some of the prominent preachers were intrusted by the missionaries with large sums of money, to be sent to whomsoever appeared to be in the greatest need. One of them thus became the steward of about £200, which at no little risk to himself he disbursed with great discretion in such a way as to assist materially many missionaries who had lost everything and who had no resources. An instance of this sort is of great weight as an aid in estimating the real character of the men who have embraced Christianity, and who are at once its apostles and its proof.

It is to be noted that the reports brought to the coast of the experiences of the foreigners in the interior, while greatly doubted at the time by some, afterwards proved to be exact even in details, and at the same time there was no apparent disposition on the part of those who had helped foreigners under these circumstances to pose as heroes. In a letter brought to light many months after the massacre of the English Baptist missionaries at Hsin Chou, Shansi, was known, it appeared that the Boxers had captured one of the leading Christians and had taken him to the hiding place of the missionaries that he might witness their death. With the certainty of immediate retribution this Christian uttered a loud cry of warning to his "pastor," and was immediately himself struck with a spear or sword as a reward.

An evangelist and his family were all dragged from their carts in a Honan village, and their baggage being thought insufficient for loot they were all—men and women—stripped of all their clothing and left naked in the street.

The manner in which the Christians met these terrible sufferings was a perpetual astonishment to their tormentors. They could not understand what inspired the calm courage of the tall and stalwart Teacher Liu, of Fên Chou Fu, who sat calmly in his room fanning himself and awaiting the advent of the Boxers who killed him instantly; nor that of the Pekin deacon who put on his best clothes and went out to meet them joyously, facing death with a smile. Was it any wonder that the Boxers, in their superstition, cut out the hearts of such people to endeavor by an inspection to ascertain the source of their more than human courage?

The belief that Christians were able to poison wells, and to turn paper images into real foreign soldiers, was practically universal, and accounted for much of the insensate fury of the Chinese against them. The notion also widely prevailed that within three days they would rise from the dead unless energetic steps were taken to prevent it. It was for this reason that so many were cut in pieces and burned, in exceptional cases the ashes being passed under stone rollers and dispersed to the winds. The same superstition also accounted for the entirely un-Chinese refusal to allow the bodies of Christians to receive any kind of burial. A convert in Pekin several times passed the corpse of his own mother lying in the street where she was struck down, but he dared not touch it.

The question has been often raised as to what the missionaries in China are doing, and what are the results of their work? They have been criticised as "idle and mischievous," but now that the Boxer rising has burst, we are told that "they have turned the world upside down." The statement is most literally true. The nature of the totally new energy widely diffused throughout the Chinese Empire may now be clearly perceived. It is one with the life manifested in the Roman Empire in the days briefly described in the Acts of the Apostles, and it is the only force adequate to cope with the gigantic ills of China. This proposition, to those who read the story of the sufferings of the native church in China discriminatingly, will be self-evident, while to others it will remain an idle claim.

The interest of the appended instances of the experiences of Christian Chinese is found not only in the occurrences themselves, but in the fact that these are such cases as have first come to hand, and that it would be possible to duplicate them by the thousand, until the aggregate product would be a series of volumes exceeding in bulk the Encyclopedia Britannica. These narratives need no other comment than a few explanations of technical terms, and bear within themselves the evidences of their fidelity to truth.

Attention has already been called to the fact that the spread of the Boxer movement was largely through young boys who were put under the influence of something like hypnotism, or mesmerism. The proportion of genuine subjects may have been small as compared with the spurious, but the influence of a single genuine case in a superstitious country like China would be great, where education, despite the claim of many influential Chinese, is no bar to the wildest credulity.

In many places the baneful effects of the movement became manifest to everyone, and often brought the whole Boxer propaganda into discredit. In one instance a lad of fifteen was so filled with the frenzy for murder that he attacked his own parents, an event which filled the villagers with horror, and led to the disbandment of the Boxer camp. Sometimes susceptible children would be so strongly affected with the impulse to perform the Boxer drill that they would go through with it irrespective of time or place. These occurrences made many reflective Chinese dread the unknown influence which they had evoked. When all the phenomena attending the Boxer development are attentively considered, there is reason to believe

that many will come to the conclusion that if there is any such phenomenon in this world as "Demon possession," this was an instance of it.

The frequent expression "Boxer altar," it should be explained, does not refer to a place of worship, a pile of stone, nor even a table, but denotes the organization itself, the band as a whole, with its "Great Elder Brother" as leader, as well as the drill headquarters and the idol shrines before which tests were made by burning incense or paper. If the latter flamed high, the accused was innocent, but if the flame was feeble and deflected he was guilty and must be beheaded at once. The opportunity for fraud in all these ceremonies is obvious.

Among the many singular phenomena connected with the rise and spread of the Boxer sect nothing seems stranger or more in defiance of Chinese customs and the ideals of long generations than the accompanying organization of the "Hung Têng Chou," or "Red Lantern Light" society. This was composed of young girls between the ages of ten and twenty, just the age when Chinese maidens are most carefully hidden in the seclusion of their homes, when to go about in the streets would be in defiance of the proprieties, and to be exposed to public gaze would be for rich and poor alike disreputable.

These girls in large companies were taken to the temples, put under the low and vicious men who were the Boxer leaders, and after a certain amount of drill accompanied Boxer bands in their public parades. Their uniform was entirely of red, red cloth about their heads, red shoes on their feet, red banners in their hands. Their training was similar to that given Boxer boys, the repetition of charms by the leader, who was sometimes a man, sometimes a woman, following this the hypnotic trance, then a frenzy of desire to fight with sword or spear or gun.

The special power said to belong to these girls was to ride upon the clouds and to point out the houses of foreigners or their friends, Christians or others. From the clouds they could kindle a fire that would harm none but those proscribed. From the clouds, too, they could cause the iron battle ships of the enemy to burn like tinder.

During the weeks when riots and fighting were most violent, toward evening hundreds of ignorant, credulous people would gather outside their villages and watch the sun hastening to the west. The impression upon the retina caused by gazing at its disc, causing a round red spot to appear whenever the eye should turn, was pronounced the magic light of the "Red Lantern," and excited cries of "There are two!" "I see three!" "There are a great many in the north!" would fill the air. Then when the evening clouds gave back the sunset glow, this common sight took on the aspect of the supernatural, and the people would whisper to each other "Truly the power of the Red Lantern is very great! With it we must conquer the foreigners!"

These stories of Chinese persecution may fitly conclude with the citation of a significant testimony in regard to the relative qualities of the Chinese Christians, from a paper read at the Newcastle Church Congress, by the most accomplished lady traveler of the day, Mrs. Isabella Bird Bishop, who began her extended journeying with little or no interest in missions, and who has ended with a sincere devotion to mission activity, after having enjoyed unequaled advantages for learning at first hand what is accomplished by the effort to elevate the men and the women of the East.

"Everywhere small, ofttimes very small, communities of persons had been formed, who by their abandonment of ancestral worship and idolatrous social customs were subjected to a social ostracism, and who partly in consequence clung together as brethren, with a tenacity similar to that which finds its secular expression in the powerful Chinese organizations known as 'guilds.' These converts live pure and honest lives, they are teachable, greedy of Bible knowledge, generous and self-denying for Christian purposes, and so anxious to preserve the purity of their brotherhood that it would be impossible for such abuses as disfigured the church at Corinth to find a place in the infant churches of China. Above all, every true convert becomes a missionary, and it is in this spirit of propagandism that the hope of the future lies. After eight and a half years of journeyings among Asiatic peoples, I say unhesitatingly that the raw material out of which the Holy Ghost fashions the Chinese convert, and ofttimes the Chinese martyr, is the best stuff in Asia."

XXXV.—PERSONAL NARRATIVES.

KAO HSIN.

Kao Hsin is a graduate of college and seminary, and has been in charge of the preparatory station school at T'ung Chou. This was closed at mission meeting time, and after the meeting he went to his home 15 li away. In a few days he came back to learn of the condition of things. He found only one man, Mr. Lin, in the city compound, who told him that the missionaries had gone to Pekin and the church members had scattered, and advised him to get his family and follow to Pekin.

While they were speaking a man came from Yung Lê Tien and told them of the murder of the preacher, Li Tê Kuei, while making his escape with his wife and three of his children. His three older children were pupils in T'ung Chou and Pekin schools. Mrs. Li was Kao's own sister. She had pleaded for her baby, as it was such a fine boy. The Boxers looked at it and said: "Yes; uncommonly fine! It might be an emperor some day; it must be killed first." So they dispatched the children, hacking them with swords and burning them. They killed at the same time several church members who were escaping with the helper.

As Mr. Kao was starting back for his home he met a messenger from P'ing Ku Hsien, where Deacon Li Wên Jung was stationed, 40 miles from T'ung Chou. He had come to bring word to the deacon's mother that her son was ill with fever and the invalid wife unable to care for him, and to beg for help. After directing the man to the deacon's mother's home, Mr. Kao went back to Fu Hê, his home.

About dark the P'ing Ku messenger reappeared, saying there was no one to go the deacon's help. Mr. Kao had told his family about the fate of the Christians at Yung Lê Tien and other places and consulted with them about plans for escape. His mother, an efficient, energetic woman, said: "We are all natives of this village and our neighbors will not want to harm us women. You and your nephew go to P'ing Ku, where there are no Boxers, and you will be safe yourselves and able to help the sick deacon and his family. We will scatter among our relatives in the village, and I will stay and care for the house.

Mr. Kao begged that they all go to Pekin, but she thought her plan the safer one. His feelings overcame him and she said: "Don't cry, my son. Can we not bear this for Christ? If Jesus saves us we will be reunited. If we are taken, we die for Him. Can we not trust Him? Go quickly."

She prepared them a meal, and at 11 o'clock at night Mr. Kao and his nephew, the eldest son of the murdered helper, Li Tê Kuei, set out, a neighbor going with them to bring back word to the mother.

They reached P'ing Ku the next day at noon and found the deacon's wife in distress at the situation, her husband ill, and no cart or animals to be hired to take them back to T'ung Chou. She had had been praying that God would open the way before them. Mr. Kao advised them to remain, as it was quiet there, and if it grew dangerous the mountains were near where they could hide.

The next day was Sunday, and the little company of Christians gathered for service. One from a hamlet not far away in the hills consented to let Mrs. Li and the children go to his home, though they had only millet and salt and water to give her. They stole out in the early morning, Mrs. Li walking some distance to meet the donkey sent for her. After seeing her safe in the new hiding place Mr. Kao and the sick husband returned to P'ing Ku, where they remained another week.

Conditions grew worse all the time. The evil reports about Christians as poisoning wells and smearing blood on the doors were started in the city. They were threatened with being bound ready for delivery to the Boxers when these should reach the city. A friendly yamen runner told them these things and advised them to leave, giving the name of friends, one 40 and one 80 li away. Mr. Kao and his nephew decided to go. Deacon Li at first remained behind, but soon joined his wife and started on his own long wanderings. They were separated from that time on.

The first man mentioned would only give them one meal and sent them on. After going a short distance they were in the mountain gorges with no plain road. Bewildered and knowing not where to go, they stopped and prayed to God to guide where there was no man to ask. Two crows flew overhead, and they asked that they might fly in the direction they ought to take. They flew northeast. This took them back to their unwilling host, whom they begged to escort them a few li. He was afraid and refused, but a caller came in who lived on that very road, and he offered to direct them.

It was cloudy and threatened rain, and they begged this guide to take them to his home for the night. He did so, and they had hardly entered the house when the rain fell in torrents. For ten days they remained there working hard for their board. They had said that they were Christians, so that when, soon after, a Boxer altar was started there the wife of the man was frightened and wanted them to go, giving them money to help them on their way.

The nephew was homesick and begged to return to their home. They started back, but in a few li met Yang Erh, a chair bearer for a member of the T'ung Chou Mission. He had been to P'ing Ku twice as messenger, but was now fleeing for his own life. He told how he had been pursued by Boxers and had seen them cut down others on the road, and said that neither T'ung Chou nor Tientsin were safe for any Christians.

Mr. Kao and his nephew, with Yang Erh, turned back to the northeast and went on outside the pass. The wild rumors about Christians were everywhere and believed by everyone. The rumors said that the Christians smeared blood on the doors, which would make some one in the household go crazy and kill all the family; that they poisoned wells so that the water would destroy those who drank it; that foreigners were selling sheepskins and goatskins and would later turn them all into live sheep and dogs and men. The sheep

would hunt people and destroy the crops, the dogs would bite people and make them go mad, but the men were worst of all, as they could not be conquered. If these sheep or dogs or men were struck, they turned back into sheepskins or goatskins. The great trade of foreigners in black pig's bristles was said to be for the purpose of performing incantations over them, by which they would turn into evil insects that would fly about and bite like a mosquito, the bite proving fatal. The Boxers claimed that they alone could avert all these evils.

No one was allowed to stay at an inn, as it was said that foreigners hired beggars, fortune-tellers, traveling priests, and peddlers to scatter blood and medicine. Every suspicious stranger was searched. If any bottle was found on his person they were sure it was medicine and the man was at once cut to pieces.

It was necessary to appear unconcerned and walk boldly to the crowds or inns, as any attempt to avoid notice at once awoke suspicion. They must have a reasonable explanation for their journeying, so they gave as a reason that they were going north in search of a debtor who had owed his uncle a debt, to get payment for the same. As they several times got work for a few days in the fields, they could say that they were searching for work on account of drought on the plain. The poppy harvest was ready for the first slashing of the seed pods, and many come every year to do this work.

At one stage they joined a traveler, who proved most kind to them, took them to his village, found work for them with a rich man of the place, cared for Mr. Kao during several days' illness, and adopted him and Yang Erh as "sworn brothers" and the nephew as a "dry son." His kindness was the bright spot in the long, sorrowful summer.

While at this man's village word came of the destruction of everything foreign in Pekin except the British legation and the cathedral, and with a heavy heart Mr. Kao thought of all his fellow-Christians as gone. At last the news of the victories of the allies in Pekin reached them in the mountains and they started back for the plains.

Not far from his old home Kao Hsin met an acquaintance, who exclaimed on seeing him, "Why are you here?" "I want to see my home and my family!" "Alas! You have no home to see, and your family are all dead, killed by the Boxers." Then the dreadful details were told of how his mother was cut to pieces; all his children but one little deaf girl killed with his wife; all the Christians of the village, with nearly all of their relatives, more than thirty in all, killed in most cruel ways. The aged grandmother, over 84 years old, was a midwife, and nearly all the villagers up to 40 years of age had been brought into the world by her; so many begged for her and she was spared. "One old woman and one little girl can do nothing to avenge those killed!" they said contemptuously. They had searched everywhere for Kao Hsin, but said he was a wizard of such power he could burrow in the earth and escape. They feared he would come with an earthquake to destroy them.

Mr. Kao had traveled 30 miles that day and had 6 more to go. He staggered on, almost sleeping as he walked. At last he crawled under a mat shed in which were dead bodies and tried to sleep a little, but was awakened every little while by firing guns and barking dogs. At daylight some Russian soldiers impressing workmen found them and drove them to some boats to unload supplies. There was a motley crowd of coolies, merchants, teachers, rich men, poor men—all kinds in the line. Their burdens were heavy, and if they did not handle them just right they were beaten. Kao Hsin felt the lash because he dropped a box too quickly. After a supper he slept on the wet ground with no bedding.

The next day he was harnessed in with some men to drag cannon over the stone road outside the city near to the ruins of the college. One man fell; the wheel ran over his leg and broke it. Another, who thought such a life too bitter to endure, jumped into the moat as they went over the bridge and was drowned. That night they were well fed and given dry clothes. After a little they were better treated, were given three meals a day, and paid 10 cents besides.

He remained a month in all, thinking the Christians all dead and himself the sole survivor and that the missionaries would all have been sent home. So he made no effort to get away. One day he met a T'ung Chou church member on the streets and learned the good news that many were saved. His presence in T'ung Chou was reported to the mission in Pekin, and he was soon passed over to the Americans and sent up to the capital.

DEACON LI.

To find a Christian in a Chinese yamen reminds one of the "saints in Nero's household." Yet it was in such a place that Li Yün Shêng was converted, and it was in pursuing the duties of that place that he led for twelve years a consistent Christian life. He was known as a man faithful to duty, one who took no bribes and shared no "spoils of office." He had the respect of the official in T'ung Chou and of his associates in the yamen. Such a man was a shining mark for the malignity of the Boxers. He had seen the burning of the mission buildings and boldly denounced the deed. "Your punishment will come," he said, "and these buildings will be restored." When the massacres began, the official at the head of the yamen took Mr. Li under his own protection and found a small, retired room where he was hidden. When the Boxers came to the yamen and demanded the Christian in hiding, they refused to give him up.

At last the Boxers, who had no respect for dignitaries, broke into the yamen and began a search. Mr. Li was taken by the official's command into the apartments of the women. But the Boxers penetrated to that court and soon found their victim. He was dragged out and taken to an altar near by, where they put him to death. His wife was a very timid woman, and when she heard of her husband's death she went to a pit of water not far away, leading her little daughter, and the two plunged into the water together.

Deacon Li was buried, but the word went around among the Boxers that so zealous a Christian would rise from the dead in a short time, so his body was exhumed and burned to ashes.

THE UNKNOWN MARTYRS.

Among those who died for their faith in this field were many whose names are unknown, but whose steadfastness in the face of death produced so much wonder among the heathen that their stories are being told by those who "were consenting" by looking on silently when they were condemned.

At P'ing Ku Hsien two men were taken to the "Great Elder Brother" of the Boxers for his decision as to which was guilty of following the foreign religion. After repeating his incantations, he turned and pointed to one, and said: "This is one of them." The man was led away and killed, the other one was released. He turned away and went off a little distance, then came back to the Boxers. "What are you coming back for? You can go," they said, He replied, "Kill me, too. I, too, am one of them." And they led him to where his friend had died and there killed him.

At the T'ung Chou north gate two boys of 13 and 14 years of age were making their escape into the country when the Boxers seized them to question them. These nameless young confessors said, boldly, "We are of the Jesus Church." When about to be bound they said, "You need not bind us. We will not try to get away. Every step we take to your altar is one step nearer heaven." And they soon joined the victors above.

DEACON HÊNG.

[As told by himself.]

"On returning to Pekin from annual meeting we found the danger and excitement in the city had greatly increased. A council was held and, soon after, the missionaries and the girls of Bridgman School were removed to the Methodist Mission, while many of the men of the church remained to guard the mission. On the evening of June 13, a man came rushing to the chapel saying, 'The Boxers have entered the city and are setting fire to the missions.' I went into the street and could see the smoke of the Methodist-street Chapel and of the London Mission rising to the south of us. The streets were full of excited people, saying, 'They will come here next! These will be the next to die!' After a short consultation we decided we could not defend the buildings and could only try to save our lives by flight.

"There were many who saw me and knew me, but I made my way to the north part of the city where I was least known, and as it was dark I hid in a temple near the northwest gate. From there I saw the burning of the two Presbyterian missions and farther south the smoke and flames of our own mission.

"I rested part of the night, but rose at 3 a. m. and went to the Presbyterian Mission, which was still burning, and saw the bodies of those killed during the night, some of them in the burning buildings, some outside in the courts. I went to the An Ting gate, but it was closed, not to be opened till noon. After wandering around I came back to the northeast gate. I met several Christians of our own and other missions, but no one showed signs of recognition. Later we went out through the gate together, each making for his own place of refuge.

"I went to a village 8 li away to warn a Christian family living there. They gave me food and I rested for a time, after which I went back to the city by the An Ting gate, which was now open. There were many bodies of the Christians lying along the road, of which I recognized one as a colporteur who had been killed while carrying his books on his back. There were men and women, young and old, among them. I then went from one to another of my relatives, but none would let me remain. I went to the yamen where I have duties, but was told there was no place for me.

"For a day or two I wandered about getting food and shelter as best I could. At last I went to my uncle and he said he would try to get me out of the city safely, but could not keep me, as it would surely bring ruin to them all.

"They advised me to shave my head and put on the garments of a Buddhist priest, but I was not willing to wear that garb. Finally they brought me the outfit of a fortune teller, the mystic character of the 'Book of Changes,' and wrote out for me enough couplets for twenty fortunes. Then my uncle put on his Manchu robes for ceremonial service, gave a suit to me, and we rode out of the city as

official and attendant. No one challenged me. He went a few miles with me, gave me money for my journey, and we separated.

"I went to the village at the north where there were Christians, but found them scattered; went on to another place and found the Boxers were everywhere. I still went north, and after a few days reached a valley among the mountains where a large branch of our family lived.

"After waiting two days at an inn, and no one appearing whom I knew, I decided to turn back to the city to learn the fate of our church. I went to a few fairs on the way, spread out my table, told a few fortunes, always watching for familiar faces. At last I met three Christians, who told me of the siege of foreigners and Christians at the legation and North Cathedral. They said we could not go to the city yet—it was not certain that anyone would survive the fierce attack.

"So again I turned north, this time in company with these three. We traveled by twos, and stopped at different inns. One of them soon hired out to a farmer and the others found other work, but I was not strong enough to be of any use, so I went to fairs and told fortunes, working my way back to the north to my relatives. Sometimes I was tempted to end my days in a river or to jump from a precipice, but I held back from that sin, feeling that God would care for me or take me to Himself.

"At last I reached again the home of my relatives. There were some 16 families in the hamlet, all of our clan. I went to the head man, who was the only one of an older generation—an uncle. There were four of my own generation whom I could call 'brothers.' I could not tell them of my being a Christian, but did tell them of how Pekin was in a state of chaos and ruin, with fighting in the streets and robbers and Boxers everywhere. I had fled for safety, and must ask them to give me refuge until the country should become quiet. They consulted together and agreed to share in keeping me. There I remained until after the New Year. They were poor people, but they gave me food such as they had and money enough for me to buy a sheep-skin garment and other clothes for winter. I was kept in the house for more than a month by sickness.

"As the weather grew warmer I could wait no longer, but turned back to the plain to see if any of our church survived. The roads and inns were full of dispersed soldiers. Several times I told their fortunes and gave them the truth. I told them they could not succeed in fighting foreigners, but had been deceived by the Boxers and had better give up being soldiers and go to their homes. They were not angry at this, but paid my food and lodging and treated me kindly. I made my way to the city gate, where the Japanese were in charge. I could not make myself understood, but found my way back to our old street.

"There I saw a notice in foreign letters on the gate, and came inside and found myself in the presence of those whom I had thought dead. The Lord has brought me back. I am far from perfect. The Lord has not done teaching me, so He has let me live on to finish His work in me."

MRS. LI PÊN YUAN (DORCAS).

Li Pên Yuan is one of the younger preachers of the American Board Mission, and Dorcas, his wife, is a worthy helpmeet. She was educated in the Bridgman School, and is a woman attractive in person and of a lovely Christian character.

On the night when the missions were burned in Pekin Mr. and Mrs. Li were visiting the brother of the former in a distant part of the city. The brother was a preacher of the Presbyterian mission. As the mob drew near that place they all fled together, but after going a little distance the two families separated so as to attract the less attention. Mr. Li found a retired corner in the angle of some house, where he left his wife and child, while he went on to the great street to look about. She could see him standing at the corner, not many rods away, when a crowd of Boxers come along. He knew it would not do to run, so followed along as one of the crowd till he could turn aside unnoticed and make his way back to his wife. She had seen him apparently swept along by the crowd, and as a long time elapsed and he did not return she gave him up as lost.

She finally came out from hiding and worked her way slowly back across the city to the American Board Mission, which was burning when she reached it. Wandering about from one place to another, she finally sat down in front of a large gate of a strange family and rested till the morning broke. Soon after light a band of Boxers came along and seeing the lonely woman and child marked them with bloodhound instinct as refugee Christians. Just as they stopped in front of Dorcas the gentleman of the place, an entire stranger to her, came out, took in the situation at a glance, and said to the Boxers, "You are mistaken. This is a neighbor of mine." His word was taken and the mob went on, leaving her there.

She told her story to this "good Samaritan" and he went with her to a village near the eastern city gate, where she had relatives living. They found the house destroyed and the people fled. The man who was trying to save her then said they were expecting a visit from a relative named Li and she must represent that relative to their family and go to his home till some other plan could be made. The women at first received her cordially, but after a little suspicions arose and then she told her story to them. They would not let her remain. The man begged them to keep the little one, but they refused that, too. As Dorcas left the house he said to his wife, "The one good act of my life you will not let me do!"

She went back near the mission, from one old neighbor to another, none of whom would receive her. She appealed to a police station, to a man who knew her husband, but he drove her roughly away. Toward night she sat down on some logs near a lumber yard, but was soon told to "move on," and when she said she had no place to go the man pointed down a blind alley and said, "You can wait there." There was nothing to wait for but death.

Just then a carter of the mission came along, saw her, and called her by name. She went to his cart and got inside. He quickly dropped the curtain and drove up and down the streets for hours trying to find some place of refuge. At midnight he drove into a cart-stand yard and received permission to keep his cart and mule there for the night. Dorcas spent that night in the cart. The little child of only two years, a bright winsome little one, seemed to know she must keep quiet and did not cry once in the night.

The next morning at earliest dawn they drove away and went to a village where some Christians were known to have taken refuge, and there she remained until word was taken to her husband, who came and took her to the Methodist mission. They had been separated from Wednesday night till Saturday morning and he had searched all over the city for her.

THE T'SAI FAMILY.

This family is one of the oldest Protestant Christian families in North China, the present head of it, Mr. T'sai Fu Yuan, being of the second generation of Christians. He has been a preacher for nearly twenty years, and their home has been a center for the church of the Yü Chou region.

By the latter part of June the whole city and region were aflame with the Boxers. Mr. T'sai was in the city with his family. His aged mother, who shared the universal Chinese dread of extinction of the family, saw the approaching crisis and told her son and grandson that they must flee while it was yet possible. After vainly protesting they at last yielded and left the city about the middle of July. They first went to Hsi Hê Ying, where there were other Christians, but found that place still worse than Yü Chou, as the large Catholic Church drew the Boxers to its attack from the whole region around. He then went on to Pai Lu, where he had friends, but soon left them and took refuge in the watchtower of a melon patch, where a Catholic old lady was also in hiding. He remained in this place until he learned of the destruction of his home and the death of all his family except the son who was with him.

The crisis in Yü Chou culminated about the last of July, when a large body of Boxers passed through on their way to attack the Catholic Church of Hsi Hê Ying. At that time a mob surrounded the Mission place and led out the women to a temple near by, locking them within. Then the chapel and homes were looted and burned, after which the crowd scattered, leaving the women in the temple without even a guard. Toward night they were able to escape and went back to their ruined home. They found two small side rooms which had not been destroyed and went into these to prepare some food for themselves.

In a little time some rowdies of the city came to pick up anything that might remain in the ruins and found the women there. They raised the cry and gathered the Boxers again. Some demanded that they all be killed, and some of the baser of the crowd suggested that the young women might be sold to the public houses for a good sum. At this the blind old grandmother raised her voice and said, "We are not that kind! Kill us if you want! We can die!"

The Boxers being on their way to battle did not wish to defile their swords with the blood of women. so led them to the well in the court and threw them in, one after another, burying each with stones and earth as she was cast in. In this way it is thought six perished, though there are rumors that two were carried away and given to a military official.

PASTOR MÊNG CHI HSIEN.

Pastor Mêng Chi Hsien was the oldest of the younger body of preachers in the mission of the American Board, who had been trained from youth in the mission schools. For eleven years he had been an ordained pastor at Pao Ting Fu. He was a man of strong convictions, of great energy, was a natural leader, beloved and trusted by all.

He and his younger brother, Pastor Mêng Chi Tsêng, attended the annual meeting of the mission at T'ung Chou, both taking prominent parts in the meetings. While these were in progress, tidings came that the railroad was destroyed and communication with Pao Ting Fu cut off. Mr. Mêng decided to return at once to stand by Mr. Pitkin's side in the perils and perplexities of the hour. He went overland, most of the way on foot. The three devoted mis-

sionaries at Pao Ting Fu, Mr. Pitkin, Miss Morrell, and Miss Gould, who were cut off from all hope of escape, were quietly going on with their work for the church.

During the month of June Mr. Mêng, with other preachers, and returned college students, opened the street chapel daily. They saw the gathering storm and advised the church members to leave the city, helping them to choose places of escape, but these preachers and the Bible readers deliberately decided to remain at their posts.

They said: "Our missionaries have remained with us; we will stand by them and live or die together." They could have escaped had they fled. All who went away did escape. They chose to stay, although they saw more clearly than their foreign friends the inevitable results.

One man, a lifelong friend of Mr. Mêng, said to him, "We have lived together; now we will die together." "No," said the pastor; "my place is here with our missionaries. I shall stay, but you must take my oldest son and get away. If you escape and he is spared, he will represent me and carry on my work." So the friend took the son, a fine boy of 15, and went away. After many dangerous experiences during the summer he brought him safely to Tientsin after the arrival of the allies.

Friday afternoon of June 27, Pastor Mêng was at the street chapel packing books and furniture, preparing to remove from the rented building, as notice to do so had been given by the owner.

Suddenly a company of Boxers came into the chapel, seized him, bound him, and carried him to their altar in a temple in the southeast corner of the city. The first blow had fallen upon the mainstay of the native church. He was beheaded at the altar, his head exposed as that of a criminal, while the body was buried like a pauper's near the city wall.

Nine months later to a day a great memorial service for the martyred missionaries and Christians was held at Pao Ting Fu, attended by the chief officials of the city and witnessed by thousands of silent spectators. In the stately funeral procession were banners and flags, embroidered catafalques, native musicians, a long line of carts filled with mourning friends, and ahead of all, about thirty memorial banners, more than half of which were to the memory of this noble man. They were no empty show, but gave the last true estimate of the best men of the city, officials and merchants, guilds and citizens, of the life and character that had been lived in their midst.

CHANG CH'ING HSIANG.

Chang Ch'ing Hsiang was a member of the senior class of the North China College, and had returned to Pao Ting Fu at the close of the college year, taking part in the work of the station up to the time when the storm broke upon the mission.

The night that the elder Pastor Mêng was seized by the Boxers was a sleepless one in the mission. All felt that they were doomed to death, and it was only a question of time. Toward morning, Ch'ing Hsiang's mother, who was one of the Bible women, came to him and said: "There is no need for all to die. You are young and may have many years of work for the Lord. I shall stay and die with Miss Morrell. You must try to escape."

Starting out in the early dawn he first went to their home to get money and an extra garment, then turned south to a place 25 miles away where there were Christians. Arriving at the town toward night he found the streets alive with Boxers coming in from the country, and knew it was no place of refuge, so turned back to retrace his steps. He was pursued a few li by some villagers who noticed his being a stranger and alone. As night came on it rained heavily, and in the darkness and storm he made his way on the railroad back to his home. His sister met him with the warning to flee at once, as search had been made for him. He had had no sleep for two nights, his limbs were swollen, and every step was painful, but his friends led him out a few li and he set his face toward the hills.

He fixed on a town a hundred miles away as his destination, and, knowing that single travelers were viewed with suspicion, soon joined some merchants going to that place. After reaching there he decided to go into Shansi, not knowing that it would be entering the tiger's den. He soon joined an official train whose followers were friendly, and with them made the journey all the way to T'ai Yuan Fu. Arriving there he learned that already a large number of missionaries had been killed, and he himself saw a Boxer mob chase down some Catholic Christians.

His money was almost gone, and he turned his face back to Pao Ting Fu, hoping the worst would be over when he should have again made the long journey. After going 30 miles he found that he had taken a branch road to T'ai Ku, and was only 10 miles from the city. His classmate, K'ung Hsiang Hsi lived there, and, although not knowing whether he were yet alive, he decided to try to find him. Entering the city he found the missionaries were still living, and made his way to the gate. It was very closely guarded, as spies had visited them, and his ragged, travel-worn appearance excited suspicion, so that the door was shut in his face.

He finally met his friend, and they found a hiding place in a village not far away. After the mission was destroyed he was again in great peril, and after a hasty visit to his friends, he started to return to Chihli. He soon joined other travelers of his own province, and in their company made the long journey out of Shansi safely.

He then turned south to a village where there were Christians, and a good deacon took him in and treated him as a brother. He had journeyed over a thousand miles on foot, had an ulcer on one leg, and his feet were covered with blisters. His clothes were in tatters, and his shoes almost gone. He received the kindest care, his needs were supplied, and he was soon able to join them in the harvest fields and work with them till news came that foreign troops had entered Pao Ting Fu. Then the deacon went with him to keep him company. The friends at Pao Ting Fu received him as one from the dead, having heard repeatedly that he had been killed in Shansi.

His experiences illustrate those of hundreds who wandered from one place of hiding to another, suspected, hunted, in danger every moment of being recognized, not knowing each morning but the new day might be their last. The marvel is that so many were able to escape the constant perils, and survive as witnesses to the providential care of their God.

MRS. HUO'S STORY.

"When we saw the danger increasing around us,[a] I said to my husband: 'We must not all die. You must go away and hide. They are not so likely to kill me and the children as to kill you. If I am spared, you can hunt me up afterwards. If not it will be God's will.' So I baked him some cakes, rolled up his quilt and some clothes, and then had to fairly push him out of the door.

"After the mission houses were burned the Boxers came and took me and the children to their altar for trial. As we started I begged them to let me say a few words. 'You want to talk now do you?' 'If you will let me. If not I will keep silent.' 'Well, talk ahead!' So I told them how we had lived there many years, how our neighbors all knew we had quarreled with no one, had offended no one, how my husband was gone and I was alone with my little children. Would they not be merciful to me and the little ones? Some of the bystanders said: 'What a pity to destroy the children!'

"They put chains on my hands and feet as I sat on the ground and then ordered me to get up. I tried several times in vain, then told them it was impossible, and finally said my body was 'inconvenient' and I could not rise without help. They then called two women who belonged to the jail to attend to women prisoners, and they led me to the prison, where I spent seventy-two days. They gave me coarse food and drink. After twenty days my baby was born. The official had ordered clothing for the child and extra food for me; but these things did not reach me, being kept by the guards. The little one lived only three weeks. I did not know the fate of my poor children, from whom I had been separated; but I prayed God every day to spare their lives and restore them to me.

"After a time two other Christians, a mother and a daughter who had given themselves up to the Boxers voluntarily, were put in with me, and we comforted each other. They were alone and knew they could not escape, so they went to the Boxer leaders and told them plainly that they were Christians and would not give up Christ and they could kill them at once. The Boxers did them no harm, but shut them up in the prison and they came through safely with me.

"There was another woman prisoner there, one who had been very wicked and who was awaiting her sentence at the law, expecting death. She was friendly and anxious to know about us, so we talked freely together. One day I asked her: 'If you must die, have you anyone to help you in the next world?' 'No; no one,' she said. I said: 'We have some one. We are not afraid to die.' So I told her about Jesus who died for us and who takes away the fear of death. She was a very bright woman and learned quickly. We taught her to pray, and she learned to trust in Christ to forgive her many sins. I told her at last: 'If they come to deliver us, you may tell them you are a Christian too, now, only you must never go back to your old life of sin.'

"Sure enough, when the foreign soldiers let us out she too was released. The interpreter for the troops was a missionary, and he asked her many questions to test her knowledge of the truth, and she answered them well. She has gone back to her father's home in a distant village, and I am going there to see her as soon as it is safe for me to walk there. The Lord saved me, body and soul; why shouldn't I try to save some one else body and soul?

"After a time, before the soldiers came, we heard that some foreigners had been brought to the prison. 'Could it be Pastor Ewing, come to try and save us? Were they to be killed?' we asked. 'No,' the guard said, and then added: 'You need not worry; no one will kill them or you now.' I did not then know that they meant that the foreign armies were in Pekin, and every one was afraid of their

[a] Pao Ting Fu.

vengeance, but I felt sure we were safe and would in some way be delivered. In time I learned that the foreigners were Mr. and Mrs. Green and their party.

"At last the time came when they brought us out of prison and restored my four children to me. They had been taken to the city orphanage and cared for during my long stay in prison. They were sick and wasted from poor fare and lack of mother's care, but they had not been unkindly treated. After a time my husband came back, so we were all spared to each other. God has been very good to us. My children are His to do with just what He wants."

DR. CH'IU.

Dr. Ch'iu was a former student with Dr. Atterbury at Pekin, who was carrying on an independent practice and had a medicine shop of his own.

As the Boxer altars multiplied in the city and danger to Christians increased, Dr. Ch'iu became alarmed for his own safety. He is very lame, and this made it harder for him, rendering him conspicuous, and making it difficult for him to flee. This led him to go out of the city to relatives in a village a few li away before the attack on the missions began. His relatives refused to allow him to remain, so after vainly trying to find a hiding place he returned to the city. Not long after that the great outbreak occurred. His shop of foreign medicines was looted, and his home also. He was seized by the Boxers and taken to their altar. In his fright he yielded to their demands and burned insense to their idols.

They were still bent on killing him, when some one suggested that he be kept alive to dress the wounds of those who had been wounded during the attack on the legations. With this in view they took him to a temple, where there were over 30 suffering from wounds, lying on the steps or in the court or one of the rooms, while in another large room lay more than 20 bodies of those already killed. These bodies were to be kept, as the Boxer leaders promised that after a few days all would rise from the dead and again join them in exterminating Christians and foreigners.

For more than ten days Dr. Ch'iu was kept a close prisoner in this court, the decaying bodies of the dead and the groans of the living all about him, his own life depending on his success in healing those under his care. His guards never left him day or night. He knew it would be impossible for some of the wounded to recover, having no medicines or appliances to use for them, and he quietly waited the end, praying for forgiveness for yielding in the matter of burning incense.

Then came a sudden turn in affairs. A wealthy village had been pillaged by Boxers, although not related to the proscribed classes, foreigners or Christians. Their leading men came into the city and entered complaint, and the company at the temple where Dr. Ch'iu was confined were summoned to appear. Some went to the official and the rest fled, leaving no guard. This was the opportunity for flight, but to flee into the streets was vain, as others would seize him. He succeeded in sending a message to his older brother, who came with a cart and took him to his home. This brother was a heathen and not in danger for himself, and although during the days of attack he had refused shelter to his brother, he now took him in and hid him away, and for two months succeeded in keeping him from the Boxers. When the troops came in he was taken by the missionaries to a place of safety.

WÊN LI.

One of Miss Newton's school girls, Wên Li, was betrothed to a young doctor, Mr. Ma, of one of the leading families of the Presbyterian Mission.[a] Wên Li's own mother was not a Christian, and was out at service in a wealthy Chinese household. As Wên Li had no home when the school was disbanded, she was sent to her future mother-in-law.

The family desired to have a wedding in the usual manner—to send the bride to a friend's house, and have her brought in a red bridal chair; but the streets were so disorderly and the mobs so rude that they feared a wedding among Christians would attract notice and lead to trouble, so the matter was delayed from day to day. One day Mr. Ma received notice that they must give up their rented house to their landlord. They went to the mission, where a few empty rooms were found, and there they made a temporary home. It then seemed best to have a quiet wedding which should place the young bride in better position to receive the protection of her husband.

That very night the mission houses were burned. A company of native Christians hid away in a court where there were trees and shrubs, but the light of the burning buildings betrayed their presence and they were pursued and struck with knives and axes. They made their escape but were soon separated. Wên Li, with her husband's sister, hid in a ruined temple, the front of which was burning, so that the smoke of the fire gave them a veil as they crouched against the brick wall in the rear. By morning this hiding place was searched, and those in hiding were taken to the Boxer altar to be tested. Wên Li was released, but the sister-in-law was killed.

The same day the young husband was also taken again and was put to death. Wên Li, the bride of a few hours was left alone, a widow. She carried two severe wounds on her neck from the Boxer knife, and in pain and terror made her way to her mother. But her mother could not keep her, and after going from place to place she was taken into the home of a sister of Wên Yen, a schoolmate, where she remained two months. The husband of the family was a Boxer, but he gave these girls his protection. They had to suffer from his reproaches and constant efforts to make them recant.

One day he said to them, "I am bearing a bad name on your account. I am accused of making you my lower wives. I must give you up to the Boxers unless you recant." His wife then said, "We have protected them so long they must not die now." Wên Li was ill from her unhealed wounds and was discouraged, so when he lit a stick of incense and said, "You've only to kneel while this is burning and then you will be safe," she could hold out no longer. The wife took pity on her distress of mind and body and broke off the incense stick to only an inch or two, to make the time the shorter. As the poor girl told her story she broke down weeping, and asked me to pray for her forgiveness for yielding in the time of trial.

At the close of the siege she was taken to the place where the mission had established itself, and with care and kindness soon recovered. She was later again married to a young man whose fiancée had been killed during the Boxer reign of terror.

MR. CHANG AND MR. WÊN.

After the allied troops reached Pekin, Mr. Tewksbury, with a company of helpers, went to T'ung Chou to learn the fate of the Christians who had not gone with them to Pekin. They also went to the deserted yamens, gathering up documents which should give evidence as to Boxer leaders and their victories.

Among the papers of the city magistrate was one stating the trial of a Mr. Chang, of the London Mission. His home was in a village near T'ung Chou, but his business was in Pekin. When the city became full of Boxers, all business was broken up, and Mr. Chang went to his home and took his family and fled. Being recognized, he was seized by the Boxers, stripped of clothing, bound with ropes upon a cart, and carried to T'ung Chou to the official yamen. The cords had worn off the flesh so that he was already covered with bleeding wounds when taken to his trial.

On being questioned he plainly stated his faith. He said that he had been several years in business when he was attracted to the street chapel of the London Mission. The more he heard of the Jesus doctrine the more he considered it a good doctrine, and after attending church for a year he was baptized. He said: "This is my faith. I am ready to invite death. I am not afraid to die, and shall not give up my religion." The writer wrote out his statement and he affixed his mark, the impress of his second finger. He then knelt down and began to pray, when the official left the court and the Boxers fell upon him and hacked him in pieces.

Later his son gave a statement of his death fully agreeing with the official record. Still later the magistrate, when discussing with the missionary the terms of indemnity, also told of this man's trial, and then added: "How could I save his life when he said right out where all could hear him that he was a Christian?" That a man could die for his faith was beyond the heathen official's power to comprehend.

A Mr. Wên, with his wife and child, of the same mission, were taken to Prince Chuang's place by the Boxers, but through the influence of a friend were released. As they were leaving, Mr. Wên was again seized, his head was shaved, he was loaded with chains, and taken to the country from village to village, the Boxers claiming that they were taking him to Pekin for punishment, but lacked funds. After levying money in one village, they moved to another. In every place Mr. Wên was subjected to insult and indignity from the crowds. While being led about in this way, the news reached his captors that the allies had arrived, upon which they all took to their heels. Mr. Wên hastened to the capital, which he reached safely, and later learned that his wife and child had found refuge in the country, so that they were soon reunited.

MR. CHIANG.

Mr. Chiang, of the London Mission, was 67 years old, a very saintly Christian, and a great Bible student. He was taken safely to the Methodist Mission, but was anxious about his youngest daughter, who was still in the conntry, and wanted to leave his shelter to find her. At the first opportunity he slipped away and was not seen again.

On his way to the country home he was pointed out to the Boxers. They seized him and told him they should kill him. He asked for a little time to pray, and, falling on his knees, he began, "Father, forgive them——" But his prayer was not completed. The knives fell on him as he knelt and he was hacked to pieces.

One of the married schoolgirls of this same mission was saved by

[a] Pekin.

her husband in this way: In an unfrequented spot he built a stone hut leaning against a blank wall. It was about 4 feet square on the ground and 6 feet high, with neither doors nor windows. When the wife and child were inside he bricked up the entrance, leaving only an opening for passing in food. Here the mother and child remained for six weeks, the husband going back and forth at the risk of his life to take them food. Sometimes he was unable to get to them for twenty-four hours together. The poor little child lived only a short time after they were able to leave the hiding place, being reduced about to starvation by the scanty supply of food.

MR. AND MRS. CHANG.

One of the young preachers of the London Mission, Mr. Chang, whose wife was a former bright schoolgirl, took his family to the Methodist Mission, when the Christians were flocking there from all parts of the city. Later, not thinking that a safe place, he took them back to his adopted father's and left them for a short time. While he was gone, the wife, little babe, and blind old mother were turned upon the streets by the landlords.

As Mrs. Chang moved slowly along, guiding the steps of the blind mother—not knowing where to go—a Boxer came along, seized her by the sleeve, and said, "Follow me." While they went along he had a Boxer trance. Throwing himself on the ground, he foamed and raved a short time, then rose, and pointing a stiff finger at her, said, "You ersh mao tzu! I will kill you!" He soon led her near a city gate, where there was a soldier guard of about 50 men and not far away several bodies of those who had been killed.

Mrs. Chang thought she was to be killed, and began praying for strength to bear witness for the Lord to the end. They began to question her. "Are you a Christian?" "I am." "Of what church?" "I am a Protestant." He then offered her a stick of incense, and said, "Burn this and your life will be spared." She replied firmly, "Never!" The crowd which had gathered began to shout, "Kill! Kill her, and see if her body rises again and goes to Jesus Christ." She turned to them and said, "My body cut into pieces will remain scattered on the ground like those others, but my spirit will escape you and rise to the Lord." The Boxer started off to get his knife. One of the soldiers called out, "You hateful Christian! You ought to die, but what would become of your child? Quick! Run for your life!"

She trembled so she could scarcely step, but ran as fast as was in her power, and, with the soldiers helping her, she escaped before the Boxer returned. Hidden away in a filthy corner, she passed the night. Toward morning a man came along with a lantern as if looking for some one. As he drew near, she saw it was her husband. He had been looking for her since noon of the day before. They got a cart and escaped to a village, where a friend bought safety by bribing the villagers not to report them. Later Mr. Chang went to the city to try to find his old mother, was arrested by the Boxers and murdered, and his head cut off and offered to the idol.

CHRISTIAN STUDENTS.

Wang Chih Shên was a student of the Methodist University, a senior. At the close of the school year he returned to his home at the East. He was well known as a Christian and was soon seized by the Boxers. They urged him to recant. He not only refused to do so, but bore testimony before his persecutors to his faith. They tried to make him stop, but he persisted in exhorting them and the crowd about him. They finally cut off his lips, then his tongue, and then cut him up limb from limb till he expired. Perhaps no case of greater bravery and greater suffering is known.

Another student when seized and asked, "Are you a Christian?" first replied, "What would you do with me if I were?" then said, "Yes; I am a Christian." They killed him on the spot.

Wu Hsi K'ou was a member of the junior class. He was taken near Shan Hai Kuan, where a heathen adopted him as a servant. He kept him safely through the stormy times and when the troops came gave him clothing and money and sent him away.

At Tsun Hua the keeper of a tea shop rescued one of the schoolboys, took him home as a son, cared for him through the time of danger, and later, when his uncle came searching for him, gave him up safely.

Wên Lan was a former pupil of the girl's school and was employed as teacher at Tsun Hua. When the church and school were scattered, she, with her grandmother and a few others, fled to the hills. For two days they had no food. At last they thought they might as well run the risk of being found by Boxers as of starving to death, so they gathered sticks and lighted a fire. The smoke betrayed their hiding place. The Boxers came and seized them.

In their company was a former student of the university who had been employed on the railroad and had grown cold in his faith. On the road Wên Lan began exhorting him in English to repent and make ready to die. He tried to stop her, as the Boxers would recognize them as Christians, but she said, "We shall tell them plainly we are Christians." She encouraged the little band to be faithful to death. When they were about to be executed she asked to be allowed to speak to the people. It was permitted, and she gave an earnest testimony of her faith, then said to her companions, "We shall soon be in heaven," then covered her head with a handkerchief and said, "Kill me now." She died after two blows of the knife.

Wang Ching Lin had studied medicine, then entered the regular university course. He was put to death in the city, and it was reported that his body was cut in six pieces.

One student helper was seized and urged to recant. He refused repeatedly. At last they prepared a vessel to receive his blood, made him kneel over it, and began carving on his neck slowly. His courage failed him and he consented to burn the one stick of incense, which saved his life.

Young P'u was a Christian servant who was with the missionaries, away from his family. His wife was seized by the Boxers and wounded with a knife. She was a fine-appearing woman and they evidently wanted to spare her life. They tried to persuade her to become the wife of one of the Boxers. She refused to do so. They then shaved her head and put on the garments of a Buddhist nun, but she refused to act in this character. At last, after vainly trying to make her recant, they decided that nothing was left to do but to kill her. She had two little children. As she was bound, the older child ran by her side carrying the younger, begging the Boxers to spare their mother. They killed the mother and the two children on the same spot.

MRS. MA.

During the early days of the outbreak a native catechist of the Anglican Church was killed, leaving a wife and two children. Mrs. Ma disguised herself, took her two children and hid away in a temple. She was seen by a friend of her husband, a Mr. Wei, who was very sorry for her helpless condition. Although he was not a church member, he was in danger from the Boxers because of friendly relations to foreigners. He had taken the precaution to obtain the good will of one of the Boxer leaders as a measure of self-protection. He went to this man and told of the death of Mr. Ma, begging that if the wife and children were brought to him he would save their lives, as only Mr. Ma himself was a Christian.

In a short time Mrs. Ma and her children were taken to the altar and she was questioned. "Are you a Christian?" "Yes—I am!" The Boxer leader was perplexed, and finally had her put into a prison. He wrote a letter to Mr. Wei, asking what it meant that he should have said she was not a Christian while she said she was. We do not know what further passed between them, but though Mrs. Ma remained true to her faith she was released in a few days and allowed to go unharmed.

ROMAN CATHOLIC CHRISTIANS.

The refugee Christians of the Protestant Church bear witness to the faithful manner in which Catholics met death in many places.

Deacon Hêng said: "In one place I saw the death of a Catholic family. A mother and two children were bound and led away. A neighbor begged for the younger child and took it to keep, but the mother and older child were led away and cut to death. I heard her cry 'O Lord! O Lord! receive my soul!' That soul truly went to Heaven."

Wên Ts'ui, the young girl saved in Shansi, said that the Catholics were very brave. The children when led to death said, "You are bringing us great honor! This is our day of great joy!"

Deacon Li of T'ung Chou told of a Catholic hiding in disguise who when brought out and questioned confessed to being a Christian and died for his faith.

NOTES OF PERSECUTIONS OF CHRISTIANS IN K'AI P'ING CIRCUIT ENGLISH METHODIST MISSION.[a]

Li Fu, preacher at Ying Kê Chuang, seized by Boxers in Lan Chou district; burned on the back and shoulders in several places; stabbed in the stomach, fortunately not deep enough to cause death; the back of both heels cut with knives so that he will be lame as long as he lives; then bound with ropes so tightly that the marks remain upon his breast to-day, and conveyed to the yamen at Lan Chou. There his persecutors appealed to the magistrate to execute him, but, whether from fear or kindness, he refused to do so, throwing Li Fu into prison, faint and bleeding from his wounds. There he lay for about three months, cared for only by a fellow-prisoner, who washed his wounds and shared his food with him. Li Fu was only released from prison when Mr. Hinds returned to Tientsin in September and wrote to the Lan Chou magistrate. The poor fellow suffered so much in the hands of his tormentors that he pleaded with them to put him out of his misery at once, or even to bury him alive. His wife and children were also very badly treated. Mrs. Li had her clothes torn off her back, and with her husband was bound with ropes on a cart. One child, 4 years old, was caught by the feet and hurled across the court-yard like a log of wood. Another child received a bullet in her back, yet not a mortal wound. Li has since received a large sum of money as compensation for all

[a] Contributed at the request of the author by the Rev. John Hedley.

his sufferings, but proposes to devote part of it to the building of a chapel or the support of a preacher in the district where he suffered.

Li Shu Chih, member at Yung P'ing Fu city chapel. He was caught by the rabble, headed by a wealthy Manchu, bound and carried to our own chapel, where a mock trial was held. Here he boldly avowed his Christianity, and, although appealed to several times, absolutely refused to recant. He was beaten with 500 stripes, then thrown into city prison, where, after about two months of awful sufferings, he passed away in the faith and hope of the Gospel.

Chang Shou Chên, preacher at Hsiao Chi, with his wife and seven other members of his family, burned alive in their home.

Chang Yu Wen, a lad 17 years old, very earnest member. Resisted so bravely all temptation to recant that his body was chopped in pieces, nailed to wall, and offered for sale at 500 taels per piece—an only child.

At Hê Chuang, thirty li from Yung P'ing Fu, twenty-three members and probationers were killed, most of whom had opportunity to recant. Prominent among those who died were:

Hê Ming Chang, one of the elders. His wife and little son also perished. Mr. Hê, with his wife and child, had escaped to the hills, but was pursued and recaptured. To all their offers he refused to listen and was burned alive. His wife and child were thrown from the precipice by the brother of Mrs. Hê, who afterwards descended and kicked mother and infant to death.

Yang Lin and wife, Yang Yi Ch'ing, wife and daughter; Yang Shou; Yang Chung, one family of seven. Captured together and carried to a temple. Kept there for some hours, but unanimously refusing to recant, they were murdered at midnight, their bodies being cut in pieces and flung apart.

Hsü Yang Hsi and daughter, sister and niece of above Yang Yi Ch'ing; neither of these had been baptized. Mrs. Hsü was a widow, 32 years of age. An uncle of her husband's had a grudge against her because she would not marry again, and himself led the Boxers to her home, where they wounded mother and daughter, and then drowned them in the River Lan. The uncle took possession of the property, but after the first visit of missionaries to Yung P'ing Fu, sent deeds, etc., to the preacher. The magistrate is dealing with this case and making disposition of the land.

Chên Hsi Kung, teacher at Pai Chia Tien Tze and a literary graduate. This man's courage and bearing so astonished his persecutors that after killing him they cut out his heart to see what had given him such fortitude. The heart was left for some days on a stone in the village.

Chên Jên Yi. This little fellow, only 10 years old, had been baptized as an infant. The child was caught and asked if he were a Christian, to which he replied that he was. Asked again if he would forsake Jesus, he refused most boldly and was cut down there and then. Two brothers and two nephews, although not baptized, died at the same time.

XXXVI.—FIRE AND SWORD AMONG THE SHANSI CHRISTIANS.

On the 19th of September a native Chinese helper named Wang Lan P'u arrived in Pekin, with a non-Christian acquaintance who had kindly come many hundred miles to see him safely through the disturbed districts. His story is of great interest, not only in itself, but for the incidental light which it sheds upon the modus in which the almost incredible fanaticism of the Boxers was introduced, took root, and bore its terrible fruits all within the space of a few days, and before anyone could have supposed such results possible. Mr. Wang's story is very similar to another, brought but two days before by Mr. Fei Ch'i Hao, a graduate in 1898 of the North China College of the American Board at T'ung Chou, who related with extreme circumstantiality the murder of most of the missionaries in the Tai Yuan Fu Valley.

With this introduction we will let Mr. Wang tell his own story, which was heard in detail by the writer three different times, on the last occasion full notes being taken and many details supplied. There was not only no attempt at embellishment, but his own sufferings and those of his family were dismissed in a very few sentences, as being too unimportant to be mentioned or too terrible to be dwelt upon.

"In the fourth moon (in May) there is held here a large fair which lasts fifteen days, where many horses and mules are sold and excellent theatrical exhibitions are given, thus attracting enormous crowds. At this fair the Boxer excitement was propagated, and an attack was planned upon the chapel of the China Inland Mission, which was only just completed.

"The local magistrate, knowing what was going on, went out himself and drove away the crowds threatening the attack, using a whip on them till they were dispersed. This happened twice, but the third time the mob was uncontrollable and the magistrate was himself beaten, his spectacles knocked off, and his sedan chair broken in pieces. This was on Sunday, and the missionaries were at the chapel for a service. They escaped to the roof and then took refuge in the house of a church member named Chou, who was a carpenter. The rioters followed and pulled the shop down, the magistrate losing his official hat in the scuffle. There was a military official there also, and between them they put the missionary (whose name was Larsson) and his companion (who had recently arrived and whose name I do not know) on a cart, the two magistrates having whips in their hands and riding outside the cart, one on each side, to protect the foreigners. The mob followed, throwing clumps of dirt and the like, and the curtains of the cart were torn in pieces.

"It was now noon, and when the missionaries arrived their clothes had all been torn to bits, but the magistrate gave them other clothes and took them into his yamen, saying that he would repay them for their losses. This official's surname was Juan (Rwan), from somewhere in the south of China. He had a kindness to Christianity because when he was a child he had been at a mission school, and he used often to come into our chapel and look about.

"The missionaries remained in the yamen two or three days. At first nobody cared for the foreigners, they were so occupied in looting the chapel, which was torn down to the foundations, everything being carried away. Elsewhere the chapels were all burned. The magistrate sent the missionaries on to Ying Chou in the night, as the mob kept coming to the yamen to try to get them. He lent them his own cart, with a military official for an escort, and two soldiers or runners. For the church members he hired a long cart, so that at Hun Yüan none were killed. At a later period, when they had returned, they were chased about the city and abused, being daubed with filth if they would not recant—but not one of them did so.

"Mr. Karlberg, with whom I worked, and myself remained at Ying Chou. On the 26th and 27th of the moon the people began to pray for rain, but the magistrate thought there would be no trouble in consequence. He required those that were going through the rain-praying ceremonies to register their names—that is, the leaders—so as to know whom to hold responsible. He sent for the literati and enjoined them to prevent any trouble. Soon the leaders of the Boxers arrived at Ying Chou, inviting cooperation in killing foreigners. Even the children began to learn and practice the drill, and the whole thing was brought to a head within about three days. The magistrate invited Mr. Karlberg and myself into the yamen, where we remained some days, but as we went in the night not many knew that we were there, and there was no external disturbance. Mr. Karlberg rode on horseback and reached So P'ing in less than two days, escorted by men sent from the yamen, and there was no trouble anywhere.

"On the 1st day of the sixth moon things became so bad that the magistrate wanted me also to get away. He told me to put on the dress of a yamen courier, gave me one of the yamen horses, and wrote a dispatch to the prefect at So P'ing telling the conditions of things. As bearer of an official letter I should be much safer, though I was well known all along the road. I also took dispatches to the magistrate at Tso Wei Hsien, the first county town, where I arrived at dark. I went at once to the yamen, just in time to see the chapel there set on fire by a mob. The church members saw me in the yamen, and none of them had then been injured. I only spent a part of the night there, as it was unsafe, and started very early the next morning, getting 20 li before daylight, escorted by yamen men.

"By the middle of the forenoon I was in So P'ing Fu, where I went direct to the yamen with the horse and to deliver the dispatches, and then to the mission headquarters to tell the news. Everything was still quiet there. Four of us went to see the magistrate. The magistrate went over to see the prefect when we applied to him, and the latter said, 'Do whatever you like about it,' meaning that he did not care. He is one of the Manchus, who all violently hated Christians, not for any particular reason, only they had a devil inside which made them do so. After this the magistrate had no plan of his own. He was asked for an escort to Kalgan, and promised to furnish one to the boundaries of his own country. He ordered five or six carts, for which the price was agreed, and he paid it through the yamen men.

"We returned to the chapel much pleased that there appeared a way of escape, and were busy getting ready when a mob gathered. In a trice the door was forced and looting began. We saw that things were hopeless and again fled to the yamen, the magistrate giving us one small room for all the missionaries, and another for the Christians, and they were outside not inside rooms. His treatment was very perfunctory and boded us no good. At this time the crowd had not become savage. They were fully occupied in looting the premises. By noon we had reached the yamen, and the house was soon after burned.

"It was ingeniously proposed to represent to the people that I had come to the city with imperial orders just in from Peking, requiring all foreigners to be sent there in manacles. In this way the lives of the prisoners could be saved from the mob, and when we were clear of the city and of danger it would be easy to remove the fetters. To this the missionaries agreed as a shrewd device. A blacksmith was called, who made six pairs of handcuffs, one for each of the men. As I had the yamen horse to take back and my own family to look after it was thought best that I should return to Ying Chou. I remained in the stable court of the yamen. During

this whole day the missionaries were too excited to eat, and when they reached the yamen no one offered them anything, not even a drink. After I had been asleep some time, being very much exhausted, I was loudly called out by name, and everyone saw that mischief was meant. I could not escape, so I went out and found a great crowd of Boxers and Manchus, who began to beat me terribly and dragged me off to the still burning chapel to throw me into the fire.

"It was not long before I lost consciousness entirely, being half dead and supposed to be entirely so. I learned afterwards that the Boxers felt me to see if I was really dead, and thinking that I was, they did not care to drag me the rest of the way simply for the trouble of throwing me into the fire. Besides, two men were standing by who befriended me by using a great deal of conciliatory language to the Boxers, begging them to let me die where I was. One of them was from a village near by, the other a sort of local bully in the city who had often seen me in the street chapel. He was fond of the doctrine, only he could never make up his mind to repent. They felt my heart and pulse, saw that I had no mortal wound, and waited by for me to revive, which the night-chill helped me do. The mob meantime had left me to go back to the yamen and try to drag the missionaries out to kill them. There were ten or more Christians there, whom they beat severely. Some of them probably were killed, but they did not get at the missionaries.

"My benefactors helped me up and took me back to the yamen, and wanted to lay me inside where I had been before, but the yamen men would not admit me on any terms. 'Suppose he should die here, who would be supposed to have killed him?' But they gave the two men my horse, clothes, bedding, cash bag, and my dispatch, and while one of them led my horse the other one carried me on his back outside the city. Between them they helped me on the horse, though I was so weak and faint that unless supported by one while the other led the animal I could not have sat on him. They went with me all the way to an inn, where we happened to meet the cook of the missionary family. We dared not stay there, so they soon all helped me on the horse again.

"The cook returned to his home in Fên Chou Fu, and the man from the city went with me all the way to the end of the first day's journey. On the way, at a town 40 li from the city, I met travelers who told me that that morning thirteen foreigners had been killed near So P'ing Fu. I heard this at two different times, and am sure it is true. They were probably manacled, and could make no resistance. I gave the men who escorted me some clothes for their kindness, as I had no money. In my feeble condition I was three days in getting to Ying Chou.

"When at a town 40 li away from there I was told that it was useless to go back, as the place had been destroyed on the third of the sixth moon (June 29). I heard also that my mother and others had been sent by the magistrate in a cart to So P'ing Fu, but that she had been overtaken by the Boxers half a day's journey distant, brought back, and herself, with my brother, sister, my little child, and an old lady named Wu (my wife had died in the second moon) buried alive. Not only this, but the head yamen runner who had escorted them was also thrown into the fire, the cart burned, the mule killed and thrown into the flames, as well as the dog and chickens of the yard I lived in. People were not tied, but just thrown into the fire loose and driven back whenever they tried to get out. It was a slow and a bitter death, which I do not like to think of.

"All the church members were captured at the same time, except my brother who used to do a little trade and sell Christian books on his own account, and was away from home at the time. The magistrate was informed of these events, and did his best to save the life of his own yamen servants, but was told that if he pressed the matter he himself would be thrown into the fire, too.

"Notwithstanding these dreadful stories, I could not give up the idea of returning to see for myself if this was true—and there was the horse to be taken to the yamen. So I went on by myself. About 10 li from the city a band of forty or more Boxers set on me, and recognizing me with glee, ordered me to get off the horse, tied me tightly and dragged me on to the city. They called their head master of Boxers, who happened to be a tinker, whose occupation was mending iron kettles. He could not even read, but now he was a 'head master.' The magistrate soon had my arrival reported to him, and heard that the head master was trying the case. The magistrate sent a polite invitation to the head master to come to him, which he did.

"Then the magistrate said that he had all along felt grave doubts whether these were true Boxers, and whether they could, as pretended, keep out arrows and bullets. He now proposed to test this. 'Let your men go through their spells, make themselves invulnerable if they can, and I will attack them with guns. If you are not hurt, you may kill the courier Wang in any way you like; you are true Boxers and I will be one too; otherwise I shall know that you are not the true Boxers, and your claim is a fraud.' The headmaster had the Boxers from one village or region only with him, but he thought it over, and as it seemed a fair proposition he assented, but wished himself not to be in the ranks but to one side, so that he could tell when the spirits had really arrived. He also insisted that the test should not begin until he announced that the spirits had arrived. To this the magistrate agreed.

"By this time it was late at night—nearly midnight—but, the story having got out, the whole city was there with torches and lanterns to see the spectacle. There was a Chên Wu Temple on the city wall, and in front of that the Boxers were drawn up making their passes in the air and otherwise practicing for the trial.

"Most of the many onlookers were below the wall in a good position to see. The four yamen men that the magistrate had appointed to guard me wanted to see and loosed me, so that we could all look on together. The magistrate had given careful directions and looked after the loading of the guns himself with balls as well as powder. Foreseeing that there was to be trouble he had engaged two hundred experts who could fight, wrestle, and shoot, to be his guards, and it was these men that he set against the Boxers. They waited until the head master cried '*Shên lai la*' (the spirits have come), when the magistrate, who had a gun himself, gave the order '*K'ai ch'iang*' (open fire). Four or five of the Boxers were killed outright, six or seven were hurt so that they fell over the city wall, and not a single man among them was without a wound. Then they all scattered.

"The magistrate now summoned me and told me how he had been unable to protect his own yamen headman, and that it was not safe for me to remain. He gave me 20 ounces of silver and some brass cash, together with an official letter which I was to take to T'ai Yuan Fu (where I expected to go), mainly as a protection to me in traveling. Although very unfit to ride a horse or even to move at all, I went away that night. We then knew nothing about the attitude of the governor toward the missionaries, or I should never have thought of going in that direction.

"After about 30 li I got into serious trouble. There was a crowd at a large village who suspected me, and were sure that I was a follower of foreigners. They accused me of having little figures of men cut out of yellow paper, and foreign bewildering medicines about me, and searched me to see. In this way they found my silver, and also the official letter. It was nothing but the latter that saved my life. Then the crowd was divided, some crying: 'Kill him, anyway, and be done with him;' while the rest said: 'He is a courier, let him go on his official route; it is none of our business.' In this way they wrangled for a whole half day, and some well-intentioned people spoke a good word for me. In almost every mob there are some of this kind; not all are the very worst.

"I learned afterwards, what I did not then suspect, that there was a little party who privately agreed that it was best to let me go, and then they would pursue me on their own account, rob and kill me, and divide the silver among them. I went on as far as I could, and had got 7 or 8 li when some men came running after me, crying out that I must leave the big road and take a byway, for there was a band of men just behind intending to chase and kill me, who were armed with swords and guns. This perplexed me very much, and I was not sure but this was a plot to kill me. They were very urgent, so I yielded, and left the road where there was a pass in front and a mountain near. It was not a cart load, but for pack mules only. I came to a village and begged them to let me rest there for a time, but they would have nothing to do with me.

"But at another small village an old man was kind to me, and advised me against going to T'ai Yuan Fu, which was 800 or 900 li, while it was only 600 or so to Pao Ting Fu, the capital of Chihli. Here I stayed for three days until the pursuers would have all gone back, and then I made a detour around the mountain and regained the main road. After this I went to Wu T'ai Hsien, where the famous mountain is, escorted by a man who was sent by my village friends, with whom I had to share my silver, so that I had very little left. Beyond this, at a place called Tai Ving, I met the Boxers again, and was once more examined. Here I told a different story from the former one, and said I was a trader returning home. I had torn up the official document which would now have implicated me. Not to have told different stories at different times would have been impossible; there was really no help for it. Finding that Boxers were worse and worse the further on I went, I resolved to turn back into the mountains again, 120 li to a city named Fu P'ing. I did not then know the characters, but as 'Fu' means happiness and 'P'ing' peace, I thought the Lord was opening a way to both, and though the first character was wrong, I did get relief. I told my story to the innkeeper, and he advised me to do a little trading with what small funds I had left.

"There was a neighbor of his who knew how to make twisted doughnuts fried in oil, and I got to know him, gave all my things to him as security, and did a small business in this way with him for more than two months. There were no Boxers at all in that place. When it came to the 8th moon I thought I might go on. In that time I had cleared a string and a half of cash, and bought a good many things besides. I had no adventures on the way to

Pao Ting Fu, and there I heard that all the foreign buildings had been burned and many church members killed. I did not hear of the murder of any foreigners there. On the way to Pekin the Sikh soldiers took away the money of myself and the man who came down with me. It is a great joy to me to see so many Christians together again, and to tell and to hear of the Lord's mercies."[a]

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. CARMACK].

The amendment was agreed to.

Mr. DILLINGHAM. Mr. President, I offer the amendment which I send to the desk, which I ask the Secretary to read.

The PRESIDENT pro tempore. The Chair suggests to Senators that amendments which have been offered and printed are on the table, and no order has been preserved in regard to offering them, therefore each Senator who has an amendment to offer should offer it from the floor.

The Senator from Vermont [Mr. DILLINGHAM] offers an amendment, which will be read.

The SECRETARY. In section 9, on page 5, after line 21, it is proposed to insert the following:

SEC. —. That in addition to the persons China and the United States have, by the convention of December 8, 1894, agreed shall be permitted to come to the United States, namely, "officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers," there may be permitted to come to the United States not to exceed five good-faith representatives of each regularly established Chinese wholesale commercial house.

To establish that he is such good-faith representative, a Chinese person must comply with the following provisions, and failure to comply with all or any of them shall deprive him of the privilege of entering or remaining in the United States:

First. He shall obtain a certificate and have it viséed, as in the case of a Chinese merchant coming to the United States for the first time, except that the certificate shall show, and the diplomatic or consular representative's investigation shall confirm, that the applicant is in truth the commercial representative of a Chinese wholesale commercial house and seeks admission to the United States solely in promotion of commerce and not to engage as a laborer, and that the said house is not directly or indirectly maintained to issue credentials to agents in order to evade this act.

Second. He shall, on applying for admission to the United States, be subject to the same requirements as are by this act and the Treasury rules thereunder imposed on a Chinese merchant coming to the United States for the first time.

Third. He shall comply with such rules and regulations relating to persons of his class as may be made by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury: *Provided*, That he shall be deported from the United States, should he while there cease to be such good-faith representative of the commercial house so sending him to the United States: *And provided further*, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may suspend or modify the operations of this section whenever in his judgment the privilege granted by it is abused.

Mr. DILLINGHAM. Mr. President, I deem it necessary, if the pending bill is to pass, that this amendment be adopted also. The Senate is well aware from what has been stated already that the restrictions concerning the coming of merchants from China are very severe. Just at this particular period, when we are so anxious to reach the markets of China, it seems a strange thing that the purchasing agents of wholesale houses in China should not have the right to come to America and look over our products as well as our markets, and so arrange for an interchange of business.

This matter was discussed in committee. I think I am warranted in saying that there was a general feeling that if it could be done some such provision should be made. I am not the author of the amendment I have offered. It was drawn by the representative of the California convention, who is also the author of this bill. It was presented to the committee as a solution of this question. It appears in parallel columns in the record before you at page 156. But later on the author of it begged leave to withdraw it, he not being willing to be responsible for it because of the expressed fear on the part of those who were interested in federated labor that by reason of this amendment laborers might seek entrance into our country. I know of no other objection which has been offered by anyone, and this objection seems to me to be so small and so trivial and the danger to our prosperity as a country so small, and on the other hand the advantages of having the amendment adopted so great, that I sincerely hope the Senate will give it proper consideration and adopt it as an amendment to the bill.

Mr. PETTUS. Mr. President, as to the amendment which has just been proposed, there is one clause in it which we have no right to enact, and that is the clause which authorizes the Commissioner of Immigration to modify or change or repeal that provision. The Congress can not delegate to anybody the right to change its laws in any way. Now, we do delegate to various officers, principally Cabinet officers, the right to make rules and regulations to carry into effect the laws which we enact, but this amendment expressly authorizes the Commissioner to suspend it, to repeal it, and that we have no authority to do. It has been so expressly decided by the Supreme Court of the United States in the reciprocity case.

The provision to which I have referred may be cured by amendment, but as I intend to vote against the amendment as a whole I do not choose to propose an amendment.

Mr. ELKINS. Mr. President, in speaking to the other amendment, I did not finish what I had to say upon the subject of the danger of offending China. I think there is great danger of doing so if this bill becomes a law. I think, especially under the circumstances, that the agents of Russia and of England would be able to persuade the Chinese Empire, with such an insult put upon it, to sever diplomatic relations with the United States.

I wish to submit the question, Who is the better friend of the wage-earner, of the laboring man—one who would preserve to the American people the right of exclusion while maintaining friendly relations with China, or the one who would pass this bill and give offense to China? In fifty years, I think, from the estimates made, we can look to a trade with China of $200,000,000 per annum. This would employ 500,000 people in the United States. If we should lose this trade by reason of unjust legislation, what will be the result? We will deprive the 500,000 laborers in the United States of employment in supplying this trade.

I hold that the man who would secure the employment of 500,000 of his countrymen is a better friend of labor than the man who would throw it away for a sentiment. But what section is most interested in keeping the trade of China? The South. And why should the South put this trade in peril? Because it is sought to make the question partisan. The interests of the South are endangered by this bill. I wish to submit some statistics bearing upon the point of our growing cotton trade with China.

During the year 1890, just preceding the Boxer trouble and before the exports to China from this country were shut off, within the single month of July there were exported to China 15,519,945 yards of domestic cottons, valued at $871,000, but within less than ninety days after the trouble began this export demand dwindled down to 390,000 yards, valued at only $25,375, and still kept down to this nominal figure until July, 1901, when the reaction came, and, the markets of China having been thrown open, the exports for the single month of July of that year aggregated 33,988,783 yards, valued at $1,709,605.

It lingered around these figures from that time on until it crawled up in January, 1902, to the very encouraging figures of 37,672,467 yards, valued at $1,773,585. It is estimated that for the current fiscal year our exports and manufactured cotton will probably exceed in value $30,000,000.

Mr. President, I do not want to put this trade in peril. I do not want to see the South take this risk, and therefore I am opposed to this bill, when it will do no good in my judgment. This bill will not operate to exclude Chinese any more than the Geary Act or the Platt amendment, and therefore it is the part of wisdom to maintain our friendly relations and exclude the Chinese, as we have been doing, and save the chances of losing our trade.

Mr. BACON. Mr. President, the Senator from West Virginia [Mr. ELKINS] is not more averse to giving any just cause of offense to the Chinese Government in the passage of this bill than are others of us who, like himself, are from the South. We look forward with great hope to the development of the trade with the Chinese, and we are confident it will be so developed so long as we can, in a proper way, make the goods which they desire and sell those goods to them at prices which will be advantageous. I think commercial relations should be kept up, and while I shall support the bill of the committee, I wish to say that as it was originally drawn it contained some features extremely objectionable to me, not so much because of their practical operation as because I thought they might give offense to the Chinese people.

There is no time now at my command, however, to elaborate that. I simply rose to say that I am in favor of the amendment offered by the Senator from Vermont, with the modification which I understand he proposes to make in pursuance of the suggestion made by the Senator from Alabama [Mr. PETTUS], taking out the last clause of the amendment. I think it is an important thing, and that this amendment is as distinct a notification to the Chinese Government as we could give that we do desire friendly commercial relations with them. It is practically an invitation to them that their merchants shall send their representatives here for the purpose of examining into and buying the products of this country. I believe the adoption of this amendment will go very far toward relieving the bill from any apparent intention to make difficult commercial relations between China and this country.

Mr. DILLINGHAM. Mr. President, I believe there is force in the suggestion of the Senator from Alabama, and I ask leave to

[a] NOTE.—The following are the names of the missionaries murdered at So P'ing Fu, so far as known:

Of the Swedish Union, Mr. and Mrs. S. A. Persson, Mr. N. Carleson, Mr. O. A. L. Larsson, Mr. G. E. Karlberg, Miss J. Lundell, Miss J. Engvall, Miss M. Hedlund, Miss A. Johannsson. Of the Christian and Missionary Alliance, Mr. and Mrs. C. Blomberg and child.

withdraw all of the amendment after the word "States," in line 25 on page 2. In other words, strike out the words:

And provided further, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may suspend or modify the operations of this section whenever in his judgment the privilege granted by it is abused.

The PRESIDENT pro tempore. The Senator from Vermont desires to modify his amendment by striking out certain words, which will be read.

The SECRETARY. In clause 3 on page 2 it is proposed to strike out:

And provided further, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may suspend or modify the operations of this section whenever in his judgment the privilege granted by it is abused.

Mr. TELLER. Mr. President, if this amendment is adopted, it will simply open the door for a great number of Chinamen to get into the United States under a pretended commission from some trading house. The trade between the United States and China has not been carried on by this method. It never has been, not even when they were free to come here. It never will be. I suppose the Treasury Department can go to work and keep these people out, as they have kept out the others, but in my judgment it is a pernicious and vicious amendment and one which ought not to be put on this bill if the bill is to be a practical bill; and I do not know whether it is or not. But if it is to be a practical bill and is to be administered with success, the amendment is one of the things which would make it very difficult, if not quite impossible, to administer it properly.

Mr. PATTERSON. Mr. President, I am very sorry to differ with the Senator from Georgia [Mr. BACON]. I can not believe that he thoroughly comprehends the possibilities of the evasion of our exclusion law under an amendment such as this. As was well said by my colleague, China does not trade in that way. It does not send drummers or agents to Great Britain or France or Germany or the United States for the purpose of laying in stocks of foreign goods.

Then, again, I call the attention of the Senate to the fact that there are somewhere between 400,000,000 and 600,000,000 Chinese. How many mercantile establishments are there in a country with such a vast population? While within the coming ten years there would not probably be ten commercial houses or five commercial houses in China sending bona fide agents to the United States for the purpose of purchasing American goods, it is not at all unlikely that there would be 10,000 apparently Chinese mercantile houses sending five representatives from each house to the United States.

It would be the most profitable business in China for commercial houses of great and small degree to make arrangements with the Six Chinese Companies by which for a good-sized sum they and each of them would name five representatives to come to the United States under the guise of drummers or as agents.

This amendment is outside of the treaty. The Treasury officials will give testimony that they have had more trouble in keeping out laborers under the clause which admits merchants than under any other clause in the treaty or in the statute based upon the treaty. This is a proposition which China herself has not asked, way outside the treaty, and it seems to me we might well wait until the present treaty has ceased to exist before we open new doors for the admission of Chinese laborers into the United States.

I have no doubt but that if this clause is adopted—and I fear it will be under the mistaken idea that the commerce of the United States will be improved by it—it will bear bitter fruit, to be partaken of by the laborers of the United States. We may well exclaim, "Oh, Commerce, what crimes are committed in thy name!" Nowadays whenever some legislation is sought which is inimical to the real interests of the mass of the people of this country the cry is immediately raised, "The demands of our commerce!" "The demands of commerce with China require that it shall be done." Mr. President, you are simply opening the doors of the United States, with an amendment such as this, to hundreds of thousands of Chinese laborers under the guise of agents.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BERRY. Mr. President, I desire to say a very few words in response to the remarks of the Senator from West Virginia [Mr. ELKINS] in regard to the South. I think the people of the South would be glad, by all legitimate and proper means, to open the markets and secure a place for additional quantities of their cotton and their cotton goods. To that end, I hope, however, that they do not want their representatives to resort to any means which are not proper or which would work great injustice or injury to other sections of this Republic.

The people of the South know something of race difficulties and the trouble in dealing with a people of a different color and a different race; and I for one am not willing to vote to let down the bars, thereby creating a gate which will admit thousands and hundreds of thousands of Chinese laborers and precipitate them upon the Pacific coast to compete with the laborers of this country. We have race difficulties of our own, and we do not want to add to them by the indiscriminate admission of Chinese laborers into this country.

I repeat that with all legitimate means to extend our trade and our commerce I am in hearty sympathy, but I am not in favor of resorting to wrong and injustice in order to bring it about. Already the efforts of the manufacturers of this country to secure the trade of China by unjust and unfair means have cost the Government the lives of more than 10,000 of its citizens and more than $500,000,000 of its money. In the vain hope that commercially it might add something additional I am not willing to vote for a measure which will open this country to the indiscriminate influx of Chinese laborers. I believe that this amendment is the entering wedge by which hereafter there will be permitted to come Chinese of all classes—laborers and every other kind.

Mr. PLATT of Connecticut. I should like to hear the amendment read.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. On page 5, after line 21, it is proposed to insert the following:

SEC. —. That in addition to the persons China and the United States have, by the convention of December 8, 1894, agreed shall be permitted to come to the United States, namely, "officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers," there may be permitted to come to the United States not to exceed five good-faith representatives of each regularly established Chinese wholesale commercial house.

To establish that he is such good-faith representative, a Chinese person must comply with the following provisions, and failure to comply with all or any of them shall deprive him of the privilege of entering or remaining in the United States:

First. He shall obtain a certificate and have it viséed, as in the case of a Chinese merchant coming to the United States for the first time, except that the certificate shall show, and the diplomatic or consular representative's investigation shall confirm, that the applicant is in truth the commercial representative of a Chinese wholesale commercial house and seeks admission to the United States solely in promotion of commerce and not to engage as a laborer, and that the said house is not directly or indirectly maintained to issue credentials to agents in order to evade this act.

Second. He shall, on applying for admission to the United States, be subject to the same requirements as are by this act and the Treasury rules thereunder imposed on a Chinese merchant coming to the United States for the first time.

Third. He shall comply with such rules and regulations relating to persons of his class as may be made by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury: *Provided*, That he shall be deported from the United States should he while there cease to be such good-faith representative of the commercial house so sending him to the United States.

Mr. PLATT of Connecticut. Mr. President, I should like to ask the Senator from Vermont if he has any knowledge as to how many wholesale commercial houses there are in China and how many persons might come under the provisions of this amendment?

Mr. DILLINGHAM. I have not.

Mr. PENROSE. Mr. President, this amendment was carefully considered in committee. The testimony showed that Chinese mercantile establishments do not have drummers and agents of this character; that their business as transacted in this country does not require the amendment. It would let down the bars in a class of cases where most the frauds are permitted, namely, the admission to the country of laborers under the guise of merchants. If this amendment passes, it pratically takes all effectiveness out of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. DILLINGHAM].

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when Mr. DUBOIS'S name was called). I again announce the pair of my colleague [Mr. DUBOIS] with the junior Senator from New Jersey [Mr. DRYDEN]. If my colleague were present, he would vote "nay."

Mr. SIMMONS (when his name was called). I should like to inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I am paired with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote. If he were present, however, I should vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to ask if the Senator from Kansas [Mr. HARRIS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CLARK of Wyoming. I am paired with that Senator, and therefore withhold my vote.

Mr. MCMILLAN (after having voted in the negative). Has the Senator from Kentucky [Mr. BLACKBURN] voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. MCMILLAN. Being paired with that Senator, I withdraw my vote.

Mr. DOLLIVER (after having voted in the negative). I desire to inquire whether the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DOLLIVER. If that is the case, I desire to withdraw my vote. I am paired with the Senator from Mississippi.

Mr. MCLAURIN of Mississippi. I will say to the Senator from Iowa, that if my colleague were here he would vote "nay."

Mr. DOLLIVER. Then I desire to have my vote remain as it is, recorded in the negative.

The result was announced—yeas 13, nays 57; as follows:

YEAS—13.

Bacon,	Frye,	McLaurin, S. C.	Vest.
Burnham,	Hale,	Morgan,	
Clay,	McComas,	Proctor,	
Dillingham,	McCumber,	Taliaferro,	

NAYS—57.

Aldrich,	Elkins,	Lodge,	Quay,
Allison,	Fairbanks,	McLaurin, Miss.	Rawlins,
Bard,	Foraker,	Mallory,	Scott,
Bate,	Foster, La.	Martin,	Simon,
Berry,	Foster, Wash.	Millard,	Spooner,
Beveridge,	Gallinger,	Mitchell,	Stewart,
Burrows,	Gibson,	Nelson,	Teller,
Carmack,	Hanna,	Patterson,	Tillman,
Clark, Mont.	Hansbrough,	Penrose,	Turner,
Cockrell,	Heitfeld,	Perkins,	Warren,
Culberson,	Jones, Ark.	Pettus,	Wellington,
Cullom,	Jones, Nev.	Platt, Conn.	Wetmore.
Deboe,	Kean,	Platt, N. Y.	
Dietrich,	Kearns,	Pritchard,	
Dolliver,	Kittredge,	Quarles,	

NOT VOTING—18.

Bailey,	Daniel,	Harris,	Mason,
Blackburn,	Depew,	Hawley,	Money,
Burton,	Dryden,	Hoar,	Simmons.
Clapp,	Dubois,	McEnery,	
Clark, Wyo.	Gamble,	McMillan,	

So Mr. DILLINGHAM'S amendment was rejected.

Mr. PLATT of Connecticut. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

Mr. FAIRBANKS. Mr. President——

Mr. PLATT of Connecticut. Let it be read. I can offer it, and then, I suppose, if there are other amendments to be offered to the bill my amendment will have to lie on the table until the text of the bill is perfected.

Mr. CULLOM. Let it be read.

Mr. PLATT of Connecticut. I suppose I can offer it at any time.

The PRESIDENT pro tempore. Undoubtedly. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, be, and the same are hereby, extended and continued, including the act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888, so far as the same is not inconsistent with treaty obligations now existing, in full force and effect until the 7th day of December, 1904, and so long as the treaty between China and the United States concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894, shall continue in force; and said laws shall apply to all territory under the jurisdiction of the United States, and to all immigration of Chinese laborers from the island to the mainland territory of the United States, or from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That this shall not apply to the transit of Chinese laborers from one island to another island of the same group, or to any islands within the jurisdiction of any State or of the District of Alaska.

SEC. 2. That in case said treaty be terminated, as provided in Article VI thereof, this act and the acts hereby extended and continued shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

SEC. 3. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued, and of said treaty of December 8, 1894, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

Mr. MALLORY. Mr. President, I offer an amendment to the amendment, which I ask may be read.

Mr. FAIRBANKS. Would it not be better to perfect the bill before the amendment is perfected? It seems to me that that is the proper parliamentary course.

The PRESIDENT pro tempore. The original bill or the proposed substitute, either one, is open to amendment at any time.

Mr. FAIRBANKS. My point is that an amendment to the original bill, to perfect it, is first in order. After it is perfected, then of course amendments to the substitute are in order.

The PRESIDENT pro tempore. The rule provides that "motions to amend the part to be stricken out are first in order."

Mr. FAIRBANKS. Yesterday the Senate struck out sections 6 and 7, the student and teacher clauses. That makes necessary an amendment in line 24 on page 19. The word "sections" should be singular, the words "six, seven," having been stricken out.

The SECRETARY. On page 19, line 24, strike out "sections" and insert "section," and strike out the words "six, seven, and;" so as to read: "section 8."

The amendment was agreed to.

Mr. FAIRBANKS. Now it will be necessary to change the word "eight" to "six," which will correspond with the renumbering of the bill. Sections 6 and 7 were dropped out by the amendment yesterday and section 8 will become section 6. Therefore, in line 24, page 19, I move that the word "eight" be stricken out and the word "six" inserted.

The PRESIDENT pro tempore. The word "and" will have to be stricken out too.

Mr. FAIRBANKS. Yes, sir.

The amendment was agreed to.

Mr. TILLMAN. I ask the Senator from Indiana if it would not be well to amend all the numbers of sections so as to make them correspond in their proper sequence. Why not just change the whole thing? It will all have to be done sooner or later.

Mr. FAIRBANKS. They will have to be renumbered.

Mr. TILLMAN. Why not just move that they all be renumbered?

The PRESIDENT pro tempore. The clerks attend to the renumbering of sections without any instruction.

Mr. ALLISON. Not where the sections are named in the text.

Mr. GALLINGER. This is in the text.

Mr. FAIRBANKS. I move that the sections be renumbered after section 5.

Mr. ALLISON. I do not think it would do to authorize the clerks to change those sections. They can renumber the sections consecutively, but where sections are carried in the body of the text I think the Senate itself must deal with the question.

The PRESIDENT pro tempore. That is not at all what the Chair intended to be understood as saying.

Mr. ALLISON. So I understood; but I think the Senator from Indiana had an idea that the clerks could change the number of sections in the text of the bill, which I do not think they can.

Mr. FAIRBANKS. No; the Senator from Indiana did not intend to be so understood, but, as the Senator will observe, on page 3 there is section 5 and the next section is section 8, sections 6 and 7 having been stricken out by order of the Senate yesterday. It will be necessary to renumber the sections after section 5 in consecutive order, and I move that that be done.

Mr. ALLISON. I ask the Senator from Indiana, then, what becomes of the word "eight," in line 24, on page 19?

Mr. FAIRBANKS. I move that that be stricken out and the word "six" inserted.

The amendment was agreed to.

Mr. SPOONER. Has the word "and" also been stricken out?

The PRESIDENT pro tempore. That has been stricken out.

Mr. FAIRBANKS. On page 34, line 13, I move that the word "less" be stricken out and the word "more" inserted.

The PRESIDENT pro tempore. The Senator from Indiana offers an amendment which will be read.

The SECRETARY. On page 34, line 13, strike out the word "less" at the end of the line and insert in lieu thereof the word "more;" so as to read "for a term not more than one year."

Mr. PATTERSON. I ask the Senator from Indiana why he offers that amendment.

Mr. FAIRBANKS. I think the Senator will find upon an examination of statutes that it is not usual to provide that imprisonment shall be not less than a certain period. That leaves the court open to impose a punishment by imprisonment of one hundred years, if it likes, and Congress ought to fix the maximum period for which the person should be imprisoned.

Mr. PATTERSON. The Senator does not want to go from one extreme to the other. Under the section as he proposes it, the highest punishment, no matter how grave the offense or how much at stake, would be one year.

Mr. FAIRBANKS. No; I am going to move an amendment after this is adopted, so as to read "and for a term not more than five years."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 34, line 14, strike out the words "one year" and insert "five years."

The amendment was agreed to.

Mr. PLATT of Connecticut, How does it read now?

The Secretary read as follows:

Or by imprisonment for a term not more than five years.

Mr, FAIRBANKS. On page 48, in line 21, I offer a similar amendment. I move to strike out the word "less" and insert "more;" also to strike out "one year" and insert "five years."

The SECRETARY. On page 48, line 21, strike out "less," the first word in the line, and insert "more;" and in the same line strike out "one year" and insert "five years."

The amendment was agreed to.

Mr. FAIRBANKS. The Senator from Connecticut has called my attention to the necessity of a similar amendment in line 1, at the top of page 32.

The SECRETARY. On page 32, line 1, strike out "less" and insert "more;" and in the same line strike out "one year" and insert "five years."

The amendment was agreed to.

Mr. FAIRBANKS. My attention has been called to another amendment. On page 34, line 9, it will be necessary to change the numbers of the sections to correspond with the bill as it will be renumbered. I move that the word "twenty-seven" be stricken out and "twenty-five" be inserted, and that the word "twenty-eight" be striken out and "twenty-six" be inserted.

The amendment was agreed to.

Mr. PLATT of Connecticut. I should like to inquire whether an amendment was made on page 33, line 17? Was that amended?

The PRESIDENT pro tempore. No; that has not been amended.

Mr. PLATT of Connecticut. On page 33, line 17, is a clause the same as those which were amended.

Mr. FAIRBANKS. I move, in line 17, page 33, that the word "less" be stricken out and the word "more" be inserted; and, in the same line, that the words "one year" be stricken out and "five years" be inserted; so as to read:

Or by imprisonment for a term not more than five years.

The amendment was agreed to.

Mr. QUAY. Mr. President, I offer an amendment to come in at the conclusion of the bill, after the proviso in the last section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add to the end of the bill the following proviso:

Provided, That nothing herein contained shall be construed to exclude Chinese Christians or Chinese who assisted in the defense or relief of the foreign legations or the Pe-tang Cathedral, in the city of Pekin, in the year 1900. But the same may be admitted upon proper ecclesiastical and consular certificates under regulations to be prescribed by the Secretary of the Treasury.

Mr. QUAY. That amendment, Mr. President, is divisible, and I will ask for a division of the question. I propose to take the yeas and nays on each division, if the Senate will permit me.

The PRESIDENT pro tempore. In the opinion of the Chair it is not divisible. The second clause, left by itself, could not stand.

Mr. QUAY. I think it would. Will the Secretary have the kindness to read the first clause of the amendment?

The Secretary read as follows:

Provided, That nothing herein contained shall be construed to exclude Chinese Christians or Chinese who assisted in the defense or relief of the foreign legations or the Pe-tang Cathedral, in the city of Pekin, in the year 1900.

The PRESIDENT pro tempore. That clearly would stand by itself. Now the second clause will be read.

The Secretary read as follows:

But the same may be admitted upon proper ecclesiastical and consular certificates under regulations to be prescribed by the Secretary of the Treasury.

Mr. QUAY. I propose to take the question first as to Chinese Christians, and secondly as to Chinese soldiers who fought for us in the defense of the legations. It seems to me that the question is divisible.

The PRESIDENT pro tempore. The Chair will be compelled to rule that that division can not be made.

Mr. QUAY. Which one?

The PRESIDENT pro tempore. The one which the Senator has just referred to as taking the question on Chinese Christians and then on the Chinese soldiers.

Mr. QUAY. There are two different classes of persons described in the amendment.

The PRESIDENT pro tempore. That may be.

Mr. HOAR. I suggest to the Senator to strike out "soldiers."

The PRESIDENT pro tempore. The Senator can easily offer an amendment.

Mr. QUAY. Then I will strike out the lines relating to Chinese soldiers.

Mr. HOAR. I desire to suggest to the Senator from Pennsylvania that he strike out the words "ecclesiastical and." It is very awkward to introduce into our legislation the recognition of ecclesiastical authority and it gives rise to very vexatious questions as to what are ecclesiastical authorities. If he says "upon proper consular certificates under regulations to be prescribed," it would be safe enough.

Mr. QUAY. I will accept the suggestion of the Senator from Massachusetts. The only object in inserting the word "ecclesiastical" was to verify the character of the Christians by having the certificate of the clerical authority, but the Secretary of the Treasury, if the amendment should pass, of course can make that regulation.

The PRESIDENT pro tempore. The Senator from Pennsylvania modifies his amendment by striking out the words "ecclesiastical and," and also by striking out, as the Chair understood the Senator, the words "Chinese who assisted in the defense or relief of the foreign legations."

Mr. QUAY. Yes, sir.

Now, Mr. President, the objections to the adoption of my amendment when it was introduced some days ago, as I understood them, were as to the character of the immigrants excepted, which Senators, who alluded rather derisively to the amendment, indicated in their judgment did not vary from that of the population of the slums in San Francisco, existing there because the authorities of San Francisco, to my mind, do not properly police the city.

The chapter which has been read to the Senate from the Secretary's desk has sufficiently indicated the character of that Christian population. There remained another objection, to wit, that the Chinese would rush to the banner of the Cross all Chinese turning Christians, and no one could answer for the number that would swarm under that provision to our shores.

Well, Mr. President, if you place in the power of the Secretary of the Treasury the authority to investigate the character of those Chinese and lodge similar authority in our own officials of the consular service upon the other side of the water, it seems that difficulty can be provided for. It may be that some of the Chinese will come as hypocrites. That can not be avoided. God only can look into a man's heart, and many of them may arrive in this country, and probably many white men exist in this country now who, like the fool, will say in their hearts, "There is no God," but who believe that everything exists as the effect of causation without a cause, as the creation of a law without a lawmaker. In that they would not differ from very many good citizens of the United States to-day, but if they join the church of a Christian denomination they must conform to its usages and whether in earnest or not, whether it is for the benefit of their souls or not, their temporal conduct will be provided for, and in such manner as that it will not affect the well-being of society.

I regard, although I do not profess to be an apostle, the Christian religion the basic stone, the living root of all Western civilization and government and society. The people who conform to its ideas, whether sincere or not, I recognize as fit to take part in this Government, at least to live in this country. So I would admit Chinese hypocrites if they fulfill the requirements of the ecclesiastical authorities.

Now, I believe I will take a vote on that amendment and I will offer a second one, and I have something to say on that.

Mr. PLATT of Connecticut. Mr. President, if I voted merely from sentiment I should vote for this amendment, but as I propose to vote against it I desire to state the ground of my vote.

The United States has adopted the policy of the exclusion of Chinese laborers. With that policy I find no fault. Indeed, I sustain it, and nothing I have said or done in this debate has been intended in any way to relax the policy of the exclusion of Chinese laborers from this country.

I do not see how it is possible to admit Chinese because they are Christians and not overturn our policy of excluding Chinese laborers. I do not know that we can admit a Christian laborer any more properly than we can a Chinese laborer who is not a Christian. So, while from sentiment I should be inclined to vote for this amendment, I am forced to give my vote against it.

Mr. RAWLINS. Mr. President, this, to my mind, is rather a strange proposition. It proposes to give to Chinese who possess a given religion the right to come in, which might involve an inquiry as to who are Christians and who are not Christians, and what denomination can be properly classed within that designation. It involves the further question——

Mr. QUAY. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. RAWLINS. Certainly.

Mr. QUAY. The common acceptation of the word "Christian" is one who believes that Christ is the Son of God.

Mr. RAWLINS. Mr. President, the first amendment of the Constitution of the United States forbids Congress to make any law respecting an establishment of religion or prohibiting the free exercise thereof. According to the spirit of the Constitution, as I understand the idea of religious liberty as embodied therein, Congress has no function and has no right to discriminate in favor of a Christian or against a Christian, in favor of a Mohammedan or against a Mohammedan, in favor of the followers of Confucius

or against those of other religious denominations. It is a queer idea, it seems to me, to inject into this bill a sort of inquisition to ascertain what may or may not be the religious faith of a person knocking at the doors of the Republic for admission into this American household, where all people are supposed to stand upon a footing of equality, absolutely beyond the power of the Government, so far as being subjected to any imposition or any disparagement or disqualification on account of religious sentiment.

Mr. SPOONER. Mr. President, this is rather a sentimental proposition, and to one who reads it superficially there might be something alluring in it. I do not intend to vote for it. I have been in favor of observing our treaty obligations with China. I do not want to see them sifted away, as has been in some legislation attempted. If we come to abrogate the treaty, I am in favor of doing it in a manly and open way. While I am in favor of standing by and maintaining the good faith of the United States in relation to it, I am unable to discover any reason why we should by statute enlarge it, which the proposition of the Senator from Pennsylvania would do. My fear about it is that the Senator from Pennsylvania would suddenly become the most successful Chinese missionary in the world——

Mr. QUAY. I so suggested.

Mr. SPOONER. And that great numbers who wish to come to the United States might suddenly become Christians; and when asked, "How did you happen to become a Christian," they could truthfully say, "Senator QUAY persuaded me to become a Christian"—not "almost," but absolutely. How long they would be Christians after they reached this country, how soon they would backslide from the Senator's standpoint of Christianity and go back to the doctrines of Confucius would be purely a mental operation which the Senator from Pennsylvania would not be able, nor would the Government inspectors, to detect.

The adoption of this amendment would simply open the door to every Chinaman who professed Christianity, and that is easily professed. Many men profess it and do not possess it even in our own country, and I think it might very easily happen that many Chinamen would profess it for the purpose of getting into the United States as laborers who do not possess it in China or would not possess it in this country. It would open the gateway wider, I believe, to the admission of Chinese laborers disguised as Christians than any other scheme which could possibly be devised. I do not intend, so far as I am concerned, to vote to enlarge the treaty by act or to let down in the slightest degree, except where required by the obligations of the United States, the present policy of the Government as to the entry of Chinese laborers into this country.

The PRESIDENT pro tempore. The question is on the first amendment submitted by the Senator from Pennsylvania [Mr. QUAY].

The amendment was rejected.

Mr. QUAY. I shall not call for the yeas and nays.

Mr. President, to return to the other amendment I have offered, I will take the question upon the proposition to admit the Chinese people who assisted in the defense or relief of the foreign legations or the Pe-tang Cathedral. I ask that the amendment may be read at the desk.

The SECRETARY. At the end of the bill it is proposed to insert the following:

Provided, That nothing herein contained shall be construed to exclude Chinese who assisted in the defense or relief of the foreign legations or the Pe-tang Cathedral, in the city of Pekin, in the year 1900, but the same may be admitted upon proper consular certificates under regulations to be prescribed by the Secretary of the Treasury.

Mr. SPOONER. How many of those Chinese were there, and who were they?

Mr. QUAY. There were about 2,500 at the Pe-tang Cathedral, of whom I think 423 were killed or wounded. There were men, women, and children.

Mr. MITCHELL. Mr. President, those of us who are so unfortunate as to be seated in the rear of the Chamber can not hear a word of the private conversation going on between the Senator from Pennsylvania [Mr. QUAY] and the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. QUAY. The facts as to the defense of the Pe-tang Cathedral can be derived from the statement of Archbishop Favier, the Catholic prelate in charge of the defense.

When the legations were invested, the Pe-tang Cathedral was also attacked. The leaguer of the Cathedral was established four days before the legations were assailed. At the time of the attack upon the legations the missionaries of the American Methodist Church were resisting the boxers, and defended their mission for two days. They then took with them 600 of their converts into the British legation. Others gathered and were admitted there, until the total number was perhaps 2,500.

It is admitted by every historian of the siege that the defense would have failed utterly except for those Chinese. Anyone who refers to the record can establish that. There were in all some 2,500 to 3,000 of the Chinese people—men, women, and children—in the British legation. They were placed in what was called "The Fu," a palace of a Chinese prince, which he had surreptitiously yielded to our people, which was occupied and defended by the Japanese, and which was the vital point, the object of constant attack. How many of them fell or died during the siege of the legations I do not know. So much for the Chinese at the legations.

I should say, if there is any apprehension of a flood of Chinese laborers who assisted to defend the legations, that the adult males alive to-day are not more than six to eight hundred. Many of them died during the siege, and most of those who went in were women and children.

The Pe-tang Cathedral was a splendid edifice, erected, as I remember, by the Chinese Government and presented to the Catholic Church. It was a large building of white marble, with 300 yards of frontage, and was over 200 yards in depth. Adjoining it there was an asylum of the Sisters of Charity, a sort of school for orphan children. It was attacked and invested four days before the legations were attacked. It was just 1 mile distant from the legations, and it was garrisoned by but 30 white men, in addition to the Christian Chinese converts. It was not relieved until two days after our troops entered the legations, and the history of the defense is one of the most wonderful recitals in modern literature.

I have here the personal statement of Bishop Favier, made to the author of the book The Chinese and the Allies. I will ask the Secretary to read it. It may overrun slightly the time allotted to me to speak on this amendment, but I hope the Senate will indulge me until the reading is completed, and I will not trouble them again for some time upon this or any other subject.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

As you know, the trouble began to be serious in the month of May (1900), and our Christians were threatened to such an extent that we decided to call them in in order to protect them. Toward the end of May we sheltered 3,000 refugees, half that number residents of Pekin itself, the other half from the surrounding country. You can imagine our anxiety when so many lives were under our care, when we realized that we had no firearms of any kind, nor any other weapon of defense. None could be obtained, and we, being priests and not fighting men, had no more idea of what was to be done than the man in the moon. But we kept cool and used our common sense. Happily, while we were busy arming ourselves with homemade spears, the guards of marines for the legations arrived. Only 30 men, French marines, with Lieut. Paul Henry in command, could at first be spared for the Pe-tang, but 10 additional Italian marines, under a sublieutenant, were eventually conceded to us. These 10 Italians were dispatched to protect the home for orphans, with its 20 foreign Sisters, which does not belong to our mission, but to that of the Sainte Enfance. By making sorties at considerable risk, for we were already surrounded by Boxers, we managed to obtain a number of staves, to which we fixed the spears of our own manufacture, and under the guidance of the officers we raised and drilled a corps of Chinese spearmen among our Christians. Our men were at first so terrified of the Boxers that we had much difficulty in getting volunteers, even to the number of 100; but as soon as they overcame their fears and perceived the contemptible cowardice of the enemy, nearly every able-bodied man joined the corps, and we had as many as 500 men, useful, however, only in manning our walls and preventing Boxers from invading our premises. We were able, nevertheless, to make several sorties and capture some stores and several of our enemies' rifles, besides some ammunition and a lot of gunpowder.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired. The Chair understands the Senator to have asked unanimous consent that the reading of this paper might be completed. Is there objection? The Chair hears none, and the reading will proceed.

The Secretary resumed and concluded the reading of the paper, as follows:

On or about June 12 we witnessed the first fierce attack of the Boxers on our mission. They attempted to break in by our main gate. It was a fearful moment when we saw the horde of fanatics advance with their ferocious cries of "Sha!" "Sha!" ("Kill!" "Kill!") They advanced in a solid mass and carried several standards of red and white cloth. Their yells were deafening, while the roar of gongs, drums, and horns sounded like thunder. Our women and children were terrified, but our men bore themselves with great coolness and bravery. All were ready to fight to the last and die for their cause.

When the Boxers, led by the Buddhist priests, were within a few yards of our gate, a scene of the wildest fanaticism took place. Diabolical incantations were made by their leaders, a number of men being quickly placed in a hypnotic trance. Joss sticks and images were burnt, while prostrations and other exercises, accompanied by weird chanting, took place. When the mob had been worked into a state of uncontrollable excitement, a terrific rush was made by the Boxers for our front gate. On they came, believing themselves bullet-proof. They waved their swords and stamped on the ground with their feet, yelling and gesticulating like madmen. They wore red turbans, sashes, and garters over blue clothes. Their leaders wore yellow instead of red. The Buddhist priests were urging them on, and they were now only 20 yards from our gate. Three or four volleys from the Lebel rifles of our marines left more than 50 dead on the ground. A great number of others were wounded. There was a stampede, but they sneaked back during the night and set fire to many houses around us.

This was a very trying time. The flames threatened us on every side, and we had much difficulty in saving our buildings. Our men and women worked hard day and night. Luckily we had plenty of water, and by the grace of God we managed to save our buildings. For a few days all was quiet. To our dismay and intense surprise, one morning we perceived

Chinese imperial troops firing from the barricades on the Pe-tang. This necessitated fortifying our barricades. Our blankets, curtains, and clothes were hastily turned into thousands of sandbags, and we cut loopholes in our walls. Under the supervision of Lieut. Paul Henry, our Christians did marvels in the way of cutting countermines and trenches and erecting barricades. Yet another surprise awaited us. The Chinese soldiers, seeing that we could well keep them at bay, trained a gun upon our gate at a distance of 200 meters.

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The regular troops fired volley after volley at us with Mannlicher and Mauser rifles. Later, a murderous fusillade with gingals (the long breech-loading rifles) was kept up for several hours. At last a well-aimed shot from the Chinese gun blew up our weakened gate. A panic took possession of our women and children, but our brave Lieutenant Henry got his men together and opened a quick fire on the Chinese artillerymen, who ran to the left and right, actually abandoning their gun. The lieutenant, some soldiers, and a number of our Christians, led by our Fathers—Father Giron principally—bravely made a sortie and captured the gun with some ammunition. The Chinese, under shelter of houses and behind walls, opened a hot fire on our party, killing one and wounding five. This gun, although not a very powerful one, was a great acquisition, and it gave us renewed confidence in our power of defense. Moreover, in several other sorties by our volunteers and marines, a search was made in the neighboring houses that had not been destroyed by fire, and a quantity of gunpowder and ammunition was seized and brought back to Pe-tang. The gun was of assistance to us during the seige, and as luck would have it we found among our Christians an old Chinese artilleryman, who well knew how to work it. Alas! when we were feeling proud of his good practice a Chinese shell cut the poor man in two.

Next came a period of daily attacks, duly repulsed. We were bombarded from all sides, but held our own. On June 24, at half past 6 o'clock in the morning, just as we were about to celebrate the "Mass of the Sacred Heart," a terrific roar of artillery shook Pe-tang. The Chinese had placed, 500 yards to the southwest, a battery of 10 Krupp guns of the latest pattern, some of which fired shell of 30 centimeters in diameter. They directed their fire on the façade of our church, which they hit with great accuracy. We counted as many as 536 shells received on that day alone. Three hundred and fifty more shells were fired at us during the following two days, June 25 and 26. Another powerful battery was placed to the north, but our marines maintained such a hot fire at 700 yards that the Chinese were unable to man the guns. It was during those terrible three days that the church was reduced to the wrecked condition in which it is at present. The cross on its highest point was blown down by a shell on June 25, amidst the wild cries of delight "Ho, ho, ho!" of the Boxers and soldiers outside.

The Mission of Pe-tang was continually bombarded for twenty-four days, during which time we were struck by over 2,400 shells and cannon balls. Whether the Chinese ran short of ammunition or whether their artillery was suddenly called elsewhere, I could not say; but after those dreadful days of death, wreck, and ruin, many more of which we could not have endured, we had two or three days of comparative quiet.

Another kind of missile, primitive if you like, yet uglier than any other with which we had previously made acquaintance, was flung by hand, so near to us was the enemy intrenched. Not more than 4 or 5 yards divided the Chinese breastworks and ours. This missile was a "pot à feu," a fire pot, a kind of casserole filled with 2 or 3 pounds of gunpowder and inflammable stuff and caused to explode by a long fuse. Over 300 of these were thrown into our compound, and we were unable to get near and put them out before they exploded, for the Chinese kept up a hot fire on us from all sides. This was a diabolical attempt to set our buildings on fire on every side and drive us out to be massacred.

An innumerable quantity of small gunpowder balls with fuses were thrown over our works of defense for several days, and the continuous explosions shattered most of our windows to pieces, setting fire here and there to our premises. More terrible in their effects were the iron rockets thrown with great force by means of an ingenious contrivance. Their velocity was increased by the gradual cumbustion of powder in the lower portion of the rocket. The iron cylinder was about 2 feet long, with a sharp point screwed at the end, and a stick 3 yards long fixed at the lower extremity. These rockets shot through the air at a terrific pace and pierced any wall or roof better than a cannon ball. They, too, like the fire pot, contained some inflammable matter which set ablaze the buildings they struck. We were obliged constantly to watch where these rockets fell, and we feared them more than any other missile thrown at us. Thanks to our vigilance, we were able to put out all conflagrations as soon as they began. It must have been tantalizing to the Chinese to see all their means of destruction fail, for they now devised stronger and fiercer ways of annihilating us.

On July 10, at 10 o'clock in the morning, a frightful explosion shook us all off our feet. The Chinese had succeeded in blowing up a mine, which was happily not long enough to reach directly under any of our buildings. It, however, split the houses east of the asylum for orphans (the Jen-se-tang), killed one person, and wounded several.

With their nerves already shattered by fear and terrible privations, with shells and bullets flying and bursting constantly among and over us, our women and children fell into a panic at this new method of doing away with us by blowing us up. They tremblingly huddled together, weeping, moaning, and praying. It was pitiable to watch them. They imagined they heard noises underground in every direction, and continually expected their last hour. In fact, they were not far wrong, for three days later, to the west, a second mine, much better bored, and passing under the yellow wall of the imperial city, burst with a terrific crash. We had foreseen this mine, and our workmen were hard at work cutting a counter mine. Twenty-five out of 30 of our men were killed on the spot and 28 seriously wounded. The Marist Father who was presiding over the works, was killed.

Another fierce attack of the Boxers was repulsed, and we chased them for some distance, but unhappily lost our French quartermaster, who was shot dead by a Chinese bullet. Although the dead and wounded in the Pe-tang and Jen-se-tang were many, this was only the second death among our European defenders.

After the explosion of the mine the asylum of Jen-se-tang was too insecure to live in, and we were obliged to convey our Sisters of Charity, with the women and children, to the eastern side of our compound, where they could better be protected and defended. Many of the women had become hysterical, and their fear was so great that they believed they heard our enemies boring mines underfoot day and night. Every moment they dreaded other explosions. To pacify them and ourselves—for we all had a feeling that we might be blown up at any moment—we made several sorties. In fact, we discovered three more mines in course of construction. We removed the electric wires, destroyed the batteries attached to them, and rendered the mines useless. It is probable that dynamite was employed in these, and we considered ourselves lucky to have escaped destruction, when, on July 22, a third and more terrific explosion than we had before experienced destroyed the entire east side of the Jen-se-tang. Eighty lives were lost, among them those of 51 children, little orphans. The Chinese soldiers kept up a hot fire on us when we tried to disinter the wounded from the wreckage and ruins, and we lost all hope of saving anyone.

Of the 10 Italian marines who defended the Jen-se-tang, 4 died on that fatal day, and their officer and 1 soldier were buried for over three-quarters of an hour. Hearing their voices underground, we unearthed them. They were slightly wounded, but, thanks to our Lord, still alive.

On July 30 a further attack was made on the same side by the Boxers and imperial troops combined. The French commandant, Paul Henry, with a handful of marines, rushed to the assistance of the Italians, who had no more ammunition. He repulsed the Boxers over their barricade, from which he was now about to drive them, when a bullet struck him in the neck and another in the side. Yet he fought on with amazing courage until, feeling his strength giving way, he dragged himself back into the orphan asylum, where, receiving the holy blessing of the Sisters, he breathed his last.

Paul Henry was only 23 years of age. His tragic death brought desolation upon the Pe-tang and Jen-se-tang, our Christians weeping bitterly over the loss of our brave commandant and declaring that a hundred of them would gladly die together if his life could only be preserved.

Three French soldiers were severely wounded in the fight. Two had previously been killed, so that out of 40 our defense was now reduced to 23 men, commanded by a corporal.

The long-expected relief did not arrive, and on August 1 we had provisions for only six days. We had to reduce our rations to one-half—that is to say, 4 ounces of food per day per person. This would have brought us to August 12, but on August 8, seeing that there was no immediate hope of being freed from our anguish, we had further to reduce by half the already meager daily allowance. Two ounces of food a day—that was all! And what food! The leaves, roots, and bark of trees, unripe fruit, and even flowers and grass were devoured by our starving crowd. Our improvised spearmen, unable to carry their weapons any longer, lay half dead of hunger on our verandas.

When the Boxers came again several times to attack us, scarcely 25 of our spearmen out of 500 were able to drag themselves to defend our barricades.

The evening of August 14 we still had two days' rations at 2 ounces each.

On the 15th, at 2 o'clock in the morning, a formidable cannonading was heard to the east. We listened; we speculated. Could it be the relieving army coming? And as the guns thundered in the distance a faint ray of hope shone in the 3,000 hearts of the poor Christian souls besieged in the Pe-tang. The guns seemed to draw nearer, and the whole day of the 15th we felt certain that the allied troops had entered Pekin. Every moment we expected to see white soldiers arrive, but toward evening our hopes, raised suddenly very high, sank again deep—as deep as they could go. We almost gave ourselves up for lost, all the more as the bullets from the Chinese soldiers and Boxers pelted down on us much more plentifully than they had done before. Had we had the strength to think, the night would have been a long and terrible one, but we were too much exhausted. Few of us had even the strength to stand on our legs. The next morning, the 16th, toward 6 o'clock we heard the firing getting closer and closer. There were volleys and volleys fired in quick succession in the direction of the Sihwamen (gate of the yellow or imperial town), by which the Petang is approached from the east, and only 400 yards from the mission. Surely we plainly distinguished that these were not Chinese rifles. Our hearts bounded with joy. In a superhuman, nervous strain our strength seemed to return to us as by magic. Men ran hither and thither, regardless of bullets; the women pressed the children to their hearts and prayed.

The Japanese troops, unable to blow up the gate with their artillery, had climbed over the wall and had opened it. On they hastened to the Pe-tang. A Japanese officer and soldier rushed into the courtyard. In the meantime the French troops, commanded by General Frey, arrived posthaste, and Captain Marty's company scaled the walls with ladders provided by the mission; while the Japanese burst open the front gate, having bravely marched through a deadly fusillade from a Chinese barricade. The French marines made a successful flank movement, and the Chinese were defeated. Unfortunately, Captain Marty was wounded and four men were killed. The Pe-tang was relieved.

When our Christians saw the troops entering some wept with joy, others knelt down and prayed fervently and crossed themselves. Many of them suddenly collapsed with nervous prostration. But the majority were too weak to realize that they had been saved.

The Boxers, during our siege, constantly sent in arrows with letters to our Christians promising to spare the lives of all converts if they delivered up the two bishops and other Europeans. Among 3,000 of our Catholics not one man—not one man—wavered for an instant, nor showed any sign of treachery during such trying times. They one and all behaved like heroes, ready at any moment to sacrifice their own lives for the sake of others. Our attempts to communicate with the legations and the outside world failed, and, alas! with disastrous results. Our first messenger who volunteered to bring a message was seized by the Boxers on leaving our compound. He was skinned alive; the skin and head were hung outside our main gate. During sixty days we neither sent nor received a single message nor did we have a single day of truce, the hatred of the Boxers being shown in a fiercer way toward us than upon the legations, probably because the cowardly crowd knew that we were weaker.

During the siege the park of Pe-tang received over 400 bodies of men killed under fire, women and children who died of hunger, or in explosions of mines, shells, or fire rockets. Besides, the brave Lieut. Paul Henry, the quartermaster, the general visitor of the Marists, the father superior of the same brotherhood, a father of the mission, four French soldiers, and an Italian find eternal rest in our graveyard.

Mr. DOLLIVER. Mr. President, like nearly everybody else I have for many years shared in the conviction that Chinese laborers ought to be excluded from the United States on account of obvious economic conditions. I have, however, had a good deal of difficulty in bringing myself to cast a vote for the bill reported by the committee for two reasons.

In the first place, it appears to me that it unnecessarily irritates the Chinese Government, and especially the commercial classes in China, and it may, although I am not certain about that, operate to hinder our commercial progress in the Far East. In the second place, I regard it as of immense importance to the dignity of the Government of the United States to observe in the most generous way the terms of the treaty of 1894 with China.

I think this whole matter can be settled by proper diplomatic negotiations, and that we ought to continue the operation of the present laws, which have been declared to be effective by the commercial bodies of San Francisco, until a modification of the treaty will enable us, without disparaging the people of China in an unnecessary way, to take such steps as may then be thought necessary to safeguard the interests of the working people of the United States.

I hesitate, however, about enlarging the terms of the treaty as proposed by the amendment offered by the Senator from Pennsylvania. I feel that this Government ought to do something, and I believe it has done nothing to recognize, officially, the fidelity of many people at the siege of Pekin who became our allies and our friends in defense of the lives of the diplomatic agents of our own Government and of other governments shut up in the British legation in that city.

I suppose I have taken more interest in that aspect of it than many others have taken, because the people of the State of Iowa had a very great anxiety, differing somewhat from the general public interest, about the situation in Pekin. We had shut up there one of our best-beloved citizens, Major Conger, and his wife and family, who throughout that siege sought and received the aid and help of faithful Chinese people who were enlisted with them in the prevention of Boxer outrages. That whole history presents a record of heroism which has been better appreciated in other countries than it has in our own.

From those who managed the defense of the foreigners (and I believe the main part of it was in the hands of the American minister) to the humblest Chinese subject who, at the risk of life and his standing with his own people, came to the help of the imperiled legations, every one of them is entitled to the gratitude and good will of the civilized world. They earned it, and long after these debates about Chinese exclusion shall have passed from the public mind there will be throughout the Christian world a generous and universal recognition of the heroism of the American minister and those who were associated with him, including citizens and subjects of China, in the defense of the lives and the property of strangers in the Chinese capital.

Mr. CLAPP. Mr. President, the difficulty about this amendment is that it contains two provisions. One of them, perhaps, would be fair and might be enforced, and that is to permit the men who participated in that struggle to come to this country. No doubt they might be picked out and designated, and we would know just who they were, and no one would come in under that provision except such as were entitled to come; and I join with my friend the Senator from Iowa [Mr. DOLLIVER] in paying a tribute to the heroism of the men who risked their lives upon that occasion.

But there is another provision in the amendment—I do not want to deal lightly with this subject, but the fact is it can hardly escape criticism—which provides that Chinese Christians may come here.

Mr. QUAY. Will the Senator from Minnesota allow me to interrupt him for a moment?

Mr. CLAPP. Certainly.

Mr. QUAY. That part of the amendment has already been disposed of and voted down. The pending question is upon the admission of Chinese soldiers who fought for us.

Mr. CLAPP. All I can say is that the Senate has lost one of the best speeches it might have heard this session. [Laughter.]

Mr. ELKINS. Mr. President, I believe the effect of the amendment proposed by the Senator from Pennsylvania would be an invasion of the policy of excluding Chinese; besides it is not practical, and therefore it should not be passed.

I find in the CONGRESSIONAL RECORD this statement, uttered in the debate yesterday by the senior Senator from Washington [Mr. TURNER]:

> When we consider that the Republican party worships at the shrine of wealth, when we consider that it regards the sole or at least the chief duty of government to be the conservation of wealth rather than the promotion of an honest, intelligent, and patriotic citizenship, the wonder to my mind is not that sentiment should have crystallized against this measure on the other side of the Chamber, but that there should be found anybody upon that side strong enough, with patriotism and statesmanship enough in his composition to cast aside the influences of his environment and give his support to the bill.

Mr. President, to my mind this is a harsh and unjust arraignment of a great party. It has no bearing on the question before the Senate. It is not logical; not convincing; does no good; serves no purpose. Because the Senator does not agree with the Republican party does not make it bad or hopeless, no matter how strongly he may think it does.

I regret that the senior Senator from Washington, whom I do not see in the Chamber, has such a bad opinion of the Republican party, which has done so much for the good of the country and which holds within its folds a majority of the American people. I do not have such an opinion of his party. I think in the main political parties mean well and wish the good of the whole country. They may be mistaken in their methods, plans, and policies in seeking the good of the country, but nothing more.

Bitter sayings and bitter charges and assaults are not arguments. It is easy to say harsh or bitter things, but difficult to say just things and always be just.

I deny the statement of the Senator from Washington on behalf of the Republican party, and I do so lest the Senator might think that because it is not denied it is admitted. I wish to say to the Senator that I am just as much opposed to the admission of Chinese as he possibly can be, but because I can not vote for a bill so loosely drawn, so drastic, one that is an insult to a friendly power, that violates treaty obligations and puts in peril our trade and commerce now and for the future, I do not want it to be set down against me that for that reason I am opposed to the exclusion of Chinese.

Mr. President, I believe in organized labor and rejoice in the triumphs it has made in the interest of the wage-earners. Clearly, if capital in its interest can unite, combine, and organize, labor should also. I desire in every possible way to provide wholesome laws that will protect American labor. I do not believe in class legislation of any kind. Congress must consider the whole country in passing laws, and legislate for all the people and the whole country.

I will never favor a law that will directly or indirectly degrade the American wage-earner nor put him in competition with Chinese labor. I heartily favor the exclusion of Chinese labor from the United States, but I claim the right to judge of the methods by which this exclusion shall be made efficient. Because I do not favor the committee bill is no evidence that I oppose Chinese exclusion.

The best way to help American labor is not by words and declarations, but by doing something in its behalf, by extending our trade and commerce, protecting American industries, building up American interests on sea and land, and thereby providing employment for our people willing to work. I feel constrained to say this much on the subject of labor, because the attempt has been made to create the impression that only those who support this bill are the friends of the wage-earner, which is not true.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment submitted by the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. I should be glad if the Senate would give me the yeas and nays on the question of agreeing to the amendment. I suppose there are not enough in favor of it to second the call, but I should like to put my vote on record in favor of the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. MCMILLAN (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

The roll call having been concluded, the result was announced—yeas 7, nays 68; as follows:

YEAS—7.

Burton,	Hoar,	Proctor,	Vest.
Dolliver,	Platt, N. Y.	Quay,	

NAYS—68.

Aldrich,	Deboe,	Jones, Nev.	Pettus,
Allison	Dietrich,	Kean,	Platt, Conn.
Bacon,	Dillingham,	Kearns,	Pritchard,
Bard,	Elkins,	Kittredge,	Quarles,
Bate,	Fairbanks,	Lodge,	Rawlins,
Berry,	Foraker,	McComas,	Scott,
Beveridge,	Foster, La.	McCumber,	Simmons,
Burnham,	Foster, Wash.	McLaurin, Miss.	Simon,
Burrows,	Frye,	McLaurin, S. C.	Spooner,
Carmack,	Gallinger,	Mallory,	Stewart,
Clapp,	Gamble,	Martin,	Taliaferro,
Clark, Mont.	Gibson,	Millard,	Teller,
Clark, Wyo.	Hanna,	Money,	Tillman,
Clay,	Harris,	Nelson,	Turner,
Cockrell,	Hawley,	Patterson,	Warren,
Culberson,	Heitfeld,	Penrose,	Wellington,
Cullom,	Jones, Ark.	Perkins,	Wetmore.

NOT VOTING—13.

Bailey,	Dryden,	McEnery,	Morgan.
Blackburn,	Dubois,	McMillan,	
Daniel,	Hale,	Mason,	
Depew,	Hansbrough,	Mitchell,	

So Mr. QUAY's amendment was rejected.

Mr. FAIRBANKS. I find that two or three additional amendments are required because of the change of sections. It is merely renumbering sections. On page 25, line 20, I move that the word "fifty-three" be stricken out and the word "fifty-one" be inserted.

The amendment was agreed to.

Mr. PENROSE. If the Senator from Indiana will permit me, in order to bring the whole question properly before the Senate, I move that the House bill be taken up, and that the Senate bill, which we are now endeavoring to perfect, be substituted for it.

Mr. FAIRBANKS. I want to make two more amendments.

Mr. PENROSE. You can make them afterwards. I make the motion.

Mr. FAIRBANKS. I suggest that we had better complete the pending bill first.

Mr. PENROSE. I make the motion.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. If the motion prevail to take up a House bill at this time, would it not set aside the pending bill and with it the unanimous-consent-agreement, all arrangements having been made for closing debate?

Mr. GALLINGER. I make the further point that this is not competent under the unanimous-consent agreement, which was to consider the amendments pending to this bill and the bill itself.

Mr. HALE. Moreover, there is already a substitute offered by the Senator from Connecticut which is before the Senate, and certainly before any other bill could be offered as a substitute the Senate would be entitled to have a vote on that.

Mr. LODGE. As I understand it, the proposition is to take the House bill from the Calendar and strike out all after the enacting clause and substitute the Senate bill. Then the Senator from Connecticut will offer his amendment for the Senate bill, the object being to bring the bill into conference.

Mr. HALE. That puts it one step farther off. If the House bill is to be taken from the Calendar, it clearly is in violation of the agreement that we should consider this bill. It can not be in order.

The PRESIDENT pro tempore. The Chair is of opinion that under the unanimous-consent agreement all of the amendments proposed to the original text and the substitute offered by the Senator from Connecticut should first be voted on, and then the Chair would think he ought to entertain the motion, whether made by the Senator from Connecticut to substitute his or the Senator from Pennsylvania to move to substitute the Senate bill for the House bill.

Mr. HOAR. As I understand——

The PRESIDENT pro tempore. Then——.

Mr. HOAR. I beg pardon; I should not have interrupted the Chair. As I understand the request of the Senator from Pennsylvania, it is that a certain House bill be now taken up, and not to make it an amendment to the present bill. We have a unanimous-consent agreement that a pending Senate measure, which has been debated for many days, shall be voted upon to-day, or, at any rate, that it shall be considered until voted upon under the five-minute rule. Now, the substitution of another measure which is on the Calendar sweeps that all out of the way. It can only be done by unanimous consent, and that would be a unanimous-consent agreement in violation of another.

The PRESIDENT pro tempore. That was what the Chair held. The Chair was about to say when the Senator from Massachusetts rose that after the unanimous-consent agreement has fulfilled its purpose, then clearly it would be the right of the Senator from Pennsylvania to move to take up the House bill. The majority of the Senate could take it up.

Mr. PENROSE. I withdraw my motion, and will make it later on.

Mr. FAIRBANKS. In line 12, page 29, I move to strike out "twenty-one" and insert "nineteen."

The amendment was agreed to.

Mr. FAIRBANKS. On the same page, line 13, I move to strike out "twenty-two" and insert "twenty."

The amendment was agreed to.

Mr. FAIRBANKS. On page 37, line 6, I move to strike out "fifty" and insert "forty-eight."

The amendment was agreed to.

Mr. PLATT of Connecticut. I ask if my amendment is now in order?

The PRESIDENT pro tempore. The Senator from Florida [Mr. MALLORY] offers an amendment to the substitute.

Mr. PLATT of Connecticut. I should like to say a word about my amendment.

The PRESIDENT pro tempore. Will the Senator from Connecticut allow the amendment to the amendment to be stated?

Mr. PLATT of Connecticut. Certainly.

The PRESIDENT pro tempore. The Senator from Florida [Mr. MALLORY] offers an amendment to the substitute proposed by the Senator from Connecticut [Mr. PLATT]. The amendment will be read in the Senate.

The SECRETARY. It is proposed to add at the end of the substitute the following:

It shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding $2,000.

But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seamen was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seamen was permitted to depart from such vessel, but that each such Chinese seamen was forthwith transported as a passenger on such vessel and at the expense thereof to a foreign port, and that no such Chinese seamen did reenter the service of such vessel after such discharge.

Mr. PLATT of Connecticut. Mr. President, I have taken little time in this debate, and I wish now within the five minutes to which I am entitled to state as concisely as I can the reason why I propose to substitute for the bill which has been perfected the amendment which is now pending before the Senate.

The United States is committed to the policy of the exclusion of Chinese laborers. There is no difference of opinion on that subject. Suggestions from any quarter that Senators on this side desire to break down that policy, to break down the laws existing at present on our statute books and any proper Treasury regulations so as to admit Chinese laborers into this country, are entirely gratuitous and without foundation.

But, Mr. President, this bill of the committee goes vastly further than that. It is unnecessary and I do not care to call as witnesses Senators in this debate advocating the bill, who have said that it was unnecessary, but I call Mr. Dunn and Mr. Livernash, both of whom admit that the existing law as administered is sufficient. Mr. Dunn says:

I am now prepared to meet any charges that the law is not effectually and honestly enforced at all of the Western seaports.

He says:

The number of applicants for admission of all classes is reduced almost to the legitimate traffic.

Mr. Livernash says in reply to a question of the chairman as to whether the laws are effective to keep out Chinese laborers:

Generally speaking, yes.

I plant myself on that, Mr. President. There is no necessity for any new law on this subject in order to keep Chinese laborers out of the country, and I call as witnesses Mr. Dunn and Mr. Livernash.

I believe that the bill as it stands to-day, after the amendments which have been made, does violate at least the spirit of our treaty with China. I believe it violates the letter, but unquestionably it violates the spirit of that treaty, and if we would keep faith with China, if we would preserve the open door and not close it, we should not offend China in this matter.

There is certainly in the bill one clause that China says is violative of the treaty. It is to be found in the third section, and it is as follows:

And every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure.

That was in the projet which the United States commissioners submitted to the Chinese commissioners, and it was on the objection of the Chinese commissioners left out of the treaty, and to go now and put it into this bill would be a direct insult to China.

One word more, for my time allows me but the fewest words. I consider it extremely bad legislation to attempt to incorporate in statutes all Treasury regulations. Statutes should not be drawn in that way any more than constitutions of State governments should attempt to deal with all subjects of legislation. The time may come when Treasury regulations may properly be and ought to be suspended or changed. That power is contained in my amendment. You might as well in passing a tariff bill include all the Treasury regulations for the custom-houses and for the General Board of Appraisers. You might as well, in passing an internal-revenue law, include all the Treasury regulations and decisions and condensation of practices in the statute. It is bad legislation. So I make these three points: This legislation is unnecessary to continue the exclusion of Chinese laborers; it is offensive to the Government of China, with which we wish to remain on good terms; and then it is bad legislation in that no bill ought to include all Treasury regulations and decisions in it.

Mr. MCCOMAS. I ask the attention of the Senator who has just taken his seat. I intend to vote for this substitute, but I submit that we add to it. It proposes to provide that said laws shall apply, first, to all territory under the jurisdiction of the United States; second, to all immigration of Chinese laborers from the island to the mainland territory of the United States, and, third, from one portion of the island territory of the United States to another portion of said island territory.

Provided, however, That this shall not apply to the transit of Chinese laborers from one island to another island of the same group, or to any islands within the jurisdiction of any State or of the district of Alaska.

I submit that thereby the laws are made not to apply to any islands of any State jurisdiction or attached to Alaska, and that it means exactly the opposite of what the verbiage intends. It does admit Chinese laborers to islands belonging to States and to islands belonging to the district of Alaska.

I suggest and submit to the Senator from Connecticut that if he will make this slight change he will thereby do what he now intends:

Provided, however, That said laws shall not apply to the transit of Chinese persons from one island to another island of the same group, and any islands within the jurisdiction of any State or of the district of Alaska shall be considered part of the mainland under this section

Mr. LODGE. The portion to which the Senator from Maryland now refers was offered by me as an amendment to the substitute of the Senator from Connecticut and accepted by him. I think the amendment suggested by the Senator from Maryland will improve it and make it more exact to carry out the undoubted intention.

Mr. McCOMAS. I am glad the Senator thinks so. I think it would improve it.

Mr. PLATT of Connecticut. If it is satisfactory to the Senator from Massachusetts I will accept it.

Mr. McCOMAS. Then I will move it.

The PRESIDENT pro tempore. There is an amendment to the amendment pending. Will the Senator suspend until that amendment has been acted upon?

Mr. McCOMAS. Certainly; I will offer it later.

Mr. RAWLINS. Mr. President, I come from a section which is supposed to be peculiarly interested in the exclusion of Chinese laborers, and I wish simply to state my position with reference to this proposed legislation.

I shall vote for the bill reported by the committee, with the amendments which have been adopted. I am opposed to the amendment in the nature of a substitute offered by the Senator from Connecticut. I think the adoption of the committee bill in no way violates the provisions of our treaty with China. We are in the habit of legislating in regard to the admission of aliens into the United States with reference to our own interests and our own safety, and we have never so far made legislation of that character dependent upon conventions with foreign nations. But as to China, her ancient policy has been, and that policy now is, to prevent the expatriation of her own people.

Those who are seeking admission to our shores are of the more degraded and, I might say, criminal, or at least undesirable, classes. We exclude them for our peace and safety and in the interest of the Chinaman as well as in the interest of the American. If they are admitted within our borders they are going to disturb our peace and we will have tragedies enacted such as at one time occurred in the State of Wyoming.

It is important that this legislation in regard to the exclusion of these people shall be explicit and clear upon the face of the law itself and not be dependent upon the caprice and changing whims of those who may administer that law. That is in the interest of China as well as it is in our own interest. It is fair to any nation or any people to disclose to them exactly upon what condition they may or may not be permitted to come to our shores.

I disagree wholly with this substitute proposition, which purports to leave the enactment of the various provisions which are now embodied in the original bill reported by the committee to the Treasury Department, or to subordinate officials of the Treasury Department. They may not be given that publicity which they ought to have in order to disclose to the people who may desire to come here the conditions upon which they may be admitted.

Mr. President, for the three reasons that we have a right to protect our people, to legislate with reference to our own interests, and exclude undesirable or criminal classes from our shores, especially when it is in harmony with the purpose of our Government, whose purpose it is to prevent the expatriation of their own people, and that the regulations ought to be prescribed in the law itself and not be left to Treasury regulations, I shall cast my vote in favor of the bill reported by the committee and against the proposed substitute.

Mr. PATTERSON. Mr. President, were it not that the names of Mr. Dunn and Mr. Livernash have been used frequently by Senators upon the other side I would not say anything at this time. But when the Senator from New Hampshire [Mr. GALLINGER] defends what is known as the Platt substitute, as he says upon the testimony of Mr. Dunn and Mr. Livernash, since these gentlemen can not appear upon the floor of this Chamber to defend themselves, I feel that it is my duty to say at least a word.

The Senator from New Hampshire, thoughtlessly no doubt, does not do justice to either Mr. Dunn or Mr. Livernash. Mr. Livernash in what he had to say about existing legislation when he came to the city of Washington, had always coupled with it the necessity for additional legislation touching the Philippine Islands, excluding Chinese from the Philippines and preventing their coming into the mainland of the United States from the Philippine Islands. The commission appointed by that great State convention in the State of California came to Washington without knowledge of the existing suits pending in the Supreme Court of the United States, five in number, which, if two are decided as those who have lodged the suits there expect to have them decided, would practically paralyze the enforcement of the treaty and of all the rules and regulations. Therefore, they changed from simple existing legislation, coupled with the necessity for legislation of the kind I have mentioned touching the Philippines, to a new affirmative bill in which the law as it exists would be incorporated.

Now one word about Mr. Dunn. Why the Senator from Ohio [Mr. HANNA] should have made the fierce and, I think, uncalled for attack upon Mr. Dunn I do not know. Mr. Dunn was never before the Committee on Immigration except at the request of the committee, and a more modest, sensible, practical gentleman it was never my fortune to come in contact with. He volunteered nothing to the committee and it was only when questions were asked him that he made responses to the Committee on Immigration.

Mr. President, it is unfair, as I suggested originally, to seek to put this upon the shoulders either of Mr. Livernash or Mr. Dunn, or upon the shoulders of both of them, because they never intended to and they never have carried it.

Mr. HANNA. Mr. President, one moment. I read from Mr. Dunn's own statement this morning evidence enough, I thought, to the Senate as to how far he had gone in influencing the members of the committee. The underlying feeling of criticism explained itself, and what else I said in that connection I also said I was responsible for. I want to repeat that statement.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. MALLORY] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. MALLORY. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PLATT of Connecticut (when Mr. ALDRICH'S name was called). The Senator from Rhode Island [Mr. ALDRICH] has been called from the Chamber. I understand he is paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present he would vote "nay."

Mr. HEITFELD (when Mr. DUBOIS'S name was called). I again desire to announce that my colleague [Mr. DUBOIS] is paired with the junior Senator from New Jersey [Mr. DRYDEN]. If my colleague were present he would vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. If he were present I should vote "nay."

Mr. LODGE (when his name was called). I am paired on this bill with the Senator from Rhode Island [Mr. ALDRICH], but as he would vote "nay" on this amendment, I will vote. I vote "nay."

The roll was concluded.

Mr. HANSBROUGH. I transfer the pair I have with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Rhode Island [Mr. ALDRICH] and will vote. I vote "nay."

The result was announced—yeas 29, nays 50; as follows:

YEAS—29.

Bacon,	Culberson,	Mitchell,	Taliaferro,
Bailey,	Foster, La.	Money,	Teller,
Bard,	Harris,	Nelson,	Tillman,
Bate,	Heitfeld,	Patterson,	Turner.
Berry,	Jones, Ark.	Penrose,	Vest.
Carmack,	McLaurin, Miss.	Perkins,	
Clark, Mont.	Mallory,	Rawlins,	
Clay,	Martin,	Simmons,	

NAYS—50.

Allison,	Dolliver,	Hoar,	Platt, Conn.
Beveridge,	Elkins,	Jones, Nev.	Platt, N. Y.
Blackburn,	Fairbanks,	Kean,	Pritchard,
Burnham,	Foraker,	Kearns,	Proctor,
Burrows,	Foster, Wash.	Kittredge,	Quarles,
Burton,	Frye,	Lodge,	Scott,
Clapp,	Gallinger,	McComas,	Spooner,
Clark, Wyo.	Gamble,	McCumber,	Stewart,
Cockrell,	Gibson,	McLaurin, S. C.	Warren,
Cullom,	Hale,	McMillan,	Wellington,
Deboe,	Hanna,	Millard,	Wetmore.
Dietrich,	Hansbrough,	Morgan,	
Dillingham,	Hawley,	Pettus,	

NOT VOTING—9.

Aldrich,	Dryden,	McEnery,	Quay,
Daniel,	Dubois,	Mason,	Simon.
Depew,			

So Mr. MALLORY'S amendment to the amendment was rejected.

Mr. PETTUS. Mr. President, as I understand, it is now in order to amend the substitute proposed by the Senator from Connecticut [Mr. PLATT].

The PRESIDENT pro tempore. It is.

Mr. PETTUS. Then I ask leave to offer an amendment to come in on page 2, in section 3, line 22, after the word "regulations," to insert "not inconsistent with the laws of the land."

Mr. PLATT of Connecticut. If I may, I will accept that amendment.

The PRESIDENT pro tempore. Is there objection to the amendment proposed by the Senator from Alabama? The Chair hears none, and it is agreed to.

Mr. COCKRELL. I move an amendment to the amendment, to come in as section 4, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the end of the amendment the following as a new section:

SEC. 4. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

Mr. COCKRELL. Mr. President, that is substantially the same provision that was made by the act of August 5, 1892, in regard to the World's Columbian Exposition, and also by the act of June 6, 1900, for the Buffalo Exposition.

Mr. PLATT of Connecticut. As I understand, that is practically the same amendment which has already been put into the bill by the Senate.

Mr. COCKRELL. Substantially the same.

Mr. PLATT of Connecticut. I make no objection to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment submitted by the Senator from Connecticut [Mr. PLATT].

The amendment to the amendment was agreed to.

Mr. MCCOMAS. I offer the amendment which I send to the desk, which I believe is agreeable to the Senator from Connecticut [Mr. PLATT].

The PRESIDENT pro tempore. The amendment of the Senator from Maryland to the amendment of the Senator from Connecticut will be stated,

The SECRETARY. In section 1, on page 2, line 9, of the amendment submitted by Mr. PLATT, before the word "shall," it is proposed to strike out "this" and insert "said law;" in line 11, before the word "any," to strike out "or to" and insert "and;" and in line 12, after the word "Alaska," to insert "shall be considered part of the mainland under this section;" so as to read:

Provided, however, That said law shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any islands within the jurisdiction of any State or of the district of Alaska shall be considered part of the mainland under this section.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maryland [Mr. MCCOMAS] to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment to the amendment was agreed to.

Mr. FAIRBANKS. The Secretary calls my attention to some additional amendments needed because of the change in the numbers of the sections. At the close of section 11, on page 10, line 8, after the word "section," I move to strike out "26" and insert "24;" in section 21, page 22, line 4, after the word "section," I move to strike out "53," and insert "51;" in section 34, on page 37, line 6, after the word "section," I move to strike out "50," and insert "48;" and in section 42, on page 42, line 16, after the word "section," I move to strike out "53" and insert "51."

The PRESIDENT pro tempore. The question is on the adoption of the amendments submitted by the Senator from Indiana.

The amendments were agreed to.

Mr. PATTERSON. I inquire, Mr. President, whether or not the amendment touching exhibitions and expositions, which has been made to the substitute, has been made to the original bill?

Mr. COCKRELL. I was not present during the consideration of a portion of the bill.

Mr. LODGE. I think that same amendment was inserted in the bill reported by the committee.

Mr. COCKRELL. I do not find it in the printed copy of the bill I have.

Mr. PATTERSON. It is not in the printed copy.

Mr. MITCHELL. The amendment has not been voted on, I think.

Mr. PATTERSON. I offer a similar amendment to the committee bill.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. PATTERSON] offers the same amendment to the original bill, which has just been offered to the substitute bill by the Senator from Missouri [Mr. COCKRELL] and adopted. The question is on the amendment.

The amendment was agreed to.

Mr. PATTERSON. I offer the following amendment to the amendment of the Senator from Connecticut [Mr. PLATT]:

That from and after the passage of this act the coming of Chinese laborers from any foreign country to the United States, its Territories, or any territory under its jurisdiction, insular or otherwise, shall be absolutely prohibited: *Provided*, That this prohibition shall not extend to officials, teachers, students, merchants, and travelers for curiosity or pleasure.

I want to state to the Senate, Mr. President, that, doubtless by inadvertence of the Senators upon the other side, the exclusion of the Chinese from our insular territory has not been provided for in the substitute offered by the Senator from Connecticut.

Mr. PLATT of Connecticut. No, Mr. President——

Mr. PATTERSON. One moment.

Mr. PLATT of Connecticut. Excuse me. I thought the Senator was through.

Mr. PATTERSON. And it is of the first importance that whichever bill shall ultimately be adopted by the Senate, it shall contain a provision placing the Philippines and other islands of the United States upon an equality with the mainland in the matter of Chinese exclusion.

Mr. PLATT of Connecticut. Mr. President, it is true that the substitute does not deal with the question of the admission of Chinese laborers into the Philippine Islands, and I do not think that it ought to do so. That question is under consideration by another committee of this body, of which the Senator from Colorado [Mr. PATTERSON] is a member.

Mr. PATTERSON. Will the Senator from Connecticut state by what committee?

Mr. PLATT of Connecticut. The Committee on the Philippines.

Mr. PATTERSON. Mr. President, I would state that the Committee on the Philippines has perfected several bills and has reported to the Senate, but none of them contains any provision of this character.

Mr. PLATT of Connecticut. Well, Mr. President, whether that is strictly true or not, Governor Taft certainly testified before that committee that the authorities of the Philippine Islands were not ready to determine that question as yet; that there was some question as to whether it was not advisable to allow artisans from China to come to the Philippine Islands to perform skilled labor which the Filipinos were not at present capable of performing, and to remain there for such time as it should be necessary to educate the Filipinos to the performance of such skilled labor. At present, under an exclusion order issued by General Otis, I believe, no Chinese are admitted to the islands; and I thought that question might more properly be left to the determination of the committee specially constituted by this body to determine it—that is, the Philippine Committee—than to attempt to determine it in this general offhand way during the consideration of the present bill.

I want to say this about it: The conditions are entirely different. We are trying by this bill to exclude Chinese laborers from competition with American laborers, and by "American laborers" I mean those of our own home country, who occupy an entirely different standard as laborers from the laborers of the Philippines. The conditions are entirely different. I do not think that the Senate can decide to-day, in this offhand way, whether it be necessary for the protection of the Filipino laborer that no Chinese laborers of any sort, skilled or unskilled, shall be admitted into the Philippine Islands. I think it may well be left to the committee which has particular charge of such matters, and that it might as well be deferred for the present.

Mr. LODGE. Mr. President, the Committee on the Philippines left the matter of Chinese immigration in the Philippines to the Committee on Immigration, thinking it belonged more particularly with the general subject. But, as I understand the amendment offered by the Senator from Connecticut, it now applies to the Philippine Islands and to all territory under the jurisdiction of the United States the same laws of exclusion that now exist in regard to the mainland territory. Unless I am very much mistaken in regard to the amendment which I offered last night, which the Senator from Connecticut accepted, and which is now a part of his amendment, no Chinese laborers can be admitted into the Philippine Islands and no Chinese laborers can pass from the Philippine Islands into the United States or into Hawaii or can come from Hawaii into the United States. The language of the amendment as amended is:

All laws—

That is the acts referred to in the first section—

All laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent shall apply to all territory under the jurisdiction of the United States, and to all immigration of Chinese laborers from the island to the mainland territory of the United States, or from one portion of the island territory of the United States to another portion of said island territory.

I for one, Mr. President, could never give my assent to any bill which did not protect the Philippine Islands from the invasion of Chinese immigration; and I think that the amendment of the Senator from Connecticut, which simply extends existing laws, extends all of those laws to the Philippine Islands, and by doing so it puts it beyond the power of the Philippine Commission to admit Chinese labor in any form into the Philippine Islands until Congress shall enact otherwise. I believe that if the Senate considers the existing laws are sufficient for the exclusion of Chinese labor the Philippines will receive the same protection that the mainland territory of the United States receives.

Mr. RAWLINS. Mr. President, upon this question of excluding Chinamen from the Philippine Islands, I think I may say that the testimony taken before the Committee on the Philippines bearing upon that subject, looking to the interest, peace, and welfare of the islands, is, without conflict, against the policy of admitting Chinamen to the islands. I think that was the purport of the testimony of Governor Taft. It was clearly the testimony of General Otis. General MacArthur, who has had much experience there, and who displayed great intelligence in dealing with this question, was very emphatic in the assertion that to admit Chinamen into the islands would be most disastrous to their peace and to their welfare.

We also know, Mr. President, that there are certain classes of people in Manila, newspapers there, interested in a rapid exploitation of the islands for selfish ends, and not in the interest either of the people of the islands or of the people of the United States, who are importunate in their demands on the Commission to break down this barrier and admit Chinamen into the islands in order that they may have cheap labor.

Mr. President, as stated by the chairman of the Committee on the Philippines, that committee has not undertaken to deal with this question, because it is more germane to the matter now under consideration before the Senate. If it be left to the Philippine Commission to determine, I have no doubt that, as it is now organized, Chinese will not be excluded from the islands, and if they are not it means continued disturbance in the islands and great additional burdens upon this country in its efforts to preserve peace. Every consideration, it seems to me, demands that the pending bill should effectively deal with this question.

Mr. TELLER. Whatever we do, we certainly ought to do it so that we shall know what we have done when we get through. The Senator from Connecticut does not think that anything in his amendment prohibits Chinamen from going into the Philippine Islands.

Mr. PLATT of Connecticut. If the Senator from Colorado will permit me, I think one of the virtues of a Senator, when he finds he is mistaken, is to say so, and the amendment which was proposed by the Senator from Massachusetts and accepted by me, I find does say—

That said laws shall apply—

That is, the laws extended and continued in force—

to the territory under the jurisdiction of the United States and to all immigration of Chinese laborers from the island to the mainland territory of the United States.

Mr. TELLER. I understand the Senator modifies his position and admits that the Senator from Massachusetts is correct.

Mr. PLATT of Connecticut. He is.

Mr. TELLER. I thought at least it would be very singular if we went through with this bill with the Senator from Connecticut giving it one interpretation and the Senator from Massachusetts another. We might have had some difficulty in construing it after it had been signed by the President.

The PRESIDENT pro tempore. The Chair calls the attention of the junior Senator from Colorado [Mr. PATTERSON] to page 49 of the committee bill. A few moments ago the Senator offered an amendment, which was accepted, touching the entrance of Chinese for exhibition purposes, and if he will look at page 49 he will see that it is in the original bill in about the same words. Therefore the amendment which has been adopted ought to be reconsidered.

Mr. PATTERSON. I move that the vote by which the amendment was adopted be reconsidered.

The PRESIDENT pro tempore. Without objection, the vote will be reconsidered, and the amendment will be withdrawn.

Mr. HOAR. I desire to call attention to a rather peculiar condition in the Senate. The principal advocate of the bill does not know what is in it, and the principal advocate of the amendment does not know what is in it.

Mr. WELLINGTON. Mr. President, I shall not vote for the bill reported by the committee, and I am inclined to vote for the substitute offered by the Senator from Connecticut. But as I read it, there is no question about the fact that Congress in passing this substitute and continuing the Chinese-exclusion law does not do it only for the United States as formerly known, the mainland of the country, but for all of the island possessions acquired. The question comes, If Congress in this act can exclude the Chinaman from the Philippine Islands by force of its power in this country, how can it exclude the inhabitants of those islands from the right and privilege they should have under the Constitution of coming from the Philippine Islands into other parts of the United States? To my mind Congress has no right to do this, and therefore I move, as an amendment to the amendment, to strike out all that comes in the fifth line of the first section after the words "the United States."

The PRESIDENT pro tempore. If the Senator will pardon the Chair, there is an amendment pending, offered by the Senator from Colorado [Mr. PATTERSON]. Was it withdrawn?

Mr. PATTERSON. Will the Presiding Officer allow the Senator from Maryland to continue? And I will examine and see whether I am satisfied with the language of the bill as it is.

The PRESIDENT pro tempore. The Senator from Maryland will proceed.

Mr. WELLINGTON. I propose to strike out in section 1 of the substitute, page 2, in line 5, all after the words "the United States." The reason why I do so is that in my opinion if Congress has the power to go to the Philippine Islands when it is passing a law for the United States and enforce there the exclusion of the Chinese laborer, then the Chinaman who is a citizen of that part of the United States has, under the law and the Constitution also (and Congress has no right under the Constitution to exclude him therefrom), the right to go from one part of the United States into another part of the United States, if it be his pleasure. I contend that under the Constitution, if you apply this law, the inhabitant of the Philippine Islands has as much right to come to California or to the District of Columbia or to Alaska as has the inhabitant of Oklahoma or any other Territory to any other portion of the United States. I therefore move the amendment.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. After the word "States" in line 5, page 2, it is proposed to strike out:

And to all immigration of Chinese laborers from the island to the mainland territory of the United States, or from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any islands within the jurisdiction of any State or of the district of Alaska shall be considered part of the mainland under this section.

Mr. LODGE. On the point made by the Senator from Maryland, I merely wish to say that when we passed the resolution of annexation of Hawaii we provided that no Chinese should be admitted from Hawaii into the United States. Two years later we passed the organic act, with which the Senator from Illinois [Mr. CULLOM], who had charge of it, is familiar; and in that we provided:

Provided, however, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or district of the United States from the Hawaiian Islands.

The organic act of Hawaii passed the Senate without division and passed the House, and is now the law of the land and has been for some years. The Territory of Hawaii is an organized Territory of the United States. The status of the inhabitants of the Philippine Islands, left to the determination of Congress, is still undetermined, but we have exercised the power in the case of Hawaii, an organized Territory, to deny to the Chinese in those islands the right to come to the United States.

There is no time in five minutes to enter into a constitutional argument, but Congress has taken that power. It has exerted it in the case of Hawaii, and it has never been questioned. The power that we propose to exercise in regard to the immigration of Chinese from the Philippines to the United States is simply the same power already exercised and agreed to in principle twice by both Houses of Congress. The number of Chinese of course in the Philippine Islands—I do not mean those born there, but Chinese subjects there—is very large, there being three or four times as many as there are in Hawaii.

Mr. WELLINGTON. Mr. President, if I may say just one word in reply to the Senator from Massachusetts, I am aware that it has been done so far as Hawaii is concerned, but that does not prove that it is constitutional. The question has never been tested as yet. It has never been questioned. But I desire to say that within ten days after the passage of this bill it will be tested in the courts of the United States, and, in my judgment, the decision of the Supreme Court will be that these men are citizens of the United States and that you have by the passage of this law given them the right to go anywhere within the United States that they please to go.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. WELLINGTON].

The amendment was rejected.

Mr. MITCHELL. Mr. President, in legislation heretofore upon

the subject of Chinese exclusion there has been provision made for the Chinese in the country, in reference to whom the legislation is had, obtaining his certificate. Should the substitute proposed by the Senator from Connecticut be adopted and become the law, there is no provision of any kind or character authorizing Chinese persons in our insular possessions to obtain a certificate. Hence I offer an amendment to the proposed substitute. It is a literal copy, except that the term "six months" is changed to "eight months" in sections 12, 13, and 14 of the bill of the committee which we have been discussing here for the last ten days. I ask that the amendment be read.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert the following at the end of the amendment:

SEC. 5. That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within eight months after the passage of this act a certificate of residence in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said eight months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and be taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that, the eight months time limit aside, he is rightfully entitled to such certificate; and if upon such showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

Mr. MITCHELL. I desire to add that the extension of existing laws would avail nothing so far as this question is concerned from the fact that there is a time limit in all of the laws. The laws originally passed excluding Chinese from this country had a time limit within which the certificate should be obtained from the Department. The same is true in reference to Hawaii. So the mere extension of the existing laws would make no provision whatever for obtaining certificates.

Mr. PLATT of Connecticut. From what sections of the original bill is the amendment taken?

Mr. MITCHELL. Sections 12, 13, and 14.

Mr. STEWART. I suggest to the Senator from Oregon that eight months might be a pretty short time in the Philippines. I suggest a year.

Mr. MITCHELL. A year? I have no objection.

Mr. STEWART. That is more reasonable.

Mr. MITCHELL. The committee made it six months. I made it eight months. Now, I will make it twelve months.

Mr. STEWART. I think I would.

The PRESIDENT pro tempore. The Secretary had not read the whole of the proposed amendment. Does the Senator propose the whole as an amendment?

Mr. MITCHELL. Yes; I marked it "over," and I thought the Secretary would see it. I ask that the whole amendment be read right now.

Mr. PLATT of Connecticut. Read the whole amendment.

The SECRETARY. It is proposed to insert at the end of the amendment the following:

SEC. 5. That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within one year after the passage of this act a certificate of residence in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said one year, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that, the one-year time limit aside, he is rightfully entitled to such certificate; and if upon such showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding $1 for every certificate issued.

SEC. 6. That should it appear that any laborer to whom was lawfully issued a certificate of residence under this act has lost such certificate, or that it has been destroyed, he shall be given a new certificate by the appropriate Treasury officer, on establishing to the satisfaction of the United States judge or commissioner before whom he is brought for deportation that the loss or destruction was not in bad faith.

Mr. MITCHELL. I ask the Secretary to stop reading at that point, as he has reached the end of section 13. That should be the end of the amendment.

Mr. HOAR. Mr. President, there is no time in this five minutes' debate to discuss an amendment proposed as this is or to examine the treaty to see how it is affected.

I understand this amendment applies to all citizens who come within the definition of Chinese persons in the bill, as we have it very clearly defined. I think the friends of the strictest policy in framing the committee bill and the friends of the amendment have endeavored to preserve the rights of citizens and persons who have the rights of citizenship anywhere within our dominion, whether they be citizens of the Philippine Islands or of Hawaii, of Chinese descent. The word "Chinese" in the bill is defined, and it includes citizens and anybody else of Chinese descent here or in the Philippine Islands or in Hawaii.

That being true, the bill has endeavored to preserve the rights of citizens. Whether it has done so or not, no one has avowed any purpose to invade those rights. Here is a proposition which provides that if a citizen does not get a certificate from an executive officer, who may withhold it or not as is his will, he shall be arrested. In the first place, it does not provide for any warrant or any judicial proceeding for the arrest, but I suppose that to be implied in the term arrest. Then he is to be taken before a magistrate, and if he has been convicted of any offense he can not stay, although the conviction and sentence for his offense did not include deportation or forfeiture of any right of citizenship.

So you are adding to a conviction already had a further penalty. But he is to be then subject to somebody's determination as to whether he shall have a certification or not. Whether it is the court or a municipal officer or whoever it is is not very clear; but he is to pay certain fees, as I understand, and all those are retained. However, the substance of the objection is that it is a burden which you have no right to put on a citizen.

Mr. MITCHELL. I will state to the Senator from Massachusetts that there is no such intention whatever. We have no right to do that, of course.

Mr. HOAR. Then some phrase should be inserted so as not to make it apply to citizens.

Mr. MITCHELL. I think to meet the objection of the Senator from Massachusetts——

Mr. HOAR. I do not think the other part of the Senator's amendment is reasonable at all.

Mr. MITCHELL. Let us take one thing at a time.

Mr. HOAR. Let me say what I have to say now.

Mr. TILLMAN. Mr. President, I rise to a question of order.

Mr. HOAR. I do not think another part of the Senator's amendment is reasonable——

The PRESIDENT pro tempore. The Senator from South Carolina will state it.

Mr. HOAR. But it has the unreasonableness which I attribute to all this general policy, and I do not propose to waste the time of the Senate, one or two men against ninety, with debating that in my five minutes. I have said what I have to say about that.

The PRESIDENT pro tempore. The time of the Senator from Massachusetts has expired.

Mr. HOAR. Let me finish the sentence. I want simply to secure and retain in the bill what is left of reasonableness in it, if I can.

Mr. MITCHELL. In order to meet the suggestion made by the Senator from Massachusetts, I ask leave to modify my amendment. Let the Secretary turn to that portion of the amendment which was section 12 in the bill. After the word "laborer," in

line 10, I ask leave to amend the proposed amendment by inserting the words "other than a citizen;" so as to read:

That it shall be the duty of every Chinese laborer other than a citizen rightfully in, and entitled to remain in, etc.

In regard to the other objection of the Senator from Massachusetts, the Senator admits that the objection is simply of a class that he would urge against this kind of legislation. I will state that it follows existing law substantially—the law as originally passed in reference to Chinese exclusion to this country, as also the law, I think, in regard to Hawaii.

Mr. MCCOMAS. Mr. President, I believe that the amendment of the Senator from Connecticut extends to all the territory of the United States the prohibition to come into the United States proper. There are regulations and certificates whereby a man who is in may stay in the United States. In Hawaii it was properly arranged by the organic act. There is no prohibition to the Commission in the Philippines to continue as they now have or to adopt some mode of certification or identification. There is no prohibition here against their adopting that method. We need not upon this amendment legislate for those islands. They can, if they desire, adopt any evidence act which secures the right either to a Chinese citizen, for instance, of Hawaii, or a Chinese denizen in the Philippines. No other act of the United States prevents such legislation in the Philippines by the Commission or prevents in Hawaii the passage of any such evidence act. The prohibition is to coming in. The concession is the right of those who are in, and the certification is simply an evidence act, and nobody is prohibited. Any commission there or the Congress hereafter in the Government bill, if you choose, can dispose of that matter.

I therefore hope that the amendment which is here unnecessary may not be added to the very excellent amendment of the Senator from Connecticut.

Mr. LODGE. Mr. President, I think the Senator from Maryland does not quite understand what the effect of the extension of the laws would be. When we passed the organic act for Hawaii, making it territory of the United States, we extended the laws of the United States to those islands, and among other things, we extended the Chinese-exclusion act. If we had extended those acts simply without making any provision for the certification of Chinese residents under those existing laws, as I understand them, every Chinaman in Hawaii would have been liable to deportation, because under the act extended to the Hawaiian Islands he would have had nothing to protect him whatever. Now, we extend the law to all the islands under our jurisdiction, and a Chinaman in the Philippines has no method of avoiding, as I understand it, the deporting clauses of the law which we are now extending by this amendment.

Mr. MCCOMAS. If we are to extend the provisions of the act and, for the first time, the certifications and all, he then has a time within which to get it.

Mr. LODGE. The act carried no certification provision. There was a time limit on it.

Mr. MCCOMAS. There was a time limit, and that time limit has expired. My point is that these acts carry now for the first time to the Philippines, taking them in pari materia the act here with the evidence act of certification, and undoubtedly the supplemental legislation of the local Territorial legislature or of the Philippine Commission now exercising legislative power can extend a certification or other evidence act to preserve a right which is preserved by this general statute.

Mr. LODGE. I think the Senator from Illinois [Mr. CULLOM] will bear me out that there were very careful provisions in that act for the certification of Chinese residents. It is just before the end of the act, the provision about the Chinese. If the Senator has the act there I think I can show it to him.

Mr. CULLOM. Yes; the clause referred to by the Senator in the act approved April 30, 1900, is as follows:

SEC. 101. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however*, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

Mr. LODGE. That is precisely what I thought. In order to save the Chinese in Hawaii from being held to be unlawfully in the island it was necessary to make a special certification provision in the act. If you extend the same laws in a mass to the Philippine Islands, you leave the Philippine Chinese in precisely the same position that you would have left the Hawaiian Chinese if you had not made a specific provision to enable them to get certificates of residence.

Mr. MITCHELL. And every one could be deported.

Mr. LODGE. Every one of them would be liable to be deported.

The PRESIDENT pro tempore. No Senator can speak more than once.

Mr. MITCHELL. I do not know to whom the Chair refers.

Mr. SPOONER. I should like to call the attention of the Senator from Oregon to a word or two in his amendment which cause me a little trouble and which, if enacted, would be incapable of enforcement. It speaks of the United States judge and United States court commissioner in the Philippine Islands. I do not know that there is any United States judge or any United States court commissioner in the Philippines. There is in Hawaii, of course.

Mr. MITCHELL. I will state to the Senator from Wisconsin that I had not forgotten that, and I had intended to follow this amendment, if adopted, by the following:

That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

Mr. SPOONER. What about the United States commissioner and subordinate judicial officials?

Mr. MITCHELL. They have no commissioner there.

Mr. LODGE. I do not think we have any commissioners in the Philippine Islands. I do not know of any except the Commission that governs the islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

Mr. PLATT of Connecticut. Mr. President, I hope the Senate will not agree to it. It is an amendment which can not be carefully considered now. I do not think it is necessary, and I hope the Senate will not agree to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MITCHELL. I ask for the yeas and nays on the amendment.

Mr. QUAY. I ask that the amendment be again read.

Mr. CULLOM. It is very long.

Mr. GALLINGER. It is a very long amendment.

Mr. QUAY. I withdraw the request.

The PRESIDENT pro tempore. The Senator from Oregon demands the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. I ask unanimous consent to say one word before the vote is taken.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent to say one word. [Laughter.] Is there objection? The Chairs none.

Mr. MITCHELL. All right. I thank the Senate.

Mr. SPOONER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Wisconsin will state his point of order.

Mr. SPOONER. The Senator has exhausted his privilege. [Laughter.]

Mr. MITCHELL. I simply want to state to the Senate, Mr. President, and to those Senators who are the friends of the Chinese, if there are any such here, who think the legislation proposed by the Committee on Immigration is too drastic, that this amendment is as much in the interest of the Chinese in our insular territory as in the interest of the Government. The fact is, if this amendment is not adopted to the bill, and the amendment of the Senator from Connecticut is adopted and becomes the law, there is nothing in the way of the deportation of every Chinaman in the Philippine Islands.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Oregon to the amendment of the Senator from Connecticut.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], but I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. LODGE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH], but that pair has been transferred to the Senator from Virginia [Mr. DANIEL]. I will not announce it again. I vote "yea."

The roll call having been concluded, the result was announced—yeas 41, nays 40; as follows:

YEAS—41.

Allison,	Clark, Mont.	Heitfeld,	Mitchell,
Bacon,	Clay,	Jones, Ark.	Money,
Bailey,	Culberson,	Jones, Nev.	Morgan,
Bard,	Fairbanks,	Lodge,	Nelson,
Bate,	Foster, La.	McLaurin, Miss.	Patterson,
Berry,	Foster, Wash.	Mallory,	Penrose,
Carmack.	Harris,	Martin,	Perkins,

Quarles,	Simon,	Teller,	Warren.
Quay,	Spooner,	Tillman,	
Rawlins,	Stewart,	Turner,	
Simmons,	Taliaferro,	Vest,	

NAYS—40.

Beveridge,	Dietrich,	Hanna,	McMillan,
Blackburn,	Dillingham,	Hansbrough,	Millard,
Burnham,	Dolliver,	Hawley,	Pettus,
Burrows,	Elkins,	Hoar,	Platt, Conn.
Burton,	Foraker,	Kean,	Platt, N. Y.
Clapp,	Frye,	Kearns,	Pritchard,
Clark, Wyo.	Gallinger,	Kittredge,	Proctor,
Cockrell,	Gamble,	McComas,	Scott,
Cullom,	Gibson,	McCumber,	Wellington,
Deboe,	Hale,	McLaurin, S. C.	Wetmore.

NOT VOTING—7.

Aldrich,	Depew,	Dubois,	Mason.
Daniel,	Dryden,	McEnery,	

So Mr. MITCHELL's amendment to the amendment of Mr. PLATT of Connecticut was agreed to.

Mr. STEWART. Mr. President, I call attention to this language in section 1, lines 7 and 8, "so far as the same is not inconsistent with treaty obligations now existing." It seems to me that it would be rather a difficult thing for an administrative officer to determine that question, which has been discussed here a good deal; and there is a difference of opinion whether the laws which have heretofore been passed are in conflict with the treaty obligations now existing. If I understand the Senator's amendment aright, unless some satisfactory explanation be given, I shall move to strike out, in lines 7 and 8, on the first page of the amendment, the words "so far as the same is not inconsistent with treaty obligations now existing."

Mr. HOAR. May I make a suggestion to the Senator from Nevada?

Mr. STEWART. Certainly.

Mr. HOAR. This is not the enactment of a new law; it is simply to continue existing laws in force.

Mr. STEWART. I know it is.

Mr. HOAR. Of course, when you continue all the laws now in force, those who administer them have to determine what the law is and what it means, and whether an earlier law is modified by a later law. That is only doing in regard to a treaty what is being done continually in regard to a statute. I do not see any difference in the cases.

Mr. STEWART. I want the laws now existing to be in force, so that there will not be any conflict with the treaty. Certainly this will be the last law, and it will be the only law upon the subject.

Mr. HOAR. It would be exactly the same thing if we should use the language "all laws now in force."

Mr. STEWART. "So far as they are not inconsistent with the treaty." Now, if we say "all the laws now in force," some of the Chinese treaties are now in force and some laws are now in force—that will be all there is of it.

Mr. HOAR. "All laws now in force."

Mr. STEWART. If you put in the words "all laws now in force"——

Mr. HOAR. The Senator misapprehends my point. If anything in the proposed law is inconsistent with and is later than the law now in force, or if the treaty be inconsistent with and earlier than the law, of course the proposed law, when enacted, will be in force. If it be not inconsistent with treaty obligations now existing, then the treaty obligations will continue in force. So the language requires exactly the same exercise of judgment on the part of the officials, whether the words referred to are in or out of the bill.

Mr. STEWART. If it is exactly the same thing whether they are in or out, let us have them out. I think their retention makes the meaning more obscure. I move to strike the words out.

The PRESIDENT pro tempore. The Senator from Nevada moves an amendment, which will be stated.

The SECRETARY. In section 1, page 1, line 7, after the word "eighty-eight," it is proposed to strike out:

So far as the same is not inconsistent with treaty obligations now existing.

Mr. HOAR. If I may be allowed, I move to strike out of the Senator's amendment the words "now existing."

Mr. BEVERIDGE. What is the effect of that amendment, Mr. President?

Mr. HOAR. All I wish to say is that if you do not strike out those words, you reenact the law of 1888, without any regard to whether the treaty affects it or not.

Mr. STEWART. That is what I want to know.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Nevada [Mr. STEWART].

The amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment, as it has now been perfected, which has been offered by the Senator from Connecticut [Mr. PLATT] as a substitute for the bill reported by the committee.

Mr. SPOONER. Mr. President, may I inquire if the Senator from Oregon [Mr. MITCHELL] offered the amendment which he said he would offer?

Mr. LODGE. He did not.

The PRESIDENT pro tempore. The Senator from Oregon did not offer his amendment.

Mr. LODGE. That amendment can be added subsequently.

The PRESIDENT pro tempore. The question is on the amendmant of the Senator from Connecticut [Mr. PLATT] as it has been amended.

Mr. HALE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KEAN (when Mr. DRYDEN'S name was called). My colleague [Mr. DRYDEN] is paired with the junior Senator from Idaho [Mr. DUBOIS]. If my colleague were present, he would vote in favor of the substitute.

Mr. HEITFELD (when the name of Mr. DUBOIS was called). I again announce the pair of my colleague [Mr. DUBOIS] with the Senator from New Jersey [Mr. DRYDEN]. If my colleague were present, he would vote "nay."

Mr. HANSBROUGH (when his name was called). I again announce the transfer of my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. CULLOM (when Mr. MASON'S name was called). The junior Senator from Illinois [Mr. MASON] desired it to be understood that he would vote for the substitute for the original bill if he were present. I have been unable to secure a pair for him on this question.

The roll call having been concluded, the result was announced—yeas 48, nays 33; as follows:

YEAS—48.

Allison,	Dillingham,	Hoar,	Platt, Conn.
Beveridge,	Dolliver,	Kean,	Platt, N. Y.
Blackburn,	Elkins,	Kearns,	Pritchard,
Burnham,	Foraker,	Kittredge,	Proctor,
Burrows,	Frye,	McComas,	Quarles,
Burton,	Gallinger,	McCumber,	Quay,
Clapp,	Gamble,	McLaurin, S. C.	Scott,
Clark, Wyo.	Gibson,	McMillan,	Spooner,
Cockrell,	Hale,	Millard,	Stewart,
Cullom,	Hanna,	Morgan,	Warren,
Deboe,	Hansbrough,	Nelson,	Wellington,
Dietrich,	Hawley,	Pettus,	Wetmore.

NAYS—33.

Bacon,	Fairbanks,	Mallory,	Simon,
Bailey,	Foster, La.	Martin,	Taliaferro,
Bard,	Foster, Wash.	Mitchell,	Teller,
Bate,	Harris,	Money,	Tillman,
Berry,	Heitfeld,	Patterson,	Turner,
Carmack,	Jones, Ark.	Penrose,	Vest.
Clark, Mont.	Jones, Nev.	Perkins,	
Clay,	Lodge,	Rawlins,	
Culberson,	McLaurin, Miss.	Simmons,	

NOT VOTING—7.

Aldrich,	Depew,	Dubois,	Mason.
Daniel,	Dryden,	McEnery,	

So the amendment offered by Mr. PLATT of Connecticut as a substitute for the bill reported by the committee was agreed to.

Mr. MITCHELL. I offer the amendment which was suggested a few minutes ago, which I send to the desk. It is to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment offered by the Senator from Oregon will be stated.

The SECRETARY. At the end of the bill it is proposed to add as section 6 the following:

That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

Mr. PLATT of Connecticut. Mr. President, the previous amendment proposed by the Senator from Oregon [Mr. MITCHELL] having been adopted on a vote of the Senate, it is necessary, I think, that this amendment should also be adopted to perfect it.

Mr. SPOONER. If the Senator will allow me, would it not be better in a statute to say "United States courts" and "United States marshals" instead of Federal courts and Federal marshals?

Mr. MITCHELL. I think it would. I will modify the amendment in that way.

Mr. COCKRELL. Let that be done.

The PRESIDENT pro tempore. The amendment will be so modified. The question is on the amendment proposed by the Senator from Oregon, as modified, to the substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the two amendments made as in Committee of the Whole.

Mr. PLATT of Connecticut. Mr. President, how is there more than one amendment?

The PRESIDENT pro tempore. One amendment has just been made. The substitute was an amendment, and there has been one amendment made since.

Mr. PLATT of Connecticut. To the substitute?

The PRESIDENT pro tempore. Yes.

The amendments made as in Committee of the Whole were concurred in.

Mr. PLATT of Connecticut. As I understood it, the last amendment offered by the Senator from Oregon [Mr. MITCHELL] became a part of the substitute which I had offered.

Mr. HALE. There was only one amendment.

Mr. PLATT of Connecticut. There was only one amendment.

Mr. CARMACK. I offer an amendment. On page 2, line 5, after the word "laborers," I move to insert "not citizens of the United States." That is the amendment adopted to the main bill, for which a substitute has now been agreed to.

Mr. PLATT of Connecticut. There is no objection to the amendment.

The PRESIDENT pro tempore. The amendment, without objection, will be agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. PLATT of Connecticut. Let us have the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MITCHELL. I desire to ask the Senator from Connecticut, who is now in charge of the bill, I presume, whether it is his intention to attach the bill, as agreed, to to the House bill; that is, to substitute it for the House bill?

Mr. PLATT of Connecticut. I do not think it is either parliamentary or wise to do so. I think we can pass this bill; it will go to the House; the House will do what they please with it; of course, they will substitute their bill for it, and then the bill will go into conference. I do not think it makes any difference——

Mr. MITCHELL. It only delays matters.

Mr. TELLER. I do not intend to detain the Senate by any remarks on this bill. I wish to say that, as a friend of legislation of this kind, I am not at all satisfied with this bill. I am going to vote for it, because it is the best thing I can do. It is not such a bill as we ought to pass; it is not such a bill as the real friends of Chinese exclusion desire; but I will vote for it as better, perhaps, than nothing.

Mr. SCOTT. Mr. President, like the Senator from Colorado, I will vote for this bill, but I am not satisfied with it. I ask its friends to recommit it, in order to provide us with a bill with respect to which we will know what we are voting for. I am as good a friend of labor as there is in the United States, and I am in favor of protecting it, but we ought to be careful. I believe the proper thing to do with this bill is to recommit it and appoint another day upon which to vote on it. The friends of the measure ought to make that motion. I do not want to take the lead in doing so, but that is what ought to be done.

I am now and have always been opposed to Chinese immigration, because I consider it a menace to the American wage-earner. I favor American labor and everything that will promote its best interests. I could not support the bill reported by the committee in its present shape, because its provisions are doubtful. They do not go far enough in the interest of American labor to suit me. Besides, I am advised that it violates our treaty obligations, which as a nation we can not afford to do.

Mr. HOAR. Mr. President, I think this bill and this debate indicate a great progress in sentiment. The sentiment of the country has passed, certainly so far as it is represented by a majority of the Senate, the stage, if it ever was in it, of a reckless seeking to accomplish the result of Chinese exclusion without regard to constitutional restraints, treaty obligations, or moral duties. There was in some quarters, as it seemed to me, in olden times, a disregard of all these restraints, certainly in the press, certainly in the harangues which were made to excited crowds in various parts of the country. Among other I can remember a visit of the apostle of Chinese exclusion to Boston and an address by him on the Boston Common which indicated that spirit.

Now, that has gone largely, and the Senate has discussed this question with a temporate desire on the part of all classes and all Senators, whatever ways of thinking they have, to do what seemed to them for the benefit of labor, the quality of the citizenship of this country in a moderate and constitutional fashion.

But I can not agree with the principle upon which this legislation or any legislation on the subject which we have had in the country since 1870 rests. I feel bound to enter a protest. I believe that everything in the way of Chinese exclusion can be accomplished by reasonable, practical, and wise measures which will not involve the principle of striking at labor because it is labor, and will not involve the principle of striking at any class of human beings merely because of race, without regard to the personal and individual worth of the man struck at. I hold that every human soul has its rights, dependent upon its individual personal worth and not dependent upon color or race, and that all races, all colors, all nationalities contain persons entitled to be recognized everywhere they go on the face of the earth as the equals of every other man.

The PRESIDENT pro tempore rapped with his gavel.

Mr. RAWLINS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state his parliamentary inquiry.

Mr. RAWLINS. Is it in order now to move to substitute the House bill on the Calendar——

Mr. HOAR. Have I not the right to finish my remarks, if I have the floor?

The PRESIDENT pro tempore. The Senator from Massachusetts had consumed his five minutes.

Mr. HOAR. I was not aware of that. I had no notice of it. I should like to finish my sentence.

As this bill violates that principle, in my judgment, I am bound to record my protest, if I stand alone.

Mr. RAWLINS. If it be in order, I move to substitute the House bill, which is now on the Calendar, for the bill which is now before the Senate.

The PRESIDENT pro tempore. The bill has passed beyond the stage of amendment. The question is, Shall the bill pass?

Mr. PATTERSON. There is an amendment which I offered dangling somewhere in the Chamber, but I do not know where. I desire to withdraw it, so that the RECORD at least will be clear.

The PRESIDENT pro tempore. The Senator from Colorado withdraws his amendment. The Chair had forgotten that there was one pending. The question is, Shall the bill pass? The Secretary will call the roll.

The yeas and nays were taken; and resulted—yeas 76, nays 1; as follows:

YEAS—76.

Allison,	Deboe,	Jones, Nev.	Platt, Conn.
Bacon,	Dietrich,	Kean,	Pritchard,
Bailey,	Dillingham,	Kearns,	Proctor,
Bard,	Dolliver,	Kittredge,	Quarles,
Bate,	Elkins,	Lodge,	Quay,
Berry,	Fairbanks,	McComas,	Rawlins,
Beveridge,	Foraker,	McCumber,	Scott,
Blackburn,	Foster, La.	McLaurin, Miss.	Simmons,
Burnham,	Foster, Wash.	McMillan,	Simon,
Burrows,	Frye,	Mallory,	Spooner,
Burton,	Gallinger,	Martin,	Stewart,
Carmack,	Gamble,	Millard,	Taliaferro,
Clapp,	Gibson,	Mitchell,	Teller,
Clark, Mont.	Hale,	Money,	Tillman,
Clark, Wyo.	Hanna,	Nelson,	Turner,
Clay,	Hansbrough,	Patterson,	Vest,
Cockrell,	Harris,	Penrose,	Warren,
Culberson,	Hawley,	Perkins,	Wellington,
Cullom,	Heitfeld,	Pettus,	Wetmore.

NAY—1.

Hoar.

NOT VOTING—11.

Aldrich,	Dryden,	McEnery,	Morgan,
Daniel,	Dubois,	McLaurin, S. C.	Platt, N. Y.
Depew,	Jones, Ark.	Mason,	

So the bill was passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes. I merely wish to have it made the unfinished business, and then I will yield for an executive session.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the bill providing civil government for the Philippine Archipelago.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, April 17, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 16, 1902.

PENSION AGENT.

Michael Kerwin, of New York, to be pension agent at New York, to take effect April 30, 1902, at expiration of his present term. (Reappointment.)

APPOINTMENTS IN THE ARMY.

Infantry Arm.

Burton J. Mitchell, of Kansas, late first lieutenant, Fortieth Infantry, United States Volunteers (now second lieutenant, Twenty-second Infantry, United States Army), to be first lieutenant, February 2, 1901, to fill an original vacancy.

William J. O'Loughlin, of New York, to be second lieutenant, February 2, 1901.

PROMOTION IN THE ARMY.

Medical Department.

Capt. Charles Willcox, assistant surgeon, to be surgeon with the rank of major, April 7, 1902, vice Maus, promoted.

MEDICAL OFFICER OF VOLUNTEERS.

Capt. Joseph C. Reifsnyder, assistant surgeon, United States Volunteers, to be surgeon, United States Volunteers, with the rank of major, April 15, 1902, vice Grandy, deceased.

MARSHAL.

Charles J. Haubert, of New York, to be United States marshal for the eastern district of New York. A reappointment, his term having expired March 5, 1902.

PROMOTIONS IN THE NAVY.

Lieut. Edwin H. Tillman to be a lieutenant-commander in the Navy, from the 5th day of March, 1902, vice Lieut. Commander William H. H. Southerland, promoted.

Lieut. (junior grade) Gilbert S. Galbraith to be a lieutenant in the Navy, from the 5th day of March, 1902, vice Lieut. Thomas Snowden, promoted.

Lieut. (junior grade) Roscoe Spear to be a lieutenant in the Navy, from the 5th day of March, 1902, vice Lieut. Martin Bevington, promoted.

POSTMASTERS.

Elizabeth S. Newcomb, to be postmaster at Coronado, in the county of San Diego and State of California, in place of Elizabeth S. Newcomb. Incumbent's commission expired March 22, 1902.

Samuel J. Wall, to be postmaster at Cadillac, in the county of Wexford and State of Michigan, in place of Samuel J. Wall. Incumbent's commission expired March 9, 1902.

George E. Voos, to be postmaster at Crystal Falls, in the county of Iron and State of Michigan, in place of George E. Voos. Incumbent's commission expired March 9, 1902.

Elijah L. Fisher, to be postmaster at Duluth, in the county of St. Louis and State of Minnesota, in place of Elijah L. Fisher. Incumbent's commission expired March 31, 1902.

Michael W. Grimes, to be postmaster at Lesueur, in the county of Lesueur and State of Minnesota, in place of Michael W. Grimes. Incumbent's commission expired March 4, 1902.

Loren A. Brooks, to be postmaster at Renville, in the county of Renville and State of Minnesota, in place of Loren A. Brooks. Incumbent's commission expired January 10, 1902.

E. W. Thayer, to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota, in place of Wilbur W. Washburn. Incumbent's commission expired January 20, 1902.

Benjamin F. S. Brown, to be postmaster at Matawan, in the county of Monmouth and State of New Jersey, in place of Benjamin F. S. Brown. Incumbent's commission expired May 12, 1901.

J. Fenton Olive, to be postmaster at Cuba, in the county of Allegany and State of New York, in place of Frederick O. Prouty. Incumbent's commission expires April 21, 1902.

George B. Harwood, to be postmaster at Skaneateles, in the county of Onondaga and State of New York, in place of William J. Bright. Incumbent's commission expired March 9, 1902.

Maggie M. Moore, to be postmaster at Yorkville, in the county of York and State of South Carolina, in place of Maggie M. Moore. Incumbent's commission expired December 14, 1897.

Stith Bolling, to be postmaster at Petersburg, in the county of Dinwiddie and State of Virginia, in place of Stith Bolling. Incumbent's commission expired April 12, 1902.

Wray T. Knight, to be postmaster at Richmond, in the county of Henrico and State of Virginia, in place of Wray T. Knight. Incumbent's commission expired March 22, 1902.

W. Lee Brand, to be postmaster at Salem, in the county of Roanoke and State of Virginia, in place of W. Lee Brand. Incumbent's commission expired July 17, 1901.

Elmer T. Beltz, to be postmaster at Laramie, in the county of Albany and State of Wyoming, in place of Elmer T. Beltz. Incumbent's commission expires April 29, 1902.

Luther Wait, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in place of Olive P. Smith, resigned.

Otto F. Menger, to be postmaster at Clayton, in the county of Union and Territory of New Mexico, in place of John R. Guyer, removed.

John W. Henderson, to be postmaster at Greenwood, in the county of Johnson and State of Indiana. Office became Presidential April 1, 1902.

Joseph H. Miller, to be postmaster at Syracuse, in the county of Kosciusko and State of Indiana. Office became Presidential April 1, 1902.

John P. Yates, jr., to be postmaster at Comanche, in the Chickasaw Nation, Ind. T. Office became Presidential April 1, 1902.

Richard H. Jenness, to be postmaster at Okmulgee, in the Creek Nation, Indian Territory. Office became Presidential April 1, 1902.

Clarence H. Drake, to be postmaster at Choteau, in the county of Teton and State of Montana. Office became Presidential April 1, 1902.

Albert W. McCune, to be postmaster at Bradford, in the county of Miami and State of Ohio. Office became Presidential April 1, 1902.

Henry C. Turner, to be postmaster at Lodi, in the county of Medina and State of Ohio. Office became Presidential October 1, 1901.

Alfred Turtle, to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania. Office became Presidential April 1, 1902.

George W. Wright, to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania. Office became Presidential April 1, 1902.

Forest W. France, to be postmaster at Buckley, in the county of Pierce and State of Washington. Office became Presidential April 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn April 16, 1902.

Charles L. Hanson, to be postmaster at Berea, in the State of Kentucky.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1902.

UNITED STATES CIVIL SERVICE COMMISSIONER.

James R. Garfield, of Ohio, to be a United States Civil Service Commissioner.

FIRST ASSISTANT POSTMASTER-GENERAL.

Robert J. Wynne, of Pennsylvania, to be First Assistant Postmaster-General.

COMMISSIONER OF IMMIGRATION.

William Williams, of New York, to be commissioner of immigration for the port of New York, in the State of New York.

SURVEYOR OF CUSTOMS.

William L. Kessinger, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri.

COLLECTOR OF CUSTOMS.

George M. Warren, of Maine, to be collector of customs for the district of Castine, in the State of Maine.

COLLECTOR OF INTERNAL REVENUE.

Frank D. Roberts, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

UNITED STATES ATTORNEY.

William D. Gordon, of Michigan, to be United States attorney for the eastern district of Michigan.

MARSHAL.

William R. Bates, of Michigan, to be United States marshal for the eastern district of Michigan.

RECEIVERS OF PUBLIC MONEYS.

Henry Malloch, of California, to be receiver of public moneys at Marysville, Cal.

Alfred H. Taylor, of California, to be receiver of public moneys at Susanville, Cal.

Willis H. Cofield, of Alva, Okla., to be receiver of public moneys at Alva, Okla.

Frank E. Densmore, of California, to be receiver of public moneys at Independence, Cal.

Patrick M. Mullen, of Nebraska, to be receiver of public moneys at Juneau, Alaska.

REGISTERS OF THE LAND OFFICE.

Stafford W. Austin, of California, to be register of the land office at Independence, Cal.

John W. Dudley, of the District of Columbia, to be register of the land office at Juneau, Alaska.

Thomas A. Roseberry, of California, to be register of the land office at Susanville, Cal.

Angus J. Crookshank, of California, to be register of the land office at Los Angeles, Cal.

John D. Maxey, of California, to be register of the land office at Stockton, Cal.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 16, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11354. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903; and

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 181. An act granting an increase of pension to William C. David;

S. 201. An act granting a pension to Jane K. Hill;

S. 721. An act granting an increase of pension to Lavalette D. Dickey;

S. 951. An act granting an increase of pension to Charles Ambrook;

S. 952. An act granting an increase of pension to George H. Smith;

S. 1285. An act granting an increase of pension to Elizabeth Steele;

S. 1678. An act granting an increase of pension to Charles B. Wingfield;

S. 2063. An act granting a pension to Ida S. McKinley;

S. 2079. An act granting an increase of pension to William Wheeler;

S. 2327. An act granting an increase of pension to William Hoag;

S. 2329. An act granting an increase of pension to Peter Bittman;

S. 2877. An act to remove the charge of desertion standing against the record of Thomas Blackburn;

S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley;

S. 3103. An act granting an increase of pension to Susan Hays;

S. 3378. An act granting an increase of pension to Sarah Anne Harris;

S. 3388. An act granting an increase of pension to John Peterson;

S. 3390. An act granting an increase of pension to Charles Allen;

S. 3849. An act granting an increase of pension to Benjamin F. H. Luce;

S. 3995. An act granting a pension to Susan E. Cleark;

S. 4022. An act granting an increase of pension to Annie E. Brown;

S. 4404. An act granting an increase of pension to Otto H. Haselman;

S. 4414. An act granting an increase of pension to Albertine Schoenecker; and

S. 4643. An act granting an increase of pension to Phoebe L. Peyton.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 12765); and pending that, I ask unanimous consent that general debate be closed on Friday at 3 o'clock.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765; and pending that, also asks unanimous consent that general debate upon this bill be closed on Friday next at 3 o'clock p. m. Is there objection?

Mr. TAWNEY. I would like to ask my colleague if it would not be possible to incorporate with his request a proposition to meet at 11 o'clock to-morrow and Friday.

Mr. PAYNE. I would have no objection to that myself.

The SPEAKER. The gentleman from New York amends his request, and asks that the sessions of the House to-morrow and Friday commence at 11 o'clock. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to make a statement. Inasmuch as there has been some division on this side of the House as well as on the other side on this proposition, I want to make this statement, Mr. Speaker. I shall not object to this request, but I want to notify all gentlemen on this side of my position, because if any other gentleman desires to object he may do so. Now, Mr. Speaker, when this bill was taken up the gentleman from New York [Mr. PAYNE] asked to close this general debate—it was taken up on Tuesday of last week—he asked to close general debate——

Mr. PAYNE. On Friday of last week.

Mr. RICHARDSON of Tennessee (continuing). On Friday of last week, as I remember. The gentleman from Louisiana [Mr. ROBERTSON], one of the strongest opposers of the bill on this side of the House, suggested to him to close it on yesterday. That was Tuesday—one week of debate—and to that the gentleman from New York himself objected.

Mr. PAYNE. I wish right there to say——

Mr. RICHARDSON of Tennessee. I am not finding fault. So that we have had a longer time than the gentleman from Louisiana asked for the general debate. Now, as I understand it, the gentleman comes and is willing to continue debate until Friday evening at 3 o'clock. In order that all gentlemen may understand it, I make this statement, and so far as I am concerned, I am satisfied with the general debate.

Mr. WILLIAMS of Mississippi. I object to the request for unanimous consent.

The SPEAKER. The gentleman from Mississippi objects.

Mr. PAYNE. Mr. Speaker, I move that general debate close on Friday at 3 o'clock, and on that I demand the previous question.

Mr. MAHON. Mr. Speaker——

The SPEAKER. The gentleman from New York moves that general debate close on Friday at 3 o'clock, and on that demands the previous question.

The question on ordering the previous question was put; and the Speaker announced that the ayes appeared to have it.

Several MEMBERS. Division!

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker. I desire to know whether this is on the previous question, or what is it on?

The SPEAKER. The vote is on ordering the previous question.

The House divided; and the Speaker announced 103 in the affirmative.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker. Can I not withdraw the objection?

The SPEAKER. The Chair can not entertain a parliamentary inquiry pending a vote.

Mr. RICHARDSON of Tennessee. The gentleman states he wishes to withdraw his objection, and if that is done it will obviate the whole trouble.

The SPEAKER. The Chair must call the attention of the House to the fact that it is in the midst of a vote, and the gentleman will have to ask unanimous consent.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the proceedings be vacated and that the suggestion made by the gentleman from New York be agreed to.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the present proceedings be vacated and that the request of the gentleman from New York be agreed to.

Mr. JONES of Washington. Mr. Speaker, I object.

The SPEAKER. Those opposed to ordering the previous question will rise. Ninety-nine votes in the negative. On this question the yeas are 103 and the nays 99. The ayes have it, and the previous question is ordered.

The question now is on the motion of the gentleman from New York to limit general debate to 3 o'clock p. m. on Friday next.

The question was taken; and on a division (demanded by Mr. HAY) there were ayes 107, noes 120.

Mr. WATSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 124, answered "present" 8, not voting 70; as follows:

YEAS—153.

Acheson,	Butler, Pa.	Griggs,	Lawrence,
Adams,	Candler,	Grosvenor,	Lessler,
Adamson,	Cannon,	Grow,	Lever,
Allen, Ky.	Clayton,	Hanbury,	Lewis, Pa.
Allen, Me.	Conner,	Haskins,	Littauer,
Ball, Del.	Cooper, Wis.	Hemenway,	Long,
Bankhead,	Crumpacker,	Henry, Conn.	McCall,
Barney,	Currier,	Henry, Miss.	McClellan,
Bartholdt,	Curtis,	Hill,	McLain,
Bartlett,	Dalzell,	Hitt,	Mahon,
Bates,	Davidson,	Holliday,	Mann,
Beidler,	Deemer,	Howard,	Marshall,
Bingham,	Douglas,	Howell,	Martin,
Blackburn,	Driscoll,	Hull.	Mercer,
Boutell,	Elliott,	Irwin,	Mickey,
Bowersock,	Emerson,	Jenkins,	Miller,
Bowie,	Feely,	Johnson,	Mondell,
Brantley,	Foerderer,	Jones, Va.	Moody, N. C.
Brick,	Foss,	Joy,	Moody, Oreg.
Bristow,	Foster, Vt.	Kehoe,	Morgan,
Brownlow,	Fowler,	Ketcham,	Morrell,
Bull,	Fox,	Kluttz,	Moss,
Burke, S. Dak.	Gaines, W. Va.	Knapp,	Mudd,
Burkett,	Gibson,	Knox,	Nevin,
Burleigh,	Gillet, N. Y.	Kyle,	Olmsted,
Burnett,	Gillett, Mass.	Lacey,	Otjen,
Burton,	Graff,	Landis,	Overstreet,

Parker,	Schirm,	Sulloway,	Wadsworth,
Patterson, Pa.	Scott,	Tawney,	Wanger,
Payne,	Shattuc,	Tayler, Ohio	Warnock,
Pou,	Sibley,	Taylor, Ala.	Watson,
Powers, Mass.	Skiles,	Thomas, Iowa	Wheeler,
Pugsley,	Smith, Iowa	Thompson,	Wiley,
Ray, N. Y.	Southard,	Tirrell,	Williams, Miss.
Reeves,	Southwick,	Tompkins, Ohio	Wilson,
Richardson, Ala.	Sperry,	Tongue,	Woods.
Roberts,	Spight,	Underwood,	
Russell,	Stewart, N. J.	Vreeland,	
Scarborough,	Storm,	Wachter,	

NAYS—124.

Aplin,	Dougherty,	Lloyd,	Robb,
Ball, Tex.	Edwards,	Loud,	Robertson, La.
Bell,	Esch,	McAndrews,	Robinson, Ind.
Bishop,	Fitzgerald,	McCleary,	Robinson, Nebr.
Breazeale,	Fleming,	McCulloch,	Rucker,
Bromwell,	Fletcher,	McDermott,	Selby,
Broussard,	Flood,	McLachlan,	Shackleford,
Brown.	Fordney,	McRae,	Shallenberger,
Brundidge,	Foster, Ill.	Maddox,	Shelden,
Burgess,	Gaines, Tenn.	Mahoney,	Sims,
Burleson,	Gardner, Mich.	Maynard,	Smith, Ill.
Butler, Mo.	Gilbert,	Metcalf,	Smith, Ky.
Caldwell,	Gooch,	Meyer, La.	Smith, H. C.
Cassingham,	Griffith,	Miers, Ind.	Smith, S. W.
Clark,	Hamilton,	Minor,	Snodgrass,
Cochran,	Hay,	Moon,	Snook,
Conry,	Heatwole,	Morris,	Sparkman,
Coombs,	Hepburn,	Mutchler,	Stark,
Cooney,	Hooker,	Needham,	Stephens, Tex.
Corliss,	Jackson, Kans.	Neville,	Stevens, Minn.
Cowherd,	Jackson, Md.	Norton,	Sutherland,
Creamer,	Jones, Wash.	Otey,	Swanson,
Crowley,	Kern,	Padgett,	Talbert,
Cushman,	Kitchin, Wm. W.	Patterson, Tenn.	Tate,
Dahle,	Kleberg,	Pierce,	Thomas, N. C.
Darragh,	Lamb,	Prince,	Vandiver,
Davey, La.	Lanham,	Ransdell, La.	Warner,
Davis, Fla.	Lindsay,	Reid,	Weeks,
De Armond,	Little,	Rhea, Va.	White,
Dick,	Littlefield,	Richardson, Tenn.	Williams, Ill.
Dinsmore,	Livingston,	Rixey,	Zenor.

ANSWERED "PRESENT"—8.

Belmont,	Finley,	Lewis, Ga.	Thayer,
Capron,	Hall,	Showalter,	Van Voorhis.

NOT VOTING—70.

Alexander,	Eddy,	Kahn,	Ryan,
Babcock,	Evans,	Kitchin, Claude	Salmon,
Bellamy,	Gardner, N. J.	Lassiter,	Shafroth,
Benton,	Gill,	Latimer,	Sheppard,
Blakeney,	Glenn,	Lester,	Sherman,
Boreing,	Goldfogle,	Loudenslager,	Slayden,
Burk, Pa.	Gordon,	Lovering,	Small,
Calderhead,	Graham,	Moody, Mass.	Smith, Wm. Alden
Cassel,	Green, Pa.	Naphen,	Steele,
Connell,	Greene, Mass.	Newlands,	Stewart, N. Y.
Cooper, Tex.	Haugen,	Palmer,	Sulzer,
Cousins,	Hedge,	Pearre,	Tompkins, N. Y.
Cromer,	Henry, Tex.	Perkins,	Trimble,
Cummings,	Hildebrant,	Powers, Me.	Wooten,
Dayton.	Hopkins,	Randell, Tex.	Wright,
De Graffenreid,	Hughes,	Reeder,	Young.
Dovener,	Jack,	Rumple,	
Draper,	Jett,	Ruppert.	

So the motion of Mr. PAYNE was agreed to.

The following pairs were announced:

For the session:

Mr. KAHN with Mr. BELMONT.

Mr. BOREING with Mr. TRIMBLE.

Mr. YOUNG with Mr. BENTON.

Mr. WRIGHT with Mr. HALL.

Until further notice:

Mr. VAN VOORHIS with Mr. GORDON.

Mr. CAPRON with Mr. JETT.

Mr. EDDY with Mr. SHEPPARD.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. STEELE with Mr. COOPER of Texas.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. JACK with Mr. FINLEY.

Mr. BABCOCK with Mr. CUMMINGS.

Mr. HEDGE with Mr. SMALL.

For this day:

Mr. HAUGEN with Mr. SALMON.

Mr. GREENE of Massachusetts with Mr. RANDELL of Texas.

Mr. HOPKINS with Mr. LESTER.

Mr. GILL with Mr. LATIMER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. COUSINS with Mr. BELLAMY.

Mr. REEDER with Mr. HENRY of Texas.

Mr. CONNELL with Mr. WOOTEN.

Mr. GRAHAM with Mr. CLAUDE KITCHIN.

Mr. DOVENER with Mr. NEWLANDS.

Mr. DRAPER with Mr. RYAN.

Mr. HILDEBRANT with Mr. SULZER.

Mr. RUMPLE with Mr. GOLDFOGLE.

Mr. BURK of Pennsylvania with Mr. GREEN of Pennsylvania.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

For this vote:

Mr. EVANS with Mr. LASSITER.

Mr. DAYTON with Mr. GLENN.

Mr. WM. ALDEN SMITH with Mr. SHAFROTH.

Mr. LOVERING with Mr. LEWIS of Georgia.

On this bill except final passage:

Mr. MOODY of Massachusetts with Mr. THAYER.

Mr. BELMONT. Mr. Speaker, I voted "no" on the roll call. I find I am announced as paired. I therefore withdraw my vote and wish to be recorded as "present."

Mr. VAN VOORHIS. As I am paired with my colleague, Mr. GORDON, who is absent this morning, I desire to withdraw my vote and be recorded as "present."

Mr. CAPRON. Being paired with the gentleman from Illinois, Mr. JETT, I wish to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated.

HOUR OF MEETING FOR NEXT TWO DAYS.

Mr. PAYNE. I ask unanimous consent that the House meet to-morrow and Friday at 11 o'clock.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

BUSINESS OF COMMITTEE ON WAR CLAIMS.

Mr. MAHON. Mr. Speaker, to-morrow was set apart by unanimous consent for the business of the Committee on War Claims. In order to obviate any parliamentary difficulty, and so that the debate on the pending bill may go on, I ask that next Tuesday be substituted for business of our committee.

The SPEAKER. The chairman of the Committee on War Claims [Mr. MAHON] asks that next Tuesday be set apart for the consideration of business from that committee. Is there objection? The Chair hears none. It is so ordered.

RECIPROCITY WITH CUBA.

The SPEAKER. The question is now on the motion of the gentleman from New York [Mr. PAYNE], that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 12765.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair, and resumed the consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

The CHAIRMAN. The Chair desires to state that in view of the limitation which the House has put upon debate on this bill, and in consideration of the number of gentlemen who have asked an opportunity to speak, it will be impossible for the Chair to recognize any gentleman for an hour. If the time that the Chair may allot to any of the various gentlemen who are to speak should be extended, it must be with the distinct understanding that the extension will probably exclude some member from the privilege of speaking who would otherwise be enabled to speak. Should extensions of time be asked, it will be for each member to understand that the extension in favor of one gentleman may shut out some other. The Chair thinks it fair to make this statement before the debate begins, so that every member of the House may act accordingly. The gentleman from Massachusetts [Mr. ROBERTS] is recognized for forty-five minutes.

Mr. ROBERTS. Mr. Chairman, by way of preface to my remarks, and in order that my attitude toward the existing tariff law may not be misconstrued or misunderstood here or elsewhere, I desire to say to the committee that I am a strong and I trust a consistent believer in the theory of protecting against the competition of foreign products and foreign labor every American industry, manufacturer, or laborer in need of protection. If a high rate of duty is necessary to accomplish this, I am for the high rate; if a low rate of duty will serve the purpose, I am for the low rate. If the free entry of any product or article will not diminish American wages or restrict the American production of that article, I am for placing that product or article upon the free list and giving the benefit of lower prices to the many rather than imposing a tariff on it for the benefit of the few who invariably profit by such conditions. So much for my personal views and attitude on the policy of protection.

Almost from the fall of the Speaker's gavel at the beginning of this session of Congress our ears have been assailed with frantic appeals for action in behalf of poor, distressed Cuba. Those appeals have come from the corridor, the lobby, the committee room, the floor of the House, the press of the country, and have grown more and more frantic as the days have passed, until the cry is now almost hysterical. Certain gentlemen on the floor of this House and many newspapers throughout the country are greatly agitated and disturbed over the financial and physical condition of our wards in the island of Cuba; and they propose to cut our tariff in order that those wards may be insured peace, plenty, prosperity, and consequent happiness.

I have listened to all these arguments, entreaties, appeals, and supplications with close interest, fondly hoping that I might hear some faint, feeble word of encouragement held out to our own people along the line of tariff reduction in their interest. But thus far I have strained my ear drums in vain. Apparently the programme is to help Porto Rico, help Hawaii, help the Philippines, help Cuba, help everybody on God's green footstool except the people unfortunate enough to live in the United States. For them the Dingley rates, now and forever.

The Dingley bill was a wonderfully conceived piece of constructive legislation, and has accomplished truly wonderful results in restoring prosperity to a country that had been prostrated in an attempt to conform itself to Democratic notions of and experiments on a tariff policy. But great as was that bill and marvelous as were the results obtained under its provisions, neither its greatness nor its results are sufficient to make of it a deity before whom the American people must forever bow their heads nor dare lift their eyes to the face of their god, much less to question his imperious will.

At its inception the Dingley bill was far from perfect, and was so admitted by some of its warmest friends. The rates imposed by many of its schedules were much higher than were necessary to adequately protect American capital and labor, and in one instance at least, which I shall later point out, no duty whatever should have been imposed. The article should have remained on the free list, where it had been from the foundation of the Government, except for a period of about thirty years between 1842 and 1872. I refer to the tariff on hides of cattle, which, so far as concerns both the manufacturer and workman of the United States, are and always must be classed as raw material. During this great outburst of generosity on the part of Congress toward the people of Cuba I propose to test Congressional magnanimity toward good, plain, honest, everyday American citizens by coupling with our gift to Cuba a wee, little, tiny crumb of comfort to our own people, which is embodied in an amendment to the pending bill which at the proper time I shall offer and which I now send to the desk to be read by the Clerk.

The Clerk read as follows:

Add a new paragraph—

"SEC. 2. That on and after the passage of this act the raw or uncured hides of cattle, whether the same be dry, salted, or pickled, shall, when imported, be exempt from duty.

"Paragraph 437, Schedule N, of the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, is hereby repealed."

Mr. ROBERTS. When the bill now under consideration and discussion by the committee came before the House a week ago last Tuesday, on the motion of the gentleman from New York [Mr. PAYNE], chairman of the Committee on Ways and Means, the Speaker of this House twice ruled that it was a bill affecting the revenues, and as such gained its privileged status. I assume the chairman of this committee, himself a sound and able parliamentarian, will follow the precedent established by our distinguished and learned Speaker, whose knowledge of parliamentary law and procedure is second to that of none of his illustrious predecessors, and if called upon to rule on that question will rule that, this being a bill affecting the revenues, any amendment that affects the revenues will be in order. Upon this assumption I shall address the remainder of my remarks to reasons why the amendment I shall offer later should be adopted.

A little history as to the tariff on hides may not be out of place at this point. From the foundation of the Government down to the year 1842 no one ever thought of placing a duty on hides. In that year, by reason of a deficit in the Treasury, brought about by Executive veto of two tariff bills, it became necessary to raise money to cover that deficit, and so for the first time hides were taxed the enormous rate of 5 per cent ad valorem. That tax remained until 1857, when if was reduced to 4 per cent, and it continued at 4 per cent until March, 1861, when it was restored to 5 per cent. Six months later, in August, 1861, when it became necessary to raise money to carry on our great civil war, the duty was increased to 10 per cent ad valorem. That was a time when everything in sight was taxed, and when light and air would have been taxed could they have been measured or their value computed.

The duty remained at 10 per cent from 1861, owing to the exigencies of the Government, until 1872, when hides were again placed on the free list.

There were many tariff revisions subsequent to that of 1872, among them the McKinley bill, which had protection for its corner stone, but in none of those bills was a penny of tariff levied on hides.

In 1897 it was proposed to once more tax hides and every other description of skins except fur skins 25 per cent ad valorem; but when the smoke of battle had cleared away it was discovered that all other skins had escaped the Dingley drag net except hides of cattle, and they were entangled in its meshes with a duty of 15 per cent ad valorem—a duty three times greater than when the country needed money to make up a deficit in the Treasury, and 50 per cent greater than when the country was resorting to every expedient to raise money to carry on our great civil war.

Prior to 1897 hides and every description of skins had been on the free list seventy-eight years in all, and for about thirty years has been taxed from 4 to 10 per cent. When taxed at all, hides and all manner of skins were taxed equally. The tax bore on all alike. There was no discrimination. The Dingley bill was the first legislation in the history of the United States to make a distinction between hides of cattle and hides of other animals, taxing the former and leaving the latter on the free list where all should have been left. Why was this unjust discrimination made? Was it to produce revenue? Let us see. Under the operations of this bill there have been imported into the United States in the last four years hides and skins to the value of $185,212,686. Of this amount $123,910,121 or over two-thirds in value came in free of duty, leaving $61,300,565 upon which a 15 per cent tariff was levied.

Clearly hides of cattle were not singled out for their revenue-producing capacity. Was it to protect the American producer of hides and skins? If so, why was not the American producer of goatskins, sheepskins, calfskins, pigskins, horsehides, and every other kind of skins taken under the mantle of protection that was thrown around the producer of cattle hides? Perhaps the production of hides of cattle was thought to be an infant industry or one that was struggling to get along and needed the fostering care of a high tariff rate. Let us examine that proposition for a moment. Taking the period of 1893 to 1900, both inclusive, we find upon examination of the official report of the secretary of the Union Stock Yard at Chicago that native steers brought the highest price during those eight years, in December, 1899, when they sold for $7.40 per hundredweight on the hoof, and during that same month green salted hides sold at 14 cents per pound, the top-notch price for that eight-year period. Assuming the average weight of a steer to be 1,500 pounds, the animal was then worth $111. Assuming its hide to weigh 100 pounds, that was worth $14, or a trifle less than one-eighth of the market price of the steer.

Take another instance: In June, 1894, when steers, live weight, brought but $5 per hundred pounds and hides 5½ cents per pound. At these figures a 1,500-pound steer was worth $75 and his hide $5.25, or less than one-fifteenth of the entire value of the animal.

These figures not only refute any contention that the production of cattle hides is an industry which needs and should have protection, but they prove most clearly and convincingly that hides of cattle are a by-product of the beef business, and being a by-product are not entitled to any measure of protection whatever. It is no part or parcel of the true policy of protection to protect the by-products of an established industry, especially when that industry is already amply protected from foreign competition. Then why enhance the price by a tariff, and thus tax our people on an article the production of which is not an industry but must always remain a mere side issue, and incident of a vast business that is already so heavily protected it can sell its wares to aliens across the sea cheaper than to our own people?

When the Dingley bill was being framed it was vigorously contended that the proposed tariff on hides was in the interest of and would benefit the farmer and stock raiser, and upon that theory, and that alone, the tax was imposed. If that contention had been true when it was made, or had it proven to be true under the operations of the bill, there would be some foundation for the retention of the tariff.

That it was thought to be true when the bill was under discussion I shall not dispute, but I most emphatically deny that the farmer or stockman, except in two contingencies, to which I shall refer, receives one iota of benefit from this tariff.

Cattle are not raised in this country for their hides. Every schoolboy knows that. They never have been, and never will be, raised for that purpose, but must always be raised solely because of their value as a food product. A tariff which might add $1.50 or $2 to the value of a hide, which is but a fifteenth of the market price of the animal, is no more incentive to the production of hides than is the rising and setting of the sun. To increase the output of hides it would be necessary to impose a tariff high enough to make the hide the principal element of value and the meat a by-product. Then, and then only, would the hide industry be stimulated and cattle be raised for their hides.

The farmer and the stockman sell their beeves at live weight, or "on the hoof," as it is termed in the trade. If the hide was an element in determining the price to be paid for beef animals, there would be some relation between the market prices of steers on the hoof and hides. When the price of steers went up the price of hides would advance also, and in proportion as is the weight of the hide to that of the live animal. When the price of steers went down the price of hides would take a relative drop. But examination of the quotations before referred to, which are tabulated by months and which I shall incorporate in my remarks without reading in detail, discloses the contrary to be the case.

Date.	Native steers per 100 pounds.	Native steer hides per pound.
		Cents.
1893.		
January	$6.00	9
February	6.15	9
March	6.15	8½
April	6.00	8
May	6.35	7½
June	6.00	6¾
July	5.60	6½
August	5.75	6½
September	5.70	6½
October	5.90	7½
November	6.35	7½
December	6.75	7
Average	6.02	7.53
1894.		
January	$5.65	6½
February	5.20	6½
March	5.00	6
April	4.90	5½
May	4.75	5½
June	5.00	5½
July	5.05	6
August	5.85	6½
September	6.45	7½
October	6.30	7½
November	6.45	7½
December	6.60	8
Average	5.60	6.56
1895.		
January	5.45	7½
February	5.80	7½
March	6.40	8½
April	6.30	9½
May	6.15	12½
June	6.00	13
July	5.85	13½
August	5.95	12
September	6.00	12
October	5.50	11½
November	4.90	9
December	5.50	8½
Average	5.81	10.42
1896.		
January	4.90	8½
February	4.70	8½
March	4.70	8½
April	4.75	6½
May	4.50	8½
June	4.65	8¾
July	4.60	9
August	4.90	7½
September	5.30	8½
October	5.30	10½
November	5.45	10½
December	6.25	9½
Average	5.00	8.75
1897.		
January	5.50	9½
February	5.40	9½
March	5.65	9½
April	5.40	9½
May	5.40	9½
June	5.30	10
July	5.15	10½
August	5.50	10½
September	5.75	11½
October	5.50	11½
November	5.60	11½
December	5.65	11
Average	5.48	10.20
1898.		
January	5.45	11½
February	5.60	11½
March	5.70	11
April	5.50	11½
May	5.25	12½
June	5.30	13
July	5.65	12½
August	5.75	12
September	5.85	12
October	5.90	11½
November	5.80	11½
December	5.95	11½
Average	5.66	11.80
1899.		
January	3.30	11½
February	6.25	11½
March	5.90	11½
April	5.80	12
May	5.65	12½
June	5.75	12½
July	6.00	12½
August	6.45	12½
September	6.90	13
October	6.95	13½
November	7.00	14
December	7.40	14
Average	6.36	12.60
1900.		
January	7.25	13½
February	6.50	13½
March	6.10	12½
April	6.05	12½
May	5.85	12½
June	5.85	11½
July	6.00	10½
August	6.05	11½
September	6.20	11½
October	6.00	11½
November	6.00	13
December	6.25	12½
Average	6.17	12.18

During the eight years covered by this table there is hardly an exception to the rule that hides were falling when steers on the hoof were advancing, and when the market price of steers was falling the price of hides was advancing, proving conclusively that the hide was not a factor in fixing the price of the animal. And if the hide does not increase the price of the steer, it is absolutely certain the tariff on the hide does not benefit the man who sells the steer, but does inure to the benefit of the man who sells the hide after it is taken from the steer, and to him alone.

The farmer who loses a beeve by sickness or who slaughters one for food can sell the skin for a price 15 per cent more than he could get if there was no tariff on hides. The stockman losing a few steers by blizzards or other causes, if he can find and skin the bodies, gets the benefit of the tariff on hides, and these, I reiterate, are the only instances where the farmer or stockman receives any benefit, direct or indirect, from that tariff. If anyone believes the hide on a steer influences the market price of the animal, let him ponder on these figures. The prices I quote are for steers live weight per hundred pounds and for hides per single pound.

Date.	Steers per 100 pounds.	Hides per pound.
		Cents.
1893.		
January	$6.00	9
April	6.00	8
June	6.00	6¼
1895.		
June	6.00	13
September	6.00	12
1899.		
July	6.00	12½
1900.		
July	6.00	10½
October	6.00	11½
November	6.00	13

Here are nine instances—five before the Dingley tariff law with hides on the free list, and four subsequent to the passage of that law, which taxed hides 15 per cent ad valorem—when steers in each case were $6 per 100 pounds on the hoof, and the price of hides ranged from 6¼ to 13 cents per pound.

Once before the Dingley law, in June, 1895, and once after it, in November, 1900, with steers at $6, the price of hides was the same, to wit, 13 cents per pound. Let us select a few cases where the price of hides was the same and see what relation that bore to the price of live steers.

Date.	Hides per pound.	Live steers per 100 pounds.
	Cents.	
1895.		
May	12½	$6.15
1898.		
July	12½	5.65
1899.		
May	12½	5.65
July	12½	6.00
August	12½	6.45
1900.		
March	12½	6.10

Here are six instances, one before and five since the Dingley bill, when hides were 12½ cents per pound, and in only two cases—July, 1898, and May, 1899, both under the operations of that law—was the price of steers the same.

In the light of these facts, will anyone seriously contend that the hide is any appreciable factor in fixing the price the farmer or cattle raiser will get for his beeves? And having these tables

in mind, who can be deceived further by the contention that the tariff on hides benefits the farmer or the stockman of the West?

If the inutility of this tariff as a revenue producer or as a protection to American farmers were all that could be alleged against it, these reasons alone would warrant its immediate repeal. Unfortunately for the country these are but minor and trivial evils compared with the great wrong and injustice that is being perpetrated upon the people by this tariff on hides. Two great industries—leather and boots and shoes—and every man, woman, and child in the United States wearing shoes are directly affected by it, and its burden fall heaviest upon those the least able to bear it, as I shall later demonstrate. That the committee may realize the magnitude of the financial interests and the number of working people affected, I beg to submit a few statistics obtained from a preliminary report of the Twelfth Census:

	Boots and shoes, factory product, 1900.	Leather, tanned, curried, and finished.	Totalleather and boots and shoes.
Number of establishments	1,600	1,306	2,906
Capital	$101,795,233	$173,977,421	$275,772,654
Wage-earners, average number	142,922	52,109	195,031
Miscellaneous expenses	$10,766,402	$7,023,416	$17,789,818
Total expenses	$59,175,883	$22,591,091	$81,766,974
Amount paid for contract work	$1,751,948		
Cost of materials used	$109,604,054	$155,603,004	$325,207,058
Total value of products	$261,028,580	$204,038,127	$465,066,707
Boots and shoes for men, youths, and boys:			
Number of pairs	89,123,318		
Value	$129,505,235		
Boots and shoes for women, misses, and children:			
Number of pairs	107,415,855		
Value	$112,823,914		
Slippers for men, youths, and boys:			
Number of pairs	4,453,965		
Value	$2,812,213		
Slippers, oxfords, and low cuts for women, misses, and children:			
Number of pairs	12,655,876		
Value	$10,143,393		
All other products	$5,740,825		

These statistics relate only to the production of tanned, curried, and finished leather and the factory product of boots and shoes, and do not include belting and hose leather, leather goods, trunks, valises, pocketbooks, saddlery, harnesses, gloves, and mittens, or cut stock, uppers, and custom work, and boot and shoe findings in the latter industry. In the single State of Massachusetts, where I have been able to get the figures, these items of themselves represent 929 establishments with $11,173,082 of capital, giving employment to 9,312 persons, paying annual wages amounting to $3,881,916 and producing goods valued at $31,242,391. These figures, I repeat, relate only to side issues of the leather and boot and shoe industries in a single State.

To keep the thousands of establishments, with their hundreds of thousands of operatives, employed we must have hides, and the domestic supply is wholly inadequate to meet the demands, either as to quantity or quality. The domestic green-salted hide can not, in many instances, take the place of the foreign dry hide, even were the annual output sufficient for that purpose; and the leather men are forced in consequence to import enormous quantities of the latter—in some years as high as 163,000,000 pounds. The duty on hides not only increases the cost of these hides by 15 per cent, but it also adds that same percentage of cost to every domestic hide. One of three things must naturally follow: Either the profits of the manufacturer are reduced, the wage-earning power of the employee curtailed, or the cost of the manufactured product is enhanced to the consumer.

So far as the boot and shoe industry is concerned I am convinced all three of these results have followed, and with the exception of the tanners and their employees I think the same is true of the leather industry. From the statistics before quoted it will be seen that our factories turn out annually 213,652,014 pairs of boots, shoes, and slippers. One might think it would keep the 1,600 establishments engaged in this business pretty busy during the twelve months. Such is not the case, however. This entire output, vast as it is, can be turned out, according to the estimate of experts, in from six to eight months, if the factories were to run full time. With this four or six months of enforced idleness for plant and operative fully employed, it is axiomatic that the employer would make greater profit and the employee receive more wages.

Can this be done? I answer, emphatically, yes. Remove the tariff handicap now restraining our shoe manufacturers in the race for the world's markets and they will soon gain enough foreign trade to keep their factories busy the year round. This will largely increase the wages of the shoe operatives, giving them more money to spend, and so making them larger consumers of the products of other industries, while at the same time it will give a direct and perceptible benefit to the farmer and stock raiser in creating a greater demand and therefore a more steady market for the hides he produces.

A moment ago I spoke of the tariff on hides being a handicap on the shoe manufacturer when seeking foreign markets. It is a handicap and a serious one in a business where the net profit is figured in pennies per pair as it is in the boot and shoe industry. The Dingley bill provides a rebate of the tariff if the imported hide after being tanned is subsequently exported. That is a good thing for the tanners, as it gives American labor the benefit of the wages for tanning, but a repeal of the tariff would in no wise affect the tanners. Just as many hides would be tanned under free entry as under a duty.

The tariff is disastrous, however, to the shoe man who seeks to export his product, for it increases the cost 15 per cent of all leather made from cattle hides which enters into the make-up of his goods. It is disastrous in another way. The tanner of foreign hides in this country, by virtue of the drawback clause, can sell leather to the foreign shoe manufacturer at from 10 to 12 per cent less, according to the amount of freight charges he must pay, than he can to the American, who must compete with that foreign manufacturer in the world's markets. In 1900 we exported boots and shoes to the value of $4,274,174—a mere drop, however, in the total output of our factories, and an infinitesimally small per cent of their capacity. This has been done by American perseverance, pluck, and enterprise despite the higher cost of materials to our manufacturers.

Give us somewhere near an equal show with the foreigner in the cost of leather and the superior skill of American labor will soon place in all the markets of Europe a shoe that can not be surpassed in the world for beauty, finish, and durability.

Some one may say, "Does not the drawback apply to the imported leather that goes into the exported shoe?" Oh, yes; but all exported shoes are not made from imported leather. They may be, and doubtless are, made partly from imported and partly from domestic leather. As there are from 15 to 25 parts or pieces in a shoe, it is absolutely impossible in practice to keep track of the leather from which the shoe is made, for the purpose of getting the drawback on that which was imported. So the drawback feature is of no benefit to the manufacturer, but must always remain a detriment, as long as the duty remains on hides, inasmuch as it is in practical effect that much protection to the foreign manufacturer. Not only is this true of the boot and shoe industry, but also of the belting, trunk, saddle, and harness men who are seeking a foreign outlet for their wares.

Whoever thought the Dingley tariff law would ever operate to protect a foreign manufacturer against the competition of his American rival? Let the champions of the "let-well-enough-alone" policy on this floor ponder on that feature of their sacred ultra high-tariff schedules, and see if their better judgment does not tell them the time is now at hand when the hide schedule should be revised in the interest of American manufacturers and American wage earners and no longer kept on the statute books to protect our foreign rivals.

There is another feature of this tariff on hides not yet touched upon—that is, its effect upon the American consumer, the general public, who buy the two hundred and odd millions of pairs of shoes we make each year. I stated some time ago this tariff bore the heaviest on those the least able to stand it.

Careful and conservative estimates of the added cost by reason of the tariff have been made, and these show the increased cost, solely because of the tariff, to be from 2 cents per pair on women's and men's high-grade shoes, up to 12 and 15 cents per pair on the coarsest, heaviest grades worn by workingmen and farmers, the cost increasing in the proportion of heavy leather in the boot or shoe. If the operation of a tariff schedule makes any discrimination in the burden it imposes, it should be in favor of those who have the least means rather than in favor of the rich. Yet here is a case where the rich man, who can buy shoes of the finest grade, having in them the minimum of duty-affected leather, pays less duty increase per pair, although he may pay five or ten or fifteen times more for the shoes, than does the man whose necessities and purse compel him to purchase the coarser grades.

A gentleman's shoe costing, say, $5 or $10 will have in it leather which has been increased in price by the tariff probably about 4 or 5 cents. The purchaser of that shoe contributes to "the big six," familiarly known as the beef trust, for that is the sponge which is absorbing this 15 per cent tariff, and not the stock raiser or farmer, about 1 cent on each dollar expended.

I have been told by one claiming to know that the heavy, coarse shoes worn by workmen in the rolling mills at Pittsburg sold for $1 per pair before the Dingley bill. They are made entirely of leather affected by the tariff, and now sell for $1.15 per pair. The iron worker contributes to the trust almost 15 cents on each

dollar invested in shoes, and recently the trust, thinking it was not being fairly treated by the public, has shoved up the price of beef, and is now wringing from rich and poor alike some 2 to 5 cents additional on each pound of beef it sells, How long, think you, "Mr. Let-well-enough-alone," will the American people stand a tariff schedule operating in this manner and enriching no one but the beef trust? Is it not better to remedy that injustice now rather than to wait until they are so thoroughly exasperated they will rise in their might and sweep the whole protective fabric out of existence?

I have said heretofore the farmer gets no benefit from this tariff on hides; but admitting for argument the whole 15 per cent goes directly into his pocket and gives him that much more for every beeve he sells, is he as well off under the tariff as he would be under free entry of hides? If every farmer in the United States sells annually one beef animal, for which he gets the full benefit of the tariff on hides, he will have about $1.50 to carry to the credit side of his ledger. Then let him figure out and carry to the debit side the added cost of the boots he buys for himself, his wife, and children, the harness and saddles he must purchase, and all other manufactures of leather he uses, and it will not take him very long to see that his account does not balance. There is altogether too much on the debit side, and he finds that every dollar of protection he is getting on hides is costing him not less than $3 to obtain.

In this connection I wish to read an extract from a letter sent to a member of this body by a constituent:

The farmers of Minnesota average to kill one beef "critter" annually. The duty of 15 per cent adds to the value of the hide at present market price about 60 cents. The farmer, on an average, consumes annually about $70 worth of shoes and harness, at an increased cost of about 8 per cent, or $5.60. So you can see how much benefit he receives when he has to pay $5.60 to make 60 cents. The tanner, shoe manufacturer, and harness maker require more capital to run their business, so they don't want it. The farmer don't want it, the laborer don't want it, you don't want it; nobody but the packer wants it, so let's repeal and no longer handicap one of the great industries of the country.

This sort of protection, if applied to all the needs of the farmer, would soon land him in the poorhouse. When he realizes how the hide tariff is working and finds that his share of profits under it is purely theoretical, that he is getting the shadow and not the substance, and he is beginning to realize it, how much longer will he submit to the exactions of the beef trust?

Mr. Chairman, in whatever aspect this tariff on hides may be viewed, it is a delusion, a snare, and a fraud upon the American people. I say this not as a free trader or tariff reformer, but as a protectionist who wants to see the true policy of protection upheld and sustained to the end, that it may continue to be the mainspring of our national progress and prosperity. Such perversion of a sound and wise economic policy as is shown by the imposition and continuance of this tariff on hides can but serve to shatter the faith of the people in protection and bring the whole structure down in ruins about our heads.

In this connection, Mr. Chairman, I send to the desk and ask to have read a letter written twelve years ago.

The Clerk read as follows:

WASHINGTON, *April 10, 1890.*

DEAR MR. MCKINLEY: It is a great mistake to take hides from the free list, where they have been for so many years. It is a slap in the face to the South Americans with whom we are trying to enlarge our trade. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes. It will yield a profit to the butcher only—the last man that needs it. The movement is injudicious from beginning to end, in every form and phase. Pray stop it before it sees light. Such movements as this for protection will protect the Republican party into a speedy retirement.

Yours, hastily,

JAMES G. BLAINE.

Hon. WILLIAM MCKINLEY,
Chairman Ways and Means Committee.

Mr. ROBERTS. No better or more concise epitome of the argument against a tariff on hides has ever been made. Every word and every line of it are as true to-day as when penned. I believe that letter prevented the placing of a duty on hides in the McKinley bill. William McKinley had the wisdom to see the injustice of such a tariff and the moral strength to resist the enormous pressure for its imposition. Let us profit by his wisdom, the profoundness of which has been amply demonstrated by the experience of the last five years, and, emulating his moral courage and grandeur, strike off from the statute books this useless and unjust tariff. Let us relieve the farmers and laborers of an unnecessary burden and give to the American manufacturer of shoes and leather goods a fair field with manufacturers of other wares in the grand struggle for foreign markets which all are so gallantly making. Let us restore to the beneficent policy of protection its true meaning and just purposes. [Applause.]

[Here the gavel fell.]

[Mr. BARTLETT addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Tennessee [Mr. PATTERSON] is recognized for forty minutes.

Mr. PATTERSON of Tennessee. Mr. Chairman, the only objection I have to the pending measure is that the proposed reduction on Cuban sugar is entirely inadequate, but, if it is all that can be obtained, it is still in keeping with the Democratic policy of tariff revision, no matter from what source this particular bill may come, or who may approve or oppose it.

As a special measure of relief to Cuba it should be passed, though it is at most but a partial fulfillment of the great moral obligation which we have assumed toward the people of that island. When amendments shall be proposed granting still further concessions they shall receive my support, and I should be willing to go to the limit of reduction, not only on Cuban sugar, but the raw and refined sugar of the world, and thereby lower the price of this necessary of life to the great body of American consumers who ask no protective legislation, but only the right to buy at the same competitive prices at which they are compelled to sell the products of their toil.

If I believed in protection for its own sake, and regarded a tariff schedule as a sacred thing not to be profaned by the unholy hand of revision, as many of our Republican friends profess to believe, I would stand with the beet-sugar industries of the Northwest and oppose this measure. But denying, as I do, the theory and practice of protection, believing its present manifestation to be a menace to healthy trade, and that it has fostered the most unjust and iniquitous system of industrial trusts ever devised by the cupidity of man, I shall stand with the great majority of my fellow-Democrats who believe that they see in the divisions of the other side of the Chamber the first apparent sign that the heavy load of unfair taxation will be lifted from the straining back of the patient consumer. The spectacle of the stall-fed sugar trust and the infant beet industry, whose lungs and capacity to kick at least are well developed, both offshoots of protection, calling each other hard names and filling the atmosphere with direful threats of retaliation, if not dignified, is at least a matter of congratulation to those who would escape from the hard conditions imposed by the protective-tariff system; for out of this confusion and division the man on the farm and the great mass of unprotected Americans may find a way to buy more cheaply, and lessen the present high cost of comfortable living.

As a Democrat, I believe that neither cane sugar nor beet sugar should have any more protection than cotton, or corn, or any other product of the farm and that every particle of protection should be taken off the necessaries of life.

I hope the American people will see in the scenes enacted on this floor a justification as well as a good reason for returning to the true principles of taxation, not to be used as a means of enriching the few at the expense of the many or of fleecing from the people, under the old and stale pretense of encouraging infant industries, but as the most important function of government to be wisely, honestly, and fairly administered for the benefit of all and for the exclusive use of none.

The whole system of protection was wrong from the beginning. As a policy of Government it has rarely if ever found favor with any student of economics, but has been almost universally condemned, and has only been tolerated by the patience of the people and sustained by the greed of its favorites. It has always operated to increase the cost of living to the masses and to put that increase into the pockets of the classes. If ever tolerable, it was in the earlier days when the rates of duty were not half so high as at present and when it seemed necessary to stimulate manufacturing industries in a country almost wholly agricultural.

These industries would have grown without protection, and probably in a healthier and more uniform way, and the wealth of the country have been more evenly distributed; but the farmer who has sold in the open market of the world has been forced to buy in protected markets, and the result has been that no matter how rich or productive his land or how arduous or intelligent his labor, he can make no more than a competency at best, and must forego the luxuries and too often the conveniences and necessities of modern life. So we have from decade to decade and year to year seen the wealth of the country absorbed to an abnormal degree by the manufacturing classes.

The second step in the industrial evolution came when combinations and alliances were formed to prevent prices from falling to their natural level and to reap the full advantage of tariff duties imposed for their assumed protection.

The third and most intolerable condition of all came when allied wealth in the form of trusts demanded and received still greater protection, and then, holding the home consumer at their mercy, began to export and sell their manufactured products to foreigners at less cost than to Americans.

This odious condition of affairs has been made possible by the system of misnamed protection, which fleeces the home consumer who pays the tariff duties and gives to the alien a benefit denied to our own people. A system so constructed as to demand and receive the highest price at home and the lowest price

abroad for its manufactured products is one which can neither be approved in fair business dealings nor in sound morals.

The first time that the attention of the public was called to the enormity of this evil was in 1890, when the tariff reform committee of the Reform Club published a pamphlet entitled "Protection's Home Market." In this pamphlet we find quoted the domestic and export prices of numerous agricultural implements and tools, of kitchen utensils and household goods, carpenters' tools, hardware, etc. The domestic prices usually exceeded the foreign prices from 10 to 25 per cent, but the difference reached 100 per cent in some cases. A few of the articles and prices are found in the following table:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes, per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails, per 100 pounds	2.25	1.35
Table knives, per gross	15.00	12.00
Horse nails, per pound	.17	.14
Barbed wire, per 100 pounds	3.00	2.00
Rivets, do	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

In some cases our sewing machines have been sold as low as $5 in the South American market.

There are many quotations available from Republican sources, admitting, explaining, or attempting to justify the custom of charging lower prices for export. Thus the New York Press of October 22, 1889, said:

It is sometimes looked upon as wise to ship goods out of the country at cost, rather than break the regular price for which such articles sell in the country in which they are produced.

The American Machinist of September 26, 1889, said:

Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do that. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him.

The Engineering and Mining Journal of March 15, 1890, complained of the system, as follows:

As soon as an industry has obtained a position where it can more than supply our home market and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do our own people or that they are able to get along at home without any protection from foreign manufacturers. It is not fair that our own people should be made to pay more than foreigners for the products of our own land.

A letter from Mr. A. B. Farquhar, the head of the great Pennsylvania Agricultural Works, to the Farmer's Call, of Quincy, Ill., may be quoted here. In answer to the Call's questions, Mr. Farquhar said:

JULY 30, 1890.

The fact is that our protective laws are a monstrous swindle upon the agricultural community. As a manufacturer I was inclined to say nothing on the subject, for the reason that it was natural to suppose if anybody was benefited it was the manufacturing class, to which I belong. But, as I have explained, the farmer is being destroyed. We are killing the goose for the golden egg. And I honestly believe now that it is to the interest of the manufacturers themselves to eliminate the protective feature from our tariff laws.

Certainly, as our manufactures are sold much lower abroad, we could only need protection to get better prices from our customers at home. We do manufacture and sell in Canada, South America, and Europe many agricultural implements and machines, and could we have free raw material and the commercial advantages which free trade would give us, America would become the great manufacturing emporium of the world, and the farmer, of course, would share the prosperity, since he would have less to pay for everything and get better prices for all he sold. Go on with your good work. When the farmer begins to think and rise up against this swindle it is doomed.

In answer to a claim made by the Australasian and South American (an export journal), that the lower prices quoted foreigners were for the wholesale trade only, the New York World published the following letter from the Engineering and Mining Journal of New York:

ENGINEERING AND MINING JOURNAL,
New York, August 26, 1890.

DEAR SIR: I am obliged to you for the letter of August 25, respecting proceedings taken in the Senate regarding our "prices current."

Prices quoted by us are, as you will notice, at the head of the first column, "for export only," and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently given for one only. If to buy one machine is retail trade, then these foreign prices are retail prices.

Our domestic subscribers are debarred from the prices quoted in these columns. These special discounts are "for export only," and in more than one instance we have lost our advertiser through publishing these prices.

I inclose an invoice from S. Allen & Co., which you will see is for one of the machines quoted by us, and you will notice that it conforms exactly with our prices as reprinted by you in the World, and that the net price on the bill is exactly as stated by you in the World.

Your statement that the foreigner can buy at retail in this market cheaper than the domestic consumer is as indisputable as the daily revolution of the earth. We can enumerate any number of instances where houses have written us: "Prices furnished are for export only, and it would be most injurious to us if these figures were circulated in the home market."

In going through our letters this morning we counted no less than fifty-eight received during the month of July, thanking us for publishing the "prices current," as it enabled our subscribers to keep a check on the prices charged them on their indents.

Yours, very truly,

ENGINEERING AND MINING JOURNAL.

After examining the facts, Mr. J. Alex. Lindquist, the author of the tariff-reform pamphlet, concludes—

that our manufacturers take advantage of our tariff to keep the price of their goods in our home market not merely much higher than they could do if there were no tariff, but much higher than they themselves would be able and willing to produce and sell the same goods for if they were not protected at all.

And asks the following pertinent question:

Why should our manufacturers be aided by our laws to charge our citizens more for the same goods than they do foreigners?

We find in a Government publication called the "Bureau of Statistics," under undoubted Republican auspices, a large number of valuable statements and confessions. We are informed, for instance, that "the progress of work on shipbuilding in the United States has been retarded because makers of steel materials require a higher price from the American consumers than from the foreign consumers for substantially similar products." Also, in addition to this, that "American export plate makers are interested in preventing the establishment of plate manufacturing in their customer nations abroad, and to that end bid low enough in foreign markets to discourage foreign nations from entering the field for producing their own plate at home." The same authority contends that this policy is "short-sighted," and shows how it has resulted in curtailing the home demand. Up to April, 1900, it "had resulted in a very positive shrinkage in domestic consumption. Farmers had ceased to purchase barbed wire for wire fences. Retail hardware dealers had complained for months of diminished business in nails and wires. Jobbers had gotten in the way of doing a hand to mouth business on prices that had advanced from $1.35 to $3.20 in the course of a year." The writer goes on to say:

If steel rails, for example, sell at Pittsburg for $35 per ton for months in succession for home consumption, while the foreign consumer is purchasing them for $22 to $24 per ton, the domestic market is sure to order no more than it is obliged to have for the time being. In the long run such a policy is short-sighted, because it puts an embargo on the expansion of investments in enterprises requiring iron and steel. It arrests constructive projects at home, while it stimulates construction abroad.

Those of our manufacturing interests that are outside of the trusts desire most earnestly that this condition of affairs should not continue. A good illustration of the way in which they regard the matter is afforded by a recent letter to the editor of the Iron Age, of New York, from Mr. F. A. Wilmot, president of the Wilmot & Hobbs Manufacturing Company, of Bridgeport, Conn., a portion of which reads as follows:

We would suggest that you give due prominence to the position which the manufacturing associations in the various cities, particularly along the Atlantic seaboard and Canadian border, and especially in New England, are taking as regards their present handicap in the cost of raw material, such as coal, coke, iron ore, pig iron, steel ingots, and billets, and their desire to have these commodities placed by Congress immediately on the free list. They believe that as these materials are produced cheaper in this country than in any other portion of the world and are sold abroad at lower prices than along the seaboard and Canadian border, the industries which produce them are no longer infant and do not need protection. They believe that protection, so called, is but another term for Government assistance to monopolies and trusts. This position the Government, as it now exists, can ill afford to assume, nor can it allow the people to feel that it is drifting into such a position where it is so working hand in hand with gigantic trusts, for when the people realize such to be the condition they will undoubtedly rise in their might and by their votes change the conditions and the Government which permits such conditions. * * * It is to be hoped that the Government of the United States will appreciate the position and make such changes in tariff regulations or duties from time to time as will result in putting upon the free list such commodities as do not further need protection on the score of their being infant industries.

This letter and other similar testimony does not indicate that the smaller manufacturers would be injured by a reduction of tariff duties.

In May, 1901, less than a year ago, Mr. Charles M. Schwab, the president of the steel trust, testifying before the Industrial Commission, startled the country by declaring that all kinds of American goods were usually sold much lower for export than in the home market. In fact, he said that the prices of everything for export were less than for domestic use and consumption, and that supplies and materials to be used in products for export were usually furnished to manufacturers at special prices, while goods to be exported were carried by the railroads at reduced rates. Here are some extracts from Mr. Schwab's testimony:

It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line. But labor, within

my knowledge at least, has never been asked to work for a lower price for export material, so that labor benefits more by it than almost any other interest. * * *

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?
A. That is true; perfectly true. * * *

Mr. Byron W. Holt, of the tariff-reform committee of the New York Reform Club, also testified at length on the subject of tariffs and trusts before the Industrial Commission. The following are extracts from Mr. Holt's testimony in regard to export prices:

The concealment of export prices is probably responsible for considerable of the difference between the values of our exports and of our imports, and, therefore, for numerous editorials on our "favorable balance of trade."

Ten years ago it was comparatively easy to get the export prices of various protected articles, even though they were then often from 10 to 30 per cent below the home market prices. To-day, when great trusts control the prices on most of our exports, it is extremely difficult to obtain export prices. The editors of trade papers will no longer talk on this subject, and, as a rule, will not keep on file foreign exchanges which quote prices of certain American goods in foreign countries. It is only now and then that an employee of a trust or of some export house can be found who is willing to risk betrayal and almost certain decapitation if he talks on this subject.

Nearly all of the information on this point which I have obtained during the last few years has been strictly confidential. In this way I learned a few days ago that tin plate is being extensively offered and in some instances has been sold to manufacturers of cans and packages, to be filled with products for export, at about $1 per box below the price to other manufacturers and consumers. I am not permitted to mention any names. I also learned last week from an entirely reliable source that steel rails were sold some three months ago to foreigners at less than $21 per ton. I could specify the exact price, names of both seller and buyer, in an important recent transaction, but am not permitted to do so. These rails were sold with the provision that they were not to be used in the United States. That steel rails are sold for export at whatever the manufacturer can get above $20, and perhaps for considerably less if the time of delivery is remote enough, I do not doubt. The manufacturers' pool or selling agreement, under which rails are now sold for $28, is not effective on rails sold to foreigners or for export. The newspapers of a month or so ago contained the details of a sale of steel rails to an English firm for $15 per ton (allowing for freight) less than the price to Americans. The New York World of April 9, 1901, thus states the case:

"Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading steel trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35, plus freight here, sold the rails at $24 a ton delivered in England to the English subcontractor." * * *

After having investigated this subject for more than ten years, I have reached the conclusion that practically all of our manufactured products are sold to foreigners for less than to Americans. The minimum difference is about 10 per cent. The average difference in price is probably 20 per cent, and on our really protected products above 25 per cent. Often we who pay the tariff taxes devoted to nourishing these "infant industries" must pay 50 per cent and sometimes 100 per cent more for the products of the coddled industries than is paid by foreigners who do not pay our nursing taxes.

The record in regard to the prices, foreign and domestic, of wire and wire rope is instructive and illustrative of the rapacity of the trust and the fraud practiced on the American consumer. The trust controlling these articles have put prices at home up to the tariff limit, while lowering prices to foreigners, so that our wire rope is exported to every foreign country, with the possible exception of England. As the duty on imported wire rope averages about 100 per cent, the trust charges domestic consumers about twice as much as it charges foreigners for its goods—often more than twice as much. For example, the domestic price of wire rope is about $5, $6, and $7.50 per 100 pounds, according to the different sizes, but the export prices for these sizes, respectively, are $2.34, $3.23, and $3.88. The prices of wire vary also according to the size. For the largest size the domestic price is about $4.25 per 100 pounds, and the export price about $2.62, or about 65 per cent in favor of the foreigner.

Our oil machinery manufactured in this country follows the same rule as our agricultural machinery. The farmers of Mexico, South America, and Canada can obtain our agricultural implements for half the money that our own farmers have to pay for them, and our oil machinery is sold at a lower figure to the Russians than to our own oil producers in Texas.

This favoritism to foreigners has been extended more or less to those nondescript peoples, half foreign and half domestic, who inhabit our colonial possessions, such as Hawaii and Porto Rico. Some of our manufacturers treat these peoples as foreigners and sell them our goods at reduced rates, and some treat them as people of our own country, and charge them accordingly.

An instance is cited where goods had been sold in Honolulu at such low prices that great quantities of them were brought back to California and sold there at profit in competition with similar goods in the domestic market which have never been out of the country. One of the aggrieved manufacturers registered his complaint in a letter to the Iron Age a few months ago, in which he said:

It so happens that at present the price of our goods is about 25 per cent higher for domestic consumption than the export prices. We had an inquiry for export prices, which we quoted. The order now comes in to be shipped to Honolulu. Is it fair to consider the Hawaiian Islands entitled to export prices? Our own opinion is that they have become a part of the United States and should be considered domestic territory as much as Alaska.

Many other instances might be cited and much more proof adduced to show the selfish and nefarious practices of the trusts, sustained, as they are, and fostered by the Republican party. Who doubts their absolute power in this Congress to prevent a change in a single tariff schedule, no matter how unjust or unnecessary it may be?

When the Republican party and a Republican President announce their opposition to the trusts, as a proof of sincerity we ask for a recommendation from the Executive that all or some of the articles selling abroad cheaper than at home be forthwith put upon the free list and that a bill be reported from the Ways and Means Committee to this effect. And when this Congress shall have adjourned, and not one of these articles shall have been put upon the free list, and not one tariff schedule reduced, then the American people will understand and rightly value these specious pretensions.

Mr. Chairman, the question of taxation is vital and comes directly home to all the people. It affects us all, but most of all the American farmer. I represent, in part, an agricultural constituency, as well as a city of large and growing commercial importance, but whose prosperity, in a great measure, depends upon the crops produced in the magnificent country which surrounds it. Her merchants and her laboring men are realizing more than ever the crushing power of the modern industrial trust.

The farmer who in the early spring goes out, turns up the soil, and plants the seed which he hopes will grow and burst into rich fruitage in the fall must depend upon seasons of sunshine and rain beyond his mortal control. A flood may come and his toil go unrequited. The drought, with its hot and fevered breath, may wither and blast the crops, and his despairing gaze may look upon parched fields of corn or the stunted growth of cotton as the unkind seasons come and go, bearing no measure of hope. If nature should smile upon his labors and the harvest should yield a rich abundance, it must then come in open competition with all other harvests wheresoever sown or reaped, and the price be fixed for his own, without his consent, in the free, open markets of the world; and then when he buys, it is in the trust-controlled market, with one-half of the proceeds of his labor exacted as a tribute.

Who says that such a farmer—and his type is to be found all over the continent—has a fair and equal chance in the great struggle? Who will deny that a partial and unjust system of taxation, which imposes these hard conditions upon his toil, weighs like a millstone upon all his endeavor, whether the seasons be good or bad?

The wife of the American farmer is compelled to use a sewing machine in her home, produced by an American factory, which costs nearly twice as much as the same machine sold the housewife of Mexico or South America. The blue rim of the mountain from which the sleeping ore is extracted may shadow the very lintels of his door; the smoke of the foundry where the crude material is fashioned into shape may float over and rest upon the furrows in his fields, yet he must pay more for the plow which came from the mountain and the factory than the Russian peasant on the banks of the Danube or the German burgher on the banks of the Rhine.

When I have gone into the homes of these farmers, brave and patient men as they are, with the best strain of patriot blood coursing through their veins, and asking nothing but a fair and equal chance in life, and behold the hard and unequal struggle, I sometimes shudder for the ending that must sooner or later come unless conditions are quickly and radically changed. And whenever they are sometimes drawn to heed political vagaries, promising immediate relief, who is to blame, they who suffer or those who make them suffer? When a trust magnate can harness his horses in golden livery and stable them in a mansion, while his wife puts diamond earrings in the ears of her pet cats, while the farmer must stint and save to buy his wife a new bonnet or his daughter a new dress, I feel that the doctrine of equal laws, equal rights and opportunities, has become an illusion, a mere matter of declamation in this Republic.

No one but a demagogue desires to make war on wealth, and none but fools will deny the difference in the capacity of men. When wealth is accumulated as the result of intelligent human endeavor, traveling the ways of equal opportunity, it stands as a distinction to its holder if it is the measure and quality of his ambition; but when it comes as a result of favoritism and the infamous system which now prevails whereby the many are robbed to enrich the few, and grows upon the ruins of honest competition, then it is an unmitigated curse, a badge of infamy, and the surest forerunner of national disaster and decay.

The danger to our Republic is from within, not without, and wealth should remember that the flood tide of prosperity will some day reach its ebb.

We all take pride in our expanding trade and the peaceful commercial invasion of the world, but it is all too dear if injustice to our people at home is the price we pay.

The manufactured products of this country have gone in sight

of the Pyramids; they are sent within the gates of the Holy City and exposed for sale along the ways which the Saviour of mankind trod in the mission of redemption; they are found in the shadow of the Chinese Wall, and we rejoice at the high enterprise and the commercial genius of the American people. But we are not without competitors and foemen worthy of battle for the markets of the world, and other nations are challenging our progress. Under the industrial system now inaugurated, we have put weapons in their hands to wrest from our grasp the fairest and richest domains of trade which our enterprise has won, while at home we are crippling our great agricultural interests, the surest defense of a nation, affording its great storehouse of supplies in national distress and peril.

The time has come in this great industrial strife when the protective tariff is a burden and not an aid. Our mastery of the world is assured when we enter the contest on equal terms and demand no undue advantage either at home or abroad. As we open our ports to competition, so the ports of other countries will open to our advance, and new and various fields will present themselves. The rare skill of the American workman, the inventive genius of the American people, and the immense impetus of a freeborn race will win in a contest of fair exchange. The world to the uttermost part is the theater of our mighty activities. "Equal and exact justice to all; special privileges to none," is the sign by which we shall conquer. [Loud applause.]

Mr. CORLISS. Mr. Chairman, I am not going to attempt in fifteen minutes to make a speech upon this subject. After three months of investigation, agitation, and political strife we have presented for consideration a measure entitled "A bill to provide for reciprocal trade relations with Cuba." That title might imply that the purpose of the bill was to establish reciprocity. I find, however, that it does not embrace the first principle of reciprocity.

This bill proposes a horizontal reduction of 20 per cent of our tariff on Cuban products in consideration of the adoption of the immigration, exclusion, and contract-labor laws of the United States. This is not the promulgation of the principles of reciprocity, but rather the imposition upon a republic not yet formed of laws enacted for the protection of American labor and the preservation of the character of American citizenship.

We entered into the contest with Spain upon the broad principle of humanity, and expressly declared in the declaration of war that the intervention of the United States was for the express purpose of giving to the people of Cuba their liberty and independence. We sacrificed untold wealth and thousands of precious lives in order to release the downtrodden Cubans from Spanish tyranny and extend to them the blessings of American liberty. In every act from that day to this we have reiterated our purpose to insure the establishment of a stable form of government, free and independent, and yet on the eve of the organization of its government you propose by this measure to impose upon them laws adopted by our country for the protection of American labor and the preservation of the character of American citizenship. What right have we to thus anticipate the desires, wishes, and purposes of the people of Cuba?

We are told that it is our duty to do something for Cuba, as though we had not already extended to that island and her people the greatest blessings and advantages that was ever extended by any nation to a foreign people in the history of the world.

It is admitted that under the administration of our Government during the past three years the industries of Cuba have been most prosperous; that the production of sugar has multiplied threefold; that her people are well employed at good wages; that want and distress has been removed, and in place thereof activity, industry, and prosperity established. What more can be justly asked at the hands of our people? Who demands this further concession? Not the people of Cuba, for we no longer hear the cry of distress from them. We find in the hearings before the committee no evidence of distress, want, or suffering among the people of Cuba. It is, therefore, fair to inquire who is specially interested in the adoption of this measure. Certainly not the people of Cuba or her representatives. Only last Friday I read in the Washington Post a speech made by the president of Cuba, Hon. T. Estrada Palma, before the New York Chamber of Commerce, in which he stated that the reduction proposed by this measure "will in no way afford any relief to the present distress of the Cuban producers."

Here is a man, elected by the citizens of Cuba as their president, authorized to speak for his government and people, expressly declaring that this measure will in no way afford relief to the Cuban producers. He thus declares because he realizes that every dollar of the concession proposed will be absorbed by the sugar trust, whose emissaries have been engaged night and day circulating articles of misinformation over this country to the business men, through the newspapers, and in the halls of this Capitol for the purpose of securing a reduction of the duty upon raw sugar, so as to enable it to combat with the growing sugar-beet competitor that has been so marvelously developed in Michigan and other States under the principles of protection proclaimed and inaugurated by the Republican party.

It is admitted by everyone familiar with the subject that the proposed reduction of duty upon raw sugar from Cuba will in no way affect the price of refined sugar in this country, and consequently will be of no benefit whatever to the consumers of sugar in the United States. I represent a district composed of consumers of American products, and there is not a farmer or a sugar-beet industry within the district. If this measure would in any way benefit the consumers or reduce the price of refined sugar to them, there would be some incentive for me to make the sacrifice of Michigan's industrial interests, but the testimony before the committee conclusively establishes the fact that no reduction in the price of sugar will be made.

From the testimony I submit there is no positive evidence that the producers of sugar cane in the island of Cuba will derive any benefit whatever, but, on the contrary, our experience in Porto Rico and Hawaii justifies the assumption that the reduction will be entirely absorbed by the sugar trust.

I oppose this measure—

1. Because it seeks to impose conditions and secure concessions from a foreign people before they have had an opportunity to establish a stable form of government.

2. Because it is universally admitted that there is no distress, want of labor at good wages, or lack of industry in the island of Cuba justifying at this time any relief from the Treasury of our country or the sacrifice of our own industries.

3. Because it is an abandonment of the principles of protection and a direct injury to the infant sugar-beet industry of prodigious growth, which will, if permitted to thrive under existing laws, destroy the monopoly heretofore enjoyed by the sugar trust.

4. Because this law, if put into operation, would paralyze the further development of the sugar-beet industry in our country, and place in the hands of the sugar trust power to destroy, by purchase and competition, the advantages already secured.

During my service in Congress I have been able to follow with a great deal of pleasure the leadership, upon this side of the House, of the distinguished gentleman from New York. I have uniformly found him upon the right side of public measures and invariably opposed by the minority upon this floor. To-day I find the leader on this side joined hand in hand with the leader on the other side of the House, not only upon this floor, but in the committee, in favor of a measure embracing provisions inimical to the principles of the Republican party. When I see our leaders thus yoked together I hesitate to follow.

When I was a boy in Vermont I heard my father say that in the early days, when fireplaces were the only means of obtaining heat, they used to go into the woods and cut a log and haul it up to the house for fuel. An old farmer one day bought a new harness. The harness maker told him it was superior because made of horsehide. The next day, after breakfast, he put it on his horse and went into the woods to cut a log. While cutting the log it rained and the harness got wet. When he had prepared the log he took the horse by the bit, led him up to the house, and when he arrived there, upon looking back, somewhat to his surprise, he could see only the traces running down over the hill. He wondered where the log was. The effect of the rain had stretched the traces. It being noon, he tied his horse to the post and went in to dinner. While he was eating dinner the sun came out, and the effect upon the harness was such as to contract the traces, and as he came out from dinner he saw the old horse standing there, pulling for dear life, and coming up over the hill was the log, pulled along by the contraction of the traces. [Laughter.]

I think, Mr. Chairman, when the light of the noonday sun, in a tropical climate of midsummer, shall be turned upon this measure, the invisible traces will become known, and I fear we may find our honorable leaders yoked up to the chariot of the sugar trust. [Applause.]

I submit resolutions adopted by the Chamber of Commerce and Convention League of Detroit and the board of directors of the Detroit River Sugar Company, protesting against this bill:

SIR: At a meeting of the Detroit Chamber of Commerce and Convention League, held this 27th day of February, 1902, the following resolution was adopted:

"Whereas the interests of the people of the city of Detroit and the State of Michigan are affected adversely by the agitation in Congress, looking toward the reduction of the present reasonable and effective tariff on raw sugar; and

"Whereas this industry in Michigan, though in its infancy, gives promise of becoming under favorable conditions one of the most important in the State: Therefore, be it

"*Resolved*, That the Chamber of Commerce and Convention League, of the city of Detroit, request our Representatives in Congress to work for the best interests of the beet-sugar industry by aiding to maintain the present tariff on sugar."

THOS. NEAL, *President*.
J. F. WALSH, *Secretary*.

Hon. JOHN B. CORLISS,
Washington, D. C.

At a meeting of the board of directors of the Detroit River Sugar Company, held at its office in Detroit this 27th day of February, 1902, the following resolution was adopted, moved by Mr. John A. Russell, supported by Mr. O. R. Baldwin:

"Whereas the discussions relative to the reduction of the tariff on raw sugar imported into the United States, which reduction, in the judgment of this board of directors, threatens grievous injury to existing beet-sugar manufacturing enterprises and discouragement to capital proposing to engage in similar enterprises, has been protracted to such an extent that further delay in reaching a decision thereupon favorable to the American sugar-producing industry will make it extremely hazardous for new capital to engage in the business with a view to production during 1902; and

"Whereas the prompt decision of Congress not to reduce the tariff on raw sugar entering the United States from foreign countries would have the effect of removing the single element of doubt that now intervenes against the investment of capital in the production of sugar from beets raised in the United States: Be it

"*Resolved*, That the president of this company be authorized and directed to communicate with our Representatives in the Congress of the United States, asking them to use their efforts in the direction of obtaining an early expression as to the intentions of the Congress in this regard, to the end and purpose that this company's directors may be in position to correctly advise their stockholders whether or not to expend their capital in the enterprise for which it has been subscribed; and be it further

"*Resolved*, That the directors and stockholders of this company do hereby protest against any change in the tariff conditions affecting the importation of raw sugar into the United States, whether from Cuba or elsewhere, as being dangerous to the interests of American capital invested in manufacturing and agriculture and of American labor depending upon them for profitable occupation."

DAVID I. SIMONS, *President.*
O. R. BALDWIN, *Vice-President.*
H. E. EMMONS.
G. N. SKINNER.
JOHN A. RUSSELL.

The advocates of this measure insist that it will establish reciprocal trade relations or reciprocity with Cuba. If so, then an amendment to extend similar relations with other countries is germane. I therefore submit an amendment which I shall, at the proper time, seek to have placed upon the bill.

The Clerk read the amendment, as follows:

Amend by adding at the end of line 4, page 3, the following:

"That the President of the United States is hereby authorized to enter into negotiations with Canada for reciprocal trade relations, with a view to the establishment of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the following products and manufactures of the United States, to wit:

"Furniture, stoves, drugs, boots, shoes, steel, brass, copper, and iron manufactured products, in consideration of the admission into the United States of wood pulp, hides, and sugar beets free of duty, and lumber, barley, and iron ore at 80 per cent of the rate of duty now levied upon such articles imported from foreign countries.

"Whenever, in the judgment of the President, such reciprocal and equivalent relations have been established by agreement, he shall be, and he is hereby, authorized and empowered to suspend by proclamation to that effect the imposition and collection of the duties now required upon the articles above mentioned, and thereafter the duties levied, collected, and paid upon such articles shall be in accordance with the terms of said agreement."

Mr. Chairman, this amendment embraces the principles of reciprocity, as declared by the Republican party, with a country most bountifully supplied with undeveloped natural resources of great benefit to our manufacturing interests, with a people similar in character to our own. I hold in my hand a petition to the House of Representatives, prepared by the Merchants and Manufacturers' Exchange of Detroit, signed by over 500 business men, respectfully praying for the establishment of reciprocal trade relations with Canada, and which I submit in support of the amendment.

We have in this country a trust controlling wood pulp. I desire by this reciprocal trade relation to secure wood pulp free of duty. It will save thousands of dollars annually to the reading public of our country. I ask in this amendment for free hides. We have shoe manufactories in this country with sufficient capacity to manufacture shoes for the world. Why should they pay duty on hides? We ask in this proposition for the free admission of sugar beets. Will you not give us that? I desire a reduction of the tariff on steel, iron, and other products mentioned, because the manufacturing interests of this country demand it.

The gentleman from Ohio [Mr. GROSVENOR] said the other day that the time was near at hand when we must meet this issue. Let us meet it now. I believe in cutting down the tariff on any product when an organization in this country is able to monopolize the trade and control the price of such article. [Applause.]

To the honorable members of the House of Representatives,
Washington, D. C.:

The undersigned merchants and manufacturers of Detroit, Mich., represent that a reciprocal trade agreement with the Dominion of Canada, prepared on the basis of equivalent concessions, would be of great benefit to the business interests of the United States, and they respectfully solicit your active influence to the end that such a treaty may be negotiated and ratified.

Pingree & Smith, shoe manufacturers; Edson Ulworth, wholesale dry goods; Baldwin, McGraw & Co., wholesale boots and shoes; the Peerless Manufacturing Company, wholesale furnishing goods; the Christiansen Harness Manufacturing Company, by H. A. Christiansen; F. Marruett, hardware; Illinois Glass Company, Detroit Branch, K. G. Smith, manager; Detroit Picture Frame Company, pictures and frames; Defteiger, Fallen & Co., wholesale fur manufacturers; Henry Dunneback, harness and saddlery; Hitchcock, Harris & Co., lithia waters; E. Schloss, Son & Co., wholesale clothing; Schloss Brothers, wholesale clothiers; Walter Buhl & Co., wholesale hats; Monroe Rosenfield Company, wholesale notions; R. H. Macauley & Co., wholesale millinery; The Henry A. Newland Company, A. M. Seymour, vice-president, wholesale hats, caps, gloves, etc., and manufacturers of umbrellas; Mitchell, Harris & Co., by A. D. Mitchell, president and manager, wholesale millinery; J. & T. Hurley, coal dealers.

William G. Engle, manufacturers furs; C. H. Ritter & Co., wholesale liquors; A. Krolik & Co., wholesale dry goods; Strong, Lee & Co., wholesale dry goods; Armstrong & Graham, saddlery manufacturers; M. M. Stanton & Co., manufacturers mens' furnishing goods; Cuiso Brothers Co., Limited, wholesale grocers; F. B. Neuhoff & Co.; Imperial Cap Company, manufacturers caps; L. H. Ayers & Son; Taylor, McLeish & Co., wholesale grocers; Sales & Broad Co., plumbers and sanitary supplies; B. Marx & Son, wholesale leather findings; Standart Bros., wholesale hardware; Trade Journal Association, E. H. McPherson, publishers; C. W. Inslee & Co., wholesale grocers; Dwyer & Shay, wholesale fruits, etc.; B. G. Morris & Co., wholesale woodenware, etc.; G. W. Hildebrands & Bro., wholesale machinery; Consumers' Penny Pouch Express Company, per C. F. Crosley, president, manufacturers' advertisers; Arista Manufacturing Company, Limited, Wm. Payne, manufacturing perfumers; American Electrical Heater Company, B. H. Scranton, president, manufacturers electric heating appliances; Detroit Sanitary Supply Company, A. J. Springbone, manufacturers plumbers' supplies; A. Harvey's Sons Manufacturing Company, Limited, A. Harvey, manager, manufacturers plumbers' supplies; Geo. C. Netterbee & Co., wooden and willow ware; Fred Bamford & Co., painters and decorators.

Fred Rosenfield, wholesale leaf tobacco; Ward L. Andrews & Co., wholesale grocers; Gould & Gehlut, coffee importers; Michigan Shoe Company, by E. P. Snyder, vice-president, wholesale shoes; John Naylor & Co., wholesale saddlery; C. C. Smith Shoe Company; J. W. Fales & Co., wholesale paper; Thorp Hawley Company, wholesale confectioners; D. K. McNaughton Company, brokers; The Geo. G. Humel Company, manufacturers hats; J. G. Hamblen, wholesale fruits and oysters; Pierson & Hough, wholesale saddlery; Fairbanks, Morse & Co., by E. G. Pond, manager, scales, engines, etc.; Edward Frolich Glass Company; Heavenrich Brothers, wholesale clothiers; Armstrong Regalia Company, Frank S. Armstrong, vice-president, manufacturers society goods and supplies; O'Dwyer & Ward, wholesale milliners; G. N. Granger & Co., merchan dise brokers; Lynn Street Milling Company, flour mill; Freed man & Co., pants makers; Floyd E. Bowen & Co., brokers; Detroit Neckwear Company, A. E. Bofsky, manufacturers of neckwear; E. B. Gallagher & Co., bakers and confectioners' supplies.

Beecher, Peck & Lewis, by A. F. Peck, wholesale paper; G. H. Gates & Co., wholesale hats, caps, and gloves; A. D. Rosen & Co., wholesale notions; Paige & Chope Company, E. Stevens, treasurer, wholesale paper; Grosscup Tailoring Company, merchant tailors; Tuttle & Clark, harness and boot manufacturers; Pollock, Pettibone & Chapman, wholesale millinery; A. Kuhlman & Co., surgical instruments; C. B. Berger & Son, wholesale leaf tobacco; Seidler-Miner Electric Company, by F. J. Miner, 207 Jefferson avenue, electrical supplies; Allen Brothers, 247 Jefferson avenue, photograph materials; Fisk Rubber Company, E. H. Broadwell, manager, 252 Jefferson avenue; Detroit Rubber Tire Company, by G. D. Edwards, manager, 250 Jefferson avenue; Geo. Marsh & Co., Detroit, manufacturers of soda fountains and billiard and pool tables, 240 Jefferson avenue; Whitehead & Kales Iron Works, by J. T. Whitehead, structural-iron works; A. Booth & Co., by W. S. McDonald, wholesale fish and oysters; John Stevenson, vessel owner; Commercial Milling Company, by R. Henke, secretary and treasurer, flour and meal mills; Wm. Inglis Wire and Iron Works; Gray, Toynton & Fox, David Gray, treasurer, manufacturing confectioners; Jno. N. Bagley, tobacco manufactures.

Mei ı & Schuknecht, manufacturing trunks and valises; H. J. Reading, H. J. Reading Truck Company; the Bell-Graham Company, by John Rue, secretary, skirt manufacturers; F. P. Reynolds & Co., wholesale fruits; D. O. Wiley & Co., wholesale fruits and produce; H. F. Rose & Co., wholesale fruits and produce; E. Read, wholesale fruits and produce; Ladore & Isham, wholesale fruits and produce; L. Schiappacasse & Co.; The McDonnell Bros. Company, per H. P. McDonnell, president; Freeman-Delamater Company, wholesale hardware; H. D. Edwards & Co., wholesale rubber goods; H. B. West, cigar manufacturing; S. P. Conkling, Asbestos goods; Pittsburg Steel Shafting Company, transmission machinery; Kenneth Anderson Company, Kenneth Anderson, treasurer, jobbers of iron pipe and fittings; Robinson & Aronheim, wholesale liquor; Valentine Schroeder, wholesale candies and fruits; Gebhard Paper Company, paper and printers' supplies; O. J. Price, soda-water apparatus; The M. N. Rowley Company; Louis Kuttnouer Company, importers of leaf tobacco; J. T. Wing & Co., manufacturers of mill supplies; The T. W. Noble Company, C. M. Tackels, secretary and treasurer, awnings, sails, tents, etc.; Fletcher Hardware Company, per Theo. G. Fletcher, vice-president.

Roehm & Daritow, Limited, wholesale carriage goods, iron, steel, etc.; Rueps, Brace & Co., wholesale grocers; Hygeia Filter Company, manufacturers water filters; B. F. Everitt, carriage trimmings; A. Loche, manager Pabst Detroit branch; Detroit Screw Works, by H. H. Taylor, screw manufacturing; M. F. McDonald, 389 Franklin street; James Conway, grocer, 424 Franklin street; Hayes File Company, per J. S. Hayes, 474 Franklin street; The G. B. Essex Brass Company, G. B. Essex, general manager and treasurer; Buckley-Hart Manufacturing Company, Robt. W. Hart, vice-president, 541 Franklin street; The Ideal Manufacturing Company, Francis T. Dwyer, secretary, plumbing supplies and gas stoves; Buhl Malleable Company, by H. D. Laac, treasurer, malleable iron castings; The Michigan Stove Company, C. A. Du Chreme, secretary, Detroit; Detroit Oak Belting Company, F. H. Crual, general manager, 266 Wight street; John V. Moran, Lieb street and Wight; F. D. C. Hinchman, Detroit; Detroit Heating and Lighting Company, E. Hobbs.

Olds Motor Works, by Fred L. Smith, secretary; Detroit Stove Works, G. B. Gundusen, secretary: Pr. Kling Brewing Com-

pany, Robert Kling, jr., secretary and treasurer; Detroit Emery Wheel Company; Michigan Bolt and Nut Works, by E. T. Gilbert, general manager; Cowles & Danziger Company, A. A. Cowles, secretary and treasurer; Detroit Edge Tool Works, A. E. Piefer, secretary; The Ireland & Matthews Manufacturing Company, E. Bland, secretary, steel and brass goods; Detroit Soap Company, per Samuel Post; Murphy Iron Works, by Thos. Murphy, proprietor; Detroit Automatic Stoker Company, by T. C. Thomson, treasurer; Detroit River Iron Works, by Geo. C. Synington, treasurer; Northern Engineering Works, George A. True, manager; Detroit Lumber Company, by E. L. Thompson, president, manufacturers of lumber; C. A. Taylor, National Express Company; Detroit Foundry and Manufacturing Company, F. H. Sears.

A. A. Parker & Bro. Works, wholesale coke; W. R. Thompson, wholesale coke; C. B. Calder, Detroit Shipbuilding Company; Riverside Scrap Iron and Metal Company, per L. Goldman; East End Boiler Works, foot of St. Aubin avenue, Detroit, boiler manufacturers; Robt. McKenzie & Son, shipsmiths; Geo. Morley & Co., lumber dealers; W. H. Anderson & Sons, by A. B. Anderson, tool manufacturers; Mannansa & Wilber, printers; W. Ingram & Co., manufacturing pharmacists; J. B. Wilson & Co., J. A. Wilson, engineers, founders, and machinists; E. A. Charbonneau & Co., picklers and preservers; Commercial Papier Mache Company, per H. L. Barie, papier mache goods; Detroit Graphite Manufacturing Company, A. A. Boutell, president, paint manufacturers; Mirror Trap Company, animal-trap manufacturers; Wilton Reuther Company, Richard Krakow, secretary, statuary and art furniture; Briscoe Manufacturing Company, per Benj. Briscoe, president, metal goods manufacturers; The Caille Brothers Company, by A. Arthur Caille, president and treasurer, manufacturers of coin-operating machines.

Wheeler Manufacturing Company, E. S. Anderson, manager, bicycle saddles and handle-bar grips; C. R. Wilson Carriage Company, C. R. Wilson, president; Wolverine Reed Company, Chas. N. Gray, treasurer, manufacturers of rattan chairs and children's carriages; Northside Coal and Lumber Company, by W. Shattock; Booth Manufacturing Company, stoned porch columns; Detroit Brass Works, general line brass goods; Farrand Organ Company, per W. R. Farrand, treasurer; The E. G. Dailey Company, E. G. Dailey, president, fruit packers; The Jas. T. Eaman Coal Company, S. B. Warren, treasurer; W. A. Sheldon, with Edw. Frohlich Glass Company; J. C. Widman & Co., per J. C. Widman, furniture and mirrors; Roe Stephens Manufacturing Company, T. P. Stephens, secretary and assistant treasurer, brass and iron valves; W. H. Grigg, box manufacturer.

W. A. Atterbury, Detroit Steel and Spring Company; J. B. Dutton, flour mill machinery; M. J. Theisen, lumber; Wolverine Box Company, per J. N. Estabrook, box manufacturers; The Detroit Barrel Company, incorporated, per N. Haendle; Peter Raths, oil and gasoline; Jenks & Muir Manufacturing Company, by C. Jenks, president, metal beds, springs, and mattresses; American Harrow Company, O. R. Baldwin, secretary, agricultural implements; Fox Bros. & Co., C. W. Fox, manufacturers wood mantels; American Blower Company, Jas. Inglis, secretary and treasurer, manufacturers machinery; American Car and Foundry Company, by Geo. Hargreaves, district manager, car builders; The Fuller Company, engines, dynamos, and fans; Western Robe Company, per Jno. A. Chapman, manufacturers robes, coats, and astrachan cloths; Clayton & Lambert Manufacturing Company, J. E. Lambert, secretary and treasurer, makers of gasolene fire pots, torches, and hydrocarbon burners.

The Anderson Carriage Company, by W. C. Anderson, president; Detroit Carriage Manufacturing Company, A. J. Clarke, manager sales; Acme White Lead and Color Works, Thomas Neal, secretary; Russel Wheel and Foundry Company, Detroit, Walter S. Russel; Continental Varnish and Paint Company, per Butler Ives, secretary; Schwanbeck Brothers, E. E. Mansfield, manufacturers of show cases; F. A. Thompson & Co., F. A. Thompson, manager, manufacturing chemists; American Radiator Company, T. B. Howell, assistant manager Michigan plant; Murphy Chair Company, M. J. Murphy, president, manufacturers of chairs.

The Puritan Shoe Company, S. C. Jameson, treasurer, shoe manufacturers; S. C. Jameson, merchant; W. F. Wilson, the Yale Hat Company; Liny's Music House firm, pianos; the Adolph Enggass Jewelry Company, Ad. Enggass, secretary, 22 Gratiot avenue; C. W. Marvin Piano Company; Rudolph Freedenberg, ex-Gratiot, woolens, tailors' trimmings; Geo. H. Parker, wool, hides, etc.; P. M. Doyle, commercial traveler; Broadwell & Wolf, music business; Edward J. Nebel, leather and findings; Edward C. Blordon, furnishing goods; John Radke, boots and shoes; Geo. J. Setance, sheet nickel work; Charles Martin, machine works; Wm. Liebig & Co., machine shop; the J. L. Hudson Company, W. A. Petzold, treasurer, general merchandise; W. A. Petzold.

Tierney Bros., 219 Woodward avenue, dry goods; Electrical Construction Co., George T. Crook, electrical supplies; Alex Y. Malcomson, coal merchant; James Couzens, secretary the A. Y. Malcomson Company, Limited; E. N. Bartlet, 174 Griswold street; J. Bishop, 1034 Thirteenth street; J. H. Gabell & Bro., shoes, 24 Michigan avenue; the General Typewriter Company, 165 Griswold street; R. G. Morgan, 922 Majestic Building; City and Suburban Homes Company, Limited, R. M. Grindley, 171 Griswold street; J. O. Hibbard, 171 Griswold street; J. H. Bessenger, 210 Griswold street; A. A. Moore, 210 Griswold street; D. L. Hempsted, hats and caps; H. W. Grout, 173 Griswold street; Wm. A. Hall, drugs, 177 Griswold street; Wm. H. Miller & Co., wholesale furs; Miller-Seldon Electric Company, William H. Seldon, jr., electrical supply dealers; Gourlay Bros., men's furnishers and ladies' tailors; Royal Shoe Company, shoes; R. H. Traver, 171-175 Woodward avenue; R. H. Fyfee & Co., shoes, 183-185 Woodward avenue; Edward J. Hickey, clothing, etc., 201 Woodward avenue; Frank Bros. & Co., jewelers, 205 Woodward avenue; Winn & Hammond, 152 Wayne street, printers and binders; Carlos C. Ayres, 45 State street, cigar manufacturer; Ballantine & Co., 39 Rowland street, tailors.

Johnson & Foster, tobacconists; A. E. Charlesworth, manufacturing optician; C. S. Wirick, manufacturer gloves; Blakeslee & Co., household furnishings; W. E. Jackson, printing; Theo. Gately Company, clothing; British American Gold and Copper Mining Company, per J. M. Sweeney, secretary and treasurer; Edw. J. Renaud, Hotel Renaud; Detroit Churn and Separator Company, per E. E. Deming, manufacturers; D. Waugh, coal and wood; Gray Brothers, per J. Allan Gray, secretary, carriages and wagons; Crescent Machine Company, Wm. A. Gray, secretary and manager; Wm. White, grocery; R. G. Scholes, shoe dealer; Howard Pinkerton, druggist; American Wringer Company, household specialties, per H. C. Frank, manager; Wolverine Cycle Company, C. Ege, manager, bicycle manufacturers; H. W. Becker, furrier; W. T. Stark, bookkeeper Andrew Hair; L. O. H. Fisher, china; W. T. Ryan, 297 Woodward avenue; E. Daniel, cigar dealer; A. J. Gawly & Co., cigar dealers.

Miller & Gray, 333 and 335 Woodward avenue; James P. Mastin, 337 Woodward avenue; Charles Roe, 47 Columbia street west; Henry Busshaber, 341 Woodward avenue; Jno. Blessed, 347-357 Woodward avenue; Wm. W. Blessed, 347-357 Woodward avenue; John Harvey, druggist, 353 and 355 Woodward avenue; Chas. R. Brand, painter, 369 Woodward avenue; Simons & Cooper, 371 Woodward avenue; Wm. Wing, 407 Woodward avenue; Max Grabowsky, 380 Woodward avenue; Morris Grabowsky, hardware, 378 Woodward avenue; V. Kennedy, 374 Woodward avenue; Chas. Kline, hardware; Diamond Rubber Company, rubber goods, 310 Woodward avenue; Schartle & Stock, florists, 308 Woodward avenue; The Michigan Clothing Cleaning and Repairing Company, 306 Woodward avenue; A. A. Hare, furnaces, 300 Woodward avenue; G. V. Potter, 296 Woodward avenue; Brown & Brown, coal, 294 Woodward avenue; Ashbaugh, Dillrich & Co., wholesale furs; John J. Gorman, retail hats; John O. Teagan, vessel owner; Mohan Bros., 63 Home Bank Building; P. J. Schmidt, shoe retailer, 42 Michigan avenue; People's Outfitting Company, per S. Wineman, treasurer, house furnishers.

Thomas O. McCarthy, cutter, McConnell Tailor Company; Henry Heinlein, cutter, McConnell Tailor Company; L. F. Weiss, hatter and furnisher; Keves & Grobbel, umbrella makers; Hiram Van Loon, auction and commission merchant; L. E. Wagoner, furniture dealer; J. D. Lareau, furniture dealer; J. C. Edwards, live-stock dealer; G. A. Leannel, furniture; Bentley & Hubbard, per T. P. Hubbard, wall-paper merchants; F. A. Hubbard & Co., painters and decorators; Harry C. Bell, 300 West High; Onstal Optical Company, 118 Michigan avenue; A. E. Gerow, harness and bicycles; C. G. Hovey, confectionery; Grand Union Tea Company, C. W. Osman, manager, 140 Michigan avenue; Philip Frese, 142 Michigan avenue, manufacturer of cigars; W. H. Ziegenfus, manufacturer of cigars; E. C. Loring; A. A. Franke, caterer; V. L. Chapin, furniture; J. R. Pengelly, jobber of tobacco and cigars, 166 Michigan avenue; R. Walters, cigar manufacturer; W. Lavery, butter and eggs, tea and coffee; J. Jewett, restaurant, 147 Fifteenth street; H. F. Koehler & Bro., wall paper and painters' supplies, 174 and 176 Michigan avenue.

Wm. Dupont, druggist, 182 Michigan avenue; F. H. Jost, furs, 186 Michigan avenue; Gail Alden, furniture, 206 Michigan avenue; Charles Mahler, grocer, 220 Michigan avenue; John Chrystal, traveler, 391 Cass avenue; W. F. Thatcher, confectioner, 256 Michigan avenue; J. P. Cotter, druggist, 262 Michigan avenue; C. E. Pokomy, tailor, 278 Michigan avenue; Chas. Shaw, 280 Michigan avenue; Alfred Reed, 266 Grand River; Chas. Burke, cigars, 290 Michigan avenue; James Hamfan, bicycles, 304 Michigan avenue; Thomas Cooney, coal, 310½ Michigan avenue; S. H. Graham, 327 Michigan avenue; Jno. R. Morrissey, 169 Fifth street; A. J. Neidenwich, hardware, 315 Michigan avenue; Daniel Sullivan, grocer, 311 Michigan avenue; Guilloz & Son, bakers, 309 Michigan avenue; J. A. Munn, grocer, 297 Michigan avenue; G. A. Mueller, dry goods, 295 Michigan avenue; I. G. Stark, shoe bits, 265 Michigan avenue; Frank Deck, tailor, 259 Michigan avenue; G. Finger, furniture, 257 Michigan avenue; C. M. Carker, 83 Labrosse street; Lewis D. Barker, 11 Gilman street; J. W. Lapham, furniture, 227 Michigan avenue; J. B. Lapham, furniture, 229 Michigan avenue.

M. A. Dowling, 392 Foot street west; L. L. Lamba, 225 Michigan avenue; Saml. Nash, 80 Howard street; Wm. Perry, confectioner, 221 Michigan avenue; S. A. Gates, picture framing, 209 Michigan avenue; J. P. Bought, with Gunnell Bros., 221 Woodward avenue; J. Johnson, cigars and tobacco, 203 Michigan avenue; J. Goldstine, dyer and clothier, 201 Michigan avenue; Chas. Kovan, 197 Michigan avenue, tailor; T. M. Edgar, 195 Michigan avenue, general merchandise; Geo. A. Sideau, 179 Michigan avenue, gents and ladies' furnishings; Zimmel, 167 Michigan avenue, cigar manufacturer; R. Allel, 167 Michigan avenue, clothier; T. H. Berry, 169 Michigan avenue, carpets; Geo. L. Freeman, 39 Smith avenue, Detroit, Mich.; M. Roney, 146 Charlotte avenue; Jacobs & Covitz, clothiers, 163 Michigan avenue; Detroit Specialty Company, 161 Michigan avenue; Jacob Steinberg, 157 Michigan avenue, clothier; J. C. Wilson Carriage Company, 28 and 30 Abbott street; Daniel Anglein, 139 Michigan avenue, jeweler; H. P. Beardsley, 135½ Michigan avenue; F. L. Sapero, clothier, 135 Michigan avenue; Wm. P. Blake, 15 Abbott street; P. Blake's Sons, 15-17 Abbott street; David Wilson, 527 Warren avenue west; P. Blake, 15 Abbott street.

Chas. E. Bleakley, M. D., 9 Abbott street; Wolverine M. S. Company, J. E. Moore, 529 Michigan avenue; D. E. Pearsall, 123 Michigan avenue, tobacco dealer; R. Downie & Sons, 117 and 119 Michigan avenue; Roger J. Sullivan & Co., furniture, carpets, and stoves, 113 and 115 Michigan avenue; F. A. Cooke, drugs, 111 Michigan avenue; Edwin Jerome & Co., 97 Michigan avenue; James Johnston, 29 Ash street; H. Jackson & Co., 95 Michigan avenue; Thomas Nelan, 854 Antoms street; Detroit Photograpic Supply Company, by H. W. Moore, 28 Lafayette avenue; H. S. Simpson, manager United Typewriter and Supplies Company, 26 Lafayette avenue; J. R. Searight, assistant manager United Typewriter and Supplies Company, 26 Lafayette avenue; W. B. Jackson, 26 Lafayette avenue; James W. Candler, 26 Lafayette avenue; Homer W. Candler, 26 Lafayette avenue; National Mortgage Loan Company, 23 Lafayette avenue; C. H. Crawford, shoes, 25 Michigan avenue; Union Painless Dentists, C. H. Butler, 11 Lafayette avenue; H. A. Sage, 171 Howard street; John Hellerich, jeweler, 139 Michigan avenue; Detroit Art Company, per A. A. Mann, art goods; Detroit Book Exchange, per I. N. Higgins; Harris & Petre, hardware, 71 Michigan avenue.

L. Wiener, merchant, 77-85 Michigan avenue; Sumner Company,

348, 350, 352 Michigan avenue, furniture; H. W. Stoll, 372 Michigan avenue, confectioner; Geo. C. Becker & Co., 376-380 Michigan avenue, furniture; James Hamlin, 396 Michigan avenue; C. J. Wagstaff, 398 Michigan avenue, shoes; A. H. Rose, 416 Michigan avenue, builder; Henatine Medical Company, I. M. T. Hannum, 420 Michigan avenue; Hamilton Furniture Company, Michigan avenue and Tenth street; M. Ascher, grocer, 502 Michigan avenue; Jos. Klute, 514 Michigan avenue; Chas. Colpew, grocer, 522 Michigan avenue; L. McFarland, 528 Michigan avenue, druggist; W. V. Humphry, bakery, 536 Michigan avenue; T. J. Irwin, confectioner, 542 Michigan avenue; D. A. Henderson, 580 Michigan avenue; Wm. Kane, 592 Michigan avenue; S. Schadin, 690 Eighteenth street; B. Rowe, confections, 592 Michigan avenue; W. W. Burk, cigars, 594 Michigan avenue; Jos. Merrill & Bro., grocers, 638 Michigan avenue; R. C. Juterbock, jeweler, 644 Michigan avenue; Speck Brothers, furniture and carpets, 684, 686 Michigan avenue.

Chas. H. Heath, coal and feed, 704 Michigan avenue; G. E. Rigley, fish dealer, 712 Michigan avenue; R. Rogatzky, bakery, 714 Michigan avenue; Andrew Baetz, 1162 Twenty-fifth street; M. Crowley, produce, 808 Michigan avenue; Jos. Huettemann, 812 Michigan avenue; Osgood Printing Company, 826 Michigan avenue; H. W. Osgood, 231 Hubbard avenue; A. Walldorf, druggist, 838 Michigan avenue; G. W. Stringer, pharmacist, 895 Michigan avenue; J. H. Keeper, Hammond Beef Company, 895 Michigan avenue; C. C. Chadwick, coal, 1453 Fourteenth avenue; P. H. Zacharias, coal, corner Michigan avenue and Twentieth street; John Stegskal, 809 Michigan avenue; Hallock Orsland, 803 Michigan avenue; Waler Eggs and Poultry Company, 797 Michigan avenue; Lee Doran & Co., wholesale grocers, 789 Michigan avenue; B. E. Graham, 665 Michigan avenue; Elster & O'Toole, wallpaper, 663 Michigan avenue; W. H. Rowe, printer, 639 Michigan avenue; S. H. Dibble, 637 Michigan avenue; James F. Leake, 629 Michigan avenue; Fred. Feldman, 605 Michigan avenue; C. H. Baker, confectionery, 449 Michigan avenue; H. P. Lyon, gents' furnishings, 375 Michigan avenue.

Harry Lando, secondhand stoves, 363 Michigan avenue; John H. Fitzsimmons, cigar manufacturer, 341 Michigan avenue; F. W. Baumgartner, haberdasher and hatter, 12 and 14 State street; Burks Grain and Elevator Company, Chamber of Commerce; F. J. Simmons & Co., Chamber of Commerce; Jno. A. Boyd, loan agent; A. J. Ellair Company, grain merchant; Cash Buyers' Discount Company, advertising specialties; Caughey & Carran, grain merchants; J. S. Lapham & Co., grain merchants; H. S. Prince, State agent Fort Wayne and Ontario Line and Ontario Dispatch; Geo. H. Braun, architect; Account, Audit, and Assurance Company, Limited, by N. A. Hawkins, manager, auditors and accountants; The International Amusement Stamp Company, of Detroit, Mich., Limited, commission advertising; American Engineering Company, engineering, N. F. Palmieter, president, D. W. Mason, secretary and treasurer, T. J. Greene, general manager; J. H. Lusey, Chamber of Commerce; J. H. Cummings & Co., Chamber of Commerce; S. B. Coleman, Chamber of Commerce; Thos. Milsoun, Chamber of Commerce.

J. J. Alley, retired; C. M. Havens, merchant; Chas. A. Berkey, wholesale jewelry; Julius Gmeiner, jeweler; Gmeiner & Schroeder, jewelers; D. E. Reilly, cashier Detroit River Savings Bank; R. L. Polk & Co., publishers; W. J. Milward, railroad; J. H. Smith, broker; J. W. Dean, State agent Shredded Wheat; Louis J. Wohnlich, mechanician; Bennett Stamp and Stencil Works, by H. T. Bennett, treasurer; Wm. Partridge, blank book manufacturer; Thos. Hill, Merchants' Dispatch Transportation Company; E. E. Haskell, civil engineer; M. L. Williams, vice-president Commercial National Bank; Frank H. West, printer; Edward N. Hines, Presten Speaker Printing Company; Weet & Redelsheimer, wholesale paper; D. T. Smith, with S. A. James & Co.

Alex Galloway, with Jacob Zage, plumber; The Western Paper Box Company, by Louis Drelees, manager, 68 W. Larned; Webster, Harrigan & Reid, 71-73 Shelby street; C. S. Dent & Co., by G. L. Devlin; Wm. Cornehl & Son, 77 Larned, bookbinder; F. S. Davis, broker; Jno. Woodhouse & Co., 89 Woodward avenue, wholesale tobacconists; C. F. Whitaker, Avenue Theater Building; J. A. Macks & Co., sporting goods; E. H. Pudrith, wholesale jeweler; L. J. Callahan, 95 Woodward avenue; Michigan Electric Company, by E. Bullock, secretary and treasurer, Michigan Electric Company, by H. F. de B. Cameron, 101 Woodward; L. B. King & Co., by John G. Lankel, treasurer, 103 Woodward; David Wallace & Son, grocers, 105 Woodward avenue; Pardridge & Walsh, 107 and 109 Woodward avenue; The Bailie Coal Company, per Robt. L. Baile, secretary and treasurer, 94 Griswold street; M. Gore Van Antwerp, 273 East Congress; S. A. Fraser, Griswold street; W. N. Krug, 383 McKinstry avenue.

Morton Stencil Company, stencil and stamp manufacturers; John L. Harper & Co., bankers; Ralph Stone, assistant secretary, Detroit Trust Company; A. G. Lindsay, insurance; The Detroit Fire and Marine Insurance Company, by A. H. McDonell, secretary, insurance; S. W. Gurney, agent Buhl Building; The Norris Company, Fredk. H. Norris, secretary and manager, 102-6 Lomed W.; Detroit Stay Company, G. S. Brown, secretary and treasurer; Rosengarten & Co., 75 W. Fort street; H. P. Magel, real estate, 211 Hammond Building; J. A. Mercier, contractor, Hammond Building; F. C. Barkenan, insurance; J. P. Cummiskey, G. S. A., The O. W. Shipman Company; Hermann Mayer Manufacturing Company, school supplies and furniture; Welch Brothers, 313 Hammond Building; John M. Nicol, real estate; F. B. Holmes & Co., fire brick and cement; E. J. Robinson, 418 Hammond Building; S. B. Macklem, 418 Hammond Building; G. Ellsworth Burkit, 426 Hammond Building.

Geo. W. House, sales agent; M. W. O'Brien, president Peoples' Savings Bank; C. L. Wheelock, accident insurance; J. Wm. Garrison, broker; C. F. Livermore, railroad accountant; George M. Crocker; Joseph B. Moore, insurance and real estate; Geo. M. Schettler, druggist; Alderman & Gorton, investment securities; A. W. Glass, investment securities; E. U. Donovan, general manager Ideal Reserve; Michigan Sulphite Fibre Company, P. S. Curtis, secretary; Wm. E. Yates, insurance; L. W. Partridge, real estate and mining; The A. Marymont Company, wholesale liquor; Thomas Dillon, life insurance; H. S. Weisinger, contractor; Sprague Publishing Company per J. Corterno, jr., secretary and treasurer, publishers; Jas. A. Randall, attorney; A. Campbell, mining agent; Globe Paper Company, H. Blumenthal, secretary and treasurer; Detroit Trolley and Manufacturing Company; Globe House Furnishing Company; Chas. A. King, merchant tailor.

J. I. Carter & Co., salt manufacturers; George J. Worthy & Co., bankers and brokers; J. G. Wise, insurance; A. Maxwell Lyon, manager G. E. Insurance Company; H. Hitchcock, agent; E. S. Matthews, manager Otis Elevator Company; The Wells Creek Coal Company, B. F. Berry, president, miners of coal; The Southern Coal and Transportation Company, N. O. Gray, general manager, coal operators; The Northern Coal and Transportation Company, by James Irwin, treasurer, coal miners; A. B. Hall, assistant corporation counsel; Marcel E. Hude, stenographer, corporation counsel; F. E. Bloom, insurance; Geo. A. Woodford Sons, brokers; E. E. Hatch, woolens; Wm. S. Pond, general manager National Life Insurance Company of Vermont; T. B. Goodwillie, real estate; G. L. Cottington, merchant tailor; J. Mott, merchant tailor; G. H. Smith, clerk Central Construction Company; The Detroit Refining Company, lubricating oils, paints, etc.; The Hannan Real Estate Exchange, per W. W. Hannan, 1 McGraw Building; John D. Murphy, manager life insurance company; E. J. McKendree, broker; The F. H. Wolf Brick Company.

W. D. Bishop, life insurance; H. W. Busch, coal; T. B. Ray & Co., hardware; American Paint and Glass Company, P. J. Brennan, treasurer; John McLean, 50 East Elgin; Williams, Davis, Brooks & Hinchman Sons, William C. Williams, president, wholesale druggists and perfumers; The Chas. A. Strelinger Company, per J. S. Capen, secretary; Detroit Emery Wheel Company, emery wheels and machinery; Raynor & Taylor, John Taylor, president, printing and binding; Burnham Scolpel & Co., wholesale dry goods; The Schulenburg Manufacturing Company, R. Schulenburg, secretary and treasurer, manufacturers of billiard balls; E. Chope & Sons, manufacturers of wagons and trucks; Banner Cigar Manufacturing Company, W. H. B.; J. A. Mowat; Harrington Cigar Company, per F. E. Hempberry, secretary and treasurer, cigar manufacturers; Monnier Cycle Supply Company, per C. S. Monnier, proprietor, wholesale bicycle supplies; Central Paint and Glass Company, H. A. Neal, manager; The Muzzy-Lyon Company, per J. H. Muzzy, mill supplies; McIntosh, Crane & Co., C. H. Schulte, secretary and treasurer, manufacturing confectioners.

G. A. Lendke, shoe business; D. M. Ferry & Co., Lem W. Bowen, treasurer and general manager, seedsmen; The Boydell Bros. White Lead and Color Company, John Boydell, president, paint manufacturers; The Detroit Electro Plating Company, H. G. Harris, secretary and treasurer, plating; Dodge Brothers, by Jno. F. Dodge, engineers and machinists; The Osborn Cash Register Company, Limited, George Martland, manager, manufacturers cash registers; Hygienic Seat Company, John H. French, secretary, manufacturers steel closet seats; Michigan Stamping Company, John H. French, treasurer, manufacturers metal specialties; The Schreiner-Yates, manufacturers novelties; Michigan Cigar Box Company, by Jno. A. Campbell, manufacturers cigar boxes; John Phillips & Co., Limited, by H. Malott, treasurer, manufacturers show cases; Michigan Bung Company, manufacturers bungs; Standard Manufacturing Company, A. H. Reinhold, manager, metal specialties.

Loyal American Cigar Manufacturing Company, N. Van Vliet, proprietor; A. K. Sweet & Co., painters and decorators; Rumsey Wool Stock Company, wool stock dealers; Robert Hutton & Co., roofing and sheet metal works; John Lauer, machinist; Globe Tobacco Company, W. R. Hamper, secretary and treasurer, manufacturers tobacco; N. J. White & Co., color card manufacturers; Detroit Alaska Knitting Mills, R. Berg, 69-71 East Larned; Theo. H. Eaton & Son, 28 Woodward avenue, 324, 326, 330 Franklin street; Brady & Co., 7, 9, and 11 Woodward avenue, Detroit; J. C. Goss & Co., sailmaker and rigger, 10 Atwater street, Detroit, Mich.; Schadt & Mathewson, 36 Woodward avenue, wholesale feathers, bed pillows, and down cushions; American Lady Corset Company, J. Siegel & Co., corsets; Greenslade Oil Company, T. H. Stephens, oils; Jas. Walker & Son, John Walker, 43 Jefferson avenue and 129-131 Larned street west; Clarence H. Booth, corner Wayne and Congress streets; Horace W. Steere, jeweler; Geo. A. Blum, cigars, tobacco; E. E. Jones, 86 Woodward avenue; Elias M. Rothman, 90 Woodward avenue; Geo. Moebs & Co., 92 Woodward avenue.

Alex. Paton, hardware; T. B. Rayl Company, hardware; Sol Berman, misfit clothing parlor; W. H. Bedard, The Regal Shoe Company; O'Brian & Co., 127-129 Woodward avenue; Fred Sanders, confectioner, 141 Woodward; Daniel C. Grobbel, Peerless Specialty Company; Ed. La Danceur, clothing; M. J. Ciganet, 49 Monroe avenue, hatter; A. Finsterwald, 67 Monroe avenue, clothier; I. J. Keltch, clothier; Grunow & Patterson, drugs; Gus. W. Hartman, hatter and furnisher; John P. Lieberman & Co., 84 Gratiot avenue; Chas. P. Brant, 96 Gratiot avenue; Union Hat Company, 102 Gratiot avenue; Thomas Walch, 104-106 Gratiot; W. W. Bugg, jeweler, 118 Gratiot avenue; C. J. Merbach, 122 Gratiot avenue, boots and shoes; Herman Spater, 124 Gratiot avenue; Chas. Feldmann, 126 Gratiot avenue; W. J. Clifford, 132 Gratiot; Jones, Roser & Alder, 128 Gratiot avenue, leather and findings; A. Quandt, 133 Gratiot avenue; Brede & Schroeter, painters and decorators, 152 Gratiot avenue.

Geo. Vollrath, hardware; Otto Simon, jeweler; Benjamin F. Rose, 190 Gratiot avenue; Wettlaufer Bros., tailors and importers, 192 Gratiot avenue; W. B. Jansen, dry goods, 194-200 Gratiot avenue; Spindler Son, wall paper, 210 Gratiot avenue; Detroit Novelty Cloak Company, 220 Gratiot avenue, J. Miller; A. Barron, 222 Gratiot avenue, hardware, tin, crockery and glassware; S. E. Werner, millinery, 226 Gratiot avenue; F. Deinzer & Son, Naph House, 232 Gratiot avenue; Herm. Beese & Co., 240 Gratiot; C. Jacobson, 255 Gratiot; Hugo J. Denk, picture frame manufacturer; J. F. Weber, lumber; Detroit Candy Company, limited, F. Winter, manager; S. Goldstein & Co., 285 Gratiot avenue; F. W. Droelle, druggist, 271 Gratiot avenue; John Benshaber, furniture, 261-263 Gratiot avenue; Berman, Meine & Co., wholesale clothing; Fred Bassinhuyn, manufacturing confectioner, 245-251 Gratiot avenue; Geo. J. Heck, job printer; A. W. Richards, tea company; J. S. Jennings, tailor.

Marr & Taylor, dry goods; Macauley Bros., booksellers; Jno. H. Harvey, manager W. L. Douglas Shoe Company; W. E. Barker & Co., furniture, 178 Woodward avenue; New York Suit, Cloak and Fur Company, suits, cloaks, and furs, 182 Woodward avenue; Newcomb Endicott Company, dry goods, 190 Woodward avenue; Thos. J. Walsh, jeweler, 202 Woodward avenue; S. C. Duntin & Co., opticians, 210 Woodward avenue; White Sewing Machine Company, sewing machines; Geo. L. Robinson, manager, bicycles and automobiles; J. B. Mulhall, English Woolen Mills Company; J. B. Aldrich, manager Standard Sewing Machine Company; Samuel Smith, merchant tailor; Geo. F. Trunk, 248 Woodward avenue; F. G. Barton & Co., mantels, grates, and fixtures; L. A. Howard, 41 East Elizabeth; W. C. Rands & Co., 254 Woodward avenue; Andrew Hain, caterer, 258 Woodward avenue; The J. F. Hartz Co., manufacturers of surgical instruments; L. P. H. Fisher, china, 272 Woodward avenue; Theodore C. Mau, furrier, 269 Woodward avenue; Geo. E. Angell, confectioner, 235 Woodward avenue; F. T. Collver, pianos, 124-126 Miami avenue; Goldberg Bros., department store, 225-7-9 Woodward avenue; Grinnell Bros., music store, 219-223 Woodward avenue.

Mr. BROUSSARD. Mr. Chairman, the people of my district are especially interested in the measure now pending before Congress. Generally the people of Louisiana, though in a less degree, are vitally interested in the issues involved by the passage of this measure; but in discussing this measure I shall not limit myself purely to the local bearing this bill may have on my constituents, nor shall I limit my argument with the effect it might have upon the people of Louisiana, which in part I represent, but I hope to take a broader ground and to discuss this question from a broad rather than a local standpoint.

I may preface my remarks with the statement that from the first tariff act—that of July 4, 1789—enacted by the Congress of the United States until the tariff act of 1890 no tariff legislation has been passed by the American Congress that did not impose a substantial tariff upon sugars imported into this country. I make an exception of the tariff act of 1890, because that tariff act put sugar on the free list. Yet at the same time, in order to give that industry an equality of standing in the market with other industries benefited by tariff legislation, a bounty of 2 cents on refined sugars and of 1⅛ cents on inferior grades was paid the domestic sugar growers of this country. The bounty schedule of that tariff was opposed at that time by the Louisiana sugar producers.

The reason for the opposition was that it was thought that a bounty would not meet with the general approval of the people of the United States. Against the protest of the sugar producers of Louisiana this bounty was given, and then there was a provision placed in the bill which provided that the President of the United States, by proclamation, might declare a tariff upon sugars coming from countries where, in his opinion, a discrimination was made by the tariff legislation of such country against the introduction of American manufactured goods into it, and the President of the United States was authorized, by proclamation, to legislate and to impose a tariff upon goods coming from such country, and then to cancel this proclamation tariff by enacting reciprocity treaties with the countries discriminating against American manufactured goods. That tariff became law in 1890.

It is my purpose to demonstrate that neither Republican nor Democrat should vote for this measure, nor should any American give it his support. The Republican members should not vote for it because it contemplates a violation of good faith, by that party, with the domestic sugar producer.

In 1890, when the tariff on sugar was abandoned for the first time, as I have related, paragraph 231 of that bill, commonly known as the McKinley bill, gave a bounty on sugars as follows:

Sugars not below 90° polariscope, 2 cents per pound.

Sugars between 80° and 90° polariscope, 1⅛ cents per pound.

Paragraph 726 placed sugars not above 16 Dutch standard, which is commonly known as raw sugar, on the free list.

By paragraph 237 sugars above 16 Dutch standard, which is known as refined sugar, five-tenths of a cent per pound duty was imposed.

And where the sugar was imported into this country from a country which placed a bounty on such sugars, then a countervailing duty of one-tenth of a cent per pound was placed in addition to the five-tenths cent just mentioned.

Then came section 3, authorizing the President by proclamation to place a duty on sugar and one or two other articles mentioned in the section when coming from a country where it was desired to have a treaty of reciprocity enacted between such country and the United States, and upon the adoption of such a treaty by the two countries to remove that duty. The section fixed the extent to which the President could by proclamation enact tariff legislation against such country as he desired to enter into reciprocal trade.

Sugars not above 13 Dutch standard and not above 75° polariscope paid a duty of seven-tenths of a cent per pound, and for each additional degree of the polariscope was added two one-hundredths of a cent per pound.

Sugars above 13 Dutch standard and not above 16 Dutch standard, 1⅛ cents per pound.

Sugars above 16 Dutch standard and not above 20 Dutch standard, 1⅛ cents per pound.

Above 20 Dutch standard, 2 cents per pound.

In 1892 the Democratic party in convention at Chicago adopted in its platform the following plank, which has special relation to this section of the McKinley law. That plank, section 4, reads as follows:

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while erecting a custom-house barrier of prohibitive tariff taxes against the richest of the countries of the world, that stand ready to take our entire surplus of products and to exchange therefor commodities which are necessaries and comforts of life among our own people.

In 1893 the Democrats came into power, and in 1894 what was known as the Wilson bill was enacted. In that bill sugar was restored to the dutiable list and the bounty was repealed. The sugar-schedule provision in that bill was as follows:

Paragraph 182½ imposed a tariff on all sugars imported into this country of 40 per cent ad valorem. Then there was a differential in favor of refined—that is, covering all sugars above 16 Dutch standard, on which sugars a duty of one-eighth cent per pound was added to the 40 per cent ad valorem; and again there was a countervailing duty—that is, where sugars came from a country paying any kind of a bounty to the domestic producer of that country, then one-tenth of a cent per pound additional was placed upon such sugars.

The reciprocity clause of the McKinley law, which was section 3 of the act of 1890, was by section 71 repealed in so many words.

This was looked upon by the Republicans as a breaking of faith by the Democratic party with the domestic sugar producer, and that feeling found expression in the national Republican platform of 1896. The plank relating to that section of the Wilson bill repealing section 3 of the act of 1890 reads as follows:

We believe the repeal of the reciprocity arrangements negotiated by the last Republican Administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Protection and reciprocity are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both, and both must be reestablished. Free admission for the necessaries of life which we do not produce; reciprocity agreements of mutual interests which again open markets for us in return for our open markets to others. Protection builds up domestic industry and trade and secures our own markets for ourselves; reciprocity builds up our foreign trade and finds an outlet for our surplus.

* * * * * * *

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

In 1897, the Republicans securing control of the Government, the Dingley law was enacted that same year. The Republican party again returned to the doctrine of reciprocity, though the method of applying that doctrine was changed from the method which had prevailed under the McKinley law. Paragraph 209 of the Dingley law placed a tariff on sugars not above 16 Dutch standard and not above 75° polariscope at ninety-five one-hundredths of a cent per pound, and provided an additional thirty-five one-thousandths of a cent per pound for every additional degree of the polariscope. That established, the scale of tariff upon sugar per 100 pounds was as follows:

	Cents.		Cents.
75°	0.95	88°	1.405
76°	.985	89°	1.44
77°	1.02	90°	1.475
78°	1.055	91°	1.51
79°	1.09	92°	1.545
80°	1.125	93°	1.58
81°	1.16	94°	1.615
82°	1.195	95°	1.65
83°	1.23	96°	1.685
84°	1.265	97°	1.72
85°	1.30	98°	1.755
86°	1.335	99°	1.79
87°	1.37	100°	1.825

Then there was, by the same section, a differential duty allowed (that is, refined sugars, or sugars above 16 Dutch standard, regardless of the polariscopic test, received a flat duty of $1.95 per 100 pounds); and then there was a countervailing duty, which in that law was fixed on the equivalent of whatever bounty was paid by the country from whence the sugar came; and then there was a reciprocity section, which enabled the President, by reciprocal trade arrangements with other countries, to reduce this tariff 20 per cent, provided the reciprocity should not continue for more than five years, and fixing the limit of time—two years—within which such treaty should be enacted by the President. Hence it is that the President can not to-day, under this

provision, enact a treaty of reciprocity with Cuba without the proposed action on the part of Congress as defined in this bill.

When this bill was pending before the House prominent members on the Republican side, in their several speeches upon the bill, all declared that the purpose of this provision of the tariff bill was to renew the faith that had been broken, as they claimed, by the Democratic party with the American sugar producer by the passage of the Wilson bill, and to carry out the platform declaration of their party, as I have read it a while ago.

Mr. GROSVENOR said, in his speech of March 24, 1897:

There is not a principle involved in its formation, not a condition suggested in its ramification, not a rate of duty, not a principle of tariff taxation that has not been protested against by the sugar trust and fought to the bitter end before the Committee on Ways and Means.

We propose that instead of sending $125,000,000 a year to the foreign countries of the world, most of which goes to pay labor in the production of sugar, we will make it possible for every pound of sugar that we want to be produced in the United States of America.

The Republican party comes and offers to the agriculturists of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization, and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all of these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of the country a better market with less competition than they now have.

On the next day Mr. STEELE said:

With regard to sugar, I predict that if the tariff fixed by this bill is unchanged for a period of ten years, we will at the end of that time be producing not only enough for our own consumption, but as much as we care to export, and at very little additional cost to the consumer.

On the same day Mr. PAYNE said:

Mr. Chairman, I will tell the House how we propose to reduce revenue when it becomes necessary to do so, but I can only hint at it now, as my remaining time is so limited. We propose to take off five or six millions a year of duty on the linen that we import by producing it in this country and not having to pay any duty upon it, because it will not be imported. [Applause on the Republican side.] We propose to raise beet sugar and cane sugar enough in this country to supply all our 73,000,000 people, who must have the best in the world, and in that way we will take off $50,000,000 in the course of a few years.

On July 19, 1897, both Mr. Dingley, chairman of the Ways and Means Committee, and Mr. PAYNE, then member and now chairman of said committee, used this very significant language. Mr. PAYNE said:

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition and lots of it everywhere. Put the farmers over against the trust by passing this bill and reduce the price of sugar so that German raw sugar can not be brought in to be refined here.

Gentlemen on the other side, come over and help us, while we help the farmers out. [Laughter and applause.] You grangers over there, come and help us. You Populists, that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way than by mere invective—by running windmills, and all that. [Laughter and applause.]

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about one hundred millions. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and besides all that, we knew that all adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source will be reduced; by and by the revenue will come in more largely from other sources, and when this industry is fully established and revenue from sugar ceases the reduction will keep pace with the increase. The thing will regulate itself; we will not disturb our tariff in the next quarter of a century.

And Mr. Dingley said:

It should be borne in mind that the general increase of duty on sugar made in the proposed tariff has been made not only to increase the revenue, but also to further encourage the production of beet sugar in this country and furnish a new crop for our farmers, who are being sorely pressed as to our large wheat surplus by Russian and South American competition. I believe the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and thus the seventy-five millions sent abroad for the purchase of our sugar ultimately distributed here to our farmers. Already, indeed, it has been demonstrated that we can successfully produce beet sugar here, and the proposed duty placed on that article will gradually bring this about, while for the time being affording increased revenue.

Certainly nothing can be done to so successfully clip the wings of the sugar trust as to develop our beet-sugar industry. Sugar-beet factories turn out their product in a refined form, and thus become the efficient competitors of other refiners. The successful establishment of the sugar-beet industry in even half of the twenty-six States which can and will successfully grow sugar beets under the proposed tariff would speedily end any sugar trust, and would at the same time confer immense benefit on our farmers and all of our people.

It is quite clear in all of these declarations that the attempt of the Republican party to-day, under the management of the same leaders who managed the passage of the Dingley law in 1897, with the proposed cut of 20 per cent on Cuban sugar, the main competitor of the domestic sugar producers of this country is a violation of faith on the part of that party and its leaders with the domestic sugar producer. It is an unnecessary, unjust, and brutal violation of good faith. For, Mr. Chairman, if the Democratic party in its passage of the Wilson bill broke faith with the domestic sugar producer—and it was so declared by the Republican convention—then the Republican party to-day is breaking faith with the domestic sugar producer in attempting to foist upon this country in behalf of a people whom they claim are to-day suffering, and whom the proof shows are not suffering at all, by fixing a tax less than the Wilson rate upon sugars coming into competition with domestic sugar.

But, Mr. Chairman, I have had occasion, some two years ago, in addressing sugar planters in Louisiana, to take the position that while the Republican party favored protection to all American industries, it also favored reciprocity; that the reciprocity which it favored, as contemplated by the Dingley law, was such an application of that policy as provides for reciprocal trade agreement with sugar as a basis; that the Republican party in carrying out the doctrine of reciprocity was to enter into such agreement only with sugar-producing nations and with sugar as a basis of such trade agreement.

In his speech a few days ago the gentleman from Ohio [Mr. GROSVENOR], in his effort to carry out his party's behest to break faith with the American sugar producer, catechised his Republican colleagues who, representing districts in the North and West, where sugar is produced, have been valiantly resisting the efforts of the Republican leaders on this floor to carry out this violation of faith; and I desire to call the especial attention of these gentlemen, whose courage, convictions, and manly conduct deserves the plaudits not only of their own constituency, but of the entire people throughout the United States—I desire to call their attention, and the attention of the country generally, to the remarks of the gentleman from Ohio [Mr. GROSVENOR] made only a few days ago on this subject. He said:

I remember the discussion growing out of that bill. For ten days we sat here in the Committee of the Whole and the bill was discussed. A great question arose; and, strangely enough, it was, among other things, the sugar tariff which caused the great interest therein. It was the purpose of the Republicans in that body to place sugar on the free list, and we had a sort of battle cry—I always thought it was more or less unworthy—of a "free breakfast table," and we shook our fists in the faces of the Democrats on the other side and demanded a "free breakfast table." So it was, however, that we placed sugar on the free list absolutely, making no tariff upon the raw-sugar product of Cuba, but placing a bounty of 2 cents a pound upon the American product of sugar. At that time we were looking forward to the question of the production of beet sugar. We also provided for the free introduction into the United States of machinery for the manufacture of beet sugar. We had made arrangements for the free introduction into the United States of sugar-beet seed.

I cite this fact to show that the beet-sugar industry was then in ease, if not in an assured condition of success. The great question as to the sugar schedule of that day grew out of the difference of opinion between Mr. Blaine, who had been for a long time an advocate of reciprocity, and William McKinley, who was at that early day also a disciple of Blaine reciprocity, but not committed to all the details of Blaine's position. It so happened that I myself heard in the State Department an almost acrimonious discussion between Mr. McKinley and Mr. Blaine upon this question, one side favoring a tariff on sugar, hides, etc., all put into the schedule, and then left competent for the President of the United States, in case of reciprocity, to take the tax off sugar. This was a question of law and administration, and both the great leaders to whom I have referred favored the use of sugar as a basis of reciprocal negotiation. Sugar was then an "infant industry," and yet these two great champions of protection favored reciprocity in this article.

There never has been an attempt to establish reciprocal trade with any great sugar-raising country that did not involve negotiation looking for the use of sugar as one of the articles to be affected.

The other great leaders of the party at the time took exactly the other view of it, and argued in favor of leaving the duty off or prescribing the amount that should be proclaimed by the President in case reciprocity should fail. And so it was that we ultimately placed sugar on the free list, providing that there was no adequate of sufficient or satisfactory reciprocity granted by the foreign States; then the President of the United States might put sugar coming from such country onto the tariff schedule at a rate of duty which we prescribed in the law.

Then we went forward, and reciprocity for the first time found an enduring place upon the statute books of the United States. And reciprocity at that early period of time numbered within the articles that were to be taken possession of and dealt with for reciprocal trade with foreign countries this same vexed article of sugar. Then came the Democratic tariff of 1894, the so-called Wilson bill, which grew out of the defeat of our party in 1890 and 1892, and in that law the Democratic party placed itself in utter hostility to the reciprocity conditions or propositions of the McKinley law and put the tariff on sugar, and we went forward through the disastrous period with which we are all familiar and about which I do not propose now to talk.

Then came the Dingley bill. Now, let me tell gentlemen who undertake to assault members of this House for lack of fidelity to the Dingley law that it would be well for them before they attempt to sow the seeds of discord in the Republican ranks in this country, before they attempt to aid the Democratic party of this country to secure a majority in the next House, it would be well for some politicians and statesmen to know something about what they are talking about. [Laughter.]

Everybody who had anything to do with making the Dingley law—and there are present in this House no less than seven or eight of the members who all that winter long following the election of McKinley in November, sat down day and night and Sundays in the Cochran Hotel and worked on the bill which was to be offered in the spring, and they will all remember that Mr. Dingley and the weight of opinion in that conference was against the high rate of duty that afterwards appeared in the law on raw and refined sugar. But at last, after a long contest, lasting all winter, and after the sugar trust had been heard, and after the beet-sugar men had come here in full force—intelligent men, far-sighted gentlemen—the Dingley bill was passed in the House, providing for a certain reduction upon raw sugar from Cuba and every other country that would enter into reciprocal relations with the people of the United States.

Again, speaking of the conference between the House and Senate on the Dingley bill, he says:

If we should cut down the duty upon refined sugar it would harm the beet-sugar interest, and if we should cut down the duty on raw sugar, then we should benefit, it was said, the sugar trust, as it was called. So, at last, finding ourselves led by Dingley, so far as the House members of the conference were concerned, we voted to retain those provisions—to retain the

high duty upon sugar—with the distinct expectation, which every member of Congress had at that time, that sugar would be one of the prime articles that would be used in the interest of reciprocity.

And he concludes:

Now, I have shown conclusively, and I challenge contradiction, that sugar has been, in Republican estimation and in Republican enactment and in Republican discussion, understood to be a fit subject of reciprocity.

Thus it is seen, Mr. Chairman, that the gentleman from Ohio [Mr. GROSVENOR] in this argument confirms the position that I occupied when addressing myself to the sugar producers of Louisiana, and it is well that our friends on the other side should fully appreciate the import of that position. This is said in no spirit of disparagement of the former conduct of the beet-sugar growers in the politics of the country, but it is well that a man engaged in a business predicated upon the good faith of party leaders should know exactly how such party leaders stand in reference to their pursuits, and should understand not merely what the declarations of the party may be, but what the practice of that party is, and it is to that that I shall direct the attention of the gentlemen at this time.

This argument possibly in no wise appeals to my colleagues on the Democratic side, but as I propose to show that under Democratic doctrine there is no room for reciprocity, they may be expected to stand aside while I demonstrate the correctness of my contention and the contention of the gentleman from Ohio [Mr. GROSVENOR] that reciprocity as understood and as practiced by the Republican party is such a consummation as compels the domestic sugar producer to buy on a highly protected market everything that he uses and consumes, and to sell on a reciprocity market, which is only another word for a free-trade market, everything he produces.

I have shown by the utterances of one closely connected with tariff legislation what his conception of his party's utterances on reciprocity is. Now, I propose to show the acts of that party and to demonstrate that both he and I are correct—that is, the Republican party only favors such reciprocity as will tend to assist other protected manufactured goods in this country at the expense, under the doctrine of reciprocity, of the domestic sugar producer.

An investigation of the reciprocity treaties as enacted, both under the Dingley law and the McKinley law, confirms me in the opinion that this is so. I have here a list of all the treaties enacted.

Mr. WM. ALDEN SMITH. Will the gentleman allow me?

Mr. BROUSSARD. Certainly.

Mr. WM. ALDEN SMITH. The gentleman from Louisiana would not have the House understand that at that time we were producing any considerable amount of sugar?

Mr. BROUSSARD. No; we were producing about 250,000 tons of sugar, mainly in Louisiana. It is not pertinent to the discussion of this question whether the President, under the McKinley law, was authorized to impose a tariff on sugar and then destroy that tariff to secure reciprocal trade, but it is pertinent to demonstrate that the policy of the Republican party has been properly announced by the gentleman from Ohio [Mr. GROSVENOR] when he says that sugar has been the main basis of reciprocity under Republican doctrine.

Mr. WM. ALDEN SMITH. That was because it was an article of necessity and they could traffic in it. We did not produce that necessity.

Mr. BROUSSARD. The gentleman will allow me to say that we do not do it now. We may do it in the near future.

Mr. WM. ALDEN SMITH. We will do it.

Mr. BROUSSARD. I think we can do it. I am not saying this in criticism of the gentleman; I agree with him in the position he occupies. What I am saying is in line with the general argument of the gentleman from Ohio [Mr. GROSVENOR], which I have been maintaining for three years in my district.

Now, an examination of the treaties negotiated under the McKinley and Dingley laws will demonstrate the correctness of the position. I desire to call the attention of the gentleman from New York [Mr. MCCLELLAN] who has argued that reciprocity was Democratic doctrine, and who quoted extensively from Thomas Jefferson, to this fact: That, strange to say, arguing reciprocity was Democratic and quoting Jefferson in support of his position, he did not produce a single treaty, negotiated by Jefferson himself or by Jefferson's Administration while he was President of the United States, carrying out the doctrine that he announced here. The first treaty of reciprocity, barring one enacted in 1856, was the treaty of 1876, and that treaty was with Hawaii, enacted by a Republican administration, placing upon the American market Hawaiian sugar in free competition with the only sugar of the United States, that produced in Louisiana.

The reciprocity treaties enacted under section 3 of the act of 1890 was with Brazil in 1891; with Spain, not with reference to Spain itself but with reference, and it is so mentioned in the treaty, to Cuba and Porto Rico, both exporters of sugar. The reciprocity treaty in 1891 with Santo Domingo, an island exporting sugar; with British Guiana; with Trinidad and Tobago and the Barbados; the Leeward Islands and the Windward Islands; with Jamaica; with Salvador in 1891, and Nicaragua and Guatemala and Honduras, all exporters of sugar, are all based on sugar as the primary article intended to be affected by the treaty. There was not one single treaty enacted under the McKinley law that was not predicated upon sugar as a basis of such treaty.

Now, it does not make much difference, in so far as this argument is concerned, that these things transpired then, because the producer was receiving his 2 cents bounty, or 1⅛ of a cent on sugar below certain tests, but it is significant, that both under the McKinley and the Dingley law, with few exceptions, all treaties that have been enacted, and most of the latter treaties remain unratified in the Senate to-day, are predicated upon a discrimination against the domestic sugar producer. Under the tariff act of 1897 there was a treaty with France; sugar is not a part of it, but I mention all of them that I may show that my position is not partisan and that I may argue from a broad standpoint. The treaty with France in 1896, with Germany in 1900, with Portugal and Italy are all ratified.

Now, as to the unratified treaties. Let us see how they read. There is a treaty with the United Kingdom, not for goods produced in England, but for goods produced in Jamaica, Coacas, and the Turks Island, and the Barbados, all producers of sugar; with Denmark, not with reference to goods produced in Denmark, but goods produced in the Danish West Indies, sugar-producing islands; with the Dominican Republic, a producer and exporter of sugar, Nicaragua and Ecuador and Argentina. They all show that the basis of the treaty was the reduction of the tariff on raw sugar, that the trust might obtain its sugar cheaper to compete with the American sugar producer. The reduction on sugar from Barbados and other islands is 12½ per cent. On Argentina it is 20 per cent, the full limit allowed by the Dingley law.

Now, these treaties show that while gentlemen on the other side argue, and I believe they argue conscientiously, that the doctrine of reciprocity, as understood by the Republican party, is a reciprocity that does not interfere with domestic producers, in fact and in practice the application of the doctrine has been peculiarly resting on sugar as a basis. Sugar has been the main prop of every reciprocity treaty enacted, both under the Dingley and under the McKinley laws. Gentlemen tell us that this bill provides for only 20 per cent reduction on sugar from Cuba; that it will not harm the American sugar producer.

Do you remember that they made the same argument in 1876? Look over the debates upon that question. Reciprocity with Hawaii was the theme then, and free sugar through Republican legislation was brought from there to this country under that treaty. Do you remember—I remember it because during every subsequent transaction of this character I have had the honor of a seat upon this floor—do you remember that when Hawaii was annexed to the United States gentlemen on the other side of the House and some on this side also said: "Well, Hawaii produces only a certain amount of sugar and can not interfere with the domestic sugar producer?"

Hawaii was annexed. What has been the result? She produced more the next year after annexation than all the domestic producers of sugar produced in this country. Do you remember that when the Porto Rico bill was pending here, and when it was proposed to reduce the tariff by cutting the Dingley rate to 25 per cent of the duty imposed by that act, gentlemen said: "It can not hurt us, because Porto Rico produces only 150,000 tons of sugar annually?" Yet what has been the result? To-day the sugar of Porto Rico comes into competition with that of our domestic producer; and Porto Rico has doubled her production since.

Do you remember that the other day when we had the Philippine bill before us, and it was proposed to cut the Dingley rate upon the products of the Philippine Islands coming into this country, gentlemen said: "They produce only a little sugar, and the importation can not hurt the domestic producer?" So the Philippines were packed on top of Hawaii and Porto Rico. And, now we come to the greatest cane-producing island of all the world; and gentlemen make the same argument that this island does not produce much sugar, and the importations from it can not affect the domestic sugar producer of this country. They have made this argument on all occasions and on every one of these propositions.

They have made it until they have piled up the production of Hawaii, and the production of Porto Rico, and the production of the Philippines; and now they propose to pile on the production of Cuba. And they say it can not hurt us because each of these, singly, does not produce very much sugar. Soon we may expect a repetition of the argument when this Republican Administration concludes the purchase of the Danish West Indies. The argument in each case is that the domestic producer can not be

harmed. Singly, possibly not, but collectively the certain destruction of the domestic industry must follow such policy.

Mr. Chairman, putting the entire production of these islands together, they can produce much more sugar than can be consumed in this country; nay, they can produce all the sugar to supply the consumption of the world. I am borne out in this statement by statistics collected by our Government, and the proposition will scarcely be controverted by any gentleman familiar with the subject.

Of course this is no argument to meet the position that some gentlemen occupy on this floor, but it does meet the argument of gentlemen on the other side who are now advocating a 20 per cent reduction of tariff on the Cuban product. It does meet their assumption that while they are urging this kind of "reciprocity" they are in favor of protection to all American industries. The kind of "reciprocity" which they favor affects only the domestic sugar producer. In other words, they want everything that is sold in this country, everything that the American sugar producer must buy and use in his home and in the manufacture of his sugar, sold on a protected basis; and yet, when it comes to his product, they want him to sell in a free market.

It is a matter of easy determination, susceptible of absolute proof, that the rate of tariff on sugar as fixed in the Dingley law, with the annexation by the Republican party of Hawaii and Porto Rico, whose sugars come free, and of the Philippines, whose tariff on sugar has been immensely reduced, and with the present proposition going into effect, is less than 40 per cent ad valorem, the duty fixed in the Wilson bill.

I do not think any gentleman will controvert that proposition. So that we are again brought to the forced conclusion that if the Democratic party broke faith with the domestic sugar producer, as declared by the Republican platform of 1896, the Republican party has not only broken faith with them but has rendered their position more precarious than it was during the existence of the Wilson law. For while then the tariff on sugar bore a just proportion to other tariffs, while then the domestic sugar producer received a small tariff on his product, he in turn had the privilege of buying every product which entered into his life, his home, and his business in a market where such product received the benefit merely of an equivalent tariff.

The domestic sugar producer might be said to be in the position that the smallness of the tariff on his product was balanced when he went on the market to buy what he needed by the small tariff on the products that he needed, used, and consumed. Under present conditions the domestic sugar producer finds himself in a position where he is compelled to buy on the highest protected market in the world everything that enters his household, his business, and his needs, and to dispose of his own product upon a market where the equal protection intended for him under the law has been broken down and destroyed, step by step, until he is forced into competition with the cheap product of other countries.

This fact is so palpable and so significant that I trust gentlemen on the other side and the people of the country generally will note the unjust and systematic discrimination that has been conducted by the Republican party against the domestic sugar producer North, South, and West.

The Republican party has said that protection and reciprocity go hand in hand. The President has said that reciprocity is the "handmaid" of protection. That may be true in theory, but unquestionably in practice it is not so. I say that reciprocity as appiied to sugar is the "cat's-paw" of protection; for the domestic sugar producer sees a systematic movement on the part of the Republican party to use his industry to pull the nuts from the fire and to perpetuate the exorbitant tariff rates upon other manufactured goods in this country.

In other words, when the tariff rate is so high upon everything that a surplus grows in the Treasury to such an extent as requires the pruning out of this surplus the domestic sugar producer finds that in order to maintain the high rates on other industries and other manufactured goods the Republican party, with the cry of "reciprocity," forces him upon the altar of sacrifice. It is true that sugar is used to produce revenue when revenue is needed, but is also used to reduce revenue when more favored industries are involved.

And for one I never can see, in view of these facts, how any sugar producer can subscribe to the twin doctrines of the Republican party on this question. Rather would I trust to the doctrine of the Democratic party, which contemplates a tariff for revenue, for upon that basis the sugar producer can predicate the most truly just argument for a tariff; and a good tariff should be placed upon his product, for the reason that it is the article which produces most revenue, which gives the least protection, and which bears most universally and justly and equitably on all the people of the country, and therefore is the fairest of all the tariffs.

I have heretofore argued that no Republican should vote for this measure, and I have heretofore stated that no Democrat can vote for it. I believe I have proved that no Republican should vote for it, and I shall now undertake to prove that this measure is not entitled to a single Democratic vote on this floor.

I shall predicate my first argument on this point upon the fact that this measure is purely a Republican measure, and a vote on the Democratic side in its support is a vote to further the interest of the Republican Administration, which position, in my mind, no Democrat should take unless there are very grave reasons why he should assist in carrying out an adverse Administration measure as a matter of essential interest to the entire country. That this is a Republican measure is palpable. The following excerpts from various reports recite a part of the history of this bill and its Republican paternity. I shall give them.

President McKinley, in his message to us of December 5, 1899, said:

> This nation has assumed before the world a grave responsibility for the future good government of Cuba. We have accepted a trust, the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how far and how is for the future to determine in the ripeness of events.

Major-General Wood, military governor of Cuba, in an authorized statement recently published, said:

> On the other hand, unless action is taken, and taken promptly, on the question of tariff reduction, Cuba will be a monument, not to the good effects of our intervention, but to the ruin which has followed the destruction of her great industry.

The Secretary of War, in his annual report for 1901, said:

> Our present duty to Cuba can be performed by the making of such reciprocal tariff arrangements with her as President McKinley urged in his last words to his country at Buffalo on the 5th of September. A reasonable reduction in our duties upon Cuban sugar and tobacco in exchange for fairly compensatory reductions of Cuban duties upon American products will answer the purpose, and I strongly urge that such an arrangement be promptly made.

And again:

> Aside from the moral obligations to which we committed ourselves when we drove Spain out of Cuba, and aside from the ordinary considerations of commercial advantage involved in a reciprocity treaty, there are the weightiest reasons of American public policy pointing in the same direction; for the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States. The same considerations that led to the war with Spain now require that a commercial arrangement be made under which Cuba can live. The condition of the sugar and tobacco industries of Cuba is already such that the earliest possible action by Congress upon this subject is desirable.

President Roosevelt, in his annual message to us last December, said:

> Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of natural interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired—that she should stand in international matters in closer and more friendly relations with us than with any other power—and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being.

The idea involved in this bill saw its origin, you will recall, in General Brooke's report while governor-general of Cuba. It was upon General Brooke's recommendation that President McKinley predicated his recommendation of 1899. It was the recommendation of General Wood to the Republican Secretary of War, that the Republican Secretary of War recommended the matter to the Republican President. It was the Republican President that recommended this measure to the Republican Congress, and then you will recall the agitation of this matter after the President's message.

First, the Ways and Means Committee gave an extensive hearing to all parties at interest. It heard the supposed Cuban planter, the Cuban merchant, the Cuban banker, the sugar trust, the beet-sugar producer, the Louisiana cane-sugar producer, the Hawaiian and the Porto Rican planter; and then it was rumored after all of these interests had been heard, that there was not sufficient Republican votes on the Ways and Means Committee to bring the measure out of that committee. It was known that some Democrats on that committee favored the passage of this bill. Yet so anxious were the Republican leaders that they should have all the credit for this legislation that they were not willing to avail themselves of the votes of these Democrats in order to bring this bill to the consideration of the House. Then followed Republican caucuses.

In the first one, a majority of the Republicans seemed to be opposed to the measure, and then delay was asked by those who advocated the bill. The President took a hand in the matter, and one by one the recalcitrants were called to the White House, and then another caucus was held by the Republicans, with no better result than the first; then Governor Wood came on to Washington, and the sugar-trust agents flocked about the Capitol, and

another caucus resulted; and then a fourth, and then a fifth caucus, and it was not until the last caucus held by the Republican party on this subject that a majority of the Republicans could be secured to support this bill.

During all of this agitation the reasons for this measure were predicated upon the suffering of the people of Cuba, the relief of which was intended to be brought about through it. No effort was made to have this measure considered until it was certain that its Republican paternity was well established to all men of this great Republic.

You all recall that after this measure had been agreed upon, as a Republican measure in a Republican caucus, upon the recommendation of a Republican President and Republican officials, that the Committee on Rules debated long and seriously whether they should not force this bill through the House under the whip and spur of a rule limiting debate and limiting amendments. But to the credit of the Democrats and those Republicans who stand by the domestic sugar producer the rule was made impossible.

The Republican leaders knew full well that such a rule could not be put through the House against the wishes of the friends of the domestic sugar producer on the Republican side and the united forces of Democracy on the floor. So that, for the first time since I have been a member of Congress, this bill came into the Committee of the Whole House as a Republican measure without limit either as to debate or as to amendments, and yet there are gentlemen on this side of the Chamber who contend that this is a Democratic measure. I say to them that the history of the measure flies in the face of that contention. But that is not all of the history of the Republican paternity of this measure. Let me call your attention to the message of the President made to this Congress, and to the recommendations contained therein.

Apart from the recommendation of the passage of this bill by the President, 36 recommendations have been made to Congress. Of the 36 recommendations up to this moment only one of them has been pressed by this Republican Administration to a conclusion. That is the establishment of a permanent Census Bureau. Every other recommendation either lies dormant in divers committee rooms or is suspended between the House and the Senate.

In a desire to carry any of these recommendations has the President exercised the well-known pressure that he has exercised in this matter to bring about its culmination by the enactment into law of his recommendations? He has not summoned members of his party to the bar of his court to pass so important a measure as a law for the suppression of anarchy in this country, though he himself became President as a result of the fact that anarchy had robbed this Republic of the life of his lamented predecessor; he has not called to the bar of his court members of his party on this floor to press the passage of a law to supervise the trusts and suppress them in this country, though the American people are groaning under the exorbitant exactions of this commercial anarchy; he has not seen fit to call his leaders on this floor to demand that they create a new Cabinet office, that the commerce and the industries may have a say and a vote in the council of his official family; no pressure to pass the eight-hour law for Government employees; no pressure to pass immigration laws demanded by organized labor in this country; no pressure to reduce the revenues which now increase the surplus in the Treasury daily, jeopardizing the commercial interests of our people; no pressure to enlarge the powers of the Interstate Commerce Commission; no pressure for economy in Government expenditures; none for the protection of our forestry; none for the passage of irrigation laws for our brothers in the West; nothing to protect the public lands of Porto Rico; nothing to furnish the wherewith to construct the isthmian canal demanded by every section of the country and by every citizen of the Republic.

In fact, the whole power of this Administration has been devoted, in so far as it has the power to compel legislation in this body, for the one single purpose of passing this measure; and yet there are Democrats who stand on this floor and contend that this is a Democratic measure! For myself I can not understand that a Republican Administration should exercise all of its influence, bend all of its efforts, use all of its powers, to pass a measure that was not in keeping with the doctrines and the policy of its party, but intended to further the interest of the opposition party.

But gentlemen say that this bill is in keeping with tariff reform. I deny that. I deny it most emphatically, and the facts are so plain on that proposition that the wonder to me is how gentlemen can be so ingenious to present an argument on the other side of the question. Will this bill reduce the taxes of the people? I maintain, first, that genuine Democratic tariff reform must be upon the lines of giving cheaper goods to the American people. Is there any gentleman who contends on this floor that this measure will give to the American sugar consumer cheaper sugar than he is getting to-day? Not one.

The gentleman on the other side who made the first speech in behalf of this bill [Mr. PAYNE] said that it would not affect the price of sugar to the consumer. The gentleman from New York [Mr. MCCLELLAN] who, on this side, has led the fight in behalf of this bill has admitted that it would not reduce the price of sugar. Do gentlemen believe that we can make the people of this country think that by voting for a cut on the tariff that gives them no benefit at all—that such a measure is along the lines of genuine tariff reform? Do they believe they can go to their constituents and say, "I have cut 20 per cent on sugar," and expect the people of their districts to be so dull as not to understand when they go to the grocery store and have to pay the same price for sugar that they paid before the cut came, that there has been no genuine tariff reform effected by the passage of this bill.

As a tariff-reform measure, I contend that this bill is a myth, pure and simple. Genuine tariff reform does not consist exclusively in reducing rates, but it consists in reducing rates in such a way as to reduce the price of the article protected by the tariff. And that gentleman underestimates the intelligence of the American citizen when he believes that in the face of an admitted fact that a cut accomplished upon the tariff on a certain article will not reduce the price of it to the consumer, he is carrying out genuine tariff reform. In fact, the whole contention of the party pressing this measure is that there will be no reduction to the consumer.

Then the question resolves itself into this: Who is to get the advantage of this cut? Some one will benefit by it. Gentlemen on one side say the Cuban planter will get it. Gentlemen on the other side say the sugar trust will get it. But all agree that the consumer will not get the benefit of it. Which shall it be, will the Cuban planter get the benefit of the cut that you propose in this bill or will the sugar trust get it? I contend that the sugar trust will get the benefit of this 20 per cent reduction, and my reason for that can be stated in a few words.

The Cuban planter has but two markets wherein he may dispose of his sugar, the English market and the American market. The sugar trust is the only purchaser of raw sugar on the American market, and when the Cuban planter comes to dispose of his crop he has to accept one of two propositions, which I may explain in the following way:

The price of raw sugar is fixed at Hamburg. The price of raw sugar in England is the Hamburg price. The price of raw sugar in New York is the Hamburg price plus the transportation plus the tariff plus the differential. The Cuban planter has but the two markets within which he may dispose of his sugar. The English refiner says to him, "I will pay you the Hamburg price for your sugar delivered here." The American sugar trust says, "I will pay you the world's price for your sugar plus the tariff." The transportation from Cuba to England being higher than the transportation from Cuba to New York, the Cuban planter finds it advantageous to bring his sugar to New York and sell it to the sugar trust.

In that price the countervailing duty fixed by the law plays no part, and that was conceded by the gentleman from New York in his argument. Yet under all rules of commerce, if there was competition in purchasers for Cuban sugar on the New York market this countervailing duty properly belongs to the Cuban planter; but the sugar trust is in that position that it can withhold this countervailing duty from the Cuban planter, and does withhold it. If you reduce the tariff 20 per cent on Cuban sugar by the adoption of this measure you create a differential in favor of the Cuban planter, but as the trust has the power and does withhold the equivalent of the countervailing duty from the price paid the Cuban planter to-day, by the application of the same policy it can and will withhold this 20 per cent reduction of the present tariff rate on raw sugar, and the reason for that is obvious.

The Cuban planter is compelled to sell. He can not hold his crop; while the sugar trust is not compelled to buy the Cuban sugar. If the Cuban planter will not accept the offer of the trust, the trust can wait and the planter can not. It is true he has the alternative of taking his sugar to England, but there he comes in direct competition with German sugar. He now loses the advantage of the countervailing duty and will, after the passage of this act, lose the advantage of the 20 per cent reduction. He will lose still further, by taking his sugar to England, a difference in the cost of transportation between the rate from Cuba to New York and the rate from Cuba to England. Even after the trust insists upon appropriating this 20 per cent he will find it to his advantage to go to the New York market in preference to the English market, for in that way he will save the difference in the freight rates.

Now, will gentlemen contend that the trust, being the only purchaser, will not insist upon appropriating to itself this entire 20 per cent reduction if this bill passes? If without the assistance of legislation on the subject it now appropriates the countervailing duty, which of right belongs to the Cuban planter, with how much more reason will it appropriate the 20 per cent fixed by this act?

But we of Louisiana know by bitter experience that that will be the result of your legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BREAZEALE. Mr. Chairman, I ask that the time of my colleague be extended fifteen minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the time of his colleague be extended for fifteen minutes. Is there objection?

Mr. COCHRAN. With the understanding that the time of the other speakers will be correspondingly extended, I do not object.

The CHAIRMAN. The Chair understands that the gentleman does not object.

Mr. COCHRAN. I do not object, but I think in fairness if that rule is adopted it should go down the line.

Mr. ROBERTSON of Louisiana. The gentleman does not object.

The CHAIRMAN. The Chair understands the gentleman does not object.

Mr. BROUSSARD. The price of sugar in New Orleans is predicated upon the New York price. Yet three-sixteenths of a cent a pound is taken off from that price because the sugar trust, the only purchaser we have, contends that the freight rate from New Orleans to New York is three-sixteenths of a cent a pound; and, singular to say, not a pound of that sugar goes to New York, but the trust has a refinery in New Orleans, and from there disposes of every pound that is produced in the State of Louisiana.

If they have the power to cut off three-sixteenths of a cent on every pound of sugar we produce, will any gentleman explain to me why, with the assistance of the Congress of the United States in passing this legislation, they will not be able to tell the Cuban planter, "We will pay you the New York price for your sugar plus the tariff that is charged, but as they have cut 20 per cent off the $1.685 for 96 sugar, we demand that you surrender to us this 20 per cent of $1.68¾ allowed you by your reciprocity treaty with the United States?"

Remember it is argued here that the Cuban planter is in a worse financial fix than the Louisiana planter. But the Louisiana planter can not wait. Will the Cuban planter, in a worse financial fix than his Louisiana brother, be able to wait? All are compelled to sell, and the sugar trust is not compelled to buy. If the trust falls short on the refined article it can turn to the overproduction of Germany and France and Austria-Hungary and get the sugar to supply the deficiency, and so the Louisiana planter is compelled to sell.

The Cuban planter, if he be worse off than the Louisiana planter financially to-day, will be compelled to deduct this 20 per cent granted by the American Congress and to take for his sugar, just as the Louisiana planter does, the price which the sugar trust is willing to give him, and the 20 per cent allowed by Congress alleged to be in behalf of the Cuban planter will go into the pockets of the sugar trust. The Cuban planter can not sell to anybody but the American sugar trust. So that this bill will really place in the pockets of this gigantic trust more than $6,000,000 on the present sugar crop alone, which amount properly belongs to the United States Treasury.

If some gentleman can tell me to whom the Cuban planter can sell his sugar in this country except the sugar trust, I shall be glad to know it, and I can promise him that he will be looked upon as a prophet among my people, and, whether this bill passes or does not pass, he will become the prophet of the Cuban people as well.

Mr. LITTLEFIELD. Is the gentleman aware that there is a telegram from the president of the Sugar Growing Association of Louisiana stating that the planters down there are giving away their seed, that some are plowing up their stubble, and that the insurance companies are canceling policies on the sugar houses or raising the insurance rates 25 per cent within the last two or three weeks?

Mr. BROUSSARD. I am aware of that of my own knowledge, and I am glad the gentleman asked that question. My brothers and myself are interested in a sugar plantation in Louisiana, and this year we have taken the seed and rid ourselves of it, and we have plowed up the stubble field and planted the plantation in rice; not because we believed the sugar planter in Cuba would get the benefit of this 20 per cent, but because we knew that no matter who got this 20 per cent in so far as we are concerned the passage of this bill meant 20 per cent reduction on our sugars, for our only purchaser, the sugar trust, would say to us, "We now charge you a freight rate we do not have to pay, because if you will not sell to us at that rate in New Orleans you will have to pay the freight to New York and there sell to us, so now we tell you we will likewise deduct this 20 per cent, and your remedy is to move your sugar to New York and there sell to us in competition with the Cuban product, which we get 20 per cent cheaper since the reciprocity between Cuba and the United States."

I will say to the gentleman that a refinery in the town of Franklin, within 20 miles of my residence, the home of Senator Foster, that cost $589,000, was sold the other day for $47,000, with a view, it is reported, of tearing up the machinery and carrying it to Cuba. I am giving these facts which are within my own knowledge, and yet gentlemen tell us we are not being hurt in this country by this 20 per cent reduction.

In my own parish over 50 per cent of the production of last year has been cut down, and on the highways you may to-day find the seed cane intended to produce the wealth of that State. That is the way it is down there. But I am not appealing to gentlemen here to help us, to take us up. I am merely pleading for justice in behalf of an industry established in that State for over a hundred years, receiving the recognition of all parties—Democrats, Whigs, and Republicans—from 1789 to the present day. From the first tariff act, enacted on the 4th day of July, 1789, to this day there has been a tariff on sugar, not merely for its protection, gentlemen, but for the purpose of producing revenue for the Government.

And it is conceded that this 20 per cent reduction will not reduce the price of sugar to the consumer, but will cut the revenue of the Government $6,000,000 or $7,000,000 this year and twice as much next year if the production of sugar in Cuba increases in proportion as it has since the war has terminated on that island. The gentleman from New York [Mr. PAYNE] the other day stated that the year after the war 300,000 tons of sugar were produced on that island, last year 600,000, and this year 900,000, and that next year, if we take the production of 1894 for comparison, the year that the people of Cuba were not at war with the people of Spain, it will produce over 1,000,000 tons of sugar if properly developed as it is ostensibly pretended that the bill here proposes to do.

But the gentleman from New York [Mr. MCCLELLAN], after quoting Jefferson in support of the doctrine of reciprocity and feeling the weakness of his contention by his inability to show any treaty negotiated by Jefferson, either when a Cabinet officer or as President of the United States, undertakes to prove that reciprocity is Democratic on the ground that it tends to cut the rate of tariff fixed by the law, and in that contention he is ably supported by the gentleman from Virginia [Mr. SWANSON]. I contend that the argument is false, and the reason of its falsity is apparent. Under Democratic doctrine it is contended that only such tariff can be imposed as will produce sufficient revenue to economically administer the Government. If a cut of the tariff is brought about by reciprocity, one of two things must result. Either a deficiency in the Treasury proportionate with the cut and in keeping with the articles brought into this country under that treaty, or a raise of tariff on articles coming from other countries.

Reciprocity is essentially predicated upon the doctrine that the tariff collected in the custom-houses exceed the needs of the Government economically administered, for if there is no surplus in the Treasury there can be no cut without the danger of deficiency, and the consequent bankruptcy of the Government. If there is a surplus justifying a cut the Democratic remedy is not in the maintainance of a high tariff and the cutting off of a portion of it by reciprocity treaties, but the Democratic remedy is the reduction of the tariff along all of the lines and in behalf of all of the countries trading with this country.

Can a gentleman answer this argument? And just so as the proposed legislation is only considered because there is a surplus in the Treasury now, and the Republicans propose to reduce that revenue by this false system of tariff reform, giving the advantage of one country over all others in amity with the United States and crippling one American industry to give unjust advantage to others, just so when this doctrine is reciprocated by the Cuban Republic in order to carry out the condition imposed upon her by this measure will it be compelled to enact a tariff law which will produce more revenues than necessary to economically administer the government of that Republic or adopt the protective tariff system.

For, just in proportion as we derive advantage from this reciprocity treaty, in that exact ratio will the duties on goods coming from other countries into Cuba bear the burden of the concession to us. Is that not a fact? The gentleman from Virginia [Mr. SWANSON] says that the gentlemen on the Republican side who are supporting this bill are infused with 20 per cent of Democracy. I deny that; but, if it be true, does not the gentleman himself propose to carry the Republican doctrine of a tariff in excess of the needs in revenue of the Government somewhere else, and nolens volens to impose upon a free Republic compulsory Republican tariff legislation?

Admitting that Republicans advocating this measure are infused with 20 per cent of Democracy, they still remain believers in a protective tariff to the extent of 80 per cent. So that while the gentleman is not improving conditions here on the lines of Democratic tariff reform, as contended for by him, he is compelling

the people of Cuba to adopt the same system in Cuba that he complains of as robbery in this country. It is a most singular way of propagating one's faith in Democratic doctrine to so shape events that at one fell swoop he compels every Cuban elected to the Cuban congress and the Cuban president to become Republicans in fact, whether they believe in the doctrines of the Republican party or not. He can not get away from this proposition. I contend that if he wants the Democratic plan of tariff in this country he ought to be willing to apply it to Cuba. What is good for the American Republic ought to be good for the sister republic.

If 20 per cent is added to the necessary tariff to economically administer the Government of this country, the gentleman calls it robbery. If it is robbery here, it is robbery in Cuba. This difference exists, however, between the robbery here and the robbery there, and that is, that this country is self-imposed and voluntary, the power of taxation being in the hands of the representatives of the people on this floor; but in Cuba, if this measure is carried out, the robbery will be compulsory, because, in order to get this treaty enacted, 20 per cent will have to be added to whatever tariff rate is necessary to produce the revenue to carry on the Government of Cuba economically administered.

Mr. LITTLEFIELD. That is highway robbery over there and petty larceny here. [Laughter.]

Mr. BROUSSARD. I accept the amendment. [Laughter.] Now, I say that under Democratic rule, under Democratic tariff enactment, there is no room for reciprocity—none whatever. There can be none. Because the very moment you admit that the tariff rate is too high, then the duty of the Democrat is not to enact reciprocity treaties, but to reduce the rate so that a surplus shall not accumulate in the Treasury. [Loud applause.]

Mr. BELL. Mr. Chairman, if it were clear that the people of the United States were to get the benefit of this reduction, or if it were clear that the people of Cuba were to get the benefit of this reduction, there might be some excuse for Democrats on this floor joining the Republicans in their political policy and in this administrative measure. And yet, if that were so, as I understand the Democratic policy of tariff, that would hardly be excusable. I know there was a time when the Democrats, or that branch of the Democratic party called the Cleveland Democrats, contended that in this country we should have free raw materials and a tariff on the finished product in order to encourage manufactures in the United States. That doctrine struck the country Democrats with such an unfavorable impression of its innate wrong that that proposition was fought out in our conventions and in this Hall. Republicans were so unkind as to charge that President Cleveland advocated free raw material because he and his friends owned some great Nova Scotia coal fields and wished to get the product into the United States free of duty. Democrats, generally from the body of the country, contended that free raw material was not a Democratic doctrine, as in such cases the benefits of the tariff, if any, went into the pockets of the already highly protected manufacturers, and did not necessarily reduce the price to the consumer. Mr. Cleveland's policy was repudiated by the Democratic party.

I very well remember that our brilliant leader, Mr. BAILEY, stated most clearly upon this floor that the Democratic doctrine is that if there is any benefit in the distribution of the revenue tariff to industries in this country, then every farmer, every producer of the so-called raw material is entitled to his share of the protection; that if it is a burden, he is entitled to bear his proportion of the burden. Now, what is it that we are dividing upon on this side of the House? If the question is, Shall we take the tariff off the raw material imported from a foreign country, made by foreign labor, and leave the tariff on the finished product, and bring it over for the protection of the already unreasonably protected manufacturers of this country, then certainly that is not Democratic. You will bear in mind that we already have a differential duty in this country in favor of the sugar refiners that the Democrats have been fighting for years. We have got a low tariff now made at the dictation of the sugar trust on the raw material, simply that the trust may refine sugar at a profit, and leave the much higher tariff on the finished product, so that the American people may not have reduction on the sugar they consume.

Our friends, it seems to me, have made the most serious mistake that I have seen the great party make since I have been in this House. We found yesterday our friend from Virginia [Mr. SWANSON], standing here with a bland smile on his face, looking the Republicans on the other side of the aisle in the eye and saying, "My Republican friends, you are gulping down a dose of 20 per cent of Democracy." Did not the gentleman see at the same time that he was gulping down 80 per cent of Republicanism? He was insisting on taking a tariff off a field product for a manufacturer, and insisting in the same bill that we should fetter the people of Cuba with an American statute that made them mendicants to our Government. The gentleman will please excuse us from the West if we contend that it is not Democratic to take the tariff off the raw sugar the farmer grows and leave the much higher tariff on the refined product that he consumes, making it impossible to get cheaper sugar. He must pardon us if we repudiate this new tariff departure which takes the tariff off of what we produce and sell and leaves the high tariff on everything we buy, even to the refined sugar made from our beets. He will be patient with us if we balk at casting a vote in this case as invited by the sugar barons and the Republican organization under the false assumption that this is Democratic doctrine. Nothing is Democratic that makes the chairman of the national Republican committee, Mr. HANNA, chuckle, as he did when you joined him cheek by jowl in obeying the dictates of the sugar trust and closed our mouths in the coming campaign as to this infamy.

The gentlemen further contend that they are voting for this simply because it reduces the tariff. I want to say to our friends if, as Democrats, their only object in reducing the tariff is to lower the figures in the schedule without reducing the price to our consumers—if it has no more substance than that, then for heaven's sake let the figures stand where they are and do not attempt to deceive the people. This is a mere will-o'-the-wisp, a rainbow chase after gaudy shadows; but it reacts on the farmers of the West by intimidating those seeking to develop sugar beets.

We are told by the leaders on both sides that there is to be no reduction to the consumer in the United States. It seems to me that would be sufficient to prevent any Democrat from walking over and joining hands in forcing the passage of the political policies of the Republican party. I ask our friends, Why have a Democratic party? What is the use of having a Democratic party if, when the Administration brings forth its political policy, we are to go at breakneck pace and join them and pass those political policies? It is admitted that this bill, if passed, will take $6,000,000 in revenue from our Treasury; that a large part of it will go into the hands of the sugar trust, to be distributed as it sees fit. If this bill passes, Democrats are responsible for it. If the two parties only differ in little formal measures, then why keep up two organizations?

I want to say to you that it should have been sufficient when the astute General DICK, in the Republican caucus, said: "My fellow Republicans, pass this bill and you will see strung out in front of every Democratic campaign committee on the next election, 'Gentlemen, here is your tariff for the trusts, and there is your free trade for the farmer.'" This epigram from this sagacious politician states the whole case. You take the tariff from a field product and hand it over to a sugar trust, without touching the tariff on refined sugar, in which the consumer is interested. Colonel DICK overestimated this side of the House. He thought the Democratic party would be eager and anxious to take advantage of the opportunity and say to the country that we are anxious to reduce the tariff on refined sugar; we are eager to reduce the tariff on the sugar that goes to the consumer, but, by the gods, we will make no further reduction on raw sugar, the price of which goes into the pockets of the American Sugar Refining Company. But he had forgotten Grant's prophecy of our party. You are taking the raw material that has a differential already estimated, under the manipulations, at nearly 40 per cent less than the refined product, put on the sugar schedule at the dictation of the American sugar trust, for the sole use and benefit of the sugar trust.

One might well think from the eagerness with which Democratic leaders vie with Republican leaders in serving this trust that in the future it will be perfectly safe whichever party is in power, and the trust may be relieved of an enormous contribution to the Republican campaign fund. Why pay when help is so willing? The fact that the floor leaders of both parties are trying to give the American Sugar Refining Company a greater differential on raw sugar, without disturbing the much higher rate on refined sugar, has encouraged other manufacturing trusts. A few moments ago you witnessed the gentleman from Massachusetts [Mr. ROBERTS] devoting all of his speech in favor of removing the duty from hides, leaving a high tariff on leather for the leather trust and shoemakers of his State. He can see no reason why the sugar trust should be given freer raw material without giving also the leather trust freer raw material.

I wish to sound the warning here and now that there is and will be no Democrats from the great West who will subscribe to the new doctrine of the amalgamated leaders of the parties, "Protection for the fostered manufacturers and free trade for the farmer and producer of raw material." As long as we are forced to pay a high tariff on everything we buy we shall contend for a like rate on what we have to sell. When the day of reduction is at hand, we shall gracefully submit to the general cut.

I suppose that those members who do not come from sugar-

producing States may keep their people in ignorance of the true significance of this proposition. But I want to say to you that there are 20 States and Territories in this Union that are growing sugar beets. This is a farm product; and those men who love the memory of Jefferson so much, who sing the song of Jefferson's principles year in and year out, seem to forget for the moment what was an ideal of his life. He even doubted whether he wanted ever to have a great manufacturing center. He said, "While we can keep our people in the country, we can keep them patriotic, we can keep them honest, we can keep them true; but if we have to pile them up on top of one another in great cities, corruption will come, government will deteriorate, and then trouble will follow." He never expected any of his followers would ever be dragging tariff from the raw material of a field product and shoving it down into the pockets of protected manufacturers. He expected the followers of Hamilton to do this.

Now, my friends, in 1867, when William D. Kelley, known as "Pig Iron Kelley," stood on the platform in Milwaukee talking of the great industries of this country, he said: "Gentlemen, I want to make a forecast now, that before a half century passes away the great Northwest will be growing sugar for the State of Louisiana." The people who heard him laughed at him. But, sir, he knew this country as a child knows his alphabet. He said: "From here to the high elevations of the Rocky Mountains you can grow the sugar beet as successfully as they can in Germany, as they can in France, as they can in any country of Europe." Professor Tassig confirmed his opinion of the possibilities of our soil and climate, but said it would be deferred till our lands were divided and every man would not have an abundance of land over which to ride machines. That time is now here.

Now, my friends, we have just got started; we were surprising the world when this monster stepped in here and checked our progress; we have succeeded in getting into the office of the Secretary of Agriculture a real farmer who is with us heart and soul; we have succeeded in getting a man there who puts forth his every effort to grow in this country what we consume here. He said: "Give me ten years, and I shall keep at home the $100,000,000 now going out of this country for sugar." He sent his experts to every part of the country trying to disseminate the production of rice in the South, of tea in South Carolina, and of sugar in the Northwest. And what does it mean? In my district last year we produced nearly 20,000 tons of refined sugar. Two years prior we did not produce a pound. In the State there are now building three new plants, costing nearly a million dollars each. The Agricultural Department has just reported that arrangements are being consummated in Colorado to build seven more plants this year and throughout the United States that $49,000,000 is raised for the purpose of developing this beet industry in the United States. Last year the sugar production from beets in the United States increased 140 per cent over the year before. I here append a report of Mr. Saylor, expert of the Government, as to the present status and the future prospect of the industry, viz:

[The Washington Post.]

THE MAKING OF BEET SUGAR—DEPARTMENT OF AGRICULTURE EXPERT MAKES REPORT ON THE INDUSTRY.

C. F. Saylor, the special agent in charge of the beet-sugar investigations of the Department of Agriculture, is in Washington making his annual report. He made public yesterday the following figures regarding the industry during the past year:

The total production of beet sugar in the United States in the season 1901-2 has aggregated 185,000 tons, an increase of 140 per cent from the 77,000 tons produced during the season of 1900-1901. There were 31 factories in operation in 1900, according to the census figures, and 11 more were started in 1901. There are 9 factories in course of construction for operation in 1902, as follows: Sebewaing, Carrollton, Mount Clements, and Croswell, Mich.; Shelby, Ind.; Greely, Eaton, and Fort Collins, Colo., and Phoenix, Ariz., ranging in capacity of daily output from 500 tons to 1,000, the latter figure being the capacity at the Phoenix plant.

Other companies have been organized with a total capitalization of $49,000,000, and would require annually a working capital in addition of $9,080,000. According to Special Agent Saylor they would purchase from the farmer annually beets to the amount of $14,700,000, besides many other crude materials. The number and aggregate capital of these prospective plants, by States, follow:

Arizona 2, $1,500,000; California 5, $3,500,000; Colorado 7, $5,000,000; Indiana 1, $1,000,000; Iowa 6, $3,100,000; Idaho 1, $500,000; Michigan 28, $14,900,000; Minnesota 5, $2,400,000; Montana 1, $500,000; New York 2, $1,500,000; New Jersey 1, $500,000; North Dakota 2, $1,000,000; Ohio 3, $1,350,000; Oregon 1, $500,000; Pennsylvania 1, $500,000; South Dakota 2, $1,000,000; Utah 3, $2,500,000; Wisconsin 10, $3,150,000; Wyoming 2, $1,500,000.

Now, our friends ask whether we appeal to the balance of the country for the protection of our special industry. I say yes, if we can do it without injury to them. In France not only was this industry protected but the Government itself grew beets, whatever the price, until the industry got on its feet. The German Empire has nursed the industry until thoroughly developed.

But we have not asked you in this case to protect us; and I shall say here and now that if we could be guaranteed to-morrow that this 20 per cent cut would be the last, that the reduction would cease at this point, and if capital should understand this fact we in Colorado would not care the snap of our fingers for the "cut." It is the intimidation of capital and the fear of the future that retards our progress. The growers will say if this trust can drive you to a reduction of 20 per cent on raw sugar for the trust alone, it will continue to drive you. But I want to say that you are now destroying this industry just as rapidly as possible without benefiting anybody materially except the sugar trust, which refines the raw sugar.

Let us get this clearly before the American people. There is a very high tariff on refined sugar to keep the European product up, ostensibly for the benefit of the home sugar growers and for revenue purposes. Through the influence of the American Sugar Refining Company a much less tariff is placed on raw sugar to induce the shipping here for refining. This American Sugar Refinery is practically the only purchaser of raw sugar. It pays immense salaries and very large dividends on much watered stock. It now demands, ostensibly in the interest of Cuba, an additional reduction of 20 per cent on raw sugar from Cuba. This will take $6,000,000 from the revenue of this Government on the present stock. The whole benefit will go into the hands of the American sugar refineries, the only purchasers. What are they going to do with it? They say distribute it among the sugar planters of Cuba. Who are the great sugar growers of Cuba? The members of the American sugar refineries, and therefore we take $6,000,000 from our Treasury and give to the American sugar refineries to distribute largely among their members as sugar growers of Cuba. And yet we are told that such pilfering is Democratic. I deny it. I denounce it.

The newspaper men follow these things up pretty closely, and they have kept track of the influence of every act of this body, and what it has done. Every act that you have done in this body or at the other end of the Capitol has depressed the sugar beet. It has not reduced the price of refined sugar; but every act in the direction that this bill points has made the stock of the sugar trust jump by millions. Why is this so? Why is it if the sugar trust is to get no benefit that with every move made here in the direction of the pending legislation the sugar-trust stock jumps upward and forward?

This legislation is in the interest of the sugar trust alone, just as the legislation for reciprocity with Hawaii was. It seems to me this consideration ought to be sufficient for the Democrats in this House. At the dictation of the sugar barons of Hawaii and others we in this House gave "reciprocal relations" until Hawaii took out of our Treasury $98,000,000 before being admitted into the Union.

Operation of the treaty between the Hawaiian Islands and the United States, under which their sugar was admitted free of duty.

Year.	Imports of sugar from Hawaiian Islands.	Tariff rate per ton.	Amount of duty remitted.	Exports (value of) to Hawaiian Islands.
	Tons.			
1876	10,000	$63.00	$630,000	$1,109,429
1877	14,000	63.00	882,000	1,683,446
1878	17,135	63.00	1,079,505	2,288,178
1879	20,532	63.00	1,293,516	1,985,506
1880	28,384	63.00	1,788,192	2,694,583
1881	40,555	63.00	2,554,965	3,272,172
1882	50,905	63.00	3,207,015	3,683,480
1883	50,873	44.80	2,279,110	3,446,024
1884	63,601	44.80	2,849,325	2,709,573
1885	76,394	44.80	3,422,451	3,115,899
1886	85,546	44.80	3,832,461	3,520,593
1887	95,000	44.80	4,256,000	3,625,858
1888	99,547	44.80	4,459,706	3,333,040
1889	112,707	44.80	5,049,274	4,003,900
1890	109,686	44.80	4,913,933	4,995,911
1891	129,475	Free.		[a]3,662,018
1892	114,259	Free.		[a]2,717,338
1893	136,689	Free.		[a]3,217,713
1894	133,585	20.00	2,671,700	3,648,472
1895	201,631	18.00	3,629,358	3,923,187
1896	224,218	21.00	4,708,578	4,622,581
1897	204,814	37.00	7,578,118	5,773,672
1898	252,506	37.00	9,342,722	9,006,671
1899	258,561	37.00	9,566,757	13,077,506
1900	296,000	37.00	10,952,000	[b]13,000,000
	2,826,603		90,946,686	108,087,770
[a]Deduct the exports for the years 1891 to 1893, during which period there was no duty on sugar				9,597,069
Total				98,470,701

[b]Estimated.

It is true that the people who received the benefit of this are said to have put from a half a million to a million annually into the Republican campaign fund. But I do not see that that is any reason why Democrats should jump to the rescue of this great trust. If you continue you will discourage the trust from contributing to Republican campaign funds. You will do their work gratis.

Now, let us see what effect the action on this bill has had. Here is Mr. Sherman G. Palmer's résumé, January 15, 1902:

WAR OF THE SUGAR TRUST.

[Press comment compiled by Truman G. Palmer, Washington, 1902.]

Chronology of 1901-2 events.

Benefits to Cuba if bill passes	0
Benefit to sugar trust	$6,000,000
Loss to United States revenues	6,000,000

American sugar industry.

STARTING POINT.

Valuation of sugar trust refineries	$30,000,000
Capitalization of sugar trust	75,000,000

First event.—Sugar trust increases its capital stock to $90,000,000.

Second event.—Sugar trust starts war of prices against Pacific coast beet-sugar producers by cutting prices one and a half.

Third event.—Sugar trust starts war of prices in the Missouri Valley against the Colorado, Nebraska, and Utah beet-sugar producers.

Fourth event.—Sugar trust's literary bureau starts to working up popular sentiment favoring tariff reduction on Cuban sugar, of which it is the sole purchaser.

Fifth event.—Sugar trust packs the "reciprocity convention" and the beet-sugar producers bolt it.

Sixth event.—First week in January, 1902, sugar-trust stock sells at $116½ common, $115 preferred, making value of total issue $104,062,500.

Seventh event.—January 15, 1902, Committee on Ways and Means commence hearing testimony concerning "Cuban relief."

Eighth event.—March 15, sugar-trust stock sells at $126½ common, $117½ preferred; value of total issue, $109,575,000; net increase in value, $5,512,500.

Ninth event.—March 18, majority of House Republicans on Committee on Ways and Means adopt bill favoring 20 per cent tariff reduction on Cuban sugars and other products.

Tenth event.—March 22, sugar-trust stock sells at $133½ common, $119½ preferred; value of total issue, $113,737,500; net increase since ninth event, $4,162,500, and since the sixth event, $9,675,000.

Now, that comes pretty near telling the story. Who is getting this benefit? It is the sugar trust and the sugar trust alone that is getting the bulk of it. I want to suggest to our friends another thing. You are not doing a thing for the American consumers. You are not doing a beneficial act to the Cuban people. The good you are doing is to the sugar trust and the great planters of Cuba. Now, I want to suggest to our Democratic friends who run forward to grasp a Republican measure and strike down our industries to see what the Democratic papers of the great West think of it. We are not very large out there, but according to the report of the Agricultural Department this industry is now established in 20 States and Territories, and Colorado, our State, ranks in production this year next to Michigan. Now, let us see what your conduct here has done. We are now building four sugar factories. Here is a dispatch to the Rocky Mountain News, the leading Democratic paper west of the river, on April 7, which I would like every Democrat to consider, it being dated at Fort Collins, where they are building one of these big plants:

For some months past experts in the employ of the Havemeyers have been quietly making a thorough and systematic investigation of the Colorado fields. They report that the Colorado soil and climate was the best in the world for sugar beets and that independent companies were starting factories all over the State.

Now, our factories, some of them, are owned by the Oxnards. The others are owned by local and outside independent capital. I believe we have got eight now about ready to run, and it costs about $1,000,000 to build a factory with a capacity of 1,000 tons a day and half a million to build one with a capacity of 500 tons a day. Continuing, the dispatch says:

The Havemeyers were afraid that a few years might develop very dangerous competition, and decided that in order to protect themselves they must own the Colorado factories. They have already completed arrangements for controlling interest in the Eaton. The Greely Company at first refused to sell. The Havemeyers said that if the Greely people absolutely refused to sell, then Greely would have two factories. Negotiations are now in progress for a factory at Loveland. The owners of Loveland factory want to sell for one million. The Havemeyers have submitted a proposition to add one million, making a two-million plant, arranged for 5,000 acres of beets, and to allow the home people to maintain their stock, the only condition being that the Havemeyers should control and sell the product.

It goes on further and states that in the evening they unanimously decided they would have to sell. Then he went further to the Loveland plant and gave them their option to sell or fight. Now, here is the editorial of the News that came this morning:

COLORADO, *Sunday, April 13.*

The raid of the sugar trust on the independent sugar factories in this State was made possible only by the announcement by the National Administration favoring a reduction in the tariff on raw cane sugar anywhere from 20 per cent to 50 per cent of the present impost. When President Roosevelt declared himself in favor of that reduction, the independent beet-sugar makers felt that the power of the Administration would be used to make it a fact, and the additional reductions on the plea of helping Cuba or an annexation of the island and the consequent admission of sugar free of duty might be dreaded as a possibility in the future. With the club in their hands, the agents of the trust came to Colorado, beat the people of Fort Collins into submission, and now are trying to bulldoze the people of Eaton and Greely and the owners of Loveland out of their factories.

Does the Democratic party want to become a handmaid of Havemeyer's? Whether you desire these acts or not, you are directly encouraging them. You are aiding and abetting the sugar trust in its onslaught on the infant beet industry without a promise or prospect of a single benefit to your people. We feel the heavy hand of the Democrats because it is by their act that our industries are stifled. We complain of them because they are doing the unnatural, the unheard of, undemocratic act of going to the rescue of the Republicans after they have failed to carry their Administration and purely political measure.

Continuing, the News says:

The purpose of the trust is to get control of all independent beet-sugar factories, so as to kill organized opposition to further reduction of the duty on all cane sugar, and so as to stop the growth of the industry in this State, even though the tariff be not reduced more than 20 per cent.

Now, gentlemen, that has taken place in the last two weeks. It has taken place because the sugar trust, encouraged as it has been both by Democrats and Republicans on this floor, has no doubt of its power to reduce this tariff further and to get raw sugar into this country practically free of duty. Now, it seems to me that our organization on this side of the House, if we had been careful, if we had come together and figured with one another, if we had conferred in time before we joined the Republican party, that so many of you would not have committed such mistakes as we are committing.

Colorado repudiates the doctrine of "a high tariff for everything the great manufacturer sells and a very little or no tariff on the raw material that it buys, and a very high tariff on all the farmers buy and a very low tariff or none upon what the farmers produce or sell," under the pretense of free raw material. We object to having raw sugar selected for a reduction of the tariff, while continuing the present high tariff on all things that the sugar producer buys. Equality is equity in revising the tariff as well as elsewhere. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] is recognized for twenty minutes.

[Mr. COCHRAN addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On April 15, 1902:

H. R. 3084. An act for the relief of bona fide settlers in forest reserves;

H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia;

H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States, held at Wilmington, N. C.; and

H. J. Res. 173. Joint resolution to authorize the Commissioners of the District of Columbia to issue certain temporary permits.

RECIPROCITY WITH CUBA.

The committee resumed its session.

The CHAIRMAN. The gentleman from Michigan [Mr. HENRY C. SMITH] is recognized for thirty minutes.

Mr. HENRY C. SMITH. Mr. Chairman, I am not persuaded that this bill is of value to this country or that it will be of aid or assistance to Cuba. The general scope of this bill, in substance and in effect, is that if Cuba will pass certain laws granting to the United States an advantage in the reduction of the tariff rates on the products of the United States passing into Cuba, and will by its legislative power enact immigration and exclusion laws of the same force and effect as those of the United States, and will establish an independent government, and will maintain that government and maintain those tariff schedules and maintain the labor laws and the exclusion laws, that then, in consideration of this conduct on the part of Cuba, the United States will reduce its tariff rates on the things raised in Cuba coming to the United States 20 per cent.

In other words, if Cuba will do these things that the United States requires, then the United States will give her 20 per cent advantage over the other countries of the world. And for how long? For the briefest of periods. The act provides that it shall not in any case extend beyond the 1st day of December, 1903. And we are asked to do this for humanity's sake. And the claims of Cuba upon us are so strong, so says the committee, that we are urged to pass this law even before Cuba has a government, anticipating before, in the law, there is any Cuba.

In fact, there is serious doubt in the minds of many whether such a law would be valid. The sovereign power in Cuba to-day rests in the United States. When the Spanish flag went down, the Stars and Stripes went up. When Spanish power went out, the power and authority of the United States came in. This is the law of nations, the law of the world. And the sovereignty

will remain in the United States until the United States parts with that sovereignty.

Now, just contemplate for a minute Cuba, an independent nation, buying her independence, the very first step in her life as an independent nation, surrendering her independence and submitting to permit the United States to dictate the laws she shall make. Now, if it should turn out that this bill, in any form, shall pass this body, and shall pass the Senate, and shall go down to Cuba, I apprehend, as I read the history of that brave and courageous people, that we may anticipate fairly that these men who have made such a gallant fight for all these years against the tyranny of Spain will hesitate and debate some and discuss at some length before that little Republic shall consent that the great United States shall dictate to it the kind of laws that it shall execute—the kind of laws under which it shall live and thrive.

And if it does discuss this proposition, and there is as much contention and as much want of harmony among the people of Cuba upon the question as to whether it is of any benefit to them or not, whether it is a proper law for them to enact, whether they will reap any benefit from it, whether they want to go into that kind of thing or not, then it will be six months or a year before they will be in a condition to enact our exclusion laws—to enact laws similar to ours with reference to people coming to the island—and upon those other propositions under the labor laws; and after all that is done and certified by the proper authorities to the President of the United States, and the President of the United States has become satisfied that they have a stable, independent government, that they have enacted labor laws of equal force as our own, that they have entered into an agreement whereby they will grant trade concessions to us equivalent to ours, then the President of the United States is to make a proclamation, and from that time on they are to have the benefit of this wonderful boon and favor. And what is it if it is ever done?

The gentleman from Minnesota [Mr. STEVENS] demonstrated here as clearly as it can be proven, it seems to me, that the planters away down in Cuba, after waiting all this year, may receive from the United States the munificent sum of $66 each. What do they give us, gentlemen, in return for what we give to them? If they get the whole of it, as Mr. STEVENS showed, what do they give to us? Here is a nation struggling for all these years against Spain, and it has at last obtained its independence. Now the first step in that independence of that bright young republic is to surrender her independence, as I have suggested, and to say that we who have been patriots, and who have been fighting as never people fought before, will allow the great United States to dictate to us the manner of laws we shall have, and how we shall live. And what excuse is there for it? Why, the excuse for it, as set forth by the chairman of this great committee, is that if Cuba shall be permitted to have laboring men go into her country that they will flock there from all corners of the earth, and they will engage in the business of raising cane and producing sugar, and they will flood the markets of the United States, and they will destroy the sugar-beet industry and the cane-sugar industry in the United States. In other words, they are required to enact our exclusion laws for the purpose of preventing them from growing and adding one to the number of their population. Why, think of it!

The gentleman from New York [Mr. PAYNE] said we were setting the little republic up in housekeeping; just starting her up; and he smiled like a lover in his benevolence at starting this little republic up in housekeeping. I do not want him to be my guardian in housekeeping and to say just who I shall have come and visit me, just whom I shall get to make up my household, and just who shall go into the housekeeping business with me or who shall come in there. We say to Cuba, If you will conduct your affairs as we dictate, we will do business with you; if you will buy certain things we have to sell, we will do something for you to relieve your distress; if you will buy the trust-made steel, the trust beef, the trust glass, paints, and oils, and all the other things we want you to buy of us. And if you will not do this, then you can go your way. The effect of this bill is that Cuba can suffer, can go into bankruptcy, and can starve and suffer on until she will come to our terms. Why, if Cuba shall submit to any such terms as this, I am sorry, for one, that all the blood and treasure of the United States was ever used to liberate such a people. I have too high a regard for that brave young republic to believe that they will permit us to dictate the kind of laws they shall make, and dictate to them and say, "Thus far shalt thou go and no farther. You can accept our bounty; we will give you 20 per cent reduction if you will agree to add not one number to your population, if you will agree to add nothing to your sugar business and other concerns."

Mr. WM. ALDEN SMITH. In restraint of trade.

Mr. HENRY C. SMITH. Yes; in restraint of trade and in restraint of humanity and everything. The chairman of this committee said that we were the guardian of this republic. "We rescued your property. When we came to you we found it in the hands of the worst tyrant the world ever knew, and we rescued it from the tyrant and we turned it over to you. We settled accounts. Now, after we have given you your property, you may go, but if you do not follow the policies that we dictate, the policies that we point out, you may go your way, and we will have nothing more to do with you; you can paddle your own canoe henceforth."

This is not the proposition suggested by the President in his message. Indeed, his suggestion was a reduction of the tariff and in such a manner as not to hurt or interfere with any American industry. He recognized the fact that it was to be a reduction of tariff and not a reciprocity measure. Reciprocity, as indicated by the President, is the handmaiden of protection; reciprocity begins where protection leaves off. It is an exchange of commodities produced by the United States, raised or made, for commodities not made or raised in the United States, with some other nation or power which has such commodities to exchange for those not made or produced by itself. The power of the President to bring about reciprocal agreements for trade is defined and set out in the Dingley law. And we have not been asked to instruct the President as to our views upon reciprocity with Cuba. And under the present bill the whole matter has dwindled to such small, narrow, and mean proportions as to hardly be worthy of serious consideration. Valueless to the United States, valueless to Cuba, if not even more—a humiliation. I had rather support a measure for absolute free trade between the two countries than to lend my indorsement to a measure which has dwindled into the insignificance surrounding this. It seems that the committee was willing to come down by degrees from 50 per cent to 20 per cent. It is a good deal like the proposition concerning Porto Rico before the last Congress. It is not the amount nor the result but the principle involved, the desire of some men to have their own way.

Now, how does this happen? As I understand it, Cuba has no local taxes or little if any. She has a little land tax, a little personal-property tax. Cuba lives on the internal revenue and on the customs and duties that are paid on goods that come in there. Now, suppose that all that Cuba receives she receives from the United States and we reduced that 20 per cent, then we reduce the revenue—we reduce what Cuba has to live and exist upon—20 per cent. She has 20 per cent less, that much less with which, if she gets all the products from us, to carry on her government. In other words, instead of this stimulating any trade between Cuba and the United States, Cuba's interest lies in the direction of buying somewhere else, buying from some country where they will get a larger amount of revenue, instead of buying from our country, where her revenues are reduced 20 per cent. Now, such is the law in its general scope.

I want to say that as far as I am concerned, and I think I speak the sentiment of my people, I am just as much disinterested in this subject as the gentleman from New York, the chairman of the committee, and more so. Indeed, he is perfectly safe; the beet-sugar factory in his district which he has so often mentioned will not suffer, for his State has just passed a law fixing a bounty upon the production of sugar. I believe I can speak judicially upon this proposition. There is not a beet-sugar factory in my district, and but a few sugar beets are raised there. No man in this House will go further than I will in generosity to help the bright young republic on her way to peace and plenty, on her way to add another star to the blue field of Old Glory. [Applause.] We are willing to help Cuba whether she is suffering or not. And we all rejoice that the suffering and misery seen there by my colleague, Mr. WM. ALDEN SMITH, when he was there, has passed away, and we hope has passed away forever. This is plainly shown by all the proofs before the committee. My people believe, and I believe, that this is such a patriotic duty, such a patriotic pleasure, that every American—man, woman, and child, young and old, North and South, East and West—would like to have a hand in the good and generous deed. Make it a national affair, take the money from the Treasury and hand it to the real Cubans, not to the Spaniards, not to the rich planters, not to the sugar trusts. Bestow charity where charity is needed. I believe that the sentiment in my district is in favor of doing something for Cuba, and I believe that if we do something for Cuba we ought to do it in a royal way, we ought to do it in a manly way, we ought to do it in such a manner as that the blush of shame shall not come to the face of the Cuban when he receives it.

I tell you you can give alms to a beggar on the street in such a way that you will make him feel like a prince, and you can give a gift to a prince in such a way as to make him feel like a beggar. I have seen fathers give gifts or money to their children, intending to give it to them all the while, in such a manner as that it takes all the pleasure out of the gift and out of the receiving of the gift. Even some men treat their wives that way. [Laughter.]

They hang on to it and give it to them grudgingly. I heard a great orator say when you get ready to give a dollar, let it go; spend your money in a royal way; spend it as though every leaf on every tree were a greenback and you owned an unlimited forest. [Laughter.] That is the sentiment of my district about Cuba—to give it with a free hand, give them something so they will know they are getting it and so it will do some good. But the sentiment of my district is in opposition to giving anything to the sugar trust or any other trust combination. [Applause.]

According to my views, a Congressman represents his district and, in a sense, the interests of his State. In what I shall say I shall not attribute to any member anything but the noblest and best motives. And I was very pleased to hear the gentleman from Ohio [Mr. GROSVENOR] say, what must have been understood by all, that no man should be criticised or his faith questioned because he honestly and conscientiously took the one side or the other of this proposition. When it comes to a question of following or failing to follow the lead of chosen leaders, right or wrong, as a test of political integrity, then is our party and then is our country in danger. In these days of combine and combinations the danger is the loss of the thinking, independent, responsible man.

We are for Cuba and we are for the Department of Agriculture, and for the opinion of Secretary Wilson as against the opinion and policies of Mr. Havemeyer or the sugar trust. [Applause.]

Secretary Wilson says that inside of five years—and he made this statement before the Committee on Agriculture, of which I have the honor to be a member—the richness of the sugar beet will be increased over 20 per cent, and he said:

I believe as certainly as I am standing here that inside of five years, if the sugar-beet industry is not interfered with, the United States will produce all the sugar that the United States can use.

Mr. Havemeyer says:

Give me a free hand, let me alone, let me have my way, pass such laws as I dictate, and inside of five years I will wipe the sugar-beet business off from the face of the earth.

As my friend from Missouri [Mr. COCHRAN] just said—and a Democrat is just as right as anyone else when he is right, the only trouble with the Democrat is that he is never right; at the right time [laughter]—but he was right in this when he said that Havemeyer said he did not care who it hurt.

Now, while that is in my mind, the gentleman from Missouri [Mr. COCHRAN] was appealing to the House and asking if we would join him in putting down the trust. I want to say to my friend that we will join him in putting down the trusts if he will follow out the suggestion of the resolution introduced by the gentleman from Massachusetts [Mr. NAPHEN], a Democrat from the bright and intelligent city of Boston, providing for an amendment to the Federal Constitution giving the Congress of the United States the right to pass laws regulating and controlling trusts. Mr. NAPHEN introduced that resolution in the Fifty-sixth Congress and it was put to sleep by the gentlemen on the other side of the Chamber. A Republican member reported the resolution out of the committee, and I remember well that when the resolution was called only one Democrat on the other side had the manhood to stand up and vote in favor of amending the Constitution permitting Congress to regulate trusts.

I am one of the infant statesmen—one of the "sophomores." I am not one of the chosen leaders of the party. But I will tell you what I will do; I will vote for it. But you better quit using barbed-wire fence. Come to Adrian and get some Lamb woven-wire fence, Page steel-wire fence, not made nor controlled by the trusts, but standing above the trust and defying it.

Mr. COCHRAN. Have you any idea that a majority of your party would so vote?

Mr. HENRY C. SMITH. I can not speak on that proposition. But I see that my time is fast going, and I must hurry on.

I do not want to say anything unkind of anyone. I do not intend to criticise this committee. But I wish to say that I am not one of those who believe that the Republican party is going to wreck and ruin. I can not see those ghosts that my friend from Ohio [Mr. GROSVENOR] saw coming up over the footboard and which he held up here to warn us—Democratic spooks! [Laughter.] He warned us of the possibility of Democratic victory—of the danger of our pitching into the Administration. He told us that every vote against this measure was a vote against the President. And he said that my friend and colleague, WM. ALDEN SMITH, as well as myself, was not "dry behind the ears." [Laughter.] Well, I will tell you one thing: I would rather be in that condition than dry in front of the ears or dry over the ears. [Laughter.] It is true we are young; and the gentleman from New York accused me of not having been here long. I am not to blame for that. I came here just as soon as the people would let me come. [Laughter.] And when I asked him a question, he said "Go 'way back and sit down; you are young and vealish."

Mr. PAYNE rose.

Mr. HENRY C. SMITH. I am always glad to listen to the gentleman. He is my Congressman. I am proud of him. I am always glad to act with him when I think he is right, just as he is glad to act with the President when he thinks the President is right, and is ready to oppose him when he thinks he is wrong.

But I have always heard it is a good thing, when we are in doubt, to "search the Scriptures"—that good old book that we all read at our mother's knee—the book that is able to guide us aright in every path of life. That is my sheet anchor. On Sunday last I took this book down, and I began to look over these "vealy" statements, these sophomorical addresses, these college orations of these embryo statesmen. Do you know that the Saviour of the world was accused of that same thing of which the gentleman from New York has accused us here? He lived only thirty-three years on this earth. Had he appeared before the Ways and Means Committee and attempted to suggest any changes in the policy of that committee he would have been instructed by my friend from New York to "go 'way back and sit down." [Laughter.] And the gentleman from Ohio [Mr. GROSVENOR] would have said, "Me, too."

Was it not remarkable that the gentleman from Ohio said:

I would not stand 50 per cent; I would not stand 40 per cent; I would not stand 25 per cent; but 20 per cent, that is just exactly the figure which will not hurt the sugar business at home and will help the Cubans.

Is not that a little remarkable? Why, gentlemen, this great committee came within 5 per cent of losing the support of the gentleman from Ohio. I tell you gentlemen, it was a close call. Talk about your "divine ratio" of 16 to 1. Here we have an equally divine percentage—just 20 per cent. [Applause.]

But I must come back to what I was just about to read from the Scriptures:

Purge out, therefore, the old leaven, that ye may be a new paste, as ye are unleavened.

Therefore let us feast, not with old leaven nor with the leaven of malice and wickedness, but with unleavened bread of sincerity and truth.

[Applause.]

As I just said, I am not alarmed about the future of the Republican party in Michigan. Our Republicanism is rock rooted, as firm as our everlasting hills, as enduring as our wealth of mineral, as constant as our inland seas, which surround her as a zone of beauty. Why, the Republican party was born in Michigan—born in my district. Under the oaks at Jackson, in nature's cathedral, 'mid the songs of birds and the fragrance of flowers, our party was born. It was a birth of purity, and pure the party will continue. [Applause.]

Now, before I close I want to refer to what was said here in regard to my friend and colleague, WM. ALDEN SMITH. Let me say, gentlemen, there is nothing to be made by abusing us young fellows. We are going to be old some day. You are not going to get any converts by calling us pettifoggers and "embryo statesmen," or by telling us to "go 'way back and sit down." Nor is it necessary that you suggest to us that you will not let us stay here; that we are going to be defeated if we do not follow your lead and do what you suggest. Gentlemen, there is nothing to be made by heaping—I do not want to say abuse, but by using such language or terms as were used in regard to my brother and colleague, WM. ALDEN SMITH.

I always feel ready to defend and stand up for the Smith family. [Applause.] You know that in the Garden of Eden, when all were pure and sinless, the Lord said "We will start this thing right; we will call everybody Smith; and then, as soon as they begin to go wrong, we will call them PAYNE, or DALZELL, or something of that kind." [Laughter.]

But my friend here was mistaken when he talked about WM. ALDEN SMITH delivering a college oration that he had committed to memory. I want to tell you something about the college at which he graduated. He graduated in the school of common sense, in the school of experience, and he took a post-graduate course in the school of hard knocks. [Applause.]

A townsman, a neighbor of mine, when he was United States marshal of the State of Michigan, found that boy a barefooted boy selling newspapers and popcorn on the streets of a great city, supporting his widowed mother, and he was fascinated with him. He took an interest in him and got his mother's consent to take him to Lansing, the capital of the State of Michigan, had him appointed a page, and that boy went on from page to messenger, from messenger to clerk, from clerk to lawyer, from lawyer to business man, until he owns a block in the city of Grand Rapids and has been the general counsel of one of the largest railroads in this country, and he won his way unaided to the Congress of the United States. [Applause.] Without one hand to uplift or aid he came here, and by and by—he is a young man yet, but he is growing—when he gets dry behind the ears [laughter], the gentleman from Ohio [Mr. GROSVENOR] will love, respect, and honor him as the State of Michigan loves, respects, and honors him today. [Applause.]

But as I was saying, this is a terribly little thing when you come to get down to it, isn't it? What is there left for a lot of big men, able-bodied men, a great committee of this House, to be bothered with? There is a question as to whether any Cuban planter will ever get one penny of benefit from this; and I want to say to you that if this was a Democratic measure in a Democratic House, originating on the other side of the Chamber as it naturally would, being a Democratic measure as I believe, I would like to hear my friend from Pennsylvania [Mr. DALZELL] and my friend from New York [Mr. PAYNE] and my friend from Ohio [Mr. GROSVENOR], and all these other gentlemen, ridiculing it out of the House. Do you know, every time I think of it my attention is called to this poem of Frank L. Stanton's, which I will read:

Sich a li'l' feller, en he settin' up so wise!
Say he like his daddy, but he got his mammy's eyes;
Angel tuk and drap him fum a window in de skies—
By-bye, honey, twell de mawnin'.
Sich a li'l' feller, in de cunnin'es' er close!
Say he love his daddy, but his mammy's what he knows!
Foun' him in de springtime, and dey tuck him fer a rose—
By-bye, honey, twell de mawnin'.
Sich a li'l' feller, en he talkin' like a man!
By-bye, by-bye, kiss yo' li'l' han';
Lots er li'l' chillun in de sleepy lan'—
By-bye, honey, twell de mawnin.

[Applause.]

That, my friends, is just about what the Cubans will think of this wonderful proposition, if it ever gets down there, in my judgment. But they say, and the reason they urge it here, is because they say the President of the United States wants it.

The friends of this measure try to get support for it on the claim that the President has his heart set upon its passage, and the friends of the bill have said that a vote against it is a vote against the President, and a vote against it is a slap at the Administration. I deny both. I deny that the President is tenacious about this bill.

Now, gentlemen, I want to submit that I deny that he wants it. I deny that it is at his heart to urge this, and I say that, according to my judgment, President Roosevelt is too grand, too noble, and too patriotic to ever attempt to force legislation through this body the way it is intimated; and if there is no other reason why this should become a law than that the President of the United States wants it, it ought not to become a law.

Why, gentlemen, there are three branches to this Government; but I want to say, in passing, that when the next presidential election comes you will find that no Democratic Congressmen come from Michigan; that we send back 12 Republicans all the time. You will find Michigan standing elbow to elbow with Ohio and Pennsylvania and with any other Republican State for the Republican platform and the Republican candidates. [Applause.] We can fight and kiss and make up. [Laughter.] We are for harmony. I was about to say that there are three branches to this Government, which I learned early; there ought to be anyhow.

Mr. BARTLETT. Used to be.

Mr. HENRY C. SMITH. Used to be in the old Constitution. [Laughter.] Now, we, as one of those branches, make the laws, and we do not make the laws the President of the United States tells us to make. We make the laws that our judgment dictates; the laws that our reason tells us are the proper laws. Then those laws go over to the Supreme Court and that court interprets the law, and after the law is made by us and interpreted by the court the Executive enforces the law. Now, what is his power under the Constitution? and I want to submit it to you. I read from article 2, section 3:

He shall from time to time give to the Congress——

Mr. BARTLETT. Does the gentleman think the Constitution is good Republican doctrine?

Mr. HENRY C. SMITH. Certainly; and there is just this difference between you and me about that. We stick to the real Constitution. "The spirit of the law maketh alive," as that same good book says, "but the letter of the law killeth." and it is the letter of the law that you follow. A Democrat was on a boat one time, going across the ocean with his wife, and there was a great storm arose, which swept over the deck. Somehow or other, when they left home they thought it would be convenient to take along the marriage certificate—did not know but some question might be asked. And by and by the storm swept his wife overboard. He was on deck, and they were trying to fish her out, and finally the case seemed to be desperate, and he said, "Mr. Sailor, if you can not save my wife, for God's sake save the marriage certificate." [Laughter.] That is what you say, that you want just the certificate, just the letter of the law, the letter of the Constitution. Now, what does this say?

He shall from time to time give to the Congress information of the state of the Union, and recommend—

That is all, just recommend—

recommend for their consideration such measures as he shall judge necessary and expedient.

Now, this is one of the things that he judged to be necessary and one of the things that he judges to be expedient.

Now he has recommended another thing that he thinks is necessary and that he judges to be expedient, the irrigation of the arid lands. I ask whether our leaders here will report out any bill for the irrigation of arid lands? I want to say that that is a proposition which is as near the President's heart as any other that he mentions in his message.

Mr. PAYNE. The gentleman does not seem to know that that irrigation bill has already been reported.

Mr. HENRY C. SMITH. Oh, well, reporting it does not amount to anything. You will never bring it to a vote. Reporting it is a harmless entertainment.

Mr. PAYNE. It does not belong to our committee.

Mr. HENRY C. SMITH. Certainly not. There will be some way of shutting it out. It does not belong to your committee; but the gentleman from Pennsylvania [Mr. DALZELL] has the right to bring in any kind of a rule which will even make water run up hill and irrigate all the arid lands of the Far West. [Laughter.] But I just want to make a prediction. This is one of these ghosts that my friend from Ohio [Mr. GROSVENOR] speaks about peeking up over the footboard of my bed. That ghost, in my judgment, is that that arid-land proposition of the President will never see the light of day in this Congress, and if it does there will not be five men on this side of the Rocky Mountains who will vote for it. Now, the gentleman is just like the rest of us—just exactly. When he thinks the President is right, then he is with him. When he thinks he is not right, the gentleman is not with him; and that is just exactly my proposition. The President does not represent my district. I wish he did. He could get a nomination up there to-day, even with this beet-sugar agitation. There is no question about that.

And I say, too, that I believe the President of the United States repudiates the use of his name and the use of the argument that he desires the passage of this bill and the use of such statements for the purpose of inducing members of this House to support this measure, and I protest against the use of such means to bolster up this proposition. It shows the weakness of the cause, the weakness of the supporters of this measure, when the great leaders of the party in this House, who have led the party for all these years and shaped the policy of our Government for the eternal good of the race, must now make appeal to the President and ask him by his influence to lobby their bill through; and appeal to the Speaker of the House, to whom members are daily under obligation, and to warn them that they will lose their river and harbor appropriation and their pet measures in which their constituents are interested, as we see stated in the newspapers and not denied.

Appeal to the chairmen of other committees, and even angle across the aisle of this Chamber for support from the Democratic side; and the newspapers state that the Crumpacker resolution for an investigation of the Southern election frauds may sleep the sleep that knows no waking if the Congressmen from the States where the investigation is to take place will only rally to the support of this bill which the Cubans repudiate, which the friends of the measure state will do no good, and which can not result in benefit to the United States. The proposition will not stand alone. It must be bolstered up by influence. It can not go through on its merits.

Ninety per cent of the Republicans in this House, away down in the bottom of their honest hearts, unbiased and uninfluenced by the means and influences I have mentioned, repudiate the measure. They say so openly, shamefaced. The only excuse they make for supporting it is that they must follow the committee; that they do not want to be out of harmony with the leaders; that it is uncomfortable to dwell in a tent where there is a want of harmony.

The same tactics were used to pass the Porto Rican bill in the last Congress. Members of Congress were asked by the leaders to go and see the President. They visited him until President McKinley, noblest of the dead or the living, was driven from his "plain duty," as he saw it, and as he penned it in his message on parchment, in unfading ink, to last forever. And he did it all in the interest of party harmony. And now, not content to appeal to the President, to appeal to the Speaker, to appeal to chairmen of committees to bring in the members of their committee, to appeal to Democrats on the other side, appeal is also made to the memory of the dead President to induce support to the measure. In the name of all that is sacred, what argument is there in all of this?

In the language of Shakespeare—

When went there by a day before when one who spoke of Rome could say,
There dwells within her walls only one man?

It is not a question of House rules; it is a question of ourselves. Under the rules of the House we have the power to prevent the

consideration of any measure. It is simply a question of backbone—a question of having as much stability as a piece of boneless liver.

Another proposition, another reason for the support of the bill, another ghost held up, urged by the committee, urged by the witnesses who live in Boston and other large cities, in million-dollar mansions, who own sugar plantations in Cuba, or sugar-refinery stock here, urged by the president of the new republic, who does not live there but who contemplates going down to be inaugurated, and contemplates, if his business interests will permit and he can leave his New Jersey home and business, serving them for one year, is that the United States has some duty to perform and is under some obligation because of the Platt amendment attached to their constitution. I quote that amendment, as follows:

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

And I submit that there is not one word in that amendment that in any manner hampers Cuba in her commercial relations with any country in this world. It simply provides that she shall not enter into any treaty which will impair her independence or permit any foreign power to obtain control over the island.

Another thing urged is that President McKinley made some kind of a promise, but the proofs before the hearing show that the President told them that he had no power to make such promise.

The proof before the committee showed that there was no suffering in the island of Cuba, but that, on the contrary, Cuba had never experienced such prosperity as she was now enjoying. It is said that the best witness is a confessing litigant. Upon this question I am content to quote from the report made by the committee which favors this bill. On page 2 of that report it is stated:

Since the war, under our administration, she has recuperated in a wonderful degree. During the past three years her great industry, the production of sugar, has multiplied threefold.

Now, I want to submit that if the farmers and the other business men of the United States have increased their business threefold in the past three years, and if the laboring man in this country has during that time improved his condition threefold, then certain it is that we have prospered in this country under protection to the American farmer, protection to the American manufacturer, and protection to American interests "far beyond the dreams of avarice."

Again, on the same page in that report it is stated that—

It is true that labor in Cuba is, and for the past three months has been, fully employed at fair wages; that there has been no famine or distress.

And it appeared in the hearings that common farm laborers received from $23 to $26 per month and board; that there was not a man in Cuba willing to work who could not be employed and at better wages than ever before paid in the history of that land.

The statement of Mr. Machado, sugar planter of Cuba, on page 445 of the hearings, is as follows:

The statement has been made here that all our laborers are employed at good wages and that therefore there can be no misery in Cuba. There lies precisely the reason why Cuba can not make much more sugar than it is making now. We have not population enough to attend to cane growing and manufacturing, the cultivation of other articles like tobacco and vegetables, and the breeding of cattle to a greater extent than these things are done today, and that is why our laborers are all employed at high wages. To grow the present amount of cane some 500,000 acres of land must be cultivated. One man can not attend to more than 3 acres on an average, and there you have already 150,000 men employed. To double our crop we must have 300,000 laborers in the field, working only in cane. Where are these men in a country of about one and a half millions inhabitants all told?

This is a rosy picture, and also shows what I have before said, that if Cuba is to pass such laws as that she then can not develop and add to her population; her progress will be retarded.

And in the report of the committee, on page 4, it is stated that it is impossible for Cuba to increase her production of sugar—

unless she was able to import more laborers. For this reason the requirement was placed in the bill that she should adopt immigration and exclusion laws as restrictive as our own laws on these subjects.

Let us briefly review the witnesses who appeared before the committee favoring reciprocity. They are as follows:

E. F. Atkins, Boston, Mass., representing American associated interests of Cuba; C. P. Armstrong, of the New York Produce Exchange; Col. T. H. Bliss, collector of the port of Habana, Cuba; W. R. Corwine, representing the Merchants' Association in New York; R. B. Hawley, representing American and Cuban sugar interests; Howell, Son & Co., sugar commission merchants, New York; Hugh Kelley, New York, sugar merchant; National Sugar Refining Company; Charles Rabadan, New York Produce Exchange; Evan Thomas, ex-president same; F. B. Thurber, president United States Export Association; L. V. De Abad, of Cuba, civil engineer; F. P. Macado, planter; Miguel Mendoza, of Habana, planter; Louis V. Place, sugar commission merchant, and sugar planters of the provinces of Santiago and Puerto Principe, who are represented by Mosle Brothers, of New York, as their agents.

Those against reciprocity take up nearly three pages in the index, and they are all producers—Americans interested in this American product. The iniquity of the whole thing and the evil of it, to my mind, is the false claims and pretenses as to the purpose of the act. Above and beyond all the rest is the rule handed down on the tables of stone, "Thou shalt not bear false witness."

Since this measure can be of no benefit to us, for it is conceded by every man who has spoken in favor of it, by the report of the committee which urges it, by everyone who has looked into the subject, that by reason of the passage of this bill sugar will not be a farthing cheaper to anyone who consumes it; and since it can not be of benefit to Cuba, why should it become a law? Simply and solely to carry out the proposition of the Ways and Means Committee, which is generally conceded to have been a mistake, just simply to permit certain men to have their own way. If there is any other reason, it has not been stated. If there is nc other reason the bill ought not to pass.

The Louisville Courier Journal on March 21 expressed what must be the fair sense of all, wherein it said: "A 20 per cent reduction is insignificant enough, but to limit even that to a period of less than two years is little better than a mockery. It is a contemptible piece of hypocrisy and cowardice."

And a paper in my own district, the Jackson Press, on March 19 puts the proposition about right, as follows: "The 20 per cent cut is insufficient and the immigration suggestion is impudent."

And I want to quote in full an article from the Jackson Citizen, edited by ex-Congressman O'Donnell, who represented that district in this body on the Republican side with honor, ability, and fidelity. The article is so clear that I desire to read it in full, as follows:

THE HYPOCRISY OF RECIPROCITY.

It almost makes one tired to realize the influences and underhand efforts made to mislead the American mind on the subject of reciprocity. A great doctrinal principle, as enunciated, capable of good use if nursed and handled by a wise and prudent statesmanship, it has been perverted and manipulated until as now presented to the people, it is only an appeal to the cupidity on the one hand and a new demonstration and effort to accomplish a revival of free trade on the other. Ever since President McKinley uttered his speech favoring reciprocity as a matter of expediency to extend trade; ever since he asserted that it was "a plain duty" to admit Porto Rico to the unimpeded use of the whole American market, the acclaim of all importers and free traders has been for "reciprocity." Mr. McKinley spoke more as a philanthropist than as a statesman, and his philanthropy has been seized and magnified in the interest of greed and partisanship to the detriment of American prosperity.

The Citizen has, as a newspaper, been favored with dozens of circulars, letters, speeches, statements, and pamphlets favoring reciprocity. Some emanate from the importers of Boston and New York, some from the agricultural implement manufacturers at Chicago, but latterly they mostly come from the offices of the gigantic Havemeyer sugar trust and the great American tobacco combine. Their efforts are now directed to educating public sentiment into a critical stage of interest and sympathy with the downtrodden and suffering people of Cuba. Cut down the Dingley tariff on sugar and tobacco is the outcry, and save the suffering and starving people of Cuba. If you don't do it, loss, destruction, and starvation will follow and the United States will oppress them beyond the limits of Spanish robbery and spoliation. In our view this is naught but self-interest on the one hand and cheap political gush on the other. Cuba is not suffering any more from the operations of tariff and trade to-day than for years agone only in the circulars of interested business men and cheap clap-trap politicians of the free-trade Democratic persuasion, sailing under false colors. The Havemeyers, the Thurbers, the Farquhars are flooding the country with their letters, circulars, and articles, and a part of the newspapers are copying them, as per request, or they are hiring them printed in the patent insides of newspaper publishing houses to influence public opinion. We have lying before us now no less than three of these appeals, with a P. S.—"If you think so, won't you write your Senators and Members of Congress to that effect and also give it continued support in your paper?"

No, gentlemen, we won't. This country has spent nearly a hundred millions and many lives to benefit Cuba. It has freed it from the taxes, extortions, and tyrannies of Spain. Cuba prefers independence to affiliation with the American people. Let her take her choice, and have all the privileges of independent peoples. We must, then, treat her as independent. She has no right to ask for any special privileges, no decreased tariff, no destroying of American industries to build up Cuban interests or to feed the cupidity and greed of American sugar and tobacco trusts. This whole effort to create sympathy for Cuba is only a deep-laid game to enrich capitalists at the expense of American industry and prosperity. Our Government and Congress owe their first duty to protect and benefit our own country and people, and the Senator or Representative who forgets that great and foremost economic fact is a traitor to American prosperity and his own constituency. Government is for justice, home, and domestic prosperity, and not for a simple and gushing sympathy for other people and nations. Politicians may exploit it for partisan advantage, and trusts may struggle for increased profits, but time will uncover the evil and lead to the same repentance the nation experienced in 1894. A reciprocity that benefits the American producers and laborers is the kind that we can all indorse, but a reciprocity that is selfish and promotes only private ends and interests is a perversion of good judgment and wise statesmanship, and will never be approved by the American public.

And in passing, let me inquire as to who has paid for all these newspaper articles and the pamphlets and literature referred to in this article appealing to us for nine months before Congress assembled? Certain it is that in the hearings before the committee and in all the investigations made not one utterance has been traced to any Cuban planter, not one word has been heard from any Cuban who anticipates getting any benefit from this law. On the other hand, many of the publications and utterances and

arguments have been traced to and the money to pay therefor has been shown to come from the coffers of the sugar trust, which my friend the gentleman from Ohio [Mr. GROSVENOR] intimated had caused me to see ghosts behind each fluttering leaf. I am quite ready to admit that I join the President in what he said in his speech at Charleston, which my friend from Ohio so warmly commended in his warning against the immense forces of capital now massed, and in his statement that the national welfare requires that the power of supervision and regulation over them ought to be exercised by this Government. If I might indulge the hope that some day I could become more familiar with the "strong box" of Mr. Havemeyer I might learn to look upon it with less fear and trembling.

I have no objection to people acquiring wealth, and in the language of an eloquent friend of mine in Michigan, I am still willing that there should be another millionaire in the world, and I am a candidate for the place. At the same time, it is humiliating that a great trust should control 90 per cent of the sugar we must all use—absolutely control the price and the market. One of the representatives of the Bay City Company showed that when an old farmer came with his wagon to get some sugar for a country merchant at their place he had to wait until they could call up Mr. Havemeyer's agent in Chicago on the long-distance telephone to find out what they would be permitted to sell sugar in Michigan that morning. It was then 10 o'clock, and the Bay City man was told that Mr. Havemeyer had not yet had his breakfast, and did not get down to the office until 11 o'clock. So the farmer had to hitch his horses and wait until the coffee of the sugar-trust magnate cooled and he had reached his office at 11 o'clock.

There is no doubt but what this same committee a year ago understood that if the tariff was reduced on sugar the trust would get the benefit, for in report No. 1766 upon a resolution to put Porto Rican and Cuban sugar on the free list that committee stated that it would be a gift of the amount of $1,200,000 to the sugar trust.

But whether the trust will get this or not, and we ought not to pass a law which would leave any doubt upon the subject, the Agricultural Department has spent a lot of money to develop the sugar-beet interest; it is a protection from which the farmer derives a direct benefit. Michigan to-day makes 80 per cent of all the sugar she uses; in the course of a few years the United States can produce from the beet all the sugar she can consume.

We sent away $444,000 of agricultural products last year, sent away to foreign markets and brought back to this country money from foreign lands therefor. This picture is marred some by the fact that we brought into this country during the same time $222,000,000 of farm products, over $100,000,000 of which we paid for sugar, which we sent away to other countries never to come back. I believe it is the duty of Congress to stimulate this business, to keep this money at home.

The gentleman from Ohio, Mr. GROSVENOR, intimated that platforms were not very sacred, that they were made in a night; and the gentleman from Massachusetts, Mr. MCCALL, said that they were an expedient—or that, in effect, was his argument—like a car platform, to get in on. I can not believe that this is the opinion of people generally, and I know that such are not the sentiments of the Republicans of Michigan.

When Mr. McKinley was elected President in the fall of 1896 business took a new life, and where a want of confidence and distrust existed business stability and forward march came, all on the faith and confidence the country had in Republican promises and Republican principles. And I know that $10,000,000 has been invested in the sugar-beet business in Michigan, farms have been made more valuable, mortgages paid off, towns, villages, and cities have prospered. And I believe that this money was invested on the faith of the pledges and the principles of the Republican party. And I believe that we are in honor bound to stand by those pledges, hurt Havemeyer, help Cuba, or come what may. Fair play is a jewel. Right is mighty and will prevail.

Truth crushed to earth shall rise again;
The eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies amid her worshippers.

[Applause.]

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having taken the chair as Speaker pro tempore, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of South Dakota, for one week, on account of important business.

To Mr. THAYER, for ten days, on account of important business.

And then, on motion of Mr. PAYNE, and in accordance with the order heretofore made, the House (at 5 o'clock and 14 minutes p. m.) adjourned until to-morrow, Thursday, April 17, 1902, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for Columbia Hospital—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a memorial from the Cherokee Indians, together with a draft of a bill for the allotment of lands—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for military prison at Alcatraz, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Grant Statue or Memorial Commission, reporting progress and recommending an appropriation—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for protection of Orient Point (New York) light station—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13113) to authorize the Secretary of War to loan tents for the use of the Spanish War Veterans' encampment at Indianapolis, reported the same with amendment, accompanied by a report (No. 1641); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, reported the same with amendment, accompanied by a report (No. 1642); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported the same with amendment, accompanied by a report (No. 1643); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 3153) to amend section 698 of the Revised Statutes of the United States, reported the same with amendments, accompanied by a report (No. 1644); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington, reported the same without amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13278) granting an increase of pension to Levi H. Collins, reported the same with amendment, accompanied by a report (No. 1621); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13296) granting an increase of pension to Francis Scott, reported the same with amendment, accompanied by a report (No. 1622); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4509) granting an increase of pension to Eliza Knight, reported the same with amendments, accompanied by a report (No. 1623); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5159) granting a pension to W. A. Miller, reported the same with amendments, accompanied by a report (No. 1624); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2305) granting an increase of pension to Lemuel Grove, reported the same without amendment, accompanied by a report (No. 1625); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6718) granting an increase of pension to Andrew R. Jones, reported the same without amendment, accompanied by a report (No. 1626); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5865) granting an increase of pension to Col. James C. Campbell, reported the same with amendments, accompanied by a report (No. 1627); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7618) granting an increase of pension to Thomas Sheridan, reported the same with amendment, accompanied by a report (No. 1628); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2805) granting an increase of pension to Anna L. Cory, reported the same without amendment, accompanied by a report (No. 1629); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 319) granting a pension to Ida M. Warren, reported the same without amendment, accompanied by a report (No. 1630); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 325) granting an increase of pension to John Compton, reported the same with amendments, accompanied by a report (No. 1631); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8109) granting a pension to William H. McCarter, reported the same with amendments, accompanied by a report (No. 1632); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3634) granting an increase of pension to Elizabeth A. Capehart, reported the same without amendment, accompanied by a report (No. 1633); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8346) granting a pension to Mrs. Nannie C. Tramell, reported the same with amendments, accompanied by a report (No. 1634); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10672) granting a pension to Ada S. Kempfer, reported the same with amendment, accompanied by a report (No. 1635); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4381) granting an increase of pension to John S. Robinson, reported the same without amendment, accompanied by a report (No. 1636); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5192) granting an increase of pension to John English, reported the same with amendment, accompanied by a report (No. 1637); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10794) granting a pension to Thomas H. Devitt, reported the same with amendments, accompanied by a report (No. 1638); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11115) granting a pension to Angeline H. Taylor, reported the same with amendments, accompanied by a report (No. 1639); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5183) granting a pension to William Holdridge, reported the same with amendments, accompanied by a report (No. 1640); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9941) granting a pension to James Mathew, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 13677) providing for execution of official bonds by assistant postmasters and other officials and employees of the postal service and Postal Department—to the Committee on the Post-Office and Post-Roads.

By Mr. BEIDLER: A bill (H. R. 13678) to authorize the President of the United States to take certain action in the selection of representatives for the consideration of proposed good-roads legislation—to the Committee on Agriculture.

By Mr. RAY of New York: A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. BATES (by request): A bill (H. R. 13680) granting lands in the Territory of New Mexico to aid in the construction of the Santa Fe Central Railway and the Albuquerque Eastern Railway, in said Territory, and in the construction of telegraph lines in connection therewith—to the Committee on the Public Lands.

By Mr. BROWNLOW: A bill (H. R. 13681) granting an appropriation to the trustees of the Woman's National Industrial Exhibit of the city of Washington, D. C.—to the Committee on Appropriations.

By Mr. MINOR: A bill (H. R. 13682) to amend section 4517 of the United States Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WARNER: A bill (H. R. 13724) to regulate process and proceedings in the circuit courts of the United States—to the Committee on the Judiciary.

By Mr. HAY: A resolution (H. Res. 213) asking for information from the Civil Service Commission—to the Committee on Reform in the Civil Service.

By Mr. ROBERTS: A resolution (H. Res. 214) authorizing the Select Committee on Examination and Disposition of Documents to employ labor and clerical assistance—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 13683) granting an increase of pension to Ella S. Mannix—to the Committee on Pensions.

By Mr. BRISTOW: A bill (H. R. 13684) granting an increase of pension to Charles F. Wright—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 13685) for the relief of Samuel B. Moore—to the Committee on War Claims.

Also, a bill (H. R. 13686) for the relief of Marion F. Wolfe—to the Committee on War Claims.

By Mr. CONRY: A bill (H. R. 13687) to correct the military record of John H. Lamson—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 13688) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 13689) granting a pension to William W. Painter—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 13690) granting a pension to Freeman R. Gove—to the Committee on Invalid Pensions.

By Mr. GROW: A bill (H. R. 13691) granting an increase of pension to James M. Conrad—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 13692) granting a pension to Sarah Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13693) granting an increase of pension to William T. Gans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13694) granting an increase of pension to Cynthia A. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13695) granting an increase of pension to George W. Florye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13696) granting an increase of pension to Charles Wehr—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 13697) granting an increase of pension to Joseph Page—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 13698) granting a pension to Mary A. Baldridge—to the Committee on Pensions.

By Mr. MOSS: A bill (H. R. 13699) for the relief of the legal representatives of T. S. Grider, deceased—to the Committee on War Claims.

By Mr. MUTCHLER: A bill (H. R. 13700) for the relief of Amanda Sopris—to the Committee on Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13701) granting a pension to Theodore Buri—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13702) granting a pension to Phebe A. Flynn—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 13704) granting a pension to Charlotte J. Closser—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison—to the Committee on Pensions.

By Mr. TATE: A bill (H. R. 13706) granting a pension to Arelia C. Pool—to the Committee on Pensions.

Also, a bill (H. R. 13707) for the relief of Andrew J. Sanders—to the Committee on Pensions.

Also, a bill (H. R. 13708) for the relief of Enos M. Gribble—to the Committee on Military Affairs.

By Mr. THOMAS of Iowa: A bill (H. R. 13709) granting an increase of pension to Elias Holliday—to the Committee on Invalid pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 13710) for the relief of the heirs of Joseph R. Bell—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13711) for the relief of Simon M. Yates—to the Committee on Pensions.

By Mr. DARRAGH: A bill (H. R. 13712) granting a pension to Susan Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13713) granting an increase of pension to Rebecca Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13714) granting an increase of pension to William C. Niles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13715) to correct the military record of Henry W. Knapp—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 13716) granting an increase of pension to Edward Cottingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13717) granting an increase of pension to John Gragan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13718) granting an increase of pension to Joseph Price—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13719) granting a pension Nancy McGuire—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 13720) for the relief of Jacob J. Miller—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13721) for the relief of William Henley—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13722) granting a pension to Edd Lodge—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Trades League of Philadelphia, relating to House bill 7645, to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. ADAMSON: Resolutions of Star Division, No. 323, Brotherhood of Locomotive Engineers, Augusta, Ga., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Coupon petitions of 1,411 citizens of St. Louis, readers of the St. Louis Evening Star, asking Congressmen to vote for House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BEIDLER: Petition of Woman's Board of Home Missions of the Presbyterian Church, New York, protesting against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, resolutions of Subordinate Association No. 19 of Lithographers' International Protective and Beneficial Association, Coshocton, Ohio; Mine Workers' Union No. 550, of Wadsworth; Quarrymen's Union No. 9166, and Ship Carpenters' Union No. 9303, of Cleveland, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of the Central Trades and Labor Union of Rhode Island, in favor of the eight-hour bill, the anti-injunction bill, and the prison-labor bill—to the Committee on Labor.

Also, resolution of the Charity Organization Society of Newport, R. I., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the San Francisco (Cal.) Teachers' Meeting of the Methodist Episcopal Church, in favor of legislation for the benefit of naval chaplains—to the Committee on Naval Affairs.

By Mr. BURKETT: Petition of citizens of Harbor Springs, Mich., urging the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. COWHERD: Petition of merchants and manufacturers of Kansas City, Mo., for reciprocal trade agreement with Canada—to the Committee on Ways and Means.

By Mr. DARRAGH: Paper accompanying House bill 6695, to remove charge of desertion from the military record of Moses Johnson—to the Committee on Military Affairs.

Also, resolutions of the board of control of State House of Correction and Branch Prison at Marquette, Mich., opposing the passage of House bills 3143 and 5798 and other bills of a similar nature—to the Committee on Labor.

By Mr. ESCH: Resolutions of a meeting of Boer sympathizers in Milwaukee, Wis., in relation to the war in South Africa—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolutions of Eighth Assembly Democratic District Association, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Maritime Association of New York, favoring legislation to pension members of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Merchants' Association of New York, for reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. FOWLER: Resolutions of Boiler Makers' Union No. 33, of Bayonne, N. J., and Painters and Paper Hangers' Union No. 223, Summit, N. J., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Cigar Makers' Union No. 427, of Rahway, N. J., against the reduction of duty on cigars—to the Committee on Ways and Means.

Also, resolutions of Division No. 85, of Trenton, and Division No. 74, of Elizabeth, N. J., Order of Railroad Telegraphers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Boiler Makers' Union No. 33, Bayonne, N. J., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GOLDFOGLE: Petition of the Merchants' Association of New York for reciprocal trade relations with Cuba—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of citizens of the Eleventh Congressional district of Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolution of Scioto Lodge, No. 77, Association of Machinists, Chillicothe, Ohio, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. HANBURY: Resolutions of the Merchants' Association of New York, urging reciprocity with Cuba upon the basis of not less than 40 per cent reduction—to the Committee on Ways and Means.

Also resolution of the Maritime Association of the Port of New

York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Machinists' Lodge No. 440, Rockford, Ill., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOLLIDAY: Resolution of Miller Post, No. 498, of Avon, Ind., Grand Army of the Republic, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Tailors' Union No. 31; Vigo Lodge, No. 16, Locomotive Firemen, of Terre Haute, and Mine Workers' Union No. 214, Brazil, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. KLUTTZ: Memorial of the Merchants' Association of New York, for reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. LINDSAY: Resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHONEY: Resolutions of At Last Lodge, No. 456, Brotherhood of Railroad Trainmen, of Chicago, Ill., in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of Harmonia Society of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of At Last Lodge, No. 456, of Chicago, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Resolutions of the Western South Dakota Stock Growers' Association, in opposition to the passage of the Henry oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the same association, favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

By Mr. MCCLELLAN: Petition of Merchants' Association of New York, in favor of reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. NEVIN: Petition of Mutual Lodge, No. 225, Association of Machinists, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of John Ennis Post, No. 47, St. Clair, Pa., Grand Army of the Republic, favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month—to the Committee on Pensions.

Also, resolution of Mine Workers' Union No. 1685, Shenandoah, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, paper to accompany House bill 13310, granting a pension to Anna McGowan—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany House bill 13588, granting an increase of pension to Justus A. Chafee—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: Paper to accompany House bill granting a pension to Phebe A. Flynn—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of citizens of Kansas for the recognition of the South African Republic and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: Protest of Woman's Board of Home Missions of the Presbyterian Church, against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to Statehood—to the Committee on the Territories.

By Mr. TATE: Papers to accompany House bill 11395, granting a pension to Mary Pitman, widow of Capt. W. D. Pitman—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Arelia C. Pool, widow of Haden S. A. Pool—to the Committee on Pensions.

Also, paper to accompany House bill 13707, granting a pension to Andrew J. Sanders—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: Paper to accompany House bill for the relief of the heirs of Joseph R. Bell—to the Committee on War Claims.

By Mr. VREELAND: Resolutions of Steel Cabinet Workers' Union, of Jamestown, and Trades and Labor Union, of Olean, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *April 17, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

PETITIONS AND MEMORIALS.

Mr. MALLORY presented a petition of Local Union No. 74, Brotherhood of Carpenters and Joiners of America, of Pensacola, Fla., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. PLATT of New York presented a petition of the Board of Trade and Transportation of New York, N. Y., praying for the enactment of legislation allowing the payment of a drawback in cases where certain imported materials can not be positively identified, provided like materials of at least the same value have been used in the manufacture of the exported articles; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, Ind., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of Kokomo Lodge, No. 463, International Association of Machinists, of Kokomo, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of Samuel Blaemire and 59 other citizens of Hobart, Ind., praying for the adoption of an amendment to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DILLINGHAM presented a petition of Horse Nail Workers' Local Union No. 9487, of Vergennes, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. CLARK of Montana presented a memorial of 30 citizens of Lewis and Clarke County, Mont., remonstrating against the enactment of legislation providing for the leasing of the public domain; which was referred to the Committee on Public Lands.

Mr. RAWLINS presented petitions of sundry citizens of Utah; of sundry citizens of southern Utah; of sundry citizens of Mohave County, Ariz., and of sundry citizens of Fredonia, Ariz., praying for the annexation to Utah of that portion of the Territory of Arizona lying north of the Colorado River; which were referred to the Committee on Territories.

Mr. HOAR presented a petition of Lodge No. 621, Brotherhood of Railroad Trainmen, of Boston, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

Mr. DEPEW presented the memorial of Levi Copeland and 36 other citizens of West Hebron, N. Y., remonstrating against the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of the Republican district committee of the twenty-eighth assembly district of New York County, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Congress Club, of Brooklyn, N. Y., praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Ship Carpenters and Joiners' Local Union No. 9298, of Elm Park; of Pressmen's Local Union No. 9331, of Lockport; of the Trades Assembly of Norwich; of United Neckwear Cutters' Local Union No. 6939, of New York City; of Laborers' Protective Union No. 9512, of Ticonderoga; of Hudson River Lodge, No. 365, of Troy, and of Loyal Lodge, No.

406, International Association of Machinists, of New York City; all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented a petition of Mailers' Union No. 16, of Louisville, Ky., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of Mailers' Union No. 16, American Federation of Labor, of Louisville, Ky., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. QUAY presented a petition of Federal Union, No. 7204, of Carbondale, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of William F. Kurtz Circle, No. 100, Ladies of the Grand Army of the Republic, of Connellsville, Pa., praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

Mr. ELKINS presented a petition of Federal Labor Union, No. 8532, of Martinsburg, W. Va., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Merchants' Association of New York, praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a memorial of the North Carolina Pine Association, remonstrating against the adoption of the so-called London landing charge imposed by steamship companies upon lumber and other products exported from North American ports; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 2951) granting an increase of pension to Maria J. Wilson, reported it with an amendment, and submitted a report thereon.

Mr. JONES of Nevada, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MITCHELL on the 12th instant, proposing to appropriate $10,000 for the construction of a suitable launch for use in the customs service in the vicinity of Astoria, Oreg., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 4108) for the relief of Decatur Hamlin, submitted an adverse roport thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11839) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4850) to increase the pensions of soldiers and sailors who have lost limbs in the service, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2455) granting a pension to Genevieve Almira Sprigg Ludlow; and

A bill (H. R. 5560) granting an increase of pension to Annie L. Evens.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1811) granting an increase of pension to Thomas Milstead, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7782) granting an increase of pension to Thomas P. Smith; and

A bill (H. R. 9413) granting a pension to Mary E. Holden.

MISSISSIPPI RIVER BRIDGE.

Mr. BERRY. I call the attention of the Senator from Minnesota [Mr. CLAPP] to the report I am about to submit. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War, to report it with amendments.

Mr. CLAPP. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Arkansas.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Commerce was to add at the end of the bill the following as an additional section:

SEC. 2. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post-roads in the United States; and no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or railroads leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and all changes in said bridge required by the Secretary of War at any time, or its entire removal, shall be at the expense of the corporation owning or operating said bridge.

The amendment was agreed to.

The next amendment was to add the following as an additional section:

SEC. 3. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

The amendment was agreed to.

The next amendment was to add the following as an additional section:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. WALKER.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4868) granting an increase of pension to James J. Walker, to report it with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Pensions were, in line 6, to change the middle initial "J" to "H," and, in line 7, to strike out "Volunteers" and insert "Voltigeurs;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Walker, late captain Company D, United States Voltigeurs, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James H. Walker."

MOBILE, JACKSON AND KANSAS CITY RAILROAD.

Mr. TURNER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes, to report it without amendment, with the request for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TURNER, from the Committee on Commerce, to whom was referred the bill (S. 4475) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes, reported adversely thereon; and the bill was postponed indefinitely.

MILITARY RESERVATION AT BATON ROUGE, LA.

Mr. PETTUS. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 11636) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, to report it without amendment, and I ask that it be considered now

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATE ELECTION CASES.

Mr. BURROWS, from the Committee on Privileges and Elections, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Privileges and Elections is hereby authorized to have compiled for the use of the Senate a new edition of the work on Senate Election Cases, bringing the same down to the present Congress.

BILLS INTRODUCED.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5276) granting an increase of pension to Otis Long;

A bill (S. 5277) granting an increase of pension to Robert Buckner; and

A bill (S. 5278) granting an increase of pension to J. Francis Hopper.

Mr. GIBSON introduced a bill (S. 5279) authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5280) granting a pension to Dollie Cosens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5281) for the relief of the heirs of John T. Lawrence, deceased;

A bill (S. 5282) for the relief of the estate of Benjamin D. Gates, deceased; and

A bill (S. 5283) for the relief of the estate of William H. Neel, deceased.

Mr. JONES of Arkansas introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5284) for the relief of Aaron A. Marrs;

A bill (S. 5285) for the relief of the heirs of Mrs. D. J. Booth, deceased; and

A bill (S. 5286) for the relief of the heirs of Peyton V. Duke.

Mr. JONES of Arkansas introduced a bill (S. 5287) granting an increase of pension to William J. Murray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5288) to limit the cost of the public building at Joplin, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PRITCHARD introduced a bill (S. 5289) to revise the laws of the United States relating to trade-marks; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 5290) to regulate and protect marks, trade-marks, commercial names, and symbols used in commerce, and to enforce treaties regarding the same; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 5291) granting a pension to John Roberts; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5292) granting a pension to Sonnie Washington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 5293) for the relief of the estate of Wiley Holt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 5294) granting an increase of pension to William F. Horn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5295) to promote Henry B. Carrington to the rank of brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 5296) granting an increase of pension to Michael Sheehy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5297) to provide for the erection of a bridge across the Detroit River at Detroit, in the State of Michigan; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5298) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5300) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 5301) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

He also introduced a bill (S. 5302) granting an increase of pension to John H. Everitt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5303) for the relief of the North American Transportation and Trading Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 5304) for the relief of Eliza Ellen Ehle; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5305) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 5306) authorizing the joining of Kalorama avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 5307) granting an increase of pension to Oren Rollins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5308) granting an increase of pension to Hosea A. Dunham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5309) to provide for the purchase of a site and the erection of a public building thereon at Batesville, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

FRANKS FOR SENDING OUT SEEDS.

Mr. TILLMAN. I introduce a joint resolution for which I ask immediate consideration. I will state that I have conferred with the chairman of the Committee on Agriculture and Forestry and he did not think it was necessary to refer it to that committee. It is largely self-explanatory.

The joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seed was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Public Printer shall furnish to the Secretary of Agriculture, on his order, such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders and for sending out seeds on order of the Secretary of Agriculture, such franks to bear the names of Senators, Representatives, and Delegates printed thereon and the words "United States Department of Agriculture, Congressional seed distribution," or such other phraseology as the Secretary may direct, and that such franks shall be furnished each year at such times and in such quantities as the Secretary of Agriculture may require.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $25,000 to enable the Commissioner of Labor to collect and report to Congress statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MCMILLAN submitted an amendment proposing to appropriate $5,500 to enable the Commissioners of the District of Columbia to appoint 11 medical inspectors of public schools at $500 each, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MCCOMAS submitted an amendment proposing to appropriate $1,955.70 to reimburse the city of Annapolis, Md., for

amount expended by said city in paving College avenue, in said city, with vitrified brick, and North West street, in said city, with granite blocks, in front of the United States post-office property, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $100,000 for the reconstruction, in part, of the present Providence Hospital building and finishing of nurses' home, intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations.

Mr. NELSON submitted an amendment proposing to create the office of commissioner of Pacific Railroads and to provide for the salaries of one commissioner and clerks in the same, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HEIRS OF JOHN T. LAWRENCE.

Mr. CARMACK submitted the following resolution; which was referred to the Committee on Claims:

Resolved by the Senate, That the heirs of John T. Lawrence, deceased, be, and are hereby, authorized and empowered to present to the Court of Claims for adjudication their claims for the property lost, destroyed, or taken and used by the United States forces during the late rebellion, and all statutes of limitation are hereby waived. Jurisdiction is hereby conferred on the Court of Claims to hear and determine said claim on its merits and for a finding of facts under the terms of the act of March 3, 1887, generally known as the Tucker Act. And in considering the claim any testimony taken by the agent of the Quartermaster-General and the affidavits of witnesses and the sworn declarations filed with the Quartermaster-General and the Commissary-General shall be considered by the court competent evidence.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to take testimony and to summon and examine witnesses in the investigation of the conduct and management of Indian schools and reservations now being made by said committee; and that the expenses of the same be paid from the contingent fund of the Senate.

EXPENSES OF NAVAL OPERATIONS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. CULBERSON was read, and agreed to, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate a statement of the amount of money expended, and the amount, so far as he is able to state the same, for which the Government of the United States is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands each year from May 1, 1898, to the present time.

EXPENSES OF MILITARY OPERATIONS, ETC., IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, which will be read.

The resolution submitted yesterday by Mr. CULBERSON was read, and agreed to, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

1. A statement of the amount of money paid by the United States for or on account of the Philippine Commission to the date when such expenses were paid out of the Philippine treasury.

2. A statement of the amount of money paid by the United States for or on account of railway transportation for troops to and from the Philippine Islands since the ratification of the treaty of peace between the United States and Spain, and the several railway companies to which it was paid and the sums paid each of them.

3. A statement of the amount of money expended and the amount, as far as he is able to state the same, for which the Government of the United States is liable, remaining unpaid, for equipment, supplies, and military operations in the Philippine Islands each year from May 1, 1898, to the present time.

SAMUEL J. LAMBDEN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4072) granting an increase of pension to Samuel J. Lambden; which was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "sixteen."

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

MARY JANE FAULKNER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1512) granting an increase of pension to Mary Jane Faulkner; which was, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen."

Mr. GALLINGER. I move that the Senate agree to the amendment.

The motion was agreed to.

LOUISE WARD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2082) granting an increase of pension to Louise Ward; which was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five."

Mr. GALLINGER. I move that the Senate agree to the amendment.

The motion was agreed to.

TAX ON TOBACCO.

Mr. MCENERY. I ask unanimous consent for the consideration of the bill (S. 3896) to amend section 3362 of the Revised Statutes relating to tobacco. It is a short bill.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Finance with an amendment, to strike out the first three lines, in the following words:

That the last paragraph, being paragraph 6 of section 3362 of the Revised Statutes, be, and the same is hereby, amended so as to read as follows.

And in lieu thereof to insert:

That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, and by the act of January 9, 1883, be, and the same is hereby, amended by striking out all after the fifth paragraph thereof and inserting in lieu of the words so stricken out the following.

So as to make the bill read:

Be it enacted, etc., That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, and by the act of January 9, 1883, be, and the same is hereby, amended by striking out all after the fifth paragraph thereof and inserting in lieu of the words so stricken out the following:

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars under such regulations as the Commissioner of Internal Revenue may establish."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNION RAILROAD STATION.

Mr. GALLINGER. Mr. President, I ask that the report which I send to the desk may be reprinted, with the amendments which have been made to it and testimony added, a few copies of which were printed for the use of the Committee on the District of Columbia, and it is important that it should be printed as now presented.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate Report No. 982, Fifty-seventh Congress, first session, relating to the union railroad station at Washington, D. C., be reprinted, with amendments and additions.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of March, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 17, 1902.*

NICARAGUA CANAL.

Mr. MORGAN. If there is no further business before the Senate, I should like to call attention to the notice I gave yesterday that I would request the indulgence of the Senate this morning to make some observations on the subject of the Nicaragua Canal. I ask that the bill be called up simply for that purpose. I do not propose to ask for its consideration this morning out of order.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MORGAN. Mr. President, there is but one class of enterprises projected in the United States that is free from the control of private interests and is intended only to promote the general welfare. It is the class of enterprises that, in some form, increase and facilitate ocean navigation. Such works are Government property and are guarded by every form of legal, judicial, and executive power against the intrusion of private interests.

All rivers, harbors, bays, and canals that aid the commerce of the country are free from private ownership and are open to the use of the people, upon equal terms.

This policy can not be reversed as to a ship canal to be constructed and owned by the United States to connect the great oceans without a breach of public faith.

Assuming that Congress is ready to undertake such a work in this spirit of sincere devotion to the welfare of the people and to realize the anxious hopes of all, except those who would profit by further delays, I will address myself on this occasion to the question of the choice of routes for an isthmian canal. It is a question of the greatest moment, and should be considered carefully, dispassionately, and with impartial sincerity.

A mistake made in the selection of a canal route which will or may involve the failure of the effort to construct a safe canal will be fatal.

A route that is safe for the construction and maintenance of a ship canal is the supreme consideration that should control the selection now to be made by Congress. The interest at stake and the expenditures involved are too great to justify the abandonment of a safe route for the sake of the possible saving of money in a less costly route that is of doubtful safety.

I wish to present the facts that bear directly upon this subject, not in full detail, but in just outline, for the consideration of the Senate, and will make quotations from the proofs, rather than statements of their substance, in what I now have to say on this subject.

In bringing the subject of an isthmian canal to the attention of the Senate in advance of the consideration of the subject by the vote of this body it is not my intention to discuss the merits of the measure passed by the House of Representatives and reported, without amendment, by the Committee on Interoceanic Canals, as a national or commercial question.

I will assume that the Senate, without material division of opinion, is convinced that a canal is an indispensable, national necessity, and that the people, with almost complete accord, are demanding it for that reason and for the additional reason that it will remove the obstructions to industry and commerce that have so long chained the right arm of their strength in almost helpless paralysis.

I also assume that the honest enthusiasm that moved the House of Representatives as one man to vote a second time for the Hepburn bill was not merely the result of thoughtless rejoicing that the Clayton-Bulwer treaty had been put aside and that the way was at last open to success, but that it was the result of long and mature study of the whole situation, and of a noble and patriotic impulse to accomplish a work that no other people could perform, for the benefit of the world. Blind zeal has never led in such toilsome work, where the dredge, the pick, and the shovel are the instruments of winning national honors, instead of the battle ship, the sword, and the rifle.

It is only a choice of methods and a comparison of national advantages that we are left to decide; all questions of financial ability, of private interests and preferences, of political bias, and other influences and antagonism having been relegated to the rear by the command of a free, honest, and powerful people.

The honor and the high duty of making this choice now belongs to Congress. In its performance, on my part, I will not permit any doubtful fact to sway my judgment, nor will I shrink from presenting the whole truth, as I believe it, under the pressure of any influence or the bias of preconceived opinions. It is to reach the logical results that should follow the actual merits of the claim of either canal route, in deciding the preference, that I will try to present an outline of the questions that now require discussion.

In this endeavor I will not attempt to discuss exhaustively any point I may state, but I will present some of the leading points which control my judgment, leaving their more complete presentation to others who have studied them with greater care and will discuss them with greater ability than I could bring to their consideration.

CERTAINTY OF SUCCESS IS THE TRUE FOUNDATION.

The subject presents itself to my mind with conclusive force in the form stated in the six propositions I will now state:

1. We have reached the point where investigation is complete by observation, experience, scientific research and forecast, and these means of knowledge are as conclusive of the facts as we could hope to make them in another half century of delay.

This knowledge of the controlling facts, as to the practicability of a canal through the American Isthmus, satisfies the people of the United States that the time for final action has come.

2. The question now to be decided is the choice of either of two routes for a canal; whether it shall be located at Panama, or through the valley of the San Juan River, in Nicaragua and Costa Rica.

3. The controlling factor in making this selection is the assurance of success in constructing a canal that will be permanently useful for commerce, and for the needs of the Government and its policies, and for the benefit of the people of the United States.

4. A sum of money necessary for expenditure in the work of constructing such a canal, to accomplish such ends, can not be reasonably compared with the real value of the results to the people and the Government of the United States, and the choice of either route, with safe, intelligent, and sincere regard to its permanent usefulness and advantage, should not be controlled or affected by a difference in the present cost of construction.

An assumed or supposititious difference in the cost of construction of either canal that does not exceed $6,000,000 is not a real factor in the choice of either route, if the route that it is cheapest to build is not the route that will give to the people and Government of the United States the most certain assurance of success in constructing a canal that will be permanent and the most useful for the industrial and commercial needs of the people and the most necessary for the Government in its domestic and foreign relations and its military and civil policies.

Yet, I will discuss the question of the estimated cost of the two canals, to remove, if I can, the impression that there is a real margin of expenditure in favor of the Panama route, the cost of which is estimated at $184,233,358, if we should purchase that canal and the railroad alongside it, for $40,000,000.

I will recur to this matter later on.

5. The assured certainty of success in the construction of a permanent canal is, of necessity, the basic or foundation fact upon which Congress must act in the selection of the canal route.

Considered as a simple proposition of civil engineering, there is no doubt—not even a shadow of doubt—as to any fact touching the practicability of a ship canal from Grey Town to Brito, in and along the San Juan River and across Lake Nicaragua.

It is certain, beyond a reasonable doubt, that its cost is as nearly within the limits of exact estimates as any great public work that was ever undertaken.

As to this fact, there is no difference of opinion among the great number of engineers who have surveyed the Nicaragua route, or the boards and commissions that have studied and reported upon it, or the contractors who have examined and counted its cost in every element of calculation with a view to making contracts for its construction, or among the great engineers sent out by European countries to ascertain the feasibility of a proposed great highway of the world.

It is upon this ascertained and settled basis of certainty that I rest my judgment. I have been compelled to accept the conclusion that the Nicaragua route is the true and safe route to be adopted by Congress, and when I contrast it with the many and dangerous uncertainties of the Panama route, my judgment will not permit me to cast aside this assured success and this conclusive state of facts and, for the possible saving of $5,630,704 in the estimated cost of constructing the canal, to imitate the dog in the fable, in dropping the bone from his mouth to seize its reflected image in the water he was crossing. Æsop's homely fable illustrates a danger that now threatens this august Senate.

6. If the dam at Bohio, on the Panama route, should fail for any cause, the only hope of a canal across that isthmus would perish, never to be restored. All engineers admit this fact.

The failure of a dam at Conchuda, or Boca San Carlos or at Ochoa, or at Tambogrande, or at any other site on the San Juan River, would only mean the loss of that structure, to be replaced on a better location if a lake-level canal is preferred.

A dam at Bohio is the only possible location for such a structure across the Chagres River; while there are many sites for dams across the San Juan River that will raise the water to the level of Lake Nicaragua and give 126.24 miles of lake-level navigation for all classes of vessels. Or if lake-level navigation in the San Juan River should be found impracticable, the resort to slack-water navigation, with low-level dams at its rapids, would substitute the present plan with one scarcely less desirable.

A SINGLE CHANCE OF SUCCESS IS TOO GREAT A RISK.

At Bohio there is but a solitary chance to employ the Chagres River for canal purposes, and that is shaken with many serious doubts in the minds of the same engineers who assert that no doubts impend over the San Juan route; and on this route there is an assured certainty of using the waters of Lake Nicaragua at many places for the construction of a dam for a permanent canal at the level of the lake.

These chances are at least ten to one, and if the risk is estimated only at tenfold the cost of the dam at Bohio it would deter the boldest gambler in futures from risking the possible loss of more than $80,000,000 when, if he was successful, his profits could not exceed $6,000,000.

But the loss of a dam at Bohio could not be less than $144,233,358 clear loss to the United States in cash, to say nothing of the lives wasted in the work, the incalculable loss to our commerce, and the national shame and despair that our people would suffer.

We are asked to stake too much upon the dam at Bohio, while we will, in all likelihood, if we choose that route, yield to others, either speculative Americans or jealous competitors for trade, the opportunity to seize upon the advantages which we have demonstrated to be certain on the Nicaragua route. That there may be no rational doubt that the United States has made this demonstration, at the cost of near $2,000,000, I will present the following facts, which are undisputed:

THE CERTAINTY OF SUCCESS DEMONSTRATED AT NICARAGUA, ACCORDING TO THE UNDISPUTED FACTS.

The Nicaragua Canal Commission, consisting of Rear-Admiral John G. Walker, president; Col. Peter C. Hains, Corps of Engineers, and Prof. Lewis M. Haupt, civil engineer, a graduate of West Point, was appointed in 1897. The Secretary of State issued final instructions to this Commission on November 3, 1897, closing as follows:

In other words, your report should be as full and conclusive upon the subject as it is practicable to make it, to the end that "the proper route, the feasibility and cost of construction of the Nicaragua Canal," may, if possible, be absolutely fixed and determined.

The Commission and its assistants, about 100 men, entered the field of work at Grey Town December 5, 1897, and completed their examinations March 26 following, a period of nearly four months, leaving parties in the field at work acquiring additional data. Their report was completed May 9, 1899, and sent to the President. They were commissioned August 2, 1897, and were closely engaged in this work until May 9, 1899—a period of one year and nine months. Their report has not been equaled by any subsequent report as to carefulness of statement, the breadth of inquiry, the precision of its measurements and estimates, and the clear and frank conclusions at which it arrived.

They say in their report that they spent five days in Panama "in examining the Panama Canal line, the work being done, and the plans, drawings, and data in the office of the company at Panama."

The dimensions of the canal in Nicaragua, surveyed and located by this Commission, are as follows: In earth, 150 feet at bottom. In the river, 300 feet at bottom. The canal nowhere to be less than 30 feet deep. The entire cost, with 20 per cent added for contingencies, was estimated by Commissioners Walker and Haupt at $118,133,790, and by Commissioner Hains at $134,818,308.

In order to get this important report fairly before the Senate and the country, I present the following extracts from the text on pages 42, 43, under the head of "Feasibility," and from pages 45, 46, under the head of "Conclusions:"

FEASIBILITY.

Under this division of the subject the Commission would respectfully submit that it has failed to find any competent authority that denies the feasibility of constructing a canal across Nicaragua.

The feasibility of the canal is conceded for the following reasons:

1. There are at this date sufficient precedents for ship canals capable of passing the largest vessels, so that any question of the navigation of such a channel is eliminated.

2. The ability to construct and operate locks of the requisite dimensions is sufficiently established by existing structures on the Manchester and Keil canals, at Davis Island on the Ohio, and at the St. Marys Canal, Michigan.

3. The possibility of constructing the necessary dams, weirs, sluices, and embankments which shall be sufficiently stable and impermeable to control the water required for navigation, as well as to regulate the floods, is within the resources of the engineering profession and is fully demonstrated by many hundreds of miles of embankments, levees, and dams both at home and abroad. There is no reason to doubt the ability to build them out of native rocks and earth and to give them the required strength and tightness to retain or to discharge the water with safety.

4. There is no question as to the adequacy of the supply of water for all purposes at all seasons, nor as to its control in times of floods.

5. Neither is there any doubt with reference to the ability to secure good supporting ground for the trunk of the canal nor suitable sites for locks and dams.

6. The harbor question is only a matter of money, and it is believed that good, capacious, and safe artificial harbors can be created at a reasonable cost. In brief, the Commission sees no reason to doubt the entire feasibility of the project, but it realizes the necessity of exercising due care in the preparation for the specifications and in the conduct of the work, and that the details of construction be thoroughly inspected and properly executed under competent supervision.

CONCLUSIONS.

The Commission after mature deliberation has adopted and estimated for the route from Brito to Lake Nicaragua, called the Childs route, varient No. 1, and from the lake to Grey Town, that is called the Lull route, varient No. 1. This line leaving Brito follows the left bank of the Rio Grande to near Buen Retiro, crosses the western divide to the valley of the Lajas, which it follows to Lake Nicaragua. Crossing the lake to the head of the San Juan River, it follows the upper river to near Boca San Carlos, thence, in excavation, by the left bank of the river to the San Juanillo, and across the low country to Grey Town, passing to the northward of Lake Silico. It requires but a single dam, with regulating works at both ends of the summit level.

The new location selected for the dam at Boca San Carlos eliminates one of the most serious engineering difficulties by avoiding entirely the San Carlos River, with its torrential floods and large volume of sediment, and by locking down immediately from this dam the difficulties and risks of the high embankments of the Menocal line are also avoided.

Instead of the dam at La Flor a lock and regulating works have been substituted at Buen Retiro, where the topography is well adapted for the purpose. It is also proposed to divide the surplus waters of the lake basin between the east and west sides, thus reducing the velocities in the San Juan and securing ample waste-way capacity for the maximum discharge that can ever occur, if stored and distributed over a short period of time. Ample provision has also been made for a possible fluctuation of the lake of 6 feet or more without injury to property by fixing the elevation of the bottom of the canal sufficiently low to cover seasons of minimum rainfall. The surveys have in general revealed better physical conditions than were heretofore supposed to exist, especially as to the amount of rock in the upper river, whereby it is possible greatly to reduce the estimated cost of construction. This fact will account largely for the comparatively moderate amount of the estimate when the enlarged dimensions of the project are taken into consideration. Other reductions are due to the improved methods and machinery available, as developed on the Chicago Drainage Canal, and which can not be ignored in discussing a work of this magnitude.

The creation of sufficiently capacious interior harbors presents no unusual difficulties, and they can be secured at a reasonable cost.

The field work, under the authority of this Commission, has been carefully and well done, and is believed to be all that is necessary for the preliminary location of a canal, and to determine, within narrow limits, the final location of dams, locks, and other constructions. Should a canal across Nicaragua be authorized it will be necessary to make further minute and careful investigations by borings to determine the exact location of locks and dams, for which the Commission has neither the time nor money, nor would it have been justified in doing work of this character until the construction of a canal was assured. The computations of amounts to be excavated have been carefully made and checked to guard against errors and are believed to be accurate within narrow limits. All possible information has been sought with regard to cost of similar work in the United States and in Central America, and a careful comparison made of the probable differences between Nicaragua and the United States.

To determine the proper unit prices for excavation the average of prices actually paid to contractors on the Chicago drainage canal, which represent cost of plant, prices paid for work done, and contractors' profits, were taken. Up to this point the Commission dealt only with facts. To the prices paid at Chicago certain percentages have been added for the difference in location, climate, etc. These percentages are, of course, a matter of judgment, upon which men may honestly differ. But from all the information obtainable by this Commission and after careful consideration, with a desire to arrive at a proper conclusion, those used in the estimate are deemed fair and reasonable.

In obtaining the estimate for cost of locks the prices actually paid for building the Government locks at the Sault Ste. Marie were taken, and 33 per cent was added for the difference of location. This percentage is believed to be ample, as a large part of the expense of constructing the locks will be for material, much of which can be furnished in Nicaragua at the same or only a small advance upon the prices in the United States.

After giving due weight to all the elements of this important question, and with an earnest desire to reach logical conclusions, based upon substantial facts, the Commission believes that a canal can be built across the Isthmus on this route for a sum not exceeding that stated in the estimate.

The dimensions of the canal proposed are much larger than any heretofore considered, and will be ample not only to meet the present requirements of commerce, but also for many years to come. A navigable channel of smaller dimensions than those proposed, only sufficient for present needs, can be constructed for a lesser sum, if deemed expedient.

The more reliable character of the work done in Nicaragua by this Commission than that done at Bohio, in Panama, by the Isthmian Canal Commission, is shown by the fact that the diamond drill was not used at Bohio, while it was used in all the borings made by the Nicaraguan Canal Commission.

ADDITIONAL STATEMENTS MADE BY THESE COMMISSIONS IN 1901.

These three commissioners were also members of the subsequent Isthmian Canal Commission, which was appointed on the 10th of June, 1899.

They made statements before the Committee on Interoceanic Canals on the 11th of May, 1900, touching their former report, in which Admiral Walker stated, in response to questions, as follows:

The CHAIRMAN. Did you find any reason to depart from the report of the former Commission on the following subjects? I will state them seriatim:

Under the head of "Feasibility," you say in the former report:

"Under this division of the subject the Commission would respectfully submit that it has failed to find any competent authority that denies the feasibility of constructing a canal across Nicaragua."

Have you, since that time, or did your Commission find any authority that denied the feasibility of the canal?

Admiral WALKER. As far as I know the opinions of the members of this Commission, they have no doubt that it is feasible to build a canal across Nicaragua.

The CHAIRMAN. You say:

"1. There are at this date sufficient precedents for ship canals capable of passing the largest vessels, so that any question of the navigation of such a channel is eliminated."

Are you still of that opinion?

Admiral WALKER. I am still of that opinion.

The CHAIRMAN. You say:

"2. The ability to construct and operate locks of the requisite dimensions is sufficiently established by existing structures on the Manchester and Kiel canals, at Davis Island, on the Ohio, and at the St. Mary Canal, Michigan."

I suppose you might add to that the drainage canal of Chicago?

Admiral WALKER. There are no locks on the drainage canal.

The CHAIRMAN. Do you still adhere to that opinion?

Admiral WALKER. Yes, sir; I am still of the same opinion.

The CHAIRMAN. You say:

3. "The possibility of constructing the necessary dams, weirs, sluices, and embankments which shall be sufficiently stable and impermeable to control the water required for navigation, as well as to regulate the floods, is within the resources of the engineering profession and is fully demonstrated by many hundreds of miles of embankments, levees, and dams, both at home and abroad. There is no reason to doubt the ability to build them out of the native rocks and earth and to give them the required strength and tightness to retain or to discharge the water with safety."

Do you still adhere to that opinion?
Admiral WALKER. Yes, sir.
The CHAIRMAN. You say again:
4. "There is no question as to the adequacy of the supply of water for all purposes at all seasons, nor as to its control in time of flood."
Do you still adhere to that opinion?
Admiral WALKER. I am still of that opinion.
The CHAIRMAN. That is the principal factor in the canal business, is it not?
Admiral WALKER. Those are pretty large factors; yes, sir.
The CHAIRMAN. You say further:
5. "Neither is there any doubt with reference to the ability to secure good supporting ground for the trunk of the canal nor suitable sites for locks and dams."
Do you still adhere to that view?
Admiral WALKER. I think that they can be found; yes.
The CHAIRMAN. You say:
6. "The harbor question is only a matter of money and it is believed that good, capacious, and safe artificial harbors can be created at a reasonable cost. In brief, this Commission sees no reason to doubt the entire feasibility of the project, but it realizes the necessity of due care in the preparation of the specifications and in the conduct of the work, and that the details of construction be properly executed under competent supervision. Do you adhere to that?"
Admiral WALKER. Yes, sir.

On that examination General Hains stated as follows:

The CHAIRMAN. General Hains, you were a member of the former Ludlow commission, were you not?
Colonel HAINS. No, sir; of the Walker Commission.
The CHAIRMAN. And you joined in the report, making a qualification of your estimate of the cost?
Colonel HAINS. Yes, sir.
The CHAIRMAN. You placed it above that of the other two associate commissioners?
Colonel HAINS. Yes, sir.
The CHAIRMAN. You went out and made an examination of the Nicaragua Canal again, did you, with the board?
Colonel HAINS. Yes, sir.
The CHAIRMAN. Have you any change to make showing a change of opinion on your part as to the feasibility and practicability of the Nicaragua route?
Colonel HAINS. No, sir.

Professor Haupt made the following statements:

Professor HAUPT. I did not accompany the Commission to Nicaragua or Panama.
The CHAIRMAN. So that your personal knowledge on the subject is such as you derived when you went there with the former Walker Commission?
Professor HAUPT. Yes, sir.
The CHAIRMAN. Have you made a study of this subject since you were out on that Commission—a close study of it?
Professor HAUPT. I have, sir, as far as the data were available.
The CHAIRMAN. Have you looked over the reports of the Walker Commission recently?
Professor HAUPT. No, sir; I have not revised them since publication.
The CHAIRMAN. From what you have heard the other engineer say here to-day, and from what you know of your personal examinations of the Nicaragua route, have you changed your opinions as expressed in that report?
Professor HAUPT. I have not, sir.
The CHAIRMAN. You see no reason for changing your opinion?
Professor HAUPT. No, sir.
The CHAIRMAN. Have you ever examined the Panama route?
Professor HAUPT. Yes, sir. The Walker Commission went over the route carefully and made a reconnoissance during the first Commission.
The CHAIRMAN. What length of time did you spend there?
Professor HAUPT. We spent there about a week, and had every facility that could be offered us by the railroad company, as well as the canal company, for the purpose.
The CHAIRMAN. In what year was that?
Professor HAUPT. That was in the year 1898, in the winter.
The CHAIRMAN. While the new company were at work?
Professor HAUPT. Yes, sir.
The CHAIRMAN. Did you see forces at work while you were there?
Professor HAUPT. They had about 3,000 men at work, it was claimed.
The CHAIRMAN. What part of the Panama Canal did you examine while you were out there?
Professor HAUPT. The entire route of the line of the canal, extending from Panama to Colon.

THESE STATEMENTS AGAIN CONFIRMED IN 1900 AND 1901.

On the 30th of November, 1900, the Isthmian Canal Commission, in their preliminary report to the President, recommended the Nicaragua route as "the most practicable and feasible route for a canal to be under the control, management, and ownership of the United States."

A year later, in their final report to the President, the Isthmian Canal Commission again recommended the Nicaragua route as the most practicable and feasible.

This should establish the leading and foundation fact on which the action of Congress may safely rest, that in Nicaragua there is a route that is assuredly feasible and practicable; and that if one plan of construction or one line of location of the canal should fail another location will be readily found to substitute it, or other dams can be built to supply the loss.

In the loss of a dam at Bohio the canal is lost; but if the dam at Conchuda is lost, the canal is only delayed.

On page 161 of their report the Isthmian Canal Commission say that—

A dam across the San Juan River at Machuca Rapids could be built more quickly and would cost much less than at Conchuda or any other point below Machuca; but a canal in the San Juan Valley, between Conchuda and Machuca, would be very expensive on account of the hilly character of the country.

These places are about 10 miles apart.

As to the one vital point in the Panama Canal, the dam at Bohio, and as to the dam at Conchuda, on the Nicaragua route—that being one of several dam sites on the San Juan River that are entirely practicable—Admiral Walker, in his examination under oath by the committee, made the following statements:

Senator HARRIS. The fact is with regard to the Bohio Dam that the future of that is just as much an unknown quantity as the future of the dam at Conchuda?
Admiral WALKER. I should say it was more of an uncertain feature. It is a great work and a more difficult work to build. The Conchuda Dam I look upon as practically settled.
Senator HARRIS. So that we know no more about the possibilities and contingencies at Bohio than we do at Conchuda—in fact, less?
Admiral WALKER. We know less about the contingencies at Bohio, but that is the only point in the whole line about which we are at all uncertain.
Senator HARRIS. But that is the vital point?
Admiral WALKER. That is the vital point. Yes; it is vital to the canal, because the safety of the canal depends on the integrity of the dam in both cases.
Senator HARRIS. And the control of the river?
Admiral WALKER. Yes.

And on page 462 he stated as follows:

The CHAIRMAN. Do you remember any point or fact upon which you have changed your opinion with regard to this work from the beginning—from the time you first went to look at it—any point of fact upon which you have changed your opinion?
Admiral WALKER. Well, that would be pretty hard to answer. I went into the thing with my sympathies and prejudices, as far as I had any, in favor of the Nicaragua line, but I endeavored to take hold of this question with a mind open to proof.
The CHAIRMAN. I have no doubt that is so, but I want to know whether you have changed your mind upon any fact.
Admiral WALKER. I have changed it to this extent, that I now think that the best line is the Panama line, if that is a fact. That is an opinion; I do not think it a fact.
The CHAIRMAN. In an engineering sense?
Admiral WALKER. Yes; in an engineering sense.
The CHAIRMAN. Well, you come to that conclusion without changing any facts in your former statements?
Admiral WALKER. Yes.
The CHAIRMAN. Your judgment is convinced that you were in error in the first statement?
Admiral WALKER. No, sir; not at all. I have not changed my mind a particle.

The statement of Professor Haupt, who was a member of the Nicaragua Canal Commission, and also of the Isthmian Canal Commission, on the point of the assurance of success on the two routes is as follows:

Senator HARRIS. The entire safety and efficiency of the canal in each case depends on the dam?
Mr. HAUPT. Unquestionably. There is no dam on the western slope in either project, for the reason that the inclosing locks and their retaining walls constitute the retaining wall for the water on the west side of the summit levels, so that the question of dams there is not involved.
Senator HANNA. That is slack water.
Mr. HAUPT. Yes; for the summit level.
The CHAIRMAN. Now, the question that you just answered of Senator Harris's relates to a plan in which one dam is held to be sufficient on the Nicaragua route and one dam on the Panama route, does it not?
Mr. HAUPT. It does; yes, sir.
Senator HANNA. Is there any way of which you are aware by which more than one dam could be used or relied upon in the Panama route?
Mr. HAUPT. No, sir.
The CHAIRMAN. With dams at intervals?
Mr. HAUPT. No, sir; there is not.
The CHAIRMAN. In the Childs survey and in the Lull survey there were a number of dams across a single river, I believe.
Mr. HAUPT. Yes, sir.
The CHAIRMAN. Is that a practical method of constructing a canal?
Mr. HAUPT. Entirely so. That would reduce the height of the dam and the pressure or head of water and increase somewhat the expense and time of operation.
Senator HARRIS. It would require a greater number of locks?
Mr. HAUPT. Yes; if the lift is reduced.
The CHAIRMAN. If I remember it correctly, there was a dam at each of the rapids?
Mr. HAUPT. A dam at Machuca and one at Castillo, as well as others.
The CHAIRMAN. So that it is in an engineering sense practicable to build a canal on the San Juan River with several dams?
Mr. HAUPT. It is; yes, sir.
The CHAIRMAN. Whereas that is not practicable on the Panama route?
Mr. HAUPT. There was a dam proposed at Gamboa in an earlier plan, but it was found to be impracticable and it was abandoned, and Bohio is believed to be the only safe dam site of that route.
The CHAIRMAN. I am only asking your opinion as an engineer.

Gen. Peter C. Hains, who was a member of both commissions, testifies as follows:

The CHAIRMAN. Has Mr. Childs always been regarded by engineers as a good authority?
Colonel HAINS. Yes.
The CHAIRMAN. Have the accuracy and faithfulness of his surveys ever been questioned?
Colonel HAINS. Wherever we have had occasion to go over the same ground that he went over we have found that his work was generally reliable.
The CHAIRMAN. Where he established bench marks, your surveys corresponded?
Colonel HAINS. I do not know whether we found any of his bench marks. I doubt whether any of his bench marks were found at all. It is so long ago that I guess they have all disappeared.
The CHAIRMAN. Is that a practicable canal, that depth and that prism, running in the manner in which he surveyed it, for ships that would draw less than 17 feet of water?
Colonel HAINS. I do not think there is anything impracticable about it.
The CHAIRMAN. Mr. Childs's plan, if I remember it correctly, was for a dam at every one of the rapids of the San Juan River.
Colonel HAINS. Yes.
The CHAIRMAN. He took them one after the other and built low dams.
Colonel HAINS. Yes; put low dams in.

He further states:

The CHAIRMAN. The length of the canal in the Lull survey is 181.26 miles, according to the report. The prism of the canal in the earth, bottom width, was from 50 to 72 feet, according to conditions and circumstances.

Colonel HAINS. Yes.

The CHAIRMAN. In the rock it was 60 feet, and the depth of the canal was 26 feet. The locks were 70 by 400 feet, and there were 21 of them. I forgot to mention that in the Childs survey there were 28 locks.

Colonel HAINS. Different lifts.

The CHAIRMAN. Yes. Now, Lull's estimate was $65,722,147, and his unit of prices for work in rock was $1.25 to $1.50; for earth work 35 cents, and for dredging 30 to 40 cents per cubic yard; for embankments 10 cents, and for concrete $8 per cubic yard; for rock under water $5 per cubic yard. Would that be a practicable canal at that depth, and with that prism, in those waters, across from ocean to ocean?

Colonel HAINS. Yes; if I have this project in my mind correctly.

The CHAIRMAN. Well, now, the Commission of which you were a member, the Nicaraguan Canal Commission—you were a member of that?

Colonel HAINS. Yes.

The CHAIRMAN. They estimated the length of route at 187.31 miles. You said that you had spent some months in making that survey.

Colonel HAINS. Yes, sir.

The CHAIRMAN. How long?

Colonel HAINS. You mean this last one?

The CHAIRMAN. No, sir; I mean the one that you and Mr. Haupt and Admiral Walker were on.

Colonel HAINS. I spent about three months down there.

The CHAIRMAN. About how many engineers did you have under your employment?

Colonel HAINS. I should say from 30 to 50; I don't remember.

The CHAIRMAN. Skilled engineers?

Colonel HAINS. Yes, sir.

The CHAIRMAN. About how many employees were there of all kinds, including the engineers.

Colonel HAINS. I do not remember. I suppose a couple of hundred—two or three hundred.

The CHAIRMAN. Well, you made a very careful survey, did you not?

Colonel HAINS. Yes.

The CHAIRMAN. One that you are willing to stand on and make recommendations on for spending money by the Government?

Colonel HAINS. Yes.

The CHAIRMAN. And you made a survey on a line of 187.31 miles, and then you had a bottom in earth of 150 feet and you had a bottom in rock of 150 feet and you had a depth of 30 feet. Your locks were 80 feet by 620 feet. Those locks would accommodate 90 per cent of the ships in the world now?

Colonel HAINS. Yes.

The CHAIRMAN. Maybe more. Then you had 10 locks, 5 on a side?

Colonel HAINS. Yes.

The CHAIRMAN. The time of passage you did not give, but you had an estimated cost of $118,113,790?

Colonel HAINS. No; I did not.

The CHAIRMAN. I mean the Commission did—the majority?

Colonel HAINS. The majority of the Commission did; yes, sir.

The CHAIRMAN. And you dissented?

Colonel HAINS. Yes, sir.

The CHAIRMAN. And you put your price at what?

Colonel HAINS. About $135,000,000.

The CHAIRMAN. So that the difference between you was between $118,000,000 and $135,000,000 for that construction?

Colonel HAINS. Yes.

The CHAIRMAN. Now, the unit prices that you adopted were as follows: In rock, $1.03 to $1.30 per cubic yard; in earth, 44 cents per cubic yard; in dredging, 20 to 30 cents per cubic yard, and the embankment you did not make any provision for. You did not make any estimate. For concrete, $7.23, and for rock under water, $5 a cubic yard. Now, was that a good canal? Where did you have your dam?

Colonel HAINS. Was it a good canal?

The CHAIRMAN. Yes; was that a safe, reliable canal?

Colonel HAINS. I think that it was a practicable canal.

The CHAIRMAN. And one that the Government could afford safely and reliably to build, and depend upon it to spend its money?

Colonel HAINS. Yes.

The CHAIRMAN. And one that would stay there after you put it there?

Colonel HAINS. Yes.

The CHAIRMAN. Where did you have your dam?

Colonel HAINS. At Boca San Carlos.

The CHAIRMAN. How high was it?

Colonel HAINS. I think it was about 110 to 120 feet in the deepest part; something like that.

Senator HARRIS. I have one more general question that I wish to ask you. Is there any engineering work on the Nicaragua line that is not easily within the limits of present engineering experience and knowledge?

Colonel HAINS. On the Nicaragua?

Senator HARRIS. Yes.

Colonel HAINS. I think not.

Senator HARRIS. There is no work there, either in the way of dams or locks or cuts, that involves any new and untried problems?

Colonel HAINS. No, sir.

Senator KITTREDGE. Is there on the Panama?

Colonel HAINS. I do not think there is in Panama, unless it is this dam.

Senator HARRIS. Well, I thought we had discussed that, and I will put the additional question and refer to what Mr. Morison says. Mr. Morison thought it involved "new and untried problems," the construction at this dam.

Colonel HAINS. Yes.

Senator HARRIS. And you agree with that?

Colonel HAINS. Yes; I agree with that.

Senator HANNA. Would you consider these untried problems as problems that could not be overcome in engineering?

Colonel HAINS. No, sir.

Senator HARRIS. Is there anything now among engineers that is not regarded as possible, given money enough and time enough?

Colonel HAINS. Very little.

Senator HANNA. Do you believe generally that the Bohio Dam, as recommended by the Commission, can be constructed for the amount of expenditure estimated?

Colonel HAINS. Yes; I think it can.

Senator HANNA. Your part of the work on this Commission was confined to Nicaragua—that is, you were on the committee that examined Nicaragua more specially?

Col. Oswald H. Ernst states as follows:

The CHAIRMAN. Now, there have been many lines run through Nicaragua along that line, commencing with the line run by Childs. That was a piece of engineering I have heard very highly applauded by engineers as being exact.

Colonel ERNST. Yes.

The CHAIRMAN. And Childs's survey has been taken as the basis of all the subsequent surveys, so far as his route corresponded with others?

Colonel ERNST. Yes, sir.

The CHAIRMAN. Childs put in a canal there with 17 feet depth of water, a harbor at Brito at the mouth of the little river there.

Colonel ERNST. The Rio Grande.

The CHAIRMAN. No, this way, at the lake—Las Lajas—and then at Grey Town, but the bay was there at Grey Town when he made his survey at deep water, and his survey included a slackwater navigation of the San Juan River, with dams at all the rapids—three or four dams—and he took his canal out in the vicinity of the mouth of the San Carlos, somewhere, and carried it through that level country down to Grey Town. That was a safe canal, was it not?

Colonel ERNST. Well, I do not know about below the San Carlos. I think he would have had trouble below the San Carlos.

The CHAIRMAN. He did not have slack-water navigation below San Carlos, as I remember it.

Colonel ERNST. My recollection of it is that he had, but I may be mistaken.

The CHAIRMAN. But it was considered that that would have been a safe canal, if constructed, for ships drawing, say, 15 or 16 feet of water?

Colonel ERNST. Oh, I think so. I think that Childs would probably have changed his lines a little below the San Carlos, but, while I think so, I repeat that I think it was an admirable plan.

* * * * * * *

The CHAIRMAN. And then after Childs came Lull, and Mr. Menocal was his chief engineer, and they followed Childs's line, and adopted the slackwater system in that survey down to a point near the mouth of the San Carlos River, if I remember correctly, and then took the line through that low ground around to Grey Town, where there was still a good harbor, or a fair harbor. That canal was 24 or 27 feet deep. I have the data somewhere here, but I have not got it so that I can refer to it just now. That would have been a safe canal, would it not?

Colonel ERNST. I think so.

The CHAIRMAN. Slack-water navigation. And it would have been a very useful canal to the commerce of the world, would it not?

Colonel ERNST. I should think it might.

The CHAIRMAN. With ships of the size then in vogue.

Colonel ERNST. If they had got it done before the ships increased too far. The trouble with all of our great enterprises is that before they are finished they are outgrown.

THE CERTAINTY OF SUCCESS CONFIRMED BY ALL THE COMMISSIONERS AS TO FIVE SEPARATE PLANS SURVEYED AND LOCATED.

We have surveyed, plotted, located down to the working point five or six canals through Nicaragua, at a cost to us of more than $2,000,000, and we have demonstrated to the world that a canal can be built there for $68,000,000, and I shall be greatly disappointed, if we should take the Panama Canal, if Nicaragua and Costa Rica are not able to find friends enough to build that canal and plank us out of 600 miles of length of line and take away from us our coastwise trade. I should dislike very much to risk as against my Government the energy and enterprise and sagacity of men who built railroads across this continent, when they undertook, if they should undertake to do it, to have a canal also to work in combination with them, and I should doubt very much the enterprise of these Frenchmen, if we should pay them $40,000,000, and they should undertake to build one of these canals, even that located by Childs, by Lull, or by Menocal.

No member of either of the three commissions expressed a doubt or apprehension as to the certainty of the successful completion of a canal on the Nicaraguan route on either of five plans that have been adopted, surveyed, and located by the greatest engineers in America; from the slack-water plan of Childs, for a canal 17 feet deep, to the mammoth plan of the Isthmian Canal Commission, with a single dam at Conchuda to raise the San Juan River to the lake level, and to give unbroken summit-level navigation from Lock No. 4, which is 46 miles from the 6-fathom curve in the Caribbean Sea, to Lock No. 5, a length of 129.24 miles, in which there is only one curve with a radius of 4.045 feet, the other 26 curves being greater in radius, ranging from 4.297 to 17.189.

And no other engineer has seriously questioned the fact that within the limits of a reasonable cost a perfectly feasible and permanent canal can be constructed on the Nicaragua route.

MR. COOLEY'S OPINION AND ITS VALUE.

On the contrary, such an engineer as Lyman E. Cooley, who located and built the great Chicago drainage canal and many other public works, who examined both these routes in 1897–98, in company with other engineers and contractors, with the purpose of contracting to build the Nicaragua Canal, states as follows in respect of the certainty of success in constructing a canal on the Nicaragua route. After discussing questions of doubt as to the Panama route, as to which he had fewer engineering objections than some of the Isthmian Canal commissioners, he says:

The CHAIRMAN. Now, how many of these doubts and difficulties, if any, exist on the Nicaragua route?

Mr. COOLEY. Why, there is nothing about the matter as I have outlined it about which I have any doubts. A man in the face of a new problem feels, I imagine, as a general feels in the face of a battle; he does not like it, but he is up against it and he has got to fight it out. So, in regard to my mental attitude on the Nicaragua route, I have not nearly as many doubts about the building of a canal at Nicaragua as I had about the Chicago canal before we had actually let the contracts.

No statements of reports made in respect to this subject are of greater value than those made by this great engineer and canal constructor in his deposition.

He took what some designate as "a business view" of the subject, having great practical experience and great ability as an engineer and canal constructor, and no sentimental or official prepossessions to warp his judgment or to color his opinions.

MR. MENOCAL'S OPINION AND ITS VALUE.

Mr. Menocal, as the chief engineer of the Lull survey, made the first survey of a canal line at Panama in 1875, and pointed out, measured, and located the line for a lock canal that was adopted by the Panama company and is now adopted by the Isthmian Canal Commission, including the dams at Alhajuela and Bohio. The canal he projected was 24 feet deep and from 60 to 72 feet wide at bottom, with 22 locks. The summit level was 124 feet above sea level and it was 30 miles long. He had previously, in 1872, surveyed the Lull canal line through Nicaragua, as chief engineer of that expedition. The dimensions of the canals in the two surveys were only slightly different, so that he had the earliest opportunity to compare them.

In 1879 he was appointed a delegate to an international canal congress at Paris, by the President, in company with Admiral Daniel Ammen. At that meeting they pointed out the impossibility of maintaining a sea-level canal at Panama, and the advantages of the route through Nicaragua for a canal with locks.

In 1872, after the Lull survey of a canal at Panama, De Lesseps endeavored to obtain a concession for a canal from Nicaragua, which was refused. He then turned his attention to a sea-level canal at Panama. The warnings of Ammen and Menocal as to a sea-level canal at Panama were disregarded by the congress at Paris in May, 1879, and their verification has proven to be one of the severest financial blows a country ever received. In March, 1880, while De Lesseps was visiting the United States and was preparing his campaign of promotion for the sea-level canal, and organizing the "American committee," into whose hands were paid 12,000,000 francs, he stated, before a committee of the House of Representatives, as follows:

> There were fourteen projects of canals presented at the Paris congress, but the interest has centered entirely in the Nicaragua and Panama routes. As to the Nicaragua Canal, Mr. Menocal gave explanations of it to the committee as he had given to the Paris congress. One of the objections to that route was that it would be necessary first to construct a harbor at Brito, and another objection to it was that it was impossible by that route to make a sea-level canal. If it were determined to build a lock canal, and if there could not be a canal between the two oceans except a lock canal, then there was no doubt that the Nicaragua route was the best route.

Menocal personally surveyed both routes more than twenty years ago, and has since made two additional surveys of the Nicaragua route, one for the United States and the other for the Maritime Canal Company, besides his survey of the San Juan River and Greytown Harbor for the Government of Nicaragua.

No living man more thoroughly understands every engineering fact as to the Nicaragua route than he does. And few better understand the Panama route, on which he spent more than three months at work in the field, against two weeks of observation by the engineers of the Isthmian Canal Commission. Professor Haupt, of the Isthmian Canal Commission; Mr. Harvey, who planned and constructed the first locks at the Soo St. Mary's Canal, and made a close study of these routes; Lyman E. Cooley, who has studied both routes, on the ground, by careful inspection and careful examination, both as an engineering and as a "business proposition;" Mr. E. D. North, of New York, an eminent engineer; Mr. Trundle, who located the canal lines for the Nicaragua Canal Commission and for the Isthmian Canal Commission, and Gen. E. P. Alexander, the engineer who located the eastern boundary between Nicaragua and Costa Rica, all these and many more great engineers sustain Mr. Menocal's statement that there is no uncertainty as to the construction of a canal on the Nicaraguan route.

Mr. Menocal made the following statements in his deposition:

> The CHAIRMAN. Now, you seem to be personally familiar with the ground of Panama, and also personally familiar with the ground of Nicaragua. You have stated how many surveys you have made there?
> Mr. MENOCAL. Yes.
> The CHAIRMAN. And how much attention you have given to the subject. Because of the surveys you have made at Nicaragua, have you discovered any point in your surveys which makes it doubtful as to the practicability of a canal there?
> Mr. MENOCAL. I have not.
> The CHAIRMAN. Do you feel certain, as an engineer, that a canal is practicable?
> Mr. MENOCAL. I do.
> The CHAIRMAN. On the Nicaragua River?
> Mr. MENOCAL. I do.
> The CHAIRMAN. Leaving the question of the selection of the lines aside entirely?
> Mr. MENOCAL. Yes; I do under those conditions.
> The CHAIRMAN. I ask you, from the survey that you first made down to the last survey that has been made there and reported, including the one you made across the divide, a short line, have you any reason as an engineer to believe that either of those surveys is impracticable?
> Mr. MENOCAL. I have not.
> Senator HARRIS. In addition to the fact of your personal knowledge, you are also familiar with the surveys and opinions that have been made by other engineers in regard to it?
> Mr. MENOCAL. Yes.
> Senator HARRIS. Have you ever heard of any engineer condemning the Nicaragua route as impracticable?
> Mr. MENOCAL. I have not.
> Senator HARRIS. My impression has been that it never has been pronounced anything but feasible.
> Mr. MENOCAL. I never heard an engineer condemn it as impracticable. There have been several routes——
> Senator HARRIS. Oh, there are variations, of course.
> Mr. MENOCAL. Yes, variation; but every one of them is practicable.
> Senator HARRIS. While we are on the Nicaragua line I would like to ask another question concerning that line. All of these various plans that have been proposed by yourself and all engineers contemplate the use of the upper part of the San Juan River, practicable for slack-water navigation?
> Mr. MENOCAL. Yes.
> Senator HARRIS. Do you not regard the curvature of that upper water of the San Juan under any of the plans that you have examined—that of the Commission most particularly—as impracticable or unsafe in any way?
> Mr. MENOCAL. Oh, not at all. There is nothing impracticable in them. They are perfectly feasible.
> Senator HARRIS. And that it is available for navigation at night with the ordinary electric light?
> Mr. MENOCAL. Just as well as in the daytime; yes, sir.
> Senator HARRIS. So that in the thirty-three hours described by the Commission as the time of passage will mean thirty-three continuous hours, and not portions of three days as suggested?
> Mr. MENOCAL. There is no reason why it should not be so. It has always been contemplated by me that the canal would be navigated day and night.
> Senator HARRIS. The same as the Suez Canal is?
> Mr. MENOCAL. Precisely, just the same; better than the Suez Canal. The Suez Canal goes through shallow lakes also. They have had to excavate canals through these lakes, and they navigate the Suez Canal day and night.
> Senator HARRIS. The channel can be so marked that there is no difficulty in navigating it at night?
> Mr. MENOCAL. No, sir; especially in a country where you have no fogs.
> Senator HARRIS. They have no fogs?
> Mr. MENOCAL. No, sir; always a clear atmosphere, day and night.
> Senator HARRIS. Reverting to the question we touched this morning a little, do you think that the minimum or the greatest curvature which is indicated by the Commission is such as to permit vessels to move around freely without the use of tugs to assist them?
> Mr. MENOCAL. I do.
> Senator HARRIS. And under their own steam?
> Mr. MENOCAL. Yes.
> Senator HARRIS. And how is it with sailing vessels through the upper part?
> Mr. MENOCAL. They will have to be towed, except across the lake, where they can use sails as there is always a breeze on the lake.
> Senator HARRIS. Of course, in the canal in every case?
> Mr. MENOCAL. That will be the same in every canal.
> The CHAIRMAN. Now, I want to ask, with your knowledge of hydraulic engineering, which is great, with regard to the double flight of locks, which is recommended at Bohio, with a maximum lift of 45 feet each; how does that compare with any other lock that you have knowledge of?
> Mr. MENOCAL. That is a larger lift than that of any lock that has yet been built.
> The CHAIRMAN. There has been no lock built with a lift of 45 feet?
> Mr. MENOCAL. No, sir.
> The CHAIRMAN. Is not the situation complicated by having a double flight; that is, two locks immediately after one another?
> Mr. MENOCAL. Yes; I think the mechanical difficulties of building a lock of a 45-foot lift will be overcome, but when you come to put the two locks together the difficulties are increased.
> The CHAIRMAN. That of course aggravates the situation?
> Mr. MENOCAL. Yes; very much.

PREFERENCE FOR THE PANAMA ROUTE IS NOT BASED ON ANY DOUBT AS TO THE NICARAGUA ROUTE.

If the preference given to the Panama route in the supplementary report of the Isthmian Canal Commission was based upon any physical or engineering fact, or conjecture, or belief, or opinion that the Nicaragua route is not feasible or practicable, or that it is not safe, useful, or profitable to the people or Government of the United States, the weight of evidence against such a conclusion is overwhelming. But such is not the case as to any feature of the subject. The only ground stated for such a preference is the alleged excess of cost of the Nicaragua Canal, and the cost of maintenance over the cost of completing and maintaining the Panama Canal and its purchase at $40,000,000, which supposed gain in such a transaction is estimated at $5,630,704.

This sum of money, not so great by one-half as we have expended on expositions in the last twenty-five years and less than one-fifth of the sum we have expended for Cuban independence and one-thirtieth part of what we have contributed for transcontinental railroads, is the bonus we are to receive for yielding forever the right already secured, if we choose to accept it, to construct a canal through Nicaragua and Costa Rica, which we have surveyed at a cost of at least $2,000,000.

WE CAN NOT AFFORD TO SURRENDER THE NICARAGUA ROUTE.

This is a canal that we have demonstrated to be practicable, feasible, permanent, safe, useful, and necessary to the people and Government of the United States.

It is a canal route that will pass into other hands and will be constructed, beyond our power to prevent it, unless by the employment of force and the disgrace of our country. It will be a canal which, in the control of any other power, can be used against us as a heavy handicap on our coastwise trade, or as a sword thrust between our coast line and the right arm of our naval power engaged in protecting the Panama Canal, 500 miles distant. It need not be deeper than 30 feet or wider than 70 feet to accommodate steamers and sailing ships that will take from us the short line between the oceans.

There ought to be reasons that are imperative to cause us to

surrender such a canal for a possible saving of $5,630,704, but there are none that are either imperative or valuable, or that are inviting or well founded. On the contrary, there are facts, stubborn and inevitable, that block the way to the acquisition and use of the Panama Canal and railroad by the United States, not one of which can be removed by the expenditure of $5,630,704.

The feasibility, practicability, usefulness, permanence, and commercial value of the Panama Canal to the United States, are all clouded with many doubts, either one of which detracts more than that sum from its value, if there was no other possible route with which it could be compared.

THE DOUBTS AS TO THE PANAMA ROUTE MUST BE AS COSTLY AS 20 PER CENT OF THE ESTIMATES REQUIRED TO CONSTRUCT IT.

Engineers, when they have measured and completed the work on the canal, including every item of cost within the 20 per cent allowance on unit prices, and for all other contingencies, and have examined their work and called it good, as to the Nicaragua route, can not reasonably ask Congress to estimate the doubts they can not clear up, in advance of actual construction of the canal at Panama, at a rate of less than 20 per cent of the whole cost of that canal. The uncertainty of success, in that case, is quite as great a percentage of risk as the contingencies of the cost of construction at Nicaragua.

On an expenditure of $184,233,358, all of which may be lost, the contingency for doubts, an unknown quantity, at 20 per cent, is $36,846,671, or, if only $40,000,000 is at risk, the 20 per cent contingency for doubts is $8,000,000, which sweeps off the proposed gain of $5,630,704.

The existence of these doubts as to the Panama Canal is a substantial fact, a fact that can not be escaped, and the character of the doubts is such that they can only be resolved by actual experience in building, controlling, and maintaining the canal, and not by opinion in advance of construction, no matter what the weight of that opinion may be.

WHAT ARE THESE DOUBTS?

Some of the gravest of these doubts, as to engineering results, are admitted to be beyond the limit of all engineering experience. They are the conjectured opinions of enthusiastic engineers, and are not facts ascertained and demonstrated by actual engineering experience. The engineers on the Isthmian Canal Commission all admit that these doubts exist, and that they relate to unknown facts and untried experiments that are of vital importance. As, for instance, is pneumatic work indispensable at Bohio Dam?

This is scarcely a doubt, yet some of the engineers assert the opinion that it is not indispensable. If it is indispensable, can it be successfully done at Bohio dam?

All the engineers of the Commission are of the opinion that it can be done, while all admit that it can not be done without serious peril to human life, and all admit that it has never been accomplished under water at a depth of 127 feet. It is a forlorn hope of engineering audacity, and is most likely to find its Waterloo at Bohio.

Can these conditions be relieved by pumping? Pumping is, of old, the dernier resort of the Panamists. The comité d'estudes of the old company solemnly recommended pumping to supply the canal with water, and now an engineer commissioner recommends it to keep the water down to a level that will permit men at work to live under its pressure. Even freezing the Chagres waters around the caissons is coolly hinted at by some as the means of dredging under water at a depth of 127 feet.

Some of them say it can be relieved by pumping, and others are in doubt.

All the engineers, outside the Commission, refuse to accept the rock-bottom plan for a dam at Bohio, except General Abbott, and, while he is kindly disposed toward a rock dam if it can be built without too great cost, he prefers the clay dam of the comité technique, which they adopted because they doubted the practicability of reaching a rock foundation for the dam at Bohio.

The Culebra cut is a question of doubt, with its landslides, and creeping clays, and its indurated clay, that melts in water.

It is left expressly in doubt whether a dam at Alhajuela is necessary to control the floods in the Chagres River, and to supply the canal with water impounded there in reserve for the dry season; but all the engineers think it would be, at least, a good reliance in very dry weather.

Whether the Chagres River will repeat the floods of 1879 and remove, as it did then, the girders of the great steel bridge on the piers at Baracoa and flood the railroad track and the great swamps to the depth of 10 or 15 feet, and whether in such an event it can be shut out from the canal are matters of doubt. Whether any dam can stand such torrential floods and escape the fate of Johnstown and Austin are questions that only the Chagres River will settle in the course of time.

A safe harbor at Colon and the safe passage of ships through a submerged channel 3½ miles long at Panama when the wind rises and the tide is at the ebb are matters of doubt. They are matters in which doubts are apt to be resolved by destruction, as they have often been resolved at Colon. The abandoned anchors in the bay of Colon, left there by vessels that could not wait long enough to get them aboard when northers drove heavy seas into the shallow bay, are mute witnesses to the reasons for such doubts.

All these doubts and many others that relate to the cost of maintenance and the time of transit of ships from our Atlantic to our Pacific ports are resolved by the opinion of a greater number of engineers, of at least equally high authority, against the Panama route.

These doubts can neither be removed nor compensated for by any sum of money saved in the estimates for a canal. Especially is the sum of $5,630,704 insignificant when compared with these uncertainties.

The United States can not afford to take such risks in such serious matters for a supposititious gain of so small a sum.

Our people do not price their lives, or the prosperity of the 85,000,000 now concerned, or the hundreds of millions who will succeed them, at $5,630,704, saved in a bargain that creates doubts as to the national integrity in the minds of the people of all nations, especially the people of France.

A DOUBT AS TO HEALTH THAT RESOLVES ALL OTHER DOUBTS AGAINST THE PANAMA ROUTE.

The health of the Panama route can not be safely classed with the matters of doubt. It is a fixed condition that is in constant warfare with human life. It depends upon natural conditions that are beyond remedy, and as a fatal impediment to a successful gateway for the world it is beyond doubt.

THE DOUBT IS NOT AS TO ITS PRESENCE AT PANAMA, BUT AS TO THE CHANCES OF ESCAPING IT.

The constant presence of yellow fever and Chagres fever is not alone due to the filthy condition of the cities of Panama and Colon or to the unclean habits of the people, nor is it due to mosquitoes. These are aggravations of fatal fevers, that make them epidemic, but the seat, the habitat, the permanent home of yellow fever and dengue, or "Chagres fever," is in the city of Panama and the adjacent coasts.

From that center they spread through a fostering atmosphere and are transmitted by the constant and close association of a large number of people at work in a narrow space of country along the railroad and the canal diggings or traveling through it. Spreading from the principal breeding ground at Panama, these fevers permeate the atmosphere of the canal belt and spread through the hot depression leading to Colon, poisoning the people along the entire route, and from these seaports they move out on the ships and attack all other ports. The yellow fever at Panama is hostie humani generis, and all the world can not conquer it.

The reasons are obvious. They are, certainly, three in number: First. The tide of 20 feet that rushes into the bay twice in twenty-four hours, bearing the refuse of the sea and decaying animal matter and leaving it to rot on the hot beach when it recedes. Second. The exposure of thousands of acres of mud flats to the sun when the tide goes out, to give off their pernicious exhalations. Third. The absence of winds to scatter or take the poisonous exhalations away from the beach and the Bay of Panama.

THE CAUSES ARE NATURAL AND PERMANENT.

When these natural causes are removed, Panama can be made comparatively as immune from yellow fever as Habana and Santiago de Cuba appear to be. But they are immovable.

The tides at the coasts of Cuba rise to the height of about 20 to 36 inches, and leave very small margins of sea bottom when they ebb; while those at Panama rise 18 to 21 feet, and when they go out they leave a naked and vast inclined plane of many square miles, covered with mud and ooze and sea slime, in which shellfish and sea animals abound, to die and decay under a hot sun. The average width of this exposed area, around the Bay and Gulf of Panama, is not less than two miles, and when the tide recedes it is uncovered and so remains for twelve hours at least. At night the cooler temperature condenses the poisoned air, and it infects all the coasts of that bay.

These facts have always been regarded as being so important to the world that they have become a part of the history of the bay and city of Panama.

A LUGUBRIOUS HISTORY FROM AN OFFICIAL SOURCE.

The final report of the Isthmian Canal Commission of November 30, 1901, treats of the health of the Panama route in the following strong, graphic, and just terms. They say, in their final report, page 70:

> The climate of the isthmian canal regions is generally damp and enervating. The temperature is not extreme, rarely raising as high as 95° or falling below 70°, but the excessive humidity greatly restricts the capacity for physical exertion. The lowlands along the coast have long been known as insalubrious, and the seaports are subject to fevers. Perhaps the great difficulty to be encountered in the construction of the canal will be the procurement of an adequate force of laborers, and the preservation of their health and efficiency.

In this respect the Panama route has a lugubrious history, from which the Nicaragua route is free. The notorious mortality which attended the construction of the Panama Railroad and later the operations of the Panama Canal Company has taught a lesson which will not soon be forgotten for that route. Among the white employees of this Commission sent to Nicaragua there were fewer cases of sickness than there would probably have been among the same number of men employed in some parts of the United States. Among those sent to Panama the proportion of sick was greater. On the Nicaragua line during the operations of the Maritime Canal Company the health of the force was reported to be good.

This matter is so vital to the commercial world, to our coastwise line of traffic, to all travelers by way of the canal, and to the health of our seaports, that even this strong statement of the Commission is not a full and sufficient warning of the danger.

A MORE ANCIENT HISTORY, NOT LESS TRUE.

Capt. Bedford Pim, of the British navy, was sent along the Caribbean coast in 1861 to 1865 to ascertain its fitness for canal transit. Speaking of the country traversed by the line of railroad then in operation, he says:

The nature of the country through which the line of the road had to be carried was calculated to strike the hardiest speculator with dismay.

The first 13 miles from the Atlantic led through deep swamps covered with jungle, full of reptiles and venomous insects. In all muddy places down to the verge of the ocean are impenetrable thickets formed of mangroves, which exhale putrid miasma. Farther on the line runs through a rugged country, over rapid rivers and all sorts of impediments, and after passing the summit, descends rapidly to the Pacific.

The climate was also sultry beyond almost any other part of the world, while, during the wet season the rains descended in a perfect deluge. Moreover, to crown all, the resources of the country were found to be nil, or nearly so, and consequently everything, especially labor, had to be imported.

In 1825 Robert B. Pitman published in London "A succinct view and analysis of authentic information extant in original works on the practicability of joining the Atlantic and Pacific oceans by a ship canal across the Isthmus of America."

In his book he makes extensive quotations from the books of travel written by men of high reputation as geographers and scientists.

On page 175, Pitman, a British historian and geographer, gives the following quotation from Dampier:

I have said before that the bays have a greater quantity of rain than the headlands. The Bay of Panama will furnish us with a proof of this by its immoderate rains, especially the south side of it, even from the Gulf of St. Michael to Cape St. Francis; the rains there are from April to November, but in June, July, and August they are most violent.

The same author, after giving a description of a distemper which proved fatal to above thirty of his crew, and which he attributes to bad water, adds:

I have observed that in hot countries land floods, which pour into the channels of rivers about the season of the rains, are very unwholesome, for when I lived in the Bay of Campeachy the fish were found dead in heaps on the shores of the rivers and creeks at such a season and many we took up half dead, of which sudden mortality there appeared no cause, but only the malignity of the waters draining off the land through thick woods and savannas of low grass and swampy grounds, with which some hot countries abound.

On page 179, Pitman quotes from Wafer as follows:

Wafer nearly agrees in this general description of the site of Panama. He says: "Between the River of Cheapo and Panama the land is low, even land; most of it is dry and covered here and there with short bushes. The town is surrounded with savannas, gentle flat hills, and courses of wood;" but, he adds, "the place is very sickly, though it lies in a country good enough; yet it is healthy in comparison with Portobello." Of the last-mentioned place, De Ulloa observes: "The heat is excessive, originated by the situation of the town, which is surrounded with high mountains, without any interval for the winds."

Pitman adds:

Walton has urged the unhealthiness of the damp and heated climate of this Isthmus as one of the greatest obstacles to the opening of a canal across it, and has stated that the climate of Cruces is infinitely more healthy than that of Panama. He says: "Disease is a barrier against settling on the Isthmus to improve it, and that persons who have withstood every other climate, there become languid; and although the negroes appear fat and hearty, and are possessed of personal strength to bear the heaviest burdens, yet want alone impels them to work.

BARON HUMBOLDT.

Pitman adds, on page 180, the following extracts from Baron Humboldt's writings in 1803. He says:

M. de Humboldt has the following passage on this division of the subject: "For fifty years back, the vomito (black vomit of the yellow fever) has never appeared on any point of the coast of the South Sea, with the exception of the town of Panama. It is situated on an arid tongue of land destitute of vegetation; but the tide, when it falls, leaves exposed for a great way into the bay, a large extent of ground, covered with fucus ulvoe et meducoe; the air is infected by the decomposition of so many organic substances; and miasmata, of very little influence on the organs of the natives, have a powerful effect on the individuals born in the cold regions of Europe or in those of the two Americas.

"The causes of the insalubrity of the air are very different on the two coasts of the Isthmus. At Panama, where the vomito is endemical and where the tides are very strong, the shore is considered as the origin of the infection. At Portobello, where remittent bilious fevers prevail and where the tides are scarcely sensible, the putrid emanations spring from the very strength of the vegetation. A few years ago the forests which cover the interior of the Isthmus extended to the very gates of the town; the salubrity of the air has considerably increased since the governor gave orders for clearing away the wood in the neighborhood. Of all places where the manchineel and the mangle vegetate with vigor, the most unhealthy are where the roots of those trees are not constantly covered with water."

THE MODERN HISTORY OF YELLOW FEVER AT PANAMA.

This is enough as to the history of Panama one hundred years ago, but it is far worse half a century later.

The yellow fever still dominates its ancient realm and will do so until the three miles of sloping bottom out from the beach in the bay of Panama is dug out, and until the tides cease to wash the dead matter of that great gulf ashore, and until the winds, with a steady offshore current, shall visit a coast along which for periods of many months at a time in every year they have persistently refused to blow.

In the forty years from 1850 to 1890, when the Isthmus drew into its narrow confines many thousands of people to work on the railroad and canal; the toilers, under the infatuation of high prices for labor; the contractors, seeking great profits at the expense of human life; the speculators and robbers, seeking prey, and the officers grasping for high salaries, crowded into the canal belt, and the yellow plague and beri beri and Chagres fever rioted in human destruction.

Such a history was never made elsewhere by the ravages of disease. It can be repeated and will be while the natural and irremediable conditions continue to exist in the bay of Panama, when the fevers are fed with people who are from temperate zones and are unacclimated.

ACTUAL AND SCIENTIFIC KNOWLEDGE.

Dr. John F. Bransford, a retired surgeon of the Navy, was surgeon to the Lull survey in Panama in December, 1875, and in Nicaragua in 1872–73, and was detailed on duty with the Smithsonian Institution in 1876–77, and at other times has made careful and extensive examinations of a scientific character in Nicaragua, Costa Rica, and Panama, including climatic and sanitary conditions, for which he is highly qualified.

In his deposition he states one cause for the permanent continuance of the yellow fever at Panama, and also for the fact that it has never appeared in Nicaragua along the proposed route of the canal, as follows:

Dr. BRANSFORD. I am quite sure the Isthmus of Panama is not a healthy country. That is the story of it, I think, always, everywhere. Up in the mountains of the interior it is all right; but along the Chagres River, and particularly along that Rio Grande which comes down near the line of the canal from the divide down to Panama, there is a great deal of mangrove swamp, and there is where we had our bad fever, where Mr. Tausig had his bad fever. That I consider a very unhealthy section. The trade wind does not blow home in the same way that it does in Nicaragua. The line of the Isthmus there is nearly east and west. Aspinwall is really west of Panama, and the trade winds are interfered with and deflected by the mountains east of Panama and the northern part of the State of Colombia, making a stagnation in the bay of Panama.

Senator HANNA. You spoke about yellow fever being prevalent at Panama. It has also been prevalent in Habana and Santiago de Cuba, has it not?

Dr. BRANSFORD. Yes.

Senator HANNA. Very severely?

Dr. BRANSFORD. Yes. If you will allow me, Senator, I may have used the word "prevalent," but what I meant was that cases were liable to occur at any time.

Senator HANNA. At any time of the year. I understood that. Well, after exercising proper sanitary methods in Habana and in other places in Cuba that trouble has been obviated very largely, has it not? Yellow fever has been reduced?

Dr. BRANSFORD. Yes.

Senator HANNA. The same thing applied in Panama would produce like results, would it not?

Dr. BRANSFORD. Well, it ought, as far as the yellow fever goes. I do not think anything will free the country of Panama fever.

The CHAIRMAN. Who was the chief engineer of Lull's expedition?

Dr. BRANSFORD. Mr. Menocal, and there was an engineer by the name of Crowell from Philadelphia, who was there also as an assistant.

The CHAIRMAN. Did you go ashore and remain ashore with the engineering party?

Dr. BRANSFORD. Yes; I was the medical officer of the surveying party.

The CHAIRMAN. That was the occasion when Lull made the survey of both routes, was it not, through Panama and also through Nicaragua?

Dr. BRANSFORD. I also went on another survey in 1875, with Captain Lull, when he surveyed the Panama route.

The CHAIRMAN. That was a separate survey?

Dr. BRANSFORD. Yes.

The CHAIRMAN. He made the Nicaragua survey first?

Dr. BRANSFORD. The Nicaragua survey first.

The CHAIRMAN. And then went to Panama?

Dr. BRANSFORD. Two years afterwards he went down and made the Panama survey.

The CHAIRMAN. Was he under the orders of the Government of the United States in making those surveys?

Dr. BRANSFORD. Yes; I was an assistant surgeon, and went as medical officer of both those surveys.

The CHAIRMAN. I will ask you to take up the Nicaragua line first; and I want to ask you in regard to the health of the country, the health of your party, and such facts as will give the committee a fair and just idea of what was the condition of the health of Nicaragua as affected by the climate or by any other consideration that you studied.

Dr. BRANSFORD. I had only two serious cases of illness among those men during that survey.

Senator KITTREDGE. How large a party was it?

Dr. BRANSFORD. Forty-five, first and last, but it averaged 36. There were only two serious cases of illness on that expedition. One was a lieutenant-commander, who had a sunstroke, and another was an old case of dysentery, which had existed before the man went there. We had a good many cases of malarial fever, none of a very serious character, except that they would recur. That is, a man would have a slight attack of chill and fever, and after he got well it would come back on him.

Senator HAWLEY. Did the complaints there take the form of diarrhea at all?

Dr. BRANSFORD. We were very free from any bowel trouble at all, sir,

very. The bulk of my practice was with light cases of malarial fever. We were there from the 20th of December until the 6th of July, and, as I said before, there were only two serious cases. Of course, there was malarial fever in the swamps, particularly there in the neighborhood of Greytown; but I think that the country generally is about as healthy as any tropical country that I have known.

The CHAIRMAN. In your practice there as surgeon of that party did you keep up with the body of the engineers who were surveying—the workmen?

Dr. BRANSFORD. I lived in one camp or another. They were divided into several parties, and I would go from one party to another, according to the necessities of my profession. Sometimes I would be with one party and sometimes with the other, but I was in the field all the time with one or the other of the parties.

The CHAIRMAN. Did you make any observations of climatic conditions, as to winds and other things?

Dr. BRANSFORD. The prevailing wind there is the trade wind. It is right in the trade-wind belt, and that is the prevailing wind pretty much the year round. It was much stronger in the dry season than in the wet season, but it blows home. I think the *Ranger*, a few years afterwards, on the west coast, found that the wind was to the east, northeast, or southeast for two hundred and eighty-three days during the year that she was there. That is the usual and prevailing wind. Occasionally in the wet season the wind hauled around to the southwest, and then heavy rains came.

The CHAIRMAN. Does that wind continue through the entire opening there up the San Juan River and the lakes and across to Brito?

Dr. BRANSFORD. All the way across the Pacific. It blows down in very heavy gusts on the Pacific side, which they call papagoyos, down the gulches at San Juan del Sur and Brito. The winds are often very strong, and the wind reaches all the way across.

The divide in Nicaragua runs about northwest and southeast, right across the track of the trade winds. The trade wind usually is east-northeast, and the line of that canal from Greytown to Brito is very nearly east and west, a little bit northwest from Greytown, but so nearly east and west that the wind draws right through that gap, and, in my opinion, is the most important factor in the health conditions along that route.

Senator HANNA. At about what rate does the trade wind blow there; how many miles per hour?

Dr. BRANSFORD. I do not know, sir; I could not say; but it usually commences up to the northeast and blows very strong for two or three days, sometimes four or five days, and then moves down toward the east and dies out a little and then shifts back again. I know that when I was there in 1876 and 1877—I was also in Nicaragua on duty connected with the Smithsonian Institution—very often the winds blew so strong, when I was on the west side of the lake, that I would not be able to go to Ometepec Island, where I was at work, for two or three days at a time sometimes.

The CHAIRMAN. What did you say you were doing on these last two occasions?

Dr. BRANSFORD. I went down at the request of the Smithsonian Institution on special duty, alone, on exploring duty for the Smithsonian Institution.

If Congress chooses to reinstate the horrors of Panama, the motive or the consideration should be something greater than the possible saving of $5,630,704 in the construction of a canal.

PRACTICAL EXPERIENCE.

The true history of the death rate at Panama was never written. It has been suppressed, At this date we can find but few men who knew and participated in that holocaust among the laborers who were stricken, to tell even what one man could see and know of these great battles with "the destruction that wasteth at night, and the pestilence that walketh at noonday."

The lives of the survivors were shortened and they have nearly all passed away. They were probably 30 years old, on an average, at that time, and if they were now living they would be from 60 to 80 years old.

One of the participants informed the committee of his personal knowledge of this matter, and, though he is old and sick from disease he there contracted, he came to Washington to testify, declaring that he had no personal interest to subserve, but that he is deeply concerned that his Government should not create the opportunity for repeating the terrible history of Panama. For nearly six years he was the track master of the Panama Railroad, and was constantly in contact with the laborers who, in great numbers, were at work on the railroad and the canal at Panama.

Mr. Plume states the following facts. His service with the Panama Railroad Company was from 1883 to 1888.

The CHAIRMAN. How many hands did you have under you as a rule—about an average?

Mr. PLUME. I had 10 men to every section, and a section run 4 to 5 miles.

The CHAIRMAN. About how many people did the canal company have there while you stayed there?

Mr. PLUME. Well, it was estimated that they had 10,000, but I doubt very much if 5,000 were working. The labor is of such a class that it is utterly impossible to get them to work; it is this lazy, good-for-nothing Jamaica labor, and the climate there is so bad that a man can not work.

The CHAIRMAN. Well, now, I want to get at that, and I want you now to be careful in your statements about that. Did you have any trouble in preserving the health of the party under your control—these 10 men to a section?

Mr. PLUME. Oh, a great deal, sir.

The CHAIRMAN. What was the average amount of loss per annum, say during the five or six years you were there, out of your own party, now?

Mr. PLUME. Well, every month or two I would lose a man, perhaps two men. I will explain it to you. If a man gets wet there with the rain he is sure to be sick the next morning. The dew commences to fall at 3.30 o'clock in the afternoon, and if a man gets his clothes wet with this dew and he goes to bed with his clothes on, as sure as he is born he will wake up sick the next morning. I never saw such a climate in all my life, and I have worked in the rice fields of South Carolina, and gracious only knows that is bad enough.

The CHAIRMAN. Can you give the committee some idea of the condition of health of these canal laborers during the time you were in this Isthmus?

Mr. PLUME. When I went there we used to run one train—perhaps it would be a car or two box cars—in the morning out of Colon up to Monkey Hill. Our graveyard is about 5 miles from Colon, on a hill called Monkey Hill, but I had not been there a year when we were up there. Over to Panama it was the same way—bury, bury, bury, running two, three, and four trains a day with dead Jamaica niggers all the time. I never saw anything like it. It did not make any difference whether they were black or white, to see the way they died there! They die like animals.

The CHAIRMAN. Of what diseases would they die, if you know anything about it?

Mr. PLUME. There are four most deadly fevers. There is the yellow fever, the pernicious fever, the putrid fever, and the typhoid fever, and the intermittent fever. If the intermittent runs long enough it will turn into typhoid or those other bad fevers. A man will only last three or four days, unless thev have pretty quick and pretty severe treatment.

The CHAIRMAN. Did the Panama Canal Company have good shelter for its hands and good hospitals?

Mr. PLUME. Yes, there is no finer hospital on the globe than the one they have at Panama. It is on the side of the Ancon Mountain, which used to be a volcano several centuries ago, and the lava from the volcano went across Panama and out into the bay about a mile. The hospital is a splendid thing. It is said to have cost $5,000,000, and I guess it did. Down in this valley you dig a hole about two feet deep and you come to a boiling spring, right under the mountains, and they have engines there pumping water up to this hospital. There is a man in Panama who has a concession to bury people. He opened a graveyard, I suppose 300 feet one way and 400 the other. Every grave is numbered that they may know who is buried there. In exactly one year after he opened it I drove by there, and there were 1,875 crosses in that burying ground, and that does not count the men that were in the ovens. They have ovens along the wall, a brick wall, and they bury people in there who can afford to pay for it; but there were 1,875 crosses in that burying ground, to give you a little idea of the health of the country.

The CHAIRMAN. About what year was that?

Mr. PLUME. That was in the early part of 1887. De Lesseps brought out 57 men there for engineers, chiefs of sections, and for different purposes, clerks. In three months, sir, there were only 3 of them left. I never saw anything like it in my life. If a man drinks there, he is just as sure to die as he is alive; it is fatal; and here is something very wonderful: I have always noticed if a Frenchman gets one of those fevers, he is just as sure to die as he has a hair on his head. The doctors have told me that it is on account of their having drunk so much of this French claret in France, which is full of logwood, and it has burned the linings of their stomachs, and as soon as they get a fever they die. My allowance of quinine was an ounce, and it would last me three weeks. That is what affected my hearing.

The CHAIRMAN. You suffer from it yet?

Mr. PLUME. What is that?

The CHAIRMAN. You suffer from it yet?

Mr. PLUME. Oh, yes, and never will get over it. I always took medicine, kept my liver clean, and that is the way I kept on my feet; and when I left that climate and came here a doctor worked six days and six nights on me to save my life. My brother-in-law told me that I must have a constitution of iron, and I believe I have.

OFFICERS OF THE PANAMA COMPANY TESTIFY.

Mr. Colné, who was the agent for the old company in America, states that the hospital expenses, not including the buildings, was $4,548,127 from 1881 to 1890, of which sum $680,000 was for medicine.

General Abbott testified that during the same period the annual average percentage of diseases at Panama was, for diseases of Europe, 18.83, and of diseases due to climate the percentage was 47.24. This related to cases treated in the hospitals, and proves that the local diseases were epidemic.

General Abbott tells of another "lugubrious" situation, as to the railroad laborers, as follows:

Now, I will offer all that I have been able to collect with reference to health on the Panama Railroad. There was a fearful loss of life during the construction of the railroad. I passed over the route in 1855, just after it had been finished. The surgeon of the steamer had been employed on the line, and he told me much about it. He said the conditions were something frightful—that they had to contend not only with disease, but with suicide. A great many coolies had been imported, and they were very unhappy and wanted to get back to China. They had an idea if they committed suicide they would go back.

The surgeon said it was necessary to watch them with the greatest care; that if a Chinaman found a little puddle of water he would hold his face down into it until he drowned, without exciting the attention or notice of anyone. The excessive death rate was due, doubtless, not only to the climate, but also to the conditions and to the various races that were tried. It was not then known that the heavy work should be done by negroes. I have no idea that anything like the mortality then encountered will be repeated on any isthmian line.

The CHAIRMAN. You never heard of a Chinaman committing suicide in Washington, did you?

If it had occurred to General Abbott to state that the name of the railroad station at Matachin means "dead Chinese," he would have been able to account for the fact that Chinese, when taken with the fever, would slip away from observation and drown themselves in puddles of water.

A NAVAL OFFICER TESTIFIES.

Commander Lucien Young states in his deposition as follows:

The most unhealthy place on earth is the Isthmus of Panama. I had yellow fever myself in Panama, and I have seen them dying by the wholesale; and so far as yellow fever is concerned, I would rather be in Habana than in Panama.

This evidence, with much more that it is unnecessary to quote, establishes the fact that yellow fever is indigenous at Panama and other localities of the canal route; that it is of malignant type and can not be extirpated, because it is the result of natural causes that human agencies can not change.

If the choice of routes for a canal depended upon this one fact, we would certainly be wise to turn to the Nicaragua route, even at an excess of cost amounting to $5,630,704.

One duty that the Government owes to humanity—which rises above all other personal considerations—in the choice of these routes is the care of the health and lives of men whose labor is the real power that must open this great waterway. No Senator can be indifferent to this demand of duty, nor can the Senate

afford to take the risk of repeating the history of Panama during the thirty years of human sacrifice that have made it so lugubrious.

THE HEALTH CONTRAST BETWEEN THE TWO ROUTES.

If every other consideration of advantage was in favor of the Panama route, the salubrity of climate and the natural conditions that assure the health of Nicaragua would determine the choice in favor of that route. The contrast between these localities as places of abode gives great weight to the argument in favor of Nicaragua.

All maritime and civilized nations will use an isthmian canal, not alone for ships of war and commerce, but for migration and travel around the world and to and from every coast and seaport of every country, all of which will be brought by it into direct and unobstructed communication by the canal. The myriads of people of coming generations that will pass through a canal cut through the American Isthmus will have the right to reproach this Congress and will not fail to do so if we select for them a route on which pestilence lurks by the wayside, instead of a route that nature has made free from such dangers.

The saving of $5,630,704 will appear to them as a paltry consideration for the choice of a fever-breeding ground, when a healthy and attractive route for a canal is offered.

THE WALKER NICARAGUA CANAL COMMISSION'S REPORT OF 1899.

This question is not new. It arose at the first moment of a choice between these routes, as long ago as the sixteenth century. It was carefully studied by our Nicaragua Canal Commission, of which Admiral Walker was president, in 1897–1899, in view of objections then urged by the Panama Canal Company and others to the Nicaragua route, and the following answer was made by that Commission:

The impression that this portion of the Isthmus is unusually unhealthy is erroneous. On the contrary, the local conditions are such that with ordinary hygienic precautions the risks from disease are slight.

The frequent rainfall on the east coast furnishes an ample supply of fresh, soft water, condensed directly from the clouds. The porous, sandy soil absorbs it so rapidly as to prevent stagnation, while the animal refuse is quickly removed by the scavenger birds and fish continually on the alert for food.

With their light, loose clothing, vegetable diet, and cleanly habits, the natives seldom suffer from fevers. Even our unacclimated Americans, passing from a rigorous winter temperature to the mild region of the trade winds, were, with few exceptions, exempt from febrile complaints, and amongst the large number of engineers sent out there was no mortality in the country. The constant motion of the wind, sweeping through this low divide, appears to remove the noxious exhalations which characterize other portions of the Isthmus.

Yellow fever finds no habitat at Grey Town, and even when imported does not become epidemic. Abstemious habits and careful police of camps will insure as good health among laborers as will be found in many locations in this country. The climate would affect the labor question, therefore, chiefly by the lassitude resulting from its enervating influence.

Assistant Engineer Stewart says that—

"The atmospheric conditions are excellent, and for the seven months we were in the field we worked in all conditions of weather, losing but one entire day on account of a heavy downpour of twelve hours."

The narrow limits within which the temperature ranges are shown from a few selected observations at various stations during the year as below. The Rio Viejo station is located on the western slope of the Cordilleras, east of the lake, and at a higher altitude than the others. Hence its greater range of 30 degrees. This uniformity of temperature is one of the important factors in the consideration in the permanency of important works as well as in the health of the inhabitants.

It would be quite sufficient to stop at this conclusive statement, against which no fact is stated, but the subject was again opened on the hearings before the Committee on Interoceanic Canals, and some opinions were stated that the cutting of a canal in Nicaragua might produce health conditions there like those that exist at Panama.

WILL NICARAGUA FALL A PREY TO DISEASE LIKE PANAMA?

The importance of the subject justifies a brief statement of the facts deposed to by the witnesses before the committee. Dr. Bransford, whose statements as to the health of Panama and Nicaragua I have read to the Senate, has actual, personal, and scientific knowledge of this subject, makes the following statements as to Nicaragua:

The CHAIRMAN. How long did you remain on these two latter visits?

Dr. BRANSFORD. I think I went down each time in January and stayed until June. I am not absolutely sure of it, but that was about the time, from January to June, in 1876 and also in 1877. Then in 1881 I was down there again for the Smithsonian Institution, in Guatemala, Nicaragua, and Costa Rica.

The CHAIRMAN. What particular duty were you on then?

Dr. BRANSFORD. The same duty, examining the remains of the Indian inhabitants.

The CHAIRMAN. Were you much over the country while you were down there?

Dr. BRANSFORD. All the time. I was in the interior.

The CHAIRMAN. What kind of country—agriculturally, topographically, and with reference to climatic considerations—is Nicaragua?

Dr. BRANSFORD. Well, conditions are entirely different on the two slopes. On the Atlantic slope it is heavily wooded, and there is a much heavier rainfall than on the Pacific. Most of the population is on the Pacific side of the main range of mountians. The country along the route of the canal from Lake Nicaragua to Brito is one of the finest agricultural countries I have ever seen. Rivas is the principal town. There are half a dozen smaller towns around it, and the whole of that country from the lake to the coast mountains, a distance of some 8 or 10 miles, is a garden spot for tropical fruits, chocolate, sugar cane, and fruits of all kinds.

The CHAIRMAN. What kind of a population has it, with reference to industry, quietude, and general disposition?

Dr. BRANSFORD. The ruling portion of the population is the usual mixture of Spanish and Indian. They are about like all the other South Americans. Some of them claim to be pure Spaniards, and from that they are everything down to pure Indian. They have the characteristics of the ordinary Spanish-Americans, being inclined to revolutions and so on; but the main body of the population is a very sturdy Indian people. I think they are very much stronger, more reliable, better men, than the mixed.

Senator HAWLEY. Well-behaved?

Dr. BRANSFORD. They are, sir; as far as my experience goes. They are very steady and good workers. When we wanted good, reliable men for work we always tried to get the pure Indians.

MR. TREAT, A CONTRACTOR, TESTIFIES.

Mr. Treat, a contractor who built nearly 10 miles of railroad for the Maritime Canal Company, from Greytown west, made the following statements:

Mr. TREAT. It was a peculiar contract. I took it for the purpose of studying the questions of labor and climate and health and supplies, having in view a large contract on the canal, and I said if they would give me control of the whole thing, and not let the engineers interfere with me too much, and would furnish what I wanted from New York, I would build the railroad for 10 per cent of what I paid out for labor in the country, I paying my own office force and superintendent of construction. I commenced the work about the last of May, 1890, and finished my work about the last of December, 1890—I believe it was 1890.

The CHAIRMAN. What length of road did you build?

Mr. TREAT. Nearly 10 miles—perhaps a little less than 10 miles.

Senator HANNA. Standard gauge?

Mr. TREAT. Standard gauge.

The CHAIRMAN. Describe the point you started from and where you went.

Mr. TREAT. I started from the Greytown Harbor—that is, the lagoon—and went south of the canal line as located—parallel to it, perhaps a thousand feet away from it—directly to the westward, parallel with the canal line all the way.

The CHAIRMAN. Did you build out to the Deseado River, or stream?

Mr. TREAT. I think I crossed that; I am not sure.

The CHAIRMAN. What sort of a country was it that you went through?

Mr. TREAT. It was almost perfectly flat, you might say, covered with forests, the first 8 or 9 miles covered with water—completely covered with water.

Senator HANNA. How deep?

Mr. TREAT. From a foot up to over a man's head.

The CHAIRMAN. How did you construct a road through that water?

Mr. TREAT. I cut down trees and built a solid corduroy by laying the logs parallel to each other, perhaps 16 or 18 feet long, until I got above the water, and then I laid rails on top of this causeway of logs and put a steam shovel at work where the entrance was to be for the canal and loaded flat cars there with the excavation. I had two trains of flat cars, 15 cars to a train, and two locomotives, and then I backed these cars out on this track laid on the logs, and used a ballast plow, and in time completely buried this foundation taken from the entrance to the canal. I actually commenced the construction of the canal by taking out about 100,000 cubic yards at that point, and in time of course I buried this substructure completely with sand. Of course, as these logs were covered with sand, the track was raised and the sand tamped under it until a substantial road was built.

The CHAIRMAN. Was it a substantial road?

Mr. TREAT. Oh, yes.

The CHAIRMAN. Now, at what cost per mile was that road built?

Mr. TREAT. The whole cost was about $30,000 a mile.

The CHAIRMAN. Where did you get your cross-ties?

Mr. TREAT. I got some from the timber alongside the track, and some cypress ties from New Orleans.

The CHAIRMAN. About how many men did you have under you while you were at work there?

Mr. TREAT. Perhaps a couple of hundred at the start, up to the neighborhood of 1,000. I think I had nearly 1,000 after two months and from that up to the end.

The CHAIRMAN. How long did you keep them there?

Mr. TREAT. Seven months.

The CHAIRMAN. State what kind of work they did.

Mr. TREAT. Why, of course a large part of the work was right in these swamps, in water. I cut down the trees and cut them up into lengths, some very large trees, 3 feet in diameter, mostly very heavy timber that would not float, and the work was to drag these logs through the water; they would so nearly float that 20 to 30 men would tie a rope to a big log and drag it along on the bottom to the place they wanted it and then turn it around on to the line of the railroad, so that the work that these men did was wholly cutting these trees and putting them in place to form a part of the embankment, a foundation for the embankment, and fully half of the men were working in this water ten hours a day.

The CHAIRMAN. Every day?

Mr. TREAT. Yes; every day. Out of seven months we lost only two half days from any reason, and that was on account of cold rains.

The CHAIRMAN. And that is all the time that you lost?

Mr. TREAT. That is all the time that we lost. We did not work on Sunday.

The CHAIRMAN. Well, what was the condition of health of your men?

Mr. TREAT. Why, the first lot of men that we had there from Jamaica were a poor lot, picked up off the streets largely and in poor health, seemed to be half starved. I should say that their general health improved while they were on the work. At the end of the work they went away looking better and feeling better than when they commenced. They had good food, a good dry place to sleep, and when they were sick a good hospital to go to.

MR. MENOCAL.

Mr. Menocal, who has been more in Nicaragua than any other American engineer—in all, more than ten years of time—states as follows in speaking of Panama:

The CHAIRMAN. Do you consider that a healthy country?

Mr. MENOCAL. I do not.

The CHAIRMAN. Do you consider it very unhealthy?

Mr. MENOCAL. Very unhealthy.

The CHAIRMAN. How does it compare with Nicaragua in that respect?

Mr. MENOCAL. I regard Nicaragua as very healthy.

Senator HANNA. How would it be at Nicaragua if you were digging a canal there?

Mr. MENOCAL. We did do some digging in the canal.

Senator HANNA. What I mean to ask is, there has been digging done pretty much the whole length of the Panama Canal, the earth has been turned up

by excavations made. Suppose you had corresponding excavations along the Nicaragua route from the valley of the San Juan River and you turned up the soil there, would you have any sickness from it?

Mr. MENOCAL. It is possible there may be some more sickness than they have now, but I can say this: We built 12 miles of railroad, 6 of which was in these swamps, and the men had to work in water from their feet to their necks, and we did not lose a man on account of sickness contracted by reason of the climate or the conditions under which the work was done. We had 1,800 men employed in the building of that railroad and we did dredging there for a distance of about seven-eighths of a mile into the swamps, and the condition of health of the people on board of the dredges was excellent, and those living in the vicinity just the same. I was not ill there myself, nor were the other engineers. We had cleared the timber for about 9 miles from Grey Town and about 10 miles on the west side of the lake, and we did not have any illness on that account.

The CHAIRMAN. Is that remark true through the entire line to Brito in regard to health?

Mr. MENOCAL. It is claimed, and I believe, that the more you go west the healthier it is. I would like to call the attention of the committee to one matter, if I am permitted to do so.

The CHAIRMAN. Oh, yes.

Mr. MENOCAL. I refer to one condition in Nicaragua which does not exist in Panama. It is very true that we have swamps back of Greytown extending several miles, but the rainfall is so great that the water in the swamps is renewed constantly. You can drink it at any place. We used to drink it constantly.

Senator HAWLEY. It is not stagnant?

Mr. MENOCAL. It is not stagnant. It is being renewed all the time from the heavy rains, while in Panama in the four or five months of dry season the swamps get dry, and then is when the sickness prevails. That is the time that the country becomes extremely unhealthy. It is not in the rainy season. What I fear is the dry season.

The CHAIRMAN. What effect do the trade winds have in Nicaragua, according to your opinion?

Mr. MENOCAL. The healthy condition of Nicaragua is partly attributable to the trade winds blowing up the valley of the San Juan, and I believe it is correct.

Senator HANNA. Let me ask you, what year did you do this work that you are talking about in Nicaragua?

Mr. MENOCAL. From 1887 to 1892.

MR. JONES TESTIFIES.

Mr. James O. Jones states as follows, speaking of the Nicaragua Canal Commission:

The CHAIRMAN. You were employed under that Commission for eleven months?

Mr. JONES. Yes.

The CHAIRMAN. Were you in Nicaragua all the time?

Mr. JONES. I was in Nicaragua for eleven months, and I was here under the same Commission for about nine months.

The CHAIRMAN. Writing up their report?

Mr. JONES. In the Washington office, working on the precise-level report.

The CHAIRMAN. When you went back a second time, under what authority did you go?

Mr. JONES. I went back in July, 1899, under the Isthmian Canal Commission, headed by Admiral Walker.

The CHAIRMAN. How long did you remain there on that service?

Mr. JONES. I was there from July, 1899, until May, 1901—about twenty-two months.

The CHAIRMAN. What were you engaged in while you were there on that service?

Mr. JONES. I was engaged in the hydrographic work under Mr. Arthur P. Davis.

The CHAIRMAN. Did you stop your work on account of the weather when it was raining?

Mr. JONES. No, sir.

The CHAIRMAN. Here, when you were running the line, or when you were attending to this hydrographic work?

Mr. JONES. The rain did not stop my work at all. I was out in the rain and all kinds of weather while I was engaged in this hydrographic work, and when on the line of precise levels that I speak of was out in the rain all day. Of course, in the hardest showers or when it was raining very hard we could not work.

The CHAIRMAN. You were exposed to it?

Mr. JONES. We were exposed to all of it.

The CHAIRMAN. About how many men were in that precise-levels party?

Mr. JONES. There were six men.

The CHAIRMAN. And you continued at work for eleven months?

Mr. JONES. Yes, sir.

The CHAIRMAN. In the field?

Mr. JONES. Yes, sir.

The CHAIRMAN. What was the state of the health of those men during that time?

Mr. JONES. It was very, very good. They all had very remarkable health for the kind of country that we went through.

The CHAIRMAN. Did they have any sickness?

Mr. JONES. There was no sickness to amount to anything at all, None of the men were laid up.

The CHAIRMAN. During that eleven months?

Mr. JONES. Not to speak of. A man might be laid up a day or two or something of that kind occasionally, but never ill to speak of.

The CHAIRMAN. You were working right along through these ponds and water courses, and so on?

Mr. JONES. For some distance on the river we encountered heavy swamps. We worked right through them; worked in water up to our knees and sometimes up to our shoulders. We set up the instrument in water almost up to the thumbscrews.

The CHAIRMAN. And none of that party were sick to speak of, as I understand you?

Mr. JONES. No; there was no illness at all in the camp to amount to anything.

The CHAIRMAN. About how many men were engaged under Admiral Walker in Nicaragua on the isthmian canal survey?

Mr. JONES. The Nicaragua Canal?

The CHAIRMAN. The Nicaragua Canal survey.

Mr. JONES. Why, there were about seventy. There were sixty-nine men went down on the *Newport* and a few more came, and one or two returned to the States. There were about seventy men in all.

The CHAIRMAN. How long were those men employed on the Isthmus; I mean to say at Nicaragua?

Mr. JONES. Why, I suppose they were there for eight months anyway.

The CHAIRMAN. In the wet season or the dry season?

Mr. JONES. They were there through a period of both.

The CHAIRMAN. Well, did they work right along through these ponds and morasses?

Mr. JONES. Yes; they worked just the same as I did.

The CHAIRMAN. What was the state of the health of that party during the time they were there?

Mr. JONES. It was remarkably good.

The CHAIRMAN. Did any of them die?

Mr. JONES. No, sir; none of them died while the parties were there.

The CHAIRMAN. Were any of them sick?

Mr. JONES. There was some sickness, but nothing to amount to anything at all.

The CHAIRMAN. What kind of water did you drink while you were out there during all this long service?

Mr. JONES. We drank San Juan River water when we got to it, and when we were back away from it we would drink the waters from the small rivers that were tributaries of the San Juan. We would drink any water that we came to, almost; swamp water or anything else.

Gen. Edward P. Alexander testified as follows:

General ALEXANDER. After the civil war I was first professor of engineering and mathematics in the University of South Carolina for four years and then I went to railroading, and I was engaged in railroading generally as manager of roads with engineers doing work under me for some twenty years, more or less. Since then I have been on two governmental commissions, one on the improvement of The Dalles of the Columbia River, The Dalles and Salido Falls in Oregon, and one commission on the connection between the Chesapeake Bay and the Delaware Bay. These were joint commissions of civilians and Army and Navy officers generally. Then for three and a half years I was employed as engineer arbitrator of the boundary survey between Nicaragua and Costa Rica, by those two Governments.

The CHAIRMAN. Where did you reside during the time you were thus employed by Nicaragua and Costa Rica?

General ALEXANDER. My headquarters were generally at Grey Town, Nicaragua.

The CHAIRMAN. How did you find the health conditions of Grey Town during your residence there.

General ALEXANDER. I found them very good indeed; never lived in a place that had less malaria.

The CHAIRMAN. Is there much population in Grey Town?

General ALEXANDER. No; very small; only about 1,400.

The CHAIRMAN. What years were these?

General ALEXANDER. 1897, 1898, 1899, and part of 1900.

The CHAIRMAN. I wish you would describe that country as to its eligibility for civilized people—for white people—its productions, and other matters connected with agriculture. Just give a description of it as you saw it.

General ALEXANDER. It impressed me as one of the most attractive countries that I ever saw for a poor man to make a living in. As I laughingly told the gentleman who was escorting me around, if I had to be born again I would ask the angel that was bringing me down to take me to Nicaragua, if I was to be landed without any money; that I would rather light in Nicaragua than in any other place I knew.

The climate is very pleasant. The agricultural opportunities are limitless. The soil is good, and I do not know a more attractive country than that.

The CHAIRMAN. Do they raise a variety of crops there?

General ALEXANDER. Everything in the world.

The CHAIRMAN. What are the characteristics of the population?

General ALEXANDER. Its population are a good, plain, country people. They seem to be amiable, courteous, and polite, and I do not think they were specially disposed to go into insurrections or rebellions. They are industrious enough at anything—in fact, they are very industrious at anything that they are used to. They would not do much if you put them at a wheelbarrow and a ditch, perhaps, but put them in the woods with a machete or on the river with a paddle and they will do as good a day's work as any man that I ever saw. There are plenty of instances there of men whom I saw who are in very comfortable circumstances, who started out in life with nothing but a machete, who have got little coffee plantations, fruit plantations, etc.

The CHAIRMAN. Does coffee grow abundantly in that country?

General ALEXANDER. Yes.

The CHAIRMAN. Of good quality?

General ALEXANDER. While I was there, in 1889, it was Nicaraguan coffee, raised in the vicinity of Matagalpa, that brought the highest price in London of any coffee sold that year from any part of the world.

The CHAIRMAN. That Matagalpa country is a white settlement, is it not?

General ALEXANDER. Yes.

The CHAIRMAN. A prosperous people?

General ALEXANDER. Yes.

The CHAIRMAN. Are they peaceable and obedient to the laws?

General ALEXANDER. They seem to be so, entirely.

The CHAIRMAN. What do you think of that region of country, including Costa Rica and other parts of Central America that would be accessible commercially to the canal, as a feeder to the canal, the income of it?

General ALEXANDER. I think it ought to be one of the richest tropical countries in the world.

The CHAIRMAN. Capable of sustaining large population?

General ALEXANDER. Yes.

The CHAIRMAN. What would you expect from the health of the people?

General ALEXANDER. There is no trouble about the health anywhere in that country, I think.

The CHAIRMAN. You found it healthy?

General ALEXANDER. I found it so, entirely.

The CHAIRMAN. Did you have as good health there as you had at home in South Carolina?

General ALEXANDER. Entirely so; yes, sir.

Senator MITCHELL. That condition as to health applies to both sides of the divide, does it?

General ALEXANDER. Yes, sir.

Mr. H. H. Trundle, the engineer who surveyed and located the canal for the Nicaragua Canal Commission and also for the Isthmian Canal Commission east from Boca San Carlos to Greytown, testifies as follows:

The CHAIRMAN. Would you think it any more difficult to construct a canal through that portion of Florida where you were than at Greytown?

Mr. TRUNDLE. No; I do not know that it would be any more difficult to construct. I notice one difference, though, that while I was in Florida I employed most of my men to help me there, and none of them would last more than a month or two. They would get sick or something and leave. One that I took down from here was sick there and had to leave, quite sick, and in Nicaragua we had very little sickness either among the natives or the men that we took from the States.

The CHAIRMAN. In the first survey you made for Admiral Walker's commission, or the Nicaraguan Canal Commission, about how many men, officers, and employees of every kind were under your charge?

Mr. TRUNDLE. Well, my party numbered about 6 or 7, and I had about 20 or 30 laborers, depending upon the country that I was going through.

The CHAIRMAN. How long were you engaged in the field there?

Mr. TRUNDLE. I think I was in the field about ten and a half months.

The CHAIRMAN. Ten and a half months consecutively, straight along?

Mr. TRUNDLE. Yes.

The CHAIRMAN. What was the health of your party on that occasion?

Mr. TRUNDLE. I think I had one man at the hospital for a week or ten days, one officer, and then all of us, I think, had a day or two of sickness occasionally. I was sick three times, I think, but not sick enough to leave camp; and I would only stay in camp while I had fever, and then go ahead on the work. Among the laborers there was practically no sickness other than a few machete cuts that caused them a good deal of trouble.

The CHAIRMAN. Did you and your men take the water as it came?

Mr. TRUNDLE. Yes.

The CHAIRMAN. And the swamps as they presented themselves?

Mr. TRUNDLE. Yes.

The CHAIRMAN. And went right through them?

Mr. TRUNDLE. Yes.

The CHAIRMAN. Cutting your way with machetes?

Mr. TRUNDLE. Yes.

The CHAIRMAN. On the second occasion you had a larger party?

Mr. TRUNDLE. Yes; I had four engineer parties, each about the same size as my other party—four engineer parties of about six or seven men, and then each of those parties had from fifteen to twenty-five laborers.

The CHAIRMAN. How long were you in the field with those men?

Mr. TRUNDLE. Very nearly a year; more than eleven months, I think.

The CHAIRMAN. Consecutive work?

Mr. TRUNDLE. Yes.

The CHAIRMAN. Every day?

Mr. TRUNDLE. Yes.

The CHAIRMAN. That was the Isthmian Canal Commission work that you were doing then?

Mr. TRUNDLE. Yes.

The CHAIRMAN. What was the health of your party then?

Mr. TRUNDLE. Well, the health was good. I had one or two men in the hospital two or three times for a few days. One man was quite sick. That is, he had some of the fever that they have down there, and he was pretty sick, but I don't remember how long he was in the hospital. I do not think he was there over ten days, if as long, and then he went out on the work again.

The CHAIRMAN. That was the only real sick man you had?

Mr. TRUNDLE. That was the sickest I had, and he was at no time dangerously ill.

The CHAIRMAN. What was the general health of your party?

Mr. TRUNDLE. Oh, it was good. It was better than I would expect anywhere that I have ever been in the States where I had as much swamp to contend with.

The CHAIRMAN. Was it as good as the health of your people when you were in Florida?

Mr. TRUNDLE. It was better.

The CHAIRMAN. Did you drink the water of the country as you came to it, or did you have a particular supply of water?

Mr. TRUNDLE. Well, I tried to have the water all boiled for drinking water in the camps, and I thought that I was succeeding pretty well; but since I have gotten back I have found out that I did not succeed quite so well as I thought. I attribute the health largely to the fact that the water was boiled, and I was speaking of it afterwards to some of the men, and they have told me since that they always kept the boiled water but they seldom drank it. I think all of them drank the water pretty much as they came to it. A good many of them used the water vine, and drank water from that.

The CHAIRMAN. There is a vine there that yields water?

Mr. TRUNDLE. Yes.

The CHAIRMAN. Gives about a pint as you cut it?

Mr. TRUNDLE. Yes; you cut off about 3 feet of it.

The CHAIRMAN. What is the health of the natives in that part of the country who were employed by you?

Mr. TRUNDLE. They seemed to be healthy. They never lost much time, other than when they would get a chance to go to Grey Town and get drunk, or something like that.

MR. LYMAN E. COOLEY TESTIFIES.

Mr. Lyman E. Cooley, the engineer and constructor of the Chicago Drainage Canal, spent four weeks in the field in Nicaragua while the Nicaragua Canal Commission was at work there in 1899. In his deposition he makes the following statements:

The CHAIRMAN. As engineer for the contracting company in 1897 and 1898, of which you make mention, did you visit the localities of the Nicaragua and Panama Canal routes?

Mr. COOLEY. We went entirely over the Panama route and examined it in a casual manner. We examined the Nicaragua route with great care on the ground, as much as we could.

The CHAIRMAN. Was it a private enterprise?

Mr. COOLEY. Yes.

The CHAIRMAN. What were you doing down there? What was your purpose in going there?

Mr. COOLEY. A number of gentlemen in New York were interested in the canal proposition financially, and had undertaken to finance the project of an interoceanic canal in case a group of contractors could put a price upon it. We went down there for the purpose of ascertaining whether we could put a price upon it or not.

You are in a wilderness in much of Nicaragua. It is not easy to see things. The physical discomfort in getting around is simply enormous on the eastern division. Fortunately I had the good sense, I congratulate myself on that, to select men who were pioneer men, who had been doing pioneer work, not municipal contractors, but men who had been out against the frontier, and engineers of the same class, who would not be deterred by an unbroken wilderness.

And one of these men remarked, in a very significant way, that if the country was cleared up, if there were roads where men could ride about with a buggy and get around comfortably, and if there were good hotels at convenient intervals, it would make every difference in the world in a man's mental attitude. You may look for the average man who undertakes to examine these routes to be in favor of Panama for that reason. I did not discover anything in Nicaragua that was equal to an Arkansas canebrake in the St. Francis bottoms. I did not discover anything in the way of a forest that was equal to a Wisconsin forest. I did not discover anything in the way of insects that was equal to experiences I have had on the Missouri River bottoms in the State of Nebraska.

We looked particularly into the health conditions, and I am just as confident of the health conditions in Nicaragua as I am along the Gulf coast of the United States; and I am not as confident of the health conditions at Panama.

I believe that those conditions, the mere difference on that one thing of comparative health alone, will make the difference between a profit and a loss to a syndicate that undertakes to build these works. I believe, further, that if you will take the $40,000,000 with which it is proposed to buy the situation at Panama, and spend that sum judiciously in Nicaragua, and then recall this same Commission, there will not be a question of doubt as to the superiority of the Nicaragua route in the mind of any man who has signed this last report. That is my best judgment, and I am very firm in that conclusion.

The CHAIRMAN. I wish now, Mr. Cooley, to get your views on the commercial and military advantages of the Nicaragua route as compared with the Panama route, for the benefit of the United States Government and the people of the United States, and I will begin by asking you first as to the possibility of a local development of production and concentration of population on the Nicaragua route; and the basis of that would be, first, the temperature of the country and its healthfulness. I ask you now, if you please, to describe that country with reference to this matter.

Mr. COOLEY. I looked into that phase of it for the reason that, as a commercial enterprise, which was then proposed, the question of what assets could be created by a corporation building the canal there was a very material question as to its profits, and whether it was justified in undertaking the scheme at all or not.

Nicaragua lies practically in the same latitude north as Java or the East Indies lie in the south. It has every variety of climate, from the lowlands, where they produce indigo and cocoa and various fiber plants and fruits, clear up to the frost line.

The CHAIRMAN. Rubber?

Mr. COOLEY. Rubber trees, yes; and at an altitude of 1,200 to 1,500 feet you strike the coffee belt, extending to the frost line, and up at the frost line and above you can raise the northern cereals and vegetables. At a market in San Jose I saw a collectian of kitchen truck raised in Costa Rica near the frost line in the month of February that would duplicate a northern market garden.

You can select your climate. Nicaragua, Honduras, and Costa Rica, in an area of perhaps 50,000 to 60,000 square miles naturally tributary to the Nicaragua Valley—more than the State of New York, more than the island of Java—has every variety of climate. I mention the island of Java because it is one of the most highly developed spots on earth, carrying a population of 24,000,000 on 47,000 square miles. I believe that Nicaragua has as large a potential, from the Pacific at the Bay of Fonseca through to the Caribbean. Whether the country east of Castillo will be susceptible of much development I do not know. They have developed a good deal on the Rama River, and at Bluefields and at Limon they have done considerable in the way of producing bananas. The bananas of the United States coming into New Orleans come largely from Bluefields, and the bananas going to New York come largely from Limon, Costa Rica, and in the interior you can produce everything that a tropical country produces.

As to the health conditions, I made diligent inquiry, on the western division, of Dr. Flint, a man over 80 years old, at Rivas, who has lived in the country since 1848 as a practicing physician, and of Dr. Cole, who has been there since 1854, at Rivas. I could not learn that they had any diseases which we need be apprehensive about, especially on the western division, and that it was immune, you might say, from such things as kidney troubles and rheumatism.

The CHAIRMAN. Pneumonia?

Mr. COOLEY. No; they have pneumonia everywhere on earth. Tuberculosis is not in the country, I believe. I asked Dr. Flint, after I had gone over the entire catalogue, what the people really did die of, because it was evident that they died. He said that the majority of the death rate in this country is due to lack of proper nutrition and to dissipation.

On the Atlantic side we had Dr. Soto, who accompanied our party as physician to see that none of us got into ill health, and we got from him the statistics of what little experience they had had at Grey Town with the force that they worked there when he was the company's physician. He asserted that there had never been a case of yellow fever at Grey Town, unless it was sporadic, and had been brought there. There had been only four cases that he knew of as a matter of fact, and that the so-called yellow fever, jungle fever, spotted fever, or whatever you call them, which all belong to the meningitis type, were not virulent. That was also the testimony of Dr. Flint and Dr. Cole.

A year later a physician came to my place in Chicago and wanted to go somewhere in the Tropics. There were four of them in the party bent on new experiences and scientific collections, and I advised Nicaragua, and asked that they investigate especially the health condition there.

One of these gentlemen turned up in my office three or four months ago. He had spent four months in Nicaragua, and as a physician he had inquired diligently. He had spent part of his time in the Silico lagoon country down around Grey Town hunting alligators and collecting specimens for museums. He said he had absolutely no trouble, and he finally summed up the situation as his personal opinion that no man need die in Nicaragua except of old age, if he will take care of himself.

Now, the evidence of our own party was that we took 15 men across the Isthmus. It was a question whether we should make special provision and take special precaution about the water and things of that kind. Mr. Mason very sensibly remarked that if we ever did business in that country we would have to drink the water that was in the country, and he was going to drink it all. So we all did the same. We drank all the water we came to, from one side of the Isthmus to the other.

The CHAIRMAN. Took it as you came to it?

Mr. COOLEY. Oh, yes. There were some streams that we avoided, of course, used our horse sense about, just as we would in the United States. And there was no man in our party who suffered from it. On the Pacific side we rode horses and some of us had not been on horseback for years. Some were men of age, and we went right out there for four days and camped on the ground, and slept out nights. On the Atlantic side we walked under very great fatigue and camped out every night, and no man was inconvenienced, although the fatigue was as great as you could experience under any conditions in the United States.

None of us experienced any inconvenience except Mr. Stephens, who ought not to have taken that trip, because he was a man nearly 60 years of age, and he got very much exhausted, tired out, and when he got up to San Jose, Costa Rica, he had a little touch of intermittent fever that lasted him a week and was very light. That was the only experience of that kind we had. And I feel confident that if we had stopped at Grey Town a couple of days longer and rested, he would not have come down with it.

The CHAIRMAN. Is that a good fruit country?

Mr. COOLEY. I was shown an orange tree at Grey Town from which they had picked 200 boxes of fruit the previous year.

The CHAIRMAN. Two hundred boxes?

Mr. COOLEY. Yes.

The CHAIRMAN. About how many in a box?

Mr. COOLEY. I don't know how many. There are about 125 in the ordinary shipping box. That was told to me by the consul at that point. At Castillo I picked limes off of trees that were loaded.

On the Pacific side the oranges were growing wild. There was no market for them. The citrus fruits, I think, grow well all the way across.

The CHAIRMAN. And cocoa?

Mr. COOLEY. Yes; that is the chocolate bean. Manier, the French chocolate man, whose brand you buy all over the country, has his plantations near Rivas.

The CHAIRMAN. Is it an attractive country in its topography and scenery?

Mr. COOLEY. The shores of Lake Nicaragua are beautiful as a dream. Lake Nicaragua is about half as big as Lake Ontario. If I was leading the ideal life which some people are striving for I should spend six months of the year on Lake Nicaragua, or in that valley there after this canal was opened.

I feel a kind of indignation when I hear people talk flippantly about this health question. I remember that the army, the crack service of the United States, with selected lives, were not able to do as well in Cuba or as well at Chattanooga, right in our own country, as we did on the Chicago Drainage Canal with 8,000 hoboes picked up from all creation. There we had as good a condition of health as in the best wards of Chicago. The health question was one that I went into deeply, and I think I can say justly that through my initiative in that matter and through the cooperation of the State board of health of Illinois that for the first time in the history of great public works we produced an ideal condition of health.

The CHAIRMAN. Ometepe, which is a little island filled with volcanoes that I think are extinct, in Lake Nicaragua, is referred to by some medical authorities as being a very excellent site for hospitals and for sanitariums.

Mr. COOLEY. I think it undoubtly would be.

The CHAIRMAN. For navigators and sailors?

Mr. COOLEY. I think it undoubtedly would be ideal; anywhere on that western division is a fine country. Up there on the Brito headland, nearly 400 feet above the sea, is an outlook that is magnificent.

The CHAIRMAN. I believe that used to be a place of resort for the coast people?

Mr. COOLEY. Yes; so I understand. I think anywhere around there the health conditions are excellent.

MR. SORSBY AND MR. DONALDSON, OUR CONSULS IN NICARAGUA, TESTIFY.

If we take the picture of Panama as drawn by Capt. Bedfore Pim, Baron Humboldt, and the Panama Canal Commission, and set it beside that drawn by General Alexander and Mr. Cooley, and by Consuls Sorsby and Donaldson, and if we could resolve every question in favor of Panama, except that of health, humanity would forbid us from priceing that priceless blessing at $5,630,704 and choosing a country always subject to the ravages of sickness for the use of millions of people in preference to a beautiful and healthful canal route through Nicaragua. Consul Donaldson has resided at Managua, in Nicaragua, since 1895. He went there with the Ludlow Commission as an engineer.

These depositions were taken in June, 1900. They are of great importance and can not be abbreviated so as to present a correct view of the facts stated in them. A few facts from each will show their knowledge of the healthfulness of Nicaragua. Mr. Donaldson says:

Q. I suppose your travels with the engineering parties you accompanied through the San Juan region have given you an opportunity to be stricken with any of the diseases of that country?

A. Yes; I have had plenty of opportunities. I have slept in all sorts of places.

Q. Slept in wet clothes?

A. I will not say I slept in wet clothes, because I always carried a bundle wrapped in rubber, so that I could have something dry to wear for the night. I have gone all day in wet clothes, have put on wet clothes in the morning, and have done so for months at a time; but at night I have always had dry pajamas to get into and a dry blanket, which I kept rolled up in a rubber sack.

Q. That was during your engineering work?

A. Yes.

Q. Were any of your party troubled with malaria or chills?

A. Nobody in our party had any sickness at all. We had 10 Americans in the party, besides natives.

Q. Taking Nicaragua from ocean to ocean, would you be willing to say that it is a healthful or an unhealthful country?

A. I should say that the country is perfectly healthful. The only unhealthful places are the cities, and that is owing to their filthy conditions.

Q. You have a family of children?

A. I have three children.

Q. And they have been brought up in that country?

A. They have been in better health in that country than when they were in New York. My youngest little girl in this country had a bronchial trouble after she had had the whooping cough in New York at the age of 3, and naturally I felt somewhat anxious about taking her to Nicaragua. But she has come back to New York and is to-day one of the strongest little girls you ever saw—at the age of 8 now.

Q. Taking Nicaragua from ocean to ocean, through and through, you would say, I suppose, that it would be a very valuable country in the hands of people who had any industry and thrift?

A. Yes. By nature it is a rich country and perfectly healthful. There is nothing under the sun they need there but industry. It would make a fine country to live in.

Q. For small farmers, particularly?

A. Yes. You can get a splendid climate there by going up 2,000 feet, where you would not suffer from heat at all. It is only in the low country where you suffer. I have suffered much more in New York from heat than I ever have in Managua. There is nothing the matter with the country; there is nothing the matter with the climate; the whole difficulty lies with the people. They are too easy-going; they take life very easily.

Mr. Sorsby, who has resided at Grey Town since 1898, says:

Senator MORGAN. Are the lands in the valley of the San Juan River valuable—I mean for agricultural purposes and timber?

Mr. SORSBY. They are, beginning at about 6 or 7 miles up the river from Grey Town.

Senator MORGAN. And extending up to the lake?

Mr. SORSBY. Yes, sir; except immediately on the bank above Castillo.

Senator MORGAN. If a ship canal were constructed through that country would it add to the value of those lands?

Mr. SORSBY. It would add enormously to the value of the lands from about that distance up.

Senator MORGAN. What are the chief agricultural and horticultural productions of that country?

Mr. SORSBY. The chief production at present on the river is cacao, and there is a great deal of rubber brought out from there. There are several rubber plantations planted there. There are several cattle ranches along the river. There are some bananas planted; not much, though it is considered excellent for bananas. There is none grown there now, because of the difficulty of handling them, of shipping over the bar. The woods, the timbers, higher up the river are considered fine and good.

Senator MORGAN. What kind of timber is it?

Mr. SORSBY. I have seen various kind of hard wood.

Senator MORGAN. Mahogany?

Mr. SORSBY. No, sir; I have not seen any mahogany there. Up the river, near the lake, there is quite a lot of cedar, red cedar, and several varieties of cedar. There are various kinds of hard woods in there that I do not know the names of.

Senator MORGAN. Is it a coffee country?

Mr. SORSBY. No, sir. Between the lake and Grey Town and near the line of the proposed canal, or near the line of the river, it is not considered a coffee country. The elevation is too low.

Senator MORGAN. Is it a sugar country?

Mr. SORSBY. Yes, sir; I think the soil and climate admirable for the cultivation of sugar cane.

Senator MORGAN. Rice?

Mr. SORSBY. Yes, sir; sugar, rice, fruits, and vegetables of all kinds.

Senator MORGAN. Indian corn?

Mr. SORSBY. I doubt that Indian corn would grow very well in any part of the country.

Senator MORGAN. Is it a good cattle country?

Mr. SORSBY. Yes, sir; a good cattle country.

Senator MORGAN. Does it appear to be a well-watered country?

Mr. SORSBY. Yes, sir.

Senator MORGAN. How about the health of that region between the lake and the seaboard?

Mr. SORSBY. I can only answer that by referring to the men employed by the Nicaragua Canal Commission.

Senator MORGAN. Have no people settled in that region?

Mr. SORSBY. There are some settlements immediately on the river banks and up the various rivers emptying into the San Juan River.

Senator MORGAN. Leading into, you mean?

Mr. SORSBY. Leading into the San Juan River. I have seen a great many of those people—some foreigners are in there—living on the San Carlos and various other rivers leading into the San Juan River, and the universal expression is that it is healthy.

Senator MORGAN. Is there any yellow fever or Chagres fever in that country?

Mr. SORSBY. There is no yellow fever in any part of Nicaragua.

Senator MORGAN. Is there any Chagres fever?

Mr. SORSBY. No, sir; nothing that resembles either yellow or Chagres fever on the Atlantic side. There is no yellow fever in any part of Nicaragua, though at Granada and Managua they have malarial fevers. They are quite prevalent during what is known as the dry season up there.

Senator MORGAN. That is on the lake?

Mr. SORSBY. Yes, sir; on the two lakes. It is attributed to the bad sanitary conditions and the water that is used.

Senator MORGAN. If I understand you correctly, the valley of the San Juan River is very sparsely inhabited?

Mr. SORSBY. Yes, sir.

Senator MORGAN. Is the forest heavy?

Mr. SORSBY. The undergrowth is very heavy.

Senator MORGAN. Almost impenetrable?

Mr. SORSBY. Yes, sir.

Senator MORGAN. What is the effect of the rainfall in that part of Nicaragua upon the health and comfort of those living in that region?

Mr. SORSBY. I think it is beneficial to health. It is inconvenient. It has the effect of keeping fresh water in all the lagoons there. The engineers of the canal commission tell me that they drank their water out of the lagoons and streams, and it was good. In Greytown it serves to freshen the atmosphere, and there is very little sickness during the rainy system.

Senator MORGAN. I gather from your statement, then, that the rainfall there would neither be deleterious to the health of the country nor to the construction or preservation of such a work as a canal with embankments?

Mr. SORSBY. It certainly would not affect the preservation, judging from the indication shown by the work that has been done there. It might be inconvenient. Constant rainfall would naturally be inconvenient to a day laborer. It is considered there that that is the healthiest part of the year in Greytown and vicinity.

I thought these features of the case of sufficient importance to require that the facts should be presented in some detail.

Under the health conditions as they are and will remain it seems impossible that the United States can furnish the money and take the risk of the sacrifice of lives that are necessary to purchase and complete the canal at Panama.

POLICE POWERS NECESSARY IN SANITATION.

Connected with the health conditions at Panama, in such a way that it is inseparable, is the question of police jurisdiction and control of the bays of Colon and Panama, and of these cities. A joint control of these places is indispensable to sanitation and the preservation of the peace.

A mixed or joint control is incongruous, irritating, and dangerous. In fact, it is utterly inadmissible.

The city of Panama is the capital of a State of Panama, and lies within less than 3 miles of the Panama Canal; and the Panama Railroad enters the city.

It can not be reasonably expected that the powers of local government vested in that State and necessary for the control of its capital city, whatever they may be, will be yielded to the United States in whole or in part; or, if that should occur, that we could expect to use them with such vigor and so exclusively as is necessary in sanitation and quarantine.

In all our efforts to repress the contagion of yellow fever the highest powers of government, both State and Federal, have been necessarily resorted to, and even these have been frequently ineffectual to prevent bands of private persons from armed interference with the regulations established by law.

Personal liberty, in its most personal and individual sense, is always involved in the execution of health regulations, and such occasions require the exertion of the most direct and arbitrary authority, backed by force in frequent instances.

It will be in vain that we will hope to control or suppress yellow fever or the bubonic plague, cholera, beri-beri, or leprosy, to all of which Panama is at all times exposed, when either Panama or Colombia is to be allowed a voice in the regulations we must adopt, or in the selection and control of the men who are to enforce them. It is sheer folly to undertake such a conflict as is required to suppress yellow fever with forces divided and alien to each other, in the midst of a mixed throng of low-grade people.

The control of the trade and intercourse between Colon and Panama, the State capital, and Carthagena, the commercial capital, and Bogota, the political capital of Colombia, by the concessionaires of a canal, except by force or by some special agreement, is impossible. The people of those places will not tolerate sanitary regulations that will prevent their free intercourse. The importance of this exclusive control of sanitation is greatly magnified when we attempt to apply the necessary regulations, at all times and without relaxation, as they must be applied to the occupants of Panama City and to the intercourse of the people of all nations through this highway of the world.

If the regulations are not of absolute authority and strictly and continually enforced, the canal will become an artery for the dissemination of diseases through the world.

WHY WE ARE AGAIN IN PANAMA WITH WAR SHIPS.

In 1846 we entered into a treaty agreement with New Granada—now Colombia—to guarantee the sovereignty of that Republic over the State of Panama. The consideration for this agreement, as it was expressed in the treaty, was of little value as compared with the burden of this engagement, which has proven to be serious and is now a source of expense, anxiety, and trouble to us. The real consideration was that our duty of protection was exclusive and carried with it the right to admit or refuse other nations to assume a like close relation with Colombia. This became manifest when Great Britain and France, on the suggestion of Colombia, sought to share with the United States these burdens and obligations, which we refused; and so the matter stands to-day.

In 1846 Colombia had a single purpose in making that treaty, which was, with our assistance, to hold the State of Panama subject to her sovereign dominion. The same cause exists to-day, and the danger against which Colombia was providing is greater than it was in 1846, and for stronger reasons. The cause is that Panama has always been averse to the union with Colombia, preferring independence or a union with the other isthmian States. They have no patriotic sentiment and no identity of business relations to support the union with the continental States of Colombia. Constant jealousy has, on four occasions, broken out into open wars of insurrection since 1846.

There have been and are still internecine wars, and are all political in character. Holding Panama in the leash bound to Colombia, as we have been compelled to do and are now doing, we incur the natural resentment of those people, nearly all of whose possessions of any real value are at the canal terminals or near to its line.

AN UNFRIENDLY PEOPLE IN PANAMA.

If we acquire control of those people, along with the bays, the cities, the railroad, and the canal, we will encounter the serious difficulty of using and operating them among an unfriendly people.

Power alone can not be relied upon to protect a canal under such conditions, and the task is full of dangers, especially where the country is already occupied by insubordinate and revolutionary elements. We may get along without it, but the experiment is very costly at the price of $5,630,704, with an additional stipend to be paid to Colombia. Panama must be paid at least the $25,000 per annum, secured to her in the railroad concession, for more than sixty years to come, or for all time, if the lease is to be made perpetual, because she holds that right against the railroad company under and as part of the concession of Colombia to the Panama Railroad, which has been enacted as a public statute by the Colombian Congress.

When Panama shall hereafter seek to increase her allowance as the price of peace and good conduct toward the canal, as she certainly will, we will naturally expect trouble.

THERE IS NO ADVERSE CONDITION IN NICARAGUA OR COSTA RICA.

These political, sanitary, police, and social conditions are quite the reverse on the Nicaragua route. There we have no natural causes of epidemic diseases to remove, and yellow fever has never been a visitor to the region in which the canal is located. It is a salubrious country, constantly fanned by the trade winds, with a temperature that varies only 30 degrees, between 56 and 96 Fahrenheit, with a lake system, 45 miles across and 140 miles long, in the center of the land, over which these winds move without obstruction.

The island of Ometepe, in Lake Nicaragua, has been selected by the common judgment of travelers as a sanitarium for seamen who will pass it on their long and weary voyages. The beautiful country is a place of refreshment for all voyagers, abounding in excellent fruits and supplies of fresh foods. The lake can be conveniently utilized for the repairs of vessels, even to the cleansing of the bottoms from the accumulation of sea grasses and barnacles that lower their speed while they are en voyage passing through its fresh waters.

But a much greater advantage as to sanitation and police is the fact that this fertile country is practically unoccupied, and, under our control, the future occupants will be subject to our selection. Bad characters can not congregate in the canal belt or in the ports, if we object. In Panama this vital question is one of expulsion. In Nicaragua it is a question of our permission. The difference is wide enough and sufficiently important to make it fundamental in the choice of a canal route.

At Panama it is a question of purging out the bad characters found in a low-grade population of 30,000 in a district of 35 miles.

At Nicaragua the question is whether we will tolerate bad men, or demoralizing occupations, in the building up of the cities, towns, and farms in the canal belt, which has not more than 2,000 inhabitants in a distance of 183 miles.

There is no economic question connected with the future management of the canal of more importance than that of peopling the canal belt and the terminal cities with proper occupants.

I am only touching the outline of all these vital questions, leaving the further and better discussions of their merits to others.

THE POLITICAL COOPERATION OF THREE REPUBLICS.

It is a political situation of great moment, and it is a cause of sincere gratification to the three Republics concerned in this canal that their interests are unified and not discordant, as the interests of the State of Panama are toward those of Colombia.

Nicaragua, Costa Rica, and the United States, if they unite in establishing this canal by agreement, are not seeking profits from its earnings, but from the general prosperity it will bring to the Governments and the people of the three Republics. No local dissension can arise in either Republic to question its sovereign power to enter into or to keep the compact, such as may arise in Panama.

The maintainance, safety, and prosperity of the canal is so identified with the growth and solidarity of Costa Rica and Nicaragua, from which it is inseparable, that they will gladly contribute all their governmental and moral power to its support and protection. They will both be jealous for the safety and prosperity of the canal, with no cause for jealousy toward each other as to ownership or control, and the United States will be bound to both in every bond of regard and sympathy and by the great and overruling necessity of shortening the distance between all our Eastern ports on the Great Lakes, the Atlantic and the Gulf of Mexico, and our ports and possessions along the coast and in the islands of the Pacific Ocean.

There seems to be no room for disagreement in future, when our mutual interests are common to each Republic, and are entirely separated from competition with each other. Such accord and concurrence in the establishment of this great benefaction to mankind is a new and splendid proof of the unity and harmony of principle that exists in the spirit and purpose of republican government.

TRANSPORTATION IN SAILING SHIPS.

A greater question than any I have tried to present, so far as it affects the commerce of the United States and the prosperity of those who create commerce by production, manufactures, and transportation, is directly presented in the proposition to purchase and complete the Panama Canal.

That question is, whether vessels propelled by sail will be driven from the ocean trade and ultimately from existence, by vessels propelled by steam. This prediction is urged by the Panamists as an inevitable fact. It is a prophecy of evil to mankind, which Congress is asked to assist in fulfilling speedily. If it is a prophecy like that which chained the blinded Sampson to the pillars of the temple, the result will be equally destructive to all.

It is a disturbing thought and a distressing forecast, that the alleged rapid progress of civilization, through commercial expansion, requires that we should discard the ocean winds that have built up commerce from its cradle.

It is neither commercial wisdom nor common sense that would cause the world to dispense with this incalculable power of the ocean winds in propelling vessels, that is the free gift of the Creator, and is always ready for use, to take up steam as the motive power of ships of commerce only for the reason that time is saved in making voyages.

The saying that "time is money," which alone accounts for this attempted destructive revolution in commercial economics,

means that money and credit are to supplant the benevolence of the All-wise Creator in conferring this blessing upon all the generations of men.

That condition has not been reached and we will not witness the day of its arrival. Our effort to hasten it will fail. May God protect the people of the United States and of the world against that day.

I have less dread of its realization because the prophets of this evil are driven to this course of reasoning by the weight of the fact that the calm belt off the bay of Panama is impracticable for the profitable employment of sailing vessels. It is an absurd theory, adopted as the only escape from a fatal dilemma. If "the wish is not father to the thought," the thought at least is not disturbing to the advocates of the Panama route. They accept it as a decree of fate, with philosophic indifference to the result. They openly avow that the Panama Canal is to be completed without any reference whatever to the interests or advantages of the owners and navigators of sailing vessels or any losses they may sustain through the assistance of Congress to increase competitive advantages of vessels propelled by steam.

THE ISSUE IS SQUARELY MADE AND THIS CONGRESS WILL DECIDE IT ON THIS BILL.

No more reckless an attitude was ever taken with reference to an economic question, or with less benevolence, reason, or justice to support it. But by confession of the advocates of the Panama route, boldly stated, and by the pressure of facts that can not be controverted or avoided the issue is squarely made and must be met.

Since the era in which Job spoke of those "that go down to the sea in ships," the winds have been as necessary to sea travel and commerce as the rains have been to the productions of the soil, and it is as likely that men and animals will abandon the brooks and springs and take to hot drinks as it is that steam will supplant the winds in the movement of ships.

Steam represents the mechanical force of expansion, caused by heat operating upon water, while the winds represent that force, combined with the force of gravitation, operating upon the air, a highly elastic agent. Through these qualities the winds transport themselves to the places where they are needed for commerce, by the action of natural laws, and they are unfailing in supply and in volume and power. They are almost, if not quite as certain as "the stars in their courses," and require no preparation of human labor or skill to prepare them for their work, or to marshal them in their constant array to answer the calls of the Master, who directs the breezes and rules and guides the tempests.

The winds are not dug from the deep mines under the mountains and transported on railroads to the seaboard as coals are, and they require no human help to cross the seas to some coaling station, again to be handled and transferred to coal bunkers, and again handled in furnace rooms of ships under the severest exactions upon human health and strength. The winds, once used, return to the places where they were found, awaiting the service of man, with all their vigor and elastic force. But coals, when once they are used to generate power, disappear and can not be recreated. They create a vacuum in earth and air that they can not restore.

Comparing these forces, a child should understand the imperishable nature and value of the winds, and be able to contrast them with the perishable forces generated from coal, which consume themselves in the use. If the winds did not come to the aid of coal, to transport it to the points where it is to be used in steamships, the percentage consumed in this transportation, like an eating cancer, would soon destroy the body that supports it.

Africa, South America, the Pacific coasts of Russia and North America, and the vast area of southern Asia are so scantily supplied with coal that the commerce of those regions could not be transported by the power of steam that they could supply during a period of even a half century. The rapid-transit commerce of those regions, which only includes such commodities as can bear the burden of heavy freight rates, is transported in steamers that burn coals from Germany, the United Kingdom, Australia, and the United States. The coal supply of the Eastern Hemisphere begins to fall away, and all Europe, including Germany and Great Britain, are beginning to import coals from America.

That fact strikes the vain notion dead, that steamships will ever drive sailing ships from the oceans. This fact is exemplified in the lists of steamships and sailing ships built in the United States in 1901, which I will append to my remarks.

On the contrary, the cost of steam transportation, as it affects commerce in the coarser and cheaper articles of traffic, is so burdensome to countries that have scant supplies of coal that France is granting heavy subsidies to sailing vessels, with the effect of a rapid growth of such tonnage under her flag within the past five years, and Norway-Sweden is rapidly increasing her merchant sailing fleet.

THE INCREASE OF STEAMSHIPS.

After the opening of the Suez Canal in 1871 there was a rapid increase in the number and tonnage of steamships for ocean service, in which Great Britain led all other countries and began by pouring subsidies into their coffers.

This movement was in pursuance of a great and necessary national policy of Great Britain far more than as a result of any legitimate commercial demand for rapid or cheap transportation. Great Britain had her Pacific possessions to guard and care for. She had Egypt and South Africa to look after, and the trade of India to continue to hold in the grasp of monopoly. She had Russia to exclude from the Mediterranean, and France, Italy, Germany, Spain, and Portugal to compete with for the traffic of the Orient.

There were no winds in the Red Sea to move sailing ships, and there were dangerous winds in the Indian Ocean and fitful winds in the Mediterranean that rendered sailing ships useless on the Suez Canal route. She purchased the stock of the Khedive in the canal en bloc, and, while it was not the majority of the stock of the canal company, it enabled her to put her directors in that company, which she did. And by repressive influences of a diplomatic sort she strangled the possible competition of an American isthmian waterway, while she was reaping great profits from her Suez Canal stock and was forcing new channels of trade through the Pacific Ocean.

It was not that she abandoned her long-settled policy of building sailing ships as the burden bearers of commerce, but because she needed more steamships for emergent service to work the Suez Canal and to maintain her supremacy on the sea.

The proof of this is clear when the rapid and great increase of sailing-ship tonnage to Australia and around the Cape of Good Hope is considered.

In 1884 vessels aggregating 1,565,649 tons entered and cleared at the Cape of Good Hope. In the year 1898 this tonnage amounted to 5,602,955, a fivefold increase in fourteen years. The proportion of sailing ships in this increased tonnage was greater than it was before the Suez Canal was opened. It was the Suez Canal fleet of steamers that she so rapidly increased with the stimulus of subsidies, while her sailing ships increased without such aids.

AMERICAN VESSELS AND THEIR TONNAGE.

On page 1146 of the Hearings Professor Johnson gives the tonnage of registered American vessels as follows:

Steamers, 1,183,000 tons; sailing vessels, 1,360,000 tons, showing an excess of 177,000 tons in favor of sailing ships. Having reached this safe equilibrium, the sailing-ship construction is resuming its activity and is steadily growing. It does not grow so rapidly as steamships in tonnage, but more rapidly in the number of vessels.

Ships enrolled for the coastwise trade are not included in the above statement, and the professor states that three-fifths of the coastwise trade is conducted in sailing ships.

It is needless to speculate how or why these conditions have occurred. They are actual and existing conditions, established by actual computations in figures. They certainly do not justify adverse prophecies as to their ultimate disappearance.

The proposition to create a canal by drawing on the treasury of the people, and to locate it where sailing ships can not use it, because of the calm belt into which its Pacific terminus opens, thereby depriving more than half the tonnage of the United States of all advantage from it, is simply monstrous, when taken by itself.

It is grievously unjust when it drives sailing ships, built on either coast, from access to the other, even around Cape Horn, in profitable voyages, by giving to steamships the advantage of more than 10,000 miles in distance in passing to and from the North Atlantic and North Pacific, and by shutting them off from such opportunity it is unjust to all commercial men and to all producers and manufacturers by destroying more than one-half the competition beween water transportation and railroad transportation on commodities that find their interchangeable markets on our sea coasts, lake shores, and gulf coasts from Sitka around to Duluth.

It is ruinous to individual enterprise in the building, owning, and navigating sailing ships, by turning over the whole business of ocean transportation to the owners of costly steamer lines, and putting the commercial dominion of the seas in the hands of corporate trusts, and of the combines of the sceptered masters of finance and credit who are called capitalists.

There is no American need of such exclusive privileges, and it is sheer spoliation to tax the people to the extent of $180,000,000 in this generation to construct the canal and in all coming generations to make them pay tolls on their productions to support such privileged classes, while they will gather harvests of gold from their labors.

I pass by the contracts of the Panama Railroad with other lines

of transports now existing and have in the recent past extorted hundreds of millions of dollars from producers, chiefly from the people of the Pacific slope, to which agreements the United States will become a party when it buys the Panama Railroad, with the consent of New York. As compared with the destruction of our sailing ships that we would surely visit upon them in purchasing and completing the Panama Canal, this is even a smaller matter than the inheritance of the Panama scandals, which will stink in the nostrils of all men who live and all who shall follow us.

When the era of destruction has overtaken the sailing ships, which is so flippantly predicted by our economic soothsayers, then, also, will come the era of lockouts and strikes in the coal mines of the leading producers of "sea power," and commerce will be brought to a standstill, a dead center, in all the seaports of the world. Labor may then have its dire revenge upon capital, unless armies are interposed to compel miners to work, to produce coal to propel the ships of war and commerce.

I can think of no more helpless state in which the world's commerce would be found than the realization of these dreams of our learned pundits, who so confidently and with such a smiling air of hope look forward to the abolishment of sailing ships as inconvenient tools of trade.

I would then be hopeless of relief through even the magical skill of the associated peace arbitrators, who now promise a great remedy for a very slight attack of this annual visitation of lockouts and strikes. If the world is to be destroyed by fire in the end of all things, I would dread the destruction of the sailing ship by the fires of the steamers as the beginning of the end.

THE VALUE OF A DAY IN THE VOYAGE BETWEEN OUR ATLANTIC AND PACIFIC COASTS.

If steamers are so essential to the speed of commercial intercourse, or if the emergencies of war demand the shortest line and the quickest voyage for our armed fleets for their rapid concentration, the advantage of a day may be vital to the country in the one case or to the merchant in the other. And the cost of even a day's voyage, when applied to 1,000 ships through an indefinite reach of time, will be a loss of incalculable sums to the persons or the government that owns the ships.

Ascertained facts, as to which there is no real controversy, demonstrate the assertion that on a round trip between ports of the North Atlantic and the North Pacific oceans there is an actual loss of not less than three days, or seventy-two hours, between the voyages of steamers that will pass through a canal at Panama as compared with the same steamers on voyages to and from the same ports passing through the canal at Nicaragua.

This is a vital point in the economic question involved in the choice of routes, and it is due to its importance that it should be established in a satisfactory manner.

If we will strain our thoughts up to the conception of the actual loss of time and money that will fall upon the owners of steam vessels that will pass through an isthmian canal in a hundred years, which is the shortest period for any proposed lease of canal privileges, and if we will add to it the loss that will fall upon the owners of cargoes, we will find that the route which is shortest by three days would be the cheapest to the American people if it cost $500,000,000 more than the longer route, and that $5,630,704 saved in the proposed bargain would not pay the interest on that sum for a single year.

Sailing ships, in this connection, being entirely excluded from consideration, the sailing distances for steamers between the same terminals of a voyage through the respective routes and the speed of the same vessels, as it is effected by the tides on each coast and the length and the curvature of each canal, and the advantages of speed derived from a voyage through fresh water, are the factors that decide this important economic question.

THE VOYAGE OF THE OREGON.

These points are conclusively established by the testimony in favor of the Nicaraguan route. The dimensions of the ship selected by the witnesses for the test is 5,000 tons' burden, and the normal rate of speed is 10 knots an hour, or 250 miles per day. The distance, computed between Key West, which is an average central point on the Atlantic and Gulf coast, and San Francisco, our chief mart of trade on the Pacific, is shown in the following official statement of the Navy Department as to the voyage of the *Oregon* during the war with Spain. This distance is 3,665 knots by the Nicaragua route, measured by the shortest practicable line of navigation, and 3,750 knots measured by "a route that avoids all shoal water and is absolutely safe for navigating battle ships."

By the Panama route the distance is 4,363 knots, and the difference in distance is 613 knots in favor of Nicaragua by the route that is absolutely safe for battle ships, and 965 knots by a route that is practicable for battle ships and must be entirely safe for 5,000-ton merchant steamers.

But the supreme need for the canal being governmental, in case of national emergency, the distance of 613 knots to the credit of the Nicaragua route is adopted for the further basis of computation as to the saving of distance, time, and money by that route.

The voyage of the *Oregon*, as it is stated by the Navy Department, with reference to time, distance, and the cost to the Government, is as follows:

MEMORANDUM REGARDING THE PASSAGE OF THE OREGON FROM THE ATLANTIC TO THE PACIFIC.

The U. S. S. *Oregon* left San Francisco on March 19, 1898, with 1,567.4 tons of coal on board. Of this coal, 1,127½ tons had been taken on board in San Francisco, at a cost of $7.95 per ton, and the remaining 439.9 tons had been on board previously, at a cost of $5.50 per ton, making the total value of coal on board $11,112.65 and the average value per ton $7.09.

Coal was received on the trip at Callao, Peru, Sandy Point, Chile, Rio de Janeiro, Brazil, and Barbados, West Indies, and the vessel arrived at Key West with 251.8 tons of the coal originally on board at San Francisco.

In regard to the cost of the trip through either the Nicaraguan or Panama canal, the following distances were furnished by the Hydrographic Office, Navy Department:

	Knots.
San Francisco to Brito (west end of Nicaragua Canal)	2,700
Jan Juan del Norte to Key West	965
San Francisco to Panama	3,277
Colon to Key West	1,086

The following table shows the cost of coal for the trip in making the passage to Key West from San Francisco by the Nicaraguan and Panama canals, based on the knots per ton of coal and cost of coal taken on board in San Francisco, which coal would have been enough in either case to make the entire trip:

	Nicaragua Canal.			Panama Canal.		
	Distance.	Coal.	Coal, cost.	Distance.	Coal.	Coal, cost.
	Miles.	*Tons.*		*Miles.*	*Tons.*	
San Francisco to end of canal	2,700	651.7	$4,620.00	3,277	791	$5,608.19
Through canal	170	41	290.69	50	12.1	85.79
From eastern end of canal to Key West	965	232.9	1,651.26	1,068	257.8	1,827.80
Total	3,835	925.6	6,562.16	4,395	1,060.9	7,521.78
Delays at 15 tons per day		45	319.05		30	212.70
Total		970.6	6,881.21		1,090.9	7,833.48
Coal remaining on board at end of trip		956.8			476.5	
Saving in cost of fuel by going through the canal			43.385			42.433

The cost of sending the *Oregon* around the Horn from San Francisco to Key West was as follows:

Coal	$50,266
Pay of officers and crew, rations, etc	42,411
Stores (except coal and ordnance stores)	4,870
Total	97,547

Actual time taken to make the trip through the straits, sixty-eight days. Average speed with coal taken in San Francisco, per day, 260 knots.

	Days.
Time by Nicaraguan Canal (including delay of three days getting through canal)	17
Time by Panama Canal (including two days delay getting through canal)	19
Total saving in time by Nicaragua Canal	51
Total saving in time by Panama Canal	49

NOTE.—The distance herein given of 965 knots from San Juan del Norte (Greytown) to Key West is the shortest practicable distance, while that furnished by the Committee on Interoceanic Canals of 1,055 knots for the same route is longer by reason of a route being chosen which avoids all shoal water and is absolutely safe for navigating battle ships.

The other witnesses—Professor Haupt, Mr. Cooley, Captain Miller, Mr. Noble—and the report of Lieutenant Sullivan, all substantially agree as to these sailing distances by the two routes; but the foregoing statement from the Navy Department settles the matter beyond reasonable controversy.

Taking the distances thus ascertained, and one-half the coal consumption as the ratio for a merchant steamer of 5,000 tons, and the time saved at the average of four days on a round-trip voyage, and the loss by the Panama route in the item of coal consumption is as follows:

The per diem coal consumption on a ship of $5,000 tons	$37.61
For four days, on each round trip	150.44
On five ships of 5,000 tons, each day it is	752.20
For a year it is for the single item of coal	274,553.00

Interest, insurance, depreciation, wages, and supplies, and interest and insurance on cargo, if they are estimated only at an equal cost, increases the loss on five ships per day to $1,508.40, and per annum to $550,566, and for ten years to $5,505,660.

These estimates are on a less tonnage than passes through the Suez Canal, and on about one-third of the tonnage that passes through the Sault Ste. Marie Canal annually.

Instances that prove these facts are multiplied in the testimony of the witnesses, but these figures, taken from the voyage of the *Oregon*, are a demonstration, and I prefer to adopt them as the basis of my verdict.

THE LOSS OF MONEY TO SAILING SHIPS.

As to the loss of time on sailing ships, it is not necessary to make a calculation to compare these two routes, since the advocates of the Panama route dismiss them from all calculations "as unconsidered trifles." If we should still venture a plan, that sailing ships shall not be destroyed by excathedra declarations of their enemies, but shall have at least the opportunity to visit the great oceans through Nicaragua, where favoring winds from the heavens invite them continually, we can support that plan out of the mouths of the enemies of this great industry.

The subject has been most carefully examined by that greatest of the geographers of the seas, Mathew F. Maury, who ranks as a great admiral amongst all sailors, but was only a lieutenant and chief of the National Observatory in the old Navy, from which he resigned.

Under the orders of the Government, this subject has been carefully reexamined by Lieutenant Sullivan, and for many years it has been under the close observation of the Hydrographic Office of the Navy Department. The sailing directions of the Bureau of Navigation are in evidence on the hearings; the testimony of Captain Bryan, Captain Miller, Commander Young, and others, detailing their personal observations, and the report of the Isthmian Canal Commission show, beyond dispute, that the calm belt off the Bay of Panama forbids commerce to seek the Northern Pacific Ocean through the Panama Canal, while the strong and steady trade winds blow across Nicaragua at Grey Town and Brito, and continue constantly and without interruption across the Pacific to the coast of China.

Between Panama and San Francisco the average loss of time for a sailing vessel is fifteen days one way, and frequently it is more than two months. Putting the loss of time for a sailing ship of 5,000 tons at one-half the sum it will cost a steamer, the loss in money for thirty days on a round trip, or $75 per diem, will be $2,250 on each voyage out and in. What the loss will be to the whole country through the exclusion of sailing ships from the advantages of an isthmian canal I will leave to the computation of those who have the courage to face that disastrous situation.

THE CURVATURE OF THE TWO ROUTES.

The curves on the canal line on the Nicaragua route are for the much greater part in the section occupied by the San Juan River, where the washing of the canal banks by the waves from vessels will do no possible harm and will constantly improve the channel.

The following statement from the bureau of inquiry, furnished by the great navigator, Rear-Admiral George W. Melville, utterly dissipates the contention that the curvatures of the canal as located by the Isthmian Canal Commission is either dangerous to ships or that they will reduce the speed to a minimum rate.

It would seem very sad if that Commission in their plan had so arranged it that the greatest ships could not safely pass through it with their own steam. But the following paper proves that they have made ample provision for even high speed:

WASHINGTON, D. C., *March 31, 1902.*

DEAR SENATOR: Answering your letter about permissible speed of ships around curves, I have gotten out the following for you, which with pleasure I now transmit:

A twin-screw ship can, on her own steam, round a curve of any radius down to one of less than her own length by the expedient of going ahead with one screw and backing with the other; her speed, meantime, will of necessity be very small, or even backward, depending on the relative speeds of the two screws.

With both engines going ahead under equal steam, the sharpest turns that can be followed by means of the rudder alone will be:

Name.	Draft.	Displacement.	Speed.	Radius.
	Feet.	*Tons.*	*Knots.*	*Feet.*
Brooklyn	22	9,215	6	1,113
			9	1,012
			10	918
Oregon:				
Port helm	26	11,460	10	480
Starboard helm	26	11,460	10	435
Indiana	24	10,225	6	592
	24	10,225	12	637

The speeds given in the table are those of actual trials. At other speeds the minimum radius would not be very different, and the maximum speed at which such a short curve would be attempted would be limited only by the tendency of the vessel to heel over, a limitation which, however, is never approached in a vessel having reasonable stability.

All of the above applies to the conditions on the open sea.

In a canal the greatest permissible speed, whether on a curve or a straight stretch, is determined by the wear and tear on the banks from the wash of the waves. At a given (wave-making) speed the waves produced in the canal are much larger than on the open sea, and their destructive action, even when the banks are protected by riprap, is such that speeds greater than 6 or 7 knots are practically out of the question.

With best wishes and respect, yours, faithfully,

GEO. W. MELVILLE.

Hon. JOHN T. MORGAN,
United States Senate.

THE CLEANSING OF SHIPS' BOTTOMS IN FRESH WATER.

As the opportunity is now directly presented, and the subject is of much importance to commerce and navigation and gives to the Nicaragua Canal route a prominent advantage over the Suez and Panama routes, I will present, without argument, a paper from Rear-Admiral Melville, chief engineer of the Navy, relating to the effect of immersion of ships in fresh water, in clearing their bottoms of sea grass and barnacles after long ocean voyages.

It is a subject of great importance, and it is to be noted that the Nicaragua Canal is the only place where this can be done while the ship is pursuing its voyage. The fresh-water navigation in the Nicaragua Canal extends for 180 miles, while in the Panama Canal it extends no more than 21 miles. If it is true that the submergence of ships in fresh water for a day will kill these parasites, they will soon afterwards drop from the vessel while on its voyage, and the impediment to speed will be removed. It is asserted by Mr. McDonell, who is a close student of such matters, that the real work is done in the submergence of the vessel for twenty-four hours by killing the parasites.

It will be seen from the following letter that our naval authorities attach great importance to this subject in respect of war vessels.

Mr. President, that is quite a lengthly letter, considering the nature of the subject, but it is so very important that Admiral Melville has gone into the subject for the ascertainment of historical facts and calculations. I shall not undertake to delay the Senate by reading the figures, as no Senator could pretend to retain them in his mind; but the advantage of the immersion of a man of war, or, in fact, of any steamer or any sailing ship, in the fresh waters of the Nicaragua Canal over a sailing distance of 180 miles—it is all fresh water in the Nicaragua Canal—in respect of the cleansing of the bottoms of ships of barnacles, seaweeds, and other crustacea, is one of the most important features connected with the whole subject. It looks like a small matter, but still, when we count the loss of speed of ships, particularly battle ships and cruisers, when speed at times is of such absolute indispensable necessity, we can save to the Government of the United States millions upon millions of dollars by passing those ships through these fresh-water lakes that otherwise would be expended in cleaning the bottoms of ships in dockyards, etc.

The letter referred to is as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF STEAM ENGINEERING,
Washington, D. C., March 31, 1902.

DEAR SENATOR MORGAN: The efficiency of all vessels is greatly impaired by the foulness of the ships' bottoms. In the days of sail the resulting loss was not so great, for the hulls of the wooden ships were sheathed and therefore barnacles and grasses did not attach themselves so readily to the hull structure. The sheathing of the modern war ship and ocean steamer is practically impossible, and therefore the docking of vessels is necessary about twice a year.

The fouling of ships' bottoms depends on the time spent in cruising, the waters in which the cruise is made, and the service performed.

The loss of speed and the corresponding increase in coal consumption due from the fouling of the hull are matters that vitally concern the shipowner. As for men-of-war, the subject is of greater moment, since one of the most important factors in determining the usefulness and efficiency of the war ship is the question of radius of action, or the distance that the vessel is able to steam without coaling.

The following data will show how seriously a foul hull will interfere with the efficiency of the war ship. This data is taken from official records and has been compiled with exceeding care, since it is necessary that the Department secure absolutely correct information upon the subject.

Oregon, 10,000 tons displacement.

	Knots.
1. One-half month out of dock, speed	11.42
2. Two and a half months later, having been under way at a speed of 11 or 12 knots almost continuously (three months out of dock)	11.17
3. Three months later, having been on blockade and in tropical waters three months (six months out of dock)	9.6

The same horsepower, practically, was developed and the same conditions obtained in all three of these runs.

The loss of speed, then, in two and a half months, with the vessel under way almost continuously, was 0.25 knots, while after three months more, with the vessel on blockade and in tropical waters, the loss of speed was 1.5 knots.

Philadelphia, 4,225 tons displacement.

	Knots.
1. With half power, clean bottom (1½ months out of dock)	13.22
2. Same power, 3 months later, after having been under way about half the time (4½ months out of dock)	11.9
3. Three-quarter power, 6 months later, after lying in the harbor of Honolulu 6 months (10½ months out of dock)	10.19

These results can not be compared as well as the ones for the *Oregon*, but the speed of 10.19 knots made with three-quarter power compared with 13.22 knots made with half power shows a loss of speed equivalent to 3.5 knots had the powers been the same.

Detroit, 2,000 tons displacement.

	Knots.
1. On half power, clean bottom	10.28
2. After lying 4½ months in a tropical harbor	7.95

Same power for both runs.

Nashville, 1,371 tons displacement.

	Knots.
1. With clean bottom made	10.26
2. With seven months' cruising in the Philippines, same power	8.46

Celtic, collier, 6,428 tons displacement.

	Knots.
1. One-half month out of dock; trip, Sydney to Manila	10.4
2. Six months out of dock, Manila to Sydney	9.4

Same power for both runs.

Hannibal, collier, 4,291 tons displacement.

	Knots.
1. With clean bottom, Hampton Roads to Ponce, P. R	10.00
2. One and six-tenths months later, Ponce to Hampton Roads, same power	8.82

These results cover a wide range of conditions. The second run of the *Oregon* shows the least loss of speed (0.25), the vessel having been under way at a comparatively high sustained speed. The greatest loss of speed is shown in the case of the *Philadelphia*, third run, when the loss of speed was over 3 knots, notwithstanding the fact that three-quarters power was used on the third run and only half power on the first run. (Loss would have been 3.5 knots with the same power.) Under average conditions of cruisings vessels with a sustained speed of 9 to 11 knots lose 1 to 3 knots after six months out of dock. The loss is very much greater than this with vessels lying in tropical ports for a considerable length of time, and less if cruising continuously.

If a vessel is immersed in fresh water, the effect is to clean the bottom of barnacles and sea grasses to some extent. The following data shows a comparison of performances of several vessels before and after having been in fresh water, and their performance with clean bottoms. The conditions and power developed were practically the same for each set of results:

Monterey.

	Knots.
With clean bottom made	10.00
With foul bottom (just before entering the Columbia River)	9.00
After leaving the Columbia River, having been in fresh water for 44 days	9.73

Monadnock.

With clean bottom made	9.5
With foul bottom (just before entering the Columbia River)	7.88
After leaving the Columbia River, having been in fresh water for 14 days	9.01

Scorpion.

This vessel was in the Mississippi River for fifty-seven days. Data for accurate comparisons could not be obtained, as the runs before entering the river and after leaving it were under such different conditions that comparisons were impossible. However, the vessel was eight and one-half months out of dock on entering the river, and after leaving made 11.49 knots on power that would have given 11.6 to 11.7 knots had the bottom been clean. Undoubtedly her condition was greatly improved.

These results show that when vessels with foul bottoms are immersed in fresh water for a considerable length of time the condition of the hull is greatly improved, from two-thirds to three-fourths of the loss of speed being recovered.

The least time spent in fresh water by any of these ships was fourteen days.

Unfortunately there is no data available for shorter periods, and I regret that I am unable to give you any information as to the effect of time on the cleansing of ships immersed in fresh water.

Yours, truly,

GEO. W. MELVILLE,
Engineer in Chief, U. S. Navy.

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

CLIMATE, TEMPERATURE, AND HEALTH OF THE MIDWAY STATIONS AROUND THE WORLD.

If this advantage meets the anxious expectations of our naval officers and commercial navigators and dry docks are constructed in Lake Nicaragua they will add immensely to the sea power of the United States and will, with other attractive features of the climate and the productions and the sea air blowing across that country make the Nicaragua Canal route so attractive to navigators that those who control that canal route need not fear competition with the Suez Canal and the Red Sea, which is the hottest region of the world accessible to ships. As the midway station of the equatorial zone of navigation around the world, one of the most useful features will be the docks for cleaning and repairing vessels, while the ships' companies will find rest and refreshment after long voyages. It is the only way station where such facilities can be found grouped together. They are far too important to be lightly considered.

PAGE 103 OF THE REPORT.

I will now close this outline statement of this great subject with an inquiry that is not intended as a criticism, but is intended to point out the fact that the statements on page 103 of the final report of the Isthmian Canal Commission, which the hunger of the Panama Canal Company provoked them to snap up as if it had been prepared as a bait, was not considered or prepared by that commission with any such purpose. It was evidently prepared only to satisfy Congress that the offer of the Panama Canal Company to sell its concessions and their belongings for $109,000,000 was too exorbitant, and to dismiss that subject from further consideration.

That commission had no authority under the law to make or to accept any offer of purchase or sale connected with the canal, and they repeatedly so informed M. Hutin, who was the general manager of the Panama Canal Company.

Even the President of the United States had not the authority to make or accept any such offer, under the statute. His express duty was to recommend a route for the acceptance of Congress, after he had employed the commission in ascertaining the facts relating to the practical question, not the diplomatic or political question, of the practicability and feasibility of the respective routes and the material advantages and disadvantages of both routes.

It was the sole and exclusive duty of the President to determine which route he would recommend to the acceptance of Congress. In performing that duty he would necessarily obtain light from sources that were closed against the examination of the Commission and even of Congress, unless he chose to invite Congress into his confidence as the diplomatic head of the Government under the Constitution.

The shrewd traders of the Panama Canal Company having failed for five years to involve the United States in the partial joint ownership of a property that was already wrecked in value and scandalized in character, they found, on page 103 of the report of our Commission, a bed on which its fall could be broken, and they suddenly dropped their price for the wreck all the dizzy distance from $109,000,000 to $40,000,000. The fall was so startling as to shock all observers, but the agile performers discovered the safety net and leaped for it. It was a desperate leap, but they had faith in the reputed American fondness for glittering temptations in the way of bargains. It rests with Congress to say whether they have made any serious miscalculation.

If we would be magnanimous to those who are performing this apparent act of felo de se, let us lend them the money, with Colombia as security, and let them proceed with their costly experiment. If we are ready to accept the inviting bargain, at the expense of their suffering and apparent loss, let us play true to the character and price the property at the sum that it would cost us to reproduce it.

When we have paid Colombia for the privilege of buying the canal and the railroad stock, we will abandon the role of shrewd and heartless dealers, to which character we will be forever doomed in the estimation of the French people, whatever else we may do, and when we pay a percentage of $10 on each share for the railroad stock, the par value of which is $100, we will be written down as dolts. And so, when we pay $2,000,000 for maps, the useful parts of which have been thrust upon us as a donation—if we pay $2,000,000 premium on the maps under the head of "contingencies," we will lose our reputation for shrewd dealing, and will be classed as very common and foolish people who do not know what to do with their money.

REASONS FOR AN EXCHANGE OF MAPS.

If the inducements for cheap bargains are to be a feature of the trade, it would be well to offer them in exchange for their maps our Nicaragua maps, that represent to us a cost of at least $2,000,000. They could be kept for a time of need; which time will surely arrive when the railroads, or the men who are to get the $40,000,000, shall take up Lull's or Menocal's plan and build a cheap slack-water canal for $65,000,000, in combination with Costa Rica and Nicaragua.

Our owners of sailing ships could afford to build such a canal for the accommodation of our coastwise trade. Such an enterprise is no more than Great Britain accomplished with the Suez Canal, after using all its powers short of war to defeat its construction.

That this subject is in the minds of the persons connected with the Panama Canal, is manifest from the statement of General Abbott in his deposition, on pages 838–840.

What our situation would be with a canal between our coast and the Panama Canal when completed by the United States is a subject worthy the attention of thoughtful men. How we could prevent such a situation, under the recognized right of Costa Rica and Nicaragua to build a canal with money borrowed in trans-oceanic countries or in South America or in Mexico and Cuba is a problem that will demand solution whenever we build the Panama Canal, 600 miles away from our coasts.

WHY THE ESTIMATES ON PAGES 101 AND 103 WERE MADE.

It is evident from the report of the Commissioners, on pages 101–103, that the inventory of the assets of the Panama Canal and the railroad stock and its appraisement was intended to convince Congress that the actual value of it to the United States, even when swollen by 30 per cent of contingencies, was far below the estimate of $109,000,000 put on the property by the French appraisement. That appraisement is $19,000,000 greater than the estimate of M. Hutin, made to President McKinley in the letter of January 18, 1899, addressed to him by Mr. Cromwell, general attorney for the Panama Canal Company.

M. Hutin must have had some strong encouragement in America for thus raising the price of this property from $90,000,000, in January, 1899, to $109,000,000 in November, 1900. It must have been this that stimulated him to attack the Isthmian Canal Commission, and especially Admiral Walker, for misleading him, which M. Hutin did in a letter addressed to the Secretary of State, dated November 22, 1901. In this letter M. Hutin exhibits petulance and resentment because his estimates were rejected without discussion, and without the acceptance of an arbitration proposed by him to ascertain these values, for the want of authority to agree to it.

He demanded that Admiral Walker should print their correspondence in his official report to the President, which was done,

without any good reason, notwithstanding the fact that M. Hutin has suppressed Admiral Walker's letters of October 22, 1901, to him, which utterly destroyed the ground of his complaint to the President, through his letter to the Secretary of State. (See Report No. 1, Fifty-seventh Congress, p. 127.) This company has not been able to forget the large sums paid to its American committee by the old company for influence, or that it succeeded in tempting a Secretary of the Navy to quit the Cabinet and become its agent and promoter, on a salary of $25,000 per annum, and the audacity of the company is correspondingly aggressive.

WHY THE SUPPOSED COMMITTAL, ON PAGE 103, WAS SEIZED UPON AS AN OFFER OF PURCHASE.

When M. Hutin had delivered this Parthian arrow at Admiral Walker and returned to Paris, the Hepburn bill passed the House of Representatives by a vote wanting only two votes of unanimity, and General Abbott says a panic ensued in the Panama Company.

M. Hutin was deposed and M. Bo was elected general manager of the Panama Canal Company. The price of the property was dropped to the $40,000,000 mark, assumed to have been prepared as an offer of purchase, by the report of the Commission on page 103. Sixty-nine millions of property values was thrown away in the "panic," and the wheels of justice in the French courts revolved rapidly to anticipate results and to confirm the acceptance of the proposed agreements before they were made or accepted by anybody, which provisional arrangements the ocean cable was taxed to send to Washington.

Hot haste was winged with lightning to stop the Senate from passing the bill which had just passed the House of Representatives. The innocent and loose estimates of page 103 of the report of the Isthmian Canal Commission was identified by M. Bo by reference to a single page of that report, when the estimate included two pages, and was seized upon by telegram as a solemn offer of the Government to pay money for property valued at a fixed price, which cash value was increased $4,942,038 by the addition of contingencies.

And Congress is now asked to appropriate this sum to meet the contingency, that our Commission had really undervalued the property in their report of its actual value made to the President. If we accept it, we do so as a glittering success in making a bargain for property that our Commission had greatly undervalued. If we accept what the Commission say, and what the proof shows to be true, we can not do this on account of any just regard for the men who are trying to save themselves at the expense of many thousands of innocent people, who have been grossly defrauded by them.

WHAT THE FACTS STATED IN THE REPORT ACTUALLY SHOW.

The report shows the actual value of the work done in its present condition. It is all excavation and embankment, capable of being estimated in cubic yards at current prices for labor, and there is no other sort of work, so that the calculation is simple and no room is left for contingencies. This sum allowed for contingencies is only less than the whole difference in the cost of the canals by the sum of $291,361, as the same is estimated by the Commissioners.

On page 102 of their report the Commissioners say:

> The concession is of no value to the United States since a new one must be obtained from the Colombian Government in any event. It is the same with the lands, title to which is dependent upon the completion of the canal, and is still to be earned.
>
> Much of the property is ill adapted to American methods, and all of it is now from thirteen to twenty years old, during which period the improvements of this class of machinery have been such that contractors would generally find it to their advantage to buy entirely new machinery of modern pattern, rather than attempt to use this of an older class, even if it was given to them.
>
> The same is true of the greater part of the buildings, including all barracks, storehouses, shops, stables, and miscellaneous buildings, and excepting only hospitals and principal administration buildings. The latter would be the subject of special negotiation. They have appeared in the estimate under the head of contingencies. No special allowance is made for them.

All this means that the canal machinery and the buildings, except the hospitals and principal administration buildings, are of no value to the United States, and that those that are of value are included under the estimates for contingencies. Therefore these excepted buildings are to be paid for at the sum of $4,579,005, with 10 per cent on that, $457,900, making a total for houses, $5,036,905. This 10 per cent is said to be "omissions," but there are no omissions of articles to be purchased, for on page 101 there are 11 classes of articles of which a full description, by items, is given in an "inventory furnished to the Commission."

Under the statement of the value of the property made by the Commission, the value of canal excavation is $21,920,386. The value of houses is $5,036,905. The value of maps is $2,000,000. The value of railroad stock is $6,850,000. Total, $35,807,291. Here is a gap of $4,192,709 to be filled by Chagres diversion, $178,187; Gatun diversion, $1,396,456; railroad diversion, $300,000; total, $1,874,642, leaving $2,318,067, for which there is nothing to answer but a bonus or placebo. With $2,000,000 for maps and $2,318,067 for bonus, we have $4,318,067 in this $40,000,000 for which we have nothing of value to show.

This is more than half the sum that Nicaragua asks for perpetual and exclusive canal rights and privileges through the heart of her country. In any light in which these estimates can be viewed they can not be justly regarded as fixing the actual cash value of the property. They were never intended as such, and Congress, if it appropriates this money, should find a more solid basis for the appropriation than this loose and conjectural estimate, made to show the exorbitant price set upon it in the indefinite and incomplete offer of M. Hutin.

If our Commission is to have credit for high diplomatic ability in driving a good bargain with the failing Panama Canal Company, their estimates of the value of the property they purchase, as stated by them in detail, should come nearer to a balance with the round sum of $40,000,000 than the sum of $4,318,067, which is their nearest approximation to a balance, and when this difference is taken into account in estimating the actual cost of completing the Panama Canal as compared with the cost of the Nicaragua Canal, it reduces the difference to $1,312,637.

And it is for this sum we are asked to yield all tolls forever from sailing vessels, half the competition of the canal with the transcontinental railways, 600 miles of shorter lines for our warships, more than 100 miles of voyage in fresh water for ships that are fouled with sea travel, and the speed gained by them by immersion in the river and Lake Nicaragua. And we tax sailing ships with 10,000 miles of sea voyage through cold and dangerous seas around Cape Horn, and steamships with a loss of four days on a round trip between our Atlantic ports, at a cost of $150 per day on a 5,000-ton ship. For this we compel the wheat growers and lumbermen of the great Pacific slope to cross the Pacific to find the markets of Europe, instead of the markets of our Gulf and Atlantic States.

When we have concluded this brilliant bargain we shall find, like poor Richard, that we have paid too dear for our whistle.

THE COST OF MAINTENANCE AND OPERATION OF THE CANALS.

I will allude to the expenses charged to the respective routes for operating expenses and the maintenance of way, to add only a few observations that need to be made.

Under this head there are no items given in the report of the Isthmian Canal Commission as to which a computation can be made in order to test the accuracy of their estimates, or the cost of maintaining and operating any other canal as an approximate criterion.

The cost of maintenance, per mile, of the Suez Canal is $13,000; of the Kiel Canal, $8,600, and of the St. Marys Canal from $46,000 to $60,000 per mile.

The St. Marys Canal is only 1½ miles long and has all the advantages of concentration. At the rate of $1 per ton, its income during the eight months it is open during the year would be more than $30,000,000. It is the force employed in handling the traffic in the open months that costs so heavily.

The basis of these estimates was discussed by the Commission, but it was not given in their final report, because it was not agreed upon. It was produced by Colonel Ernst, on his examination, and is found in his deposition on pages 687 to 698 of the hearings.

The scheme of government is elaborate, even grand, and is quite ample in officials and salaries for the government of a commonwealth. It consists of a supreme board of control, at Washington, and an engineering department, A, with a governor at a salary of $15,000, and the other salaries are correspondingly high for five other departments.

The risk of life in the climate of Panama may excuse this extravagance for that canal, but it is without justification for Nicaragua. The following summary of these items will show the great magnitude of this plan:

THE SALARIES OF FIVE MEMBERS OF THE SUPREME BOARD OF CONTROL AND THEIR SUBORDINATES IS NOT GIVEN.

Annual cost of maintenance of both canals.

ANNUAL COST OF MAINTENANCE, NICARAGUA CANAL.		ANNUAL COST OF MAINTENANCE, PANAMA CANAL.	
Salaries, etc., of governor	$39,300	Salaries, etc., governor	$39,000
Engineering department, A:		Engineering department, A:	
268 employees	187,780	170 employees	128,640
Plant	397,400	Plant	211,600
Supplies	100,000	Supplies	50,000
7½ per cent depreciation	620,532	7½ per cent depreciation	407,374
Total	1,305,712	Total	797,612
Transit department, B:		Transit department, B:	
390 employees	346,160	158 employees	142,840
Plant	320,500	Plant	150,000
		Supplies for locks	9,000
		Lights on locks	4,500
		Maintenance of railroad	45,000
Total	666,660	Total	351,340

Annual cost of maintenance of both canals—Continued.

NICARAGUA CANAL—continued.		PANAMA CANAL—continued.	
Medical department, C:		Medical department, C:	
84 employees	70,980	74 employees	64,860
2 launches	5,000	2 launches	5,000
Supplies	50,000	Supplies	35,000
Total	125,980	Total	104,860
Finance department, D:		Finance department, D:	
15 employees	27,200	14 employees	26,800
Supplies	500	Supplies	500
Total	27,700	Total	27,300
Law department, E:		Law department, E:	
13 employees	18,200	8 employees	14,800
Supplies	500	Supplies	500
Total	18,700	Total	15,300
Police department, F:		Police department, F:	
443 employees	$500,800	213 employees	$241,100
30 horses, at $250	7,500	40 horses, at $250	10,000
Supreme control in United States	100,000	General expense in United States	100,000
Total	608,300	Total	351,100
Grand total	3,350,000	Grand total	2,024,174

The law department at Panama is put at $15,300, for providing the legal regimen for 35,000 resident people, while it is put at 18,700 at Nicaragua, where not more than 2,000 people now reside.

The police department is put at $251,100 at Panama, where there are 35,000 unruly people to control, and at $508,300 at Nicaragua, to control a scattered population of 2,000, quite orderly and peaceable people.

The finance department is put at $27,700 at Nicaragua, and $27,300 at Panama. The amount of money to be received in tolls is supposed to be the cause of this discrimination against Nicaragua of $400 in the expenses.

The medical department is made to cost $125,000 at Nicaragua, in a healthy country, and 13 medical officers, 6 stewards, 36 nurses, and 18 laborers are provided, while the total cost of the medical department at Panama is $104,860, with 7 medical officers, 3 stewards, 12 nurses, and 6 laborers at emergency hospitals, and 5 medical officers, 2 stewards, 20 nurses, and 10 laborers at the regular hospital. The difference of $20,620 per annum is made in favor of Panama, where the pestilential character of that region is described as "fever hole" by General Alexander, and is known of all men to be a region where the yellow fever and chagres fever have their habitat, from which they are never absent. It is so in each of the departments of this proposed government, which seems to have been created to form a basis for the calculation of maintaining an isthmian canal and then retired from observation for future use.

THIS STATELY PROGRAM FOR WORKING A CANAL, AS IF IT WAS A KINGDOM, IS RESPONSIBLE FOR THESE TREMENDOUS ESTIMATES OF EXPENSES.

It is in this programme that the idea had its origin that $2,024,174 was required for maintenance and operation of the canal at Panama, and that $3,350,822 is required for the canal at Nicaragua. The difference of $1,326,664 is ample to operate either canal, if we accept the experience at the Suez Canal, the Sault Ste. Marie Canal, or any other canal between great bodies of water.

It is impossible to know or safely to conjecture by what rule or principle the Isthmian Canal Commission fixed the charges of maintenance and operation of the canal at Nicaragua or compared them with those of the Panama Canal. For engineering, police, sanitation, and general contingencies their estimate of the cost of construction of the canal is $31,644,010. This evidently includes all the plant that is needed for these purposes, and for a canal completed and equipped. Then they add other sums for plant, for the maintenance of all the canal purposes, for keeping the canal in good order, and for vessels and other appliances needed for such service.

The contingencies charged to the Nicaragua Canal are $558,470 in this plan of government, and those charged to the Panama Canal are $337,362, a difference of $221,118 annually, while the steam tugs, inspection steamers, dredges, pile drivers, tugs, scows, pilot boats, naphtha launches, canoes, and saddle horses, which in their nature can not be reasonably expected to be resupplied each year, are charged at full cost, which is very great, for each year, as if they would all disappear after a single year of service.

These estimates, which are far too extravagant and are so loosely made, and these salaries and pay rolls, which are very expensive, account in great part for the charge of $3,350,822 to the Nicaragua Canal for maintenance and operation, when the Chief of the Bureau of Statistics, in December, 1900, said in an official bulletin of that date:

> There are no locks on the Suez Canal, but the channel is through drifting sand for a great part of its length. The entrance to the harbor of Port Said, on the Mediterranean, intercepts the drift of sand discharged from the Nile and carried along the coast by the easterly current. The navigation in which steamships can make full speed if they chose is longer than the entire length of the Suez Canal. The line of canalization on land at Nicaragua is 53.50 miles, only about half that of the Suez Canal, and only 6 miles longer than the Panama Canal, all of which is artificial canal.
>
> Suez has 100 miles of navigation through an artificial channel, and Panama has 47 miles, while Nicaragua has 63 miles of artificial channel and 120 miles of river and lake navigation in which there are no locks. On this state of facts it is impossible that any reason can be stated why it should require $18,310 per mile to maintain 183 miles of canal, of which only 63 miles is of actual canalization, when the cost per mile of the Suez Canal is $13,000, and that canal is dug entirely through the desert sands, which blow into it and make constant dredging necessary to keep it open.

That is the official statement of your Government, which knocks the estimate of the canal commissioners into dust. Nobody is responsible for that but your Government.

It is beyond all reason and experience that the more than 100 miles of deep water on the route of the Nicaragua Canal, where there is no lock and where a dredge will never be used, should be charged annually with $1,741,400 for cost of maintenance and operation. It is on this absurd conjecture that this erroneous calculation has been made. When this sum of $1,741,400 is subtracted from the estimate of $3,350,822, made by the commissioners, it still leaves $1,611,422 to be applied to maintenance and operation, which is still more than is expended annually on the Suez Canal for those purposes by the sum of $311,422, which is more than the estimates of the Isthmian Canal Commission for operating and taking care of the locks, with 20 per cent added for contingencies.

The uncertainty of the situation as to the cost of maintenance and operation of the canal, created by this effort to fabricate a great and expensive system for its government and control, has introduced into this subject an element of doubt and confusion of a serious character.

It would not have existed if the commissioners, at the time they made this report, had been confronted with the $40,000,000 proposition of the Panama Canal Company. They then had no doubt that this company was acting sincerely in the statement that $109,000,000 was the sum, below which, they would not sell the ditch, the maps, and the railroad stock, with the right, without objection from them, to purchase new concessions from Colombia; and they had no special reasons for closely estimating the cost of maintaining and operating the canal, as to which there must always be a margin of doubt.

The effort was made, on a plan of great amplitude, to institute a very costly government for the canal, but it failed in committee and was not sent to the President with their report, and it is this abortive scheme that is now presented as the estimate of great engineers, carefully made, as to the difference of the cost of maintainance and operation as between the two routes.

The number and salaries of the official corps, the cost of the plant, to be renewed, annually, and the contingencies, have no actual relation to the experience of governments in respect of other canals. They are arbitrary suggestions, and are not calculations based on facts that are even alluded to as supporting the plan.

The following statements in the deposition of Colonel Ernst sufficiently explain this situation:

> The CHAIRMAN. About what is the population of Panama?
> Colonel ERNST. About 20,000, I think.
> The CHAIRMAN. And about how much in Colon?
> Colonel ERNST. About five or six thousand.
> The CHAIRMAN. Is there any considerable number of French citizens or people located in Panama or Colon permanently?
> Colonel ERNST. Well, I fancy not. Of course, most of the people that we saw were French. They were the officers of the canal company, but I do not think there are many outside of those officials.
> The CHAIRMAN. Are there many French residents in that part of the country, in those cities?
> Colonel ERNST. I did not see any.
> The CHAIRMAN. In the sanitation that is necessary on the Panama route, would you feel that it was safe without including the city of Panama and the city of Colon?
> Colonel ERNST. No; I can not say that I think it would be safe.
> The CHAIRMAN. How far is the city of Panama from the line of the canal as it is dredged from the bay there?
> Colonel ERNST. It is about 3 miles.
> The CHAIRMAN. That would be included in the canal limits, if they were 3 miles wide?
> Colonel ERNST. I certainly would prefer that they should beincluded.
> The CHAIRMAN. Would you not think that it was absolutely necessary to include it in order to preserve the sanitation, or whatever results might come from sanitation, on the Panama route?
> Colonel ERNST. I think the result would undoubtedly be better with it. It is a question of degree. You certainly could not have the same sanitary state there without that city as you can with it.
> The CHAIRMAN. That would apply equally well to Colon?
> Colonel ERNST. Yes; but Colon is nearly all owned by the Panama Railroad Company, and if you buy that you buy the city.
> The CHAIRMAN. Well, I think that is a legal question. Suppose, however, that we bought it and got the title to all the property that had passed through the hands of the railroad company and under concessions from Colombia, it would be still necessary to have the control of it in order to accomplish this sanitary purpose?
> Colonel ERNST. I think so.
> The CHAIRMAN. Well, it would be also necessary to have the control of it for police purposes?
> Colonel ERNST. Yes, sir.

The CHAIRMAN. What sort of a population is there at Colon and at Panama?

Colonel ERNST. Well, I could not say that it was a very high order of population. I did not come into very close personal contact with it. I would say, however, that they were a rather low order of people, a great many of them. Of course there are some respectable people there.

The CHAIRMAN. A very mixed population?

Colonel ERNST. Yes, sir.

The CHAIRMAN. They are a turbulent people, too, are they not?

Colonel ERNST. I would say they are; yes, sir.

The CHAIRMAN. Hard to manage?

Colonel ERNST. They are fighting and quarreling all the time; yes, sir.

The CHAIRMAN. And they are insurrectionary?

Colonel ERNST. Yes, sir.

The CHAIRMAN. We have had several occasions when we have had to send ships of war down there with marines aboard in order to preserve the peace and save the property that the French people have got on that Isthmus, and also to protect and guarantee the sovereignty of the Republic of Colombia over the State of Panama. That is in our treaty.

Colonel ERNST. Yes.

The CHAIRMAN. Now, in making up your estimate of the maintenance of the Panama Canal, the current expenses of maintenance and preservation and protection, etc., I suppose you took all of those elements into consideration?

Colonel ERNST. Yes.

The CHAIRMAN. Did you include the sanitation and the police control of the city of Panama, with 20,000 inhabitants?

Colonel ERNST. We did not in terms. The way we did that was to draw up an organization for the management of the canal, a separate board of control here in this country consisting of 5 members, a governor on the Isthmus with his staff and office, and then provide for 6 departments, the engineering department, with all its various assistants and appliances and the material required; the transit department, having charge of the regulation of dues and the transit and management of all pilots and all that sort of thing, and the light-houses; the medical department, charged with the quarantine regulations, the general hospitals, and the hospital supplies, the subordinate hospitals, and sanitary inspection; the police department, and a law department, and a finance department.

We had all those worked out in detail, and the medical department was charged mainly with the hospitals and subhospitals and the sanitary inspection and the quarantine service. Now, we allowed a force necessary for that, without taking into account any great city.

The CHAIRMAN. You took into account the men who were connected with the operation of the canal?

Colonel ERNST. Yes.

The CHAIRMAN. And the railroad?

Colonel ERNST. And the railroad. The general hospitals, which would be some little way off, probably, from the canal.

The CHAIRMAN. But you made your estimate on the number of men that would probably be employed in the navigation and management of the canal and railroad?

Colonel ERNST. Yes.

The CHAIRMAN. You did not include in it the citizenship of these cities?

Colonel ERNST. No, sir.

The CHAIRMAN. Could you name here the appendix that contains those estimates? We have been very much at a loss to find out about them.

Colonel ERNST. We did not publish those, because it is purely theoretical; we felt that we could not defend every estimate of it. We felt that there were errors both ways. You can conceive of the difficulty of getting up of such an organization at a desk for a great work like that, which must actually be tested and corrected in practice. I mean it must be adjusted. There are many of those items that we felt would err, some on one side and some on the other, and we thought that they would correct each other; but doing it the same for both lines, we thought it was a fair comparison.

The CHAIRMAN. You made a comparison in your own minds, based upon facts that you yourselves had observed on the line or had learned from other sources, but you did not make up an itemized statement and balance sheet between the cost of maintenance on the one route and the other?

Colonel ERNST. Oh, yes; we went through this organization for both canals. Of course the Nicaragua Canal had the same general control. The governing board in this country would be the same as for the Panama and also the governor and his staff on the Isthmus would be the same and the chiefs of these departments would all be the same. Now, when it came to the number of posts you would have to have for police force, there would be more on the Nicaragua than on the Panama. We would have to have more engineering divisions.

The CHAIRMAN. What I want to get at is whether the items were put down on the list.

Colonel ERNST. Oh, I have got them all, and I would be very glad to show them to you. I have not got them here to-day, but I can bring them if you wish to see them.

The CHAIRMAN. They were not published?

Colonel ERNST. No.

The CHAIRMAN. I would be very glad if you will furnish us with them, because we have had a great difficulty in getting at the items of the estimate.

Colonel ERNST. It is one of those things that we are perfectly aware is open to attack, because they are approximations, but they are identical for the two lines.

The CHAIRMAN. You will furnish them to us?

Colonel ERNST. Yes.

The CHAIRMAN. Then I will not go any further into that question.

Additional statement of Col. Oswald H. Ernst:

The CHAIRMAN. Did you get the paper I referred to?

Colonel ERNST. Yes; here it is.

The CHAIRMAN. I would like very much to have this go into the record. It may become very important if the canal should be built.

Colonel ERNST. It is very carefully gotten up. The reason we did not publish it is because there are undoubtedly errors in it. Estimates are too high in some respects and too low in others. We thought they would correct each other. The comparison, however, is a fair one. It is the same for both canals. It is a study to which we devoted a good many weeks. It is as follows:

TENTATIVE ORGANIZATION FOR THE MAINTENANCE AND OPERATION OF THE CANALS.

I. NICARAGUA CANAL.

Supreme control to rest in a board of five members, located in Washington. The duties of the board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.

2. To make or approve all appointments, the salary of which equals or exceeds $100 per month.

3. To make or approve all contracts.

4. To audit all money accounts before transmitting them to the Treasury Department.

The annual expenses of the board may be placed at $100,000.

Organization on the Isthmus.—The general control to be vested in a governor, having his headquarters at Greytown, where the general offices will be located.

The administration will be divided among six departments, viz:

A. Engineer department, charged with all the maintenance and improvement of the canal, including the repair shops and storehouses, and the repairs of public buildings; also with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, and the operation of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port, quarantine, and sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed force required for that purpose.

The governor.—The governor will issue orders to the heads of departments, will make reports to the board of control, and conduct all correspondence with that board, and will make frequent inspection of all parts of the canal. Attached to his office will be a secretary, two clerks, two messengers, and one small inspection steamer, the latter to be available for other officials when not required by the governor.

Annual expense of governor's office.

Salaries:	
Governor	$15,000
Secretary	5,000
Clerks, 2 at $1,500	3,000
Messengers, 2 at $400	800
Inspection steamer	15,000
Office supplies	500
Total	39,300

A board of five members in Washington, for the government of the Philippine Islands, with salaries corresponding with those of the Isthmian Canal Commission of $60,000 a month, would be quite as safe and useful, as this proposed board would be for the government of an isthmian canal and, probably, more expeditious in getting through with their work.

No salaries are named for this supreme board of control, and the only precedent we have on that point is that it would cost not less than $60,000 each year.

The estimated contingencies of $558,470 for the Nicaragua route and $337,362 for the Panama route, in all $895,832, included in the cost of this plan of canal government, would safely cover the estimate of $60,000 and provide living salaries for the five members of the board of supreme control, and still leave enough to pay the salary of the governor, at $15,000 per annum, and his official staff, and for a steamer for their use, which is summed up at $39,300 per annum. The total annual expense of the supreme board of control and of the governor's executive department is not to be less than $783,000 in the plan proposed for the government of the canal. This plan, although it was not adopted, is the actual basis of computation of the cost of the maintenance and operation of this canal.

Yet it is no hazardous venture to assert that, with a good, honest, industrious, and reliable engineer at the head of the enterprise, this array of salaried officials could be dispensed with far more safely than they could be employed in the conduct of the work.

It has required the estimates that were made for this novel, extravagant, and dangerous plan of canal government to support the estimates of the commission for the maintenance and operation of these canals, which have no support in the actual experience of any other canal in the world.

An argument against the Nicaragua Canal based on such estimates has no just support in fact and no sanction in the history of any other canal.

Mr. President, I have not attempted to discuss a single question that I have presented upon the mere weight of the conflicting testimony. As to many of the matters there is not one particle of conflict. The very leading issues upon which I plant myself in this case and upon which the majority of the committee plant themselves are sustained by proofs against which there is no objection and about which there is no controversy.

At the expense of very great personal risk and labor, and doubtless at the expense of the patience of the Senate, possibly of the country, I have undertaken to present those leading issues and the facts that sustain them absolutely and without controversy, for the consideration of the Senate of the United States, in giving to the majority of the committee that support of truth and justice in their action in this great case which is due to the occasion and to their own character and to the country we serve and to the prosperity we are trying to advance. I am grateful, indeed, to the Senate for having permitted me to stand this long time on my feet, even in the absence of many Senators, and trust that those who were away will take occasion, when it suits them to do so, to read what I have had to say.

APPENDIX 1.

List of sailing vessels over 250 tons built in 1901 in the United States.

Name.	Tonnage.	Builder and where built.
A. F. Coates	716	Geo. H. Hitchings, Hoquiam, Wash.
A. W. Thompson	2,279	American Shipbuilding Co., West Bay City, Mich.
Acme	3,288	Arthur Sewall & Co., Bath, Me.
Ada F. Brown	1,456	Chas. V. Minott, Phippsburg, Me.
Adelaid Barbour	1,336	W. S. Currier & Co., Newburyport, Mass.
Advent	431	North Bend Mill Co., North Bend, Oreg.
Apena	970	Hall Bro's. Shipyard, Port Blakeley, Wash.
Alumna	696	North Bend Mill Co., North Bend, Oreg.
Alvena	772	Bendixen Shipbuilding Co., Fairhaven, Cal.
Amaranth	1,109	Mathew Turner, Benicia, Cal.
Annie	613	Carleton, Norwood & Co., Rockport, Me.
Arthur Seitz	2,207	H. M. Bean, Camden, Me.
Aurora	1,211	Everett Shipbuilding Co., Everett, Wash.
Baker Palmer	2,792	Welt's Shipyard, Waldoboro, Me.
Balboa	777	Hall's Shipyard, Port Blakeley, Wash.
Cardenas	1,576	Kelley, Spear & Co., Bath, Me.
Chas. H. Clinke	522	Palmer's Shipyard, Noank, Conn.
Chas. S. Hirsch	620	Kelley, Spear & Co., Bath, Me.
Chehalis	723	Bendixsen Shipbuilding Co., Fairhaven, Cal.
Cordelia E. Hayes	1,281	Percy & Small, Bath, Me.
David Evans	821	Marshfield, Oreg.
E. B. Jackson	682	Lindstrom's Yard, Aberdeen, Wash.
Edith G. Folwell	1,263	New England Co., Bath, Me.
Eldorado	881	Lindstrom's Yard, Aberdeen, Wash.
Emily I. White	352	E. J. White, Machias, Me.
Francis C. Tunnel	1,476	Warren Sawyer, Millbridge, Me.
Frederick W. Day	613	Kelley, Spear & Co., Bath, Me.
Gamble	726	Hall's Shipyard, Port Blakeley, Wash.
Georgina	998	Bendixsen S. B. Co., Fairfaxen, Cal.
Henry B. Fiske	847	George A. Gilchrist, Belfast, Me.
Inez N. Carver	730	New England Co Bath, Me.
J. C. Strawbridge	861	H. N. Bean, Camden, Me.
Jacob M. Haskell	1,778	Cobb, Butler & Co., Rockland, Me.
James Johnson	1,149	Moran Bros. Co., Seattle, Wash.
James Pierce	1,664	Washburn Bros., Thomaston, Me.
James Tuft	1,274	Henry K. Hall, Port Blakeley, Wash.
Joseph G. Ray	1,253	Washburn Bros., Thomaston, Me.
James W. Paul, jr	1,808	McKay & Dix, Verona, Me.
Kenwood	929	Wm. McKie, East Boston, Mass.
Kimberton	955	Palmer's Shipbuilding Co., Noank, Conn.
Kona	679	Hay & Wright, Alameda, Cal.
Lahaina	1,067	Oakland, Cal.
Langhorn	955	Palmer's Shipbuilding Co., Noank, Conn.
Lejok	371	Sawyer Bros., Milbridge, Me.
L. Herbert Taft	1,492	Thomaston, Me.
Logan	955	Palmer's Shipyard, Noank, Conn.
Mahukona	738	Geo. H. Hitchings, Hoquiam, Wash.
Malcolm B. Seavey	1,247	Gardner G. Deering, Bath, Me.
Manheim	955	Palmer's Shipbuilding Co., Noank, Conn.
Marie F. Cummings	548	Leesburg, N. J.
Martha P. Small	2,178	Percy & Small, Bath, Me.
Mary F. Barrett	1,833	Gardner G. Deering, Bath, Me.
Matanzas	1,579	Kelley, Spear & Co., Bath, Me.
Mindora	679	Hay & Wright, Alameda, Cal.
Miles M. Merry	1,589	Parcy & Small, Bath, Me.
Newport	312	Kelley, Spear & Co., Bath, Me.
No. 6	1,120	Harlan & Hollongsworth Co., Wilmington.
No. 21	905	R. M. Spedden Co., Baltimore, Md.
Oakley C. Curtis	2,374	Parcy & Small, Bath, Me.
Orlando V. Wooten	677	New England Co., Bath, Me.
Otelia Pedersen	789	White's Shipyard, Everett, Wash.
R. J. Camp	703	Bethel, Del.
Rebecca Palmer	2,556	Cobb, Butler & Co., Rockland, Me.
Robert Donaldson	389	E. James Tull, Pocomoke City, Md.
Robesonia	955	Palmer Shipbuilding Co., Noank, Conn.
Rockland	481	Kelley Spear & Co., Bath, Me.
Rutherford	955	R. Palmer & Sons, Noank, Conn.
S. D. Warriner	2,279	American Shipbuilding Co., West Bay City, Mich.
Sagua	1,585	Kelley, Spear & Co., Bath, Me.
Sallie C. Marvil	598	Copper & Saurhof, Sharpstown, Md.
Saucon	955	Palmer Shipbuilding Co., Noank, Conn.
Savannah	584	David Clark, Kennebunkport, Me.
Seguin	405	C. V. Minott, Phippsburg, Me.
Sophia Christensen	675	Hall Brothers, Port Blakely, Wash.
Springfield	633	New England Co., Bath, Me.
Trevorton	1,763	Palmer's Shipyard, Noank, Conn.
W. H. Marston	1,169	F. W. Stone, San Francisco, Cal.
W. J. Patterson	645	Lindstrom's yard, Aberdeen, Wash.
Watson A. West	818	Do.
Weir	312	Kelley Spear & Co., Bath, Me.
Wempe Brothers	681	Lindstrom's yard, Aberdeen, Wash.
Whitman	477	Kelley Spear & Co., Bath, Me.
Wm. F. Garms	1,094	White Shipyard, Everett, Wash.
Wm. H. Yerkes	1,498	Washburn Brothers, Thomaston, Me.
William P. Frye	3,374	Arthur Sewall & Co., Bath, Me.
Total tonnage	95,031	

APPENDIX 2.

List of new American steamers of over 250 tons capacity built in 1901.

Name.	Tonnage.	Builder and where built.
Acme	416	Not known.
Alvina	526	Harlan & Hollingsworth Co., Wilmington, Del.
Apache	3,378	Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa.
Arapohe	3,378	Do.
Arctic	392	H. R. Reed, Bay City, Oreg.
Argo	1,089	Craig Shipbuilding Co., Toledo, Ohio.

List of new American steamers of over 250 tons capacity built in 1901—Cont'd.

Name.	Tonnage.	Builder and where built.
Bound Brook	1,016	Harlan & Hollingsworth Co., Wilmington, Del.
Buckman	1,820	Craig Shipbuilding Co., Toledo, Ohio.,
Cape May	714	Harlan & Hollingsworth Co., Wilmington, Del.
Cartegena	1,532	James Davidson, West Bay City, Mich.
Carlisle	644	Neafie & Levy Ship and Engine Building Co., Philadelphia, Pa.
Charles S. Neff	992	Jenks Shipbuilding Co., Port Huron, Mich.
Chas. R. Spencer	474	E. W. Spencer, Portland, Oreg.
Chicago	3,195	Buffalo Dry Dock Co., Buffalo, N. Y.
Chicago	1,334	Burles Dry Dock Co., Port Richmond.
Christopher	4,200	Superior Shipbuilding Co., West Superior.
City of Rockland	1,696	Wm. McKie, Boston, Mass.
City of St. Joseph	691	Alexander Stewart, St. Joseph, Mo.
City of Trenton	469	Neafie & Levy Ship and Engine Building Co., Philadelphia.
Colonel	3,879	Detroit Shipbuilding Co., Wyandotte, Mich.
Cuba	594	Bath Iron Works, Bath, Me.
David M. Whitney	4,626	Detroit Shipbuildiag Co., Wyandotte, Mich.
Denver	4,549	Harlan & Hollingsworth Co., Wilmington, Del.
El Dia	4,613	Newport News Ship and Engine Building Co., Newport News, Va.
El Siglo	4,616	Do.
El Valle	4,605	Do.
Esperanza	4,702	Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa.
F. B. Jones	324	Tamas Ellington, Portland, Oreg.
F. T. Hefflefinger	4,897	Chicago Shipbuilding Co. Chicago, Ill.
Frederick B. Wells	4,897	Do.
G. A. Flagg	3,062	Superior Shipbuilding Co., West Superior, Wis.
George Garbutt	442	Thomas W. Garbutt, Wright, Ga.
George W. Peavey	4,997	American Shipbuilding Co., Cleveland, Ohio.
George W. Thomas	281	E. J. Howard, Jeffersonville, Ind.
Gilchrist	3,871	American Shipbuilding Co., West Bay City, Mich.
Gold Dust	430	E. J. Howard, Jeffersonville, Ind.
Hampton	580	Lewis Nixon, Elizabethport, N. J.
Harry B. Hollins	1,019	T. S. Marvel & Co., Newburg, N. Y.
Hawaiian	5,597	Roach Shipyard, Chester, Pa.
Hawalei	666	John W. Dickey, Alameda, Cal.
Henry Steinbrenner	4,719	Jenkins Shipbuilding Co., Port Huron, Mich.
Hugoma	2,182	Detroit Shipbuilding Co., Wyandotte, Mich.
Illinois	402	Quincy, Ill.
International	590	John Marr, West Haven, Conn.
Iroquois	1,169	Craig Shipbuilding Co., Toledo, Ohio.
J. S	292	E. J. Howard, Jeffersonville, Ind.
John B. Collins	325	A. C. Brown & Sons, Tottenville, N. Y.
John English	1,022	T. S. Marvel & Co., Newburgh, N. Y.
John F. Carroll	510	Rodermond's Shipyard, Tompkins Cove, N. Y.
John J. Albright	4,805	American Shipbuilding Co., Cleveland, Ohio.
John S. Tompkins	593	Mound City, Ill.
Jupiter	3,719	American Shipbuilding Co., Lorain, Ohio.
Kennebeck	2,183	Jenks Shipbuilding Co., Port Huron, Mich.
Lake Shore	3,781	American Shipbuilding Co., West Bay City, Mich.
Lakeside	450	Craig Shipbuilding Co., Toledo, Ohio.
Lakewood	1,016	Harlan & Hollingsworth Co., Wilmington, Del.
Louise	335	A. D. Stevens, Jacksonville, Fla.
Lyra	4,417	Maryland Steel Co., Sparrow Point, Md.
M. F. Henderson	534	J. H. Johnson, Portland, Oreg.
Majestic	657	E. J. Heath, Everett, Wash.
Marion	262	Wilmington, Del.
Mars	3,748	Detroit Shipbuilding Co., Wyandotte, Mich.
Marshfield	388	Marshfield, Oreg.
Mary C. Elphicke	4,998	Chicago Shipbuilding Co., Chicago, Ill.
Mauch Chunk	4,499	Union Dry Dock Co., Buffalo, N. Y.
Meggido	250	M. J. Godfrey, Lyons, Ohio.
Meteor	2,301	Craig Shipbuilding Co., Toledo, Ohio.
Mills	2,525	Maryland Steel Co., Sparrow Point, Md.
Mineola	295	Port Clyde Marine Ways, Port Clyde, Me.
Minnetonka	5,270	American Shipbuilding Co., Cleveland, Ohio.
Monterey	4,702	Wm. Cramp & Sons, Ship and Engine Building Co., Philadelphia, Pa.
Morning Star	592	E. J. Howard, Jeffersonville, Ind.
Neptune	3,717	American Shipbuilding Co., Lorain, Ohio.
New Shoreham	503	Wm. McKie, East Boston, Mass.
New York Central, No. 6	453	Burlee Dry Dock Co., Port Richmond, N. Y.
North Beach	833	Townsend & Downey, Shooters Island, N. Y.
Northwestern	2,157	Chicago Shipbuilding Co., Chicago, Ill.
Northman	2,157	Do.
North Star	3,195	Roach's Shipyard, Chester, Pa.
Northtown	2,157	Chicago Shipbuilding Co., Chicago, Ill.
Northwestern	2,157	Do.
Oregonian	5,597	Roach's Shipyard, Chester, Pa.
Orion	1,736	George Johnson, Green Bay, Wis.
Ossian Bedell	296	Buffalo Dry Dock Co., Buffalo, N. Y.
Pathfinder	2,792	Harlan & Hollingsworth Co., Wilmington, Del.
Patience	292	John H. Dialogue, Camden, N. J.
Pennsylvania	394	American Shipbuilding Co., Cleveland, Ohio.
Pere Marquette	2,775	Do.
Puritan	1,547	Craig Shipbuilding Co., Toledo, Ohio.
Randolph S. Warner	3,062	Superior Shipbuilding Co., West Superior, Wis.

List of new American steamers over 250 tons capacity built in 1901—Cont'd

Name.	Tonnage.	Builder and where built.
Saturn	3,717	American Shipbuilding Co., Lorain, Ohio.
Springfield	287	The Pusey & Jones Co., Wilmington, Del.
Standard	374	Burlee Dry Dock Co., Port Richmond, N.Y.
Tamalpais	1,554	Union Iron Works, San Francisco, Cal.
Thomas Patton	875	T. S. Marvel & Co., Newburg, N. Y.
Two States	362	John M. Graham, Savannah, Ga.
Uranus	3,748	Detroit Shipbuilding Co., Wyandotte, Mich.
Valetta	419	W. D. Delaney, Benecia, Cal.
Venus	3,719	American Shipbuilding Co., Lorain, Ohio.
W. H. Paringle	575	Louis Pacquet, Pasco, Wash.
Walter Scranton	4,803	American Shipbuilding Co., Cleveland, Ohio.
Watson	1,820	Craig Shipbuilding Co., Toledo, Ohio.
West Point	1,328	T. S. Marvel & Co., Newburg, N. Y.
Will H. Isom	938	Thomas Dunbar, Ballard, Wash.
William L. Brown	4,998	Chicago Shipbuilding Co., Chicago, Ill.
William S. Mack	3,720	American Shipbuilding Co., Lorain, Ohio.
Yozemite	3,879	Detroit Shipbuilding Co., Wyandotte, Mich.
Zulia	1,713	Neafie & Levy Ship and Engine Building Co., Philadelphia.
Total tonnage	288,743	

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

During the delivery of Mr. MORGAN'S speech,

The PRESIDING OFFICER (Mr. HEITFELD in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2295) temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes; which had been reported from the Committee on the Philippines, with amendments.

Mr. LODGE. If the Senator from Alabama will allow me to make a request, I will then ask to have the unfinished business temporarily laid aside, so that he can complete his speech.

Mr. MORGAN. Certainly.

Mr. LODGE. I ask that the general reading of the bill may be dispensed with, and that it be read by paragraphs for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. LODGE. I now ask that the bill may be laid temporarily aside in order that the Senator from Alabama may conclude his speech.

The PRESIDING OFFICER. Without objection, the Senator from Alabama will proceed.

Mr. MORGAN resumed and concluded his speech.

CHINESE EXCLUSION.

Mr. PLATT of Connecticut. I ask unanimous consent that the unfinished business may be still further temporarily laid aside in order that the Senate may proceed to consider a House bill on the Calendar. It is the bill known as the House Chinese-exclusion bill.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of a House bill which will be read by title.

The SECRETARY. A bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut that the bill be now considered?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. I move to strike out all after the enacting clause and to insert in lieu thereof the language of the bill which was passed by the Senate yesterday and which I send to the Secretary's desk.

The PRESIDENT pro tempore. The Senator from Connecticut moves to strike out all after the enacting clause and to insert the language of the bill passed yesterday.

The amendment was to strike out all after the enacting clause and insert:

That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, be, and the same are hereby, extended and continued, including the act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888, so far as the same is not inconsistent with treaty obligations now existing, in full force and effect until the 7th day of December, 1904, and so long as the treaty between China and the United States concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894, shall continue in force and said laws shall apply to all territory under the jurisdiction of the United States, and to all immigration of Chinese laborers not citizens of the United States from the island to the mainland territory of the United States, or from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any islands within the jurisdiction of any State or of the district of Alaska shall be considered part of the mainland under this section.

SEC. 2. That in case said treaty be terminated as provided in article 6 thereof this act and the acts hereby extended and continued shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

SEC. 3. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of said treaty of December 8, 1894, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

SEC. 4. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

SEC. 5. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within one year after the passage of this act a certificate of residence, in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said one year, shall be found within the jurisdiction of the United States without such certificate of residence shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that, the one-year time limit aside, he is rightfully entitled to such certificate; and if upon such showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding $1 for every certificate issued.

That should it appear that any laborer to whom was lawfully issued a certificate of residence under this act has lost such certificate, or that it has been destroyed, he shall be given a new certificate by the appropriate Treasury officer, on establishing to the satisfaction of the United States judge or commissioner before whom he is brought for deportation that the loss or destruction was not in bad faith.

SEC. 6. That in any insular territory of the United States where the United States has not established United States courts and has not provided United States marshals the judicial functions vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT of Connecticut. The title is a little different, but I think I will not move to amend the title.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in

executive session the doors were reopened, and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 18, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1902.

SURVEYOR OF CUSTOMS.

James S. Clarkson, of New York, to be surveyor of customs in the district of New York, in the State of New York, in place of Silas C. Croft, deceased.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. William H. Carter, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, April 15, 1902, vice Sheridan, appointed brigadier-general, United States Army.

Maj. James T. Kerr, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, April 15, 1902, vice Carter, promoted.

Infantry Arm.

Lieut. Col. David J. Craigie, Eighth Infantry, to be colonel, April 14, 1902, vice De Russy, Eleventh Infantry, appointed brigadier-general, United States Army.

Lieut. Col. Alpheus H. Bowman, Fifth Infantry, to be colonel, April 14, 1902, vice Burt, Twenty-fifth Infantry, appointed brigadier-General, United States Army.

Lieut. Col. Morris C. Foote, First Infantry, to be colonel, April 15, 1902, vice Hooton, Twenty-eighth Infantry, appointed brigadier-general, United States Army.

Maj. John T. Van Orsdale, Seventh Infantry, to be lieutenant-colonel, April 14, 1902, vice Craigie, Eighth Infantry, promoted.

Maj. James A. Buchanan, Twenty-eighth Infantry, to be lieutenant-colonel, April 14, 1902, vice Bowman, Fifth Infantry, promoted.

Maj. Joseph F. Huston, Nineteenth Infantry, to be lieutenant-colonel, April 15, 1902, vice Foote, First Infantry, promoted.

Capt. Arthur C. Ducat, Twenty-fourth Infantry, to be major, April 14, 1902, vice Van Orsdale, Seventh Infantry, promoted.

Artillery Corps.

Second Lieut. Charles E. Kilbourne, jr., Artillery Corps, to be first lieutenant, May 8, 1901, to fill an original vacancy.

Second Lieut. Paul A. Barry, Artillery Corps, to be first lieutenant, May 8, 1901, to fill an original vacancy.

Second Lieut. Jairus A. Moore, Artillery Corps, to be first lieutenant, July 1, 1901, to fill an original vacancy.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Simon Snyder, Nineteenth Infantry, April 16, 1902, vice Burt, retired from active service.

Col. William Auman, Twenty-ninth Infantry, April 16, 1902, vice Hooton, retired from active service.

Lieut. Col. Charles Bird, deputy quartermaster-general, April 16, 1902, vice Sheridan, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1902.

SURVEYOR OF CUSTOMS.

James S. Clarkson, of New York, to be surveyor of customs in the district of New York, in the State of New York.

NAVAL OFFICER OF CUSTOMS.

Robert A. Sharkey, of New York, to be naval officer of customs in the district of New York, in the State of New York.

PROMOTIONS IN THE NAVY.

Lieut. Thomas F. Carter, to be a lieutenant-commander in the Navy, from the 16th day of March, 1902.

Asst. Surg. David B. Kerr, to be a passed assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 1st day of June, 1901.

Asst. Surg. Frank E. McCullough, to be a passed assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 10th day of August, 1901.

POSTMASTERS.

John A. Duplan, to be postmaster at Patterson, in the parish of St. Mary and State of Louisiana.

William E. Burch, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia.

James P. Glynn, to be postmaster at Winsted, in the county of Litchfield and State of Connecticut.

Albert G. Thompson, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts.

Thomas R. Hill, to be postmaster at Amherst, in the county of Hampshire and State of Massachusetts.

Winchester G. Lowell, to be postmaster at Auburn, in the county of Androscoggin and State of Maine.

Kate W. Kirkpatrick, to be postmaster at Decatur, in the county of Dekalb and State of Georgia.

Ulysses G. Holley, to be postmaster at Sikeston, in the county of Scott and State of Missouri.

James M. Crowder, to be postmaster at Lexington, in the county of Lafayette and State of Missouri.

Frank B. Williams, to be postmaster at Enfield, in the county of Grafton and State of New Hampshire.

Arthur G. Clapp, to be postmaster at South Deerfield, in the county of Franklin and State of Massachusetts.

Robert S. Middleton, to be postmaster at Vienna, in the county of Dooly and State of Georgia.

Joseph H. Harris, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

Henry C. McCracken, to be postmaster at Bolivar, in the county of Polk and State of Missouri.

Frank X. Roberts, to be postmaster at Manville, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 17, 1902.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

THOMAS F. WALTER.

The SPEAKER laid before the House the following veto message from the President of the United States:

The Clerk read as follows:

To the House of Representatives:

I return herewith, without my approval, House bill No. 5761, entitled "An act granting a pension to Thomas F. Walter."

The bill directs the Secretary of the Interior to place on the pension roll the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $17 per month.

The records of the War Department show that this soldier was cashiered by sentence of a general court-martial April 16, 1865, upon a finding that he was guilty of the charge of disobedience of orders, in that he had deliberately refused to comply with a detail to go on picket duty December 31, 1864.

He has applied for pension under different laws at different times and for different causes, but his applications have been denied by the Pension Bureau.

The disobedience of orders, of which the soldier was found guilty, is admitted by him, and, in view of his position in the service, was with full knowledge of the consequences. To inscribe his name on the pension roll, as this bill contemplates, would be to condone an inexcusable offense by a commissioned officer, to detract from the high estimate in which the pension roll ought ever to be held, and to do an injustice to soldiers now on that roll, especially those under the act of June 27, 1890, where an honorable discharge from the service is a condition precedent to obtaining pension.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 16, 1901.*

Mr. SULLOWAY. Mr. Speaker, I move that the message and accompanying documents be referred to the Committee on Invalid Pensions, and I ask unanimous consent that the report made by the committee on the bill be printed in the RECORD, with the veto message, as a part of my remarks.

The SPEAKER. The gentleman from New Hampshire moves that the bill and the message of the President be referred to the Committee on Invalid Pensions, and also asks unanimous consent that the report of the committee on the bill may be printed in the RECORD as a part of his remarks. Is there objection to the request?

Mr. RICHARDSON of Tennessee. I would like to ask how long this report is?

Mr. SULLOWAY. Well, it is two or three pages of the usual size.

Mr. RICHARDSON of Tennessee. I think it is usual that the argument should be made when the bill is reported back for consideration by the House. It is not the purpose of the gentleman to consider it now, is it?

Mr. SULLOWAY. If the gentleman will permit me, I desire to say that I think it is only fair to the committee that the facts reported by the committee should go with the message, and I ask it in behalf of the committee.

Mr. RICHARDSON of Tennessee. I suppose it is the intention of the committee to return the bill to the House for consideration, is it not?

Mr. SULLOWAY. I am not speaking for the committee as to what it is going to do.

Mr. RICHARDSON of Tennessee. If it is not, I would like to ask the gentleman what is the object of the request?

Mr. SULLOWAY. I am not authorized by the committee to

say one thing or another as what it will do, but I think it is only fair to the committee that the facts as stated in the report should go along with the veto message.

Mr. RICHARDSON of Tennessee. It is a fact that the committee has not considered the veto message yet.

Mr. SULLOWAY. We have not had it.

Mr. RICHARDSON of Tennessee. It is not usual to print an argument if you are not going to consider the message. I will not object, as I find the report is not long.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

The bill and report are as follows:

A bill (H. R. 5761) granting a pension to Thomas F. Walter.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5761) granting a pension to Thomas F. Walter, submit the following report:

This bill proposes to pension this soldier at $50 per month.

A similar bill, granting this officer a pension of $17 per month, was favorably recommended by your committee in the Fifty-sixth Congress. A copy of the report of that Congress is herewith.

There has been filed with your committee in this Congress a mass of papers as to the soldier's services and disabilities, substantially as set forth in the report of the previous Congress.

For the reasons set forth in the report of the Fifty-sixth Congress, this bill is reported back, with the recommendation that it pass after the same shall have been amended as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen."

[House Report No. 1612, Fifty-sixth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7203) granting a pension to Thomas F. Walter, submit the following report:

This bill (H. R. 7203) proposes to pension Thomas F. Walter at $50 per month.

The records of the War Department show that this soldier enlisted as sergeant in Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, August 20, 1861; he reenlisted December 24, 1863; was promoted to first lieutenant, to date December 14, 1864; that he was cashiered by sentence of a general court-martial April 16, 1865, having been found guilty of the charge of disobedience of orders, in that, having been duly detailed to go on picket by the adjutant, December 31, 1864, and having been advised by the colonel of the regiment that he could not be excused unless upon the surgeon's certificate, he did positively refuse to obey orders; and the medical records of the War Department show that he was under treatment from July, 1863, for wound of the foot, and in September, 1863, for diarrhea.

He applied for pension under the general law on December 22, 1873, on account of wound of foot, received at the battle of Gettysburg, July 3, 1863; and on July 5, 1889, he filed another claim on account of wound of shoulder, the bullet striking the back part of shoulder, passing obliquely across the back, and striking the spine, and resulting in disease of the nervous system, received in front of Petersburg, Va., in June, 1864, and filed proof in corroboration of his allegations as to these wounds; but these claims were rejected in March, 1874, and November, 1899, respectively, upon the ground that there had been no ratable disability from the alleged wound of the right foot since the officer's discharge from the service, nor from the alleged gunshot wound of right shoulder and spine and alleged resulting disabilities since the filing of the claim for said disabilities.

Proof was filed in the Pension Bureau to the effect that since about 1881 his physical condition, as a result of the wound of the shoulder and spine, had been such as to disable him to a great extent; and one physician, who testified in the case in 1891, described the condition of the beneficiary as follows:

"I find him affected with chronic inflammation of the anterior columns of the spinal cord, due, as he believes, to the wound of the spine received by said Walter in battle; the ankle clonus is deficient; the electro-faradic contractability is lessened, as is also the galvanic irritability to a still greater extent, a current from forty Barrett cells being imperceptible to the patient. These symptoms lead the deponent to believe that said Walter suffers with chronic myelitis, especially of the anterior columns, such as would be induced by an injury similar to that received by him at Petersburg."

The first examination of the beneficiary, had on February 18, 1874, revealed no disability from the gunshot wound of the foot. The next one, had August 25, 1891, also stated that there was no scar on any portion of the right foot, no atrophy or contractions, no lameness; and this board of surgeons also failed to find any scar or other external evidence of any injury to the right shoulder, no tenderness over the spine, no nausea, convulsions, or epilepsy, no paralysis, and no muscular tremors, except of the tongue. The next medical examination, made on February 1, 1893, states that the only disability the board could find was excessive nervousness, the cause of which could not be determined; and this board of surgeons further stated that they could not find any evidence of any injury to any portion of the spine nor of the back; that the reflexes are all normal; that there is no paresis, loss of memory, or indication of mental derangement, no anæsthesia, no mark of injury to the foot, and rated him $6 for neurasthenia.

The last medical examination, made October 30, 1899, describes the beneficiary as a healthy-looking, well-nourished, muscular man; and this board also failed to find any evidence of any wound of the foot, or any scars either on the shoulder or over the spine, or other evidences of results of a gunshot wound, no evidence of any cerebro-spinal disease, the reflexes being normal, no incoordination, and special senses normal.

The claim under the act of June 27, 1890, filed by the beneficiary July 10, 1894, was rejected May 12, 1896, upon the ground that, not having been honorably discharged from his service during the war of the rebellion, title to pension under that act could not obtain.

There has been filed with your committee the sworn statement of the beneficiary, reciting his military services and the wounds received by him while so serving; that he was suffering from wounds and lung trouble, and was under treatment at Harewood Hospital; that early in December, 1864, he returned to his regiment, having been in no way benefited; that the day after his arrival at the regiment he informed the lieutenant-colonel, then commanding the regiment, of the condition of his health, and that he was unfit to properly perform his duties; that on December 31, 1864, he was detailed for picket duty, and feeling unable to do even camp duty, addressed a letter to Lieutenant-Colonel Sellers, stating that the condition of his health made it his duty to refuse to go on picket; that the lieutenant-colonel returned the note stating that unless the surgeon excused him the deponent would have to go or be placed in arrest; that he was accordingly put under arrest, tried by court-martial for disobedience of orders; that he pleaded guilty to the charge and specifications, and not comprehending the importance of making a statement to the court in reference to the case, declined to do so; that General Gregory, however, proposed to tell the court what he knew of deponent's character, and that his testimony was as follows:

"Lieutenant Walter has been in my command for three years, and I know him to be a man of sterling integrity, as a man and a soldier."

(This statement is borne out by the record of the proceedings of the court-martial.)

That a few years after the war his wound began to distress him to an extent so as to seriously interfere with his business and pleasure; that he continued much the same for about fifteen years, and then the old trouble that followed the wound of his spine revived and, in seeming combination with the wound of foot, brought him into his present serious condition; that he has been compelled to give up business; that his body shows no scars from the wounds; that such an examination as the pension examining surgeons have given him is far from adequate to prove what his disabilities are, or to determine their origin.

He also filed a number of affidavits of neighbors and acquaintances to the effect that during the last ten years he had been a great sufferer and wholly unfitted and incapacitated for performing any manual labor or undergoing any fatigue, as a result of the wounds received in the service; and also medical testimony of Dr. William H. Blake, whose affidavit is herewith:

In the matter of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry; H. R. No. 7203.

STATE OF PENNSYLVANIA, *Philadelphia County, ss:*

Before me, a notary public of the Commonwealth of Pennsylvania, residing at Philadelphia, personally appeared Dr. William H. Blake, whose post-office address is No. 2116 North Mervine street, and who, being by me duly sworn according to law, deposes and says:

That during the last few years I have been several times consulted professionally by Thomas F. Walter, and the following is a summary of the symptoms and ailments which he has from time to time made known to me, viz: That he can not lie for any length of time on his right side because the right hip becomes so painful; can not lie upon the left side because the injured lung then becomes painful; can not lie upon his back because of a severe pain then caused, which begins at the point where the spine was wounded and extends upward. This pain comes on gradually, grows more severe, and soon compels him to change position, the result being that he restlessly changes position all night (being only quiet when lying on his stomach), which, together with the extremely uncomfortable and irritating sensations, due to imperfect circulation in the lower limbs, prevents his securing that amount of restful sleep at night necessary for his well-being during the day.

That for some time after his right foot was wounded he had much less control over the right leg than over the left, it often requiring a positive effort of the will to move it in walking, and that he does not think there has been a day during the last twenty-six years in which he has not suffered, and at times severely (and more so of late), from a sore, bruised-feeling pain in the wounded foot, which often causes him to limp in walking.

That for six or eight years he has at times been greatly inconvenienced in his work because of temporary lapses of contractive power in the muscles of his fingers, so that he would drop his tools, and found it difficult to handle small articles.

That at times, for short periods, he finds it difficult to articulate distinctly for lack of power over the tongue.

That ever since the war he has been afflicted with feeble digestion, a torpid liver, and inert bowels, so that constipation was habitual and hemorrhoids one of the results, which later often became so distressing as to prevent his working at his trade, and that such has been his condition for the last ten years I have personal knowledge, having been intimately acquainted with him during that time.

I have also personal knowledge that during the entire of those ten years he has been so peculiar in his mental characteristics as to excite attention and comment among his comrades of the Grand Army of the Republic post of which he is a past commander; that he is mentally irritable and erratic, and that his forgetfulness has often caused him much inconvenience and pecuniary loss while working at his trade; that being so unreliable as to his ability to accomplish any steady amount of work in any stated time, he can no longer hold any position as an employee; that for the same reasons he is unable to carry on a business employing others, and is compelled to depend upon the little he can occasionally do for his friends and acquaintances as an upholsterer.

That to the best of my knowledge and belief he is a strictly abstemious, moral, and honorable man, who has always been of good habits, and who has the respect of all his acquaintances.

And in the absence of any other known and capable cause, it seems probable that this general tendency to the paretic condition may be due to some obscure spinal injury sustained when he was wounded.

That I served for one year (until discharged for disability) as hospital steward in the Thirty-sixth Regiment Massachusetts Volunteer Infantry; that I afterwards acted for two and a half years as assistant superintendent of the Pennsylvania training school for feeble-minded children, and during the last thirty years have been in active practice as a physician in the city of Philadelphia.

WILLIAM H. BLAKE, M. D.

Subscribed and sworn to before me, a notary public, February 10, A. D. 1900; and I hereby certify that the affiant is a practicing physician in good professional standing, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.] THOS. CUMMINGS,
Notary Public, 1417 Columbia Avenue, Philadelphia, Pa.

There has also been filed with your committee the following resolutions:

HEADQUARTERS GENERAL E. D. BAKER POST, No. 8,
GRAND ARMY OF THE REPUBLIC,
Philadelphia, Pa., March 8, 1900.

Whereas Thomas F. Walter, a member of General E. D. Baker Post, No. 8, Department of Pennsylvania, Grand Army of the Republic, Philadelphia, Pa., applied to Congress for a special act in his pension claim No. 7203, now in the hands of the Committee on Pensions of the House of Representatives, Washington, D. C., be it

Resolved, That we, his fellow-comrades of said post (numbering nearly 500), do hereby desire to record ourselves on behalf of Comrade Walter's claim. He is a past post commander in good standing, a comrade of high character and integrity, and an honorable gentleman, who we know from personal acquaintance is disabled and entitled to the relief he asks for in the bill, and it should receive prompt action, as he is growing old.

Unanimously adopted by the post at its regular meeting March 8, 1900, and respectfully forwarded.

THOS. CUMMINGS,
Commander E. D. Baker Post, No. 8, G. A. R.,
Department of Pennsylvania.

From the above it is clearly shown that the beneficiary rendered efficient service for nearly four years; that he was wounded in the service, and that his present disabilities, according to the testimony of Dr. Blake, quoted above, are no doubt traceable to his army service; and in the opinion of your committee a pension at the rate of $17 per month seems to be warranted under the circumstances, and the bill is reported back with the recommendation that it pass after the same shall have been amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month."

The SPEAKER. The question is on the motion of the gentleman from New Hampshire, to refer the message and the accompanying papers to the Committee on Invalid Pensions.

The motion was agreed to.

CUBAN RECIPROCITY BILL.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. JENKINS. Mr. Chairman, I base my opposition to this bill upon the principle which I have heretofore announced in this House, that the legislation contemplated in this bill is premature with reference to the island of Cuba, which is domestic territory, territory belonging to the United States just as much as the Territory of Hawaii, the Philippine Islands, or the island of Porto Rico; and therefore this legislation is not only ill timed, but absolutely unnecessary. I think, first, that it is the highest duty of this Congress to establish the status of Cuba with reference to its relations to the United States. The bill under consideration practically acknowledges that the island of Cuba has no government.

If they have no government, they have no sovereignty. They must be subject to the sovereignty of some other country, and it can not be any other country than the United States; and therefore the very opening words of the bill make the concession that the principle I am contending for is right. And I insist that the terms upon which this Government is asked to relinquish its title and its sovereignty should be considered. The American people have never had their attention called to this vital question. They have never considered the question as to whether or not Cuba is domestic or foreign territory. If it is domestic territory, they do not propose that it should be legislated away from them and their rights disturbed by the indirect legislation contemplated in this bill. It will never do to tell the American people that it is foreign territory and therefore no rights of theirs will be infringed.

I was very much pleased the other day when I listened to the remarks of the eloquent gentleman on the other side of this House, the gentleman from Indiana [Mr. ROBINSON], when he was talking against what he called the acquisition of Cuba. He went to work and, in my judgment, libeled the Democratic party, when he said that on that side there had been great interest on the part of the Democratic party to annex Cuba, but, as he said, in the interest of slavery. I want to call the attention of this House to the fact, Mr. Chairman, that a very large number of the prominent Whigs of this country were in favor of the annexation of Cuba, and that was not in the interest of slavery. But he bases his opposition to it on the ground that it is not in the interests of labor. That is not the question now for our consideration.

But I want to say to the other side of this Chamber that for over one hundred years this nation sought to acquire Cuba, and most powerful arguments were made from Jefferson down to Buchanan in favor of the annexation of Cuba. Not only did it include every Democratic statesman that figured in this country from Jefferson to Buchanan, but, as I have said, a large number of prominent Whigs favored annexation. If any gentleman wants to find the history of this question, I respectfully refer him to two speeches I have made on this subject, recorded in the CONGRESSIONAL RECORD on the 13th of January and the 13th of March last, where I have brought together all that the great statesmen on both sides have said with reference to this question. Most powerful commercial arguments were made, and physical arguments were introduced, and they are just as powerful to-day, Mr. Chairman, as they were in the hours in which they were made.

No gentleman has ever arisen to dispute the logic of the arguments made in favor of the annexation of Cuba, and every single Democrat in this House that votes against the proposition that Cuba is domestic territory, goes back on his political hero, Mr. Jefferson, and every Democrat from his day to Mr. Buchanan, including the platforms of the Democratic party.

There is no use in arguing as to whether or not it is wise—the proposition is simply here. This nation has gone as far away from home as Hawaii and the Philippine Islands and Porto Rico, and there is no reason presented why we should abandon Cuba and allow her to become a foreign government.

I was very much interested the other day when the very able and distinguished gentleman from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, in introducing this bill into the House, stated as I understood it, two remarkable propositions—very remarkable propositions. He said, as I understood him, that Cuba is foreign territory, and we are soon going to have it. Now, I want to say to that distinguished gentleman, and every other gentleman interested in this question, if he will study this question for himself, he will come to the conclusion that Cuba is domestic territory and not foreign territory. I would like to know from him, as the leader of this House, where he obtained his authority for saying that we are soon going to have Cuba. It is contrary to his will, he said, but we are going to have it.

I say if we have got her, as I contend we have—and coupled with that the assertion of the leader of the House that we are soon going to have it—now is the time to determine this question, and not in the future. I say it is most remarkable, after what this nation has done in the interest of Cuba, after it has cost us over $300,000,000 to free her; that after we have done all this we are asked to-day to give her $8,000,000 more and then let her go and let her try her political freedom for a while; and, after she becomes impaired, after she has cost us an additional sum of money, we are to take her back—it is not stated when, only that we will soon have her.

If there are any reasons why we should soon have her, if there are any reasons why we ought to have her, I say the sooner it is determined the better, both in the interests of this Government and in the interests of the people of Cuba.

Mr. Chairman, it is a very remarkable thing that when we stand up in this House and demand in the interests of our constituents, demand in the interest of the people of Washington, that some money should be appropriated in their interest on the part of the Federal Government, we are met with the assertion that it costs too much, and we can not spend that amount of money. And yet our nation stands ready, under the leadership of this House, to give away unlimited amounts to a foreign people, without knowing who is going to spend it or for what particular interest it is going to be expended.

I want to say to my friends who are wondering what the Supreme Court of the United States said on this question that there is a statement by the Supreme Court of the United States to be found in the so-called Neely case, very strong, I concede, against my position. I appreciate that the court in that case said that under legal and constitutional and international law Cuba was foreign territory; but I invite every gentleman interested in this question to study that case, and after he had studied it he will wonder why, under the reasoning implied by that court, the court made that announcement, because they absolutely destroy the force of every statement, and demonstrate in that particular case before they get through that every contention I am claiming in this case is true.

I want to invite attention to one or two things the Supreme Court of the United States has said in a subsequent case bearing upon this particular question. I cite from the case of De Lima against Bidwell, 102 United States, page 197, where the Supreme Court of the United States in this particular case says:

By parity of reasoning the country ceases to be foreign the instant it becomes domestic.

They further say that it is impossible for it to be both domestic and foreign territory at the same time. I am sustained in this conclusion by the opinion of the Chief Justice of the Supreme Court of the United States, recently rendered by the Supreme Court in the Diamond Rings case, where he says:

That territory can not be foreign and domestic at the same time; it must be either one or the other.

In 182 United States Reports, page 195, the Supreme Court of the United States extensively discusses the question whether any act of Congress is necessary to transfer title and sovereignty, and after a very interesting discussion of this question they say that no act of Congress is necessary; that under the law of conquest, under international law, the territory of Cuba passed to the United States.

On page 198 they further discuss this particular question. They say:

The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union presupposes that a country may be domestic for one purpose and foreign for another. If an act of Congress be necessary to convert a foreign country into domestic territory, the question at once suggests itself, what is the character of the legislation demanded for this purpose? Will an act appropriating money for its purchase be sufficient? Apparently not.

And the court give a great many other illustrations, finally concluding their opinion on this point by saying:

We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic.

Now, when we consider, Mr. Chairman, as we read in the morning papers that Cuba is under the absolute domination of the United States, that we are directing her to do just exactly what she must do, that under the so-called Platt amendment she is compelled to yield absolute obedience to the military governor appointed by the United States and acting under our authority, the view which I am maintaining is still further fortified.

In 182 U. S. Reports, page 385, the Supreme Court of the United States tells us just exactly what was decided in this so-called Neely case. They discuss the question at considerable length; and if any gentleman interested in the case will take up this decision and consider it for himself, he will discover that the proposition I am announcing here to-day is amply sustained, not only by the majority opinion, but by the opinion of every gentleman at that time composing that court. The court, in that decision, held in effect that upon the ratification of a treaty title and sovereignty absolutely passed, and there is no difference whatever between the acquisition of territory by treaty and acquisition under the law of conquest. And this is the opinion of Mr. Justice Harlan, who dissented from the opinion of the court in the case of Downes *v.* Bidwell. And it is the same learned justice who wrote the opinion in the case of Neely, to which I have referred.

Now, I want to call attention to what the Supreme Court of the United States has said in support of my contention, and the opinion which I cite was delivered long subsequent to the Neely case. On page 295, 182 United States Reports, the justice writing the dissenting opinion says:

Cuba is under the dominion of the United States.

I want nothing further to support my contention than the statement of a learned judge like the one who wrote the opinion that "Cuba is under the dominion of the United States." If it is "under the dominion of the United States," then we are exercising sovereignty there; which, as the Supreme Court says, is the true and only absolute test on this question.

Mr. RICHARDSON of Tennessee. Did I understand the gentleman to say that he was reading from the dissenting opinion?

Mr. JENKINS. That is the language of the justice who wrote the dissenting opinion; but it is in accord with the opinion of the court, because the court unanimously decides in the Neely case and all subsequent cases that the island of Cuba is under the absolute dominion of the United States.

Mr. CLARK. Will the gentleman permit me a question?

Mr. JENKINS. I will, if it does not come out of my time.

Mr. CLARK. If Cuba is a part of the United States, then we ought to have absolute free trade with her, ought we not?

Mr. JENKINS. We ought under the law to have it; and I propose before I get through to demonstrate to this House that they are entitled to it, and that every dollar of customs duties paid between Cuba and the United States can be recovered under the doctrine of the Supreme Court of the United States. I agree with the gentleman from Missouri on that proposition.

Mr. CLARK. If what the gentleman says is true, then what are the beet-sugar men kicking about? [Laughter.]

Mr. JENKINS. This question is further discussed in 182 United States Reports, page 343; but my time is too limited to permit me to go into an examination of that decision. On page 344 the dissenting justice concurs in my proposition, for he says:

It can not be denied that under the rule clearly settled in Neely *v.* Henkle (supra) the sovereignty of the United States may be extended over foreign territory, to remain paramount until in the discretion of the political department of the Government of the United States it be relinquished.

On page 391 of this same report Justice Harlan, dissenting, who wrote the opinion for the courts in the so-called Neely case, says:

In my opinion Porto Rico became, at least after the ratification of the treaty with Spain, a part of and subject to the jurisdiction of the United States in respect of all its territory and people, and Congress could not thereafter impose any duty, impost or excise, with respect to that island and its inhabitants which departed from the rule of uniformity established by the Constitution.

I say in that case Justice Harlan absolutely reversed himself in the so-called Neely case, when he says that the territory became a part of the territory of the United States. He only divides with the court upon the uniformity question, and that position also is sustained by the Chief Justice of the United States in the so-called Diamond Rings case, where the learned Chief Justice says:

The Philippines thereby ceased, in the language of the treaty, to be Spanish, and ceasing to be Spanish they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated in the body politic, and not securing to them the right to choose their nationality, their allegiance became due to the United States, and they became entitled to its protection.

As a matter of principle, there is no difference between that island and the island of Cuba. Mr. Chairman, whatever is said by the Supreme Court on that question as to what was decided in the Neely case is absolutely inconsistent, in my judgment, with the statement of the Chief Justice of the United States in the subsequent cases. The Supreme Court of the United States, in justifying the case of Neely against Henkle, at page 343, says:

That the court unanimously held in that case that Cuba was not incorporated in the United States and was a foreign country.

The learned justice who wrote that opinion apparently resting his judgment on the question that that territory was not incorporated into the United States. I deny, as far as I am concerned, that it is necessary that it should be incorporated into the United States in order to become domestic territory, because Chief Justice Fuller, in the opinion from which I have quoted, dissents entirely from that proposition and corroborates my view. On page 198 of this same book the Supreme Court of the United States further discusses this question at considerable length, and it is well worth the time of any gentleman interested in it to follow it for the purpose of determining what the Supreme Court has decided.

I want to say to this House and to gentlemen who are contending that Cuba is foreign territory, inasmuch as they rely upon the resolutions of April 28, 1898, that seem to have so largely influenced the Supreme Court of the United States, that we have not lived up to those resolutions. Mr. Chairman, according to those resolutions the United States disclaimed "any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands, except for the pacification thereof," and asserts its determination when that is accomplished to leave the government and control of the islands to the people. The word "pacification" relates to the trouble existing between Spain and Cuba, and not to any trouble existing between Cuba and the United States, and therefore I insist pacification has become complete and real and we are therefore acting in open violation of our declarations of April 28, 1898, where we recite and notify Cuba in the act of March 2, 1901, that she can not become an independent government, she can not assume sovereignty until she has incorporated into her government certain conditions that we insist upon.

Now, then, that is a complete violation of our declaration, and future history will read that we have not been true upon this proposition, telling the people of the world that it was our intention solely to interfere for the pacification of the island, and when that was complete we would withdraw, but we have not done it. We have held absolute sovereignty and jurisdiction over that island, and we are now, while they are in our custody and in our keeping and within our sovereignty, dictating to them and telling them what sort of government they must set up and erect before we will relinquish our power over them. Now, Mr. Chairman, it is said in opposition to my argument that the President of the United States is authorized by this act of March 2, 1901, to do what? I will tell you just exactly what that act provides:

The President is hereby authorized to leave the government and control of the island of Cuba to its people as soon as a government shall have been established in said island under a constitution, which either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

Upon that I am arguing and contending that we are violating our pledge as far as our pledge is concerned, but the only power that the President of the United States has under that resolution is to leave the government of the island to the people thereof. Mr. Chairman, that does not return sovereignty, it does not return title, nor does it return the allegiance of the people of Cuba to the United States, because when we acquired that island as a matter of conquest, title, sovereignty, passed to the United States and the allegiance of the people was due to the United States, and it can not be transferred or abrogated by the mere act of the President acting in conformity to the act of March 2, 1901. All the President can do is to withdraw the troops, but, as I understand, Mr. Chairman, as I read in the newspapers—and that is the only source of my information—all the President intends to do under the exercise of that power is to retain a part of the territory of Cuba, which would be an absolute violation of our declaration and our pledge, and leave troops upon that island to protect the interest of the United States, which is an absolute violation of our pledge, and then turn a limited government over to the people of the island, retaining sovereignty ourselves.

I insist, as I have said, that by that one act it is impossible for the United States to return the title, the sovereignty that we now enjoy, and divest ourselves of the allegiance that the people of Cuba owe to the United States under the law of conquest, according to international law. Mr. Chairman, even assuming that the President has that power, I am arguing now that the President up to this time has not acted, and this Congress has no official information as to his intention in this regard. As I will show you later on, the Supreme Court of the United States sustains my position and says that we do hold the title and the sovereignty of Cuba, but in trust. I will discuss that more at length by and by; but that is sustaining my contention, that the President has not acted. We have no official information as to what he will do, but I want to say right here to the Congress of the United States and to the country that Congress can not delegate its power to the President, and the only powers they have given him practically is to withdraw the troops and to leave the island and the people there to themselves; but, Mr. Chairman, that does not return the sovereignty, it does not return title, it does not relieve us from the great responsibility that has been forced upon us by the law of conquest and our occupancy——

Mr. SCOTT. Will the gentleman permit a question?

Mr. JENKINS. My time is so limited I can not do it. I would be glad to if I had time. Now, assuming that the position stated here by the learned gentleman from New York [Mr. PAYNE] is correct, that it is foreign territory, I want to ask him, as the leader of the Republican party, if it is foreign country, why the United States is exercising power over that country? It seems to me to be a very serious question. If it is foreign country, what are we doing there? Why are we legislating with reference to it? And I am surprised that the leader on the other side of this Chamber, one of the most eloquent and able gentlemen in this House [Mr. RICHARDSON of Tennessee], does not arise on this occasion and say that the Constitution of the United States has been violated, but he is so happy because he is keeping company with the leader of the Republican party that he forgets his duty. [Laughter.] Instead of rising up here and saying that the Constitution is being openly violated and that there is absolutely no power in the Congress of the United States to legislate with reference to foreign country, he is silent when he considers the fact that he is now permitted to associate with the political leader of the Republican party.

They both, it seems to me, forget their duty at this time in failing to recognize and legislate with reference to the proposition that Cuba is domestic and not foreign territory. I was very much interested, Mr. Chairman, the other morning in reading the remarks of that celebrated Democrat in New York, Mr. Hill, who is seeking to be President of the United States. I have no interest in his success, but I am surprised at the ignorance of that gentleman with reference to the political history of the United States. He regrets that Jefferson is not alive, and wonders what Jefferson would do upon this occasion. He probably would do what the great and distinguished leader of the Democracy [Mr. RICHARDSON of Tennessee] has done on this occasion. He would consort with the Republican leader, because they want to be in harmony upon this question. Why, we are following in the footsteps of Jefferson, Mr. Chairman. Jefferson invaded foreign territory contrary to his own judgment, contrary to his constitutional views, and when he obtained it, according to his view, in an unconstitutional way, he legislated with reference to it absolutely uninfluenced by the Constitution, as we now insist was right. Mr. Chairman, I want to say that every dollar of duty paid into the United States Treasury by the importers who brought goods from Cuba to the United States since the ratification of the treaty of peace can be recovered, and no gentleman can dissent from that proposition if he will only carefully examine this question by himself. [Applause.]

"It can not, it is submitted, be questioned that under this provision of the treaty, as long as the occupation of the United States lasts, the benign sovereignty of the United States extends over and dominates the island of Cuba. Likewise it is not, it seems to me, questionable that the period when that sovereignty is to cease is to be determined by the legislative department of the Government of the United States in the exercise of the great duties imposed upon it and with the sense of the responsibility which it owes to the people of the United States, and the high respect which it of course feels for all the moral obligations by which the Government of the United States may, either expressedly or impliedly, be bound, considering the provisions of this treaty and reviewing the pledges of this Government extraneous to that instrument, by which the sovereignty of Cuba is to be held by the United States for the benefit of the people of Cuba and for their account, to be relinquished to them when the conditions justify its accomplishment."

This citation will be found in the case of Downes *v.* Bidwell.

It more than sustains all I claim, and I want to ask here and now if the legislative department of Government has determined when our sovereignty over the island is to cease. No one will question my statement now when I say that our sovereignty has not ceased and that the legislative department of Government has not acted. Until it acts, sovereignty and title remains with the United States, and the allegiance of the people of Cuba are due to the United States.

This citation also shows the correctness of my position, that we not only obtained title and sovereignty by conquest, but that it was ratified by a treaty. Let it be borne in mind that this decision of the Supreme Court was made long subsequent to the declaration of war and the act of March 2, 1901.

I want to quote the Supreme Court accurately. I have not the slightest desire of misrepresenting the court or any single member of that court. But as I have read all of what might be called the Philippine and Porto Rico cases decided up to this time by that court, I arrive at the following conclusions, that the court is unanimous on at least three propositions:

(1) That the title and sovereignty over the Philippine Islands and the island of Porto Rico are complete in the United States.

(2) That within the meaning of the tariff act those islands were during the military occupation and until the treaty was ratified and exchanged foreign territory, and duties were not only collectable on all goods shipped into the United States from those islands, but that the same duties should and must be collected under the military arm of Government.

(3) That after the ratification and exchange of the treaty Congress could legislate in its own time—that is, as I understand it, immediately after the publication of the treaty or, to further illustrate it, wait one hundred years. The court by a majority of its members decided the following propositions:

That after the ratification of the treaty and before any legislation by Congress tariff duties could not be collected on any articles of merchandise shipped from those islands to the United States, but Congress could legislate in its own time, uninfluenced by the Constitution, as the Constitution does not follow the flag. That statement, as I understand it, correctly represents all that the court in the many decisions have disposed of. The minority of the court laid down the following propositions in opposition to the majority: That the islands referred to were foreign territory within the meaning of the tariff act until Congress legislated with reference to those islands, as I understand it, either by extending the tariff legislation of the United States over those islands or of making those islands a part of the United States proper. And the legislation of Congress must be uniform, as the Constitution does follow the flag. On account of the fact that many decisions have been made by that court since the so-called Neely case and the foregoing statements representing the majority and minority views of all the cases, it will be necessary to subdivide the views of the majority and the minority. It is necessary to subdivide them, as there were at least two main propositions involved, the dissenting justices in regard to one proposition helping to make the majority in the other; in other words, one justice being with the majority in both cases and four of the justices that were with the majority in one case composed the minority in the other. The majority views on the other proposition are as follows:

Upon the ratification of the treaty the islands referred to became territory of the United States, but not such a part of the United States that Congress in legislating would have to be governed and controlled by the Constitution, but that until Congress did legislate in regard to the tariff no tariff duties could be collected on any articles of merchandise shipped from those islands into the United States proper. The minority on this question contended that the islands referred to were foreign within the meaning of the tariff law until Congress legislated, and that until Congress legislated appropriately the islands referred to were acquired territory only and not territory within the acknowledged limits of the United States.

On the second proposition the views of the majority, as I understand it, are as follows:

Congress can legislate with reference to all territory acquired by conquest or treaty, uninfluenced by the Constitution, as the Constitution does not follow the flag. That while it is territory of the United States it is not incorporated into the United States so as to be governed by the Constitution, subject only to be governed by the will of Congress. The views of the minority, as I understand the same, are as follows:

As the territory in question is part of the United States all duties, imposts, and excises, according to the Constitution, must be uniform, as the Constitution follows the flag. In other words, and in short, the majority holds that until the so-called Foraker Act became operative no duties could be collected on any articles of merchandise shipped from the islands in question to the United States; that the so-called Foraker Act is constitutional, as uniformity within the meaning of the Constitution cited does not apply to the islands in question. In this connection, and at least

in part sustaining my views, the concurring opinion of Mr. Justice White, delivered December 2, 1901, in the case of Dooley *v.* The United States, can be read with interest and profit. In that opinion the learned justice states, in part:

> Is Porto Rico a country foreign to the United States in the sense that it is not within the sovereignty and not subject to the legislative authority of the United States is, then, the issue. In De Lima *v.* Bidwell and Dooley *v.* The United States, supra, it was held that instantly upon the ratification of the treaty with Spain, Porto Rico ceased to be a foreign country within the meaning of the tariff laws of the United States.
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> In the case of the Diamond Rings it has just been held that the Philippine Islands immediately upon the ratification of the treaty ceased to be foreign country within the meaning of the tariff laws, and, of course, as these islands were acquired by the same treaty by which Porto Rico was acquired, this ruling is predicated on the decisions in De Lima and Dooley, above referred to. It is true that both in the De Lima and the Dooley cases, as well as in the case of the Diamond Rings, just decided, dissents were announced. None of the dissents rested, however, upon the theory that Porto Rico or the Philippine Islands have not come under the sovereignty and become subject to the legislative authority of the United States, but were based on the ground that legislation by Congress was necessary to bring the territory within the line of the tariff laws in force at the time of the acquisition, and especially was this the case where the new territory had not, as the result of the acquisition, been incorporated into the United States as an integral part thereof, though coming under its sovereignty and subject as a possession to the legislative power of Congress.

There is no difference between the island of Porto Rico and the Philippine Islands and the island of Cuba in legal effect. The title and the sovereignty to and over Cuba was acquired by conquest on the part of the United States and absolute relinquishment of both sovereignty and the title by Spain and actual occupancy of the island of Cuba by the United States. As to the Philippine Islands and Porto Rico, we acquired the title and sovereignty by conquest subsequently ratified and ceded by treaty. We could not stop the title and sovereignty in and over Cuba coming to the United States by our mere declaration contained in the resolutions adopted by Congress April 20, 1898. If the doctrine of the so-called Neeley case be correct, and the United States continue to occupy the island of Cuba, I would like to ask what further is necessary upon the part of the legislative branch of the Government of the United States or of the island of Cuba to convert the island of Cuba, called foreign territory by the so-called Neeley case, into domestic territory? There is only one question decided in the so-called Philippine and Porto Rico cases of interest to us as far as the question now under discussion is concerned, and that is transfer of title and sovereignty and allegiance.

The other question involved and decided by those cases, that legislation must be in conformity to the Constitution, is entirely out of this question as to the relations of the United States with the island of Cuba. As said in the so-called Philippine and Porto Rico cases, the Supreme Court of the United States is unanimous that the title and sovereignty over those islands passed from Spain to the United States, which includes allegiance on the part of the people to the United States instead of Spain. But that court divided in opinion as to how the tariff law of the United States was affected by the condition of affairs, the majority holding that after the treaty and until Congress legislated goods from those islands could reach the United States free of duty—in other words, that those islands were and are domestic territory; the minority holding that after the treaty was ratified and until Congress appropriately legislated, within the meaning of the tariff law, those islands were foreign and duties could be collected the same as before the ratification of the treaty. As a corollary from that the court would have been unanimous that had Congress appropriately legislated, the territory referred to would be domestic. Applying the doctrine of the Philippine and Porto Rico cases to Cuba, the Supreme Court is unanimous that the title and sovereignty of Spain over Cuba passed to the United States; and that court would be unanimous that it is domestic territory if Congress had appropriately legislated.

As this question might, and no doubt will, arise under the tariff law, it might be well to bear in mind that Congress has legislated with reference to Cuba in the act of March 2, 1901. For in that act, to be found in chapter 803, volume 31, United States Statutes at Large, pages 895 and 897, it will be learned that Congress has expressly recognized its control over the island of Cuba and that it is domestic territory within their understanding. For by that act Congress tells the coming government of Cuba what must be done and what must not be done, and that when certain things are done the island of Cuba can go its own way, subject only to interference by the United States under conditions referred to in the act. Independent of this legislation on the part of Congress recognizing that there is no independent government, as the title and the sovereignty over Cuba is in the United States, and that the people owe allegiance to the United States and to no other government, all of the decisions referred to since the Neely case holds, in effect, that no duties can be collected on goods coming from Cuba to the United States since the ratification of the second treaty of Paris, and, to state the question fairly, the minority holding that until Congress legislates duties must be paid; but, as I have just said, Congress has legislated to the extent of recognizing the full power of the United States over Cuba; but leaving the minority out of view, all of the Philippine and Porto Rico cases decided since the Neely case hold that Congressional legislation is not necessary, as title and sovereignty have passed to the United States, as they did in the case of Cuba in the so-called Neely case, for I think I am justified in saying that that case squarely holds that title and sovereignty are in the United States, but in trust only.

The remarks of Mr. Justice White, which I have hereinbefore cited, are especially applicable. What effect temporary occupancy has upon the question of sovereignty, title, and allegiance has no value whatever in this case. If our hostile Army had temporarily occupied all of Cuba, according to the facts and within the doctrine of Fleming against Page, I consider there would be no change in the title or sovereignty or allegiance on the part of the people of the island of Cuba. Upon the withdrawal of our forces the sovereignty and title over Cuba would remain with Spain. No act upon the part of either Government would be necessary to complete the Spanish title. But if our hostile Army took possession of Cuba in the morning and before night of that day there was a cessation of hostilities and a treaty of peace immediately followed, silent as to the disposition of the conquered territory, and our conquering Army remained in possession of the conquered territory, the title and sovereignty would ipso facto pass to the United States, without reference to the length of time our Army occupied the island. How much stronger the case when our hostile Army occupied the island of Cuba and Spain not only withdrew entirely from the island, but by treaty relinquished title and sovereignty and not only permitted the United States to occupy the island, but agreed with the United States that they should occupy the island of Cuba, and by its terms exercise sovereignty over the island and the people thereof. And it is immaterial how long, whether for a short or longer time, the United States is to remain in possession. That question does not in the least affect our title, which was acquired by conquest. Permanency of occupation is only considered to determine whether it has been long enough to operate for the passage of title and transfer of sovereignty, and never considered when the title and sovereignty has absolutely passed by conquest under international law.

The importance of this political question is very great. This nation has started on a new career by obtaining foreign territory through conquest and treaty. After great deliberation and much diversity of opinion the Supreme Court of the United States has decided that title and sovereignty to and over foreign territory can be acquired by this nation by conquest and treaty; that such territory so acquired becomes the property of the United States without any legislation on the part of Congress, and, as I understand it, on this point the court is unanimous, and that the people of the territory so acquired can bring their goods to the United States without paying duty until Congress legislates. If Congress at this time, according to the present legal relations of Cuba to the United States, should refuse to recognize Cuba as domestic territory in the fullest sense of the word and recognize it by its legislation as foreign territory, it will go back on the doctrine and principles of the Republican party and national doctrine that appeals to good sense, and is sustained by every member of international law and declared by the Supreme Court in all of the so-called Philippine and Porto Rico cases, and will virtually overrule that court that we talk so much about following.

We can not relieve ourselves from the responsibility assumed by our declaration of war against Spain, and while politically divided we should unite in the discharge of the great duty before us. Honest men, men who think well of their country, will differ as to the extent of our power, of our rights as a nation, in and to and over the recently acquired territory, and what form of government will be best suited to the people who have come to us with the territory, absolutely unfamiliar with a Republican form of government and at this time totally unfitted for self-government.

But I have no doubts on this question myself, I have every confidence in the judgment, wisdom, and patriotism of the American people, and if the politician and critic will but be patient and fair in action and statement the future of this country will never have any reason to find fault with or regret the disposition of these important questions.

Many of the conditions confronting us are difficult of solution on account of our form of Government, our previous declarations, the insular nature of the territory acquired, and unfitness of the people of those territories to govern themselves. But time, good sense, education, civilization, patience, and patriotism will not only solve them but solve them right, to the credit of the United States, for the welfare of the people interested, and to the satisfaction of the civilized world.

Independent of what the Supreme Court has decided with particular reference to the question under discussion there are a few general principles of law that should be fully studied in order to

aid us to better understand the question. With a full statement of law and a complete statement of facts there ought to be no question about coming to a right conclusion. I desire to advance the position that the underlying question in this case is a political one. "Who is the sovereign de jure or de facto of a territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges, as well as all other officers, citizens, and subjects of that Government. This principle has always been upheld by this court and has been affirmed under a great variety of circumstances," citing a large number of cases decided by the Supreme Court of the United States. The court then adds, "It is equally well settled in England," citing a large number of cases decided by the leading courts of England. "Jones against The United States (137 U. S. Reports 202, p. 212)." "Patriotic and intelligent men may differ widely as to the desirableness of this or that acquisition, but this is solely a political question. We can only consider this aspect of the case so far as to say that no construction of the Constitution should be adopted which would prevent Congress from considering each case upon its merits unless the language of the instrument imperatively demands it. A false step at this time might be fatal to the development of what Chief Justice Marshall called the American Empire." The opinion of the majority of the court, by Mr. Justice Brown, in Downes *v.* Bidwell, 244, page 286. It will aid us greatly in this case to correctly understand by the authority of the Supreme Court of the United States what is foreign and what is domestic territory. A foreign country is a country under a sovereignty other than that of the United States. By a foreign port may be understood a port within the dominions of a foreign sovereign and without the dominions of the United States. (Mr. Justice Story in United States *v.* Heyward, 2 Gall., 501; see also Chief Justice Spencer in King *v.* Parks, 19 Johns., 375; also Treasury Regulations, 835, approved in Stairs *v.* Paislee, 18 Howard, 526.)

A foreign country was defined by Mr. Chief Justice Marshall and Mr. Justice Story to be one exclusively within the sovereignty of a foreign nation and without the sovereignty of the United States. (The boat *Eliza*, 2 Gall., 4; Taber *v.* United States, 1 Story, 1; the ship *Adventure*, 1 Brock, 235-241.) Such was the language of the opinion of the court delivered by Mr. Justice Brown in De Lima *v.* Bidwell (182 U. S., 1, p. 180).

This is a very valuable statement of the law, because within the doctrine of the Supreme Court of the United States sovereignty is made the test. Ever since the treaty of Paris, Cuba has been exclusively within the sovereignty of the United States and not within the sovereignty of a foreign nation or under its own sovereignty. The judges who dissented from the opinion of the majority in this case relied upon this same definition, for, on page 201 of the same case, the dissenting justices say:

> A foreign country is defined to be, following Chief Justice Marshall, one exclusively within the sovereignty of a foreign nation and without the sovereignty of the United States. This makes sovereignty the test and gives a rule as sure and exact in its application as it is clear and simple in its expression. There is no difficulty in applying it.

Now, apply this rule to the case of Cuba—as I insist the facts justify it—and no one can disagree with me when I say there is no difficulty in applying it. It would rather appear that the court was unanimous on this proposition that sovereignty is the test, and no gentleman can refute the statement that the sovereignty of the United States over Cuba has been sole and supreme since the ratification of the treaty.

It might be said in passing that if Cuba has done anything since the treaty it has been with the express or implied permission of the Government of the United States. If anything has been done by the people of that island independent of the express permission of the United States, all will have to agree that it was subject to the disapproval of the Government of the United States, but when we come to consider that even all of the police regulations in force over the island of Cuba are absolutely under the control of the Government of the United States, exercised through the military arm of the Government of the United States, even to the sweeping and cleaning of the streets, no one for a moment can question but what the sovereignty of the United States is sole, exclusive, and supreme.

It will now become important to inquire how this Government can constitutionally acquire foreign territory. Happily on this question we do not have to go outside of the Supreme Court of the United States for conclusive authority to sustain my views. "By the law of nations recognized by all civilized States dominion of new territory may be acquired by discovery and occupation as well as by cession or conquest." (Jones *v.* United States, 137 U. S., 202, 212.)

"The Constitution confers absolutely upon the Government of the Union the powers of making war and of making treaties. Consequently that Government possesses the power of acquiring territory either by conquest or by treaty. The territory thus acquired is acquired as absolutely as if the annexation were made, as in the case of Texas and Hawaii, by an act of Congress." (De Lima *v.* Bidwell, 182 U. S., 195.) "It should be borne in mind that, applying this law to the particular question under discussion, the Supreme Court of the United States practically says that territory acquired by conquest is acquired as absolutely as if it had been acquired by annexation confirmed by an act of Congress."

It may be important in this connection to ascertain how territory is acquired by conquest, and I would respectfully refer the House to that valuable work on international law by Wheaton, third edition, annotated and rewritten by A. C. Boyd, page 708:

> The treaty of peace leaves everything in the state in which it found it unless there be some express stipulation to the contrary. The existing state of possession is maintained except so far as altered by the terms of the treaty. If nothing be said about the conquered country or places, they remain with the conqueror, and his title can not afterwards be called in question.

During the continuance of the war the conqueror in possession has only the usufructuary right and the latent title of the foreign sovereignty continues until the treaty of peace by its silent operation or express provision extinguishes his title forever.

This valuable and clear statement in the text is supported by all of the great writers on international law. Now, consider this law in connection with the facts. The treaty of peace was silent with reference to the question of sovereignty and title; that is, as far as any express disposition of the same were made. But the words of the treaty make the case much stronger in support of my contention, the provisions of the treaty on this subject being as follows:

> Spain relinquished all claim of sovereignty over and title to Cuba, and as the island is, upon the evacuation of Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property.

The case could not have been made any stronger if the treaty had expressly provided that the sovereignty and title of Spain were absolutely transferred to the United States and accepted by this Government.

Spain absolutely and expressly, in terms, relinquished sovereignty and title and recognized fully that both were going to pass to the United States, and the United States realized its obligation and accepted it by obligating itself to assume and discharge the obligations arising under international law. Nothing could be more complete. It more than sustains my contention that the title and sovereignty of Spain over Cuba not only passed to the United States by virtue of international law, but absolutely under the treaty, and I think, as a matter of law and common fairness, any person is justly entitled to insist that this Government obtained title and sovereignty to Cuba by the treaty in addition to the absolute title and right of sovereignty acquired by conquest. Then I am going to insist that my contention is right and sustained by the Supreme Court of the United States that the United States acquired Cuba by conquest and also by cession, and if that contention is correct Cuba is not and can not under any circumstances or under any law, international, constitutional, or under the Supreme Court of the United States, be considered a foreign country.

There was a little authority emanating from the Supreme Court of the United States through the case of Flemming *v.* Page (9 Howard, 603) against my position, and while unquestionably the case was rightly decided, the reasoning was very unfortunate, and the case has been absolutely overruled by the Supreme Court of the United States in the so-called Philippine and Porto Rico cases. In fact, in my judgment it was not followed by Mr. Chief Justice Taney, who wrote the opinion in Flemming against Page, as Chief Justice Taney was on the Supreme Bench of the United States when Cross against Harrison (16 Howard, 164) was decided, absolutely, in my judgment, overruling the case of Flemming against Page on the very particular question that seemed to interest the Chief Justice so much. At any rate, it is no longer the law or authority. The opinion of the court in De Lima *v.* Bidwell, on page 186, thoroughly and to the fullest extent sustains my contention.

After discussing at great length the question now occupying my mind, the court says (vol. 182, p. 186):

> It will be seen that the three propositions involve a recognition of the fact that California became domestic territory immediately upon the ratification of the territory.

Of course, the acquisition of California was by treaty; but, as I have been arguing, there is no difference between territory acquired by treaty or by conquest, and the court repudiates the idea that after the ratification of the treaty the acquired territory remains foreign within the meaning of the tariff law until Congress has acted, and on page 194 the court states, as a matter of law:

> That from 1803 to the present time there is not a shred of authority except the dictum in Flemming *v.* Page, practically overruled in Cross *v.* Harrison, for holding that a district ceded to and in the possession of the United States remains for any purpose a foreign country.

Now apply that law to the present question. As I am insisting, Cuba was practically ceded to the United States, but whether I am correct or not in regard to this proposition no one can successfully refute the statement that the United States acquired Cuba from Spain by conquest, and that Cuba is now and has been in the possession of the United States ever since the ratification of the treaty. Therefore, within this opinion of the court, how can it be said that for any purpose Cuba remains a foreign country? Whether within the meaning of the tariff act or the law returning Neely to Cuba for trial, particularly as I am arguing that territory can not be both foreign and domestic at the same time, it must be one or the other. At this time I am contenting myself, as I have said, by considering general principles of law that must be understood to properly understand the question now before the House. It will be extremely valuable in this connection to have a thorough familiarity with the so-called Neely case, which has thrown the question before the House into some confusion. Independent of that case there is not a lawyer on earth, familiar with international law, the law of conquest and powers of the United States under the Constitution to acquire foreign territory, but what will say that Cuba is domestic territory as far as the United States is concerned.

The case of Neely *v.* Henkel is to be found in 180 United States Reports, page 109. The Revised Statutes of the United States, section 5270, provided that when there was a treaty for extradition between the United States and any foreign Government, and it appeared that a person was within the limits of the United States who had committed a crime within the limits of such foreign country, he should be extradited. It was alleged that Neely had committed an offense while in Cuba, and it was thought he could not be extradited under the statutes, so section 5270 was amended by the act of June 6, 1900, which provided that when any foreign country or territory, or any part thereof, is occupied by or under the control of the United States any person who should violate the criminal laws enforced therein and flee from justice there into the United States and should be found therein, should be liable to arrest and detention by the authorities of the United States, and, on the written request of officials named in the act, be returned for trial. The case came into the Supreme Court of the United States on a writ of habeas corpus.

It will be noticed that Congress did not declare that Cuba was a foreign country, but the language of the act is general, referring to foreign country occupied by or under the control of the United States.

Unquestionably Congress could authorize the return of Neely to Cuba without any such provision as the act cited, and the only way in which Congress could rid itself of liability and discharge its duty toward Cuba would be by virtue of its constitutional powers to dispose of the islands. It could not discharge itself of liability and rid itself of its plain duty toward those people by simply stating that Cuba was a foreign country. Hard cases make a shipwreck of principles. The Supreme Court was voicing the unanimous sentiment of the American people, as they wanted Neely tried, and he was returned to Cuba at the expense of the Supreme Court of the United States saying that Cuba was a foreign country within the meaning of the act. The Supreme Court of the United States, to sustain its judgment and conclusion that Neely should go to Cuba for trial on the ground that Cuba was a foreign country, first recited the resolutions of Congress of April 20, 1898, including what the President had said in his various official communications.

Now, in passing I desire to say that it makes no difference what the President of the United States said or says with reference to this question, unless he was or is negotiating a treaty. He could not bind the Congress; he could not prevent title and sovereignty coming to the United States, and he could not divest the United States of its sovereignty and title over Cuba; but the Supreme Court relies upon all of this for the purpose of convincing the country that Cuba was a foreign country, absolutely ignoring international law and the law of conquest and legal effect of our going to war with a foreign power and occupying its territory and having that foreign power relinquish its sovereignty and title and withdraw from the island. I do not think for a moment it takes argument to show that, including the resolutions of April 20, 1898, and all that the President has said, would prevent the operation of law. That court in this case states clearly that it is for Congress to say when this occupation must cease. This is an absolute statement on the part of the court, that we are occupying that island. If we are occupying it we have dominion over it, and if our sovereignty is there under the test referred to, it certainly must be domestic territory. What stronger assertion of our sovereignty over that island can be made than the statement of the court on page 115—

> That at the date of the act of June 6, 1900, the island of Cuba was occupied by and was under the control of the United States, and that it is still so occupied and controlled can not be disputed. This court will take judicial notice that such were, at the date named, and are now the relations between this country and Cuba.

Under this statement what becomes of sovereignty? Here is a judicial declaration on the part of the Supreme Court that the relations between this country and Cuba are such that we are occupying it, and the island is under the control of the United States. This is sovereignty. And, as I say again, if sovereignty is the test, it is domestic and not foreign territory. Now, the Supreme Court, at great length, recites all that was done by this Government after taking possession of the island of Cuba. Pursuant to the authority of the President, a military governor was appointed. The governor took absolute supreme control of the island in the name of the United States, organized a civil government, and divided it into four departments, each under the charge of a secretary. Civil and criminal courts, with jurisdiction defined were created, and postal code promulgated and criminal laws enacted, Cuba powerless, the Government of the United States in supreme and absolute control, and yet gentlemen are heard to say that Cuba is a foreign territory. With all due respect to the court, no one will ever be satisfied by the reasoning employed by the court that Cuba has been a foreign country since the ratification of the treaty; but the Supreme Court in this case more than sustains my contention. Let me read from page 120 of the opinion:

> It is true that as between Spain and the United States—indeed, as between the United States and all foreign nations—Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory; but as between the United States and Cuba, that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action.

There are several things to be considered in connection with this opinion of the court. I do not know by what authority the Supreme Court is speaking for Congress. The court has gone far out of its way to see that the exclusive control of this government will be surrendered by the United States when a stable government shall have been established by the voluntary action of the people of Cuba. Here is an authority for the contention that Cuba has no sovereignty; but, if I read the signs rightly, there is no thought on the part of the United States to surrender exclusive control of this island of Cuba.

It is in contemplation that we shall keep a part of it and that our troops shall remain on the island, and instead of their being permitted to erect a stable government by their voluntary action we have by the act of March 2, 1901, forced upon them a government or elements of a government, and the careful reading of this act will show that it is not the intention of the Government of the United States to allow the people of Cuba to establish a government by their voluntary action. It is for Congress to say what the duties of the American people under all circumstances are to the people of Cuba, and it will be for Congress to say when the powers of the United States shall be surrendered and to whom. The citation from the opinion sustains my contention that the sovereignty and title to Cuba are in the United States, for the Supreme Court says so when they say that the United States is holding this territory in trust. It is only a case of hairsplitting now between my position and that of the Supreme Court of the United States. I am insisting that the title and sovereignty over Cuba are the United States.

The Supreme Court of the United States assents to this position, but says we are holding it in trust. I insist that we are not holding it in trust, but that if we are holding it in trust, as I have said, it will take an act of Congress to divest the title and sovereignty of the United States, and in this I am confirmed by the opinion of the Supreme Court of the United States. It will be interesting for a moment to look into this question of trusts. I would like any legal gentleman, when he lectures on trusts to a law school, to give this case to the class as an illustration of a trust. There is not an element of trust under any law of trust, and I am not begging the question for a moment when I say so. It certainly can not be an express trust, because there was no agreement entered into on the part of the United States with any one. If it was an express trust the ownership and the sovereignty would have to be conferred by Spain on the United States, coupled with a trust which would provide how long the United States was to hold the title and at what time and upon what terms and conditions it would have to surrender it.

The trust would have to be created by the parties or else it would have to arise by a presumption of law, and the trust must be accepted by the United States as trustee. It is a waste of time to argue that there was any trust. It is doubtful whether the island of Cuba could be a cestui que trust; but even assuming that the beneficiary was certain and definite enough to be benefited by the trust, it could not be a trust under any law either expressed or implied. Certainly no one can claim for a moment that there was any element of an express trust. It certainly could not be implied, as it was not a resulting trust or a constructive

trust. If Mr. A delivered the purchase price of a piece of land to Mr. B, who took the title, a trust would result in favor of A as against B. If Mr. A conveyed his property to B in fraud of creditors a constructive trust would arise in favor of the creditors of A. Now, then, there is perfect accord between the Supreme Court and myself as far as this contention is concerned, to the effect that the title and sovereignty of Cuba is in the United States, but in trust, we will say. If that is true, it certainly is domestic territory and not foreign territory, and I know there is not a lawyer in the United States of lesser or greater ability who will say upon the facts that there is a single element of a trust. But whether there is or not it is going to take an act of Congress to transfer title and sovereignty, and that act of Congress has not passed.

Instead of determining the question by conquest under international law the court determined it by what they declare to be an avowed object intended to be accomplished by the war with Spain and the military occupation of Cuba. This is not the test, as I have stated, and in addition thereto our declaration of intention could not, under international law, prevent the passing of title and transfer of sovereignty and allegiance. Declarations made by no one, acted on by no one, can not, I submit, by universal law, prevent the acquisition of foreign territory by conquest. There is no difference, in legal effect, between acquisition of foreign territory by conquest or treaty. In both cases there must be occupation by the new owner to make a perfect title. The treaty of Paris found the island of Cuba in the occupancy of the United States, and it was left in the state in which it was when the treaty was completed. The treaty made no provision for the return of the island of Cuba to Spain or to convey it to Cuba then or at any future time. Therefore, in accordance with universal principles of international law, title and sovereignty of the island passed to the United States—not in trust, but absolutely—and the allegiance of the people of that island was transferred from Spain to the United States, and the title of this nation can not be called in question. The Neely case holds Cuba to be foreign territory because of our declaration and the official statement of the President, while on the same principles of law the dissent in the subsequent cases in the same court in effect declare Cuba to be foreign territory because Congress had not legislated with reference to the island, while the majority opinion and opinion of the court make Cuba domestic territory because we are exercising sovereignty over the island pursuant to our right obtained by conquest.

The court further sustains my position, on page 121, in the following language: "It can not be doubted that when the United States enforced the relinquishment by Spain of her sovereignty in Cuba and determined to occupy and control that island until there was complete tranquillity in all its borders and until the people of Cuba had created for themselves a stable government it succeeded to the authority of the displaced Government, so far, at least, that it became its duty under international law and pending the pacification of the island to protect, in all appropriate legal modes, the lives, the liberty, and property of all those who submit to the authority of the representatives of this country." Here is an absolute acknowledgment on the part of the court that the United States succeeded to all that Spain had enjoyed, which was sovereignty, title, and the allegiance of the people. Up to this time Cuba has not created a stable government. Therefore am I not right when I insist that Cuba is domestic territory until Congress has legislated pursuant to its powers under the Constitution?

The question of allegiance is an important one. This Government can not afford to shut its eyes to the rights of these people. If nothing further is done by this Government than has been indicated, or what I may say is now in sight, no provision whatever is made for those people in the island of Cuba that desire to become citizens of the United States. At present every single person in the island of Cuba, outside of those who absolutely belong to other governments, owe their allegiance to the United States, and that must be transferred by an act of Congress. [Loud applause.]

[Mr. GAINES of West Virginia addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Illinois [Mr. WARNER] is recognized for twenty minutes.

Mr. WARNER. Mr. Chairman, I am influenced in my opinion and action on this question only by what I consider the best interests of the district I represent, the Republican party, and the whole people of the United States. I have no pride of opinion, and have a respect for the opinion of all with whom I am unable to agree, and, having given the question the best consideration of which I am capable, I am compelled to satisfy my own conscience and act on my own convictions.

The district I represent—the central district of Illinois—is strictly an agricultural one, and our farmers during all these years have faithfully supported the party favoring a protective tariff and have cheerfully paid a bounty to the producers of many articles they consume but do not produce, because they were of opinion it was best for the whole people. While they do not produce a single board, nail, or pane of glass used in their buildings, or an ounce of steel used in their beams, bridges, and machinery, they have cheerfully indorsed a protective tariff which enables the lumberman of the State of Washington to ship his lumber 2,500 miles by rail and sell it to them at a profit, while if it were not for the tariff on lumber they could purchase it at a much smaller price from the Canadian lumberman, only 400 miles away.

They have supported a tariff which has made the otherwise worthless and barren hills of Pennsylvania valuable property, and which has given good wages to the laborers and profits to the manufacturers of other States; and while, until the last two or three years, they have not produced any sugar-yielding product, they have uncomplainingly sustained the tariff that has made sugar raising in the South possible. They have loyally supported the party that has pledged itself to encourage, protect, and make profitable home industries and dignify American labor, and have done so under the impression and belief that protection would be extended impartially to all sections and industries of the United States

They have refused to listen to any proposition to "tinker with the tariff," lest it endanger the entire fabric, and they are now opposed to a tinkering with it that strikes at a new industry of their own.

They wish diversified uses of their soil. They wish a diversity of valuable and profitable crops, and they do not wish this new product they have just commenced raising stricken down, but whatever you may do they will remain true to the principle of protection, because they believe it to be to the best interest of all.

They and I believe in reciprocity, but by reciprocity we understand the admission into this country free of duty, or at a reduced duty, the product of another country not produced by us, in consideration that that country will admit free of duty, or at a reduced duty, some product of ours—this in order that we may obtain a higher price for our article, and that we may obtain their article at a less price than we should otherwise be compelled to pay. But I have never understood reciprocity to mean that foreign-produced articles might be brought into this country to compete with our own products unless the loss be made good to our producers by a bounty on their product. In protecting the product we protect the labor that produces it.

The gentlemen supporting and urging this measure are assuming a tremendous responsibility, and I respectfully suggest that they abandon it and let well enough alone. I submit that it is not on Republican lines or within Republican principles, and I am of opinion that a large majority of the Republicans in this House are at heart against it. [Applause.]

We are enjoying the greatest prosperity in our history, and our future is bright. We owe it all to our protective tariff and our gold standard, to the protection and encouragement of our own industries and our determination to be honest and have our credit the best. Let us stand by those principles and guide our course by that chart.

Take a single brick out of the wall and it may topple and fall. Allow a single break, however small, in the embankment and it all may be swept away. Do not tinker with the tariff. Let well enough alone.

I am not in favor of special legislation. I am not fond of crazy quilts. I favor general principles and consistency. It is not safe to navigate a ship by a compass that does not always point in the same direction.

If this measure carries we shall have no fixed policy in relation to protecting American industries and American labor, and we shall not be able to judge by what we have done to-day what we will do to-morrow.

It is not claimed by anyone that a reduction of 20 per cent of the tariff on Cuban sugar will lessen the cost to the American consumer 1 cent on a thousand pounds of the article, or that it will ever benefit the Cuban sugar grower more than 7 per cent of the reduction, and it is admitted by all that the sugar trust will receive the benefit of at least the other 13 per cent. I do not believe that it will benefit the Cuban sugar grower at all, and the passage of the bill will divert from the United States Treasury this year alone $8,000,000, and pour it into the coffers of the American Sugar Refining Company, and the amount will grow annually as long as the reduction lasts.

That such is the opinion of the trust itself is shown by the fact that its stock has gone up and down with the prospects of the success or failure of the bill. Certain it is that the trust now controls all the Cuban sugar that will be ready for the market for more than one year from this time.

The sugar trust will not favor anything that will benefit the American consumers, and why should the representatives of the

American consumers favor a measure that will benefit the trust alone, and deprive the Government of a revenue of at least $8,000,000 per year, which must be made good by the American consumers in some other way.

The supporters of this measure are substantially driven to urge as their only reason for its passage that we owe it as a duty to Cuba; that the Cubans are suffering, and we must come to their help. A sympathetic appeal.

I deny that we owe Cuba any duty whatever, and I deny that the Cubans are suffering for anything they could not get if they were willing to work, as we do here in America.

We have done and promised to do more for Cuba than any nation has ever done for any other country in the world and more than she had or has any right to ask. With our ships and guns and men and money we won and gave her freedom and independence. We freed her from the Spanish yoke and an indebtedness of $300,000,000, and we will start her on her independent career as a sovereign nation with a clean sheet and good bank account, and in a better financial condition than is our own country. [Applause.] Further, we paid her own men for fighting for their own liberty; we will protect her from all foreign invasions without the cost of a penny to her, and we may be liable for $59,000,000 of Cuban war claims already filed. It will not be necessary for her to maintain a single vessel of war or regiment of men to protect herself from without, as the entire American Army, Navy, and Treasury will forever stand between her and any foreign foe. [Applause.]

What more should she ask? What more should we give? Suffering Cuba! Mr. STEVENS of Minnesota has shown us that her per capita money, even immediately after her long and expensive war, was greater than that of the United States, and that is easily accounted for by the fact that more money per acre has been, is, and can be produced from her soil than is or can be produced from that of any other country of which we have any knowledge.

The evidence before the Ways and Means Committee shows that farm employment in Cuba is begging for labor at higher wages than are paid in the United States, and that the cost of living is less; that 60,000 laborers have been brought into the island since peace was declared, and that 300,000 more are demanded by the needs of its fields and factories. With such a demand labor commands its own price.

For the purpose of ascertaining whether the Cuban planter is farming his land at a profit or loss, and whether in fact he needs help, much time has been consumed in this discussion in attempting to analyze the testimony given before the Ways and Means Committee on the question as to the cost of producing, ready for the market, one pound of sugar, and the results arrived at are somewhat conflicting and unsatisfactory, and, in my opinion, immaterial. The question for us to consider is whether the cane grower, the Cuban farmer, is receiving a remunerative price for his crop. Whether he is receiving, under existing conditions, a fair remuneration for his labor and his investment in his land and how it compares with that received by the American farmer, and that is easily settled, and to the effect that if either is entitled to help from our Government and sympathy it is the American.

In my district and State corn is the main or staple crop, as cane is the main or staple crop in Cuba. The average market value of corn land in Illinois is $100 per acre. In Cuba cane land can be purchased at an average price of $50 per acre. In order to raise corn in Illinois it is necessary, in addition to the land, wagons, and agricultural implements, for the farmer to have, keep, and feed, substantially the year around, teams of horses with which to plant, cultivate, and market his crop. In order to make and market his crop he must each year plow his land, then harrow it, then furnish and plant his seed, then harrow it in, then plow the land, cultivating his corn at least twice again, then gather the corn, ear by ear, from the standing stalk and throw it into a wagon and haul it to and throw it into his cribs. Afterwards he shells it at an expense of at least 1 cent per bushel and hauls it by wagon an average distance of 4 miles to market and sells it at an average price of 35 cents per bushel.

The average yield per acre of corn is 50 bushels, and the Illinois farmer therefore receives for the use of his land, teams, and agricultural implements, on all of which he is required to pay taxes, and for his labor, $17.50 per year for each acre he cultivates.

How is it with our suffering Cuban farmer, for whom some of us are now so copiously shedding tears? He clears his land and plants his cane on an average of only once in ten years. The cane is indigenous to the soil and is never cultivated, and to plant it it is only necessary to stick the joints in the ground. It requires and receives no more cultivation than our blue grass, and for ten years after it is planted the Cuban farmer merely cuts his cane once each year, throws it into a cart, hauls it not more than 2½ miles to the little railroad, owned and operated by the mill owner, and receives his pay for it. And how much does he receive per acre per year for his product, the use of his $50-an-acre land, on which he is not required to pay any taxes, and for his next to no labor?

The evidence is that the average yield of sugar cane in Cuba is 56,000 pounds per acre; that the cane yields 10 per cent of its weight in sugar; that the average price of sugar at the port in Cuba from which it is exported is 2½ cents per pound; that the mill owner who receives and grinds the cane, while in theory he retains one-half of what he grinds as his toll, in fact purchases the cane, and on its delivery to him pays the planter the then market price of sugar for the one-half it is estimated the cane will produce. That is 10 per cent of the weight of the cane. The acre of cane weighs 56,000 pounds. It will yield in sugar 10 per cent of its weight, or 5,600 pounds. The sugar is worth 2½ cents per pound and the yield of the acre of land is worth $134.40, of which the poor suffering Cuban farmer receives one-half, or $67.20. Sixty-seven dollars and 20 cents per acre per year for planting a crop on $50-an-acre land once in ten years, and then simply letting it grow and cutting it with a corn knife once each year. Is it any wonder that the money per capita, even immediately after its expensive war, was so much greater in Cuba than in the United States? Is it any wonder that they have imported into Cuba since the declaration of peace 60,000 cheap laborers principally from Spain, and wish to import 300,000 more?

The Cuban cane grower gets out of his untaxed land, with but little labor, $67.20 per acre per year, and the American corn grower realizes, upon his $100-per-acre land and for his almost continuous labor, only $17.50 per acre per year. Which is entitled to our sympathy and which is entitled to our help?

If this bill should be amended so as to give the American farmer a bounty of $1 per bushel on each bushel of corn he raises, so as to make his acre of land yield him yearly $67.50, we would place him more nearly on an equality with the Cuban planter and I might possibly consider the advisability of supporting it. [Applause.]

On this showing the American farmer, if any, is entitled to our help, and charity should begin at home. [Applause.]

The Cuban soil is the most productive on earth, and the Cuban planter receives larger returns for his capital invested and labor performed than any other in the world, and the pretense of suffering Cuba is the mask behind which the sugar trust is seeking to destroy the beet-sugar industry and in addition obtain over $8,000,000 per year that should be collected for the benefit of the people of the United States, and the question is whether this Congress will enable the trust to be successful in its attempt. And my vote shall be in the negative. [Loud applause.]

Mr. DE ARMOND. Mr. Chairman, either the bill before the House or something connected with the bill has had a remarkable effect upon a good many of those who have addressed the House in this debate, for nearly every one who has spoken has found that his own contemplated action and vote will be in thorough harmony with the platforms and principles of his party.

Republicans who favor this measure are very clear and emphatic in the statement that it is projected along the lines of protection and is to be a stay and support to that doctrine. Republicans who oppose it are very confident that the bill, if not designed for that purpose, will in effect undermine the protection wall; and, as persons devoted to the doctrine of protection and to the principles of the Republican party as declared in its platforms, they feel constrained to oppose the bill.

Upon this side, too, we find a number of those who support the bill, happy in the consciousness that it is a Democratic measure or one leading in the direction of Democracy—one following the lines marked out by the Democratic party. Likewise, we find upon this side members who oppose the bill, solely and exclusively because it is contrary, according to their ideas of things, to the previous declarations and all the abiding principles of their party. Viewed from all these several standpoints, this is a most interesting piece of legislation. Throwing all these various estimates into hotchpotch and trying to derive some conclusion from the aggregate, this may be fairly classed as rather a remarkable brochure in legislation.

I will not endeavor to ascertain, much less to inform the House, just how this bill should be classified, since so many know, as they have confessed, just precisely under what heading or category it should be placed. It is entitled "A bill to provide for reciprocal trade relations with Cuba," conceding to that republic soon to be a reduction of 20 per cent on the rates of the Dingley tariff bill upon articles imported from that island to our Republic, and of course securing in return the like concession from the republic of Cuba, in the way of a reduction of duties upon articles exported from this country into that.

The gentleman from Ohio [Mr. GROSVENOR], who delivered a very elaborate discourse upon this subject, stated what was, I think, a matter of common information, but what I had not before heard proclaimed ex cathedra from a Republican source so eminent, that when the Dingley law was passed it was known

that the duty placed upon sugar was excessively high; that the gentleman, once a distinguished member of this House and whose name is linked with that tariff legislation—Mr. Dingley—recognized the duty as unreasonably and unnecessarily high, and was therefore opposed to the rate adopted. But the sugar trust was rapacious and inexorable. The sugar trust demanded the excessively high duty of the Dingley law and would be content with nothing less; and obediently, if somewhat reluctantly and somewhat doubtfully, the party in power acceded, as it has done more than once, and will do more than once again, to the demand of this mighty force in business and in politics.

A so-called argument, advanced repeatedly upon this measure, is based upon the assumption that whatever the protective tariff duty is, it is right; no matter how high it is, no matter how the figures came to be placed where they are, no matter what sinister influences were involved or what mighty agencies were powerful enough to control; that the protective tariff law once made, the protection wall once erected, there must be no interference, except, as some gentlemen say, "by its friends." The wall is raised to the height which special interests prescribe for the benefit of special interests, and then when the question of lowering the wall, in whole or in part, arises, we are told that the friends who constructed it, the friends who desire it maintained, the friends who have erected trusts behind it, the friends who have prospered and profited by it, that they must determine whether there shall be any lowering of the wall, and if so, to what extent.

What the gentleman from Ohio [Mr. GROSVENOR] stated with reference to the duty upon sugar, he might also, had it suited his purpose, have stated with reference to a good many other articles. Beyond all question, clear as sunlight to the perception of anyone who desires to see or who will see, it is evident that the duty placed upon many other articles by that Dingley law of 1897 was when the law was passed, has been ever since, and is now and will be until the duty is lowered, too high. Five years have gone by since that law was passed. Why is it that these "friends of protection," these persons who claim for themselves a monopoly of tariff legislation, have not seen proper to correct some of the inequalities, to remove some of the abuses, to undo some of the wrongs of this Dingley tariff legislation? When will they act? The gentleman from Ohio left it to be inferred by the credulous that some time, to some extent, in some way, these friends of protection will lower the protection wall. When? When? Why not now?

A gentleman of this House, who has received considerable advertising and considerable notoriety in connection with the bill introduced by him, proposed by that bill—only proposed—to take the duties off certain products of steel and iron. I refer to the gentleman from Wisconsin [Mr. BABCOCK]. For a number of months we read in the papers, here and there and everywhere, about what Mr. BABCOCK said and about what Mr. BABCOCK thought of doing and about what Mr. BABCOCK probably would do in reference to the bill which he introduced. All this finally has ended by Mr. BABCOCK in committee voting against the incorporation of his bill into the bill now pending. His bill, I presume, has accomplished and is in process of accomplishing the objects for which it was introduced. Of course I do not know definitely what those objects are or were, and I do not pretend to state precisely and exactly. There is a supposition, quite well founded, I think, and quite generally entertained, I also believe, that possibly two objects, and certainly one, influenced this gentleman in his "reform" movement.

One purpose clearly and plainly, it would seem, was and is to "hold up" the steel trust and kindred trusts for the benefit of the party of the gentleman in the coming campaign; and I see that, contrary to predictions and announcements in the other direction, the gentleman is now at the head of the machine and in control of the machinery for collecting and disbursing funds with a view to perpetuating the power of the party now in control of the Government. If that is one of the purposes of the bill—I will not say it is not the chief one—perhaps the gentleman himself or some other gentleman in his confidence will inform the House what some of the others are. That it never was intended, either by the gentleman who introduced it or by certain ones of those who assumed to favor it, to urge or pass the Babcock bill is too evident to need proof. Everything tends to the conclusion; nothing contradicts it or throws doubt upon it. It is possible—I am not acquainted as to the facts—that a condition exists in the gentleman's own district making it a wise and prudent thing from a political standpoint for him to introduce and pose as a friend of such a tariff-revision bill. I do not know how that is.

There may be something even beyond that. There may be a use of the bill for local consumption relative to interests in the gentleman's own district; the further use of the bill as a means to get money for campaign purposes, and possibly a still further use, to derive benefits not so generally disseminated, but more concentrated, and having a greater personal interest. At all events, it is clear that the bill was not introduced to be passed. It is clear that the gentleman who introduced it is not in favor of it. It is clear that it is a piece of bunko work. The only thing that remains to be determined—and time will settle that—is whether it will accomplish the purpose of securing a good campaign fund, and whether the people of the district represented by the gentleman, if they take an interest in the tariff question, are so easily gulled and love so to be duped that the gentleman may pose before them as in favor of doing that which his bill purports to be designed to do, but which, I think, he never meant to do, never tried to do, and will not try to do.

There has been a good deal said in this discussion about the sugar trust, and it is very refreshing to the average American citizen, and especially to one with a "sweet tooth," to realize how perfectly united we are in speech in our hostility to the sugar trust. The sugar trust, according to the talk we have heard, has not a friend upon the floor; no agency in all this wide world so forlorn and so friendless as the sugar trust in the House of Representatives. That is according to the talk we have heard.

Fortunately there will be an opportunity a little later on for these friends of the people, these violent and extreme and irreconcilable opponents of the sugar trust, to show where they stand and furnish some evidence that they have not misrepresented themselves and their own sentiments.

This proposition now before the House, as I have before stated, is to reduce the duty upon articles going to Cuba and articles coming from Cuba—articles the subject of commerce between that country and this—to the extent of 20 per cent of the Dingley rates and of the Cuban rates, respectively. Cuba produces raw sugar and has no refineries. It is said that taking off 20 per cent of the duty on sugar is simply playing into the hands of the trust; that it is doing nothing for the Cuban planter; that the Cubans will get no good out of it, and that the trust will pocket the 20 per cent reduction. That question has been discussed at considerable length, and with varying degrees of information and learning and assumption. I will not consume time upon it. It would seem to me, however, as suggested by different gentlemen who have discoursed upon this phase of the question, that if raw sugar coming from Cuba has now to pay a certain duty, and after the passage of this law will have to pay but four-fifths of that duty, the persons owning that sugar, the persons producing that sugar, will get into the American market upon better terms, and will be enabled to make more out of their sugar than if the duty remains what it is now. If this suggestion be not sound, perhaps raising the duty 20 per cent would have no effect upon the Cuban planter or the American consumer, but would merely be hurting the sugar trust.

I am one of those who believe with the gentleman from New York [Mr. MCCLELLAN], who made a very thoughtful, very fair, and very able presentation of this question, that instead of being a reduction of 20 per cent there ought to be a reduction of 40 or 50 per cent. I believe that humanity and justice and public policy and, broadly speaking, the interests of our own people demand and require that we should make a reasonable concession, a far larger concession than is made in this bill to the sugar producers of Cuba. I believe, too, with my colleague [Mr. COCHRAN], who ably addressed the House yesterday, that with as rich soil as lies anywhere under the sunshine, with as industrious and inventive a people as the world ever knew, we are prepared here in the United States to raise the sugar beet and to produce sugar in open competition with any people in the wide world.

Somehow this protection doctrine—and I am not going into a discussion of protection—has peculiar effects. Start an industry in a community, having a duty laid upon articles like unto those which are produced in that particular seat of industry, and straightway it is proclaimed by all those interested in that establishment—and the information is disseminated around in an ever-widening circle—that that industry depends upon that duty; that any taking off of the duty is an injury to that industry, and that a considerable reduction of the duty is death to it. Those who become saturated with that idea, those who become influenced by the belief that votes will be controlled by that idea, feel that however they stand with reference to other things, whatever their position upon the general tariff schedule, as to that particular industry, an "infant," of course, always an infant—an infant at 1 year of age, an infant when a century has marked its progress and its triumph—they must clamor for protection; that industry must be protected, and well protected. In order to secure protection for that infant, it is necessary to cooperate with somebody in some other quarter who has another infant, an infant also clamoring for protection, and, according to the infant, needing protection, without any reference to its age, its strength, or its power. Thus the infants combine and the public suffers.

The strongest indictment that can be brought against protection is found in what we behold here now. The most severe

arraignment of it, in sentiment and in the history of our American politics, is that found in the fact that the protectionists, for some reason satisfactory to themselves, are unwilling, utterly unwilling, to remove wholly or in part the duty from articles such as are produced in this country cheaper and better than they can be produced anywhere else in the world, and are shipped out and sold abroad in large quantities. Now, why is that? One of two conclusions must be drawn respecting it. It is either a willful disregard of public duty, a willful disregard of the rights and interests of our constituents, a willful subservience to the trusts, for the benefit of the trusts and for the benefit of the party that fosters the trusts, or it is a concession, at once powerful and irresistible, that protection is maintained by a combination not of rights but of greed, and will be endangered if investigated; that revision of the tariff must of necessity be dangerous, not to just protection or reasonable protection, if there be such, not to such protection as can hope to stand upon protection's own ground, but dangerous to vicious protection as a whole, to interfere with any part of it.

Take the steel trust and its products of to-day—a mighty organization, powerful in commercial and political circles in this country, and a mighty factor in the world's trade and commerce. Why does the duty remain upon products such as are turned out by this colossus, this great manufacturing and financial giant, the steel trust? Why? Why? Who can answer? Somebody answers, "We will reform the tariff in due time. It must be reformed by its friends." I say the tariff must be reformed by the friends of the American people. [Applause.] Too many of the friends of protection, in too many instances, are held, wittingly or unwittingly, freely and gladly, or under compulsion and restraint, or haltingly, to the service of the trusts, those huge combinations, the powerful, overshadowing menace to the welfare of all lesser interests and to the American public.

There will be offered in the progress of this measure sundry amendments designed to affect favorably the welfare of the American people, and so reasonable and so remote from an interference with any protection which can claim any merit that they can not be rated as injurious to it, and can not affect at all the general question of protection or free trade. But it will be claimed that these amendments are out of order, not germane. If so, then will come the most beautiful object lessons imaginable. The rules of the House, adopted without consideration, taken in the lump, gulped down, made and employed to prevent—instead of promoting—due consideration, free discussion, and wholesome action, may be relied upon to shield the trusts. Neither rules nor rulings can do it if gentlemen in this House make good their professions.

Of right, the tariff should now be reduced upon more articles than one. Such reduction can be made by amending the pending bill. One amendment would remove the present trust differential duty on sugar. There is a chance to strike the sugar trust. Who is going to vote against taking it off? Who is going to quibble against having an opportunity to vote upon that proposition?

If that differential duty be taken off, if there be an amendment eliminating the Dutch standard in color, designed solely for the benefit of the sugar trust, a benefit to nobody but the trust, substantial justice will be done to the people. When amendments are offered to effect this reform, if the ruling be against their admissibility, then will any man, free from sugar trust influences, sustain that ruling, when he has the opportunity to strike a blow either for the sugar trust or for the people, for the American consumer and the American taxpayer? [Loud applause.] I do not believe in disorder in the House or elsewhere. I do not believe in the utter and complete disregard of the rules; but when a little cobweb of a rule, a little rule that is a trifle, a rule adopted without thought, without consideration, and blindly, can be brushed aside, I shall not hesitate. As to a rule or ruling standing in the way of a mighty reform, standing in the way to prevent the striking of an effective blow at a mighty trust, standing in the way of carrying relief to tens of millions of American citizens, for my part I must withhold my respect either for the judgment or the honesty of the gentleman who has so little regard for reform as to support such a rule or ruling.

If one of these amendments to benefit the people, striking an effective blow at the trusts, shall be declared out of order—I sincerely hope it may not be—it only remains for the House to say whether that little rule or little ruling shall stand aside, the cobweb be blown away, the film vanish. Here is a question of the right of the American people, and the House must determine it, as it has the right to do—determine whether in this particular matter, at this particular time, it shall bow in blind obedience to a little rule, or ruling, or arise in the majestic manhood befitting in American Representatives, and vote and act for the American people. And after all this is over, after this debate shall have closed, after the bill shall have been voted upon, let no man try to shelter himself behind a flimsy rule. You are for the sugar trust or you are going to remove that trust differential duty and that trust Dutch standard limitation in color from the sugar tariff. You are for or you are against these amendments. Do not say that a rule or a ruling is in your way.

Now is your chance for something of needed tariff reform; you will not have another during this Congress. This bill opens the way and now is your opportunity. Who hopes there will be another opportunity during the life of this Congress? No one. Vote for the amendments by voting against any ruling that would prevent you from voting upon them, or go back to your constituents and say, "I voted for the sugar trust, but I spoke against it. I proclaimed my devotion to the American people and the American farmer in particular, but I voted and stood for the sugar trust." The record must be made plain and clear. The question is too great, the issue is too mighty, the distinction is too plain for quibbles. It is the sugar trust on the one side and the American people on the other.

This applies not only to this particular question, not only to sugar, but to other articles. What man can give a reason for sustaining the monopoly that makes every little newspaper publisher in the land pay more for his paper than it is worth in order to make richer and richer the mighty trusts that controls wood pulp and its products? Who gives any reason in support of it? Who dares argue it, or will rise up and align himself in opposition to the demand, oft repeated and as often denied, for justice, for fair play, for the readers of newspapers and the makers of newspapers, as against the few trusts that stand on the other side?

Now, then, do not stop with saying, "Oh, yes; I would like to support that; I wish to get rid of these trusts; yes, indeed; these infernal combinations—I would like to get rid of them all; I am hostile to them to the death." Do not try to hide behind a ruling. Do not whine, "Oh, there is a rule, or a ruling, don't you understand, and I can't go against that." Or, if you will, say to your constituents by deeds more eloquent than words, "Keep on paying more than enough for your sugar; keep on paying more for your barbed wire and your cotton ties and a hundred and one articles manufactured in this country and sold abroad cheaper than they are sold here—manufactured here cheaper than anywhere else in the wide world. Keep on paying more; build up the trusts stronger; make them mightier; increase their power to corrupt politics with their ill-gotten wealth. Bear it all because a rule or a ruling stood in the way of your devoted Representative, who sought long and arduously for a way in which he might relieve you, and when he came up against a little cobweb of a rule, a little film of a ruling, what could he do? Paralyzed! Paralyzed! The will was good; the desire was strong; but the obstacle was insurmountable." [Laughter and applause.]

I am very glad that this bill has come before the House; not that I like the bill as it is. I would have it a much better bill, by having the concession much larger. I am glad it has come before us, because it is an object lesson, because it carries with it an opportunity, because it will enable us and the country to determine who are the friends of the people and who are the friends of the trusts. It will show the people where their representatives belong. Talk, proclamations, denunciations, all these things will go for little, provided they are not the way the vote is cast.

I understand there is going to be an effort to cut off amendment by moving the previous question. There may come the final test. For one, I am opposed to it. I am willing to vote upon any amendment and every amendment that any gentleman chooses to offer. If I am not for, I am against. I may be mistaken about it, but I will not dodge it, and no little film of a rule will stand in my way. So far as my feeble power may extend, I shall try to do what ought to be done.

Let us have no gag business—no shutting off of the power of amendment. Let us once enjoy the privilege, so rare and uncommon in this House, of having a free debate and an opportunity to amend propositions. Let us improve these opportunities. This applies just as well and just as forcibly to Representatives upon the one side of the aisle as upon the other. This need not be a political question. There is nobody here and now trying to wage war against protection or to exploit free trade.

The opportunity has come, and the effort will be to accomplish a measure of justice to the American people; to strike, not a vicious blow at trusts or organized wealth or power, but to strike a blow made necessary by the public interests; to strike it openly and boldly and, if possible, with effect. He that is not for the people now is against them, and the opportunity will be given, the opportunity can not be evaded, of determining upon which side he is. If an amendment be offered, and if a ruling be against it, and if an appeal be taken against the ruling, the man who votes to sustain the Chair, the man who votes to stand by a rule or ruling trivial and transitory upon a question mighty and enduring, will stand in history, will stand before his constituents, will stand before this House, as opposed to the amendment which he refuses to consider; and the man who votes, in

that case, to overrule the ruling or to overstep a trivial little rule in order that he may vote upon the amendment will stand as favoring the amendment. The record will be made up, and the American people will judge. [Applause.]

Mr. CUSHMAN. Mr. Chairman, I confess that it is with a decided degree of hesitation that I enter the arena of this debate—an arena that has been illuminated by the eloquence and ability of gentlemen older in years, and of greater wisdom and experience than myself. It is also with a decided degree of hesitation that I differ in judgment and part company from the distinguished members of the Ways and Means Committee, for whom I have a profound admiration and a high regard.

Added to that natural embarrassment I am also suffering under the personal inconvenience of a recent and highly successful vaccination operation. I first looked upon this as unfortunate, but upon further consideration I regard it as a highly happy circumstance; because, since a free-trade epidemic has broken out on the Republican side of this House, there is no telling the germs of what political idiocy or devastating malady a man is likely to become afflicted with in this Chamber. [Laughter and applause.] Take my advice, my friends, and protect yourselves while there is yet time. I will, however, cheerfully undergo what slight personal inconvenience and discomfiture there may be in the delivery of these few remarks, and will be happy if I can add my mite to what I conceive to be a patriotic endeavor in this Chamber to prevent an American industry from becoming inoculated with the deadly and destructive virus that I conceive to be concealed in the tail of this pending measure. [Laughter and applause.]

At the very outset of our deliberations upon this measure we are confronted with the question, How did this measure in its present form get into this House? When this agitation began, the fact was apparent to everybody that a majority of one side of this Chamber at least was opposed to it.

Since that time no new facts have come to light to shed luster on this proposition. There has been no change in the condition of the Cuban. There has been no change in the condition of the American cane and beet sugar producer. But, wonderful to tell, without any change in the subject-matter of the controversy or the parties thereto, there has been a mighty change in the attitude of many toward this bill. How was this mighty change wrought? Why, it came about through a series of five prolonged, splendid, enthusiastic, highly harmonious, and remarkably effective conferences, did it not?

FAMOUS SUGAR CONFERENCE.

There was a certain so-called Republican conference, a continuous and highly interesting performance, the outcome of which was proclaimed by the political artists who manipulated it to have bound the Republican party to the support of this measure now pending.

The unwritten and malodorous history of that so-called Republican conference will leave a dark brown taste in the mouths of those who participated in it that will require something stronger than No. 16 Dutch standard saccharine sweetness to remove! [Laughter and applause.]

It was not in any sense a conference. A conference is a meeting of individuals whose determinations and whose deliberations are controlled by the exercise of free will, guided by intelligence.

The methods that dominated that so-called conference possessed a greater similarity to the actions of a band of Ku Klux than to an orderly conference of the Republican party.

That conference was an unholy cabal, whose sessions were lengthened by false political pretenses in order to give time to a half dozen political pirates to knock down the weak and intimidate the faint-hearted!

Am I right? Who was it arose in that conference, when it was clearly seen that the opponents of this unwise and un-Republican measure were in a majority, and pleaded for more time for fair deliberation?

Who was it, I say, that arose, with his hoary hair streaming down his shoulders, and who put the tremolo stop on his voice at the proper psychological moment and urged more time for honest conference? Who was it urged that "we meet again and again and again, and yet again, for harmony's sake?"

Why, that was the same individual who, with his assistants, after gaining time enough to knock down and drag out a sufficient number of the weak but honest opponents of this measure, rushed into another caucus with a bare majority and immediately moved the previous question.

Is my memory pretty good on that subject? [Laughter.]

I recall that the gentleman from New York arose and agitated himself in the interest of harmony and pleaded for delay. He was in the minority on that celebrated occasion.

The change that overcame the spirit of the poet's dream was nothing to the change that overcame that gentleman when he succeeded in securing a so-called majority.

They made an onslaught on the herd. With the Administration lariat they dragged off the 2-year-olds. With a bucket of bran labeled "unanimous consent" they lured off the calves.

When that political round-up had continued for a sufficient length of time, it was decided that they had a majority—not a majority who were in favor of this measure, but a majority who had been convinced that it was best for them not to oppose it.

Then the gentleman from New York arose and looked lovingly down upon his assembled children and pronounced that beautiful political benediction. He said: "I am always willing to abide by the majority!" That was one of the most touching exhibitions of simple faith I ever witnessed. The gentleman's meaning would not have been any plainer, but he would have done greater credit to his candor if he had stated that he "was always willing to abide by the majority—when he had the majority."

I learned at least one valuable political lesson from the manipulations of that conference. The lesson I learned was this: Whenever you find yourself in a minority in a conference rush to the front and urge your conferees for more time to meet and consider; but the moment you find yourself in a small majority, then run the chariot ruthlessly over them. That is the science of statesmanship according to the most modern approved methods!

I make the statement here and now that there are not a majority of the members in this Chamber who are in favor of this bill, although it may be that a majority of them have been convinced that it is better for them that they should not be against it. [Laughter and applause.]

When we consider that this very bill and measure which we are now considering could never have been reported to this body in the shape in which we now find it had it not been for the immense power which the peculiar rules of this House vest in a few men, I say that this is a subject the consideration of which might well cause us to pause.

THE RULES OF THE HOUSE.

We meet in this Chamber to-day a condition that challenges the consideration of every patriotic man, and that is, the set of rules under which this body operates, or perhaps it would be more nearly correct to say under which this body is operated. [Laughter.]

Mr. Chairman, I deem it my duty, knowing as I do that this measure could not have been brought here in the shape in which it now is, save and excepting for the remarkable conditions created in this House by these rules—I say, sir, I deem it to be my duty to pause for a moment or two on the threshold of this debate and place a few cold facts about these rules into this record and before the 70,000,000 people to whom we are responsible.

I approach this subject with a decided degree of deference. In the three years which I have been a member of this body I have endeavored to conduct myself with a modesty that I conceive to be becoming alike to the new member and to his constituency. I represent a Congressional district comprising the entire State of Washington, a Congressional district with half a million people in it and with vast and varied interests demanding legislation for their benefit and protection in many of the channels of trade and branches of industry.

It is with humiliation unspeakable that I rise in my place on this floor and admit to my constituents at home that in this House I am utterly powerless to bring any bill or measure, no matter how worthy or meritorious it may be, to a vote unless I can first make terms with the Speaker.

It may be a matter of news to some of the good people within the confines of the American Republic to know that there is no way of getting an ordinary unprivileged measure considered and voted upon in this House unless it suits the Speaker. I am aware that there are several *theoretical* ways of getting a measure up; but they have no actual reality—no fruitage in fact. I make the statement on this floor now, that no member of this body who introduces a bill—not a private bill, but a public bill—can get it considered or brought forward for final determination unless it suits the Speaker. And if anyone wants to deny that statement I am in a personal position and in a peculiarly happy frame of mind right now to give a little valuable testimony on that point! [Applause and laughter.]

Imagine, if you please, a measure—not a private measure, but a public measure—which has been considered at length by a great committee of this House and favorably reported with the recommendation that it do pass. That bill is then placed on the "Calendar." The Calendar! That is a misnomer. It ought to be called a cemetery [laughter], for therein lie the whitening bones of legislative hopes. [Laughter.] When the bill is reported and placed on the Calendar, what does the member who introduced it and who is charged by his constituency to secure its passage do? Does he consult himself about his desire to call it up? No. Does he consult the committee who considered the bill and recommended it for passage? No. Does he consult the will of the majority of this House? No. What does he do? I will tell you what he does. He either consents that that bill may die upon the

Calendar or he puts his manhood and his individuality in his pocket and goes trotting down that little pathway of personal humiliation that leads to where? To the Speaker's room. Aye, the Speaker's room. All the glories that clustered around the holy of holies in King Solomon's temple looked like 30 cents [prolonged laughter and applause]; yes, looked like 29 cents compared with that jobbing department of this Government! [Applause and laughter.]

Then you are in the presence of real greatness. What then? Why, the Speaker looks over *your* bill and then *he* tells *you* whether *he* thinks it ought to come up or not!

There is a condition which I commend to the patriotic consideration of the American people. Contemplate that for a method of procedure in the legislative body of a great and free Republic.

WHO IS THE SPEAKER OF THE HOUSE?

Who is the Speaker of this House who sets up his immaculate and infallible judgment against the judgment of all comers? Is there anything different or superior in the credentials that he carries from the credentials that were issued to you and to me from 70,000,000 American people? When he entered this House at the beginning of the Fifty-sixth and Fifty-seventh Congresses he was simply a Congressman-elect, bearing credentials like every other man on this floor. He has no greater power now than any other member, save the additional power we ourselves bestowed upon him by electing him Speaker and then adopting this set of rules. The question that now arises to confront us is, Have we put a club in the hands of some one else to beat us to death? Have we elevated one man on a pinnacle so high that he can not now see those who elevated him? Is the Speaker of this House a mere mortal man of common flesh and clay, or is he supernatural and immortal? What miracle was wrought at his birth? Did a star shoot from its orbit when he was born, or did he come into existence in the good old-fashioned way that ushered the rest of us into this vale of tears?

> Why, man, he doth bestride the narrow world
> Like a Colossus, and we petty men
> Walk under his huge legs and peep about
> To find ourselves dishonorable graves.
> Men at some time are masters of their fates:
> The fault, dear Brutus, is not in our stars,
> But in ourselves, that we are underlings.

I make no onslaught on the individual. I have a high regard for the Speaker of this House personally and for him politically; but we face the fact that we have adopted a set of rules in this body that are an absolute disgrace to the legislative body of any republic. [Applause on the Democratic side.] Ah, my Democratic friends may applaud, but remember while you are applauding that this is practically the same set of rules you yourselves adopted when you were in power. With me this is not a *political* question as much as it is a *patriotic* question. These rules are un-Republican, they are un-Democratic, they are un-American. [Applause.]

OUR DUTY TO CHANGE THE RULES.

The patriotic duty that to-day confronts every member of this House is the necessity of rising in our might and proclaiming a new Declaration of Independence. We need to restore this House to the great patriotic plane on which the founders of the Republic placed it, where every individual member on this floor stands upon an equal and exact plane with every other. [Applause.]

Under this set of rules the voice of the individual member of this body often is not heard in determining what shall be done; but at the same time he is always forced to share the responsibility of it after it is done. A system of that kind represents the superlative degree of everything that is unfair.

The way this House was intended to be run by the mighty men who conceived and fashioned our constitutional Government was that the members of the House were to inform the Speaker what legislation they intended to take up, not that the Speaker of the House would inform the members what legislation he would permit them to take up. [Applause.]

We operate here under a set of rules confessedly designed to belittle the hopes and dwarf the ambitions of the individual members of this body, while that same set of rules vests more power in the hands of two or three men than was ever enjoyed by an oriental despot or a ten-button mandarin! [Laughter.]

Here we sit like a lot of human midgets and legislative lilliputians trying to do business under a set of rules especially designed to dwarf the power and dim the hopes of the vast majority of the members of this body, while the same set of rules on the other hand is intended to swell the power and enlarge the influence of a few men beyond the point that it was ever intended that the influence of any one man should go in a free legislative body.

The system is rotten at both ends. It is rotten at one end because it robs the individual members in this House of the power that the Constitution of his country and the credentials of his people entitle him to: it is rotten at the other end because it vests power in other men that they have no right to, and ofttimes places on them duties they have no capacity to fulfill. [Laughter and applause.]

Mr. Chairman, there are people in Washington City to-day who are going down to a theater and paying out 50 cents each of lawful money of the United States of America, of present standard weight and fineness, in order to see what? In order to see a performance of Lilliputians. Great God! what a sinful waste of money, when they can come up here and watch this House perform six days in the week for nothing! [Prolonged laughter and applause.]

I AM A REPUBLICAN.

Mr. Chairman, let no man charge me now with trying to tear the Republican party down. I am not trying to tear down the Republican party, but I confess that I sometimes feel that I would like to put my hand on the throat of one or two men who think that they are the Republican party. [Applause and laughter.] No, it is not because I want to tear down the Republican party, but because I want to build it up, that I call attention to these things. Centuries ago in Holy Writ it was said, "Whom the Lord loveth he chasteneth."

And in this modern day the true friend of his party is the man who does not sit idly by and watch his party drift into disrepute and toward destruction, but the man who rises up and calls attention to the evils that exist.

Nero sat on the hilltops and fiddled while the Eternal City rose in smoke and sank in ashes; and we are sitting here to-day idle and unconcerned while the great power of this ancient House, and the power and equality of its members, is being invaded, belittled, debauched, and destroyed. [Applause.] I for one can not sit here and endure it in silence. I must lift my voice against it, so help me God, if I speak alone.

It does not lie in the mouth of any man, here or elsewhere, to say that I am not a supporter of the Republican party because I call attention to evils that exist. I am a believer in the Republican party. I always have been since the days of my infancy when I gathered inspiration as I played with a pair of tattered and faded epaulets that came home to me from the war. [Applause.]

I am not now making war on the Republican party, but I am making war on the methods and the men of that little clique who are laboring under the mistaken idea that they are the Republican party.

Who are they? You might think from the power they assume that each one had been born with a scepter in his hand and a halo 'round his head to distinguish him from the ordinary Congressional scrub. [Laughter.]

On the contrary, they feed on the same kind of meat, and are made of the same kind of clay as the rest of us—and a pretty common brand of mud it is, too.

THE HOUSE MACHINE.

Throughout the entire three years of my service in this body I have been up against the little machine that dominates the proceedings and the deliberations of this House. During the entire three years prior to this time I have always treated that machine with the deference due to its age and its reputation. I trust you will excuse my frankness when I tell you that from this time on I shall devote a little of my time and a tithe of my energy to putting a few spokes in the wheel of that machine that the designers of the vehicle never ordered. [Laughter.]

I for one expect to live to see the day in this House, not when the Speaker shall tell the individual members of this House what he is going to permit them to bring up, but when those individual members constituting a majority will inform the Speaker what they are going to bring up for themselves.

THE CALENDAR OF THE HOUSE.

I for one expect to live to see the day in this Hall, when this House has leisure in the interim between the passage of the great appropriation bills, that this House will go into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar. I expect to live to see the day when the Union Calendar will be called oftener than once in a lifetime.

Does anybody say it is lack of time that prevents this? I have seen this body adjourn three and four days at a time when the Union Calendar was freighted with the hopes of voiceless millions! No, sir; it does not lie in the mouth of this body or any member of it to say that it is lack of time. It is lack of inclixation and not lack of time that ails this body—or at least those who dominate it.

It does not require any longer time to pass the same bill when we are in the Committee of the Whole House on the state of the Union than it does to pass it under unanimous consent. The only difference is the first is entirely within the power of the members themselves, while the unanimous-consent route is entirely controlled by the Speaker. But, sir, I have seen the Speaker's room black with members, like flies around a honeycomb, each one

wondering if he was going to be able to persuade the Speaker to recognize him. I will tell you, sir, all we have to do to regulate this matter is not to put in so much time trying to get the Speaker to recognize us, but to rise up in our dignity and our might and recognize ourselves. [Applause.]

When we go into the Committee of the Whole for the consideration of bills on the Union Calendar, every man with a bill on that Calendar has, or ought to have, an equal chance to get his bill considered.

But under the other system—the unanimous-consent route—unfair and inequitable, the Speaker of this House stands up and passes out recognitions for "unanimous consents" like so many sugar-coated doughnuts. He recognizes those he desires to recognize, and he does not recognize those whom he does not wish to recognize.

What is the Union Calendar of this House and what bills go upon that Calendar? Every bill containing an appropriation of money or creating an office goes upon that Calendar. It is difficult to conceive of any important bill which would not include in its provisions one or the other of those features.

That being true, the most important bills that are introduced in this House go upon the Union Calendar. I would like to stand up in one crowd the 70,000,000 people in this Republic and have each one make a guess as to how often there is a call of the Union Calendar in the House of Representatives. It is never called! Only once in the last seven years has this House gone into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar. Why do we have a Calendar in this House? Did any man ever hear in his lifetime before of a Calendar that is never called? Under the present system of running this House we have no more need of a Calendar than a man with both arms cut off above the elbows needs a pair of fur-trimmed mittens. [Laughter.]

WHAT MAKES ME THIN.

A friend of mine some time ago said to me, "CUSHMAN, what makes you so thin?" I will tell you what makes me so thin. I have behind me an honest but infuriated constituency. A half a million worthy, honest, patriotic people who are demanding, and rightfully demanding, that I secure certain needed legislation for them. That is the pressure on me from the rear. Then in this House whenever I try to secure the consideration of matters of legislation in which my people are interested I run up against the stone wall that surrounds the Speaker of this House and the Committee on Rules. That is what constitutes the pressure in front. And I tell you frankly that between the pressure that has been brought to bear on me from the rear and the pressure I have encountered in front that I have become thinner than a canceled postage stamp! That is what is the matter with me. [Laughter.]

THE RIGHTS OF A LEGISLATOR.

Under the rules of this House, as they are administered, the rights of the individual legislator in this body are simply limited to his right to vote "yes" and "no" on the various propositions that are brought before this House.

I say to you that one of the rights inherent in and appertaining to the individual membership of every deliberative legislative body is not only the right to vote on the questions that are brought up, but the broader and higher right to have his voice heard and his vote recorded in determining what questions shall be brought up for consideration. And any man who denies that denies the existence of every principle that lies at the base of a republican form of government.

What do we amount to as individual legislative units in this House—this House that was once the great House of Representatives, the popular forum of a patriotic people? What is it now? It is an annex to the committee room of the Committee on Rules. Here is where we meet and go through the stupid formality of ratifying the legislation that is determined upon by the Speaker and his Committee on Rules. When I contemplate the system now in vogue in this House, under and by virtue of which no man can do anything unless the Speaker of the House and the Committee on Rules are willing that he should—I say when I contemplate that system it gives me a pain in my patriotism! [Laughter.]

GOVERNMENT WITHOUT THE CONSENT OF THE GOVERNED.

To me one of the amazing things that occur in this House is to have some man arise and select for his subject "Government without the consent of the governed," for the speaker invariably strains his eyes and cracks his voice trying to discern and draw pictures of an alleged condition of that kind in a region 7,000 miles away. Talk about government without the consent of the governed! If my brief legislative experience counts for anything, that system has reached its greatest perfection and found its most perfect flower right here is this Hall! [Laughter.] And, speaking on the pleasant topic of revolution and rebellion reminds me that the Republican party has heretofore made somewhat of a record of its ability to put down rebellion on distant isles beyond the sea—but I say to you unless there is a change in the manner in which this body is run I will give you a life-sized imitation of an incipient revolution on American soil—not in distant lands, but on domestic soil; not 7,000 miles away, but under the Dome of your country's Capitol!

I recognize no duty and confess no obligation that binds me to follow the leadership of this House with the pitiable confidence of a blind beggar following his leader, with no knowledge of where he is going.

I also recognize no party duty or political tie that obliges me to vote time after time to help the leaders of my party when they are in distress, and who are always deaf, dumb, and blind when I raise the signal of distress. [Applause.]

Do I make myself perfectly plain on that point? There is one phase of the "reciprocity" proposition that I commend to the careful consideration of the distinguished leaders of this House. [Laughter and applause.]

Some day in this House there will be an explosion of the honest patriotism and indignation of the individual members of this House, and on that day, in the midst of the fire and smoke incident upon that occasion, I expect to see blown right out through the roof of this Hall one small red buttonhole bouquet, one set of venerable white whiskers, and one large but not over-luminous body!

ASBESTUS EDITION WILL BE OUT LATER.

Now, then, with these few calm, cool, dispassionate, patriotic observations on the rules that govern this body, I shall pass from that theme to the main subject under discussion, with this final observation:

Owing to the brief time at my command, I am keenly sensible that I have not been able to do justice to the injustice of these rules. In closing, I promise you, sir, that at some time in the near future, on a suitable occasion, I shall deliver in this House a speech on the subject "The rules of this body," and I promise you that that speech will be so warm that it will have to be printed on asbestus paper and each one tied to a hand grenade for safe distribution! [Prolonged laughter and applause.]

RECIPROCITY.

When those who bring forward this measure try to cover its faults and obscure its defects by proclaiming loudly in the forum that it is a "reciprocity" measure, we have a right to turn to the lexicon of our party and read therefrom the definition of reciprocity as laid down and expounded by the fathers of the faith.

And if the pending measure does not fall within the definition of reciprocity as therein laid down, we have a perfect right to proclaim the fact that it is not a reciprocity measure.

And I state that this measure now before us for consideration does not resemble the reciprocity of the Republican platform and the Republican leaders any more than greenbackism and free silver resemble the declarations of the Republican party for sound money and the gold standard.

Those who are in favor of this measure say that it is a reciprocity measure, and having conferred that title upon it they attempt to crowd it through under that name.

In determining whether or not this is a reciprocity measure it is necessary, in the first place, to determine what constitutes reciprocity and how it is defined.

The reciprocity that I believe in is an aid and an adjunct to protection. The kind of reciprocity contained in this bill is absolutely destructive of the protection from which it sprung and the policy that it is supposed to aid.

I am in favor of a reciprocity that is in harmony with protection, and not that is destructive of it.

Protection and reciprocity are like the right and the left hands of man. The two hands work in unison. You might as well set a laborer to work in the morning under orders to work until noon with his right hand, and in the afternoon to destroy with his left hand what in the morning he had wrought with his right.

I say you might as well do that, by way of comparison, for, in my judgment, such a policy as that would not be any more imbecile or assinine than to make a reciprocity treaty to tear down what a protection law has already created.

The two great economic policies brought forth by the Republican party have been the policies of protection and reciprocity. These are the two children born to this nation since the destinies of the Republic became wedded to the Republican party. [Applause.]

Has the first child been reared to be assassinated by the second infant; or are they to live together in harmony for the further development and the greater glory of our beloved common country?

WHAT WILLIAM M'KINLEY SAID.

We hear a great deal these days about what William McKinley said about reciprocity. I challenge the pages of my country's

history when I say the whole life work of William McKinley furnishes a complete vindication for those of us who oppose this bill. Every speech he ever made, every platform on which he ever stood, were opposed to the policy embodied in this bill.

William McKinley in his lifetime never advocated a brand of reciprocity that raised its banner above the coffin of an American industry. [Applause.]

There is a certain class of individuals, numerically small but wonderfully industrious, who make it their business to try and overthrow the work of a man's entire lifetime by digging out one short sentence from a speech made late in life and by divorcing that sentence from its surroundings, its limitations, and its qualifications. In this manner they are able to prove almost anything. This same class has been busy on the record of William McKinley.

If one were to listen to the pratings of some of the advocates of this bill about McKinley reciprocity, he might be inclined to the belief that in the last hour of his life—a life devoted to the upbuilding of a protective wall to shelter the domestic industries of his nation—that in the last hour of his life he became recreant to the principles and the policies of protection which had made him the great champion of the Republican party.

The people who make those remarks never read the complete and unabridged edition of the President's Buffalo speech—that gem of English undefiled that fell from his patriotic lips a few short days before his immortal spirit took its flight.

On the proposition of reciprocity and extending our markets he said:

> By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.

That was the central sentence of his entire sentiment expressed on that occasion regarding reciprocity. That was the keystone of the arch as far as that paragraph of his speech was concerned. All else rest upon and cluster around that.

Whoever attempts to mutilate that speech by omitting that sentence or belittling its importance is a political vandal who would mutilate and deface one of the grandest monuments of our heroic dead. [Loud applause.]

DECLARATIONS OF REPUBLICAN NATIONAL PLATFORMS.

In the course of this debate it has been urged by those supporting this bill that there was nothing in the platform declarations of the Republican party inconsistent with this proposed measure. I deny it. I will read you what the Republican party said on this subject in its two last national platforms:

Platform of 1896:

RECIPROCITY.

> Protection and reciprocity are twin measures of Republican policy, and go hand in hand.
>
> * * * * * * *
>
> Protection for what we produce; free admission for the necessities of life which we do not produce.

Then for fear that plain declaration in favor of "protection for what we produce" might not be specific enough, follows this specific declaration in favor of protection to the beet and cane sugar producers of America:

> We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use. * * *

Platform of 1900:

> We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce. * * *

There is what the platforms of the Republican party have announced on the issues of reciprocity and the especial protection due the American sugar producer.

The gentleman from New York [Mr. PAYNE] says the declarations of the Republican platform do not mean anything. Great God! what a statement, and from what a source. The great steps and strides of onward progress that this nation has made in the last thirty years can be traced step by step by reading the platforms of the Republican party. And it is the men in the ranks of our party that have made the pledges of those platforms good who will live in the history of their country, and not the men who tried to tear the platform down.

The gentleman states that the hasty and ill-considered manner in which a party platform is constructed is not to be compared to the calm, careful, deliberative, legislative method in which this thing was born! [Laughter.]

I submit to you, my friends, who know the inside history of the manner in which this measure was conceived and the wire-pulling methods that stood, sponsor-like, round its cradle in the hour of its birth, I submit to you that it is not now to be elevated on any immaculate pedestal.

As between the Republican party platform, the enunciation of the millions of Republicans of this country, and the peculiar methods that have been used in connection with this bill, the presumptions of purity and reliability are vastly in favor of the platform declaration.

WHAT BLAINE SAID.

Now, then, we have had other declarations upon this subject of reciprocity. One of the great names that shine forth from the luminous annals of the Republican party is the great name of James G. Blaine. [Applause.] He was the leader of our party on the protection issue, and he was the pioneer in the pathway of reciprocity. It is indeed fortunate for those of us who oppose this measure on this floor that that splendid champion of protection, that able defender of the industries of his nation, left emblazoned on the walls of the Republic, high above the mutilating hand of the partisan, a few enduring sentiments on this subject.

Before the white plume of that knightly Navarre sank in death, before he lowered his shining lance before the grim destroyer, he left recorded in the annals of the nation a confession of his faith. [Applause.]

On September 15, 1890, James G. Blaine wrote a letter from Bar Harbor, Me., addressed to Col. W. W. Clapp, editor of the Boston Journal, which letter was published in the New York Daily Tribune September 17, 1890.

In this letter he speaks of a proposed reciprocity treaty the terms of which some of the people in New England had criticised. In the letter he says:

> They can do great good by counteracting a certain phase of New England opinion, entertained at home as well as in Washington—an opinion which I must regard as in the highest degree unwise and hurtful to New England interests. New England is to receive in the new tariff the amplest protection for every manufacturing industry within her borders, both great and small, and it will, in my judgment, be both inexpedient and injurious for her representatives to disregard a measure which will promote Western interests.
>
> * * * * * * *
>
> Giving the fullest protection to all Eastern interests, as the proposed tariff bill does, surely no man of good judgment, certainly no protectionist of wise forecast, wishes to expose a Western interest to serious injury, especially when it is easy to protect and promote it.

That is what James G. Blaine said about the reciprocity end of a tariff measure in its practical relation to the agricultural industries of the great West.

Does any man who knows the history of his country, or has read the history of our party, doubt for a moment where James G. Blaine would stand on this subject if he were alive to-day?

If I could by any subtle alchemy, by marvel or by miracle, conjure into this presence for one brief hour the mystic shade of the Plumed Knight who first led the hosts of protection—does any man doubt where he would stand on this proposition?

If he could have heard some of the speeches that have been made from the Republican side of this House on this proposition he might think he had been resurrected into the midst of a free-trade ratification meeting. [Applause.]

On August 30, 1890, in a public speech at Waterville, Me., discussing the policy of reciprocity and reciprocal trade, James G. Blaine said:

> I do not mention protection because I do not intend to speak in reference thereto before this audience. That would be a needless, if not an impertinent, effort. I merely wish to proclaim its victories.

Then he passes on to the real question of reciprocity, which he intends to discuss. Here is the statement of the greatest tariff champion the world ever saw. Here is the statement of the man in whose mighty and matchless brain was conceived the original idea of reciprocity. And I read his words as my justification to 70,000,000 of my countrymen for my vote on this bill—and while I read them I call man and God to witness how wide is the chasm that separates the reciprocity of SERENO E. PAYNE from the reciprocity of James G. Blaine! [Applause.]

Blaine said:

> As I have already intimated, I am here to speak of the expansion of our foreign trade, not by any novel process, not by any mode that will shock or disturb home industries, not by any mode that will invite our people to rash experiments, or that will launch us in doubtful or dangerous investments.
>
> * * * * * * *
>
> What I mean to speak of briefly is a system of reciprocity not in conflict with a protective tariff, but supplemental thereto.

How different that sounds from the thing proposed here! Remember that Blaine was Secretary of State and Harrison was President of the United States, and Harrison was in full accord with Blaine on this subject of protection and reciprocity. Sir, we on this side, this little band of ours gathered together, are not insurgents; we are the keepers of the faith, the faith that has been the faith of the Republican party from the hour of its birth down to the last tick of the clock. This has been the faith of the Republican party, and these are the statements of the great leaders of our party—the treasured names and idolized faces that have made the history of our nation both memorable and glorious. [Applause.]

I appeal from the reciprocity of JOHN DALZELL to the reciprocity of Benjamin Harrison. I appeal from the reciprocity of Congressman GROSVENOR to the reciprocity of William McKinley. I appeal from the reciprocity of SERENO E. PAYNE to the reciprocity of James G. Blaine! [Great applause.]

A YOUNG PATRIOT FROM OHIO.

After this measure has been debated for so long on this floor, I can not hope, in the closing days of this debate, to add much light to the subject. There are many of us who are opposing this measure who are willing to aid and assist Cuba. We think that Cuba can be aided in a way that will not destroy or menace the American sugar industry. The plan we had outlined was that the Cuban government, instead of receiving a 20 per cent reduction on the tariff rates on what they import into this country (which reduction would add to the profits of the American Sugar Refining Company rather than find its way to the Cuban), that they should pay the full import duty on what they imported into the United States, and then there should be turned back direct to the Cuban government from the United States Treasury, for distribution among the Cuban cane producers according to the amount of cane produced, *an amount equal to* 20 per cent of the duties paid on goods imported from Cuba. My views on that subject were very concisely stated by a young Congressman from Ohio.

There is a young Republican on this floor who lives in and now represents the Eighteenth Ohio Congressional district—the same district represented so long and ably by the lamented McKinley. A most loyal and lovable man is he upon whose young shoulders has fallen the mantle of our once great leader. Congressman ROBERT W. TAYLER is a man who received his ideas on protection and reciprocity directly from the throne of Republican grace—right under the drippings of the sanctuary. [Applause.] The most clear and concise statement of the views of those of us who oppose this bill was enunciated by that young champion from Ohio, and I am proud, indeed, to have the privilege of incorporating these views in my speech. In voicing the views of those of us opposed to this pending measure and favoring the plan of turning back to the Cuban *an amount equal to* the 20 per cent, he used the following language:

We oppose the proposition to reduce the tariff on Cuban products coming into this country because it involves a relaxation of the protective principle.

The Republican platform of 1896 condemned the Democratic party for not keeping faith with the American sugar growers; we seek not to merit for ourselves the same condemnation.

The proposition to reduce the sugar tariff is unwise and unjust, because—

1. It constitutes, in essence, an abandonment of the protective principle, even though it removes only one-fifth of the duty imposed by the Dingley law. And this abandonment is most unhappy because applied to the pursuit of agriculture in the most conspicuous instance in which specific and manifest protection is given to the farmer, and at the moment when the beet industry is not only in its infancy, but in an infancy so lusty and promising as to demonstrate the certainty of a rapid and prodigious growth. The beet-sugar industry exhibits in the most perfect form we have yet known the most approved principles of protection.

Heretofore the farmer has been compelled to find his justification of protection, from the standpoint of personal interest, in the prosperity reflected from the industrial artisan, and in the main he has, through good report and evil, been bravely loyal.

Since our platform of 1896 gave a party's guaranty of performance the people took us at our word, and we have demonstrated that in the beet-sugar industry we could more vividly than in any other enterprise illustrate to the American farmer on his own broad acres the beneficence of the American system of protection.

The American market for over $100,000,000 worth of sugar annually is rightfully his. We shall encourage no policy which delays the time when he shall come into his own.

2. As to the fancied duty to Cuba because of a distress which is only apparent in the admitted fact that every man on the island has all the work he can do at higher wages than he ever before received, we have only to say that the low price of sugar is a mere business condition of temporary character, and that to compromise with it on the terms proposed is, in its interference with the policy of protection, to pay too high a price for all the good that can possibly come to those whom it is intended to benefit.

The proposition is to undertake to insure commercial and industrial prosperity in Cuba, a foreign country and a foreign government. If we undertake it, when and where are we to stop?

It is a startling proposition entirely outside of our governmental functions and our constitutional power.

Whenever we have undertaken to insure commercial and industrial prosperity in the United States, our own country, by means of a protective tariff, we have been bitterly assailed on the ground of paternalism.

Now, at the expense of our own labor, our own capital, and our own industry, and largely at the expense of a single industry, without reducing the cost of sugar to the American consumer, we are asked to extend the paternal hand to a foreign people on the ground that, having given them liberty, we are morally obligated to secure them commercial and industrial prosperity, even at the sacrifice of our own interests.

We emphatically deny that we are under any such obligation, morally or otherwise.

We insist that such an undertaking subjects the Congress of the United States to the charge of being false to its constitutional obligations, untrue to the people it represents, and, from a political standpoint, false to the pledges made by the party to the people when it asked and received their support.

3. Entirely independent of its effect on the beet-sugar industry as a present fact in established concerns, it would smother the further development of the industry through the scores of plants now in various stages of active advancement.

An industry which has grown fivefold in the last four years and doubled since 1900 has in it the certainty of a future development so stupendous as to beggar prophecy and appeal with cogent force to our national pride.

4. In so far as the proposition professes to be in the line of Republican reciprocity, we assert that it is essentially a denial of that great policy. We deny that reciprocity is desirable except as a corollary to the greater policy of protection. Republican reciprocity, wise reciprocity, does not seek an exchange of products at the expense of any American industry; it does not seek to give—it does not give—commercial advantage to any foreign product which comes into competition with our own products; it does not seek an exchange of products which deprives any American artisan of his work or any American farmer of an opportunity to profitably till the soil.

This was explicitly declared by McKinley in his Buffalo speech in the following words:

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus."

And by President Roosevelt in his annual message in these words:

"And that reciprocity be sought for so far as it can safely be done without injury to our home industries."

5. To say that the duty on sugar is to be lowered on the plea that it helps Cuba is to say that it must always be lowered when Cuba needs help; and a reduction of one-fifth by the House of Representatives means that elsewhere, both in and out of Congress, the extent of that reduction shall be measured by the varying views of those who consider it.

It must therefore follow that the protective principle is to be subordinated to the question as to what amount of help Cuba may need.

With such a policy declared by a Republican majority, what wise business man can be induced to invest his money in the beet-sugar industry? What promise will there be of its future development?

And if that Republican majority is once constrained to such a policy, what license have we to believe that the citadel of protection will not be further assaulted in the house of its friends? When that time comes the days of Republican supremacy will be numbered.

Never more earnestly than at this hour have we been summoned to our duty; never has the cause of protection—to which we owe our party success and our national prosperity—more needed our undivided and unflinching support.

We pledged our faith in 1896 to the sugar growers of the country, and they took us at our word; in 1897 we kept the faith and passed the Dingley law, and the people, relying on that law and our party pride and tradition, proceeded to develop in amazing proportions the industry which we specifically encouraged them to enter.

We are told that the pending proposition will not hurt the beet-sugar producers; but surely no one anywhere has asserted that it would help them.

A tariff measure which has the unanimous indorsement of free traders is not above suspicion, and a search warrant will not be needed to find all the protection that is hidden away in it.

[Applause.]

The following terse declaration of principles was adopted by those of us who oppose this bill. I indorse the language, I approve the sentiment, and I ask for it the candid consideration of my countrymen:

1. It will afford relief both to the government and to the people of Cuba.
2. It makes certain that Cuba and her people, and no one else, will be the beneficiaries of our action.
3. By its adoption we keep faith with the people of this country and with the people of Cuba.
4. It does not violate our national party platforms of 1896 and 1900.
5. It does not disturb existing conditions in this country.
6. It does not alter or modify any schedule of the present tariff law.
7. It does not injure or discourage any domestic industry or prevent its further development.
8. It avoids an inopportune agitation of questions affecting industrial conditions of unparalleled prosperity.
9. It would secure reciprocal trade concessions from Cuba and give time to ascertain the value of such trade relations between the two Republics under existing conditions.
10. Its reciprocal feature furnishes a consideration which makes the proposed measure of undoubted constitutionality. It is as competent for Congress to purchase trade concessions from foreign countries as to purchase naval or coaling stations.
11. It is sustained by precedent since the establishment of our Government, and particularly by the legislation refunding duties collected on the products of Porto Rico and the Philippine Islands.
12. It affords the means and opportunity for successfully inaugurating and permanently establishing the new government of Cuba during a time which the experience of all nations has shown will be its most critical period.
13. It affords relief until the present adverse trade conditions affecting the price of sugar shall have been improved by the abolishment of European sugar bounties.
14. It discharges every obligation assumed by us under the provisions of the treaty of Paris, the Platt amendment, and by our intervention to secure the independence of Cuba.

TWO IMPORTANT REASONS.

In the early days of this debate the statement was continually made that there was want and distress in Cuba which must be relieved. But that statement has been so completely disproved that nobody makes it now.

The statement now made is that there is likely to be distress in Cuba unless we do something for them. Well, I am a charitable individual and I belong to a charitable party—the Republican party—but before I make a contribution of the money of the people of the United States for some alleged charitable purpose there are a few things I want clearly explained in advance.

In the first place, I want to know the exact condition that makes the charity necessary and the contribution desirable.

Second, I want to be morally certain that the contribution made will in the end reach the party for whom it was intended.

Unfortunately, in the case which we are now discussing, an examination into those two features of this case show that in the first place the condition of the Cuban does not justify our action, and in the second place if we took the action contemplated by this bill the results of it would never reach the Cuban—two most excellent and convincing reasons for any man being against this bill.

It is said that the Cuban is sure to be in distress within a short time unless we do something for him at once. That same statement was made last December in this Hall. Here it is the 17th of April and distress has not reached the Cuban yet. If he lived through the first half of the year without the predictions of distress coming true, who knows but he may now exist through the last half of the year under the same fortunate circumstances?

AN OVERPRODUCTION OF SUGAR.

The principal reason advanced by the proponents of this bill, which they claim will relieve Cuba—which statement I emphatically deny—is that there has been this year a great overproduction of sugar throughout the world, and as a result of that vast overproduction the price of sugar is bound to go down, and if the price of sugar (the chief product of the Cuban) does go down the Cuban is sure to be in distress.

Now, I hope that I am as willing to extend a helping hand toward Cuba as anyone. But I submit to you, sir, that when we guaranteed to Cuba liberty and a stable government we did not guarantee to her continuous agricultural prosperty and a never-ending era of high prices for her products. It seems to me the most startling proposition I ever heard of that because there has been an overproduction in Cuba that we are expected to boost the price of her commodity by a contribution from the United States Treasury.

Before embarking on that mad career of miscellaneous governmental donation I want to know if any man in this Hall ever heard of low prices of American agricultural productions brought about by overproduction?

AN OVERPRODUCTION OF WHEAT.

I have lived all my life in the great farming sections of the West. I think I know something about the proposition of overproduction and reduced prices.

I have stood in the midst of the great grain belts of the West when the sunshine, like the magic touch of Midas, had turned the earth to gold as far as the eye could reach.

During several of these years it became plainly apparent that the supply was going to far outstrip the market, that the production was far in excess of the demand.

It was also apparent that the price of grain would thereby depreciate, and ofttimes that the American farmer was left in financial distress as the only heritage of his industry.

I say I remember all this, and I wish to emphasize that fact, because no statesman then rose in this Hall and proposed legislation that should relieve the American farmer from distress as the result of overproduction.

Now, then, if we have no duty to aid the American farmer from overproduction when his distress is actual and apparent, who is going to say that we are in duty bound to relieve a foreign people from overproduction, especially when their distress is not actual or apparent, but merely a possibility of the future? [Applause.]

OUR DUTY TO CUBA.

One of the phases of this question that are continually pressed into the foreground by the advocates of this measure is that there has this year been an excess in the production of sugar over the demand for the same.

That that has resulted in lowering the price of sugar.

And the people of Cuba are therefore likely to be in distress unless we give a 20 per cent reduction of the tariff on their sugar imported into this country.

That proposition carried to its legitimate conclusion forms a sort of sliding scale by which our benevolence is to be regulated. That is, the degree of their distress (real or apparent) is to be made the basis and the measure of our relief by legal enactment.

If their condition to-day demands a 20 per cent reduction, and we give it to them, then, by the application of the same rule, if their necessities to-morrow demand a reduction of 100 per cent, we will be bound to grant that.

If we follow that legislative pathway to its logical end, we will soon be paying the Cuban a bounty on his sugar production to keep him from the doorway of distress; but by the same law we will have at the same time legislated a similar American industry into the ditch, and sent the American sugar producer, a commercial and industrial bankrupt, staggering to his financial grave. [Applause.]

DUTY TO THE CHILD.

In all the florid rhetoric with which the proponents of this measure have pressed it to the front the favorite figure of speech with them all—which has now become time-honored and shopworn—is "duty to the child," and by that symbolism of speech our duty to Cuba is compared to the duty due from guardian toward his ward or a parent toward his child.

I am willing to accept the comparison and argue the case from that standpoint.

Duty in the family of nations, like charity in the individual family, *begins at home.*

Our first duty as American citizens and American legislators is due not to the alien infant, but to the domestic offspring.

What a peculiar conception of duty it must be that prompts a man to do more for his neighbor's child than his own. What a peculiar idea that in order to discharge your duty toward the human race you must feed and clothe the infants of all humanity, though the child of your own hearth be left both hungry and naked.

WHAT WE ARE WILLING TO DO FOR CUBA.

Let me inform you that those who are the proponents of this proposition are not the only people who are willing to do something for Cuba.

Those who oppose this proposition are the real friends of the Cubans.

In my humble judgment, if this measure passes and becomes a law not one out of every hundred Cuban cane growers will ever learn that such a law passed. If the benefits which this law is supposed to extend to the Cuban fail to reach him, then it will be a matter of little or no interest to him whether a law passed that it was supposed was going to benefit him.

On the point of our willingness to extend aid to Cuba there is practically no one on this floor who will declare against that proposition.

The difference arises when we try to reach an agreement as to how that aid shall be extended.

There are some of us on this floor who believe that the ingenuity of the American Congress ought to be able to devise some way of extending the help of this Government to that island without at the same time destroying an American industry.

We likewise believe that there ought to be some way devised by the ingenuity of man whereby aid might be sent from the Federal Treasury of the United States to the island of Cuba without filtering the funds through the sugar trust.

The Cuban does not produce or handle any REFINED sugar. His only produce and his sole commodity is RAW sugar.

To my mind it is perfectly clear that the American Sugar Refining Company is the only purchaser of raw sugar in this country; that they can and will fix the price of the raw sugar which they buy. To deny that is to deny everything elemental and axiomatic in trade relations.

Then a 20 per cent reduction to the Cuban in bringing his raw sugar into this country does not change his trade relation with the monopoly that fixes the price of the only product he has for sale. As they still control the price, you may be sure that the straight reduction of the duty will ultimately result in the profit of the transaction finding its way into the coffers of the commercial concern that control the situation. Men have tried to becloud that feature of this case, but it stands forth in all its indefensible clearness.

There was a proposition submitted by the gentleman from Minnesota [Mr. TAWNEY] to let the Cuban pay the full duty, and then pay back from the United States Treasury *a sum equal to* 20 per cent of the duties so paid for distribution among the Cuban cane growers.

It would seem to any man who wanted to be fair, and especially to those who were anxious to help the poor Cuban, that there was a proposition the direct benefits of which no man could doubt would go direct to the Cuban.

Yet gentlemen arose and said that it was not only unconstitutional, but it was impractical; that it could not be accomplished; that money could not be successfully distributed in that way.

One of the earliest mathematical lessons I learned was that "A straight line is the shortest distance between two points." Now, then, if the Cuban is to be helped from the United States Treasury the straighter the line from the Treasury to the Cuban the more sure he is to get the benefit of the funds destined for his benefit. [Applause.]

It is one of the peculiarities of this remarkable debate that the same men who think that it would be impossible for the Cuban to secure the benefit of funds sent direct to him from the United States Treasury are the same gentlemen who feel morally sure that he would get the entire benefit of the same funds if they are filtered to him through the medium of the American sugar trust!

A "PAYNE" IN OUR INDUSTRY.

Mr. Chairman, I have been highly interested as well as entertained by some of the peculiar statements that have been made on this floor in support of this measure. In passing a few criticisms on the remarks made by the gentleman from New York [Mr. PAYNE], let it be understood that I do not mean to make any personal onslaught on him as an individual, nor do I wish to be understood as stating or intimating that he is unfair or actuated by improper motives. I think he is a very able man, and I have a high regard and admiration for him, but some of the remarkable statements he made in this debate failed to appeal to my poor faculties. Their force was lost to me. Among other things, when speaking of Cuba's need for this legislation he dramatically exclaimed: "The weeds grow up in Cuba, and then the weeds have to be cut down, and then they grow up again." The weeds grow up. Remarkable fact! And then the weeds have to be cut down. Peculiar situation! [Laughter.] And then the weeds grow up again. Unprecedented agricultural phenomena! [Laughter.] As

far as I know, that is the only spot in the universe where this peculiar and remarkable condition exists!

The gentleman from New York insisted with great energy that the sugar trust could not possibly receive any of the benefits of this reduction. He made sport of the statements of those who differed with him. He said he preferred to take his facts from the page of history rather than from the realm of prophecy.

Well, I picked up a newspaper a short time ago, just after this agitation began, and read in one column the statement of the stock market showing the remarkable rise of the stock of the American Sugar Refining Company, and in the next column I read the commercial obituary of an American beet-sugar factory. These were in parallel columns of the same sheet. There is some unvarnished history—some mighty recent history—which the gentleman from New York [Mr. PAYNE] can avail himself of if he desires.

PAYNE'S RECIPROCITY—DEMOCRATIC FREE TRADE.

One of the most startling and suggestive incidents of this debate was in evidence on the opening day of the discussion on this subject.

The gentleman from New York [Mr. PAYNE], Republican chairman of the Ways and Means Committee, arose and gave this measure his unqualified support because it was a high protective tariff measure.

Within the hour—before the sands in the glass had run once—Mr. MCCLELLAN, Democratic member of the Ways and Means Committee, arose and gave this same measure his unqualified approval because it was a breach in the wall of protection and the beginning of free trade!

PAYNE vouched for it as being McKinley reciprocity.

And MCCLELLAN read into the RECORD the unqualified indorsement of William Jennings Bryan, the uncompromising free trader, and those two statements are now in print in the parallel columns of the same issue of the CONGRESSIONAL RECORD! [Applause.]

Surely we have reached, in your day and mine, the full realization of that wonderful prophecy, that—

The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid.

I trust you will pardon me if I am a little skeptical as to the immaculate conception or the spiritual authenticity of an alleged high protective tariff measure that has the unanimous indorsement of pronounced free traders.

There is a beautiful picture to contemplate: PAYNE with one foot on the solid wall of protection and the other planted on the ramparts of free trade, with the sugar trust in his arms and the Republican platform in his hip pocket—there is a tableau that, with the aid of a little red fire and a slow curtain, would bring tears to the eyes of an Egyptian mummy. [Laughter.]

The gentleman from New York assured us all that he was fighting the sugar trust.

Ah, sir, I tremble for that weak and unprotected fledgling as I see the gentleman from New York, arrayed in all the shining panoply of war, with his mailed hand raised aloft to smite the monster, as he bears down on the American sugar trust!

The destruction that overtook the heathen at Sennacherib will not be a circumstance to the slaughter that will occur when PAYNE reaches the sugar trust!

GROSVENOR.

The gentleman from Ohio [Mr. GROSVENOR] in his opening remarks stated that his speech would not be published as a campaign document by the Democratic party.

These few remarks of mine may never be published as a campaign document by any political party. I shall be satisfied if they pass down to posterity in the form of a Sunday-school tract, being a bright and shining example of the fearless recital of a few wholesome truths and unvarnished facts.

The gentleman from Ohio [Mr. GROSVENOR] also stated in his remarks that the men of this House who are trying to protect the American sugar producer will find themselves in the minority before the people, because he said that there are only half a million people in the United States who are producers of sugar while the other sixty-nine and a half million people are consumers of sugar.

In the next sentence he asserted that this legislation here proposed would not reduce the price of sugar any. Now, then, if the price is not to be reduced any to the sixty-nine and a half million consumers, where did the gentleman from Ohio get the warrant for assuming that they would all be on one side of this question?

The doctrine of protection to American industries is founded on the system of protecting each and every one that needs protection. When the gentleman from Ohio tried to justify his course in this matter by contrasting the number of sugar producers with the number of sugar consumers, he got his feet entirely off the Republican platform. There are more people in this country who buy wool than those who raise it. Does he want to advocate a reduction in the tariff on wool for that reason?

Why, not only is the measure now pending before this House a step toward free trade, but a lot of shopworn and threadbare free-trade arguments that were used by the Democratic party twenty years ago are now being resurrected and galvanized into life and added to the ammunition in the arsenal of those who are firing away in support of this bill.

CONGRESSMAN GROSVENOR MY FRIEND AND BENEFACTOR.

There have been some things said by my own friends in this controversy that I can not indorse.

I was pained by the attack of the gentleman from Michigan [Mr. HENRY C. SMITH] upon the gentleman from Ohio [Mr. GROSVENOR]. Sir, I can not permit that incident to pass unheeded, but must pause to place the stamp of my disapproval upon it.

There are many gentlemen in this House whom I look upon as friends, but the place the gentleman from Ohio occupies in my affections is not only that of a friend, but my personal and political benefactor. It was largely through his instrumentality that I have been elected to Congress in two bitterly fought campaigns.

It occurrred in this way:

In the State in which I reside we can not make a campaign in a Pullman car, as some gentlemen on this floor travel over their districts. I go over my State on the train, by wagon, on a bicycle, in a rowboat, or on a mule—any way to get there, in fact.

Now, when a man gets ready to campaign in my State he simply puts on a clean pair of socks, puts a toothbrush in his pocket, and starts. No baggage-train equipment. [Laughter.]

On getting ready to begin my first campaign I wanted to take along a lot of documents covering different points, because the people in my State are thoroughbreds. They do their own thinking; and sometimes they ask some very awkward questions, and a man must travel constantly loaded.

Well, I could not possibly carry a lot of books; it was simply out of the question.

What did I do? I will tell you. I got a complete set of GROSVENOR'S speeches and carried them with me. And I went through that campaign triumphantly and without a scratch! Nobody could embarrass me at any time or on any subject, because I could always, in an instant, prove or disprove anything that the necessities of my case required by referring to that volume! [Prolonged laughter and applause on the floor.]

When I was in the manufacturing districts and near the railway centers, where the great corporations had a big pay roll and the people had a friendly feeling toward the company, I could prove instantly by that volume that our party had a warm side toward capital. When I got into the "rooral deestricks," if the feeling was against capital I could instantly prove by that same volume that we were chasing the hydra-headed financial monster into his lair.

There can not anybody stand up on this floor in my presence and abuse the man who occupies such a prominent and necessary place in the economy of our party as does my friend from Ohio. I simply will not stand it! [Laughter.]

CHASING GROSVENOR AROUND THE CIRCLE.

Now, then, in the coming campaign some of my friends have felt that we may be embarrassed in meeting this issue when presented to us. Why, nobody on the Republican side of this Chamber need be agitated at all on that subject, no matter how he voted. As long as you stick to GROSVENOR you have got a dead, immortal cinch! I will prove it to you. If any unbeliever tries to embarrass me in my next campaign, I promise you I will make it warm for him. Now, then:

First. If some fellow rises up and charges me with not being willing to do something for Cuba by decreasing the duty on her sugar, I will simply hand him a copy of the report on that subject filed by the gentleman from Ohio [Mr. GROSVENOR], wherein it is conclusively proved that if we put Cuban sugar on the free list it would not only destroy the American sugar producer, but enormously enrich the sugar trust at the same time. That answer will annihilate that fellow.

Second. Then, if some other political infidel arises and tries to criticise me, saying I ought to have voted for this bill and that this proposed reduction on Cuban sugar would not injure the American sugar producer, why I will read that fellow the testimony of the Congressman from Ohio [Mr. GROSVENOR], on page 430 of the committee hearings, and prove conclusively to him that such a course was bound to hurt the American sugar producer: "Nobody could help knowing that who knew enough to put two and two together." That will be the end of the second man who tackles me! [Laughter.]

Third. Then, if my political enemies rally for the final charge

on me and assert that I ought not to have voted for this bill, I will take a copy of GROSVENOR'S speech made here in the House and throw that at their heads, and that will spike their last cannon! [Laughter.]

I tell you there can not anybody frighten me in the next campaign by any charges as to what attitude my party took or the attitude that anybody took on this measure.

With those three documents, sir, we are armed at every point. A man may be able to chase me clear around the circle on that subject, but I promise you he will never catch up. [Laughter.]

I will take those three documents of General GROSVENOR'S and have them bound together into one small, compact volume, and then I will be invulnerable and invincible. I will guarantee to go through the hottest campaign the Democratic party ever organized for destructive purposes, and come out without the smell of smoke or sugar on my garments! [Prolonged laughter and applause.]

THE BEATERS OF TOM-TOMS.

The history of the American aborigine tells us that when the North American red men prepared to make an onslaught on the citadels of civilization their universal tactics were to send a detachment of savages into the brush on the opposite side of the village from which the attack was intended to be made; their business was to beat tom-toms on the other side of the village in order to attract attention to that point, while the painted horde of savages swarmed over the unprotected palisade on the other.

Since those days the human race has changed somewhat in outer garb and visible ornaments, but the same characteristics in the race are still visible to the naked eye of the close observer.

In these modern days when some political half-breed comes forth from his Medicine Lodge [laughter] intent on violating the traditions of his tribe, getting ready to repudiate the political platform of his party, determined to assassinate an infant industry in order to subsidize a trust—why, under those circumstances it becomes necessary to do a little artistic tom-tom work in order to throw dust in the eyes of the honest but unsuspecting to conceal the point of attack and likewise cover the retreat.

The tom-tom that has been assiduously hammered to make the necessary noise in this particular case is: "We must do something for Cuba." And how industriously they have hammered on that I call all my countrymen to witness. They have taken that one phrase, "We must do something for Cuba," and have set it up in block type, had it stereotyped, and then taken out a copyright on the plate. They have paraded it in the market place and reiterated it in the forum.

A part of the established programme in this case seems to have been to silence all criticism and drown all just objection to this measure in that continuous chorus "We must do something for Cuba."

WHEN THE CUBAN SAW THE RED, WHITE, AND BLUE.

Sir, it may be that the Cuban, as he stands to-day in the center of his infant island republic, in the dawn of his nationality, in the beginning of his liberty, as he looks abroad upon the nations of the earth, he may discern here or there a nation that owes a duty to him and to his countrymen. But, sir, if there is any nation on the footstool and under the canopy that has more than discharged her obligations to Cuba that nation is the United States. In the annals of the ages that fact will be recorded in letters of living light.

The United States has done more for Cuba in four short and glorious years than all the remaining powers, kingdoms, and monarchies of the earth have accomplished in four hundred long and bloody years.

We have given them the gold of our Treasury, the priceless blood of young American manhood, and protection and asylum underneath the folds of our flag.

As the pitiful reconcentrado stood alone in the midst of that little island, desolated by war and swept by famine, as he lifted his wan face and his withered arms in the midst of his agony and distress he swept the horizon of the universe for aid; his listening ear caught no sound and his anxious eye beheld no signal of succor till far toward the westward, mingled with the hues of the sunset, he beheld the heroic colors of the red, white, and blue. [Great applause.]

From that hour his freedom was certain and his salvation was assured. The American nation for his salvation and his preservation left the hills and valleys of his little island slippery with the best blood that eighteen centuries of civilization have produced. As an earnest of our faith and an evidence of our sacrifice, there lie to-day in the murky waters of his harbor the bones of our heroic seamen, and the waves of the ocean sing their only requiem.

There are some things in this world about which there can be no doubt. If the end of the universe were at hand to-day, and a balance was to be struck in the clearing house of all Christendom between all nations, it is almighty certain that the final balance of the books would show that the American Republic did not die in debt to Cuba. [Applause.]

FOLLOW THE HEART OF BRUCE.

Romantic history tells us of Robert Bruce, the Norman knight and Scotland's king, who won fame for himself and glory for his race upon the bloody field of Bannockburn.

In the sunset of his life, weighted with years and weakened with wars, he recalled the vow of his youth—to be buried in holy ground at Jerusalem.

Calling about him a few of his most faithful knights and retainers, they set forth on that last pilgrimage. But, weakened by age, the old king died upon the journey. His last command to the living was that his heart be buried by the sepulchre at Jerusalem. His companions opened the dead king's breast, took therefrom his heart, and placing it in a golden casket set on toward Jerusalem to bury it in holy ground.

On the sands of the desert that little band of the faithful was overtaken by a vast horde of Saracens. As death stared them in the face, and while the heathen flaunted his banner in the face of the Christian, those few of the faithful gathered for the last charge. As they rallied their broken ranks about the tattered standard of the dead king the oldest knight among them raised the golden casket high above his head and flung it far out in the midst of the enemy, and shouted: "Sons of Scotland, follow the heart of Bruce!" And thus the kilted chivalry of Scotland followed the heart of Bruce to the death.

In this hour let those turn back who will. Faithful unto death, we will gather up in our arms the sacred principles of our party, and with its unsullied banner waving above our heads, we take our stand in the pass behind which lie the unguarded interests and industries of this Republic! [Prolonged applause on the floor of the House and in the galleries.]

The CHAIRMAN. The gentleman from Tennessee [Mr. PIERCE] is recognized for thirty minutes.

[Mr. PIERCE addressed the committee. See Appendix.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I did not at first intend to engage in this debate, but circumstances have arisen that prompt me to state some reasons why I shall vote for this bill, which, even if not amended, is intended to reduce the tariff on the trade between Cuba and the United States by 20 per cent of the present rates. Being a Democrat and believing in the principles of the Democratic party, I shall vote for the amendment to be offered by the distinguished gentleman from New York [Mr. MCCLELLAN], who has given this question very careful study, it being to make the reduction 40 instead of 20 per cent. I shall vote for other amendments to be offered for the purpose of improving this bill. If opportunity be presented to me, I shall vote to remove the differential, which is 12½ cents on 100 pounds of sugar, which now goes to the American sugar trust.

So far I have heard no man deny that the sugar trust gets the benefit of that part of the tariff known as the differential. If that is true, and if, as the evidence shows, this sugar trust absolutely fixes the price of sugar in this country, then it seems to me that if those gentlemen whom we denominate "the beet-sugar people" in this controversy are hostile to the sugar trust, reason and patriotism should require them to unite with us to remove this differential on all refined sugar, which is a part, I will not say of the earnings, but of the accumulations of the sugar trust. A few votes from the Republican side of the House with the solid Democratic membership can destroy this differential and thus certainly cheapen sugar to the American consumer.

The opportunity is going to be presented in one form or another, and, so far as I am concerned, I agree with the gentleman from Missouri [Mr. DE ARMOND]. I feel that the Chair ought to hold the proposition to which I refer as germane to the bill, this being a bill touching the tariff on imports, and shall, should the ruling of the Chair be adverse to that position, vote with pleasure to overrule the Chair. And certainly, if there is a member on the other side of the House who is really against trusts, when this opportunity is offered him to strike this trust, if he is true to his constituents and true to his utterances on this floor, he ought to vote with us on the proposition. Let him not go back to his constituents and say he was afraid to vote against the ruling of the Chair, that he was afraid to vote against the trusts on an appeal from the Chairman of this committee.

Mr. Chairman, we do not contend that this is a Democratic bill. All that we contend is that it tends in a Democratic direction. There is not a Democrat in all this country who would seriously contend that a tariff which leaves a tax of more than 70 per cent upon sugar and more than 100 per cent upon tobacco coming into this country could be considered Democratic. The Republicans do not so hold, but finding no other weapon with

which to fight their own colleagues in this matter, some of the Republicans endeavor to arouse party prejudice by charging that this bill is a Democratic proposition.

Sir, if the Democrats had formulated this bill, if we had presented to this House a bill touching the revenues of this Government, you would find in it this differential removed; you would find it proposing to abolish the duty upon those goods which come into competition with articles known throughout this land to be made and controlled by trusts; you would find it reducing many of the tariff schedules and cheapening manufactured goods to the consumers; and in such case the beet-sugar men might well call it a Democratic measure. But how can they charge a bill as being Democratic when it leaves a tax of more than 90 per cent upon the value of the exports of the island of Cuba to this country?

When the beet-sugar people of the West and the cane-sugar people of the South are selling their raw sugar for 3½ cents a pound, it does seem they should be willing that the poor, struggling Cubans should get 2 cents a pound for their sugar. And yet, because a Republican committee have seen fit to report a bill that will permit those Cuban sugar producers to get a little more money for their sugar, these beet-sugar men and cane-sugar men hold up their hands in holy horror, and not only do they appear to be dissatisfied with getting themselves 3½ cents a pound for their sugar, but they are unwilling for the poor Cubans to get 2 cents a pound; for, gentlemen, understand thoroughly that our beet-sugar growers and our cane-sugar growers, favored and petted by this Government, get now not only the price of the world sugar market, but the added price of the protective tariff upon sugar.

They receive over one cent and a half a pound more than the Cuban sugar growers. The protective tariff is from $1.68½ to $1.82½ on ordinary raw sugar, according to its saccharine strength, and $1.95 on refined sugar per hundred pounds. This shows the differential in favor of refined sugar of 12½ cents per hundred pounds. Our sugar growers have largely reaped the advantage of this tax, while our consumers have borne its burdens, being compelled to pay for all their sugar practically twice as much as the Englishman pays for his sugar. Yet our sugar growers object to our own people getting their sugar cheaper, and they object to the Cuban grower being enabled by Congress to get more for his sugar. We are told that the price of the Cuban's raw sugar on board ship in Habana is less than $1.75 per hundred pounds.

Mr. Chairman, coming from that section of this country that was devastated during the civil war, I have seen our people, when their substance had been destroyed by the vicissitudes and the sacrifices of war, come out of the ashes of their destitution and build anew their fortunes until to-day they stand with head erect, proud of their past and confident of their future. But, Mr. Chairman, if there had been some higher power than ours that could thirty or thirty-five years ago have offered to us the opportunity of getting a little more for our great crops, the opportunity to add 20 per cent to their prices, we would have welcomed it as a blessing, and we would have stood erect long before we did in business and in enterprise.

We see these Cubans who have struggled for years for liberty, having, with the aid of this great country, achieved their independence, with their homes destroyed and their plantations ruined. We see them now struggling onward and upward in the battle for bread. Humanity bids us to extend to them the glad hand of help and encouragement in that struggle. I would not leave them to conditions under which they can sell their sugar for only about $1.60 a hundred pounds in their own market, which the testimony shows, I believe, is less than actual cost of production.

We still have a power over Cuba that prevents her from entering into trade relations with other nations of the earth against the wishes and consent of this country. As long as we hold a power supreme over Cuba in any respect, when we are legislating and have it in our power to help her people, I believe that the common principles of honesty require us to help them in every way that we can. Neither would I adopt the policy that has been asserted, as I understand, by the distinguished gentleman from Nevada [Mr. NEWLANDS], who announced that he would support this bill if it were coupled with an invitation to Cuba to come in and be a part of this great nation of ours.

Mr. Chairman, I am not an annexationist; I would not to-day vote to annex Cuba. I do not believe that it is the best policy for liberty in the world or for the benefit of humanity to bring all the peoples of the earth under one government. I believe I would be safe in making the assertion that there never has been a tyrant or a conqueror of nations that did not have the dream in his mind to bring all the people of the earth under one sway. But that is not the thought of liberty-loving people.

You want independent, liberty-loving, and liberty-enjoying States if you would have humanity most greatly blessed. I believe a country should be great enough and powerful enough to enforce her just demands, and to defend herself against unjust encroachments. When a country has that size and that power it has all the size and power that should be required for the greatest development of society. If larger and greater than that it becomes well-nigh impossible for its laws to equally bless all the people, or for its burdens to be equitably levied upon all the people. Why should we want Cuba, or Mexico, or Canada? Do we need other countries for our protection and defense? We need none of them. Do we want other countries in order that our great trusts may plunder them? We want none for that purpose.

Do we want more subjects which will constantly require legislation, so that each act of Congress will be passed with less and less consideration as the years go by? I would have Cuba as Mexico is, a prosperous, self-governing republic. I would have Canada a prosperous, self-governing republic. I would have the Dutch republics free and independent from every outside influence. I care not what state may claim the power to govern another state, whether it is a people who have a written constitution and a president or a people who have a king, it is an imperial power that is claimed and sought to be exercised. Whenever the people of one country undertake to extend their powers over the people of another country and to deny the right of self-government to a separate people in a separate community liberty ends and tyranny begins. I will deny the right of such powers in my country just as I would deny it in an empire of Alexander or Cæsar.

I believe that independent Cuba, with her natural resources, would be, in time of peace, our best customer, and in time of war a practical ally for all purposes. Those great reasons that actuated the fathers of this country in wanting Cuba to some day become a part of our Republic no longer exist. When Jefferson dreamed of Cuba becoming some day as a ripe apple that would fall into our lap, she belonged to a foreign country, and rather than see her remain in foreign hands it was natural for Americans to want to see her under our flag. The possibility of Cuba passing again into foreign hands has been destroyed.

Again, in those days an enemy could have concentrated a fleet in some Cuban port, and with munitions of war could have suddenly pounced upon our country without notice to the American people. That condition is not now possible. Continents are tied by cables and cities by telegraph, and no fleet can start from an European port without its destination being known within twenty-four hours in every city of the United States. Danger of sudden attack, which used to make every nation desire to grasp the outlying ports to prevent others from having them, is not so serious as formerly.

Surely the country does not want the solving of another race problem thrown into its politics or its civilization, nor does it wish to extend or enlarge the race problem already on its hands. For these reasons, as well as others, I do not favor the annexation of Cuba. It seems to me that the democratic, the liberty-loving, and the humanitarian spirit of the American people should want Cuba to be an independent, self-governing republic, just as they wanted her to be when the Teller amendment was adopted, before they had been stampeded by victories and war cries from their best principles and highest aspirations.

Let her be free, and, with proper trade relations between the two countries, we will sell them practically their entire imports.

Mr. LANDIS. Will the gentleman allow me to ask him a question?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. LANDIS. The gentleman stated that the Platt amendment——

Mr. WILLIAM W. KITCHIN. I referred to the Teller resolution just then.

Mr. LANDIS. In your remarks a moment ago you stated that the Platt amendment prohibited the people of the Cuban republic from making any treaties or trade relations with any other nation without the consent of the United States. Was that your statement?

Mr. WILLIAM W. KITCHIN. I was not pretending to quote it. I think I can find it in a minute, and, if the gentleman prefers, will read it.

Mr. LANDIS. I should like to have the gentleman read that article of the Platt amendment which makes that provision.

Mr. WILLIAM W. KITCHIN. The gentleman is aware that the gentleman from New York [Mr. MCCLELLAN] incorporated that in his remarks, and I will incorporate the same provisions in my speech.

Mr. LANDIS. I know that the gentleman does not want to misrepresent the terms of that amendment.

Mr. WILLIAM W. KITCHIN. I do not.

Mr. LANDIS. The statement has been frequently made during this debate; but a careful reading of the Platt amendment does not bear out the assertion.

Mr. WILLIAM W. KITCHIN. The gentleman undoubtedly

has the Platt amendment before him, and I will ask him to read it now.

Mr. LANDIS. These are the provisions of the Platt amendment:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Mr. WILLIAM W. KITCHIN. That is all right. The only point I intended to make is that we had retained and had required Cuba in her constitution to recognize the supreme control of the United States over Cuba.

Mr. LANDIS. Not at all.

Mr. WILLIAM W. KITCHIN. I do not mean in all respects.

Mr. LANDIS. In any respect. Cuba is as free now to contract trade relations with foreign countries as is the United States.

Mr. WILLIAM W. KITCHIN. I dispute that, for Cuba must exercise certain of her sovereign powers in conformity to the will of the United States. Cuba, under the Platt amendment, has not the same sovereign power to deal with other nations of this earth as the United States have. I believe she ought to have it, but under that amendment Cuba has embodied into her constitution provisions giving this country power over certain sovereign functions that ought to reside exclusively in the Republic of Cuba.

Now, the point I make is that since we have that sovereign power we are in a sense the guardian or the protector or the supervisor of Cuba, and having that supervision in any respect, we ought to consider the good of the Cubans in our legislation; and when this opportunity to benefit the Cuban sugar grower is presented to us we ought to support this bill, even if we can not improve it, for the simple reason that this bill with 20 per cent reduction in it is better than the Dingley rates without reduction.

The Platt amendment itself is not in harmony, in my judgment, with our resolution which led to the war with Spain. That resolution declared:

That the people of the island of Cuba are, and of right ought to be, free and independent.

And further:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Notwithstanding that, we afterwards compelled her to adopt the Platt amendment. In view of this history Cuba may well expect the Platt amendment to be so construed by our country, if it sees fit to do so, as to keep her under such control as will prevent beneficial trade relations by treaty with any other country. Does not the Platt amendment gag and bind Cuba hand and foot, to use the expression applied by the distinguished gentleman from Massachusetts [Mr. MCCALL], when he so ably maintained the position I now take? It provides that Cuba shall not enter into treaties with other countries which tend to impair her independence; that she shall not do certain things for which the "ordinary revenues" of the island are not sufficient; that we may intervene to maintain a government adequate for the protection of life, property, and liberty, and for discharging certain obligations, etc. The maintenance of a government includes the power to levy taxes. Who is to be the judge of the occasions and conditions which, under that amendment, will justify our interference, except ourselves?

Suppose Cuba should attempt to enter into trade relations with Germany or England which would give the German or the Englishman 20 per cent advantage over us in Cuban import duties, and thus secure to the foreigner the entire Cuban market to the exclusion of ourselves; would this Government permit it? Would our Government allow Cuba to give her markets to Europe exclusively, and, if not, by what authority would we prevent it except by the authority of the Platt amendment? No doubt, then, the "maintenance of an adequate government" or "ordinary revenue" or something else in the Platt amendment would be the basis of our interference, so I conclude that Cuba can not enter into trade relations with other countries against our consent.

Mr. LITTLEFIELD. Will the gentleman allow an interruption?

Mr. WILLIAM W. KITCHIN. Yes.

Mr. LITTLEFIELD. Does not the gentleman know that the Platt amendment, in so far as it does interfere with the sovereignty of Cuba, improves instead of injures her condition?

Mr. WILLIAM W. KITCHIN. I do not.

Mr. LITTLEFIELD. And that every single provision of that amendment is an advantage to Cuba. Does not the gentleman know that?

Mr. WILLIAM W. KITCHIN. I do not.

Mr. LITTLEFIELD. If the gentleman will read the amendment, perhaps he might be satisfied of that.

Mr. WILLIAM W. KITCHIN. I have read the amendment, and I deny that it is for the best interests of any people on this earth for any power outside of her own people to retain in their grasp any vestige of imperialism over her. But the point is not whether we think the powers we have over Cuba are for her advantage, but whether they prevent her free conduct.

Mr. LITTLEFIELD. I should like to have the gentleman point out a single clause in the Platt amendment that tends to interfere with the development of Cuba, if the gentleman can do it.

Mr. WILLIAM W. KITCHIN. I will say that the links of bondage, such as I have mentioned, that this country holds or claims to hold over Cuba will prevent her people from working out their own salvation in their own way.

Mr. LITTLEFIELD. That is nothing but a generality.

Mr. WILLIAM W. KITCHIN. It is a generality true as everlasting truth.

Mr. LITTLEFIELD. It does not even glitter.

Mr. WILLIAM W. KITCHIN. I did not intend that it should glitter against the brilliancy of the gentleman from Maine.

Mr. LITTLEFIELD. Pick out a clause in that amendment that tends to interfere with the development of Cuba, if you can.

Mr. WILLIAM W. KITCHIN. I have stated that whenever one government holds a power over another people, that power, if it has any force whatever, is a constraint upon them, and instead of leaving the abilities, skill, and energies of those people to work out their own salvation it, in certain respects, constrains them. It limits their efforts and aspirations.

Mr. LITTLEFIELD. As I understand, that is all the answer that the gentleman can make?

Mr. WILLIAM W. KITCHIN. That is all I ever intended to make.

Mr. LITTLEFIELD. And it is no answer at all.

Mr. WILLIAM W. KITCHIN. In your opinion.

Mr. JENKINS. Will the gentleman allow me to ask him a question?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. JENKINS. Is it not a fact that under all the decisions of the Supreme Court of the United States the Government of the United States is exercising absolute dominion over the island of Cuba?

Mr. WILLIAM W. KITCHIN. The gentleman from Wisconsin is correct. Until we vacate the island, I understand we do exercise all powers of government there; but I understand that orders have already been given to vacate the island and turn it over to the independent people of Cuba.

Mr. JENKINS. Anticipating that, will the gentleman agree with the gentleman from Indiana in saying that to-day the island of Cuba can enter into reciprocal treaties and trade relations with all foreign nations of the world?

Mr. LANDIS. The gentleman from Indiana did not say that the island of Cuba could now enter into these trade relations.

Mr. JENKINS. I so understood the gentleman.

Mr. LANDIS. The gentleman from Indiana did say that there was nothing in the Platt amendment that prohibited Cuba—the Republic of Cuba—from entering into treaties with other nations.

Mr. JENKINS. The Platt amendment is entirely anticipatory, and has no effect until the government is established.

Mr. WILLIAM W. KITCHIN. I do not believe that we own Cuba——

Mr. LANDIS. I do not see that this has anything to do with the remark I made.

Mr. WILLIAM W. KITCHIN (continuing). In the sense in which the gentleman from Wisconsin has so ably contended on two separate occasions in this House. I do not believe that the fact that Cuban independence was achieved by the American armies makes Cuban territory our territory. I do not believe that the allegiance of a people and the sovereignty of a country can be rightfully acquired in any such manner.

So, Mr. Chairman, as I was about to conclude, I think the proposition before us to-day is not whether this is a Democratic measure, not whether it is a breach in the high protective wall, but whether this measure is better than the present law. The able gentleman from Colorado [Mr. SHAFROTH], who has spoken against the bill, admitted, if I understood his argument correctly, that the Cuban planters would get the benefit of this reduction.

Mr. SHAFROTH. In part.

Mr. WILLIAM W. KITCHIN. I understood the part was practically the whole.

Mr. SHAFROTH. I do not think they will get the majority. I believe the major part—the lion's share—will go to the American Sugar Refining Company.

Mr. WILLIAM W. KITCHIN. Then you will vote with me for striking off the differential?

Mr. SHAFROTH. Certainly I will.

Mr. WILLIAM W. KITCHIN. I think other gentlemen who occupy your position on this matter ought to vote with you.

Mr. SHAFROTH. I think they will, too.

Mr. WILLIAM W. KITCHIN. I hope they will. [Laughter.] But I do not believe the sugar trust will get the benefit of this reduction. I think the gentleman from New York [Mr. MCCLELLAN] and the gentleman from Kansas [Mr. LONG] clearly showed that it will not.

Mr. Chairman, gentlemen talk of the tariff upon manufactured articles made in the South. If I remember this schedule properly, the average upon cotton goods which are made in the South is about 35 per cent. Should we reduce the tariff on all sugar 20 per cent, it would still leave to the American sugar grower 70 per cent protection, or twice the amount of tariff on such goods as would compete with the manufactured goods of the South. A 20 per cent reduction in the tariff on tobacco would leave the Connecticut and Pennsylvania tobacco growers with a tariff of over 100 per cent upon Cuban tobacco, which competes with them.

And so I see no reason why we should not give these Cuban people necessary relief at this time. As the gentleman from New York [Mr. MCCLELLAN] says, I would be glad to vote for a larger reduction. I would be glad to vote for a general tariff reduction. I wish we had an opportunity here and now to reduce the protection upon trust-made goods that have been discussed so much in this debate.

Mr. HENRY of Connecticut. Will the gentleman allow me to ask him a question?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. HENRY of Connecticut. Would the gentleman vote to reduce the duty on cotton goods, that he says are made in his State, and that now have a tariff of 35 per cent?

Mr. WILLIAM W. KITCHIN. I was speaking of the schedules in which there is enormous protection upon things which are manufactured and sold by trusts, and believe that they should be the first reduced.

Mr. HENRY of Connecticut. That does not answer my question.

Mr. WILLIAM W. KITCHIN. I know it does not answer your question the way you want it answered. I would tear down your high protective tariffs that have fostered trusts, which enable the trusts to rob the American people, while they sell their manufactured goods on the banks of the Danube and the Rhine, the Amazon and the Orinoco at cheaper prices than they do to the people of this country. I would also state to the gentleman that there is no charge that the cotton goods of the South are controlled by trusts.

Mr. HENRY of Connecticut. Does the gentleman think that cotton schedule should be reduced?

Mr. WILLIAM W. KITCHIN. That is the lowest schedule, or certainly one of the lowest schedules, in the whole Dingley bill, and I ask the gentleman if fairness and justice would not require that you first bring down these other schedules?

Mr. HENRY of Connecticut. I am not wanting a reduction of the schedules.

Mr. WILLIAM W. KITCHIN. Do you not think that it would be the fair thing to first bring down other schedules?

Mr. HENRY of Connecticut. Oh, oh!

Mr. WILLIAM W. KITCHIN. The gentleman knows that would be the fair thing, and yet he wants me, because cotton goods happen to be made by manufacturers in my State, to say that I am in favor of the reduction on cotton goods.

Mr. HENRY of Connecticut. I wanted to get the gentleman's position.

Mr. WILLIAM W. KITCHIN. Our manufacturers have natural advantages unsurpassed on this continent, and they go out into the markets of China and elsewhere and sell their goods in competition, not only with New England, but with the English manufacturers. Protection is not their reliance. I will favor a reduction of the tariff to a proper revenue basis. I would not shrink from voting to reduce the cotton schedule if consideration shows it too high, but I would first insist on removing the protection to trust-made goods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the time of the gentleman from North Carolina be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Connecticut. I want to say to the gentleman that the New England cotton manufacturers have no envious feelings toward the manufacturers of the South; they have been willing to go there and invest their capital in your State and other Southern States.

Mr. WILLIAM W. KITCHIN. Very well, and yet I ask the gentleman from Connecticut if New England is not trying to have the Constitution of the United States amended so as to authorize Congress to limit the hours of labor in the Southern cotton mills? The late Nelson Dingley, the greatest protective tariff supporter at the time of his death, stated from his seat in this House that the protective theory did not affect Southern cotton mills. He stated, in answer to inquiries made by myself, when he was explaining the conditions that brought about the Lewiston strike, that the class of goods made in the Southern cotton mills had no serious competition from foreign goods.

Mr. FINLEY. Will the gentleman from North Carolina yield to me for a suggestion?

Mr. WILLIAM W. KITCHIN. I will.

Mr. FINLEY. The question was asked in reference to the amount of money that the people of New England had invested in the Southern cotton mills. I want to ask the gentleman if the percentage is not very small? In South Carolina, as I recollect it, it is less than 15 per cent, and I think it is equally small in the gentleman's own State.

Mr. WILLIAM W. KITCHIN. I think the gentleman is correct. The most successful manufacturers of North Carolina are natives to the State. We have some enterprising men from the North in our midst, but the people most thoroughly identified with the manufacturing interests of the State, like the Holts, the Williamsons, the Erwins, the Gants, the Frieses, the Ruffins, and others, are North Carolinians to the manor born. Such are the men whose energy and intelligence are carrying North Carolina and the South rapidly to the front in cotton manufacturing. Yet we welcome northern capital when it comes to us for good purposes. We have no resentment against the people of the North. But I was proceeding, when interrupted, to say that the American people are entitled to relief from the tariff that enables the great trusts to rob them.

I want the props knocked out from under the trusts; I want them to sell their goods as cheap to us as they sell them in England or Germany, as cheap as they sell them abroad. The gentleman from Connecticut knows that Mr. Schwab testified before the Industrial Commission that the American manufacturers generally sell their goods to foreigners cheaper than they do to our people. John W. Gates, the head of the barbed-wire and nail trust, testified to the same effect. There was testimony before that Commission that our manufacturers had sold steel rails in Europe cheaper by many dollars in the ton than they sold them to the American people. The evidence was abundant to such conduct.

That is the kind of robbery that the protective tariff has enabled the trusts to commit upon the people of the country. We are going to have an opportunity to strike at one trust, and I hope we can get an opportunity to strike at all of them. We will certainly have an opportunity to strike at the great sugar trust. We want to reduce the price of sugar to the consumers of this country, to 80,000,000 people. We have nothing against the sugar grower, either of Louisiana or of Michigan. We have no malice in trying to cheapen sugar to the American consumer, or in trying to aid the Cuban in his extremity. And in the name of justice we would destroy the unjust powers of trusts. I speak for

the great body of the American people in this attack upon the trusts, and upon the protective tariff that fosters trusts. I speak for suffering humanity in Cuba, and think we should vote for this bill even if we fail to amend and improve it. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, while the pending measure originated with the Republicans and is said to have the active support of the President, some members of the Cabinet, and a majority of the Committee on Ways and Means which reported the bill, it has ceased to be wholly a partisan affair, for the reason that the Democrats on the Ways and Means Committee are divided, and all preliminary votes thus far taken on the floor of the House which served to test the sentiment of the members, showed that the Democrats were by no means a unit for or against the bill. Indeed, it involves economic principles upon which good men and loyal partisans on other and purely partisan questions are divided.

I have regretted to hear some things uttered by the so-called leaders of the House when advocating the bill which tended to deter those younger in years or service, or both, from opposing the measure in debate. I grant that it would seem presumptuous to challenge men who have grown gray, and presumably wise, in the legislative service of their country, were it not for the fact that men of equal age and equal legislative experience, and presumably of equal wisdom, are opposed to the bill. Again, it is a matter of common knowledge that the bill is not a child of the House. It did not have its conception in the Ways and Means Committee. It is the mental offspring of two men, neither of whom have had legislative experience in Congress.

Again, the testimony of the written page of the Republican party's history is against the contention of the advocates of the principle involved as specifically applied in this proposed law, and, finally, each and every member, however young in years or experience in Congressional service, is charged in his representative capacity with responsibilities to his constituents and to the country which he can not wholly delegate to another. Hence I feel emboldened to speak and to declare my opposition to the measure, because, among other objectionable features, it diverts from the Treasury of the United States about $8,000,000 which would otherwise come to it and brings no appreciable equivalent. No single commodity which the people buy, with possibly the single exception of salt, is more universally used than sugar, and yet it is conceded by advocates and opponents alike that this concession of 20 per cent of duty on raw sugar, amounting annually to about $8,000,000, will not in the least reduce the cost of refined sugar to the consumer.

I am opposed to the measure because I do not believe it will be of material benefit to the people of Cuba, and not because I am unwilling to aid that people as such. The testimony relied on even by those who contend for the concession is that a large percentage of the eight millions will go to the sugar trust; not a small per cent will go to wealthy Americans who own or control large cane holdings in the island; no inconsiderable per cent to Spaniards who live in Spain, but who have large real estate and sugar-cane properties in Cuba, and because citizens of England and even of the Orient are owners of plantations in that island. While one-third of the population of Cuba is colored, 92.2 per cent of the sugar lands are owned or controlled by the whites and but 3.6 per cent by colored. Who will get the benefit of the present crop? Surely not the one-third composing the colored population, for they have in it no appreciable interest, but the whites, and the rich whites and foreigners at that. Prior to the war of 1898 there were but 1,110 sugar plantations in Cuba, while there were 8,875 tobacco farms; and yet 47 per cent of her products was sugar and only 9 per cent tobacco, showing conclusively that the sugar plantations are owned or controlled by a comparatively few men, and that under the provisions of this bill these few will reap in large part the benefit of the millions it indirectly gives to Cuba.

It is declared by men of experience on the island that the small landowner or renter can not successfully compete with the large owner or renter. I am opposed to the bill because, as a measure of relief, it will not only fail of the object in view, but because it is unworthy the great nation that, in the name of "humanity," makes the tender. Three months ago many American newspapers were portraying the dire distress that prevailed in Cuba. Editorials were written and marked copies of the papers sent to members of Congress, appealing to this body to act and to act quickly in aid of "starving Cuba." At that very time those representing the sugar interests of Cuba were testifying before the Ways and Means Committee that labor was never better employed, nor were wages ever so high; that everybody who wanted work could have it, and that the prevailing rate of wages was higher on the plantations in Cuba than on the farms in the United States.

But it was said that unless the planters could get relief they would be in great distress. When are they going to get it for this year's crop? Mr. E. F. Atkins, the star witness for the concessionists—"the Carnegie of the sugar interest in Cuba"—says that "the sugar-crop season is covered from January 1 to June 1." The law that is calculated to bring relief before the 1st of June—forty-five days hence—awaits to be enacted by the American Congress, and a government which has no existence, and will not have for at least thirty-four days from now, must first meet the conditions imposed before the hands of the United States, filled with "generosity and justice and humanity," will be opened and extended to Cuba. Does anyone believe that these conditions can be so met as to give relief to the people of Cuba, the growers of the cane, for this year's crop?

Then, what follows? Of necessity, this: That for the purpose of securing reciprocal trade relations with Cuba for one crop of sugar the "President is hereby authorized, as soon as may be after the establishment of an independent government in Cuba and the enactment by said government of the immigration, exclusion, and contract labor laws of the United States, to enter into negotiations with said government with a view to the arrangement of a commercial agreement in which reciprocal and equivalent concessions may be secured" for one crop of sugar. These are, in effect, the provisions of the present measure, and it is beneath the dignity, much less the generosity, of the United States of America. But what conditions must the new Cuban government meet at our behest? First, she must survey her own possessions, "with millions of acres of the richest and best land on the globe yet untouched by the plow and a climate unsurpassed for the growth and development of sugar cane;" with 47 per cent of her product gathered from her cane fields; with but 2 per cent of her tillable land under sugar cultivation; with her present source of labor supply taxed to its utmost; with the world for a market for all she can raise, the United States comes to her and for the poor privilege of 20 per cent reduction on her exports to this country for one year she must not only reciprocate the favor in so far as she can, but in addition she must "enact immigration, exclusion, and contract labor laws fully as restrictive as our own."

Mr. Atkins, the gentleman before referred to, says "the supply of labor and rates of wages in the future are now most serious questions to the sugar producer in Cuba and present the greatest obstacles to reducing the cost." Under our strict immigration laws you would not only forbid Cuba from importing labor by contract from tropical and subtropical countries and from the Orient, upon which in former years she has largely relied, but from any foreign country. Even negroes of the United States, who could be easily utilized by Cuba, greatly to their mutual advantage, are barred out, for we are to Cuba an alien people. We will compel her to forbid, under heavy penalties, "any importation by a person or company or corporation by prepaying transportation or in any way assisting the migration of any alien or aliens, any foreigner or foreigners into Cuba under contract or agreement made previous to the importation of such alien or aliens."

I am opposed to this bill because it is not in line with the principles or practice of the Republican party as applied to reciprocity or protection. Treaties of reciprocity were negotiated with the Republic of Mexico in 1882 and with Spain in 1884 highly advantageous, as was believed, to the United States. Both of these treaties failed to secure the approval of Congress, and failed, said Secretary Blaine, "for the express reason that both provided for the free admission of sugar."

In 1889 the balance of trade with Europe was largely in favor of the United States. But that year we imported from Cuba $52,000,000 and exported to that country $11,000,000. In the same year our imports from all Latin-American countries amounted to $216,000,000, while our exports to the same countries were but $74,000,000, exceeding our gain with the rest of the world and throwing the balance of trade against the United States. This state of things led to the assembling of representatives of all the American republics with a view of conferring together and, if possible, establishing reciprocal trade relations between those republics and the United States. As is well known, 15 out of 17 republics represented in the conference desired to enter into reciprocal trade relations with this country.

Mr. Blaine, then Secretary of State, in a letter to Senator FRYE in June, 1890, said that while the McKinley tariff bill was pending in the House he "sought an interview in February with the eight Republican members of the Committee on Ways and Means and endeavored to convince them that it would be expedient and wise to leave to the President, as the treaty-making power, to see what advantageous arrangements of reciprocal trade could be effected. I was unable to persuade the committee to take my view. It is, I think, a very great mistake to oppose the reciprocal proposition touching sugar from the fear that it may conflict in some way with the policy of protection." Who were these

eight Republicans who defeated in the Ways and Means Committee, and, therefore, in the House of Representatives, the great Secretary's scheme of reciprocity with the Latin-American republics because the reciprocal proposition touching sugar might in some way conflict with the policy of protection?

Among the eight names was that of William McKinley, of Ohio, the then chairman of that important committee and afterwards President of the United States; Nelson Dingley, of Maine, later chairman of the committee, and who died while still at its head, mourned by men of all parties as a wise, sagacious, and patriotic statesman; Joseph McKenna, of California, afterwards a member of the Cabinet and now a justice of the Supreme Court of the United States; JULIUS C. BURROWS, of Michigan, now a Senator of the United States; John H. Gear, of Iowa, who became a Senator of the United States, and who died while an incumbent of that great office, and SERENO E. PAYNE, of New York, the present honored chairman of the committee with which the names of McKinley and Dingley are inseparably associated. Surely these were not "young men" nor "novices in legislation." Yet they stood then where the minority of the Republicans in this House, touching the measure under consideration, stand now.

Defeated in the House, the Secretary renewed his efforts in the Senate and succeeded in having a resolution referred to the Committee on Finance which declared in effect that "the ports of the United States should be free and open to all products of any nation on the American hemisphere to like reciprocal privileges." When it was proposed to put wool upon the free list, John Sherman lifted his voice and effectively exerted his powerful influence in favor of protecting the Ohio wool grower against the dangerous competition of the Argentine Republic. Other Senators followed the example of Mr. Sherman, and finally the amendment proposed by Senator ALDRICH was adopted, which in substance put on the reciprocal list such articles as are peculiar to the Latin-American countries, as sugar, molasses, tea, and coffee, and which did not come in competition with our peculiar products. From Germany there was obtained an agreement to allow the admission of American hogs and pork free on condition that we permit her beet sugar to enter our ports without duty. From Austria-Hungary there was, under like conditions, secured the "most-favored-nation" treaty for all our products.

Our Democratic friends, who will now very largely support the present proposed concession, enacted in 1894 a tariff law by which all reciprocity agreements made under the McKinley law were repealed. The Republican tariff act of 1897 provided for the conditional reopening of trade relations.

These reciprocal advantages were secured with the great nations mentioned because their products were exchanged for those of our country which did not directly compete, and hence such exchange was to the mutual advantage of all concerned. That, as I understand it, is the very essence of reciprocity. For that kind of reciprocity McKinley, and Dingley, and BURROWS, and McKenna, and Gear, and PAYNE argued and voted ten years ago. [Applause.] Who is in line in this discussion with the splendid traditions of the Republican party? Some of you gentlemen are in the attitude of defending the manufacturing interests which have grown to colossal proportions and which in their giant strength are able to compete with the world, while you would, as we fear, jeopardize the beet-sugar industry, which is an agricultural interest in the early stages of its development.

We ask you to stand by this child of the American farm interest and protect it until it can successfully compete with its older and more favored rivals. The gentleman from Massachusetts [Mr. MCCALL] would use the apothecary scales and undertake to weigh to the hundredth part of a cent the difference in cost in producing sugar in the United States and in Cuba in order to figure out how we can stand this reduction in competition with Cuba. In Michigan, for example, farms are worth $25, $40, $50, $75, and even $100 per acre, and against these you would put the farms of Cuba worth $5, $10, $15, and $25 per acre. Our splendid houses, built to endure and to bring comfort and good cheer in our rigorous climate, you would place over against the wretched shacks, mere hovels, in the agricultural districts of Cuba, and costing with their furniture from $5 to $15.

Our highways, our schoolhouses, our colleges, our churches, and our civilization you would put over against a country without roads, without an established school system, without colleges, and with but few churches, and with a civilization—the fruit of four hundred years of Spanish sovereignty—in which more than 10 per cent of her people are acknowledged illegitimates and 66 per cent unable to read and write. You do not need to use the apothecaries' scales to determine the difference between the civilization of Cuba and the civilization of Michigan or of the United States. [Applause.] But gentlemen say: "Would you not help Cuba?" Yes; we want to help the people of Cuba and not the sugar trust, not the rich owners of plantations in that island who live in luxury in New York, or Boston, or Madrid, or even in Habana. We would help to lift up the common people and not the wealthy aristocrats who leech the blood from the common people. [Applause.]

I am opposed to this bill because it contravenes the well-established doctrine of protection and the usages of the Republican party relative to developing industries which are in competition with like industries in foreign countries. Mr. Blaine in a speech at Augusta, Me., in August, 1890, said he was in favor of "expansion of trade with countries where we can find profitable exchanges." He sought foreign trade, he said, not by any means "that would shock or disturb home industries." The arguments of the fathers of the American protective system invariably pointed in the direction of the development of American industries until competition with foreign products should be practicable. "The highest aim of their economical philosophy was that the industry shall be first established, strengthened, and then highly developed and then gradually be brought into competition with older competing industries in the markets of the world under favorable conditions of reciprocal trade." In his much-quoted speech at Buffalo President McKinley said:

> We should take from our customers such of their products as we can use without harm to our industries and labor. If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should not they be employed to extend and promote our markets abroad?

It is claimed by some of the Republican protectionists that the proposed reduction will not interfere with the beet-sugar industry where already established, because it will not lower the price to the consumer. The Democratic friends of the bill favor it because it is 20 per cent nearer free trade. While one member of the Ways and Means Committee says it will do no harm, "that it hurts no American industry," another of that committee, of long and honorable service in the House, says anybody who can add two and two together must know that any reduction will do harm. But granted, for argument's sake, that the proposed reduction will not injuriously affect the prosperity of established plants for the manufacture of beet sugar, no one has had the temerity to assume or undertake to prove that it will not deter, if it does not absolutely prohibit, the further development of that industry. The beet-sugar industry is essentially a farming industry.

In portions of Michigan and in other sections of the country the prosperity of the farmers is bound up in it. How can we justify taking away that prosperity and giving it to an alien when that alien is concededly not in distress and when with him labor is abundant and at good wages? To do this is a violation of the implied obligation of the Government which, through its authorized agent, the Agricultural Department, has in various ways encouraged the institution and development of the beet-sugar industry, a violation of the implied obligation of the Congress to stand by that industry after it has repeatedly made liberal appropriations for the dissemination of information on the subject, the free distribution of seed to the farmers, and the admission free of duty of beet-sugar machinery of foreign manufacture. It is a violation of the principles and practice of the Republican party from its beginning to this hour, touching the doctrine of a protective tariff and its relation to developing industries. It is a violation of the solemn promises of the Republican party in national convention assembled. The party declared:

> We condemn the present [Democratic] Administration for not keeping faith with the sugar producers of this country.

The farmers accepted that declaration in good faith, and in so doing gave us their confidence and their votes. Now to betray them by doing the very thing for which we condemned our political opponents would be a piece of perfidy to which I do not wish to be a party.

We talk about our moral obligation to Cuba. Are we not under some moral obligation to the people who have honored us and trusted us and whose interest we have promised to serve?

But "the Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use." We said this in our national platform in 1896. Can this be done? We will answer in part by what has been done in a single State and what promises to be done in others under the promised protection by the Republican party.

From 1898 to 1901 the beet-sugar factories in Michigan increased from 1 to 13. During the same length of time the acreage planted to beets increased from 4,200 to 66,400. While Michigan has been classed among the wheat-producing States, in 1901 the amount received by farmers for sugar beets was almost 50 per cent of the amount received for wheat in 1899. In Michigan alone there are 24 other factories now projected, involving an investment of $13,200,000, with capacity for a daily output of 13,200 tons of refined sugar. For some of these the money has all been raised; for others, partly raised; in some cases the contracts have been let; in every case activity has ceased. There is at present a perfect paralysis in the development of the industry. In the country at

large, on the authority of Mr. Saylor, a special agent of the Agricultural Department, approximately 100 beet-sugar plants are at this time projected in the United States. That we can produce cane and beet sugar in our own country with profit to the grower and the manufacturer and with economy to the people is conceded. The increase in the production of beet sugar, as compared with that of cane, and the increase in the consumption of sugar furnish a subject for reflection to any thoughtful mind in the presence of the conceded fact that our country can and will produce, if the industry is properly protected, every pound of sugar our people use or are likely to use at a price below that which they now pay.

During the last sixty years the world's production of cane sugar has increased from 1,100,000 tons to 3,060,634 tons, or 278 per cent. Beet sugar during the same length of time has increased from 50,000 tons to 6,138,413 tons, or 13,268 per cent.

The estimated world's product in 1902 is 10,700,000 tons. The estimated world's product of beet sugar in 1902 is 7,200,000 tons, or a little less than three-fourths of the whole.

Our consumption last year was 66 pounds per capita, at a retail of 5 cents per pound equaling $3.30. On a basis of 76,000,000 population our people paid last year for sugar $250,800,000, a large per cent of which went to growers.

It is estimated by sugar experts that in 1910 the American people will consume 4,000,000 tons, and in 1920 7,500,000 tons, for which the consumer at present prices will be paying out $700,000,000.

Whose fields shall be cultivated? To whom shall the wage be paid? Whose capital employed? What people primarily benefited in the production and consumption of this vast amount of sugar? The answer to these questions is one of the issues involved in this prolonged discussion. I trust the answer this Congress makes will be favorable to America and Americans. [Prolonged applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

H. R. 8696. An act granting an increase of pension to William B. Rowe;

H. R. 9301. An act granting an increase of pension to Barbara McDonald;

H. R. 10044. An act granting an increase of pension to William Larzalere;

H. R. 10193. An act granting an increase of pension to John Hollister; and

H. R. 11381. An act granting an increase of pension to Abraham N. Bradfield;

On April 16, 1902:

H. R. 3418. An act granting a pension to Dennis Dyer;

H. R. 6466. An act granting a pension to Josephine M. Dustin;

H. R. 9821. An act granting a pension to John W. Moore;

H. R. 10117. An act granting a pension to Sarah H. H. Lowe;

H. R. 10289. An act granting a pension to Eliza Stewart;

H. R. 11375. An act granting a pension to Charles F. Merrill;

H. R. 1011. An act granting an increase of pension to John S. Ranlett;

H. R. 1706. An act granting an increase of pension to John E. White;

H. R. 2120. An act granting an increase of pension to Horatio N. Warren;

H. R. 2124. An act granting an increase of pension to Dewit C. McCoy;

H. R. 2770. An act granting an increase of pension to Otilla M. Smoot;

H. R. 3180. An act granting an increase of pension to Edward S. Dickson;

H. R. 5413. An act granting an increase of pension to Alfred A. Van Vliet;

H. R. 6029. An act granting an increase of pension to Mary E. Kelly;

H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry; and

H. R. 7990. An act granting an increase of pension to Uriah Reams.

RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. JONES of Washington. Mr. Chairman, I am a new member, but I have no hesitation on that account in addressing this committee. It is my duty to attempt to represent my constituency as fully and well as if I had been here many years. I have the honor, in part, to represent as intelligent, progressive, and patriotic a people as any member on this floor, no matter how long his service may have been. In my action and course on this bill I believe I shall represent their desires and their sentiments.

I do feel some embarrassment, however, because I must take a position in opposition to the leaders of my party on this floor. This embarrassment is relieved to some extent, however, in the belief that my position is not antagonistic to my party and its principles and platforms, nor to the best interests of the country.

I have not spoken much or often in my short service in this body. I believe more in action than in speech, but I feel it my duty on this occasion to myself, to my constituents, and to my party associates to give some of the reasons for my position on this bill. I feel that in opposing this bill I am representing an American constituency instead of Cuban sugar barons and hybrid Americans who have gone to Cuba to enrich themselves out of her impoverished and distressed condition. [Applause.]

I respect, honor, and admire the leaders of my party on this floor. I respect, honor, and admire the Speaker of this House. He has treated me far beyond my deserts. Upon a matter of expediency or policy I would have no hesitation in following them. Upon a mere matter of judgment I would feel like yielding my opinion in deference to their maturer years and longer service. My action in this House is my own action. For it I, and I alone, am responsible to my people. When my idea of what is true Republicanism, when my judgment and my conscience differ from theirs, I would not be true to myself if I did not take my own course. I would feel that to do otherwise would lose me their respect as well as my own.

In this discussion I do not assume that my judgment is better than theirs. I do not assume that I am a better Republican than they. I do not assume that I know better what is and what is not protection than they. I have striven hard to bring myself to their view of this proposed legislation, but I can not. I may be influenced somewhat—yea, I am—by the stand taken by them some time ago. We all know what that was. We know that they stated publicly their opposition to this kind of legislation.

I was in hearty sympathy with them then. They have changed their minds. At least, they have changed their course. They ask me to follow. What reason do they give for their change? One is that public opinion and its molder, the press, are almost unanimous for this proposition. Public opinion is a great power in any country. In a republic it is the great ruling power upon any great question. No great reform has ever succeeded without the power of public opinion behind it. Many have failed for lack of its support. It is more absolute, more despotic, than the Czar of all the Russias.

The great molder, the creator, and the director of public opinion in this country is the press. It divines public thought and feeling before the public itself, yea, almost before it exists. It fans it into a flame, a whirlwind, an irresistible power, or it stifles and suppresses.

We are a sympathetic people. We are impulsive. An appeal to our sympathy is never spurned. It is often heeded and many times sways our judgment. An appeal was made for Cuba. It was alleged that it needed help. The press took up the thought, expressed it, and it was felt at every fireside in the land. The statement was not questioned. It was accepted as true that Cuba was in distress—that her people were in distress.

Of course, something must be done. The President spoke. It was alleged that our martyred President, the lovable and beloved McKinley, had promised them relief. This of itself was enough to move our people to the utmost. They stopped not to ask if it was true. They accepted it as a fact, and the tide of public opinion became a mountain billow, raging and roaring at the Committee on Ways and Means, demanding that something be done for "poor, suffering Cuba." They yielded and brought in this bill. It is a peculiar bill. It is indorsed by no one; it is approved by no one. It is not protection; it is not free trade. It is not Republican; it is not Democratic. It is a legislative makeshift, an abortion, a legislative absurdity. I am confirmed in my opposition to it because many members say, "You are right; your sentiments are mine, but I must support it."

I admit the widespread belief that aid is needed by Cuba, and I admit the belief that this bill will bring relief. I believe, however, that this thought is an entire misconception of the actual facts and conditions, and that this belief is not warranted by the terms or effect of this bill.

Let us see what the actual facts and conditions are. What is the foundation for this bill? It is alleged, first, that Cuba is in distress, and, second, that she is threatened with distress, and therefore we are under obligations to assist her. I deny that the Cuban people are in distress. I deny that they are threatened with distress, and I deny absolutely that even if they are or are likely to be in distress we are under any obligations to assist her, either legal or equitable or moral.

That they are not in distress let their own witnesses speak for

them. Before giving this testimony, however, I want to call to the attention of this House and the country who have come before the committee speaking for and on behalf of the Cuban people. That these men are honorable and upright I do not doubt, but I submit that their character, business, and occupations indicate the interest that they have in this legislation. It further seems to me that it is a great strain on the imagination to conceive that they are representative of the real wants and necessities of the Cuban people. Who are they?

Edwin F. Adkins, of Boston, merchant, sugar planter, and chairman of the Associated American Interests of Cuba. The association represents 90 per cent of the total production of the island. The name does not sound very Cubanish. He is president of the Trinidad Sugar Company, which owns an estate producing 10,000 tons of sugar annually. He owns individually an estate of 14,000 acres, producing 12,000 tons annually. It would be too bad, indeed, to allow him to suffer. [Laughter.]

Louis V. Place, Cuban delegate on economic affairs and a merchant of Habana.

F. B. Thurber, of New York, and president of the United States Export Association. From his testimony he appears to be much more interested in exportations to Cuba than in anything else.

Hugh Kelly, of New York, sugar merchant and planter of the West Indies, and incidentally connected with two sugar estates in Cuba, one of which is the Santa Teresa Sugar Company, owning 9,000 acres of sugar land.

William R. Corwine, representing the Merchants' Association of New York. He expressly stated, in his testimony, that the consent of his association to the remission of these duties and to the creation of a market here for the sugar of Cuba is conditioned absolutely on the event that we shall have established, permanently and safely, Cuban markets for the sale of our goods. It is easy to see where his interest lies. He cares but little for Cuba, except as it may furnish him a market for his goods. How pleasant it must seem to the farmer to be asked to give up his industry that a market may be furnished to these poor gentlemen of New York, and they probably do business on Wall street, too. [Laughter.]

Miguel G. De Mendoza, Cuban commissioner on economic affairs and sugar planter, owning 27,000 acres of land. He is one of the poor sufferers that our farmers will be delighted to assist.

Evan Thomas, ex-president of the New York Produce Exchange, and stated that his association looks at this largely from the standpoint of export business with Cuba.

Charles P. Armstrong, of the New York Produce Exchange, and he states that the interest of the exchange, "of course, is the interests of American products to the island of Cuba." Not much philanthropy there; not much interest in Cuba, except as it may benefit the New York exchange.

Hon. R. B. Hawley, of Texas, representing American sugar interests. Interested in about 75,000 acres of land purchased the last three years.

Charles Rabadan, of the New York Produce Exchange.

James H. Post, of New York, president National Sugar Refining Company and other companies.

Is there anyone in this list who assumes to speak for the masses of Cuba, for the laborers, and the small planters and farmers? Not one. Is there one that deserves help? Not one.

Now, let us take up the proposition, Is there distress in Cuba to-day? What do these men say? Listen:

Mr. Adkins:

Q. You have been engaged in the sugar business about twenty years?
A. Yes, sir.
Q. I ask you whether or not it has been a profitable business to you?
A. It has in the past.
Q. Was it profitable last year?
A. It was profitable last year.

Mr. Mendoza:

Q. Well, has the sugar business in Cuba been profitable?
A. It has.
Q. Well, did you make money last year?
A. I made very little. I made about 3 per cent on the capital employed.

How much capital do you suppose he had employed with a 27,000-acre sugar plantation? From estimates given, about $13,500,000. Three per cent profit on that would be only about $405,000. Poor man, how he must have suffered! Most of our farmers would think they were doing pretty well if they made that much profit in a lifetime. [Laughter and applause.]

Colonel Bliss, collector at Habana:

Q. Is there any distress at the present time in the island of Cuba?
A. Any distress? No, sir.
Q. The people are all employed?
A. Yes, sir. I should say that there was no distress whatever, from all I have seen.
Q. You have said that labor there is employed all over the island. In what does this distress of which you speak consist?
A. I have not spoken of any distress, except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anybody who wanted to work who was not at work at good wages.

It has been my observation as well as experience that if labor is employed at good wages the people are generally prosperous and happy. What is the condition in Cuba?

Colonel Bliss:

Q. As I understand it, the labor in Cuba is at present well employed and at good wages?
A. Yes, sir.

Mr. Place:

Q. You are familiar with the industrial conditions of the island?
A. Yes, sir.
Q. At the present time, outside of Habana, there is no labor that is idle or unemployed?
A. No, sir; the Central Railroad of Cuba will take anyone who wants to work.

Mr. Mendoza:

Q. Is the class more generally employed on the island outside of Habana?
A. It is. They are all employed. There is plenty of work for the workmen in Cuba to-day.

Mr. Kelly:

Q. I understand you have not enough labor in Cuba to-day to harvest your present crop.
A. That is true.
Q. And you are paying on an average about $23.50 a month for labor?
A. We are paying more in some cases. In our end of the island we are paying an average of $30 a month.
Q. That is simply for field hands?
A. That is for the cheapest form of labor we have.
Q. Does it include lodging?
A. The Cuban laborer does not want much in the way of lodging. He sleeps beside his work most of the time. He travels with a hammock.

Can there be any doubt from the foregoing that labor is prosperous and happy? If it is not, it is its own fault. It appears that the sugar industry has been a profitable one, at least up to the present year, and that labor is well employed. Is there any distress then, and, if so, where is it? It is true that many of the plantations are mortgaged. Some of them were mortgaged before the war, others have been mortgaged since for the purchase of machinery and for the rehabilitation of their works, and many have been purchased by American speculators since the war, and probably mortgaged for part of the purchase money.

The price of sugar is low at the present time the world over, caused by overproduction. If any distress exists it is in the minds of these people for fear that they will not make any money this year. Colonel Bliss says:

There are a great many planters who have gone to the wall, and nothing is going to help them; it will not make any difference what you do.

These men must be left out of consideration so far as this bill is concerned and the relief that it proposes to give. Those who have rehabilitated their farms and those who have gone there and purchased plantations since the war are fearful, however, that they will make no money this year, and that they will be thrown into bankruptcy.

Instead of a present distress it is a threatened distress that is now made the basis for this bill. I will admit that distress or rather bankruptcy may come to these people, or some of them. Then, again, it may not. I don't think Adkins will suffer much. He may lose some money, but I imagine he has some business here in the United States that will tide him over. Mendoza may lose a little money, but if he made about $405,000 last year he ought not to suffer a great deal this year.

Kelly will not likely suffer a great deal. The many Americans who have gone into the island the last year or two and purchased may lose some money and suffer to that extent, but should this Government stand sponsor for profits to these people? Shall the American farmer pay tribute to insure profits to these American speculators who have gone to a foreign country to invest their money? It seems to me to be a monstrous proposition, and should be condemned by every American citizen. [Applause.]

If they make a bad investment they are entitled to no sympathy or assistance from us. It might be well to see what American interests are in Cuba. According to Mr. Adkins, the Trinidad Company, of which he is president, produces about 10,000 tons a year; his own property produces about 12,000 tons; the Homiguiero estate, owned by a New York corporation, produces about 12,000 tons; the Constancia estate, recently purchased by parties from Louisiana, represented by Mr. Spellman, of the Illinois Central Railroad, have a capacity of about 20,000 tons; the United Fruit Company, of Boston, started last year, has a capacity of about 20,000 tons; the property recently purchased by the Chapara Sugar Company, owned by New York gentlemen and ex-Representative Hawley, has a capacity of about 30,000 tons, and the San Francisco estate, owned by Mr. Craig, of Philadelphia, has a capacity of about 15,000 tons.

These are the gentlemen that are coming here now and asking us to relieve them, at the expense of the American farmer, from their error in judgment in investing in Cuban lands and from their error in thinking that sugar would keep a good price. That this House may pass this bill is probably true; that the American people will approve it I do not believe.

Men make bad investments in this country, but they do not

ask the Government to help them out. Millions of dollars have been lost in real-estate speculations in our country, but the Government did not come to our relief. A few years ago the farmers of my State were bankrupt. Their farms were mortgaged, foreclosed, and sold. Distress was actual, real, and present. The future was dark and hopeless. Did the Government help them? No. Did they sit down and whine; did they fold their arms and say: "We are bankrupt; we will do nothing?" No. They went to work; they planted other crops. Good times came. They received good prices for their products, and to-day they own their own homes and are happy, contented, and prosperous. So, I say, let these people do likewise. [Applause.]

Instead of coming to the Government and asking for help, let them help themselves. Let them face the future bravely. They should understand that this Government will not guarantee to them good crops, good prices, or prosperity. They will have to take their chances in the world's great battle. In the natural order of things good times will come, and with it success and prosperity. I am glad to say that no wail has come up from the Cuban people themselves. Those who fought the battles for independence through the long and bloody years are not here asking for aid. Those who bore the rifle and swung the machete in behalf of liberty and independence are facing the future with the same grim courage that they faced the Spaniard. All honor to them. [Applause.]

But what must we say of those who have seen in prostrate Cuba only a field for speculation and enrichment? What shall we say of those who during that bloody struggle paid tribute to both sides in order to run their plantations for profit, while the poor man, the laborer, was fighting for the freedom of his country, and now come whining for aid to save them from a temporary loss? This house, this country, should say, "Away! Depart! Care for yourselves!" [Applause.]

"Oh," but they say "we are under obligations to help Cuba." In God's name how, when, or why have we incurred any obligation to help her? They say "we have destroyed her markets." I deny it. She has the same markets she had before. Armstrong says:

Q. And really there is no change in the condition that existed before the Spanish war and to-day?
A. Not as far as the market of sugar is concerned.

Adkins says:

Q. What market do you claim Cuba has lost by reason of the war?
A. We have not lost any market.

They say: "We have prevented her from making commercial treaties with other countries." I deny it. "Oh," they say, "the Platt amendment does this." I deny it. In this respect the Platt amendment simply provides as follows:

I.

That the Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

The third provision allows intervention on our part to preserve the independence of the island and to maintain law and order.

From this it will be seen that the Platt amendment in no way restricts Cuba from making commercial treaties or agreements with other countries. The only restriction is that she shall not enter into any treaty that will impair her independence or allow a foreign nation to secure a lodgment on her soil, and that she shall not incur an obligation that the revenues of the island are inadequate to discharge. It is also provided that we may intervene to preserve the independence of the island. Each and all of these provisions are for the benefit and advantage of Cuba and are nothing more nor less than the written declaration of the Monroe doctrine.

Without this declaration we would never allow a foreign country to again exercise sovereignty over Cuba or secure a foothold upon her soil. Without this amendment, would we allow her independence to be impaired or a foreign power gain a footing on her territory? Surely not. She can still make any trade treaty or commercial agreement that she sees fit. She can discriminate for us or against us as she pleases. She can grant trade concessions to Great Britain or she can withhold them, and we can not say her nay. Any other construction, it seems to me, is farfetched and not made in good faith. I am perfectly willing to leave the meaning of these provisions to the judgment and interpretation of the most unlettered.

Under obligations to Cuba! By no manner of means. Our treatment of her stands alone in the history of nations. What have we done for her and her people? From what have we relieved them? What sacrifices have we made in her behalf? In 1511 the Spaniard Velasquez took possession of the island. The natives were simple, peaceable, and submissive. Haluey alone headed a band in resistance. His followers were defeated; he was taken and burned at the stake. A priest stood by his side and adjured him to accept Christianity that his spirit might be wafted to the realms of eternal bliss. He asked if he would meet any Spaniards there, and on being answered in the affirmative, said, "I will not go to a place where I may meet one of that accursed race."

From that time on there were two peoples. The Cubans, simple, quiet, and peaceable, but with the spirit of their martyr smoldering in their breasts, and the Spaniards, haughty, domineering, and merciless. Cuba was the prey of the Spanish official and politician and the treasury of the Spanish Crown. Her people were ruled with an iron hand. Governors-general had almost absolute power. While liberty grew and flourished in sight of her shores, she was oppressed. The rapacity of Spain robbed her of her wealth.

The proceeds of her labor went to fill the coffers of a horde of Spanish officeholders and the fruits of her industry were plucked by foreign hands. As much as $40,000,000 a year was taken in taxes from her people. From 1823 until February 24, 1895—the beginning of the end—there was an almost continual struggle for freedom and independence. One revolution ended only to be succeeded by another, and another, and another. They all failed. In 1895 another one began. The island was ravaged by the contending forces. The insurgents held their own in the conflicts that occurred, but did not seem to be able to succeed. The forces of Spain seemed too powerful to be overcome, but they were also unable to capture the insurgents. Concentration camps were formed. Starvation and decimation seemed to be the end.

Our people had watched the struggle with horror. Efforts had been made to end the struggle by diplomatic means, but failed. Humanity revolted. Our people could stand it no longer. Not for power, not for conquest, not for glory, but for humanity's sake war was declared with Spain in order that Cuba might be free. Our armies were marshaled and our navies manned in her behalf. Millions of dollars were spent in her behalf. Thousands of our noblest sons faced death in her cause. Thousands of lives and untold suffering were laid upon the altar of her deliverance. The Spanish oppressor and his oppressive laws were swept from the island, and the spirit of Haluey, hovering over his beloved land, saw the flower of the Spanish fleet burning and sinking near his funeral pyre. [Loud applause.]

We did not stop with the end of the war. We spent millions in feeding the starving. We built her roads, cleaned her cities, and made them free of pestilence and as healthy as our own; we organized her schools, and assisted her in the establishment of a stable government. We are now ready to withdraw our forces, take down our flag, and allow her to take her place among the nations of the earth, a free and independent people. And that is not all. We still say to her, and are pledged to the promise, that all the power and all the wealth and all the manhood of this great Republic are at her disposal to protect her against the attack and encroachment of the world. Weak as she is, small as she is, we guarantee her liberty and independence. [Applause.]

Not one cent do we ask in return, and yet we are told by a few exporters of this country, by the agents of the sugar trust, by those Americans who have invested their moneys in Cuban plantations in the hope and expectation of making thousands of dollars out of her poverty and distress, by those Spanish planters and naturalized Cuban-Americans who saved their plantations from destruction by paying tribute to both sides during the insurrection, that the American people owe the Cubans something, that we are under obligations to them, and that we must not only guarantee the Cubans—meaning themselves—prosperity and commercial success, but we must also make good the speculations of these Spanish and American investors. Will we do it? That is the question. It shall not be done with my vote. [Applause.]

It seems to me clear that there is no distress in Cuba to-day and that there is but little probability of any in the near future that would require the passage of this legislation. It also seems clear that there is no obligation on our part to pass this legislation.

Even if there is distress in Cuba or likely to be, and even if we are under obligations to do something for them, this legislation will not help them. I believe I can show this clearly, and I believe that I can show that this legislation, instead of being a benefit to the Cubans, will very largely, if not entirely, go to the credit of the sugar trust and result in great injury to the industries of this country.

This legislation is the product of certain influences at work here. What those influences are I will let the Speaker of this House say. In a letter to one of his constituents some time ago he used this language:

The second question is, What are we going to do for Cuba? It is a separate and distinct proposition, and this is the situation: Those contending for Cuba

want a reduction of 50 per cent or a clean sweep of duties between us and that country. Contending for this doctrine is, first, the American trust, which is here in the person of its ablest managers; second, the money—the capital—that has been put into the construction of railroads in Cuba, where a system of railroads extending along what may be termed "the backbone of the island," with arms extending from the backbone into each part of it, is in process of construction.

All the money in this enterprise is anxious, of course, to build up the commerce of Cuba. Third, there are millions of dollars that have gone into Cuba, buying up plantations, cheap lands, and with large syndicates formed are seeking to make fortunes out of the sugar industry. Then, again, there are Americans over there with vast sums of money in various enterprises who are all anxious for this. Then, again, the Cubans themselves who have the capital are anxious to have free-trade relations with the United States.

These all touch elbows and are working together. * * * The contention is brought to us from our own people that we have shed blood and money enough for Cuba, now an independent government, so to speak, without slaughtering the farmer interests of our own country, and the most intense feeling exists. * * * I beg of a man of your intelligence and experience not to accept the flying reports and dispatches sent out and stimulated by the concrete organization, as I have indicated, who, indifferent to our own farming interests in this country, want to break down all the barriers between us and Cuba.

This language is significant and true, and I ask the country to consider is most carefully before condemning those who oppose this bill. I believe there is enough stated in that letter alone to condemn this measure and relegate it to oblivion.

Now as to the bill itself. It is a useless measure, a makeshift, and will bring no relief to the Cubans at all. The demand has been for free trade with Cuba, or at the very least a reduction of 50 per cent. Those pretending to speak on behalf of Cuba assert most positively that a 20 per cent reduction will not furnish relief. All the testimony taken upon this point sustains this contention, and after the decision was announced to make a 20 per cent reduction, General Palma, the newly elected president of the Cuban Republic, stated in a public interview:

It will be very disappointing to the Cuban people. I do not wish to criticise the action of Congress, but that is the only reply I can make to your question. We asked for a reduction that would be sufficient not only to permit the sugar planters to meet the actual expenses of operating the mills, but to give them some profit, some benefit. We have said from the beginning that a reduction of 50 per cent, or possibly 40 per cent, was necessary for Cuba's relief, and I have said before, as I am compelled to say now, that 20 per cent reduction will not be of any benefit. As for the proposal to limit the reduction to December of next year, I can only comment on it by saying that the whole resolution appears to be not satisfactory.

It can be of no benefit on this year's crop, and will only result in surely placing in the profits of the sugar trust over $5,000,000 for this year's output alone. It has been contended that relief is needed to enable the harvesting of this year's crop. Harvesting will be completed by the 1st of May and at any rate by the 15th of May. This bill can not be passed by that time, and it will be long after that time before the Cuban government can comply with the conditions of this act. The crop will all be harvested and in the hands of the agents of the sugar trust.

This will be true, because the planters are not able to hold their crops. If they are, then the plea for relief falls to the ground. If they are able to hold the crop, they do not need relief. If they have not held their crop, then they get no relief. The sugar trust can hold until the bill is passed, import the sugar, and put the reduction in the duty in their pocket. I have no doubt but that Mr. Adkins, Mr. Kelly, Mr. Hawley, Mr. Mendoza, and these other great sugar barons can hold their sugar, and they will probably ship themselves and likely get the benefit; but, as I said before, if they can hold, they do not need relief.

Furthermore, if matters are in a bad shape this bill will make them worse instead of better. The cause of the low price of sugar is overproduction. The supply is about 1,500,000 tons above the demand. This amount of sugar is looking and wishing for a market. There is only a certain demand for it. If the Cuban begins to supply this demand by reason of a reduction of the tariff, it is not difficult to see what the result will be. Those holding this surplus sugar will want to get something out of it. They will throw their sugar on the market and reduce prices in order to sell, and the Cuban will have to meet the cut. Instead of getting more for his sugar he will get less. Mr. Adkins stated in his testimony—

That anything that was done to relieve Cuba in the way of reducing duties would, in my personal opinion, have the effect of at once starting this avalanche of surplus sugars onto the United States market, and that in order to get something for their surplus stock they would further reduce prices.

He further stated—

That would be a temporary condition, which would all be cleared up in the course of a year or two.

If this statement is correct, and it is a reasonable one, then this act would be worse than useless, because it expires by its own limitation before any good effect would become manifest. It would increase the condition that it is intended to alleviate.

The sugar trust—The American Sugar Refining Company—will, in my judgment, be the chief if not the sole beneficiary of this reduction. To realize this we must understand the situation. Most of the sugar used in the United States is refined sugar; practically all of the sugar imported into the United States is raw sugar, sugar that has not gone through the process of refining. When this raw sugar reaches this country it is here refined.

The sugar that comes from Cuba is raw sugar and is sold to the sugar refineries. The sugar trust controlling the great percentage of the refineries is practically the only consumer and the only purchaser of raw sugar in the United States because it controls at least 80 and probably 90 per cent of the entire output of the refined sugar and has a capacity sufficient to turn out the entire output and supply the whole demand. Upon this point Mr. Havemeyer, in his testimony before the Industrial Commission, said:

OUTPUT OF THE AMERICAN SUGAR REFINING COMPANY.

Q. May we take up for a moment the question of prices of which you have spoken? You have given here quotations on raw and refined sugar for twenty years and also the world's output for five years. Have you put in your tables the output of the American Sugar Refining Company?

A. No.

Q. About how much is that?

A. About 30,000 barrels a day.

Q. What proportion does that form of the total output of the country now?

A. I have never been able to get at those figures, but I should say about 90 per cent.

Q. You think about 90 per cent of America?

A. That is not of the capacity, but of the output. The fact is that these refineries are not working full.

Q. Does the American Sugar Refining Company itself have a capacity enough to supply the total demand if it were not for the opposition? Your company could easily supply the total demand at the present capacity?

A. The demand and 20 per cent in excess.

From this you can see the interest the sugar-refining company has in the reduction of the duties upon raw sugar, and well was the Speaker of the House justified in saying:

Contending for this doctrine is, first, the American sugar trust which is here in the person of its ablest manager.

This trust is not pushing this matter from philanthropic motives; it cares nothing for suffering Cuba. It knows no philanthropy; it knows no ethics; it cares only for business and profit. Let Mr. Havemeyer speak, as he did before the Industrial Commission:

Q. Well, say it was $50,000,000; even it up. That leaves $25,000,000, which seem to stand for good-will, brands, etc. Do you think it fair that the consumer should pay a dividend to your company on these brands, good-will, etc?

Now, notice the answer to this question.

A. I think it fair to get out of the consumer all you can, consistent with the business proposition.

Q. You state that as an ethical position before the Commission, and you have to stand on that ethical position for fair play. Now, I want to know if you think—you stated that the consumer received the benefits of this consolidation of industry—it is a fair ethical proposition, independent of the business view you put on it, that the consumer should pay dividends on this $25,000,000 of overcapitalization?

A. I do not care two cents for your ethics; I do not know enough of them to apply them.

Do you think that a corporation controlled by a man impelled by such motives cares anything for the suffering in Cuba? Do you think that his company has its ablest manager here only to help out the planters of Cuba? I can not accept this view of the situation. I believe that they are here to get everything they possibly can that will result in benefit to them and increased profits to their stock.

Many of our people think that by this reduction they will get their sugar cheaper. This idea is a pretty general one, and it has much to do with the formation of public opinion in favor of this bill. If there is no basis for this statement, then many of our people will not be so strongly in favor of it. I received a letter from one of my constituents the other day, and this is what he says:

Get that duty off sugar just as soon as you can.

Why does he say this? What does he think will be the result? Listen:

We need cheap sugar to use along with our fruit here.

This is one of the reasons why he favors this bill. He thinks he will get his sugar cheaper. Would he? Certainly not. The bill itself is framed upon the theory that it will not reduce the price of sugar to the people of this country, because if the price of sugar is reduced there would be no benefit to the Cubans, and this is a bill to help the Cubans, and not our own people. It has been assumed by every man who has spoken on this floor that the consumer will get no benefit from this reduction. It so appeared from the testimony before the committee.

Mr. ARMSTRONG said:

Q. You say the price of raw sugar is fixed at Hamburg. If that is so and we remove the duty on raw sugar coming from Cuba, will the price of raw sugar still be fixed at Hamburg?

A. Always.

Q. Then the benefit of the removal, of course, will not be enjoyed by the consumer of sugar in the United States?

A. No, sir.

Q. What effect would it [the removal of the duty] have upon the American consumer?

A. None whatever.

Mr. MENDOZA:

Q. I know that; but even free trade with Cuba, I understand from the testimony we have gotten on this subject in this hearing, would not affect the price at all in the world?

A. No; it would not to-day, because there is an overproduction.

The honorable chairman in his report frankly states:

All the experts who were called before the committee admit that the price of sugar will not be less to the consumer on account of the 20 per cent reduction proposed.

If there be no reduction to the consumer and no more than 30 per cent goes to the planter, what will become of the other 70 per cent? It will go to the trust, of course, and swell its profits or be used by it in crushing out the beet-sugar industry. If it gets this additional profit it can well afford to lose it all by cutting prices so as to crush out the beet industry, and then it will raise the prices to suit itself and have the consumer at its mercy. This has been the policy of the trust heretofore and it will be its policy again.

My friend also gives another reason why he is in favor of this bill. Notice what it is:

We do not want, in my judgment, to foster in any possible way a single trust in the United States, but bat them between the eyes whenever you get the chance.

He thinks this bill will hurt the trusts, and therefore he is in favor of it. I am satisfied that it will help the trusts, and therefore I am opposed to it. My friend does not know fully the influences that work in favor of this bill.

If he did he would be opposed to it, and if I, knowing of these influences, should support this bill, then he would condemn me when he should learn of the existence of such influences. If there be no reduction in price to the consumer in this country, and if, as Colonel Bliss said, no more than 30 per cent of the reduction would go to the Cuban planter, what would become of the other 70 per cent? It will go to the trust, of course, and swell its profits or be used by it in crushing out the beet-sugar industry of this country.

The friends of the measure say, "If the price to the consumer is not reduced, how will this bill hurt the beet-sugar industry?" I will tell you how. If the price to the consumer is not reduced there may be no direct injury, but the mere fact of this agitation will prevent the building up of the industry; will prevent its development; will prevent the building and erection of new factories, because capital will not go into this enterprise with the prospect of having to meet a much further reduction upon the demand of the Cuban people in the future.

The great danger from this bill is that it will put into the hands of the sugar trust a fund with which to break down the present beet-sugar interest. [Applause.] It will put into the hands of the trust a club to destroy the only competitor they have in this country. The sugar trust could well afford to take five or six millions of the money that would go into its coffers, by reason of the passage of this bill, and go into the Western beet-sugar field and reduce the price of sugar, as it has done heretofore.

If it should do this, of course there would be a reduction to the consumer. This, however, would be only temporary, and when the beet-sugar interests were crushed out then the price would go up even higher than before, and, as shown by the testimony of Mr. Havemeyer, the consumers would have to pay for the reduction in the end. The consumers of sugar in this country do not want a reduction in the price of sugar temporarily if it results in the destruction and throttling of a most promising home industry. [Applause.]

I desire to call your attention to some more of the testimony of Mr. Havemeyer before the Industrial Commission that indicates the policy of the sugar refining company with reference to competition and with reference to evening matters up with consumers.

Referring to some sugar refineries that had started in opposition to the sugar trust, and who were termed "interlopers," the following testimony was given:

METHOD OF THE COMPETITION.

Q. I inferred from your expression a moment or two ago, "These 'interlopers' came in," that it was perhaps a part of your policy to see to it that they did not stay in the business too long; something in the same way that you dealt with the Spreckles opposition in Philadelphia?

A. It was a part of our policy and principles. We did not think they could have any advantage in profit over us, and we let them take the results, whatever they may be.

Q. Your policy was, substantially, to put the price down so that they would not find it profitable to remain in the business?

A. And to secure the continuation of the output of the American Sugar Refinery, which is very vital to it.

Q. If the opposition refiners were to remain in business they would lessen the percentage to your stockholders, you say?

A. If they remained in the business and sold the product—two different things again. Every sale by them displaces so much of the American Company's product, and this is what we have to look out for—that they do not.

Q. If you can make it unprofitable to them they will stop their sales, and in the long run the expectation is that the profits will be larger to your stockholders?

A. That would be the natural inference. Of course, it goes without saying if we protect our own meltings it can only be done under a condition of things that makes it unprofitable for our competitors, the real motive being the protection of our own business, and the result being an absence of profit to them.

Mr. Havemeyer considers this matter from a purely business standpoint, and if by using a part of this tariff reduction on raw sugar that goes to his benefit he could crush out his competitors in refined sugar, he would do it. In his testimony he says:

We maintain that when we reduced the cost we were entitled to the profit, and that it was none of the public's business. We took it and paid it out to our stockholders. It may be business policy to share that with the public sometimes. We did not do that then. We have done it since. We had to increase the output. We could injure our competition by reducing our margin. This is business policy again, not philanthropy.

If Mr. Havemeyer could injure his competitors by using a part of this gift which we propose to make to him, he would consider it a business policy to do so and not philanthropy. Again he says:

EFFECT OF COMPETITION ON THE CONSUMER.

Q. Is it for the benefit of the consumer that prices are temporarily put down when competition enters the field until you can crush out that competitor, as I gather from your testimony? Is it for the advantage of the consumer if, when that competition is crushed out, you put up the prices immediately thereafter to such a margin of profit as will cover all these expenses and others—that is, the expenses of the fight, the wear and tear, the buying out refineries, and all that? I would ask you if that is for the benefit of the consumer?

A. Well, I do not know. You would have to find out what the figures were in order to determine whether it was just or not. I think the consumer would have to be subject to such a condition of things if it was a trade condition.

Q. I ask this because you have in your testimony laid such stress upon the interests of the consumer.

A. Do you think by lowering the prices merely to crush out the competitor, as you put it, that the consumer is not benefited?

Q. I say he may be benefited temporarily for six months or a year, but if after the crushing out has taken place you then, as you said in your testimony, resume a margin of profit which you consider is the right thing, and that is the only thing you are governed by, I ask you, then, whether the consumer will be materially benefited or not?

A. Is he not benefited to the extent of the reduction of prices during the fight?

Q. He is; but if he has to pay double or three times the price after the fight is ended, I fail to see where he is benefited.

A. He is not, if he has to pay that.

Q. I understood you to say when the war was ended you evened up?

A. Yes.

Q. The price you put on was for the benefit of the stockholders?

A. Yes.

OBJECTS OF THE AMERICAN SUGAR REFINING COMPANY.

Q. (By Senator MALLORY.) Did I understand you to say—perhaps I may have misunderstood you a while ago—that it was your policy to make as much profit out of the consumer as you possibly could?

A. Consistent with business methods.

Q. Consistent with business principles. In other words, your idea is that your organization, the American Sugar Refining Company, will, if it can, get the maximum profit out of its business from the consumer. Now, I also understand you to imply at least that it is the policy of the American Sugar Refining Company to crush out all competition, if possible.

A. But that is not so; there is no such testimony. I understand it has been put in that form by one of the gentlemen here; but it is not the fact. What I said was that it was the policy of the American Company to maintain and to protect its trade, and if it resulted in crushing a competitor it is no concern of the American Company; if he gets in the press, that is his affair, not ours.

Q. And if anyone interferes with the business, profits, or competition of the American Sugar-Refining Company it is its policy to prevent it if possible?

A. By lowering profits to defy it.

Q. And if it results in crushing him out——

A. (Interrupting.) That is his affair.

Q. Not the affair of the American Sugar Refining Company?

A. No.

Q. Now, suppose in the natural course of events the American Sugar Refining Company should suppress—we will not use the word crush out—all competition, all opposition? I understand from your theory—business principles—that you would then seek to get out of the public and consumer the largest amount of profit consistent with your idea of business principles?

A. Precisely.

In the name of God, will the American people place in the hands of the trust the power to crush out the only regulator and the only means by which the price of sugar is reduced in this country? What is the trust doing in my country now? Listen! I have here a telegram from Spokane, dated March 2, from the president of the only sugar-beet factory in our State. He says:

Western Sugar Refinery—San Francisco branch of the sugar trust—has notified jobbers here that they must discontinue handling or selling our sugar, under penalty of the trust's displeasure.

A plain attempt to crush out the industry.

But I see by the papers that out in Spokane there is some of the spirit of the fathers of 1800 manifested by the laboring men of that town. What did they do? They gathered together in their council and resolved that they would consume no sugar except that of our beet-sugar factory. [Applause.] My vote shall not become the ally of the trust to throttle this industry of the farmers of my State. [Applause.]

The consumers of sugar should not look lightly upon the beet-sugar industry. It has been the great factor in the reduction of the price of sugar, and if we want cheaper sugar in this country we must depend upon the beet for it. It is far more worthy of trust in this regard than the sugar trust. In 1871–72, when more cane sugar was produced in the world than beet sugar, the price

was 5.37 cents per pound. The following table shows the production of cane and beet sugar up to the year 1900, and the price for each year:

The world's production of beet and cane sugar and average price per pound from 1871 to 1900.

Year.	Beet.	Cane.	Total.	Price.
	Tons.	*Tons.*	*Tons.*	*Cents.*
1871–72	1,020,000	1,599,000	2,619,000	5.37
1872–73	1,210,000	1,793,000	3,003,000	5.35
1873–74	1,288,000	1,840,000	3,128,000	4.95
1874–75	1,219,000	1,712,000	2,931,000	4.35
1875–76	1,343,000	1,590,000	2,933,000	4.04
1876–77	1,045,000	1,673,000	2,718,000	4.91
1877–78	1,419,000	1,825,000	3,244,000	5.06
1878–79	1,571,000	2,010,000	3,581,000	4.16
1879–80	1,402,000	1,852,000	3,244,000	4.18
1880–81	1,748,000	1,911,000	3,659,000	4.41
1881–82	1,782,000	2,060,000	3,842,000	4.41
1882–83	2,147,000	2,107,000	4,254,000	4.37
1883–84	2,361,000	2,323,000	4,684,000	3.61
1884–85	2,545,000	2,351,000	4,896,000	2.67
1885–86	2,223,000	2,339,000	4,562,000	2.84
1886–87	2,733,000	2,345,000	5,078,000	2.50
1887–88	2,451,000	2,465,000	4,916,000	2.75
1888–89	2,725,000	2,263,000	4,988,000	3.21
1889–90	3,633,000	2,069,000	5,702,000	3.28
1890–91	3,710,000	2,555,000	6,265,000	3.03
1891–92	3,501,000	2,852,000	6,353,000	2.93
1892–93	3,428,000	3,045,000	8,473,000	3.09
1893–94	3,890,000	3,490,000	7,380,000	2.92
1894–95	4,792,000	3,530,000	8,322,000	2.15
1895–96	4,315,000	2,830,000	7,155,000	2.29
1896–97	4,954,000	2,864,000	8,818,000	2.01
1897–98	4,872,000	2,898,000	7,770,000	2.55
1898–99	4,977,000	2,995,000	7,973,000	2.39
1899–1900	5,510,000	2,904,000	8,414,000	2.49

From this it appears that cane-sugar production increased only a little over 100 per cent, while beet sugar increased over 400 per cent, and the price is less than one-half of what it was in 1871 and 1872. The beet-sugar industry in this country is the only regulator and competitor of the sugar trust. The following testimony settles this proposition clearly and surely:

Q. Did the beet-sugar industry in this country cut any figure in that decline [decline of margin between refined and raw] in your judgment?

A. It did, undoubtedly. Every producer that you have cuts a figure in reducing prices.

Q. You stated a little while ago that the beet-sugar industry controlled the market.

A. It does; it makes the price. .

Mr. ARMSTRONG, page 78:

The CHAIRMAN. That would depend on the supply and demand. If the supply was short, it would have that tendency, undoubtedly?

A. It would. It was different from to-day, with only one or two buyers. Something over a year or two years ago there were one or two independent refineries built, and war broke out between the sugar trust and the independent refineries, and the trust broke down rates to a very low point for the sake of knocking out those one or two refineries, and when that was accomplished prices advanced again, and when you take the average of all that time you get the fifty-one one-hundredths.

The CHAIRMAN. They have knocked out the independent factories the last two or three years?

A. Yes, sir; they bought them out.

Q. They all operate together now, so the only regulator of refined sugar is the beet-sugar interests?

A. Yes, sir.

Q. Are they (the sugar refineries) the only purchasers of sugar in the United States?

A. Yes, sir; there is no other market for it whatever.

Q. There would be no competition whatever as to the matter of fixing the price in the United States with the sugar refineries of the United States, would there? There is no other source from which competition could come?

A. None I know of.

We should hesitate long before we take any step that will even threaten this industry that means so much to us and to our farmers.

As I said before, Cuba furnishes to this country only the raw sugar. They do not refine it there. It is all refined in this country. As Mr. Havemeyer says, the American Refining Company refines about 90 per cent and has capacity for the entire output. It is therefore about the only consumer and purchaser of raw sugar. Mr. Armstrong in his testimony says:

Q. Are they (the sugar refiners) the only purchasers of sugar in the United States?

A. Yes, sir; there is no other market for it whatever.

Q. There would be no competition whatever as to the matter of fixing the price in the United States with the sugar refineries of the United States, would there? There is no other source from which competition could come?

A. None I know of.

If there is no competition, then the trust can fix its own price. "Oh," but they say, "if we reduce the duty on raw sugar the trust will pay the planter the market price and he, the planter, will therefore get the benefit of the reduction." You forget, overlook, or suppress the fact that the sugar trust buys the sugar in Cuba very largely, if not entirely.

But what difference does that make? All the difference in the world. It pays there the world price of sugar—the Hamburg price. No consideration is taken of the duty. The trust then imports the sugar—mark that—not the planter; and when it brings it to New York or any point in the United States it pays the duty. It gets the benefit of the reduction. It pays just that much less duty. Mr. McClellan in his minority report says:

The present trade custom is that Cuban planters sell their product f. o. b. at Habana to the agents of the refineries.

If that is true, and true it is, the refineries get the benefit of the reduction when they reach New York. It is true, he says, that there is no reason why it should not be sold at New York. There may not be any reason why these planters, with 20,000 and 25,000 acres of sugar, should not ship to New York, but the small planter can not do so any more than the small producer of wheat or corn ships direct to Chicago or St. Paul. He sells to the agent or the commission man at the first point of shipment. Mr. Armstrong says, page 84:

The sugar refiner goes to Cuba to buy sugar, and he buys at the market price of that day.

You say he knows that there is a reduction, and therefore he will say to the agent, "You must pay me that much more."

He may say that, but he can not carry it out. He must sell. The trust does not have to buy unless it wants to do so. If, as you say, the planters of Cuba are helpless, their very distress will make them the prey of the trusts and render this legislation nugatory. We know how it is during hard times in this country. The producer can not hold his crop. He must sell. The small wheat raiser, the small corn raiser, does not ship direct to the main market. He sells to the local agent, and the harder the times the worse off he is, the sooner he sells. This is our own experience, and it must be true of the Cuban planter.

One of the best indicators as to the benefit that the trust would derive from this bill is the way in which they view it themselves. The Republicans held several conferences relative to this bill. The first of these conferences indicated that no reduction would be made, and the trust stock was low. As the conferences progressed and the chances in favor of a reduction became better, the price of the stock became better. When the conference decided to make the reduction there was a decided jump in the stock.

In about one week's time it rose about seven points, increasing the value of the $90,000,000 of stock by the snug sum of over $6,000,000. Upon reports as to the attitude of the Senate the stock dropped a point or two. In the reports of April 1 this significant statement was made:

All of these, referring to different stocks, were depressed after the opening, but recovered sharply, sugar rising a point above last week on account of the report from the Committee on Ways and Means on the Cuban reciprocity bill.

Yesterday we voted to close debate on this bill and this morning's stock reports stated:

Sugar became strong for a time on the decision to limit the period for debate on the Cuban reciprocity bill, and its stock went from 131¼ to 133.

In a letter of advice sent out by certain stockbrokers in New York to their patrons this statement is made:

If the reduction becomes a law, the primary beneficiary would be the American Sugar Company, inasmuch as they would be in possession of the raw sugar instead of the planter.

With all due respect to the gentleman from New York, I believe these people know better what the result would be than he does.

Colonel Bliss in his testimony says:

It appears to me that the question relates to the price that the Cuban producer would get, and I do not know what proportion of the increase (from the reduction) would go to him. I believe not more than 30 per cent.

Mr. Adkins also says:

Cuba expects to profit by the action taken in her favor, but she would not profit to the full extent.

Where would the balance go? To whom would the other part of the profit go? To the sugar trust, as sure as fate. No wonder they are anxious. No wonder their best managers are here. No wonder they are flooding the country pleading for help for poor Cuba.

They can afford to pay out a couple of million dollars to get the newspapers to take up this matter, to stir up the people in behalf of Cuba. With what glee do they stand behind the wall of public opinion that they have erected and laugh as they count the millions that they have buncoed from the people of this country. The people may be fooled part of the time, but they will not stay fooled on this question, and then woe to those who accede to their mistaken demands.

The very weakness of the position of those who favor this bill is shown in the bill itself. They have abandoned the simple duty-reduction idea, and, thinking that they have sounded the real sentiment and wishes of the American people, they present a bargain and sale deed for ratification. This bill, instead of being a tariff-reduction bill, is "a bill to provide for reciprocal trade relations with Cuba." Do you think you can fool the American people in this way? Do you think that their love for the almighty

dollar has so deadened their sense of justice and right that they will barter upon the sufferings of Cuba to enrich themselves? Beware of the wrath of an outraged people when they understand the bargain you are trying to make in their name.

You provide for a 20 per cent reduction on the products of Cuba coming into this country, and in consideration therefor you require that the government of Cuba shall give us a like reduction upon our products going to their country. This you say is reciprocity. I deny it. What is reciprocity, Republican reciprocity? Is this the reciprocity of Blaine, of McKinley, of the Republican party? No. Blaine's reciprocity was the result of an arrangement between this country and another one by which we could sell such country articles that she did not produce at reduced duties in exchange for a reduction of duties upon articles sold by her to us that we could not produce.

McKinley reciprocity was defined in that memorable speech that crowned his life's work in this language:

We should take from our customers such of their products as we can use without harm to our industries and labor.

And the Republican platform defined reciprocity to be:

RECIPROCITY, 1900.

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

This is the true doctrine. We do not want to import articles that we can produce in sufficient quantities to supply the home market. We should not ask a weak country like Cuba to buy from us what she can produce for herself. It has been the policy of this Government from its foundation, it was the policy of the founders of our Government, to encourage the production in our own country of those things that we need and that we can produce. They realized that every dollar sent abroad for articles that we can produce at home takes away that much money from our own people, takes away that much market from our own people, and takes away that much labor from the American workman.

Every time we buy an article made abroad we employ foreign labor just to that extent. Reciprocity supplements this doctrine, and says: "If there is an article that we need, but can not produce, we will reduce the tariff on such an article if the other country will reciprocate." This bill proposes to reduce the tariff on articles that we do and can produce in consideration of a similar reduction on articles exported by us. What is this bill? It is simply a barter of the agricultural interests of this country for the benefit of the manufacturing interests. This is plain language, but it is the truth, and I propose to show it.

Cuba's products are agricultural, so that whatever reduction we make on the tariff is a reduction on agricultural products, and whatever damage comes by reason of that reduction must fall upon agriculture. Whatever benefit will accrue by reason of the reduction of duties by Cuba will go largely to the manufacturing industries. Why? Because Cuba can produce her own agricultural products, but not her manufactured articles. The great plea for this reciprocal trade is made on behalf of the implement, machine, cotton, and other manufactured articles. It is true that the farmers are told that their market will be increased; that if there is a reduction there will be more flour sold there, when the fact is now we furnish them all their flour.

Almost all other agricultural products that they must import are imported from this country. But their witnesses tell us you can get the market of Cuba in manufactured articles, and even though it may injure some one of your industries, this will be more than balanced by greater benefits. I want to say, gentlemen, that it is not right, it is not just, it is not fair, that any injury should be done to any industry in this county that another industry may be benefited. [Loud applause.] Many of the witnesses, exporters, put their whole interests in this relief for Cuba upon the benefit to them as exporters.

Mr. WILLIAM R. CORWIN:

Q. The consent of your association to the remission of these duties and to creating a market here for Cuban sugars is conditioned on the event that we shall have established, permanently and safely, Cuban markets for the sale of our goods?

A. Absolutely; yes.

Mr. EVAN THOMAS, on behalf of New York Produce Exchange:

Q. (By the CHAIRMAN.) Your association looks at this largely from the standpoint of export business with Cuba?

A. Yes, sir.

I deny that we do not have these markets because of the duty. It is the fault of the exporters—of our manufacturers themselves. Let their own witnesses speak as to this matter:

Mr. RABADAN. Geographically the United States is the natural market from which those people should order. There are some conditions by which to-day, for instance, we are handicapped. For instance, Birmingham and Manchester produce and manufacture cotton fabrics adapted to the wants of these people which are different from the goods used here.

And, furthermore, they have been accustomed on account of the very low rate of interest on money in England to sell those goods and give those people long credit. The time will come, sir, if Cuba reaches where all her friends hope she will, when Cuba will be supplied almost directly from the cotton field, and it will be when the present industry alongside the cotton field is more developed, and when we will ship American cotton fabrics from the Gulf ports, which are within a few days' sail of Cuba.

The CHAIRMAN. In other words, do you believe if we had free trade in Cuban goods the United States would get a large share of that trade?

Mr. PLACÉ. In two years you will have it. Not at once, because in Europe they are accustomed to do the business as we want it, and they are not accustomed in the United States yet, because they have not got the market. Perhaps if they get the market to suit them they would do it.

Colonel BLISS. Only in the way that Germany and England and France and Spain are all represented by commercial travelers pushing their merchandise and taking orders that I am told the manufacturers in the United States will refuse to take. For instance, you know the duty on such articles as cotton goods (which constitute a very important item of importation into Cuba) depends on the relative weight of a given quantity and measurement of cloth and the number of threads.

If the weight varies a small fraction, or if the threads vary a small fraction, merchandise which has been imported by the importer, believing that it would pay a duty under, we will say, paragraph 114–C, pays a duty under paragraph 114–D, at perhaps an increase of one-third, and he refuses to take it. But that importer can go to any mill, as I am told by them, in England or in France or in Germany or Spain and ask them, "Will you take an order for 50,000 or 100,000 meters of this cloth and guarantee to me that when it reaches the Habana custom-house it will come within a fraction of a gram of weighing so much to a hundred meters and will have exactly so many threads? Otherwise I will refuse to accept it." They will take that order, but I am told that no mill owner in the United States will do it.

I think that fact, together with the system of credits, largely accounts for the fact that trade with Cuba is so largely in European countries. They will sell on nine months' credit, while I am told that the United States shipper will give only thirty days. Therefore the importer sells on six months' credit to his own countrymen, and they in turn sell on three months' credit, and every man has his money in and a large profit (for you can be sure they charge large interest on the capital which is tied up in that way) before he pays the one from whom he has bought.

Our manufacturers do not need any help. It is their own fault that they do not secure this trade. If they would manufacture the cotton goods to suit the trade, they would get it. If they would give as favorable terms and credit as others, they would get it. We are sending cotton goods all over the world. We are nearer to Cuba than any other country. Expense of getting it there is less for us than any others. Why do we not get the trade? The above answers. It is an outrage that the prosperity of one great industry should be threatened under such a flimsy plea. Do you think our farmers will relish this very well when they understand it? By no manner of means. You can offer no justification, either. If our manufacturers can not get the trade of Cuba, working on the same plane as other nations or manufacturers, they do not deserve to have it. [Applause.]

We had reciprocity with Cuba once and how did it work? Very peculiarly, to say the least. The following table shows the trade of this country with Cuba for the last ten years:

Trade of United States with Cuba, 1890 to 1901.

Year.	Exports.	Imports.
1890	$12,669,509	$53,801,591
1891	11,929,605	61,714,395
1892	17,622,411	77,931,671
1893	23,604,094	78,706,506
1894	19,855,237	75,678,261
1895	12,533,260	52,871,259
1896	7,312,348	40,017,730
1897	7,599,757	18,406,815
1898	9,233,894	15,232,477
1899	17,247,952	25,408,828
1900	25,236,808	31,371,704
1901	24,100,453	43,423,088

From this it will be seen that the export trade of Cuba to the United States is rapidly increasing. From 1898 to 1899 the increase was over $10,000,000; from 1899 to 1900, about $6,000,000, and from 1900 to 1901, over $12,000,000. It is also significant that during each of the years 1900 and 1901 we exported to Cuba more than ever before in any one year, even exceeding the much boasted reciprocity year, 1893. This should be considered when talking of the great advantages of reciprocity. Cuban duties are very low now, and a 20 per cent reduction would amount to but little.

From 1891 to 1894–95 we had this wonderful reciprocity that they talk so much about and under which we are going to get this wonderful trade of Cuba. Our exports to Cuba from 1891 until 1893 increased about $12,000,000, while our imports from Cuba increased about $17,000,000. In 1900, without reciprocity, our exports to Cuba were nearly $2,000,000 more than for the highest year during reciprocity. Is that the kind of reciprocity you want? From 1891 to 1892 the exports increased nearly $6,000,000 and the imports increased $16,000,000. At that ratio of reciprocity it would not take long to buy everything they have and sell them nothing.

It will be seen from the foregoing table that our trade with Cuba is increasing very rapidly indeed, both imports and exports. Our exports to Cuba are greater than ever before, and far greater in proportion than at any other time. These things should be considered when talking of the great benefits of reciprocity; but, as I said, they try to make the farmer think this will benefit him. What are the conditions of the farmers' trade with Cuba to-day?

(Mr. Placé, of Habana: Would like to give United States trade and free trade with Cuba.)

The CHAIRMAN. What reduction of duty would secure that trade to the United States?

A. First of all, our present tariff in Cuba to-day is very low. In order to give the American the trade of Cuba we ought to raise the present tariff 50, 60, and 70 per cent, and out of that tariff allow the United States 40, 50, and 60, if you are not willing to allow the United States free trade.

Q. On the food products—pork, lard, and products of that kind—what is the duty now?

A. To-day the duty is very low.

The CHAIRMAN. What proportion of those articles do we furnish?

A. You supply the whole thing.

Q. How about flour?

A. You supply the whole thing.

They appeal to the farmer and say that under reciprocity he would find a market for his products. This is a delusion and a snare. We have the market now.

This legislation presents itself with peculiar force to the farmers of my State. A few years ago in the eastern part wheat was the main crop, as it is to-day. They raised but little else. In 1893 much of the wheat was damaged by the rains and prices were also very low. They had a large crop and no market. This state of affairs continued until 1896. They were in a most deplorable condition. Their farms and homes were mortgaged. These were foreclosed and their homes sold for a song. The savings of a lifetime were consumed in the battle of life, and poverty stalked across the threshold. Distress and suffering were widespread and actually existent.

Did the Government think of helping them? No; they must depend upon themselves. The only hope held out to them was "free silver" by the Democrats and protection by the Republicans. They voted for free silver and got protection. Markets came. Good prices came. Poverty and distress disappeared like dew before the rising sun. Prosperity and happiness came. Foreclosed farms were redeemed, and to-day all are prosperous and happy. Many saw the folly of relying on one crop. They found their soil adopted to sugar-beet culture. The Republican party placed a protective tariff in imported sugar, and promised to protect this industry until it should fully supply the home market. Our farmers relied upon that promise. Many went to raising beets and many more contemplate doing so. Relying upon this promise, a beet-sugar factory with a capacity of 400 tons per day was constructed and put in operation.

Now, upon some possible, alleged, remote, and fancied suffering of some one in a foreign land, in Cuba, their industry is to be interfered with. The Government would not help him in his distress, but it now calls upon him to help those of his own people who have gone with their money to far-off Cuba for investment.

He does not understand this, and he asks: "Why is this; why must I do all this; why do you threaten my industry that you promised to sustain? You have pleaded with me in the past to support protection, and I have done so when it did not protect me directly. This is the one industry, and the only one, where protection is of direct benefit to me. You say protection is to foster, encourage, and promote an infant industry. Ours is certainly one. Why do you in the first year of our substantial growth single us out as the one industry to be affected; why not let the whole nation help if help must be given to Cuba; why not let the trusts, the great corporations, the capitalist, the money lender, the manufacturers, the merchants; why not let all classes bear the burden?"

You may be able to explain your action satisfactorily to your constituents after voting for this bill. I propose to vote as I talked to them. [Applause.] When the Democrats sang to them of free silver, I sang to them of protection. In 1898 I pointed them to the fruits of protection and they sent me here. I propose to so vote that I can say to them this fall: "I kept the faith, I stood by your interests, I stood by my promises." [Applause.]

What is the industry that is threatened by the passage of this bill? What is it now and what is it likely to become if undisturbed? We produced last year about 185,000 tons of beet sugar. In the industry is now invested a capital of about $30,000,000, The amount paid to the farmer for his produce last year was about $7,500,000. The expenditure for coal amounted to about $787,500; the amount for lime rock, $300,000, and operating expenses about $5,000,000, or a grand total of $43,687,500.

While these figures are large, yet they are very small indeed compared with what will be necessary in the production of all the sugar consumed in this country. The amount now consumed is about 2,300,000 tons. Of this the cane sugar of the South furnishes 300,000 tons, Porto Rico 100,000 tons, Hawaii 300,000 tons, and the beet-sugar industry about 150,000 tons, or a total of 850,000 tons, leaving the amount imported and which should be produced at home 1,600,000 tons. To produce this amount will require the erection of about 500 factories of a daily capacity of 500 tons.

The erection and equipment of these factories would require the expenditure of at least $250,000,000, mostly for machinery, lumber, and labor. After the factories are in operation the farmers will be paid about $75,000,000 each year for their beet crop, and a great part of this will be expended for labor and the necessities and comforts of home life.

The producers of coal would be paid about $7,875,000 per annum for coal, much of which would go in wages to the miner. Lime rock will be consumed to the amount of about $3,000,000 worth, much of this also going to labor. Besides this will be the amount employed as working capital during four months of the year, which will amount to about $45,000,000 per annum. What other single farm industry can surpass this industry when fully developed? It certainly is an infant now compared with what it may become with proper encouragement. It is the very cardinal principle of protection that infant industries should be encouraged if there is a possibility of their supplying the home market. That the beet-sugar industry can be so developed has been amply demonstrated. It is now in its infancy, and I for one purpose to stand by the farmer in the only industry wherein protection is of direct benefit to him. [Applause.]

CUBA'S INDUSTRIAL POSSIBILITIES.

There is no reason in this cry for help to Cuba. If there is any danger to Cuba to-day it is from the fact that it is a one-industry country, and, in my judgment, if the failure to pass this legislation should result in the diversification of her industries and products it would be the best thing for her and for us.

Cuba's stability and independence never will stand securely upon a single industry. It is a wonderful country—a land of beautiful sunshine, healthy climate, and a soil of surpassing richness and fertility. Columbus said, "It is the goodliest land eye ever looked upon." It is a land "flowing with milk and honey." Her natural possibilities are not equaled by any country on earth.

By reason of the fertile soil, the equable, moist temperature, and abundant rainfall, it is a veritable garden, abounding in flowers, luscious fruits, and a great variety of vegetables. Thirteen million acres are covered with virgin forests, including some of the most valuable woods, such as mahogany, ebony, walnut, cedar, oak, and Cuban pine, from which most excellent lumber is manufactured. Over much of the cleared portions the grass is abundant, luxuriant, and nutritious, furnishing most excellent pasturage.

Prior to the last war there were about 100,000 farms, orchards, and catttle ranges. In 1891 there were on the island 531,416 horses, 43,309 mules, 2,485,768 cattle, 570,194 pigs, and 78,484 sheep. There is no reason why this country should furnish hogs, cattle, and meat to Cuba. She should do it herself. She can raise cattle most cheaply; hogs will raise themselves. There are millions of palms on the island, and it is estimated that one palm will support and fatten a hog.

There are 8,800,000 acres of land under cultivation, and of this all except about 400,000 acres is cultivated to crops other than sugar and tobacco. The eastern provinces are admirably adapted to the production of coffee of a most excellent quality, and there is no reason why this should not develop into a most prosperous and thriving industry. Oranges, limes, lemons, olives, pineapples, cocoanuts, and other fruits can be grown in profusion and of unsurpassed quality. Vegetables of all kinds grow abundantly, one crop succeeding the other as fast as they mature.

It must also be remembered that many of these products mature when most needed in this country and when not grown here. There is no reason in the world why Cuba may not be the hothouse of this country and always have a market for her produce. The sooner the Cuban people realize that they must depend upon themselves, that they must develop their own resources, and handle their own wealth, the better it will be for them.

According to the testimony of reliable witnesses they are not very much accustomed to depend upon themselves or to work. Mr. Clark, in his Commercial Cuba, says:

The truth, however, must be confessed that the native Cuban lacks both enterprise and capital necessary for the building up of a large export fruit trade, even when he has little to do except to pick the fruit when it is ripe for transportation, and it will not be until American energy has organized this business on wholesale lines, as in the sugar industry, that we can expect to see the natives realizing the sources of wealth, now running wild or rotting on stalks, they have at their doors.

What are the small farmers of Cuba doing? Why do they not develop these various industries? Probably Mr. Adkins explains this. In his testimony he was asked whether or not the countrymen who owned small places of from 30 to 40 acres raised sugar cane. This is his answer:

I am sorry to say the cane they raise is not sugar cane. They live on these little places, and where they have a little place they do not raise much of anything in my experience. They could in our district, for instance, raise corn and potatoes and find a market for them on the spot, but, as a rule, they are not disposed to do that. The small landed proprietor is generally uneducated and has a family around him there and lives the life of a gentleman of ease.

What do our farmers and laboring men think of the proposition for the relief of people who will not help themselves, but who live a life of ease? These people could not starve in this land of plenty if they tried. They could not freeze if they wanted to do so, and if they want to live a life of ease with nothing to do it is not for us to sacrifice a great industry that the one crop, which is

now in the hands of the great capitalists, may be prosperous and the great resources with which nature has endowed them be left undeveloped and unused. [Applause.] They must go to work; they must depend upon themselves; they must rely upon their own resources, and the only way to help them is to let them help themselves. As the old saying goes, "Let them root, hog, or die." This is especially applicable when all they need do is "to root." [Applause.]

While denying that we are under any obligations to help Cuba, or that the Cuban people are in distress and need help, yet we are willing to give them assistance in a way that we know will reach them. Instead of remitting six or eight million dollars of our revenues, in a great measure, as we believe, to the sugar trust and sugar barons who do not need nor deserve assistance, we purpose that this money should go into the Treasury of the United States and then be paid directly to the government of Cuba in consideration of any benefits we may receive from reciprocal agreements, similar to those provided in the pending bill. In this way the whole nation will bear the burden, and not a single industry. The capitalist, the corporations, the merchant, the manufacturer, and all classes and business would bear a just part instead of a single industry.

The new government of Cuba will need funds in its treasury when it takes its position among the independent peoples of the world. This is the most crucial period in its life and its history. The most embarrassing situation that confronted this Republic at the beginning of its career was an empty treasury and the lack of means to maintain its national existence; so with Cuba; and the help such as we purpose giving her I believe would be the most efficient means of promoting the stability of her government.

If labor is unemployed and in distress this money could be used in building roads, which are much needed; in building schoolhouses, which should be constructed all over the island; in improving her harbors, and in many other governmental works which no doubt will be necessary to the prosperity of the island. It seems to me that if we desire to help Cuba this is by far the surest and best way to accomplish that end. I am perfectly willing to vote for relief to Cuba in this way, but in no other.

There has been much talk about the free and independent government for Cuba. This bill violates every principle of national independence. It says to Cuba that if you need help we want to help you, but we will not give you any assistance unless you cast at our feet the scepter of national sovereignty and enact our laws regardless of whether they are adapted to your conditions or not.

However much I might like to see the labor laws, the exclusion laws, and the contract-labor laws of this country extended to Cuba, I believe it is an act of tyranny and injustice that has no parallel in the annals of history for one independent country to impose such terms upon another independent country simply by reason of her weakness and her distress. If I were a Cuban, as I am an American, I would scorn the alleged generosity of this bill. [Loud applause.]

In the one hand we hold out to them the apparent generosity of a small tariff reduction, and in the other we hold out the chains of industrial ruin and stagnation. The chains must be fastened and the rivets clinched before they can even touch the apple of Sodom, that will turn to ashes as soon as grasped. I blush for shame that my country should act under the guise of charity and insist that the scepter of Cuba's sovereignty should be the price. [Applause.] This provision alone should condemn the bill in the mind of every independent, liberty-loving man. [Applause.]

These are some of my reasons for opposing this bill. Our Democratic friends support the bill because they think it is a step toward free trade, and they inveigh in vigorous fashion against protection. Whatever evils exist in our country are charged by them to our protective policy. They are especially rabid against the trusts, which they claim are the product of protection. There are as many trusts in free-trade England as there are in this country, and they may as well be charged to free trade. Trusts are the natural results of prosperity. Great investments of capital are possible only in good times. If you want to destroy trusts, destroy prosperity.

We do not fear this cry against that system which has always brought prosperity to this country, and a violation of which has always brought business stagnation and adversity. Our people have not forgotten the lessons of the last few years. In 1892 we had prosperity. This same cry was made. It was heeded. The Democrats were successful. Their policy was adopted. Need I speak of the result? No. The people have not forgotten. In 1896 the Republicans were successful. Their policy was again inaugurated. Need I speak of the result? No. The people have not forgotten. It is true, Democratic policy crushed the trusts, but it also crushed everything else. [Applause.] The people prefer trusts along with prosperity to no trusts and no prosperity. Protection will be revised in the house of its friends. Your fulminations against it will do no more than using popguns shooting peas against the Rock of Gibraltar. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 79. Joint resolution providing for the printing of 3,000 copies of each volume of the General Information Series, the annual publication of the Office of Naval Intelligence, Navy Department, in addition to the number now authorized by law.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2371) granting a pension to Andrew J. Felt.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to bills and joint resolution of the following titles:

S. 1512. An act granting an increase of pension to Mary Jane Faulkner;

S. 2082. An act granting an increase of pension to Louise Ward;

S. 4072. An act granting an increase of pension to Samuel J. Lambden; and

S. R. 56. Joint resolution providing for a modification in the adopted project for the improvement of Everett Harbor, Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11636. An act providing for the transfer of the title to the military reservation of Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College; and

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes.

RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. DOUGLAS. Mr. Chairman, the Cuban question and the manner of its settlement brings up so many grave matters of ultimate importance to the United States, involving our relations with foreign countries, our own possessions, the tariff, reciprocity, and similar issues, besides the question of a 20 per cent or greater reduction on sugar, tobacco, etc., coming from that island, that, if possible, every man in this House should be placed on record as to his views on these momentous problems which must largely govern our future prosperity.

Ever since the younger members of this House can remember we have heard the cry of "Cuba Libre," or "Free Cuba," and having personally had the opportunity of coming in contact with many from that island I know, in a measure, the great sacrifices her people have made during the past half century to throw off the yoke of Spanish rapacity, avarice, and arrogance of control which has kept back that island from taking her proper place among the civilized nations of the world; and it must have been with sincere and grateful feelings of pride and gratification when the Cubans—as they are an emotional people—realized the treaty of peace with Spain had been signed, and their blood undoubtedly tingled with joyousness as they felt that blessed word, which is firmly ingrafted in the hearts of all people—"freedom"—was about to be realized by them through the generosity of our nation, and was no longer to be a dream, but a real and an accomplished fact.

Our late beloved President and the American people generally had promised it to them and it was now to be carried out. All the misery of the past, the loss of relatives and friends and property, their sacrifices, had passed into history, and they had as consolation brightness, hope, and pleasure before them. And as with other nations in the past, the memory of their dead heroes and martyrs to the cause would live with them forever. The United States Government was about to place their destiny in their own hands, withdrawing its troops, and their own banner was to be raised over their land. They had, through their delegation, visited the White House, and seen our President and the Secretary of War, and they were assured that they would be treated with consideration, and that if they adopted the Platt amendment and agreed to make no prejudicial treaties with other lands, and carried out proper sanitary regulations, they could safely throw themselves upon our generosity.

The people of this country had only love and affection in their hearts for them. They wished and still wish only their welfare, and at least they are genuine and true. They knew not what might have been in the minds of the powers who control when the war was inaugurated, but at least no motive but philanthropy and honesty actuated the great public when they stood back of Congress and even urged them on to do away with Spanish control and this blot on civilization; and I believe no one will contradict, not even the outside world, that as a nation we entered into this issue with any but the purest motives. But all this was before

Congress met and little can be said in commendation of our charity toward that island since. Caucus after caucus was held by our own party, and the gentlemen on the other side have had similar gatherings, but the more we have discussed the issue the less we now seem willing to do what was presumed by our people was intended, and also, presumably, was the intention of this House at one time.

Selfishness seems to have taken the place of honest purpose. Other issues have been allowed to creep in and blind us to the main point, and the apparent interest of our own people appears now to be more looked for, and the endeavor to drive a hard bargain with Cuba, than what should be our duty—simply to grant proper and prompt concessions to that island at this time. We should redeem our pledges like men. Give Cuba her liberty and allow her to start on her own destiny with hope and at least a fair chance of success as a nation, and not hamper her by innumerable conditions almost amounting to servitude.

It is well known that the only articles of importance grown on the island are sugar and tobacco, and it became evident even at the end of last year that owing to the overproduction of the world's supply there would be a heavy surplus, and prices fell so low, and are still so low, that it was undoubtedly correct the Cubans could not handle the present crop without a loss unless we extended a helping hand, as by the circumstances brought about by the war she had no market open to her at this time but our own. She has asked us to prevent misfortune from coming to her, even if it is not with her at present, by reducing our tariff, and unquestionably the sentiments of probably 75 to 80 per cent of our people are with her heart and soul in this request. It is immaterial how this feeling has been brought about, whether, as some state, it has been created, or is genuine.

Mr. DAHLE. Will the gentleman allow me an interruption?

Mr. DOUGLAS. Yes.

Mr. DAHLE. Suppose the sugar trust has subsidized the newspapers of our country and thereby created a false impression, does not the gentleman think it is worth while to consider that?

Mr. DOUGLAS. I can simply say to the gentleman that I do not believe the sugar trust has had as much to do with the matter as the gentlemen representing the beet-sugar industry claim that they have. I am not going into the merits of that question now. I do not propose to consider the question as to what benefits the sugar trust may receive; that has been discussed very freely on the floor and is an open question, and I do not think it is worth while to take up time in discussing it now with the gentleman.

Mr. DAHLE. The gentleman says he doesn't consider it worth while to consider it. Does he not feel that it is worth while to consider why the situation is as it is?

Mr. DOUGLAS. I simply say that I believe the feeling is genuine. I believe it is sincere. I believe that 90 per cent, instead of 75 or 80 per cent, consider it a fact that we owe Cuba obligations which this House should sustain and carry out.

Mr. DAHLE. I understood the gentleman to say that he did not care——

Mr. DOUGLAS. I will repeat again what I said.

Mr. DAHLE. Does the gentleman think that, as a party, we should do that individually which we can not say is justifiable?

Mr. DOUGLAS. I believe the beet-sugar people have not exhibited that broad-mindedness on this question which, in my judgment, they should have shown. [Applause.]

Personally I believe that it is largely the latter, but it undoubtedly exists. It is in the air. It can be heard in all directions, and it will not be well for either party if it is not heeded.

I believe we should have met the question long since and fairly, as he who gives quickly gives twice, and that an allowance of at least 33⅓ per cent off the present tariff on sugar and tobacco should have been granted, so that instead of 30,000 tons of sugar only having been shipped up to the present time, a large portion of her crop would have been sent to this country before this date, and this concession should have been granted without any conditions whatsoever beyond those asked for under the Platt amendment.

The beet-sugar people have claimed and are claiming that we would injure their growing industry by such action, and I will freely admit that we may do so in a small degree and for a short time, as capital is timid, but all the evidence—and it certainly has been sufficient to convince anyone who was not absolutely committed to the opposite policy—shows that a concession of 30 per cent and probably much more can be made, and no ultimate injury would result to this great industry, which we all hope will yet be of importance and value as one of the industries of this country in the future. At this point I would like to say a word in regard to the singular statement that has been made on the floor of this House that when our tariff laws were framed excessive protection was accorded sugar and some other industries to the end that if necessary reductions might be made later in the tariff without injuring the said industries, or concessions could be granted as a means of reciprocity with other nations.

If such are the real facts, I can only say action of that kind was wrong and not justified in the people's interest at the time, as it forced them to pay more for the necessities of life than was just and fair; and if there exists cases of this kind besides sugar we should unearth them at once and reduce our tariff to meet the conditions existing, and the sooner the better.

The idea which seems to guide some of us that a tariff or other law made must hold, even if not for the good of the country, should not prevail, nor is it in line with Republican proper principles. I rather incline to the theory, however, that this has been an ingenious idea advanced by some fertile brain to present a plausible argument for favorable action and probably according to the debater's wishes and views of the question.

Our country, the world, and this House undoubtedly like a good fighter and a man who will maintain his position and stand by his convictions; but where we legislate for others and their interests, and our entire country, we should also expect to gain something for them if we win; but it hardly seems as if our beet-sugar friends have much to gain in result, no matter which way the question ends. If they lose they have injured themselves and have forced the Republican majority to win by Democratic votes and 20 per cent or more reduction on the tariff will be granted, and the agitation has brought about an unnecessary campaign issue. If they win they again can only do so by Democratic votes, Cuba is grievously hurt, we are discredited in the eyes of the world and in the views of most of our own citizens, and the day is only hurried forward when Cuba must apply to us for Territorial or State rights, and probably a much larger concession than appears now will be given, or perhaps absolute free trade.

Our Democratic friends undoubtedly will try and secure a vote on the removal of the differential on refined sugar, which our beet-sugar friends can hardly support; and, while all Republicans sympathize with them in this matter, it does seem at least unwise that they have forced the present position and gone to extremes without apparently any real advantage obtainable.

If there had been a proper concession without restrictions granted a month or more since, the question would now undoubtedly have died out and all would have been satisfactory. Personally I believe that even the sad sacrifice of our loss in brave men and the millions spent by us in the cause of Cuban liberation has not been enough, and that, having put our hand to the plow, we should finish the work, and that we owe it to ourselves to now go still further and make, if necessary, any additional moneyed sacrifice to place these people on their feet as a nation, free from debt, as well as free from the control of others.

But the old adage applies, "Heaven help us from our friends," and no sooner has Congress decided, somewhat grudgingly apparently, to give liberty than we begin to think of ourselves, and our own selfishness has seemingly absorbed us completely ever since.

Cuba is so close to our shores that we shall never be able to avoid close relations socially, politically, and in a business way. It is therefore eminently proper that no other nation should mix in her affairs or menace us by political alliance.

And we also have the right to ask that she continue to carry out a proper system of sanitary laws, as we have shown her what can be done in this way, and it has resulted greatly to her benefit, also removing the continual previous menace of yellow fever and other diseases from our own shores, and especially the southern portion of our country. But have we any right or justification in going further? Many think we have not, and Congress should give careful thought to this problem. The forcing on her of our contract-labor laws, our immigration laws, reciprocity, and 20 per cent special duty in our favor on American goods, and other like provisions do not appear in order, or even for our own ultimate interests. We are supposed to be a great, liberal, and broad-minded nation—at least it is said in this House almost daily that we are—and I believed it until lately, but am now beginning to doubt it.

Eighty millions of people giving freedom to 1,000,000, of whom likely not more than 100,000 to 200,000 are educated in the world's ways, the bulk of the inhabitants of Cuba being uneducated, simple, and almost children in knowledge, and yet we propose to force them to accept restrictions undoubtedly for their detriment unless they become one of us actually and throw in their final salvation with this country.

We all profess to hate hypocrisy, cant, and double dealing, but if we are not dealing in all these adjectives with Cuba and worse I do not realize the position.

The Ways and Means Committee and others say they are lovers of Cuba and their hearts bleed for her, and so they desire to give her 20 per cent, when they know she should have far more, and yet this is coupled with an additional statement that they will look after our own interests, and retard her pushing forward as

she should do, restricting her productiveness, and that her money-making power must be cramped, and consequently her prosperity, by forcing her to adopt regulations which will prevent her from obtaining the cheap labor she needs to till her soil and multiply largely her sugar output, which, I think, all will admit she can do under proper conditions. This looks more like charity for others than for her. With her fertile soil and wonderful climate she could likely produce 3,000,000 tons of sugar within five years, owing to new methods of cultivation and labor-saving machinery, and by reason of this increased production she should likely be able as well to put raw sugar free on board vessels at her export ports at, likely, 40 to 50 per cent less cost than she can do to-day.

Now, I fully agree with every gentleman in this House that we do not wish Cuba full of Chinese coolies, South Sea Islanders, or West Indian laborers, but if that is our position let us say so frankly and not beat around the bush. The idea of dividing her lands up into small farms and making the country flourish as our own, in certain sections, is not likely to be accomplished. This is difficult in tropical countries, and the experience of the past in other lands has taught us that large tracts are more likely to be held and special rather than diversified crops raised. Yet, undoubtedly, if she was part of us and American capital went freely as it would to her shores, she would then grow rapidly prosperous, and there are many articles which we would likely find could be cultivated there to great advantage.

In regard to the question of trade with the islands, I fully indorse all that has been stated in reference to its possibilities and the business which we should likely do with these people, but with her nearness to us it does not seem that it is necessary that we should force her to give us 20 per cent special allowance off our goods. If the merchants of this country, and our manufacturers, and our producers of flour, bran, corn meal, cotton goods, lumber, and all articles can not secure the trade of that country without this concession, it appears to me that we had better go without it. But I do not believe for a moment that this is likely, but rather, owing to the favorable existing conditions, we will as easily secure it on an equal footing of tariff as through forced legislation. The reason why we have not done more with Cuba in the past is naturally understood, as she was under control of Spain. The Spaniards largely held the purse strings and obtained their supplies from the home market; and again, the Cubans were not specially friendly toward us, as they felt that we should have helped them in their struggles long ago, and it is certainly a grave problem whether we should now keep up this enmity, even if we have the power to make them bend to our will, rather than cultivate friendly relations, if they are to be a nation of their own, on proper and equitable principles.

We all fully understand that Cuba must raise a proper revenue to run her government, and that she must do this practically entirely through her tariff. If we reduce, therefore, her earning power on the start, say by 10 per cent, looking at her total imports, she probably will not have sufficient funds and will be cramped; it therefore should not appeal to anyone that we are justified in going to this extreme, but rather that she should be left open to frame her tariff law as may be best for her own interest.

Some have stated that if she does not like our propositions all she has to do is to reject them, which is a very plausible argument, but it does not stand investigation, as it is an undoubted fact, as one gentleman very aptly put it in speaking the other day, when stating it is questionable whether we would be willing that she should throw down the gauntlet to us and decline our proffered aid, going to some foreign nation and making a treaty of reciprocal interests so far as trade was in question.

I doubt if anyone on this floor will contradict that if she did so a howl of indignation at her want of gratitude would go up from one end of the land to the other, and we would claim she was tricky, unreliable, and that we should not allow it. Let us consider how we would like her to differentiate in favor of Germany or England on their goods, to the extent of, say, 30 per cent, and thus exclude us entirely from her markets. We again had better be honest with ourselves on this point, and recognize that while we have not told her, nor has she agreed in so many words, not to do anything of this kind, that we would not be satisfied to have her attempt it, so there appears to be nothing for her to do but accept whatever we may decide she must take, and this makes our duty plain, and alone should force us to be even overgenerous. She has traded for centuries with other nations, and I maintain that she should be still allowed to do so, certainly not on a more favored basis, but on an equality of tariff duty if she chooses.

We boast of our billion-dollar export business, yet we are afraid we will not get our share unless she gives us more favored conditions than others are granted. As she has practically no manufactories whatever on her island, as the Spaniards held her back from such advancement, the estimate of one hundred millions of import trade within a few years is not an over-sanguine estimate of what she will probably be able to reach. Let us get our share of it fairly and honestly, and if we have the enterprise that we credit ourselves with and the class of goods suited to her requirements we should not fear the result.

Some discussion has taken place regarding the broad question of reciprocity and its desirability, and it may be well to touch on this subject, as the Cuban question has brought up many points of vital issue as to our relations to others in the future. Reciprocity is one of the most beautiful theories which has been advanced within a century, but it requires many considerations to be entered into. First, there must be found two countries who desire to reciprocate. Then we must search for and find the lines of goods which will meet the issue. One country must have an article on which she can reduce her tariff for the benefit of the other country, if she is to receive similar reductions on one or more of her reciprocal articles, presuming, of course, both be nations with a tariff, and we must not forget that some are not.

Then these articles must be such as are especially indigenous to the country itself, so that, for instance, if we will lower our tariff on any article for the benefit of another country we can do so without injuring other lands who may be trading with us in similar articles, and the difficulty appears to be to find the necessary products which are covered by these conditions, and it not only seems but is almost impracticable and impossible, as, if you search the world over, except in a few special cases, they can not be found. We then must confront the condition of being willing to give an advantage to one country over another and take our chances as to the position which will be adopted by the countries that may be left out in the cold.

I think it will be generally conceded by anyone who will give the matter careful thought that if all nations of the earth take up the idea and try and practice it that it will result in a community of interests between a few and practical exclusion of trade relations with others, and in so far as our own country is concerned we will adopt such a variety of tariffs that it will be like a crazy quilt, and we will hardly be able to understand it ourselves. And while some are inclined to look lightly on the question of retaliation, it will not do to overlook this point. Nations will not be satisfied to have their goods shut out without looking around to see how they can protect themselves, and it simply means dividing the whole world into divisions, and risking bad feeling, discord, and trouble with those with whom we are not closely allied.

Many people are disposed to abandon reciprocity ideas for reasons given, and while we should not do this, but rather study the matter carefully, it will not do for us to go ahead too fast and to simply think that we can act our own pleasure and make trades here and there without regard to the interests of others besides the one with whom we make the alliance. We are to-day, as a nation, so far as I can see, most inconsistent, and are doing many things which will likely be prejudicial to our future good and welfare. We have shut the door of Porto Rico to other nations. We have also closed the door in the Hawaiian Islands. We have closed it partly in the Philippine Islands, and propose to do so entirely before long. And now Cuba comes in very likely for the same treatment, and we expect to shut others out; and yet all the time we are talking very loudly about the open door in other directions as China, Japan, India, Australia, South Africa, New Zealand, etc., and we had better pause and consider.

We have also extended (or proposed to do so, although we have no ships to carry the cargo) our coastal laws to all of the possessions mentioned, even to the Philippine Islands, 10,000 miles away, after 1904.

The commercial bodies of other nations are giving these matters careful attention. Canada has discriminated against us and favors her home market. The question is being seriously agitated and discussed in New Zealand, also the federated Australian colonies have given it thought and discussed it. India is likely to consider it, and most certainly if the home Government in England should ask their colonies or indirectly convey to them the idea that it might be satisfactory to have English goods given the preference against the world these colonies would likely take her view of the question. I only mention England as we are especially friendly with her, but other nations occupy exactly the same status. I fail to see what arguments we could advance to have the action reversed if they went ahead. Having recently come into possession of new countries, we within two years shut out those who have traded with said countries for one hundred years or more. Gentlemen, we are likely by reason of these facts to perhaps lose rather than gain.

What would we think, or how would we treat the question if a number of the South American nations—and we must not lose sight of the fact that they are not special friends of this country, and are undoubtedly in their feelings and trade proclivities inclined toward Europe—should make reciprocity dealings with England or Germany or other nations, and thus perhaps force us to sacrifice a trade of many millions we may be now doing with them? Such a contingency would probably arouse us to decided

action, and therefore we can hardly find fault with others for feeling as badly as we should, owing to the laws we are now arrogating to ourselves as proper to place on our statute books.

Just a few more words in reference to Cuba and the prospects of the island, and I would say I can not but thoroughly agree with a number of the speakers who have felt that her ultimate fate is to become part of us, joining in our Government and having all and every privilege which we enjoy. And it does seem as if this must come about, and is manifest destiny. It is doubtful whether the Cubans are thoroughly capable of self-government—and time can only determine this question. They are more of a poetical people than practical. They are more effervescent and emotional than quiescent. They are more dreamers than doers; more talkers than workers. They are fond of gaiety and amusement, but easily excited, and it will be difficult to settle among themselves the great questions which they will have to face. Yet they are a proud race, hospitable, generous, and unselfish, but they have not heretofore handled the grave questions of life with the hard reality of the Anglo-Saxon people, and probably never will be able to do so.

It does seem, therefore, before this question is finally closed, that we should let them understand fully that while we do not wish to force any action on their part nor take any measures which may be against their interests or do away with the possibility of their establishing their own government and having prosperity and success in so doing, and while we wish them every happiness in their venture, yet at the same time we desire them to know that should their steps falter we stand prepared to have them throw their fortunes in with ours, and like a weary child rest their head on our broad national breast, and that we believe thoroughly that if they do so and are willing to lay aside the sentiments of pride which all people have properly in governing themselves that they will be the better off and be cordially welcomed.

I am a firm believer that if this is done, and we meet them as friendly neighbors should, that they will feel that owing to the positions we occupy toward each other that it is wiser for them to soon meet us on this question and ask admittance into the United States on a proper plane, feeling that it is for their own happiness and prosperity. Meanwhile, I certainly hope that we shall give them a prompt and quick concession of tariff, and my only desire in stating these facts has been to make it plain that I feel that unless we do this we are not carrying out the moral and promised obligations and redeeming the pledges which undoubtedly we had given these people the right to think we would assume in their behalf; and while I shall vote for this measure if it is the best we can secure and grant, it is with sincere regret I feel we are not prepared to do more for her, and willing to avoid conditions which can not be satisfactory to her people, and I question are pleasing to our own nation.

Mr. LOUD. Mr. Chairman, I contemplated when the debate first began to give to the few members of the House that might be present at the time my views regarding the present question before us, but as I was marked to speak to-day at 3.25 and it is now 4.35, I will content myself by saying a very few words to my Republican friends.

A Democrat can take either side of this question and be consistent. He can either assume that he is a free trader and will not advocate legislation unless it accomplishes that, and satisfy his conscience, or he may say this is a step toward free trade, and my conscience is satisfied by voting for this.

Tariff legislation is party legislation wholly and absolutely. Tariff bills are framed as river and harbor bills are framed, only one is a party measure and the other is a general measure. In order to pass a tariff bill you must satisfy interests enough in your party to pass the measure. To pass a river and harbor bill you must satisfy interests enough on both sides of the House to pass that measure.

Now, I am a party man; I will follow where I can. I have followed the leaders of this House in days gone by—not always, but most always—many times against my better judgment, but as they have for the time been clothed with the power of leadership, I meekly followed. I have followed on revenue bills where the bill did not meet my full approval. Now, then, the mistake that the leaders of the House made here was in attempting tariff legislation upon one single industry. You never can frame a tariff measure, which is party legislation, until you shall take the question up as a whole, consulting with your party, and obtain out of it the best that can be obtained.

I do not agree with the gentleman from Washington, who spoke this morning, in condemning our leaders or the Committee on Rules or the Speaker. Our Democratic friends applauded this morning when he condemned the office of Speaker. Why, when you get control of this House, if you ever do, you will go to the Speaker yourself, just the same as you do now, and get consideration of a bill, and no other character of legislation can possibly be successful.

Now, our people in the West were not originally protectionists, because we had no interest that demanded protection. On the Pacific coast, as we are located, the iron and the steel and manufacturing industries of England are nearer to us than the manufacturing industries and the iron and steel of Pittsburg. We sent our wheat to England, and it was natural for them to return with the products of their factories.

Now, you educated us in protection; you told us the time would come when it would be beneficial to us. That time has come; we followed you, as I say, meekly in those days without deriving any benfit from protection. Now, we have upon the Pacific coast—and permit me to say there are no interests in my district—but we have upon the Pacific coast an industry that you have brought into existence, now struggling, as it is under your promise to continue protection as long as the Republican party shall remain in power, and now you turn and leave us to fight our battle alone. Now, you can afford and we can afford to fight our common enemy, but we can not afford as a party to betray the interests of any large portion of our party.

I have heard various reasons given for the passage of this bill. Some say reciprocity is to the advantage of trade. Well, if you want reciprocity for the advantage of trade, go to Germany, that has something to exchange with us, or go over to Australia, a progressive country. Let us see if we can not reciprocate on wool; and we have wool in California, too. But they have wool in Ohio. Now, if there is any advantage to come from reciprocal trade, we should have turned our face toward countries that have something to exchange with us—not a country like Cuba.

Others have said that we owe something to Cuba. I say no. Cuba has cost this nation of ours more than a thousand million dollars. I heard some gentlemen disputing here as to whether the cost of Cuba to us was $300,000,000 or $330,000,000. I say the cost has been more than a thousand million dollars as the result of freeing Cuba. I remember the discussion here on the Porto Rican bill when we gave back to Porto Rico the duties that had been collected because Porto Rico was poor. We have a debt in this country varying from $15 to $20 a head. Porto Rico has in the banks of New York to-day more than $4,000,000 that we returned to her, and she has not a debt of a single cent. She is richer than we are.

Now comes the question of extending charity to Cuba. I say again that she has cost us a thousand millions. I shall welcome the day when we can say to her, "Go in peace and take care of yourselves, if you can." If they can not take care of themselves now, the day will never come when they can. Man must first be taught to walk alone by himself. If he becomes an object of charity at the very inception of his career, you have encouraged him to be a pauper; and he will continue to be a pauper for the rest of his life.

I thank the House for its attention; I will not occupy further time.

Mr. LACEY. Mr. Chairman, for more than a hundred years the United States looked with longing eyes upon the island of Cuba. Thomas Jefferson said that the only island he desired to have annexed to the United States was Cuba, because that was the only island that could be defended by the Army, while any other islands, if annexed, must be cared for by a Navy. President Buchanan offered $100,000,000 for Cuba; and it has been the dream of American statesmen from the foundation of our Government that the time would come when Cuba would be one of the States of the American Union. It was the irony of fate that the Spanish war, which cost us $300,000,000, should have left us in possession of Porto Rico, which we had never desired or thought of having; in the possession of 1,400 islands in the far-off Pacific, so far away that we did not even know their names and could not pronounce them if we did; that at the close of the war we should have found ourselves in possession of these scattered possessions, and yet that Cuba, the only one of the entire Spanish colonies that we ever wished for, was told to go free; and we solemnly declared by the Teller resolutions that we would give her a stable government; that we would give her independence of Spain, and that we would set her up among the nations to travel her road alone.

We intervened in Cuba because of two things: The blowing up of the *Maine*, and the further fact that it had become intolerable that we should have an Armenia within 90 miles of our own shores. Cuba has obtained her independence from Spain, and the question of giving her a stable government is now the next problem before us. We have cleared her ports of the yellow fever; we have given her an example of good government, and an example of "grafters" as well. We have shown her some of the best that is in us and some of the worst.

Cuba, traveling alone, a Spanish-American Republic, must travel the same thorny route that Mexico and the South American Republics have gone. The uncertainty of a Latin-American republican government is one of the difficulties that confront her people.

But we did not free ourselves at once from all responsibility. We have said to the world: "We will set this island up as an independent Republic." We are interested in the success of that experiment. And at the very outset the proposition is made to give her some reciprocal trade with us, exacting on the other hand like trade on her part for our industries. We thus propose to aid her at the start in the career of national life. In doing this we are told by some enthusiastic friends of the beet-sugar industry that we are violating the Republican platform. Mr. Chairman, let me read just one plank of the platform of 1896:

We believe the repeal of the reciprocity arrangements negotiated by the last Republican administration was a national calamity; and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and industries.

In 1900 we renewed that declaration in favor of reciprocity. We asserted in our platform that—

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

And President McKinley, in his address at Buffalo, his dying message to the people of the United States, made the statement that—

Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

He said also that—

By sensible trade arrangements which will not interrupt our home protection we shall extend the outlets for our increasing surplus.

So, from a Republican standpoint, this proposition is a wise one and in direct harmony with the doctrines enunciated by the last two platforms of our party. Turn to the Dingley bill, section 4, and it expressly provides that the President shall negotiate treaties for a specified period not exceeding five years—

of the duties imposed by this act to the extent of not more than 20 per cent upon such goods, wares, and merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made, as in this section provided for.

So that the doctrine of reciprocity has been twice put in the platform of our party by our great national conventions, and we have gone to victory with the banner of reciprocity flying over our heads, and the author of the McKinley bill declared in his last message to the people of the United States the propriety of carrying out the principles of that bill so far as reciprocity was concerned.

I appeal to the memory of Nelson Dingley. A more thorough, practical, and sensible protectionist has never lived than he, and he wrote in the statutes of the United States the provision in regard to reciprocity which I have just read. Therefore from a Republican standpoint it is wise; from a Republican standpoint it is in accordance with our party principles and party doctrines. But it is said that this policy is not good for the United States. The British merchants are very keen and quick to scent any advantage that we may have over them. On the 11th day of March delegates from a number of British chambers of commerce visited the foreign secretary, Lord Landsdowne, at the foreign office and—

presented a memorial relative to British trade with Cuba, pointing out that it was feared that when the administration of that island was handed over to the Cubans a reciprocity treaty would be negotiated, admitting Cuban produce into the United States at reduced duties and granting corresponding preferential terms to American products and manufactures by Cuba.

I quote this from the Star of this city of the 11th day of March, published at a time when the party of protection was holding conferences in this Hall from day to day and endeavoring to agree upon some fair basis of reciprocity with the island of Cuba. Those trade associations in Great Britain say in their memorial:

The United States when declaring war on Spain expressly stated their action would be limited to freeing Cuba from Spanish rule. It was therefore anticipated by those in Europe engaged in trade with Cuba that no measures would be adopted at the conclusion of the war which would restrict or destroy their trade with that island. Such a reciprocity treaty as they anticipated would undoubtedly put an end to European trade with the island. The chambers, therefore, most earnestly request that the utmost effort be made by His Majesty's minister at Washington to prevent the signing of any such treaty, or at least to secure that most favored treatment be continued by Cuba to this country. It is represented that French and German interests might suffer by a reciprocal treaty, and it is suggested a joint protest might be effectual in preventing a change adverse to the interests of Europe in the trade with Cuba.

So, Mr. Chairman, it is evident that the mercantile interests in the old world look with some apprehension upon the advantages that we will have in making this arrangement with our neighboring island. If we throw off 20 per cent from our duties and she will deduct 20 per cent from hers, it will undoubtedly result in a largely increased trade between the two countries. In the last year Cuba imported agricultural products valued at $24,371,808, of which the United States furnished $12,137,708. The total imports to Cuba last year were $65,050,141, of which the United States sent $28,078,702. Now, the trade of the United States to that island will greatly increase if we adopt a reciprocal agreement to foster such trade. It is complained that Americans have bought land in that island. Is that a reason why we should discriminate against the island?

Certainly, instead of that being an argument against reciprocity, it is an additional reason why we should give reciprocity to an island where our own people are investing their capital. We, under the Platt amendment, retain a hold upon the island of Cuba. We give her independence, it is true, but she has to stay under the wing of the United States of America. We provide for coaling stations; we provide that she shall be subject to certain obligations to us, and that those obligations are to continue in the future after our evacuation of that island; and we justly and rightfully make these requirements, because we have spent more than $300,000,000 in securing to the people of that beautiful land the freedom which they are hereafter to enjoy. Not until recently have I believed that we would ever leave Cuba. Not until lately had I thought that Cuba would consent for us finally to withdraw. I said in a speech in 1898, when the treaty of Paris was pending, that we "would get out of Cuba when we got out of Dubuque," and of course we could not get along without Dubuque.

But we still hold interests in Cuba. We hold her in leading strings, not for our advantage but for hers.

We have profited by the experience that Mexico has undergone. For more than fifty years that country was in a state of brigandage. When Bayard Taylor crossed Mexico about 1850 he was robbed three times between Vera Cruz and Acapulco. Now you can take a bicycle and wheel undisturbed and safe through the entire republic of Mexico. But it has taken time to bring this about. Spanish republics have had stormy histories. And Cuba, we must remember, has gone through hardships and suffered desolation beyond anything that any country on this side of the globe has ever endured.

It has been said, and well said, that the growth of population in a country is the best test of whether or not the government of that country is a wise one and adapted to its wants. Measured by that test the island of Porto Rico has had a good government, because she has a population as numerous as Belgium. Measured by that test Cuba has had the worst government in the world, because her population has declined and the island has been a wreck—a wreck brought about by civil war and by bad government.

Now, Mr. Chairman, we are interested in the future prosperity and success of that island. We can not be indifferent to her welfare. Will giving this slight reduction in the duty injure any interest in the United States? We have heard from no interest here except the beet root, and the claim has been made that this is merely a sugar question. But it includes every article that Cuba exports to the United States. It includes every article that we import into the island of Cuba; and it is therefore not simply a proposition as to sugar alone but as to all the articles of Cuban commerce.

We have to-day an ad valorem equivalent of about 89 per cent on sugar. If we take off 20 per cent of that, that is, about 19 per cent, it leaves an equivalent of about 70 per cent. And yet gentlemen say that if you take that off you ruin the beet-sugar industry of this country.

It is said that it is a lusty infant, that it is making wonderful progress, that the weather and the soil and the rains all combine to adapt this country to the growth of the beet root, and that in a little time we can produce all of the sugar that we need for our own use and for sugar to export. And yet they tell us, immediately after that statement, that if we reduce that duty from 89 per cent ad valorem to 70 per cent ad valorem we will destroy that industry. Mr. Chairman, you can not reconcile these two statements. If 70 per cent will not foster and encourage and aid this industry in its establishment in this country, surely the industry is not one adapted to its surroundings, and no amount of pampering can make a success of it. I believe it will be successful. I believe the beet industry will prosper, and that this slight reduction in duties, still leaving 70 per cent upon the product, is much more than is necessary to fully protect and give that industry an advantage over every sugar-producing country upon the globe.

The suggestion is made that we should, in connection with the question of Cuban reciprocity, lower the differential on refined sugar coming from Germany, France, and other sugar-producing countries. This question has no proper connection with the subject of general reciprocity with Cuba. The proposed concession to Cuba is not a mere sugar question, but involves the horizontal reduction of the Cuban tariff on all American goods imported into Cuba, and on the other hand an equal reduction of 20 per cent on all Cuban products shipped to us. The discussion on the part of the opponents of the bill has proceeded upon the theory that Cuban products mean sugar and nothing else, and that therefore the whole sugar question, world-wide, they say, is opened by the bill. I do not so regard it. But should the Committee of the Whole conclude, without regard to the parliamentary rules of

proceeding, to take up the question of the differential and report that question to the House, I shall certainly vote as I deem best upon the merits of the question and for a reduction of the duty.

If the gentlemen who oppose this bill enter upon any alliance with the opposition by which they shall open up the sugar schedule generally, they must not at all be surprised if, instead of merely having a 20 per cent concession to Cuba, they will encounter an additional concession on the differential to other countries. The responsibility of considering this question is with them. If opened up, then the refined-sugar schedule will be before the House upon its merits and will have to be treated as an independent proposition, and I shall vote upon that schedule on its own merits and shall favor a reduction of the differential. I favor this bill, whether the differential feature is in it or not, and would have liked the bill still better if the amount of the reciprocal concession had been more than the 20 per cent limit fixed by its terms. [Applause.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the Chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, and had come to no resolution thereon.

SHIPMENTS OF HORSES, ETC., TO SOUTH AFRICA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report, with accompanying papers, from the Secretary of State, in response to the resolution of the House of Representatives of April 10, 1902, calling upon him for copies of "any report and communication of the governor of Louisiana, together with all accompanying affidavits, documents, and communications concerning shipments of horses, mules, and other supplies from Louisiana to the seat of war in South Africa."

THEODORE ROOSEVELT.

WHITE HOUSE, *April 17, 1902.*

The message, with the accompanying documents, was ordered to be printed and referred to the Committee on Foreign Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills and a joint resolution of the following titles:

H. R. 7675. An act to construct a light-house keeper's dwelling at Calumet Harbor;

H. R. 11354. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903; and

H. J. Res. 155. Joint resolution granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 2371. An act granting a pension to Andrew J. Felt; and

S. R. 56. Joint resolution providing for a modification in the adopted project for the improvement of Everett Harbor, Washington.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. R. 79. Joint resolution providing for the printing of 3,000 copies of each volume of the General Information Series, the annual publication of the Office of Naval Intelligence, Navy Department, in addition to the number now authorized by law—to the Committee on Printing.

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Industrial Arts and Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of March, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 17, 1902.*

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for additional storage space, office of assistant quartermaster, United States Marine Corps, Philadelphia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the claim of Harry C. Claiborne, keeper of light station at Bolivar Point, Texas—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the chairman of the committee on memorial bridge of the Grand Army of the Republic, a recommendation as to the laying of the corner stone during the encampment of the Grand Army of the Republic, in October—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 178) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes, reported the same without amendment, accompanied by a report (No. 1652); which said joint resolution and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army, reported the same without amendment, accompanied by a report (No. 1653); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11985) to grant certain lands to the city of Colorado Springs, Colo., reported the same with amendments, accompanied by a report (No. 1654); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported the same with amendment, accompanied by a report (No. 1655); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8712) granting an increase of pension to James S. Young, reported the same without amendment, accompanied by a report (No. 1646); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2487) granting an increase of pension to William S. Hosack, reported the same with amendments, accompanied by a report (No. 1647); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13669) granting an increase of pension to James H. McVicker, reported the same without amendment, accompanied by a report (No. 1648); which said bill and report were referred to the Private Calendar.

Mr. ADAMS, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1881) to correct the military record of Peter Connell, reported the same without amendment,

accompanied by a report (No. 1650); which said bill and report were referred to the Private Calendar.

Mr. BRICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3691) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1651); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 11205) for the relief of I. R. Harkrader, reported the same with amendment, accompanied by a report (No. 1656); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 7004) for the relief of the New York, New Haven and Hartford Railroad Company, reported the same without amendment, accompanied by a report (No. 1657); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 1330) to pay claimants for goods and effects lost or destroyed by fire at Ellis Island, New York, on June 15, 1897, reported the same without amendment, accompanied by a report (No. 1658); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9953) for the relief of D. R. Ashford, of Lockport, Niagara County, N. Y., reported the same without amendment, accompanied by a report (No. 1659); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. SNODGRASS, from the Committee on Military Affairs, to which was referred the resolution of the House (H. Res. 211) relating to court-martial of Maj. Littleton W. Waller, United States Marine Corps, reported the same adversely, accompanied by a report (No. 1649); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 10753) granting a pension to Jane McIntire—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8085) granting a pension to David K. Wardell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 13725) providing for the selection and retirement of medical officers in the Army—to the Committee on Military Affairs.

By Mr. DAYTON (by request): A bill (H. R. 13726) to regulate the appointment, number, rank, and pay of chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 13789) to provide for a public building at Batesville, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. METCALF: A bill (H. R. 13790) relating to the San Francisco and Piedmont Railway, a railroad corporation organized and existing under the laws of the State of California, and granting to said corporation the right to use for terminal purposes a part or portion of Yerba Buena or Goat Island, in the Bay of San Francisco, California—to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H. R. 13812) to enable the Secretary of War to carry out the recommendations of the Army Advisory Board in regard to Fort Niagara, N. Y.—to the Committee on Military Affairs.

By Mr. PAYNE: A joint resolution (H. J. Res. 180) authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A resolution (H. Res. 215) directing Committee on Indian Affairs to make investigation as to leases to certain tribes of Indians—to the Committee on Rules.

Also, resolution (H. Res. 216) asking for certain information from the Secretary of the Interior—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLTTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 13727) granting a pension to Fannie E. Strohauer—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: A bill (H. R. 13728) for the relief of the Kernersville Manufacturing Company, of Kernersville, Forsyth County, N. C.—to the Committee on Claims.

Also, a bill (H. R. 13729) for the relief of D. Froneberger, surviving partner of the firm of D. Froneberger & Co., late of Cleveland County, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 13730) for the relief of Thomas B. James—to the Committee on War Claims.

Also, a bill (H. R. 13731) for the relief of James Kilby—to the Committee on War Claims.

Also, a bill (H. R. 13732) for the relief of Elizabeth Hartgrove—to the Committee on War Claims.

Also, a bill (H. R. 13733) for the relief of William Jennings—to the Committee on War Claims.

By Mr. CASSINGHAM: A bill (H. R. 13734) to correct the military record of Joseph Maple—to the Committee on Military Affairs.

Also, a bill (H. R. 13735) to correct the military record of Isaac Maple—to the Committee on Military Affairs.

Also, a bill (H. R. 13736) to correct the military record of Samuel Musser—to the Committee on Military Affairs.

By Mr. COCHRAN: A bill (H. R. 13737) for the relief of Fred E. Ernst—to the Committee on Claims.

Also, a bill (H. R. 13738) granting a pension to Henry C. Larew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13739) granting a pension to Levi Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13740) granting a pension to Mary A. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13741) granting a pension to George F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13742) granting a pension to Martha Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13743) granting an increase of pension to Alexander H. Sockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13744) granting a pension to Hiram Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13745) granting a pension to Thomas J. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13746) granting a pension to Elizabeth Stoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13747) granting a pension to Laura J. Scofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13748) granting a pension to Mary C. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13749) granting a pension to M. J. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13750) granting a pension to Willis Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13751) granting a pension to John Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13752) granting a pension to George F. Mire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13753) granting an increase of pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13754) granting a pension to Charles Maxon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13755) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13756) granting a pension to Emeline B. Kerns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting a pension to Rachel E. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting a pension to James Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13759) granting a pension to Daniel W. David—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13760) granting a pension to Christina Donley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13761) granting a pension to Joseph Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13762) granting a pension to Joseph Denney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13763) granting a pension to Hectorina Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13764) granting a pension to Abraham Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13765) granting a pension to Elizabeth A. Beaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13766) granting an increase of pension to Joseph Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13767) granting an increase of pension to Samuel Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13768) granting an increase of pension to Casimir Pankau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13769) granting an increase of pension to Joseph M. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13770) granting an increase of pension to Alexander H. Sockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13771) granting an increase of pension to George A. Schrier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13773) granting an increase of pension to Henry C. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13774) to correct the military record of W. H. Self—to the Committee on Military Affairs.

Also, a bill (H. R. 13775) to correct the military record of William Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 13776) to correct the military record of Henry J. Waidner—to the Committee on Military Affairs.

Also, a bill (H. R. 13777) to correct the military record of James Stevenson—to the Committee on Military Affairs.

Also, a bill (H. R. 13778) to correct the military record of William H. H. Simpkins—to the Committee on Military Affairs.

Also, a bill (H. R. 13779) to correct the military record of Henry Schreijer—to the Committee on Military Affairs.

Also, a bill (H. R. 13780) to correct the military record of William Miers—to the Committee on Military Affairs.

Also, a bill (H. R. 13781) to correct the military record of James Magee—to the Committee on Military Affairs.

Also, a bill (H. R. 13782) to correct the military record of William I. McAtee—to the Committee on Military Affairs.

Also, a bill (H. R. 13783) to correct the military record of David Housel—to the Committee on Military Affairs.

Also, a bill (H. R. 13784) to correct the military record of James Harrington—to the Committee on Military Affairs.

Also, a bill (H. R. 13785) to remove the charge of desertion against Frederick White—to the Committee on Military Affairs.

Also, a bill (H. R. 13786) to remove the charge of desertion against Henry J. Waidner—to the Committee on Military Affairs.

Also, a bill (H. R. 13787) to remove the charge of desertion against Edgar B. Willoughby—to the Committee on Military Affairs.

Also, a bill (H. R. 13788) to remove the charge of desertion against William Kirtley—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 13791) to quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber—to the Committee on the District of Columbia.

By Mr. BINGHAM: A bill (H. R. 13792) granting a pension to Robert Delaney—to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 13794) granting an increase of pension to Hiram F. Raymore—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 13795) granting a pension to Granville C. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13796) to correct the military record of Simeon R. Cook—to the Committee on Military Affairs.

By Mr. GREEN of Pennsylvania: A bill (H. R. 13797) for the relief of Caleb W. Durham—to the Committee on the Judiciary.

By Mr. GRIFFITH: A bill (H. R. 13798) granting an increase of pension to John H. Berry—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13799) granting an increase of pension to H. C. Trout—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 13800) granting an increase of pension to John H. James—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 13801) granting an increase of pension to Marcus J. Howland—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13802) for the relief of the heirs of Peyton V. Duke—to the Committee on War Claims.

By Mr. REID (by request): A bill (H. R. 13803) to correct the military record of James H. Tilley and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ROBB: A bill (H. R. 13804) for the relief of J. S. Sartin—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13805) granting an increase of pension to Parmelia Wingo—to the Committee on Pensions.

Also, a bill (H. R. 13806) granting a pension to Frederick Lutz—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 13807) granting a pension to Jeremiah Horan—to the Committee on Pensions.

By Mr. TRIMBLE; A bill (H. R. 13808) granting a pension to Francina Waller—to the Committee on Pensions.

Also, a bill (H. R. 13809) granting a pension to Elizabeth King—to the Committee on Pensions.

Also, a bill (H. R. 13810) granting a pension to John Hedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13811) granting an increase of pension to Waller G. Bond—to the Committee on Pensions.

By Mr. WARNOCK: A bill (H. R. 13813) for the relief of John M. Dowell—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 13814) granting an increase of pension to Nelson Utley, Company D, Eleventh Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13815) granting an increase of pension to James J. Wilson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 13816) granting an increase of pension to Ira G. Foster—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 181) authorizing the payment of $500 by the Secretary of Agriculture to T. H. Reeves, State statistical agent of the Department of Agriculture during the calendar year 1901—to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Resolutions of the Women's Suffrage Association of Fennimore, Wis., asking for the appointment of a commission to investigate woman suffrage in the Western States—to the Committee on the Judiciary.

By Mr. BINGHAM: Papers to accompany House bill 13792, granting a pension to Robert Delaney—to the Committee on Pensions.

By Mr. BULL: Resolutions of Newport Lodge, No. 119, Machinists' Association of Newport, R. I., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of citizens and soldiers, urging the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. CASSEL: Resolutions of Iron Workers' Union No. 9261, and Central Labor Union, both of Lancaster, Pa.; Division 331, Order of Railway Conductors, Columbia, Pa., against the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Resolutions of Temple Ohabei Shalon, Boston, Mass., regarding Russia's treatment of certain American citizens—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Resolutions of the Wisconsin Game Protective Association, in favor of conversion of all forest reserves in the Western States into game preserves—to the Committee on the Territories.

Also, resolutions of Bartenders' League No. 331, Beloit, Wis., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 324, of Racine; Boot and Shoe Workers' Union of Janesville, and Federal Labor Union of Edgerton, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CORLISS: Resolutions of Polish societies of Detroit, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Bolt and Nut Workers' Union, trade and labor unions, and other labor organizations and citizens of Detroit, Mich., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CURRIER: Petition of the Woman's Christian Temperance Union of Charlestown, N. H., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. DRAPER: Resolutions of the Credit Men's Association of Rochester, N. Y., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees

and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Board of Home Missions of the Presbyterian Church, New York, protesting against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, report of the committee on foreign commerce and the revenue laws of the State of New York, and memorial of the Merchants' Association of New York, for reciprocity with Cuba—to the Committee on Ways and Means.

Also, circular of the Cuban delegation on economic affairs, giving a statement of the sugar production—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution of Eureka Lodge, No. 434, Association of Machinists, Brooklyn, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Chamber of Commerce of New York, in favor of a reduction of the tariff on imports from Cuba—to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania: Petition of Caleb W. Durham, for adjudication of his claim to a certain patent—to the Committee on the Judiciary.

By Mr. GRIFFITH: Papers to accompany House bill 13798, granting an increase of pension to John H. Berry—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolutions of Labor Union No. 9482, of Chandler, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of St. Stephen's Society, of Perth Amboy, N. J., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

Also, petition of citizens of South Amboy, N. J., in favor of House bills 170 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HULL: Paper to accompany House bill granting an increase of pension to H. C. Trout—to the Committee on Invalid Pensions.

By Mr. IRWIN: Paper to accompany House bill 10753, granting a pension to Jane McIntire—to the Committee on Invalid Pensions.

By Mr. JACK: Resolutions of Captain George A. Cribbs Circle, No. 50, Ladies of the Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of Mine Workers' Union No. 626, of Eleanora, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KETCHAM: Resolutions of New York Trade and Labor Council of Poughkeepsie, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MAHON: Petitions of Captain Michael Smith Post, No. 355; George Simpson Post, No. 44; King Post, No. 365; Captain G. W. Ryan Post, No. 364, and Colonel P. B. Housum Post, No. 309, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Resolutions of American citizens of Jewish faith of Boston, Mass., relating to alleged violations of treaty obligations by Russia—to the Committee on Foreign Affairs.

By Mr. PUGSLEY: Resolutions of Building Trades Council of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Painters and Decorators' Union No. 148, of Peekskill; Bakers' Union No. 122, of Port Chester, and Bricklayers and Masons' Union No. 20, of Ossining, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Carpenters' Union No. 718, of New Rochelle; Bricklayers and Masons' Union No. 20, of Ossining, and Bakers' Union No. 122, of Port Chester, N. Y., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. RAY of New York: Papers to accompany House bill granting an increase of pension to Lewis Hitt, Rockland, N. Y.—to the Committee on Invalid Pensions.

Also, resolutions of Polish National Alliance of Haverly, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. REID: Papers to accompany House bill to amend the military record of James H. Tilley—to the Committee on Military Affairs.

Also, petition of McPherson Post, No. 1, Grand Army of the Republic, Department of Arkansas, favoring House bill 3037, relating to pensions—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolutions of Buffalo Merchants' Exchange, against the Mather Power Bridge over the Niagara River to Grand Island—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Merchants' Exchange, Buffalo, N. Y., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Branch No. 139, Polish National Alliance, and Branch No. 203, Polish Roman Catholic Union, Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of the Merchants' Exchange of Buffalo, N. Y., and the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Maritime Association of New York, favoring the passage of Senate bill 1026—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Merchants' Association of New York, urging reciprocity with Cuba upon the basis of not less than 40 per cent reduction—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of New York, urging 50 per cent reduction on sugar and tobacco tariff to Cuba—to the Committee on Ways and Means.

Also, resolution of the League of American Sportsmen, protesting against the slaughter of wild animals in Alaska—to the Committee on the Territories.

By Mr. SMITH of Illinois: Petition of citizens of New Albany and Jeffersonville, Ind., and Leominster, Mass., requesting the reduction of letter postage to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

Also, resolutions of Merchants' Association of Fitchburg, Mass., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. WARNOCK: Paper sustaining the claim of John McDowell, for services for piloting troops of the United States during the civil war—to the Committee on Military Affairs.

By Mr. WOODS: Petition of officers of the California National Guard, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on Militia.

SENATE.

FRIDAY, *April 18, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCMILLAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

CHINESE EXCLUSION IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Secretary of State, inclosing a copy of a dispatch from the United States minister to China, forwarding a copy of a protest from the Chinese Government against the exclusion of Chinese from the Philippines, together with a copy of the minister's note to the Foreign Office acknowledging the receipt of the protest; which, with the accompanying papers, was referred to the Committee on Immigration, and ordered to be printed.

DUTY ON CUBAN SUGAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the military governor of Cuba, relative to the reduction of the duty on sugar in that island; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

INDIAN LANDS IN KANSAS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs, and accompanying

draft of a bill to amend an act approved February 28, 1899, entitled "An act providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore.

A bill (S. 2371) granting a pension to Andrew J. Felt;

A bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States; and

A joint resolution (S. R. 56) providing for a modification in the adopted project for the improvement of Everett Harbor, Washington.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Burdick Post, No. 3, Department of Minnesota, Grand Army of the Republic, of Spring Valley, Minn., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the board of directors of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation providing for the reclamation and settlement of the arid public lands of the West; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of Local Division No. 357, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mankato, Minn., praying for the enactment of legislation to increase the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of Boot and Shoe Cutters' Local Union No. 281, of St. Paul; of Cigar Makers' Local Union No. 98, of St. Paul; of the Typographical Union of Minneapolis, and of the Lithographers' Union of St. Paul; all of the American Federation of Labor, in the State of Minnesota, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BARD presented a petition of 36 officers of the Sixth Infantry Regiment, National Guard of California, praying for the enactment of legislation to increase the efficiency of the militia; which was referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of Laborers' Protective Union No. 8863, of St. Petersburg, Fla., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. SPOONER presented a petition of Bartenders' International League No. 331, of Beloit, Wis., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented petitions of the Federal Labor Union of Edgerton; of Stuart Reid Lodge, No. 300, International Association of Machinists, of Milwaukee; of the Central Labor Union of Beloit, and of the Boot and Shoe Workers' Union of Janesville, all in the State of Wisconsin, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. WARREN presented a petition of Lodge No. 332, International Association of Machinists, of Rawlins, Wyo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the Wool Growers' Association of Carbon County, Wyo., praying for the passage of the so-called pure fiber bill; which was referred to the Committee on Finance.

Mr. BAILEY presented petitions of Painters, Decorators, and Paperhangers' Local Union No. 432, of Palestine; of Boot and Shoe Workers' Local Union No. 293, of Houston; of Bricklayers' Local Union No. 13, of Paris; of Cigar Makers' Local Union No. 364, of Victoria; of Amalgamated Sheet Metal Workers' Local Union No. 74, of Waco; of the Galveston Labor Council, of Galveston; of Typographical Union No. 172, of San Antonio; of Typographical Union No. 472, of Palestine; of Amalgamated Sheet Metal Workers' Local Union No. 120, of Sherman; of Locomotive Firemen's Local Union No. 177, of Marshall; of Carpenters' Local Union No. 662, of Mineral Wells; of Brewery Workers' Local Union No. 157, of Dallas; of Bricklayers' Local Union No. 8, of Austin; of Bricklayers' Local Union No. 3, of El Paso; of Typographical Union No. 173, of Dallas; of Retail Clerks' Local Union No. 331, of San Antonio; of Bricklayers' Local Union No. 11, of Corsicana; of Railway Conductors' Local Union No. 57, of Fort Worth; of Barbers' Local Union No. 189, of Palestine; of Boiler Makers and Iron Shipbuilders' Local Union No. 209, of Denison; of Cigar Makers' Local Union No. 418, of Huntsville; of Bartenders' Local Union No. 12, of San Antonio; of Cooks and Waiters' Local Union No. 219, Hotel and Restaurant Employees' International Alliance, of San Antonio, and of Steamfitters' Local Union No. 90, of Denison, all in the State of Texas, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. GAMBLE presented a memorial of sundry merchants of Yankton, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Stock Growers' Association of Western South Dakota, praying for the passage of the so-called pure-fiber bill; which was referred to the Committee on Finance.

Mr. KEARNS presented petitions of sundry citizens of southern Utah, and of Mohave and Coconino counties, in the Territory of Arizona, praying for the enactment of legislation providing for the annexation to Utah of that portion of Arizona lying north of the Colorado River; which were referred to the Committee on Territories.

Mr. FAIRBANKS presented a petition of Local Union No. 812, United Brotherhood of Carpenters and Joiners, of Vincennes, Ind., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented the memorial of George Merritt & Co., of Indianapolis, Ind., remonstrating against the enactment of any tariff legislation that will injure American industries; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 9482, American Federation of Labor, of Chandler, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HOAR. I present a petition of Confederate officers who were engaged in the battle of Balls Bluff, and other citizens of Virginia, praying for an appropriation to preserve the soldiers' cemetery and the battlefield there. The matter involves a small appropriation.

This is a very interesting historical document, indicating a friendly and kindly feeling on the part of those officers toward the men with whom they were in conflict. It consists of but a few lines, and I ask that it may be printed in the RECORD, with the signatures.

I also present the petition of Gen. John W. Kimball and other veterans of the civil war, members of the Fifteenth Massachusetts Volunteers, who took part on the other side. I ask that this petition, with the signatures, may likewise be printed in the RECORD.

There being no objection, the petitions were referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned citizens of Loudoun County, Va., residing near Balls Bluff, have learned that certain veterans of the United States Army who were engaged in the battle of Balls Bluff, fought on October 21, 1861, and who displayed there signal gallantry under adverse circumstances, have presented to your honorable body a memorial asking that the United States Government will purchase at least a portion of the lands upon which that battle was fought and which are contiguous to the national cemetery already established there and a right of way thereto from the neighboring highway. We cordially concur in the said memorial and pledge our hearty cooperation in preserving the battlefield from devastation and in keeping the landmarks intact and in carrying out the purposes for which it is proposed for the United States Government to purchase said property. We call attention to the fact that there is now no public approach or open way to said national cemetery.

E. V. White, colonel, Confederate States Army, and president of the People's National Bank, of Leesburg, Va.; Wm. B. Lynch, captain, Confederate States Army, and president of the National Bank of Leesburg, Va.; W. E. Garrett, captain Company I, Eighth Virginia Infantry, and was in Balls Bluff battle; A. H. Rogers, aid-de-camp to General Evans, Confederate States Army; H. D. Clagett, captain, Confederate States Army; A. M. Chichester, captain, Confederate States Army; G. L. Norris, Army of Northern Virginia, contractor and builder; Jno. H. Alexander, ex-Confederate, Leesburg, Va.; A. J. Bradfield, farmer, Leesburg, Va.; W. N. Wise, Army of Northern Virginia, Leesburg, Va.; Henry Harrison, Army of Northern Virginia, Leesburg, Va.; Cor. Shawn, farmer, Loudoun County, Va.; A. Dibrell, son of a Confederate veteran; E. Littleton, son of a Confederate veteran; Carroll Pierce; E. H. Potts; T. A. Vandevanter, Army of Northern Virginia, county treasurer; W. D. Hempstone, Army of Northern Virginia, county court clerk; J. B. McCabe, attorney at law; A. H. Throckmorton, attorney at law and editor of the Record; R. M. Preston, treasurer of the People's National Bank, of

Leesburg, Va.; H. A. Thompson, cashier of the People's National Bank, of Leesburg, Va.; B. McIntosh, assistant cashier of the People's National Bank, of Leesburg, Va.; E. F. James, runner of the People's National Bank, of Leesburg, Va.; W. Preston Gibson, bookkeeper of the People's National Bank, of Leesburg, Va.; J. B. Titus; T. M. Helm; H. C. Sellman, Confederate States Army; R. J. N. Reid, editor of the Mirror; N. G. West, former surgeon, Seventh Georgia Infantry; T. W. Edwards, Leesburg, Va.; Ed. B. Harrison, Leesburg, Va.; H. H. Russell, sheriff of Loudoun County; Chas. T. Laycock, deputy sheriff of Loudoun County; B. W. Franklin, deputy clerk county court; Richard A. Tebbs, judge of the county court and son of a deceased Confederate lieutenant-colonel; E. B. White, son of Col. E. V. White; Chas. F. Harrison, attorney at law, Leesburg, Va.; Edw. L. Pleasants, Jno. E. Milbourne, N. S. Purcell, J. W. Bitzer, C. A. Ellmore, R. L. Nixon, John T. Hourihane, H. B. Chamblin, Daniel G. Hourihane, Thomas A. McCabe, E. T. Adams, S. N. Underwood, T. F. Shroff, R. B. Wildman, Jos. E. Schooley.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists respectfully represent that they are citizens and were formerly in the military service of the United States in the civil war of 1861-1865; that they were engaged in the action commonly known as the battle of Balls Bluff, near Leesburg, Va., October 21, 1861; that this battle, though the number of men engaged on each side was not large, attracted public attention throughout the country to an unusual degree and had a material influence on the conduct of the war; that the commander of the Union forces, Maj. Gen. Edward D. Baker, of California, a man greatly distinguished in civil life, was killed there; that the regiments engaged on the Union side, and there for the first time under fire, the Fifteenth and Twentieth Massachusetts, the Forty-second New York, and the Seventy-third Pennsylvania Volunteers, were all greatly distinguished for their valor and prowess, their losses in the great battles of the war being remarkably large; that in the year 1865, a small national cemetery, about 50 feet square, was inclosed and the bodies of the dead, almost all unknown, who fell in the action were buried there; that this little cemetery has been neglected, and the inclosing wall has been allowed to fall into ruin; that the place has been repeatedly visited by considerable parties of survivors of the action with their families and friends, who were grieved by its ruinous and forlorn aspect.

Your memorialists therefore respectfully and earnestly pray that a tract of land of reasonable extent, including the site of the action at Balls Bluff, may be acquired by the United States, and such disposition made thereof as to secure a permanent and becoming memorial of the patriotism and gallantry of the men who fought and died there in defense of the integrity and honor of their country.

John W. Kimball, major, Fifteenth Regiment Massachusetts Volunteers, brevet brigadier-general, United States Volunteers; John M. Studley, late captain, Fifteenth Regiment Massachusetts Volunteers, lieutenant-colonel, Fifty-first Massachusetts Volunteers; Thomas J. Hastings, late captain, Fifteenth Regiment Massachusetts Volunteers; J. Evarts Irwin, formerly captain, Fifteenth Regiment Massachusetts Volunteers; E. J. Russell, formerly captain, Fifteenth Regiment Massachusetts Volunteers; Amos Bartlett; Henry S. Tafft, late captain, Fifteenth Regiment Massachusetts Volunteers, brevet lieutenant-colonel, United States Volunteers; George W. Mirick; Henry E. Smith, color bearer Fifteenth Regiment Massachusetts Volunteer Militia; Edward A. Rice; William H. Andrews, Company D, Fifteenth Massachusetts Volunteers; Josiah W. Wilder, Company B, Fifteenth Massachusetts Volunteers; Albert H. Foster, Company F, Fifteenth Massachusetts Volunteers; Charles H. Bartlett, Company F, Fifteenth Massachusetts Volunteers; Josiah C. Converse, Company F, Fifteenth Massachusetts Volunteers; John E. Pharnes, Company K, Fifteenth Massachusetts Volunteers; Theodore Lanston, Company H, Fifteenth Massachusetts Volunteers; David M. Earle, captain, Fifteenth Massachusetts Volunteers; Robert Welsh, Company K, Fifteenth Massachusetts Volunteers; L. D. Goddard, Company D, Fifteenth Massachusetts Volunteers; Peleg F. Murray, Company E, Fifteenth Regiment Massachusetts Volunteers.

Mr. QUAY presented petitions of Hurst Post, No. 86, of Camptown; of John S. Bittner Post, No. 122, of Pennsylvania; of William H. Moody Post, No. 155, of Pittsburg; of Sergeant William I. Furst Post, No. 419, of Stormstown; of General William H. Kein Post, No. 76, of Reading; of Perkins Post, No. 202, of Athens; of Capt. Thomas Espy Post, No. 153, of Carnegie, all of the Department of Pennsylvania, Grand Army of the Republic, and of Circle No. 88, Ladies of the Grand Army of the Republic, of Sharpsville, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Union League Club, of New York City, N. Y., praying for the enactment of legislation to protect the President of the United States and other Federal officers; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 639) granting an increase of pension to Justus Canfield, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1359) authorizing an increase of pension in certain cases, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903, from November, 1902, to May, 1903, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3379) to correct the military record of Calvin A. Rice, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4484) to correct the military record of Calvin A. Rice, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 3826) granting an increase of pension to George W. Dodge; and

A bill (H. R. 7994) granting an increase of pension to Margaret M. Grant.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2526) granting an increase of pension to William J. Simmons;

A bill (H. R. 7903) granting an increase of pension to Ernest Wagner; and

A bill (H. R. 1678) granting a pension to Mary E. F. Gilman.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3592) for the relief of Henry Lane, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4549) for the relief of Henry Lane, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 5310) for the extension of Frankfort street; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURNER introduced a bill (S. 5311) for the relief of Joseph's Band of Nez Perce Indians; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed as a document, referred to the Committee on Indian Affairs.

Mr. MALLORY introduced a bill (S. 5312) for the relief of Sarah E. Callahan; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5313) for the relief of the estate of Mrs. Elizabeth Hull Wellford, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5314) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record oath or the judgment of admission, and to establish a proper record of such citizenship; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SPOONER introduced a bill (S. 5315) granting an increase of pension to Albison Shaw; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HANSBROUGH introduced a bill (S. 5317) granting an increase of pension to Elihue Wiley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5318) granting the settlers on the Fort Rice abandoned military reservation the right to make final proof in conformity with the provisions of the general homestead laws of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NELSON introduced a bill (S. 5319) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

He also introduced a bill (S. 5320) granting an increase of pension to Sarah C. Edgerton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5321) granting a pension to Rebecca H. Geyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced a bill (S. 5322) for the relief of Mary A. Shaw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5323) for the relief of the estate of Hiram Peters, deceased;

A bill (S. 5324) for the relief of C. M. Simmons; and

A bill (S. 5325) for the relief of Lucy A. Vaughn.

Mr. CULLOM introduced a bill (S. 5326) granting an increase of pension to Jasper N. Harrelson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5327) granting an increase of pension to James S. Rearden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5328) to remove the charge of desertion and to grant an honorable discharge to Benjamin Brothers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TILLMAN introduced a bill (S. 5330) for the relief of John L. Young; which was read twice by its title, and referred to the Committee on Claims.

Mr. WELLINGTON introduced a bill (S. 5331) for the relief of Celia Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5332) to confirm divers records and judgments admitting certain persons to be citizens of the United States and to confirm the filing, entry upon, report, final proof of, and title obtained to public lands; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HANSBROUGH submitted an amendment making such portions of the appropriations for the work of the Geological Survey as the Secretary of the Interior may designate applicable for use in the islands of Porto Rico and Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

Mr. STEWART submitted an amendment authorizing the Secretary of the Treasury to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes numbered 30003 and 149003 during the period between July 1, 1878, and February 21, 1892, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. McCOMAS submitted an amendment proposing to appropriate $15,000 for the purchase of additional land for the extension of the Loudon Park National Cemetery, near Baltimore, Md., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $5,000 for the purchase and preservation of the battlefield of Ball's Bluff and the soldiers' burial place there and for putting the same in suitable condition, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

ESTATE OF JOSHUA HILL.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That there be paid out of the contingent fund of the Senate to the personal representatives of Joshua Hill, deceased, late a Senator of the United States from the State of Georgia, $6,602.79, as Senator from March 4, 1867, the date upon which the vacancy he was elected to fill began, to July 29, 1868, from which date his compensation as Senator began.

UNION RAILROAD STATION.

Mr. McMILLAN I ask unanimous consent to call up the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The Senator from Michigan asks for the present consideration of a bill, which will be read in full to the Senate for its information.

The Secretary proceeded to read the bill, and read to line 15 on page 3.

Mr. JONES of Arkansas. How is the bill before the Senate? What is its parliamentary situation?

The PRESIDENT pro tempore. It was reported from the Committee on the District of Columbia and is in charge of the Senator from Michigan [Mr. McMILLAN]. He asks unanimous consent for its present consideration, and it is now being read to the Senate for information.

Mr. JONES of Arkansas. If it is to be read for information, subject to objection, I do not object, but it strikes me that the bill can not be taken up for consideration now. Still I shall not object to its being read for information.

The Secretary resumed the reading of the bill and read to the bottom of page 3.

Mr. JONES of Arkansas. I will interpose an objection to the consideration of the bill now. It is evidently a bill of considerable length. It is quite an important bill, and it will have to take some time for consideration.

Mr. McMILLAN. I do not understand that the Senator objects to the reading of the bill.

The PRESIDENT pro tempore. The Senator does object.

Mr. JONES of Arkansas. Yes; I object to it. It is a long bill, and I think it may as well be read when it comes up for consideration.

Mr. McMILLAN. I move that the bill be considered now. I make that motion.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. JONES of Arkansas. I hope that will not be done.

Mr. GALLINGER. The motion is not debatable.

Mr. JONES of Arkansas. There are a good many Senators who have not had an opportunity to examine the bill. I have heard it discussed in an informal way by Senators and a good deal of doubt expressed about the propriety of its passage. I for one have not had time to understand fully what is in it. I do not, of course, ask the Senate to postpone it for that reason, but I do think it ought to be more carefully and more fully understood by members of the Senate than it is now. The consideration of the bill ought not to be pressed at this time. I hope the Senator from Michigan will allow the bill to go over for a day or two.

Mr. McMILLAN. If the Senator will allow the bill to be read I will let it go over. Since the reading has been commenced I should like to have it read through.

Mr. JONES of Arkansas. I do not object to its being read except for the time it will take.

Mr. McMILLAN. It will not take very long.

Mr. JONES of Arkansas. Very well.

The PRESIDENT pro tempore. The reading will be resumed.

The Secretary resumed and concluded the reading of the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 2, line 4, after the word "continuing," to strike out "along" and insert "under the west side of;" so as to read:

thence curving to the northward, crossing over Canal street and South Capitol street with a clearance of not less than 14 feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street SE., and B street SE. at the intersection with First street; thence continuing under the west side of First street to near E street NE; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for.

Mr. McMILLAN. I offer an amendment to the bill, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, on page 6, line 19, after the word "on," it is proposed to strike out "each;" in the same line, before the word "westerly," to strike out "easterly and the," and in line 20, before the word "of," to strike out "sides" and insert "side;" so as to make the proviso read:

Provided, That on the westerly side of said railway station sufficient land for a street not less than 40 feet in width shall be dedicated to the District of Columbia by the said railroad company and said terminal company.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. In section 4, on page 9, line 18, after the word

"upon," it is proposed to strike out "square" and insert "squares;" and in line 19, after the word "eleven," to insert "712 and 713;" so as to read:

and also within the city of Washington in, over, and upon the bed of Second street, between M and N streets, and in and upon squares 711, 712, and 713, etc.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 5, on page 12, line 2, after the word "and," it is proposed to strike out "the west 40 feet of Delaware avenue;" and in line 4, after the word "and," to insert "so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue, and 40 feet westerly therefrom."

The amendment was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 9, on page 20, line 16, after the words "*And provided further*," it is proposed to strike out:

That the right to institute condemnation proceedings as authorized in this section shall cease and expire two years after the date of approval of this act.

And in lieu thereof to insert the following:

That any property owner whose land is included within such location shall have the right, within two years, to begin proceedings to compel the appropriation of said land by said company and the payment of damages in the same manner as if the proceedings had been instituted by the company under the provisions of this act.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment, which I send to the desk, to come in on page 24, line 18.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 12, on page 24, line 18, after the word "thereto," it is proposed to strike out "and to authorize the use of."

The amendment was agreed to.

Mr. McMILLAN. Mr. President, I ask that a reprint may be made of the bill as it has been amended.

The PRESIDENT pro tempore. The Senator from Michigan asks that the bill be reprinted as amended, and that it take its place again on the Calendar.

Mr. McMILLAN. I ask that the numbering of section 12 be changed to 13.

The PRESIDENT pro tempore. The clerks will attend to the renumbering of the sections. If there be no objection, the reprint of the bill, with the amendments which have been made, will be ordered.

Mr. SPOONER. Have the amendments been adopted?

Mr. McMILLAN. The amendments which have been recommended by the committee have been adopted.

Mr. JONES of Arkansas. I thought the understanding was that the consideration of this bill was to go over after it should have been read, without acting upon the amendments.

Mr. McMILLAN. I merely wanted the amendments which have been offered to be printed in the bill, so that Senators may see precisely what they are.

Mr. JONES of Arkansas. I have no objection to the amendments being printed in the bill, but I do not want them printed in the bill as having been agreed to. Let them be printed as being offered, subject to action hereafter.

Mr. McMILLAN. Very well. All I care for is to have the amendments which have been submitted appear in the reprint of the bill.

Mr. JONES of Arkansas. I have no objection to their being reprinted so as to appear in the bill, but my objection is to having them regarded as agreed to.

The PRESIDENT pro tempore. The amendments have all been agreed to. Shall they be reconsidered?

Mr. JONES of Arkansas. The agreement was in the beginning, when the consideration of the bill was asked, that if I would withdraw my objection to the consideration of the bill it might be read and then go over. There was no intention that a lot of amendments should be agreed to at this time.

Mr. McMILLAN. Very well. Let the amendments be reprinted as pending.

Mr. JONES of Arkansas. I am perfectly willing that the amendments be printed as pending, but they certainly should not be adopted at this time in the face of the agreement which was made.

The PRESIDENT pro tempore. If there be no objection, the vote by which the various amendments have been adopted will be regarded as reconsidered, and the bill will be ordered to be reprinted with the amendments in the bill.

Mr. CULLOM. But not considered as adopted?

The PRESIDENT pro tempore. Not considered as adopted. Is there objection? The Chair hears none, and that order is made.

Mr. McMILLAN. I wish to give notice that in the first part of next week—say on Tuesday or Wednesday, during the morning hour—I shall call up the bill for further consideration.

Mr. PATTERSON. I offer the amendment which I send to the desk, which I ask to have read and printed.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of section 9 it is proposed to insert the following:

Add at the end of section 9:

"and any railroad company whose tracks may or shall connect with or intersect the tracks of any of the companies hereinbefore named shall have the right to move its passenger traffic over the tracks so connected with or intersected, and to use the main passenger station and terminals hereinbefore provided for upon such terms as may be agreed upon between such railroad company and the company or companies owing said tracks, station, or terminals; and in case of failure on part of any of such companies to agree about such use either as to terms, accommodations, schedules or otherwise, the matters in dispute shall be submitted to the supreme court of the District of Columbia in equity term for its determination upon the petition of either party to the controversy, and jurisdiction to hear and consider such disputes and to finally adjudicate the same according to principles of equity and the very right of the matter, and to enforce its orders or decrees in such respect is hereby conferred upon said supreme court."

The PRESIDENT pro tempore. The amendment will be ordered to be printed and lie upon the table.

Mr. MONEY. I should like to make an inquiry. I do not understand the status of the bill reported by the Committee on the District of Columbia, which has been pending, and I ask what it is?

The PRESIDENT pro tempore. The bill is on the Calendar under Rule VIII, and has been read.

Mr. MONEY. And no time fixed for its consideration?

The PRESIDENT pro tempore. No time has been fixed for its consideration.

Mr. JONES of Arkansas. The Senator from Michigan [Mr. McMILLAN] has given notice that he will move to take up the bill on Monday or Tuesday next.

Mr. McMILLAN. Yes; I gave that notice.

Mr. MONEY. Very well.

GRANT OF LANDS TO COLORADO SPRINGS, COLO.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.

Mr. LODGE. Mr. President, I give notice that after this bill has been considered, I shall ask for the regular order. I think we ought to go to the Calendar.

Mr. SPOONER. I hope the Senator from Massachussetts will amend that and say after this bill and the next one have been considered.

Mr. LODGE. After this bill and the amendment to the rules proposed by the Senator from Wisconsin [Mr. SPOONER] shall have been considered I shall ask for the regular order.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.; which has been reported from the Committee on Public Lands with an amendment, after the word "twenty-eight," in line 5, page 1, to strike out:

All of south half of section 29 not included in the United States Military Reservation; all of northeast quarter of section 31 not included in the United States Military Reservation; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the United States Military Reservation.

And in lieu thereof to insert:

All of south half of section 29 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter of section 31 not included in the grant to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896.

So as to make the bill read:

Be it enacted, etc., That the following-described tracts of land, situate in the county of El Paso and State of Colorado, described as follows: All of south half of south half of section 28; all of south half of section 29 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter of section 31 not included in the grant to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter, all of southwest quarter, and all of north half of southeast quarter of section 32; all of north half, all of north half of southwest quarter, all of southwest quarter of southwest quarter, all of north half of southeast quarter, and all of southeast quarter of southeast quarter of section 33. All of the above-described land is in township 14 south, range 68 west, of sixth principal meridian. Also, all of east half of northeast quarter and all of north half of south half of section 4, township 15 south, range 68 west, of sixth principal meridian; all of north half of southeast quarter, all of west half of northeast quarter, and all of northwest quarter of section 5, township 15 south, range 68 west, containing 2,181.5 acres, more or less, be, and the same are hereby,

granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises.

The amendment was agreed to.

Mr. TELLER. I offer the amendment which I send to the desk, to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

Provided, however, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on the 17th instant approved and signed the following acts:

An act (S. 2063) granting a pension to Ida S. McKinley; and

An act (S. 1178) providing for an additional circuit judge in the second judicial circuit.

PROPOSED AMENDMENT OF THE RULES.

Mr. SPOONER. Mr. President, I ask unanimous consent for the present consideration of Calendar No., 1093, being Senate resolution 187, in regard to an amendment of the rules.

There being no objection, the Senate proceeded to consider the following resolution, reported by Mr. SPOONER from the Committee on Rules on the 12th instant:

Resolved, That Rule I, clause 4, be amended by inserting after the words "Vice-President," in the first line thereof, the words "or whenever the powers and duties of the President shall devolve on the Vice-President," so that the clause when amended shall read as follows:

"In event of the death of the Vice-President, or whenever the powers and duties of the President shall devolve on the Vice-President, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing, if absent, a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent."

And further, by direction of the same committee, I give notice in writing of said proposed amendment to the fourth clause of the first rule, and that the purpose thereof is to so change the language of clause 4 that it will cover contingencies not now provided for.

Mr. SPOONER. In line 12 of the resolution I move to strike out the semicolon and insert a comma.

The amendment was agreed to.

The resolution as amended was agreed.

MEMORIAL TO ABRAHAM LINCOLN.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, to report it favorably without amendment.

Mr. CULLOM. I ask unanimous consent for the present consideration of that bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to create a commission to be composed of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of State, and the Secretary of War, to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, and appropriates $25,000 to carry out the provisions of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Let us have the regular order, Mr. President.

BRIDGE ACROSS MANATEE RIVER, FLORIDA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River in the State of Florida.

Mr. GALLINGER. Mr. President, I shall not object to the consideration of this bill, but after it has been considered I shall ask for the regular order.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 2, page 2, line 8, after the word "route," to insert:

Upon which also no higher charge shall be made for the transmission over the same of the mails and troops and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge.

In line 13, after the word "and," to insert "it;" and in line 14, after the words "United States," to insert:

And the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes, and all telegraph and telephone companies shall have equal rights and privileges in crossing said bridge with their lines.

So as to make the section read:

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as post route, upon which also no higher charge shall be made for the transmission over the same of the mails and troops and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge; and it shall enjoy the same rights and privileges as other post roads in the United States; and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes, and all telegraph and telephone companies shall have equal rights and privileges in crossing said bridge with their lines.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "construction," to insert "or after completion;" so as to read:

And should any changes be made in the plans of said bridge during the progress of construction or after completion such changes shall be subject to the approval of the Secretary of War, and all changes in said bridge required by the Secretary of War at any time, or its entire removal, shall be at the expense of the corporation owning or operating said bridge.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert as a new section the following:

SEC. 4. That all railroad companies desiring the use of said bridge shall be entitled to equal rights and privileges in the passage of railroad trains over the same, and the approaches thereto, upon the payment of a reasonable compensation therefor, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert as a new section the following:

SEC. 5. That if the bridge built under authority of this act shall be built as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats, and whatever kind of bridge is constructed, the owner or owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert as a new section the following:

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert as a new section the following:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LONDON DOCK CHARGES.

Mr. NELSON. The printed copies of the hearings before the Committee on Commerce on the London dock charge bill are exhausted. I ask unanimous consent that the hearings may be reprinted as a Senate document, together with certain appendices which were omitted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order is made.

CONSULS ACTING IN FIDUCIARY CAPACITY.

Mr. LODGE. I desire to call up the bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. GLAFCKE.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the bill (S. 3401) for the relief of H. Glafcke. It is a bill of only six lines, and there is no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to H. Glafcke $110.39, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of Colorado for the fiscal year ended June 30, 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. BURROWS. I ask unanimous consent to call up from the Calendar the bill (S. 280) to provide for enlarging the public building at Kalamazoo, Mich.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment on page 2, line 3, before the word "dollars," to strike out "seventy-five" and insert "sixty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the public building at Kalamazoo, in the State of Michigan, now occupied as a post-office and for other Government offices, to be enlarged so as to make said building suitable for the further and better accommodation of the post-office, the plans and specifications to be drawn, with respect to the present building, so as to furnish to the post-office more room and better accommodations. The plans, specifications, and full estimates for the addition, enlargement, and improvement of said building shall be previously made and approved according to law, and shall not cost to exceed the sum of $60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ELI AYERS, DECEASED.

Mr. MONEY. I ask leave to call up the bill (S. 877) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased.

Mr. PLATT of Connecticut. I will have to object to that this morning. The bill can not be considered under the five-minute rule.

Mr. MONEY. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill, notwithstanding the objection made.

Mr. PLATT of Connecticut. The motion is not debatable, I believe?

The PRESIDENT pro tempore. No; it is not. The question is on agreeing to the motion of the Senator from Mississippi to proceed to the consideration of the bill, notwithstanding the objection.

Mr. PLATT of Connecticut. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. Mr. President, is it in order to present a conference report?

The PRESIDENT pro tempore. It is at any time except pending a roll call.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 29, 30, 35, 36, 37, 38, 41, 42, 49, 50, 55, 56, 57, 60, 61, 67, 68, 78, 80, 83, 85, 95, 98, 105, 106, 108, 109, 124, 125, 130, 131, 139, 147, 148, 163, 174, 175, 177, 178, 180, 199, 200, 203, and 205.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 26, 31, 32, 33, 34, 39, 40, 43, 47, 51, 52, 59, 62, 63, 64, 65, 69, 70, 71, 72, 73, 74, 75, 76, 77, 81, 82, 84, 85, 86, 87, 88, 89, 93, 94, 96, 99, 100, 101, 102, 103, 104, 107, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 132, 133, 135, 138, 140, 141, 142, 143, 144, 146, 150, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 181, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 201, 204, 207, 210, 211, 212, and 214, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: On page 13 of the bill, in line 2, after the word "each," insert the words "additional laborer in the bathroom, $720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,530;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: On page 15 of the bill, in line 3, after the word "Judiciary," insert the word "Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$79,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments, as follows: In lieu of the amended paragraph insert the following:

"To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock p. m. on Sundays, including the extra services of employees and the services of additional employees under the Librarian, $10,000, or so much thereof as may be necessary."

And on page 28 of the bill, after line 3, insert as a separate paragraph the following:

"To enable the Librarian of Congress to employ during the last quarter of the fiscal year 1902 such of the additional assistants in the copyright office as are herein provided for in the Library of Congress for the fiscal year 1903, and at the rates of compensation prescribed, $2,410, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$159,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$72,580;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Insert before the matter inserted by said amendment the following: "title and contract clerk, $2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and on page 51 of the bill, in line 4, strike out the words "two clerks of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,350;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out the word "twenty" inserted by said amendment, and on page 60 of the bill, after the word "of," in line 20, strike out all down to and including the word "ninety-eight" in line 23 and insert in lieu thereof the following: "twenty additional internal-revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these 20 agents to be in lieu of the agents provided for and appointed under the provisions of sections 3 and 47 of the act of June 13, 1898, providing for war-revenue expenditures and other purposes, and these to be the only internal-revenue agents employed in addition to those provided for in section 3152 of the Revised Statutes. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these 20 additional agents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: On page 84 of the bill, in line 18, strike out the words "(Lemon Building);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment restore the amount proposed to be stricken out, and on page 88 of the bill, in line 22, after the word "dollars," insert: "one clerk of class 4, from May 1, 1902, $2,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,560;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment, and on page 98 of the bill, in line 16, after the word "Interior," insert the following: "from persons not now or heretofore employed in the Pension Office and without compliance with the conditions prescribed by the act entitled 'An act to regulate and improve the civil service,' approved January 16, 1883;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$317,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 152, and agree to the same with an amendment as follows: At the end of said amendment strike out the semicolon and insert in lieu thereof a comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty one;" and on page 120 of the bill, in line 25, strike out the word "twenty-one" and insert in lieu thereof the word "twenty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty-four;" and on page 121 of the bill, in line 3, strike out the word "eight" and insert in lieu thereof the following: "two messengers; six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$297,590;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two special agents, at $1,800 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,380;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with amendments, as follows:

Add at the end of the matter inserted by said amendment the following:

"And the several appropriations herein made for such clerks and employees under the several departments and offices shall be available for payment of the salaries of all clerks and employees transferred to the classified service under this provision. And the appropriations made for such temporary clerks and employees for the fiscal year 1902 shall also be available for payment of the salaries of all such clerks and employees herein transferred for the balance of the current fiscal year."

And on page 79 of the bill, in line 4, strike out all after the word "dollars" down to and including the word "appropriations," in line 9.

And the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. T. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. CULLOM. I ask permission to have inserted in the RECORD a brief statement showing the result of the conference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The statement submitted by the Senator from Illinois will be printed in the RECORD.

The statement is as follows:

Legislative, 1903.

Amount of bill as passed House	$25,174,669.90
Net increase made by Senate	315,875.60
Amount of bill as passed Senate	25,490,545.50

Of the increase made by the Senate of $315,875.60, the House has agreed to $223,711.60, and the Senate has receded from $92,164, making the total of bill as agreed to in conference $25,398,381.50.

ESTATE OF ELI AYERS, DECEASED.

The PRESIDING OFFICER. The question recurs on agreeing to the motion of the Senator from Mississippi [Mr. MONEY] to proceed to the consideration of the bill (S. 877) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I have a pair with the senior Senator from Virginia [Mr. DANIEL]. I will transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

Mr. MCLAURIN of Mississippi (when his name was called). I have a pair with the Senator from Washington [Mr. FOSTER]. If he were present I should vote "yea."

Mr. MALLORY (when his name was called). I have a pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MCMILLAN. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL. I have a general pair with the junior Senator from Idaho [Mr. DUBOIS], who has been detained from the Senate by sickness in his family. I therefore withhold my vote.

Mr. BERRY. I am paired with the Senator from Maryland [Mr. MCCOMAS]. Unless he has voted I withhold my vote.

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. COCKRELL. I have a general pair with the senior Senator from Iowa [Mr. ALLISON]. I do not know how he would vote if present.

Mr. PLATT of New York (after having voted in the negative). Has the senior Senator from Idaho [Mr. HEITFELD] voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Idaho has not voted.

Mr. PLATT of New York. Then I withdraw my vote.

The result was announced—yeas 24, nays 14; as follows:

YEAS—24.

Bacon,	Gallinger,	Nelson,	Scott,
Bate,	Gibson,	Patterson,	Simmons,
Burton,	Harris,	Pettus,	Stewart,
Carmack,	Martin,	Quarles,	Taliaferro,
Clay,	Money,	Quay,	Teller,
Dolliver,	Morgan,	Rawlins,	Vest.

NAYS—14.

Bard,	Hansbrough,	Lodge,	Simon,
Clapp,	Kean,	McMillan,	Wetmore.
Clark, Wyo.	Kearns,	Perkins,	
Deboe,	Kittredge,	Platt, Conn.	

NOT VOTING—50.

Aldrich,	Depew,	Hanna,	Millard,
Allison,	Dietrich,	Hawley,	Mitchell,
Bailey,	Dillingham,	Heitfeld,	Penrose,
Berry,	Dryden,	Hoar,	Platt, N. Y.
Beveridge,	Dubois,	Jones, Ark.	Pritchard,
Blackburn,	Elkins,	Jones, Nev.	Proctor,
Burnham,	Fairbanks,	McComas,	Spooner,
Burrows,	Foraker,	McCumber,	Tillman,
Clark, Mont.	Foster, La.	McEnery,	Turner,
Cockrell,	Foster, Wash.	McLaurin, Miss.	Warren,
Culberson,	Frye,	McLaurin, S. C.	Wellington.
Cullom,	Gamble,	Mallory,	
Daniel,	Hale,	Mason,	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

Mr. MONEY. Mr. President, the morning hour will be out before the roll can be called, and——

Mr. COCKRELL. It has to be called.

Mr. MONEY. I do not care to——

Mr. COCKRELL. The roll will have to be called.

Mr. LODGE. There is nothing in order but a call of the roll.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the roll call has shown that there is not a quorum present, and therefore no business is in order until a quorum appears.

Mr. MONEY. I rise to a parliamentary inquiry.

Mr. LODGE. Until a quorum is developed surely nothing is in order.

Mr. MONEY. I rise to a parliamentary inquiry, and it is directed to the President of the Senate, and not to any member of the Senate. I want to know from the President of the Senate whether I am at liberty to withdraw the motion to proceed to the consideration of the bill?

The PRESIDING OFFICER The Chair understands that no business can be transacted until a quorum appears.

Mr. MONEY. All right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bacon,	Frye,	McMillan,	Quay,
Bard,	Gallinger,	Mallory,	Rawlins,
Bate,	Gibson,	Martin,	Scott,
Berry,	Hansbrough,	Millard,	Simmons,
Blackburn,	Hawley,	Mitchell,	Simon,
Burrows,	Heitfeld,	Money,	Spooner,
Burton,	Jones, Ark.	Morgan,	Taliaferro,
Carmack,	Kean,	Nelson,	Teller,
Clapp,	Kearns,	Patterson,	Turner,
Clark, Wyo.	Kittredge,	Perkins,	Vest,
Clay,	Lodge,	Pettus,	Warren,
Cockrell,	McComas,	Platt, Conn.	Wetmore.
Dillingham,	McCumber,	Platt, N. Y.	
Dolliver,	McLaurin, Miss.	Quarles,	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present. The question before the Senate is——

Mr. MONEY. It is almost 2 o'clock now, and it will be useless to take the bill up to-day. I withdraw the motion, if that is the pleasure of the Senate.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that he may have leave to withdraw the motion to proceed to the consideration of the bill. Is there any objection? The Chair hears none. Unanimous consent has been granted to the Senator from Mississippi for the withdrawal of the motion.

COURTS IN SOUTH DAKOTA.

Mr. KITTREDGE. I ask unanimous consent for the consideration of the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which is Senate bill 2295.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDING OFFICER. The bill will be read. Is it the desire of the Senator from Massachusetts that the amendments of the committee shall be acted upon as they are reached?

Mr. LODGE. Certainly. It was agreed yesterday that the bill should be read by paragraphs for amendment, and that the committee amendments should be considered as they were reached.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Philippines was in section 1, page 2, after line 12, to strike out "said Commission may be increased to not exceeding eleven members, and the future;" in line 14, before the word "appointments," to insert "future," and in line 15, before the word "members," to strike out "and;" so as to make the paragraph read:

Future appointments of civil governor, vice-governor, members of the Commission, and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

Mr. RAWLINS. What was the proposition of the Senator from Massachusetts?

The PRESIDING OFFICER. That the Secretary proceed to read the bill, and that the Senate consider the amendments proposed by the committee as they are reached in their order in the reading.

Mr. LODGE. That was agreed to yesterday.

The PRESIDING OFFICER. The Chair is informed that that was the agreement which was entered into yesterday.

Mr. RAWLINS. I was not aware of the agreement.

Mr. LODGE. I simply made the usual request, which was agreed to, that the bill should be read by paragraphs for amendment, the amendments of the committee to be considered first.

Mr. RAWLINS. That is all right.

Mr. LODGE. That was agreed to yesterday.

Mr. PETTUS. I hope that understanding does not mean that it is final action on the amendments.

Mr. LODGE. Of course not. It is the usual practice on appropriation bills. It cuts off absolutely nothing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on the Philippines was, in section 2, page 2, line 21, after the word "matters," to strike out "except the admiralty jurisdiction of the supreme court and courts of first instance;" in line 24, after the word "law," to strike out ". SEC. 3. That" and insert "; and;" and on page 3, line 5, before the word "Commission," to insert "Philippine," and in the same line, after the word "Commission," to insert:

Provided, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

So as to make the section read:

SEC. 2. That the supreme court, courts of first instance, and municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by said Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by the Commission or otherwise enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine Commission: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

The amendment was agreed to.

The next amendment was in section 3, page 3, line 9, before the word "taken," to insert the word "heretofore;" so as to read:

SEC. 3. That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, etc.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

SEC. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in the Philippine Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, entered into on the 11th day of April, 1899.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 5. That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein, and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken; such census in its inquiries relating to the population shall take and make, so far as practicable, full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native dialect or language, or in English, school attendance, and ownership of homes, and such other information separately for each island, each province, and municipality, or other civil division needful to inform the President and Congress concerning the capacity, fitness, and readiness of all the people of the Philippine Islands and of particular islands, provinces, and municipalities, and other civil divisions for the establishment and maintenance in the Philippine Islands or certain of them of a permanent popular representative government.

Mr. RAWLINS. I propose the amendment which I send to the desk to the amendment of the committee.

The PRESIDING OFFICER. The Senator from Utah proposes an amendment to the amendment. The Chair will state to the Senator from Utah that, as he understands it, unanimous consent was given yesterday to proceed with the consideration of the committee amendments first.

Mr. RAWLINS. But this is an amendment to an amendment of the committee.

Mr. LODGE. The Senator from Utah is quite right. He is offering an amendment to the amendment of the committee, I understand.

Mr. RAWLINS. It is an amendment to the amendment of the committee.

Mr. LODGE. Certainly. I suggest to the Senator, as the Senate is very thin at this moment, that we pass over these three amendments for the present and come back to them, if that course is agreeable to him.

Mr. RAWLINS. Very well. Let my amendment be read.

Mr. LODGE. Yes; let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. It is proposed to amend section 5 of the bill by inserting after the word "homes," in line 18, the following words:

Also the number of deaths which have occurred in said islands since the 1st day of January, 1899, and the causes thereof, and the character and value of property destroyed since said date.

The PRESIDING OFFICER. At the suggestion of the Senator from Massachusetts, the pending amendment of the committee will be temporarily passed over.

Mr. LODGE. Sections 5, 6, and 7. They are all one amendment really. I ask that they be passed over for the present.

The PRESIDING OFFICER. The amendments will be temporarily passed over.

The remaining part of the amendment passed over is to insert as additional sections the following:

SEC. 6. That after the report of such census the Philippine Commission shall fully report to the President and to Congress their recommendations based on such census and upon the operation of the local governments hereinafter provided for, whether or not all or certain of the Philippine Islands are capable, fit, and ready for the establishment of a permanent popular representative government.

SEC. 7. That the Philippine Commission meantime are hereby authorized and directed, in their discretion, to continue to establish additional municipal and provincial governments in the Philippine Islands with popular representative government so far and so fast as communities in such civil divisions are capable, fit, and ready for the same, the qualification of electors in elections in municipalities and provinces to be the same as now provided by law for electors in municipal elections; and said Philippine Commission whenever they find other male inhabitants of lawful age in such municipalities and provinces capable, fit, and ready for such extension shall include the same among the electors, with the purpose of gradually extending to municipalities and provinces permanent popular representative government.

The next amendment of the Committee on the Philippines was, in section 8, page 5, line 25, after the word "as," to insert "and whenever;" and on page 6, line 5, after the word "may," to strike out "think" and insert "deem;" so as to make the section read:

SEC. 8. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Archipelago, and until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said archipelago by such general rules and regulations as he,

in his discretion, may deem most conducive to the public interests and the general welfare.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 11, after the word "thereto," to strike out "wharves, piers, warehouses, storehouses;" in line 12, before the word "light-houses," to insert "bonded warehouses;" and in line 14, after the word "including," to insert "bonded;" so as to make the section read:

SEC. 9. That the government of the Philippines is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of the archipelago and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, light-houses, signal stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of the Philippines for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

The amendment was agreed to.

The next amendment was, in section 10, after the word "property," to insert "and rights;" in line 23, after the word "ninety-eight," to strike out—

In any lands devoted to public use, bridges, structures, water powers, highways, unnavigable streams, the beds of rivers, subterranean waters, mines, or minerals under the surface of private lands, and all property which, at the date of the treaty, belonged under the laws of Spain then in force to the various harbor works boards of the Philippine Islands, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, except as hereinafter provided,

and on page 7, line 8, after the word "islands," to insert "except as hereinafter provided;" so as to make the section read:

SEC. 10. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, 1898, are hereby placed under the control of the government of the Philippine Islands to be administered for the benefit of the inhabitants of the islands, except as hereinafter provided.

Mr. RAWLINS. I suggest that we pass over the first amendment to section 10.

The PRESIDING OFFICER. At the request of the Senator from Utah section 10 will be temporarily passed over.

The next amendment of the Committee on the Philippines was, in section 12, page 8, line 1, after the word "lands," to insert "not exceeding 160 acres, or its equivalent in hectares;" in line 7, after the word "title," to strike out "The" and insert "and the;" in line 10, after the word "Islands," to strike out "or his heirs or assigns;" and in line 12, before the word "which," to insert "or its equivalent in hectares;" so as to make the section read:

SEC. 12. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands not exceeding 160 acres, or its equivalent in hectares, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the President of the United States is authorized, upon the recommendation of the Philippine Commission, to issue patents, without compensation, to any native of the Philippine Islands, conveying title to any tract of land not more than 160 acres, or its equivalent in hectares, which had been actually occupied by such native or his ancestors prior to the 13th of August, 1898.

The amendment was agreed to.

The next amendment was, in section (10) 13, page 8, line 15, after the word "That," to insert "pending the preparation and until the adoption of rules and regulations as provided in section 8;" in line 20, after the word "than," to strike out "ninety-nine" and insert "five;" and in line 24, after the word "acres," to insert "or its equivalent in hectares;" so as to make the section read:

SEC. 13. That pending the preparation and until the adoption of rules and regulations as provided in section 8 the government of the Philippines is hereby authorized and empowered, on such terms as it may prescribe, to lease, let, and demise to actual occupants and settlers and others, for a term of not more than five years, such parts and portions of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 5,000 acres to any corporation or association of persons.

The amendment was agreed to.

The next amendment was, in section (11) 14, page 9, line 4, after the word "section," to insert "thirteen;" and in line 13, after the word "acres," to insert "or its equivalent in hectares;" and in line 18, after the word "first," to strike out "granted and," so as to make the section read:

SEC. 14. That in leasing, demising, or letting any part of the public domain, under the provisions of section 13, preference in all cases shall be given to actual occupants and settlers; and public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be leased, let, or demised by said government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than 160 acres or its equivalent in hectares in any one tract.

No lease or contract of letting made by virtue of this act shall be sold, assigned, or otherwise disposed of, nor shall the property leased be sublet without the consent of the Philippine government first given.

The amendment was agreed to.

The next amendment was, in section [12] 15, page 9, line 20, after the word "leased," to strike out "let;" in line 21, after the word sections," to insert "12, 13, and 14;" on page 10, line 1, after the word "moneys," to strike out "derived or;" in the same line, after the word "obtained," to strike out "by virtue of" and insert "from;" in line 2, before the word "of," to strike out "or contract of letting;" and in the same line, after the word "of," to strike out "any part or" and insert "any;" so as to make the section read:

SEC. 15. That timber, trees, forests, and forest products on lands leased or demised by the Philippine government under sections 12, 13, and 14 shall not be cut, destroyed, removed, or appropriated except by special permission of said government and under such regulations as it may prescribe.

All moneys obtained from any lease of any portion of the public domain by the government of the Philippine Islands shall be covered into the insular treasury and be subject to appropriation for insular purposes according to law.

The amendment was agreed to.

Mr. HOAR. If I may interrupt the reading of the bill for a moment, I desire to ask my colleague, so that I may understand the bill as it goes on, whether the phrases "the government of the Philippines" and "the government of the Philippine Islands," where they occur, mean the government that is contemplated in the bill to be hereafter established, or does it include the present authorities in the Philippines?

Mr. LODGE. It contemplates simply the existing government.

Mr. HOAR. So that all these things provided to be done may be done by that government the day after the passage of the bill?

Mr. LODGE. Certainly.

The reading of the bill was resumed. The next amendment of the Committee on the Philippines was, in section (13) 16, page 10, line 11, after the word "regulations," to strike out "now;" so as to make the section read:

SEC. 16. That no timber lands forming part of the public domain shall be sold or leased by the government of the Philippines, but said government shall have the right, and is hereby empowered, to issue licenses to cut timber under the forestry regulations in force in the Philippine Islands, and may sell or lease land to any person or persons holding such licenses to cut timber sufficient for a mill site, and may grant rights of way to enable persons holding licenses to cut timber to get access to the lands where timber cutting is authorized.

The amendment was agreed to.

Mr. LODGE. The next amendment proposed by the committee is to strike out sections 16 to 49, inclusive, beginning with line 4, on page 11, and ending with line 10, on page 34, in regard to the mining laws. I ask unanimous consent that the reading of the original language, which the committee reported in favor of striking out, be dispensed with, and that simply the amendment reported by the committee, proposing to insert new sections, be read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. RAWLINS. I think the entire text of the bill had better be read.

The PRESIDING OFFICER. The Senator from Utah [Mr. RAWLINS] insists that the sections proposed to be stricken out shall be read.

Mr. LODGE. Of course, if the Senator wants to have read the sections which the committee propose to strike out, that is all right.

Mr. RAWLINS. I think they ought to be read.

Mr. LODGE. I asked to have read simply the amendment prepared by the committee, inserting new sections in lieu of those stricken out. If the Senator wants to have read the old sections, which are proposed to be stricken out, of course, I have no objection.

Mr. RAWLINS. They may just as well be all read.

Mr. LODGE. Very well. I have no objection.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on the Philippines was to strike out sections 16 to 49, inclusive, beginning in line 4, on page 11, and ending in line 10, on page 34, as follows:

SEC. 16. That mining claims upon veins or lodes of quartz or other rock in place-bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located after the passage of this act, whether located by one or more persons, may equal but shall not exceed 1,500 feet in length along the vein or lode, but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than 300 feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than 25 feet on each side of the middle of the vein at the surface, except where adverse rights existing on the date of the passage of this act render such limitation necessary. The end lines of each claim shall be parallel to each other.

SEC. 17. That proof of citizenship under this act may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

SEC. 18. That the locators of all mining locations heretofore made or which shall hereafter be made on any mineral vein, lode, or ledge situated on the public domain, their heirs and assigns, where no adverse claim exists at the date of the passage of this act, so long as they comply with the laws of the United States, and with the laws and local regulations of the Philippine Islands not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and all veins, lodes, or ledges throughout their entire depth the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges: *Provided*, That in working a blanket ledge the locator or possessor of a mining claim shall be restricted to that portion of such ledge which lies inside of the surface lines of the claim extended downward vertically. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned and possessed by another.

SEC. 19. That where a tunnel is run for the development of a vein or lode or for the discovery of mines the owners of such tunnel shall have the right of possession of all veins or lodes within 3,000 feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

SEC. 20. That the United States Philippine Commission or its successors may make regulations, not in conflict with the provisions of this act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground, so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of locators, the date of location, and such a description of the claim or claims located, by reference to some natural object or permanent monument, as will identify the claim. On each claim located after the passage of this act, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year: *Provided*, That where a person or company has or may run a tunnel for the purpose of developing a lode or lodes owned by said person or company the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same.

Where such claims are held in common such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required thereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowner personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the 1st day of January succeeding the date of location of such claim.

SEC. 21. That a patent for any land claimed and located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this act, may file in the office of the provincial secretary of the province wherein the land claimed is located, or, if there is no provincial secretary, in the office of the adjutant-general of the commander of the military department wherein such land is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the land, in the manner following: The provincial secretary or adjutant-general, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, and he shall also post such notice in his office for the same period.

The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary or adjutant-general a certificate of the chief of the Philippine insular bureau of public lands that $500 worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary or adjutant-general at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer or the collector of internal revenue of $5 per acre and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this act: *Provided*, That where the claimant for a patent is not a resident of or within the province or military department wherein the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 22. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any province or military department of the Philippine Islands or any other official authorized by law to administer oaths.

SEC. 23. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim.

After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary or adjutant-general of the commander of the military department, as the case may be, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, $5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the provincial secretary or adjutant-general of the commander of the military department, as the case may be, to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess. The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province or military department wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record or any notary public of any province or military department of the Philippine Islands, or any other officer authorized to administer oaths where the adverse claimant may then be.

If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary or adjutant-general of the commander of the military department, as the case may be, shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary or adjutant-general of the commander of the military department, as the case may be, or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

SEC. 24. That the description of vein or lode claims upon unsurveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 25. That claims usually called "placers," including all forms of deposits, excepting veins of quartz or other rock in place, shall be subject to entry and patent, under like circumstances and conditions and upon similar proceedings as are provided for vein or lode claims; but where the lands have been previously surveyed by governmental authority the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SEC. 26. That any person authorized to enter lands under this act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this act relative to placer mineral claims.

SEC. 27. That any person authorized to enter lands under this act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor under the provisions of this act relative to placer mineral claims.

SEC. 28. That no location of a placer claim shall exceed 160 acres for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than 20 acres for an individual claimant. Such locations shall conform to the laws of the United States Philippine Commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 29. That where placer claims are upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this act shall conform as nearly as practicable with the Philippine system of public land surveys and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on surveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than 40 acres shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

SEC. 30. That where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim; but nothing in this act shall be deemed to impair any lien which may have attached in any way whatever to the issuance of a patent.

SEC. 31. That where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this act, including such vein or lode and 25 feet of surface on each side thereof, upon

the payment of $5 per acre for such vein or lode claim. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of $2.50 per acre, together with all costs and proceedings; and where a vein or lode such as is described in section 3 is known to exist within the boundaries of a placer claim an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim, but where the existence of a vein or lode in a placer claim is not known a patent for the placer claim shall convey all valuable mineral or other deposits within the boundaries thereof.

SEC. 32. That the chief of the Philippine insular bureau of public lands may appoint as many competent deputy mineral surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this act; and in case of excessive charges for publication he may designate any newspaper published in a province or military department where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject, such applicant shall file with the provincial secretary or adjutant-general, as the case may be, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

SEC. 33. That all affidavits required to be made under this act may be verified before any officer authorized to administer oaths within the province or military department where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or adjutant-general. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or the adjutant-general of the military department, as the case may be, published nearest to the location of such land and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or adjutant-general of the military department shall require proofs that such notice has been given.

SEC. 34. That when two or more veins intersect or cross each other, priority of title shall govern and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine, and where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 35. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed 5 acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

SEC. 36. That as a condition of sale the United States Philippine Commission or its successors may provide rules for working, policing, and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of Government survey and inspection, and other necessary means to their complete development not inconsistent with the provisions of this act, and those conditions shall be fully expressed in the patent. The Commission is hereby further empowered to fix the bonds of deputy mineral surveyors.

SEC. 37. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 38. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

SEC. 39. That the United States Philippine Commission, or its successors, are authorized to establish land districts and provide for the appointment of the necessary officers wherever they may deem the same necessary for the public convenience, and to further provide that in districts where land officers are established proceedings required by this act to be had before provincial or military officers shall be had before the proper officers of such land offices.

SEC. 40. That every person above the age of 21 years, who is a citizen of the United States, a native of the Philippine Islands, or who has acquired the rights of a native of the Philippine Islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer or adjutant-general, have the right to enter any quantity of vacant coal lands of the Philippine Islands not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person, or 320 acres to such association, upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than $10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad or available harbor or navigable stream, and not less than $20 per acre for such lands as shall be within 15 miles of such road, harbor, or stream: *Provided*, That such entries shall be taken in squares of 40 or 160 acres, in conformity with the rules and regulations governing the public land surveys of the United States in plotting legal subdivisions.

SEC. 41. That any person or association of persons severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than $5,000 in working and improving any such mine or mines, such association may enter not exceeding 640 acres, including such mining improvements.

SEC. 42. That all claims under the preceding section must be presented to the proper provincial secretary or adjutant-general within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this act shall be allowed until the expiration of six months from the date of the passage of this act.

SEC. 43. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons, and no association of persons, any members of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof, and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section 28 shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SEC. 44. That in case of conflicting claims upon coal lands, where the improvements shall be commenced after the date of the passage of this act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this act, division of the land claimed may be made by legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land under the United States system of public land surveys, to include as near as may be the valuable improvements of the respective parties. The United States Philippine Commission, or its successors, are authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections.

SEC. 45. That whenever it shall be made to appear to the secretary of any province in the Philippine Islands, or if there is no provincial secretary, to the adjutant-general of the commander of the military department including any province, that any lands within the province or department are saline in character, it shall be the duty of said provincial secretary or adjutant-general, under the regulations of the United States Philippine Commission, or its successors, to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or adjutant-general of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by the United States Philippine Commission, or its successors, and sold to the highest bidder, for cash, at a price of not less than $1.20 per acre; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than $1.20 per acre, in the same manner as other lands in the Philippine Islands are sold. All Executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by the secretary of the interior.

SEC. 46. That no act granting lands to provinces or corporations to aidi the construction of roads, or for other purposes, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively, unless otherwise specially provided in the act or acts making the grant.

SEC. 47. That nothing in this act shall be construed to affect the rights of any person, partnership, or corporation having a valid, perfected mining concession granted prior to April 11, 1899, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted: *Provided*, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within ninety days after this act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this act.

SEC. 48. That mining rights on public lands in the Philippine Islands shall, after the passage of this act, be required only in accordance with its provisions.

SEC. 49. That the United States Philippine Commission, or its successors, are hereby empowered to establish a mining bureau, which shall discharge the duties prescribed for the "inspeccion de minas" by the laws in force in the Philippine Islands prior to April 11, 1899, with reference to all perfected Spanish concessions, and shall discharge such further duties, not in conflict with the provisions of this act, with reference to the mineral wealth and the development of the mining industry in the Philippine Islands, as the United States Philippine Commission, or its successors, may provide: *Provided*, That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine Commission, or its successors, shall create special tribunals for the determination of such controversies.

And in lieu thereof to insert:

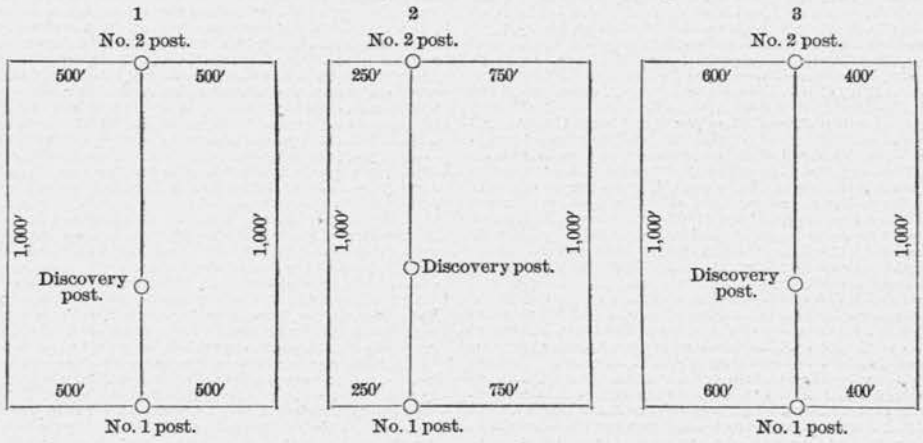
SEC. 19. That mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located after the passage of this act, whether located by one or more persons qualified to locate the same under section 14, to be located in the following manner and under the following conditions: Any person so qualified desiring to locate a mineral claim, shall, subject to the provisions of this act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible but not exceeding, 1,000 feet in length by 1,000 feet in breadth, in as nearly as possible a rectangular form—that is to say: All angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

SEC. 20. That a mineral claim shall be marked by two posts placed as nearly as possible on the line of the ledge or vein, and the posts shall be numbered 1 and 2, and the distance between posts numbered 1 and 2 shall not exceed 1,000 feet, the line between posts numbered 1 and 2 to be known as the

location line; and upon posts numbered 1 and 2 shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon post numbered 1 there shall be written, in addition to the foregoing, "Initial post," the approximate compass bearing of post numbered 2, and a statement of the number of feet lying to the right and to the left of the line from post numbered 1 to post numbered 2, thus: "Initial post. Direction of post numbered 2. ——feet of this claim lie on the right and——feet on the left of the line from No. 1 to No. 2 post." All the particulars required to be put on No. 1 and No. 2 posts shall be furnished by the locator to the provincial secretary or such other officer as by the Philippine government may be described as mining recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

SEC. 21. That when a claim has been located the holder shall immediately mark the line between posts numbered 1 and 2 so that it can be distinctly seen. The locator shall also place a post at the point where he has found rock in place, on which shall be written "Discovery post:" *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan on the back of the declaration made by the owner when the claim was recorded, posts numbered 1 and 2, and the notice on No. 1, the initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS.



SEC. 22. That it shall not be lawful to move No. 1 post, but No. 2 post may be moved by the deputy mineral surveyor when the distance between posts Nos. 1 and 2 exceeds 1,000 feet, in order to place No. 2 post 1,000 feet from No. 1 post on the line of location. When the distance between posts Nos. 1 and 2 is less than 1,000 feet the deputy mineral surveyor shall have no authority to extend the claim beyond No. 2.

SEC. 23. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this act.

SEC. 24. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this act.

SEC. 25. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling house, or any land under cultivation. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the No. 1 and No. 2 posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

SEC. 26. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling house, or any land under cultivation. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the posts Nos. 1 and 2 shall be set out in full, and as accurate a description as possible of the position of the claim given. A sketch plan shall be drawn by the applicant on the back of the declaration, showing as near as may be the position of the adjoining mineral claims, and the shape and size, expressed in feet, of the fraction desired to be recorded: *Provided*, That the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this act, and that the nonobservance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

SEC. 27. That in cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim, as provided by this act, then the claim may be marked by placing posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

SEC. 28. That every person locating a mineral claim shall record the same with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder of the district within which the same is situate, within thirty days after the location thereof. Such record shall be made in a book to be kept for the purpose in the office of the said provincial secretary or such other officer as by the Philippine government described as mining recorder, in which shall be inserted the name of the claim, the name of each locator, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

SEC. 29. That every grant hereafter issued of a mineral claim shall convey, and be deemed to convey, only the right to the use and possession of the surface of such claim, including the use of all the timber thereon, for the purpose of getting from and out of such claim the minerals contained therein, including all operations connected therewith or with the business of mining; and the lawful holder by record of a claim shall, during the continuance of his record, be entitled to the same surface rights and no others; and all remaining surface rights shall be deemed to be vested in the Government and may be granted and disposed of as is provided by law, subject always to the rights of locators as aforesaid.

SEC. 30. That in case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject to the holder having complied with all the terms and conditions of this act.

SEC. 31. That no holder shall be entitled to hold in his own name, or in the name of any other person, more than one mineral claim on the same vein or lode.

SEC. 32. That a holder may at any any time abandon any mineral claim by giving notice, in writing, of such intention to abandon, to the provincial secretary or such other officer as by the Philippine government may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall cease.

SEC. 33. That proof of citizenship under this act may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

SEC. 34. That where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within 3,000 feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel, of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

SEC. 35. That the United States Philippine Commission or its successors may make regulations, not in conflict with the provisions of this act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements:

On each claim located after the passage of this act, and until a patent has been issued therefore, not less than $100 worth of labor shall be performed or improvements made during each year: *Provided*, That where a person or company has or may run a tunnel for the purpose of developing a lode or lodes owned by said person or company the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same. Upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required thereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowner personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the 1st day of January succeeding the date of location of such claim.

SEC. 36. That a patent for any land claimed or located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this act, may file in the office of the provincial secretary, or such other officer as by the Philippine government may be described

as mining recorder of the province wherein the land claimed is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the land, in the manner following: The provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and he shall also post such notice in his office for the same period.

The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder a certificate of the chief of the Philippine insular bureau of public lands that $500 worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer or the collector of internal revenue of $5 per acre and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this act: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 37. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any province of the Philippine Islands or any other official authorized by law to administer oaths.

SEC. 38. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim.

After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, $5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess.

The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record or any notary public of any province of the Philippine Islands, or any other officer authorized to administer oaths where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

SEC. 39. That the description of vein or lode claims upon unsurveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as is no case to interfere with or change the location of any such patented claim.

SEC. 40. That claims usually called "placer," including all forms of deposits excepting veins of quartz or other rock in place, shall be subject to entry and patent, under like circumstances and conditions and upon similar proceedings as are provided for vein or lode claims; but where the lands have been previously surveyed by governmental authority the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SEC. 41. That any person authorized to enter lands under this act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this act relative to placer mineral claims.

SEC. 42. That any person authorized to enter lands under this act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor, under the provisions of this act relative to placer mineral claims.

SEC. 43. That no location of a placer claim shall exceed 160 acres for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than 20 acres for an individual claimant. Such locations shall conform to the laws of the United States Philippine Commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 44. That where placer claims are upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this act shall conform as nearly as practicable with the Philippine system of public-land surveys and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than 40 acres shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

SEC. 45. That where such person, association, and their grantors have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim; but nothing in this act shall be deemed to impair any lien which may have attached in any way whatever prior to the issuance of a patent.

SEC. 46. That where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this act, including such vein or lode and 25 feet of surface on each side thereof, upon the payment of $5 per acre for such vein or lode claim. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of $2.50 per acre, together with all costs of proceedings; and where a vein or lode such as is hereinbefore described is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim, but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral or other deposits within the boundaries thereof.

SEC. 47. That the chief of the Philippine insular bureau of public lands may appoint as many competent deputy mineral surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject, such applicant shall file with the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

SEC. 48. That all affidavits required to be made under this act may be verified before any officer authorized to administer oaths within the province where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or such other officer as by the Philippine government may be described as mining recorder. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or such other officer as by the Philippine government may be described as mining recorder published nearest to the location of such land and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or such other officer as by the Philippine government may be described as mining recorder shall require proofs that such notice has been given.

SEC. 49. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed 5 acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

SEC. 50. That as a condition of sale the United States Philippine Commission, or its successors, may provide rules for working, policing, and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of government survey and inspection, and other necessary means to their complete development not inconsistent with the provisions of this act, and those conditions shall be fully expressed in the patent. The Commission or its successors are hereby further empowered to fix the bonds of deputy mineral surveyors.

SEC. 51. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the

public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 52. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

SEC. 53. That the United States Philippine Commission, or its successors, are authorized to establish land districts and provide for the appointment of the necessary officers wherever they may deem the same necessary for the public convenience, and to further provide that in districts where land offices are established proceedings required by this act to be had before provincial officers shall be had before the proper officers of such land offices.

SEC. 54. That every person above the age of 21 years, who is a citizen of the United States, a native of the Philippine Islands, or who has acquired the rights of a native of the Philippine Islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer, have the right to enter any quantity of vacant coal lands of the Philippine Islands not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person, or 320 acres to such association, upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than $10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad or available harbor or navigable stream, and not less than $20 per acre for such lands as shall be within 15 miles of such road, harbor, or stream: *Provided*, That such entries shall be taken in squares of 40 or 160 acres, in conformity with the rules and regulations governing the public-land surveys of the United States in plotting legal subdivisions.

SEC. 55. That any person or association of persons, severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than $5,000 in working and improving any such mine or mines, such association may enter not exceeding 640 acres, including such mining improvements.

SEC. 56. That all claims under the preceding section must be presented to the proper provincial secretary within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this act shall be allowed until the expiration of six months from the date of the passage of this act.

SEC. 57. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under their provisions; and all persons claiming under section 28 shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice or to pay for the land within the required period the same shall be subject to entry by any other qualified applicant.

SEC. 58. That in case of conflicting claims upon coal lands where the improvements shall be commenced after the date of the passage of this act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this act, division of the land claimed may be made by legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land under the United States system of public-land surveys, to include as near as may be the valuable improvements of the respective parties. The United States Philippine Commission, or its successors, are authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections.

SEC. 59. That whenever it shall be made to appear to the secretary of any province in the Philippine Islands that any lands within the province are saline in character, it shall be the duty of said provincial secretary or adjutant-general, under the regulations of the United States Philippine Commission, or its successors, to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or such other officer as by the Philippine government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by the United States Philippine Commission, or its successors, and sold to the highest bidder, for cash, at a price of not less than $1.20 per acre; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than $1.20 per acre, in the same manner as other lands in the Philippine Islands are sold. All Executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by the secretary of the interior.

SEC. 60. That no act granting lands to provinces or corporations to aid in the construction of roads, or for other purposes, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively, unless otherwise specially provided in the act or acts making the grant.

SEC. 61. That nothing in this act shall be construed to affect the rights of any person, partnership, or corporation having a valid, perfected mining concession granted prior to April 11, 1899, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted: *Provided*, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within ninety days after this act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this act.

SEC. 62. That mining rights on public lands in the Philippine Islands shall, after the passage of this act, be required only in accordance with its provisions.

SEC. 63. That the United States Philippine Commission, or its successors, are hereby empowered to establish a mining bureau, which shall discharge the duties prescribed for the "Inspeccion de minas" by the laws in force in the Philippine Islands prior to April 11, 1899, with reference to all perfected Spanish concessions, and shall discharge such further duties, not in conflict with the provisions of this act, with reference to the mineral wealth and the development of the mining industry in the Philippine Islands, as the United States Philippine Commission or its successors, may provide: *Provided*, That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine Commission, or its successors, shall create special tribunals for the determination of such controversies.

The amendment was agreed to.

The next amendment was, in section 64, page 62, line 9, after the word "estate," to strike out "together with appurtenances and hereditaments thereunto belonging;" so as to read:

That the government of the Philippine Islands is hereby authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate, for public uses, by the exercise of the right of eminent domain.

The amendment was agreed to.

The next amendment was, on page 62, in line 12, before the word "That," to insert "SEC. 65;" in the same line, after the word "hereinbefore," to strike out "in this section;" in line 13, after the word "conferred," to insert "in section 63;" in the same line, after the word "may," to insert "also;" in line 14, after the word "lands," to insert "easements, appurtenances, and hereditaments;" in line 21, after the word "acquire," to strike out "said lands" and insert "the lands mentioned in this section;" in line 24, after the word "value," to insert "in gold coin of the United States of the present standard value or the equivalent in value in money of the Philippine Islands;" in line 6, after the ward "four," to insert "and a half;" and in line 18, after the word "Islands," to strike out:

and may be received by the Comptroller of the Currency of the United States as security for circulating notes issued under authority of the national-bank act as amended by this act; and circulating notes secured by the deposit of said bonds shall be subject only to the tax upon circulation provided by section 13 of the act of March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes;"

and on page 64, line 5, after the word "this," to strike out "act" and insert "section;" so as to make the section read:

SEC. 65. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippines is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of the Philippine Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of the government of the Philippine Islands for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of the government of the Philippine Islands after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of the Philippine Islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands and the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purpose.

Mr. LODGE. There is a misprint there. It should be "section 64." I move to amend the amendment in line 13 by striking out "sixty-three" and insert "sixty-four."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 66, page 64, line 8, before the word "shall," to strike out "this enactment" and insert "section 65 of this act;" in line 13, after the word "*Provided*," to strike out "however;" in line 16, after the word "Philippines," to strike out "and that all deferred payments of the purchase price shall bear interest not less than that borne by the bonds," and insert:

All deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by section 65 of this act, and said deferred payments shall bear interest not less than that borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity.

So as to make the section read:

SEC. 66. That all lands acquired by virtue of section 65 of this act shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be leased, let, sold, and conveyed by the government of the Philippines on such terms and conditions as it may prescribe: *Provided*, that the price to be paid by a purchaser shall in no case be less than the appraised value fixed thereon at the time of acquisition thereof by said government of the Philippines. All deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by section 65 of this act, and said deferred payments shall bear interest not less than that borne by the bonds. All moneys realized or received from

sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

The next amendment was, on page 65, after line 7, to strike out the following:

SEC. 52. That all moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a sinking fund to meet the obligations of said bonds and to retire them at the time fixed and specified in the bonds.

The amendment was agreed to.

The next amendment was, in section 67, page 65, line 21, after the word "dollars," to insert "or in causes in which the value in controversy exceeds $5,000;" so as to make the section read:

SEC. 67. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, privilege, or obligation of the United States is involved, or in which the title or possession of real estate exceeding in value the sum of $5,000, or in causes in which the value in controversy exceeds $5,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

Mr. RAWLINS. I call the attention of the Senator from Massachusetts to this amendment. In connection with what follows he will see that it is ungrammatical.

Mr. LODGE. What does the Senator suggest?

Mr. RAWLINS. It should come in, it seems to me, after the word "involved" or after the word "question."

Mr. LODGE. The Senator thinks the amendment ought to come in in line 19, after the word "involved?"

Mr. RAWLINS. I think so.

Mr. LODGE. I think that would be better.

The PRESIDING OFFICER. The committee modify their amendment so as to insert the words proposed to be inserted after the word "involved," in line 19; so as to read:

In which the Constitution or any statute, treaty, title, right, privilege, or obligation of the United States is involved, or in causes in which the value in controversy exceeds $5,000, or in which the title or possession of real estate exceeding in value the sum of $5,000, to be ascertained by the oath of either party.

The amendment was agreed to.

The next amendment was, in section 68, page 66, line 20, after the words "per annum," to insert the following proviso:

Provided, That the entire indebtedness of any municipality under this provision shall not exceed 5 per cent of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

So that the section will read:

SEC. 68. That for the purpose of providing funds to construct sewers, to furnish adequate sewer drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United Sates, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value) registered or coupon bonds in such amount and payable at such time as may be determined by the government of the Philippines, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality under this provision shall not exceed 5 per cent of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

The amendment was agreed to.

The next amendment was, in section 72, page 68, line 15, after the words "per annum," to insert: "This loan may be in addition to the total indebtedness provided in section 67 of this act;" so as to make the section read:

SEC. 72. That for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with an adequate sewer and drainage system and supply of water the government of the Philippine Islands, with the approval of the President of the United States, is hereby authorized to permit the municipality of Manila to incur indebtedness, to borrow money, and to issue and sell (at not less than par value), upon such terms and conditions as it may deem best, registered or coupon bonds of the city of Manila to an amount not exceeding $4,000,000 lawful money of the United States, payable at such time or times as may be determined by the government of the Philippines, with interest thereon not to exceed 5 per cent per annum. This loan may be in addition to the total indebtedness provided in section 67 of this act.

The amendment was agreed to.

The next amendment was, in section 76, page 70, in line 7, after the word "That," to insert, "no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that;" so as to make the section read:

SEC. 76. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of the Philippine Islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes, etc.

The amendment was agreed to.

The next amendment was, to strike out sections 64 to 109, inclusive, in the following words:

ESTABLISHING A COINAGE SYSTEM.

SEC. 64. That the gold dollar of the United States, consisting of 25$\frac{8}{10}$ grains of gold, nine-tenths fine, as defined by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value in the Philippine Islands.

SEC. 65. That there shall be coined for use in the Philippine Islands a coin of the denomination of 1 peso, which shall contain 25 grams of silver of the fineness of eight hundred and thirty-five one-thousandths. The peso shall be divisible into 100 equal parts, called centavos, and there shall be coined silver pieces of 50 centavos, 20 centavos, and 10 centavos, containing silver of the same fineness and in equal proportions with the peso.

SEC. 66. That the silver peso and its subdivisions shall contain devices to be prescribed by the government of the Philippine Islands, which shall express or symbolize the sovereignty of the United States, the fact that the coins are issued for use in the Philippine Islands, the denominations of the coins, and the date of their coinage.

SEC. 67. That the silver peso and the other silver coins issued under authority of this act shall be legal tender in the Philippine Islands for all debts, public and private, except where otherwise expressly stipulated in the contract, at the rate of 2 pesos for $1 of the legal gold money of the United States.

SEC. 68. That all lawful money of the United States, while maintained at parity with gold, shall be legal tender in the Philippine Islands at the rate fixed in section — of this act, for all debts, public and private: *Provided*, That for amounts under 100 pesos the silver currency of the Philippine Islands authorized by this act shall, when demanded, be paid.

SEC. 69. That the silver coins authorized under this act shall be coined under the authority of the government of the Philippine Islands, in such amounts as it may determine, with the approval of the Secretary of War of the United States, from the bullion contained in coins received for public dues as hereinafter provided, and from silver bullion produced in the United States purchased by the government of the Philippine Islands, with the approval of the Secretary of War of the United States: *Provided*, That such purchases of silver bullion may be made from the Treasury of the United States, with the approval of the Secretary of the Treasury of the United States, from the bullion purchased under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," and held in excess of the amount required for the redemption in full of the Treasury notes issued under the provisions of said act; and such bullion may be sold to the government of the Philippine Islands at a price to be determined by the Secretary of the Treasury of the United States, not less than the average market price for the fiscal year 1900.

SEC. 70. That the Mexican silver pesos now in use in the Philippine Islands shall be receivable for public dues at a rate to be fixed by quarterly proclamation of the civil governor of said islands until such date, not earlier than the 31st day of December, 1903, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be receivable: *Provided*, That such proclamation last named shall be issued and printed in at least two daily newspapers published in the city of Manila at least sixty days before the date on which such coins cease to be receivable: *And provided further*, That the public offices of the government of the Philippine Islands may at any time refuse to receive such coins which appear to be counterfeit or defective.

SEC. 71. That the silver pesos and subsidiary silver coins issued under authority of the Spanish Government for use in the Philippine Islands shall be receivable for public dues at a rate to be fixed by public proclamation of the civil governor, when such coins shall cease to be so receivable, subject to the same provisions as those prescribed for the redemption of Mexican pesos under section 7 of this act.

SEC. 72. That the Philippine government is authorized to issue minor coins of the denomination of 1 centavo and 5 centavos, and such minor coins shall be legal tender in the Philippine Islands for amounts not exceeding 10 pesos. The alloy for the pieces of 5 centavos shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the piece of 1 centavo shall be 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as shall be determined by the government of the Philippine Islands. The weight of the piece of 5 centavos shall be 77.16 grains troy, and of the piece of 1 centavo 72 grains.

SEC. 73. That for the purchase of metal for the minor coinage authorized by this act an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the proceeds of the coinage executed under said section; but the amount of the gain or seigniorage arising from the coinage of such minor coins shall be credited and paid into the currency reserve fund.

SEC. 74. That the coinage authorized under this act may be executed at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the government of the Philippine Islands with the Secretary of the Treasury of the United States for the execution of such coinage at the mints of the United States at a charge covering the reasonable cost of the work.

SEC. 75. That the profit or seigniorage arising from the coinage under this act shall be set aside as a special fund, to be known as the currency reserve fund, and shall be employed in maintaining the parity of the silver coins issued under this act with the gold money of the United States. Such fund shall be converted as far as practicable into gold, but may be kept in part in the Treasury of the United States or in any national bank of the United States approved by the government of the Philippine Islands and furnishing sureties acceptable to it.

SEC. 76. That the government of the Philippine Islands is authorized and directed to maintain at all times the parity of the silver coins issued under this act with the gold money of the United States, and for this purpose may, in its discretion—

First. Pay gold coin for silver coin.

Second. Pay silver coin for gold coin.

Third. Sell drafts on its deposits in the United States at a reasonable rate, not exceeding the usual cost of exchange.

Fourth. Transfer any form of money from the current funds of the Philippine government to the currency reserve fund.

Fifth. Issue temporary certificates of indebtedness, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year, from the date of issue, which shall be in the denomination of $50 or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States or in lawful money of the Philippine Islands

according to the terms of issue prescribed by the government of the Philippine Islands; but the amount of such certificates outstanding at any one time shall not exceed $5,000,000.

Sixth. Buy gold coin or bullion at a cost not exceeding reasonable charges for its importation into the Philippine Islands.

SEC. 77. That the proceeds in money or bullion derived from any of the operations authorized by section —— of this act shall be deposited in the treasury of the government of the Philippine Islands to the credit of the currency reserve fund; but such deposits shall be transferred to the current funds of the treasury of the Philippine Is ands when in the judgment of the government of the Philippine Islands they are no longer required in the currency reserve fund for maintaining the parity of Philippine silver coin with the legal gold coin of the United States: *Provided*, That the money and bullion contained in the currency reserve fund shall never be reduced below the combined amount of the profit arising from the coinage authorized by this act and the proceeds of the sale of drafts upon the United States, except for expenses connected with the transfer of funds and the purchase of gold.

SEC. 78. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the silver coin authorized by this act to be coined at the treasury of the government of the Philippine Islands or any of its branches in sums of not less than $20, and to issue silver certificates therefor in denominations of not less than $5, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any banking association may be counted as a part of its lawful cash reserve.

SEC. 79. That the Secretary of the Treasury, the Comptroller of the Currency, and the Director of the Mint of the United States are hereby authorized and directed, when requested by the government of the Philippine Islands, to make and prepare any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this act, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of the Philippine Islands.

SEC. 80. That all the acts or parts of acts inconsistent with the provisions of this act, and all provisions of law in force in the Philippine Islands making any form of money legal tender after December 31, 1903, except as provided in this act, are hereby repealed.

SEC. 81. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this act relating to coinage.

THE REGULATION OF BANKING.

SEC. 82. That no person, firm, association, or corporation shall be permitted to conduct a banking business or to establish or maintain a branch bank in the Philippine Islands after the 30th day of June, 1902, without a license in writing granted by the government of the Philippine Islands. Such license shall be granted, in the discretion of the government of the Philippine Islands, upon application in writing, setting forth the names and domicile of the applicants proposing to do a banking business; the nature of the business, the amount of capital proposed to be employed, and such other particulars as may be required by said government, and said license may be revoked at any time.

SEC. 83. That the provisions of section 5243 of the Revised Statutes of the United States prohibiting the use of the word "national" in the title of any bank not incorporated under the national-bank act of the United States are hereby made applicable to the Philippine Islands.

SEC. 84. That all persons, firms, associations, or corporations engaged in the business of banking in the Philippine Islands shall comply with all regulations which may be prescribed by the government of the Philippine Islands; and full power is hereby conferred upon said government of the Philippine Islands to frame regulations regarding the business of any bank and to appoint a receiver for winding up its affairs when, in the judgment of said government, such course is justified, and to impose and enforce proper penalties for failure to comply with such regulations and with the authorized acts of said government.

SEC. 85. That the government of the Philippine Islands may appoint a suitable person or persons, who may be the same as the person designated by the Comptroller of the Currency for the examination of national banks in the Philippine Islands, which person shall have the power to make thorough examination from time to time into all the affairs of persons, firms, associations, or corporations engaged in the business of banking in the Philippine Islands, and in so doing to examine any of the officers and agents of such banks under oath, and who shall make a full and detailed report of their condition to the government of the Philippine Islands.

SEC. 86. That all laws relative to national banking associations shall, so far as they are applicable, have the same force and effect in the Philippine Islands as in the United States, subject to the provisions and limitations of this act; and the provisions of section 5146 of the Revised Statutes are hereby amended so that any resident of the Philippine Islands otherwise qualified may lawfully act as director of a national bank established or having branches in said islands, and no other qualifications shall be required as to residence except that a majority of the board of directors of any such national bank shall be citizens of the United States or natives of the Philippine Islands, or persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands; but applications for the incorporation of national banks in the Philippine Islands shall first have the approval of the government of the Philippine Islands before being approved by the Comptroller of the Currency of the United States.

SEC. 87. That the national banks established in the Philippine Islands under authority of section — of this act and national banks of the United States shall have authority, with the approval of the government of the Philippine Islands, to establish branches in any part of said islands, and, with the approval of the Comptroller of the Currency of the United States, to establish branches in reserved cities of the United States: *Provided*, That such branches, when established in the United States, shall not discount commercial bills or make advances upon securities when such transactions are wholly carried on within the United States.

SEC. 88. That circulating notes may be issued in the Philippine Islands by any national bank established under the provisions of this act or having branches in the Philippine Islands, subject to the approval in writing of the government of the Philippine Islands and of the Comptroller of the Currency of the United States, and under the conditions and limitations of the national-bank act as modified by this act: *Provided*, That no bank now existing, and no national bank hereafter established in the Philippine Islands, shall be authorized to issue circulating notes of any class or classes.

SEC. 89. That circulating notes may be issued by the Comptroller of the Currency of the United States to any national bank established or having branches in the Philippine Islands to the amount of 50 per cent of the paid-up and unimpaired capital of the issuing bank without any deposit of United States bonds, as required by the national-bank act: *Provided*, That nothing in this act shall be construed as repealing the requirements of section 5159 of the Revised Statutes, as amended by section 8 of the act of July 12, 1882, entitled "An act," etc., that certain deposits of United States bonds with the Treasurer of the United States shall be required as preliminary to the commencement of the banking business, but such bonds may, in the discretion of the Treasurer of the United States, be deposited to his order in the treasury of the Philippine Islands, and shall be held as a part of the security for circulating notes in the same manner as provided by the national-bank act: *And provided further*, That circulating notes issued under this act and not secured in full by the deposit of United States bonds with the Treasurer of the United States shall not be paid out or be put in circulation by any bank except in the Philippine Islands, shall bear distinctive language and devices, to be prescribed by the Comptroller of the Currency of the United States, with the approval of the government of the Philippine Islands, and shall have a first lien upon all the assets of the issuing bank over all other claims except authorized deposits of officers of the United States and of the government of the Philippine Islands, and except bonds deposited with the Treasurer of the United States as specific security for additional circulating notes.

SEC. 90. That upon all outstanding circulating notes issued under the provisions of this act there shall be paid a tax equal, as nearly as may be, to one-half of 1 per cent per annum during the period for which such notes may be in circulation. Said taxes shall be levied under regulations prescribed by the Comptroller of the Currency and shall be assessed by the Treasurer of the United States. Such regulations shall provide for the assessment of the tax upon notes actually in circulation outside the issuing bank at convenient dates, not less than four in any month, as fixed by the Comptroller of the Currency, and said Comptroller may prescribe and require from any banking association making application for circulation under this act such periodical or other reports as he may deem desirable for determining the condition of the bank.

SEC. 91. That the tax upon circulation authorized by this act may be collected by the Treasurer of the United States from any funds or money in the Treasury to the credit of the bank upon which such taxes are assessed, and a fine not exceeding $500 may be imposed by the Comptroller of the Currency upon any bank failing for one month after notice by the Treasurer of the United States to restore such funds or money to the amounts required by law, and the continued neglect of any bank to pay such taxes or fines or restore such moneys shall be, in the discretion of said Comptroller of the Currency, sufficient ground for the appointment of a receiver for such bank.

SEC. 92. That the proceeds of the taxes herein prescribed shall constitute a fund to be known as the "bank-note guaranty fund of the Philippine Islands," and such fund shall not be reduced or impaired except for the purpose of redeeming the circulating notes of failed banks, as hereinafter prescribed.

SEC. 93. That whenever the Comptroller of the Currency shall have become satisfied by the protest or the waiver and admission specified in section 5226 or by the report provided for in section 5227 of the Revised Statutes of the United States that any banking association doing business in the Philippine Islands has refused to pay its circulating notes on demand in lawful money, he shall direct the redemption of such notes from the bank-note guaranty fund aforesaid, and such notes shall thereupon be so redeemed. The Comptroller of the Currency shall collect for the benefit of said fund, from the assets of the bank and from the stockholders thereof, such sum as shall equal the amount of its circulating notes outstanding; and for the purposes of this section all provisions of the national-bank act relating to the issue and redemption of circulating notes and proceedings against failed banks for failure to pay such notes, except the duplicate liability of stockholders, shall be applicable to any bank issuing circulating notes in the Philippine Islands.

SEC. 94. That whenever the Comptroller of the Currency has sold at public auction, under the provisions of section 5230 of the Revised Statutes of the United States, the United States bonds held to secure the currency notes of any failed bank issued under the provisions of the national-bank act, any excess in the amount received for said bonds above their par value shall be applied to the payment of the outstanding circulating notes of said bank issued under the provisions of this act, and for this purpose the United States shall have a paramount lien upon any such excess, but any further excess above the amount required for this purpose shall be covered into the general assets of the bank.

SEC. 95. That any banking association desiring to withdraw from circulation any of its circulating notes issued under the provisions of this act may transmit the same to the Treasurer of the United States for cancellation, or may pay into the Treasury in lawful money of the United States or of the Philippine Islands an amount equal to the amount of the notes to be withdrawn, in the manner prescribed by sections 5222, 5224, and 5225 of the Revised Statutes of the United States. The taxes upon such circulating notes thus withdrawn from circulation shall thereupon cease, and the Comptroller of the Currency shall redeem them from time to time, as said notes are received for redemption, from the amounts paid into the Treasury as hereinbefore prescribed.

SEC. 96. That any bank issuing circulating notes in the Philippine Islands shall at all times keep on hand, at its head office or its branches in the Philippine Islands, a reserve equal in amount to 25 per cent of the amount of said notes outstanding, which reserve shall be in lawful money of the Philippine Islands or of the United States, or both: *Provided*, That one-half of such reserve may be kept in first-class bills of exchange drawn upon the United States or upon foreign countries and payable in gold, or on deposits in some other bank or banks approved by the government of the Philippine Islands: *And provided further*, That no reserve against circulation shall be required to be kept at the branches of national banks having their head offices in the United States when no notes of said banks are paid out by them at said branches.

SEC. 97. That any bank doing business in the Philippine Islands which fails to have on hand at the close of any month the legal reserve against circulation required by section 11 of this act shall pay into the treasury of the Philippine Islands a penalty of one-quarter of 1 per cent upon the excess of the amount of its outstanding circulating notes above four times such legal reserve, and the proceeds of such payments shall be added to the bank-note guaranty fund hereinbefore provided for.

SEC. 98. That banking associations taking out circulating notes under the provisions of this act shall, in addition to the bank-note guaranty fund, deposit and maintain in the Treasury of the United States a fund of 5 per cent of their outstanding notes, subject to the laws governing the redemption fund held under existing law for the current redemption of currency notes issued under the provisions of the national-bank act.

SEC. 99. That all provisions of existing law regarding the issue of national currency notes and the manner of dealing with redeemed, mutilated, or incomplete currency notes, and all such provisions relating to the redemption of currency notes of liquidating banks, shall be applicable, so far as they are not inconsistent with the provisions of this act, to the circulating notes herein provided for, and all powers granted by existing law to the Comptroller of the Currency and to the Treasurer of the United States in regard to the issue of currency notes to national banks, the collection of taxes, and the infliction of penalties for noncompliance with law are hereby extended to such officers in respect to the circulating notes issued under the provisions of this act, so

far as such powers are not inconsistent with other provisions of this act; and all judicial processes authorized by existing law in regard to national currency notes issued to national banks are hereby extended, so far as they are applicable, to circulating notes issued under the provisions of this act.

SEC. 100. That the Treasurer of the United States and Comptroller of the Currency are hereby authorized, with the approval of the Secretary of the Treasury, to make all proper arrangements with the government of the Philippine Islands for the designation of any financial officer of said government as the agent and lawful representative of said Treasurer and Comptroller for the purpose of carrying on transactions in relation to the issue and redemption of circulating notes in the Philippine Islands, and the keeping of the several funds, in whole or in part, relating to such notes which are required by this act to be deposited with the Treasurer of the United States, and such officer so designated is hereby authorized to act as such agent and representative of said Treasurer and said Comptroller.

SEC. 101. That it shall not be lawful for any bank accepting deposits to establish branches or for any bank to issue circulating notes under authority of this act unless said bank has a paid-up and unimpaired capital not less in amount than $500,000.

SEC. 102. That no circulating notes shall be issued by any bank in the Philippine Islands for a less denomination than 5 pesos or $2.50, and the amount of the notes outstanding below the denominations of 20 pesos or $10 shall not exceed 50 per cent of the maximum amount of its authorized circulation.

SEC. 103. That the Spanish-Filipino Bank shall be required to comply, on or before December 31, 1902, with all the requirements of this act in regard to the issue of circulating notes, except that the amount of such notes outstanding may be equal to the entire paid-up and unimpaired capital of the bank without any deposit of United States bonds to secure circulation, as required by the national-bank act; and said bank may exclude from the limit of its authorized circulation all or any part of its notes issued prior to the year 1884 and now outstanding: *Provided*, That such notes when redeemed shall be canceled and retired and not reissued and that said bank shall pay into the treasury of the Philippine Islands 50 per cent of the face value of such issues so excluded, which sum shall constitute an obligation of said treasury to said bank, to be repaid from time to time to the amount of 50 per cent of such notes when redeemed by said bank and presented and surrendered to said treasury of the Philippine Islands: *And provided further*, That in case of the failure or the liquidation of the said Spanish-Filipino Bank, any money thus transferred to the treasury of the Philippine Islands and not previously repaid shall be paid to the receiver or authorized liquidators for the benefit of the creditors of said bank.

SEC. 104. That the Secretary of the Treasury and the Comptroller of the Currency of the United States are hereby authorized and directed, when requested by the government of the Philippine Islands, to make and prepare any drawings, designs, and plates, and execute any engraving or printing of notes and certificates authorized by this act, and to make a proper charge for the same in accordance with the provisions of the national-bank act or other regulations to be framed by the Secretary of the Treasury.

SEC. 105. That none of the bank notes authorized by this act to be issued in the Philippine Islands, or which may be in circulation under existing law, shall be legal tender for debt, unless expressly stipulated in the contract; but such notes may be received for public dues, in the discretion of the government of the Philippine Islands, only when and so long as they are redeemed on demand at their face value by the issuing bank in the lawful money of the Philippine Islands or of the United States.

SEC. 106. That banks for the exclusive purposes of making loans upon land and buildings, secured by mortgage, and for making loans upon agricultural products, may be organized in the Philippine Islands, with the approval of the government of said islands, and may issue and sell, from time to time, bonds for the amount of their loans in excess of their capital: *Provided*, That no such bank shall be authorized which shall not have at the time of beginning business a paid up and unimpaired capital not less in amount than $250,000; that such banks shall not loan more than 10 per cent of its aggregate resources to any one person, firm, association, or corporation; that such bank shall not loan upon any piece of real estate or agricultural property more than one-third the market value of such property, as determined under regulations to be framed by the government of the Philippine Islands; that such bank shall not loan more than one-third of its aggregate resources upon the security of building lots or buildings in municipalities having a population of more than 10,000; and that such bank shall be subject to such visitations and inspection and shall make such reports and comply in all respects with such regulations as may be required or imposed by the government of the Philippine Islands.

SEC. 107. That any bank authorized to do business in the Philippine Islands and having a capital not less in amount than $1,000,000, may, with the approval of the government of the Philippine Islands, devote an amount not exceeding one-fourth part of its capital to the class of loans secured by mortgage, and loans upon agricultural products, described in the next preceding section of this act, subject to the conditions and restrictions therein provided; and the limitations imposed in said section upon the business of a bank devoted exclusively to loans secured by mortgage and loans upon agricultural products shall apply to the portion of its capital set aside by any other bank for such classes of business.

SEC. 108. That the Treasury of the United States is hereby authorized to receive deposits in money from the government of the Philippine Islands, and to transfer funds, draw and accept checks, drafts, and transfers, and to perform any other financial operations on behalf of the said government of the Philippine Islands which may be agreed upon between said government and the Secretary of the Treasury; but nothing in this section shall be construed to permit the expenditure of the funds of the United States for meeting the obligations of the government of the Philippine Islands.

SEC. 109. That the treasury of the government of the Philippine Islands and its branches, and such banking associations and their branches in the Philippine Islands as may be designated by the Secretary of War of the United States, shall be depositories of public money, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the treasury of the government of the Philippine Islands shall not be required to deposit bonds in the Treasury of the United States or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

And to insert in lieu thereof the following:

SEC. 78. That the Philippine government is hereby authorized to establish a mint at the city of Manila, in the Philippine Islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

SEC. 79. That the said Philippine government is authorized to coin a silver dollar, which shall contain 416 grains of standard silver, and the standard of said silver coins shall be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper. And upon the said silver dollar there shall be devices and inscriptions to be prescribed by the government of the Philippine Islands, with the approval of the Secretary of War of the United States, which devices and inscriptions shall express or symbolize the sovereignty of the United States and that it is a coin of the Philippine Islands, together with the denomination of the coin expressed in English, Filipino, and Chinese characters, and the date of its coinage.

SEC. 80. That any owner of silver bullion may deposit the same at the mint in the Philippine Islands, to be coined as hereinbefore provided. Silver bullion brought to the mint of the Philippine Islands for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse at the mint any deposit of less than $100, and also any bullion so base as to be unsuitable for the operations of the mint: *And provided also*, That when gold is combined with said bullion in such small proportion that it can not be separated advantageously no allowance shall be made for such gold to the depositor.

SEC. 81. That when bullion is brought to the mint for coinage it shall be weighed by the treasurer in the presence of the depositor, when practicable, and a receipt given, which shall state the description and weight of the bullion: *Provided*, That when the bullion is in such a state as to require melting before the true weight in silver can be ascertained, the weight after melting shall be considered as the true weight of the bullion deposited.

SEC. 82. That there shall be charged to the depositor by the mint for such coinage 1 cent for each dollar coined, and the amount received from these charges shall be accounted for and appropriated toward defraying the expense of coining and the contingent expenses of the mint.

SEC. 83. That the dollar hereinbefore authorized may be coined at the mint of the United States at San Francisco, in California, upon the request of the government of the Philippine Islands, with the approval of the Secretary of the Treasury of the United States, and the owners of silver bullion may deposit the same for coinage at such mint under regulations to be made by the Secretary of the Treasury of the United States as respects deposits, coinage, and transfer to the Philippine Islands, and a charge shall be made therefor at the rate of 1 cent for each dollar coined and the cost of transfer to the Philippine Islands in addition thereto: *Provided*, That such deposits at the San Francisco mint shall be confined to silver produced in the United States.

SEC. 84. That the Philippine government is also authorized to coin, for use in the Philippine Islands, a coin of the denomination of 50 cents and of the weight of 192.9 grains, a coin of the denomination of 20 cents and of the weight of 77.16 grains, and a coin of the denomination of 10 cents and of the weight of 38.58 grains; and the standard of said silver coins shall be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper.

SEC. 85. That the subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, from silver bullion purchased by the government of the Philippine Islands, with the approval of the Secretary of War of the United States: *Provided*, That the Philippine government may in addition and its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish Government for use in the Philippine Islands into the subsidiary coins provided for in the preceding section at such rate and under such regulations as it may prescribe.

SEC. 86. That the silver dollar issued under authority of this act shall be legal tender in the Philippine Islands for all debts, public and private, except where otherwise provided by law or expressly stipulated in the contract, and the subsidiary silver coins authorized by this act shall be legal tender in the Philippine Islands to the amount of $10.

SEC. 87. That the Philippine government is also authorized to issue minor coins of the denominations of one-half cent, 1 cent, and 5 cents, and such minor coins shall be legal tender in the Philippine Islands for amounts not exceeding $1. The alloy of the 5-cent piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the 1-cent and one-half-cent pieces shall be 95 per centum of copper and 5 per centum of tin and zinc in such proportions as shall be determined by the government of the Philippine Islands. The weight of the 5-cent piece shall be 77 and sixteen-hundredths grains troy, and of the 1-cent piece 80 grains troy, and of the one-half-cent piece 40 grains troy.

SEC. 88. That for the purchase of metal for the subsidiary and minor coinage, authorized by sections 84 and 87, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of the Philippine Islands.

SEC. 89. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

SEC. 90. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the silver dollars authorized by this act at the treasury of the government of the Philippine Islands or any of its branches in sums of not less than $20, and to issue silver certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Philippine treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable in the Philippine Islands for customs, taxes, and all public dues, unless otherwise provided by law, and when so received may be reissued.

SEC. 91. That the Secretary of the Treasury of the United States is hereby authorized, when requested by the government of the Philippine Islands, to make and prepare any drawings, designs, and plates, and execute any engraving or printing of certificates authorized by the preceding section, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of the Philippine Islands.

SEC. 92. That all provisions of law in force in the Philippine Islands making any form of money legal tender after December 31, 1905, except as provided in this act, are hereby repealed.

SEC. 93. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this act relating to coinage.

At the conclusion of the reading of section 79 of the proposed amendment,

Mr. WELLINGTON said: I ask that that section go over, Mr. President.

Mr. LODGE. I will say to the Senator from Maryland that all these sections form but one amendment.

The PRESIDENT pro tempore. Is there objection——

Mr. WELLINGTON. I was alluding to the section in reference to the coinage of the silver dollar.

Mr. LODGE. Of course the whole thing will be afterwards

open to amendment, and may be discussed just the same as if the amendment had not been adopted. I only want to have the bill printed as amended.

Mr. WELLINGTON. I want to reserve the right to amend the amendment.

Mr. LODGE. Certainly; the Senator will have the right to reserve any amendment now agreed to.

The PRESIDENT pro tempore. The Chair desires to understand that. Is it understood that any of the committee amendments which are adopted as in Committee of the Whole will again be open to amendment as in Committee of the Whole?

Mr. LODGE. Certainly.

The PRESIDENT pro tempore. That is the understanding?

Mr. LODGE. That is the understanding.

The PRESIDENT pro tempore. The Chair, then, will recognize that as the understanding of the Senate; otherwise the amendments could only be again amended after the bill had been reported to the Senate from the Committee of the Whole.

Mr. LODGE. I understand that.

Mr. WELLINGTON. That is also my understanding of it.

Mr. LODGE. My desire was that the amendments in any part, after adoption, should be open to amendment by the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. The Chair now so understands it. The question is on agreeing to the amendment, which has been read.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. The clerks inform the Chair that two amendments have been passed over.

Mr. LODGE. Yes.

The PRESIDENT pro tempore. Is there any object in passing them over, providing the amendments are all to be subject to amendment as in Committee of the Whole?

Mr. RAWLINS. Under that arrangement, there is no objection to the amendments which have been passed over being adopted, with the right reserved to further amend them.

The PRESIDENT pro tempore. It occurred to the Chair that, as it has been agreed that all the amendments will be open to amendment as in Committee of the Whole, it would be just as well to have the amendments, which have been passed over, agreed to now.

Mr. RAWLINS. Yes.

Mr. LODGE. That will cover three sections—5, 6, and 7. It is really one amendment.

The PRESIDENT pro tempore. The amendment will be regarded as agreed to. As under the arrangement made the bill can be further amended, all the amendments will be open to amendment, as in Committee of the Whole, as if they were part of the original text.

Mr. LODGE. The whole bill as amended will be open to amendment as in Committee of the Whole.

The PRESIDENT pro tempore. That is the understanding of the Chair.

Mr. LODGE. The amendment to section 10 was passed over, and I ask that it may be considered as agreed to.

The PRESIDENT pro tempore. The amendment will be agreed to, in the absence of objection. The Chair hears no objection, and it is agreed to.

Mr. LODGE. Now, I ask that the bill as it has been amended may be reprinted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and that order is made.

Mr. RAWLINS. Mr. President, I offer a series of amendments to the bill, which I ask to have read and printed.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend said bill as follows:

Amendments intended to be proposed by Mr. RAWLINS to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, viz:

Strike out section 1 and insert in lieu thereof the following:

"That the executive power of the Philippine Islands shall be vested in a governor, to be appointed by the President, by and with the advice and consent of the Senate, who shall reside therein and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of said islands; shall have power to grant pardons for offenses against the said islands, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

"A secretary of the islands shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor, in his executive department, every six months to the President of the United States. In case of the vacancy of the office of governor, the government of said territory shall devolve on the secretary.

"The legislative powers shall be vested in the governor and in 13 of the most fit and discreet persons of the islands, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least in the said territory and hold no office or profit under the islands or the United States. The governor, by and with the advice and consent of the said legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States, or which shall lay any person under restraint, burden, or disability on account of his religious opinions, professions, or worship, in all which he shall be free to maintain his own and not be burdened for those of another.

"The governor shall publish throughout the said territory all the laws which shall be made, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, or tax the property of nonresidents higher than that of residents, or make any regulation of commerce which shall discriminate between the islands of said archipelago or the ports thereof, or pass any special act creating a corporation, or conferring any right, privilege, or franchise; but said governor and legislative council may pass general laws under which, upon equal terms, corporations may be organized, and such rights, privileges, or franchises may be obtained subject to the authority of Congress or the legislature of said islands to alter, amend, or repeal the same.

"The governor shall convene and prorogue the legislative council whenever he may deem it expedient. It shall be his duty to obtain all the information in his power in relation to the customs, habits, and dispositions of the inhabitants of the said territory and communicate the same from time to time to the President of the United States."

Strike out section 2 and insert in lieu thereof the following:

"The judicial power in said archipelago shall be vested in a supreme court, courts of first instance, and municipal courts. The chief justice and the associate justices of the supreme court and the judges of the courts of first instance shall be appointed by the President, by and with the advice and consent of the Senate, and their respective terms of office shall be four years and until their successors are appointed and qualified, unless sooner removed by the President: *Provided*, That such inferior courts as may be deemed necessary may be established by the authority of the legislature, but whose jurisdiction shall not extend to any case involving the title to real estate, or in which the thing in controversy exceeds in value the sum of $100."

Insert after the word "homes," in line 18, page 4, the following:

"Also the number of deaths which have occurred in said islands since the 1st day of January, 1899, and the causes thereof, and the character and value of property destroyed since said date."

Strike out section 8.

Strike out section 11 and insert in lieu thereof the following:

"The public land laws of the United States are hereby extended and made applicable to the said archipelago, and citizens of the United States or of said archipelago may make entry thereof and obtain title thereto in accordance with the provisions of said laws, and the United States Philippine Commission is hereby authorized to make rules and regulations not inconsistent with the provisions of said laws to carry the same into effect."

Strike out sections 13, 14, and 15.

Strike out section 67 and insert in lieu thereof the following:

"That the jurisdiction of the several courts herein provided for, both appellate and original, shall be limited by law. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said courts of first instance to the supreme court, under such regulations as may be prescribed by law."

"Writs of error and appeals from the final decisions of said supreme court shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from Territorial supreme courts where the value of the property or amount in controversy, to be ascertained by the oath or affirmation of either party or other competent witnesses, shall exceed $5,000; except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of said supreme court created by this act in cases involving the Constitution or any statute or treaty of the United States, or any right, privilege, or immunity claimed thereunder; and except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of said supreme court, or of the court of first instance or any judge thereof, upon any writ of habeas corpus involving the question of personal freedom. And each of said courts of first instance shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States, and writs of error and appeal in all such cases shall be made to the supreme court of said archipelago, the same as in other cases."

Strike out section 95 and insert in lieu thereof the following:

"That so much of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902,' as vested all military, civil, and judicial powers necessary to govern the Philippine Islands in such person and persons and to be exercised in such manner as the President of the United States shall direct, and all other acts and parts of acts inconsistent with this act, are hereby repealed."

The PRESIDENT pro tempore. The amendments will be printed and lie upon the table.

Mr. LODGE. I should like to ask the Senator from Utah a question in regard to those amendments. As I understand, those amendments are not in the nature of a substitute.

Mr. RAWLINS. No; they are separate amendments.

Mr. LODGE. A series of amendments to different parts of the bill.

Mr. RAWLINS. Yes; a series of amendments.

I now offer, in behalf of the minority of the Committee on the Philippines, the amendment which I send to the desk, in the nature of a substitute, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. LODGE. Is that the amendment already printed in the report of the committee?

Mr. RAWLINS. Yes; but I want it printed in the RECORD.

Mr. LODGE. Does the Senator want it read now?

Mr. RAWLINS. Yes; I want it read, so as to go into the RECORD.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from Utah [Mr. RAWLINS] will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

SEC. 1. That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

SEC. 3. That ninety days after the President of the United States shall have proclaimed that all armed resistance to the United States has ceased in said archipelago the United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the provinces of said archipelago for members of a convention, which convention when organized shall proceed to the adoption of a constitution for the government of said archipelago. That all male inhabitants of said archipelago 21 years of age and over who speak and write either the English or Spanish languages or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote for members of the convention, and any person so qualified as an elector shall be qualified to become a member of said convention. The members of the said convention shall number 300, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago so that the distribution shall be in proportion to their population as near as may be; and when the said apportionment has been determined upon, the said commission shall by proclamation order an election of the members for said convention, to be held throughout the said archipelago at such time as shall be fixed by the said Commission, which election shall be held not more than one year from the date of the proclamation by the President of the United States hereinbefore provided for, and ample time shall be given before said election to circulate said proclamation throughout said archipelago and arrange for the holding of the said election.

SEC. 4. That the members of the convention thus elected shall meet at the city of Manila on a day to be fixed by the said United States Philippine Commission not more than ninety days subsequent to the day of election, the time for which meeting shall be stated in the proclamation calling attention to the election aforesaid; and after organization the said convention shall proceed to form a constitution and organize such government as they may deem best adapted to promote the welfare and secure the peace and happiness of the inhabitants of said islands: *Provided*, That said convention shall provide by an ordinance, irrevocable without the consent of the United States:

First. That there shall belong to the United States and continue to be the property thereof such lands and waters as the President of the United States shall designate to the said convention for naval, military, and coaling stations and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

SEC. 5. That when the constitution and government shall be formed for and by the people of said archipelago in compliance with the provisions of this act, the said United States Philippine Commission shall certify the fact to the President of the United States, together with a copy of said constitution and ordinances, whereupon it shall be the duty of the President to issue his proclamation declaring the independence of the people of said archipelago, and that they constitute an independent state and nation.

SEC. 6. That the President of the United States is hereby requested to negotiate an agreement between the United States, the said Philippine Archipelago, and Great Britain, Germany, France, and such other powers as he may deem best, providing for its perpetual neutrality and inviolability from all foreign interference, and also for equal opportunities of trade to foreign countries with said archipelago.

SEC. 7. That immediately after the President shall have proclaimed that all armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all the inhabitants thereof for or on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place from whence they were so deported: *Provided*, That such amnesty shall not apply to any who have violated the rules of civilized warfare or were guilty of murder or torture. That the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago and be punished or acquitted, as the facts and law may warrant.

SEC. 8. That within sixty days from the election of officers under the constitution to be formed by the said Philippine Archipelago and the inauguration of said officers the President shall cause the armed forces of the United States to be withdrawn from said archipelago as speedily as may be, except such forces as may be maintained in such parts thereof as have been retained by the United States for naval, military, and coaling stations and terminal facilities for cables; and the President of the United States and the Secretary of War shall make all needful regulations to carry into effect the provisions of this act.

Amend the title so as to read: "A bill to promote the welfare and establish the independence of the Philippine Islands."

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. CARMACK. I wish to offer two amendments to the pending bill, which I ask to have read and printed.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Tennessee [Mr. CARMACK] will be read.

The SECRETARY. At the end of section 76 it is proposed to insert the following:

Provided, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands, to hold persons in slavery or involuntary servitude, or to use, employ, or contract for the labor of persons so held in slavery or involuntary servitude, and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in the said Philippine Islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than $10,000.

The PRESIDENT pro tempore. The amendment will be ordered to be printed and lie upon the table. The other amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union: and any action on the part of persons holding office under the authority of the United States that give sanction or encouragement to such a movement is hereby condemned.

That to confer the rights and privileges of citizens upon the inhabitants of the Philippine Islands would tend to destroy the integrity of the citizenship and to degrade the character of the Government of the United States.

That to maintain the relation of sovereign and subject between the Government of the United States and a people under its dominion would be repugnant to the principles of the Constitution.

The PRESIDENT pro tempore. The amendment will be ordered to be printed, and lie upon the table.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that thirty minutes be now devoted to the consideration of unobjected pension bills and bills to correct military records.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that unobjected pension cases and bills to correct military records may be considered for thirty minutes. Is there objection? The Chair hears none. The Chair would like to recognize the Senator from Utah [Mr. RAWLINS] to secure the consideration of a bill.

Mr. GALLINGER. The Senator from Minnesota [Mr. CLAPP] likewise has a little bill. If it does not come out of the thirty minutes, I shall be glad to yield to both Senators.

FISH-CULTURAL STATION IN UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 148) to establish a fish-hatching and fish station in the State of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED LAKE RESERVATION, MINN.

Mr. CLAPP. I ask unanimous consent for the immediate consideration of the bill (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 6, section 3, after the word "agreement," in line 4, to insert "except sections 16 and 36 of each township, which are hereby granted to the State of Minnesota for school purposes;" so as to read:

SEC. 3. That the lands ceded to the United States under said agreement, except sections 16 and 36 of each township, which are hereby granted to the State of Minnesota for school purposes, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, etc.

The amendment was agreed to.

The next amendment was, in line 25, page 6, after the word "law," to insert "shall pay said sum of $3.90 in five annual payments in advance and;" so as to read:

And provided further, That the price of said lands shall be $3.90 per acre, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay said sum of $3.90 in five annual payments in advance and shall be entitled to a patent for the lands so entered.

The amendment was agreed to.

The next amendment was, on page 7, line 3, after the word "officers," to insert "the said five annual payments in advance and of the;" so as to read:

Upon the payment to the local land officers the said five annual payments in advance and of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

The amendment was agreed to.

Mr. PETTUS. I desire to know whether the officers of the Government who have charge of such matters recommend the adoption of the bill?

Mr. CLAPP. Yes, sir. The report is printed.

Mr. PETTUS. I should like to hear from the principal officer of the Government having charge of the matter. I suppose it is the Secretary of the Interior.

Mr. CLAPP. Yes; there is a report from him.

Mr. PETTUS. I wish to know that he approves of it. That is the main thing.

Mr. CLAPP. I ask that that part of the report be read.

The Secretary read as follows:

The Commissioner has carefully considered the agreement and has prepared a draft of a bill to ratify and confirm the same.

I also herewith transmit a copy of a report of the Commissioner of the General Land Office, dated the 3d instant, to whom the matter was referred for report as to the disposition of the coded lands.

The agreement meets with my approval, and I have the honor to recommend that it receive favorable action by the Congress.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. SEYDEL.

The PRESIDENT pro tempore. The Secretary will state the first pension case on the Calendar.

The bill (H. R. 5695) granting an increase of pension to John M. Seydel was announced as the first bill in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of John M. Seydel, late of Company G, Forty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS FINDLEY.

The bill (H. R. 2981) granting an increase of pension to Thomas Findley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Findley, late of Company K, Twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MYRON C. BURNSIDE.

The bill (H. R. 8782) granting an increase of pension to Myron C. Burnside was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Myron C. Burnside, late of Company E, Fortieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHMOND L. BOOKER.

The bill (H. R. 2600) granting an increase of pension to Richmond L. Booker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richmond L. Booker, late of Company G, Twenty-first Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. PERKINS.

The bill (H. R. 1486) granting an increase of pension to Charles A. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Perkins, late of Company K, Second Regiment Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM EASTIN.

The bill (H. R. 5258) granting an increase of pension to William Eastin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Eastin, of Company D, Sixty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET BAKER.

The bill (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the word "late," to strike out "an army," and in line 7, after the word "nurse," to insert "Medical Department, United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Baker, formerly Maggie Ralston, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCES T. ANDERSON.

The bill (H. R. 6081) granting an increase of pension to Frances T. Anderson, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 10, after word "of" where it occurs the first time, to insert "each of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances T. Anderson, widow of Robert H. Anderson, late captain, Ninth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of the said Robert H. Anderson until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARIAH J. ANDERSON.

The bill (H. R. 6080) granting an increase of pension to Mariah J. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mariah J. Anderson, widow of John D. Anderson, late of Capt. Thomas J. Fripp's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GASTON.

The bill (H. R. 11578) granting an increase of pension to John Gaston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gaston, late of Company G, Second Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. CLARK.

The bill (H. R. 2113) granting an increase of pension to Mary J. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "and," to insert "he;" and in the same line, after the word "authorized," to insert "and directed;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mary J. Clark, widow of William W. Clark, late of Captain Coleman's company, Georgia Mounted Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES MOORE.

The bill (H. R. 9986) granting an increase of pension to James Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Moore, late of Company K, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATERS FORMING INTERNATIONAL BOUNDARIES.

Mr. MORGAN. I ask the Senator from New Hampshire to allow me to secure the passage of the joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries. It is important that it shall be passed by the Senate.

Mr. GALLINGER. I yield to the Senator if it does not lead to debate.

The PRESIDENT pro tempore. If the Senator from Alabama will allow the junior Senator from Maine to make a suggestion, a provision for this commission has been inserted in the river and harbor bill in the House, and has also been reported favorably by the Senate committee, and probably it will be unnecessary to pass the joint resolution.

Mr. MORGAN. Very well.

Mr. HOAR. I should like to inquire, if I may, as the matter has come up, whether the provision retains the proposition to have us invite the government of Canada?

The PRESIDENT pro tempore. No, sir; the Government of Great Britain.

Mr. HOAR. The original resolve on the Calender, as I called the attention of the Senate to it the other day, proposes to invite the government of Canada, and I thought it was unusual in our diplomatic relations.

The PRESIDENT pro tempore. In the river and harbor bill it is the Government of Great Britain, and in the joint resolution which the Senator from Alabama called it is also the Government of Great Britain.

Mr. HOAR. All right.

GEORGE W. GUINN.

The bill (H. R. 9999) granting an increase of pension to George W. Guinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Guinn, late of Company H, Seventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN HOCKENBURY.

The bill (H. R. 11782) granting an increase of pension to Allen Hockenbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen Hockenbury, late of Company D, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. NOBLE.

The bill (H. R. 2994) granting an increase of pension to Eliza J. Noble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Noble, widow of James D. Noble, late assistant surgeon, Fifty-first Regiment Pennsylvania Volunteer Infantry and acting assistant surgeon, United States Navy, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL HAYES.

The bill (H. R. 6947) to correct the record of Michael Hayes was announced the next business in order on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, it having been adversely reported.

BLANCHE DUFFY.

The bill (H. R. 10091) granting a pension to Blanche Duffy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Blanche Duffy, formerly Sister Blanche O'Brien, late a nurse in the hospital of the Sisters of Charity at St. Louis, Mo., and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT E. STEPHENS.

The bill (H. R. 6805) granting an increase of pension to Robert E. Stephens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert E. Stephens, late of Company K, Sixth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOROTHY S. WHITE.

The bill (H. R. 2241) granting an increase of pension to Dorothy S. White, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dorothy S. White, widow of Samuel H. White, late second lieutenant Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES AUSTIN.

The bill (H. R. 1636) granting an increase of pension to James Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Austin, late of Company I, Eighth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY H. ALEXANDER.

The bill (H. R. 7369) granting an increase of pension to Perry H. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Perry H. Alexander, late of Company G, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZACHARIAH R. SAUNDERS.

The bill (H. R. 9847) granting an increase of pension to Zachariah R. Saunders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zachariah R. Saunders, late of Company C, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTHER A. C. HARDEE.

The bill (H. R. 6699) granting a pension to Esther A. C. Hardee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esther A. C. Hardee, widow of Lucius A. Hardee, late captain, First Regiment Florida Volunteer Mounted Infantry, Seminole Indian war, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. P. JOHNSTON.

The bill (H. R. 10090) granting a pension to James F. P. Johnston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. P. Johnston, late captain Independent Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS H. DELONY.

The bill (H. R. 11924) granting an increase of pension to Lewis H. Delony was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis H. Delony, late of Company A, Battalion Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. C. ROGERS.

The bill (H. R. 12697) granting a pension to M. C. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of M. C. Rogers, late a guide, United States Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN MAY.

The bill (H. R. 12136) granting an increase of pension to Stephen May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen May, late of Company E, First Regiment Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN WELLMAN.

The bill (H. R. 5910) granting an increase of pension to Reuben Wellman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben Wellman, late of Company G, One hundred and sixtieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANA STEIGER.

The bill (H. R. 2219) granting a pension to Christiana Steiger was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Christiana Steiger, widow of John Steiger, late of Battery B, First Regiment Michigan Volunteer Light Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA D. GREENE.

The bill (H. R. 9018) granting a pension to Ida D. Greene was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida D. Greene, widow of Francis E. Greene, late lieutenant-commander, United States Navy, and to pay her a pension of $30 per month, and $2 per month additional on account of each of the minor children of said Francis E. Greene until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. MATNEY.

The bill (H. R. 3264) granting an increase of pension to William B. Matney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Matney, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M'DOWELL.

The bill (S. 2461) granting an increase of pension to George W. McDowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the name "George," to strike out the letter "W," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George McDowell, late of Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George McDowell."

PHILO F. ENGLESBY.

The bill (S. 4238) granting an increase of pension to Philo F. Englesby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philo F. Englesby, late of Company A, Seventh Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN COOLEN.

The bill (S. 3279) granting a pension to John Coolen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coolen, late of Company B, Tenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES L. ACKLEY.

The bill (H. R. 9290) granting a pension to Frances L. Ackley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances L. Ackley, late a nurse in the medical department, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THEODORE F. COLLINS.

The bill (H. R. 611) granting an increase of pension to Theodore F. Collins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore F. Collins, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM M. HODGE.

The bill (S. 4393) granting an increase of pension to William M. Hodge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Hodge, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MATTHEWS.

The bill (H. R. 9415) granting an increase of pension to James Matthews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Matthews, late of Company M, Ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD P. NICHUALS.

The bill (H. R. 6895) granting an increase of pension to Richard P. Nichuals was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard P. Nichuals, late of Company C, Seventy-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. DIBERT.

The bill (H. R. 8415) granting a pension to Mary L. Dibert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to add the following proviso: "*Provided*, That the pension granted herein shall cease and determine upon proof that said Isaac N. Dibert is living;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Dibert, the dependent mother of Isaac N. Dibert, late of Company D, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided*, That the pension granted herein shall cease and determine upon proof that said Isaac N. Dibert is living.

Mr. GALLINGER. In line 6, before the word "dependent," I move to strike out "the."

The amendent to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PATRICK J. MURPHY.

The bill (S. 3321) granting a pension to Patrick J. Murphy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick J. Murphy, late of the U. S. S. *Saturn*, United States Navy, and pay him a pension at the rate of $10 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL S. BEAVER.

The bill (S. 500) granting a pension to Samuel S. Beaver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Beaver, late of Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA A. WALKER.

The bill (S. 3397) granting an increase of pension to Eliza A. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" and in the same line, after the word "receiving," to insert "and $2 per month additional on account of the minor child of said Adam L. Walker until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Walker, widow of Adam L. Walker, late captain Company B, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Adam L. Walker until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN M. WORTHEN.

The bill (S. 4871) granting an increase of pension to Helen M. Worthen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen M. Worthen, widow of Harry N. Worthen, late lieutenant-colonel Fourth Regiment Vermont Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL FUCHS.

The bill (S. 4979) granting an increase of pension to Paul Fuchs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Paul Fuchs, late second lieutenant Company A, Fifty-second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH C. VINCENT.

The bill (S. 4293) granting an increase of pension to Elizabeth C. Vincent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Vincent, widow of Strong Vincent, late colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON C. VORE.

The bill (H. R. 10230) granting an increase of pension to Harrison C. Vore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison C. Vore, late first lieutenant Company E, Eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED M. WHEELER.

The bill (S. 2347) granting an increase of pension to Alfred M. Wheeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred M. Wheeler, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. GRAY.

The bill (H. R. 12101) granting a pension to William E. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Gray, late of Company M, First Regiment Georgia Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. PETTIT.

The bill (H. R. 11314) granting an increase of pension to Mary E. Pettit was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Pettit, widow of Gilbert B. Pettit, late first lieutenant Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON S. GATLIFF.

The bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron S. Gatliff, late of Company G, Fourth Regiment Kentucky Mounted Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS THATCHER.

The bill (H. R. 1326) granting on increase of pension to Thomas Thatcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Thatcher, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend by inserting "thirty" in place of "twenty-four" before the word "dollars," in line 8.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. SMOOT.

The bill (S. 4983) granting a pension to John W. Smoot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Smoot, late of Company A, Washington Light Infantry, Fourth Battalion District of Columbia Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. NELSON.

The bill (S. 4004) granting an increase of pension to Thomas L. Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Nelson, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer

Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD N. GOFF.

The bill (S. 2050) granting an increase of pension to Edward N. Goff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "hereby," to insert "is," and in the same line, after the word "hereby," to strike out "is;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward N. Goff, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET HOEFER.

The bill (H. R. 10841) granting an increase of pension to Margaret Hoefer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Hoefer, widow of Frederick Hoefer, late of Company C, Thirty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA L. KIMBLE.

The bill (S. 3998) granting an increase of pension to Emma L. Kimble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Kimble, widow of Thomas V. Kimble, late of Company F, Third Regiment Indiana Volunteer Infantry, war with Mexico, and major, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH D. HAZZARD.

The bill (S. 4865) granting an increase of pension to Joseph D. Hazzard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Hazzard, late first lieutenant Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA C. BAYLISS.

The bill (S. 2346) granting a pension to Amanda C. Bayliss was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda C. Bayliss, widow of Andrew J. Bayliss, late of Company C, First Regiment Arkansas Mounted Gun Men, Sabine Indian disturbance, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. HOMER SCOTT.

The bill (S. 1638) granting a pension to John R. Homer Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Homer Scott, late captain Company C, First Regiment Arkansas Mounted Gun Men, Sabine Indian disturbance, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR VAN TASSELL.

The bill (S. 4494) granting an increase of pension to Oscar Van Tassell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" in line 7, before the word "Thirty-fourth," to insert "and lieutenant-colonel," and in line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Van Tassell, late captain Company F, and lieutenant-colonel Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY BRECKONS.

The bill (S. 4783) granting an increase of pension to Mary Breckons was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 9, before the word "dollars," to strike out "twenty-five." and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Breckons, widow of Edward R. Breckons, late second lieutenant Company F, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EBEN C. WINSLOW.

The bill (S. 1593) granting an increase of pension to Eben C. Winslow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eben C. Winslow, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. DOANE.

The bill (S. 4758) granting an increase of pension to Mary L. Doane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the second time, to strike out the letter "G" and insert "Gustavus;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Doane, widow of Gustavus C. Doane, late captain, Second Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA S. HANNA.

The bill (S. 3999) granting an increase of pension to Emma S. Hanna was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma S. Hanna, widow of Thomas Hanna, late of Company C, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN COMINS.

The bill (S. 4300) granting an increase of pension to Ann Comins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "acting," to insert "third;" and in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Comins, widow of Job Comins, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLIFFORD NEFF FYFFE.

The bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Joseph," to strike out the letter "P.;" and in line 7, after the word "pay," to strike out "to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEMIMA M'CLURE.

The bill (S. 5065) granting a pension to Jemima McClure was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to insert "and $2 per month additional on account of the minor child of said James R. McClure until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jemima McClure, widow of James R. McClure, late of Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said James R. McClure until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORATIO N. WHITBECK.

The bill (S. 2081) granting an increase of pension to Horatio N. Whitbeck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "colonel" and insert "lieutenant-colonel;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Whitbeck, late lieutenant-colonel Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The thirty minutes to be given for the consideration of bills under the order have expired.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 19, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer George B. Maher, of the District of Columbia, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed Marshall T. Chevers, retired.

First Asst. Engineer Henry O. Slayton, of Maine, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed Daniel C. Chester, retired.

First Lieut. Frank H. Newcomb, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States, to succeed Alfred B. Davis, retired.

First Lieut. Charles H. McLellan, of Maine, to be a captain in the Revenue-Cutter Service of the United States, to succeed John C. Mitchell, retired.

First Lieut. Edmond C. Chaytor, of South Carolina, to be a captain in the Revenue-Cutter Service of the United States, to succeed John. A Henriques, retired.

Second Lieut. Percy H. Brereton, of New Jersey, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Edmond C. Chaytor, promoted.

Second Lieut. Godfrey L. Carden, of California, to be a first lieutenant in the Revenue-Cutter Service of the United States to succeed Frank H. Newcomb, promoted.

Third Lieut. William G. Blasdel, of California, to be a second lieutenant in the Revenue-Cutter Service of the United States to succeed Godfrey L. Carden, promoted.

PROMOTION IN MARINE-HOSPITAL SERVICE.

Asst. Surg. Hill Hastings, of Kentucky, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

APPOINTMENT IN THE ARMY.

Infantry Arm.

Clark R. Elliott, of Minnesota, late first lieutenant Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, February 2, 1901, to fill an original vacancy.

Artillery Corps.

Charles D. Winn, of Kentucky, late captain Second Kentucky Volunteers, for appointment in the Army of the United States, to be second lieutenant in the Infantry Arm, with rank from February 2, 1901, which was submitted to the Senate April 11, 1902, and nominate him, under the provisions of an act of Congress, approved February 2, 1901, for appointment in the Army of the United States, to be second lieutenant in the Artillery Corps, September, 23, 1901, to fill an original vacancy.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 17, 1902.

PENSION AGENT.

Michael Kerwin, of New York, to be pension agent at New York, to take effect April 30, 1902.

Executive nominations confirmed by the Senate April 18, 1902.

POSTMASTERS.

John H. Oakley, to be postmaster at Ravenna, in the county of Portage and State of Ohio.

Berry T. Conway, to be postmaster at Lebanon, in the county of Marion and State of Kentucky.

John T. Cunningham, to be postmaster at Graham, in the county of Young and State of Texas.

Robert J. King, to be postmaster at Clarksville, in the county of Red River and State of Texas.

William H. Cullen, to be postmaster at Paulding, in the county of Paulding and State of Ohio.

Fritz Ahrens, to be postmaster at Granbury, in the county of Hood and State of Texas.

David S. Burt, to be postmaster at Byesville, in the county of Guernsey and State of Ohio.

Josephine Chesley, to be postmaster at Bellville, in the county of Austin and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 18, 1902.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CUBAN RECIPROCITY BILL.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. RICHARDSON of Tennessee. Mr. Chairman, if I had been called to prepare a bill to present to this House to accomplish the avowed objects of the pending bill, I would not have presented the measure which we are now considering. The object of this bill, as expressed in its caption and declared by its friends, is "To provide for reciprocal trade relations with Cuba." It is to obtain the trade of that country through the principle of reciprocity; that is, they shall have our trade and we shall have theirs. This is what is meant by reciprocal trade relations between two countries. Desiring to bring about reciprocal trade relations with Cuba, I would not have presented exactly this measure, and not because it is not a measure starting in the proper direction, for it is; but I would not have stopped exactly where the friends of the pending bill stopped. I would have recommended a reduction of the tariff rates at least 40 per cent instead of 20 per cent.

Mr. Chairman, there have been a variety, a great variety, of opinions developed and expressed during this long debate. It has been an able debate. While I do not agree with all that has been said by gentlemen who advocate the passage of this bill, I do agree with them in the conclusions they reach, that the bill should pass. Certain landmarks, Mr. Chairman, have been established by this debate, fully developed by what has occurred in the House and before the country during its pendency. If nothing else has been established there is one fact settled beyond peradventure, it seems to me, that is of incalculable advantage to the country. What is that? It is that there is a way to provide for and obtain, or to have reciprocal trade relations with, a country by and through appropriate legislation. How is that to be done? Exactly along the line of this bill.

If you want the trade of a people, you must deal fairly with them; if you want them to buy from you, you must buy from them. Therefore, the first step that the wise men took when they commenced to frame this bill was to plant a Democratic landmark from which they can not escape. What is that? Lower your tariff wall and make trade relations freer and fairer. You want to establish relations, you want to develop trade with Cuba. How are you going to do it? Why do you not pursue the Republican policy of placing a higher tariff against Cuba and Cuban tariff? Would not that be the Republican idea? What is the Democratic idea? Reduce your tariff walls, reduce your tariff, and provide for reciprocal trade relations in this way.

So, then, Mr. Chairman, without dwelling upon this important fact, this grand landmark is here planted and definitely established by this debate. Republican leaders must confess hereafter that when we want to provide wider fields for our products, if we want to extend our trade with any country and open new markets, we must pull down the immense tariff wall which surrounds this country. That fact, then, is established. I said that I thought they had started in the proper direction. I said they did not go as far as they ought to have gone, in my judgment. It may be I am mistaken in this. The witnesses differ in view; some gentlemen who testified before the Ways and Means Committee in the long hearings before that Committee before the bill was presented were of opinion that it was necessary that there should be 50 per cent reduction in favor of Cuban products before we would get the trade of the islands. Others said 40 per cent; General Wood, I believe, thought 40 would give it; others 33, and others a still lower sum.

The gentleman who framed the bill must have thought that 20 per cent reduction would give us that trade. Having the honor of a seat on that committee, I concurred in reporting this bill and giving it a favorable recommendation. I did so because, while I doubted, and expressed that doubt when I cast my vote in committee for the bill, that it would accomplish the purpose in view; yet I thought I might possibly be mistaken in this respect, and it would bring about the reciprocal trade between the two countries so earnestly desired. Therefore, without agreeing to the arguments which gentlemen have adduced in favor of the bill, without subscribing in toto to the report made by the learned chairman of the Ways and Means Committee, without indorsing all of the arguments and reasons which constrained him to support the bill, and hoping it might be properly amended in the House, I did agree that the bill should be reported to the House with a favorable recommendation.

Having done that, Mr. Chairman, I owe it to my party associates and possibly to the country to state briefly some of the reasons which constrained me to report the bill favorably. The first reason was that it reduces the outrageously high protective rates, now fixed by the Dingley law upon sugar and all other Cuban products, 20 per cent. Some say that only one industry is chiefly affected. Let us look at it for a moment. It is not only one commodity, but the bill applies to all products coming from Cuba,—sugar, tobacco, and everything else. Sugar we all know is the chief commodity coming from that island. This reduction is not a small matter. How much sugar do we consume? I will not weary you with figures, but the total consumption of sugar in the United States per year is about 2,500,000 tons. How much do we make in the United States? About one-third of this, including Hawaii and Porto Rico. The beet sugar and cane production in this country is about 800,000 tons. Therefore, we must import about two-thirds of the sugar consumed by the American people, or about 1,600,000 tons. Where does it come from? About one-half of it—800,000 tons—comes from Cuba, or will do so this year, and the remaining half, in round numbers, from other countries, mainly from Germany.

Now, then, on one-half of this one article that the American people import for consumption, we get a reduction by this bill of 20 per centum of the present rate. Some say, Mr. Chairman, that that will not affect the price. The principle is that the reduction of tariff duties will lower the price of the imported article in this country. That is a Democratic contention. I do not know how much it will lower it to the consumer, but it is a step in the right direction. The object of lowering the rate is to benefit the consumer in this country, and therefore because the bill reduces the rate of the Dingley tariff upon one of the highest schedules in it, the sugar schedule, for about one-half of the amount consumed—that is, imported into the United States—I believe the bill should pass.

There is another view of the question. Some say they are tired of sentimentalism; but, frown upon that idea as we will, there is a sentiment in the country, and properly, too, that we should do something for these wards, I may almost call them, of the United States in Cuba. I know it is contended by gentlemen on this side of the House that we have done enough for Cuba. There has not been a day, Mr. Chairman, since the beginning of the month of April, 1898, when war was declared by the United States against Spain, that the hand of the United States, the military power of the United States, has not rested with controlling and dominating influence upon the island and the people of Cuba. We are there now. We intend to stay there as long as it is necessary. How long that will be I do not know.

I am not going to discuss the effect of the Platt amendment. My friend from New York, Mr. MCCLELLAN, made a proper statement, as I believe, of the effect of that piece of legislation upon the island. Others have followed. Under the Platt amendment I believe that with the power exerted by it, and by all the surrounding circumstances, over the people of Cuba we may look at them somewhat in the sense of wards.

This bill will give Cuba a 20 per cent advantage. How much it will amount to can be easily figured. Whatever it is, whether it reduces the price of sugar to the American consumer or not, it does benefit the people of Cuba to that extent. It goes beyond that. There are two purposes accomplished, either one of which would be sufficient to control my action in supporting the bill. Of course, in saying this I will add that I do not wish to do violence to any industry in this country. I know that our beet-sugar friends complain that they are going to be uprooted, yet they will tell you that it is not going to affect the price of sugar to the consumer of sugar in the United States. Well, if it is not going to affect the price to the consumer, how will the beet-sugar man be injured? Let us go a little further.

Mr. HAMILTON. Mr. Chairman——

Mr. RICHARDSON of Tennessee. No; I can not yield. I prefer not to be interrupted.

Mr. HAMILTON. I simply rose for information; not to have any controversy with the gentleman; I am not given to that.

Mr. RICHARDSON of Tennessee. I understand that, but I prefer not to yield, for I am not really in a physical condition to

make a speech this morning. Mr. Chairman, these two grounds, the reduction of Dingley rates, and the direct pecuniary benefit to Cuba, would be sufficient to constrain me to vote for this bill, but I have not yet reached the main purpose and object of the bill. The bill does not say the object is to reduce the tariff taxation to the people and give pecuniary relief to the island, but it is to enlarge and increase our trade with the island.

Now, will it do that? If there is anything in the world we need, Mr. Chairman, in this country, walled in as we are by the Dingley tariff law, the highest that this country or perhaps any country in the world has ever known, it is extension of trade. This bill has for its main purpose the extension of trade between the people of the United States and the people of Cuba.

I am not going to weary you by reading figures; but I have in my hand a little statement made before the Committee on Ways and Means by one of the most intelligent—I will not say the most intelligent—but one of the fairest, most intelligent, and brightest witnesses who came before that committee, as every member will admit. I refer to Mr. Placé, a merchant and a business man of the city of Habana. He set out in figures in round numbers what the trade to Cuba from this country was last year, and the whole amount of the trade of the island of Cuba with other countries. The imports into that island from all lands amounted to about $66,000,000 last year, as he states. Now, how much of that did we get? Twenty-eight million dollars in round numbers.

Mr. Placé, this intelligent business man and merchant doing business in Habana, says that if we will reduce our tariff taxes we shall get all of the trade of that island instead of about one-third.

Mr. TAWNEY rose.

Mr. RICHARDSON of Tennessee. I prefer not to yield for any interruption, unless I should misrepresent somebody.

Mr. Chairman, this same witness says that with Cuba placated, with her people free, and with anything like a fair degree of prosperity, that inside of two years, instead of importing $66,000,000 worth of foreign goods the island will import $250,000,000 worth. Now, I do not say that; but that is what this witness says, who comes here and gives us the benefit of his opinion.

Of that $66,000,000 worth of trade last year, he takes up the product of rice. We raise rice in this country; and there was imported of rice into Cuba last year from all foreign countries $3,335,721 worth. How much did the United States send there? $3,702 worth.

Mr. BROUSSARD. Will the gentleman allow me——

Mr. RICHARDSON of Tennessee. No; I hope the gentleman will not interrupt me. If he will wait till I get through I will then, if I can, yield for any question.

Of cotton goods there are imported into Cuba from all foreign countries $6,084,627 worth. How much of that came from the United States? $447,501 worth.

Of shoes there was imported into Cuba last year from all foreign countries $3,921,167 worth. Of that amount only $879,180 worth came from the United States.

How is it with regard to the importations of beef? Now, if there is anything in the world that we should export to Cuba, it is beef. Last year there was imported into Cuba from all foreign countries $2,224,428 worth, of which we contributed $308,385 worth. Of cattle there was imported into Cuba $7,351,864 worth, of which we gave $1,260,176 worth. Of paper and manufactures from paper, Cuba imported $1,643,738 worth, of which our share was $441,440 worth. The following is the statement in full and in exact figures:

RICE.

From foreign countries	$3,332,019
From United States	3,702
	3,335,721

COTTON GOODS.

From foreign countries	5,637,126
From United States	447,501
	6,084,627

SHOES.

From foreign countries	3,041,987
From United States	879,180
	3,921,167

BEEF.

From foreign countries	1,916,043
From United States	308,385
	2,224,428

CATTLE.

From foreign countries	6,091,688
From United States	1,260,176
	7,351,864

PAPER AND MANUFACTURES FROM PAPER.

From foreign countries	$1,202,298
From United States	441,440
	1,643,738

FISH AND CANNED FISH.

From foreign countries	1,000,485
From United States	503,654
	1,504,139

FIBERS, CARPETS, CORDAGE, ETC.

From foreign countries	1,879,763
From United States	134,353
	2,014,116

This statement shows that the United States furnishes only about one-third of these prime articles, of which we should furnish the whole or almost all, because of our nearness of location and our conveniences for carrying on that trade. These conditions should have enabled us to furnish practically all of these commodities to the people of Cuba. But, according to Mr. Placé, we supply only one-third. With proper reciprocal trade relations, we would supply to them, instead of one-third, almost 90 per cent or possibly 95 per cent. So far as the present bill seeks to accomplish this most worthy object, it commands my support.

While last year the trade of the United States with Cuba—our importations into that island—amounted to $28,000,000, all the witnesses tell us that our trade with the island is growing less year by year. Instead of building up a trade with that island, we are losing the little that we have. This bill promises to give us that field; and, Mr. Chairman, we get it without money and without price; or we get it at our own price, by simply sending to Cuba our goods and taking hers in exchange.

We are expending—as my friend from Illinois [Mr. CANNON], who, I see, is standing in the middle aisle and doing me the honor to listen—we are spending, as my friend knows, a hundred million dollars to do something in the Philippine Islands. What we are doing there and what we intend to do he has never told us; no man in the Republican party has ever told us. If it is to benefit this country, it must be by extending our trade relations in the Orient. It must be by developing our trade in the Philippine Islands. One hundred million dollars a year it is costing us; and the entire trade from the Philippine Islands—all the importations and exportations last year—were only about $50,000,000, of which we shared about $5,000,000.

Now, here is a proposition to result soon, we hope, in giving us nearly $250,000,000 per year of trade with a country right at our door, which will not cost us anything—no blood, no tears, no money, nothing except to exchange our commodities with them; yet we are asked to put it aside.

Mr. Chairman, these three reasons, I say, constrain me to give my support to this bill. I have stated very briefly those reasons, for I have not the time or the physical strength to enlarge upon them.

Mr. Chairman, why should we not reduce the tariff? I want to talk about that a moment. The gentleman from Ohio [Mr. GROSVENOR] has told us that protection is not a fetish to be worshiped; the Dingley act is not something too holy to be touched. I think, Mr. Chairman, that other gentlemen see the signs of the storm that is coming and that is to affect this country, all because of high protection. The gentleman [Mr. GROSVENOR] says we must not look at this matter of protection as some gentlemen on that side seem to look at it—as a matter too holy to touch. Why, the friends of beet sugar who are opposing this bill say that if you touch this tariff wall at all, it will totter and fall. They claim that they have a promise, written, signed, sealed, and delivered by the chairman of the Committee on Ways and Means [Mr. PAYNE], in a speech which he made in favor of the Dingley bill when it was pending before this House, in which he pledged the country and pledged the beet-sugar people that for twenty-five years the tariff should not be molested and should not be touched. The gentleman from Ohio [Mr. GROSVENOR] in his speech says it is not so holy that we can not touch it.

Mr. Chairman, it seems to me that if ever there was a time in this country when tariff reform was demanded, this is the time. Why put it off? as asked by my friend from Missouri [Mr. DE ARMOND] on yesterday. Are we to have a more auspicious time than this? Our treasury is overflowing. There is an outcry in the Northwest, in the South, in the Northeast, and in the Middle States in favor of a revision of many of the schedules in the tariff law. Why not begin it now? The fact that this bill does begin it in a modest way, I have already said, commends it to me, constrains me to give it my support. This matter of protection, Mr. Chairman, ought to be discussed. I am glad that we have had the opportunity to discuss it. The attention of the country is being drawn to it now as perhaps not before in many years.

There are different schools of medicine in this country. There is one called the faith school, and somehow I am constrained to think that a man who is an out and out, thick and thin protectionist has to have more faith than any sick man is required to have in order to be cured by a faith doctor.

Now, what do they say about protection? Let us look at it just for a moment. An ardent protectionist tells you that he wants protection for the benefit of the manufacturers of our country, our infant industries. No matter how old and hoary they are with age, they are infant industries and need protection. These weak infants can not stand alone without protection. The very name is sweet to the ear, has a mellowing influence about it—protection, protection to home industries.

They want protection for the infant industries of this country in order that the manufacturer of goods may get a higher price for his goods, and thus prosper and compete with manufacturers of foreign countries. Is not that his object? What else does the manufacturer wish protective tariffs for? Is it to reduce the price of his goods? If they had that effect, he would not be in favor of protection if he consulted his own interest. His belief is that protection will raise the price of his goods. Now, then, let that be established. Let that be confessed. Let no man gainsay that that is the prime object and the purpose of protection and a protective tariff.

What is the next thing he asks you to believe—I am talking about faith—what is the next thing he asks you to believe? I am prepared to believe that high protection will protect him and give him a higher price for his goods. I accept that, and I think every sensible man in the country will accept it. Well, he says, we must have a protective tariff in order to reduce the price of our goods when they are sold to the consumer who is to buy them.

Now, there are two totally inconsistent provisions. First, he wants a protective tariff to enable him to get a higher price for his goods which he manufactures, and he wants a protective tariff to enable him to sell these same goods more cheaply to the American consumer, or to the consumer wherever he may be. He then goes a little further and says he wants this protection in order to enable him to pay his laborers higher wages to manufacture these goods. Therefore, you have this protective tariff accomplishing three (3) purposes—enabling the manufacturer to get a higher price for his goods, enabling him to pay his laborers higher wages, which we all favor, and at the same time reducing the price of the very article that he is to get a higher price for to the American or other consumer when it is sold.

If you believe all that, I say you have more faith than is necessary to remove a mountain. Faith enough to believe you are well and hearty when you are sick nigh unto death. I believe, therefore, whenever I have an opportunity in this bill or any other to reduce the protective tariff I should vote to do it. I said that General GROSVENOR recognized the fact that there was a storm coming. Yes, and there are other gentlemen on that side of the House who do the same thing—as, for instance, our friend from Wisconsin [Mr. BABCOCK]. I am sorry he is not in his seat—that is, I do not see him now. But he has presented a measure here which has for its object and purpose a reform and a revision of one of the important schedules of the Dingley tariff law. I think the reason he introduced that bill was that he saw himself that his constituents were demanding of him that these tariff rates provided in that schedule should be reduced. Is there such a demand as that in his district? I don't know whether all of you saw what I read in the paper this morning or not. My friend from Missouri [Mr. DE ARMOND] yesterday commented upon the action of Mr. BABCOCK in presenting to this House a measure to reduce the tariff tax on this metal schedule. He has a bill here—a bill pending before the Committee on Ways and Means—which has for its object the reduction of the rates on all articles mentioned in this metal schedule. We intend to give him an opportunity and to give every gentleman an opportunity to vote for the amendment provided by the gentleman from Wisconsin.

Is there a demand for revision? Let us see if there is, Mr. Chairman. I hold in my hand an article, which I clipped from the morning Post, which contains the action of two counties in the district which my friend from Wisconsin has the honor to represent on this flooor. I read:

[Special to the Washington Post.]

BARABOO, WIS., *April 17.*

The Sauk County Republicans held a convention here to-day and elected a solid delegation for the renomination of Congressman BABCOCK and adopted a resolution in favor of the bill introduced by Mr. BABCOCK reducing the tariff on steel products. The resolution is as follows:

"The Republicans of Sauk County, in convention assembled, reaffirm their allegiance to the doctrines of the Republican party, believing that the prosperity of the American people depends upon its continuation in power; they declare unequivocally in favor of the bill introduced by their present Representative, the Hon. J. W. BABCOCK, reducing excessive and unnecessary tariff on steel products, and while favoring the fullest protection to every American industry requiring protection, they are heartily in favor of revising all excessive tariff schedules, keeping in view the interests of the American farmer and the laboring man.

"*Resolved*, That the delegates to the Congressional convention be instructed to cast their ballots for our present Representative, Hon. J. W. BABCOCK."

Mr. Chairman, is there a Democrat, is there a gentleman occupying a seat on this side of the Chamber, who does not subscribe to these resolutions? If so, let him hold up his hand. Is there a Republican on the other side of the Chamber who does not subscribe to this doctrine? The district which Mr. BABCOCK represents yesterday passed the resolution which I have read to you unanimously, as it appears, but that was not all.

I read from the clipping referred to a further resolution:

The Republicans of Iowa County, in Mr. BABCOCK's district, met in convention yesterday and appointed delegates and instructed them for his renomination, and passed resolutions indorsing his position in reducing the tariff on steel products.

Now, that is what we should do. That is exactly what we purpose doing when this bill is reached under the five-minute rule. Can we have any aid from the Republican side? I have in my hand here a copy of the bill which the Republicans in Mr. BABCOCK's district in two counties yesterday unanimously indorsed and commended him for presenting to this House. I shall tender that, if he does not, as an amendment to the pending bill.

I shall summon the gentleman from Wisconsin [Mr. BABCOCK] if I can with my weak power, and every other gentleman on that side of the House, to come to the support of the measure to give to his constituents the relief which they declared for on yesterday. [Applause on the Democratic side.] Not only that, but we will present other amendments. I have not time to go into all of them now. We will present the amendment, if it is not presented by some other gentleman, to take off the differential duty on refined sugar. The gentleman from Missouri [Mr. DE ARMOND] referred to that yesterday, and in his able and attractive argument assumed, possibly, that the Chair would decide that that amendment was not in order. I am here to say I have faith, I have confidence, not only in the ability, but in the fairness of the gentleman who occupies the chair at this time as chairman of the Whole—I do not believe that he will hold that that amendment is not in order. We intend to see that it is presented to this House.

Gentlemen say we can not vote for this bill because it gives something to the sugar trust. They are afraid that this 20 per cent reduction will not go to the people of Cuba; that it will not go to the American consumer, but that the sugar trust will get the benefit of it. It is possible that they will get some benefit from it. I am not here to gainsay that, but I am here to say by passing this differential amendment we can take from the sugar trust five or six millions of dollars and leave it to the American consumer. I believe it is in order. I won't take time to argue that now. I hope to do it under the five-minute rule. I expect to show, Mr. Chairman, that the ablest Republican parliamentarian who ever presided over this House, one of the ablest, if not the ablest, parliamentarian that ever presided over any house, has made a precedent for the amendment. I refer to Mr. Blaine, a man whom, while we may have differed with him on this side of the House upon political questions, all conceded him to be a parliamentarian of parliamentarians. I believe the able chairman will follow the ruling of Mr. Blaine and hold that the amendment is in order. Then, if we want to take something from the sugar trust for the benefit of American consumers of sugar that they are supposed to get by 20 per cent reduction in this bill, all we have to do is to repeal this differential tax and give the benefit to the American consumer.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. RICHARDSON of Tennessee. I hope the gentleman will excuse me.

Mr. BROMWELL. I wanted to ask the gentleman if he was in favor of taking the differential off all sugar, or merely Cuban sugar?

Mr. RICHARDSON of Tennessee. Off all sugar.

Mr. Chairman, I said a variety of opinions had been expressed. I have a number of amendments that I propose to offer; but my time has about expired, and I will not have time now to discuss them. I can only mention them, or some of them. I have said we are ready to cooperate with the gentleman from Wisconsin in reducing the tariff on the metal schedule of the Dingley bill; we are ready to cooperate with the chairman of the Ways and Means Committee and his associates on that committee in making a slight reduction on the sugar schedule of the Dingley bill. We are ready to join in the reduction of other schedules, not with a view to destroy the business interests of the country but with the object of making a fair and moderate reduction of the present high protection rates.

On behalf of the Democratic side of the House I shall offer at the proper time amendments to bring about a moderate reduction in tariff rates. There is no good reason why there can not be at

the present session of Congress a revision of the tariff in the interest of the laboring and producing classes of the country. The Republicans have a clear majority in both the Senate and the House, and have the Presidency. They can make the revision. There is time now for such legislation. But the edict has gone forth that there is to be no tariff bill, or relief measure of any kind or character considered or passed during this Congress. This being true we shall ask that an amendment be placed upon this bill here and now making a general reduction in tariff rates. If the opportunity be given us we will offer the following amendment:

That on and after the 1st day of July, 1902, the duties levied on the articles named in the present tariff law, imported from foreign countries, shall be reduced 25 per cent.

This will give prompt relief in some degree at least to the country. I do not insist that this is the wisest form of tariff legislation to take, but when it is apparent that nothing else is to be done, it is a means that in my opinion can be safely adopted.

If that amendment should fail, then if opportunity is given I will offer the following amendments and pledge to them the support of the Democratic side of the House:

(1) That when it is shown to the satisfaction of the President and Secretary of the Treasury that articles and commodities are manufactured and controlled or produced in the United States by a trust or trusts, the importation of such articles and commodities from foreign countries shall be free of duty until in the opinion of the President and Secretary of the Treasury such manufacture, controlled, or production shall have ceased.

(2) That when it is shown to the satisfaction of the President and Secretary of the Treasury that any article or commodity which is manufactured in the United States is sold in a foreign country more cheaply that the price at which the same article or commodity is sold in the United States, the rate of duty on such article or commodity shall be reduced by the President and Secretary of the Treasury 50 per centum of the present rate, or to such extent as to prevent the continuance of such irregularity and injustice, and remove the indirect tariff bounty which promotes the same.

(3) That all wood pulp suitable for or adapted to the manufacture of printing paper, and all printing paper suitable for or adapted to the printing of newspapers, periodicals, or books, all materials and ingredients used in manufacturing the same, when imported into the United State, shall be exempt from duty.

These and similar amendments will be offered, and, although they may all be declared out of order and a vote upon them refused by a rigid construction of the rules of the House, it would be very easy for those in power to make them in order. When the pending bill was being considered by the Ways and Means Committee the foregoing amendments and others of like nature were offered by the Democratic minority and were promptly voted down by the Republican majority. They could all have been placed on the pending bill. It is not yet too late. The desire or inclination to do so on their part is all that is wanting.

My friend from Ohio [Mr. GROSVENOR] the other day was interesting in some of his illustrations. I said just now, before he came upon the floor, that I thought he had recently discovered that there was a necessity for a revision of many of the high-tariff schedules. I think he said as much when he said that the protective tariff law to-day was not a fetich to be worshiped. He spoke of the changes in the minds of many members upon the floor, and he made a very apt description of those changes by quoting from a comic summer opera, "The Black Hussar."

In this opera there is a character, an innkeeper on the frontiers of Russia, in a great war between that country and France. He said that this innkeeper had in his hotel or inn a frame upon which there was a picture of Napoleon on one side and a Russian Cossack on the other; and that this picture frame revolved, so that when the Russians were advancing into his village the innkeeper could display to them the Russian cossack; and, on the other hand, when the French soldiers were advancing, he could reverse his machine and disclose the picture of that great soldier, Napoleon.

I thought it was an apt illustration, and in view of the fact that the gentleman knew when a storm was approaching and prepared for it, I think he must have had himself in mind when he drew that picture. Now, I do not believe he is going to see any storm this session in favor of a reduction of the *wool tariff*. He can not conceive that there is a demand in Ohio or anywhere in this country for a revision of the wool schedule. What he sees is the storm that is arising over the metal schedule in the district represented by my friend from Wisconsin [Mr. BABCOCK]. He sees the storm all over this country in favor of free wood pulp, free hides, and reduction of tariff duties generally; he sees the storm in this country, where the people are arising and attacking this octopus, protection, because of the immense advantage it gives to trusts and manufacturers, and which enables them to sell their products in foreign countries more cheaply than they sell at their own doors to our own people. The people of this great Republic will not tolerate this inequality and this injustice much longer. Therefore, in his fertile imagination he drew a picture of this inn keeper with the French soldier and the Russian cossack.

The gentleman from Ohio must have had himself in mind when he made that picture, and I can not help but think of another picture. I think he is preparing for the storm which is soon to come, and which will sweep over this country like an immense prairie fire. Then he will say, "I told you, gentlemen, that the Dingley law was no fetich to be worshiped; I told you that it was not unholy to lay hands on this protective-tariff system, but you would not do it."

He will be prepared for the storm. He will be in a position of a certain great king of East Anglia that I once read of, and I will add I read it in a Sunday-school book many years ago. This East Anglia king, I forget his name, but I believe it was Raedwald, but will not be certain, was a heathen, and some good missionaries went to his country and preached the doctrine of Christianity. This king became converted from his heathenism and his worship of idols and his idol god to Christianity. He determined to try to follow the Lowly Nazarene, and he became converted in thought and belief. But he was not very sure about his new position. He was a little afraid that he might be mistaken. He feared, too, his old heathen idol might turn from his elevation and tear him to pieces. Though he had embraced the new religion he wished to be ready to take advantage of the old, if necessary. He wanted to keep himself ready for a storm. In his doubt and uncertainty he had erected for himself, in his castle, a large moveable picture, something like the one the gentleman from Ohio described, and he put upon one side of the frame the most horrid and ugly picture that could be painted, an exact representation of his heathen idol that he had been worshiping, and on the other side he had painted a beautiful and lovely picture of Jesus. And there he was constantly living in fear lest this idol should turn upon him and rend and destroy him because he had abandoned him and embraced the religion of Jesus Christ. He had his picture ready, and by a simple touch of the crank or handle, he could expose either side. He then placed on the pedestal just under the pictures the Latin maxim or motto Ad utrumque paratus, or "ready for either." I would not have to interpret this Latin for the benefit of the gentleman from Ohio, but possibly I might for some other gentleman who reads these remarks, and I therefore translate it.

That is the position of my friend from Ohio. [Laughter and applause.] He stands with his old god, protection, on one side, and his new god, tariff revision, on the other side, and under it he has his Latin motto, Ad utrumque paratus. The gentleman from Ohio is ready for either one that comes. [Laughter.]

Mr. Chairman, I could talk longer, but I have said about all that I wish to say. I have very briefly declared that I would vote for this bill, for the three reasons I announced in the beginning. I have nothing further to add except this, that it is a step in the direction of wider and freer trade between this country and Cuba. Like the gentleman from Ohio, I want to be prepared for the great storm that is to come in this country, and which will come this year or next year or the year following, in which all the protective duties, higher now than they ever were before in this country, will be lowered somewhat, and then we will have freer and wider trade with all the nations of the earth. [Prolonged applause.]

Mr. BROMWELL. Before the gentleman takes his seat I would like to ask him a question.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BROMWELL. Just one moment, Mr. Chairman, until the gentleman can answer a question. I want to ask him in regard to the alleged bargain between the leaders of the Republican side and the Democratic side for votes for this bill on the condition that the Crumpacker resolution should be smothered. Does the gentleman know anything about that?

Mr. RICHARDSON of Tennessee. Absolutely nothing. [Laughter.]

Mr. FORDNEY. Mr. Chairman, I do not intend to support this bill, and briefly I will state my reasons. In the first place, it is a plain violation of the principles of the Republican party. In accepting the nomination in my district in 1898 and 1900, I pledged myself to the people of my district to stand squarely upon the Republican platform. It is well known to the members of this House what that platform pledged the Republican party to do.

Mr. Chairman, this bill, in my opinion, strikes a telling blow at the farmers of my district and the sugar manufacturers of the United States. To-day the farmers reap a greater benefit from this crop that they are raising (sugar beet) than any other crop raised in my State. To illustrate in my plain and simple way the enormous crop raised in the State of Michigan last year, I want to show you what I have put into figures in this way: The beets produced in the State of Michigan for the year 1901, if put into one train load of 30 tons to the car, would make a train 325 miles long. Over 66,000 acres of land were planted to beets in the State of Michigan last year, which, if put into one immense strip of land, would make a strip 105 miles long and a mile wide.

Let me say to you that by this beet crop, corn, oats, and wheat,

which are the principal crops of the farmers of the State of Michigan, have been diverted. In raising beets it gives a crop they can take to market and get the cash for, and consequently there have been more mortgages canceled in the State of Michigan in the past three years on account of the beet crop than in any previous three years in a quarter of a century. There is not a farmer in the Eighth district of Michigan, which I have the honor to represent, who has in one single instance said to me that they were in favor in any way of this proposition. On the other hand, I have had hundreds of letters protesting against the passage of this bill, both from Democrats and Republicans alike.

I want to say to the gentlemen on the Committee of Ways and Means that not one particle of evidence was presented to that committee by one single Cuban. Every man who came before that committee came in the interest of some American citizen who owns sugar interest in Cuba or who was influenced by the sugar trust, in my opinion. Mr. Mendoza and Mr. Place both have personal interests. Mr. Mendoza owns a little pinkey-dinkey farm of only 27,000 acres. Certainly he had some interest in the matter. I want to call your attention to a few instances where the money will go if this bill becomes a law.

According to the testimony presented to that committee, Mr. Hugh Kelley, of New York, has a factory or plantation in Cuba which produces 12,000 tons of sugar, and a 20 per cent reduction would yield to that gentleman, who is hungry and starving and almost in desperation, $90,600. That is all Hugh Kelly will get out of it. [Laughter.] The Trinidad Sugar Company, of which Mr. Atkins is manager and president, produces, according to his own statement, 10,000 tons of sugar, and that company would get $75,500 only. Then comes Mr. Atkins's own property, which produces 12,000 tons, and he would get $90,600 at a 20 per cent reduction. Then comes that of the Homiguiero estate, representing an estate held by New York parties, which produces 12,000 tons, and they would get $90,600. Then comes the Constance estate, owned by gentlemen in the State of Louisiana. They produce 20,000 tons, on which they would get $151,000. That is all! Then comes the United Fruit Company; according to the statements of Mr. Atkins they have a plantation producing 20,000 tons, and they would get $150,000.

A friend of mine, Mr. Tompson, ex-mayor of the city of Detroit, stated to me a few days ago that a friend of his is a stockholder in the United Fruit Company, and had said to him a few days before that they owned 60,000 acres of sugar lands in Cuba; that they had a plant that cost them $1,000,000, and they paid their manager the insignificant sum of $40,000 per year! Poor suffering Cubans living in Boston in $1,000,000 houses! [Laughter and applause.] This is the kind of people who are going to be helped by the passage of this bill.

Then comes the Chapara Sugar Company, of which ex-Representative Hawley is a member and in which certain New York parties hold an interest. The statement before the Ways and Means Committee is to the effect that they produce 30,000 tons, on which they would get only $226,500.

Then comes Mr. Craig, of Philadelphia, producing 15,000 tons, on which he would get $113,250.

Then comes this poor suffering Cuban, Mendoza, with a Cleveland badge upon him. The gentlemen know, I presume, that the Cleveland badge is a patch 6 by 8 on the seat of his pantaloons. He produces 25,000 tons, on which the amount received would be $188,750.

There is no question that the statements made by all these men before the committee were conservative, and according to those statements this crowd produces 150,000 to 200,000 tons of the 615,000 tons produced last year in Cuba; so that one-sixth of this money would go to these men living in the United States.

The gentleman from New York [Mr. PAYNE] read here in the course of his speech a letter from Governor Wood, of Cuba, in which it was stated that there were only 3,000 tons of sugar in Cuba in the hands of the sugar trust; that the balance was in the hands of the banks, who hold that sugar for the small cane raisers.

That was the statement, or words to that effect. From that statement you are to infer that the banks are carrying this sugar until such time as it can be marketed, so that they may receive the benefit of the provisions of this bill—carrying it for them and charging interest at the rate of 18 to 25 per cent per annum on their money. That is the rate of interest those men down there pay. Now, let me say to you that the small cane raiser in Cuba does not own a solitary cent's worth of that sugar. He mortgages his crop the very minute he begins to raise it, just as the negro in the South does his cotton crop, and by the time the cane is delivered at the factory the raiser has consumed his share of the money. He receives from the factory for his share one-half of the sugar, and the factory receives the balance; and the statement of General Wood is to the effect that in Habana the warehouses are filled to the top and the sugar is piled up along the street, waiting for this bill to become a law. Of this 20 per cent do you suppose that the poor cane raiser has any interest? It is absurd to suppose so. Every man that testified before the committee admitted that he has made money out of the sugar industry in Cuba.

Now, let me read you an affidavit of George W. Ames, of Bay City, Mich.:

G. W. Ames, of Bay City, Mich., U. S. A., being duly sworn, deposes and says as follows:

On February 27, 1902, at 5 o'clock in the afternoon, I met at the Hoffman House, New York City, Mr. M. Mendoza, of Habana, Cuba, and remained with him about one-half hour in the Hoffman House cafe. In company with Mr. Mendoza was Mr. Otto Bush, who introduced me to Mr. Mendoza. Mr. Mendoza stated to me, in Mr. Bush's presence, that anyone who bought land in Cuba with the intention of growing sugar could make a very handsome profit no matter whether any concession in the existing tariff on sugar was granted by the United States or not, and he emphasized the statement in the strongest possible manner.

Pay attention to that statement, if you please.

That land there he had purchased very recently for $2 an acre could not now be purchased for less than $4 an acre; that a great many of his New York friends have very recently purchased large tracts of land, believing that the existing tariff rates on sugar would be granted of 33⅓ per cent. He stated they had asked for 40 per cent, but that they were sure of getting 33⅓ per cent.

During our conversation Mr. Bush, in the presence of Mr. Mendoza and myself, stated that he supposed the sugar trust controlled the press of the East. Mr. Mendoza said in reply, "Yes, we have the press for the East."

"We have the press for the East." How did they get it? Who paid for it—Mr. Mendoza, one of those poor devils suffering so much down there in Cuba, or the sugar trust, or who? I leave that for you to guess.

Mr. Mendoza stated again that where good land was purchased in Cuba at present prices and a sugar plant erected a great deal of money could be made, and this could be done even if there was no concessions made by the United States.

GEORGE W. AMES.

Sworn to before me this 28th day of February, 1902.

DONALD FINDLEY,
Notary Public, New York County, No. 126.

That is what Mr. Mendoza said after he had been here and appealed to the gentlemen of the Ways and Means Committee for relief. Either he made false statements before the committee or he was not honest in the statement I have just quoted. Which do you give him credit for? In the interview which I have just read he was trying to encourage capital to go to Cuba for investment. So much for that.

Mr. Chairman, the other day, when the gentleman from New York [Mr. PAYNE] was speaking, I asked him a question (perhaps rather disrespectfully), when he had been speaking of the effort he had been making in favor of tariff measures. He said that he had been a protectionist from his father's knee. When I said to him, "You are doing the very thing now that you ought not to do," or words to that effect, he went at me like some men go at a mountain lion, with blood in his eye—he squashed me quick. He said to me, "You are taking a course that would strike down the industry that you are assuming to protect." There was loud applause on the Republican side.

In the name of God, what did you applaud him for? He is a protectionist on the one hand, in my opinion, and a free trader on the other. He is like an old root doctor I heard of once who went to see a man who was sick with the ague. He fixed up two glasses of medicine and he said to the wife of the man, "Give this for fever and that for the chills." "But," she said, "Doctor, they are both alike; I saw you scrape the bark off that root and put the same bark in each glass." "Oh, but you did not notice how I did it," said the doctor. "This for the chills I scraped up on the root, and that makes it high-cockalorem; and that for the fever I scraped down on the root, and that makes it low-cockahirum; don't you see?" [Prolonged laughter.]

That is free trade on the one hand and protection on the other, my friends.

Let me say to you, gentlemen who favor this bill, the argument that has been made in this House puts you in about the same position that an Irishman once was when he found himself in the second story of a hotel that was on fire. He woke up in the night and said to his partner, "Begorra, Pat, we are done for now; the hall is all on fire, and there is no way to escape except through the window." "Well, get on your clothes quick and we will jump out of the window." In his hurry to dress, Pat got his pants on with the buttons behind. He swung out of the window and let himself fall. His partner listened and he heard him thrashing among the boxes and rubbish below. He said to him, "Pat, are you dead?" By that time Pat had felt of himself to see how badly he was hurt, and he found the buttons of his trousers behind. "No, Jim, I am not dead, but I want to tell you I am surely knocked out; I am mortally twisted." [Prolonged laughter.]

Will the gentleman from New York [Mr. PAYNE] tell me, in the name of all that is reasonable, how my action will in any way injure any American or American industry? He can not do it.

In recording my vote against this bill, I enter my protest against

the reduction of the tariff on an article produced in our own country, by which protection is given directly to the farmers. The bone and sinew of the country is the farmer.

You say free trade is death to the American institutions, but if taken in doses of 20 per cent it is a stimulant. How absurd.

Mr. E. F. Atkins, of Boston, who appeared before the Committee on Ways and Means in behalf of his own personal interests and that of Cuban planters, stated that there were some 15,000 small cane planters in Cuba suffering for the want of relief in the way of a reduction of our tariff on Cuban goods coming to the United States; but, gentlemen, you must not forget the 17,000 farmers in the State of Michigan that are raising beets. They, too, want your kind consideration in this matter.

I will now illustrate to you the great importance of this beet crop in my State by giving you some figures, as follows, and I ask your kind and careful attention as I read:

Number of farmers contracting with the 13 factories in Michigan now in operation, year of 1901, 16,848; acres planted in 1901 to beets, 66,400; average acreage per farmer, 4, or 104 square miles of land; average tons of beets raised per acre, 9, or a total of 597,600 tons raised in Michigan last year, which would make a train 302 miles long; average per cent of sugar in beets, 14.1; price paid to farmers, $4.50 per ton for 12 per cent sugar and 33⅓ cents for each additional 1 per cent sugar in the beets; average price to farmers, $5.20 per ton. The total amount paid to farmers for 1901 crop was $3,107,520; people or hands employed in raising this crop, 33,000; men employed in each factory of 500 tons capacity, 236; annual pay roll, $69,670; total number of men employed in the 13 factories in operation, about 3,000, with an annual pay roll of $905,000.

The average annual supplies for sugar factories compose the following items and the cash value of the same:

Coal, each factory, at $2.50 per ton	$24,150
Lime rock, 3,220 tons, at $2 per ton	6,440
Coke, 354 tons, at $5.25 per ton	1,855
Sulphur	470
Filter cloth	1,252
Oils	500
Waste	78
Chemicals	1,855
Osmose	760
Sugar bags	1,737
Cooperage stock	6,355
Barrel linings	603
Stationery, etc	2,500
Total	48,590

Average output of sugar per ton of beets in Michigan this year is 210 pounds, or a total of 125,496,000 pounds, or 62,748 tons, which makes 4,183 car loads of 15 tons to the car, which would make a solid train load of sugar over 31 miles long. And this industry is only in its infancy in our State and, in fact, the United States. There will be in 1902, if let alone, 200,000,000 pounds produced in Michigan.

The value of this sugar at 4½ cents per pound, crop of 1901, is $5,647,320, and for the crop in the United States, estimated at 186,000 tons, is $16,740,000.

The advocates of the proposed reduction of the sugar tariff say we destroyed Cuba's market in Spain. That statement is not correct. I read from official reports:

Cuba's crop for—	Tons.	Exported to United States.		Exported to Spain.	
		Tons.	*Per cent.*	*Tons.*	*Per cent.*
1893	815,897	680,642	or 83	9,448	or 1⅛
1894	1,054,214	965,524	or 91	23,295	or 2⅛
1895	1,004,286	769,958	or 76	28,428	or 2⅞
1896	225,231	235,659	over 104	9,969	or 4⅘
1897	212,051	202,703	or 95	1,337	or ⅕

By this it can be seen that the United States took nearly all of Cuba's sugar.

Cuba's imports and exports as shared by the United States and other countries during 1900.

Countries.	Per cent of imports sold to Cuba.	Per cent of exports purchased by Cuba.
United States and possessions	45	68
United Kingdom and possessions	16	12
Spain	14½	2
France	5	2½
Germany	4½	11
All other countries	15	4½
Total	100	100

By this it will be seen that we purchased from Cuba nearly 34 per cent more of her products than she purchased from us.

In 1894 Cuba raised her largest crop of sugar, 1,054,214 gross tons, the most ever raised in one year of her history, and the United States purchased of this crop 91 per cent, and Spain purchased but 2½ per cent.

If the beet-sugar manufacturers would make raw or brown sugar only and let the sugar trust do the refining we would never hear a peep from the trust through our friend Mr. Thurber, of New York, about the poor Cuban planters.

The Export Company says: "With a lower rate of tariff on sugar the farmer will make jam, preserves, and jelly." Gentlemen, if the tariff is reduced 20 per cent the sugar trust will make jam and jelly of the beet-sugar men.

Let the tariff alone for a few years and we will become skilled in the sugar business and can compete with the world, and at the same time build up the greatest agricultural industry in the world.

In the United States the consumption of sugar during the year of 1900 was 2,486,228 tons of 2,000 pounds each. The annual rate of increased sugar consumption in this country for the past nineteen years has been 6.34 per cent. At this rate of increase, the amount of sugar used in the United States in 1910 will be 4,062,496 tons, or, in round numbers, 4,000,000 tons. The cane area in our country is able to produce not to exceed 1,000,000 tons annually. This leaves 3,000,000 tons which can be furnished from home-grown beets, if tariff legislation remains favorable during the intervening years. Europe, with much less available beet area than the United States, produced in 1900 5,950,000 tons of beet sugar. If Europe can produce beet sugar, we can, if given an opportunity.

To produce 3,000,000 tons of beet sugar annually would require 600 plants, each having a daily capacity of 500 tons of beets. These plants would represent the following investment and annual business:

Investment in plants	$300,000,000
Working capital	50,000,000
Acres of beets	3,000,000
Valuation of land growing crop	150,000,000
Tons of beets	27,000,000
Tons of sugar	3,000,000
Value of beets	135,000,000
Annual pay roll for labor in factories	42,000,000
Tons coal used annually	5,500,000
Tons lime rock used annually	1,890,000
Tons coke used annually	208,000
Freight paid railroads annually	27,000,000
Annual payments for bags and barrels	6,000,000
Farmers' families raising beets	750,000
Men employed in factories	125,000
Men employed raising beets during season	1,200,000

An industry with such possibilities can be established in the United States within the next ten years. The entire question depends upon tariff legislation. Leave the tariff as it is and the industry is assured. Remove it and this is impossible. Will this gigantic industry be allowed to thrive and enhance the entire agricultural interests of the country, permeating every avenue of business, or will it be destroyed and the sugar market of the United States be surrendered to a trust, whose policy is dictated by one man? If permitted to thrive, the competition between these 600 beet-sugar factories will ultimately reduce the price of sugar far below the price it would reach if controlled by a single corporation. Such reduction will come gradually, as the development of the business under keen competition will justify. The beet-sugar industry stands to-day at the turning point. The trust recognizes this fact and is putting forth every effort to crush the industry. Will Congress stand for the people or the trust? Let me read an extract from the platform of the Republican party, adopted at St. Louis, Mo., June 18, 1896:

PROTECTION FOR SUGAR GROWERS.

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favor such protection as will lead to the production on American soil all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

All parties advocating reduction have stated that labor is very scarce in Cuba and wages high for Cuban labor.

None complain about 1901 prices, but say they fear the future.

Mr. Atkins stated that we destroyed Cuba's government and gave them nothing in return. Do such remarks come from a patriotic American? I say, no!

Mr. Kelley, of New York, made so little of our beet-sugar industries as to say it supplied the people of the United States but one day in the year. He made a great mistake, for Louisiana produces 350,000 tons of cane sugar and the United States about 186,000 tons of beet sugar. Our insular possessions produced 500,000 tons, or a total of over 1,000,000 tons out of a total consumed of 2,360,585 long tons estimated for 1901.

So you can see that with what sugar is produced in the United States, 500,000 tons, we supply our people seventy-seven and one-third days in the year. The beet sugar supplies us for twenty-three and one-fifth days in each year, or 23⅕ times as much as figured by Mr. Kelley. We supply about 21 per cent of all consumed.

It has been stated that one-eighth only of sugar land in Cuba is now planted. If that is so, give more favorable conditions and they will produce 6,400,000 tons.

We do not sell Cuba cotton goods, because we do not make the kind they use. Germany does, however, and gets their trade on cotton.

Regardless of imports from Hawaii and Porto Rico our imports of sugar for the year 1901 were 1,360,585 tons of 2,240 pounds and would make 90,705 carloads of 15 tons to a car, or a train 687 miles long.

Do we want to wipe out our home production and make this train 253 miles longer? Others may, but I do not?

Permit me to call your attention to the following:

Beet-sugar product of Europe.

	Tons of 2,240 pounds.
1870	900,000
1880	1,810,000
1890	2,780,000
1900	5,532,000

Beet-sugar product of the United States.

	Tons of 2,240 pounds.
1892	12,018
1895	29,220
1897	40,399
1900	76,859
1901	186,000

Beet-sugar product of Michigan.

	Pounds.
1898, 1 factory	5,271,406
1899, 9 factories	23,192,873
1900, 10 factories	53,661,265
1901, 13 factories	125,496,000
1902, 17 factories (estimated)	195,501,600

No new factories have been contracted for since this tariff agitation began. Please do not overlook that important fact.

Seven or eight million dollars was paid by Michigan consumers in 1898 for foreign sugar. Five million six hundred and forty-seven thousand three hundred dollars was received by Michigan in 1901 for her own sugar crop. This year we will produce more than we will consume, and therefore will keep all that money at home.

The sugar trust fixes the price it pays for sugar in Cuba. They fix the price sugar sells for here and the beet and sugar-cane producers of the United States must and do come to sugar-trust prices.

Last fall sugar was sold west of Missouri River by the trust for 3½ cents per pound. Why was this done? For the sole purpose of driving out home production. The trust managers are moving heaven and earth to accomplish the destruction of this industry.

The Republicans and Democrats alike in the 1900 campaign howled "Down with the trusts." Did you mean it, gentlemen? If so, now is the time to down a trust.

If the benefit will go to the consumer, why not remove the duty on refined sugar. Oh, no. Mr. Place says, "Leave that alone." A sugar-trust proposition.

There are millions of capital in this country awaiting the opportunity, but must have protection or no investments will be made.

What industry in the United States is now suffering for want of a better market in Cuba? None that I know of.

Our importations of sugar for year of 1901 were from—

	Tons.
Germany, beet sugar	225,000
East Indies, cane sugar	300,000
British West Indies, cane sugar	110,000
South Africa, cane sugar	100,000
Cuba, cane sugar	580,000
From all other countries	285,000
Total	1,600,000

Reciprocity means let in goods from foreign countries that we do not produce if that country will take our goods in exchange.

In conclusion, gentlemen, I appeal to you to stand by Republican principles, which is protection to American industries against foreign, cheap labor products. Charity begins at home. Come with us and help to hold up the arm of the American farmer and American laboring man, and while doing this we protect the American manufacturer.

The balance of trade with Cuba is now, and has been for the past three years, against us to the extent of about $11,000,000 annually. What more can Cuba ask of us in justice? I say nothing. If Cubans are suffering we must help them, but not at the expense of the American farmer. [Loud applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. NORTON. Mr. Chairman, we are told by the chairman of the Ways and Means Committee that "our relations with the island of Cuba are peculiar." I quite agree with him on that proposition, but, sir, it seems to me that there are a great many things connected with this bill that are also "peculiar."

It is well known that on the 20th of May next Cuba will start on a new career; that as an independent republic it will take its place among the nations of the world.

There is no desire on the part of any patriotic American other than that the most prosperous and glorious destiny shall attend the future career of the new republic.

We, as a nation, have performed our duty in freeing Cuba from a brutal oppressor, have relieved it from the bondage of subjection, and now, at a somewhat belated date, it is true, we are to leave it to stand alone, a free and independent nation in every way except—and, sir, these exceptions make all our claims that we make Cuba free and independent a hollow mockery. Still, we permit the people of Cuba to go through the formality of organizing a government and to play at having a stable, independent, and free nation, while with the limitations we enforce upon them they can never rise above a dependency of the United States.

For years past "protection" has been the rallying cry of the Republican party; and the chairman of the committee in charge of this bill, who drank in protection from the columns of the New York Tribune in the days when it was a great newspaper; who had a part and share in the framing of the McKinley bill, and also stood as one of the sponsors of the Dingley tariff bill; he, who has been a most ardent protection advocate, now comes to us and, with face turned back on all his previous history, strikes a blow at the policy of protection, so long and forcibly championed by him. Now, I gladly welcome this gleam of reason shown by him, and wish it was only lasting, or that it would extend to the American home industries and not waste all its sweetness on our neighbor. I wonder, though, that his sleep is not disturbed by the hideous bugaboo of free trade. True, this bill is not a free-trade measure, only 20 per cent of free trade.

This is heralded as an Administration measure, and because it is such the Republican leaders are willing to turn aside from their former alleged convictions, nullify their previous records, and forget the big words they have uttered hitherto. This, however, has not been a difficult task for them. Consistency is the least and rarest among the qualities of Republican leaders.

The situation is peculiar. There are the friends of the committee bill who have no hesitancy in "going it blind" when the Administration sets the pace; then there are those who want a larger cut, and there are also a very respectable minority who declare that they are the only consistent Simon-pure Republicans, believing and advocating that the Dingley tariff bill be not changed. These last are true protectionists and want their interests protected, and fear that if the rocky wall of protection be weakened 20 per cent, it will not be long before the whole wall tumbles into ruin.

The chairman pleads for and claims there is necessity for a reduction of 20 per cent in rates on sugar imported from Cuba into the United States. And what are his reasons, what his arguments? Disclaiming any sentiment, he says that, having set Cuba up in housekeeping and business, we must, in fact, it is our duty, to do what we can to make the experiment successful.

We have rescued Cuba from Spain, renovated the cities, and made them clean and healthful; built railroads, making transportation cheaper; put millions of money in circulation in the island; started enterprises that require so much labor that sufficient laborers can not be found, and so increased wages that the laboring population of the island have never in all their history been so well-to-do and prosperous. All this we have done as a nation at the cost of many lives and expense of many millions, besides entailing upon us the Philippine problem, and yet there are some individuals among them who are dissatisfied and want us to discriminate against other nations, as well as our own people, and give them special opportunities in our own home market. This is the full purport and purpose of this bill.

Hampered and liable to be thwarted by a number of Republican members, fearing defeat, the chairman of the committee calls upon Democrats to come to his relief and assist him to pass the bill. Knowing the opposition of the Democratic party to any tariff but for revenue only, he appeals to us for aid in breaking the Dingley high tariff bill in one section alone. The Administration and the Committee on Ways and Means having put the Republican party in a hole, Democratic assistance is wanted to help them out.

Now, I would ask the members on this side of the Chamber, are any of you willing to antagonize the interests of a large number of American industries to please a trust, to help the Administration leaders to pay their political debts? Will you hang on the rear steps of the Republican band wagon or follow at the tail end of the Republican fire department? Will you sacrifice the good of the American people for the benefit of a trust, simply because the committee bill, in a measure, throws a sop to Democratic principles.

I sympathize with Cuba, and my hopes are that this young Republic may prosper and increase. I advocated armed interference in her behalf. I contended that this Government should intervene and drive the Spaniard from the Western Hemisphere and set Cuba free.

The leaders on the Republican side to-day, the advocates for

this pretended Cuban relief bill, in 1898 sat silent in their seats and throttled free speech in the defense of Cuba upon this floor month after month, and now they want to pose as friends of Cuba.

The same hand that held them back when the expression of encouragement would have been of material aid to the Cubans is now pushing this bill.

I sympathize with Cuba, and am not indifferent to her needs. I am in favor of giving the people of that country every aid that we can, but I do not believe in doing so to the detriment of the people of my own land.

Cuba may be a subject for charity, but "charity should begin at home."

The advocates of this bill have represented affairs in Cuba as being in a desperate condition, and deceived many. From their statements I had been led to believe that the people were nearing starvation, yet the true facts in the case are these: "While the masses of Cuba are not actually suffering from lack of food, the planters and business men are on the verge of collapse and bankruptcy, and are anxiously hoping for concessions in the United States tariff." This is the statement of one who within the past month has been through the island of Cuba.

It is financial distress that seems to be threatened, and to relieve which we are asked to pass this bill; but there arises the fact that it is not the Cuban people who are in such straits. Sugar is not the sole industry in Cuba, although it may be the greatest; but it has been shown here on this floor during this debate that the sugar trust controls nine-tenths of the sugar production of Cuba. Now, should this bill pass, our revenues will be reduced about $8,000,000 annually, with no reciprocal benefit to the American people. The people of the United States consume each year about 2,400,000 tons of sugar, and the price is fixed by the sugar trust.

If this bill passes, will the price of sugar be reduced to the consumer? Most assuredly not. One of their claims even now is that Cuban sugar can not be produced at the present price and afford a profit. So the effect of this bill will be to put into the pocket of the sugar trust the lion's share of this $8,000,000 reduction and not a hundredth part of a cent's reduction in the price to the consumer.

Ought the United States Government to discriminate in this manner? Ought we to legislate to confer benefits upon one industry, no matter how great, at the expense of the rest of the business interests of the country?

I am for the people of my own country first, last, and all the time. Their interests are my interests and their good my good; and I want to say to the advocates of this bill that when you extend to every other industry the concessions you offer sugar I am with you.

If you give Cuba a reduction of 20 per cent on sugar, give the people of the United States a reduction of 20 per cent on wire fencing, on lumber, on steel, on hides, and wood pulp, and all the articles now controlled by trusts, and I will join you with my vote. When you propose to ease some burden from a foreign country or a favored trust in this, I challenge you to remove the burden of your iniquitous tariff from the people of this land, who are bowed down to the earth with burdens grievous to be borne.

The people will stand some kinds of injustice with only a little grumbling, but they will not consent to being robbed of the necessities of life by a trust that has no other purpose than to increase its profits to the full extent of its power.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is recognized for twenty minutes.

Mr. HEPBURN. Mr. Chairman, in this morning's issue of the Washington Post I found a column headed, "A Bomb in Caucus—Republican Proposition to Southern Democrats—United Front on Cuba," and so on. Later on I read, "From the very outset, the caucus was of an exciting character. Mr. UNDERWOOD, of Alabama, who got the floor immediately after the meeting was called to order, threw a bombshell into the caucus by announcing that overtures had come to him from the Republican side, by which it was to be agreed that the Republican leaders would abandon the Crumpacker resolution to investigate the Southern election laws if the delegations from the States concerned (North Carolina, South Carolina, Alabama, Mississippi, Louisiana, and Virginia) would aid the majority to close debate and would vote against the appeals which would be taken from the decision of the Chair when the motions to open up the bill to general amendment are offered."

Mr. Chairman, it seems to me that that statement, if true, and that declaration, if made by the gentleman from Alabama [Mr. UNDERWOOD], is of a very serious character. It charges certain members of this House with attempting to traffic in the legislation before this body, charges them with a willingness to sacrifice measures that by many are deemed to be of most important character in order to secure the ultimate triumph of the bill now pending. I believe that the gentleman from Alabama was mistaken. I think that he has been misinformed, but at the same time I believe that it is his duty to this House to be more explicit, and to locate this offense where it properly belongs. I believe he is mistaken, for many reasons. Among them is, in a certain sense, the insignificant character of the proposition now before the House. Further is the fact that, in my judgment, but few gentlemen in this House are solicitously anxious for the success of the pending measure. [Applause.]

There are two places in this body where votes are taken—one here under the publicity of a roll call and one in the cloakroom. I do not hesitate to say that from the cloakroom vote it is a safe statement that 90 per cent of all the Republicans upon this side are indifferent or are opposed to the present measure. [Applause.] You hear it upon all hands. In the retirement of the cloakroom there are no urgent advocates for the passage of this measure. I am further persuaded that I am correct by arguments that I have heard upon this floor. I listened with great attention, as I always do, to the utterances of the gentleman from Ohio [Mr. GROSVENOR] on my right. I remember what he told us. He said that when this proposition came to him, coupled with a 50 per cent reduction, he indignantly spurned it. When the proposition came for a 40 per cent reduction, again he refused; and then at 30 or 33, again he refused. And finally, quoting his language, when the ultimatum of 25 per cent was proposed, again he said he would have nothing of it. But when they came at him with that other ultimatum—20 per cent, when that little nickel differential appeared—then it was that his virtue weakened. [Laughter.]

Think of it, Mr. Chairman, he depicted here the unfortunate position in which the "reconcentrados" were, in which the "insurgents" were, "those who were engaged in the division of the great Republican party," "who were destroying the integrity of its councils," and "who were in revolt against authority and the leaders of the party," as being of the most serious and pernicious character. Yet think how nearly he came to being in that most unfortunate plight. [Laughter.] If that nickel had never appeared above the horizon of his vision, he would have been a reconcentrado. [Laughter.] He would have been to-day an insurgent. He would have been a rebel against authority, and he would now be engaged, quoting his own language, in dividing the Republican party and imperiling the future of the Republic.

Great God! On what a slender thread
Hang everlasting things!

[Laughter.]

Mr. Chairman, I have listened with great attention to this debate. I listened to the great speech of the gentleman from Kansas [Mr. LONG] the other day—a great speech in certain lines. I think he spoke for two hours and thirty-five minutes; to be minute and accurate, one hundred and fifty-five minutes. I thought it was, physically speaking, the greatest effort of human endurance that I had ever witnessed. [Laughter.] And I thought then that if the gentleman had begun in time and had had proper training, and had the moral qualities, there might be yet a great future before him in the prize ring under the Marquis of Queensbury rules. [Laughter.]

But I was sorry, Mr. Chairman, to see so much of physical endeavor devoted to the destruction of what I supposed to be the Republican idea of reciprocity—that policy of ours that was to aid protection, that policy of ours that was to enlarge the labor field, that policy that was to make more of days' works in this country, that was to augment the wage, that was to bring more of comfort into the homes, that was to give more of stability to the political power of this country through contentment, and that was to serve the purposes of the great Republican party in lifting up the labor of this country and giving it its proper status in this land. I did not know until I heard his speech that it was to be used as a convenient vehicle by which particular gain could be brought to particular men without regard to this vaster question of the benefit of labor of the United States.

Mr. Chairman, in my judgment this question is not of the importance that it has been given by the proceedings of this House. There are certain propositions that we may consider as settled that are involved in it. The gentleman from Pennsylvania [Mr. DALZELL] has settled one. He has stated in most emphatic terms that we owe no debt, moral or pecuniary, to the people of Cuba. I take it that that is settled. It is settled, I think, from the admissions that have been made here and the testimony taken before the committee, that there is no suffering in Cuba—that Cuban labor is employed. Mark it. That is the language of four or five witnesses, emphatically saying that all are employed. Only one, I think, has differed from the positiveness of that statement, and he said all outside of Habana. It is all employed at wages far beyond those heretofore known to the Cuban laborer. So that there is no question of suffering there. Those propositions, I think, may be regarded as settled.

Who will be the beneficiary of the possible $10,000,000 or more that will be the result of this legislation? Gentlemen have read

letters here from officials in Cuba, some of them dated many weeks ago, with relation to the present location and ownership of the sugar crop. But I take it that is not the question. The question is, Where will that location be when this legislation becomes effective? Mind you, it does not go into effect in its beneficial influences to Cuban people when it receives the signature of our Executive. It still depends upon action to be taken in another tribunal, a new tribunal in the way of legislation, whose first days and weeks and months perhaps will be devoted to the establishment of a government, with relation to governmental matters of primary importance with which they are entirely unfamiliar. It will be months before this act can be operative. Where will the sugar crop then be?

The important question for us to consider, I think, if we owe something to those people, and if we propose to relieve their necessities, is, Will this act carry out that charitable and kindly purpose? Gentlemen have told us that the price of sugar is always fixed in the Hamburg market. Possibly, as a rule, that may be true; but, gentlemen, are there not conditions here that disturb that rule? Here is a surplus of eight or nine hundred thousand tons of sugar more than the world's demand. That is upon the market. In this country practically there is but one buyer. With that great surplus seeking a market, with that one buyer undisturbed by competition, will he not fix the prices to suit himself, and in that way gather into his pocket this kindly aid that you are proposing for destitute Cubans? It so appears to me, and therefore that is a valid reason to my mind why I am willing to aid in preventing this legislation.

But, Mr. Chairman, there is another phase of this question that, in my judgment, has not received sufficiently the attention of the thoughtful gentlemen of this House. I refer now to the conditions that we propose to impose upon the people of Cuba prior to their securing the aid that we are proffering them in the bill. I saw a letter from a distinguished citizen of my own State a few days ago, written after extensive journeyings throughout the island of Cuba. I know that he is a thoughtful, observing man, that he went into the island for the purpose of informing himself as to the actual conditions with reference, doubtless, to the future employment of large capital in the island. He writes, among other things——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Iowa may be extended.

The CHAIRMAN. The Chair does not see how that can be done under the arrangements that have already been made. It is understood that the colleague of the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Pennsylvania [Mr. DALZELL] should have an hour and a half each to close the debate. That is the understanding up to this morning, and they will now have but one hour or a little more.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the time for closing debate be fixed at 4 o'clock, or half-past 3 o'clock.

The CHAIRMAN. The order having been made in the House, the Chair thinks the committee could not change it, and that it would be necessary to go into the House.

Mr. DALZELL. Mr. Chairman, I give to the gentleman from Iowa five minutes of my time. [Loud applause.]

Mr. HEPBURN. I am very grateful to the gentleman from Pennsylvania. Mr. Chairman, this gentleman having taken——

Mr. TAWNEY. If the gentleman can not finish in the time allotted him, I yield five minutes to him of my time. [Applause.]

Mr. HEPBURN. As the result of these observations, he tells us that less than one-tenth of all of the surface of Cuba is now under cultivation; that nine-tenths of it, incalculably rich, are now unproductive. Gentlemen have told us that have appeared as witnesses the reason why that is true; it is because the labor of that island is now all employed in the cultivation of one-tenth, and without we add nine-tenths in addition, with all the advantages that are conceivable in a fertile soil, with a climate such as that of Cuba, there is an inexorable limitation put on them. It is a want of labor. We experienced a difficulty of this kind, and while we had unoccupied land in the United States we invited immigration. There were no restrictions until the farms were occupied; until all our vast public domain susceptible of unaided cultivation was under the domain of the homesteader.

Now, what are we proposing to do to Cuba? Their great want just now is labor—population. We say to them, we will give you this pittance of $10,000,000 provided you will adopt our exclusion laws, our contract-labor laws, our immigration laws that we would not tolerate, that the people of the United States gave no indorsement to until the ten-tenths of our lands had been brought under the plow. We propose to be a great sugar-producing State; but we say to Cuba that by this legislation you must limit your output to 850,000 tons, although her soil is capable, if these restrictions are not put upon her, of producing 5,000,000 tons. And we do that in the name of charity and kindliness! What will the critic of the future, the man who writes the history of this epoch—what will he say of the generosity of the United States?

I do not know who is the author of this bill. I know if everything that has been said to the disadvantage of the Yankee; if he was, as he is not, all that has been said—grasping, avaricious, cunning, adroit, always looking out for his own interest, careless of the interests of other people or the rights of other people—then I say that this bill was written by some Yankee. [Laughter.] I believe that we can not afford to pass this bill with these conditions in it. Gentlemen have said that there is going to be no harm resulting from this; that 20 per cent is a very little matter; it does not amount to anything. It does not in a sense. It may be the beet-sugar producer will go on producing beets, but no other man will put his large capital—$600,000—into a plant to further foster the industry.

I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] what he would have said if in 1892, early in the year, when a few tin plate manufacturing plants had been established under the McKinley tariff bill, if at that time that industry had been assailed in the house of its friends by a 20 per cent reduction of the duties upon tin plate? What would he have said? Possibly that even under these rates those in the business might still endure; they might go on; but would other capital have been invested in other plants, and would we be in a condition that we now are, producing all, or substantially all, of the tin plate we need, giving employment to a quarter of million of people, and bringing comfort into the homes of hundreds of thousands? He would have regarded such a procedure as an assault upon the future development of the industry. That is what we fear in the case of the beet-sugar industry.

I look forward to the time when we will produce within the limits of the United States—and I believe it will come within the next ten years if no hurt is done to the encouragement of the industry—when all of the sugar that we consume, probably then 3,000,000 tons, will be produced within the limits of the United States; that we will save at home more than $125,000,000; that we will diversify our agricultural industry; that we will have the benefit to come from that diversification; that we will have the benefit of the restoration of the land through the use of the by-products; that incalculable advantages are to come to us if we will simply let alone the conditions that now exist.

That is all that we ask; we are asking for no additional rates, but simply ask to maintain in good faith what has been promised, having some regard for the language of the gentleman from New York when in his memorable speech he told us that the tariff then enacted was to stand for twenty-five years. [Applause.] But now, the gentleman has discovered that "that was before the wah" [laughter]; the Spanish war, I mean. He is somewhat like that lady down in southern Virginia, who, out with her lover on a stroll, a Northern chap, admiring the moon, suggested that he ought to have seen that moon before the war. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3896. An act to amend section 3362 of the Revised Statutes, relating to tobacco;

S. 4868. An act granting an increase of pension to James H. Walker;

S. 5062. An act to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War; and

S. R. 82. Joint resolution providing for the printing annually of franks required for sending out seed.

The message also announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13031. An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

RECIPROCITY WITH CUBA.

The committee resumed its session.

The CHAIRMAN. The time remaining, two hours and twenty minutes, will be equally divided between the gentleman from Minnesota and the gentleman from Pennsylvania, if there is no

objection. [After a pause.] The Chair hears none. The gentleman from Minnesota is recognized for one hour and ten minutes.

Mr. TAWNEY. Mr. Chairman, it is a matter of regret that any of my party associates should differ with me on a question involving party policy, party pledges, and party honor. Yet there is some satisfaction in knowing that to defend our respective positions they, and not I, must depart from one of the cardinal principles of the Republican party—the principle of protection where that principle is necessary to the development of any American industry. [Applause.]

From some things that have been said in this debate concerning Republican differences upon the pending bill, it might be inferred that this is the first time that party division has ever occurred in this House; the first time that individual members have declined the personal "thrift that follows fawning," and dared stand by and defend their convictions of right and duty to their constituents, their party, and their country.

Those of us who have served on this floor for ten years or more are well aware of the fact that party division on questions pertaining to the carrying out of Executive recommendations is not an unusual but a common occurrence. We remember that in the Fifty-third Congress the distinguished leader upon this side of the House, Hon. Thomas B. Reed, of Maine, voted in committee and on this floor with some of his most distinguished party associates and against the majority of their party in favor of issuing gold interest-bearing bonds. We also remember that in the next succeeding Congress Mr. Reed was elected Speaker of this House by the unanimous vote of his party.

Many other notable instances of this kind might be cited, especially when questions involving the tariff were pending. The RECORD of the Fifty-first Congress contains a very vigorous, emphatic, and eloquent speech, delivered by the distinguished gentleman who now presides over this House, criticising severely certain provisions of the McKinley bill, because, in his judgment, that bill discriminated against the farmers of the West and in favor of the manufacturers of the East.

These instances of party division and of individual independence are cited only to show that not until recently has it been considered an act of party disloyalty or treason to party to oppose that which a minority of your party in this House proposes.

In this case anger and wrath have been poured upon the heads of party associates because, unlike some of their colleagues, they have not deemed it either politically wise or for the best interest of their country to surrender their convictions on this question and perform the acrobatic feat so successfully performed by others. Our motives have been impugned, and we have been subjected to insults upon this floor because we oppose the plan by which the leaders on both sides of the House propose to carry out the recommendation of the President respecting Cuba, and also because we propose a plan different from theirs. We are told that in doing so we are endangering the future success of our party and our future control of this House. Passing the assumption of superior political wisdom implied in this accusation, how, I ask, can the success of the Republican party be put in jeopardy by opposing a measure that three-fourths of the Democrats on this floor will vote for? When did the Republican party become so weak and impotent that to insure its future success we must favor such propositions affecting protection and reciprocity only as are approved by the Democrats on this floor.

WE WOULD PROMOTE CUBA'S WELFARE.

It can not be claimed that because we oppose this bill for the alleged relief of Cuba we are opposed to that which will promote the welfare of her people and government, a government soon to be launched upon the sea of national independence. On the contrary, throughout this controversy we have urged the adoption of a policy intended to give to the empty treasury of Cuba the money needed to enable the government to meet promptly every just obligation and continue that splendid system of sanitation inaugurated and successfully carried out under American rule, and to enable that new government to make such internal improvements as are necessary and which will afford employment to her people and inspire hope and confidence in the future success of their little republic.

STATEMENT OF REASONS FOR OPPOSING BILL.

In order that the disinterested millions of our countrymen may know the exact truth in regard to our position and the grounds upon which we have from the beginning opposed this proposed reduction of the duty upon the products of the American farm for the benefit of Americans and foreigners in a foreign country, I will here present the statement of our reasons, so ably and tersely set forth in the paper prepared and recently presented to the Republican conference on the pending proposition by Hon. ROBERT W. TAYLER of Ohio, who so worthily represents that district so long and ably represented by the man whose life was devoted to his country and to the principle for which we who oppose the passage of this bill are now contending—the late Hon. William McKinley. [Applause.]

We oppose the proposition to reduce the tariff on Cuban products coming into this country, because it involves a relaxation of the protective principle.

The Republican platform of 1896 condemned the Democratic party for not keeping faith with the American sugar growers. We seek not to merit for ourselves the same condemnation.

The proposition to reduce the sugar tariff is unwise and unjust because—

1. It constitutes, in essence, an abandonment of the protective principle, even though it removes only one-fifth of the duty imposed by the Dingley law. And this abandonment is most unhappy, because applied to the pursuit of agriculture in the most conspicuous instance in which specific and manifest protection is given to the farmer, and at the moment when the sugar-beet industry is not only in its infancy, but in an infancy so lusty and promising as to demonstrate the certainty of a rapid and prodigious growth. The beet-sugar industry exhibits in the most perfect form we have yet known the most approved principles of protection.

Heretofore the farmer has been compelled to find his justification of protection, from the standpoint of personal interest, in the prosperity reflected from the industrial artisan, and in the main he has, through good report and evil, been bravely loyal.

Since our platform of 1896 gave a party's guaranty of permanence the people took us at our word, and we have demonstrated that in the beet-sugar industry we could, more vividly than in any other enterprise, illustrate to the American farmer on his own broad acres the beneficence of the American system of protection.

The American market for over $100,000,000 worth of sugar annually is rightfully his. We shall encourage no policy which delays the time when he shall come into his own.

2. As to the fancied duty to Cuba because of a distress which is only apparent in the admitted fact that every man on the island has all the work he can do at higher wages than he ever before received, we have only to say that the low price of sugar is a mere business condition of temporary character (the cause of which has probably been removed within the past few days by the Brussels conference), and that to compromise with it on the terms proposed is, in its interference with the policy of protection, to pay too high a price for all the good that can possibly come to those whom it is intended to benefit.

The proposition is to undertake to insure commercial and industrial prosperity in Cuba, a foreign country and a foreign government. If we undertake it, when and where are we to stop?

It is a startling proposition, entirely outside of our governmental functions and our constitutional power.

Whenever we have undertaken to insure commercial and industrial prosperity in the United States, our own country, by means of a protective tariff, we have been bitterly assailed on the ground of paternalism.

Now, at the expense of our own labor, our own capital, and our own industry, and largely at the expense of a single industry, without reducing the cost of sugar to the American consumer, we are asked to extend the paternal hand to a foreign people on the ground that, having given them liberty, we are morally obligated to secure them commercial and industrial prosperity, even at the sacrifice of our own interests.

We emphatically deny that we are under any such obligation, morally or otherwise.

We insist that such an undertaking subjects the Congress of the United States to the charge of being false to its constitutional obligations, untrue to the people it represents, and, from a political standpoint, false to the pledges made by the party to the people when it asked and received their support.

3. Entirely independent of its effect on the beet-sugar industry as a present fact in established concerns, it would smother the further development of the industry through the scores of plants now in various stages of active advancement.

An industry which has grown fivefold in the last four years, and doubled since 1900, has in it the certainty of a future development so stupendous as to beggar prophecy, and appeals with cogent force to our national pride.

4. In so far as the proposition professes to be in the line of Republican reciprocity, we assert that it is essentially a denial of that great policy. We deny that reciprocity is desirable except as a corollary to the greater policy of protection. Republican reciprocity, wise reciprocity, does not seek an exchange of products at the expense of any American industry; it does not seek to give; it does not give commercial advantage to any foreign product which comes into competition with our own products; it does not seek an exchange of products which deprives any American artisan of his work or any American farmer of an opportunity to profitably till his soil.

This was explicitly declared by McKinley in his Buffalo speech in the following words:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.

And by President Roosevelt in his annual message in these words:

And that reciprocity be sought for so far as it can safely be done without injury to our home industries.

5. To say that the duty on sugar is to be lowered on the plea that it helps Cuba is to say that it must always be lowered when Cuba needs help, and a reduction of one-fifth by the House of Representatives means that elsewhere, both in and out of Congress, the extent of that reduction shall be measured by the varying views of those who consider it.

It must therefore follow that the protective principle is to be subordinated to the question as to what amount of help Cuba may need.

With such a policy declared by a Republican majority, what wise business man can be induced to invest his money in the beet-sugar industry? What promise will there be of its future development?

And if that Republican majority is once constrained to such a policy, what license have we to believe that the citadel of protection will not be further assaulted in the house of its friends. When that time comes the days of Republican supremacy will be numbered.

We pledged our faith in 1896 to the sugar growers of the country, and they took us at our word; in 1897 we kept the faith and passed the Dingley law; and the people, relying on that law and our party pride and traditions, proceeded to develop, in amazing proportions, the industry which we specifically encouraged them to enter.

We are told that the pending proposition will not hurt the beet-sugar producers, but surely no one anywhere has asserted that it would help them.

A tariff measure which has the unanimous indorsement of free traders is not above suspicion, and a search warrant will not be needed to find all the protection that is hidden away in it.

Never more earnestly than at this hour have we been summoned to our duty; never has the cause of protection—to which we owe our party success and our national prosperity—more needed our undivided and unflinching support.

RELIEF AND RECIPROCITY WITHOUT INJURY TO ANY AMERICAN INDUSTRY.

Mr. Chairman, that the country may also know how we have proposed to carry out the recommendations of the President, aid Cuba, and secure reciprocity with that island, I will submit as part of my remarks the proposition presented to the Republican conference by that stalwart Republican from Ohio, Hon. CHARLES DICK, on behalf of the Republicans who oppose the pending bill, together with the statement which Mr. DICK at the same time presented, setting forth the advantages of our plan for the relief of Cuba over the one now before us.

Resolved, That it is the sense of this conference that the Committee on Ways and Means be directed to report to the House a bill for the relief of Cuba substantially embodying the following: That the President be authorized to enter into a commercial agreement with the government of Cuba, when the same shall have been organized and established, whereby on account of the relations which have existed between the United States and Cuba since 1898, and in consideration of such reduction of duties as shall be satisfactory to the President on goods, wares, and merchandise the growth or product of the United States imported into Cuba, he shall agree to pay each year, for three years, to the government of Cuba a sum of money equivalent to 20 per cent of the duties collected and paid into the Treasury of the United States on goods, wares, and merchandise the growth or product of the island of Cuba imported into this country.

Adhering to the statement we have hertofore made to this conference expressing our reasons for opposing a reduction of the duties on the products of Cuba and in the interest of harmony, and for the purpose of affording relief to Cuba, if such relief is needed, and mindful of the fact recently developed that during the last fiscal year there was a deficit in the public treasury of the island of Cuba of nearly $500,000, we submit the following additional statement of our reasons therefor:

1. It will afford relief both to the government and the people of Cuba.
2. It makes certain that Cuba and her people and no one else will be the beneficiaries of our action.
3. By its adoption we keep faith with the people of this country and the people of Cuba.
4. It does not violate our national party platforms of 1896 and 1900.
5. It does not disturb existing conditions in this country.
6. It does not alter or modify any schedule of the present tariff law.
7. It does not injure or discourage any domestic industry or prevent its further development.
8. It avoids an inopportune agitation of questions affecting industrial conditions of unparalleled prosperity.
9. It would secure reciprocal trade concessions from Cuba and give time to ascertain the value of such trade relations between the two Republics under existing conditions.
10. Its reciprocal feature furnishes a consideration which makes the proposed measure of undoubted constitutionality. It is as competent for Congress to purchase trade concessions from foreign countries as to purchase naval or coaling stations.
11. It is sustained by precedent since the establishment of our Government, and particularly by the legislation refunding duties collected on the products of Porto Rico and the Philippine Islands.
12. It affords the means and opportunity for successfully inaugurating and permanently establishing the new government of Cuba during a time which the experience of all nations has shown will be its most critical period.
13. It affords relief until the present adverse trade conditions affecting the price of sugar shall have been improved by the abolishment of European sugar bounties.
14. It discharges every obligation assumed by us under the provisions of the treaty of Paris, the Platt amendment, and by our intervention to secure the independence of Cuba.

This proposition, sir, was not made because of any distress, either present or prospective, in Cuba or because of any recognized obligation, resting either upon honor or otherwise, to insure the industrial prosperity of a foreign country. On the contrary, it has been admitted from the beginning by many who are urging the pending proposition that there is no distress in Cuba, and the distinguished gentleman from Pennsylvania [Mr. DALZELL], who will follow me, together with many others upon this floor, has publicly declared that, as a nation, we "are under no obligation to Cuba, either legal, equitable, or moral."

The proposition, therefore, to refund to the government of Cuba 20 per cent of the duties collected at our ports on her products was offered as a compromise of our difference as to the necessity or the expediency of our doing anything in the premises. This proposition is in line, too, with our policy in respect to aiding Porto Rico and the Philippine Islands, adopted for the very reason that we insist upon its application in respect to Cuba. Is it inapplicable as to Cuba because the powerful interest behind this agitation will not reap the benefit of duties it is certain to gain from a reduction of duties?

AMERICAN PEOPLE DECEIVED AS TO CONDITIONS IN CUBA.

At the beginning of this session of Congress there was a public sentiment in favor of "doing something for Cuba." But the evidence since taken before the Ways and Means Committee, commencing on January 15, 1902, proves conclusively that this sentiment was based upon erroneous information in some cases and in others upon absolutely false statements concerning conditions in that island. It is a notable fact, too, that since the taking of this testimony and its dissemination among the people there has been a radical change in public sentiment upon this question. I might cite numerous instances of this, but I will not stop to do so.

Mr. Chairman, it would require the use of a kaleidoscope to correctly represent the shifting ground upon which this legislation has been asked. First it was based upon the sympathy of the American people for the people of Cuba, who were represented to be in great distress, and also upon the ground that it would reduce the price of sugar to the American consumer. This last representation was made to the people through the press upon information furnished by Willett & Gray, agents of the sugar trust. Six months ago we were told that hunger and starvation prevailed in Cuba; that business men were being forced into bankruptcy, and that a deplorable condition of affairs, financial and industrial, existed generally. It was upon this ground that the Congress was first urged to do something immediately for Cuba. These representations were continued even up to the time the Committee on Ways and Means commenced the investigation of this question. On January 15, page 66 of the testimony, Mr. Mendoza, a sugar planter in Cuba, said:

Of course, we do not know what is going to happen, and that is why we have come to the United States to beg that something shall be done in our favor instead of coming later and begging for charity. I think it would cost you more to feed us and put things in order in Cuba than to afford us this relief at this time. Not because we are going to fight, but because the people are going to starve. They are not going to perish with yellow fever or typhoid fever; that is all past. * * * But the stomachs of the inhabitants are empty, and I fear that the consequences of the reconcentration policy of General Weyler are going to come up again in a different way.

Mr. Placé also said:

Mr. TAWNEY. That does not answer my question. Do you propose to maintain internal taxes?

Mr. PLACÉ. Yes, sir. We have to come to some conclusion; I do not see any other way. Our custom-house pays from $15,000,000 to $16,000,000, or rather has until to-day. As things are now we have only six weeks to live, and inside of six weeks we are busted. As soon as we have to face the payments at the end of this month I would like to know how we are going to do it, and we have to declare ourselves out.

It is evident from this testimony that these two Cuban witnesses intended to convey to the committee and to the country the impression that a most horrible condition of affairs existed at that time upon the island, for Mr. Mendoza said, "But the stomachs of the inhabitants are empty," and then, to impress more deeply upon the committee the then present conditions of the people, he falsely likened that condition to the consequences of the reconcentration policy of General Weyler. If these statements had been true they would have appealed to us as strongly as they did to our constituents three months ago, when they were made to them through the press. But they were false, as Mr. Mendoza and Mr. Placé were obliged to admit. The answers to the following questions only go to show to what extent these and other witnesses and that powerful interest behind this agitation has gone to deceive Congress and the country for the purpose of securing a reduction of duty that will make the production of sugar in Cuba more profitable than it is to-day, and at the same

time increase the profits of the sugar trust and its power to crush our domestic beet-sugar industry, its only rival:

LABOR IS FULLY EMPLOYED.

Mr. TAWNEY. Is labor generally employed on the island outside of Habana?
Mr. MENDOZA. Sir?
Mr. TAWNEY. Is the laboring class now generally employed on the island outside of Habana?
Mr. MENDOZA. It is. All the sugar plantations are working by this time. They are all employed. There is plenty of work for the workmen in Cuba to-day.
Mr. TAWNEY. And at good wages?
Mr. MENDOZA. Well, not very good, because the wages in Cuba increase according to the price of sugar. When sugar is low we can not afford to pay high wages.
Mr. TAWNEY. They are paying now for common laborers as high as $30 a month, are they not?
Mr. MENDOZA. In some places in the island, but not in all. In the eastern part of the island, which is less populated, the wages of labor are higher.
Mr. TAWNEY. Then this condition of hunger or starvation which you have just outlined or detailed here does not exist to-day, does it?
Mr. MENDOZA. Not yet; it will exist.
Mr. TAWNEY. This request, then, for the admission of sugar free is in anticipation of distress?
Mr. MENDOZA. Yes, sir. It will exist, and it will exist not after the island has been left to the Cubans (as they say they are going to do; I do not believe it myself).

But let me give you other illustrations from the testimony showing how damnably false is the claim of Cuban distress and upon which false representations the sympathy of the American people was aroused and their demand for relief was based.

HUNGER AND DISTRESS DO NOT EXIST.

BLISS. I have not spoken of distress except to deny that any existed so far as I knew. It is a long time since I have seen any one begging on the streets, or any one who wanted work who was not at work at good wages (p. 399).
BLISS. I should say there was no distress whatever from all I have seen (p. 389).
HAWLEY. Q. And anybody who comes there will be a competitor in the field of labor, and as all these people are now employed, how can they be distressed and starved?
A. Who has said they are (p. 372)?
MENDOZA. Q. Then this condition of hunger or starvation which you have just outlined or detailed here does not exist to-day, does it?
A. Not yet; it will exist (p. 67).
ABAD. Q. Then there is no suffering among the laboring classes, is there?
A. No, that is not the case, because living in Cuba is very high; it is very expensive (p. 144). The situation in Cuba to-day is that they have not enough laborers to do the work.

LABORERS' WAGES $23 TO $30 PER MONTH.

ATKINS. The wages are high. Wages there run quite as high as the average agricultural labor in the United States (p. 15).
ATKINS. The price of labor in Cuba is in excess of the price of labor in the Southern States (p. 29).
BLISS. The men themselves get varying wages, but many of them, in many portions of the island, get as much as $30 a month American gold; others much less than that. When I say much less I mean $4, $5, or $5 less (p. 398).
ATKINS. In my section I pay about $23 for a month of twenty-six working days. Mr. Kelly has to pay $1 a day (p. 18).
HAWLEY. Q. Is labor employed there?
A. It is.
Q. Can labor find full employment?
A. It has employment at the present time.
Q. At good wages?
A. At good wages; yes (p. 368).
KELLY. Roustabout or unskilled labor in Cuba is 90 cents to $1.10 per day United States gold (p. 51).
KELLY. In our end of the island we are paying an average of $30 a month (p. 57).
MENDOZA. There is plenty of work for the workmen in Cuba to-day (p. 66).
PLACÉ. We are paying $22 to $24 a month (p. 76).

IMPORTING LABOR.

RABADAN. Since the American occupation there has been a Spanish immigration of 60,000 laborers. (Charles Rabadan, export merchant, p. 75).
MACHADO. To double our crop we must have 300,000 laborers in the fields, working only in cane (p. 445).
PLACÉ. We would like to get the laborers from Spain or the Canaries (p. 97).
PLACÉ. Q. If you undertook, or the conditions were such as would encourage the further development of sugar, you would have to import labor?
A. Yes, sir (p. 97).
PLACÉ. Q. At the present time outside of Habana there is no labor that is idle or unemployed
A. No, sir (p. 97).
ATKINS. The men are not to be had, and in order to increase the cane crop of Cuba I think you would have to import the labor to make it (p. 15).
ATKINS. Under normal conditions, sir, the labor in Cuba is not sufficient to go around (p. 36).
HAWLEY. All that seek employment are employed (p. 372).
ABAD. The situation in Cuba to-day is that they have not enough laborers to do the work (p. 144).

PROPERTY AND BUSINESS OF THE ISLAND IN THE HANDS OF SPANIARDS.

ATKINS. A large proportion of the property of the island is owned by Spaniards (p. 11).
PLACÉ. The business of the island is in the hands of the Spaniards. All business is in their hands. The majority of the Spaniards have not renounced their allegiance [to Spain]; they remain Spanish (p. 95).
Mr. RUSSELL. Is there distress in the island of Cuba?
Mr. HAWLEY. There is very serious distress.
Mr. RUSSELL. Among whom?
Mr. HAWLEY. You are speaking as to the sugar condition?
Mr. RUSSELL. I am speaking of distress in the island of Cuba.
Mr. HAWLEY. I think the distress is largely among the people who, possessed of enterprise, have resumed their business there since the war, who are undertaking to develop the conditions that existed before that time.
Mr. RUSSELL. Is labor employed there?
Mr. HAWLEY. It is.
Mr. RUSSELL. Can labor find full employment?
Mr. HAWLEY. It has employment at present.
Mr. RUSSELL. At good wages?
Mr. HAWLEY. At good wages; yes.
Mr. RUSSELL. And the distress is the apprehension that capital will not get its due reward for the enterprise it is undertaking?
Mr. HAWLEY. The distress is capital is not getting any reward on the enterprise it is undertaking. On the other hand, it is to-day losing money.
Mr. DALZELL. Has the interest you have there been recently acquired?
Mr. HAWLEY. It has been recently acquired; yes.
The CHAIRMAN. Would a rise of half a cent a pound in the market price of sugar in the world remove all this distress?
Mr. HAWLEY. An advance of half a cent a pound above present prices would cause, naturally, a great difference in the present situation. It would not, however, if the price should increase over the present value of sugar to that extent, make the business especially inviting as a new investment.

By these admissions of the Cubans themselves this plea of starving Cuba, bankruptcy, financial ruin, distress, and the ragged edge of collapse is completely exploded; for they tell us themselves that every man upon the island who wants work is employed; that the sugar industry, until the hearings commenced on January 15, 1902, and all other industries on the island were prosperous and had been profitable to those engaged in them. It is obvious, therefore, that all this uproar about Cuban distress and starvation comes from purely mercenary motives, and that the plea was made for the deliberate purpose of deceiving the American people and the American Congress.

There can be no more infallible indication of the prosperous condition of a people at any given time than the abundance of employment to labor. No matter what the state of civilization, no matter what may be the character of their industry or the grade of their social life, however high the civilization, there is always hardship among all classes when there is any considerable amount of enforced idleness among the laboring class. On the other hand, however low the civilization, you will never find hardship, distress, or starvation in any country where labor is employed to the full limit, as it is in Cuba; and when a people are fully employed they are not starving, their "stomachs are not empty," and they are in no danger of distress or in danger of enduring exceptional industrial or social hardships.

Upon the facts, then, there is absolutely no ground upon which to base this proposed legislation—no ground even to propose a sham reciprocity, which is all that this bill provides for.

Notwithstanding the fact that no distress exists or has existed for several years, yet it was the plea of starvation and our moral obligation to Cuba upon which this agitation was originally based. No more complete answer to both claims has appeared anywhere than in an editorial in the Washington Post of September 25, 1901, as follows:

To the argument that Cuba will starve unless we coddle her industries at the expense of our own, the obvious reply is that Cuba is already overwhelmingly in our debt. When, in April, 1898, the United States assumed the task of destroying the power of Spain in the West Indies, it was clamorously declared by the insurgents that they asked only for emancipation. Their country, so they explained, was fertile beyond words; they needed only the opportunity to labor for themselves, free from exacting and rapacious taskmasters. "Break our manacles," they cried, "and we will soon show you a paradise upon earth, a land flowing with milk and honey, an abode of happiness and peace beyond description." We broke the manacles, such as they were, spending millions of money and squandering hundreds of precious lives in the transaction, and now—more than three years afterwards—these same gentlemen tell us that unless we grant them further favors and again sacrifice our own domestic interests to theirs they will be bankrupt. It is not enough that we have driven out the Spaniards—we are to go on until the end of time with our policy of coddling and self-immolation.

We undertook to free Cuba in a political sense, and if the former insurgents represent the welfare and the aspirations of the Cuban people we have abundantly redeemed our pledges. We did not undertake, however, to feed, clothe, and house the insurgent leaders forever, to provide them with salaries and official positions, and finally, after withdrawing from the island, to inaugurate and maintain an economic status under which their power and emoluments would be secured to them in perpetuity.

FACTS AND FICTION CONTRASTED.

Mr. Chairman, as a further illustration of how the American people have been deceived as to the real conditions in Cuba, how their sympathy has been aroused by misrepresentations, and how it was attempted to deceive the American Congress as to the facts concerning the industrial and financial condition of her people, I will present to the House, in parallel columns, some of the testimony I have just quoted as to the actual condition of the people, and newspaper dispatches as to their alleged condition, the testimony being given on practically the same day these dispatches were published. I do this in order that we may contrast the actual condition as shown by the personal knowledge of the Cubans themselves and the alleged condition as represented by leading newspapers throughout the country.

JANUARY 25, 1902.

I should say there was no distress whatever from all I have seen (p. 389).

I have not spoken of distress, except to deny that any existed, so far as I knew. It is a long time since I have seen anyone begging on the streets or anyone who wanted work who was not at work at good wages (p. 399).

[Extract from testimony of Col. Tasker H. Bliss, collector of the port of Habana, who appeared before Committee on Ways and Means January 25, 1902, to ask for Cuban tariff reductions.]

JANUARY 27, 1902.

The public misery is terrible. Municipal council requests your support for speedy solution of economic problem, to avoid awful condition of hunger and calamities which will occur if efficient remedy is not furnished. Laborers without work; there are no industries; commerce is ruined. Cuban people expect that the United States, the arbiter of this situation, will make of Cuba a happy country, and not a land of mendicants.

CARLOS E. LYNN.

[New York Tribune, February 2, 1902.]

JANUARY 24, 1902.

Q. And anybody who comes there will be a competitor in the field of labor, and as all these people are now employed, how can they be distressed and starved?

A. Who has said they are (p. 372)?

[Extract from testimony of ex-Congressman R. A. Hawley, interested with Howells and Post of sugar trust, in 75,000 acre Cuban sugar plantation, who appeared before Committee on Ways and Means on January 24, 1902, to ask for Cuban tariff reduction on sugar.]

JANUARY 21, 1902.

Q. Then there is no suffering among the laboring classes, is there?

A. No, that is not the case, because living in Cuba is very high. It is very expensive.

The situation in Cuba to-day is that they have not enough laborers to do the work (p. 144).

[Extract from testimony of L. U. de Abad, secretary of the Cuban delegation in Washington, who appeared before the Committee on Ways and Means January 21, favoring tariff concessions to Cuba.]

JANUARY 15, 1902.

Q. Then, this condition of hunger or starvation which you have just outlined or detailed here does not exist to-day, does it?

A. Not yet; it will exist (p. 67).

There is plenty of work for the workmen in Cuba to-day (p. 66).

[Extract from testimony of Miguel Mendoza, owner of 27,000-acre Cuban plantation, who appeared before Committee on Ways and Means January 15, favoring tariff concessions to Cuba.]

JANUARY 15, 1902.

In my section I pay about $23 for a month of twenty-six working days. Mr. Kelly has to pay $1 a day.

The price of labor in Cuba is in excess of the price of labor in the Southern States. [Atkins, owner of 14,000-acre Cuban sugar plantation, in testimony before Committee on Ways and Means, January 15, pp. 18 and 29.]

Roustabout or unskilled labor in Cuba is 90 cents to $1.10 per day, United States gold.

In our end of the island we are paying an average of $30 a month. (Kelly, owner 9,000-acre plantation, in testimony before Committee on Ways and Means, January 15, pp. 51 and 57.)

We are paying $22 to $24 a month. [Louis V. Place, p. 76.]

FEBRUARY 2, 1902.

ABREUS, *February 2.*

Starvation threatens Cuba. United States can not allow our people to die of hunger. Immediate reduction of duties on sugar to extent of 50 per cent will secure Cuba exuberant life. An era of prosperity would spring up instantly, pushing island to a bright future for the benefit and welfare of both nations. In representation of planter in this rich zone.

FERMIN DE SOLA.

[New York Tribune, February 4.]

JANUARY 21, 1902.

HABANA, *January 21.*

Cuban workmen's situation more pressing than ever, owing to economic crisis. Tariff concessions much wanted. Cuban Workmen League, composed of 10,000, appointed Commissioners Gamba, Place, Mendoza their representatives, and respectfully urge you bring influence bear on Congress in order to remedy immediate evils before it is too late.

JOSE RIVAS,
President Cuban Workmen League.

[New York Tribune, February 2.]

JANUARY 10, 1902.

GUINES, *January 10.*

Owner and planters of "Nombre de Dios" and farmers of this locality beg you to request this American Congress to make immediate concessions in favor of Cuban products. Situation desperate, menacing ruin.

PEDRO PONS ORTA.

[New York Tribune, February 4.]

JANUARY 11, 1902.

ABREUS, *January 11.*

Ruin most horrible threatens our principal fountain of wealth if the tariff reforms are not effected immediately. In the name of the tenants and farmers of this district.

FERMIN DE LOLA.

[New York Tribune, February 4.]

JANUARY 15, 1902.

Immediate relief to Cuba situation absolutely necessary. Your most energetic cooperation solicited. Condition of affairs so serious prompt solution has become a question of humanity.

BEA, *President Matanzas Board of Merchants.*

[Testimony, p. 63, January 15.]

I might extend indefinitely this contrast between the testimony as to the actual conditions in Cuba and newspaper representations concerning the same subject. I could show from the testimony of Col. James D. Hill, of New Orleans, page 279 of the record who presented to the Committee on Ways and Means numerous newspaper clippings, being the articles of a resident Habana correspondent of a leading industrial paper in the United States, showing the extent to which all industries on the island of Cuba have been prospering since the close of the Spanish-American war, and dispatches from Cuba since the hearings before the Committee on Ways and Means commenced on January 15 alleging hunger and starvation to exist among the people—ruin, distress, and general collapse in all industries. But it is not necessary. The proof already submitted is overwhelming in favor of the conclusion that the representations made through the public press of this country as to the conditions in Cuba are absolutely false and unfounded in fact. What I have already submitted is sufficient to convince anyone not financially interested in Cuba that never before has there been such an outrageous attempt to bunco the American people for the purpose of securing national legislation favorable to American capital invested in a foreign country. [Applause.]

I have called attention to this, not to reflect on anyone, but because I feel it is the duty of everyone in possession of the facts to present them to the people, that they may know the truth and aid in preventing the consummation of the selfish designs of unscrupulous speculators, who would ruin a domestic industry that their investments in a foreign country might be more profitable. [Applause.]

CLAIM THAT AMERICAN CONSUMER WOULD DERIVE ANY BENEFIT DISPROVEN.

But it was also said, during the summer and fall of 1901 that a reduction of the duty on sugar coming from Cuba would reduce the price to the consumer and save to the people of the United States in round numbers $89,000,000. Circular letters to that effect were sent broadcast to the press throughout this country by Willett & Gray, sugar brokers of New York City, and publishers of a weekly statistical sugar trade journal in the interest of the sugar trust.

This promised benefit has likewise disappeared in the light of the testimony of the Cubans and American sugar brokers, practically all of whom testified that the reduction of duty on raw sugar coming from Cuba would not reduce the price of refined sugar to the American consumer, because that price is determined by the world's price, which is fixed daily at London, f. o. b. Hamburg, on the basis of Europe's surplus of raw sugar. In support of this statement I need only refer to the testimony of Mr. Armstrong, of New York, Mr. Atkins, Mr. Mendoza, and almost all of the other witnesses who testified in favor of this proposition. The large quantity of sugar now held in Cuba awaiting this proposed reduction, 800,000 tons, may and no doubt will, when it comes into our market, depress the price of raw sugar somewhat, but as Mr. Armstrong, a sugar broker in New York, told us this would be only temporary, while the trust would undoubtedly maintain the price of refined sugar.

THE PLEA OF ANTICIPATED DISTRESS NOT SUSTAINED BY THE FACTS.

When the present starvation plea was exploded, when it was shown by their own admissions that labor was fully employed and at good wages, that a reduction of the duty on raw sugar would not reduce the price of refined to the consumer, it then became necessary for that powerful interest that from the beginning has been behind this agitation to again shift its position to some other ground upon which to ask Congress to grant these tariff concessions (for the benefit of the sugar trust). The attempt to deceive the American people and the American Congress by false representations as to present conditions in the island and as to the alleged benefit to the American consumer having been exposed by their own admissions, they then said that while the distress did not now exist it was imminent and relief should be granted immediately. They then told us that the present sugar crop would not be ground at the present price of sugar, that this would necessarily throw labor out of employment and in consequence of this enforced idleness disorder, riots, and political disturbances would necessarily ensue, again necessitating our intervention upon the island for the purpose of establishing peace and order.

Although this is a purely speculative claim, and can neither be proven nor disproven with absolute certainty any more than any other anticipated result could be, yet it is the principal ground upon which the distinguished chairman of the Ways and Means Committee based his argument in support of the pending bill a few days ago.

The distinguished gentleman from New York [Mr. PAYNE] anticipates distress for the same reason that the Cuban planters, when they were forced to admit that no distress existed now, said they anticipated that result—that is, that because of the low price of sugar the Cuban planter will not be able to sell this year's crop and next year's crop at a price sufficient to compensate him for the cost of production.

Accepting the statements of these witnesses, who deliberately misrepresented the facts concerning the condition of the people in Cuba, who likewise evaded questions in regard to the cost of production, the chairman of the Committee on Ways and Means says to this House that the cost of producing sugar is 2 cents per pound. He was obliged to admit that there were other witnesses who placed the cost at from 1½ to 1¾ cents per pound, but these witnesses were disinterested American citizens. One of them, Mr. Saylor, who personally investigated this question in Cuba, is an officer of the Government, employed in the Department of Agriculture as an expert on this question. The testimony of these witnesses is not regarded by the distinguished gentleman from New York [Mr. PAYNE] as of any value, but the testimony of the interested Cuban planter, although evasive, some of them refusing to answer direct questions as to the cost of production in their own factories, is accepted by him as conclusive.

The entire claim, however, of anticipated distress is founded upon these statements that the cost of production is at least 2 cents per pound.

COST OF SUGAR PRODUCTION IN CUBA LESS THAN 2 CENTS PER POUND.

I have here several statements, verified, too, by the oath of some of the men who appeared before our committee, which disproves the claim that it costs 2 cents per pound to produce sugar in Cuba. These are the verified petitions of American citizens and American corporations filed with the Spanish Treaty Claims Commission in this city, in which petitions claims are made not only for the destruction of property by the Spanish and insurgent troops, but also for the loss of profits for several years. In ascertaining their profit on the production of sugar it was necessary for them to state what it would have cost them to have

produced the sugar on which they claimed the loss of profit. I will read one or two of them:

First, take claim No. 196 of the Constancia Sugar Company. The total amount of the claim is $4,177,698.85. Under the head of "loss of cane" the verified statement of the company as to the cost of production is as follows:

5. *Loss of cane.*—Constancia's production of cane in 1894 amounted to 17,253,703 arrobas. The cane was in a perfect state of cultivation and promised for the future an increased yield. In the years 1895, 1896, 1897, and 1898, however, the cane was absolutely destroyed and the ground materially injured, so that the cane was totally lost.

The loss in this regard may be readily estimated. Taking the cane product of the estate at 17,253,703 arrobas, the production of sugar, at the low estimate of 1 arroba of sugar to 10 arrobas of cane, would amount to 1,725,370 arrobas, which, at the lowest price reached during the period in question, would yield $1,077,355. Out of this sum, after making the liberal allowance of 75 per cent for expenses, such as planting, replanting, weeding, cutting, hauling, manufacture, and delivery at the place of shipment, there would remain, say, $359,118 clear profit.

Analyzed, this statement is as follows, and shows that instead of it costing 2 cents per pound or more to produce sugar in Cuba the actual cost is only $1.66 per hundred pounds, and that, too, in times of war, when the expense was necessarily greater than it would be in times of peace.

Cane ground per season, 17,253,703 arrobas (25 pounds each). Sugar produced on "the low estimate of 1 arroba of sugar to 10 arrobas of cane," 1,725,370 arrobas, or 43,134,250 pounds.

Swears production was worth	$1,077,355
Swears that after making the liberal allowance of 75 per cent for expenses, such as planting, replanting, weeding, cutting, hauling, manufacture, and delivery at the place of shipment, there would remain "as clear profit"	359,118
Hence the total cost of 43,134,250 pounds of sugar is	718,237

Which is $1.66 per 100 pounds, laid down at place of shipment.

From the following testimony of disinterested witnesses the claim that it costs 2 cents per pound to produce sugar in Cuba is conclusively disproven.

In the testimony before that committee, page 521, Mr. Saylor, special agent of the Department of Agriculture, in charge of the beet-sugar industry of the United States, and who investigated the sugar industry of Hawaii, Porto Rico, and Cuba for this Government, states that—

I felt that there were factories there which were producing sugar for $1.25 and factories that were producing it at $1.75. The difference would grow out of the fact that some factories were back in the island and the cost of getting the sugar to their own ports was considerably more than with others.

On page 533 Mr. Saylor, in reply to a question by Mr. HOPKINS, stated:

I said they were producing sugar, to the best of my belief, for from $1.25 to $1.75 per 100 pounds, and I believe the average would be about $1.50.

In a letter written by Mr. Moriz Weinrich, of Yonkers, N. Y., and which appears on page 340 of the testimony, Mr. Weinrich states that he has spent his life in the sugar business, farming, manufacturing, and refining. Mr. Weinrich states that he has been in Cuba five times—from 1868 to 1894—when he made a trip through the sugar districts of the island as a delegate of the Central Association of Austrian Sugar Manufacturers.

Mr. Weinrich states that he spent from a few weeks to five months on each trip. These trips were made in 1868, a few weeks; 1890, 2 months; 1891, 4 months; 1892, 4 months, and 1894, and it is fair to presume that some progress has been made in the matter of reducing the cost of production of sugar in Cuba since his last trip, eight years ago.

Mr. Weinrich says:

A sugar planter who owns a large tract of such land in Cuba near the coast, with good shipping facilities, who cultivates his own cane and owns a large factory equipped with the best machinery, can produce, under good management and everything calculated on a cash basis, a ton of cane delivered to the factory for about $1.25.

The working expenses, including wear and tear, bags, freight to wharf, etc., will be, in a factory working 150,000 tons or more per campaign, not more than $1.25 per ton, so that the total expenses would not exceed $2.50 per ton of cane.

With a yield of 11 per cent of raw sugar, 1 pound of such sugar would cost 1¼ cents per pound, which price would be yet a little shaded by utilizing the molasses.

For the nine months ending September 30, 1899, we paid Cuba $261,332 for molasses alone; for the same period in 1900, $581,114, and for the same period in 1801, $1,216,125, which substantiates the statement of Mr. Weinrich.

On page 168 of the testimony before the Committee on Ways and Means there is reproduced an article from the above-named paper, the article being written by Mr. Dureau himself.

In this article Mr. Dureau states:

We can figure that with properly constructed plants and intelligent technical control Cuba can produce sugar at 1½ cents per pound. * * * If Cuban sugar is to enjoy a reduction in the tariff in the United States it should not be difficult to picture the enormous impetus the Cuban industry would take on.

In a report made by the British consul-general to Cuba to his home Government, and which report appeared in the November (1901) issue of the International Sugar Journal, of Manchester, England, a leading British sugar authority, the consul-general says concerning the Cuban sugar industry:

First. Cost of cane.—A large part of the cane now produced in Cuba is grown by "colonos," or small farmers, who sell it to the central factories. It is usually paid for in kind, the colonos receiving 5 pounds of sugar at the port of shipment for every 100 pounds of cane delivered at the mill. This rate is, of course, not invariable. In a few districts as much as 6 pounds is paid for the 100 pounds of cane, and in others the haulage of the cane to the mill is paid by the mill owner. But it is in sufficiently general use to be accepted as a standard.

In a well-managed factory it may be estimated, for purposes of rough calculation, that it requires 10 tons of cane to produce 1 ton of sugar. Hence, at the rate just given, half the sugar produced has to be applied to paying for the cane.

Second. Cost of manufacture.—In the property under consideration the total annual expenses, excluding only the cost of the cane and the freight of the sugar, amounted in 1898 to $18.50, Spanish gold, per ton of sugar made, and were gradually reduced until, in 1898, they came out at only $15, making an average cost over the whole period of $16.50 per ton. This figure includes repairs to the machinery.

Third. Freight on sugar.—The railway freight during the same period averaged $3 per ton.

From the above we see that the consul-general gives the average cost of production, laid down at port of shipment, from 1898 to 1901, at $1.61 per 100 pounds, American currency, and for the year 1901, $1.486 per 100 pounds in well-managed factories.

THE "DEUTSCHE ZUCKER INDUSTRIE" (GERMAN SUGAR INDUSTRY).

In the November, 1901, issue of the above-named paper, published at Berlin, Germany, one of the leading German authorities on the sugar industry, appears a special report from its agent in Cuba. In this report it is stated (p. 2042):

It is well known to-day that as soon as the Cuban sugar industry shall be established and carried on under modern methods that country will produce sugar at a price not exceeding 1½ cents per pound.

SWORN STATEMENT OF THE ROSARIO SUGAR COMPANY, OF NEW YORK, OPERATING A SUGAR ESTATE IN CUBA.

The sworn statement of this company, rendered the Spanish Treaty Claims Commission, on the basis of 60,000 bags output of sugar, shows that the sugar costs this company $1.685.

A summary of the testimony and statements of sugar producers as above shows:

C. F. Saylor, United States Government (average)	$1.50
Moriz Weinrich (Austro-American refiner and manufacturer)	1.122
George Dureau (leading French expert)	1.25
British consul-general to Cuba (1901)	1.486
Expert of the Deutsche Zucker Industrie	1.25
Average of above	1.322
Constancia Sugar Company (of New York and Cuba)	1.66
Rosario Sugar Company (of New York and Cuba)	1.685
Average of all	1.422

The above testimony by experts of America, France, Germany, Austria, England, and Cuba, all of the greatest sugar-producing nations in the world, should be conclusive proof that sugar can be, and is being, produced in Cuba for less than 1½ cents per pound.

This ought to be sufficient to prove that the claim of anticipated distress, which the distinguished gentleman from New York makes with so much vigor and force, is not based upon the truth as to the cost of producing sugar in Cuba, In other words, the statements made by the Cubans themselves as to the average cost of producing sugar are disproved by their own sworn statements in relation to that cost when they are claiming damages from our Government for the loss of profits on account of the Cuban rebellion instead of asking for tariff concessions.

ANOTHER CUBAN MISREPRESENTATION EXPOSED.

But there is another fact which disproves the claim of anticipated distress. When the Cuban witnesses were before our committee we were told that because of the low price of sugar and the cost of production relief would have to be given immediately or the entire crop would not be harvested.

The relief was not given; the crop is harvested. It is all ground and bagged and is now lying upon the wharves and docks and in the storehouses at the various Cuban ports awaiting a reduction of the duty, when it will be shipped into our market. If there was any danger of distress on account of hard times, want of money, or from any other cause, these planters, if they are the ones who will derive the benefit of this proposed reduction, could not possibly hold their entire sugar crop awaiting a higher price as the result of our action. Many of us have seen the farmers of this country produce their crops and sell them for less than the cost of production. We know, too, that when the farmer is in financial distress, when he has no longer money or credit, he does not garner his wheat, his oats, or his corn awaiting a higher market—he disposes of it. He is obliged to do so to provide himself and family with the necessaries of life or to meet his indebtedness. We also know that when they can afford to hold their crop in anticipation of a higher market they are not suffering, do not anticipate the foreclosure of mortgages, and are able to commence preparing the soil for another crop.

The same is true of the sugar-cane farmer of Cuba. If there

is danger of distress, if he fears or is threatened with the loss of his property through foreclosure, then he has disposed of his sugar, and he would not be the beneficiary of this proposed reduction. Hence this bill will not prevent this anticipated distress.

But, again, we are told by the witnesses before our committee that at least two-thirds of the sugar crop is produced by corporations chartered in the United States and by nonresident Spanish planters. Some of these plantations owned by American corporations embrace as high as 77,000 acres. We are also told that up to January of this year, when the hearing of testimony began, the production of sugar in the island of Cuba has been profitable. Is it to be supposed that these corporations and wealthy nonresident planters would allow their sugar mills to remain idle and their plantations to grow up in weeds rather than suffer a small loss in consequence of the low price of sugar, or would they not go on, as the American farmer does cultivate and harvest the crop that is now growing, hoping for better trade conditions, and thus continue in their employ the people now employed and prevent greater loss by deterioration and depreciation in the value of their property than they would sustain even if they were obliged to sell their next year's crop without a profit.

There is, therefore, absolutely no ground upon which to base the anticipated distress that some very distinguished gentlemen now pretend to fear and upon which they place the necessity for the passage of this proposed bill.

The plea to the American sugar consumer and the plea of anticipated distress rest, therefore, upon nothing whatever except misrepresentations of fact, and is unworthy of consideration in connection with a measure fraught with such serious consequences to the American people and to a prosperous American industry. [Applause.]

WE HAVE NOT DEPRIVED CUBA OF ANY MARKET.

But it is now claimed that by our intervention to secure the independence of Cuba, an intervention that has cost the American people more than $300,000,000 and thousands of the lives of the best youth of our land, we have deprived Cuba of her market for the profitable sale of her products.

Again is this claim disproved by the testimony of the Cuban witnesses themselves. It is said that the tobacco industry of Cuba is far more prosperous at this time than at any time during the last quarter of a century; that while they have not exported as much tobacco to the United States as they did under reciprocity, yet they received for last year's crop almost double the price they received during 1893, which was their best year in our market. They admit that this is not their only market for the sale of their tobacco, that they sell it in almost every market of the world. We have therefore not deprived them of any market whatever. As to the sale of sugar, their star witness, Mr. Atkins, a Boston merchant, Cuban sugar planter, and stockholder in the American sugar refining trust, disposes of this question most effectively in his answer to the following question:

Mr. TAWNEY. What market do you claim Cuba has lost by reason of the war?

Mr. ATKINS. We have not lost any market, but—

Now, I call the attention of the House to this language, because it not only shows the motive behind this proposed legislation, but also that to give these Cuban sugar barons what they want we must abandon the policy of developing our sugar-producing industry—

We have not lost any market, but we have lost the possibility of selling sugars at a remunerative price, and that was brought about largely by the course of the United States in stimulating the production of her domestic sugars.

Think of it, gentlemen! These wealthy American sugar planters in Cuba, these speculators upon alleged distress, have lost the opportunity of selling their sugar at a remunerative price, and they tell us that one of the causes is that we have been stimulating the production of domestic sugar. But how have we done this? By protective-tariff duties on sugar. Hence, they ask us to reduce these duties, stop encouraging our domestic sugar industry that they may sell their sugar in our market at a larger profit. A higher tribute was never paid to the policy of protection. This reason for asking and favoring a reduction of the duty on sugar is the best reason for retaining that duty. Since the enactment of the Dingley law, less than five years ago, the production of beet sugar has increased in the United States 460 per cent, and in the last year has increased 140 per cent. Because of this enormous increase in the production of beet sugar in this country the Cubans have lost, Mr. Atkins tells us, the opportunity for the sale of sugar at remunerative prices. And now the Republican leaders in this House propose, at the instance and for the benefit of these buccaneers in a foreign land, to reduce the duty on raw sugar and put an end to the further development of our domestic sugar industry. [Applause.]

I want to call your attention, too, to the significant fact that this same Mr. Atkins testified that up until the day he stood before our committee the sugar-producing business in Cuba had been profitable, and when he was asked to tell the committee how much it cost him to produce a ton of sugar in his factory he declined to answer. Let me read that portion of his testimony:

Mr. TAWNEY. What does it cost you per ton to put your cane into the factory?

Mr. ATKINS. As an individual?

Mr. TAWNEY. Yes, sir.

Mr. ATKINS. Is it quite fair to ask the cost of individual production?

Mr. METCALF. You started out this morning, Mr. Atkins, to give us the cost per ton of sugar cane, and I think you placed that cost at $2.50. Is that correct?

Mr. ATKINS. They asked the question what it cost to deliver a ton of sugar cane at the mills, in my opinion. I told them that I had no figures whatever upon which to base the cost, but in a general statement I believed it was between $2.25 and $2.50.

Mr. METCALF. As a prudent business man, I suppose you keep an accurate account of the cost to you?

Mr. ATKINS. Yes.

Mr. METCALF. Have you any objection to stating what that cost is?

Mr. ATKINS. I prefer not to expose my own private accounts before the committee.

Notwithstanding the foregoing testimony he claims he can not produce sugar under present conditions at a profit, and at the same time refuses to give Congress the information upon which we could base an intelligent judgment whether or not his statements in that regard are true. He declines to give any evidence at all as to the cost of production in his own factory. And why was it? It was because he knew that to do so he would give the lie to his own statements—that the Cubans "have lost the possibility of selling sugar at a remunerative price." That was not only true of Mr. Atkins, but it was true of several other of the great sugar planters who appeared before our committee, and it is upon this evasive, unreliable, and false testimony that the chairman of the Committee on Ways and Means bases his judgment that there is danger of anticipated distress in the island of Cuba, and that therefore we should pass this bill.

THE AMERICAN PRODUCER NOT A WHINER.

It has often happened in this country that the American producers have not had the opportunity of selling their products, either agricultural or manufactured, at a remunerative price, but they have not whined about it. They have not come to Congress asking specific legislation for the purpose of relieving them from a trade condition for which the Government was not responsible; and when the American Congress starts out upon the policy of legislation the effect of which will be to curtail the domestic production of a given industry that the product of a like industry in a foreign country may be sold in our market at a remunerative price, is it not time that some one should call a halt before we have gone too far in the matter of knight-errantry and in the matter of extending sympathy and aid and prosperity to a foreign people at the expense of American industries and American citizens?

THE PLATT AMENDMENT.

Having themselves disposed of the plea that we have deprived Cuba of a market for the sale of her sugar and other products, they then retreat to what they regard as an impregnable position—the Platt amendment and certain vague and indefinite promises said to have been made by certain officials of our Government respecting commercial union in consideration of Cuba accepting that amendment. Upon this ground they have endeavored to fortify and defend themselves behind the breastworks of national honor. They and their friends upon this floor tell us that under that amendment, which the Cuban constitutional convention voluntarily accepted, the sovereignty of Cuba has been restricted, and that this restriction will necessarily limit commercial and industrial prosperity, because the island will not be free to negotiate treaties with other countries favorable to her trade in such countries.

To show how, like on other questions, they have attempted to convey to the American Congress an erroneous impression upon this question, if not to deceive, I want to quote again from the testimony of Mr. Mendoza, page 412 of the hearings:

Mr. METCALF. You spoke of the Platt amendment as preventing you from entering into commercial treaties with any other country.

Mr. MENDOZA. Yes, sir.

Mr. METCALF. Senator PLATT informed me yesterday that he had such a provision in the original amendment, but that that was stricken out.

Mr. MENDOZA. That is the way we all understood it in Cuba. I do not know what you intend to do, but that is the way we understand it.

Mr. DALZELL. The Platt amendment will not bear the construction you put upon it.

A more hypocritical claim was never made in support of an unrighteous cause. Those who rely upon it know there is no act, either national or international, that the sovereign republic of Cuba, under the Platt amendment, can not do or perform that any of the republics of South or Central America are at liberty to do. She can make any treaty with any nation on earth and we can not prevent it, unless such treaty impairs the independence of Cuba. Nor can any of the republics to the south of us, under the Monroe doctrine, impair by treaty their independence or

transfer their sovereignty to any European power unless we abandon that venerable American doctrine.

BENEFITS OF RECIPROCITY THEIR FINAL GROUND.

It was not until it became necessary to shift their position, first from that Cuban distress and the reduction of the price of sugar to the American consumer to anticipated distress, and then to the destruction of Cuba's markets, and from that to something else, that the Platt amendment and the alleged promise of practically commercial union with Cuba was brought forward by those who commenced this agitation and who now favor the pending proposition. But when the Platt amendment was analyzed and it was plainly shown that it does not operate as a restriction upon the independence or sovereignty or the commerce of Cuba, that it provides in this respect merely that Cuba shall never enter into a treaty with a foreign nation which will impair her independence; that no debt or obligation shall be assumed that the revenues of the island shall be inadequate to liquidate; that Cuba shall give consent for the United States to intervene to preserve the independence of the island, it then became necessary to find some other ground upon which to base this proposition.

Having failed on the sympathy argument, the moral argument, and the national-honor argument, the friends of this proposition now base their argument upon reciprocity and the extension of American trade in Cuba as a justification for the passage of this bill. In other words, they now base their whole argument on the ground that the benefits that will inure to the people of the United States from the reciprocity provisions of this proposed measure will be sufficient to justify our enacting it. This claim is also supported by the hysterical cry of some of our home interests for trade, principally New York exporters who rest their hope of increased sales upon theory rather than upon facts. [Applause.]

POSSIBLE INCREASE IN OUR TRADE NOT MORE THAN $14,000,000.

In his testimony before the committee, and according to statistics, Colonel Bliss stated that Cuba bought last year from foreign countries $34,962,000 worth of certain articles and from the United States of like articles only $10,360,000. These articles he groups into six classes. He then proceeds to say that we can get this $34,962,000 of trade, in his judgment, if we go after it.

On page 406 of the testimony, under the head of "miscellaneous," he places—

Cattle:	
Imports from the United States	$1,260,335
From all other countries	6,020,087

Of the $7,280,422, Mexico, Columbia, and Venezuela furnish $5,422,357, the United States $1,260,335, leaving small margins for all other countries.

There is a reason for the importation of cattle from Mexico and South American countries, which Colonel Bliss himself, in his official report, August 1, 1899, tells us, and that is principally climatic conditions. American cattle do not live any length of time on that island.

So that here is $5,442,000 of the $34,962,000 Cuban trade we can not get.

Under "Fibers, etc.," page 405 of the record, Colonel Bliss gives the United States about $495,000 worth of cotton goods exported to Cuba; from all other nations, about $6,000,000. There is likewise a reason for our not having more of this trade to-day. Certainly it is not the high rate of duty or because of any discriminating rate of duty, but because, as Colonel Bliss himself stated before the committee, we do not make what Cuba wants, nor do we give the same credit to her merchants that European manufacturers do, nor do we sell as cheaply. It is therefore our own fault or the fault of our manufacturers that we are not selling more cotton goods to Cuba than we are to-day. The domestic sugar and tobacco industries should not be loaded down for the neglect, refusal, or poor business methods of our own manufacturers.

In proof of this I quote from the recently elected president of Cuba, Señor Palma, who says:

> English and German manufacturers of cotton goods make a study of the tastes and needs of the people living in Cuba, and as a result they sell to them in great quantities. It is only necessary for the American manufacturers to bring their good judgment to bear upon this matter, to make a study of the needs of the consumers, and they can take all of this trade to themselves.

There is no word here about the necessity for a preferential tariff to secure more of Cuba's trade.

Mr. Pepper, a very able newspaper correspondent, representing in Cuba a syndicate of newspapers favoring this proposed reduction of duty, who is now in Habana, and is also the special correspondent of the Washington Star, recently said in one of his articles:

> When the American exporters and manufacturers learn that there is a limit to what their own Government can do in providing a Cuban market for them, and when they learn also that tropical trade is not to be won by haphazard unloading of surplus products and damaged goods, they will be on the right road to selling their products. But they will not be able to overcome German competition until they show the same patience that the Germans show and adapt their goods to the market as the Germans do.

Mr. Pepper does not here attribute our failure to secure the Cuban market either to a high rate of duty on the products of Cuba coming into the United States or to the rate of duty on the products of the United States entering Cuba. There is no intimation by him, a man who has studied trade conditions there in the interests of Americans, that a preferential duty is necessary to our securing the full Cuban trade.

We exported of cotton manufactures in ten months ending October, 1901, to all nations, about $37,500,000. That being so, why is it that our cotton manufacturers do not get the trade in Cuba as they are getting it in other foreign countries? Is it because of those things stated by Señor Palmer and Mr. Pepper and Mr. Bliss and others? If it is, then it is their own fault, and there is nothing in the trade relations between the United States and Cuba to prevent them from increasing that trade without a preferential tariff. So that we have now reduced the $34,000,000 which Colonel Bliss says we can get by reciprocity to $23,000,000.

In another group of articles imported into Cuba is about $2,000,000 worth of vegetables; $868,000 from the United States and $1,225,000 from other nations. Of the latter Cuba takes of onions, canned vegetables, and pulse about $468,600 of Spain. There are no doubt reasons to be found for this fact in the contracted habit and taste for these vegetables grown in that country. Certain it is that we can not get that trade under a 20 per cent reduction if the people in the southern part of our country, lying almost in sight of Cuba, are not able to supply that market now.

Colonel Bliss then charges against us in the same group the jerked beef or tajaso item, which is imported entirely from South and Central America, and which we can not supply. Because of climatic conditions, the use of meat in other forms, unless salted or smoked, to any great extent is not possible. Our consul at Buenos Ayres and also our minister to Argentina confirm this statement in official reports to the State Department.

Colonel Bliss then puts into his calculation the item of coffee, amounting in the aggregate to $768,740—an article that we do not produce.

Deducting, then, these several items, it reduces our possible trade in Cuba to $20,000,000.

The item of cheese, amounting to $401,410, imported largely from the Netherlands, is also placed against us. This item, like the item of vegetables imported from Spain, Cuba would continue to import from the Netherlands, because her people want the article and are accustomed to it by habit and taste.

This reduces our possible trade in the island to $19,600,000.

Another item charged against us is the item of $3,300,000 worth of rice. This rice is consumed by the poorer classes, and is furnished to them largely by the sugar and tobacco planters. Who believes for one moment that these planters could import rice from Louisiana, costing twice as much as the rice which they import from other countries, for their employees? According to the testimony of Mr. Placé the rice that is imported into Cuba and consumed by her people is the poor and cheap India rice. We would, therefore, have little, if anything, to hope for in increased trade in this article.

This reduces the possibilities of increased trade with Cuba to $16,300,000.

Another item which it is claimed would be imported from the United States under reciprocity is the item of $1,200,000 worth of fibers. Manufactures of fiber imported into Cuba come almost entirely from Great Britain, and I suppose that they import their fibers from that country for the same reason that we do, because they furnish what Cuba wants, in the style they want it, cheaper than we do and with more extended credit.

Another item is $1,320,000 of leather and manufactures of. We are materially increasing our trade in the sale of articles of this kind in Cuba and because our manufacturers of shoes and other articles manufactured from leather are studying the necessities of this trade in the island, and in consequence are rapidly taking it from Spain, but it will not be for some time that this trade can be secured.

From these facts you will observe that Colonel Bliss's statements as to the extent to which our trade can be increased in Cuba is reduced to about $14,000,000.

EXTENT TO WHICH WE NOW CONTROL CUBAN TRADE.

Another Cuban witness who endeavored to impress upon us the advantage to American producers of reciprocity with Cuba, was Mr. Placé, and to show how extravagant and unreliable were the statements of this witness I will quote from his testimony and from the statistics of the Treasury Department.

On page 91 of Statements to Ways and Means Committee, Mr. Placé said that during reciprocity (1891–1894) Cuba imported

from $35,000,000 to $40,000,000 worth of machinery from the United States.

His misstatements concerning Cuba's importation of cotton goods consisted in this, that Cuba's total importations thereof was $67,000,000 (p. 93), which in fact were only $7,000,000 from all countries, and I think it proper, too, to expose his false statement concerning our machinery exports to Cuba under reciprocity.

The figures are from our Bureau of Statistics, to wit: Total exports of machinery from the United States to Cuba for four years, 1891–1894, inclusive, $7,649,752.

I give the figures and others, in order that we may contrast this trade with other years:

1883, machinery n. e. s., from United States	$1,167,516
1884, machinery n. e. s., from United States	1,217,196
1890, machinery n. e. s., from United States	1,154,090
1891 (reciprocity), from United States	1,317,256
1892 (reciprocity), n. e. s., from United States	1,952,740
1893 (reciprocity), n. e. s., from United States	2,792,050
1894 (reciprocity), n. e. s., from United States	1,587,706
1895 (reciprocity abrogated), United States	1,286,473
Steam engines and parts:	
1890	435,152
1891 (reciprocity)	469,839
1892 (reciprocity)	807,435
1893 (reciprocity)	871,712
1894 (reciprocity)	503,802
1894 (abrogated)	353,568

So that taking our best year under reciprocity (1893), and we have of machinery sold to Cuba $2,792,050 plus $871,712, and we have in that year only $3,663,762; and taking our total machinery trade to Cuba, 1891–1894, and we will have of machinery n. e. s. for four years, $7,649,752; and steam engines and parts, $2,655,788; a total in four years of only $10,325,540, or only one-fourth of what Place said it was.

In 1901 our total machinery exports to Cuba were about $2,000,000.

Under reciprocity in four years, 1891–1894, the United States sent of boots and shoes to Cuba, $468,000; while in two years, 1899–1900, we sent $453,000.

We did not send as much glass and glassware to Cuba in our best year (1893) under reciprocity by $40,000 as we did in 1900.

We sent only $170,000 worth more of corn to Cuba in our best (1893) reciprocity year than we did in 1898.

We sent no more agricultural implements to Cuba in 1893–94 under reciprocity than in 1890, nor as much in 1893–94 by $55,000 as in 1900. We sent of cotton manufactures to Cuba in 1899–1900 (two years) $892,850. In our two best reciprocity years (1893–94) our total was only $132,770. In 1899–1900 (two years) our total drugs, chemicals, dyes, and medicines exports to Cuba were $809,000. Our total under reciprocity (1893–94) was only $578,000.

There was under reciprocity in 1893–94 a gain in our exports to Cuba of nails and spikes over 1900 of about $30,000; in builder's hardware of about $200,000, but in 1894 only $90,000 over 1890.

Our total fish exports to Cuba were not as large under any reciprocity year (except in 1893) as in 1899—$170,800 against $125,800.

And the same was true of our mineral-oil exports. As to malt liquors, while our total for two years, 1899–1900, was $1,219,000, in 1891–1894 (under reciprocity) the total was only $167,700. Our total paper exports to Cuba in two years (1899–1900) were $327,000; the total in our two best reciprocity years (1893–94) was only $312,600. Our export of bacon to Cuba in 1900 over the best reciprocity year nearly doubled in pounds, while our exports of ham exceeded in 1900 our best reciprocity year by 1,200,000 pounds. Our pork exports to Cuba in 1900 (one year) were 6,000,000 pounds, against a total of only 2,640,000 pounds in the four reciprocity years, 1891–1894. The United States sent more boards, deals, joists, planks, etc., to Cuba in 1900 than in any year under reciprocity by $40,000 in value, and this is also substantially true of timber.

We sent as much furniture to Cuba ($603,670) in 1900 as in the entire four reciprocity years of 1891–1894.

CUBA'S TOTAL COMMERCE.

The total commerce of Cuba in 1890 was $152,362,484; her total exports to all countries about $100,000,000, and her total imports about $52,362,484. The greater part of her exports came to the United States in the form of sugar, molasses, and tobacco. From 1876 to 1891 the United States purchased of Cuba of raw products $923,888,357, and we sent to Cuba only $188,695,845, leaving a balance of trade against the United States in sixteen years of $735,192,512.

In 1891 our imports from Cuba consisted of—

Sugar and molasses	$46,830,047
Fruits	1,619,467
Chemicals and dye woods	369,617
Hides and skins	345,633
Cabinet woods	576,953
Iron ore	847,250
Tobacco	10,484,604
Total	61,073,621

CUBA'S IMPORTS.

United States, 1893, under reciprocity	$24,157,698
For the fiscal year ending June 30, 1901:	
United States	28,561,140
Great Britain	9,280,950
France	2,922,830
Germany	3,403,000
Spain	10,268,260

Showing that notwithstanding "reciprocity" between the United States and Cuba from September, 1892, until October, 1894, our trade with the island now is over $4,000,000 more than our best reciprocity year.

We almost entirely monopolize Cuba's market with certain products.

Agricultural implements, about 62 per cent—in fact, with nearly all her plows and cultivators.

Horses: We furnish about 50 per cent; others from Mexico principally, for similar reasons as to climate.

Mules: We furnish over 75 per cent of her mules.

Hogs, 95 per cent from United States.

Corn, 99 per cent from United States.

Bran and fodder, 89 per cent from United States.

Oats, 98 per cent from United States.

Brick, 90 per cent from United States.

Cars (railway and street), 99½ per cent from United States.

Coal, 99 per cent from United States.

Hay, 90 per cent from United States.

Instruments (scientific), 90 per cent from United States.

Steel and steel rails, 88 per cent from United States.

Structural iron and steel, 99½ per cent from United States.

Agricultural and electrical machinery, 98 per cent from United States.

Sewing machines, 90 per cent from United States.

Steam engines, locomotives, stationary engines, and boilers, 62 per cent from United States.

Sugar machinery, 93 per cent from United States.

All other machinery, 88 per cent from United States.

Flour, all from the United States.

Builders' hardware, 52 per cent from the United States.

Tools and implements, 61 per cent from the United States.

Tin, United States and Great Britain about divide the trade.

Paints, nearly 50 per cent from the United States.

Paper, and manufactures of, the United States, Germany, France, and Spain divide the trade.

Malt liquors, about 71 per cent from the United States.

Meats (salt and pickled), 50 per cent from the United States.

Beef, canned, all from United States.

Beef, fresh, all from United States.

Beef, salt or pickled, all from the United States; jerked or tajaso, nearly all of Uruguay.

Bacon, nearly all from the United States.

Hams and shoulders, nearly all from United States.

Pork, salt or pickled, nearly all from United States.

Lard, nearly all from United States.

Oleomargarine, nearly all from United States.

Condensed milk, nearly all from United States.

Butter, United States, Denmark, and Spain divide the trade.

Cheese, mostly from the Netherlands. (Matter of taste, probably.)

Rice, from Great Britain and Germany, $3,100,000.

Beans and peas, 60 per cent from United States.

Potatoes, 55 per cent from United States.

Wood, (*a*) boards, shingles, shooks, logs, lumber, and timber, nearly all from United States; (*b*) furniture, nearly all from United States; (*c*) hogsheads, all from United States and Spain.

REDUCTION OF SUGAR DUTY FOR RECIPROCITY MEANS EXCHANGING ANNUALLY A $150,000,000 SUGAR MARKET FOR $14,000,000 ADDITIONAL TRADE IN CUBA.

The statements of Colonel Bliss and others, however, as to the possibility of increasing our trade in Cuba to the extent of $34,000,000 annually, and all arguments in favor of reciprocity are based upon a permanent reciprocity treaty, not upon a reciprocity treaty that would expire by limitation within about eighteen months after it was executed.

Under this proposed reciprocity plan for the relief of Cuba, therefore, we would get absolutely nothing in the way of increased trade, and even under permanent reciprocity we could not hope for any material increase in our trade for many years.

If, as I believe, it is the purpose and the intent to ultimately make this, either now or in the near future, a permanent arrangement in the event that it now becomes a law, there would still be no adequate compensation growing out of increased trade with Cuba for the loss we would sustain by reason of a reduction of duty on raw sugar.

To my mind, Mr. Chairman, this proposition is a monstrous one and is not worthy of consideration in an American Congress. It is a fact that $82.13 is the benefit accruing to the American farmer,

laborer, mechanic, manufacturer, railroad company, by the production of one ton of granulated sugar, direct from American-grown beets. This would aggregate, on the basis our importations of raw sugar last year, not including Hawaii, $150,804,724 annually. There is a market at home worth annually to our people more than $150,000,000 which it is proposed to sacrifice to obtain an increase in our trade in Cuba of about $14,000,000. To me this looks like exchanging a dollar and a half for fourteen cents. [Applause.] In addition to this, there would accrue to the allied American industries, resulting from the cost of erecting the 520 beet-sugar factories necessary to produce this sugar at home, an aggregate benefit amounting to at least $285,220,000. And there would accrue also to American industry annually, by reason of necessary repairs and improvements on these factories (5 per cent of the original cost), $14,261,000. In other words, the benefit inuring to American industry from the repair of the sugar factories alone, if we produced all the sugar we consumed, would more than equal the increase in our trade with Cuba under a permanent reciprocity arrangement.

THE PROPOSED RECIPROCITY NOT IN LINE WITH REPUBLICAN RECIPROCITY.

The claim made upon this floor that reciprocity with Cuba is in line with Republican policies and the effort made to sustain that claim, based upon the fact that under the McKinley law we had a reciprocity treaty with Cuba, is no nearer the truth than are the representations made by certain newspapers in this country and by the Cubans themselves concerning distress, poverty, and general industrial collapse in Cuba. It is true we had under the McKinley law a reciprocity treaty with Cuba, but that treaty was not in conflict with the policy of developing American industries.

No industry then in the infancy of its development was affected by that treaty except the sugar industry, and to insure protection to that industry against the cheap labor and production of sugar in Cuba, and also to encourage the development of our domestic sugar industry, the McKinley law provided for the payment of a bounty of 2 cents a pound on every pound of sugar produced in the United States. This was for the purpose of equalizing the difference in the cost of producing sugar here and in Cuba, and under the stimulus thus afforded our domestic industry it did develop, notwithstanding the free importation of sugar from the island of Cuba. It is, therefore, unfair to cite the reciprocity treaty with Cuba under the McKinley law as a justification for a reciprocity agreement with Cuba now without the aid of a bounty or anything to further encourage the development of the sugar-producing industry of the United States.

It is also claimed that under the Dingley law express authority was given for the making of a reciprocity agreement with Cuba, as well as with other countries, upon a basis of the reduction of the duty on sugar, and this fact is also cited as a justification for the passage of this proposed reciprocity bill. But gentlemen fail to also call attention to the fact that the reciprocity agreements authorized by the existing Dingley law could not become effective if negotiated within the life of the reciprocity provision of that law until they were ratified and approved by both Houses of Congress. If under section 4 of this law a reciprocity agreement had been negotiated with Cuba, it would thereafter have been necessary to secure the approval of both Houses of Congress in order to make it operative, and that approval could no more have been secured without a contest such as we are now engaged in than the proposition to expressly authorize a reciprocity agreement involving a reduction of the duty on sugar, as proposed by this bill.

The reciprocity policy of the Republican party, a policy which has been styled by the President as "the handmaiden of protection," does not contemplate the exchange of an American market which we ourselves can supply for any foreign market. It does not justify a Republican Congress in reducing the duty on a product which we ourselves can produce in quantities sufficient to supply our own demand, or the reduction of the duty on products the protection of which in our own market will give employment to labor and capital universally throughout our land and to an extent that would equal the employment of labor and capital in the greatest industry we have to-day. But that is what the proposed reciprocity provided for in this bill contemplates.

THE PROPOSED REDUCTION OF DUTY WOULD DESTROY FUTURE DEVELOPMENT OF SUGAR INDUSTRY.

But it is claimed that a 20 per cent reduction of the duty on sugar will not injure the domestic industry, and this claim is made by the very men who adopted the present law imposing the existing duty on sugar for the protection and development of that industry. If that is so, then you are by your own act confirming the truth of the argument so frequently made by the free trader that the duties which you imposed less than five years ago upon this product and the products of other industries were placed unnecessarily high, and that thereby you have imposed burdens upon the American people which under your own policy of protection you are not justified in doing.

I deny the claim that the duty upon raw sugar was placed either knowingly or unwittingly above the point necessary to insure the growth and development of the domestic sugar-producing industry. When the present law was prepared and reported to the House, March 19, 1897, the late Hon. Nelson Dingley, then chairman of the Committee on Ways and Means, than whom no more sincere or able advocate of Republican principles and Republican policies ever occupied a seat upon this floor, said in his report concerning the necessity for the present duty on raw sugar, and at that time prophesied as follows:

> The production of beet sugar in at least 23 States of our Union, which only seven years ago was regarded as of doubtful promise, is no longer an experiment, but a demonstrated success with such protection as we recommend, which is less than those bounties given at the inception of sugar production by Germany, France, and other European countries which now produce about two-thirds of the world's sugar.
>
> The time has come when every effort should be made to open up new crops to our farmers and thus diversify and promote our agriculture; and no crop in sight affords more hope of success or greater advantages to the whole country. Even with the present low prices of sugar, we paid in the last fiscal year to foreign countries about $73,000,000 for our raw sugar, in addition to over $11,000,000 paid to the Sandwich Islands for sugars imported free of duty under our treaty of reciprocity with that country; and in the near future this sum will rise to $100,000,000. To open up such a new and valuable crop to our farmers (who are finding the competition of Russian and Argentina wheat a serious drawback) is a boon which Congress should not hesitate to give, especially at a time when it can be done in the interest of revenue.

I might quote from the speech made in this House by the distinguished gentleman from New York [Mr. PAYNE] on the 19th day of July, 1897, to prove that the duty imposed by the existing law upon raw sugar was necessary to the development of our sugar-producing industry, and also to show how he predicted that industry would grow and prosper under the existing duty until in a few years we would be producing all the sugar we consume, instead of sending abroad annually from the pockets of our own people more than $100,000,000 to the producers of sugar in foreign countries.

PARTY PLEDGES PRIOR AND SUBSEQUENT TO SPANISH WAR.

But the gentleman from New York [Mr. PAYNE] says that since that time conditions have changed, and that these new conditions, resulting from the Spanish-American war, must be met. He said a few days ago in opening this debate:

> I did not think that we would have Porto Rico and the Philippines and Cuba upon our hands in any degree within the space of five years when I made that speech.

The gentleman from New York [Mr. PAYNE], in the Fifty-sixth Congress, made another speech, in which he referred to these changed conditions, and also referred to our domestic sugar-producing industry and what the purpose of the Republican party was and would be in dealing with these new conditions as they affected the production of sugar in this country. That speech was delivered on the 19th of February, 1900, on the passage of what was known as the Porto Rico revenue bill. In speaking of the effect of the reduction of the duty on sugar and tobacco coming from Porto Rico, he then said:

> We consumed 2,000,000 tons of sugar last year. We imported about 1,400,000 tons on which we paid duty. We also imported 300,000 tons from Hawaii, which came in free of duty. The balance was produced in this country. Our increased consumption amounts to from fifty to a hundred thousand tons annually. If this 60,000 tons comes in from Porto Rico it will be but a drop in the bucket. Even should it double in quantity it could have no influence on our market. Our sugar producers have nothing to fear if we stop with sugar from Porto Rico at the duty in this bill.
>
> Nor will this bill injure the tobacco industry. Their tobacco is quite different from ours. The best of it ranks with the Cuban, or nearly so. Nearly all of it is filler tobacco and very little is fit for wrappers. My own impression is that it will add to the sale of wrappers in the United States and make a better market for our tobacco growers. I have yet to see the tobacco man who fears the introduction of the Porto Rican product.
>
> Their great fear is that if we should give free trade to Porto Rico we would follow it with free trade with the Philippine Islands, and ultimately with Cuba. Neither they nor the sugar producers fear anything from Porto Rico alone, and when Congress asserts its power under the Constitution to deal in the manner proposed by this bill with this territory it gives them renewed confidence to believe that Congress has the power and can be trusted to care for their interests when we come to deal with the other islands.

Here he claimed that the assertion of the power of Congress under the Constitution to maintain a duty upon the products of our insular possessions coming to the United States was intended to give renewed confidence to the producers of sugar and tobacco in this country; that Congress possesses the power and, while under the control of the Republican party, "can be trusted to care for their interests when we come to deal with the other islands." This was a specific pledge to our people that they should not be harmed in their domestic industries that compete with the industries of Cuba and the Philippine Islands.

This was in line with the pledge made by the Republican party in 1896 to encourage American citizens to engage in the production of sugar by the imposition of a duty high enough to accomplish that purpose. Having fulfilled that pledge by the enactment of the Dingley law, and in view of the changed conditions growing out of the result of the Spanish-American war, this assertion

of power on the part of Congress, now sustained by the supreme judicial tribunal of this country, was not only intended, but it was stated then by the leader of the Republican party in this House, to be an assurance and an additional promise to the American producers of sugar that they had nothing to fear from the cheap labor and cheap production in the islands acquired by us or in the island of Cuba, whose independence we had secured.

As a further evidence of this fact, let me call your attention to what the Republican National Committee, in the Presidential campaign of 1900, said to the farmers of this country on the subject, as shown by the Republican "handbook," published and distributed by the national committee then soliciting the votes of American farmers for the candidates of the Republican party:

The first thought which came to the minds of the farmers when the events following the war for the liberation of Cuba brought under our control certain tropical areas was whether or not the possession or control of tropical territory by the United States would injure, or perhaps destroy, the opportunities which they believed they had almost within their grasp for supplying the $100,000,000 worth of sugar which the people of the United States annually consume. This fear—if it reached the stage in which it could be called by that name—was answered in the negative by the Republican party when it passed the Porto Rican bill.

The Democratic party fought with all its power to prevent the enactment of that measure which placed a duty upon articles coming into the United States from Porto Rico. That duty was small, but it was an explicit declaration by the Republican party that it proposed to retain the power to fix such tariff as it might deem judicious against the products of cheap tropical labor wherever located and under whatever conditions. In other words, it was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production which the farmers of the United States have, under the fostering care of the Republican party, been building up during the last few years.

I would especially commend to the distinguished gentleman who occupies a seat at the other end of this Capitol, who was then and is now chairman of the Republican national committee, the promises and the representations he and his committee then made to the people of the United States with respect to the future action of the Republican party toward the industry which he and others are now engaged in destroying the future development of, contrary to and in violation of party pledges and party honor.

THE EAST AGAINST A WESTERN INDUSTRY.

It does not become a Republican either to assert that the present rate of duty on sugar is too high or that the industry will continue to prosper and develop under a reduced rate of duty. Certainly it does not lie in the mouth of the representatives upon this floor of Eastern manufacturing industries to say so, or to base their proposed action in this matter upon statements of that kind.

We have to-day in operation 41 beet-sugar factories in this country. All but three are located in Western and Northwestern States. Two are located in New York and one in the State of Ohio. Almost to a man the Representatives from the States in which all but three of the sugar factories are located are opposing the passage of this bill, not only because they believe it will injure their existing factories, but that it has and will destroy further development of this industry in their respective States. But they are also opposing the passage of this bill because it is for that reason a violation of party pledges and a violation of the good faith and honor of the Government now under the control of their party.

Their belief as to the effect of this proposed reduction upon the industry which they represent is not founded upon speculation. It is not founded upon false representations, as is the claim for the passage of this bill, but upon the actual effect of this threat to reduce the duty on the product of their industry, as seen by them and their people.

Who is it that assumes to tell us of the West, aye, to dictate to us the rate of duty necessary to the prosperity of the existing sugar industry and to the encouragement of its future development? It is almost entirely the representatives of Eastern manufacturing industries that have been developed and are now enjoying unparalleled prosperity under the policy of protection, industries that are to-day protected by the aid of the votes of Western Representatives against cheap foreign competition by rates of duty infinitely higher than is the duty upon raw sugar. These men pretend to favor this proposition because it is a reciprocity proposition, and, as claimed by them, will result in increasing our trade in the island of Cuba. From the statistics we have seen that the only possible increase that we may hope for is in the sale of manufactured articles, and in the sale of manufactured articles the West is not particularly interested, but the East is. Hence to increase the trade of the East in the island of Cuba the Representatives of that section are perfectly willing to reduce the duty on the product of a Western industry. But when it is proposed, for the purpose of extending the trade of Western industries or increasing the sale of the products of the Western farm in European markets by the application of this principle of reciprocity, for which the advocates of this bill are now contending, that proposition is resisted most bitterly by the very men who are insisting that our industry of the West will not suffer in consequence of this proposed reduction.

The distinguished gentleman from Pennsylvania [Mr. DALZELL], who will follow me, will argue that this proposed reduction is not a violation of the principle of protection, that it will not injuriously affect any industry. But if the sugar-producing industry of this country—an infant industry now enjoying the protection of a specific duty, the equivalent ad valorem of which is only about 80 per cent—will not suffer in consequence of a 20 per cent reduction, then I ask him why it is that he and his people, and the representatives of other Eastern and fully developed industries, are to-day resisting to the uttermost the ratification of the French reciprocity treaty now pending in the Senate, which provides for a reduction of duty of from 5 to 20 per cent on the products of Eastern manufacturing industries. I would ask him to explain to the House and to the country why it is that if this 20 per cent reduction will not jeopardize the future development of the sugar industry he opposes a proposed reduction under the French treaty of 20 per cent on the products of the glass industry—a fully developed industry—which he represents on this floor. [Applause.]

What is the equivalent ad valorem of the specific duty which the present law imposes upon glass? I read from the Senate report containing the proposed French reciprocity treaty. From this we see that upon certain specific sizes and grades of glass the duty is as high as 154.80 per cent.

Concession.	Sections of the tariff law in which reduction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.	
		Under Dingley law.	As under proposed reciprocity.
Per cent. 10	101. Unpolished, cylinder, crown, and common window glass—		
	Not exceeding 10 by 15 inches square, 1¼ cents per pound	*Per cent.* 42.45	*Per cent.* 38.21
	Above that, and not exceeding 16 by 24 inches square, 1¾ cents per pound	104.32	93.89

Mr. WM. ALDEN SMITH. Will the gentleman from Minnesota permit me to interrupt him for a moment?

Mr. TAWNEY. Just in a minute.

Above that, 4¼ cents per pound	134.90	121.41
Above that, and not exceeding 24 by 30 inches square, 2¾ cents per pound	117.66	105.90
Above that, and not exceeding 24 by 36 inches square, 2¾ cents per pound	127.89	115.10
Above that, and not exceeding 30 by 40 inches square, 3¾ cents per pound	154.81	139.33
Above that, and not exceeding 40 by 60 inches square, 3¾ cents per pound	145.01	130.51

Mr. WM. ALDEN SMITH. I would like to ask the gentleman to yield to me now.

Mr. TAWNEY. I yield to the gentleman.

Mr. WM. ALDEN SMITH. The gentleman was speaking of the French treaty now pending in the Senate. Mr. John A. Kasson said, in an address before the Illinois manufacturers at Chicago, on October 24 of last year, "We sought not only to avoid any injury to any American industry, but so far as possible to avoid giving even cause for apprehension to any industry;" thus showing what he thought of reciprocity.

Mr. TAWNEY. That only illustrates the fact, Mr. Chairman, that Mr. Kasson has been unable to convince the Eastern manufacturers that their interests will not be affected by a 20 per cent reduction of duty where that duty is now 154 per cent.

In speaking now in favor of this measure Mr. GROSVENOR has a great deal to say about this 20 per cent reduction not injuring the domestic sugar beet. But the sugar industry is not an Ohio industry, while the production of wool is. There is another reciprocity treaty pending in the Senate, entered into with the Argentine Republic, for a 20 per cent reduction on wool. The ratification of this treaty is resisted by him because he claims it would injure this industry in his State, although it provides for only a 20 per cent reduction on wool coming from that Republic. What is the ad valorem equivalent of the specific duty now placed upon wool? Let me give the committee a little information on that point and expose the inconsistency of the men who demand a reduction of 20 per cent on the product of an industry not in their State. The ad valorem rate in 1899 on unwashed wool on the skin was almost 119 per cent; on washed wool of the same class, not on the skin, 120¼, and wool of class 2, 360 per cent;

in 1900, on unwashed on the skin, 103 per cent. And yet here is a struggling infant industry, having to-day less than 60 per cent ad valorem equivalent to the specific rate on sugar, paying that; and yet they tell us that the proposed reduction of 20 per cent on wool, on glass, and on other articles included in the treaties of reciprocity—treaties now pending in the Senate—would injure their industries if they were made. But they are perfectly willing that an industry that does not exist in their States, that possibly has no hope of future existence—if they can increase the sale of their manufactured products in a foreign country by sacrificing a Western industry, they are perfectly willing to do it; and they do it, too, with greater ease than I would have supposed a good Republican would even attempt the accomplishment of that which was a violation of the principles and express pledges of his party. [Applause.]

I am sorry that the gentleman from Pennsylvania, who has now taken his seat, was not here when I alluded to one of his pet industries, the glass industry. I would like to have him tell this House and the country why it is that, if the infant sugar-producing industry of the country can stand a 20 per cent reduction, the manufacturers of glass, an industry that is fully established and having a protection of 154 per cent, why it can not stand a like reduction of duty as proposed by the Kasson-French reciprocity treaty, why he objects so strenuously to the 20 per cent reduction on the product of the glass industry and favors this reduction on the product of the Western farm. I hope he will answer the question, but I fear my hope will be in vain.

THE REAL OBJECT OF THIS CONTEST.

But, Mr. Chairman, there is one other matter I want to call attention particularly to before I conclude my remarks. I want to call attention to the fact, my friends, that this is neither a protection nor a free-trade fight. This is a fight between two American industries. The one is controlled by the American sugar trust, the other by the American farmer. It is a life or death struggle between our domestic sugar-producing industry and the sugar-refining trust of this country. [Applause.] That is where the real fight is located. It commenced more than a year ago, and it will continue till one or the other is triumphant. The beet-sugar industry of this country refines its own sugar. The American Sugar Refining Company does nothing but refine raw sugar imported from and produced in foreign countries. In ten years we can produce, if our sugar-producing industry is let alone, all the sugar we consume. That sugar will be refined in the beet-sugar factory, hence the importation of raw sugar from foreign countries and the business of refining that sugar by the American sugar-refining trust will cease except, perhaps, as to the importation of raw cane sugar from our island possessions.

THE WAR OF THE TRUST IN 1901 AGAINST DOMESTIC INDUSTRY.

I am not surprised, therefore, at the efforts of the trust to crush out, if it can, the beet-sugar industry. It began its war of extermination a little over a year ago when it invaded the territory of the beet-sugar industry of Colorado and Nebraska, offering its sugar in the valley of the Missouri for 2½ cents a pound less than it was charging for the same article at its factory in Brooklyn, N. Y. At that time the press of this country teemed with editorials not only describing minutely the character and purpose of this war of the sugar trust on the beet-sugar industry but also denouncing this gigantic monopoly for the unscrupulous methods which it employed to accomplish its unworthy end.

It is indeed strange that these same newspapers do not see in this contest the same mailed hand they discovered last year in the effort of the trust to destroy the beet-sugar industry. I commend to them their own editorials as the best evidence of the motives of the trust in this fight and the methods it is employing to win it. Perhaps the best and most unbiased statement of the nature of that attempt to ruin those engaged in the production of beet sugar in the Missouri Valley was published in the New York Journal of Commerce, October 3, 1901, which is as follows:

President H. O. Havemeyer, of the sugar trust, was at his office on Tuesday, for the first time since his illness, and it was learned yesterday that one of his first official acts was to authorize one of the most spectacular reductions in refined sugar prices that have ever been made. The reduction is a blow aimed directly at the beet-sugar interests of the country. It applies only to such sections of the country in which beet sugar competes and is so important that it means that most of the beet factories will be compelled to market their product at a loss if they live up to the contracts they have recently made.

EXTENT OF THE CUT IN PRICES.

The cut in price to Missouri River points was to 3½ cents per pound net for granulated. On Tuesday the net quotation was 5.03 cents net. In other words, Mr. Havemeyer has authorized a cut slightly in excess of 1½ cents per pound.

To understand the importance of this cut to beet-sugar manufacturers it must be mentioned that the practice of the beet people is to make contracts for their entire production at prices based on the selling price of the sugar trust on the date of delivery. The beet people have heretofore been easily able to dispose of all their sugar at a discount of 10 points from the trust's figures. This means, if the beet people do not repudiate their contracts, that they will receive but 3⅜ cents per pound for their product. It is understood, however, that the beet-sugar people will refuse to recognize the cut made by the trust on the technical ground that it is ruinous and in restraint of trade. The beet-sugar refiners of Utah, Colorado, California, and Nebraska are the refiners concerned. The American Sugar Refining Company usually supplies sugar for the Missouri River points from its New Orleans and Pacific coast refineries. They now have, however, at least 20,000 barrels of granulated sugar held on consignment at Kansas City and nearby points shipped from New York during the latter part of July and first half of August. It is expected that this cut will have an unsettling influence upon the local market, but it is not expected that it will be followed by an important cut in prices in the Eastern market.

NO CHANGE IN EASTERN PRICES.

No change was made in the sugar trust's prices for Eastern markets yesterday, and the difference of 1.1 cents per pound still holds between the price of the raw and the manufactured article. (New York Journal of Commerce, October 3.)

But this attempt on the part of the sugar trust to destroy its only dangerous rival failed. The beginning, extent, and the cause of its war and failure is so clearly stated in the hearings (pp. 426 and 427 of the testimony) by Mr. Francis K. Carey, president National Sugar Manufacturing Company, of Sugar City, Colo., that I will quote from his testimony:

I now come to the war upon the Colorado factories made by the trust last fall.

When the sugar war broke out in California last summer Mr. Havemeyer made this utterance (I quote from the New York Sun of July 23):

"And there is one thing more I have noticed in the papers recently, that the sugar trust is back of and interested in the fight which Spreckels is making against Oxnard out in California. Our company has nothing whatever to do with that fight. The fight was brought about through the consumption of beet sugar not equaling the production. Oxnard wants to work off some of his superfluous product, and he thinks that if he can make it appear that he is fighting the trust he can get rid of some left-over beet sugar. Our company is not at all interested in that fight, but I know something about the fighting qualities of Spreckels, and I do not think Oxnard will win."

I remark, in passing, as I have already stated, that the trust has large interests with Mr. Spreckels in California; that Mr. Havemeyer's statement in regard to the consumption of beet sugar not equaling the production was absolutely untrue, and that the concluding sentence of the interview seems to me to have been unnecessarily brutal and malicious. However, I do not quote the article simply to call attention to those matters.

A very short time after making the statement which I have quoted the trust cut or pretended to cut the price of refined sugar in the Missouri Valley to 3½ cents a pound. The cut was made for the purpose of embarrassing the Colorado factories under their sugar contracts, which guaranteed the price against decline. Our factory had sold about 3,000,000 pounds of sugar at the then market price of $5.12 per 100 pounds, f. o. b. Kansas City, guaranteeing the price against decline; and other Colorado factories had sold much larger amounts on the same terms. The trust anticipated that its action in creating or pretending to create the 3½-cent market would force the delivery of our beet sugar under our contracts at $3.40 per 100 pounds, allowing the 10 points differential between cane and beet sugar. The only fact which saved the Colorado factories from destruction was that the trust could not then buy its raw sugar in New York at less than $3.75 per 100 pounds, so that after adding the refining cost and freight, an open market of $3.50 for refined sugar would have caused the trust a loss, which even its great resources could not stand. Our factory refused to recognize the cut, built an additional warehouse for the storage of its sugar, and offered to fill all its contracts by purchasing cane sugar, if it could be purchased; and the other Colorado factories taking the same position, the trust was forced to back down.

THE POLICY OF THE TRUST AS TOLD BY HAVEMEYER.

That this effort to destroy the only dangerous rival of the American sugar trust by a ruinous competition is in line with the policy of that great monopoly, and that the reason for that policy is the fact that refined sugar can be and is made directly from the beet without the intermediation of the sugar-refining trust is made clear and conclusive by the testimony of Mr. Havemeyer, president of that great organization, before the Industrial Commission. On page 132 of the testimony taken before that Commission (Preliminary Report, Public Document No. 476, part 1) we find the following by Mr. Havemeyer:

Q. Now, how can sugar be made in Germany from beets, or in the Philippines from cane, or in any other part of the world, cheaper than you can make it here? Is that owing to the labor, or what is it?

A. Because, in the evolution of sugar refining, refined sugar can be made directly from the beet without the intermediation of the sugar refinery.

Q. Then it is not the cane sugar abroad that you fear coming in, but the beet?

A. Both.

As to the attitude of Mr. Havemeyer and his sugar trust toward all competitors, Mr. Havemeyer, on page 108, testified as follows:

Q. If you can make it unprofitable to them (other refiners), they will stop their sales and in the long run the expectation is that the profit will be larger to your stockholders?

A. That would be the natural inference. Of course it goes without saying, if we protect our own meltings, it can only be done under the condition of things that makes it unprofitable for our competitors, the real motive being the protection of our own business, and the result being an absence of profit to them.

And again, on page 120, speaking of the policy of the sugar trust to crush out all competition, Mr. Havemeyer said:

Q. Now, I also understood you to imply at least that it is the policy of the American Sugar Refining Company to crush out all competition, if possible?

A. But that is not so; there is no such testimony. I understand it has been put in that form by one of the gentlemen, but it is not the fact. What I said was that it was the policy of the American Company to maintain and protect its trade, and if it resulted in crushing a competitor it is no concern of the American Company. If he gets in the press, that is his affair, not ours.

Q. And if anyone interferes with the business, profits, or competition of the American Sugar Refining Company it is its policy to prevent it, if possible?

A. By lowering profits to defy it.

Q. And if it results in crushing him out——
A. (Interrupting.) That is his affair.
Q. Not the affair of the American Sugar Refining Company?
A. No.

And on the question of controlling the price of refined sugar, on page 125 of the testimony before the Industrial Commission, Mr. Havemeyer again said:

Q. When you sell in this country, you control the price?
A. Yes, sir.
Q. And it (the trust) was organized, as I understand it, with a view of controlling the price and output to the people of this country?
A. That was one of the objects of consolidation.
Q. And you have succeeded in doing it?
A. Yes, sir.
Q. That was the principal object in organizing the American Sugar Refining Company?
A. It may be said that was the principal object.

As to the proportion of the total amount of raw sugar refined by the trust, on page 107, Mr. Havemeyer said:

Q. What proportion does your output form of the total output of the country now?
A. I have never been able to get at those figures, but I should say about 90 per cent.
Q. You think about 90 per cent of America?
A. That is not of the capacity, but of the output. The fact is, that these refineries are not working full.
Q. Does the American Sugar-Refining Company itself have a capacity enough to supply the total demand, if it were not for the opposition? Your company could easily supply the total demand at the present capacity?
A. The demand and 20 per cent in excess.

To show his utter contempt for the interest of the public in the reduction of the price of refined sugar, on pages 112 and 117 of the testimony taken before the Industrial Commission Mr. Havemeyer stated as follows:

We maintain that when we reduced the cost we were entitled to the profit, and that it was none of the public's business.
Q. I say he (the consumer) may be benefited temporarily for six months or a year; but if, after the crushing out has taken place, you then, as you said in your testimony, resume a magin of profit which you consider is the right thing, and that is the only thing you were governed by, I ask you then whether the consumer will be materially benefited or not?
A. Is he not benefited to the extent of the reduction of the price during the fight?
Q. He is; but if he has to pay double or three times the price after the fight is ended I fail to see where he is benefited.
A. He is not if he has to pay that.
Q. I understood you to say when the war was ended you evened up?
A. Yes.
Q. The price you put on was for the benefit of the stockholder?
A. Yes.
Q. Do you think it is fair that the consumer should pay a dividend to your company on brands, good will, etc.?
A. I think it is fair to get out of the consumer all you can consistent with the business proposition.
Q. You state that as an ethical proposition before this Commission, and you have to stand on that ethical position for fair play. Now, I want to know if you think—you stated that the consumer received the benefits of this consolidation of industry—it a fair ethical position, independent of the business view you put on it, that the consumer should pay dividends on this $25,000,000 of overcapitalization?
A. I do not care two cents for your ethics. I do not know enough of them to apply them.

From this testimony of Mr. Havemeyer we see that the American sugar-refining interest, 90 per cent of which is controlled by the trust, realizes that the greatest danger to its future is the growth and development of the American sugar-producing industry; that it is hostile to any policy on the part of the Government that tends to encourage domestic production; that this would result in a large diminution of the enormous profits of the American sugar refiner; that to prevent this the American Sugar Refining Company, commonly called the "trust," is to-day pursuing a policy intended to crush out all competition. It is true Mr. Havemeyer denies this charge, but his denial is purely technical, because he said before the Industrial Commission that it was their policy "to maintain and protect its trade, and if it resulted in crushing a competitor it is no concern of the American company. If he gets in the press, that is his affair, not ours."

Q. If anyone interferes with the business, profits, competition, or affairs of the American Sugar Refining Company it is its policy to prevent it if possible?
A. By lowering profits to defy it.
Q. If it results in crushing him out——
A. (Interrupting.) That is his affair.

If the American sugar-refining trust can ever succeed in destroying the domestic sugar-producing industry, then the American people will realize in a practical way the real purpose and effect of this warfare now carried on by that monopoly against our domestic industry. Mr. Havemeyer, in his testimony above quoted, has been kind enough to tell us why it is that his company adopted this policy of extermination, and what benefit it would derive if this was successfully accomplished, for he said before the Industrial Commission:

Q. When you sell in this country you control the price?
A. Yes, sir.
Q. And it (the trust) is organized with a view of controlling the price and output to the people of this country?
A. That was one of the objects of consolidation.
Q. You have succeeded in doing it?
A. Yes, sir.

THE PROFITS OF THE TRUST.

That the country may know to what extent under existing conditions and with the competition which the sugar-refining trust has on account of the domestic beet-sugar industry refining its own product, I want to call attention to the admissions of the sugar refiners themselves before the Ways and Means Committee as to the profits they are now making in the business of refining raw sugars imported from foreign countries. They told us that they allowed from 1 to 1¼ cents a pound for cost of refining, commissions on sales, cost of distribution, and all other expenses incident to the business of refining and placing the product in the hands of the wholesaler or retailer; that their net profit was at least one-half a cent a pound.

Last year there was refined in the United States, exclusive of Hawaii, 4,113,023,040 pounds, and of this amount Mr. Havemeyer, before the Industrial Commission, testified that they—the trust—refined 90 per cent, so that the net profit on the sugar refined last year by the American Sugar Refining Company, exclusive of the sugar refined which came from Hawaii, was almost $20,000,000. And on page 111 of the testimony before the Industrial Commission Mr. Havemeyer states that his refineries could be built new at a cost of from $30,000,000 to $35,000,000.

PRODUCTION OF BEET SUGAR OUR ONLY PROTECTION.

The only protection, then, that the American people have against the unreasonable exactions of this monopoly in the business of manufacturing refined sugar is to continue to encourage the growth and development of the beet-sugar industry, thereby preventing the trust from obtaining absolute and complete control over the market of this country for the sale of refined sugar. That this will be accomplished if we continue the present policy of encouraging the growth and development of our domestic sugar industry is amply proven by the tremendous strides which that industry has made since the enactment of the present Dingley law imposing a protective duty upon sugar.

THE GROWTH OF THE INDUSTRY UNDER PRESENT LAW.

Under no law ever enacted by Congress, except the law imposing a duty upon tin plate, has any infant industry prospered and developed as has the domestic beet-sugar industry since the enactment of the Dingley law.

AMERICAN BEET-SUGAR FACTORIES AND THE TARIFF LAWS UNDER WHICH THEY WERE ERECTED.

The following list comprises all the beet-sugar factories in the United States, date of erection, daily capacity in tons of beets, and cost to construct and equip. Cost based on $1,097 per ton of daily capacity, as per United States Census Bulletin No. 59.

All arrangements had been perfected to erect eight factories in 1902, and some of them are known to be under construction. Whether or not any of them have been abandoned for this season, pending the outcome of Cuban tariff reductions, has not been ascertained.

Erected.	Location.	Capacity.	Cost.
		Tons.	
1879	Alvarado, Cal. (present capacity 800 tons)	200	$219,400
1888	Watsonville, Cal. (present capacity 1,200 tons)	300	329,100
1890	Grand Island, Nebr	350	383,950
	Total	850	932,450
	(1) M'KINLEY LAW, FOUR YEARS, OCTOBER 6, 1890, TO AUGUST 28, 1894.		
1891	Norfolk, Nebr	350	$383,950
	Chino, Cal. (present capacity 1,000 tons)	350	383,950
	Lehi, Utah (present capacity with 3 subsidiary plants 1,400 tons)	350	383,950
	Total under McKinley law	1,050	1,151,850
	(2) WILSON LAW, THREE YEARS, AUGUST 28, 1894, TO JULY 24, 1897.		
1897	Los Alamitos, Cal. (present capacity 300 tons)	350	$383,950
	(3) DINGLEY LAW, FIVE YEARS, JULY 24, 1897, TO DATE.		
1898	Crockett, Cal	1,200	$1,316,400
	St. Louis Park, Minn	350	383,950
	La Grande, Oreg	350	383,950
	Ogden, Utah	350	383,950
	Betteravia, Cal	500	548,500
	Bay City, Mich	500	548,500
	Binghamton, N. Y	600	658,200
1899	Oxnard, Cal	2,000	2,194,000
	Spreckels, Cal	3,000	3,291,000
	Grand Junction, Colo	350	383,950
	Leavitt, Nebr	500	548,500
	Waverly, Wash	350	383,950
	Bay City, Mich	600	658,200
	West Bay City, Mich	750	822,750
	Rochester, Mich	500	548,500
	Caro, Mich	600	658,200

Erected.	Location.	Capacity.	Cost.
		Tons.	
	Alma, Mich	600	$958,200
	Pekin, Ill	*700	767,200
	Kalamazoo, Mich	500	548,500
	Holland, Mich	350	383,950
	Benton Harbor, Mich	350	383,950
1900	Sugar City, Colo	500	548,500
	Fremont, Ohio	350	383,950
	Lyons, N. Y	600	658,200
	Marine City, Mich	350	383,950
	Rocky Ford, Colo	1,000	1,097,000
1901	Logan, Utah	400	438,800
	Loveland, Colo	1,000	1,097,000
	Saginaw, Mich	600	658,200
	Lansing, Mich	600	658,200
	Menominee Falls, Wis	500	548,500
	Salzburg, Mich	400	438,800
1902	Sebewaing, Mich	600	658,200
	Carrollton, Mich	600	658,200
	Shelby, Ind	500	548,500
	Mount Clemens, Mich	600	658,200
	Greeley, Colo	800	877,600
	Eaton, Colo	500	548,500
	Fort Collins, Colo	500	548,500
	Croswell, Mich	600	658,200
	Increase in capacity of original plants since 1897, including Lehi subsidiary plants at Provo, Springville, and Bingham Junction	2,500	274,250
	Total under Dingley law	29,150	31,977,550
	Total prior to McKinley law	850	932,450
	Total under McKinley law	1,050	1,151,850
	Total under Wilson law	350	383,950
	Total to date	31,400	34,445,800

*Now making glucose.

TARIFF PROVISIONS ON SUGAR.

(1) Sugars not above No. 16 Dutch standard in color and upon all sugars which have gone through a process of refining, one-half of 1 cent per pound; bounty, 1½ and 2 cents per pound on home production.

(2) Sugars not above No. 16 Dutch standard in color, 40 per cent ad valorem; above No. 16 Dutch standard in color and upon all sugars which have gone through a process of refining, 40 per cent and one-eighth of 1 cent per pound.

(3) Sugars not above No. 16 Dutch standard in color and not above 75° polariscope test, 95 cents per 100 pounds; for each degree above 75, 3½ cents per pound additional.

Above No. 16 Dutch standard in color and upon all sugars which have gone through a process of refining, $1.95 per 100 pounds.

In view of this marvelous development of our domestic sugar industry under the existing law, it seems incredible that any representative of an American constituency—I care not what his politics—should propose the enactment of a law that would take away from that industry any part of that protection which is necessary to enable it to compete with a like industry in any foreign country, no matter how close may be the relation of that country to the United States.

I am aware that some gentlemen on this floor now claim that this proposed reduction of 20 per cent will not injure the sugar industry of this country. If it does not seriously injure the industry in so far as it is developed, that it will certainly destroy the further development of the industry can not be denied. There is abundant testimony on this point and I have already referred to projected factories that have been abandoned. Wendell Phillips once said "there is nothing so timid as a million dollars except two million." And this timidity on the part of capital, in view of the powerful influence that has secured this 20 per cent reduction, will increase and will prevent the investment of capital in the further development of the industry through the fear that the reduction which Mr. Havemeyer and the Americans interested in Cuba want, namely, free sugar from Cuba, will ultimately be secured.

When this question of the effect of a 20 per cent reduction or any reduction of the duty on sugar upon the domestic industry was before the Ways and Means Committee, several of the members asked questions bearing upon this point, and quite an altercation between Mr. HOPKINS, Mr. DALZELL, Mr. GROSVENOR, and others occurred. So animated did this discussion become, and the intimation on the part of Mr. HOPKINS that a small reduction of the duty on sugar would not affect the domestic industry was so promptly and forcibly repelled by members who are now advocating this proposed reduction, that the chairman of the committee was even obliged to rap for order, as will appear from the following stenographic report of the proceedings at that time:

Mr. GROSVENOR. Allow me to ask you a question; and don't get me on the wrong side, either.

Mr. CAREY. I will assume that it comes from a friendly source this time.

Mr. GROSVENOR. Is it possible, in your judgment, to make a concession to Cuban sugar that will benefit the Cuban people and still not injure the production in the United States of cane and beet sugar?

Mr. CAREY. I do not think anything about it; I know that it is not.

Mr. GROSVENOR. Nobody could help knowing that who knew enough to put two and two together.

Mr. HOPKINS. That is a pretty broad statement to make, but I would like to have figures on it.

Mr. CAREY. Well, if you will only give us an orderly opportunity to produce our figures, we will only be too happy to give them to you. How, Mr. Chairman, do you suppose, does this committee expect to get at facts? Do you expect to get at facts which have scientific bearings, which have agricultural bearings, which have intricate business bearings in a town meeting?

Mr. DALZELL. We have fifty pages of facts in the record which we have been making for the past few weeks.

Mr. HOPKINS. They claim that any reduction on the tariff rate on sugar is going to be an injury to them.

Mr. DALZELL. A dozen witnesses have testified to that.

(The chairman rapped for order.)

The CHAIRMAN. This discussion is not in order. If any gentleman of the committee wishes to ask Mr. Carey questions, we will listen to the questions; but the discussion will come afterwards.

This only shows that at that time, and based on the testimony, the judgment of the very men who are now the leading advocates of this proposed reduction was that any reduction whatever of the duty on sugar would be injurious to our domestic industry.

THE PLEDGE OF THE REPUBLICAN PARTY.

That duty was placed upon the product of this industry in accordance with the express pledge made to the people of the United States by the Republican party in its platform adopted at St. Louis in 1896. That pledge is as follows:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

Pass this bill and you will merit the same condemnation we invoked upon our opponents for not keeping faith with the sugar producers of this country.

The confidence of the people in the Republican party maintaining while in power the law which we ourselves enacted for the protection and development of the sugar industry caused them to invest their capital in that industry. Let us not, therefore, betray that confidence by now repealing or modifying that provision of the existing law under which we have witnessed this marvelous growth and development of an important industry. To do so would be an act of bad faith on our part. It would discredit, more than anything else we could do, the party we represent upon this floor. As said by Mr. Farquhar:

I do not believe that nations, any more than individuals, can safely violate the rules of honesty and fair dealing.

THE POLICY OF THE GOVERNMENT TOWARD THIS INDUSTRY.

The relation of the United States to the beet-sugar industry is different from that maintained toward any other industry in the country. Congress has not confined itself merely to the enactment of a protective tariff for the growth and development of that industry, but has done an immense amount of missionary work to induce capital to invest in the business and induce farmers to abandon other crops and devote themselves to the cultivation of sugar beets. We have sent our agents to public meetings in various sections of the country; we have issued a vast amount of literature in the shape of annual reports to Congress; we have circulated these reports among the people, instructing them how to grow sugar beets that will produce the highest possible degree of saccharine matter.

In many other ways has the Government exercised its power and influence to induce American citizens with their capital to unite in furnishing to the farmers a new and profitable industry, in the hope, which hope is rapidly being realized, that in a few years, instead of sending to the people of foreign countries more than $125,000,000 annually for the sugar we consume, we will be producing that sugar ourselves and distributing that money among our own people. [Applause.]

SUGAR-TRUST PRINCIPAL BENEFICIARY.

But, Mr. Chairman, there is another important consideration in connection with this proposed legislation, one which to my mind, independent of the effect it may have upon any domestic industry, should prevent the passage of this bill. It is the fact, established by an overwhelming array of testimony, testimony that is absolutely conclusive, that Cuba will derive very little, if any, benefit from the proposed reduction of the duty on sugar.

A great deal has been said in this debate to prove that the sugar trust will not and can not absorb any of the proposed reduction of duty on raw sugar coming from Cuba. The best indication of the fact of whether or not this legislation will be beneficial to the sugar trust is the effect which our action here tending to promote the passage of the bill under consideration has had upon the market price of the stock of that organization. The reports made every day to the country as to the rise and fall of any stock upon the market is the barometer which shows the future prospects of the company owning such stock. These reports are written in cold blood; they are nonpolitical; they contain nothing but actual transactions and the facts that induced them. From these reports we see that from the first week in January, when we decided to take up this question, to the 21st of March,

the increase in the valuation of the common and preferred stock of the American Sugar Trust was $9,675,000. Stockbrokers are never influenced in their business by sentiment. They are in close touch with all the influences bearing upon the prospective rise or fall in stocks.

On the 7th and 15th of February the Haight & Freese Company, stockbrokers, of New York, with offices in all the leading cities of the United States, advised their customers concerning the prospective rise in sugar stock and the reason therefor, as follows:

THE SUGAR PROBLEM.

FEBRUARY 7, 1902.

DEAR SIR: Reports from Washington favor the passage of the bill to reduce the import duty on sugar for the benefit of Cuba. The Administration is favorably committed to the measure. If the bill passes the stock will have a tremendous rise. Speculators would buy it freely around 160, as they have always done before each time the stock sells around such figures.

The primary beneficiary from the passage of such a bill at Washington would be the American Sugar Refineries Company, inasmuch as they would be in possession of the sugar instead of the planter.

We believe before summer comes again sugar will sell near 160.

THE COMING SUGAR STRUGGLE AT WASHINGTON.

FEBRUARY 15, 1902.

DEAR SIR: All eyes interested in sugar are centered on Washington for first indications as to what will be done relative to duties, the subject coming up in the interest of Cuba. Sugar is one of Cuba's greatest products, and the American duty thereon will have the greatest importance and bearing upon many interests, notably the American Sugar Refining Company. The question is, Will the United States reduce the present duty 25 per cent, or thereabouts, on sugar coming from Cuba, or will it let matters rest as they are? Opposed to the action is the beet-sugar interest; in favor of it are the * * * President and the interests of the American Sugar Refining Company.

If the measure goes through Congress and becomes operative, the stock of the American Sugar Refining Company will have a tremendous rise and easily gross 150; if it fails the stock would undoubtedly suffer quite an extensive decline. If the reduction becomes a law, the primary beneficiary would be the American Sugar Company, inasmuch as they would be in possession of the raw sugar instead of the planter.

This shows who the real beneficiaries of your action will be if this bill ever becomes a law. Oh, but gentlemen will say, this prediction was made for the purpose of fleecing the innocent lambs of the country, but the facts are otherwise.

That these predictions were well founded is shown conclusively by the effect upon the price of that stock of the action of the Republican members of this House in their last conference, when it was decided by a majority of the conference, but by a minority of the Republican membership of the House, to instruct the Ways and Means Committee to report favorably the pending bill.

On March 19, the day following this conference, under the heading "Finance and trade," appeared the daily dispatch from New York in the Evening Star of this city, giving an account of the market and sale of the various stocks, including sugar stock. On that day this stock opened at 129 per share and sold as high as 130⅜, closing at 130.

The following paragraph contained in the above dispatch shows the reason for this increase in the price of this stock:

Sugar was taken in hand at one time and forced up to 130⅜, but the new high prices brought out profit-taking sales on a considerable scale. The defeat of the beet-sugar men in Washington may be made more of at a later date when the legislation is completed and the trade begins to appreciate the strength of the American company's (trust's) position.

The following day, in the same paper, appeared the daily dispatch from New York giving the stock quotations, from which it appears that sugar stock closed at 131 and sold as high as 131½. In the dispatch appears the following explanation of this fact:

Sugar was taken in hand by the inside faction and made to sell up in the thirties under big dealings. The attempt to belittle the effect of the Cuban legislation as now proposed has not discouraged the friends of the property, who had determined upon higher prices at this time.

On the following day, in the same dispatch, published in the same paper, the fact appears that sugar sold at 134 and closed at 133⅝, an increase of almost 4 points over the previous day. And in the body of the dispatch the following explanation of the increase is given:

Sugar was marked up under big dealings, credited to lower Wall street, and based upon earnings and the expected benefits from Cuban legislation.

Following the action of the Committee on Ways and Means reporting this bill favorably, in the same paper and in the same New York dispatch giving stock quotations, it appears that the stock advanced 2 points, and such advance was attributed to the action of that committee in reporting favorably the proposition to reduce the duty on raw sugar coming from Cuba.

These facts are infinitely more conclusive upon the question of who will be the beneficiary of this legislation than all the fine-spun theories and all of the figures presented to the House a few days ago by the gentleman from Kansas [Mr. LONG] and by other members who seek to make the country believe that this proposed reduction will go to the benefit of the people of Cuba.

When before the committee, Colonel Bliss, the customs collector at the port of Habana, testified, when asked concerning whether or not the benefit of this reduction would go to Cuba, that, in his judgment, not to exceed 30 per cent of it would ever reach Cuba. The remaining 70 per cent would, therefore, be absorbed by the sugar trust, that buys practically all of Cuba's sugar.

ONE MARKET AND ONE BUYER FOR CUBAN SUGAR.

But, Mr. Chairman, there is another fact which shows that the trust will be the chief beneficiary of a reduction of the duty on sugar. There are only two open markets of the world for the sale of Cuban sugar—England and the United States. All others are closed by prohibitive duties for the benefit of domestic producers. In both of these markets Cuban sugar is sold at the world's price—a price fixed each day at London f. o. b. Hamburg. In the American market there is only one buyer—the sugar trust. Hence there is no competition in this market, and the Cuban planter is obliged to sell at the world's price or store his sugar at great expense and loss from deterioration, resulting from humidity and discoloration, or he ships his sugar to England—his only other market.

But this last alternative involves increased freight charges, increased risk, and consequent increased insurance, which he will save if he sells to the trust. He is therefore at the mercy of the trust, and must therefore accept the world's price. Hence, the trust buys this sugar and imports into this country by paying 20 per cent less duty than it would have to pay on its raw sugar imported from Germany or any other country, and thereby it would absorb all of this proposed reduction and become the chief beneficiary of your action. These are conditions well understood by stockbrokers and by the sugar refining company. It is this that has prompted the broker to encourage people to buy sugar stock, and it is one of the reasons why the trust has been doing its utmost to secure this reduction of duty on raw sugar coming from Cuba.

AMERICAN INTERESTS IN CUBA.

But, Mr. Chairman, if the sugar trust does not absorb this reduction it will nevertheless not go to Cuba, because we are told by the other side that at least two-thirds of the sugar crop in Cuba is produced by nonresident planters and corporations chartered and domiciled in the United States. In one of the early conferences on this proposition I submitted a proposition to refund 20 per cent of the duties collected on the products of Cuba to the government of Cuba, and that the government of the island was to pay to the actual bona fide cane grower of the island a sum equivalent to 20 per cent of the duty we had collected upon the sugar produced from the cane grown by him. To this proposition the other side replied as follows:

Many of the largest cane plantations in Cuba are owned by individuals who are nonresidents of the island, many of whom have owned their properties for twenty or more years. These persons can get none of Mr. TAWNEY'S bounty. Other large plantations are owned by corporations chartered under the laws of this and other countries. These corporations can not be bona fide residents of Cuba, even though some of their stockholders may be; hence these corporations could not share in Mr. TAWNEY'S bounty. Yet these two classes, nonresident owners and corporations, produce fully two-thirds of Cuba's cane.

If two-thirds of Cuba's cane is produced by nonresidents, including American corporations, then certainly not to exceed one-third of the reduction of the duty would inure to the benefit of Cuba. Certainly we are under no greater obligations to these nonresident planters and American corporations whose interests are in a foreign country than we owe to our own people and to American capital invested in the development of American industries.

Then, Mr. Chairman, we are asked to adopt what? We are asked to adopt the policy of encouraging American capital to go into a foreign country for the purpose of exploiting that country, developing its resources with half-civilized labor, that the product of that labor may be brought into the United States in competition with American free labor and disposed of under special tariff privileges and advantages.

Mr. Chairman, that policy would not only be unrepublican and undemocratic, but it would be, it is, un-American. No political party has adopted the policy of encouraging American capital to invest in a foreign country in any way, and especially not by permitting the product of the cheap labor of that country to be brought here and sold under a protective tariff in competition with the producers of American products, and this is the first time in the history of the United States it was ever attempted. I not only hope it will never be attempted again, but that this attempt will be an ignominious failure.

We all know that a vast amount of American capital has gone to the island of Cuba since the war. I remember during the hearings that Mr. METCALF, the gentleman from California, a member of the committee, read the following dispatch from the American Club, of Habana, Cuba, and other witnesses testified as to the extent of American holdings in the island:

Mr. METCALF. I hold in my hand a communication, addressed to me, coming from the Merchants' Association of New York, whose office is in the

New York Life Building. It is dated New York, January 24, 1902, and is as follows:

"We incorporate herein the following cable message received this morning from the president of the American Club, of Habana, Cuba:

"HABANA, *January 23, 1902.*

"*President Merchants' Association, New York:*

"American interests in Cuba, aggregating about $80,000,000, urge your body to immediately exert every effort possible, through every channel of influence at your command, to have Congress grant tariff concessions asked for by Cuban commission in order to save their interests from financial ruin. Every commercial interest in Cuba is jeopardized unless immediate favorable action is taken."

Mr. POST. I represent the controlling interest in the National Sugar Refining Company. It is a matter of record, of course.

Mr. METCALF. I would like to come back to a question. Can you give me the names of any of your stockholders who are interested in sugar lands?

Mr. POST. Yes; Mr. Tooker, Mr. Bunker, Mr. Mollenhauer, Mr. Howell, and various men who are stockholders in the National are interested in sugar lands and have been for some years.

Mr. METCALF. Have they been purchasing lands there recently?

Mr. POST. Three years ago.

Mr. METCALF. Do you know the amounts of their holdings?

Mr. POST. I do not know what each individual holding is. They are interested in three estates in Cuba. One has 66,000 acres, and of that about 10,000 acres are under cultivation. The next one has 7,000 acres, and about 5,000 acres are in cane. The third has about 3,500 acres, and about 1,500 of them are in cane.

Mr. METCALF. Do you know whether Mr. Havemeyer owns any cane-sugar lands in Cuba?

Mr. ATKINS. Mr. Havemeyer, as an individual, has some interests, which are very moderate interests, in Cuba.

Mr. METCALF. Do you know to what extent?

Mr. ATKINS. I would like to be excused from stating specifically what I know. Mr. Havemeyer is interested with me in the corporation down there. Just what his interest is I beg to be excused from stating, but I can assure you that it is a very moderate interest and not sufficient to exercise control over that one property.

Mr. METCALF. What is the name of the corporation, Mr. Atkins?

Mr. ATKINS. That particular corporation is the Trinidad Sugar Company.

Mr. METCALF. Is he interested with you in any other corporation?

Mr. ATKINS. No. I beg your pardon—he is not—except that I have an investment interest in the refining company.

Mr. METCALF. I understand. Do any of the stockholders of the American Sugar Refining Company—is that the name of the corporation?

Mr. ATKINS. Yes.

Mr. METCALF. Do any of the stockholders of that refinery, other than yourself, own sugar-cane lands in Cuba?

Mr. ATKINS. I know of one or two who have some interests there, simply as investment interests, but they have nothing whatever to do with the refining interests.

Mr. METCALF. Can you furnish their names?

Mr. ATKINS. I would prefer not to do that, because I should consider it a breach of confidence.

Mr. METCALF. Very well. Do any of the directors, to your knowledge, own such lands?

Mr. ATKINS. I would like to assure you that, so far as I know, their interests are extremely moderate and exercise no control whatever.

Mr. METCALF. Do any of the directors of the American Sugar Refining Company, to your knowledge, own any sugar-cane lands in Cuba?

Mr. ATKINS. Mr. Havemeyer is a director of the company.

Mr. METCALF. I say, do any of the other directors?

Mr. ATKINS. Yes; that is the question I supposed I was answering.

Mr. METCALF. I was asking you before about stockholders.

Mr. ATKINS. About stockholders?

Mr. METCALF. Yes.

Mr. ATKINS. I covered, in my answer, both stockholders and directors. I know of two or three instances where people interested in the American Sugar Refining Company are also interested in various business enterprises in the island of Cuba; but in every case, so far as my knowledge extends, those interests are not controlling interests. They are simply investment interests, and they take no part in the management of the corporations.

The CHAIRMAN. Well, leaving out that class.

Mr. ATKINS. Well, I can name them on my fingers. Mr. Kelley, who is here, represents an estate, of which he is a part owner, on the south side of Cuba which turns out from 10,000 to 12,000 tons of sugar per year.

Mr. ROBERTSON. What grade of sugar is that?

Mr. ATKINS. That is standard 69 centrifugal sugar. The Trinidad Sugar Company, of which I am president, at Trinidad, Cuba, has an estate the capacity of which is about 10,000 tons per annum. My own property at Cienfuegos has a capacity of about 12,000 tons of sugar. We turned out last year 11,000 tons. The Homiguiero estate is held by a New York corporation, located at Cienfuegos, Cuba, and has a capacity of 12,000 tons. The Constancia estate, recently purchased by parties in Louisiana, represented by Mr. Spellman, connected with the Illinois Central Railroad, I should say should have a capacity of about 20,000 tons of sugar.

The United Fruit Company, of Boston, at a place called Banes, have a factory—a new factory, started last year—with a capacity of about 20,000 tons. There is the property called the "Chaparra Sugar Company," at Puerto Padre, on the north coast of Cuba, which is about ready to start up, owned by New York gentlemen, in which ex-Representative Hawley, of Texas, is interested, and which has a capacity of about 30,000 tons. This estate has never been operated. There is an estate near Santiago, called the "San Francisco," in which Mr. Craig, of Philadelphia, is interested, which will start, I believe, this year with a capacity, I believe, of 15,000 tons of sugar. Now, as far as my memory serves me correctly, I think that is all the bona fide American interests there.

This stockholder of the American Sugar Refining trust asked to be excused from stating specifically what amount the president of that company had invested in the sugar lands of the island of Cuba.

Señor T. Estrada Palma's interview, as he was leaving last week for Cuba:

"I look for very large reductions in the tariff, and when that is secured Cuba can rise. Her people are grateful and happy, and they are willing to work to improve their condition. Last year, without outside help, they made 800,000 tons of sugar, and they will make vastly more next year.

"The wealth of Cuba is in her soil. She can grow vast quantities of the finest fruits and vegetables, and she is rich in minerals, particularly in iron, copper, and manganese. Some of the finest iron ore mined comes from Cuba, and nearly all of the steel used in the construction of the United States ships of war was brought to this country from my country."

"On what do you base the hope that the United States Congress will reduce the tariff duties," General Palma was asked.

"On justice, and also because vast sums of American money are being invested in Cuba," he replied. "The influence back of that American wealth will be exerted to that end. Practically all of the railroads in Cuba are owned at present by American and British capitalists. Those railroads can not get freight rates from the sugar and tobacco planters if a restrictive duty is on their products."

Here is the secret of the agitation that has been going on in this country for concessions to Cuba. To adopt this policy at the instance of American capitalists would be un-American. It is not our policy to encourage the investment of American home capital in foreign countries, but to encourage its investment at home.

Mr. GAINES of Tennessee. Where was that testimony taken?

Mr. TAWNEY. Before the Ways and Means Committee.

Mr. GAINES of Tennessee. Was it taken under oath?

Mr. TAWNEY. No.

Mr. GAINES of Tennessee. Do you excuse witnesses in that way?

Mr. TAWNEY. The witnesses were excused in this instance.

Mr. GAINES of Tennessee. Now, I would like to ask the gentleman one question: How much sugar have the American millionaires gone down and bought in Cuba, does the gentleman know?

Mr. TAWNEY. I will give you what Mr. Atkins said:

Mr. ATKINS. That is standard 69 centrifugal sugar. The Trinidad Sugar Company, of which I am president, at Trinidad, Cuba, has an estate the capacity of which is about 10,000 tons per annum. My own property at Cienfuegos has a capacity of about 12,000 tons of sugar. We turned out last year 11,000 tons. The Homiguiero estate is held by a New York corporation, located at Cienfuegos, Cuba, and has a capacity of 12,000 tons, etc.

Mr. Hawley told us that the plantation he was interested in consisted of more than 77,000 acres.

Mr. Atkins, who absolutely refused to give information, was finally forced to admit that there were many large American holdings in Cuba. The aggregate production of all the plantations, he told us, controlled by American corporations will this year amount to over 135,000 tons of sugar.

Mr. GAINES of Tennessee. Does Mr. Hawley want this reduction?

Mr. TAWNEY. He was before our committee and urged it very strenuously. His testimony will be found in the published hearings before the committee.

THE EVILS OF THIS POLICY POINTED OUT BY PROFESSOR GUNTON.

Mr. Chairman, in this connection I want to call attention to what I consider one of the ablest statements of the effect of our adopting the policy of encouraging American capital to invest in foreign lands, and the most severe criticism upon it I have seen anywhere. It was published in the March number of Gunton's Magazine, written by the editor of that periodical, Mr. Gunton:

In reply to a question of Chairman PAYNE, Mr. Atkins told the committee that "a very large percentage of the Cuban sugar industry was owned by citizens of the United States." These were the interests for which Mr. Atkins pleaded for free sugar. Now, on what grounds of public policy should the United States protect American investors in foreign countries? Nothing could be more against a sound American policy.

If the protective tariff is of any value whatever to the nation, it is to encourage capital to invest in the development of industry in the United States, not to encourage capital to invest in foreign countries and bring the products to this country in competition with our domestic products. This is exactly what should be prevented. If there is any application of the tariff which should make this impossible, it should be made to the fullest extent. How charming to encourage a state of affairs in which American capitalists, sugar refiners, and what not, could go to Cuba or any other foreign country and use the equivalent of slave labor and be exempt from duty in the United States against competition of other civilized countries. This would be using the tariff to drive capital away from the United States, and encourage the use of the lowest and cheapest labor in the world in preference to employing American labor or the use of the most modern methods in Christendom.

Mr. Atkins ought to be nonsuited on his own presentation of the case. He represents the downward movement of industry. He would give systematic aid to capital in deserting the United States for semicivilized countries and give employment to the lowest and cheapest labor in the world in preference to American labor. Economically nothing could be more scandalous. There is good ground for extending sympathy, and even some economic aid, to Cuba, but there is absolutely none for helping the cheap-labor, pinchbeck policy of Mr. Atkins and the American refiners. That would simply be offering capital a money premium from the United States Treasury to desert American industry and employ the semislave labor of half-civilized countries to supply the American market.

Such a policy would convert the tariff into a deadly weapon for the destruction of American industry and the depression of American labor. If these capitalists want protection or special privileges in the sugar market from the United States, they must invest their capital and conduct the industry in this country, employ American labor, and pay American wages. When American capital goes to a foreign country in pursuit of cheap labor, it loses all claim to protection or privilege in the American market. Protection is not for capital per se, but for American industry. It is for capital and labor employed in the development of industry in this country, but not for any other capital or labor employed in any other country.

Mr. GAINES of Tennessee. What does the gentleman mean by "slave labor" down there?

Mr. TAWNEY. I did not refer to slave labor myself.

Mr. GAINES of Tennessee. But what does that writer mean by the term?

Mr. TAWNEY. I suppose what Mr. Gunton meant by the term "semislave labor" was to describe the condition of labor

in Cuba, which is practically that of half-civilized labor. The people there can clothe themselves with fig leaves and live on bananas; and it is the product of that kind of labor that it is proposed to bring into the United States to be sold in competition with our labor under special tariff privileges and advantages, and all for the benefit of American capital invested in Cuba.

FIRST TIME REPUBLICANS HAVE ABANDONED PROTECTION.

Mr. Chairman, this is the first time in the history of the Republican party that leading Republicans have proposed to depart from the policy of protection by taking away from an American industry, yet in the infancy of its development but capable of rivaling any of our giant industries, the protection given to it less than five years ago by ourselves. There is no argument that can be made in favor of it or with respect to the sufficiency of the reduced duty to fully develop this industry that does not apply with infinitely greater force to all other industries.

Under the logic of the advocates of this proposed reduction and in order to be consistent we should likewise reduce duties now imposed on articles manufactured or produced by all other industries. In other words, if we propose to heed the blatant plea of the free-trade press with respect to the duty upon raw sugar, then we should likewise heed that plea and adopt a similar policy with respect to the products of other industries, and thus admit that the policy of our party, as claimed by the free trader, is no longer necessary to encourage any American industry or to protect American labor.

NO REPUBLICAN DEFENDS THIS PROPOSITION.

No Republican can logically defend a proposition which takes away from an industry now struggling through the dangerous period of infancy any portion of the protection necessary to its full development and at the same time ignore a sentiment throughout the country demanding a reduction of the duty on articles produced by fully developed industries. There is no industrial or financial distress, either real or imaginary, in any country foreign to our own, I care not how close the relation of that country to the United States, that would justify such action.

While I deny that it can be sustained upon the ground that it is demanded by national honor, yet, even if that were true, our Government, under the control of the Republican party, is also bound in honor to keep faith first with its own people. If this is a debt of honor due to the people of Cuba from the people of the United States, as claimed, then the nation should pay it, and not the farmers engaged in the production of sugar and tobacco. If it is a national obligation, it rests upon all and should be borne by all. Nor should any class of our people or any section of our country seek to impose upon another class or upon another section the burden of discharging an obligation that rests upon the whole country. Nor should the people of one section seek to extend their trade in the market of Cuba or in the market of any other foreign country at the expense of the producers in any other section.

But is it possible for an executive or administrative officer, by an unauthorized promise to a foreign people, to bind the Government to the extent of compelling it to violate obligations of honor and good faith to its own people? This is what must be done if such unauthorized promise has been made in this case and must be kept, for in doing so we violate the pledge made in 1896 by the party now in control of the Government, on the faith of which the people have embarked in the development of the sugar industry. If that is so, then the representatives of the people, chosen by the people to legislate for the people, have been superseded by the administrative departments of the Government, and such departments, not the people, are now supreme.

Mr. Chairman, in view of the express promises of the Republican party in respect to the development of the sugar-producing industry, this bill involves far more than the welfare of Cuba or the extension of our trade in that market or the keeping of vague, indefinite, and unauthorized promises. It involves more than the future growth and development of our sugar industry. It involves the honor and good faith of the Republican party in its administration of governmental affairs affecting the material welfare of the people.

THE PRIDE OF THE REPUBLICAN PARTY.

From the time of its birth it has been the pride of the Republican party that its pledges made to the people have been kept ever sacred and performed in good faith. To this more than to anything else it owes its almost uninterrupted control of the Government during the last half of the nineteenth century. Its leaders have never before deviated from that course far enough to receive the commendation or the votes of a majority of the Democrats on this floor, and they would not now receive that commendation if, as I believe, their convictions and the dictates of their own better judgment were followed instead of the mistaken ideas of expediency. [Applause.]

THE BENEFITS OF PROTECTION.

Mr. Chairman, the policy of no political party since the formation of our Government has contributed so much to the welfare of the people as has the Republican policy of protection. It has illumined the pathway of national progress. To it we owe our marvelous industrial development. It has not led to a mere concentration of welfare among a small class, but its benefits have extended to all, even from the lowest to the highest. While it is true that under it there has been immense accumulation of wealth, extraordinary investment in productive enterprise, remarkable development in economic devices, there has also been as unmistakable progress in the welfare, growth, and personal independence, and in the social and political power of the manual toilers of our country. Under that policy they have shared equally with all others the opportunity it has afforded for the betterment of the material well-being of the American people, and have so prospered that to-day, in intelligence, in independence of thought and action, as well as in material prosperity, their position is incomparably superior to that of the laboring classes of any other country on the planet. [Loud applause.]

To this system, therefore, as applied by the Dingley law, is due the marvelous rehabilitation, the last five years, of established industries and the unprecedented growth and development of new industries. This act was the Alladin's magic ring that wrought the mighty transformation we to-day witness in the marvelous prosperity of the American people. Therefore, whatever else we should do or might do with safety in respect to the reduction of tariff duties on the products of fully developed industries, let us not betray any feebleness of attachment to the beneficent principle of protection which has fed the stream of our exuberant national life by taking away from our sugar-producing industry—an agricultural industry—any of the protection we ourselves have given it. Whatever the influence demanding this, by whomsoever that influence may be exerted, as we love our country and our party and revere the memory of their past splendors and achievements, we must stand with unflinching firmness by that anchor of our hope, the Republican system of protection to American industry and labor, where the application of that system is essential to the full development of the one or the protection of the other. Then will we attain the fullest possible development of all our resources, secure the greatest happiness and prosperity to the people, and to the nation its highest destiny. [Loud applause.]

Mr. DALZELL. Mr. Chairman, in this, the closing hour of a somewhat protracted debate, it is my desire to occupy as little time as possible, having in view the importance of the questions to be discussed. I do not believe that anything I can say, or that anyone can say now, will influence a vote for or against the pending measure. Its fate has already been decided, irrespective of further debate.

Any intelligent consideration of the bill before the House involves an accurate knowledge of what it is as distinguished from what it is not. It is not, as has been erroneously argued, an attack upon protection. It does not contemplate any revision of the existing tariff law or of any of its schedules. It will not, as I think I shall be able to show, harm any American industry or deprive any American workman of a single day's wage.

If it were otherwise it would not receive my support, for I believe in and am an advocate of the American system inaugurated by Alexander Hamilton, the greatest of all American statesmen. I believe in a protective tariff system as the bulwark of our prosperity, the efficient means of securing to us our home market—the most magnificent of all markets—and of securing to us ultimately our share of the markets of the world.

That system finds its vindication in the splendid realities of to-day. We are riding on the top wave of prosperity. There is no cowardly hiding of capital. It is everywhere courageously invested. There is no man idle who wants to work, no excuse for poverty, no want that industry has not the opportunity to relieve. All our furnaces are in blast, all our factories running, all our mills noisy with the glad response of machinery in continuous motion. Wages are high—never so high before.

In a political policy that has produced such results I am a sincere believer, and any man who questions my loyalty to the protective system because of my attitude with respect to the pending measure does me an injustice. He looks at the question from a different standpoint from mine, and as I believe from a mistaken standpoint. I should regard any revision of the tariff in this time of unexampled and abounding prosperity as the very height of legislative madness.

What, then, is this bill? It is, in the first place, a plain business proposition for reciprocal trade arrangements between the United States and Cuba, and it is justifiable upon plain business principles. But it is more than that. It is a step toward the redemption of the pledge that we made not to Cuba, not to the Cuban

people, but to ourselves when we declared war upon Spain. Indignant at her wrongs in Cuba for three hundred years, we voluntarily assumed to right them. The wreck of our splendid battle ship, the Maine, when on a friendly visit in Habana Harbor, and the sacrifice of our brave seamen exhausted all patience, evoked the irresistible indignation of the American people, and resulted in their determination to put an end to the domination of Spain in Cuba. We resolved upon war, but we resolved upon war with a purpose.

What was that purpose? When President McKinley asked of Congress authority to use the military and naval forces of the United States, he clearly defined and declared the purpose. It was "to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own."

That was the purpose for which we went to war. The acquisition of Porto Rico, the acquisition of the Philippine archipelago, the tremendous and unforeseen consequences that have followed upon the Spanish war obscure now to our vision what our original and only purpose was, namely, to secure a stable government in Cuba and to insure peace and tranquillity to her citizens. It was for that that we took up the gage of battle; it was for that that every step was taken in the war that followed upon our declaration; it was for that that Dewey sailed into Manila Bay; that Cervera's fleet was sunken off the coast of Cuba; that on San Juan hill and on the heights of Santiago our brave boys carried to victory the banner of the stars. [Applause.] We drove Spain out of Cuba.

But the driving of Spain out of Cuba was not a redemption of our pledge nor a fulfillment of our self-assumed task, for until there shall be a stable government in that island, until peace and tranquillity shall be insured to its inhabitants, the mission, the purpose we had in view when we took up our arms in the cause of humanity, will still remain unfulfilled. As Mr. McKinley has well said:

> We have by reason of having driven Spain out of Cuba become the guarantors of Cuban independence and the guarantors of a stable government in that island, protecting property and life.

It was in conformity with our original purpose that we insisted that the Platt amendment should become part of the Cuban constitution, and as a matter of history it can be said beyond all reasonable doubt or question that it was accepted by the Cubans with the plain understanding upon their part that at some future time we would enter into reciprocal trade relations with them. The acceptance of the Platt amendment established new and closer and more intimate relations between Cuba and ourselves

By that amendment Cuba formally recognized the Monroe doctrine; by that amendment Cuba agreed to live within her income; agreed that we should have the right to intervene for the preservation of her independence; that all American rights accruing during the military occupation should be respected; that for her protection and our own proper sanitation should be provided; that for the preservation of her independence and for our defense we should have proper coaling and naval stations on the island. How, I ask you, can Cuba live within her means if she is too poor to buy?

She will not have any customs duties, and internal-revenue taxes she will be unable to pay. How shall she avoid intervention on our part to maintain her independence if her independence, her peace, and good order are hazarded by poverty? How shall she preserve and defend our rights in the island if she is in such turmoil as to imperil her own? How shall she protect her cities and our Southern coast by costly sanitation if she has not the means to secure it?

I say to you, my friends, that to impose these obligations upon that people, knowing their poverty, and then to cast them helpless adrift, is not of a piece with that splendid chapter in the world's history and in our history that records our rescue of Cuba from the domination of Spain.

I assert as a fundamental proposition that a stable government is possible only to a contented people. The world's history of revolutions and insurrections is the bloody record of discontent. And I assert, furthermore, that to insure peace and tranquillity to any people you must have prosperous industrial conditions; that poverty and bankruptcy are the efficient causes of popular uprisings and of crimes against law and order.

Now, what is Cuba's situation as to her industrial condition? At the beginning of our war with Spain the people of Cuba were in a deplorable situation. Weyler's policy of cruelty had resulted in starvation, insanity, and death. Cuba's industries were entirely prostrated. Her fields were waste, her factories were dismantled. Her rich had become poor; her poor had become destitute and desperate. Domestic comfort and happiness were unknown. Labor found no employment. Poor, distracted, persecuted Cuba was bankrupt—bankrupt even of hope.

Notwithstanding that situation, no sooner had relief arrived by reason of American intervention than the Cuban put all his energies to work to reestablish himself, to build up the waste places, to replant her fields and rebuild her factories. Such capital as the Cuban had he invested in repairing losses. Wherever he could he borrowed. He mortgaged the future, and he had commendable success. The crop of sugar in 1900 was 300,073 tons. In 1901 it had grown to 615,000 tons, and during this year the crop will amount to between 800,000 and 900,000 tons. But unfortunately Cuba's apparent wealth is the cause of her poverty and distress. Cuba has substantially but one industry, and that is sugar.

More than one-half of all the inhabitants of Cuba directly and indirectly depend upon sugar for their sustenance; not the rich planters alone, but the humble colonos, the men who cultivate little farms in cane, not exceeding on an average 27 acres. Now, owing to the overproduction of sugar in the world's market, by reason of the bounty system of Europe, the price of sugar has fallen below the cost of production, and as a consequence—is it not too apparent for argument?—Cuba again for the second time faces bankruptcy. Let me show you what the real situation of things is, from a person who knows. I have here a letter from General Wood, addressed to the chairman of the Committee on Ways and Means. He says:

> Planters have exhausted their resources, and a crisis, bringing with it financial ruin to the agricultural industries of the island, and through them to its commerce, is imminent. The people of this island are entitled to the greatest praise for what they have accomplished in the three years following the war. They have brought the sugar production up to a point where it will this year be two-thirds of the maximum output of the island. They have done this with the balance of trade against them to the extent of $30,000,000 during the past three years; however, in accomplishing this result they have invested not only all their reserve capital but have borrowed heavily.
>
> Had the price of sugar continued at the normal average of former years their labors would have resulted in success, but the large production of bounty-fed sugars and East Indian sugars has resulted in a competition forcing the prices of sugar to a point lower than ever before known, and Cuba finds herself to-day financially exhausted, an enormous crop of cane sugar in her fields, and forced to compete with highly protected American sugar and the bounty-fed sugar of Europe, her sugars receiving no consideration whatever.
>
> It is impossible for her to continue the struggle under present conditions; relief must be granted, and granted quickly, or a condition will arise in the island which will render the establishment and maintenance of a stable government highly improbable. A reasonable concession now will enable the regeneration and reconstruction of the island to continue. It will induce immigration and build up the industries of the island and its commerce.

Now, that is the testimony, not of any mere on-looker, not of any visitor to Cuba upon pleasure or otherwise, but of the man who has presided over the destinies of Cuba ever since the American Army occupied its soil; and if that be the condition of things, what is to be done? Cuba is about to inaugurate a new government. She is about to enter upon a new and untried field, which will call for the exercise of all the virtues upon which the success of republican government depends. And we are standing by, our pledge still fresh in our minds, a pledge for which we went to war, that we will secure to her a stable government and insure to her citizens peace and tranquillity.

Now, under these circumstances, what, I submit to you, is our duty? Have we any advice? Yes. From beyond the confines of the tomb at Canton comes the voice of the President, who, being dead, yet speaketh; and I invite you to his conception of the duty that now confronts us:

> We must see to it that free Cuba be a reality, not a name; a perfect entity, not a hasty experiment bearing within itself the elements of failure. Our mission to accomplish which we took up the wager of battle is not to be fulfilled by turning adrift any loosely framed commonwealth to face the vicissitudes which too often attend weaker States, whose natural wealth and abundant resources are offset by the incongruities of their political organization, and the recurring occasions for internal rivalries to sap their strength and dissipate their energies.

That is the conception of President McKinley as to our duty under the present circumstances and it is in the line of the argument I would impress upon this committee, that we carry out and do not forget the mission upon which we entered when we took up arms for Cuba in the cause of humanity.

Now, then, it is apparent that if we are going to accomplish this mission, as I have defined it, we must do something for Cuba. No gentleman who has participated in this debate so far as I have heard has denied that proposition—we must do something for Cuba. Now, what shall it be? In what shape shall the relief come? Is there any advice which has been offered to us, and what is that advice? Yea, verily. From the military governor of Cuba, from the Secretary of War, from the dead President and the living President, from the influential press of the country, from pulpit and platform, and from private sources all over this country comes a demand for reciprocal trade relations with Cuba. Let me show you. Governor Wood says:

> Cuba has submitted a proposition of reciprocity which will turn to the United States $34,000,000 of the $37,000,000 of her trade which last year went

to Europe, and under conditions of increasing agricultural and commercial prosperity her trade will soon be among the most valuable which we have. To-day it amounts to a little less than $70,000,000. With conditions of confidence and prosperity it will probably soon reach $150,000,000—a trade well worth cultivating—and of this amount at least $144,000,000 should come from the United States.

We are bound to maintain a stable government there. We must protect our Southern seacoast from infection from Cuba; in other words, we are bound to protect Cuba, politically and territorially, and maintain her in a sanitary condition. Unless we permit her industries to live she will not have the resources to do it, and we shall have to again take hold of the work and do over again what we have already accomplished.

Next comes the Secretary of War, who says:

Our present duty to Cuba can be performed by the making of such reciprocal tariff arrangements with her as President McKinley urged in his last words to his countrymen at Buffalo on the 5th of September. A reasonable reduction in our duties upon Cuban sugar and tobacco in exchange for fairly compensatory reductions of Cuban duties upon American products will answer the purpose, and I strongly urge that such an arrangement be promptly made.

And again:

Aside from the moral obligation to which we committed ourselves when we drove Spain out of Cuba, and aside from the ordinary considerations of commercial advantage involved in a reciprocity treaty, there are the weightiest reasons of American public policy pointing in the same direction; for the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States. The same considerations that led to the war with Spain now require that a commercial arrangement be made under which Cuba can live. The condition of the sugar and tobacco industries in Cuba is already such that the earliest possible action by Congress upon this subject is desirable.

Then comes the President of the United States, who says:

Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom—indeed, to the vital need—of providing for a substantial reduction in the tariff duties on Cuban imports into the United States.

Cuba has in her constitution affirmed what we desired, that she should stand, in international matters, in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being. (Message of the President, December 3, 1901.)

Here, then, are suggestions all in the same line, proposing the same thing. Now, it is no secret; on the contrary, it is a matter of public notoriety, that when this problem came to the Committee on Ways and Means for solution they found a divergence of views within their own circle. The consequence was that they came here and asked the advice of their fellow Republicans.

The result of a number of conferences was an instruction to the Republican members of the Ways and Means Committee to bring in this bill. This bill, therefore, is a Republican bill. It is a bill in line with General Wood's recommendation. It is a bill that conforms to the policy of President McKinley and of President Roosevelt and of the Secretary of War and of the press of the country, and I verily believe of a majority of all the people of this country without respect to party.

I need not stop now at this stage of the debate to show that it is a simple business proposition, as I have said, proposing reciprocal trade relations between the United States and Cuba—20 per cent off our tariff at this end upon her products and an equivalent reduction of the tariff duties at the other end upon our products. Now, that seems to be on its face a fair proposition and unobjectionable; yet objections have been made to it, and I propose to take up those objections one by one and to give you my answer to them.

It is said, in the first place, that the Cubans will suffer no loss upon their sugar production. Well, that depends upon how much it costs Cuba to make sugar, and how much she can get for sugar when made in the market. The consensus of opinion of all witnesses before the committee was that the cost of making sugar in Cuba was 2 cents a pound. Mr. Atkins, a sugar planter for twenty-five years in the island of Cuba, testified that the average cost of production was 2.16 cents a pound.

Mr. LITTLEFIELD. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. LITTLEFIELD. Did Mr. Atkins refuse to say what it actually cost him? I was not present at the hearings.

Mr. DALZELL. Mr. Atkins refused to give the items from his books. He did not want to disclose his business.

Mr. LITTLEFIELD. Did he give the actual cost to him?

Mr. DALZELL. Two and sixteen one-hundredths.

Mr. LITTLEFIELD. Was that the average or the cost to him?

Mr. DALZELL. That was the average cost to him.

Mr. LITTLEFIELD. To him?

Mr. DALZELL. To him.

Mr. Bliss, our collector at the port of Habana, examined personally the books, item by item, of 12 different establishments, and he testified that in every case, with one single exception, the cost of producing sugar was over 2 cents a pound, 2 cents and a fraction. There was one case where it was 1.98 and a fraction.

Mr. Saylor, an agent of the Agricultural Department, testified that in 1898 he had made an examination of the sugar industry in Cuba and Porto Rico, and he testified that the cost of production was from 1.50 to 1.75; but he testified also that that was in 1898, and that wages had risen since that time from 50 to 100 per cent. And this, by the way, explains the find that my friend, the gentleman from Minnesota, made when delving in the archives of the Spanish Commission. He found that in 1894, 1895, and 1896 sugar was produced in Cuba at $1.60 a hundred.

I have no doubt of it. It was produced up to 1898 at $1.66 a hundred, but since that time, according to the testimony, wages have increased from 50 to 100 per cent. But let us say 50 per cent, and that would make the cost of sugar to which he refers, that which he found delving among the Spanish Commission archives, $2.42 a hundred. So that I am justified in saying upon all the testimony, and fairly justified, that the average cost of sugar in Cuba this last year was $2 a hundred, or 2 cents a pound.

Now, on the 1st of April or thereabouts, sugar was worth in Cuba, free on board, in the ports of Habana and Matanzas and other ports, $1.81, so that at a cost of 2 cents a pound the loss to the Cuban planter would be .19 of a cent, or 19 cents a hundred, or $3.80 a ton. So that the proposition that the Cuban planter will sustain no loss on this year's crop goes by the board when we come to examine the testimony, because we can come to no other result than that the Cuban planter under existing circumstances must lose $3.80 a ton.

Now, let us take the other horn of the dilemma—and, by the way, these two propositions, the first that the Cuban planter would lose nothing, and the second that our concession would not help him because it is too small, were both made in the same speech. Take the other horn of the dilemma—that our concession will not reach his trouble—and let us see how that comes out. The duty on Cuban sugar is 1.685, and 20 per cent of that is 0.337. The concession therefore is 0.348. Add 0.348 to 1.81—the price of sugar at Habana and the other ports of Cuba—and you have 15 cents a hundred profit, or $3 a ton. So I care not which horn of the dilemma you accept—whether you say the Cuban planter suffers no loss, or whether you say that this concession will not meet his loss—in either event, the evidence is a refutation of both assertions.

But the next proposition is that this concession will not go to the sugar planters; that it will go to the trust. Oh, my friends, when you have a bad argument, a poor cause, a failing cause, have no fear. Simply shut your eyes and cry "Trust." If you find no satisfaction within the domain of reason, desert it and enter the domain of passion and unreasoning prejudice, and denounce trusts. No such argument, no such demagogic cry, can meet the necessities of this case, because it is capable of being reasoned out upon the facts that are in evidence.

Why, on principle this concession ought to go to the sugar planter of Cuba. Why? Everybody concedes that the price of sugar is fixed in Hamburg. We have not anything at all to do with the fixing of the price of sugar primarily; it is fixed in Hamburg. The New York price of sugar, therefore, is the Hamburg price, plus the cost of carriage, plus the duty, and plus the countervailing duty. The price of Cuban sugar in Habana is the New York price, less the duty and less the cost of carriage. The price of Porto Rican sugar at San Juan is the New York price, less the cost of carriage, because there is no duty on it. The cost of Hawaiian sugar at Honolulu is the New York price, less the cost of carriage, because there is no duty on that.

Now, why is it, I want to know, that this economic law does not apply in the case of Cuba as it does in the case of all other countries? Why, they tell you it is because there is only one market and there is only one buyer in that market. I deny it. I read from the testimony of Mr. Post, given before the committee. Mr. Post is a partner in the firm of B. H. Howell, Son & Co., raw and refined sugar commission merchants in New York, and agent for the following three sugar refineries: Mollenhauer, New York, and National.

He says:

There are eight or ten of these refineries, making from 20,000 to 22,000 barrels of sugar per day. These refineries are located in New York, Philadelphia, Boston, New Orleans, Texas, and San Francisco. If you want their names, I will be glad to give them to you.

The CHAIRMAN. Will you give their names?

Mr. POST. These refineries are Mollenhauer——

The CHAIRMAN. And give the annual output of each.

Mr. POST. I will.

Capacity per day.

	Barrels.
Mollenhauer Refinery	3,000
New York Refinery	4,000
National Refinery	3,000
Arbuckle Refinery	4,000
McCahan Refinery, of Philadelphia	3,000
Nash, Spaulding Refinery, of Boston	1,000
Henderson Refinery, of New Orleans	1,000
Gramercy Refinery, of New Orleans	1,000
Hawaiian Refinery, of San Francisco	1,500
Cunningham Refinery, of Texas	500
Total	22,000

Mr. MCCLELLAN. Are these independent refineries?
Mr. POST. They are independent, except the three I represent—the National, New York, and Mollenhauer—these three being together.
Mr. MCCLELLAN. I mean independent of the trust.
Mr. POST. Independent of the trust, yes, sir; they all buy their sugars as they please and they sell them in competition.

Mr. SHAFROTH. How does the gentleman reconcile that with the statement of Mr. Havemeyer before the Industrial Commission that the sugar trust controlled 90 per cent of the output of sugar in this country?

Mr. DALZELL. I reconcile it by saying that either Mr. Havemeyer was mistaken or that a different condition of things prevailed when he made that answer (which was some time ago) from that which prevailed when this answer was given, because the record shows that of the sugar refined in this country last year 58 per cent was refined by the so-called "trust" and 42 per cent by these ten independent refineries.

But even if there were only one buyer instead of many in the market, there is only one price in the New York market. There can be only one prevailing price in a given market at a given time. There is no difference in sugars, except as to their saccharine strength. The American Sugar Refining Company does not know many times whence its sugar comes. It buys sugar in bond on the day it needs it, and pays the New York price.

But in addition to all that, from time immemorial, without a break, Louisiana sugar, Porto Rican sugar, Cuban sugar, Hawaiian sugar have all sold in the New York market at the New York price—all on the same basis less the cost of carriage, and where there was a duty, with the duty added. And what has taken place in the past will take place in the future. There is no reason why there should be any change. There is no reason why the economic law that has prevailed throughout all these years should not continue to prevail in the future.

But, in addition to all that, it is proven that when the duty was taken off Porto Rican sugar the benefit of the remission of duty inured to the Porto Rican. It was proven that when the duty was taken off the Hawaiian sugar the benefit inured to the Hawaiians.

As against this, what have we? We have the most ingenious argument of the gentleman from Minnesota [Mr. MORRIS], who gets together a lot of figures and works an equation to prove that the Hawaiian does not get the benefit of the remission of duty; that the Porto Rican does not get the benefit of the remission of duty, and therefore the Cuban will not get the benefit of this reduction. Why, let me show you his calculation; it is in the shape of an equation. It is fearfully and wonderfully made. It reads this way:

$$3.40+0.12+0.23+0.05-3.80=2.20+0.08+0.27+1.63\text{—total, } 4.18.$$

Therefore the Cubans will not get the benefit of this reduction of duty! Why, he says it works out with the exactness of a theorem in Euclid, and I grant you that it does, and it has just as much to do with this case as a theorem in Euclid. What is it that we are inquiring about? We are inquiring about a question of fact.

Why, sir, no man undertakes to solve a question of fact by an algebraic or geometrical problem. If I want to know, my friend, whether you have received a certain amount of money on a certain day, I do not sit down and say, "x plus y equals z." I simply ask you whether you have received the money or not. Facts are proved, not by figures, but by evidence. And the evidence on this score is beyond all dispute and controversy.

Let me read it to you. Here is the testimony of Mr. Mendoza before the Committee on Ways and Means:

The struggle here seems to more against the sugar trust than against Cuba. The American Sugar Refining Company and Mr. Havemeyer are mentioned more frequently than Cuba. Some one said that we were influenced by them because we had asked for free raw sugar. We did not think of any other sugar, because raw sugar is the only kind we produce.

Whatever reduction is made, I do not see how it can go to anyone else than to the planter and the laborers, just as it has in the case of Hawaii and Porto Rico. There is only one price for sugar in the New York market, and if a reduction is made the benefit of it will go to the sugar grower. No sugar has yet been sold, so I do not see how the sugar trust can own it.

Here is the testimony of Mr. Atkins:

The CHAIRMAN. I would like to go back again to the price of the raw sugar of Hawaii landed in New York. How does that compare with the price of your raw sugar from Cuba?

Mr. ATKINS. The price the refiner pays for Hawaiian sugar landed at New York is just exactly the same as for a cargo landed from Cuba. The difference is that the seller of Hawaiian sugar gets 3½ cents for a pound and I get 3½ cents from the refiner, but I have to go to the United States custom-house and pay them 1.68 cents before I can withdraw my sugar from the warehouse.

Mr. METCALF. Going back to the question of free trade and reciprocity with Hawaii in 1876, was the price of sugar to the consumer reduced at all?

Mr. ATKINS. No, sir; the effect of the admission of the sugars of the Hawaiian Islands was to give the difference to the producers of the Sandwich Islands.

Here is what Mr. MONDELL, a member of the House, says in his recent speech. He had spent a month in Honolulu and conversed with the sugar planters there.

I wanted to know whether that organization, the sugar trust, had been able to rob the American planter of any of the benefits derived from free access to our markets.

The planters with whom I talked informed me that they had an agreement whereby they sold their sugar to the agents of the American refineries at a price equivalent to the New York price of sugar on the day their sugar landed in San Francisco, less the difference in freight rates. I ask the attention of my friend from Minnesota [Mr. MORRIS] to this as the testimony of Hawaiian planters themselves three years ago. The gentleman has contended that the Hawaiian planter is not getting the full benefit of the relief from the payment of the American duty, whereas Hawaiian planters said to me—and a number of them made the same statement—that they had an agreement whereby they were paid for their sugar, on the day it landed in San Francisco, the price of the same quality of sugar, duty paid, on the same day in the markets of New York, less an agreed adjustment of freights. So they received absolutely all that their sugar was worth and all of the benefit of the remission of tariff duty.

Here is the testimony of our consul at Hawaii, Mr. Haywood:

The CHAIRMAN. I would like to know the relation of the price in Hawaii to the price in New York.

Mr. HAYWOOD. As I understand it, several plantations in Hawaii make a contract to sell their sugars for three years at the price in New York. The day the cargo arrives there that price is fixed, as I understand it, and, as the committee has been told in the last several days, by the price of sugar in Hamburg.

The CHAIRMAN. As you understand, they get their full price for their Hawaiian sugar?

Mr. HAYWOOD. They get the full price that sugar is selling for in New York as soon as sugars arrive there.

The CHAIRMAN. And how long has that been?

Mr. HAYWOOD. Those contracts?

The CHAIRMAN. Yes.

Mr. HAYWOOD. Since I first went there, about five years ago.

The CHAIRMAN. So, notwithstanding the fact that the American sugar trust is the only customer of the Hawaiian sugar, that gets a full price for it?

Mr. HAYWOOD. They get the price the day the sugar arrives in New York, whatever that may be.

Mr. Oxnard has just made a suggestion that we do not get the same price for our sugar in San Francisco. I think it is three-sixteenths less in San Francisco than the price paid for the sugar that goes to New York.

The CHAIRMAN. What proportion of the sugar goes to San Francisco?

Mr. HAYWOOD. I do not think that the greater portion goes there; I think the greater portion goes to New York.

The CHAIRMAN. Since you have been producing more?

Mr. HAYWOOD. Yes, sir.

The CHAIRMAN. More than the Pacific coast needs?

Mr. HAYWOOD. I presume so; yes, sir.

Mr. LONG. What is the reason for the difference of three-sixteenths?

Mr. HAYWOOD. As I understand it, the reason given by the purchasers is to cover freight.

Mr. LONG. Freight from San Francisco?

Mr. HAYWOOD. From San Francisco to New York.

So that, relying upon the undisputed testimony and banishing from our minds for the time being this ghost of a "trust," it is perfectly apparent that if this 20 per cent be taken by this bill off sugar coming into the United States the benefit of this reduction will go to help the sugar planters of Cuba.

But my friend from Michigan [Mr. WM. ALDEN SMITH] says, "What is the sugar trust lobbying here for?" I will answer him. Since this controversy began I have never seen, spoken with, or been approached by a solitary representative of the American or any other sugar refining company. On the other hand, my life has been made miserable by the lobbyists of the beet-sugar business. They have swarmed in these corridors. They have camped in the room of the Committee on Ways and Means, and when I came through from the other end of the Capitol, in the morning, on my way to my committee room, they have followed me along the corridor, pouring into my ears their plea. They swarmed in the galleries the other day and joined in the well-merited applause that followed the speech of my friend from Michigan [Mr. WM. ALDEN SMITH], for it was a splendid speech. It was eloquent; it was scholarly; it was a good protection speech. It had only one fault—it had no relevancy to the subject before the House. [Laughter.]

One other argument has been used to prove that this concession would not go to the sugar planter. In the Republican conferences it was argued and it was argued here that it would not go to the sugar planter of Cuba, because, forsooth, this octopus, this sugar trust had already gobbled up all the sugars of Cuba, and that argument prevailed and seemed to have some weight until the chairman of the Committee on Ways and Means [Mr. PAYNE] made his speech in the House the other day and presented this telegram, which I will read, from General Wood, going to show that the sugar of Cuba is in the hands of the sugar planters of Cuba. The telegram is as follows:

Copy of cablegram received at War Department April 2, 1902.

HABANA, ————.

EDWARDS, *War Department, Washington:*

Telegrams sent to 194 sugar centrals, to which 126 answers have been received to date; also telegrams sent to 33 Cuban banking firms, to which 34 replies have been received.

Figures, according to replies received, as follows:

	Long tons.
Output for the year to March 25	584,259
Amount actually in hands of planters	217,561
Sold and delivered to island firms	194,913
Contracted for in the island and not yet delivered	43,578
Pledged as security for loans in the island, but not sold	235,222
Held at the option of the American Sugar Refining Company	3,285
Held at option of other American purchasers	2,285
Exported to the United States	25,646

All sugar above mentioned, except that at the option of American Sugar Refining Company and other American purchasers, is in the hands of Cuban

planters and Cuban and Spanish commission houses doing business in the island of Cuba and is not at the option of anyone. Where held as security for loans advanced to planters, the planters will get the advantage of any raise in price under conditions of deposit, as is the custom in the island. This statement shows conclusively the absolute falsity of the declarations that the sugar trusts have control of considerable portion of Cuban sugar crop. Other statements will be furnished as soon as possible.

WOOD, *Military Governor.*

Received at War Department April 7, 1902.

HABANA, *April 7, 1902.*

Captain EDWARDS,
War Department, Washington:

Reference your telegram to-day, telegrams sent to 194 sugar centrals, as previously reported in my telegram 2d instant. Ten additional replies received since, which report as follows:

	Long tons.
Output for the year	24,755
Amount in hands of planters	13,200
Sold and delivered	11,311
Contracted for with island firms but not delivered	3,019
Pledged as security for loans in island but not sold	1,546

All sugar above mentioned is in hands of planters and Cuban and Spanish commission houses doing business in the islands with the exception of 2,368 long tons exported to United States. None at option of American Sugar Refining Company nor other American purchasers. Where held as security for loans, planters will get advantage of rise in price, as stated in telegram of 2d instant. Two remaining banking firms replied: "Do not make loans on sugar." Above amounts should be added to my cable of April 3. No change in situation.

WOOD, *Military Governor.*

And then, upon the reading of this telegram, lo and behold—and I give them credit for their ingenuity—our friends upon the other side made a flip-flop, turning a summersault so quick you could hardly see them, and abandoned that argument and came in and read an article from the New York Journal of Commerce which quoted the last annual report of the American Sugar Refining Company to show that it had $10,000,000 of sugar less on hand now than it had at the same time last year, and they said, "Look at it, look at it; this trust is waiting on this legislation, and they are not buying!" Well, my friends, I will tell you why they are not buying. They are not buying because the Cuban planter will not sell. He is the party who is waiting on this legislation, and not the American Sugar Refining Company. [Applause.]

Now, my friends, my time is passing rapidly. I have answered every argument that has been advanced during this discussion going to show that this bill will not effect its purpose by carrying relief to the Cuban sugar planter, every one of them, and I come now to the question of whether it will injure the beet-sugar industry.

Now, there is a starting point upon that subject which renders the discussion more easy, and that is this: It is conceded by everyone that this bill will not alter the price of sugar to the American consumer a single solitary mill. That is conceded, and in the nature of things it could not be otherwise, because if you come to consider that our annual consumption is about two and a half millions of tons, that our annual production is about 900,000 tons, and that includes cane and beet sugar, and includes Porto Rico and Hawaii, it necessarily follows that we must import 1,600,000 tons of sugar. Of those 1,600,000 tons of sugar, Cuba can not furnish more than 850,000 tons, and we must therefore import outside 750,000 tons of sugar.

That being the case, need I stultify myself by standing here to argue that this concession would not make an iota of a mill of difference in the cost of sugar to the consumer? Will my friends answer me this question: If the American beet-sugar producer can sell his sugar in the market for the same price after this bill is passed that he sells it before the bill is passed, how is he hurt? Will any gentleman undertake to answer that question?

Oh, they say it will arrest the spread of the industry. Well, if the industry is making money now and if sugar will sell at the same price after the passage of this bill as before, how will it arrest the spread of the industry? Answer me that question. Oh, they say—they did say, but I think they have abandoned it—sugar production will increase in Cuba so as to come in competition with the sugar production in the United States. How much, I ask, can sugar production increase in Cuba in the next ten months?

Mr. WM. ALDEN SMITH. It doubled in the last year, nearly.

Mr. CONNELL. What about the consumption in this country every year?

Mr. DALZELL. Why, the consumption increases at a remarkable rate. I have the figures somewhere. We consume 65 pounds of sugar per capita now.

Mr. PAYNE. It increases 7 per cent every year.

Mr. DALZELL. But, Mr. Chairman, and gentlemen, I go a step further. I say that beet sugar in this country does not require any protection, and the witness I call to support that proposition is the most prominent beet-sugar producer in the United States, and the one who has headed the lobby that has infested this capital for the last six weeks, and I am going to read to you what he says. It has been referred to oftentimes, but never read. I am going to read to you what he said. Mr. Oxnard, in 1899, said:

Perhaps it may be well to draw attention to one or two features of the industry:

(1) Its product is a staple of universal consumption and of the readiest sale.

(2) The product is a finished article, the sugar being turned out refined and granulated, the manufacturer not being dependent upon the refiners' trust for his market.

(3) Competition by home production is so remote as to be scarcely worth consideration. The United States is now compelled to import three-quarters of its consumption, and it would take at least 300 factories of a daily capacity of 500 tons of beets to produce present importation.

Regarding the future development and permanency of the beet-sugar industry in the United States there can be absolutely no doubt, for the following reasons:

(1) Of the tropical countries which it is proposed to annex to the United States, Porto Rico is too small to cut any figure, and the Philippine Islands have not the necessary elements for the expansion of the sugar business sufficiently rapid to give any concern to those interested in the production of sugar from beets in this country for the next twenty-five years to come.

(2) The island of Cuba is so situated that its sugar industry can rapidly recover the ground lost during the insurrection, provided that the labor question there can be satisfactorily settled. There is, however, no fear that Cuban production, even under an annexation to the United States, can in our day expand to the point where the United States would become exporters of sugar instead of importers, and hence that protection would no longer protect.

(3) Greater than all the above assurances of the permanence of the sugar industry in this country is the fact that sugar can be produced cheaper here than it can be in Europe. The sugar industry is, after all, merely an agricultural one. We can undersell Europe in the production of all other crops, and sugar is no exception. The sugar consumed in the civilized world consists of 3,000,000 tons of cane sugar grown in the Tropics and 5,000,000 tons of beet sugar grown on the continent of Europe. Therefore in considering any given sugar enterprise, if it can meet and overcome the competition of sugar on the continent of Europe, it is perfectly safe to say that it has a permanent future.

Now, Mr. Oxnard says that he was mistaken, because he based his calculation upon figures that did not materialize. I deny it. I read from this same circular that these figures are based upon his experience in the beet-sugar business in the States of California and Nebraska, and he says that the figures instead of being extravagant are conservative.

And over against any denial, in addition to that statement, I put the further fact that when Mr. Oxnard made that statement he had been nine years in the beet-sugar business, and there had been then produced and marketed of beet sugar in the United States 300,000 tons. So that I have here, as I say, the testimony of the most prominent beet-sugar man in this country to the effect that beet sugar needs no protection. Furthermore, he was justified by the figures of the beet-sugar industry.

According to the United States census bulletin the average price paid for a ton of 2,000 pounds of beets in the United States is $4.39. The average per cent of sucrose carried by the beets is 14.5 per cent. But suppose we assume only 12 per cent, or 240 pounds of refined sugar to a ton of beets. One hundred tons of beets at $4.39 per ton equals $439. Manufacturing at $3 per ton, Mr. Oxnard's figure, equals $300. A 12 per cent yield of sugar would make the cost of 24,000 pounds of refined sugar $739, or a little less than 3 cents and 1 mill per pound.

The average price of granulated sugar during the last year was 5.05 cents per pound. On this basis the beet-sugar producer had a profit of about 2 cents a pound, or $40 a ton. But suppose we say that Mr. Oxnard was mistaken as to his $3 for the cost of manufacture, and call it $4. Then we have the cost of beets and manufacture $839 instead of $739, and the cost per hundred pounds $3.41. The profit then would be $1.64 per hundred, or $32.80 per ton.

Now, it is manifest that upon any basis of figures for which we have testimony Mr. Oxnard was right when he said that beet sugar needed no protection.

But there is no contention here that beet sugar shall not receive protection. The claim that this bill is inconsistent with protection is simply ridiculous. Republican platforms have been appealed to. Will gentlemen point to any Republican platform that ever guaranteed a particular rate of duty on any particular article? Protection means principle, not schedules.

There is no proposition here to remove from beet sugar any adequate protection. The gentleman from Iowa [Mr. HEPBURN] was unfortunate when, appealing to me a little while ago, he sought to draw a parallel between tin plate and beet sugar. Why, we took 50 per cent of the duty off tin plate, and nobody pretended that we were depriving it of protection, and it flourished and grew until now it fills the entire market. Think of talking about depriving beet sugar of protection when you leave 70 per cent of protection on it.

Mr. TAWNEY. How does that compare with glass, with 154 per cent?

Mr. DALZELL. I do not care how it agrees with anything else. It is more than sufficient to protect the article, which, according to its chief apostle, needs no protection at all. And when gentlemen talk about a violation of Republican pledges and

Republican platforms, they simply indulge in a hysteria that has deprived them of their good, calm, deliberate judgment. Thus far I have demonstrated that the pending measure will bring relief to Cuba and that it will not injure any American industry, and is therefore not in conflict with the doctrine of protection.

I might well rest the case here. But it is argued that the reciprocity of this bill is at war with Republican principles. One gentleman has said that this is not Blaine reciprocity, is not McKinley reciprocity, is not Dingley reciprocity. In that he is mistaken, as I will show.

In 1890, when the McKinley bill was under consideration, Mr. Blaine, then Secretary of State, made a recommendation to President Harrison in which he said:

To escape the delay and uncertainty of treaties, an amendment to the pending tariff bill authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever, and so long as, such nations shall admit to its ports, free of all national, provincial (State), municipal, and other taxes, our flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, and refined petroleum.

I mention these particular articles because they have been most frequently referred to as those with which a valuable exchange could be readily affected. The list could, no doubt, be profitably enlarged by a careful investigation of the needs and advantages of both the home and foreign markets.

* * * * * * *

Of course, the exchanges involved in these propositions would be rendered impossible if Congress, in its wisdom, should repeal the duty on sugar by direct legislation, instead of allowing the same object to be attained by the reciprocal arrangements suggested.

His letter was forwarded to Congress by President Harrison in a message in which, amongst other things, he said:

If after the Congress shall have acted upon pending tariff legislation it shall appear that, under the general treaty-making power or under any special powers given by law, our trade with the States represented in the conference can be enlarged upon a basis of mutual advantage, it will be promptly done.

In response to these recommendations, the Ways and Means Committee embodied in the McKinley bill its well-known reciprocity feature, which, while it provided for free sugar, provided also for a duty on sugar as against all countries that would not make reciprocal agreements with us for favorable entry of our products into their markets.

Under the reciprocal feature of the McKinley bill we made treaties with a number of nations whereby in consideration of letting sugar come into our markets free we obtained equivalent concessions for our goods in their markets. These nations were Cuba, British West Indies, Brazil, Porto Rico, Dominican Republic, British Guiana, Nicaragua, Salvador, Honduras, Guatemala, Germany, Austria-Hungary. In point of fact the era of the McKinley bill was an era of reciprocity, during which the chief factor in our reciprocity dealings was sugar.

All of these treaties were abrogated by the Democratic party when it came into power, and for that abrogation we denounced that party in the Republican platform of 1896.

When the Dingley bill came to be drawn, provision was made therein for reciprocity; reciprocity by treaties to be approved by Congress, and commercial agreements to be made by the President. Under the Dingley law reciprocity treaties now exist with France, Germany, Portugal, and Italy, and a number of other treaties are pending in the Senate, awaiting action thereon.

What Mr. Dingley's view of the subject was may be gathered from a report submitted by the Ways and Means Committee, from which I will read.

In submitting their report, signed by every Republican member of the Ways and Means Committee (including Mr. TAWNEY, of Minnesota) and headed by Mr. Dingley, the committee say:

In submitting this report and the testimony that accompanies it your committee can not refrain from again calling attention to the unanimity of opinion among the commercial and industrial associations of the United States that the reciprocity arrangements negotiated under the tariff act of 1890 were of great benefit to the United States, that their repeal was a public calamity, and that the policy they represented shall be permanently adopted in our tariff legislation.

What Mr. Roosevelt thinks upon this subject appears from what I have already said. I am justified, therefore, in challenging the assertion of the gentleman from Minnesota when he would array against this bill the honored names of Blaine and McKinley and Dingley.

But before leaving this subject I want to submit some extracts from the Dingley report on reciprocity in the Fifty-fourth Congress. The question before us, I have heretofore said, is in one aspect a business question, and what I desire to submit has a bearing on that phase of the question. It will go to show what we may expect by way of material advantage from the adoption of this measure.

It is a report of the Committee on Ways and Means in the Fifty-fourth Congress concerning reciprocity and commercial treaties. I quote as to Cuban reciprocity:

The total exports of merchandise from the United States to Cuba during—

1891 (the year before the agreement)	$12,224,888
1892	17,953,570
1893	24,157,698
1894	20,125,321
1895 (after repeal of reciprocity)	12,887,661

As suggested by one of the millers who answered the inquiries of the committee:

"It is well to consider the growth of our flour trade with Cuba and Porto Rico during the continuance of this agreement, the exports of which to Cuba for the years named having been as follows:

	Barrels.
1891	114,441
1892	366,175
1893	616,406
1894	662,248

"Which shows a growth of more than 480 per cent, while our export flour to Cuba for the year ending June 30, 1895, the year after the annulment of our reciprocity treaty, fell off to 379,856 barrels, a loss of more than 42 per cent. This increase of flour trade with Cuba was not enjoyed by any other countries, as the exports of flour to Habana, the metropolis of that island, from Europe fell from 85,519 bags during the months of January, February, March, and April in 1891 to 4,268 bags during the same months in 1892. As I understand it, these same bags are figured at 140 pounds each.

"Under this arrangement similar advancements in our flour trade with Porto Rico were achieved, having been as follows:

	Barrels.
1891	127,983
1892	162,147
1893	200,053
1894	200,813

"Which shows a gain of about 60 per cent, while our flour export to Porto Rico for the year ending June 30, 1895, fell to 118,617 barrels, or a loss of about 40 per cent."

The committee says:

The most striking statement we have recorded on this subject is from the Louisville and Nashville Railroad Company, as follows:

"Our records show that, from the establishment of our line of steamers, December, 1893, from Pensacola, Fla., to Habana, Cuba, until the withdrawal of the reciprocity relations with Cuba, August, 1894, we handled from St. Louis as follows:

	Tons.
Flour (177,334 sacks)	17,733
Corn (218,787 sacks)	24,066
Oats (12,498 sacks)	1,000
Bran (7,231 sacks)	578
Hay (14,909 bales)	800
Total (20 months)	44,177

"Since that time to date we have handled:

Flour (43,761 sacks)	4,376
Bran (4,894 sacks)	391
Corn (4,828 sacks)	531
Hay (9,344 bales)	234
Total (19 months)	5,532

The manager of the New York and Cuba Mail Steamship Company, New York City, writes to the committee as follows:

"With the abrogation of the reciprocity treaty between the United States and Cuba, imports from this country have been made subject to the highest rates of duty. This has taken away our trade in railroad iron, cars, locomotives, machinery, etc., and has almost killed the trade in flour, provisions, and produce.

"The reduction of duties on provisions, cereals, and produce would restore the trade to the United States. In flour alone our trade would increase 500 per cent. On other products the volume of traffic would be many times greater than it now is. The volume of business was more than doubled under reciprocity arrangements. The Statistical Bureau of the Treasury Department will confirm this statement, and also demonstrate how the business has since fallen off, but it can not show to what extent our trade with Cuba would have increased had the influence of reciprocity continued a few years longer. The reciprocity enabled us to double our tonnage-carrying capacity to Cuba, and yet carry full cargoes. Its abrogation left us with the increased tonnage capacity, but with less than half cargoes."

What we have realized by way of reciprocity in the past we may reasonably expect to realize by way of reciprocity in the future.

The total imports into Cuba from the United States has been steadily falling. In 1899 Cuba imported goods from the United States valued at $29,580,657, not including coin, and from other countries $36,728,028. In 1900 she imported from the United States $29,225,123, and from other countries $37,239,344; while in 1901 she imported from the United States only $28,017,820, and from other countries $38,554,982.

The object of this bill is to secure to the producers of the United States the market for $38,554,982 of articles now purchased elsewhere.

As almost all of the needs of Cuba can be supplied by the industry of this country, a sufficient reduction of tariff duties in our favor will permit us to monopolize the Cuban market.

During the past year the United States sold Cuba only $3,702 of rice, while she bought from other countries $3,332,019; the United States sold her only $447,501 of cotton goods, while other countries sold her $5,637,126; the United States sold her $879,180 of shoes, and other countries $3,041,087; the United States sold her only $1,260,179 of cattle, while other countries sold her $6,091,688; and these figures apply to a year when Cuba was far from prosperous. If we permit her to become prosperous her imports of $60,000,000 will double, and with a sufficient reduction of her rates of duty we will derive the direct benefit of her prosperity.

If I have succeeded at all in the views that I have endeavored to present, I have made it plain that the pending measure is a

measure both of honor and of profit, a measure deserving of support in the domain of morals and in the domain of business.

The gentleman from Minnesota has made a suggestion that ought to be noticed. He calls for the repeal of the differential, the duty on refined sugar.

In that he does himself an injustice. He announces himself a protectionist, and in the same breath he calls for Democratic support of an amendment to strike down protection. In other words, the banner that he uplifts bears the legend, "for sugar refined from beets, protection; for sugar refined from cane, free trade." He is inconsistent. He would turn over to England and the Continent the refining of raw sugars. But beet sugars are refined sugars, and he would bring into competition with them the refined sugars of the underpaid wage-earners of foreign countries. Why would he do this?

In answer to a popular prejudice, alarmed by the cry of a trust. But the American Sugar Refining Company, call it what you may, is an American company. The capital invested is American capital, the men employed are American wage-earners, paid American wages in good American dollars. The stockholders of the American Sugar Refining Company are numbered by the thousands. They are most of them plain people like the gentleman himself and myself; they represent estates, widows, orphans, investors dependent upon their investments for their sustenance. His appeal is not an appeal to reason, but an appeal to unreasoning prejudice. He will, himself, upon calm deliberation, think better of it and act, I am sure, like a wise American legislator. As for me, if I am to have refined sugar from a trust, then I want it from an American trust and not from a European trust. [Applause.]

In conclusion, Mr. Chairman, it is said that we have done great things for Cuba. Yes; so we have. We have driven the tyrant from her shores, we have fed her hungry, restored to life her starving, kindled anew in her breast the fires of hope and human ambition. We have scoured her cities, taught her the religion of cleanliness, driven out disease, multiplied schools, founded hospitals, pointed the way to progress, made life a joy under her blue skies and in her balmy air. We have established law and order and introduced her to the enjoyment of the principles of Saxon liberty. We have shown her as orderly and brave an army as ever constituted garrison; as courteous, but firm and able, a general as ever served in camp or presided in council.

When the historian of the future shall come to record the beginnings of Cuban independence, I venture the prophecy that he will have no more worthy page than that devoted to Gen. Leonard Wood and his services in preparing Cuba for self-government. [Loud applause.]

We have shown Cuba the way in which she ought to walk, and we must not desert her now. Our task is not yet fully accomplished. Without even the suspicion of harm to ourselves we can give her I will not say generous, but just aid, and gloriously fulfill the mission on which unselfishly we entered in a war for humanity by adding her star to the constellation of the nations. [Loud applause on the Republican side.]

The CHAIRMAN. A few minutes still remain. If there be no objection, the Clerk will now proceed with the reading of the bill. The Chair hears no objection, and the Clerk will proceed.

The bill was read, as follows:

A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Be it enacted, etc., That for the purpose of securing reciprocal trade relations with Cuba, the President is hereby authorized, as soon as may be after the establishment of an independent government in Cuba and the enactment by said government of immigration, exclusion, and contract-labor laws as fully restrictive of immigration as the laws of the United States, to enter into negotiations with said government with a view to the arrangement of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States by rates of duty which shall be less by an amount equivalent to at least 20 per cent ad valorem upon such products and manufactures than the rates imposed upon the like articles when imported into Cuba from the most favored of other countries, and which shall not be greater than the rates imposed by the United States upon the like articles imported from Cuba; and whenever the government of Cuba shall enact such immigration, exclusion, and contract-labor laws, and shall enter into such commercial agreement with the United States, and shall make such concessions in favor of the products and manufactures thereof as aforesaid, and which agreement, in the judgment of the President, shall be reciprocal and equivalent, he shall be authorized to proclaim such facts both as to the enactment of such immigration, exclusion, and contract-labor laws and the making of such agreement; and thereafter until the 1st day of December, 1903, the imposition of the duties now imposed by law on all articles imported from Cuba, the products thereof, into the United States shall be suspended, and in lieu thereof there shall be levied, collected, and paid upon all such articles imported from Cuba 80 per cent of the rate of duty now levied upon like articles imported from foreign countries. The President shall have power, and it shall be his duty, whenever he shall be satisfied that either such immigration, exclusion, or contract-labor laws or such agreement mentioned in this act are not being fully executed by the government of Cuba, to notify such government thereof, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty provided by law upon articles imported from foreign countries.

The committee amendments were read as follows:

On page 1, line 7, strike out the word "and." In same line, after the word "exclusion," insert the words "and contract labor."

On page 2, line 7, strike out the word "and." In same line, after the word "exclusion," insert the words "and contract labor."

On page 2, line 13, strike out the word "and."

On page 2, line 14, insert the words "and contract labor."

On page 2, line 24, strike out the word "or." In same line, after the word "exclusion," insert the words "or contract labor."

Mr. PAYNE. Mr. Chairman, I ask that the vote be taken on all the committee amendments in gross.

The CHAIRMAN. Is a separate vote demanded on the committee amendments? If not, the Chair will submit them in gross.

A separate vote not being demanded, the question was taken on the amendments in gross, and they were agreed to.

Mr. TAWNEY, Mr. MORRIS, and Mr. CORLISS addressed the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, I yield to my colleague [Mr. MORRIS].

Mr. MORRIS. I offer the following amendment.

The Clerk read as follows:

Insert after "countries," line 22, page 2, the following:

"And upon the making of said agreement, and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties thereon now provided by law on all sugars above No. 16 Dutch standard in color, and on all sugar which has gone through a process of refining, imported into the United States, 1 cent and eight hundred and twenty-five one-thousandths of 1 cent per pound."

Mr. PAYNE. Mr. Chairman, I make the point of order that that amendment is not germane to the bill. This bill purports and does reduce the duty on Cuban products imported into the United States.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I ask for order and ask the gentleman to speak loud enough for us to hear.

The CHAIRMAN. The committee will be in order, and gentlemen will suspend other business.

Mr. PAYNE. This bill has for its object and purpose the reducing of duties on imports on the products of Cuba and Cuba alone 20 per cent from the Dingley rates, upon the President having made a reciprocal trade arrangement with Cuba, and upon their complying with other conditions precedent. These rates are to be reduced and the reduction is to obtain only while the Cuban government shall enforce the laws to be enacted and shall carry out their reciprocal agreement. It does not propose to interfere with the duty upon any article produced in any other country of the world. It does not in any manner propose any general taxation, any general revenue law. This amendment introduces a new subject into the bill. This amendment proposes to take off a certain portion of the duty upon refined sugar, and the duty on the refined sugar received from any other country than Cuba as well as from Cuba.

Now, Mr. Chairman, it would seem after that statement of the bill and statement of the amendment that it was only necessary to read the rule in reference to an amendment being germane:

And no motion or proposition on the subject different from that under consideration shall be admitted under color of amendment.

Here is another subject; here is another proposition differing from that under consideration which is asked to be brought in and to be added to this bill. It is a change of the bill from a reciprocal trade relation with a single country to a general amendment of the tariff laws upon the imports from the world at large.

I am aware, Mr. Chairman, that the decree has gone out from the other side of the House that the rules of the House are to be brushed aside in the interests of what they want in the way of tariff reform and tariff amendment. I am not informed that this side of the House proposes to brush away the rules. True, we have heard declarations against the rules of the House; true, we have heard the gentlemen who have special interests at stake in their districts, about which they have not succeeded in getting legislation, talking against the rules of the House; but when we stop to think that the rules of the House are the combined wisdom and judgment of the Representatives of the people for the last one hundred years, rules representing the wisdom and growth of men like Garfield, Blaine, Blackburn, Mr. Carlisle, and Mr. Crisp, of Reed, and of Dingley, when we consider that these rules are the outgrowth of the best judgment of the best men and representatives of the people who have appeared in the House of Representatives for the last fifty years, they can not be considered as cobwebs to be lightly brushed aside. Every man will, when he comes to decide the question, I trust, decide it upon his conscience and his honor as a judge in this case.

Now, Mr. Chairman, there have been rulings innumerable on this question. One was made by Mr. BURROWS, of Michigan, when he was acting as Chairman of the Committee of the Whole. The House had under consideration a bill relating to the classification of worsted goods as woolen. Under the tariff law woolen bore a higher rate of duty than worsted goods. Worsted goods were brought in at a lower rate of duty, and the intent of the tariff law was being evaded, making this difference in classification,

making a difference upon the rate of duty on worsted goods. The object of the bill was to raise the duty upon worsted goods by classifying them as woolen.

Mr. Breckinridge, of Kentucky, offered an amendment providing:

That all wool, hair of the alpaca goat and other like animals, wool on the skin, woolen rags, mungo, waste, and slack shall be admitted when imported free of duty. That on and after the 1st day of October, 1890, in lieu of the duties imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid on woolen and worsted cloths, and all manufactures of wool of every description made wholly or in part of wool, 35 per cent ad valorem.

Mr. Nelson Dingley, jr., of Maine, made the point of order that the amendment related to a subject different from that with which the bill dealt.

The Chairman ruled as follows:

The latter part of clause 7 of Rule XVI provides:

"And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

The subject under consideration in this bill is the classification of worsted cloths as woolen cloths. That is the subject. The proposition of the gentleman from Kentucky is to put wool on the free list as an amendment. It seems to the Chair that that is a different subject. The Chair remembers in the last Congress, when a proposition was made on a bill for the admission of Dakota to amend it by adding the Territory of New Mexico, and the point was made that that was on a subject different from the one under consideration, the then Speaker of the House, Mr. Carlisle, decided that it was a different subject, although relating to the same general subject. The Chair therefore sustains the point of order and rules the amendment out of order.

On a vote by tellers, an appeal having been taken, this decision was sustained—74 ayes to 36 nays.

Mr. Chairman, this is only one of a long series of decisions of a similar kind. The object of the rule has always been observed by the House in this connection—that you can not, under color of amendment, introduce another subject or a different subject into the bill. We have had rulings where the claim of one man was presented and the motion was made to add the claim of another person, that that was not germane. We have had cases where the salaries of a certain class of officers—judges of court—were the subject of the bill, and it was held that you could not add the salary for marshals and other officers of the court. And so on in innumerable decisions.

This case decided by the gentleman from Michigan [Mr. BURROWS] seems to have covered the point completely. I am aware, Mr. Chairman, that there is a decision on which some gentlemen place reliance, made in 1870. I want to call attention to the fact that every one of these other decisions, which I might quote by the hundred, were made since 1870, and these hold that they were not in contravention of the decision made in 1870 and that the rule plainly requires that the Chair and the House should hold that such an amendment was not germane.

On June 3, 1870, the House resumed the consideration of the bill of the House (H. R. 2045) to reduce the internal taxes, and for other purposes, the pending question being on the forty-fifth section of the same.

Mr. James Brooks, of New York, proposed to submit the following amendment:

Add to the section the following proviso:

"*Provided further*, That on and after the 1st day of January next the duties levied upon the articles hereafter named imported from foreign countries shall be reduced as follows:

"On sirup of cane juice, or melado, or molasses from sugar cane, and on all sugars, and on salt, 33½ per cent.

"On coffee and on tea, 20 per cent; and on pig and scrap iron, 22½ per cent.

"And all imported goods, wares, and merchandise here described which may be in the public stores or bonded warehouses on the day of the year this act shall take effect shall be subjected to no other duty upon the entry thereof for consumption than if the same were imported, respectively, after that date."

The bill in that case was being discussed in the House as in Committee of the Whole.

The Speaker [Mr. Blaine] stated that the House had given unanimous consent for the consideration of the bill in the House; that would cover all amendments considered germane, and hence the only question at issue is whether the amendment be germane. In his opinion the amendment was germane from the very necessities of the case, for it might be of the utmost importance in determining the internal revenues to be derived from any article, to determine also what the external revenues shall be from the same article. He would, however, submit the question to the whole House.

Which he did; and it was decided in the affirmative, or that the amendment was germane and was in order.

But there was before the House at that time a general internal-revenue bill, a bill applying to all articles, a bill relating to the taxation of various articles of internal revenue; and Mr. Blaine suggested that it might be of the utmost importance where certain articles were to be subjected to an internal-revenue tax to provide also for an external-revenue tax on the same articles—that is, for custom duties to be levied upon those articles—a long way from deciding that in a case like this, where we have simply a proposition for "reciprocal trade relations between the United States and the island of Cuba," we can go into a general amendment of the tariff (for that is what this proposition means) upon such a bill.

Mr. Chairman, if you hold this amendment in order you simply wipe out the last clause of paragraph 7 of Rule XVI of the House of Representatives. You simply repeal a rule of the House. You "wipe it away," in the choice language of the gentleman from Missouri, as empty cobwebs, as a "weak or trivial rule;" and the House enters upon the execution of its purpose to undertake to review and pass upon and amend the tariff upon a bill providing simply for reciprocal trade relations. When you have done that you have, in effect, decided that upon a proposition brought here relating to one State an amendment relating to another State is germane; upon a proposition providing for the payment of one claim, an amendment to provide for another claim is germane; and so the hundreds of decisions that have been made under this very section of the rule are overturned. You simply wipe out the rule, and you might as well abolish it.

Mr. LITTLEFIELD. Mr. Chairman, finding myself unable to agree with the conclusions of the gentleman from New York [Mr. PAYNE], I feel bound to give the committee the reasons which, in my mind, establish the proposition that the pending amendment is germane to this bill. I agree entirely with the gentleman's suggestion that the rules of this House are made to govern its proceedings. I agree that unless this amendment is germane the Chair should rule it out and that the members of the committee on either side should sustain that ruling. Unless I can satisfy the committee and give reasons that should satisfy the Chair that this amendment, within well-recognized parliamentary rules, is germane, it should not be sustained.

Now, one moment before I enter upon the discussion of that question, because when I reach it I shall confine myself entirely and closely to it. I notice that the gentleman from New York says that a decree has gone forth from the other side that the rules of this House should be ruthlessly stricken down. I have sat here during the session this afternoon; I have listened to the speech of the gentleman from Iowa; I have listened to the speeches of two other distinguished Republicans upon this floor; but there is another insinuation which has been made on this floor, and which appears in the public prints, which, I regret to say, has not been repelled as it ought to be repelled.

If the public prints correctly report the proceedings of the Democratic caucus, referred to by the distinguished gentleman from Iowa, the charge has been made that there have been approaches from this side of the House to enter into an unholy, ungodly, and infamous alliance to sacrifice human rights, in order to do—what? To preserve the prestige of the leaders of the House or, less justifiably than that, the profits of an aggregation of capital engaged in refining sugar. I would like to see that insinuation repelled from this side of the House. Can it be that if it is received in silence it is assented to as correct? I trust not.

Mr. GROSVENOR. Will the gentleman make the denial?

Mr. LITTLEFIELD. So far as I am concerned, absolutely and flatly.

Mr. GROSVENOR. Who has been charged with making any such "alliance?"

Mr. LITTLEFIELD. The gentleman from Alabama [Mr. UNDERWOOD] stated in the caucus that he had been approached.

Mr. GROSVENOR. By whom?

Mr. LITTLEFIELD. He did not say by whom.

Mr. GROSVENOR. Then, while the charge stands in that anonymous condition will the gentleman from Maine give it weight?

Mr. LITTLEFIELD. Yes; I think it is incumbent upon this side that it should be repelled.

A MEMBER. Let him name his man.

Mr. LITTLEFIELD. I did not put any credence in it.

Mr. GROSVENOR. Whom do you want to have repel it?

Mr. LITTLEFIELD. I would like to hear the chairman of the Ways and Means Committee [Mr. PAYNE], for the Republican majority, repel it.

Mr. UNDERWOOD. Mr. Chairman, I just want to say one word.

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Certainly.

Mr. UNDERWOOD. I deny that I have made any such charge in the Democratic caucus or elsewhere, or ever made any such charge. [Applause and laughter.]

Mr. GROSVENOR. Now, Mr. Chairman, that was a good specimen of the usual assaults upon Republicans. [Laughter.]

Mr. LITTLEFIELD. Well, I have succeeded, then, in relieving the Republican majority of the infamous charge. [Applause.] Mr. Chairman, I do not propose to join in any propaganda that may proceed from the other side to break down the rules of this House. I wish to state now, on the threshold of this discussion, that if this amendment is germane, and if it be so ruled by the Chair, and if the members of this committee, in whom is vested the power to make and interpret their rules, hold it to be germane and it becomes a part of this bill, that it does not open this bill to

any other tariff amendment. I think that proposition is unanswerable. I do not believe that this bill is subject to general revenue amendments.

The Speaker of the House, in holding that this was a privileged measure, held that it was a bill affecting the revenue; but I think it is necessary to go further than to hold that it is a bill affecting the revenue, in order to demonstrate that this amendment is germane. It is a bill affecting the revenue, and this amendment also relates to and affects revenue, but it is a revenue measure confined geographically to Cuba, and this amendment operates universally and generally throughout the whole country, and with reference to every country from which sugar is imported. The bill is special in its application.

The amendment is general in its application, and for that reason, if we stop there, in my opinion, the amendment is not germane. Now, with reference to this particular amendment repealing the differential on sugar, I submit with great confidence that there is not to be found in the journals and records of this House or in the precedents compiled by Mr. Hinds a single instance that furnishes upon all fours a precedent for a ruling either way. It is true, as was well stated by the gentleman from New York [Mr. PAYNE], there are many rulings construing this rule, which reads:

No motion or proposition on a subject different from that under consideration shall be adopted under color of amendment.

But there is no ruling and there is no case that stands on all fours with the proposition now before the committee. I defy the production by any man of any precedent that stands upon all fours with the pending proposition.

That many rulings have been made construing this rule, holding that particular amendments as applied to particular bills were not germane, is no doubt true; but these rulings are of no value here, except as they may illustrate by practical application the operation of the general principle of germaneness. The collation of a heterogeneous, miscellaneous lot of citations and precedents undoubtedly indicates a commendable amount of physical exertion. The patchwork result does not necessarily involve the exercise of reason or throw any light upon a new situation. Because any of these amendments were held not germane the Chair is not justified in so holding in this case, unless it can be made to appear that there is a general and well-defined principle established by these rulings, the application of which excludes this amendment. In other words, the decision must proceed upon reason, not upon authority, for in the sense of controlling authority in point there is none.

The rule as we have seen prohibits an amendment "on a subject different from that under consideration." Clearly the amendment need not be identical with the subject under consideration. It is enough if it is "on" or relating to the same "subject." It must fairly relate to and be connected with the "subject." So long as it relates to and is connected with the same subject it is not "on a subject different from that under consideration." The Century defines germane as "nearly related; closely akin; closely connected; germane." The Standard as "(1) near akin, germane; (2) hence in close relationship, appropriate, relevant, pertinent."

The question here is whether the amendment is "nearly related, closely connected," and in "close relationship" with, "appropriate," or "closely akin" to the subject-matter of this bill. I think it can be made to appear that it is necessarily involved in the subject-matter of the bill from a legislative and economic standpoint.

The differential in the sugar tariff is peculiar to that item in the schedule. There is no other item in the whole tariff schedule like it. There is no item to which the term "differential" applies, except to the item of sugar. The sugar item is found in section 209, of the "Tariffs of 1894 and 1897." Perhaps I should go further and say here with reference to the general question of germaneness that this amendment applies to the same subject-matter as the bill, but that is not sufficient; it is coterminus with the bill, that is to say, this amendment comes into existence with this bill; it goes out of existence with the bill, but that is not enough.

That is not sufficient. It applies to the same subject. It lives and it dies with the bill, but that does not go far enough in my judgment. Now, I submit this: That this differential stands upon an entirely distinct and different footing as compared with every other tariff schedule. Legislatively and grammatically the differential, which simply means the difference between the tariff on unrefined sugar and the tariff upon refined sugar, are identical and the same. They are both found in the same section. I will read it, so that we will see exactly where it comes from:

Sugars not above No. 16 Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test thirty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion.

That is a tariff upon what is called raw or unrefined sugar, and, here I should stop to make this suggestion, that raw sugar is not mentioned as "raw" in this law. It is not what we ordinarily call a raw material, because cane and beet are the raw materials out of which sugar is made. Unrefined sugar is a manufactured product as well as is refined sugar. I have just read, now, the tariff upon unrefined sugar. Now comes the balance of the section, separated only by a semicolon:

and on sugar above No. 16, Dutch standard in color, and on all sugar which has gone through a process of refining, 1 cent and ninety-five one-hundredths of 1 cent per pound; molasses testing above 40° and not above 56°, 3 cents per gallon.

The balance of the section has no reference whatever to the proposition. So, that, to begin with, the two elements which constitute the differential are legislatively one. They are contained in the same section; they are grammatically one. They are connected together, the tariff upon the refined and the tariff upon the unrefined. But that is not sufficient; that is not enough to show that this amendment is germane. But so far—and I call attention to it only for that purpose—thus far in the argument we have an identity of subject, an identity of existence, an identity of legislative unity, and an identity of grammatical unity.

But I am obliged to go further even than that. And let me go a little further right here to show what I have suggested, that it is only in this section 209 that this peculiar differential proposition can be found in the whole range of tariff legislation. Section 210, for instance, imposes a tariff upon maple sugar without any reference to unrefined sugar. Section 211 imposes a tariff upon saccharine, without any reference whatever to unrefined sugar. Section 212 imposes a tariff upon sugar candy and all confectionery, without any reference whatever to unrefined sugar. Now, let me analyze these two parts of one proposition found in section 209, resulting in the differential.

The tariff on sugar above No. 16 Dutch standard in color, and on all which has gone through a process of refining, is $1.95 on a hundred pounds, or 1.95 cents on a pound. The tariff on unrefined sugar not above 75°, polariscope test, is 95 cents per hundred pounds, or 0.95 cent per pound. Then there is 0.035 of a cent for every additional degree up to 100°, polariscope test, or up to the pure sugar, and that would give us 0.857 in addition. Add that to the 0.95 and we have 1.825 cents as the tariff on pure sugar. The difference between the tariff on unrefined sugar and the tariff on refined sugar or above No. 16 Dutch standard in color, taking the pure as a test, is 0.125 of a cent, or 12½ cents per hundred pounds.

That is the differential. If you take 96°, polariscope test, then you get 1.685, the figures that we have heard throughout this debate ad libitum. That is the largest proportion that is imported into the country, and therefore that is taken into account largely in making the computation.

What is the purpose of the differential? What purpose does it serve, and what is the intention of the law? The purpose of the differential is to give to the refiner a tariff that protects him in the exercise of his business and his industry. It is more than the tariff on unrefined, because he is supposed to pay the tariff on the unrefined before he gets the material that he refines.

Now, mark another distinction between this differential tariff and this particular section of the tariff law, and that is this: That there is no change in the substance when there is a change in the tariff imposed, because sugar that tests 96° and sugar that tests 75 degrees polariscope is sugar, and sugar that is refined is still sugar. Sugar below No. 16, Dutch standard, in color is just as much sugar as is that which is above that standard in color. It is the same subject and the same material, unchanged in kind, character, structure, or identity; simply a change in quality.

Let me go a little further. What is the purpose of the differential? It is to give to the unrefined-sugar manufacturer and to the refined-sugar manufacturer each his fair and equal proportion of protection. I do not know whether the existing tariff is based upon scientific principles or not. I do not know whether the protection is too large for the refiner or too small for the refiner. I do not know whether the manufacturer of the refined gets more relative protection than does the manufacturer of the unrefined. For the purposes of this argument we can assume that it is based upon economic and scientific principles, and that the one is fairly proportioned to the other. If so, it produces in connection with this schedule a proposition which stands upon the unrefined-sugar tariff upon one hand and upon the refined-sugar tariff upon the other, and when that proposition is complete it produces a legislative equilibrium between the two tariffs.

Now I come to my proposition. Any legislation that tends to disturb the tariff equilibrium in connection with this sugar schedule, by disturbing the differential or otherwise, destroys the equilibrium and makes the consideration of the other branch of the proposition absolutely necessary in order to preserve and maintain the equilibrium. [Applause.] Unrefined sugar has one tariff, refined sugar another, to-day. If you shorten or diminish the unrefined-sugar tariff, you shorten one of the legs upon which the proposition stands; and if you increase it, you lengthen the leg

upon which the proposition stands, and either process destroys alike the legislative equilibrium which ought to and economically must exist between the two tariffs.

If this bill in any of its phases disturbs or makes it possible to disturb either branch of this proposition, and thus destroys or makes it possible to destroy the legislative equilibrium that ought to exist, then of necessity this amendment is competent and germane—not only is closely connected with, relates to, but is necessarily involved in the subject-matter of the bill—because otherwise you would have legislation that would result in an absence of the equilibrium that we are bound to maintain between these two tariffs. It would be a violation of economic principles.

Let me illustrate. Suppose that all of the unrefined sugar that is imported into this country came from Cuba. Is it not clear that any disturbance of the tariff on unrefined sugar would destroy the existing equilibrium, which must economically and properly be maintained, would then render proper and necessary an amendment to the tariff on refined sugar in order to preserve that equilibrium? If all the unrefined sugar came from Cuba it would make no kind of difference whether it came under reciprocal trade arrangements with Cuba or otherwise.

The disturbance of that equilibrium would be precisely the same. When you reduce the tariff or repeal it altogether, in case the whole product came from Cuba, then you would have an absolute economic destruction of the equilibrium and enlarge enormously the margin within which the American sugar refiner can pile up his profits at the expense of the American people, because he could protect himself in refining and manufacturing against all outside competition. Therefore his protection would be maintained upon his leg of the proposition that maintains and secures the equilibrium. If you do that by reducing it by a reduction of 50 per cent, you would disturb it precisely by 50 per cent. A reduction of 20 per cent would not be so much, but the same in degree.

Well, now, we do not receive it all for Cuba. What then? We not only receive sugar from Cuba, but from all countries of the world. Last year, ending June 30, 1901, from all countries we received 3,975,500,840 pounds; from Cuba we received 25 per cent, or 1,099,400,303 pounds. But who is there that will say that a reduction on the amount of 25 per cent does not pro tanto, pro rata, disturb the existing equilibrium? If it does, then this amendment is necessarily germane. Why? The tariff upon refined should be cut down pro rata, so as to make the two tariffs, in view of that importation, stand upon a fairly equal ratable footing and preserve a continuing equilibrium.

I come to the proposition that is now made. It may be said, and it can properly be said, and I desire to be perfectly frank in this argument, that this question is absolute res integra so far as the construction of the rules of this House is concerned. It is a case of entirely new impression. It is important to the Chair, no matter whether this decision is arrived at under pressure or otherwise, it is important when he interprets the rules of this House that it be done in accordance with the fundamental principles of parliamentary law.

It may be said that the price to the refiner will not be reduced by this pending bill, and that is a question that has been discussed with great zeal, with great acrimony, and a great deal of ability on the floor of the House. I do not propose to enter into a discussion of that vexed question.

In my judgment, so far as the germaneness of this amendment is concerned, it is not necessary for me to establish the proposition legislatively by the terms of the bill that necessarily the price to the refiner will be reduced in order to demonstrate that this amendment is germane.

I have no doubt, so far as I am personally concerned, that the American sugar refiners are taking a very consuming interest in forwarding the propaganda behind this legislation. I have not the slightest doubt that in every legitimate, proper, and rightful way they are expending their money in the interest of this propaganda. I do not in the least intend to intimate, and I do not believe, that in any improper manner or in any unworthy way they are expending a single copper.

I have not the slightest doubt but what they are expending it in a legitimate way; and there are many legitimate ways. Literature may be printed, and published, and circulated, and plate material can be prepared for newspapers throughout the country, and speeches can be printed in newspapers at advertising rates at so much a line legitimately, rightfully, and properly. I do not think they would expend their money, if they did not expect to profit thereby, by a reduction of the price. I have no doubt their expectations will be realized, because the men engaged in sugar refining are wiser in their generation than the children of light. [Laughter.] But I do not have occasion to go into that affair.

Let me go back to my illustration of a general tariff bill reducing the tariff on unrefined sugar without undertaking to affect refined. Everybody can see that would disturb the equilibrium. But it would not of itself—that is, the terms of the bill would not—compel the reduction of price to the refiners. It would make it probable that the price would be reduced to the refiner. For instance, if the tariff upon raw sugar was reduced 5 per cent, the refiner might not get any benefit in the reduction of price, although the margin of profit would thereby be increased and widened.

If reduced 20 per cent he might not get any benefit of the reduction in price, but when you reduce it 40 or 75 per cent the probability would be so great that it would practically amount to an absolute demonstration that he would receive the benefit in a reduction of price. What does that result in? Simply this: That it is not necessary to demonstrate the germaneness of the proposition that a reduction in price of the American Sugar Refinery would be compelled by the terms of the bill, would be necessarily deducible therefrom. So we have this proposition, that if the pending measure has made it possible or probable that the price would be reduced to the sugar refiner it would disturb the equilibrium and make it necessary to revise the other leg upon which the proposition stands in order to preserve the equilibrium.

Now, coming to this proposition, who is there that will say that under this pending bill, standing as it does now, it is not possible and even probable for the price to be reduced to the refiner? True, the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. PAYNE] say that they do not think it will be reduced. Other gentlemen say that the sugar refiner will get it all. Let me read a moment from the statement of the gentleman from New York bearing upon this proposition. I do this, Mr. Chairman, to demonstrate the germaneness of this proposition and to show that it ought to be ruled in by the Chair. Here is what the gentleman from New York [Mr. PAYNE] said:

> We are told that the sugar trust is going to get the advantage *of all* that we take off of sugar.

That is his cautious statement necessarily admitting that the sugar trust would get the benefit of some of it. If that be true, then this amendment is germane.

Concluding the discussion, the gentleman said:

> We did not put a reduction of 50 per cent on or 100 per cent, because we did not wish to injure anybody in the first place, and we knew when we made it only 20 per cent the planter would have a right to demand and receive the full benefit.

Is that equivalent to an assertion that it would *give* the planter the full benefit? That the bill *secured* to him the full benefit? Not by any means. It simply says it gives the planter a right to demand and receive it, but it did not give him the power to enforce that demand. So, on the other hand, the refiner has an equal right to demand and receive the benefit of this reduction. Which will be successful the bill does not undertake to determine. That the refiner has the advantage in such a contest is clear. If that possibility inheres in this bill, if by the action of economic laws, operating in connection with the action of any combination or interest affecting this business, that result is possible or probable, then, Mr. Chairman, I submit that this amendment is not only clearly and palpably germane, but absolutely necessary in order to preserve the equilibrium between these two tariffs that is thus found to be disturbed. With the bane we must provide the antidote. I submit this proposition, Mr. Chairman, upon these considerations.

Mr. TAYLER of Ohio. Will the gentleman allow me a moment?

Mr. LITTLEFIELD. Yes, sir.

Mr. TAYLER of Ohio. The gentleman knows that I am in sympathy with his general proposition respecting the merits of the bill itself. I wish to ask a question for information. Assuming that this bill does disturb the economic equilibrium or balance of the sugar tariff schedule, does the gentleman think that there is any legislative necessity for new legislation maintaining the old economic balance that existed in the previous bill? In other words, so far as the point of order is concerned and so far as the germaneness of any proposed amendment goes, is not this House absolutely empowered to destroy, if it so desires, the economic balance, as my friend terms it, by new legislation? Is it not rather a question of political expediency than of legislative necessity or propriety?

Mr. LITTLEFIELD. Undoubtedly we have that power; but that is not the question. That does not determine the germaneness of the proposition. Undoubtedly the committee has power to refuse to adopt the amendment. The only question pending here is whether these considerations make it necessary, in the language of Mr. Blaine, which was quoted with approval by my friend from New York—and I will read it—the only question is whether this amendment or whether this bill makes it necessary (quoting the language of Mr. Blaine) "that both these propositions be considered together, because the one might obviously affect and determine the other"—whether they are both appropriate to or pertinent to the same subject, whether one, on general principles, is directly and fairly involved in the other.

It is not a question as to whether the committee ought or ought not to adopt this amendment, but whether at this time the rule gives them the right to act upon the amendment.

Mr. PAYNE. Does the gentleman say that I quoted the statement of Mr. Blaine with approval?

Mr. LITTLEFIELD. The gentleman referred to his language with approval.

Mr. PAYNE. Did I not say that the contrary had been held by a number of other distinguished occupants of the chair?

Mr. LITTLEFIELD. I do not think that that decision is a precedent for this amendment—not by any means. I do not think it sustains it. The principle stated sustains it.

Mr. PAYNE. I would like to ask the gentleman another question.

Mr. LITTLEFIELD. I did understand the gentleman from New York to refer with approval to the language used by Mr. Blaine. Of course if he did not do that——

Mr. PAYNE. I did not intend to do it.

Mr. LITTLEFIELD. I do not wish to misrepresent the gentleman.

Mr. PAYNE. I would like to ask the gentleman another question as to this "equilibrium."

Mr. LITTLEFIELD. Yes.

Mr. PAYNE. The case I cited here——

Mr. LITTLEFIELD. The worsteds case?

Mr. PAYNE. The worsteds case. That was a case where the "equilibrium" was disturbed by classing worsteds as woolens, because the tariff was higher on woolens than it was, under the interpretation of the court, on worsteds. Now, the classification of worsteds as woolens disturbed the gentleman's "equilibrium."

Mr. LITTLEFIELD. Not at all.

Mr. PAYNE. If the gentleman was consistent, it would have disturbed his "equilibrium."

Mr. LITTLEFIELD. That depends upon the point of view. The "equilibrium" of "the gentleman from Maine" is not so easily disturbed.

Mr. PAYNE. We will not play upon words, because the gentleman is an adept at that. The classification to which I have referred disturbs the "equilibrium" in that schedule. Now, the amendment offered by Mr. Breckinridge was designed to restore the "equilibrium" of that schedule by proposing a different tariff on wool, mungo, and the like.

Mr. LITTLEFIELD. Yes, sir.

Mr. PAYNE. Still, notwithstanding that, the Chairman of the Committee of the Whole, with the approval of the House, ruled that that amendment was not in order.

Mr. LITTLEFIELD. Yes.

Mr. PAYNE. The doctrine of "equilibrium" does not seem to have been invented at that time.

Mr. LITTLEFIELD. The doctrine of "equilibrium" had no earthly relation to the case you cite.

Mr. PAYNE. I do not think it had, nor with this either.

Mr. LITTLEFIELD. You say that is a differential tariff on wool. I never heard of that before.

Mr. PAYNE. The gentleman is playing on words?

Mr. LITTLEFIELD. No.

Mr. PAYNE. We have a tariff on iron ore, and we have a tariff on steel. The difference is the differential between the two. There is always a differential where there is a higher degree of manufacture made out of the raw material. So we had a tariff on wool, and we had a differential on woolen goods. In the tariff on wool a duty was levied at so much a pound. When we came to put the differential on woolen goods we had first what was the farmer's tariff—the wool tariff—which was so much a pound on the weight of the goods. That was supposed to be and was the equivalent, the scientifically adjusted equivalent, to the tariff on wool. In addition to that, we had a differential; we had a tariff on the manufactured goods, independent and distinct from the other.

Mr. LITTLEFIELD. Of course, if the gentleman uses the term "differential" to mean the distiction between the tariff on a manufactured article that is not the same in kind with the raw material, to be sure it can have that application. But if he can find a single item in the tariff schedule like the item of sugar—an item which, without any change in its character, without any change in its substance, but simply a change in its quality—that has two tariffs predicated thereon, then this argument falls to the ground. No one ever used the term differential in the sense in which it is applied to the sugar schedule in connection with any other article.

A MEMBER. How about cigars and tobacco?

Mr. LITTLEFIELD. That has no application here. I looked that schedule up before I made this argument. That schedule does not sustain the distinction of the gentleman from New York, nor does any other schedule. That there are raw materials upon which a tariff is imposed, and that there are manufactured goods in part composed of raw material upon which another tariff is imposed, is true. But in every such case there is an entire change of substance and structure, other and different raw materials and elements, all combined with the original raw materials, enter into the product, so that you have an entirely new product, the result of a combination of numerous elements, the relation of all of which to the manufactured product must be considered in reaching the amount of tariff protection required.

A proposition so complex as to make it practically impossible to determine the actual effect upon the ultimate result of a change in the tariff upon one of the raw materials, whereas, in the item of sugar alone there is no change in product, the substance, or character of the thing, only in quality when refined, and when measured by the color standard the element of refining is entirely eliminated. If above No. 16 Dutch standard in color one duty is paid; if the same sugar is below a lower duty is paid. In the case of sugar the two tariffs operate absolutely undisturbed by any foreign considerations or elements. Hence, their operation is certain, definite, and unvarying, and any disturbance of either necessarily produces precisely the same relative result in every case. In this respect there is no parallel item.

I challenge the production of the item. Of course, from the statement made by the gentleman from New York [Mr. PAYNE] in the manner in which he uses the words "differential" he is perfectly correct; there is no doubt about that. There is a distinction between the tariff on a manufactured article and the raw material; that is, it is larger on one than on the other.

Mr. PAYNE. What in the world is refined sugar except the manufactured article from the raw sugar or the raw material?

Mr. LITTLEFIELD. Raw sugar is a manufactured article.

Mr. PAYNE. Pig iron is a manufactured article.

Mr. LONG. And wool.

Mr. LITTLEFIELD. Wool a manufactured article? Not at all.

Mr. PAYNE. Pig iron.

Mr. LITTLEFIELD. Well, is a tariff on jackknives parallel to the tariff upon refined sugar, or the tariff on cutlery or the mainspring of a watch? That is where the gentleman's argument will lead him, to say there is a differential on jackknives or razors as compared with pig iron. I leave the proposition standing on that—by that single schedule—and if any man in this committee can say there is a fair analogy between those two propositions, then he will say that this amendment is not germane, and if he says there is not a fair analogy between those two propositions—jackknives, cutlery, razors, mainsprings, and pig iron and unrefined and refined sugar, above and below No. 16 Dutch standard—when the only change is a change in quality and not in substance or kind, with no disturbing elements at all, then the argument falls to the ground.

If he can see that analogy, then he votes against the amendment. If he can not see it—and I leave it upon that—he votes for it. Now, whether the reduction provided by amendment is too large or too small, whether it produces an equilibrium, from the standpoint of economics, I do not know. That is a matter of no consequence so far as this proposition I am arguing is concerned. This is a question of legal competency. The question of the reduction is for the House. With these suggestions, Mr. Chairman, I submit the question.

Mr. GROW. Mr. Chairman, the bill before us says nothing about sugar. The word is not in it. A gentleman proposes an amendment to the bill, however, regulating the tariff on sugars from any country. If that is in order, then an amendment to regulate the tariff on tobacco coming from any country would be in order, and so on every other article that might be imported into this country. Suppose a bill was before us to erect a monument and appropriating public lands for its construction. Would anyone hold that it would be germane to that bill to bring in a law changing the price of the public lands and for the sale and mode of disposing of them? The object would be to build a monument. The bill, however, would refer to the public lands. A bill can not be amended by something that is not in furtherance of the object of the bill. That is the whole question, it seems to me. How can this amendment possibly be germane? [Applause.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, after the very clear and lucid argument of the gentleman from Maine [Mr. LITTLEFIELD] upon the point of order, it seems to me that it is almost superfluous to undertake to add anything. The proposition is as he has stated it. The point of order is made that the amendment of Mr. MORRIS is not germane to the bill, and the rule is invoked which provides that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." The gentleman from Maine has shown that the subject of the amendment is identical with the subject proposed in the bill. If this be true, it is not easy to improve upon the able argument he has made and make the matter more lucid and clear.

The question may be asked, Mr. Chairman, if we are to be controlled by precedents. The gentleman from New York [Mr. PAYNE], arguing the point of order, referred to the decision made by Mr. Speaker Blaine, which the gentleman from Maine has also cited, and he also refers to one or two other decisions made by gentlemen who were temporarily occupying the chair as chairman of the Committee of the Whole. One of these was the gentleman from Michigan, Mr. BURROWS, when he was a member of this House. Mr. Chairman, it will not be controverted that precedents may be found on both sides of this question. That being true, the question is which precedent will you follow. Now, it seems to me that when you come to look to the precedent you must examine the ground upon which the decision in each case was made. Mr. Speaker Blaine made the decision that the gentleman from Maine has referred to, and stated the grounds of that decision, which I wish here to repeat, in part at least.

Mr. Blaine decided when a bill was pending here fixing the rates of internal taxes that it was in order to offer an amendment for external taxes. Is not that what is done in this case? If a bill providing for the levying of internal taxes can be amended by a bill providing for external or general customs tariff taxes, then this amendment must be germane and in order.

Mr. Blaine held that that was true. He held that such an amendment was germane. Why did he so decide? The gentleman from Maine [Mr. LITTLEFIELD] quoted some of the language of Mr. Speaker Blaine, but you will pardon me, Mr. Chairman, if I read two or three sentences from that decision which he did not read. The bill pending then, as I have stated, was a bill which applied alone to internal taxes. The amendment proposed was one which related to external revenue or taxes. When Mr. Eldridge of Wisconsin made the point of order in that case, Mr. Blaine said that the point presented was one of considerable importance, and he asked the attention of the House to what was involved in it. And I desire to call attention to what is involved in this proposition.

Mr. Speaker Blaine said:

It is whether an amendment relating to taxes usually embraced under the head of the tariff is an amendment germane to an internal-revenue bill. The point is in a certain sense new, for since the revival of internal-revenue taxation, beginning with 1862, the internal-revenue laws have been considered separately from the tariff laws by Congress.

But—

He says—

in the early history of this Government, as gentlemen must be well aware, both species of taxes were considered together.

He says:

In the judgment of the Chair the amendment offered is germane, from the very necessities of the case, for it might be of the utmost importance in determining the internal revenue to be derived from any article, to determine also what the external revenue shall be from the same article. The judgment of the House might, at a very critical time, be needed on both propositions, because the one might obviously affect and determine the other. The Chair, therefore, would regard it as a matter of very great significance and importance if the House should decide that under its rules an internal-revenue tax and an external-revenue tax could not be considered together. The point, however, is one which involves so many grave considerations that the Chair would be very far from desiring to force his judgment on the House.

Then he said, in order that the House might pass upon it, he would submit the question to the body. A little lower down he said:

The Chair had for the moment overlooked another case to which his attention was called by Mr. Schenck.

Mr. Schenck said:

With the permission of the Chair, I would direct attention to the fact that the same objection was made to a provision for amending the tariff on cigars, included in the internal-revenue law of last Congress, and with that provision was ruled to be pertinent to the bill.

Speaker Blaine said that he had overlooked that, and that he was glad to find an additional precedent confirming him in his opinion. He said he would say, further, that he had before him at this moment one of the most important revenue bills ever passed in this country, a bill passed by the First Congress in regard both to the tariff and domestic revenue on distilled spirits, both being considered together in the same bill.

The Chair therefore would say, while repeating that he does not desire to force his opinion on the House, that in his judgment it is entirely germane to amend an internal-revenue bill with an external-revenue bill, and that the two subjects are so connected that it would be a great inconvenience if it should become a settled parliamentary principle that they could not be considered together.

A little lower down he said:

This is a tax bill, and whether the amendment relates to an internal or external tax it is clearly, in the judgment of the Chair, within the power of the House to consider it.

Now, Mr. Chairman, the Speaker of this House, the day we entered upon consideration of the pending bill, held that it was a revenue bill or a bill affecting the revenue. Mr. Blaine said that an external-revenue amendment was germane to a bill providing an internal-revenue tax. Mr. Chairman, for illustration let us suppose that this bill, being a revenue bill, took out of the Treasury $200,000,000 instead of $8,000,000, as is argued and as is conceded. When you come to pass a bill which, let us suppose, in order to obtain the trade of Cuba, would take out of our Treasury $200,000,000 per annum, would it not be monstrous to say that this House could not, as an amendment to the bill, provide in some other way a tax or a tariff that would fill the vacuum in the Treasury made by this $200,000,000 of lost or surrendered revenue? The fact that this is only $8,000,000 does not change the principle. It might be $200,000,000, and if so, it seems to me that it would be unfortunate if the House were to put itself in the position that it could not provide in the same bill, by a germane amendment, that it would make up the $200,000,000 by levying taxes that were in their nature either internal or external.

But, Mr. Chairman, the gentleman from New York referred to a case which was decided by Mr. BLACKBURN while acting as Speaker pro tempore in this House. In that case, if I remember it correctly, a bill was pending having reference to an entirely internal matter—a tax on "weiss beer"—and to that pending bill a motion was made to fix the tax on salt. One a matter of internal tax and the other a matter of tariff tax. The Chair (Mr. BLACKBURN presiding temporarily when the point of order was made) held that the amendment was in order, or was before the House for consideration, and I think permitted a vote to be taken on it.

But that is not all, Mr. Chairman. During this very session of Congress I have a case in point. We had a bill pending here a few months ago providing a tariff for the Philippine Islands. I ask the attention of the Chair to the ruling of the Speaker of this House on that occasion. The Philippine tariff bill was pending. It was a bill which related alone to the Philippine Islands. The gentleman from New York bases a part of his argument upon the idea that this bill relates to Cuba. The bill to which I refer was a bill relating to the Philippine tariff. Now, while that bill was pending I had the honor to submit the following motion:

I move to recommit the bill to the Committee on Ways and Means with instructions which I send to the desk.

Of course, all gentlemen will understand that a motion to recommit stands exactly as a motion to amend, and is governed by the same rule and the same principles in parliamentary law. The motion to recommit must be upon a matter germane to the pending bill, as an amendment must be. The motion I had the honor to make on the 18th day of December to the Philippine bill is in the following words:

To report a bill reducing the tariff laws and internal-revenue laws now in force in other portions of the United States to a revenue basis and apply the same to all portions of the United States, including the Philippine Islands, to be in effect in said islands until order has been restored there and the Filipinos permitted, with the aid of the United States, to establish a stable and independent government.

The able gentleman from New York, the chairman of the Committee on Ways and Means, had charge of that bill providing for this Philippine tariff. When the motion was made, the permanent Speaker of the House was in the chair. My motion applied the bill to all portions of the United States, and not only to internal but to external taxes. The gentleman did not even make a point of order. I suppose he conceded that it was in order.

Mr. PAYNE. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. Well, yes.

Mr. PAYNE. Did I not move the previous question on your motion then?

Mr. RICHARDSON of Tennessee. You did, immediately.

Mr. PAYNE. Was it not the very easiest way to get rid of any other motion to recommit? And being so easy a proposition I took advantage of it.

Mr. RICHARDSON of Tennessee. Did not your demand for the previous question admit——

Mr. PAYNE. The gentleman knows it does not.

Mr. RICHARDSON of Tennessee. Do you not think that the demand for the previous question admitted that my motion was in order?

Mr. PAYNE. Why, certainly not; and the gentleman knows that.

Mr. RICHARDSON of Tennessee. I said the proposition to amend the bill then pending, which applied alone to the Philippine Islands, so as to affect and alter all the tariff laws of the United States everywhere, was in order. The amendment I offered had to be germane. The Speaker of this House was in the chair, with all the members present, and the gentleman from New York was in charge of the measure. He made no point of order, but demanded the previous question on the motion. The Chair submitted it to the House of Representatives.

Mr. PAYNE. Does not the gentleman think he is pushed rather hard for an argument when he has to resort to a case where no point of order was made.

Mr. RICHARDSON of Tennessee. I presume the gentleman would have made a point of order, if he thought it was not in order, as he never overlooks his hand. [Laughter.] Now, then, Mr. Chairman, I am content to submit this question. I do not

care if you can find where a Chairman of a committee, a gentleman called from the floor to preside either in the House or the committee for a few moments—temporarily called to preside in Committee of the Whole—may have made rulings different from that we now contend for. I confess that you may find some that are inconsistent with the position we take. I am sure you can not find any well-considered decision that overrules that of Mr. Speaker Blaine.

Now, as I said this morning, many of us differed in opinion with Mr. Blaine while in public life, as a politician; but, as I said, measuring my words, I do not believe that any man of any political party ever presided in that chair who was a better parliamentarian than Mr. Blaine. It is conceded the world over he was the parliamentarian of parliamentarians, and it seems to me merely to quote his decision ought to be conclusive of this case. I am content, Mr. Chairman, having cited that case, having read most of it to the Chair, to leave the matter in the hands of the Chairman of this committee. [Loud applause on the Democratic side.] [Cries of "Rule."]

Mr. GROSVENOR and Mr. OLMSTED addressed the Chair.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. GROSVENOR. Mr. Chairman, I will not detract by any word of mine from the high character given to Mr. Blaine by the gentleman from Tennessee [Mr. RICHARDSON], but I doubt not the members of the House of Representatives of this country will remember that upon the greatest question that we ever had of parliamentary construction, and the application of the greatest question of parliamentary right of the members and the organization of this House, Mr. Blaine was overruled by Speaker Reed, and that the decision of Mr. Reed as against that of Mr. Blaine has passed into parliamentary history of the United States without question, having been adopted by both parties in this House and having overruled the proposition of Mr. Blaine that you might take a horse to water but you could not make him drink. The courts of the country have all overruled Mr. Blaine on that question, beginning in Ohio and ending in New York.

We are moving a little forward, and the parliamentary decisions here for the last thirty years have overruled the suggestion of Mr. Blaine time out of mind, unless the argument of the gentleman from Maine is to be applicable. That argument has been made after careful study, and it comes to this in the last analysis. I ought to say that the suggestion of the gentleman from Pennsylvania [Mr. GROW] leaves the argument of the gentleman from Maine without any footing whatever. It has not the slightest application, for the simple reason, as I will show in a moment, that the gentleman from Maine is supposing a condition of things in the future that he has no warrant for supposing whatever. His argument is this: That notwithstanding the plain terms of the rule of the House of Representatives that where the legislative view of duty on the part of the legislative department of the Government suggests to the legislature that if change A is made, then change B ought to be made; in that case they are germane and belong to the same family. That is the whole of it.

His proposition is that the Chairman of this committee shall take this bill and under his suggestion shall decide that the passage of this bill would disturb the equilibrium of refined sugar. Why? Because it will cut down, or probably might cut down, or possibly it might cut down, the receipts of the Treasury Department from the importation of sugar into this country, and that would disturb the equilibrium. What equilibrium? I take it it would disturb the equilibrium of the Treasury receipts on the article sugar, and that that equilibrium having been disturbed, where does the equilibrium distribute itself as to any legislative intent?

The equilibrium extends to the Treasury Department. Would not an income tax be a good thing to compensate for cutting down of the taxes upon sugar and thus disturbing the equilibrium?

But the gentleman will say that that is an unfair argument, and that the disturbance of the equilibrium to which he has referred is the equilibrium of equal taxation upon the item of sugar; that is to say, that the Chairman of this committee shall transform himself into an expert and decide that because we have concluded that we will cut down the tariff on raw sugar coming from a single location 30 per cent, that therefore there is too much compensation or differential upon the refined sugar. Who is to say that? Why, non constat, the legislative power here has decided that there is too much protection on raw sugar, and therefore the legislative department of the Government has concluded that we will take off 20 per cent.

Now, what right has the Chairman of this committee to say that that disturbs the legislative equilibrium or that there is an equilibrium disturbed that the Legislature ought to attend to and regulate? Why, that might be the very way to go into the subject of reciprocity and turn over the whole of the Cuban production for the mere purpose of bringing about the very equilibrium he is talking about. It might be, and it is, just as fair and a great deal fairer to suppose that the legislative branch of the Government, if it reduces the tariff on sugar coming from Cuba 20 per cent, to say that it has done so for the purpose of reestablishing the equilibrium that has not been maintained by the Legislature up to this time.

The whole argument turns upon this. What right has the gentleman from Maine to assume that through the action of this committee it can be assumed that the Legislature here intends now to do all the legislation in this single act that it has the power to do hereafter. That seems to me to be the whole of the argument.

Now, coming to the argument of the gentleman from Tennessee [Mr. RICHARDSON], there is that proposition which stands denied by the gentleman from New York as being claimed by the gentleman from Maine to be on all fours. Then come to the second line of policy of this House running through thirty years of administration that says this is absolutely incompetent as an amendment to this bill. Mr. Chairman, I only have a word or two to say. The dignity of the House of Representatives will stand in the estimation of the public just so far and no farther as the House stands by its rules and upholds the dignity of its own organization. And whenever you undertake to say that because you would like to do a thing in a certain way which the rules of the House forbid, you will do it, you have entered upon a pathway that leads to confusion, chaos, and, substantially, legislative revolution.

Mr. LACEY. Mr. Chairman, only a moment. The gentleman from Pennsylvania [Mr. GROW], the venerable ex-Speaker of this House, has, I think, put this whole matter in a nutshell. If this differential on sugar opens up the tariff question, opens the question as to sugar, then the differential between manufactured cigars and leaf or filler tobacco is in the same position, and opens up the whole question as to tobacco. Now, I have seen only one strong argument in favor of overruling the point of order. I send to the Clerk's desk the resolution adopted last night by the Democratic caucus. That binds the Democratic side of the House on my left; I trust that it will not be followed by many gentlemen on this side of the House.

Mr. Chairman, there is only one way to revise the tariff, and that is to revise the tariff; and the proposition made by the gentleman from Minnesota is simply the first step in general tariff revision. It has no parliamentary connection with the proposition now before the Committee of the Whole to give reciprocity to Cuba.

I ask the Clerk to read in my time the resolution of the Democratic caucus, which binds the judgment of the members of that party.

The Clerk read as follows:

Resolved, That we favor the removal of the differential duty on refined sugar, both from Cuba and elsewhere, and believe that such amendments are properly in order, and we insist that it is the duty of all Democrats to vote whenever opportunity is given to have these amendments added to the pending bill providing for Cuban reciprocity. We are opposed to the adoption of the previous question when the bill is reported to the House unless it shall have been properly amended in Committee of the Whole, as this will prevent an opportunity for just and proper amendments, with recorded votes on the same.

Resolved, That the action of this caucus is binding.

[Applause on Democratic side.]

Mr. LACEY. That resolution may be "binding," but it is "binding" on the other side; not upon us.

Mr. DE ARMOND. Mr. Chairman, the gentleman who made the point of order [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR], instead of addressing the Chair, as though expecting the Chair to make a decision upon it, addressed the community—their neighborhood. [Laughter.] The gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Tennessee [Mr. RICHARDSON] addressing themselves to the point of order, addressed also the Chair. So far as the Chair is advised in regard to the arguments all of them are upon the one side, the gentleman from Maine and the gentleman from Tennessee having addressed their arguments to the Chair against this point of order, and the gentleman from New York and the gentleman from Ohio having addressed their appeals in support of it to their fellow-members.

This is a peculiar course of proceeding adopted by the gentleman from New York and the gentleman from Ohio. The result naturally would be, I should think, that the Chairman would reach the conclusion that those who addressed him and who thought they had something to say which might influence his judgment and might guide him to a correct ruling should have more influence with him than those who ignored him, turned their backs upon him, and addressed the by-standers. [Laughter and applause.]

In this state of the case it seems to me it would be entirely just and proper—it would be treating the gentleman from New York and the gentleman from Ohio with very much deference and consideration, if the Chair should refer this point of order to the House itself—if he should simply say, "Gentlemen, I submit this

question to the audience that you have addressed; you have not submitted the matter to me; I pass it over to you."

This really is a question not so much as to what somebody has ruled, or what some rule is, or what somebody may rule, as whether this body will or will not vote to take the differential duty off sugar—will vote in the interest of the people by doing that, or will vote in the interest of the sugar trust by refusing to do it. [Applause on the Democratic side.]

The question, therefore, being so directly, so pointedly addressed to the judgment and the conscience—and as to some members, to their allegiance to the sugar trust; as to others, to their allegiance to the American citizen—it seems to me peculiarly appropriate that the Chairman should submit it to the House.

I take it the Chairman has not made up his mind conclusively upon the subject. [Laughter.] The discussion has proceeded for some time. While the Chairman might have deliberated upon the question when the gentleman from New York and the gentleman from Ohio were addressing the populace—while the Chairman might have been informed upon it while listening to the gentleman from Maine and the gentleman from Tennessee—I take it that, inasmuch as the Chairman has dropped no intimation of the kind, he has not made up his mind upon this very important question. Therefore, it seems to me, it would be economy of time, it would lead to a correct and speedy disposition of this question upon the merits, for the Chair to simply submit it to the House itself.

Now, Mr. Chairman, when questions of the Constitution have arisen heretofore I have heard gentlemen say that we have progressed, that we are traveling and growing and enlarging, that we have become a "world power," and that the shackles of the Constitution and the old interpretations of the Constitution ought not to bind or control us. Yet, so strange are the transformations that take place, gentlemen like the gentleman from New York and like the eloquent gentleman from Ohio are now advocating a policy which, if it prevail, will protect the sugar trust and leave the American people unprotected; and they hang their argument entirely upon a criticism of somebody's ruling or the letter of somebody's rule.

Of course my views upon this subject are well understood by those who care to understand anything about them. I have thought and still think that all rules which deserve respect and all rulings which deserve to be followed have for their principal object—I might say, have for their sole object and being—the expediting of business in the House, so that there may be a fair and full consideration of matters, and, according to the judgment of those who decide them, a decision upon the merits. For rules which hamper and restrict, for rulings which tie up, giving gentlemen an opportunity to hide and shelter themselves in pretense and hyprocrisy behind rule or rulings, I have not any particular respect and do not profess any.

I do not think that, in deference to the gentleman from New York and the gentleman from Ohio, who certainly want this question referred to the audience which they addressed, the Chairman would expedite business and simplify matters very much by submitting this whole question to the Representatives present, as his great predecessor in the chair, Mr. Blaine, did upon a memorable occasion, to which attention has been drawn. Here we are now in pretty large number; here we are upon one side or the other of this sugar-trust question; let the Chairman just submit the point of order and say, "Gentlemen, do what you please about it; vote for the sugar trust or against it."

Mr. LACEY. Will the gentleman permit a question?

Mr. DE ARMOND. Certainly.

Mr. LACEY. Does he not feel that he is hardly a fair judge, after deciding the question last night in caucus?

Mr. DE ARMOND. Oh, I feel that I am a fair judge, and I feel that the House will be so fair a judge that I am now modestly recommending to the Chairman to just put the whole thing upon the House, and submit the whole question to the judgment of the House. I think it is the best thing to do. I think it is the fairest thing to do. I am willing to take the chances upon the decision of the House. We will at least find out, whatever the decision be, who stands for the sugar trust and who stands for the American people, and the whole cobweb rule will be swept aside. [Applause.]

Mr. OLMSTED. Mr. Chairman, a distinguished gentleman of New York once said: "What is the Constitution among friends?" And the distinguished gentleman from Missouri [Mr. DE ARMOND], if I correctly understand the remarks made by him yesterday and those he has just concluded, says in effect: "What are the rules among friends?"

Mr. DE ARMOND. Will the gentleman permit a suggestion?

Mr. OLMSTED. Certainly.

Mr. DE ARMOND. He misunderstands me—what is a little rule upon an issue between the sugar trust and the American people? [Applause on the Democratic side.]

Mr. OLMSTED. Mr. Chairman, that is about as near the point as anything we have heard upon this question from that side. It has at least the merit of candor in practically conceding that the rule does forbid the amendment. Now, this little rule has been commented and passed upon by even more distinguished Democrats than the gentleman from Missouri—by such Democrats as Speaker Howell Cobb, Speaker John G. Carlisle, and Speaker Crisp—all of whom considered it to be among the most important rules which this House has ever enacted for its government. I propose to refer to a few decisions which have not yet been mentioned. They are not decisions, as suggested by the gentleman from Tennessee [Mr. RICHARDSON], made by members who may be called from time to time from the floor to occupy the chair for a few minutes or a few hours, but decisions by distinguished parliamentarians whom even he will respect.

I wish to say at the outset, Mr. Chairman, that Mr. Speaker Blaine never made such a ruling as has been attributed to him. He declined to make the ruling. He did say enough to indicate that he would like to have a certain amendment considered, but he would not take the responsibility of saying that it was germane under the rules. He would not risk his reputation as a parliamentarian by so ruling, and therefore he submitted it to the House, and the House being in favor of the amendment voted that it should be considered. So much for the alleged ruling of Speaker Blaine.

Now, I call attention to the ruling of a distinguished Democrat in a case which seems to me to be parallel. There was pending in the House an act for the relief of the widow of the late Major-General Worth. This was on the 12th of April, 1850, in the first session of the Thirty-first Congress. (See page 714 of the Congressional Globe.) An amendment was offered making a general provision relative to all widows of officers. Mr. Kaufman made the point that the amendment was not germane, "because the bill was a special bill for the relief of a particular individual, while the amendment was a general proposition." I will not stop to read the discussion, but simply the ruling of Mr. Howell Cobb, of Georgia, the Speaker of this House at that time. He said:

> The bill is for the relief of a particular individual. The gentleman from Tennessee [Mr. Jones] proposes to amend it by adding a general clause to cover cases of a similar character. The Chair is of opinion that it is neither in order to amend the bill by the addition of a general clause nor by providing for the case of another individual. Upon this ground the Chair rules the amendment out of order.

Now, the gentleman from Maine [Mr. LITTLEFIELD] concedes, as everybody must, that the pending bill is special. It relates to a single individual nation—Cuba. The amendment proposed is general and relates to all nations. It is not germane to a special bill relating to Cuba.

The ruling I have cited was followed, Mr. Chairman, in the Forty-eighth Congress, where there was pending a bill to admit Oregon as a State. My venerable and distinguished colleague [Mr. GROW] moved an amendment including another—Kansas. It was ruled by James L. Orr, of South Carolina, then Speaker of this House, that the amendment was not germane. Mr. GROW appealed. On motion of Mr. Alexander H. Stephens, the House tabled the appeal by a vote of 126 to 92. Both the Speaker and the House held that as the bill in terms related to one State only, an amendment relating to another was not germane. This bill relates to Cuba. Its provisions are restricted specifically to Cuba. The amendment relates to Germany and every other country.

Again, when a bill was offered to admit New Mexico the gentleman from Iowa [Mr. LACEY] who recently addressed the Chair moved to amend by inserting other States. Speaker Crisp ruled that amendment out of order. In the Fiftieth Congress a bill to admit Dakota was pending. Speaker Carlisle ruled out an amendment to admit another State. Again, in the Fifty-third Congress, it was held by Speaker Carlisle that it was not in order to ingraft upon a bill for the relief of one State a provision for the relief of another. That will be found in section 1084 of Mr. Hinds's book. The bill was offered by Mr. Bryan for the relief of Nebraska from certain expenses incurred in relation to an Indian raid. An amendment was offered affording similar relief to South Dakota. Mr. Joseph D. Sayers, now governor of Texas, made the point that it was not germane.

Speaker Carlisle cited the decision of Speaker Cobb, to which I have referred, that a bill for the relief of an individual could not be amended by inserting a general clause, or by a provision for the relief of another individual. He held that a bill relating to one State could not be amended by adding matter for the relief of another State. This is a bill for the relief of Cuba. An amendment for the relief of Germany, or any other country, or all other countries, or relating to them generally is not germane.

Now, I should like, Mr. Chairman, to call attention to this bill. It is, as its title indicates, "A bill to provide for reciprocal trade relations with Cuba." It is not a tariff bill. Incidentally it affects the tariff, by providing that upon certain conditions the

President may reduce the tariff upon articles coming from Cuba. It relates only to Cuba.

Now, under the decisions which I have cited it is clear that an amendment would not be in order extending these reciprocal trade relations to Germany, if you please, or to any other country. The Chair would have to rule that or overrule the decisions of a dozen different Speakers of this House. But here is an amendment which is general. It relates to goods coming from all countries. It does not even provide reciprocal trade relations with those countries. It is upon a different subject. It provides that sugar from Germany and from all other countries shall come into this country under changed tariff conditions, without any reciprocal provisions whatever. It has no relation to reciprocal trade relations with any country, and it does not relate to Cuba. It violates the rule because it is "on a subject different from that under consideration."

Now, as my venerable colleague [Mr. GROW] has said, this is not a bill which mentions sugar at all. Sugar is affected only incidentally. It is affected no more than other products coming from Cuba. It does not relate to any article of commerce coming from any other country. And therefore, without longer consuming your time, I submit that an amendment proposing a provision of general law, applicable to products coming from all countries and without any reciprocal trade relations is manifestly not germane to a bill which relates only to Cuba and has for its sole object the establishment of reciprocal trade relations with that government.

Mr. MORRIS. Mr. Chairman, inasmuch as I submitted this amendment to the House, and submitted it in good faith, supposing and believing the amendment to be germane to the bill now under consideration, as I now believe it to be so germane, it is proper that I should give to the House the reasons for that belief.

Mr. Chairman, this is a bill which, as the gentleman from New York [Mr. PAYNE] has said, provides for reciprocal trade relations with Cuba. And how does it provide for reciprocal trade relations with Cuba? It provides for reciprocal trade relations with Cuba by a reduction of the tariff on articles coming from Cuba. And in so far as it does that it affects the revenue, and inasmuch as it does that it was held to be in order and a privileged bill by the Speaker of this House.

Now, Mr. Chairman, there are certain things that this House is obliged to know. There are certain things which appear in the pubiic records of this Government, in the public documents of this House. There are certain things which have been brought to the attention of this House in this debate, now running for nearly two weeks; and what are those things?

In the first place, Mr. Chairman, what have we been talking about here for nearly two weeks? What single article have we confined our discussion to? Nothing on the face of the earth but sugar. [Applause.] It has been a sugar proposition from start to finish. What does this bill propose? It proposes to reduce the tariff upon articles coming from Cuba. And what does this House know from the records of the Government and the evidence before the House?

It knows that the principal, the chief, the overwhelming article that comes from Cuba is sugar. And what kind of sugar? This House knows, every member of it, that the kind of sugar that comes from Cuba is raw sugar, and practically nothing else. That is what the House knows, and that is what the country knows.

Now, by this reduction what do we do? We reduce the tariff on raw sugar coming from Cuba from 1.685 to 1.34. In other words, as to that sugar we have increased the gap between the duty on refined sugar and the duty on raw sugar from the difference between 1.685 and 1.95 to the difference between 1.34 and 1.95, for there is practically no refined sugar coming from Cuba, and consequently the 20 per cent reduction on refined sugar from Cuba has no effect. We have increased it from two hundred and sixty-five one-thousandths to about sixty-one hundredths of a cent per pound, and that gap is the differential.

And on how much is that increase of the differential? This House knows that that is on more than half the sugar that comes into the country. And if that be the case, is not that an increase of the differential by more than half that amount on all the sugar that comes into the country from all the world?

In other words, by this bill you have disturbed the relations fixed by our tariff laws between the duty on raw sugar and the duty on refined sugar, on all the sugar which we import.

Is it possible, then, for us to say that we have not the right to readjust the sugar schedule of our tariff law to, in part at least, correct this disturbance during the time while the agreement proposed in this bill is in operation? [Applause.] That is the question, and that is the sole question.

The gentleman from Pennsylvania, my distinguished and venerated friend Mr. GROW, said the word "sugar" is not in this bill. The word "sugar" is not, but "sugar" is in it and all over it. [Laughter and applause.]

Now, coming to the decisions, you may hunt them over and over and you are not going to find a single case, as the distinguished gentleman from Maine has said, that is on all fours with this. The only case that I have been able to find in all my search at all like it is the case already referred to, decided by Mr. Blaine.

He decided that when the House was considering a bill for the reduction of internal-revenue taxes an amendment proposing to reduce customs duties was germane and in order; that to compensate for the changes made in the internal taxes the House could necessarily make changes in external taxes. Now, I will read what Mr. Blaine said, just for a minute. Mr. Blaine said that in his judgment—

> the amendment was germane, from the very necessities of the case; for it might be of the utmost importance in determining the internal revenue to be derived from any article to determine also what the external revenue shall be from the same article.

Surely the case presented by this amendment is very much stronger than the one decided by Mr. Blaine. Here is a measure which proposes to change a schedule of our tariff as to more than one-half of the amount of a certain article which comes into the country in very large quantities and pays an enormous revenue. We know that the change will largely affect the revenue from a certain grade of that article, to wit, raw sugar.

Then, following Mr. Blaine, is not this amendment germane from the very necessities of the case? Might it not be of the utmost importance in determining the revenue to be derived from raw sugar to determine also the revenue to be derived from refined sugar? Might it not be of the utmost importance, from the very necessities of the case, for Congress to compensate in some measure for the change in the duty on raw sugar by making a change in the duty on refined sugar? That is the question. [Applause.]

Again I say the case now under consideration is much stronger in our favor than the one decided by Mr. Blaine. By this legislation we will be changing, disturbing, one of the great schedules of our tariff law—a peculiar schedule, differing in some respects from any other. By the change we make we entirely change the refiner's differential. We practically (I say practically, for we all know that no refined sugar comes from Cuba) increase that differential on more than half the sugar imported into the country from 12½ cents a hundred pounds to 49 cents a hundred pounds, or to one-half that amount on all the sugar imported.

Is it possible that it can be out of order to readjust in the same bill that schedule so as to compensate in part at least for that change? Surely there would seem to be but one answer. When in and by a bill you change or disturb to such an extent one of the schedules of the tariff law, surely you have a right to readjust that schedule in the same bill, and any motion which tends to readjust it and has that object is a motion relating to the subject under consideration. [Applause.]

Is it possible to say that it relates to a subject different from that under consideration? Surely not. [Applause.] And if this be true, then there can be no question as to its being germane.

How is this readjustment to be made? By the House. And if, in the judgment of the House, this amendment accomplishes it, or tends to accomplish it, then the House has a right to consider and adopt it. [Applause.]

It seems to me, Mr. Chairman, it is as plain as a pikestaff. It is so plain that he who runs may read, and the only way on the face of the earth, as it seems to me, that you can sustain this point of order is by entirely disregarding a plain proposition of common sense and by overruling a decision of one of the greatest Speakers that ever sat in that chair. [Loud applause and cries of "Rule!"]

The CHAIRMAN. The closing portion of section 7 of Rule XVI, which has been already read in the debate in the committee, reads:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill now before us is entitled "A bill to provide for reciprocal trade relations with Cuba." It authorizes the President to enter into negotiations with the government of Cuba when established for the purpose of securing reciprocal trade relations with Cuba, and when an agreement is made that, in his judgment, is reciprocal and equivalent, to proclaim the fact, "and thereafter until December 1, 1903, the imposition of the duties now imposed by law on all articles imported from Cuba, the products thereof, shall be suspended, and in lieu thereof 80 per cent of the duty imposed upon such articles coming from other countries shall be collected."

Clearly this is simply and solely a bill to provide for reciprocal relations with Cuba, and Cuba only. An amendment can then be in order only if it relates to trade between Cuba and the United States. In other words, it must be germane. A long line of decisions, covering a period of three-quarters of a century—because the present rule is worded precisely as it was adopted in 1822—

made by distinguished Speakers of the House, from various sections of this country, have all emphasized the real intent and meaning of the rule above quoted.

These decisions have been based upon its literal construction. Except a decision of Speaker Cobb, in the Thirty-first Congress, later in the same Congress reversed by the House, seemingly by the Speaker's acquiescence, these decisions are all in one direction. Speaker Blaine made no decision upon this question. He did emphatically express his judgment upon a like proposition, and after expressing his judgment, he referred the matter to the committee for decision. So that he made no decision overruling the long line preceding.

Mr. BLACKBURN, presiding in Committee of the Whole, or Speaker pro tempore, I think, did not make the ruling that the gentleman from Tennessee says that he made. The gentleman is mistaken in the statement. He decided that the point of order was raised too late for consideration. Here is the exact wording of Speaker BLACKBURN'S ruling:

> The Chair will state to the gentleman from Michigan that he is not prepared to say that he would not have sustained his point of order and ruled the amendment of the gentleman from Tennessee out of order as not being germane to the subject-matter of the bill, if it had been made in time.

Speaker BLACKBURN held that the point of order was not raised in time. He expressly states that he does not hold that he would not have excluded it as not germane had it been raised in time.

If the Chair might be permitted to make a brief citation of very many decisions made by former Speakers—and the Chair will refer in the main to the decisions made by Speakers, and not by Chairmen of the Committee of the Whole—I think the committee will see that practically an unbroken line of precedents is in favor of the literal construction of the rule of germaneness.

In the Thirtieth Congress, the resolution providing for an investigation to obtain information upon which to frame a tariff bill, an amendment was offered striking out all after the resolving clause and inserting "that it is expedient to amend the present existing tariff by increasing the duties" on certain commodities. Speaker Stevenson, of Virginia, held the amendment to be inadmissible because on a subject different from that under consideration.

In the Twenty-seventh Congress to a bill under consideration authorizing the issue of Treasury notes, an amendment was offered providing that so much of the act of September 4, 1841, as provided for the distribution of the proceeds of the sale of public land among States and Territories be suspended, and the said fund be applied to the payment of outstanding Treasury notes, outstanding as well as those issued under the act, Mr. Hopkins, of Virginia, decidedly a clear and strong parliamentarian, held that the amendment was not germane.

In the Thirtieth Congress, during the pendency of a bill locating military land warrants in Virginia, it was proposed to amend by providing that these land warrants might be located on any public land subject to entry. Speaker Winthrop, of Massachusetts, held this amendment not to be germane.

And in the same Congress the same Speaker held an amendment to a resolution to ascertain and equalize the salaries of United States district judges so as to include marshals and district attorneys not in order, and upon an appeal the Chair was sustained.

In the Thirty-fifth Congress, while a bill was pending granting preemption to settlers upon public lands, an amendment was offered donating 160 acres free, upon certain conditions as to occupancy and cultivation. Speaker Orr, from South Carolina, held the amendment not to be germane.

In the Fiftieth Congress, to the bill for the admission of Dakota as a State, an amendment was offered to include New Mexico, Montana, and Washington. The question was discussed at considerable length. The gentleman from Michigan, Mr. BURROWS, now a Senator from that State, a gentleman justly famed as a parliamentarian, in arguing in support of the point of order that the amendment was not germane, fully reviewed the history of the rule and its application. Speaker Carlisle, an able parliamentarian, to whose great ability and fairness I gladly testify, held the amendment not to be germane and sustained the point of order.

On the 7th of this month, only the other day, while we were considering the Chinese-exclusion bill in the Committee of the Whole, the gentleman from Massachusetts [Mr. MOODY] in the chair, an amendment prohibiting the employment of Chinese labor on American ships was held not to be germane to a bill regulating the admission of Chinese into this country.

These are but a few of the decisions which all are on one side, all covering a period of more than seventy-five years.

It has been said that the Speaker, on the day this bill was taken up for consideration, held that this was a revenue bill. The Speaker did not so hold. The Speaker did, in reply to a parliamentary inquiry, say that this was a bill affecting the revenue, and stated that it has been the custom of this House to consider bills affecting the revenue as privileged matters, and this holding of the Speaker is sustained by a direct holding upon that very proposition by Speaker Reed in the Fifty-first Congress, and by many other decisions made at prior dates.

The argument of the gentleman from Maine that we must maintain the "equilibrium," and that to maintain the "equilibrium" this amendment is in order, is not, as it seems to the Chair, tenable. As well might he say that when a bill to appropriate $50,000,000 for rivers and harbors is under consideration we must, in order to maintain the "equilibrium," attach to it a provision to raise revenue, to bring money into the Treasury, to provide for that which is going out; and that proposition has been distinctly held in this House in the Thirty-first Congress not to be in order.

The argument of the gentleman from Maine might and probably would and probably does affect the judgment of members of the committee, so far as the merits of the proposition are concerned, but with the merits of any proposition the Chair has not to do in applying the rules to a question of order which is raised for him to dispose of.

Applying the rule, applying the precedents, applying to it the construction it has received for more than seventy-five years, it seems to the Chair just as clear as the hands of the clock before him are distinct, that this amendment, which relates to the duties upon sugar from the entire world, is not germane to a bill providing for reciprocal trade relations with Cuba, and is not in order as an amendment to the bill, and therefore the Chair sustains the point of order.

Mr. TAWNEY. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? The Chair prefers that the vote on this question should be taken by tellers, and will ask the gentleman from New York [Mr. PAYNE] and the gentleman from Minnesota [Mr. TAWNEY] to take their places as tellers.

The committee having divided and the tellers having reported,

The CHAIRMAN said: On this question the ayes are 130, the noes 171. [Applause on the Democratic side.] The decision of the Chair is overruled. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. PAYNE. Mr. Chairman, during this debate we have heard a good deal about party consistency [cries of "Order!"] and about standing by the principle of protection.

The CHAIRMAN. The committee will be in order.

Mr. SULZER. I call for the regular order.

Mr. PAYNE. Let the gentleman from New York [Mr. SULZER] be in order.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is in order, having been recognized in opposition to the amendment.

Mr. PAYNE. Now, Mr. Chairman, here is a proposition to reduce the duty on refined sugar, the product of the beet-sugar factories of the United States. I know that the gentlemen on the other side of the House will to a man vote for this amendment. I am not talking to them. I am talking to this side of the House. I want gentlemen on this side to understand distinctly the question on which they are to vote.

I was scoffed the other day because I said I was the friend of the beet-sugar interest. I will prove it to-day by voting against this amendment, which reduces their protection. You all admit that the proposition before the committee, without amendment, will not reduce the price of sugar in the United States a single farthing. Here is a proposition that will reduce it 12½ cents a hundred pounds, because it is a reduction upon the sugar of the world. I ask the Republicans in this House, before they vote for that proposition, to consider its effect, and to consider also that the beet-sugar interest in the United States—the manufacturers of beet sugar—are opposed to the proposition.

A MEMBER. How about the farmers?

Mr. PAYNE. And the farmers are opposed to it. Every man that is engaged in raising beets or in the manufacture of beet sugar is opposed to the proposition. It is against his interest. Now I ask you gentlemen who propose to stand by the beet-sugar men—who claim to be their friends—I ask you now when you vote to remember the beet-sugar interest and to remember the friends of the beet-sugar interest.

Mr. WEEKS. Does not that appeal come a little late in the closing hour of this contest?

Mr. PAYNE. Well, I have no reply to make to the gentleman from Michigan.

Mr. MCCLELLAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

> Amend the amendment as follows: "Strike out all after the words 'United States' and insert the following: 'One cent and forty-six one-hundreths of 1 cent per pound; and upon all other sugars, on tank bottoms, sirups of cane

juice, melada, concentrated melada, molasses, concrete and concentrated molasses, 80 per cent of the duties now provided by law.'"

Mr. McCLELLAN. Only a word, Mr. Chairman. The purpose of this amendment is not only to do away with the differential, but to reduce generally the sugar schedule of the Dingley law 20 per cent. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York to the amendment.

The question being taken, the amendment to the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I will send to the desk. It is an amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "upon the making of said agreement and the issuance of said proclamation and while said agreement shall remain in force."

Mr. DE ARMOND. Mr. Chairman, the purpose of the amendment is plain enough, I think, from the reading of it. The original amendment provides that upon the making of the agreement with Cuba and the issuing of the proclamation the reduction in duty on refined sugar shall take place. The amendment to the amendment makes it general and removes the limit as to time. The amendment which I offer is to the amendment offered by the gentleman from Minnesota, and it removes the limitation in that amendment. The amendment offered by the gentleman from Minnesota is to take the differential duty off refined sugar and sugar above 16 Dutch standard in color from the time of the making of the agreement with Cuba and the issuing of the proclamation following the agreement, until December, 1903.

If the amendment which I offer be adopted, the differential duty upon refined sugar and the corresponding duty upon sugar above 16 Dutch standard in color will be taken off from the passage of the bill and during the continuance of the law; in other words, until there be a change in the law. If the amendment which I offer be adopted, and the amendment offered by the gentleman from Minnesota as thus amended be adopted, the differential duty upon refined sugar and the duty upon sugar above 16 Dutch standard in color will be taken off from the passage of the bill, and without limitation as to time. I think it ought to be adopted; and this is all I desire to say about it.

Mr. ROBERTSON of Louisiana. Mr. Chairman, I would like to hear the amendment read again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 164, noes 111.

So the amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Add a new section, as follows:

"SEC. 2. On and after the passage of this act the raw or uncured hides of cattle, whether the same be dry, salted, or pickled, shall, when imported, be exempt from duty.

"Paragraph 437, Schedule N, of the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, is hereby repealed."

Mr. PAYNE. Mr. Chairman, I raise the point of order against that amendment as not germane.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. ROBERTS. In view of the wide range of discussion that has been had in this body to-day regarding the germaneness of amendments, I do not propose to occupy any time of the committee. I will take the decision of the Chair on the point of order.

The CHAIRMAN. The Chair desires to say that under the ruling of the committee overruling the Chair a few moments ago quite likely that would be in order; but the Chair's views have not been modified by the action of the committee, and the Chair holds the amendment not germane and out of order.

Mr. ROBERTS. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 183, noes 70.

So the decision of the Chair was sustained.

Mr. LACEY. Mr. Chairman, a parliamentary inquiry. What has become of the great parliamentary question decided a few moments ago?

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives, by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 17, 1902:

H. R. 291. An act granting a pension to Christina Heitz;

H. R. 3260. An act granting a pension to Jacob Golden;

H. R. 7525. An act granting a pension to Marion Barnes;

H. R. 9654. An act granting a pension to John S. James;

H. R. 9378. An act granting a pension to Clara B. Townsend;

H. R. 11025. An act granting a pension to Mary A. Carlile;

H. R. 12395. An act granting a pension to Ruth Bartlett;

H. R. 12275. An act granting a pension to Amelia A. Russell;

H. R. 1476. An act granting an increase of pension to Henry F. Benson;

H. R. 1485. An act granting an increase of pension to Thompson B. Moore;

H. R. 1685. An act granting an increase of pension to Augustus E. Hodges;

H. R. 1709. An act granting an increase of pension to Edwin J. Godfrey;

H. R. 2613. An act granting an increase of pension to Thomas H. H. Gibbs;

H. R. 3352. An act granting an increase of pension to Margaret M. Boyd;

H. R. 3354. An act granting an increase of pension to Thomas Young;

H. R. 3427. An act granting an increase of pension to Sarah E. Allen;

H. R. 3876. An act granting an increase of pension to Theophile A. Dauphin;

H. R. 3884. An act granting an increase of pension to Erastus C. Moderwell;

H. R. 4053. An act granting an increase of pension to Henry E. De Maise;

H. R. 4116. An act granting an increase of pension to William Berry;

H. R. 4172. An act granting an increase of pension to George R. Chaney;

H. R. 4176. An act granting an increase of pension to Nathan W. Snee;

H. R. 6023. An act granting an increase of pension to Robert L. Ackridge;

H. R. 7290. An act granting an increase of pension to Lizzie B. Green;

H. R. 7613. An act granting an increase of pension to Evaline Wilson;

H. R. 7847. An act granting an increase of pension to Charles S. Wilson;

H. R. 10710. An act granting an increase of pension to Frances E. Scott;

H. R. 10957. An act granting an increase of pension to Mary E. Stockings;

H. R. 11916. An act granting an increase of pension to Andrew B. Spurling; and

H. R. 12490. An act granting an increase of pension to Joseph Culbreath.

RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. ROBERTS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That the raw or uncured hides of cattle, whether the same be dry, salted, or pickled, shall, when imported from the island of Cuba, be exempt from duty."

Mr. PAYNE. I make the point of order against that that it is not germane, and also that it is dilatory.

Mr. ROBERTS. This relates only to hides from Cuba.

Mr. PAYNE. I did not understand that. With the understanding that it applies only to Cuba, I withdraw the point of order.

The CHAIRMAN. The amendment, as reported by the Clerk, applies solely to the island of Cuba.

Mr. PAYNE. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. ROBERTS) there were—ayes 120, nays 136.

Mr. ROBERTS. I ask for tellers, Mr. Chairman.

Tellers were refused, not a sufficient number voting in favor of the demand therefor.

Accordingly the amendment was rejected.

Mr. MCCLELLAN and Mr. RICHARDSON of Tennessee rose.

The CHAIRMAN. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I yield to the gentleman from New York [Mr. MCCLELLAN], who has an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 1, strike out the word "twenty" and insert the word "forty;" on page 2, lines 15 and 16, strike out the words "until the 1st day of December, 1903," and on page 2, line 20, strike out the word "eighty" and insert the word "sixty."

Mr. MCCLELLAN. Only a word, Mr. Chairman. The purpose of this amendment is to increase the reduction to and from Cuba from 20 per cent to 40 per cent and to take off the time limit. This is the proposition suggested by General Wood, and is semi-officially stated to be what the Secretary of War desires, and is called in the newspapers the Long proposition. It is a sufficient reduction to give a living profit on sugar to the Cubans and to fulfill the national obligation.

The question being taken on the amendment offered by Mr. MCCLELLAN, on a division (demanded by Mr. MCCLELLAN) there were—ayes 102, noes 162.

Accordingly the amendment was rejected.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to offer the following amendment as section 2.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 2. That the rates of duty now imposed on all articles embraced in "Schedule C—Metals and manufactures of metals," of the act known as the Dingley Act, approved July 24, 1897, be revised and reduced exactly in accordance with H. R. 9056 of the present session of Congress, which is in words and figures following, to wit:

Be it enacted, etc., That paragraph No. 130 of Schedule C—Metals and manufactures of, be, and the same is hereby, repealed.

SEC. 2. That section 2 of said act be, and the same is hereby, amended by adding after paragraph No. 705 of the free list the following new paragraphs:

"706. All iron in slabs, blooms, loops, or other forms less finished than in bars, and more advanced than pig iron.

"707. Beams, girders, joists, angles, channels, car-truck channels, TT, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all structural shapes of iron or steel, whether plain or punched or fitted for use.

Mr. RICHARDSON of Tennessee. With the permission of the committee I can make a statement of this. This is the bill introduced by Mr. BABCOCK——

Mr. GROSVENOR and others. Regular order!

The CHAIRMAN. Regular order is demanded.

Mr. RICHARDSON of Tennessee. All right, let the Clerk read.

The Clerk continued the reading of the amendment, as follows:

"708. Boiler or other plate iron or steel, except crucible plate steel and saw plates, otherwise provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at one and one-half cents per pound or less.

"709. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, railway fish plates or splice bars, made of iron or steel.

"710. Steel ingots, cogged ingots, blooms, slabs, billets, bars, and tapered or beveled bars, except crucible steel, otherwise provided for."

SEC. 3. That the following numbered paragraphs of Schedule C—Metals and manufactures of, be, and they are hereby, amended so that they shall read as follows:

"122. Iron in pigs, iron kentledge, spiegeleisen, ferro-manganese, ferro-silicon, wrought and cast scrap iron, and scrap steel, $2 per ton; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be remanufactured.

"123. Bar iron, square iron, rolled or hammered, comprising flats not less than one inch wide nor less than three-eighths of one inch thick, round iron not less than seven-sixteenths of one inch in diameter, three-tenths of one cent per pound.

"124. Round iron, in coils or rods, less than seven-sixteenths of one inch in diameter, not specially provided for in this act, four-tenths of one cent per pound.

"125. All iron bars, blooms, billets, or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of $12 per ton.

"126. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at over 1½ cents per pound, 15 per cent ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets."

"128. Hoop, band, or scroll iron or steel, not otherwise provided for in this act, valued at 3 cents per pound or less, 8 inches or less in width, and less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, one-fourth of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, three-tenths of 1 cent per pound; thinner than No. 20 wire gauge, four-tenths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed, or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; steel bands or strips, untempered, suitable for making band saws, 3 cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 6 cents per pound and 20 per cent ad valorem.

"129. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings for baling cotton or any other commodity, one-fourth of 1 cent per pound."

"131. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, four-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, five-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, six-tenths of 1 cent per pound; thinner than No. 32 wire gauge, seven-tenths of 1 cent per pound; corrugated or crimped, six-tenths of 1 cent per pound.

"132. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay one-tenth of 1 cent per pound more duty than if the same was not so galvanized or coated.

"133. Sheets of iron or steel, polished, planished, or glanced, by whatever name designated, 1 cent per pound: *Provided*, That plates or sheets of iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which have been pickled or cleaned by acid or by any other material or process, or which are cold rolled, smoothed only, not polished, shall pay one-tenth of 1 cent per pound more duty than the corresponding gauges of common or black sheet iron or steel.

"134. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin, 1 cent per pound.

"135. Crucible steel, not otherwise provided for in this act; die blocks or blanks; mill shafting; pressed, sheared, or stamped shapes; saw plates, wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel in all forms and shapes not specially provided for in this act: All of the above valued at 1.4 cents per pound or less, two-tenths of 1 cent per pound; valued above 1.4 cents and not above 1.8 cents per pound, three-tenths of 1 cent per pound; valued above 1.8 cents and not above 2.2 cents per pound, five-tenths of 1 cent per pound; valued above 2.2 cents and not above 3 cents per pound, nine-tenths of 1 cent per pound; valued above 3 cents per pound and not above 4 cents per pound, 1.2 cents per pound; valued above 4 cents and not above 7 cents per pound, 1.3 cents per pound; valued above 7 cents and not above 10 cents per pound, 2 cents per pound; valued above 10 cents and not above 13 cents per pound, 2.4 cents per pound."

Mr. GRAHAM. I raise the point of order that sufficient of that has been read to determine that it is not germane.

The CHAIRMAN. The Chair thinks the point of order is well taken. Enough has been read to convince the Chair that, in line with his first ruling of to-day, the amendment is not in order, as not being germane to the bill.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I shall not appeal from the decision of the Chair. This is simply the measure introduced by the gentleman from Wisconsin [Mr. BABCOCK], which two counties in the gentleman's district yesterday declared in favor of, and it seems to me it is a good Republican and Democratic measure.

Mr. DALZELL. Nevertheless, it is not in order.

Mr. RICHARDSON of Tennessee. I hope the Chair will not hold it out of order.

The CHAIRMAN. The Chair sustains that point of order, that it is not germane to the bill.

Mr. HOOKER of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the bill as section 2 the following:

"*Be it further enacted*, That the duty on bagging and ties and pulp out of which paper is made shall be reduced 20 per cent from the duty imposed by the Dingley tariff."

Mr. PAYNE. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman from New York makes the point of order that the amendment is not germane to the bill. The Chair sustains the point of order.

Mr. CORLISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by adding at the end of line 4, page 3, the following:

"That the President of the United States is hereby authorized to enter into negotiations with Canada for reciprocal trade relations with a view to the establishment of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the following products and manufactures of the United States, to wit:

"Furniture, stoves, drugs, boots and shoes, steel, brass, copper, and iron manufactured products, in consideration of the admission into the United States of wood pulp, hides, and sugar beets free of duty, and lumber, barley, and iron ore at 80 per cent of the rate of duty now levied upon such articles imported from foreign countries.

"Whenever, in the judgment of the President, such reciprocal and equivalent relations have been established by agreement he shall be, and he is hereby, authorized and empowered to suspend by proclamation to that effect the imposition and collection of the duties now required upon the articles above mentioned, and thereafter the duties levied, collected, and paid upon such articles shall be in accordance with the terms of said agreement."

Mr. PAYNE. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The gentleman from New York makes the point of order that the amendment is not germane. The Chair sustains the point of order.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding a new section, as follows:

"SEC. 2. At the time of making the order reducing the duties on Cuban products as authorized by section 1, the President shall extend to the people of Cuba, through their duly organized government, an invitation to apply for the annexation of the island."

Mr. PAYNE. Enough has been read to show that the amendment is not germane, and I make that point of order.

The CHAIRMAN. The gentleman from New York makes the point of order that the amendment is not germane to the bill.

Mr. NEWLANDS. I would like to argue the point of order.

The CHAIRMAN. The Chair is very clear, without any argument, that it is not germane. It is clearly in line with the former ruling of the Chair.

Mr. NEWLANDS. Does the Chair decline to hear me on that decision?

The CHAIRMAN. The Chair does not decline to hear the gentleman, but says he is ready to rule.

Mr. NEWLANDS. But I wish to argue the point. I think I can give the distinction between the decision of the Chair and the question now under consideration.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NEWLANDS. Now, in the first place I ask the Clerk, in my time, to read the amendment.

The Clerk read as follows:

Amend by adding a new section, as follows:

"SEC. 2. At the time of making the order reducing the duties on Cuban products as authorized by section 1, the President shall extend to the people of Cuba, through their duly organized government, an invitation to apply for the annexation of the island to the United States as a constitutional part thereof, the said island at first to have the status of an organized Territory, and thereafter full statehood at such time as shall seem proper to the Congress of the United States, and after such annexation is completed the imposition of duties upon the products of Cuba entering the United States and upon the products of the United States entering Cuba shall cease and determine."

Mr. PAYNE. I make the point of order, Mr. Chairman, that it is not germane to the bill.

Mr. NEWLANDS. I will confine myself to the point of order raised by the gentleman. This is an amendment which proposes to establish free trade between Cuba and the United States through a political union, involving the annexation of the island to the United States with her free will and consent. Now, is that amendment germane to this bill? I ask for order, Mr. Chairman.

The CHAIRMAN. The committee will be in order.

Mr. NEWLANDS. Is this amendment germane to the bill under consideration? This bill provides for reciprocal trade relations between Cuba and the United States. It proposes to make a reduction of 20 per cent of the duties upon the products of Cuba coming into this country in consideration of an equal concession made by Cuba, and upon the condition that Cuba shall enact laws similar to our immigration and contract labor laws. What does my amendment propose? It also affects the duties between Cuba and the United States; but instead of reducing those duties only 20 per cent, it proposes to abolish them altogether and to establish free trade between Cuba and the United States by inviting Cuba to become a constitutional part of the United States.

The only distinction between the amendment and this bill is that whilst this bill seeks commercial union only, and that a limited one, my amendment seeks complete commercial and political union and seeks to accomplish commercial union through political union. It is in the same line as the bill proposed, but it goes a step farther.

The CHAIRMAN. The Chair desires not to call any gentleman by name. But if such unseemly conduct as the Chair has recently seen is repeated, the Chair will call the gentleman by name The Chair thinks the gentleman is entitled at least to a partial respectful hearing while debating a question before the committee. [Loud applause.]

Mr. NEWLANDS. Now, what is the condition in this bill? Why, the condition on which there is to be a reduction of 20 per cent is that Cuba shall enact our immigration and contract labor laws. The condition in my amendment is that Cuba shall by an act of legislation apply for annexation.

Now, Mr. Chairman, in considering a bill proposing a reduction of duties upon the condition that Cuba shall accept a part of our laws, is it not in order to propose the abolition of duties on the condition that Cuba shall come into the Union and be subject to all our laws and our Constitution? So that the purpose of the bill and that of the amendment is similar. One provides for partial commercial union; the other for complete commercial union. One provides for the acceptance of part of our laws; the other provides for the acceptance of all. Now, the amendment may go a little further than the bill, attaching a further condition, spreading the entire body of our laws and of our Constitution over the island of Cuba through an act of legislation to be passed by the island of Cuba. [Cries of "Vote!"] I am aware that it is late and that members are impatient, but I shall insist on completing my argument. [Cries of "Vote!"]

The CHAIRMAN. The action of the committee will be expedited by gentlemen maintaining order.

Mr. NEWLANDS. Now, the avowed purpose of the bill is for reciprocal trade relations which is to reduce duty. The purpose of the proposed amendment is to secure absolute free trade and is not an extension or enlargement of the other. The purpose of this bill is to reduce the restraints of trade; the purpose of the amendment is to remove them altogether.

Now, then, in another point of view this amendment is germane. This proposed bill is a substantial step in the direction of reducing Cuba to the position of a colonial possession. Already, through the Platt amendment, her autonomy and sovereignty have been seriously restricted.

We have assumed the control of her laws relating to the contraction of debt. We have taken upon ourselves the protection of life, liberty, and property there; we have also taken possession of the military and naval station, and the control of the sanitation of that island. This bill goes one step farther and seeks to impose upon her a part of the legislative system, our laws relating to immigration and contract labor.

Now, I ask if a bill were brought into this House for the purpose of organizing a government in the island of Cuba as a colonial possession, would it not be germane to that bill to offer an invitation to Cuba to become a part of the United States; in other words, to organize a Territorial government? Why, this side of the House took that position with reference to the island of Porto Rico. When it was proposed to bring in a bill for the purpose of creating a colonial government in the island of Porto Rico, what did members on this side do? They proposed to substitute a bill organizing Porto Rico into a Territory.

So with reference to the Philippine Islands bill. If the bill now being framed in the Senate comes to this House organizing a civil government in the Philippine Islands, will it not be germane to the bill to move as an amendment or a substitute that the Philippine Islands be organized into a Territorial form of government? It is true that all of us would be opposed to that so far as the Philippines are concerned, for we prefer to give them their independence and do not wish them as a part of this country. But so far as Cuba is concerned, we are willing to accept her as a part of the Union. When this bill comes to us practically providing for an extension of imperialism over the island of Cuba, for an extension of the new colonial system of government, it seems to me that it is entirely relevant and that the amendment is germane. [Cries of "Vote!" "Vote!" "Vote!"]

I assure the gentlemen that they can not take me off the floor by crying "Vote." I am determined to be heard. If the gentlemen will only listen to me, I will conclude in a few seconds.

Now, then, the island of Cuba must occupy one of four positions with reference to this country. It must either be independent or it must be a ward of this Government, or it must be a colonial possession, or it must be an organized Territory. Now its independence is gone, already taken away by the Platt amendment, and will still further be taken away by this act. It is not yet a colonial possession, but it soon will be unless this side of the House takes strong ground now. Our friends on the other side claim that Cuba is the ward of this country. Very well, take that view; then the island of Cuba passes under the legislation contemplated by this bill as the ward of the Republic. It is our right to insist upon it, and it is our right to insist by amendment that that wardship shall be merged into a closer relation of complete and equal political union with us, if Cuba is willing, and that an invitation be extended for the purpose of ascertaining her will.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Nevada to the fact that he is not discussing the point of order.

Mr. NEWLANDS. It is true, Mr. Chairman, I was not addressing the Chair, but I insist upon it that my argument was addressed to the point of order. I insist that this is a bill for the extension of imperialism; that it is a step in the line of establishing a colonial system in Cuba, and that it is perfectly germane to move as an amendment that she be invited to become a constitutional part of the Republic. [Cries of "Vote!" "Vote!" "Vote!"]

The CHAIRMAN. The Chair is ready to rule, and evidently the committee desires a ruling. [Applause.] The bill under consideration provides for reciprocal relations with Cuba. The amendment relates to the annexation of Cuba. The amendment is not in order, and the Chair sustains the point of order.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 12765, to provide for reciprocal trade relations with Cuba, and directed him to report the same back to the House with several amendments with the recommendation that the amendments be adopted and that the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. PAYNE. I demand a separate vote, Mr. Speaker, on the amendment relating to the differential on sugar.

The SPEAKER. The Chair will submit the amendments of the committee in gross, if there is no objection.

Mr. FLEMING. Mr. Speaker, may I inquire which amendment the Chair refers to?

The SPEAKER. There are certain amendments reported by the Ways and Means Committee, and then there is an amendment reported by the Committee of the Whole. The question is on agreeing to the amendments recommended by the Ways and Means Committee.

The question was taken; and the committee amendments were agreed to.

The SPEAKER. The question now is on the following amendment; which the Clerk will report to the House.

The Clerk read as follows:

Insert after "countries," line 22, page 2, the following:

"And upon the making of said agreement and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties thereon now provided by law on all sugars above No. 16 Dutch standard in color, and on all sugar which has gone through a process of refining, imported into the United States, one cent and eight hundred and twenty-five one-thousandths of one cent per pound."

Mr. PAYNE. On that amendment, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 105, answering "present" 7, not voting 44; as follows:

YEAS—199.

Adamson,	Edwards,	Lewis, Ga.	Robertson, La.
Allen, Ky.	Elliott,	Lindsay,	Robinson, Ind.
Aplin.	Esch,	Little,	Robinson, Nebr.
Ball, Tex.	Feely,	Littlefield,	Rucker,
Bankhead,	Finley,	Livingston,	Ruppert.
Barney,	Fitzgerald,	Lloyd,	Ryan,
Bartlett,	Fleming,	Loud,	Salmon,
Bell,	Flood,	McAndrews,	Scarborough,
Belmont,	Fordney,	McCleary,	Selby,
Benton,	Foster, Ill.	McClellan,	Shackleford,
Bishop,	Fox,	McCulloch,	Shafroth,
Bowersock,	Gaines, Tenn.	McLachlan,	Shallenberger,
Bowie,	Gardner, Mich.	McLain,	Shelden,
Brantley,	Gilbert,	McRae,	Sims,
Breazeale,	Gill,	Maddox,	Smith, Ill.
Bromwell,	Glenn,	Mahoney,	Smith, Iowa
Broussard,	Goldfogle,	Mann,	Smith, Ky.
Brown,	Gooch,	Maynard,	Smith, H. C.
Brundidge,	Green, Pa.	Mercer	Smith, S. W.
Burgess,	Greene, Mass.	Meyer, La.	Smith, Wm. Alden
Burkett,	Griggs,	Mickey,	Snodgrass,
Burleson,	Hall,	Miers, Ind.	Snook,
Burnett,	Hamilton,	Miller,	Southard,
Butler, Mo.	Haugen,	Moon,	Sparkman,
Calderhead,	Hay,	Morris,	Spight,
Caldwell,	Henry, Miss.	Moss,	Stark,
Candler,	Hepburn,	Mudd,	Stephens, Tex.
Cassingham,	Hitt,	Mutchler,	Stevens, Minn.
Clark,	Holliday,	Naphen,	Sulzer.
Clayton,	Hooker,	Needham,	Sutherland,
Cochran,	Howard,	Neville,	Swanson,
Conner,	Hull,	Newlands,	Talbert,
Coombs,	Jackson, Kans.	Norton,	Tate,
Cooney,	Johnson,	Otey,	Tawney,
Cooper, Wis.	Jones, Va.	Padgett,	Taylor, Ala.
Corliss,	Jones, Wash.	Patterson, Tenn.	Thomas, Iowa
Cousins,	Kahn,	Pierce,	Thomas, N. C
Cowherd,	Kehoe,	Pou,	Thompson,
Crowley,	Kern,	Powers, Mass.	Underwood,
Crumpacker,	Kitchin, Wm. W.	Prince,	Vandiver,
Cushman,	Kleberg,	Pugsley,	Warner,
Dahle,	Kluttz,	Randell, Tex.	Weeks,
Darragh,	Knox,	Ransdell, La.	Wheeler,
Davey, La.	Lacey,	Reid,	White,
Davidson,	Lamb,	Rhea, Va.	Wiley,
Davis, Fla.	Lanham,	Richardson, Ala.	Williams, Ill.
Dayton,	Latimer,	Richardson, Tenn.	Williams, Miss.
De Armond,	Lawrence,	Rixey,	Woods,
Dinsmore,	Lessler,	Robb,	Zenor.
Dougherty,	Lever,	Roberts,	

NAYS—105.

Adams,	Bingham,	Bull,	Cassel,
Alexander,	Blackburn,	Burk, Pa.	Connell,
Allen, Me.	Boutell,	Burleigh,	Cromer,
Ball, Del.	Brick,	Burton,	Currier,
Bartholdt,	Bristow,	Butler, Pa.	Curtis,
Bates,	Brownlow,	Cannon,	Dalzell,
Deemer,	Hedge,	Metcalf,	Skiles,
Dick,	Hemenway,	Mondell.	Southwick,
Douglas,	Henry, Conn.	Moody, N. C.	Sperry,
Draper,	Hildebrant,	Moody, Oreg.	Stewart, N. J.
Driscoll,	Hill,	Morgan,	Stewart, N. Y.
Emerson,	Howell,	Morrell,	Storm,
Evans,	Irwin,	Nevin,	Sulloway,
Foerderer,	Jack,	Olmsted,	Tayler, Ohio
Foss,	Joy,	Palmer,	Tompkins, N. Y.
Foster, Vt.	Ketcham,	Parker,	Tompkins, Ohio
Fowler,	Knapp,	Patterson, Pa.	Tongue,
Gardner, N. J.	Kyle,	Payne,	Vreeland,
Gibson.	Landis,	Pearre,	Wachter,
Gillet, N. Y.	Lewis, Pa.	Perkins,	Wanger,
Gillett, Mass.	Littauer,	Ray, N. Y.	Warnock,
Graff,	Long,	Reeves,	Watson,
Graham,	Loudenslager,	Russell,	Wright,
Grosvenor,	McCall,	Schirm,	Young.
Grow,	Mahon,	Scott,	
Hanbury,	Marshall,	Sherman,	
Haskins,	Martin,	Sibley,	

ANSWERED "PRESENT"—7.

Capron,	Gordon,	Otjen,	Trimble.
Cooper, Tex.	Griffith,	Tirrell,	

NOT VOTING—44.

Acheson,	Dovener,	Kitchin, Claude	Shattuc,
Babcock,	Eddy,	Lassiter,	Sheppard,
Beidler,	Fletcher,	Lester,	Showalter,
Bellamy,	Gaines, W. Va.	Lovering,	Slayden,
Blakeney,	Heatwole,	McDermott,	Small,
Boreing,	Henry, Tex.	Minor,	Steele,
Burke, S. Dak.	Hopkins,	Moody, Mass.	Thayer,
Conry,	Hughes,	Overstreet,	Van Voorhis,
Creamer,	Jackson, Md.	Powers, Me.	Wadsworth,
Cummings,	Jenkins,	Reeder,	Wilson.
De Graffenreid,	Jett,	Rumple,	Wooten.

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. BOREING with Mr. TRIMBLE.

Until further notice:

Mr. BABCOCK with Mr. CUMMINGS.

Mr. EDDY with Mr. SHEPPARD.

Mr. CAPRON with Mr. JETT.

Mr. OVERSTREET with Mr. GRIFFITH.

Mr. ACHESON with Mr. WILSON.

Mr. STEELE with Mr. COOPER of Texas.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. SHOWALTER with Mr. SLAYDEN.

For this day:

Mr. BURKE of South Dakota with Mr. BELLAMY.

Mr. BEIDLER with Mr. LESTER.

Mr. BLAKENEY with Mr. VANDIVER.

Mr. POWERS of Maine with Mr. DE GRAFFENREID.

Mr. RUMPLE with Mr. CLAUDE KITCHIN.

Mr. DOVENER with Mr. CREAMER.

Mr. REEDER with Mr. HENRY of Texas.

Mr. JACKSON of Maryland with Mr. SMALL.

On this bill:

Mr. TIRRELL with Mr. CONRY (except on final passage).

Mr. HOPKINS with Mr. GAINES of West Virginia.

Mr. FLETCHER (against the bill) with Mr. SHATTUC (for the bill).

Mr. JENKINS (against the bill) with Mr. MCDERMOTT (for the bill).

Mr. WADSWORTH (for the bill) with Mr. HEATWOLE (against the bill).

Mr. LOVERING with Mr. HUGHES.

Mr. OTJEN (for the bill) with Mr. MINOR (against the bill).

Mr. MOODY of Massachusetts with Mr. THAYER (except on final passage).

Mr. COOPER of Texas. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. STEELE]. I voted in the affirmative, but I wish to withdraw my vote and be recorded "present."

Mr. GORDON. Mr. Speaker, I voted "aye" on this question; but as I am paired with my colleague [Mr. VAN VOORHIS], I wish to withdraw my vote and be recorded "present."

The result of the vote was announced as above recorded.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. PAYNE. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 54, answering "present" 7, not voting 48; as follows:

YEAS—246.

Adamson,	Bates,	Brick,	Burleson,
Alexander,	Belmont,	Bristow,	Burnett,
Allen, Ky.	Benton,	Brownlow,	Burton,
Allen, Me.	Bingham,	Brundidge,	Butler, Mo.
Ball, Del.	Blackburn,	Bull,	Butler, Pa.
Ball, Tex.	Boutell,	Burgess,	Calderhead,
Bankhead,	Bowersock,	Burk, Pa.	Caldwell,
Bartholdt,	Bowie,	Burkett,	Candler,
Bartlett,	Brantley,	Burleigh,	Cannon,

Cassel,	Griffith,	McLain,	Russell,
Cassingham,	Griggs,	McRae,	Ryan,
Clark,	Grow,	Maddox,	Salmon,
Clayton,	Hall,	Mahon,	Scarborough,
Cochran,	Hanbury,	Mahony,	Schirm,
Connell,	Haskins,	Mann,	Scott,
Conner,	Hay,	Marshall,	Selby,
Cooney,	Hedge,	Martin,	Shackleford,
Cooper, Wis.	Hemenway,	Maynard,	Shallenberger,
Cousins,	Henry, Conn.	Mercer,	Sherman,
Cowherd,	Henry, Miss.	Mickey,	Sibley,
Cromer,	Hill,	Miers, Ind.	Sims,
Crowley,	Hitt,	Miller,	Skiles,
Crumpacker,	Holliday,	Mondell,	Smith, Iowa
Currier,	Howard,	Moody, N. C.	Smith, Ky.
Curtis,	Howell,	Moody, Oreg.	Snodgrass,
Dalzell,	Hull,	Moon,	Snook,
Davidson,	Irwin,	Morgan,	Southard,
De Armond,	Jack,	Morrell,	Southwick,
Deemer,	Jackson, Kans.	Moss,	Sperry,
Dinsmore,	Johnson,	Mudd,	Spight,
Dougherty,	Jones, Va.	Mutchler,	Stark,
Douglas,	Joy,	Naphen,	Stephens, Tex.
Draper,	Kehoe,	Nevin,	Stewart, N. J.
Driscoll,	Kern,	Norton,	Stewart, N. Y.
Edwards,	Ketcham,	Olmsted,	Storm,
Elliott,	Kitchin, Wm. W.	Otey,	Sulloway,
Emerson,	Kleberg,	Padgett,	Sulzer,
Evans,	Kluttz,	Palmer,	Swanson,
Feely,	Knapp,	Parker,	Talbert,
Finley,	Knox,	Patterson, Pa.	Tate,
Fitzgerald,	Kyle,	Patterson, Tenn.	Taylor, Ala.
Fleming,	Lacey,	Payne,	Thomas, Iowa
Flood,	Lamb,	Pearre,	Thomas, N. C.
Foerderer,	Landis,	Perkins,	Thompson,
Foss,	Lanham,	Pierce,	Tompkins, N. Y.
Foster, Ill.	Latimer,	Pou,	Tongue,
Foster, Vt.	Lawrence,	Powers, Mass.	Underwood,
Fowler,	Lessler,	Pugsley,	Vreeland,
Fox,	Lever,	Randell, Tex.	Wachter,
Gaines, Tenn.	Lewis, Ga.	Ray, N. Y.	Wanger,
Gardner, N. J.	Lewis, Pa.	Reeves,	Warnock,
Gibson,	Lindsay,	Reid,	Watson,
Gilbert,	Littauer,	Rhea, Va.	Wheeler,
Gill,	Little,	Richardson, Ala.	White,
Gillet, N. Y.	Livingston,	Richardson, Tenn.	Wiley,
Glenn,	Lloyd,	Rixey,	Williams, Ill.
Goldfogle,	Long,	Robb,	Williams, Miss.
Gooch,	Loudenslager,	Roberts,	Wright,
Graff,	McAndrews,	Robinson, Ind.	Young.
Graham,	McCall,	Robinson, Nebr.	Zenor.
Green, Pa.	McClellan,	Rucker,	
Greene, Mass.	McCulloch,	Ruppert,	

NAYS—54.

Aplin,	Davis, Fla.	Loud,	Smith, H. C.
Barney,	Dayton,	McCleary,	Smith, S. W.
Bell,	Dick,	McLachlan,	Smith, Wm. Alden
Bishop,	Esch,	Metcalf,	Sparkman,
Breazeale,	Fletcher,	Meyer, La.	Stevens, Minn.
Bromwell,	Fordney,	Morris,	Sutherland,
Broussard,	Gardner, Mich.	Needham,	Tawney,
Brown,	Grosvenor,	Neville,	Tayler, Ohio
Coombs,	Hamilton,	Prince,	Tompkins, Ohio.
Corliss,	Hepburn,	Ransdell, La.	Warner,
Cushman,	Hildebrant,	Robertson, La.	Weeks,
Dahle,	Jones, Wash.	Shafroth,	Woods.
Darragh,	Kahn,	Shelden,	
Davey, La.	Littlefield,	Smith, Ill.	

ANSWERED "PRESENT"—7.

Capron,	Haugen,	Otjen,	Trimble.
Gordon,	Hooker,	Tirrell,	

NOT VOTING—48.

Acheson,	De Graffenreid,	Kitchin, Claude	Shattuc,
Adams,	Dovener,	Lassiter,	Sheppard,
Babcock,	Eddy,	Lester,	Showalter,
Beidler,	Gaines, W. Va.	Lovering,	Slayden,
Bellamy,	Gillett, Mass.	McDermott,	Small,
Blakeney,	Heatwole,	Minor,	Steele,
Boreing,	Henry, Tex.	Moody, Mass.	Thayer,
Burke, S. Dak.	Hopkins,	Newlands,	Vandiver.
Conry,	Hughes,	Overstreet,	Van Voorhis,
Cooper, Tex.	Jackson, Md.	Powers, Me.	Wadsworth,
Creamer,	Jenkins,	Reeder,	Wilson,
Cummings,	Jett,	Rumple,	Wooten.

So the bill was passed.

The Clerk announced the following additional pairs:

For the remainder of this day:

Mr. ADAMS with Mr. HOOKER.

Mr. SHATTUC with Mr. WOOTEN.

Mr. HAUGEN with Mr. SMALL.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

CHINESE-EXCLUSION BILL.

Mr. HITT. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, which passed the House a few days ago, and which went to the Senate and has been returned and is on the Speaker's table with amendments. I ask that the House nonconcur in the amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Foreign Affairs, asks unanimous consent to take from the Speaker's table the bill H. R. 13031, the Chinese-exclusion bill, which recently passed the House and has come back with Senate amendments, requesting that the House disagree to the amendments of the Senate and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced as conferees on the part of the House, Messrs. HITT, PERKINS, and CLARK.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes; and

H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5062. An act to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War—to the Committee on Interstate and Foreign Commerce.

S. 4868. An act granting an increase of pension to James H. Walker—to the Committee on Pensions.

S. 3896. An act to amend section 3362 of the Revised Statutes relating to tobacco—to the Committee on Ways and Means.

S. R. 82. Joint resolution providing for the printing annually of franks required for sending out seed—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. EDDY until May 1, on account of important business.

GEORGE T. LARKIN.

By unanimous consent, on motion of Mr. RHEA of Virginia, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of George T. Larkin, Fifty-seventh Congress, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 6 o'clock and 44 minutes p. m.), the House adjourned until to-morrow, Saturday, April 19, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for the Government lot at Mount Moriah Cemetery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the military governor of Cuba relating to the state of the sugar crop—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Secretary of State inclosing protest of the Chinese Government against exclusion of Chinese from the Philippines—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, recommending an appropriation for repairs at light-house at Rockland Lake, Hudson River, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. B. Baker, administrator of estate of John T. Gray, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of B. Frank Perry, administrator de bonis non of estate of Ephraim Cooper, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for pianos for new school building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War relating to the reimbursement of Messrs. H. B. Riden and William W. Thompson—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a report from the Commissioner of Indian Affairs, a draft of a bill relating to the sale of certain Pottawatomie and Kickapoo Indian lands—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901, reported the same with amendment, accompanied by a report (No. 1660); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 12807) to amend section 4929, Revised Statutes, relating to design patents, reported the same with amendment, accompanied by a report (No. 1661); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 1663); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1305) for the relief of Mrs. Arivella D. Meeker, reported the same with amendment, accompanied by a report (No. 1662); which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4446) for the relief of Harry C. Mix, reported the same without amendment, accompanied by a report (No. 1664); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. YOUNG: A bill (H. R. 13817) to establish a fish-hatching and fish station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS: A bill (H. R. 13818) to allot the lands of the Cherokee tribe of Indians in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

Also, from the Committee on Indian Affairs, a bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes—to the Union Calendar.

By Mr. TONGUE: A joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation—to the Select Committee on the Census.

By Mr. GROSVENOR: Memorial of the legislature of Ohio, favoring schools of mines—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 13820) granting a pension to Mary S. Mattingly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13821) for the relief of Martin D. Puckett—to the Committee on War Claims.

By Mr. BURK of Pennsylvania: A bill (H. R. 13822) granting a pension to Hannah T. Knowles—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 13823) for the relief of the heirs of George W. Gardner, deceased—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 13824) granting a pension to Fielding W. Means—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 13825) to remove the charge of desertion from George W. Phillips—to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 13826) granting an increase of pension to Francis N. Bonnean—to the Committee on Pensions.

By Mr. GOOCH: A bill (H. R. 13827) for the relief of Mary Zepf, widow of Louis Zepf, deceased—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 13828) granting an increase of pension to George N. Dutcher—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 13829) granting a pension to Andrew J. Howell—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 13830) for the relief of Edward Cahalan—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 13831) to correct the military record of James O'C. Cassidy—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 13832) granting an increase of pension to Henry Reed—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13833) for the relief of Mary L. Bernard—to the Committee on War Claims.

Also, a bill (H. R. 13834) to place Dr. Henry Smith on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13835) for the relief of Martha Louisa Whittaker—to the Committee on War Claims.

By Mr. McRAE: A bill (H. R. 13836) granting an increase of pension to Samuel Hodges—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 13837) authorizing the Commissioners of the District of Columbia to receive and audit certificate of indebtedness No. 14780—to the Committee on the District of Columbia.

By Mr. MOSS: A bill (H. R. 13838) granting an increase of pension to Valentine Moulder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13840) granting an increase of pension to W. L. Kingrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13841) granting an increase of pension to Richard F. Hargis—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13842) granting a pension to Charles S. Moy—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13843) granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 13844) granting an increase of pension to Lawson T. Pearson—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13845) for the relief of the widow of Joseph Culley—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Steam Pipe Coverers of Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. APLIN: Resolutions of Polish societies of Bay City and Gaylord, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski, at Washington—to the Committee on the Library.

By Mr. BINGHAM: Petitions of E. H. Coates, S. H. Chapman, and others, of Philadelphia, Pa., for the adoption of a proposed amendment to the act of February 10, 1891, for the prevention of counterfeiting of United States coin—to the Committee on the Judiciary.

Also, resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of James A. Donnelly and others, of Philadelphia, Pa., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BROWN: Resolutions of a meeting of Boer sympathizers in Milwaukee, Wis., in relation to the war in South Africa—to the Committee on Foreign Affairs.

By Mr. BROWNLOW: Petition of the heirs of David Sevier, deceased, late of Sullivan County, Tenn., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. BURKETT: Petition of soldiers of Harriette, Mich., in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of citizens of Castine, Me., for an appropriation to secure the preservation of the earthworks at Fort Madison—to the Committee on Appropriations.

By Mr. BURNETT: Petition of Samuel, John W., James S., and William Noble, of Floyd County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURTON: Petition of E. M. Dighton and other postal clerks of Cleveland, Ohio, for the passage of House bill 5286, for the classification of salaries of clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Petition of T. J. Morgan and officers of various missionary boards in the United States, protesting against the teachings and institutions of Mormonism—to the Committee on the Judiciary.

Also, petition of Woman's Board of Home Missions of the Presbyterian Church, New York, protesting against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

By Mr. CANDLER: Papers to accompany House bill for the relief of the heirs of George W. Gardner, deceased—to the Committee on War Claims.

By Mr. CONNELL: Resolutions of Mine Workers' Union No. 1691, of Olyphant, Pa., and Federal Union No. 7204, of Carbondale, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. COONEY: Papers to accompany House bill granting a pension to Fielding W. Means—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Williamsport, Pa., and vicinity, asking that the sale of liquor in the National Homes for Old Soldiers be abolished—to the Committee on Military Affairs.

Also, resolutions of John S. Bittner Post, No. 122, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Resolutions of West Side Republican Club, New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Resolutions of Central Federation of Labor, Troy, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of Third Assembly Democratic Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES: Petition of W. R. P. Batson, heir of Nancy Batson, deceased, asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. GIBSON: Petition of A. Lafayette Prater, of Knox County, Tenn., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Aaron Bullock, of Campbell County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GORDON: Resolutions of Central Trades Council of Sidney, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolution of the Trades League of Philadelphia, relating to House bill 7645, to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Merchants' Association of New York, urging reciprocity with Cuba upon the basis of not less than 40 per cent reduction—to the Committee on Ways and Means.

Also, resolutions of Colonel John W. Patterson Post, No. 151, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. HILL (by request): Petition of George Rutherford, of Bridgeport, Conn., asking for an honorable discharge from the Army—to the Committee on Military Affairs.

Also, resolutions of Cigar Makers' Union No. 282, of Bridgeport, Conn., on the subject of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Barbers' Union No. 175, of Danbury, Conn., and Cigar Makers' Union No. 285, of Bridgeport, Conn., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. JOY: Papers to accompany bill for the relief of Edward Caholan—to the Committee on War Claims.

By Mr. LACEY: Resolutions of Labor Union No. 1993, of Pella, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LANHAM: Paper to accompany House bill granting a pension to Nancy Jones—to the Committee on Pensions.

By Mr. LITTLEFIELD: Resolutions of Brotherhood of Railroad Trainmen of Bangor, Me., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Resolution of Building Trades Council of Chicago, Ill., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

Also, petitions of citizens of Chicago, Ill., favoring the passage of Senate bill 3057, relating to irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Lake Carriers' Association, against the Mather Power Bridge over the Niagara River to Grand Island—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY: Petition of W. S. Nott Company, Minneapolis, Minn., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MUTCHLER: Papers to accompany House bill 12382, granting a pension to William Sands—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petition of the Hummelstown Journeymen Stone Cutters' Association, praying that Cleveland sandstone be used in the construction of the Federal building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, resolution of Mine Workers' Union No. 1062, Wiconisco, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Captain Joshua W. Sharp Post, No. 371, of Newville; Post No. 351, of Steelton; St. Arnold Lobach Post, No. 297, of Newport, and Post No. 408, of Liverpool, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of Local Union No. 287, of Harrisburg, Pa., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of united labor organizations of Harrisburg, Pa., and vicinity, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Petition of Daniel Thompson, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Memorial of the Merchants' Association of New York, for reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolution of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Arkansas Pharmacists' Association, in relation to bill to regulate Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Lake Carriers' Association, against the Mather Power Bridge over the Niagara River to Grand Island—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same association urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Resolutions of Central Labor Union of Flint, Mich., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: Resolution of the National Live Stock Association, favoring the passage of the bill to extend the limit of cattle from twenty-eight to forty hours—to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Petition of the Commercial Club of Salt Lake City, Utah, in favor of the annexation of a portion of Arizona to Utah—to the Committee on the Territories.

By Mr. TATE: Paper to accompany House bill 13706, granting a pension to Arelia C. Pool—to the Committee on Pensions.

Also, paper to accompany House bill 12930, granting a pension to Theodore Cole—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: Resolution of Columbus (Ohio) Board of Trade, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition of H. W. Flickinger and other citizens of Philadelphia, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 19, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

PETITIONS AND MEMORIALS.

Mr. DILLINGHAM presented petitions of the trustees of the Howard Relief Society of Vermont; of Quarrymen's Union No. 9666, of Graniteville; of Local Union No. 8693, of Brattleboro; of the American Federation of Labor, and of G. L. Blodgett Lodge, No. 495, Brotherhood of Railroad Trainmen, of St. Johnsbury, all in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of Hod Carriers' Local Union No. 7343, American Federation of Labor, of South Bend, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented the petition of William Watson Woollen, of Indianapolis, Ind., praying for the enactment of legislation providing for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOAR presented a memorial of the Central Labor Union of Taunton, Mass., remonstrating against any reduction of the impost duty on cigars imported from Cuba or the Philippine Islands; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Association of Fitchburg, Mass., praying for the enactment of legislation to secure the greatest efficiency in the consular service of the Government, particularly as it relates to our export trade; which was referred to the Committee on Foreign Relations.

He also presented petitions of Rubber Workers' Local Union No. 8622, of Cambridge; of Boot and Shoe Workers' Local Union No. 275, of Avon, and of the Central Labor Union, of Taunton, all in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DOLLIVER presented a petition of Lodge No. 247, Brotherhood of Railroad Trainmen, of Sioux City, Iowa, praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of Muscatine, Iowa, praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ottumwa, Iowa, praying for the enactment of legislation providing for the appointment of a commission to investigate the results of the operation of equal suffrage in the States where it has been tried; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Federal Labor Union No. 6303, of Muscatine; of Federal Labor Union No. 7217, of Des Moines, and of Federal Labor Union No. 7310, of Centerville, all of the American Federation of Labor, in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SIMMONS presented a petition of the Central Labor Union, American Federation of Labor, of Charlotte, N. C., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Federal Labor Union No. 9564, of Concord; of Central Labor Union, of Charlotte, and of Local Union No. 224, of Charlotte, all of the American Federation of Labor, in the State of North Carolina, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 479) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 5214) granting an increase of pension to Charles F. Smith; and

A bill (H. R. 11545) granting an increase of pension to Caroline R. Boyd.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 3296) to pay certain Choctaw (Indian) warrants held by James M. Shackelford, reported it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. JONES of Arkansas. Connected with the bill, I present a letter from the Secretary of the Interior to the chairman of the Committee on Indian Affairs, and one from the Commissioner of Indian Affairs to the Secretary of the Interior bearing upon this matter, which I move be printed as a document.

The motion was agreed to.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 288) granting an increase of pension to De Witt C. Bennett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4129) granting an increase of pension to Lonson R. Burr, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4141) granting an increase of pension to John Cook, reported it with amendments, and submitted a report thereon.

HERBERT A. BOOMHOWER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
J. C. PRITCHARD,
PARIS GIBSON,
Managers on the part of the Senate.

S. W. SMITH,
A. B. DARRAGH,
RUDOLPH KLEBERG,
Managers on the part of the House.

The report was agreed to.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 5333) for the relief of George E. Rogers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5334) requiring places of business in the District of Columbia to be closed on Sunday; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5335) granting a pension to Ransom M. Fillmore; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5336) granting a pension to Ann M. Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GAMBLE (for Mr. BURNHAM) introduced a bill (S. 5337) granting an increase of pension to Marietta L. Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5338) granting an increase of pension to John Cook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 5339) granting an increase of pension to Philemon Haskins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 5340) for the relief of William Flannery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5341) to set aside and reserve to the United States fishery certain Government lands on the bay of Pascagoula, Jackson County, Miss.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 5342) to quitclaim all interest of the United States in and to square 1131, in the city of Washington, D. C., to Sidney Bieber; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5343) granting a pension to George Rigler;

A bill (S. 5344) granting an increase of pension to William Hare;

A bill (S. 5345) granting a pension to William F. Ruby;

A bill (S. 5346) granting an increase of pension to Hiram T. Grayson; and

A bill (S. 5347) granting an increase of pension to Frederick Merz.

Mr. McCOMAS introduced a bill (S. 5348) relating to the Twelth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on the Census.

Mr. DOLLIVER introduced a bill (S. 5349) granting a pension to Christopher C. Limming; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5350) for the relief of Edward T. Latta; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5351) granting a pension to Addie M. Tarr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 5352) granting an increase of pension to William Flinn; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. NELSON submitted an amendment continuing until June 30, 1903, the Office of Commissioner of Railroads, and providing an appropriation of $9,220 to pay the salaries of the Commissioner and clerical force of that office, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSIONS OF MAIMED EX-SOLDIERS.

Mr. GALLINGER. I move that Senate Report No. 1155, Fifty-seventh Congress, first session, being the report of the Committee on Pensions on Senate bill No. 4850, to increase the pension of soldiers and sailors who have lost limbs in the service, together with the statements made before that committee in support of the bill, be reprinted.

The motion was agreed to.

CUBAN SUGAR INVESTIGATION.

Mr. TELLER. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas it has been currently reported that nearly the entire crop of Cuban sugar has been purchased and is now held by what is generally known as the "sugar trust," which is the principal consumer of raw sugar in the United States, and that any concessions given to the raisers of cane sugar in the island of Cuba or any measures intended for their relief by admitting their sugar at reduced rates of duty into the United States will only benefit the said sugar trust, and that the Cubans will receive no real benefit from such concessions; and

Whereas it is alleged that a large number of citizens of the United States have acquired large holdings of cane-producing lands in Cuba and are now especially urging the reduction of duty on sugar under the claim that such production will benefit the people of Cuba: Therefore, be it

Resolved, That the Committee on Relations with Cuba be, and is hereby, directed to make an investigation as to the truth of such charges and to report to the Senate, and to report in addition thereto what is the normal cost of making sugar in the island of Cuba, and also, if any concessions shall be made in the way of a reduction of the duty on sugar coming from Cuba into the United States, what concessions should be made by the government of Cuba, about to be established, on articles produced in the United States and exported into said island of Cuba, in order to make a reciprocal and equitable arrangement as to exports to Cuba and imports therefrom to the United States.

Mr. PLATT of Connecticut. I move the reference of the resolution to the Committee on Relations with Cuba.

Mr. TELLER. I do not object to the reference.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Relations with Cuba.

CONSULS ACTING IN FIDUCIARY CAPACITY.

Mr. LODGE. I ask unanimous consent that the vote by which the Senate passed yesterday Senate bill 4762 may be reconsidered so as to enable me to make a verbal correction, in order to make the bill uniform.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the vote by which the bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office or trust, without first executing a bond, with security, to be approved by the Secretary of State, was ordered to be engrossed for a third reading, and read the third time, and also by which it was finally passed, be reconsidered. Is there objection? The Chair hears none. The bill is in the Senate and open to amendment.

Mr. LODGE. I move to amend the bill, in line 21, on the second page, by striking out "or" and inserting "of;" so as to read "office of trust" instead of "office or trust."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State."

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. HALE. Mr. President——

Mr. McMILLAN. I should like to have the Senate consider a joint resolution which will give rise to no debate.

Mr. HALE. Let us go to the Calendar, on page 5, which as I explained the other day is a portion of the list that has never been considered by the Senate, being "bills passed over without prejudice."

Mr. McMILLAN. I ask the Senator from Maine to allow me to have a joint resolution passed in connection with the collection of the taxes in the District, which it is very important to have passed at this time.

Mr. HALE. Let the Secretary report the first case on the Calendar, commencing on page 5, and then I will give way to the Senator.

The PRESIDENT pro tempore. The Secretary will report the first case.

ISTHMIAN CANAL.

The bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as first in order on the Calendar.

Mr. GALLINGER. Let that be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 492) for the purchase of a national forest reserve in the Southern Apalachian Mountains was announced as next in order.

Mr. HALE. Now, Mr. President, so far as I am concerned, I am willing to yield to the Senator from Michigan.

TAXES IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I ask for the present consideration of the joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903, from November, 1902, to May, 1903, and for other purposes.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MALLORY. I should like to ask the Senator if that is the correct title of the joint resolution. It strikes me that there is an error in it.

Mr. McMILLAN. I think the title really ought to read "to enable the assessors to readjust the taxes and extend the time."

Mr. MALLORY. The title indicates the taxes for 1903. Should it not read "for 1902?"

Mr. McMILLAN. That is right. The Commissioners have written a letter explanatory of the matter.

Mr. MALLORY. I do not raise any objection to the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Does the Senator from Michigan move to amend the title?

Mr. McMILLAN. I think I will not do so at this time. It can be amended before final action is had.

BILLS PASSED OVER.

The PRESIDENT pro tempore. The bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachain Mountains is before the Senate and will be read if there be no objection.

Mr. HALE. Let the bill go over.

Mr. GALLINGER. Why not send it to Rule IX?

Mr. HALE. It may as well go to the Calendar under Rule IX.

The PRESIDENT pro tempore. Objection is made, and the bill goes to Rule IX.

The next four bills on the Calendar were the following:

A bill (S. 308) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886;

A bill (S. 1516) for the relief of Richmond College, located at Richmond, Va.;

A bill (S. 2213) for the relief of George W. Graham; and

A bill (S. 1680) for the relief of William A. Cowles, administrator of the estate of George Cowles, deceased.

Mr. WARREN. I think the next four cases had better go over, as they are all included in the omnibus claims bill. While all these bills should be passed, I prefer that at the present they shall be passed over without prejudice.

The PRESIDENT pro tempore. The bills will go over without prejudice.

The joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," was announced as next in order.

Mr. GALLINGER. The Senator who reported that bill is not in his seat. I ask that it be passed over without prejudice, retaining its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill will be passed over without prejudice.

The bill (S. 918) for the relief of Alphonso M. Potvin was announced as next in order.

Mr. GALLINGER. Let that bill go to Rule IX.

The PRESIDENT pro tempore. Objection being made, the bill goes under Rule IX.

The next four bills on the Calendar were the following:

A bill (S. 208) for the relief of Jeronemus S. Underhill;

A bill (S. 925) for the relief of the legal representatives of Chauncey M. Lockwood;

A bill (S. 1024) for the relief of Larabee and Allen; and

A bill (S. 172) for the relief of the estate of Charles M. Roberts, deceased.

Mr. WARREN. I ask that the next four bills be passed over without prejudice for the reason stated as to the previous four. They are included in the omnibus-claims bill.

The PRESIDENT pro tempore. The bills will be passed over without prejudice.

ESTATE OF ELI AYERS.

The bill (S. 877) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased, was announced as next in order.

Mr. PLATT of Connecticut. I wish to call the attention of the Senator from Mississippi [Mr. MONEY] to this bill, if I may be indulged for a moment. There is no disposition to delay the consideration of the bill when we can get an opportunity for a discussion of it. It is a bill on which there is to be discussion, of course, and if we took it up this morning it would probably occupy all the rest of the time to be given to the Calendar to-day. I should like to have it go over this morning.

Mr. MONEY. I can not hear distinctly what the Senator is saying. I would be very glad to hear him.

Mr. PLATT of Connecticut. We are under the five-minute rule this morning. There are quite a number of bills on the Calendar that we call unobjected cases which the Senators interested in are anxious to dispose of. I was saying that there is no disposition to delay the consideration of this case whenever we can get it up and have a discussion upon it. The Senator knows that it will involve some discussion, and probably it would use up the morning hour if we should take it up this morning, and it really can not be discussed under the five-minute rule.

Mr. MONEY. I acknowledge the truth of what the Senator says. I am willing that it shall be passed over to accommodate those who have bills to which there is no objection.

Mr. PLATT of Connecticut. We will take the bill up at a time when we can discuss it.

Mr. TELLER. Let the bill be passed over without prejudice.

Mr. MONEY. Yes; pass it over without prejudice. I consent to that course.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12765) to provide for reciprocal trade relations with Cuba; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. PERKINS, and Mr. CLARK managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 11636) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College; and

A bill (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes.

CHINESE EXCLUSION.

Mr. PLATT of Connecticut. The bill which is called the Chinese-exclusion bill has come over from the House. I should like to have it laid before the Senate at this time.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLATT of Connecticut. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. The Chair feels bound, under parliamentary law, to appoint conferees who shall represent the majority opinion of the Senate, and he appoints the Senator from Connecticut [Mr. PLATT], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Georgia [Mr. CLAY] conferees on the part of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 12765) to provide for reciprocal trade relations with Cuba was read twice by its title, and, on motion of Mr. PLATT of Connecticut, referred to the Committee on Relations with Cuba.

BILLS PASSED OVER.

The bill (S. 3536) for the relief of certain Mission Indians of California, and for other purposes, was announced as next in order on the Calendar.

Mr. STEWART. As that matter is in the Indian appropriation bill, which is in conference, I think the bill may lie over.

Mr. PERKINS. Do I understand the Senator from Nevada to say that it is in the Indian appropriation bill?

Mr. STEWART. It is in the Indian appropriation bill.

Mr. PERKINS. If that is the case, the object we have in view will be subserved by the passage of that bill.

Mr. STEWART. Yes; the bill may lie over until the appropriation bill is disposed of.

The PRESIDENT pro tempore. The bill will be passed over without prejudice, if there be no objection.

The bill (S. 1618) to provide for the reorganization of the consular service of the United States was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. LODGE. No; it may go over under Rule IX.

The PRESIDENT pro tempore. The bill will go under Rule IX.

The bill (S. 1685) providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions was announced as next in order.

Mr. GALLINGER. Let the bill go over under Rule IX.

The PRESIDENT pro tempore. The bill will go under Rule IX.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and

making appropriation to carry the same into effect was announced as next in order.

Mr. PLATT of Connecticut.. That is a bill which will create a good deal of discussion. I am quite anxious to accommodate the friends of the bill by having it taken up at some time when there can be more than a discussion under the five-minute rule. I think we shall be able to arrange such a time very soon, and it is agreed, I believe, that it may be passed over this morning.

Mr. McCUMBER. Retaining its place on the Calendar?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and certain obligations, duties, and rights in connection with the carriage of property," was announced as next in order.

Mr. HALE. Let that bill go over.

Mr. NELSON. Mr. President, I ask that the bill may go over, retaining its place on the Calendar, for the present. I am in hopes that we can arrange some time to take it up and have it discussed.

Mr. HALE. The bill stands exactly like the previous one, of which the Senator from Connecticut has just spoken. There is no disposition to unduly delay it. We shall be able to agree at some near date to take it up and consider it, not under the five-minute rule. This action is taken with no purpose of undue delay.

Mr. NELSON. I wish to make a statement. I hope that we can have the bill taken up and proceed with its consideration. It is a matter that all the producers and shippers, food manufacturers, wheat raisers, and lumbermen of the Northwest are vitally interested in, and all I ask is an opportunity to have the bill taken up for the purpose of consideration and to have a vote on it.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. NELSON. Retaining its place on the Calendar.

The PRESIDENT pro tempore. Retaining its place on the Calendar.

Mr. HALE. I wish to say that the interests of shipping lines, large freightage companies, are involved in this matter upon the other side of the question, and the bill will lead to considerable discussion. But there will be no difficulty in arranging some time for its consideration.

Mr. NELSON. I hope we can agree on some time to take it up.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as next in order.

Mr. PLATT of Connecticut. That will go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was announced as next in order.

The PRESIDENT pro tempore. The bill was read as in Committee of the Whole March 31.

Mr. QUARLES. The bill was called up a few days since, and my colleague [Mr. SPOONER] made known the fact that he had an interest in the bill and desired to be heard upon it. He is necessarily absent from the city to-day, and I ask that the bill may go over without prejudice, retaining its place on the Calendar.

Mr. WARREN. May I make an inquiry? Did I understand the Senator from Wisconsin to say that his colleague desires to be heard on the bill?

Mr. QUARLES. Yes.

Mr. WARREN. Very well.

The PRESIDENT pro tempore. The bill will go over without prejudice.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced was announced as next in order.

The Secretary proceeded to read the bill and read to the end of section 1.

Mr. PLATT of Connecticut. Enough of the bill has been read, I think, to indicate that it raises a very serious question, which is whether the United States has jurisdiction under the clause to regulate foreign commerce to go into a State and direct the branding and marking of articles which may become subjects of foreign commerce before they are really put into such transportation as makes them articles of foreign commerce. I do not think we can dispose of that question this morning. Therefore I ask that the bill may go over.

Mr. McCUMBER. I have no objection, if the Senator wishes to debate it.

The PRESIDENT pro tempore. The bill will go over without prejudice?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. It will go over without prejudice.

Mr. HALE. Under that phrase it is not to be transferred to another list, but goes over, retaining its place?

The PRESIDENT pro tempore. The Chair so understands.

The bill (S. 2295) temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. Why should it stay on the Calendar? It is the unfinished business. It will go under Rule IX, at any rate.

Mr. GALLINGER. That is right.

ABANDONMENT OF PUBLIC ALLEY.

The bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189 was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 9, to strike out "present owner of the aforesaid lot 54, Lewis Tillman, trustee," and insert "original dedicator;" so as to read:

And any and all right, title, interest, and demand that the United States of America or the District of Columbia may have in and to the above-described portion of said alley shall revert to the original dedicator, his heirs and assigns, provided he pays to the collector of taxes for the District of Columbia an amount equal to the sum that would have been assessed against the land embraced within the above-described area of the said alley from the time it was laid out to the time this act takes effect as law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO BENJAMIN F. STEPHENSON.

A joint resolution (H. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with an amendment, in line 8, after the word "Columbia," to insert "other than the grounds of the Capitol or Library of Congress;" so as to make the joint resolution read:

That permission be, and is hereby, granted the Grand Army of the Republic of the United States of America to erect a statue to the memory and honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic of the United States of America, on one of the public reservations of the city of Washington, D. C., other than the grounds of the Capitol or Library of Congress, to be designated by the Secretary of War, the Joint Committee on the Library, the superintendent of public buildings and grounds, and the committee of the Grand Army of the Republic appointed by it for that purpose: *Provided*, That the statue, with pedestal, shall cost not less than $15,000, and that it shall be presented to the people of the United States by the said Grand Army of the Republic.

The amendment was agreed to.

Mr. GALLINGER. In line 5, on page 1, I move to insert the word "in" before the word "honor;" so as to read "statue to the memory and in honor of the late Benjamin F. Stephenson."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

FISH-CULTURAL STATION IN FLORIDA.

The bill (S. 2826) for the establishment of a fish-cultural station in the State of Florida was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, in line 5, before the word "Florida," to strike out the words "at Sanford;" so as to make the bill read:

Be it enacted, etc., That for the establishment of a fish-culture station for the propagation of shad and other fishes on the St. Johns River, Florida, the purchase of site, construction of buildings and ponds, and equipment, $15,000 is hereby appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BIOLOGICAL STATION ON GREAT LAKES.

The bill (S. 1908) to authorize the establishment of a biological station on the Great Lakes under the control of the United States

Commission of Fish and Fisheries was announced as next in order.

The Secretary read the bill.

Mr. HALE. I wish the Senator who reported the bill would explain to the Senate what is the purpose of the measure, what kind of a station it is, and how it differs from other fish-cultural stations.

Mr. BARD. I ask that the report be read. That will explain it.

Mr. HALE. That is better. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BARD, April 1, 1902, as follows:

The Committee on Fisheries, to whom was referred the bill (S. 1908) appropriating the sum of $10,000, or so much thereof as may be necessary, for the purpose of an investigation by the Commissioner of Fish and Fisheries as to the most suitable site for a biological station on the Great Lakes at some appropriate point in New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, or Minnesota, to be selected by him, recommend that the bill pass, and submit herewith a communication from the Commissioner of Fish and Fisheries recommending that the bill pass and giving his reasons for such recommendation.

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 8, 1902.

DEAR SIR: The Commission is in receipt of your letter of the 7th instant, transmitting a copy of Senate bill 1908 and inviting suggestions as to the advisability of the proposed legislation.

In 1900, in communications to Senator PERKINS, then chairman of the Committee on Fisheries, and to Senator MCMILLAN, I advocated the establishment by Congress of a biological station on the Great Lakes. The very important commercial fisheries carried on in those waters warrant the establishment of a laboratory at which the various biologico-economic problems connected with the prosecution and development of the fisheries may be studied. Such a station would be a valuable adjunct to the fish-cultural work carried on by the Government and the various States.

I therefore heartily recommend the passage of this bill, which carries an appropriation for the preliminary investigation and work connected with the laboratory. For the construction and equipment of the station it is thought that $25,000 additional will be required, although if the land for the site of the station be donated a large part of the original appropriation would doubtless be saved, and could be subtracted from the $25,000 estimated as being required to fully equip the station.

Very respectfully,
GEO. M. BOWERS,
Commissioner.

Hon. THOMAS R. BARD,
Chairman Committee on Fisheries, Senate, Washington, D. C.

Mr. HALE. There is not much explanation given in the report. Let the bill go over, retaining its place. That course is agreeable to the Senator in charge.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

FOOD ADULTERATION, ETC.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. HALE. I wish the Senator who reported the bill would explain whether in any way it affects any transaction outside of the Territories and the District of Columbia.

The PRESIDENT pro tempore. The Senator from Maine makes an inquiry of the Senator from North Dakota.

Mr. MCCUMBER. What is the question?

Mr. HALE. I ask the Senator to state to the Senate, if he can, briefly, not to take up the time in reading the report, whether the bill in any way goes beyond trade, traffic, and transportation within the Territories of the United States and the District of Columbia.

Mr. MCCUMBER. The bill does not go beyond interstate commerce. It deals with interstate commerce only. It lets go of an article of food the moment it ceases to become interstate commerce.

Mr. HALE. That is not quite an answer to my question. The question is whether in dealing with these subjects it deals with anything outside of the Territories and the District of Columbia. Does it go into all the States?

Mr. MCCUMBER. Oh, certainly.

Mr. HALE. It goes into all the States?

Mr. MCCUMBER. It goes into all the States so far as interstate commerce is concerned.

Mr. HALE. I am afraid, then, the title is misleading—"A bill for preventing"——

Mr. MCCUMBER. I did not suppose the bill would be taken up and I was not listening to the Calendar. It is one that can not be discussed under the five-minute rule, and I ask that it may go over, retaining its place on the Calendar.

Mr. HALE. Let that be done, Mr. President.

The PRESIDENT pro tempore. That order is made.

NEUSE RIVER BRIDGE, NORTH CAROLINA.

The bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 3, after line 10, to insert as a new section the following:

SEC. 4. That all railroad companies desiring the use of the bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the parties interested shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the district court of the United States in and for any district in which any portion of said bridge may be; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNION RAILROAD STATION.

The bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HALE. I should like to ask the Senator from Michigan [Mr. MCMILLAN] what action he desires taken in regard to that bill?

Mr. MCMILLAN. The Senate had that bill under consideration yesterday, and it went over with the understanding that I shall call it up again on Tuesday or Wednesday next.

Mr. HALE. Then it will not need to be read again?

Mr. MCMILLAN. No.

Mr. HALE. Let it go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

CORPORATIONS ENGAGED IN TRANSPORTATION.

The bill (S. 1812) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business was announced as next in order.

Mr. HALE. From the title of that bill it may be far-reaching in its nature. If there is any Senator here who is acquainted with its object, I wish he would explain it to the Senate.

Mr. KEAN. If the Senator will permit the bill and report to be read, they will show exactly what it proposes. It is a bill authorizing the registration of the names of firms engaged in the transportation business.

Mr. HALE. Let the bill be read. It may speak for itself.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I think the first section of that bill should be modified by an amendment, which I will send to the desk, to complete the description of interstate commerce. The section as it stands merely refers to transportation between the States.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 1, page 1, line 7, after the words "United States," where they first occur, it is proposed to insert "or between the District of Columbia and any State or Territory, or between any Territory and any State or any other Territory;" so as to make the section read:

That any person, firm, or corporation incorporated under the laws of the United States, or of any of the States or Territories thereof, engaged in transportation for hire of passengers, goods, merchandise, and other property between any of the States of the United States, or between the District of Columbia and any State or Territory, or between any Territory and any State or any other Territory, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, may register the trade, firm, or corporation name under which such business is conducted, in the Patent Office, by complying with the provisions of this act and with such rules and regulations not inconsistent with this act as the Commissioner may make.

Mr. KEAN. The amendment is entirely acceptable, Mr. President.

The amendment was agreed to.

Mr. PLATT of Connecticut. When does that bill take effect, Mr. President?

Mr. KEAN. On and after the 1st day of July, 1902.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FINDLAY, OHIO.

The bill (S. 2204) to provide for the erection of a public building at Findlay, Ohio, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and

cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Findlay and State of Ohio, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Findlay, in the State of Ohio."

PUBLIC BUILDING AT PROVIDENCE, R. I.

The bill (S. 177) for the erection of a public building at Providence, R. I., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 2, after the word "law," to strike out "and shall not exceed for the said building complete" and insert:

The cost of said building complete, including vaults, heating and ventilating apparatus, elevators, and approaches shall not exceed.

And in line 18, after the word "alleys," to strike out:

; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Rhode Island shall have ceded (if it has not heretofore ceded) to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept, as a donation from the city of Providence, in the State of Rhode Island, a suitable lot of land situated in Exchange place, in said city, easterly of the east line of Exchange street extended, and cause to be erected thereon a commodious and substantial building, with fireproof vaults therein, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue, and other Government civil offices in that city. The plans, specifications, and full estimates for said building shall be, upon the acceptance of said site, made and approved according to law. The cost of said building complete, including vaults, heating and ventilating apparatus, elevators, and approaches shall not exceed the sum of $1,500,000. It shall be the duty of the Secretary of the Treasury, after the site for said building shall have been so accepted, to cause plans and specifications for said building to be prepared, which plans and specifications shall have reference to the probable increase of the population of the said city and the consequent needs of the Government for the next twenty years, but not involve an expenditure in the erection and completion of said building exceeding the sum hereby appropriated: *Provided*, That the site so accepted by the Secretary of the Treasury shall be of such dimensions as to leave the building to be erected thereon unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized, after the completion and occupancy of said building, whenever in his judgment the public interest will admit, in his discretion, to sell and convey the present property of the United States in said city, now occupied as a post-office and court building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF SALARIES OF POST-OFFICE CLERKS.

The bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices for the first and second classes was announced as next in order.

Mr. LODGE. Let that bill go over under Rule IX, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over under Rule IX.

PUBLIC BUILDING AT MERIDEN, CONN.

The bill (S. 653) for the erection of a public building at Meriden, Conn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 12, after the words "one hundred," to insert "and twenty-five;" and in line 13, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Meriden and State of Connecticut, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $125,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out the following clauses:

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Connecticut shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for, and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators and approaches.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Meriden, in the State of Connecticut."

REFUND OF DUTIES COLLECTED IN PORTO RICO.

The bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pacific Islands and Porto Rico with an amendment, on page 2, after line 10, to insert as a new section the following:

SEC. 2. That the Secretary of the Treasury, upon the certification of such judgments, or any of them, from which the United States does not take an appeal, is authorized to pay the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor."

ALEXANDER STEWART WEBB.

The bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL HAYES.

The bill (H. R. 6847) to correct the record of Michael Hayes was announced as next in order.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. MARTIN] desired that bill to be passed over without prejudice in his absence. Is there objection? The Chair hears none, and it is so ordered.

BRIDGE ACROSS EMORY RIVER, TENNESSEE.

The bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in section 2, page 2, line 2, after the word "route," to insert:

Upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads leading to the said bridge.

In line 9, after the word "telegraph," to insert "and telephone;" and in line 11, after the word "telegraph," to insert "and telephone;" so as to make the section read:

SEC. 2. That said bridge shall be constructed for the passage of railway trains, and shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 21, after the word "built," to insert:

And no changes shall be made in said bridge during the progress of construction, or after completion, unless approved by the Secretary of War; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation: *Provided*, That if said bridge shall be built as a drawbridge the draw shall be opened promptly upon reasonable signal for the passage of all water craft; and upon whatever kind of bridge is constructed the said company shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert as a new section the following:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or any one of them desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert as a new section the following:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NASHVILLE TERMINAL COMPANY.

The bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce, with amendments.

The first amendment of the Committee on Commerce was, on page 1, section 1, line 11, after the word "advantageous," to insert "and which may be approved by the Secretary of War;" so as to make the section read:

That the Nashville Terminal Company, a corporation created and organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain, for the passage of railway trains, a bridge, and approaches thereto, over the Cumberland River at any point in the county of Davidson in said State within 5 miles above or within 5 miles below the corporate limits of the city of Nashville, in said county, which said company may deem most advantageous, and which may be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 2, line 15, section 2, after the word "construction," to insert "or after completion," and in line 16, after the words "Secretary of War," to insert "and the said company shall at its own expense make such changes in said bridge as the Secretary of War may at any time direct in the interest of navigation;" so as to make the section read:

SEC. 2. That said bridge shall be located and built under such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge, and a map of the location, giving for such space above and below the proposed location as the Secretary of War shall require the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, and shall furnish such other information as may be required for a full understanding of the subject; and until said plan and location are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War; and the said company shall at its own expense make such changes in said bridge as the Secretary of War may at any time direct in the interest of navigation.

The amendment was agreed to.

The next amendment was, on page 3, line 3, section 3, before the word "companies," to insert "and telephone;" so as to make the section read:

SEC. 3. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post-roads in the United States; and no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or railroads leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

The amendment was agreed to.

The next amendment was, on page 3, line 6, section 4, after the word "either," to strike out "by draw, span, or otherwise" and insert "as a drawbridge or as a high bridge with fixed spans;" and in line 12, after the word "and," to insert "upon whatever kind of bridge is built;" so as to make the section read:

SEC. 4. That said bridge shall be constructed either as a drawbridge or as a high bridge with fixed spans, so that a free and unobstructed passageway may be secured to all water craft navigating said river; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels; and upon whatever kind of bridge is built said company shall maintain at its own expense from sunset to sunrise such lights or other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERS FORMING INTERNATIONAL BOUNDARIES.

The joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries was announced as the next business in order on the Calendar.

The PRESIDENT pro tempore. The joint resolution will be passed over without prejudice.

PERSONAL TAXES IN THE DISTRICT OF COLUMBIA.

The bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia was announced as the next business in order on the Calendar.

Mr. HEITFELD. I ask that the bill may go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. HEITFELD. Retaining its place on the Calendar.

The PRESIDENT pro tempore. It is so ordered.

CONSTRUCTION OF PENSION ACT OF JUNE 27, 1890.

Mr. PRITCHARD. I understand that the joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," was passed over. I should like to have it considered at this time.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution had been reported from the Committee on Pensions with an amendment, on page 2, line 5, after the word "navy," to insert "nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865;" so as to make the joint resolution read:

Resolved, etc., That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy, nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HALL OF RECORDS.

The bill (S. 5113) to provide for the purchase of a site and the erection of a public building thereon, to be used for a hall of records, was announced as the next business in order on the Calendar.

Mr. NELSON. Let the bill go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. NELSON. Yes, without prejudice, retaining its place on the Calendar.

The PRESIDENT pro tempore. It is so ordered.

Mr. FAIRBANKS subsequently said: Senate bill 5113 was passed over temporarily. I ask that it may be now considered.

Mr. HALE. I shall have to ask that the bill go over. There are some Senators who wish to discuss it when it comes up.

Mr. FAIRBANKS. If Senators desire to discuss it, that is entirely satisfactory. I did not know that any Senator desired to do so.

Mr. HALE. There will be some discussion on it.

The PRESIDENT pro tempore. Shall the bill go over without prejudice?

Mr. FAIRBANKS. Without prejudice, retaining its place upon the Calendar.

Mr. HALE. Yes, retaining its place on the Calendar.

The PRESIDENT pro tempore. That order is made.

BARK HOMEWARD BOUND.

The bill (S. 4992) to provide an American register for the bark *Homeward Bound* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WESTERN BRIDGE COMPANY.

The bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 3, line 2, section 2, after the word "war," to insert "and the said company shall at its own expense make such changes in said bridge as the Secretary of War may at any time direct in the interest of navigation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SHREVEPORT BRIDGE AND TERMINAL COMPANY.

The bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across the Red River, in the State of Louisiana, at or near Shreveport, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, page 1, line 7, after the word "Louisiana," to strike out "between the parishes of Caddo and Bossier, at a point within 1 mile from the upper or lower limits of said city, or between said points" and insert "at a point suitable to the interests of navigation, and in accordance with such plans as may be approved by the Secretary of War;" so as to read:

That the Shreveport Bridge and Terminal Company, a corporation existing under the laws of Louisiana, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and all approaches thereto across Red River, at or near the city of Shreveport, La., at a point suitable to the interests of navigation, and in accordance with such plans as may be approved by the Secretary of War, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite such point, under the limitations and conditions hereinafter provided, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "be," to strike out "said" and insert the following proviso:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same.

The amendment was agreed to.

The next amendment was, on page 2, line 21, before the word "bridge," to insert "That said," and in line 22, after the word "trains," to insert:

And at the option of said company may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be fixed by said company and approved by the Secretary of War.

So as to read:

Provided further, That said bridge shall be constructed to provide for the passage of railroad trains, and at the option of said company may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be fixed by said company and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 2, as follows:

SEC. 2. That said bridge shall be provided with one or more openings, each having not less than 100 feet clear channel way at low water, and in addition to said openings one or more fixed channel spans, if required by the Secretary of War, each having not less than 50 feet clear channel; and every part of the superstructure of said bridge shall give a clear head room of not less than 6 feet above extreme known high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic: *Provided also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the length of the fixed spans or the number of openings may be reduced: *Provided also*, That for any two adjacent openings of 100 feet each, one opening of 200 feet or more may be substituted, if in the opinion of the Secretary of War the interests of navigation be not injured thereby: *Provided also*, That if the location of said bridge be such that fixed spans can be constructed so as not to interfere with the free navigation of said river, said company, its successors and assigns, shall have the right to construct a bridge with fixed spans; but the height of such spans above high water and low water and the width of such spans shall be approved by the Secretary of War before the construction thereof shall begin.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 3, after the word "That," to strike out "all drawspans, if any are found necessary and are required by the Secretary of War under this act," and insert "if the bridge authorized shall be built as a drawbridge, the draw;" and in line 10, after the word "trains," to strike out:

And also that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

So as to make the section read:

SEC. 2. That if the bridge authorized shall be built as a drawbridge, the draw shall be operated by steam or other reliable power and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains.

The amendment was agreed to.

The next amendment was, in section 7, page 7, line 16, after the word "alterations," to strike out "conform to the provisions of this act and;" and in line 19, after the word "bridge," to insert "before or after completion;" so as to read:

SEC. 7. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridge or after its completion unless said changes or alterations are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridge, before or after completion, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War, at the expense of the company or persons owning, controlling, or operating such bridge, etc.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 23, after the word "transportation," to insert "over the same;" in the same line, after the word "of," to strike out "said mails" and insert "the mails;" in line 24, after the word "war," to insert "of the United States," and in the same line, after the word "than," to strike out "are made" and insert "the rate per mile paid for transportation of said mails, troops, and munitions of war;" so as to make the section read:

SEC. 9. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions of war over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 7, before the word "and," to strike out "two years" and insert "one year;" and in the same line, after the word "within," where it occurs the second time, to strike out "four" and insert "three;" so as to make the section read:

SEC. 10. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, GEORGIA.

The bill (S. 4897) to authorize the construction of a bridge across the Chattahoochee River at some point between Columbus, Ga.,

and Eufaula, Ala., or in the city of Columbus, Ga., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 3, page 3, line 2, after the word "bridge," to strike out the semicolon and insert a period; and insert also "Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies;" so as to make the section read:

SEC. 3. That the bridge constructed under this act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way for a postal telegraph across said bridge, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the word "river," to insert the following proviso:

Provided, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OPENING OF CERTAIN STREETS IN THE DISTRICT.

The bill (S. 4725) for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DUGDALE.

The bill (S. 3555) for the relief of William Dugdale was considered as in Committee of the Whole. It directs the Postmaster-General to give credit to William Dugdale, postmaster at Noroton Heights, Conn., on his money-order account, for the sum of $2,102.87, being the balance now charged against him on account of certain money orders obtained by fraud in 1894 by one Leroy Harris, who was afterwards arrested for the offense, convicted, and sent to the penitentiary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

The bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as the next business in order on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over. The junior Senator from Maine gives notice that he will ask the Senate on Monday morning, immediately after the completion of the routine business, to proceed to its consideration.

REFUND OF CERTAIN LICENSE TAXES.

The bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all of section 2 and insert in lieu thereof the following:

That for the purpose of carrying into effect the provisions of the preceding section the Commissioners of the District of Columbia are hereby authorized to adjust the amounts found to be equitably due by the accounting officers of the District, and pay the same out of the fund provided for the erroneous payment of taxes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING FOR DEPARTMENTS OF STATE AND JUSTICE.

The bill (S. 2542) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State and a Department of Justice was announced as the next business in order on the Calendar.

Mr. HALE. Let the bill go over under Rule IX.

The PRESIDENT pro tempore. Objection is made, and the bill goes over under Rule IX.

IRENIA C. HILL.

The bill (H. R. 11737) granting a pension to Irenia C. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Irenia C. Hill, dependent mother of James T. Hill, late of Company M, Forty-fifth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. JACK.

The bill (H. R. 658) granting an increase of pension to John H. Jack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Jack, late of Company E, Eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM O. KINDY.

The bill (H. R. 2128) granting an increase of pension to Abram O. Kindy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram O. Kindy, late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. BOWMAN.

The bill (H. R. 10532) granting an increase of pension to John L. Bowman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Bowman, late of Company D, Second Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHALA JANE KUHN.

The bill (H. R. 2167) granting a pension to Mahala Jane Kuhn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mahala Jane Kuhn, the helpless and dependent daughter of Solomon H. Kuhn, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HALLOWELL GODDARD.

The bill (S. 4455) granting an increase of pension to Hallowell Goddard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hallowell Goddard, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM PHILLIPS.

The bill (S. 2511) granting a pension to William Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Phillips, late of Company G, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Phillips."

WAITY WEST.

The bill (S. 3991) granting a pension to Waity West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waity West, widow of Isaac West, late of Capt. F. C. White's company, New York Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Waity West."

ELIJAH E. HARVEY.

The bill (H. R. 6107) granting an increase of pension to Elijah E. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah E. Harvey, late captain Company B, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE A. CARROLL.

The bill (S. 4043) granting an increase of pension to Catharine A. Carroll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Carroll, widow of William Carroll, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. REILLEY.

The bill (S. 3552) granting a pension to John A. Reilley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Reilley, late of Company B, First Battalion Fremont's Rangers, Missouri Home Guards Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE FOR THE NINTH JUDICIAL CIRCUIT.

The bill (S. 944) to provide for the appointment of an additional circuit judge for the ninth judicial circuit was announced as next in order, and was read by the Secretary.

Mr. KEAN. Let the bill go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

WILLIAM A. KIMBALL.

The bill (S. 3298) granting an increase of pension to William A. Kimball was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Company A, Second Regiment Massachusetts Volunteer Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Kimball, late of Company H, Fifty-first Regiment Massachusetts Volunteer Infantry, and Company A, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUSSEL A. WILLIAMS.

The bill (H. R. 6020) granting an increase of pension to Russel A. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Russel A. Williams, late of Company F, Twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOLGATE.

The bill (H. R. 2619) granting an increase of pension to William Holgate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Holgate, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH L. BECKETT.

The bill (H. R. 9625) granting a pension to Elizabeth L. Beckett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth L. Beckett, widow of John Beckett, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

HENRY J. EDGE.

The bill (S. 3063) granting an increase of pension to H. J. Edge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Edge, alias Jason Edge, late of U. S. S. *Benton*, United States Navy, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry J. Edge, alias Jason Edge."

DELANIA FERGUSON.

The bill (S. 4650) granting an increase of pension to Delania Ferguson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers." to insert "Cherokee Indian disturbance;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delania Ferguson, widow of William Ferguson, late of Captain Kelsey's company, North Carolina Volunteers, Cherokee Indian disturbance, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINNIE M. RICE.

The bill (H. R. 12199) granting a pension to Minnie M. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minnie M. Rice, the helpless and dependent daughter of Robert H. Rice, late of Company I, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM NICHOL.

The bill (S. 4941) granting an increase of pension to William Nichol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Nichol, late of Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUTH H. FERGUSON.

The bill (S. 2755) granting a pension to Ruth H. Ferguson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 6, before the word "and," to strike out "helpless" and insert "deformed;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth H. Ferguson, deformed and dependent daughter of William P. Ferguson, etc.

Mr. GALLINGER. Let that amendment be disagreed to; the word in the bill is a better word.

The amendment was rejected.

The next amendment of the Committee on Pensions was in line 7, after the word "Company," to strike out the letter "A" and insert "D;" so as to read:

Late captain Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAMLINE B. WILLIAMS.

The bill (S. 1903) granting an increase of pension to Hamline B. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Regiment," to strike out "First" and insert "Twenty-first;" and in line 8, before the word "dollars," to strike out "forty-eight" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hamline B. Williams, late of Company D, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPENDENT CHILDREN OF THOMAS VICKERS.

The bill (S. 3032) granting a pension to Samuel J., Christopher, and Jane Vickers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitasions of the pension laws, the names of Samuel J. Vickers, Christopher Vickers, and Jane Vickers, invalid and dependent children of Thomas Vickers, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay them jointly a pension at the rate of $12 per month, said pension to cease and determine only upon the death of the last survivor.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. FOSTER of Washington April 14, 1902, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3032) granting a pension to Samuel J., Christopher, and Jane Vickers, have examined the same and report:

This bill proposes to pension at $12 per month Samuel J. Vickers, Christopher Vickers, and Jane Vickers, of New Diggings, Wis., children of Thomas Vickers, who served in Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, from August 4, 1862, to June 10, 1865, and who died of disease contracted in the service.

Elizabeth Vickers, the widow of this soldier, and to whom he was married October 17, 1853, was pensioned under the general law December 27, 1895, at the rate of $12 per month. She died November 21, 1897.

Samuel J. Vickers, Christopher Vickers, and Jane Vickers are aged, respectively, 46, 30, and 28 years, and are destitute and receive aid from the town in which they live. Testimony filed with this committee shows that from their birth these children have been deficient in intellect, foolish or idiotic, and mentally and physically incapable of maintaining themselves, and two of them are cripples.

These children having been mentally and physically incapacitated from birth and being now in destitute circumstances, your committee report the bill back with a recommendation that it pass after being amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Samuel J. Vickers, Christopher Vickers, and Jane Vickers, invalid and dependent children of Thomas Vickers, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay them jointly a pension at the rate of $12 per month, said pension to cease and determine only upon the death of the last survivor."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL A. HALL.

The bill (S. 4729) granting an increase of pension to Daniel A. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Daniel A. Hall," to insert "alias William Knapp," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Hall, alias William Knapp, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel A. Hall, alias William Knapp."

GEORGE W. YOUNGS.

The bill (S. 4730) granting an increase of pension to George W. Youngs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER K. WYMAN.

The bill (S. 4655) granting an increase of pension to Oliver K. Wyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver K. Wyman, late of First Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS MOULTON.

The bill (S. 4853) granting an increase of pension to Amos Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Maine," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Moulton, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAVUS C. PRATT.

The bill (S. 1038) granting an increase of pension to Gustavus C. Pratt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain," and in the same line, after the word "Company," to strike out the letter "C" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus C. Pratt, late captain Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. As the Senate has a special order at 3 o'clock, I ask that the unfinished business may be temporarily laid aside and that we continue with the Calendar.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the Calendar. Is there objection? The Chair hears none.

LEWIS G. LATOUR.

The bill (S. 2048) granting an increase of pension to Louis G. Latour was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the name "Louis" and insert "Lewis;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis G. Latour, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis G. Latour."

MAY D. LISCUM.

The bill (S. 5059) granting a pension to May D. Liscum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of May D. Liscum, widow of Emerson H. Liscum, late colonel Ninth Regiment United States Infantry and brigadier-general United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to May D. Liscum."

AMELIA ENGEL.

The bill (S. 2551) granting a pension to Amelia Engel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "private" and insert "of;" and in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia Engel, widow of Valentine Engel, late of Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. MERCER.

The bill (S. 3781) granting a pension to George A. Mercer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to insert "Volunteer;" in line 8, before the word "dollars," to strike out "thirty-five" and insert "thirty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Mercer, late of Company E, First Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George A. Mercer."

JOANNA ROMMEL.

The bill (S. 2935) granting a pension to Joanna Rommel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joanna Rommel, widow of Benson M. Rommel, late of Company C, Second Regiment New Jersey Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID O. CARPENTER.

The bill (S. 2638) granting a pension to David O. Carpenter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David O. Carpenter, late of Company K, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David O. Carpenter."

JOSEPH TUSINSKI.

The bill (H. R. 8553) granting a pension to Joseph Tusinski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Tusinski, late a private in Company E, Fourteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

PAULINE M. ROBERTS.

The bill (H. R. 10951) granting an increase of pension to Pauline M. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pauline M. Roberts, widow of Samuel Roberts, late major, Seventy-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $25 per month and $2 per month additional on account of the minor child of the officer until such child shall have arrived at the age of 16 years in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN E. SPERRY.

The bill (H. R. 9140) granting an increase of pension to Mary Ann E. Sperry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann E. Sperry, widow of John J. Sperry, late lieutenant-colonel One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. S. HAYS.

The bill (H. R. 8631) granting a pension to Mary E. S. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. S. Hays, widow of David S. Hays, late surgeon, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. ANDRESS.

The bill (H. R. 9494) granting an increase of pension to Mary A. Andress was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, to strike out in the proviso the following:

That in the case of the death of the helpless child, Lula Belle Andress, on whose account the pension of Mary A. Andress is increased, the pension of said Mary A. Andress shall continue only at the rate of $12 per month from and after the date of the death of said helpless child.

And insert:

That in the event of the death of Lula Belle Andress, helpless and dependent child of said Philip Andress, the additional pension herein granted shall cease and determine.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Andress, widow of Philip Andress, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of Lula Belle Andress, helpless and dependent child of said Philip Andress, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DESIGN PATENTS.

The bill (S. 4647) to amend section 4929 of the Revised Statutes, relating to design patents, was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, on page 1, in line 7, before the word "design," to strike out "artistic" and insert "ornamental;" so as to make the bill read:

Be it enacted, etc., That section 4929 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4929. Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section 4886, obtain a patent therefor."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'CARTY LITTLE.

The bill (S. 4577) for the relief of William McCarty Little was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 5, after the word "list," to insert "with the rank and pay of that grade from the date of appointment under this act;" so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint Lieut. William McCarty Little, now on the retired list of the Navy, to be a captain on said retired list, with the rank and pay of that grade from the date of appointment under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARE OF INSANE PERSONS.

The bill (S. 2699) to provide for the temporary detention of persons dangerously insane in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, page 2, line 23, after the word "court," to strike out:

Any such alleged insane person apprehended with or without an order aforesaid may be detained in any legally established hospital in said District, including the Government Hospital for the Insane, the officer in charge of which for the time being is willing to receive and detain him; and, either pending the completion of arrangements for the reception and detention of any such alleged insane person in any such hospital aforesaid, or if no such arrangements can be made, such alleged insane person may be received and detained at any police station house or at the house of detention in said District. Any officer in charge of any lawfully established hospital in the District of Columbia may receive any alleged insane person who has been apprehended as aforesaid, and, having done so, shall detain such person for the period specified in the order authorizing such detention, or, if no such order has been issued, for a period not to exceed seventy-two hours, unless otherwise directed by the supreme court of the District of Columbia or by some court having appellate jurisdiction over said supreme court: *Provided, however*, That if two or more physicians in regular attendance at such hospital

And in lieu thereof to insert:

Any such alleged insane person apprehended with or without an order aforesaid may be detained in the Government Hospital for the Insane or in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such person, and the officer in charge of which for the time being is willing to receive and detain him; and either pending the completion of arrangements for the reception and detention of any such alleged insane person in any hospital aforesaid, or, if no such arrangements can be made, such alleged insane person may be received and detained in any police station house or in the House of Detention in said District. The superintendent of the Government Hospital for the Insane shall receive any alleged insane person who has been apprehended under any order aforesaid and has been delivered to him, and shall detain such person for the period specified in such order; and the officer in charge of any other hospital aforesaid in the District of Columbia may receive any alleged insane person who has been apprehended with or without an order aforesaid, and, having done so, shall detain such person for the period specified in the order authorizing such detention, or, if no such order has been issued, for a period not exceeding seventy-two hours, unless otherwise directed by the supreme court of the District of Columbia or by some court having appellate jurisdiction over said supreme court: *Provided, however*, That if the superintendent of the Government Hospital for the Insane or two or more physicians in regular attendence at any other hospital aforesaid;

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MARBLEHEAD, MASS.

Mr. SCOTT. I desire, out of order, to report, with an amendment from the Committee on Public Buildings and Grounds, the bill (S. 1478) for the erection of a public building at Marblehead, Mass.

Mr. HOAR. I ask unanimous consent that that bill may be put upon its passage at the present time for reasons which, if necessary, I can state.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Massachusetts asks unanimous consent for the present consideration of the bill which has just been reported by the Senator from West Virginia (Mr. SCOTT). Is there objection?

There being no objection, the Senate, as in Committeee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Buildings and Grounds was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the town of Marblehead and State of Massachusetts, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $50,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said town of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Marblehead, in the State of Massachusetts."

ERI W. PINKHAM.

The bill (S. 5153) granting an increase of pension to Eri W. Pinkham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eri W. Pinkham, late of Company E, First Regiment New Hampshire Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. GALLINGER on the 15th instant:

The Committee on Pensions, to whom was referred the bill (S. 5153) granting an increase of pension to Eri W. Pinkham, have examined the same and report:

This bill proposes to increase from $12 to $30 per month the pension of Eri W. Pinkham, of Nashua, N. H., who served in Company E, First Regiment New Hampshire Volunteer Cavalry, from March 29, 1865, to July 15, 1865, when he was honorably discharged.

Mr. Pinkham is now receiving a pension of $12 per month under the act of June 27, 1890, for total inability to earn a support by manual labor. His medical examination shows that he is totally blind and helpless from locomotor ataxia. He is bedridden and dependent on assistance for the most trivial services. His condition in every respect is pitiable in the extreme and such as excites the greatest measure of sympathy. His physician states that his condition is hopeless.

Mr. Pinkham is as poor financially as he is helpless physically. In his stricken condition he has no means of support except his pension, and how inadequate this is may well be imagined when his need for medicine and medical attendance is so great. He has borne an excellent character and is in every way worthy, and your committee report the bill back favorably with a recommendation that it pass.

Mr. COCKRELL. I ask the Senator reporting this bill if the pension received at present by this applicant is under the law of June 27, 1890?

Mr. GALLINGER. It is.

Mr. COCKRELL. Then of course it can not be increased by the Pension Bureau.

Mr. GALLINGER. It can not be increased by the Pension Bureau.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. GRAY.

The bill (H. R. 11550) granting an increase of pension to William G. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Gray, late of Captain Daniel's company, Georgia Volunteers, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS HAHN.

The bill (H. R. 2207) granting an increase of pension to Louis Hahn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Hahn, late of Company F, Twenty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. BLOOM.

The bill (S. 2229) for the relief of J. M. Bloom was considered as in Committee of the Whole. It directs the Postmaster-General to cause the account of J. M. Bloom, late postmaster at Clearfield, Pa., to be credited with $189.12, and that he cause the said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of the post-office on the 10th of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $189.12 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. M'GINNIS.

The bill (S. 3779) for the relief of Thomas J. McGinnis was considered as in Committee of the Whole. It directs the Postmaster-General to cause the account of Thomas J. McGinnis, superintendent of the Bourse station of the post-office at Philadelphia, Pa., to be credited with $819.78, and that he cause the said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $819.78 in postage stamps by robbery of the station on the 29th of November, 1899, and appropriates $819.78 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. FINNEY.

The bill (S. 2709) for the relief of John F. Finney was considered as in Committee of the Whole. The preamble recites that on the 16th of March, 1901, Thomas Dougherty, messenger in the office of the assistant treasurer of the United States, Philadelphia, Pa., received from the registry department of the post-office two letters addressed to the assistant treasurer of the United States, Philadelphia, Pa., namely, one from the postmaster at Moorestown, N. J., and said to contain $500, and one from the postmaster at Meyerstown, Pa., said to contain $112.45; that the letters were stolen from Thomas Dougherty in the corridor of the post-office; that Thomas Dougherty not being in position to make good the amount to the Government, John F. Finney, the assistant treasurer of the United States at Philadelphia, was compelled to pay the amount, namely, $612.45, into the Treasury of the United States. The bill directs the Secretary of the Treasury to reimburse to John F. Finney, assistant treasurer of the United States, $612.45, in consideration of the aforesaid payment made by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JUDSON N. POLLARD.

The bill (S. 1300) granting a pension to Judson N. Pollard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and scout and spy, United States Army, and pay him a pension at the rate of $20 per month.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. PATTERSON on the 16th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1300) granting a pension to Judson N. Pollard, have examined the same and report:

This bill proposes to grant a pension of —— per month to Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and scout and spy, United States Army.

Judson N. Pollard served in Company B, One hundred and fortieth Illinois Infantry, from May 14, 1864, to June 10, 1864, when he was discharged by reason of being under size and age. He subsequently served with General Thomas as a scout and spy. A full history of his service is contained in his affidavit, as follows:

"I, Judson N. Pollard, enlisted in May, 1864, in One hundred and fortieth Regiment, Company B, Illinois Volunteers, at Morrison, Whiteside County, Ill. Immediately after my enlistment I was examined by the United States surgeon and pronounced perfectly sound and able-bodied recruit, and was then sworn in. Camped at Dixon, Ill., for one month. At the end of this time we were ordered to the front. The regimental mustering officer, in looking the company over, discharged me with some other boys on account of being under age and under size, as my discharge papers will show. When I returned to my home I was ridiculed so by my boy companions that I got mad and resolved to go anyway, so I ran away from home, went back to camp, arriving there just as the regiment was about to leave for the front. Some of my friends who were going put together and rigged me out with a suit, cap, and all necessary equipments, so no one knew but what I was a regular member of the regiment.

"After going to the front I left the One hundred and fortieth Regiment, Company B, Illinois Volunteers, and beat my way on trains through Tennessee, joining Major-General Thomas's army just as he was about to commence that terrible long-fought battle against General Bragg, General Thomas being stationed down the valley a few miles from Chattanooga. Many times it seemed as if we would have to give up the fight, but encouraged by the stern, courageous, and resolute flash of those blue eyes and set lips of our general, we would move onward steadily and with a renewed determination. Our army suffered terribly with the cold. We had a part of the time a cold sleet rain, the ground being covered with ice. We were not allowed to have any fire on account of some changes which the general wished to make during the night unknown to the enemy. Neither had we anything to eat during that time.

"However, the next day found us at our post ready for duty, every nerve strained, and, fired by the shout of that gallant old soldier, Steadman, we gave another effort and the gain was ours. Never can I forget the 20th day of September, 1864. During this hard-fought battle I made myself useful in aiding the hospital corps and carrying water to the wounded and dying on the battlefield, the bullets flying all around us at times like hailstones; but we gave no thought of our danger, only to relieve the suffering comrades scattered all about us. After the battle was over General Thomas sent for me to come to headquarters. He then asked me my name, where I came from, and how I came to be there. I told him how I enlisted in the One hundred and fortieth Regiment, Company B, Illinois Volunteers, at Morrison, Ill., was in camp at Dixon, Ill., and drilled with the rest, but upon going to the front the mustering officer discharged me on account of being under age and under size; but for all that I was determined to go, and with the help of some of the boys I went to the front with the regiment.

"How I had, after leaving my regiment, beat my way through Tennessee, arriving just in time to be of good service during this terrible battle. I also told him I had two brothers, two uncles, and four cousins who had enlisted ahead of me and were now serving their country. I said I wanted to stay with the Army. He said, 'I can make use of you.' So then it was that he sent out and got the old dirty, ragged suit and dressed me up as a plantation boy and sent me out as scout and spy. I remember well one morning I was sent out to work my way the best I could into a rebel camp to gather all the information that I could in regard to their movements and intentions of their army. I was very successful, representing, dressed as I was, that I was a poor, homeless boy, saying everything I could against the Yankees. Told them the Union Army had burned our home, and ruined our plantation, stealing our cattle, horses, mules, etc., and that I was very hungry and came into their camp to get something to eat, remaining one day and night.

"After gathering the information I wanted I wandered back into our lines again. I distinctly remember General Thomas complimenting me very highly for my work, and afterwards called me his 'mascot boy spy.' I remained with General Thomas from that time on, he afterwards being stationed at Nashville. About the middle of December, 1864, we had a hard-fought battle, during which time General Thomas had taken some seven or eight thousand prisoners and about 60 pieces of artillery. During this battle General Thomas wanted reenforcements. To get them a message must be taken through a thicket, with hidden enemies bushwhacking. I was told this was a very dangerous route to go, as several of our men had been shot through the attempt; but I was willing to make an attempt to deliver the message. After traveling several miles on horseback I was shot at several times by the bushwhackers hidden in the brush. Nearing my journey's end I was fired at again from ambush. I put spurs to my horse and ran him as fast as possible, throwing my body on the opposite side of the horse and his neck. The horse received a flesh wound in the side of his neck, and I a bullet hole through my coat sleeve and a slight wound through the fleshy part of the leg between the knee and thigh. However, I arrived at my journey's end, delivered my message, and found my shoe and sock saturated with blood. My wound was dressed, and I returned with the reenforcements for General Thomas's army. The next day the battle was successfully won.

"About the last of this month Hood left Tennessee, which seemed to close the war in the valley of the Mississippi. During the month of January, 1865, General Thomas's army was dispersed for want of further use there.

"In all this time, which was about eight months, I never received one cent of pay for my services, only a proud beating of my heart that I was doing all I could for my country. Neither did I receive any bounty as other comrades did, who volunteered in that time, getting $1,200. I have never asked for any pension, being heretofore able to care for myself, but now I am totally disabled to earn a dollar, being broken in health and blind, and have no means to support myself and family.

"I therefore pray that the Pension Committee of the Senate will report favorably on the bill in the Senate for me to have an invalid's pension. Owing to my feeble condition, it is not likely I will need help very long.

"JUDSON N. POLLARD.

"Witness:
"ROXY M. PATTERSON.

"Subscribed and sworn to before me this 21st day of November, 1901.
"[SEAL.] ADOLPHUS B. CAPRON,
"*United States Commissioner for Colorado.*"

Mr. Pollard's service in Company B, One hundred and fortieth Illinois Volunteer Infantry, is a matter of record in the War Department, and his statements regarding his service with General Thomas are corroborated by evidence of comrades.

Mr. Pollard has never made claim at the Pension Bureau, having no title under existing laws. He served less than ninety days as an enlisted man, and his wound was received after his discharge as such and while he was irregularly attached to the Army and used by General Thomas as a scout and spy.

For a long time Mr. Pollard has been a confirmed invalid and unable to

support himself and family. He is blind and partially paralyzed and needs the care of an attendant almost constantly. What little money he had been able to lay aside in other days has been entirely used up for medicine and medical attendance, until now he and his family are reduced to the most destitute circumstances and they have been aided by their charitable neighbors. He is a total physical wreck and is in a most pitiable and destitute condition. He is a worthy comrade of the Grand Army of the Republic and has been honored by the highest offices of his post.

While Mr. Pollard's service as an enlisted man was short, yet his subsequent service with General Thomas was of a most extraordinary character, and he was wounded while in the performance thereof. Your committee regard his case as worthy of favorable consideration, and therefore report the bill back with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and scout and spy, United States Army, and pay him a pension at the rate of $20 per month."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMBRUS U. HARRISON.

The bill (S. 1299) granting a pension to Ambrus U. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrus U. Harrison, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ambrus U. Harrison."

MATTHEW B. NOEL.

The bill (S. 3505) granting an increase of pension to Matthew B. Noel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew B. Noel, late of Company C, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA J. WILSON.

The bill (S. 2951) granting an increase of pension to Maria J. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria J. Wilson, widow of Junius A. Wilson, late of Company C, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF TENTS TO KNIGHTS OF PYTHIAS ENCAMPMENT.

The bill (H. R. 11839) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal., was considered as in Committee of the Whole. It authorizes the Secretary of War to loan, at his discretion, to committee of citizens in charge of arrangements for the encampment of the Uniform Rank, Knights Pythias, to be held in San Francisco, Cal., August 10 to 20, 1902, and to deliver to Charles L. Patton, president and executive director of said committee, 1,000 wall tents, size 10 by 12, with poles, ridges, and pins for each; but no expense shall be caused the United States Government by the delivery and return of such property.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASED PENSIONS FOR LOSS OF LIMBS.

The bill (S. 4850) to increase the pensions of soldiers and sailors who have lost limbs in the service was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, on page 2, line 6, before the word "dollars," to strike out "fifty" and insert "sixty;" so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $45 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $50 per month; that all persons who, in like manner shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint as to prevent the use of an artificial limb, shall receive a pension at the rate of $60 per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month.

The amendment was agreed to.

Mr. COCKRELL. Now let a part of the report be read.

Mr. GALLINGER. Before that is done, will the Senator allow me to offer an amendment?

Mr. COCKRELL. Certainly.

Mr. GALLINGER. On page 2, line 3, after the word "limb," I move to insert "or are totally disabled in the same."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 3, after the word "limb," it is proposed to insert "or are totally disabled in the same," so as to read:

That all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip-joint as to prevent the use of an artificial limb, or are totally disabled in the same, shall receive a pension at the rate of $60 per month, etc.

The amendment was agreed to.

Mr. COCKRELL. Now, let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read from the report submitted by Mr. GALLINGER on the 17th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 4850) to increase the pension of soldiers and sailors who have lost limbs in the service, have examined the same and report:

Two bills have been presented to this committee during the present session of Congress proposing an increase of pension to soldiers who lost limbs in the service or were totally disabled in them, to wit, S. 1887 and S. 4850. A hearing was given to the advocates of the first-named measure on March 25, which will be printed as an appendix to this report. The provisions of that bill were somewhat sweeping, going beyond a mere increase to those who had lost limbs, providing, among other things, for compounding all existing disabilities due to Army service. It will be observed from the letter of the Commissioner of Pensions, included in the hearing, that he estimated that the enactment of that bill into law would add about $5,000,000 to the pension appropriation. It is probable that that estimate was an excessive one, as some of the provisions of the bill are speculative, the cost of which is not susceptible of definite determination. The second bill (S. 4850) follows the precedents established in the matter of increases to this class of pensioners, as will be found by reference to the several statutes on that subject. After careful consideration your committee are satisfied that the provisions of S. 4850 give an adequate degree of relief to the deserving classes included in its provisions, and is worthy of the favorable consideration of Congress.

The legislation concerning soldiers who lost limbs in the service is as follows:

For the loss of both hands, the pension granted from July 4, 1864, was $25; from June 4, 1872, $31.25; from June 4, 1874, $50; from June 17, 1878, $72, and from February 12, 1889, $100.

For loss of a leg at hip joint, the pension granted from June 6, 1866, was $15; from June 4, 1872, $24; from March 3, 1879, $37.50, and from August 4, 1886, $45.

For loss of an arm at shoulder joint, the pension granted from June 6, 1866, was $15; from June 4, 1872, $18; from June 4, 1874, $24; from March 3, 1883, $30; from March 3, 1885, $37.50, and from August 4, 1886, $45.

For loss of an arm at or above elbow, or a leg at or above knee, the pension granted from June 6, 1866, was $15; from June 4, 1872, $18; from June 4, 1874, $24; from March 3, 1883, $30, and from August 4, 1886, $36.

For loss of a leg above the knee causing inability to wear an artificial limb the pension granted from June 6, 1866, was $15; from June 4, 1872, $24; from March 3, 1883, $30, and from August 4, 1886, $36.

For loss of one hand and one foot the pension granted from March 3, 1865, was $20; from June 4, 1872, $24, and from February 28, 1877, $36.

For total disability in one arm or one leg the pension granted from June 6, 1866, was $15; from June 4, 1872, $18; from March 3, 1883, $24, and from August 4, 1886, $36.

For total disability in one hand and one foot the pension granted from June 6, 1866, was $20; from June 4, 1872, $24, and from February 28, 1877, $33.

For total disability in both feet the pension granted from June 6, 1866, was $20, and from June 4, 1872, $31.25.

For loss of a hand or a foot the pension granted from June 6, 1866, was $15; from June 4, 1872, $18; from March 3, 1883, $24, and from August 4, 1886, $30.

For total disability in one hand or one foot the pension granted from June 6, 1866, was $15; from June 4, 1872, $18; from March 3, 1883, $24, and from August 4, 1886, $30.

It will be observed that there have been several increases for maimed soldiers, but no increase has been allowed since the year 1886 except for soldiers who had lost both hands, which pension was increased from $72 to $100 per month by act of February 12, 1889.

The fact that Congress has heretofore recognized the increasing suffering and dependence of soldiers who have lost limbs in the service is a reason for further action in their behalf at the present time. They are pensioned simply for amputations, no other disability incurred in the service being taken into account. According to a recent letter (herewith attached) from the Commissioner of Pensions it will be seen that increased expenditure under this bill will be $1,312,656 for the first year, which will rapidly decrease from year to year. By amending the bill as the committee proposes by striking

out the word "fifty" and substituting the word "sixty" the amount will be increased $2,040, making the total $1,314,696.

During the first session of the Fifty-second Congress a favorable report was made from this committee on a somewhat similar bill (Report No. 736), from which the following extracts are made:

"There is no question as to the justice of the claims of the men who left limbs on the battlefield. Whatever frauds, if any, have been committed on the Treasury by those now drawing pensions, the men who suffered amputations have not been a party to them. And it should not be forgotten that these amputations were hurriedly performed, often by ignorant or inexperienced surgeons, and without any of the precautions deemed so necessary in private or hospital practice, the result of which was diseased stumps and other sequelæ that will follow the soldier through life. Beyond a question a large proportion of these men are suffering from nervous affections, from heart disease, or other painful disability, the direct result of the amputations they underwent. The celebrated physician, Dr. Pancoast, of Philadelphia, expressed a great truth when he said concerning this class of cases:

"'One of the prominent symptoms observed in this condition of the nervous system is a weakness of the heart action, causing an abnormal blood pressure which deranges the secretions and excretions of the various organs of the body, seriously interfering with nutrition. He is easily fatigued, and when this occurs it invariably produces weak and compressible pulse and not infrequently an intermittent pulse, all of which results from neurasthenia of the medulla, the seat of nerve energy, which controls the action of the heart as well as that of respiration. Permit me to say that during a period of thirty-five years of active practice I have found that where large nerves are injured by shock, laceration, or by cutting they are seldom restored to normal activity, and the nervous debility thus produced not only shortens life, but it incapacitates the one so unfortunately afflicted from continued mental or physical exertion.'

"These men, as a class, are great sufferers, and much more liable to accidents than others. Besides this, they are shut out from life insurance, the means used by prudent men to protect their families from possible want. The mortality in this class is unusually large, reaching the enormous figure of 57 per thousand annually, with a constantly increasing death rate; and as the average age of the soldiers of the war of 1861-1865 is 56 years, the ranks of these men will be rapidly decimated by natural causes. For these reasons we are impressed with the justice of their demands, sympathizing with them when they say:

"'Give back the legs and arms, give back the sight, make helpful the now helpless body, and the largest pension that might be provided by a grateful country would not be accepted as the price of either by the man who has suffered such a loss.'"

The soldiers who are on the roll as a result of wounds on the battlefield, which deprived them of legs and arms, are, beyond question, greater sufferers than any other class. That heart disease results in a large proportion of the cases is beyond question, and in addition to this many of them are suffering from irritable stumps and consequent neuralgic affections. The mortality among this class is very high, and as they now average about 65 years of age it will be recognized that their names will rapidly disappear from the pension roll.

Being deeply impressed with the justice of the proposed measure, your committee recommend that Senate bill 4850 be enacted into law after amending it by striking out the word "fifty," in line 4, page 2, and substituting the word "sixty," and that Senate bill 1887 be indefinitely postponed.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 12, 1902.

MY DEAR SIR: In compliance with your request I have the honor to submit an estimate as to the cost of enacting into law Senate bill 4850, to increase the pensions of soldiers and sailors who have lost limbs in the service.

The first provision increases the pensions of those who shall have lost one hand or one foot or been totally disabled in the same from $30 to $45 per month, an increase of $180 per year. The number of beneficiaries under this provision now on the rolls is 3,353, and the cost of increasing their pensions to $45 per month would be $905,340 per year.

The second provision embraces pensioners who have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, and provides an increase from $36 to $50 per month, amounting to $168 per year. The 2,357 pensioners of this class now on the roll would receive an additional sum of $395,976 per year.

The third proposition takes in those who have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint as to prevent the use of an artificial limb, and provides an increase of $180 per year for this class. The 1,724 pensioners of this class now on the roll would receive the additional sum of $310,320 per year.

The fourth provision increases the pensions of those who have lost one hand and one foot, or been totally disabled in the same, to $50 per month. There are only 17 pensioners of this class. The cost of this provision, so far as it relates to amputations, would be $1,020 per year, but the number of beneficiaries who would come in under the provision "or been totally disabled in the same" can not be estimated.

The approximate cost of enacting this bill into law would, therefore, be as follows:

Cost of first provision	$905,340
Cost of second provision	395,976
Cost of third provision	310,320
Cost of fourth provision	1,020
Total	1,312,656

Very respectfully,

H. CLAY EVANS, *Commissioner.*

Hon. J. H. GALLINGER,
Chairman Committee on Pensions, United States Senate.

Mr. PLATT of Connecticut. Mr. President, I should like to make a single observation while the bill is under consideration.

Formerly the law establishing rates of pension for loss of limbs included a phrase "or disability equivalent thereto," so that where the disability in the limb was equivalent to the loss of a limb the pension was granted at the rate prescribed in the act for the disability. That continued to be the law, I think, up to the time when Congress raised the rate from $24 to $36 for the loss of an arm below the elbow, and correspondingly for the loss of an arm above the elbow or a leg below the knee or above the knee. In the passage of that bill the clause "or disability equivalent thereto" was left out, and this clause "or are totally disabled in the same" was inserted.

I believe there was no intention of changing the law from what it was before; but that the words "or are totally disabled in the same" were intended to have the same meaning as the words "or disability equivalent thereto." However, in the Pension Office there has been in its administration a great injustice done in the construction of the law as it now stands. The examining surgeons, who perhaps are not very familiar with the law, make reports that a soldier is suffering from a disability equivalent to the loss of an arm or leg, as the case may be. Then the Pension Office says "that is not a certificate of total disability. We are not permitted to grant this rate of pension in cases of equivalent disability." It appears, to illustrate from this case, that a soldier who can really grasp a book and raise it a little, or whose foot hangs down and he can just touch it to the floor, and who therefore is not totally disabled in the use of a limb, is not entitled to the rate.

I have had some decisions of that sort in the Pension Office recently under the present Commissioner and under his chief of medical staff—I do not know what he is called, perhaps medical referee—that have certainly tried my patience beyond anything I have ever had to do in the Pension Office; and if I had time, I should like to suggest some amendments to the pending bill. I do not know that I shall do so, but I desire here in the Senate to speak of what seems to me has been most faulty administration of the Pension Office in this respect.

I remember one case where the examining surgeons in describing the limb—it was the case of an arm which was useless—said that the applicant would be better off if his arm had been amputated, and yet, because he could clasp a pen, get his fingers together on a pen so as to raise it a little from the table, the Pension Office held that he was not totally disabled in the use of his arm.

I want to say, also, that I have found it to be an absolute impossibility—I think I may use that strong language—to get a ruling from the Commissioner of Pensions in opposition to the report made by his medical referee. I do not know who is the medical referee in the Pension Office, but I have come to the conclusion that he is the medical dictator of that office, and that when he says that a thing is so there is no use of going to the Commissioner or anyone else about it. I do not know that I wish to make any attack upon him, but I understand he never was a practicing physician. He never had any experience as a practicing physician, and yet the affidavits of the most distinguished physicians and surgeons in the United States have often been turned down by him, he setting up his judgment as a medical officer against that of the first talent in the land. I think it is quite time that there was a change made at least in the administration of the law in the Pension Office in respect to these cases.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I think the title should be amended so as to read: "A bill to increase the pensions of those who have lost limbs in the military or naval service of the United States."

Mr. COCKRELL. What effect will that have on the clause we put in after the word limb, "or are totally disabled in the same?"

Mr. GALLINGER. I think it should read: "A bill to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same." I think that ought to be in the title.

Mr. COCKRELL. It must be in the title or it will be nugatory. That is what I was going to suggest. It would be useless to leave that matter in there and yet not express it in the title.

Mr. GALLINGER. I will say to the Senator that if he will refer to the last law he will find that the phraseology of the bill and the phraseology of the title are the same as in the last law. Still, I think it would be well to have the title describe the purpose of the bill accurately.

Mr. COCKRELL. I think so.

Mr. GALLINGER. Let the title be amended so as to read: "A bill to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same."

The PRESIDING OFFICER. Without objection, the title will be amended as indicated.

GENEVIEVE ALMIRA SPRIGG LUDLOW.

The bill (S. 2455) granting a pension to Genevieve Almira Sprigg Ludlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Genevieve Almira Sprigg Ludlow, widow of William Ludlow, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Genevieve Almira Sprigg Ludlow."

THOMAS MILSTED.

The bill (H. R. 1811) granting an increase of pension to Thomas Milsted was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Milsted, late of Company F, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE L. EVENS.

The bill (H. R. 5560) granting an increase of pension to Annie L. Evens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "and," to insert "he is," and in the same line, after the word "hereby," to strike out "is;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie L. Evens, widow of John H. Evens, late first lieutenant Company K, Forty-third Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said John H. Evens until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. SMITH.

The bill (H. R. 7782) granting an increase of pension to Thomas P. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas P. Smith, late of Company K, Seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. HOLDEN.

The bill (H. R. 9413) granting a pension to Mary E. Holden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Holden, widow of John W. Holden, late of Company B, Twelfth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUSTUS CANFIELD.

The bill (H. R. 639) granting an increase of pension to Justus Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Justus Canfield, late of Company B, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN A. RICE.

The bill (H. R. 3379) to correct the military record of Calvin A. Rice was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the words "as of January 8, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to correct the military record of Calvin A. Rice, late captain Company G, Seventy-seventh New York Volunteer Infantry, and issue to him an honorable discharge from said regiment, as of January 8, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., was announced the next business in order on the Calendar.

Mr. COCKRELL. Let the bill go over.

The PRESIDING OFFICER. It will be passed over without prejudice.

The bill (S. 1359) authorizing an increase of pension in certain cases was announced the next business in order on the Calendar.

Mr. GALLINGER. I ask that the bill may be passed over.

The PRESIDING OFFICER. It will be passed over.

GEORGE W. DODGE.

The bill (H. R. 3826) granting an increase of pension to George W. Dodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Dodge, late of Company G, Forty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. SIMMONS.

The bill (H. R. 2526) granting an increase of pension to William J. Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Simmons, late of Company E, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERNEST WAGNER.

The bill (H. R. 7903) granting an increase of pension to Ernest Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ernest Wagner, late of Company I, Sixth Regiment Massachusetts State Militia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. F. GILMAN.

The bill (H. R. 1678) granting a pension to Mary E. F. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. F. Gilman, widow of Samuel D. Gilman, late of the Strafford Guards, New Hampshire Militia, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET M. GRANT.

The bill (H. R. 7994) granting an increase of pension to Margaret M. Grant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret M. Grant, widow of Marcus Grant, late major First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY LANE.

The bill (H. R. 3592) for the relief of Henry Lane was considered as in Committee of the Whole. It authorizes the Secretary of War to revoke and set aside the special orders of the War Department dismissing from the service, for absence without leave, Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE SENATOR KYLE.

Mr. GAMBLE. Mr. President, I submit the resolutions which I send to the desk.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read the resolutions submitted by the Senator from South Dakota.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JAMES HENDERSON KYLE, late a Senator from the State of South Dakota.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect at the conclusion of these exercises the Senate do adjourn.

Mr. GAMBLE. Mr. President, JAMES HENDERSON KYLE was born at Cedarville, Greene County, Ohio, on the 24th day of February, 1854. He was of Scotch-Irish ancestry. His father's ancestors came from Scotland and settled in Pennsylvania at a

very early period. His grandparents on his mother's side came from the north of Ireland.

Senator KYLE sprung from a strong, vigorous, and liberty-loving race. The Scotch-Irish has done heroic service in the cause of human liberty the world over. It has given to our own country many noble characters who have rendered the highest service in every field of human endeavor. It has given to us soldiers and statesmen and scholars among the most illustrious in our history. I doubt if any race in proportion to its numbers has contributed so largely in forceful and high characters to the progress and development of mankind.

The family of the deceased were patriots and were not unworthy of the history or traditions of their race. His great-grandfather, with six great-uncles, served with credit in the war of the Revolution, while his father, inspired by their example and with devotion to his country, was a faithful soldier in the late civil war. Born of such blood and with such a heritage and inspired with such traditions, we would not expect to find a youth with mean aspirations. We would look for the unfolding of a life of high purposes, with ideal aims and worthy ambitions.

His father had great solicitude for the education of his family. Although his means were meager at this time, he was anxious to surround his children with the best influences and afford them the greatest opportunities within his reach. With this object in view, on his removal from Ohio to Illinois in 1865 he located with his family at Urbana, near the proposed location of the State University.

Senator KYLE, as a boy, was an industrious, careful, and painstaking student. He had the confidence of and enjoyed the intimacy of his parents and his teachers, as well as his classmates. He succeeded as a student, and graduated with credit from the high school at his home.

In his desire for an education he was not satisfied to stop at the threshold. A college education at this time was the goal of his ambition. It was not based on a false pride, but he was anxious for the equipment it would give him and the service it would render him in the future that was then opening to him. In this Senator KYLE displayed the highest wisdom and foresight.

For life's activities we can not be too highly equipped. The young man should open to himself every avenue that will bring to him not only culture and high character in its truest sense, but power and strength as well. His ambition should be to discipline and develop every faculty of his being so as to equip himself in the highest degree for the best service in the race for life and life's endeavors. He owes this much to himself as well as to society, so that into whatever position he may be called or by the strength of his individuality force his way, he has made himself capable within his own limitations of rendering the highest possible service.

He has only one life to live, and he should make it the most potential possible with the faculties with which he has been endowed. To this end his ambitions, in the larger sense, need neither be selfish nor narrow nor solely for the development or enlargement of his own individuality. At best the real life is one of supreme service. Its equipment should be the amplest, so as to be able to meet its highest duties and to develop each individual character for its greatest efficiency.

Senator KYLE, both in his youth and in his maturer years, was possessed with high purposes and worthy ambitions. He especially emphasized this during his early life in the sacrifices he made in order to secure an education. He took a full course in Oberlin College and graduated from that institution in 1878. He did not secure his education without severe labor and the exercise of much self-denial. He was without means and was obliged to largely provide himself with funds with which to meet the obligations incurred throughout his entire college course. To do this he either worked upon a farm during the vacations or taught school.

In this Senator KYLE displayed much of true heroism. It is no light or easy task for a student to successfully meet the requirements and obligations of a college course without thought or consideration of the means for that purpose. To assume and carry through both with credit, in competition with those more favored in that regard, is an undertaking from which most young men shrink. To have succeeded indicates that he was a young man of resolute purpose and that he possessed a spirit that would not rest satisfied with present accomplishments. He supplemented his college course with the study of theology, and was graduated four years later, was ordained and entered the ministry.

I do not understand in the shaping of his career or of his life work political ambition ever entered. He had planned his future and had trained himself for a minister of the gospel. To this work he had for some years conscientiously devoted himself. His political career can not in the first instance be said to be of his own choosing. His nomination as a candidate for the State senate in 1890 came unsolicited to him and practically as the result of an accident. He was elected as an Independent, and he demeaned himself during a most stormy and turbulent session of the legislature with dignity.

Through a cooperation of Independents and Democrats they secured control of the legislature against the Republicans. A United States Senator was to be elected, and a long and fruitless struggle was carried on for many weeks in behalf of the candidates of the respective parties. The Independent membership far exceeded that of the Democratic, and the former insisted upon naming the candidate and that in the election they should have the cooperation of the Democrats. Many different Independents had been voted for, and each had been dropped in turn. Toward the latter part of the session an agreement was finally reached whereby it was arranged that Senator KYLE should be the candidate, and he was elected by the combined votes of the Independent and Democratic membership.

At the same time a like contest was being carried on in the legislature of Illinois. It required the cooperation of the independent membership of that body with the Democrats to insure the election of General Palmer. This for a long time they refused. These two contests attracted national attention. It was asserted, whether truthfully or not, that a joint agreement was arrived at whereby the independents in the Illinois legislature were to vote for General Palmer, a Democrat, upon condition that the Democratic members in South Dakota should cast their votes for an independent.

Upon the election of Senator KYLE he announced himself as an independent, but during his first term as a member of this body he largely aligned himself on party questions with the Democrats.

In 1896 Senator KYLE was a candidate to succeed himself. It appeared to be understood throughout the campaign should the Populists control the legislature he would be selected as their candidate and elected to the position. His party was successful, but he met with bitter and persistent opposition within its membership, and he could not control the caucus. This led to a protracted struggle. In order to end the controversy, the Republicans finally voted for Senator KYLE, and with the aid of sufficient votes from his own party he was elected.

Notwithstanding his election was made possible by Republican votes, he still maintained his position as an independent. The position of many of the leaders of his party toward him in this contest doubtless estranged him from them and from his former party affiliations. The questions involved in the Spanish-American war soon arose, and on these he supported the Administration of President McKinley. Upon the reelection of the latter in 1900 he made public announcement that thereafter he should be a Republican and would cooperate with that party. Later he announced his candidacy, as a Republican, as his own successor.

It is not my purpose to speak at length of his party associations, his attitude for or against political organizations, or his independence of them, or to question or impugn in any sense his political motives during his public service. His career certainly is marked and anomalous in our political history. To have been elected, in the first instance, as the result of a compromise between two distinct party organizations; in the second, to have been opposed in the legislature by a large majority of his party associates, and the Republican organization being responsible for his election, and finally giving his adherence to that party and declaring his purpose to be the Republican candidate as his own successor, is a situation worthy of passing reference.

If I may be permitted to express my own judgment, I believe Senator KYLE'S natural convictions more nearly led him in sympathy with the Republican party. His early training, his education, his associations, his convictions, aside from the question of the tariff, until a very recent period before his entry upon politics, were largely with that party. Local conditions, in addition to the tariff, had much to do, I believe, in determining him in taking his position in the first instance with the Independent party.

Senator KYLE was a man of high and unsullied personal character. In business affairs or of detail, he possessed the highest sense of honor. No man ever questioned his personal integrity. In his daily life he walked upon a high and noble plane. There was nothing in his life of artfulness or deceit. He was ideal as a citizen, beautiful in his domestic life, a devoted husband, and a noble and affectionate father.

He was conscientious and high-minded as a public servant. He rendered faithful service to his people, his State, and to the nation. He had high concern for the welfare of his country, and devoted himself to its upbuilding and to the welfare of its people.

He always gave especial interest to the rights of the individual, the safeguarding and the elevation of labor, the integrity of the home, and the extension of national legislation for its protection. He also believed in the broadening and elevating influences in our national life of higher education. He especially emphasized his interest in these questions while chairman of the Committee on Education and Labor, and also as chairman of the

Industrial Commission, which conducted such an extended and exhaustive investigation covering the vital and complex questions of our industrial life. To this, during his later service in this body, he conscientiously devoted his energy, his strength, and his ability. The result of his labors in this particular must prove of great service to his country.

His death was sincerely mourned by the entire people of the State. It was a shock for which they were not prepared. He was comparatively young, and his friends looked forward to many years of service and of usefulness. His State misses him and grieves at his untimely death. His community had for him the most profound regard and tender affection. He was simple in his life, cultivated in his tastes, approachable and generous in his manner, most companionable and sincere in his friendships, and just alike always to friend or foe. I do not believe I ever witnessed expressions of more sincere and genuine sorrow than on the occasion of his funeral. All were and had been his friends, and they all felt a truly noble and generous spirit had gone out from amongst them.

To the widow and the children we offer our tenderest sympathy. The luster of his pure and noble character will always illumine the home and the lives of those he left behind. He left them the richest possible heritage that a husband or father could bequeath—a noble, true, and Christ-like life.

In closing, I appropriate substantially his own words, used on a similar occasion upon one of the State's representatives:

JAMES H. KYLE has gone from us. The life immortal is now his—where progress is unhindered and where, free from the conflicts and suffering of mortality, his soul rests with the all-wise and beneficent Creator. He is mourned by citizens of South Dakota, irrespective of party, and they unite with the State's representatives in paying this tribute to a hardworking, painstaking minister, a wise statesman, and a kind husband and father.

Mr. COCKRELL. Mr. President, once more the Senate of the United States suspends its labors to pay a well-merited tribute of respect and honor to Hon. JAMES HENDERSON KYLE, the late senior senator in this body from the State of South Dakota, who, on July 1, 1901, at his home in the city of Aberdeen, in that State, in the meridian of an illustrious career in the public service of our country, was called from the scenes of his labors and duties in this earthly existence to enter upon an immortal life in the—to us—invisible existence beyond the grave.

The deceased Senator was born near Xenia, in the State of Ohio, on February 14, 1854.

During his boyhood his parents removed from Ohio to the State of Illinois, and in his seventeenth year, in 1871, he entered the University of Illinois, taking a course in civil engineering, and in 1873 entered Oberlin College, in Ohio, and was graduated from the classical course in 1878. He then studied law, preparatory to admission to the bar. After pursuing his legal studies for some time he determined to enter the ministry of the Congregational Church, and entered the Western Theological Seminary, at Allegheny, Pa., and graduated therefrom in 1882.

During these years of college work he was also engaged as teacher of mathematics and engineering.

Prior to his graduation from the seminary at Allegheny, Pa., he was married at Cincinnati, Ohio, on April 27, 1881, to Miss Belle Dugot, an accomplished young lady, who was a graduate of Oberlin, and with whom he had become acquainted while at that college.

After leaving Allegheny Seminary Mr. KYLE engaged in educational and ministerial work for several years, and went to Utah and was pastor of Congregational churches at Echo City and Salt Lake City, Utah, from 1882 to 1885.

On account of the ill health of his wife he moved to South Dakota in 1885, and was pastor of a church at Ipswich until 1889, when he moved to Aberdeen and was pastor of the Plymouth Congregational Church at that place, and was such pastor when he entered political life and was elected to the State senate as an independent and soon afterwards to the United States Senate to succeed Gideon C. Moody for the term beginning March 4, 1891.

Combined with his labors as pastor of the Aberdeen church he served as financial secretary of Yankton College, the only educational institution of that denomination in South Dakota at that time.

After his name was placed upon the ticket for the office of State senator as an independent in the fall of 1890, he spent most of his time up to the day of election in his work as financial secretary of Yankton College in the Eastern States. After his election as State senator he returned before the legislature convened and entered upon his duties as State senator, and during the term was elected to the United States Senate and entered upon his duties as such Senator at the beginning of the first session of the Fifty-second Congress.

The contest in the legislature of South Dakota for United States Senator to succeed Judge Moody lasted for twenty-seven days, and upon the fortieth ballot Mr. KYLE was elected as an independent, receiving 75 votes as against 55 for Hon. Thomas Sterling, Republican; 8 for Hon. Bartlett Tripp, Democrat, and 1 for Hon. Hugh J. Campbell.

When Mr. KYLE entered the Senate in the Fifty-second Congress, first session, in December, 1891, there was a question as to which party should provide for Mr. KYLE and Mr. PEFFER on the committees of the Senate.

Mr. KYLE chose to have the Democratic party provide for his committee assignments, which was done.

In the Fifty-third Congress the Democratic party controlled the selection of the majority committees and chairmanships, and Mr. KYLE was made chairman of the Committee on Education and Labor, and was assigned to the Committees on Patents, Indian Depredations, Irrigation, Forest Reservations, and University of the United States.

In the Fifty-fourth Congress, when the Republican party controlled the majority committees, Mr. KYLE was made chairman of the Select Committee to Establish the University of the United States, and was left on the remaining committees he had been on in the Fifty-third Congress except the Committee on Patents.

In 1897 Mr. KYLE was reelected as an independent, as his own successor, for the term beginning March 4, 1897. In the extraordinary session of the Fifty-fifth Congress, in 1897, he chose that the Republican majority in the Senate should provide his committee assignments, and he was made chairman of Committee on Education and Labor, and was assigned to the Committees on Forest Reservations and the Protection of Game, Indian Depredations, Irrigation and Reclamation of Arid Lands, Pensions, and Territories.

In the Fifty-sixth Congress, March 4, 1899, to March 4, 1901, he was given assignments to the same committees as in the Fifty-fifth Congress, and was also placed on the Committee on Indian Affairs.

Under the act of Congress approved June 18, 1898, entitled "An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," to be composed of five Senators, five members of the House, and nine other persons who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate, Mr. KYLE was appointed one of the five members from the Senate and was made chairman of the Commission. The Commission was organized and proceeded to the discharge of their onerous duties. To the work of this Commission Mr. KYLE earnestly devoted much time and labor. It was the intention of Mr. KYLE to return to Washington about the time he was taken sick, to give attention to the compilation of the results of the work of the Commission. The reports of the Commission constitute 19 volumes.

As a Senator he was diligent and faithful in the discharge of his duties in committee work and in the Senate. He was ever courteous, pleasant, and affable in his conduct and bearing, and an exemplary Christian gentleman. He was ever mindful of and attentive to the interests of his constituents.

His death-causing disease attacked him at the time he had attained the position and attainments for the greatest usefulness. Death is no respecter of persons or of their conditions in life.

His wife, one daughter, and an infant son bearing his honored name survive him to mourn and grieve over their irreparable loss. He has left them an invaluable legacy in a good name—better than precious ointment or worldly riches. We join them in mourning his loss, and tender to them sincere condolence.

Mr. CULLOM. Mr. President, I beg the privilege of saying a few words in testimony of my esteem for our late colleague, Senator KYLE, who passed away last summer, during the recess of Congress, at his home in South Dakota.

His death, I am sure, was a surprise to us all. He died while yet a young man. I knew him well, and the more thoroughly I knew him the higher became my estimate of his worth as a man, as a citizen, as a friend, and as a Senator.

He was a man of untiring industry. He was a student and a well-trained scholar. He had been a teacher and had qualified himself for the ministry, went West and finally located in the State of South Dakota; was elected to the State senate, and finally elected to the United States Senate by the legislature of that State, and was reelected.

Mr. President, Senator KYLE had an unusual and honorable career. He was a member of this body for more than ten years. He was a faithful servant of the people, always at work, doing what his conscience and his heart prompted him to do. He was a retiring, modest man, disposed to shrink from the public notice rather than seek the applause of the people. He was guided by his convictions. He desired to do right as God gave him to see

the right. He was a quiet man and seldom talked—never unless he deemed it his duty in defense of a measure which he regarded of great importance to the country or to his State, or unless he regarded a measure as injurious and vicious to the public welfare, when he sought to defeat it.

It is said, Mr. President, that every man builds his own monument. It can be truthfully said that Senator KYLE builded his monument by constant, faithful work in the interest of his fellowmen—a monument more enduring than any that can be builded of stone or bronze.

There are great and good men in this country, who were benefactors of their race, whose ashes rest in some quiet cemetery with nothing but a modest mound of earth to mark the spot, yet the memory of whose noble deeds will endure with the ages, while monuments in occasional instances rise high above the graves of the unworthy.

That thought, Mr. President, was most beautifully expressed by Oliver Wendell Holmes when he said:

A breath of noble verse outlives all that can be carved in stone or cast in bronze.

The world loves to manifest its appreciation of the great and noble lives and deeds of men and women by building monuments to their memories, and it is right and beautiful to do so; but great deeds and the noble acts of men live after they are gone longer than the marble monuments erected by grateful people to their memory.

Mr. President, it was my fortune to know Senator KYLE before he came to this Senate, and while he was yet a student. As the Senator from Missouri [Mr. COCKRELL] has referred to the Illinois University, the institution at Champaign, in my State, I may say that on one occasion, when I had occasion to go there, I met this young man, as he was then, and I had quite a talk with him. But after I left there I lost thought of him, until finally he was introduced to me here in the Senate after he had been elected. I expressed my delight at meeting him, whereupon he reminded me that he had met me before. I asked him when? He said, "On the occasion when you came to the university to make an address, and I was there as a student." I then remembered him, and it occurred to me that in this country to-day a boy is at school and to-morrow he is in the Senate of the United States.

His father and family reside in the State I have the honor to in part represent. He was raised on a farm, surrounded by right influences and taught by parents to be honest, sober, and industrious. Honesty, sobriety, and industry are the essential foundations for a useful and successful life. Without these great essentials in character, talent and even genius go for naught.

Senator KYLE, soon after his entrance into the Senate, was made chairman of the important Committee on Education and Labor. He held the position at the time of his death, and was also a member of the important committees on Territories and Pensions. His inclination was to deal with educational and labor questions. His mind inclined to such subjects. He was always specially interested in the success of schools and colleges and also in the laborers of the country, and thought, rightly, that as between the poor and the rich, the poor man was entitled to be specially cared for and protected in these days of combinations of capital and organized trusts. Hence he was, by his own request, placed on committees having the subjects of education and labor in charge.

He had much to do with the passage of the act creating the Industrial Commission, which only recently finished its labors and which has given to the country a large number of volumes, containing a vast amount of information touching the relation of labor and capital. He was appointed a member of that Commission, and naturally was made its chairman.

Mr. President, Senator KYLE was a church and Christian man, and his life was guided by the principles of justice and Christianity. It was said of Sidney that he was a Christian, but a Christian in his own way. The same might be said of any man who is a Christian. But the remark was perhaps made of Sidney because he did not observe the forms or ceremonies of the church, but yet possessed the true Christian spirit. Senator KYLE early became an avowed Christian, in word and deed, and, as such, his works and faith were known of all men with whom he was associated.

Senator KYLE was elected to the State senate and to the United States Senate, the first time, as a Populist. He became such during the excitement, in the West especially, on the question of the free coinage of silver. He was elected the second time as an Independent, but was supported by the Republicans of his State. He acted substantially with the Republican party in the Senate during his second term until his death.

Senator KYLE died in the prime of his manhood, surrounded by those most dear to him, having the confidence of his constituents and the respect and esteem of his colleagues in the Senate.

But the grave is not the end. We look beyond to the great fact of immortality, and we cling to the thought that we are immortal; that there is light and life beyond the grave.

There is no death; what seems so is transition.
This life of mortal breath
Is but the suburb of that life Elysian
Whose portal we call death.

Mr. MORGAN. Mr. President, in speaking of a Senator from the new States of the Northwest I can not separate the recollection of his services from the great and unique region of our country that has been the theater of his labors. If he has won the esteem of the people of that country, there is an eminence in that fact that gives tone and strength to his reputation after he has passed away. On this crowning mesa of the continent there is everything to attract the spirit of American enterprise, to gratify the pride that the whole world feels in honorable success, to promise rich rewards for toilsome and courageous effort, and to fix devotion to free republican institutions in faithful and intrepid hearts.

The Senator, in honor of whose memory these obsequies are observed, worked strongly, steadily, courageously, and with honorable success in this great field of American progress, and his memory is honored by those with whom he worked.

The Alpine regions of Europe have been the nurseries of a people for many ages who have been renowned for public and private virtues, and we have in these mountain lands of our Northwest a home in which many noble and true generations will be reared. The rooftree planted there will spread its prosperous branches in peace, and no storms will be strong enough to uproot it.

It is a land of wonderful natural features, the native land of strong, bold, and strenuous manhood.

Many Switzerlands are congregated in this vast tableau, with their towering Mont Blancs and Matterhorns that celebrate, in their silent grandeur, the sublime power of the creative hand.

It is beyond our present comprehension to realize the wealth of beauty, strength, and progress that in a thousand years will be developed on the mountain slopes and in the valleys of this great divide that forms the watershed between the Atlantic and Pacific oceans. The farms, the orchards, the vineyards whose roots are nurtured in beds that are rich with the salts that extinct volcanoes have lifted to the surface, and, far beneath them, mines of useful and precious metals; the farmhouses, chalets, towns, and cities that will rise in the picturesque landscape, and the churches that will lift their spires above them all to testify the eternal and supreme truth of Christianity as the solid foundation of all human progress, will come forth as the fruits of peaceful industry and good government.

Those who have labored to institute this crowning glory of the Republic and are yet engaged in adjusting its strong foundations can work in peace and security such as the builders of commonwealths have never heretofore enjoyed.

So balanced in equal counterpoise will be the sovereign States that will complete the perfect union when statehood has invested all our territorial area with the organized sovereignty of the people that aggressive men will not dream of conflicts to gratify their selfish ambitions. The people for whom the Senators of the Northwest are providing and for whose prosperity Senator KYLE labored will never hear the tramp of moving armies unless they are summoned to the frontier of the Republic to resist the invasion of some foreign enemy.

I almost envy the Senators of the great Northwest the opportunity to legislate for a homogeneous people, and I bid them all godspeed in their great and peaceful labors.

Senator KYLE was of your number, and he worked also in harmony with the Senators from all the States for the general welfare as he comprehended it; and I honor him for the quiet, sincere, and earnest zeal that was the chief characteristic of his work in the Senate.

The birth of a sovereign State in the American Union is an event of the most important and majestic character, and such a Commonwealth is the most symmetrical and beautiful creation of political power. It is the child of peace and fraternity, created in the councils of patriotic love, and is crowned a representative sovereign, whose realm is the hearts of the people and whose sole inspiration is the good of mankind.

The birth of a sovereign State in the American Union is a marvelous achievement of the growth and development of the principles of right government, which stands at the head of all progress in statecraft and social advancement.

While this event is possible there can be no reverse movement in the upward and onward march of civilization.

Whether the birthplace of a State is in a wilderness, or in the distant islands of tropical seas, or is in the land where ice and snow seal up life in keeping for a physical resurrection and substitute for the absent sun the beautiful northern light, there is one unfailing truth that witnesses the legitimacy of the sovereign power of a State of the American Union and presides at its advent to crown it with authority that can not perish. That truth

is proclaimed in the Declaration of our Independence. The one immortal and imperishable institution that can not die while time shall last is the sovereignty of a State under our Constitution and form of Government, vitalized by the sovereign will of the people.

Such a nativity is not an imitation or copy of the Kingdom that was born in the manger at Bethlehem. But it is the legitimate fruit of the greatest of events and a reproduction of the principles and rights of government then for the first time established.

The principle is that sovereignty resides in the soul of the individual man, not in his ancestral strain of blood, and the right is self-government; and the sanction that alone can sustain the principle and secure the right is individual responsibility to the demands of duty that they enjoin, with corresponding liberty of action.

No social right decreed to mankind was more important, in this divine nativity of representative and responsible government, than the equality of rights which the King of Kings established when He laid aside His crown and changed the relation He bore to His people, the liege subjects of the Kingdom of David, into a brotherhood in which all were made His equals in the exercise of personal rights.

The political truth established in that renunciation of absolute power over men who are responsible is the soul of free government. Until that truth perishes free self-government can not fail, and while such government exists liberty can not die.

I hold firmly to the conviction that the powers of sovereign statehood in the American Union are the highest, the most beneficent, and the most firmly secured that can be devised by human wisdom. I believe that all nations will ultimately become educated to understand their value, will approve their form and principles, and will adopt them, because they are true and just. A century hence it may be as difficult to find a ruler who claims royal prerogatives through the divine right to rule as it is now to find one who claims to be a descendant of Jupiter or of any of the gods of mythology in Greece or Rome.

Believing this, I do not fear to witness the extension of the sovereignty of the people into new areas of the world, and I feel assured that each addition to the number of States in this great Republic, made in accordance with the principles of our Government, will add strength to the entire Union, will increase the separate strength of each of the sovereign members of this great Republic of republics, and will equally secure justice to all, the least and the greatest alike.

Each jewel that shone resplendent in the diadems of liberty that sat upon the brows of the old thirteen States like a sunburst of glory, has grown brighter by the addition of each of the thirty-two States that have since been added to increase the sublime effulgence, and no State has lost its distinctive honors or powers in this grand congregation, represented here in the Senate.

To what extent this Union may be enlarged by the admission of new States will always be determined by our convenience, as occasion may present, when, according the free will of the people to be admitted to these high honors, powers, and privileges lawfully expressed, they are prepared for admission and seek it.

When and where we shall find the just and convenient limit of the expansion of the Union must depend upon the sense of duty that Congressmen yet unborn shall recognize and obey. We are not their creators, their mentors, or their judges. Neither will they recognize us as being their masters, with the right to pledge them to fixed policies as to the limits of this Republic. We can only appeal to existing facts and to the traditional policies of the United States to justify our own action and to convince them that aggression is not the motive of any act of ours, and that Congress has always been slow, considerate, and careful when moving in the direction of territorial expansion. If we leave them a just example, we will have no need to leave them pledges, instructions, or advice.

Our growth has not been ambitious or aggressive. States that we might well have admitted into the Union, with immense advantage to them and with no harm to us, have applied to us with prayers for annexation that we have refused. In this we have been reluctant even to obey the calls of duty, and other people have suffered because we excluded them from the blessings we enjoy. For no people can possibly be harmed by being admitted to the sisterhood of our sovereign States.

Between the 2d of November, 1889, and the 10th of July, 1890, six great States in one magnificent group were born into the Union of our Federal Constitution. They were North Dakota and South Dakota, the twin stars of the galaxy, Montana, Washington, Idaho, and Wyoming.

In eight months six imperishable sovereignties sprang from the will of the people and were accepted by Congress into the perfect vigor and full equipment of great commonwealths.

No pageantry celebrated their inauguration. No drop of royal blood established their title or quickened their impulses of life or sealed their right to sovereign attributes. No strife, bloodshed, revolution, or agitation had attended their birth or had laid their solid foundations. They were born to a strong, happy, and renowned future, as strong as the granite mountain ranges that hold their vast plains within their embracing walls, as bright as the streams that pour from their bosoms, and as pure as the snows that crown their lofty heights; and they were born to honors that liberty will forever acclaim.

The birth of these six States was an event to arouse the world with joy. Yet the breath of fame was not clamorous at their coming, but was content to whisper their advent to the listening multitudes of people who were eagerly waiting in silence for the message which invited them to put on the robes of sovereignty, to enter into the possession of the rights and powers of self-government, and take upon themselves the obligations and duties of the full powers of American statehood and a place and a name among the sovereign powers of the world.

The homeless man, even of other countries, was invited to become the owner in fee of a landed domain and to build upon it for his family, and, whether it would be a shack, humbly hiding itself in the earth, or a mansion, framed in tasteful architecture, he was invited to write over the portal the one word "Home," and to possess in that sacred word the fullness of human happiness. And they came in multitudes, rejoicing.

The Dakotas, one in spirit, but separated in sovereign authority, each had its high mission in which they worked together. In spirit they were "the voice of one crying in the wilderness," and when the people flocked to the call, that vast and beautiful land was dedicated to the sovereignty of the people, and was set apart by their will, in separate sovereign statehood, and Congress consented.

Among these thronging pioneers was a young man, not distinguished by birth or fortune from others in the same walk of life. It was not a lowly walk that was pursued by these young pioneers. It measured up to the grandeur of nature which sat upon that land in beautiful but simple dignity. These pioneer youths confronted the toils of that wilderness region with the same firm and adventurous spirit that nerved the men of earlier generations to subdue the land of other and wilder regions. A spirit of wrestling with the trials of frontier life, which has left its deep impression upon the character of millions of people and makes them distinctively American, had entered the heart of young KYLE while he was in Kentucky under the care of his aged grandfather, who was among the noble band of pioneers in "the dark and bloody ground."

When he emigrated to Dakota he caught the inspiration of the people, and it gave him purpose and strength to work with them and for them in all the lines of duty. Desiring to serve his fellow-man and to encourage a people he loved in every good work, he conceived that his duty led him to the ministry of the gospel.

In this vocation there is always a furnace of trial that proves the man. He was faithful to his calling, and engaged the confidence of the people. He was earnest in his work, and when they needed an earnest worker they called for him. He stood erect and firm in his character, and did not stoop from his high calling to take up another less conspicuous for its purity. He did not rise to the occasion, but the occasion rose with him, and through the esteem of the people who followed and supported him he found no embarrassment in representing them in their political capacity. The people sought him out, and he reluctantly consented to serve them.

It is a cruel trait that causes all of us to suspect the purity of a Christian who lays aside the sacred robes to do the work that a political career is supposed to require. It is the character of the political vocation that, after all, provokes such criticism; and if a minister can become a politician without doing harm to his cloth, he deserves the greater credit.

He made a speech at the celebration of the Fourth of July, being substituted for the orator of the occasion who had failed to attend. The next day he was nominated by the Independents for the legislature, for the want of a politician who would venture the chances of election. To his great surprise he was elected. The want of party harmony in the legislature caused factions of the two great parties to prevent the choice of some distinguished man, and they united on Mr. KYLE and elected him to the Senate of the United States.

Within a year after he gave up his charge as a Christian minister he took his seat in this Chamber.

In this rapid evolution of a State and of a Senator to represent it there was no risk to good government, but there is a lesson that all Americans may study with satisfaction as to the character of our people and their institutions.

In the observations I had the opportunity to make as to Mr. KYLE's daily walk and conversation, I am glad to be among those who bear testimony to the upright and earnest integrity of his

conduct as a Senator. I was glad to enjoy his friendship, whatever political differences we had, and some of them were serious.

The Senators from these six new States that I have had the honor to meet in this body are the worthy representatives of a magnificent country and of a people who are building up those Commonwealths on the most advanced lines of enterprise, activity, and skill with unparalleled success. Among those Mr. KYLE was an earnest, intelligent, and faithful worker.

Naturally, these builders of new and great Commonwealths are absorbed in the local and practical duties that rest almost exclusively upon them, but all here will bear witness that this Government at large and in all of its new and vast interests within and beyond the continental limits leans with security upon the stalwart patriotism and wise counsel and learning of this body of statesmen, but recently intrusted with the highest powers and most important trusts of this great Republic.

I rejoice that it was my privilege to support the rapid and almost violent expansion that added 12 Senators to this body in the period of eight months. Since I have witnessed that marvelous growth of the great Republic and its splendid results I have not feared that it would lose its self-control, even if it should reach out its arms to rescue any people from the evils of monarchic rule who are willing and ready to be saved.

The wider the reach of its power or influence the greater will be our need for adhering to constitutional government strictly construed and administered in the unselfish, just, and equitable spirit of a true American democracy.

If our principles of government are adapted only to a certain race of people, and to certain geographical boundaries and limits of jurisdiction, they fail to coincide with the best hopes of mankind. They are adapted to all climes where homes are found and altars are dedicated to Christian worship.

The breath of liberty that warms the American citizen with patriotic ardor in the ice fields of Alaska will cool the hot impulse that engenders seditious strife in the tropical lands, if we will clothe them also with the honors, liberties, and responsibilities of American citizenship. American liberty teaches one lesson to all her votaries. It is graven in the language and spirit of a written creed, an organic law, that is inviolable. It consecrates personal rights and bestows political privileges on such as are prepared to exercise them for the general welfare. Its lessons, once learned, are never forgot.

Mr. FORAKER. Mr. President, I am always reluctant to speak on occasions of this character and never do so except only from a sense of duty or some kind of obligation. I feel prompted in that way in this instance.

JAMES H. KYLE was born in Ohio, and, as we have been told in the speeches to which we have been listening, he was educated in Ohio and married in Ohio. I may say, in addition, what has not yet been said by any other, that he spent a good part of his time in Ohio after he had ceased to be a citizen of our State. So it is. Mr. President, that, although he did not represent Ohio in this body and never represented the State in any capacity, so far as I am aware, yet he was so identified with the people of that State that they took a keen interest in his welfare. They noted his career, they rejoiced at his successes, and they mourn more, perhaps, than the people of any other State, except the one he represented, because of his early demise.

He belonged to a class—a pretty large one—of which Ohio is proud. I refer to that class who, born in Ohio, have moved to other States, and from them have entered public life and led distinguished careers. Among these are many who have become members of this body, representing other States of the Union.

I had occasion recently to look at the record in that respect, and I was surprised to find how many members there have been of this body who, born in Ohio, have come here representing other States—more, I may say than there were of those who, born in Ohio, have represented that State in this body. I think, all told, there have been but seven native-born Ohioans to represent that State as Senators. The State of Indiana alone has sent as many native-born Ohioans to represent her here. Other States have been generous to our sons.

But, however the record may stand, as we all know, the class is a large one, and the people of Ohio are justly proud of all who, going out from their midst, have won the honor and distinction involved in being sent to represent their adopted Commonwealths in this body. Mr. KYLE belonged to that class. Therefore it was that we had an interest in him, and that I felt attracted to him when I became a member of this body.

He was a modest, unassuming man, who devoted himself to his duties, and unless you cultivated his acquaintance you were not likely to know him familiarly. I was so thrown with him that I came to know him and to appreciate him as being possessed of all the good qualities for which he has been commended here to-day.

He was not only a modest and unassuming man and a faithful and devoted public servant, but he was, as has been truthfully said, a Christian gentleman, a man of culture and refinement, a man who devoted himself principally in his public duties to educational matters and to the uplifting of the laboring classes of his countrymen in so far as he could contribute thereto.

Such a man is of great value because of the example he is to others. Such a life can not be lived in vain. All who study it find that a man can be distinguished in public life, that he can take part in practical politics, can be elected to office, can engage in campaigns and be identified with political parties without sacrificing his moral character in any respect.

It is the testimony of all who knew him, as it has been the testimony of all who have spoken here to-day, that he never forgot his manhood or his moral obligations, but was true at all times to both. His career well illustrates the possibilities and opportunities of our American life. He was not only self-made, but he was unusually successful. He was a graduate, a teacher, a minister of the Gospel, a State senator, and for more than ten years a United States Senator, and all this in the short life of 47 years. The country may well be proud of such a citizen, and his State, as its Senator [Mr. GAMBLE] beautifully said in the opening address of these exercises, may well mourn for one who so honored her.

I do not feel called upon, Mr. President, in view of the eulogies which have already been pronounced, in view of the detailed account which has been given of his life and his public services, to extend my remarks. I rose only that I might, as representing in part the State in which he was born and a State, the people of which are interested in him, join in a tribute to his memory and in saying that the life he lived will be an inspiration to all who study it.

Mr. NELSON. Mr. President, less than a generation ago the great plains of the Dakotas were a wilderness occupied by roaming bands of savages and buffalo, but before long the advancing tide of American civilization swept over those great plains, and there was an invasion of immigrants pouring in from all quarters of the New World, as well as the Old, to occupy the virgin fields of that great domain.

Among those pioneers, one of the most progressive men who joined in that great advance guard, was Senator KYLE. He went there in the early days and endured all the vicissitudes and hardships of frontier life. He went there as a minister of the gospel, to minister, first of all, to the spiritual wants of his neighbors; but he was a man so constituted that he did not confine his work wholly to that sphere. He cooperated with his neighbors in promoting the political and material improvement of that great country.

As a minister of the gospel—and I have the testimony of one of his neighbors, an old teacher of mine—he was a most fervent, thorough, and eloquent preacher; and as a pioneer settler he was one of the most progressive and most neighborly, one of those pioneers who would share his last loaf and his last penny with his fellow homestead settler. He was not by nature and makeup a partisan, as we understand that term in politics.

When the hard times swept over the Northwest in the early nineties, it came to the Dakotas as it came to all the States west of the Mississippi River with distress and misery in its wake. The people of the country became restless. They sought legislative and political reform. They felt that some assistance, some relief, some help, could be secured through new party organization, through new legislation. Those men embued with these hopes and aspirations we called Populists. Some of us were disposed to regard them with unfriendly criticism; but while they aimed to secure reform on new lines and in new ways—while they differed with both of the old parties—they were not actuated by that spirit of socialism and anarchy which we find existing among the lower classes of the Old World. They were zealous and real reformers, and above all they were intensely loyal, everyone of them, to the flag and institutions of our country.

In the midst of that wave of reform—for I can call it nothing else, with which I sympathized, although I was not part of it—in the midst of that wave of reform in that young frontier State, the neighbors of Senator KYLE all turned to him, the young clergyman, who had come there from the State of Ohio and had cast his lot in their midst. They turned to him, and looked to him as one of their leaders. He was elected to the legislature, not by his own seeking, but as the first choice of his neighbors. It was a case where the office sought the man, and not the man the office. In the legislature he became one of its most efficient, industrious, and energetic members; and soon, in the political upheaval which took place in those stirring and restless times, he was sent here to the halls of Congress.

We are all familiar with his work here. While he was not one of the great constructive statesmen, yet he was one of those strong and efficient men that constitute the scaffolding on which

the great Republic is reared and rests. He was one of that trained army of men who constitute the foundation and bulwark of American institutions. Here, as in the pulpit and on the frontier, he was a quiet, modest man. He made but few speeches, but whenever he addressed the Senate he always had something to say—some facts and solid arguments to offer. It was not with him a mere matter of lip service, a mere matter of delivering an oration. He spoke to elucidate and to instruct. He was a most industrious and energetic member of this body, and always devoted to the work before him.

He was particularly interested in the welfare of the laboring man. He was one of the leading members of the Industrial Commission, and into that great work his whole heart and soul entered. I frequently talked with him about the work of the Commission, and I never met a man who was so enthusiastic and so deeply interested in the task before him as was Senator KYLE in the work of that Commission.

Mr. President, it is always sad and always a loss to part with one of our associates here, but in parting with Senator KYLE we feel that we part with one who was a good, an honest, and a most useful member of this body; we feel that we part with one who had the true interests of his people and his country at heart. I remember well speaking with him in his last sickness—and it was a long and lingering sickness. He felt as though his task here was done, and still as if there was something more for him to do which he would like to accomplish. He said to me: "I feel as though my race was run, as though my end were near, and yet, after all, with all the great work before me, I have a desire to live in order that I may do some more good."

That spirit which actuates the honest and noble minister of the gospel he never parted with, even in the midst of his political work and his work in this Chamber. He was always in all his work imbued with the spirit of the reformer and the spirit of the true Christian. He had nothing of the partisan in his make-up. He was essentially a reformer. He acted with the Populists and Democrats as long as the reforms he sought for seemed most likely to be reached through those channels, but when he became convinced that more good could be accomplished and more substantial relief secured through the Republican party he had no hesitancy in cooperating with that party. He aimed at results—beneficial results—rather than party advantage or party affiliation. It were better for our country that more of our public men were possessed of such a spirit of independence. He is with us no more, but the spirit and purpose of the work he wrought will abide with us forevermore.

Mr. President, standing, as it were, around the bier of our departed brother, I feel like repeating, as I have no doubt Senator KYLE repeated in his last moments, and as we all in our better and sadder moments feel like repeating, those beautiful words of the great poet of the South:

My feet are wearied, and my hands are tired,
My soul oppressed,
And I desire, what I have long desired—
Rest—only rest.

My way has wound across the desert years,
And cares infest
My path, and through the flowing of hot tears
I pine—for rest.

'Twas always so; when but a child I laid
On mother's breast
My wearied little head; e'en then I prayed
As now—for rest.

And I am restless still; 'twill soon be o'er;
For down the west
Life's sun is setting, and I see the shore
Where I shall rest.

Mr. KITTREDGE. Mr. President, Senator KYLE died the early evening of July 1, 1901. He was buried the afternoon of July 4, eleven years—almost to an hour—after he delivered an address which gave him a seat in this body. Since his serious illness at Cleveland, September, 1898, he had not been well, although his appearance otherwise indicated. His vitality was gone. The wire and fiber of his constitution was wasted and worn, and a complication of ills overtaking him, the thread of life was easily broken, and in a few days he crossed the dark river. The Christian faith, his guide through life, sustained the departing spirit, and with perfect confidence he beheld the opening scenes of his eternity.

JAMES HENDERSON KYLE was born at Cedarville, near Xenia, Greene County, Ohio, February 24, 1854, and was the second of a family of six children—three brothers and three sisters—of whom one brother and two sisters survive. His father, Thomas B., was born at the Kyle homestead, near Xenia, Ohio, January 24, 1824, and when 7 years of age moved with his father to the then Territory of Kentucky. When it was admitted as a slave State they returned to the Senator's birthplace and near where his father was born. The father served as a Union soldier and officer in the civil war, and in the fall of 1865 with his family moved to Urbana, Champaign County, Ill., where he still resides. The influencing reason for the selection of this home was on account of the proposed location of the State University, affording an opportunity for the education of his children. The Senator's grandfather was born in Pennsylvania in 1773 of parents who came from Scotland to this country in a very early day. The Senator's great-grandfather, with six brothers, served their country during the Revolutionary war. His mother, Jane Henderson, was born in Westmoreland County, Pa., May 30, 1829, of parents who came from the north part of Ireland.

While living at Xenia, Ohio, the Senator attended the common schools and received his primary education. At Urbana he graduated from the high school and entered the State University at Champaign in 1871. Not being able to secure the course of study he desired, he entered Oberlin College, Ohio, in 1873, and graduated from that institution in 1878. While attending school and the University of Illinois he worked on a farm during vacation, and when at Oberlin College he also worked on a farm and taught school to defray his expenses, and very largely supported himself while obtaining his education. He then entered the Western Theological Seminary at Allegheny, Pa., where he wholly sustained himself by giving private lessons in Greek, Latin, and mathematics until his graduation, in 1882.

April 27, 1881, he was married at Cincinnati, Ohio, to Miss Anna Isabel Dugot, who, with two children, Miss Ethelwyn and James H. Kyle, jr., survive.

After graduating from the seminary and receiving his license to preach, he accepted service with the Board of Home Missions and located at Mount Pleasant, Utah. There he had charge of a seminary in connection with his church duties. To secure a climate more healthful to his wife, he removed to the then Territory, now State, of South Dakota, in 1885, and was in charge of the Congregational Church at Ipswich, in that State, until 1889, when he removed to Aberdeen and became pastor of the First Congregational Church.

At a celebration of the Fourth of July, 1890, at Aberdeen, he delivered a memorable address. A spirit of political unrest prevailed in the State and an advanced position was taken in the remedies proposed. This speech attracted marked attention and provoked much discussion, not only at his home, but throughout the State, and from that date he was well known by all its people. The next day the "Independents" of his senatorial district held their convention, and without effort and against his will a unanimous nomination was tendered. His election followed, and early in January, 1891, the duties of office were assumed. From this period in his career a personal recollection dates.

He was a man of imposing presence, a fine specimen of physical manhood and intellectual force—vigorous in mind, acts, and the accomplishment of results.

To the duties of this office he applied himself with rare fidelity and honesty of purpose, and he immediately won the respect, confidence, and esteem of his colleagues in that body. Although inexperienced in legislation, his evident desire to be right and do right was apparent, and his industry, kindness, and courtesy was unfailing. A just measure commanded his support with the certainty that day follows night, and in the perfection of details he never wearied.

February 16, 1891, he was chosen United States Senator to succeed Gideon C. Moody, receiving the combined Independent and Democratic votes. In 1897 he was reelected for a second term expiring March 3, 1903. During his term of office he served on the Committees of Indian Affairs, Patents, Territories, Pensions, Irrigation and Reclamation of Arid Lands, Indian Depredations, Forest Reservations and the Protection of Game, and was Chairman of the Committee on Education and Labor.

Senator KYLE's ability for hard and effective work was fully recognized in his appointment as chairman of the United States Industrial Commission, created by act of Congress of June 18, 1898, and the volumes of testimony taken under his personal direction and supervision and his exhaustive reports upon the subject justified the confidence reposed. He did not live to see the completion of the work of the Commission; but the vast amount of testimony and the great variety of subjects covered in the report show that the plans were well conceived and carried to a successful conclusion. The work done by the Commission will undoubtedly be of great assistance in shaping future legislation.

Another notable and salutary Congressional act proposed and accomplished by him was the designation of Labor Day and making it a national holiday. For all time will this day be recognized and observed by the laborer and his friends. Labor never had a better friend than Senator KYLE, and no one better understood its needs or extended a more sympathetic and helpful hand. As a boy he worked upon the farm to aid in securing the education he so eagerly sought and highly prized; as a man and Senator he did not forget the labor of his youth. His experience taught

him the true dignity of labor and its necessity in every walk of life.

In time of the nation's danger party politics are laid aside and animosities forgotten. In the events leading up to and during the Spanish-American war Senator KYLE was not an exception to this rule, although not identified with the party in power. He stood loyally with the President and fearlessly supported the Administration in war measures and in every detail which would assure a speedy and successful termination of the conflict.

When the war ended, Senator KYLE earnestly and consistently worked to secure the ratification of the treaty of peace. He did not stop here. As a true American he kept pace with the progress of our country's development, cheerfully, courageously, and hopefully accepting the burdens necessarily assumed as the result of the war.

Time does not permit a detailed statement of his services as a member of this body, but the accurate and eloquent tributes of affection and esteem paid his memory by Senators who knew him best show the record and impression he made. He performed every duty to which he was assigned with conspicuous zeal, industry, and ability. His patient attention to the details of business, even when pressed upon him by those not entitled, indicate the kind heart which always influenced him, and his candor and fairness inspired all with confidence.

In manner he was unassuming, caring little for society, bending his whole energy to the performance of official duties. He was charitable in act and thought. His modest, quiet, kindly way endeared him to a host of friends, who mourned his loss with personal grief.

He was a dutiful son, of tender sensibilities and noble impulses, a kind and loving husband and father, an upright, pure, and courteous gentleman, most loved by those who knew him best.

When death called him he was at the zenith of his power, absorbed in public duties with such energy that he was unable to withstand the strain, and the desire, unconsciously in his mind, found expression in his last words, evidencing as well his Christian faith, "Now I shall rest."

Mr. President, I move the adoption of the resolutions submitted by my colleague.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from South Dakota.

The resolutions were unanimously agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, April 21, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 19, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

MEMORIAL EXERCISES IN HONOR OF WILLIAM M'KINLEY.

Mr. GROSVENOR. Mr. Speaker, I ask the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay out of the contingent fund of the House an amount not exceeding $1,094.40 for expenses incurred in connection with the exercises held in the House of Representatives February 27, 1902, in memory of William McKinley, late President of the United States, upon vouchers approved by the Committee on Accounts.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the same.

The resolution was agreed to.

BRIDGE ACROSS THE CHATTAHOOCHEE RIVER AT COLUMBUS, GA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., with the committee amendments.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill (H. R. 13246) which the Clerk will read.

The Clerk read the bill and amendments at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

UNITED STATES DISTRICT COURT AT KANSAS CITY, KANS.

Mr. BOWERSOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7642) to amend "An act to create a third division of the district of Kansas for judicial purposes, and to fix the times for holding court therein," approved May 3, 1892, and repealing all acts and parts of acts in conflict therewith.

The Clerk read as follows:

Be it enacted, etc., That terms of the circuit and district courts for the judicial district of Kansas shall be hereafter held in said State at the city of Kansas City on the second Monday of January and the second Monday of June of each year.

SEC. 2. That all civil suits wherein any one of the defendants reside in Wyandotte County, in said State, shall hereafter be filed and shall be triable at said city of Kansas City, unless a change of venue be granted as provided by law.

SEC. 3. That the transcripts of the record of each suit hereafter removed from the State courts of said Wyandotte County to the circuit court of said district shall be filed and the suit shall be triable at said Kansas City, unless a change of venue be granted as provided by law.

SEC. 4. That all the parties to a suit filed elsewhere in said district than at Kansas City may file a stipulation in writing agreeing to and consenting that such suit be transferred for trial to said Kansas City, and on filing such stipulation the clerk shall enter the order of the court transferring such suit according to such stipulation, and it shall be thereafter triable at said Kansas City, and the clerk shall place such suit on the proper docket for trial at the next term of said court to be held at Kansas City. But the judgments in said suit shall be entered upon the records of the court where said suit was originally brought, and all of the files and papers shall be returned to the clerk thereof.

SEC. 5. That the clerk of the circuit court of said district shall appoint a deputy who shall reside and maintain his office at the city of Kansas City; the clerk of the district court of said district shall appoint a deputy who shall reside and maintain his office at the city of Kansas City; the marshal of said district shall appoint a deputy who shall reside and maintain his office in the city of Kansas City, and in the absence of said clerks, or either of them, or the said marshal, said deputies shall respectively exercise the powers and perform all the duties of their principals: *Provided*, That the clerk of the circuit court and the clerk of the district court of said district may appoint the same person to act as deputy clerk of both of said courts: *Provided further*, That the appointment of such deputies shall be approved by the judge of the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall respectively be responsible for the official acts and neglects of all their deputies.

SEC. 6. That all crimes and offenses against the laws of the United States hereafter committed within the county of Wyandotte in said district shall be prosecuted, tried, and determined at the terms of the district court held at Kansas City: *Provided*, That no grand jury shall be called to sit at Kansas City except upon the order of the district judge; but all indictments for offenses committed within said counties shall be found by the grand jury at Topeka or Leavenworth: *Provided further*, That all such crimes or offenses heretofore committed within such counties shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 7. That all civil and criminal suits and proceedings now pending in the circuit or district court of said district which would, if instituted after the passage of this act, be required to be tried at Kansas City are hereby transferred to Kansas City, to be there disposed of in the same manner and with like effect as if the same had been there instituted; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as taken at and returnable to the terms of court to be held at Kansas City in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 8. That all acts and parts of acts so far as in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill as read?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I would like to have the gentleman give us a brief explanation of the bill and the offices it creates, if any. As I understand the bill, it does not create a new court or a new judge, but it provides an additional place for holding the United States court. Now, how many new offices are created and what additional expense is to be incurred by the bill?

Mr. RAY of New York. Mr. Speaker, I would like to say that the bill comes from the Judiciary Committee unanimously recommended. It does not create any new office, it does not add a penny of expense to the United States, except incidental to holding the court. On the other hand, it will save more expense than it will create by reason of having this court held in Kansas City, a very large city. It, in effect, creates a new division and simply provides for the holding of a court in that division.

Mr. RICHARDSON of Tennessee. I understood it created some additional clerk or assistant clerk.

Mr. RAY of New York. No; it does not. It provides that the clerk shall appoint a deputy, who shall reside there. Of course that creates no additional fees whatever.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the substitute amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended as recommended by the committee.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 12101. An act granting an increase of pension to William E. Gray;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 6895. An act granting an increase of pension to Richard P. Nichuals;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 2919. An act granting a pension to Christina Steiger;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 12697. An act granting an increase of pension to M. C. Rogers;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 11578. An act granting an increase of pension to John Gaston;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 2981. An act granting an increase of pension to Thomas Findley; and

H. R. 5695. An act granting an increase of pension to John M. Seydel.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 9290. An act granting a pension to Frances L. Ackley;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 5102. An act granting a pension to Margaret Baker; and

H. R. 1326. An act granting an increase of pension to Thomas Thatcher.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

BRIDGE ACROSS RED RIVER NEAR SHREVEPORT, LA.

Mr. BREAZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana at or near Shreveport.

The bill and amendments recommended by the committee were read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADDITIONAL JUDGES IN OKLAHOMA.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 715.

The Clerk read as follows:

A bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

Be it enacted, etc., That hereafter the supreme court of the Territory of Oklahoma shall consist of a chief justice and six associate justices, any four of whom shall constitute a quorum, but four judges must concur to render an opinion reversing a judgment or other determination of the district court.

SEC. 2. That it shall be the duty of the President to nominate and, by and with the advice and consent of the Senate, to appoint two additional associate justices of said supreme court, who shall hold their office for the term of four years, or until their successors are appointed and qualified, and the chief justice and associate justices of the supreme court of said Territory shall each receive as compensation the sum of $4,000 per annum.

SEC. 3. That the Territory shall be divided into seven judicial districts, and a district court shall be held in each county, as now provided by law. The supreme court of said Territory shall define said judicial districts and shall fix the times and places at each county seat in each district where the district court shall be held and designate the judge who shall preside therein. Each judge, after assignment, shall reside in the district to which he is assigned. The supreme court of said Territory, or the chief justice thereof, may designate any judge to try a particular case or cases in any district or to hold the district court in any other district when the judge of said district is absent from his district or has been of counsel or is of kin to either party to the action or interested or biased or prejudiced in the cause, or if for any other reason said judge is disqualified or unable to hold said court.

SEC. 4. That the district court in each of said districts shall have the same jurisdiction that district courts of said Territory now possess.

SEC. 5. That the supreme court, or any justice thereof, shall have power to stay the execution or enforcement of any judgment or final order in any cause taken to said court by appeal or proceedings in error on such terms as may be prescribed by the court or justice granting such stay.

SEC. 6. That no justice of the supreme court of said Territory shall sit as a member of said court or participate in the trial, hearing, or decision of any case decided by him in the district court or in which he has any interest.

The amendments recommended by the committee were read, as follows:

After the word "court," in line 11, page 1, insert the following: "who shall have been residents of said Territory for at least one year, and.".

After the word "and," in line 12, page 1, insert the word "have."

After the word "thousand," in line 2, page 2, strike out the words "five hundred."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if the Judiciary Committee has considered this matter.

Mr. FLYNN. I will say to the gentleman that it is a unanimous report from the Committee on the Judiciary. The same bill was also favorably reported in the last Congress, prior to the opening of those new counties and the influx of this large new population last summer.

Mr. RICHARDSON of Tennessee. A necessity exists for it, in the opinion of the gentleman from Oklahoma?

Mr. FLYNN. And I believe it is the opinion of everybody, if the gentleman please, who has looked into the situation. Oklahoma has over half a million people.

Mr. RICHARDSON of Tennessee. There is a very current report that Oklahoma is to be admitted into the Union as a State. Does the gentleman think this will interfere in any way with the admission of Oklahoma?

Mr. FLYNN. I will state to the gentleman that I would not advocate this bill if I thought it would interfere. I would like to substitute the statehood bill for this.

Mr. RICHARDSON of Tennessee. I will agree to that, if the gentleman will ask it.

Mr. CURTIS. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. FLYNN. I would like to have the matter of consent for the consideration settled first.

Mr. CURTIS. I have no objection to the consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CURTIS. I would like to ask a question in regard to the amendment which provides that no appointment shall be made except from those who have resided in the Territory at least one year. I desire to know if that is not an unusual provision.

Mr. FLYNN. No; I do not think it is. I will say to the gentleman that that was in the bill as originally introduced, both in the House and in the Senate. The Senate have stricken out that provision, and the House committee, I believe, very righteously insisted upon its retention in the bill. I believe, Mr. Speaker, that it is just that all these officers in the Territory should be residents of the Territory.

Mr. CURTIS. I desire, Mr. Speaker, to ask the gentleman if a provision of that kind has been made in other bills providing for the appointment of judges in Territories.

Mr. FLYNN. There is do question about it. You take the officers appointed under the recent bills that we have passed for all the new Territories. There has been an exception made, I believe, in the case of Porto Rico; but I remember well being in the committee and that it was insisted in the committee that these appointments should be from residents of the Territory. They ought to be.

Mr. CURTIS. I have no candidate for judge, but I hope the amendment suggested will not be adopted. I think the President of the United States should have the right to appoint men from any State or Territory of the Union as judges in Oklahoma, if he so desires, and it would be wrong to limit him to the Territory in making the appointment.

Mr. FLYNN. Would the gentleman believe in authorizing the President to send carpetbaggers to Kansas?

Mr. CURTIS. Oh, no; that is a different case. Kansas is an old settled State, but many people have gone to Oklahoma within the last year.

Mr. FLYNN. I feel the same about Oklahoma.

The SPEAKER. Does the gentleman from Kansas demand a separate vote?

Mr. CURTIS. I demand a separate vote.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 11, page 1, after the word "court," insert "who shall have been residents of said Territory for at least one year, and"

Mr. FLEMING. Mr. Speaker, I desire to be heard on that amendment. I think that the Committee on the Judiciary of the House acted with wisdom in putting this amendment on the bill. I can see no reason why these judicial positions down even in the Territory where the gentleman resides should be used as patronage for people who had never had their foot in that Territory before.

Mr. Speaker, the purpose of the Judiciary Committee in putting that amendment on there was to stop this carpetbagism of which some of us in one section of the country have had a very baneful experience; and I hope that gentlemen on this side of the House will vote, without one exception, to maintain that amendment. It is proper and right, and ought to be there. If they have not enough good men in that Territory to furnish the judge of this court, they ought not to have a court. I believe it is competent that the President be confined in his selection to residents of that country.

Mr. CURTIS. Will the gentleman allow me to ask him a question?

Mr. FLEMING. Certainly.

Mr. CURTIS. Is the gentleman afraid to trust the President with this appointment?

Mr. FLEMING. Does the gentleman from Kansas think there are not competent men for this position in the Territory of Oklahoma?

Mr. CURTIS. There are hundreds of them. There are 16 candidates for the vacancy that already exists there. I think the President should appoint residents of the Territory, but it is not fair to tie his hands. If he desire to appoint a man from Ohio or Iowa, or any other State, he should have the right to do so.

Mr. FLEMING. My answer to the gentleman from Kansas is this: That so far as the present President is concerned, I consider him just as competent to make a selection to fill a judgeship as any other man who ever sat in the White House; but at the same time I say it is perfectly proper that we should limit him in that action to what is just to the Territory in the selection and appointment to a judgeship just as he is limited by law to similar judgeships, appointments to which are made in the States. Furthermore, a sort of indefinite rumor has reached our ears that there were certain parties trying to get the positions. I will not say where they are, but they had their eyes fixed upon these Government jobs with the express idea of getting them to the exclusion of men who are natives or now living as residents in the Territory. The Judiciary Committee did not believe it was the proper thing in the matter of appointments, and I hope the committee will stand up to the people in making that rule.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question.

Mr. FLYNN. Certainly.

Mr. STEPHENS of Texas. I have no objection to the passage of the bill. I think it should pass. I think that this amendment should be limited so that parties—lawyers—living in this Territory would be eligible. In these three counties that were opened last summer there are three large towns—Lawton, Anadarko, and Hobart. There are many good lawyers in them. I think there probably ought to be a district in one of those towns, and there should be an opportunity for those men living in that part of Oklahoma to be appointed. That section of the Territory has been opened up less than twelve months, and of course those lawyers have not been there the twelve months, and I think it would be wrong to make these lawyers now living there ineligible to the position.

Mr. FLYNN. In reply to the gentleman from Texas, I want to say that there is no desire to bar anybody from Oklahoma. I want to say here and now, in fairness to all sides, that there is no desire on the part of the Delegate from Oklahoma or the Judiciary Committee to cast any reflection on the President of the United States. Were the provision not in this bill I am confident no carpetbagger would be sent there, but Territories have a right to look after their own interests in legislation. The gentleman from Kansas would object to a provision which permitted the importation into Kansas of outsiders to hold offices. I have as much confidence in the President of the United States as any man in America. Not only that, I expect to continue to have. I was one of those who had confidence in him when many other gentlemen who now profess confidence were wavering by the wayside. [Laughter and applause.] Now, Mr. Speaker, I move the previous question.

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. Does the gentleman withhold his motion?

Mr. FLYNN. I will.

Mr. STEPHENS of Texas. Would the gentleman permit an amendment striking out "twelve months," so that any citizen of Oklahoma would be eligible to the office? That would let in these other three counties.

Mr. FLYNN. I will say that the Judiciary Committee have reported the bill with this provision in it, and I do not like to change anything that they have reported.

Mr. GAINES of Tennessee. How many lawyers have lived in Oklahoma for twelve months previous to this time?

Mr. FLYNN. About 5,000, I guess.

Mr. SMITH of Kentucky. Mr. Speaker, I want to say that I think this provision is entirely wise, and it should be adopted. I believe it is a safe and conservative rule always to select the officers for the people from among the people to be served, and I believe that there are as many competent, well-qualified lawyers to be found in Oklahoma, according to its population, as in any other similar Territory in this Union; men who will measure up to the standard of men in any other section of our great country can be found there well qualified to fill the judicial positions. I believe that the Judiciary Committee has done a wise thing to limit this selection of judges to the lawyers in Oklahoma Territory.

Now, I do not believe, Mr. Speaker, that we ought to remove this limitation as to the period of residence, because if you do that you destroy the effect of the amendment and you permit a man to go in and reside there ten days before the appointment is made and claim citizenship and be appointed to a judgeship.

Mr. GROSVENOR rose.

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Ohio?

Mr. FLYNN. I do.

Mr. GROSVENOR. Mr. Speaker, I have no interest one way or the other in the question of whether this amendment shall be voted up or voted down. Here are 500,000 carpetbaggers living largely upon Government land, and they do not want any more carpetbaggers to come down there. [Laughter.] The whole gang of them, nine out of ten, have not lived there five years.

Now, they are shouting "carpetbag." They will shout "carpetbag" a long time before they get what they are asking for. The point I wanted to make was this: Has the gentleman from Oklahoma considered the question of limiting the power of the President of the United States in the appointment of an officer, the appointment of which is cast upon him as a duty by the Constitution? Over and over again it has been attempted; over and over again it has been defeated in the courts; and I think you might just as well describe the color of the eyes and the color of the hair as to

undertake to say that you will limit the President in the exercise of the appointing power by a geographical limitation upon his right to appoint.

Mr. SMITH of Arizona. Does the gentleman call this a constitutional court?

Mr. GROSVENOR. The constitutional power of the President to appoint relates to all courts in the Territories.

Mr. FLYNN. Now, Mr. Speaker, I want to be fair with the House, but I want to pass this bill.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. FLYNN. I will.

Mr. ROBINSON of Indiana. I only want to call attention to the fact that in a bill similar to this for the government of Hawaii, both the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Kansas [Mr. CURTIS] are recorded as in favor of a provision similar to this, which is home rule, and I compliment them on their vote. Both gentlemen voted for it. What does the gentleman from Ohio say to these provisions of the Hawaiian organic law? Section 66, on the subject of the appointment of governor, it reads, "shall be a citizen of the Territory of Hawaii;" on the subject of Territorial judges, it reads:

SEC. 80. All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

Mr. GROSVENOR. I say I do not know now. I just asked the gentleman from Oklahoma in charge of the bill whether the question has been considered.

Mr. ROBINSON of Indiana. It has been acted upon by the House.

Mr. GROSVENOR. That may be. We have passed many bills that I would not vote for again.

Mr. STEPHENS of Texas. Would the gentleman from Oklahoma be willing to strike out the provision for twelve months' residence and insert "who was a bona fide resident of Oklahoma on the 1st day of January, 1902?" That would let in these three counties.

Mr. FLYNN. Mr. Speaker, the Judiciary Committee have had this provision before them and considered it. In fairness to myself I want to say that there is no desire on my part to bar anybody. Good Lord, there will be a hundred candidates.

Mr. STEPHENS of Texas. They can not come from these three counties.

Mr. FLYNN. They should not be barred.

Mr. STEPHENS of Texas. This amendment that I propose would give the citizens of these three counties a chance to become candidates, but if this limitation of twelve months is put in they would be ineligible.

Mr. FLYNN. I have no objection to that amendment if it is acceptable to the chairman of the Judiciary Committee.

Mr. RAY of New York. With the permission of the gentleman——

Mr. FLYNN. I yield to the gentleman from New York.

Mr. RAY of New York. Mr. Speaker, under the ordinary conditions existing in Territories of the United States newly formed, there would be no thought of making a restriction of this kind as to the residence of the appointee, because it might be in Territories sparsely populated that the President could not find a man thoroughly competent to hold the office of judge of the Territorial court. When competent men can be found in the Territory, the appointments should be given them. There should be home rule so far as possible, consistent with the proper administration of justice. And men appointed to judicial positions should be selected because of peculiar fitness, experience, and qualifications. They should come from the localities in which they are to serve, so far as possible, because they are better acquainted with the people. They should come from the Territory in which they are to serve because acquainted with the laws of the Territory, having studied them and practiced in the courts where administered. No man should be made judge of the United States courts or of a Territorial court unless thoroughly versed in the laws he is to interpret and administer.

But the conditions in Oklahoma are peculiar. They have a large and intelligent population, and they have a large number of lawyers who have settled there, gentlemen of great ability and high character; so there is no question in my mind that these offices ought to be filled by persons who are now residents of that Territory.

And I think that the President would select such persons for appointment. That was the setiment of the committee. The committee was substantially unanimous in the opinion and desire that this restriction be made. I do not know, of course, what the Senate will think about the question. I presume the bill will go into conference anyway and the question can be settled there and proper limitations made, if necessary.

In regard to a question suggested by the gentleman from Ohio [Mr. GROSVENOR] I wish to say that there is no constitutional difficulty whatever. When we create judges for the Territories they do not come under the provisions referred to. We have the power to create inferior courts, and the constitutional limitation as to appointment does not apply, and we have the power to say that the appointees shall be residents of the Territory. This question has been thoroughly examined and there is no doubt about it. This bill makes no reflection upon the President. It is desired by the citizens of the Territory; it conforms to their sentiment and judgment; it respects their wishes. If justice is to obtain they must have the judges, and the salaries fixed are moderate.

One other thing I wish to say. This bill was introduced in the Fifty-sixth Congress, and reported favorably. It has been considered again—thoroughly considered—in this Congress. I have received many letters and communications, and some visits, from certain parties from various States, asking me to oppose this limitation. These persons desired me to oppose it and, if possible, defeat it, because they wanted to be candidates for these offices, and they are not residents of the Territory. Now, if you cut down the time of residence required, these gentlemen, I suppose, will rush in and try to claim residence in that Territory and obtain the appointments, to the exclusion of bona fide residents who are acquainted with the people of the Territory.

I do not think the President will be offended if the bill should pass in the form presented. In fact, I think it will be a relief to him to have this provision in the bill, so that he may confine his appointments to persons residing in the Territory. Then, acting under the advice of Congress, he may feel under an obligation to confine his appointments in this way, even if he does not think we have the constitutional power to put such a provision in the bill.

Congress having power to create the court and provide for the appointment of a judge, may constitutionally limit the territory from which he is to be selected and even prescribe qualifications that he must possess. We can not take away the appointing power, and this amendment suggests nothing of that kind. We can fix the term for less than life and prescribe that these judges come from the Territory.

Mr. FLYNN. I call for the previous question on the amendments and on the bill to its passage.

The previous question was ordered.

The question being taken, the amendments were agreed to.

The SPEAKER. The question is on ordering the bill as amended to a third reading.

Mr. STEPHENS of Texas. I have an amendment to offer.

The SPEAKER. The previous question has been ordered.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the last vote was laid on the table.

Mr. FLYNN. I ask unanimous consent that House bill 4555, similar in purport to the bill just passed, be laid on the table.

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT QUINCY, ILL.

Mr. LLOYD. I ask unanimous consent for the present consideration of the bill (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill.

The bill was read, as follows:

Be it enacted, etc., That in order to provide a proper and separate passageway for vehicles and foot passengers across the draw span of its bridge across the Mississippi River at Quincy, Ill., built under authority of an act of Congress approved July 25, 1866, the Quincy Railroad Bridge Company, its successors and assigns, be, and they are hereby, authorized to rebuild the draw span of said bridge with such clear width of openings on each side of the central or pivot pier as may be approved by the Chief of Engineers and the Secretary of War.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC PARK IN OREGON.

Mr. TONGUE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 4393) reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc., was read, as follows:

Be it enacted, etc., That the tract of land bounded north by the parallel 43° 4′ north latitude, south by 42° 48′ north latitude, east by the meridian 122° west longitude, and west by the meridian 122° 16′ west longitude, having an area of 249 square miles, in the State of Oregon, and including Crater Lake, is hereby reserved and withdrawn from settlement, occupancy, or sale under

the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park.

SEC. 2. That the reservation established by this act shall be under the control and custody of the Secretary of the Interior, whose duty it shall be to establish rules and regulations and cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires.

SEC. 3. That it shall be unlawful for any person to establish any settlement or residence within said reserve, or to engage in any mining, lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this act, or the rules and regulations established thereunder, shall be punished by a fine of not less than $50 and not more than $500, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act: *Provided*, That said reservation shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers: *And provided further*, That restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise.

SEC. 4. That the marshal of the United States for the district of Oregon may appoint one or more deputy marshals for said park, who may reside in said park. That said park, for all the purposes of this act, shall constitute a part of the United States judicial district of Oregon, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said park.

SEC. 5. That all costs and expenses arising in cases under this act, and properly chargeable to the United States, shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified, approved, and paid under the laws of the United States.

SEC. 6. That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or other natural objects therein, or for any other purpose prohibited by law, and to remove such persons from the park, if found therein.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT. I do not wish to make objection without knowing what the bill is. Reserving the right to object, I ask the gentleman from Oregon [Mr. TONGUE] to state the substance and effect of the bill.

Mr. TONGUE. Mr. Speaker, this bill, although somewhat formidable in its title, is not in fact a very formidable bill.

Mr. BARTLETT. Will the gentleman state what is the character of this body of land that is proposed to be appropriated as a park?

Mr. TONGUE. I think, possibly, I can best answer the gentleman's question by reading from the report of Prof. Hart Merriam, chief of the Biological Survey, who has visited the park, and who makes this statement, which will be found on page 4 of the committee's report:

> The proposed park is a very small affair—only 18 by 22 miles, if I am correctly informed—and contains no agricultural land of any kind, but consists wholly of a mountain, a little more than 9,000 feet in altitude, whose summit has been destroyed by volcanic action, and is now occupied by a gigantic caldron nearly 6 miles in diameter and 4,000 feet in depth.

That is the character of the land included in the park. I requested Professor Diller, of the Geological Survey, who has visited this lake at different times, to draw the boundaries of this park so as to include no valuable land. Now, the object of the bill is simply this: Crater Lake is one of the most interesting natural objects on the continent, if not in the world. It is an extinct volcano. The top of the mountain has apparently been cut smoothly off. There is a cavity about 4,000 feet in depth, 2,000 feet of which is water. Along the sides of the mountains there seem to be an unusual variety of fauna and flora, a great variety of timber, of mammal, birds, etc., rendering this place of great scientific value. The object of this bill is simply to withdraw this land from public settlement. The most of it has been withdrawn already by reason of being in a forest reserve, and also, which is the most important object, to punish mutilation and destruction of the natural objects of interest within the park and to preserve it in its present condition, in its natural beauty and native wildness, both for its great beauty and great scientific value.

This bill has been reported three times in three separate Congresses unanimously by the Committee on Public Lands. It has been recommended by the Secretary of the Interior, by the Commissioner of the Land Office, by the officers of the Geological Survey, by the Biological Department, and two or three others of the bureaus of the Agricultural Department, and is favored by all the scientific offices of the Federal Government.

Mr. STEPHENS of Texas. Will the gentleman allow a question?

The SPEAKER. Does the gentleman yield?

Mr. TONGUE. Yes.

Mr. STEPHENS of Texas. Does this contain any mineral lands?

Mr. TONGUE. No mineral lands. Nothing of any value. It will simply preserve the curiosity of the scenery and of the growth of animals and vegetation, trees, flowers, and so forth, for scientific purposes.

Mr. STEPHENS of Texas. Is there any provision for the lease of mineral lands?

Mr. LOUD. It prohibits that.

Mr. TONGUE. There is none.

Mr. SHAFROTH. Did the clause remain in this bill that permits prospecting? We had that matter up when the bill was considered once, I know, and I offered an amendment allowing prospecting.

Mr. LOUD. If I understand the bill correctly, it prohibits that and imposes a penalty, both minimum and maximum, for entering the reserve for this purpose.

Mr. SHAFROTH. I think you will find that it allows prospecting and the locating of mineral claims. At least that was an amendment that was put in the bill at my suggestion one year.

Mr. LOUD. If you think it is there, you had better find it.

Mr. CANNON. I do not think this bill ought to pass, I will say to the gentleman.

Mr. SHAFROTH. I think that amendment must be in the bill.

Mr. CANNON. Does the bill stand on a request for unanimous consent?

Mr. TONGUE. Yes.

Mr. STEPHENS of Texas. Do you not think this reservation ought to be thrown open for the location of mining claims under the mineral laws of the United States?

Mr. TONGUE. There is no mining in that vicinity or in that range of mountains or near that locality.

Mr. STEPHENS of Texas. Suppose there should be. We do not want to lock it up perpetually.

Mr. TONGUE. If there should be, I have no doubt there would be means and methods found to get it mined. At the same time, if it is thrown open indiscriminately for prospectors, then it will be of little use to undertake to preserve the natural conditions.

Mr. STEPHENS of Texas. It would be impossible to ascertain whether there are any minerals there or not unless prospecting is allowed.

Mr. TONGUE. This is close to one of the oldest settled sections of Oregon. It is in one of the counties where the first mines in that State were discovered and where the most prospecting has been done; but the mining is in the other range of mountains opposite from this. None has ever been discovered here, so far as I ever heard of.

Mr. LOUD. Why do you prohibit mining if there is no mining there?

Mr. TONGUE. The object is to prohibit people from coming in under the name of prospecting and destroying the natural conditions of the park and the natural objects of beauty and interest.

Mr. LOUD. Then you provide for a deputy United States marshal. Is not that something unusual?

Mr. TONGUE. The deputy United States marshal is simply proposed as the cheapest way of arresting people who violate the law. This is simply a provision to give him authority to make arrests.

Mr. LOUD. Is not such a provision new in the establishment of reservations of this kind?

Mr. TONGUE. I could not say as to that. That provision was placed in the bill by the Department of the Interior.

Mr. LOUD. The gentleman will admit that the prohibition in regard to mining should not be in that bill. The gentleman from Colorado [Mr. SHAFROTH] seemed to think that there was an amendment in the bill allowing prospecting. He has evidently had to do with the bill before. There is not a park in this country set aside in this way that you can not go into for mining purposes. Now, it will not do to say that there is no mining land there, because if this provision is put in the bill they never will be able to enter this park to find out whether there is or not.

Mr. TONGUE. So far as mining is concerned, I am just informed by a gentleman at my right that mining is prohibited in all the national parks, including the Yellowstone.

Mr. LOUD. The gentleman is mistaken; that is all. I had occasion to read this law yesterday, in response to an inquiry of one of my constituents. If I did not know, I would not say anything about it.

Mr. SHAFROTH. Would the gentleman from Oregon object to inserting after the word "seekers," in line 3, page 3, the words "and for the development and location of mining claims?"

Mr. TONGUE. I have no objection.

Mr. SHAFROTH. And also strike out the words in line 16, page 2, "or to engage in any mining."

Mr. TONGUE. I have no objection to the amendment the gentleman proposes.

Mr. SHAFROTH. I have no objection to the bill if that is done. I have no doubt this is a meritorious bill if these amendments are included. I think we ought to have considerable to say as to what shall be done with these lands.

Mr. TONGUE. I have no objection to the amendments proposed by the gentleman.

Mr. BARTLETT. The gentleman from Colorado stated a while ago that the amendment in reference to mining was in the bill.

Mr. SHAFROTH. It was in the bill one year, I know, but I did not remember whether it was in the bill introduced in this Congress or not.

Mr. McRAE. I suggest to the gentleman that he permit this bill to go over until Monday. It is unusual and unprecedented, in my opinion, to open national parks to free mining. That carries with it the right to utilize any and all of the public timber in the park in the operation of mines, and you may defeat the very purpose of the park if you allow that to be done. I do not want to object to consideration of the bill, but I hope the matter will go over until that feature of it can be considered. I am opposed to this amendment, and will also ask some other amendments.

Mr. TONGUE. I will say to the gentleman from Arkansas that I am so well satisfied that there is no mining there that I regard any provision on that subject as of no importance one way or the other, and in order to avoid objection to the bill, I am perfectly willing to submit to the amendment.

Mr. McRAE. The creation of a national park is a very different thing from the making of a public reserve, and we should see to it that the parks are established for public and not private purposes. To set these public lands aside as a national park, and then to allow miners to go into and work it freely and at pleasure may result in dedicating it to mining, if there is mineral there. If there is mineral in the land, it ought not to be a park. The two are inconsistent.

Mr. SHAFROTH. Suppose it were discovered that there were some valuable mines on this land, that it was infinitely more valuable for mining than for any other purpose?

Mr. McRAE. If there is a probability of that, then I say there ought not to be any park created. The idea of a national park and a mining camp are inconsistent with each other.

Mr. SHAFROTH. You can not determine that at this time, nor possibly for ten or twenty years, whether there is to be any mining done there.

Mr. McRAE. Then if you can not determine that, you ought not to undertake at this time to make a park of the lands in question. Declare it a reservation and wait.

Mr. SHAFROTH. Then you exclude them from the privilege of having a public park there. I think they ought to have a public park there.

Mr. McRAE. I am not certain but we are overdoing the business of establishing national parks; but I do not arise for the purpose of objecting to this one if the facts stated in the report are true and some other amendments are made as to the administration of the park.

Mr. MONDELL. I hope the gentleman will not insist on his amendment. There is not a national park in the country that is open to exploration under the mining laws. There is no reason why this national park should be so open.

The SPEAKER. No amendment can yet be offered, as the bill is not yet before the House. It is pending on a request for unanimous consent for its consideration. Is there objection?

Mr. CANNON. Mr. Speaker, I have hastily glanced at this bill, and I am not prepared to say that I would object to it if I had a little more time to examine it; but I will say to the gentleman that I notice that it prohibits settlement. I notice that it binds the United States to pay all cost and expense. I am not sure but what it binds the United States to extinguish title to any lands that may be owned. It puts a troop of soldiers in there—a superintendent, full fledged. I think that the bill ought to be considered in committee; and I suggest to the gentleman that he modify his request; that it be considered in the House as in Committee of the Whole. And it seems to me that if it could go over until Monday it would be better. I do not want to object.

Mr. BARTLETT. Let the gentleman withdraw his request.

Mr. LACEY. The suggestion that the gentleman from Illinois makes ought to be acceded to, and then these matters of detail could be speedily arranged. I do not think the bill would take very long in Committee of the Whole. It is not at all a complicated bill; and I would suggest to my friend from Illinois that this land is all from six to ten thousand feet above the sea. It is a very high altitude park.

Mr. CANNON. The Government owns all the land inside of it?

Mr. LACEY. The Government owns all the land.

Mr. CANNON. Every foot?

Mr. LACEY. I understand every foot of it. It is not a very difficult proposition. In Committee of the Whole these matters could be considered as separate propositions, and could be readily adjusted.

Mr. TONGUE. I make that request.

The SPEAKER. The gentleman modifies his request and asks unanimous consent that the bill be considered in Committee of the Whole.

Mr. CANNON. Just a word.

The SPEAKER. Is there objection?

Mr. CANNON. One word, Mr. Speaker. I suggest to the gentleman from Iowa that all after section 1 be stricken out. That reserves it as a national park and leaves to the future for Congress to say how it shall be made and policed. There it is; it is not suffering. I do not think this bill ought to pass in its present shape if it is desirable to make it a national park.

The SPEAKER. Objection is made.

Mr. LACEY. Does the gentleman object?

Mr. CANNON. Will the gentleman consent to strike out all after the first section?

Mr. TONGUE. I will not do that.

Mr. CANNON. I will have to object for the present. I do not want to be discourteous to the gentleman.

The SPEAKER. Objection is made.

GEORGE T. WINSTON.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to relieve W. S. Primrose, chairman of the board of trustees, and George T. Winston, president of the North Carolina College of Agriculture and Mechanic Arts, Raleigh, N. C., from all money responsibility for so much of the ordnance and ordnance stores issued to said college under its bonds dated May 28, 1894, and February 18, 1901, as were destroyed by fire on November 29, 1901.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the vote by which the bill was passed was laid on the table.

MONUMENT TO MARK SITE OF FORT PHIL KEARNY MASSACRE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 305.

The bill was read, as follows:

A bill (S. 305) providing for a monument to mark the site of the Fort Phil Kearny massacre.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to mark the site of the Fort Phil Kearny massacre, that occurred on the 21st of December, 1866, by erecting on said site a monument of rough masonry and an historical tablet: *Provided*, That the site of the proposed monument, of not less than one-fourth of an acre in area, situated upon the most sightly portion of Massacre Hill, shall be donated to the United States.

SEC. 2. That for the purpose of carrying this act into effect the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any public moneys in the Treasury of the United States not otherwise appropriated, to be expended under direction of the Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, in all the blood-stained history of this warring old world there is record of but three battlefields from which there came no survivor of the vanquished. Even Thermopylæ had her messenger of defeat, but the land beyond the father of waters has been the theater of three conflicts where the story of the immortal valor of American soldiers is told only in the mute eloquence of their self-sacrifice or by the boasting tongues of the victorious enemy.

Of these three fields, unique in all the history of wars, two have been marked and cared for. The Alamo has her monument in the historic old building from within whose walls the intrepid Texans fought back the hosts of Santa Anna with a grim and desperate valor until the last brave heart was stilled in death.

On the lonely hillside in the far Northwest, where the gallant commander, surrounded by his faithful and heroic band, fell before the murderous onslaught of the savage Sioux, there is planted a plain slab, eloquent with one brief sentence, "Here lies Custer," while all about the wrinkled surface of that sun-baked hill are placed the simple headstones that mark the spot where each valiant trooper fell, fighting to the last.

But, Mr. Speaker, there is a battlefield from which no American soldier came to tell the story of stubborn defense and overwhelming defeat, which is to-day unmarked and, except in the locality of the field itself, almost unknown; and yet, of all the tales that have ever been told of courage and valor and heroism, and of all the songs that have ever been sung of devotion to flag and duty, sealed by the last great measure of men's devotion, none have had a more thrilling, dramatic, and inspiring theme

than that of the battle fought under the shadows of the Big Horn Mountains, hard by old Fort Phil Kearny. Through the pitiless rigors of a northern winter, guarding the Boseman trail 200 miles from the nearest support, the little garrison of Phil Kearny held at bay 3,000 warriors of the great Sioux Nation under the leadership of the cunning and crafty Red Cloud.

On the 21st day of December, 1866, leaving but a handful of men to guard the post, Colonel Fetterman and his troopers issued forth from the sheltering walls of the stockade to rescue a small detachment which had been attacked a short distance above the fort. A few miles out they were set upon by overwhelming numbers of Sioux. Falling backward slowly, but in perfect order, toward the post, they were cut off and completely surrounded, and then followed one of the most desperate and bloody conflicts in all the annals of war. Dismounted, back to back, the well-armed troopers fought with all the courage of despair and the valor of American soldiery. The ever-increasing horde of painted, hideous, yelling savages, ten times their number, closed in on all sides, and though the troopers met them with a murderous fire from their repeating rifles, used here for the first time in a general engagement, the savages fought with reckless desperation and finally bore them down by sheer force of numbers, completing the horrible work of annihilation by torturing such as fell into their hands alive.

A story is told of that battle which deserves to be preserved and immortalized as an example of the intrepidity and undying devotion to duty of the American soldier. It is said that when the remnant of the garrison came upon the field of conflict—the victorious Sioux having withdrawn to bury their dead and care for their wounded—they found their dead comrades lying stark upon the frozen ground, mutilated in all the forms that savage malice and hatred could invent—all save one. On the highest part of the field, where the last stand had been made, they found lying amid the mutilated bodies of his comrades, that of a young trumpeter, a blonde giant, stretched at full length, his sightless eyes turned heavenward, in his outstretched hand his trumpet, battered and bloody, his body undisturbed and unmutilated, the only one on that sanguinary field.

For years they sought to wring from the Sioux who had participated in the battle an account of the conflict and an explanation of the fact that the trumpeter alone, like Custer on the field of the Little Horn, was considered worthy of the honor of being left unmutilated. Through the natural taciturnity of the red man and fear of possible punishment their lips were sealed, until an old warrior about to pass to the happy hunting ground told the tale. It was this: As on that fatal day the column dashed up the ridge near its head was seen the giant form of a young soldier, hatless, yellow haired, leaning far forward on his steed, his trumpet to his lips, as in tones that awoke the echoes amid the hills he blew the inspiring notes of the charge.

Later, when the command was surrounded, dismounted, grouped together in defense, this fair-haired warrior, rising in stature above his fellows, still held his trumpet to his lips, and without pause or intermission sent again and again the thrilling blast of defiance echoing from hill to mountain top, sounding shrill and clear above the rattle of musketry, the sharp cracking of the revolvers, and the demoniac yell of the savages. As the foe pressed closer and closer, and his comrades fell about him like the leaves of autumn, the survivors knelt to seek some protection from the bowlders which strewed the hilltop, still he stood proud and erect, and his trumpet's clarion tones called back the echoes which the awful sounds of savage war sent chasing to the wooded heights; but nothing could withstand the overwhelming numbers and fury of the savages, as with fiendish yells they made a last desperate rush for the few survivors, shooting, spearing, clubbing, until the trumpeter alone remained, and as his last comrade pitched forward, pierced through with a savage spear, he leaped across the prostrate form, and swinging with tremendous force the trumpet, which he had at last withdrawn from his lips, he sent a warrior reeling headlong with a mortal blow, and then, swinging right and left, he struck down one after another the savages about him till a spear thrust found his fearless heart and stretched him low, the last survivor of that heroic struggle.

Mr. Speaker, it is to commemorate, in a modest way, deeds like these that we ask the passage of this bill. We seek to rear no towering monument upon the spot where these men met their death in the uniform of the American Army, fighting the battles of civilization against the hordes of barbarism. History and romance shall build their monuments. We wish only to erect of the rough and scarred bowlders strewing the field where they fought and fell a single cairn, and place upon it a tablet upon which shall be briefly written the story of this, one of America's more than Thermopylaes, that it may be an inspiration to duty to all who shall pass that way and a reminder that the Republic is not ungrateful and does not forget those who fight valiantly her battles.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RIGHT OF WAY TO THE WARRIOR SOUTHERN RAILWAY COMPANY.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER AT ST. CHARLES, MO.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12498.

The bill was read, as follows:

A bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo.

Be it enacted, etc., That the time for completing the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as fixed by an act approved June 3, 1896, be extended to June 3, 1904.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPPRESSION OF TRAIN ROBBERIES.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11412, for the suppression of train robberies in the Territories of the United States, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who within any State or Territory of the United States, or other place subject to the jurisdiction thereof, obstructs or derails or makes an assault upon any railroad train, railroad cars, or railroad locomotive operating within such State, Territory, or place, and upon which the United States mail is carried or which is engaged in interstate commerce, for the purpose and with the intent to commit murder, robbery, or any other felony, upon said train, cars, or locomotive, or upon or against any person or persons lawfully on said train, or cars, or locomotive, shall be punished as follows: If the death of any such person is effected or thereby caused such offender shall suffer death; if death is not caused he shall be imprisoned not less than five nor more than twenty years.

SEC. 2. That any person who attempts to commit the offense mentioned in section 1 of this act shall be imprisoned not less than one nor more than ten years.

SEC. 3. That any person who aids, abets, or incites another to commit either of the offenses mentioned in sections 1 or 2 of this act shall be deemed a principal offender.

SEC. 4. That upon the trial of a person charged with the violation of this act it shall not be necessary to prove, nor shall it be deemed material to a conviction, that the defendant or defendants intended to effect the death of or to rob or commit a felony upon or against any particular person, but it shall be deemed sufficient if it is proved to the satisfaction of the jury that as a result of such unlawful act some person or persons had been killed, robbed, or injured, as the case may be, or that such act was committed with the design to commit any crime.

With the following amendments recommended by the committee:

On page 1, line 5, after "an," insert "unlawful."

On page 1, lines 7 and 8, strike out "and upon which the United States mail is carried or."

On page 1, line 9, strike out "for the purpose and" and insert in lieu thereof the following: "or which is operating within a Territory of the United States."

On page 1, from lines 10, 11, and 12, strike out the following: "upon said train, cars, or locomotive, or upon or against any person or persons lawfully on said train, or cars, or locomotive," and insert in lieu thereof the following: "or who with such intent makes an unlawful assault upon any person lawfully on such train, cars, or locomotive."

On page 1, line 13, strike out the word "such."

The section will then read as follows:

"That any person who within any State or Territory of the United States, or other place subject to the jurisdiction thereof, obstructs or derails or makes an unlawful assault upon any railroad train, railroad cars, or railroad locomotive operating within such State, Territory, or place, which is engaged in interstate commerce, or which is operating within a District or Territory of the United States, with the intent to commit murder, robbery, or any other felony, or who with such intent makes an unlawful assault upon any person lawfully on such train, cars, or locomotive, shall be punished as follows: If the death of any person is effected or thereby caused, such offender shall suffer death; if death is not caused, he shall be imprisoned not less than five nor more than twenty years."

The SPEAKER. Is there objection?

Mr. RODEY. Mr. Speaker, I object. I would like to ask the gentleman what is the object of it.

The SPEAKER. A Delegate can not object.

Mr. RODEY. Then I except to the ruling, but at present will ask the gentleman from Iowa to reserve the objection for me.

Mr. LACEY. Mr. Speaker, I reserve the right to object until the gentleman can make an explanation.

Mr. WILEY. The object of the bill is to confer on the United States courts concurrent jurisdiction with the State courts to try men who wreck trains or rob trains on which there are interstate passengers or interstate commerce. It does not interfere with the State courts or the Territorial courts. It only confers upon the United States courts, concurrently with the State courts, jurisdiction to try offenders in respect to those matters in which Congress has alone the right to legislate—matters of interstate commerce.

Mr. RODEY. As far as New Mexico is concerned, we have a law now on the statute books for that purpose.

Mr. WILEY. Well, this does not interfere with that.

Mr. RODEY. I have not had any opportunity to examine this law, and would like an opportunity to see its exact phraseology before it passes.

Mr. RAY of New York. It does not interfere with State or Territorial courts at all.

Mr. SMITH of Kentucky. Mr. Speaker, I want to say that I believe this bill exceeds the powers of the Federal court. It is too important a measure to be considered by unanimous consent, and I therefore enter my objection.

PAUL CRUM.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to place the name of Paul Crum, of the city of Fargo, State of North Dakota, upon the muster rolls as a private, Company B, First Regiment North Dakota Volunteer Infantry, lately engaged in service in the war with Spain, as of date February 3, 1899, and to grant him an honorable discharge therefrom as of date March 28, 1899.

SEC. 2. That said Paul Crum be, and he is hereby, entitled to all privileges and immunities belonging to a private soldier of said regiment the same as though he had been regularly enlisted therein.

Mr. LOUD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for the purpose of this bill.

Mr. MARSHALL. This bill provides for the enrollment of Paul Crum, who was a man too young to be enrolled under the military regulations, without the consent of his parents. He failed to secure this consent, but by some means worked his way over to Manila, where he was told that he would be allowed to enlist. Reaching there he found that it was impossible for him to be enlisted, but he was furnished with equipment by a captain of one of the companies of a North Dakota regiment and served over a month with that regiment, doing regular military duty, and was in ten or twelve engagements participated in by that regiment.

Mr. LOUD. He must have been very active to be in ten or twelve engagements in thirty days.

Mr. MARSHALL. The bill has been favorably reported twice from the Committee on Military Affairs, which committee I have found to be very careful in scrutinizing such measures.

Mr. LOUD. What is the object of putting him on the muster rolls?

Mr. MARSHALL. For the purpose of giving him the honor and credit of being enlisted in this regiment, and nothing more.

Mr. LOUD. He was not enrolled and he could not enlist and now you want Congress to enroll him?

Mr. MARSHALL. Well, he served with the regiment thirty days in active service, and then he went and served with a Nebraska regiment.

Mr. STEVENS of Minnesota. Mr. Speaker, if the gentleman will allow me——

Mr. MARSHALL. Certainly.

Mr. STEVENS of Minnesota. This man lives in North Dakota. He tried to enlist in the regiment before it went to the Philippines. He could not under the law, but he was told that if he would go to the Philippines with the regiment he would probably have a chance to enlist there. He worked his way over on a transport——

Mr. LOUD. He was taken along.

Mr. STEVENS of Minnesota. Yes; he was taken along and served—in how many engagements I do not know, but he found they had no authority to enlist him there, and then he went with a Nebraska regiment for some time, and the Nebraska colonel reported that he served in several engagements. After he found that he could not enlist, he came back to the Dakota regiment and came home. Now he wants to have the muster that he was entitled to for the service he rendered. The bill contains the usual provision that no pay, bounty, or emolument shall be given him.

Mr. LOUD. How do you distinguish where he shall be mustered? You say he served with two regiments.

Mr. STEVENS of Minnesota. We provide that he shall be placed on the muster roll of the First Regiment of North Dakota Volunteer Infantry, the regiment that he went out with originally.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. MARSHALL, a motion to reconsider the last vote was laid on the table.

ADDITIONAL LAND OFFICE IN MONTANA.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3449, to establish an additional land office in the State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That all that portion of the State of Montana bounded and described as follows: Beginning at the northeast corner of the State and running thence west on the national boundary line between the United States and British Columbia to the point intersected by the eastern boundary line of the Blackfoot Indian Reservation; thence south along the line of said reservation to where it is intersected by the eastern line of the Lewis and Clarke Forest Reservation; thence south on said line to the northern boundary line of Lewis and Clarke County; thence along said line in a southeasterly direction to the western boundary line of Meagher County; thence east along said line to where it is intersected by the eastern boundary line of Cascade County; thence north and east along said line to where it intersects the southern boundary of Choteau County; thence along said line in a northeasterly direction to where the line strikes the Missouri River; thence east, following the Missouri River, to the east line of the State of Montana; thence north along said line to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Great Falls land district of the State of Montana; and the land office for said district shall be located at the town of Great Falls.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have a statement as to the necessity of the bill.

Mr. EDWARDS. Mr. Speaker, this asks for the location of an additional land office at Great Falls, Mont., for the reason that there are large areas of land embraced within its provisions that would go to this office, where the people are compelled to travel the whole length of the State, through Great Falls, through Bozeman, to go to Miles City. A portion of the people have to undergo all that expense and trouble, and a great many have to come down to Great Falls and go to Helena, and the area of land that would be embraced in this land office is second largest of any in the State. It is an immense territory. The bill is recommended by the Department as necessary and desirable in every particular. It has received the unqualified indorsement of the committee.

Mr. PAYNE. Is there very rapid settlement there?

Mr. EDWARDS. There is very rapid settlement in the northern part of the State.

Mr. PAYNE. The bill has been favorably reported from the Committee on Public Lands?

Mr. EDWARDS. Yes, sir.

Mr. SHAFROTH. I may be allowed to state that the offices in Montana are very few indeed; and this seems to be a central point, where there is a junction of railroads.

Mr. LOUD. How many offices are there? You say the offices are "very few."

Mr. SHAFROTH. Six.

Mr. LOUD. That is not "very few."

Mr. SHAFROTH. For a State of that size six offices are very few. It must be remembered that Montana is a very large State, the third in size in the Union, Texas and California being the only two larger.

Mr. LACEY. There will be over 17,000,000 acres of land in this district.

Mr. EDWARDS. Seventeen million six hundred and nine thousand acres.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. EDWARDS, a motion to reconsider the last vote was laid on the table.

EGGS OF GAME BIRDS FOR PROPAGATION.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

Mr. RICHARDSON of Tennessee. Will the gentleman from New York give us some explanation of this bill?

Mr. WADSWORTH. This bill is in line with certain legislation adopted heretofore—advocated by the gentleman from Iowa

[Mr. LACEY], and I will turn the matter over to him for explanation. He introduced the bill, and I will simply state that the Committee on Agriculture has reported it unanimously.

Mr. LACEY. Mr. Speaker, this bill was introduced at the request of the Secretary of Agriculture; and it grows out of this situation: We have now on the statute book a law forbidding the importation into the United States of eggs of any wild birds. That provision was inserted in the Dingley Act because of the fact, as alleged, that persons were engaged in robbing the nests of ducks and wild geese and other waterfowl in Canada and shipping the eggs into the United States, to be used here for commercial purposes. This business tended, of course, to the extermination of these birds at the fountain head. The object of the proposed legislation is to permit the importation of partridge eggs, grouse eggs, blackcock eggs, and the eggs of various game birds of Scotland, England, and Europe. The present bill simply authorizes the Secretary of Agriculture to issue permits for the introduction of these eggs. The bill ought to be passed promptly on account of the breeding season for this year being now at hand.

Mr. HENRY of Mississippi. Does the prohibition of the present law apply only to Canada?

Mr. LACEY. No; to the whole world. This bill places the matter under the control of the Secretary of Agriculture, so that no improper advantage may be taken of the measure in order to introduce into this country birds that will be detrimental or injurious. We have had some experience of that kind with the English sparrow. The Secretary of Agriculture will of course grant permits for the introduction of the eggs of those birds only that we desire to have introduced into this country.

Mr. WILEY. Is this an original bill or an amendment to a bill already passed?

Mr. LACEY. It is an original bill, prepared by the Secretary of Agriculture, and introduced at his request, to obviate the difficulty to which I have already adverted.

The House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

RAILWAY BRIDGE ACROSS PEARL RIVER, MISSISSIPPI.

Mr. CANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River.

The bill with the amendments reported by the Committee on Interstate and Foreign Commerce was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANDLER, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate bill 305, which was taken up this morning on my motion, and passed.

There being no objection, leave was granted.

PUBLIC PARK IN OREGON.

Mr. TONGUE. Mr. Speaker, I ask unanimous consent for reconsideration of the bill (H. R. 4393) reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, and all other natural objects therein, a tract of land herein described, etc., just read, to say that if such consent is granted, I ask to amend the bill by striking out the last two sections, and by striking out the word "mining" on page 2, line 15, and on page 3, in line 1, after the word "seekers," insert "and the location of mining claims and the working of the same."

The SPEAKER. Is there further objection?

Mr. LOUD. Mr. Speaker, if the gentleman will consent to the striking out the words "not less than $50 and," being the minimum penalty, found in line 19, page 2, after the word "of," and will consent to strike out section 4, which should go out if 5 and 6 go out, I will offer no objection; otherwise I will object.

Mr. TONGUE. Very well, I will consent to those additions.

The SPEAKER. The gentleman will report his amendments.

Mr. LOUD. If I am recognized for that purpose, I shall do so.

The SPEAKER. Does the gentleman from Oregon yield to the gentleman from California?

Mr. TONGUE. Yes.

Mr. LOUD. Then I move to strike out, in line 19, page 2, after the word "of," the words "not less than $50 and." It simply removes the minimum penalty, leaving the maximum penalty in the bill.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Line 19, after the word "of," strike out the words "not less than $50 and."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. LOUD. Now, I suggest that my other amendment striking out section 4 be coupled with the motion of the gentleman from Oregon.

The SPEAKER. The gentleman from Oregon will state his amendment.

Mr. TONGUE. I move to strike out the last three sections of the bill, and to strike out the word "mining" in line 15, page 2, and on page 3, line 1, after the word "seekers," insert "and the location of mining claims and the working of the same."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended is as follows:

Be it enacted, etc., That the tract of land bounded north by the parallel 43° 4′ north latitude, south by 42° 48′ north latitude, east by the meridian 122° west longitude, and west by the meridian 122° 16′ west longitude, having an area of 249 square miles, in the State of Oregon, United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park.

SEC. 2. That the reservation established by this act shall be under the control and custody of the Secretary of the Interior, whose duty it shall be to establish rules and regulations and cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires.

SEC. 3. That it shall be unlawful for any person to establish any settlement or residence within said reserve, or to engage in any lumbering or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this act, or the rules and regulations established thereunder, shall be punished by a fine of not more than $500, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act: *Provided*, That said reservation shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers, and to the location of mining claims and the working of the same: *And provided further*, That restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. TONGUE, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13627) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes, which the House passed a few days ago, and to concur in the Senate amendment, which is for $9,000 to the Board of Children's Guardians, which is a deficiency that exists, I find upon inquiry, and which ought to be made.

Mr. UNDERWOOD. I do not understand what the item is, Mr. Speaker.

Mr. CANNON. The item is one for $9,000 to the Board of Children's Guardians for the maintenance and care of children that are placed under its charge.

The SPEAKER. The Clerk will report the bill for the information of the House.

The Clerk read as follows:

A bill entitled "An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes."

The amendment was read, as follows:

Page 3, after line 3, insert:

"District of Columbia Board of Children's Guardians: For care of feeble-minded children, board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, $9,000."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MARY J. CLARK.

The SPEAKER laid before the House the bill (H. R. 2113) granting an increase of pension to Mary J. Clark, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

FRANCES T. ANDERSON.

The SPEAKER laid before the House the bill (H. R. 6081) granting an increase of pension to Frances C. Anderson, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. I move that the Honse concur in the Senate amendment.

The motion was agreed to.

FRANCES L. ACKLEY.

The SPEAKER laid before the House the bill (H. R. 9290) granting a pension to Frances L. Ackley, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed the following conferees on the part of the House: Messrs. RUMPLE, DEEMER, and MIERS of Indiana.

MARY L. DIBERT.

The SPEAKER laid before the House the bill (H. R. 8415) granting a pension to Mary L. Dibert, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARGARET BAKER.

The SPEAKER laid before the House the bill (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THOMAS THATCHER.

The SPEAKER laid before the House the bill (H. R. 1326) granting an increase of pension to Thomas Thatcher, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THEODORE F. COLLINS.

The SPEAKER laid before the House the bill (H. R. 611) granting an increase of pension to Theodore F. Collins, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of House Document 555, Fifty-seventh Congress, first session, copy of a communication from the Secretary of the Navy, submitting an estimate of appropriation for additional storage space, office of assistant quartermaster, United States Marine Corps, Philadelphia, Pa., and House Document No. 564, Fifty-seventh Congress, first session, copy of a communication from the Secretary of the Navy, submitting an estimate of appropriation for the Government lot at Mount Moriah Cemetery, and the same were referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHITE, for twenty days, on account of important business.

EULOGIES ON THE LATE REPRESENTATIVE POLK.

Mr. GREEN of Pennsylvania. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Pennsylvania offers the following resolution, asking unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That Saturday, May 10, beginning at 1 o'clock p. m., be set apart for the purpose of paying a tribute of respect to the memory of the late Hon. RUFUS K. POLK, a Representative from the State of Pennsylvania.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of considering the bill H. R. 13359, being the fortifications appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. HASKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I shall not make any extended remarks on this bill. The report filed with it explains its provisions fully and sets out in detail the various items carried on the bill.

The estimates were $15,399,308. The bill carries $6,562,455, or $9,836,853 less than the estimates. The bill last year carried $7,414,633. The present bill therefore carries $852,000 less than the bill of last year. Unless some gentleman desires to ask a question——

Mr. GAINES of Tennessee. I should like to ask the gentleman what our annual fortification expense is?

Mr. HEMENWAY. From 1897 up until now, it has averaged from six and a half to seven million dollars. Prior to that time it averaged about $2,000,000 for a number of years.

Mr. GAINES of Tennessee. Is there any expenditure known as armament expense; and if so, what is that per year?

Mr. HEMENWAY. That is included in the total I gave the gentleman.

Mr. GAINES of Tennessee. That was what I presumed.

Mr. HEMENWAY. If no one desires to ask any questions or to discuss the bill, I will ask the Clerk to read.

Mr. GROSVENOR. Mr. Chairman, I desire to be heard for a few minutes on this bill.

Mr. HEMENWAY. How much times does the gentleman desire?

Mr. GROSVENOR. Probably not more than ten or fifteen minutes, but I do not care to be limited.

Mr. HEMENWAY. I yield to the gentleman fifteen minutes.

Mr. GROSVENOR. Mr. Chairman, powerful as this country is, and rich in financial resources as it is, nevertheless economy is still a most desirable quality in the administration of a great government.

I had hoped that the preparation of this bill might have been delayed until after the occurrences of yesterday, for I suspected that some action might be taken by this branch of Congress that would materially affect the judgment of the Committee on Appropriations in the making up of this provision.

Fortification is a preparation for war and for hostilities between nations. Every event which may give rise to friction between two great nations naturally affects the question of peace or war.

One trouble which we have feared, and it has been more or less before our eyes constantly, has been the irritation and bad blood that has grown up occasionally between our country and some foreign countries, growing out of our trade relations. You will all remember how repeatedly the question of the inspection and the slaughter and the sale of our beef and cattle in foreign countries agitated and irritated the relations between those countries. Our country protested vigorously against the action of the British Government in limiting the time that a steer or any one of our beef cattle might live after it had reached the foreign country before being slaughtered. The feeling was that the regulations and restrictions that were put upon cattle in that way were unfriendly. And not very long ago, in the matter of our trade relations with Russia, the Secretary of the Treasury, acting, as I thought at the time, just a little bit hastily, precipitated a controversy between the two Governments upon the question of sugar.

Now, it should be borne in mind that there is not an article of agricultural production in all of Europe that in any degree amounts to the importance that does the sugar production of France and Germany and more or less to other foreign countries. Now, in order to protect the production of sugar in this country and to make it possible with us to assist such cultivation and make it possible that we should produce in some share our own consumption of sugar, we have placed upon our statute books certain regulations and restrictions. One of them consists in the tariff upon all kinds of sugar, a very low tariff, it is said.

In addition to that, for the purpose of promoting the growth and manufacture of refined sugar and to make it possible that we

should not be bound hand and foot by the avaricious demands of the German and French producers we put a special differential duty on refined sugar. And we went a little further than that. In order to meet that difficulty the German Government and other governments of Europe have placed from time to time upon sugar exported or raised for the purpose of export a bounty on the sugar equal to a very large profit in the manufacture of it; and it is that bounty which has stimulated the production of sugar and made such an enormous overproduction as has cheapened the article in this country. The German bounty on sugar is $6.03 per ton, and the differential tariff in this country was $2.80 per ton.

Now, in order, I suppose, to get rid of competition between the two countries, on yesterday, by an overwhelming majority in the House, we have made this concession on foreign sugar coming to this country. We have repealed the $2.80 per ton, and we have repealed the $6.03 per ton which the Treasury assesses against foreign sugar by way of countervailing duty. So we have this result of the performance of yesterday, and we have done it, I assume, intelligently and with our eyes wide open. The distinguished gentleman from Minnesota has made a study of this whole question, and was so beaming with figures that nobody could get anywhere near him or quite understand him.

Of course he understood when he drafted the memorable never-to-be-forgotten amendment that carried out the distinct agreement made between the two sides of this House that he had arranged to repeal all these taxes. If I felt ugly about it, I might possibly say, in the language of the distinguished gentleman from Maine, that it was a contract, a "conspiracy of infamy." I do not feel that way to-day [laughter], especially in view of the cheapening process by which sweetness is to come into our country. [Laughter.] So that we have made sugar by the process of yesterday's performance not only 20 per cent cheaper coming from Cuba, so far as the duty is concerned, but actually $8.83 per ton cheaper on that coming from the old country.

That sum, Mr. Chairman, embodied the only possible protection to the American manufacturer of refined sugar, except that coming from an enormous investment in the employment of the highest possible scheme of economy of production and the presence of a tremendous money power behind it. When this differential was placed here upon this sugar it was placed there at the earnest request of the sugar trust and at the request of the beet-sugar industry. They came together to the House of Representatives in its committee and went to the Senate and followed it to the committee of conference and pointed out that without that differential upon refined sugars there was no possibility of the production of beet sugar in the United States.

And little did they dream that this differential would be wiped out by a conspiracy of its own friends, and as the result of a conspiracy of its friends, aided by the other side of this House; and not only that, but would be wiped out in connection with the overthrow of the countervailing duty which stands between the power of the foreign government to overload the market of this country and break down the price of sugar.

Oh, but it is said, away off in the future, nearly two years from now, there will be a removal, under the terms of the Brussels conference, of this system of bounties. Very well, that may be true; but the argument has been heard here that any attack upon this industry would destroy it now, because nobody would invest a dollar of money in it. According to that argument everybody has got to wait for nearly two years, and then stand the chances that some other scheme of bounty will be invented by these free and independent countries that have absolute power over this whole question.

Now, then, somebody must die. Some business must go to the wall. Who will it be? Nobody believes if this bill becomes a law that the manufacture of sugar from the beet in this country can be carried on unless by some process undiscovered, by means of capital unheard of in amount, or some other cheapening process that we can only hope may come.

But they say the Senate will not pass the bill. Let us see what it will take in the Senate for a Senator to now vote to strike out that differential amendment in the House bill. Let us see. They must do that with the distinct notice served upon them by the Democratic side of this House, and by the controlling power on this side, the beet-sugar interest, that that was a proper thing to do in order to destroy or to weaken the sugar trust.

Now, then, every Senator who votes to strike that out votes directly with his eyes wide open and under the indictment here filed, to place this perquisite in the pockets of the sugar trust. He becomes at once a voter for the emoluments of the sugar trust, and no Senator standing upon an equal footing of interest at home dare to vote, now that it is unearthed and uncovered, to again build up the great interest of the sugar trust by reenacting the differential.

So our friends will find themselves at least shut up to two things. First, they voted for a thing which they knew was wrong, voted for it first in Committee of the Whole, then voted for it on a yea-and-nay vote, put their names down in favor of the passage of the repeal of the differential, putting themselves down in favor of the repeal of the countervailing duty, making it cheaper by $8.83 per ton for foreign refined sugar to come into this country, doing all that, and then entering a plea of guilty to the indictment by refusing to vote for the same proposition when they were met with it in the passage of the bill in the House. [Laughter and applause.]

There stands the indictment, and no man will be permitted to say he did not do it with his eyes wide open; that he did not do it in effect and in purpose to strike a deadly blow to the Sugar Refining Company, as they supposed, and, incidentally, to kill the beet-sugar interests in this country. If it was so I could, I would tell the story illustrating the situation that was told to me by a humorous gentleman of the boy who set out to afflict trouble upon the preacher and went a roundabout way to get to the accomplishment of his malice. [Laughter and applause.] It is the sugar trust they are after, but in doing it they have struck a blow they dare not defend against the industry they themselves have claimed to be a valuable and prosperous industry, and at the same time have come in and pleaded guilty to it by refusing to vote for that very measure.

Mr. CLARK. The gentleman from Ohio has forgotten to tell the story he said he was going to tell.

Mr. GROSVENOR. Now, Mr. Chairman, seriously, what is the necessity when we are inviting the products of the Old World; when we have assailed that sacred thing, the tariff; when we have voted to strike down one item of the Dingley bill, while we have assaulted the platform of the Republican party in 1896 and spit upon the platform of 1900 by voting to repeal one of the most important items of the Dingley law—what is the use of putting up big fortifications now to fight these countries? Do you think Germany, with the free entry of refined sugar, is going to war with us? Do you think France will have any trouble now that she has got a clean bounty voted to her of $8.83 a ton on her sugar?

I think that France will come over here and not only reconvey the statue of liberty in New York Harbor, but provide for the lighting of it, which we do not seem to have been able to do ourselves.

One word before I close. Mr. Chairman, I want consent to put into my speech the amendment adopted yesterday, to show that I am right in my construction of it—that it repeals not only the differential duty, but the countervailing duty that stands between us and the sugar of the Old World.

The CHAIRMAN. Without objection the gentleman from Ohio will have leave to extend his remarks as indicated.

There was no objection.

Mr. GROSVENOR. The Morris amendment is as follows:

Insert after countries, in line 22, page 2, the following:

"And upon the making of said agreement and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties thereon now provided by law on all sugars above No. 16 Dutch standard in color, and upon all sugars which have gone through a process of refining, imported into the United States, 1.825 cents per pound."

The result of this is as follows: The present duty is $1.95 on refined sugar and 38.3 cents additional countervailing duty when the sugar comes from Germany. All of our refined sugar comes from that country or from some other country paying an export bounty. The duties, therefore, are on refined sugar 2.33\frac{3}{10}$ per 100 pounds. The Morris amendment provides that in lieu of the duties now imposed the duty shall be 1.82\frac{1}{2}$ per 100 pounds, or a reduction of 50 cents per 100 pounds or one-half cent per pound.

Mr. WEEKS. Mr. Chairman, I came into the Hall a moment ago under the impression that the question in regard to the Cuban tariff reduction or the beet-sugar question had been disposed of last evening, but found the discussion had been reopened by the gentleman from Ohio [Mr. GROSVENOR]. I consider that we are exceedingly unfortunate, inasmuch as the gentleman from Ohio, who, upon a bill pending here to provide for fortifications, seems to be engaged principally in fortifying himself, has gone over the whole question again and read the "riot act," so to speak, to those gentlemen who saw fit to disagree with him in some of the proceedings of yesterday afternoon.

If the gentleman from Ohio had proceeded in his argument a few days ago upon the sugar question somewhat after the manner of his argument this afternoon, he would have occupied a much more enviable position in the esteem of the "beet-sugar men," as he sees fit to call them, than he did upon that occasion. Instead of debating the question and talking "business" the other day, he occupied considerable time in accusing the younger members of the House of being still "moist behind the ears" in statesmanship and ridiculing them and casting upon them such discredit as he was able to do in a manner very much out of place in some of its special details. Some of the language used by the gentleman toward the younger members of the House who disagreed

with him, I observe, was very carefully "edited" out of his speech as it appeared in the RECORD.

Mr. GROSVENOR. Not a single sentence.

Mr. WEEKS. Oh, yes.

Mr. GROSVENOR. That is not so.

Mr. WEEKS. You will not find the remarks about being "wet behind the ears," and some other things, in the edited speech as it appeared in the RECORD.

Mr. GROSVENOR. There may have been some trouble with the gentleman's ears at the time.

Mr. WEEKS. Perhaps. But I sat very near the gentleman, and took occasion to the best of my ability to make some impromptu remarks in reply to the gentleman, which are also in the RECORD. I leave to the House the question whether the gentleman's argument was met in a proper and dignified way.

The men who voted upon this sugar question, according to our own consciences, are very happy to-day, especially those from Michigan, as telegrams are coming from our State—from the governor and from other men very high in the Republican party—congratulating members of the House from that State upon the gallant stand they made against the gentleman from Ohio in that debate. We feel perfectly secure and perfectly well satisfied with our votes on that measure. [Applause.]

I want the gentleman—and I speak with all politeness and with all deference—to understand that we do not propose that the "riot act" shall be read to us on this floor by the gentleman from Ohio or anyone else without responding in fitting terms to the assault.

We were released by the conference—by our respected and venerable friend, the chairman of the conference—from all binding responsibility, except to our own consciences and to our constituents, and that was plainly and distinctly announced by the gentleman from Illinois [Mr. CANNON], acting as chairman of that conference, two or three times—once in response to my own inquiry on the subject.

Now we are here—and I say it respectfully to our venerable friend from Ohio—we are here upon our own consciences. We did what we did deliberately. We knew something about the "differential." We had heard about it here day after day for two weeks. We are supposed to know what we were doing. Give us credit for having some faint idea of what we were voting about and what we intended by our votes.

Mr. GROSVENOR. The gentleman will allow me. That is what I was saying—that you seemed to understand; for the moment it came to a record vote you voted the other way.

Mr. WEEKS. My dear sir, I voted "no" with you on the question whether the bill should pass; did I not?

Mr. GROSVENOR. Certainly. I have always been a protectionist——

Mr. WEEKS. So have I.

Mr. GROSVENOR. And I would not vote to break down one of those muniments of our prosperity.

Mr. WEEKS. We applaud your vote on that question. I think you were right for once in this contest. On the other question, about which the gentleman complains——

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WEEKS] has expired.

Mr. WEEKS. I would like to have one or two minutes more.

Mr. HEMENWAY. I yield to the gentleman two minutes, if that is sufficient.

Mr. WEEKS. I want only two or three minutes.

Mr. HEMENWAY. Very well; make it three minutes. I yield the gentleman three minutes additional time.

Mr. WEEKS. I avail myself, with much gratitude to the gentleman, of the time he has given me. I want now to say a word in regard to the motive of the gentlemen from Michigan in voting against sustaining the ruling of the Chair. Ordinarily there is no delegation on the floor of this House more loyal to the presiding officer, more loyal to the party organization, than are the members from my State. That is a notorious and well-known fact, but our State delegation was recognized in this Cuban tariff discussion as being in the "imminent and deadly breach of the fight." Everybody knows that, and we consider that in some respects we were not treated with that courtesy by some of the leaders upon the floor of the House which twelve good, straight, honest Republicans coming from that State were entitled to. While it is possible that it may be construed by some gentlemen that our vote was not exactly in accordance with the interests of the industry which we were endeavoring to protect, our constituents at home are telegraphing to us to-day that our vote is approved at home.

They know whether it is in their interests or not and that our motive was to kill that bill. That is the plain English of it, and I believe it did kill the bill. I believe that bill will never come back to this House, or if it does come back, it will come in such shape that its author will never recognize it, and I believe that the Senate of the United States will in good time kill that bill and that it will never be resurrected. [Applause.]

We intended also to "swipe" the sugar trust, which we held responsible for this legislation.

That we judged aright on this point I quote from a statement (interview) of James H. Post, president of the National Sugar Refining Company, published in the New York Herald of this morning:

He said:

I do not attach much importance to what has been done thus far in Washington, because I do not believe that the Senate will pass the bill. But should the differential be removed, it would cost the sugar refiners of this country between $6,000,000 and $8,000,000 a year.

If the gentleman from Ohio desires to pronounce a funeral oration over the remains of his deceased friend, the Cuban reciprocity bill, we shall raise no objection "because Bill is dead." While expressions of grief may be appropriate coming from the gentleman, we dislike to have him "shake his gory locks at us and say you did it."

Mr. CANNON. Mr. Chairman, just a moment.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. HEMENWAY. I yield five minutes to the gentleman from Illinois.

Mr. CANNON, I hardly want that much time, Mr. Chairman. I merely want to note the apology of the gentleman from Ohio [Mr. GROSVENOR] and more especially the apology of the gentleman from Michigan [Mr. WEEKS]. The gentleman from Michigan will be justified by his constituency, and I want him to be—he is on both sides of this question. He organized to kill the sugar trust and then voted against killing it. That is all right. He can justify himself by the facts. Probably some of the balance of us may have to do the same thing. We may not have been entirely consistent in our votes, but, thank God, the Michigan delegation is all right. [Laughter.]

There is one thing, however, I can not overlook. It seems to me it is something to go into the next campaign, Mr. Chairman—a thing of vast importance, and nothing but a sense of duty would make me rise in my place to open my mouth now. As for the gentleman from Michigan, the earliest recollection I have of him—and I am now 47 years old [prolonged laughter]—is that the gentleman had then been at the practice of the law for nearly twenty years, as long ago as I can recollect, and yet he refers to me as the venerable gentleman from Illinois. Now, I have got to repel that assault. I would make profert of myself if I could, before the gentleman's constituency, and I warn him now that he must take that back. [Laughter.] I warn him that his constituency will rise up en masse, and, whatever they may say about beet sugar, they will vindicate my youth. [Laughter.]

Mr. WEEKS. I will substitute the word "venerated" for "venerable." [Laughter.]

Mr. CANNON. Now he is trying to turn me into a regular joss house.

Mr. WILLIAMS of Mississippi. Into an antique. [Laughter.]

Mr. CANNON. Now, I think everybody can be quite content to speak seriously for a moment of the bill that was passed yesterday. A coordinate branch of Congress has passed the bill with the differential partly stricken out, and it is boasted that all of it is stricken out. It will go over to the coordinate branch of Congress at the other end of this building, and they can deal with it there. If they send it back to us, well and good; we will consider it when it comes back. If, however, it dies in that august body, according to the prophecy of the gentleman from Michigan, we can not help it; because, while my honorable friend and myself no doubt could go over there and run that body a great deal better than they can run it themselves, our respective legislatures have not commissioned us to do so. That body will not let us in for that purpose.

I sometimes go over into that body and find myself getting upon my feet and interjecting a remark—in my mind—but just before I open my mouth I happen to recollect perhaps that I would not be in order. Now, I want to say to my friend from Indiana that this is a very important bill. No doubt it will pass to-day. I hope it will, because I happen to know that my friend is going out to the great West upon an important mission to-night, and he will go with the consciousness that he has had charge of this bill, an important one for the coast defense of the country. It is a conservative bill. It is perhaps along the line of a policy that was adopted some years ago of too much fortification; but, after all, we have entered upon the work. There are certain places upon our seacoast that ought to be thoroughly fortified; but those are the places only where the enemy in time of war might blackmail great blocks of population. We are doing a great deal of fortifying where that could not happen to any considerable extent; but, after all, in the public expenditure we have to make some useless expenditures while we are making desirable ones.

And now, having said this much, having repelled with all the force and power that I have the assault that the gentleman from Michigan made upon me, I subside. [Applause and laughter.]

Mr. HEMENWAY. I ask the Clerk to read.

The CHAIRMAN. The Clerk will proceed with the reading of the bill by paragraphs.

The Clerk, proceeding with the reading of the bill, read as follows:

For rapid-fire guns, including their mounts, sights, implements, ammunition, etc., including any new tools or machinery necessary for their manufacture at arsenals, $1,237,000.

Mr. HEMENWAY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 5, in line 13, after the word "forth," insert: "to be procured by the Secretary of War, by contract or otherwise."

Mr. HEMENWAY. That is the practice now, but there is some question as to the construction of this section. I offer the amendment simply to leave no doubt as to the construction.

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. CUSHMAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 11, after line 6, amend as follows:

"To enable the Government to secure the use of the high explosive 'thorite,' the Secretary of War is hereby authorized and directed to purchase the entire and exclusive right for the United States to manufacture and use the high explosive 'thorite:' *Provided*, That all formulæ, data, and facts related to said process and necessary to the successful manufacture of said 'thorite' shall be placed in the possession of the Secretary of War before payment for the same shall be made.

"The sum of $50,000 for the said purpose is directed to be taken from the appropriation of $100,000 made by the act of Congress 'making appropriations for fortifications and other works of defense,' approved March 1, 1901, for the purpose of securing the high explosive 'thorite' and the Isham high-explosive shell."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boombower.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of Connecticut, Mr. DILLINGHAM, and Mr. CLAY as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. HEMENWAY. Mr. Chairman, I will ask the gentleman if he has any recommendation from the Secretary of War?

Mr. CUSHMAN. Yes; I have a recommendation here from the Secretary of War, which I will read:

WAR DEPARTMENT, *Washington, April 15, 1902.*

DEAR SIR: In response to your inquiry in regard to the action taken under the clause of the fortifications act of March 1, 1901, regarding the Isham high-explosive shell and the high explosive, thorite, I have to say that after the passage of the act which provided for the purchase of those inventions by the Secretary of War, "in his discretion and if in his judgment it will be for the best interests of the Government," I asked the advice of both the Ordnance Department and the Board of Ordnance and Fortification to aid me in forming a judgment as to whether the purchase would be for the best interests of the Government.

The Ordnance Department advised against the purchase as to both. The Board of Ordnance and Fortification advised against the purchase of the Isham shell by a vote of four to two, and divided equally—three to three—upon the purchase of thorite. Under these circumstances, I have not considered myself justified in making the purchase of either.

The Board of Ordnance and Fortification also adopted the following resolution:

"As thorite is the safest and most effective high explosive that has been presented to and tested under the direction of this board, it is the opinion of the board that Dr. Tuttle is entitled to a reasonable compensation for his invention, and it is recommended that he be so compensated."

This recommendation was approved by me, with the following annotation:

"This is understood to relate not to any power of the Secretary of War, but to an appeal to powers resting in Congress alone."

I did not feel at liberty to purchase the invention under the act of March 1, 1901, because I considered myself bound to act upon a strictly business basis, giving effect to no consideration except the business interests of the United States in executing that statute.

I approved the recommendation for compensation to Dr. Tuttle, because I think that his long and faithful labors, in conjunction with many officers of the United States, in seeking to develop a practical high explosive, merited reward, and were probably of material use in the development of the art to which they related; and I think that a just exercise of the powers which Congress possesses, but the Secretary of War does not possess, should lead to a grant of reasonable and even liberal compensation to Dr. Tuttle's heirs.

The Board of Ordnance and Fortification, since its action above mentioned, has recommended a further test of the Isham shell, and that recommendation has been approved.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. J. A. HEMENWAY,
House of Representatives.

That is the recommendation made by the Secretary of War in reference to this proposition. The date of that letter is April 15, 1902—three days ago. Now, it is unnecessary, at least I do not conceive it to be necessary, that I should go into any extended remarks upon this subject. In the fortifications bill a year ago there was passed by this House, on March 1, 1901, a provision for the purchase of the Isham high-explosive shell and Dr. Tuttle's "thorite" for $100,000. When that bill left this House and went over to the Senate the Senate placed therein a provision leaving the power to purchase in the discretion of the Secretary of War. In the letter which I have just read the Secretary of War gives his reasons why he did not feel that he was warranted in making the purchase under the old bill; but he further states in this letter that Dr. Tuttle is certainly entitled to compensation for his efforts in this matter and that the authority to provide said compensation properly rests in Congress.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. CUSHMAN. I should like five minutes more, and then I will conclude.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. CUSHMAN. Dr. Tuttle resides in the city where I make my home, in Tacoma, Wash., and I have been intimately acquainted with him for twelve years. He was the inventor of what is known as "thoride," which the Ordnance Department said was the most favorable high explosive that was known at the time the tests were made. Certain objections were discovered to it; for instance, some trouble was experienced in making the explosive detonate readily, which it was felt it was necessary to overcome. Dr. Tuttle labored for three years under the direction and instructions largely of the War Department and the Ordnance Department of this Government to bring about the absolute perfection of this explosive.

While the tests were being made some other explosives were discovered, which were based very largely, in my judgment, upon the explosive that Dr. Tuttle had discovered, and some of these explosives have since been purchased. But the Secretary of War says that in his judgment it was the labor of Dr. Tuttle in experimenting and laying the foundation and bringing forward this explosive, thorite, that enabled the War Department to secure the other explosives. Now, then, there were about 10,000 pounds of Dr. Tuttle's thorite manufactured under the direction of the War Department and sent to the Philippine Islands, for use in the war, and the results were reasonably satisfactory. I conceive that under this recommendation from the Secretary of War, before whom this matter has been pending for some two and a half or three years, after an examination that has been exhaustive, after tests that have been made many and many times, after this House has already passed a provision, a year ago, providing $50,000 for the purchase of this same explosive, I do not believe that the House of Representatives will pause very long in reaffirming that which they did a year ago, and place my amendment in this bill.

In closing let me say that when I returned home to the State of Washington a year ago Dr. Tuttle returned from Washington city, and upon reaching his home was stricken with heart disease and died suddenly there at his own home, immediately upon his return from Washington city. My judgment is, though I do not wish to surround this case with any romantic halo, but my own candid, honest, and sincere judgment is that that man had gone through the trials and troubles incident to inventing and perfecting this great explosive and trying to procure its adoption by this Government, and these trials and troubles and delays broke him up financially and finally broke his heart.

General Miles, the head of the Army, was a friend and admirer of Dr. Tuttle in his lifetime. The general took great interest in thorite, and unhesitatingly pronounced it the greatest explosive known to modern times.

The Board of Ordnance and Fortification also state, as I have just read to you, "that thorite is the safest and most effective high explosive that has been presented to and tested under the direction of this board."

It is impossible for me, in the few minutes' time I have here, to present this question as I would wish to to this House. It is true that I have somewhat of a personal interest in this matter, but it is the personal interest that sprang from a long acquaintance with Dr. Tuttle—one of the finest men I ever met in my entire lifetime.

He saved my life in the most serious illness I ever experienced, and it was my sad duty last summer before leaving home to help carry to his final resting place the remains of my friend and benefactor.

On this floor I speak for his widow and his children, and I appeal to that sense of fairness that exists in every American heart. Let us now do tardy justice to the heirs of this great and good man. I ask for the adoption of my amendment. [Applause.]

[Mr. TAYLER of Ohio addressed the committee. See Appendix.]

Mr. HEMENWAY. Mr. Chairman, I have listened to the remarks of the gentleman from Ohio, and, to a great extent, I agree with him. I desire to call the attention of the members of this House to the fact that the Committee on Appropriations on the House side does not put on appropriation bills the items that the gentleman mentioned. These items uniformly go onto the bill on the Senate side. The Government has expended many thousands of dollars in making experiments in new explosives and in guns and other things, which have resulted in very little good, and, as a rule, the Ordnance Department has been right.

Now, as to this item, the Board of Ordnance and Fortification have on various occasions recommended the purchase of thorite. The Board of Ordnance has been opposed to the purchase of thorite, but after careful consideration legislation was enacted by the last Congress authorizing the Secretary of War to buy thorite and the Isham shell and pay therefor $100,000, if, in his judgment, they ought to be purchased by the Government.

The Secretary of War has come to the conclusion, as I judge from the communications we have received, that the Isham shell ought to be further tested before it is purchased, if purchased at all; that while thorite, in his judgment, is not the best explosive, Dr. Tuttle was the pioneer in inventing this class of explosives: that his knowledge and his ability and his judgment led up to the discovery of the explosives that we now have, and that it is possible in the future that thorite will prove to be what the Board of Ordnance and Fortification thought it was—the greatest known explosive in the world. For that reason the Secretary of War has recommended that Dr. Tuttle be in some way compensated for the discovery of thorite.

This amendment is not subject to a point of order. If it were I should make it, because I do not believe in putting appropriations of this kind on the bill in the House. I believe in standing by our practice in the past, but the amendment is in order, and the only question, as I see, for the House to determine is whether or not they will purchase thorite, and whether or not they will follow the recommendation of the Secretary of War and buy it at all; and if they make up their minds they ought to buy it, the question is, what they will pay for it; whether $50,000 is too much. Of course it is hard to determine how much we ought to pay.

Mr. GAINES of Tennessee. Upon what does the Secretary of War base his judgment?

Mr. HEMENWAY. The Secretary of War makes no recommendation as to amount. They originally wanted $250,000.

Mr. GAINES of Tennessee. I mean as between the two articles.

Mr. HEMENWAY. As between the two articles the Secretary of War declines to recommend the purchase of the Isham shell, but recommends that Dr. Tuttle be compensated for the discovery of thorite without making any recommendation as to amount.

Mr. GAINES of Tennessee. Upon what does he base his recommendation for that?

Mr. HEMENWAY. He bases his judgment upon the recommendation of the Board of Ordnance and Fortification.

Mr. BELL. Mr. Chairman, this item has been up before Congress for six years, I think. It has been approved by part of the members of the Board of Ordnance and Fortification at times, and at times they have been in doubt. I do not think there is any doubt as to one proposition, and that is that Dr. Tuttle made a great discovery and that he was held here by the War Department, encouraged, and probably kept from making a deal with other governments. The Board of Ordnance suggested different points for him to overcome, and he worked for years upon this explosive, and finally went away from here to his home and stepped into his door and dropped dead. It makes it a pathetic termination. It may be that he killed himself trying to perfect this invention according to the instructions of the War Department.

We have had hearings from time to time. The Isham shell and his discovery were supposed to be good, and I believe they are. The difficulty has arisen, however, between two of the boards of this Government. We have got now a Bureau of Ordnance. We have in addition to that Bureau of Ordnance a Board of Ordnance and Fortification, made up of the General of the Army, the chief of Engineers, a member of the Bureau of Ordnance, one civilian, and two artillery officers, as I understand it. Now, we have had this anomaly throughout this controversy. The business of the organization of the Bureau of Ordnance and Fortification is to determine types. They go in and vote on a type, and while the Chief of the Bureau of Ordnance and maybe one or two usually vote one way, and all these members vote the other way, and almost invariably the War Department takes the vote of one, two, or three and follows that, provided the Chief of the Bureau of Ordnance is in the minority.

That is the condition, and an unfortunate condition. This fight between the two boards seems to have been the difficulty. The charge has always been made that you could not get anything adopted before the Bureau of Ordnance that was not discovered by some member of the board itself. A number of them have been interested in these patents. That is the occasion largely of the organization of the other board.

Mr. GAINES of Tennessee. They want to unload their own patents onto the Government?

Mr. BELL. The other board was organized for the purpose of adopting these types; but when it adopts a type the War Department rarely, if it ever, follows it. The information we got in examining Dr. Lewis, the secretary of the Board of Fortifications, and the General of the Army was that thorite is to-day the best explosive known to man.

Mr. GAINES of Tennessee. Do they agree with General Crozier?

Mr. BELL. Oh, no; General Crozier on most every proposition stands on one side, and sometimes he has one, but very rarely two, with him. The balance of the Board are on the other side, but the War Department almost invariably follows the Chief of the Bureau of Ordnance, even when he stands alone in his recommendations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Colorado asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BELL. Now, it seems that subsequently we got into the appropriation bill some modification of the original act creating the Board of Ordnance and Fortification a pretense at least that the War Department can hold that this Board of Ordnance and Fortification is a mere formal affair. That board was organized for the purpose of getting "men who were behind the guns" to establish the types of guns, explosives, etc. On the recommendation of the Secretary of War, General Henderson, a civilian, was appointed on this board, and on his recommendation also two artillery officers were appointed; and by the law itself the engineer became a member of the board, the General of the Army, and a member of the Bureau of Ordnance. And, strange to say, in this entire war between these boards, whatever they may say about the General of the Army, when they have organized boards, the other members largely have gone with the General, with the exception of the Chief of the Bureau of Ordnance.

Mr. GAINES of Tennessee. I want to get this statement clear; I want to see whether I understand the gentleman occupying the floor. He said, as I understood him, that General Crozier generally went one way——

Mr. BELL. Generally one, and sometimes two other members went with him.

Mr. GAINES of Tennessee. And the balance of the board went the other way?

Mr. BELL. Yes, sir.

Mr. GAINES of Tennessee. And the reason they went the other way was that they were all patentees——

Mr. BELL. Oh, no.

Mr. GAINES of Tennessee. And do you mean to say they want to unload their patents upon the Government?

Mr. BELL. That is another board.

Mr. GAINES of Tennessee. What board is that?

Mr. BELL. The original board is the Bureau of Ordnance. That has the power of purchasing. Now, as I understand, a number of that board are patentees, including General Crozier himself. The other board was organized for the purpose of determining types such as types of explosives or types of guns, etc.

Mr. GAINES of Tennessee. The gentleman does not catch the point of my question. I want to know which committee or board is the board which was composed of patentees and wanted to unload their patents on the Government while they were members of a board to pass upon the question whether the Government should purchase certain patents or not.

Mr. BELL. I do not know, but there may be patentees on both boards.

Mr. GAINES of Tennessee. But which board is it that the gentleman referred to?

Mr. BELL. The one originally organized for the purpose of determining the types to be adopted is the Board of Ordnance and Fortification.

Mr. GAINES of Tennessee. They are not patentees?

Mr. BELL. There may be some on that board.

Mr. GAINES of Tennessee. Are there some on the other?

Mr. BELL. Yes, sir.

Mr. GAINES of Tennessee. Do I correctly understand you to state that they sell their patents to the Government through the Administration, when they have to pass on the question whether the Government needs the patent or not? In other words, pass on their own case?

Mr. BELL. I do not know about that.

Mr. GAINES of Tennessee. I understood you to say that.

Mr. BELL. No; I said the charge was made that civilians could not get their superior inventions tested or adopted.

Mr. GAINES of Tennessee. Who makes the charge?

Mr. BELL. The charge was made by men who are trying to have the Government test their patents.

Mr. GAINES of Tennessee. Do you know the names of those men?

Mr. BELL. Oh, yes. Before the Senate committee, sitting over here, the charges are made by one of the men who is trying to get a wire gun tested.

Mr. GAINES of Tennessee. Did he prove his charge?

Mr. BELL. He shows that a member of the Bureau of Ordnance has also got a wire gun; and therefore he thinks that his will not be considered.

Mr. GAINES of Tennessee. Does the gentleman know of any members of this committee who are patentees and are trying to sell their patents to the Government through themselves while members of the board of purchase or selection?

Mr. BELL. No; I do not know a thing about that. The other fellows, however, claim that they can not get a trial of their inventions because of the ownership of patents by members of the Bureau of Ordnance.

Mr. GAINES of Tennessee. Which compete with their patents that they are trying to sell to the Government through this committee or board. Is that correct?

Mr. BELL. I do not know about that.

Mr. COCHRAN. Is it not true that all the patents of General Crozier have been handed over to the Government without his realizing a single penny of profit from them?

Mr. BELL. I say I do not know a thing about that, except, as I understand, that the occasion of organizing the second board was on the charge or complaint of those who brought forward their patents for tests in civil life, and they thought discriminations were made in favor of discoveries made by those in the Army.

Mr. COCHRAN. My information is, and I believe it, that the patents of General Crozier have been given to the Government; that he never has received a single cent of emolument or reward from them; that he has not asked any and is not seeking any.

Mr. BELL. I do not know a thing about that, but I think one of the reasons for the organizing of the second board was these charges. And now by the conduct of the War Department that board has been of no avail. It is a dummy.

[Here the hammer fell.]

The question being taken, the amendment of Mr. CUSHMAN was agreed to.

[Mr. TAYLER of Ohio addressed the committee. See Appendix.]

On motion of Mr. HEMENWAY, the committee rose; and the Speaker having resumed the chair, Mr. HASKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to present a conference report on the legislative, executive, and judicial appropriation bill. I ask unanimous consent to dispense with the reading of the report and to read the statement which accompanies it.

The SPEAKER. The gentleman from Pennsylvania presents a conference report on the legislative, executive, and judicial appropriation bill, and asks unanimous consent to dispense with the reading of the report, and that the statement of the House conferees be read in lieu thereof. Is there objection?

There was no objection.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 29, 30, 35, 36, 37, 38, 41, 42, 49, 50, 55, 56, 57, 60, 61, 67, 68, 78, 80, 83, 85, 95, 98, 105, 106, 108, 109, 124, 125, 130, 131, 139, 147, 148, 163, 174, 175, 177, 178, 180, 199, 200, 208, and 205.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 26, 31, 32, 33, 34, 39, 40, 43, 47, 51, 52, 59, 62, 63, 64, 65, 69, 70, 71, 72, 73, 74, 75, 76, 77, 81, 82, 84, 85, 86, 87, 88, 89, 93, 94, 96, 99, 100, 101, 102, 103, 104, 107, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 132, 133, 135, 138, 140, 141, 142, 143, 144, 146, 150, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 181, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 201, 204, 207, 210, 211, 212, and 214, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: On page 13 of the bill, in line 2, after the word "each," insert the words "additional laborer in the bathroom, $720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,530;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: On page 15 of the bill, in line 3, after the word "Judiciary," insert the word "Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$79,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments, as follows: In lieu of the amended paragraph insert the following:

"To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock p. m. on Sundays, including the extra services of employees and the services of additional employees under the Librarian, $10,000, or so much thereof as may be necessary."

And on page 28 of the bill, after line 3, insert as a separate paragraph the following:

"To enable the Librarian of Congress to employ during the last quarter of the fiscal year 1902 such of the additional assistants in the copyright office as are herein provided for in the Library of Congress for the fiscal year 1903, and at the rates of compensation prescribed, $2,410, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$159,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$72,580;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Insert before the matter inserted by said amendment the following: "title and contract clerk, $2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and on page 51 of the bill, in line 4, strike out the words "two clerks of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,350;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out the word "twenty" inserted by said amendment, and on page 60 of the bill, after the word "of," in line 20, strike out all down to and including the word "ninety-eight" in line 23 and insert in lieu thereof the following: "twenty additional internal-revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these 20 agents to be in lieu of the agents provided for and appointed under the provisions of sections 3

and 47 of the act of June 13, 1898, providing for war-revenue expenditures and other purposes, and these to be the only internal-revenue agents employed in addition to those provided for in section 3152 of the Revised Statutes. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these 20 additional agents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: On page 84 of the bill, in line 18, strike out the words "(Lemon Building);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment restore the amount proposed to be stricken out, and on page 88 of the bill, in line 22, after the word "dollars," insert: "one clerk of class 4, from May 1, 1902, $2,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,560;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment, and on page 98 of the bill, in line 16, after the word "Interior," insert the following: "from persons not now or heretofore employed in the Pension Office and without compliance with the conditions prescribed by the act entitled 'An act to regulate and improve the civil service,' approved January 16, 1883;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$317,650;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: At the end of said amendment strike out the semicolon and insert in lieu thereof a comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty one;" and on page 120 of the bill, in line 25, strike out the word "twenty-one" and insert in lieu thereof the word "twenty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty-four;" and on page 121 of the bill, in line 3, strike out the word "eight" and insert in lieu thereof the following: "two messengers; six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$297,590;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two special agents, at $1,800 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,380;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with amendments, as follows:

Add at the end of the matter inserted by said amendment the following:

"And the several appropriations herein made for such clerks and employees under the several departments and offices shall be available for payment of the salaries of all clerks and employees transferred to the classified service under this provision. And the appropriations made for such temporary clerks and employees for the fiscal year 1902 shall also be available for payment of the salaries of all such clerks and employees herein transferred for the balance of the current fiscal year."

And on page 79 of the bill, in line 4, strike out all after the word "dollars" down to and including the word "appropriations," in line 9.

And the Senate agree to the same.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10847) making appropriations for legislative, executive, and judicial expenses, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on each of the amendments of the Senate, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, relating to the Senate: Provides for the employees of the Senate and their compensation as proposed by the Senate amendments.

On No. 18: Appropriates $20,000 instead of $15,000, as proposed by the House, for fuel and oil for the heating apparatus of the Senate wing of the Capitol.

On No. 19: Appropriates $75,000 instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for miscellaneous items for the Senate.

On No. 20: Appropriates $16,840 for miscellaneous items of the Senate on account of the Maltby Building.

On Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, relating to the House of Representatives: Appropriates for the enrolling clerk $2,500; provides for an additional laborer, at $720, in the bathroom; for the laborer to clean Statuary Hall, $720 instead of $660; provides a janitor for the Committee on the Library, and provides for 16 clerks to committees during the session, as proposed by the House.

On Nos. 31 and 32: Appropriates for the clerk in charge of the CONGRESSIONAL RECORD at the Capitol $2,000 instead of $1,800.

On Nos. 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53, relating to the Library of Congress: Provides for increase in the compensation of employees therein, compared with the bill as passed by the House, as follows: For chief of the order division, from $2,250 to $2,500; for assistant in the manuscript division, from $1,200 to $1,500; for assistant in the division of music, from $1,200 to $1,400; for assistant in the division of prints, from $900 to $1,200; for assistant, evening service, in the law library, from $1,200 to $1,500; and appropriates $2,410 to permit the immediate employment of the additional employees authorized in the copyright office.

On Nos. 54, 55, 56, 57, and 58: Appropriates $80,000, instead of $60,000 as proposed by the House and $100,000 as proposed by the Senate, for the purchase of books for the Library, and strikes out the provisions of the Senate making certain appropriations for the Library continue available until expended.

On No. 59: Appropriates $30,000 instead of $27,500, as proposed by the House, for fuel, lights, repairs, etc., for the Library building.

On Nos. 60, 61, 62, 63, 64, 65, and 66, relating to the Department of State: Appropriates $2,250, as proposed by the House, instead of $2,400, as proposed by the Senate, for the private secretary to the Secretary of State; strikes out the provision proposed by the Senate for a private secretary to each of the three Assistant Secretaries of State at $1,800 each; provides, as proposed by the Senate, for 2 additional clerks of class 4, 2 additional clerks of class 3, and 1 chief messenger at $1,000, instead of a messenger at $840.

On Nos. 67 and 68: Appropriates $2,500, as proposed by the House, instead of $2,400, as proposed by the Senate, for the clerk to the Secretary of the Treasury.

On Nos. 69 and 70: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House, for the telephone operator and assistant telegraph operator in the Treasury Department.

On Nos. 71, 72, and 73: Appropriates $2,400, as proposed by the Senate, instead of $2,000, as proposed by the House, for the assistant chief of the division of Revenue-Cutter Service, Treasury Department, and authorizes, as proposed by the Senate, the appointment of a first lieutenant of the Revenue-Cutter Service as collector of customs for the district of Alaska.

On Nos. 74, 75, and 76: Provides, as proposed by the Senate, for a clerk of class 2, instead of a clerk of class 1, in the offices of disbursing clerks, Treasury Department.

On Nos. 77, 78, and 79: Appropriates for 2 additional clerks of class 4 in the office of the Auditor for the Navy Department, and strikes out the proposed increase of 2 additional clerks of class 2 in that office.

On Nos. 80, 81, 82, and 83: Strikes out the proposed increase of $200 as additional compensation to the disbursing clerk in the office of the Auditor for the Post-Office Department, and provides for skilled laborers instead of male laborers in that office, as proposed by the Senate.

On Nos. 84, 85, 86, and 87, relating to the office of the Treasurer: Appropriates $2,250, instead of $2,000, as proposed by the House, for the assistant chief of division, and for a machinist at $900 instead of a copyist at $300.

On Nos. 88 and 89: Appropriates for an additional clerk of class 3, as proposed by the Senate, in the office of the Commissioner of Internal Revenue.

On Nos. 90, 91, and 92: Appropriates for an accountant at $2,000, as proposed by the Senate, and also for a title and contract clerk at $2,000, instead of a clerk at $1,800, in the office of the Light-House Board.

On Nos. 93 and 94: Appropriates $2,250, as proposed by the Senate, instead of $2,000, as proposed by the House, for the accountant in the Bureau of Engraving and Printing.

On Nos. 95, 96, and 97: Relating to the Bureau of Statistics, provides for two additional clerks at $1,000, as proposed by the Senate, and strikes out two additional clerks of class 1, proposed by the Senate.

On No. 98: Appropriates $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for freight on bullion and coin between mints and assay offices.

On Nos. 99, 100, 101, 102, 103, and 104, relating to the office of the Marine-Hospital Service: Appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for the Supervising Surgeon-General: also, as proposed by the Senate, for an additional clerk of class 3, 2 additional clerks of class 2, and an additional clerk of class 1 instead of a hospital steward at $1,000, and 3 clerks at $900 each.

On Nos. 105, 106, and 107, relating to the Bureau of Immigration: Appropriates $2,500, as proposed by the House, instead of $2,250, as proposed by the Senate, for the chief clerk, and authorizes the payment for books purchased during the fiscal year 1902 not to exceed $275.

On Nos. 108, 109, and 110, relating to the contingent expenses of the Treasury: Appropriates $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for postage on matter to Postal Union countries; $7,000, as proposed by the House, instead of $9,000, as proposed by the Senate, for freight, expressage, and telegraph and telephone service, and $4,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for file holders and file cases.

On No. 111: Provides, as proposed by the Senate, for 20 additional agents in the Internal-Revenue Service instead of 10, as proposed by the House, the former being the number now in the service.

On Nos. 112, 113, and 114: Provides for 5 additional clerks at $1,200 each, and for a detective and hall man at $1,100, as proposed by the Senate, in the office of the Assistant Treasurer at Chicago.

On Nos. 115, 116, 117, and 118: Provides for an assorting teller at $1,800, an additional clerk at $1,200, and an additional watchman and coin counter at $900, as proposed by the Senate, in the office of the assistant treasurer at St. Louis.

On Nos. 119, 120, 121, 122, and 123: Provides for the salaries and expenses of the mint at Carson, Nev., as proposed by the Senate, in accordance with the appropriations for the current fiscal year.

On Nos. 124 and 125: Strikes out the appropriation of $1,800 for the melter proposed by the Senate in the assay office at Helena, Mont.

On Nos. 126 and 127: Increases the appropriations for contingent expenses of the Territories of Arizona and New Mexico from $500 to $1,000 each, as proposed by the Senate.

On Nos. 128 and 129: Prohibits the legislature of Oklahoma from entering into a contract for any public building in said Territory, and requires the apportionment of the Territory into legislative and council districts according to the population, as near as may be.

On Nos. 130 and 131: Appropriates $2,250, as proposed by the House, instead of $2,400, as proposed by the Senate, for clerk to the Secretary of War.

On Nos. 132 and 133: Appropriates, as proposed by the Senate, $1,800 for an electrical engineer in the office of the Quartermaster-General.

On Nos. 134 and 135: Appropriates $2,100, as proposed by the Senate, instead of $2,500, as proposed by the House, for rent of Paymaster-General's and Ordnance offices, and strikes out the words "Lemmon Building" in the paragraph appropriating for rent of buildings for the War Department.

On Nos. 136 and 137: Appropriates $2,250, as proposed by the House, instead of $2,400, as proposed by the Senate, for the clerk to the Secretary of the Navy, and provides for an additional clerk of class 4 from May 1, 1902, in the office of the Secretary of the Navy.

On No. 138: Appropriates $30,500, as proposed by the Senate, instead of $30,000, as proposed by the House, for contingent expenses of branch hydrographic offices.

On No. 139: Strikes out the appropriation of $4,000 proposed by the Senate for certain astronomical observations by the Naval Observatory.

On Nos. 140 and 141: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House, for an assistant draftsman in the Bureau of Steam Engineering.

On Nos. 142 and 143: Appropriates for an additional clerk of class 4, as proposed by the Senate, in the Bureau of Medicine and Surgery.

On No. 144: Makes a verbal correction in the text of the bill.

On Nos. 145, 146, 147, 148, and 149, relating to the office of the Secretary of the Interior: Requires that the 20 additional members of the Board of Pension Appeals for the fiscal year 1903 shall be selected by the Secretary from persons not now or heretofore employed in the Pension Office and without compliance with the conditions of the civil-service act; increases the compensation of the 7 chiefs of division from $2,000 to $2,250, as proposed by the Senate; strikes out the additional compensation of $250 to the disbursing clerk, and appropriates $2,250, as proposed by the House, instead of $2,400, as proposed by the Senate, for the private secretary to the Secretary of the Interior.

On Nos. 150 and 151: Appropriates $3,000, as proposed by the Senate, for per diem expenses of 4 special inspectors, instead of $4,000, as proposed by the House, for 2 special inspectors in the Interior Department.

On Nos. 152, 153, and 154: Appropriates for a clerk at $1,200, as proposed by the Senate, instead of a clerk at $1,000, to the superintendent of Indian schools.

On Nos. 155, 156, 157, 158, 159, 160, 161, and 162: Appropriates for 38 additional employees in the Patent Office, as proposed by the Senate, at a total annual cost of $58,700.

On No. 163: Appropriates $2,000, as proposed by the House, instead of $3,000, as proposed by the Senate, for professional and scientific books for the Patent Office.

On Nos. 164, 165, 166, 167, 168, and 169, relating to the Bureau of Education: Appropriates $1,600, as proposed by the Senate, instead of $1,400, as proposed by the House, for a specialist in educational systems; for 3 additional clerks, at $1,000, instead of 3 copyists, at $900, each, and for a laborer, at $480, instead of $360.

On Nos. 170, 171, and 172: Appropriates for a chief electrical engineer at $2,400, and 2 additional laborers at $660 each, as proposed by the Senate, in the office of the Superintendent of the Capitol.

On No. 173: Strikes out the provision proposed by the House transferring to the Library of Congress and to the free public library of the District of Columbia the books in the circulating library of the Department of the Interior.

On Nos. 174 and 175: Appropriates $4,000, as proposed by the House, instead of $6,000, as proposed by the Senate, for rent of building for the Civil Service Commission.

On No. 176: Strikes out the provision proposed by the House prohibiting hereafter surveyors-general incurring expenses except upon authorization by the Commissioner of the General Land Office.

On Nos. 177 and 178: Appropriates $7,000, as proposed by the House, instead of $9,400, as proposed by the Senate, for clerks in the office of the surveyor-general of Louisiana.

On Nos. 179 and 180: Appropriates $2,250, instead of $2,400, as proposed by the Senate, and $2,500, as proposed by the House, for the private secretary to the Postmaster-General.

On Nos. 181, 182, 183, 184, 185, and 186, relating to the office of the First Assistant Postmaster-General: Appropriates, as proposed by the Senate, $3,000 for a superintendent of rural free delivery, and, compared with the bill as passed by the House, makes the following changes in clerical force: Three additional clerks of class 3, 9 additional clerks of class 2, 4 additional clerks of class 1, 2 additional clerks, at $1,000, 2 messengers, at $840, instead of 2 assistant messengers, at $720 each, and reduces the number of clerks at $900 each from 40 to 34.

On Nos. 187, 188, and 189: Appropriates, as proposed by the Senate, $2,750 for supervisor of the rural free-delivery service.

On Nos. 190, 191, and 192: Corrects the statement of a total in the bill, and provides for an assistant electrician in the Post-Office Department building at $1,200, as proposed by the Senate, instead of $1,000.

On Nos. 193, 194, 195, 196, 197, and 198, relating to the contingent expenses of the Post-Office Department: Appropriates $5,000, instead of $6,000, as proposed by the Senate, and $3,000, as proposed by the House, for furniture, including $500 additional for the office of the Auditor; appropriates $18,000, instead of $19,000, as proposed by the Senate, and $15,500, as proposed by the House, for miscellaneous items, including $500 additional for the office of the Auditor; appropriates $9,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for rent of building for the storage of post-office supplies; and appropriates $3,000, as proposed by the Senate, for rent of a suitable building for storage of the files of the Post-Office Department.

On Nos. 199, 200, 201, and 202, relating to the Department of Justice: Appropriates $2,250, as proposed by the House, instead of $2,400, as proposed by the Senate, for private secretary to the Attorney-General; for a chief messenger at $1,000, as proposed by the Senate, instead of a messenger at $840; and strikes out a proposed addition of 1 copyist.

On Nos. 203, 204, and 205, relating to the contingent expenses of the Department of Justice: Appropriates $750, as proposed by the House, instead of $1,000, for furniture; $2,500, as proposed by the Senate, instead of $1,750, as proposed by the House, for books for the law library, and $2,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for stationery.

On Nos. 206, 207, 208, and 209, relating to the Department of Labor: Provides for 2 additional special agents at $1,800 each, instead of 4, as proposed by the Senate; appropriates $65,140, instead of $67,780, as proposed by the Senate, and $62,500, as proposed by the House, for per diem expenses of special agents.

On Nos. 210, 211, and 212: Appropriates $2,500, as proposed by the Senate, instead of $2,000, as proposed by the House, for the assistant clerk of the Court of Claims, and makes the appropriation for employment of auditors of the Court of Claims available for additional stenographers when necessary.

On No. 213: Enacts section 3 as proposed by the Senate, transferring the temporary clerks and other employees rendered necessary because of increased work incident to the war with Spain to the classified service, makes the appropriations proposed for 1903, as well as those for the balance of the current fiscal year, available for the compensation of such clerks when so transferred, and also strikes from the bill the provision which prohibits the transfer of persons in the classified service of the Government to positions paid under said appropriations.

On No. 214: Modifies section 4 as proposed by the Senate, making it applicable to persons permanently incapacitated for the performance of service instead of incompetent or incapacitated.

The bill as finally agreed upon appropriates $25,398,381.50, being $32,164 less than as it passed the Senate, $223,711.60 more than as it passed the House, $803,412.65 more than the appropriations for the current fiscal year, and $225,151.66 less than the estimates submitted.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker——

Mr. BINGHAM. What does the gentleman from California desire?

Mr. LOUD. I should like to have about ten minutes to devote to some able suggestions on an item or two in this bill.

The SPEAKER. How much time does the gentleman yield?

Mr. LOUD. I understand the gentleman from Pennsylvania to yield to me ten minutes.

Mr. BINGHAM. Yes.

Mr. LOUD. Mr. Speaker, I desire again to call the attention of the gentleman from Pennsylvania to an item to which I called his attention some time since in this appropriation bill, being amendment No. 186, providing for a superintendent of rural free delivery, that has very cunningly—I believe I do not know of any other word that I can appropriately use—been charged up to the city free-delivery service. As the gentleman probably remembers, I asked him to endeavor to induce the Senate to put that item where it properly belongs in the bill, on page 124, as the gentleman will see that there is a provision for the rural free-delivery service, and this superintendent of the rural free-delivery service is over in another division.

Of course it is not a matter worthy of making any contest about, although the bill when it left the House did not contain that item. Neither did it contain amendment No. 187, which provides for a supervisor at $2,750. There is no law even now, after this bill shall pass, providing for these places, and I hope that next year the gentleman and his committee will put this superintendent where he belongs, in order that the item may be legitimately chargeable to the rural free-delivery service, and not charged upon the city free-delivery service. I think the committee did well to segregate the rural free-delivery service from the city delivery service. It is a new service, and, segregated as it is with this exception, we can hereafter determine something about what this rural delivery service is costing.

I say here, as I said before, that neither the services that they perform nor the extraordinary ability that these gentlemen may have, in comparison with salaries paid other postal officials, would demand anywhere near the salary that the committee have here assented to. I remember the gentleman from Indiana had to poll the Committee on the Post-Office and Post-Roads before he would assent to the increase of the salary recommended by the Second Assistant Postmaster-General of his chief clerk from $2,100, an officer whose duties are worth a hundred times more to the Government each year than either of the persons herein named. At one time I thought the Committee on Appropriations ought to handle all appropriation bills; yet after all the Committee on Appropriations divides itself up, and, as in other committees, four or five men frame a bill. The rural delivery, in my opinion, could be kept upon a reasonable basis.

But the principal object in rising to my feet is to answer some remarks made by the gentleman from Maryland [Mr. PEARRE]. I was denied the pleasure of hearing the gentleman. It is always a pleasure and it is a profit to listen to him. He there sought to answer some remarks that I had made a few days previous to that. His remarks were made, I see here, on the 6th day of March, kept on ice until the 19th, and very recently brought to my attention. I made the statement on the floor, which the gentleman sought to answer, that the rural free-delivery service was the most expensive branch of the public service. The gentleman sought to controvert that. He cited the Railway Mail Service. Now, I will not charge the gentleman from Maryland with having prepared that table.

I will exonerate him wholly from that charge. There are very few people outside of the Post-Office Department who could have prepared it. But the gentleman's table proves just exactly what I said. I made the statement on the floor that the Second Assistant Postmaster-General's Department here in Washington costs about $185,000 a year. I made the statement that the rural free-delivery bureau, not including the salary of the general superintendent, not including the salary of the assistant, but simply this rural free-delivery bureau, costs in round numbers $275,000. Now, do not forget that when you prepare a bill again that this one bureau costs nearly double what the whole Second Assistant Postmaster-General's Department costs, which has charge of an expenditure of over $60,000,000 and under his supervision, directly

and indirectly, over 50,000 employees. The gentleman from Maryland does not know that the Railway Mail Service employees, so designated, perform other duties.

Now, the gentleman, according to his table here, makes the cost of the Railway Mail Service, of the Second Assistant Postmaster-General's division, and the departmental service here in Washington cost $722,400. I say again that the gentleman did not know that the superintendent of the Railway Mail Service, and the assistant superintendents of the Railway Mail Service, and the clerks of the Railway Mail Service not alone perform services in connection with Railway Mail Service, but that they have practically under their supervision all the ocean mail service, the mail-messenger service, and the star routes, as well as all contract service and all the steamboat service. That force that you have enumerated here and compared with the rural free-delivery division, permit me to say, is the whole of the Second Assistant Postmaster-General's force.

Now, then, the rural free-delivery division expends $850,000 next year, while the Second Assistant Postmaster-General's division, the Railway Mail Service, the ocean mail service, the star route service, and the steamboat service costs $722,000, according to the gentleman's table. The gentleman who prepared this table made some comparisons in the salaries. He has here a "general superintendent" of rural free delivery. I have no doubt but what some clerk in the rural free-delivery division who prepared that list wrote "general superintendent" as his title and probably thought that the gentleman in charge of that division would think the word "general" in front of his title would look very well, so he included "general superintendent." Now, there is no such title as "general superintendent" in the rural free-delivery division. The gentleman from Pennsylvania perhaps next year in his appropriation bill might give him the title of "general superintendent," but he is not entitled to it yet under the law. That is all I have to say about that subject.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SUTHERLAND, for four days, on account of important business.

To Mr. WATSON, for one week, on account of important business.

To Mr. CRUMPACKER, for one week, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting an estimate of appropriation for rebate of tax on tobacco and snuff—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., reported the same with amendment, accompanied by a report (No. 1665); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 357) for the relief of Levi Maxted, reported the same with amendments, accompanied by a report (No. 1666); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11823) to correct the military record of Benjamin F. Harrington, late a private of Company H, Fourth Michigan Infantry, and a corporal of Company D, Eleventh Michigan Infantry, reported the same adversely, accompanied by a report (No. 1667); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9868) to remove the charge of desertion against John G. Wolf, reported the same adversely, accompanied by a report (No. 1668); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS,

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 13846) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes—to the Committee on the Territories.

By Mr. WADSWORTH: A joint resolution (H. J. Res. 183) proposing an amendment to the Constitution in regard to the future admission of Territories as States to the United States—to the Committee on the Judiciary.

By Mr. SHAFROTH: Memorial from the legislature of Colorado, urging Congress to enact laws for the purpose of irrigation—to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 13847) granting a pension to David N. Herndon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13848) granting an increase of pension to James H. Chedister—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13849) for the relief of James Pitts, of Dekalb County, Ala.—to the Committee on the Public Lands.

By Mr. CASSEL: A bill (H. R. 13850) granting an increase of pension to Charles K. Cameron—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 13851) granting a pension to Samuel Smith—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 13852) granting an increase of pension to Lieut. Judson J. Parsons—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 13853) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13854) granting an increase of pension to David M. Burton—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13855) granting an increase of pension to George B. Smith—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 13856) granting an increase of pension to Richard Desmond—to the Committee on Pensions.

By Mr. SHAFROTH: A bill (H. R. 13857) granting a pension to Mary E. Kellerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13858) granting an increase of pension to Angeline E. Wright—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 13859) granting a pension to Sarah P. McIntee—to the Committee on Pensions.

Also, a bill (H. R. 13860) granting an increase of pension to James S. Travis—to the Committee on Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13861) to correct the military record of Edward Wheeler, Adrian, Mich.—to the Committee on Military Affairs.

Also, a bill (H. R. 13862) granting an increase of pension to Harriet H. Howlett, Hudson, Mich.—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 13863) granting an increase of pension to Miner Wolford—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 13864) for the relief of the heirs of Ramon Canova—to the Committee on Claims.

By Mr. HASKINS: A bill (H. R. 13865) granting an increase of pension to Oliver Mackenzie—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 13866) granting an increase of pension to Augustus H. Summers—to the Committee on Pensions.

Also, a bill (H. R. 13867) granting an increase of pension to Logan O'Banion—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of Smith Post, No. 428, of Windridge; Cumberland Post, No. 265, of Carmichaels, and Captain

Thomas Espy Post, No. 153, of Carnegie, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11357, granting a pension to Capt. William P. Fryer—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10852, granting a pension to Dr. Samuel G. McLaughlin—to the Committee on Invalid Pensions.

By Mr. ADAMS: Resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Resolutions of Atlanta Credit Men's Association, Atlanta, Ga., urging the passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. APLIN: Resolutions of St. Stanislaus Society, of Cheboygan, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BURK of Pennsylvania: Resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Resolutions of Federation of Labor No. 8786, of Austin, and Boiler Makers' Union of Smithville, Tex., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of old soldiers of Mountainview, Mo., in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. CORLISS: Resolutions of Lithographers' Subassociation No. 9, of Detroit, Mich., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolutions of Pittsburg (Pa.) Association for the Improvement of the Poor, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. DEEMER: Resolutions of Colonel John D. Musser Post, No. 66, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. EMERSON: Papers to accompany House bill 714, granting an increase of pension to Frederick Hart—to the Committee on Invalid Pensions.

By Mr. GORDON: Resolutions of Subordinate Association No. 19 of Lithographers' International Protective and Beneficial Association, Coshocton, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Colonel John B. Clark Post, No. 162, of Allegheny, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HANBURY: Letter of H. & A. Allan, agents Allan Line Royal Mail Steamships, protesting against the passage of House bill 9059, known as the Tawney bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Petition of Mathias Diehl, of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HITT: Petitions of B. P. Wesley, of Apple River, and K. S. Townsend, Amboy, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. HOOKER: Petition of Matthew Broome, of Hinds County, Miss., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. JACK: Petition of C. A. Craig Post, No. 75, of Parkers Landing, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, held at Kansas City, Mo., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Resolutions of St. Clair Lodge, No. 353, Association of Machinists, Belleville, Ill., and Central Trades and Labor Assembly of East St. Louis, Ill., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. LOUDENSLAGER: Resolution of Elmer Grange, No. 29, Patrons of Husbandry, Elmer, N. J., protesting against the irrigation bill—to the Committee on Irrigation of Arid Lands.

By Mr. MIERS of Indiana: Papers to accompany House bill 13854, granting a pension to David M. Burton—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Letters of administration in the estate of Joseph A. McCabe, deceased, to accompany House bill 13148—to the Committee on Claims.

Also, affidavits of Samuel Williams and E. J. Sparks, relating to the claims of Patrick and Joseph McCabe, to accompany House bill 13148—to the Committee on Claims.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Resolutions of St. John the Baptist Society and St. Joseph Society, of Wilkesbarre; Sts. Peter and Paul Society, of Pittston, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski, at Washington—to the Committee on the Library.

Also, resolutions of Mine Workers' Union No. 1168, of Wilkesbarre, and workingmen of Nottingham Mines, Plymouth, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of Joe Hooker Post, No. 43, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: Petition of John A. Moore, of Tipton County, Tenn., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Machinists' Union No. 70, Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUPPERT: Resolution of the League of American Sportsmen, protesting against the slaughter of wild animals, and the necessity of enacting laws for the better protection of game—to the Committee on the Territories.

By Mr. SHAFROTH: Petition of citizens of Shaffroth, Colo., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHERMAN: Paper to accompany House bill granting a pension to Sarah P. McEntee—to the Committee on Pensions.

By Mr. SUTHERLAND: Resolution of Painters' Union No. 77, of Salt Lake City, Utah, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Journeymen Barbers' Union No. 377, Salt Lake City, Utah, favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Paper to accompany House bill granting an increase of pension to Miner Wolford—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *April 21, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 305) providing for a mounment to mark the site of the Fort Phil Kearny massacre;

A bill (S. 3449) to establish an additional land office in the State of Montana; and

A bill (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill.

The message also announced that the House had passed with amendments the bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 611) granting an increase of pension to Theodore F. Collins;

A bill (H. R. 1326) granting an increase of pension to Thomas Thatcher;

A bill (H. R. 2113) granting an increase of pension to Mary J. Clark;

A bill (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston;

A bill (H. R. 6081) granting an increase of pension to Frances T. Anderson;

A bill (H. R. 8415) granting a pension to Mary L. Dibert; and

A bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUMPLE, Mr. DEEMER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4393) reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc.;

A bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

A bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;

A bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees;

A bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation;

A bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo.;

A bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport;

A bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River;

A bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.;

A bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes; and

A bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama, reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4.

PETITIONS.

Mr. QUAY presented petitions of Lieutenant William H. Kinkead Post, No. 293, of Houtzdale; of Colonel John W. Patterson Post, No. 151, of Pittsburg; of Colonel John D. Musser Post, No. 66, of Muncy; of E. B. Young Post, No. 87, of Allentown, and of Lookout Post, No. 425, of St. Petersburg, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men of the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

Mr. FRYE presented a petition of the International Stereotypers and Electrotypers' Union, American Federation of Labor, of Brooklyn, N. Y., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4975) for the erection of a public building at Crookston, Minn., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1463) for the erection of a public building at Kingston, N. Y., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (H. R. 1086) granting an increase of pension to Francis W. Pool;

A bill (H. R. 1012) granting an increase of pension to Patrick Moran;

A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill;

A bill (H. R. 10795) granting an increase of pension to William A. Campbell; and

A bill (S. 5337) granting an increase of pension to Marietta L. Adams.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 17th instant proposing to appropriate $25,000 to enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. DIETRICH introduced a bill (S. 5353) to authorize the President, for and on behalf of the United States, to enter into a reciprocal agreement with the permanent government of Cuba respecting trade between the United States and Cuba and to carry out the terms of such agreement; which was read twice by its title, and referred to the Committee on Relations with Cuba.

Mr. HEITFELD introduced a bill (S. 5354) to ratify act No. 65 of the twenty-first Arizona legislature, providing a water-storage commission for Maricopa County; which was read twice by its title, and referred to the Committee on Territories.

Mr. MCCUMBER introduced a bill (S. 5355) granting an increase of pension to George A. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5356) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONES of Arkansas (for Mr. MORGAN) introduced a bill (S. 5357) for the relief of the estate of Annie E. Montrose; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 5358) for the purchase of a replica of the bronze equestrian statue of Gen. George Washington by Daniel Chester French and Edward C. Potter; which was read twice by its title, and, with an accompanying paper, referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. FOSTER of Louisiana submitted an amendment intended to be proposed by him to the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba, and ordered to be printed.

Mr. HANSBROUGH submitted three amendments intended to be proposed by him to the bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia; which were ordered to lie on the table and to be printed.

CHINESE EXCLUSION.

Mr. PLATT of Connecticut. I ask for an order to print the House bill on Chinese exclusion as passed by the Senate. It has not been yet printed by the House, and it should be printed.

There being no objection, the order was agreed to, as follows:

Ordered, That H. R. 13061, "to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," as passed by the Senate, be printed.

ARMY APPROPRIATION ACT.

Mr. PLATT of Connecticut. I also ask an order for the printing of 200 additional copies of the Army appropriation act of last year for the use of the Senate. This is the act which contains the amendment relating to Cuba, and the supply of copies has been exhausted.

There being no objection, the order was agreed to, as follows:

Ordered, That 200 additional copies of Public, No. 118, "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1902," be printed for the use of the Senate.

STENOGRAPHER FOR DISTRICT OF COLUMBIA COMMITTEE.

Mr. MCMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to employ a stenographer from time to time as may be necessary

to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 181) granting an increase of pension to William C. David;

An act (S. 201) granting an increase of pension to Jane K. Hill;

An act (S. 721) granting an increase of pension to Lacalette D. Dickey;

An act (S. 951) granting an increase of pension to Charles Ambrook;

An act (S. 952) granting an increase of pension to George H. Smith;

An act (S. 1285) granting an increase of pension to Elizabeth Steele;

An act (S. 1678) granting an increase of pension to Charles B. Wingfield;

An act (S. 2079) granting an increase of pension to William Wheeler;

An act (S. 2327) granting an increase of pension to William Hoag;

An act (S. 2329) granting an increase of pension to Peter Bittman;

An act (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley;

An act (S. 3103) granting an increase of pension to Susan Hays;

An act (S. 3378) granting a pension to Sarah Anne Harris;

An act (S. 3388) granting an increase of pension to John Peterson;

An act (S. 3390) granting an increase of pension to Charles Allen;

An act (S. 3849) granting an increase of pension to Benjamin F. H. Luce;

An act (S. 3995) granting a pension to Susan E. Clark;

An act (S. 4022) granting an increase of pension to Annie E. Brown;

An act (S. 4404) granting an increase of pension to Otto H. Hasselman;

An act (S. 4414) granting an increase of pension to Albertine Schoenecker; and

An act (S. 4643) granting an increase of pension to Pheobe L. Peyton.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE (Mr. GALLINGER in the chair). I move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read, and that the committee amendments shall be considered as they are reached. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, after line 9, to insert:

For construction of breakwater from Mount Desert to Porcupine Island, Maine: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to insert:

Improving Bucksport Harbor, Maine, in accordance with the project submitted in House Document No. 275, Fifty-sixth Congress, first session, completing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert:

Improving harbor of refuge at Little Harbor, New Hampshire: Completing improvement, $13,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

For the removal of Hendersons Point, near the navy-yard, Portsmouth, N. H., in accordance with the project recommended in House Document No. 243, Fifty-seventh Congress, first session, $200,000, to be expended under the direction of the Secretary of the Navy: *Provided*, That a contract or contracts may be entered into by the Secretary of the Navy for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $549,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "act," to insert "and whether in said report the original project be approved or the same be modified, the sum herein appropriated shall be expended on the original or modified project;" so as to make the clause read:

Improving harbor of refuge at Sandy Bay, Cape Ann, Massachusetts: Continuing improvement, $200,000: *Provided*, That no part of this amount shall be expended until the said project shall have been examined by a board of engineers and a favorable report made by them upon the feasibility and advisability of continuing said project to completion. And the said board shall also report whether with advantage any part of said original project can be completed, and if so what part, and whether any modification can be made therein with a view to diminishing the cost: *Provided further*, That said board shall examine and report not later than three months from the passage of this act; and whether in said report the original project be approved or the same be modified, the sum herein appropriated shall be expended on the original or modified project.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

Improving harbor at Manchester, Mass.: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "session," to strike out "$10,000," and insert "completing improvement, $21,000;" so as to make the clause read:

Improving harbor at Cohasset, Mass., in accordance with the report submitted in House Document No. 284, Fifty-sixth Congress, first session: Completing improvement, $21,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 23, to insert:

Improving harbor at Scituate, Mass.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 7, line 1, at the beginning of the paragraph, to strike out "Improving harbor at Plymouth, Mass.: Completing improvement," and insert "Improving harbors at Plymouth and Provincetown, Mass.: Continuing improvement and maintenance;" in line 4, before the word "thousand," to strike out "twenty," and insert "fifteen," and in the same line, before the word "dollars," to strike out "seven hundred;" so as to make the clause read:

Improving harbors at Plymouth and Provincetown, Mass.: Continuing improvement and maintenance, $15,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 19, to insert:

A board of engineer officers shall be appointed by the Secretary of War, who shall make an examination of Vineyard and Nantucket sounds and the east shore of Cape Cod, with a view to reporting upon the relative merits of each of said localities for harbors of refuge, what construction or improvement, if any, is advisable in each, and the cost of such construction or improvement as may be deemed advisable.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to insert:

Improving Point Judith Harbor, Rhode Island: Continuing improvement, $100,000, of which amount so much as may be necessary may, in the discretion of the Secretary of War, be expended in constructing the easterly detached breakwater and continuing it to the shore with a view of providing a shelter for a landing place for the passengers, crews, and cargoes of vessels in distress, and other vessels, and for the lifeboats of the Point Judith life-saving service.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to strike out:

Improving harbors of refuge at Block Island, R. I., and Great Salt Pond, Block Island, R. I.: For maintenance, $15,000, and a board of engineers shall be appointed by the Secretary of War, who shall make an examination of these harbors of refuge, and also of the harbor of refuge at Point Judith, and of Vineyard and Nantucket Sounds and the east shore of Cape Cod, with a view to reporting upon the relative merits of each of said harbors or localities for harbors of refuge, what construction or improvement, if any, is advisable in each, and the cost of such construction or improvement as may be deemed advisable. Said board shall also make an examination of Point Judith Pond with a view to ascertaining whether it is desirable to enlarge the entrance to said pond from the ocean, and if such enlargement is upon examination found to be desirable an estimate of the cost thereof shall be made. The expense of such examination as well as of the survey, if made, shall be paid from the unexpended balance remaining to the credit of the former entrance to Point Judith Pond.

And in lieu thereof to insert:

Improving harbor of refuge at Block Island, R. I.: Continuing improvement, $30,000.

Improving harbor, Great Salt Pond, Block Island, R.I.: For extending south jetty and dredging, $30,000.

Completing the present entrance to Point Judith Pond, Rhode Island, $15,000, and the amount hitherto appropriated and unexpended is hereby made available for this purpose.

The amendment was agreed to.

The next amendment was, on page 11, line 6, after the word "session," to strike out "$5,000" and insert "completing improvement, $15,000;" so as to make the clause read:

Improving harbor at Milford, Conn., in accordance with the report submitted in House Document No. 280, Fifty-sixth Congress, first session, completing improvement, $15,000.

The amendment was agreed to.

The reading was continued to line 16 on page 11.

Mr. FRYE. I offer an amendment on behalf of the Committee on Commerce. I move, on page 11, line 14, to strike out "Carnarsie Bay."

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the Senator's attention to the necessity of transferring the word "and;" so as to insert it before the words "Flushing Bay."

Mr. FRYE. Yes.

The PRESIDING OFFICER. That amendment will be made.

Mr. FRYE. On page 11, line 15, I move to strike out "twenty-nine" and insert "nineteen;" so that the paragraph will read:

Improving harbors at Port Jefferson, Huntington, Glencove, and Flushing Bay, New York: Continuing improvement and for maintenance, $19,500.

The amendment was agreed to.

Mr. FRYE. On page 11, after line 16, I move to insert as a new paragraph:

Improving Sag Harbor, New York, in accordance with report submitted in House Document No. 77, Fifty-sixth Congress, first session, $10,000.

The amendment was agreed to.

Mr. FRYE. On page 11, after line 16, to follow the Sag Harbor amendment, I move to insert:

Improving the harbor at Mattituck, N. Y.: Continuing improvements, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 12, after line 5, to insert:

Improving Buttermilk Channel, New York Harbor, New York: Continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 15, line 9, after the word "dollars," to insert "$25,000 of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds;" so as to make the clause read:

Improving Raritan Bay, New Jersey: Continuing improvement, $45,000, $25,000 of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

Improving channel of Curtis Bay, Baltimore Harbor, Maryland, by deepening the same to 30 feet and widening to 250 feet, in accordance with plan submitted in Senate Document No. 118, Fifty-sixth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $146,000, exclusive of the amounts heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 17, line 10, to increase the appropriation for continuing the improvement of certain harbors and rivers on the easterly shore of Chesapeake Bay, Maryland, from $60,000 to $74,000.

The amendment was agreed to.

The next amendment was, on page 17, line 20, to increase the appropriation for continuing the improvement of the harbor at Cape Charles City, Va., from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 19, line 6, after the word "dollars," to insert the following proviso:

Provided, That the unappropriated balance of the amount authorized by the act of July 13, 1892, to be expended for completing the 21-foot project in Charleston Harbor, may be applied to the operating of dredges under the 26-foot project of November 18, 1898, as modified and approved by the division engineer.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

Improving the inland waterways between Charleston Harbor, South Carolina, and opposite McClellanville, in accordance with the report submitted by the Chief of Engineers March 26, 1902, $50,000, the same to be expended at the end of the route from Charleston northward in procuring a channel of 4 feet depth and 60 feet bottom width: *Provided*, That all land required for the same shall be relinquished free of cost to the Government.

The amendment was agreed to.

The next amendment was, on page 21, line 11, before the word "thousand," to strike out "forty" and insert "sixty-five;" and in line 22, after the word "used," to strike out "to maintain the present depth of water in Academy Creek to the old Altamaha Canal" and insert "for maintaining in Academy Creek to the old Altamaha Canal a depth equal to the controlling depth on the shoal at the lower end of the city in East River;" so as to make the clause read:

Improving Brunswick Harbor, outer bar, and inner harbor, Georgia: Continuing improvement, $165,000, of which not exceeding $40,000 may be expended on the outer bar in accordance with the report submitted in House Document No. 179, Fifty-sixth Congress, second session, and the Secretary of War may in his discretion apply the amount to be expended on the outer bar upon either of the routes described in said report. The improvement of the inner harbor shall be made in accordance with the report submitted in House Document No. 40, Fifty-sixth Congress, first session. Of the amount herein appropriated, $5,000, or so much thereof as may be necessary, shall be used for maintaining in Academy Creek to the old Altamaha Canal a depth equal to the controlling depth on the shoal at the lower end of the city in East River.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

Improving Biscayne Bay, Florida, by obtaining a uniform depth of 18 feet of water in a harbor or basin on the east side of Biscayne Bay and a depth of 18 feet in a channel from said basin by way of the line north of Norris Cut to the sea, in accordance with the project submitted in House Document No. 662, Fifty-sixth Congress, first session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the above-described improvement in accordance with said project, not to exceed in the aggregate $496,667, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 23, line 11, before the word "dredging," to strike out "by" and insert "and;" so as to make the clause read:

Improving northwest entrance to harbor at Key West, Fla.: Continuing improvement and dredging, $100,000.

The amendment was agreed to.

The next amendment was, on page 23, line 23, after the word "feet," to insert "and width of 500 feet;" and on page 24, line 3, after the word "dredge," to insert:

To be used in making said improvement of harbor at Pensacola and in improving harbor at Apalachicola Bay and at East Pass, Carabelle Harbor, Florida, for the operation of which dredge for one year from its completion or purchase the sum of $25,000 is hereby appropriated.

So as to make the clause read:

Improving harbor at Pensacola, Fla.: Continuing improvement and for maintenance, $220,000; the same to be used toward securing a channel depth of 30 feet and width of 500 feet from the Gulf of Mexico to the dock line at the east end of the city of Pensacola: *Provided*, That of said amount $150,000, or so much thereof as may be necessary, may be used for the construction or purchase of a seagoing suction dredge, to be used in making said improvement of harbor at Pensacola, etc.

The amendment was agreed to.

The next amendment was, on page 25, line 6, after the words "Mobile Bay," to insert the following proviso:

Provided further, That of this appropriation the Secretary of War may, in his discretion, expend a sum not to exceed $50,000 in deepening and widening the channel through the outer bar near Fort Morgan.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

Improving harbor at Biloxi, Miss.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 26, line 24, to increase the appropriation for continuing the improvement of the mouth and passes of Calcasieu River, Louisiana, from $35,000 to $75,000.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "maintenance," to insert "of channel, $60,000;" in line 2, before the word "repairs," to insert "for;" and in line 3, before the word "thousand," to strike out "eighty-five" and insert "twenty-five;" so as to make the clause read:

Sabine Pass, Texas and Louisiana: For maintenance of channel, $60,000, and for repairs of the jetties, $125,000, of which amount $25,000, or so much thereof as may be necessary, shall be used to improve the main ship channel in accordance with the report submitted in House Document No. 70, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert:

The sum of $400,000 is hereby appropriated to the Brazos River Channel and Dock Company in payment to said company for the jetties built by said company at the mouth of the Brazos River, Texas, and heretofore transferred to the Government by said company: *Provided*, That of said amount the sum of $20,000 shall be retained by the Secretary of the Treasury and not paid to said company until the said company shall have conveyed to the United States, by proper and sufficient warranty deed, to be approved by the Attorney-General of the United States, the absolute title to a strip of land 1 mile in length and 300 feet in width upon the water front on the east side of Brazos River within 6 miles of the shore end of the east jetty, said strip of land to be selected by the Secretary of War and the limits thereof fixed by him.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 28.

Mr. FRYE. After the word "dollars," in line 17, in the appropriation for improving Galveston Harbor, Texas, I move to insert:

Of which appropriation an amount not exceeding $25,000 may, in the discretion of the Secretary of War, be used for the construction of a turning basin in the inner harbor.

The amendment was agreed to.

The reading was resumed. The next amendment of the Committee on Commerce was, on page 29, line 2, after the word "connect," to insert "and adjust;" and in line 3, after the word "advisable," to strike out "and the same can be done without additional expense;" so as to make the additional proviso read:

Provided further, That appropriations heretofore made and unexpended for Galveston Harbor are hereby made available for the above purposes. The Secretary of War is authorized to modify the plan for the south jetty so as to connect and adjust the same with the protection work proposed by the city of Galveston, if found advisable.

The amendment was agreed to.

The next amendment was, on page 29, after line 4, to insert:

For widening and deepening Galveston Channel from a point opposite Twentieth street to a point opposite Fifty-first street to a depth of 30 feet and a width of 1,200 feet, including the present channel: Continuing improvement in accordance with the report submitted in House Document No. 264, Fifty-sixth Congress, second session, $200,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $400,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That the Secretary of War shall cause the expenditure of the amount appropriated at such points as he shall direct.

Mr. FRYE. I move to amend the amendment by striking out, in line 6, on page 29, the words "a point opposite Twentieth street" and inserting "the outer end of the inner bar."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 29, line 24, after the word "Galveston," to insert "and the property of the United States located on Galveston Island;" so as to make the clause read:

The Secretary of War is hereby authorized and directed to appoint a board of engineers to make an examination and prepare plans and estimates for the protection of the port of Galveston and the property of the United States located on Galveston Island from excessive storms, by a breakwater or other means, and submit the same, with a report upon the feasibility, advisability, and cost thereof, and the probable effect of such improvement upon the general condition of that port and its commerce, and the expenses of said board shall be paid from the foregoing appropriation.

The amendment was agreed to.

The next amendment was, on page 32, line 5, to increase the appropriation for continuing the improvement and maintenance of Ashtabula Harbor, Ohio, from $135,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 33, line 13, after the word "constructed," to insert:

Provided further, also, That the east breakwater shall not be extended eastward beyond the prolongation of Case avenue until further legislation by Congress authorizing such extension.

The amendment was agreed to.

The next amendment was, on page 33, line 20, to increase the appropriation for improving the harbor at Huron, Ohio, and for its maintenance, from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 36, line 14, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract for such materials and work as may be necessary for the prosecution of the alternative project, involving a new cut to Lake Michigan, submitted in House Document No. 192, Fifty-fourth Congress, first session, to be paid for as appropriation may be made from time to time, to be made by law, not to exceed in the aggregate $135,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Saugatuck Harbor and Kalamazoo River, Michigan: For maintenance, $15,000: *Provided*, That the Secretary of War may enter into a contract for such materials, etc.

Mr. FRYE. I move to amend the amendment on page 36, line 20, by changing the word "appropriation" to "appropriations."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading was resumed. The next amendment was, on page 39, line 7, after the word "appropriated," to insert:

And provided further, That of the sum provided for improvement and maintenance an amount not exceeding $7,500 may be expended in connecting the Presque Isle breakwater with the shore.

So as to make the clause read:

Improving harbor at Marquette, Mich.: Continuing improvement and for maintenance, $26,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $80,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That of the sum provided for improvement and maintenance an amount not exceeding $7,500 may be expended in connecting the Presque Isle breakwater with the shore.

The amendment was agreed to.

The next amendment was, on page 39, line 15, before the word "thousand," to strike out "twenty" and insert "fifty;" and in line 16, after the word "dollars," to insert the following proviso:

Provided, That the improvement of Menominee River shall be made in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress.

So as to make the clause read:

Improving Menominee Harbor and River, Michigan and Wisconsin: Continuing improvement, $50,350: *Provided*, That the improvement of Menominee River shall be made in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to strike out:

Improving harbors at Ahnapee, Port Washington, and Oconto, Wis.: Continuing improvement, $14,000.

And in lieu thereof to insert:

Improving harbor at Ahnapee: Continuing improvement, $10,000.
Improving harbor at Port Washington, $6,000.
Improving harbor at Oconto, $3,000.

The amendment was agreed to.

The next amendment was, on page 41, line 1, before the word "the," to strike out "for completion of;" so as to make the clause read:

Improving harbor at Sheboygan, Wis.: For maintenance and for improving said harbor in accordance with the report submitted in House Document No. 327, Fifty-fourth Congress, second session, and the project adopted March 3, 1899, $90,000.

The amendment was agreed to.

The next amendment was, on page 43, line 9, before the word "thousand," to strike out "and seventy-five;" and in line 12, after the word "harbor," to strike out:

And $143,000, or so much thereof as may be necessary, may, in the discretion of the Secretary of War, be expended for the construction or purchase of a dredging plant.

So as to make the clause read:

Improving harbor at Duluth, Minn., and Superior, Wis.: Continuing improvement and for maintenance, $200,000, of which not less than $100,000 shall be expended in prosecuting the work of rebuilding the piers at the Wisconsin entry of said harbor.

The amendment was agreed to.

The next amendment was, on page 43, after line 19, to insert:

Improving Warroad Harbor and Warroad River, Minnesota, in accordance with the report submitted in House Document No. 92, second session of the Fifty-sixth Congress, $45,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 7, to strike out:

Improving Oakland Harbor, California: Continuing improvement and for maintenance, $100,000: *Provided*, That the Secretary of War may, in his discretion, expend said amount for maintenance or improvement in accordance with the report contained in House Document No. 262, Fifty-sixth Congress, second session.

And in lieu thereof to insert:

Improving Oakland Harbor, California: For providing a channel 500 feet wide and 25 feet deep from San Francisco Bay to Chestnut street; thence 300 feet wide and 25 feet deep to Fallon street; thence 300 feet wide and 17 feet deep to the tidal basin, and thence 300 feet wide and 12 feet deep around the said tidal basin, in accordance with the project and estimate contained in House Document No. 262, Fifty-sixth Congress, second session, $100,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $868,203, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "improvement," to strike out "ten thousand dollars" and insert "and repairing jetty, seventy-five thousand dollars;" so as to make the clause read:

Improving entrance to Coos Bay and Harbor, Oregon: For maintenance and continuing improvement and repairing jetty, $75,000.

The amendment was agreed to.

The next amendment was, on page 47, line 4, after the word "dollars," to insert:

Provided, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $222,000, exclusive of the amounts herein and heretofore appropriated.

And in line 15, after the word "document," to strike out:

And a right is obtained to deposit material dredged from said channel either on adjacent tide lands or in the deep water of Commencement Bay.

So as to make the clause read:

Improving Tacoma Harbor, Washington, in accordance with the report submitted in House Document No. 76, Fifty-sixth Congress, second session, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $222,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That no part of said amount shall be expended until a release from liability for damages shall be obtained, if any liability exists, arising from a contract between the State of Washington and R. B. Lehman, which said contract is set forth in said document: *Provided further*, That such work shall be so conducted as not to damage the piers or foundations of bridges crossing said waterway, or the wharves adjacent thereto.

The amendment was agreed to.

The next amendment was, on page 48, line 2, to increase the appropriation for improving New Whatcom Harbor, Washington, from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 48, line 17, after the word "feasibility," to strike out "and advisability;" and on page 49, line 9, after the word "routes," to strike out:

Nothing herein shall be construed as the adoption of any project for the construction of a waterway connecting Puget Sound with lakes Union and Washington.

And insert:

And shall recommend in its report that route which it finds to be the most feasible, practicable, economical, and best, taking into consideration the needs, requirements, and commercial growth of Seattle. Said board shall make its reports, as above provided for, to the next session of Congress.

So as to make the clause read:

Improving waterway connecting Puget Sound with Lakes Union and Washington, Washington: Continuing improvement, $160,000: *Provided*, That this appropriation, together with the unexpended balance to the credit of said improvement, shall be expended in securing, by dredging, a low-water channel 10 feet in depth from Shilshole Bay through Salmon Bay to the wharves at Ballard: *Provided further*, That a board of engineers shall be appointed by the Secretary of War, who shall make such surveys, examinations, and investigations as may be required to determine the feasibility of constructing a canal, with necessary locks and dams, connecting Puget Sound with Lakes Union and Washington, of sufficient width and depth to accommodate the largest commercial and naval vessels, and said board shall prepare and report plans and estimates of the cost thereof. Said board shall also examine the route for a similar canal connecting Elliott Bay with Lakes

Washington and Union, with a view to determine the feasibility of such route, and shall invite proposals from the Seattle and Lake Washington Waterway Company for the construction of a similar canal over said route connecting Elliott Bay with Lake Washington, and similar proposals for connecting Elliott Bay with Lake Union through Lake Washington, said proposals to specify the time for the completion of each project, and all rights and privileges to be reserved by said company. Said board shall also report upon the relative advantages of all proposed routes, and shall recommend in its report that route which it finds to be the most feasible, practicable, economical, and best, taking into consideration the needs, requirements, and commercial growth of Seattle. Said board shall make its reports, as above provided for, to the next session of Congress.

The amendment was agreed to.

The next amendment was, on page 49, after line 17, to insert:

Improving harbor of San Luis d'Apra, island of Guam, $150,000, to be expended under the direction of the Secretary of the Navy in the prosecution of the project recommended by him for dredging a channel across the reef near Fort Santa Cruz and removing the top of the coral reef in the outer anchorage.

The amendment was agreed to.

The next amendment was, on page 50, line 8, before the word "thousand," to strike out "twenty" and insert "forty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $41,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Kennebec River, Maine, between Gardiner and Augusta, in accordance with the report submitted in House Document No. 262, Fifty-sixth Congress, first session, $40,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $41,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 51, line 21, after the word "essential," to strike out:

and $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board.

And insert:

In estimating the probable cost of said improvement said board shall take into account both direct and consequential damages and the annual cost of maintaining said improvement, and shall hear all parties interested in said improvement or who may be affected thereby, and $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board, and for any surveys ordered by it in addition to those already made. Nothing herein shall be construed as permitting the taking or destruction of any structures or improvements in or near said river, owned or used by private persons and corporations, public or private, without just compensation.

So as to make the clause read:

Improving Connecticut River between Hartford, Conn., and Holyoke, Mass.: For the purpose of further surveys and report upon the project for improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., a board of three officers of the Engineer Corps, to be designated by the Secretary of War, shall personally make examination of the improvement proposed by the engineer in charge, and report thereon, with reference to the probable cost of said proposed improvement, the commercial advantages, if any, to be derived from such improvement, and such other information as the board may deem essential. In estimating the probable cost of said improvement said board shall take into account both direct and consequential damages and the annual cost of maintaining said improvement, and shall hear all parties interested in said improvement or who may be affected thereby, and $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board, and for any surveys ordered by it in addition to those already made. Nothing herein shall be construed as permitting the taking or destruction of any structures or improvements in or near said river, owned or used by private persons and corporations, public or private, without just compensation.

The amendment was agreed to.

The next amendment was, on page 53, line 12, after the word "dollars," to insert:

And the Secretary of War is hereby authorized and directed to establish the east line of the improved channel in front of the city of Troy, from the foot of Congress street to the southern end of the city, so as to place it as near as practicable to the existing bulkhead line.

So as to make the clause read:

Improving Hudson River, New York: Continuing improvement, $225,000, and the Secretary of War is hereby authorized and directed to establish the east line of the improved channel in front of the city of Troy, from the foot of Congress street to the southern end of the city, so as to place it as near as practicable to the existing bulkhead line.

The amendment was agreed to.

The next amendment was, on page 54, after line 7, to insert:

Improving Wappinger Creek, New York: Continuing improvement and maintenance, $1,500.

The amendment was agreed to.

The next amendment was, on page 55, after line 6, to insert:

Improving Rancocas River, New Jersey: Continuing improvement on the Lumberton Branch, $3,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to strike out:

Improving Mantua and Alloway creeks, New Jersey: Continuing improvement and for maintenance, $28,000.

And in lieu thereof to insert:

Improving Mantua Creek, New Jersey: Continuing improvement, $40,000.
Improving Alloway Creek, New Jersey: Continuing improvement, $3,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 17, to insert:

Improving Allegheny River at Natrona, Pa., in accordance with report submitted in House Document No. 72, Fifty-fifth Congress, third session, for construction of Lock and Dam No. 4, and for the purchase of land at lock and dam, if necessary, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,622, exclusive of amount herein appropriated; and the provision in the river and harbor act of June 5, 1896, authorizing contracts to be made for construction of lock and dam at Herr Island, Allegheny River, is hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government.

The amendment was agreed to.

The next amendment was, on page 58, line 17, before the word "Maryland," to insert "above and below Havre de Grace;" so as to make the clause read:

Improving Susquehanna River above and below Havre de Grace, Md.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 18, to insert:

Improving Elk River, Maryland: Completing improvement, in accordance with report submitted in House Document No. 105, Fifty-sixth Congress, first session, $16,665.

The amendment was agreed to.

The next amendment was, on page 59, after line 2, to insert:

For improving the Anacostia River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War, and in accordance with the reports of the board of engineers made in compliance with the joint resolution of Congress approved April 11, 1898, $150,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 20, to insert:

Improving Pagan River, Virginia, in accordance with the report submitted in House Document No. 88, Fifty-sixth Congress, second session, $10,870.

The amendment was agreed to.

The next amendment was, on page 59, line 25, after the word "improvement," to strike out:

Two hundred and fifty thousand dollars: *Provided*, That the Secretary of War may, in his discretion, expend said amount, together with any balances now on hand, or any part thereof, with a view to first securing a channel 18 feet deep to the city of Richmond.

And insert:

And for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $300,000.

So as to make the clause read:

Improving James River, Virginia: Continuing improvement and for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $300,000.

The amendment was agreed to.

The next amendment was, on page 60, line 11, after the word "dollars," to insert:

And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Appomattox River, Virginia: For maintenance, $7,500. And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 62, after line 6, to insert:

Improving Cape Fear River, North Carolina, above Wilmington, in accordance with the report submitted in House Document No. 180, Fifty-sixth Congress, second session, $150,000, to be expended in obtaining a suitable navigable channel from Wilmington to Fayetteville.

The amendment was agreed to.

The next amendment was, on page 62, after line 23, to insert:

Improving Fishing Creek, North Carolina: For maintenance, from its mouth to Beach Swamp, $2,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 5, to insert:

The Secretary of War is hereby authorized and directed to appoint a board of engineers, to consist of not less than three nor more than five, to consider the entire subject of a waterway of not less than 16 feet depth from Norfolk Harbor, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina, with instructions, first, to make surveys of all possible routes, if necessary, whether or not included in recent surveys made by Maj. James B. Quinn, and Capt. E. W. Van C. Lucas as reported to Congress in Executive Document No. 202, Fifty-sixth Congress, second session, and second, to submit a report with estimates and recommendations, and, in the event of a favorable recommendation, a description of the best route, such report to contain an estimate of the total cost of the construction of the route recommended for adoption, including the probable cost of the purchase and

improvement to 16 feet depth of any private waterway that it may be to the interest of the United States to acquire and improve in connection with the above improvement.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

Improving Ashley River, South Carolina, in accordance with the report submitted in House Document No. 115, Fifty-sixth Congress, second session, $25,000.

The amendment was agreed to.

The next amendment was, on page 65, line 11, to increase the appropriation for continuing the improvement and maintenance of Oconee River, Georgia, from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 18, to insert;

Improving Coosa River, Georgia and Alabama: For maintenance and continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete Lock and Dam No. 4 in said river, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $129,845, exclusive of the amounts herein and heretofore appropriated, and the balance on hand, together with any amounts herein appropriated not required for the completion of said lock and dam, may be used for completing the work at Horse Leg Shoal and dredging and improving the channel between Rome, Ga., and Lock No. 4.

The amendment was agreed to.

The next amendment was, on page 66, line 12, before the word "thousand," to strike out "twenty" and insert "thirty-five," and in the same line, before the word "thousand," to strike out "five" and insert "ten;" so as to read:

Improving Coosa River, Georgia and Alabama, and the Oostenaula and Coosawattee rivers, Georgia, $35,000, of which amount $10,000, or so much thereof as may be necessary, shall be expended upon the last-named rivers, and the balance upon the channel of the Coosa River between its source and the site of Lock No. 4, etc.

The amendment was agreed to.

The next amendment was, on page 67, after line 4, to insert:

Improving the inside water route between Savannah, Ga., and Fernandina, Fla.: Continuing improvement, $15,000, to be expended on Jekyl Creek and the Dividings.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to insert:

Improving Indian River, Florida, between Goat Creek and Jupiter Inlet: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, on page 68, line 16, after the word "dollars," to insert:

The whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet into the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

So as to make the clause read:

Improving Escambia and Conecuh rivers, Florida: Continuing improvement, $5,000, the whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet into the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

The amendment was agreed to.

The next amendment was, on page 68, line 24, after the word "Florida," to insert "Texas;" so as to read:

For the removal of the water hyacinth from the navigable waters of the States of Florida, Texas, and Louisiana, so far as it is an obstruction to navigation, $50,000.

The amendment was agreed to.

The next amendment was, on page 69, line 8, after the word "dollars," to insert:

And the further sum of $25,000, to be used in deepening the channel from the mouth of the Withlacoochee River to the loading pool in the Gulf of Mexico, being a distance of 11,780 feet, to the depth of 10 feet, and to straighten said channel where the same is crooked, and for the maintenance of said channel.

So as to make the clause read:

Improving Crystal, Manatee, Anclote, Suwanee, and Withlacoochee rivers, Florida: Continuing improvement and for maintenance, $35,000, and the further sum of $25,000, to be used in deepening the channel from the mouth of the Withlacoochee River to the loading pool in the Gulf of Mexico, being a distance of 11,780 feet, to the depth of 10 feet, and to straighten said channel where the same is crooked, and for the maintenance of said channel.

The amendment was agreed to.

Mr. FRYE. I move to amend, on page 69, in line 24, after the word "may," by striking out "in the discretion of the Secretary of War, be expended in the construction or purchase of a dredge," and inserting "be expended in the construction or purchase of a seagoing suction dredge."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 71, after line 8, to insert:

The Secretary of War is authorized and directed to cause a survey to be made to determine the location of the necessary lock sites in the Tombigbee River between Demopolis and Columbus, the cost of the same to be paid from the money heretofore appropriated and available for said section of the river.

The amendment was agreed to.

The next amendment was, on page 71, after line 22, to insert:

Pascagoula River, Mississippi: Continuing improvement with a view to obtaining a 17-foot channel, from 3 miles above the mouth of Dog River to the 17-foot contour in Mississippi Sound, 150 feet wide above railroad bridge and 300 feet below, in accordance with the report submitted in House Document No. 211, Fifty-fourth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for the prosecution of said work, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $250,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 74, line 8, before the word "thousand," to strike out "seventy-nine" and insert "one hundred and twenty-five;" and in the same line, after the word "dollars," to strike out:

The amount herein appropriated shall not be expended in the construction of revetments, nor shall any plan be adopted which shall require the construction of revetments.

So as to read:

Improving mouths of Sabine and Neches rivers, Texas, in accordance with House Document No. 299, Fifty-fourth Congress, second session, by connecting the same with Sabine Pass, by a channel 8 feet deep through Sabine Lake: Continuing improvement, $125,000.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "expended," to strike out:

upon divisions one and two in developing in each of said divisions a similar channel of uniform depth and width between the respective termini thereof.

And insert:

for the completion of the project upon division one, and the balance in developing in division two a similar channel of uniform depth and width.

So as to make the clause read:

Galveston Ship Channel and Buffalo Bayou, Texas: Continuing improvement, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $700,000, exclusive of the amounts herein and heretofore appropriated. The amounts herein appropriated and authorized shall be expended for the completion of the project upon division one, and the balance in developing in division two a similar channel of uniform depth and width.

Mr. FRYE. I move to amend the amendment, in line 11, after the word "one," by inserting "not to exceed $600,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 75, after line 12, to strike out:

Improving Trinity River, Texas: In accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, not including section 1 of the project, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to construct locks and dams upon the river where the most serious obstructions exist, procure and operate snag boats, and clear the river with the purpose of permitting through navigation from the mouth of the river to section 1, not to exceed in the aggregate $250,000, exclusive of the amounts herein and heretofore appropriated. A board of engineers shall be designated by the Secretary of War to examine section 1 of the survey of Trinity River, as reported in House Document No. 409, Fifty-sixth Congress, first session, and report upon the feasibility and advisability of expending the further sum of $400,000 with a view of securing not less than eight months' navigation annually upon said section 1 to Dallas.

And in lieu thereof to insert:

Improving Trinity River, Texas, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, $125,000: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to construct locks or locks and dams upon section 1 and elsewhere upon the river where the most serious obstructions exist, procure and operate snag boats, and clean the river with the purpose of permitting through navigation between Dallas and the mouth of the river each year for as long a period as possible; or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $400,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 77, line 6, before the word "thousand," to strike out "thirty" and insert "fifteen;" so as to make the clause read:

Improving Brazos River between Velasco and Richmond, Tex., and mouths of adjacent streams: Continuing improvement, $50,000: *Provided*, That so much thereof as may be necessary may be used in the operation of the dredge provided for this work, and the purchase of the canal from West Galveston Bay to the mouth of the Brazos at a price not to exceed $15,000 from the amount herein appropriated, if in the discretion of the Secretary of War such purchase be deemed advisable.

The amendment was agreed to.

The next amendment was, on page 78, after line 12, to strike out:

Improving Upper White River, Arkansas: For construction of Locks and Dams Nos. 1 and 2, authorized in the river and harbor act of March 3, 1899, $70,000.

And insert in lieu thereof:

Improving Upper White River, Arkansas: For the completion of Locks and Dams Nos. 1 and 2, and the construction of Lock and Dam No. 3, authorized in the river and harbor act of March 3, 1899, $270,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 21, to insert:

To repair the Government levee heretofore constructed to prevent the cutting through the space dividing the Mississippi and St. Francis rivers in the vicinity of Walnutbend, Ark., and to extend the same about 7,000 feet to Wheel Ridge, in said State, as recommended by the Chief of Engineers in Senate Executive Document No. 104, Fifty-third Congress, second session,

$90,000, to be expended under the direction of the Mississippi River Commission.

The amendment was agreed to.

The next amendment was, on page 80, line 19, after the word "appropriated," to insert:

So much of the amount herein appropriated as may be necessary may be expended for maintenance between Chattanooga and Riverton.

So as to make the clause read:

Improving Tennessee River: Continuing improvement at Colbert and Bee Tree Shoals by the construction of a lateral canal, $200,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the work of constructing said lateral canal, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $400,000, exclusive of the amounts herein and heretofore appropriated. So much of the amount herein appropriated as may be necessary may be expended for maintenance between Chattanooga and Riverton.

The amendment was agreed to.

The next amendment was, on page 81, line 10, after the word "Nashville," to strike out "For the completion of Lock and Dam No. 1 and for maintenance, $105,000" and insert "Continuing improvement and for maintenance, $200,000;" and in line 16, after the word "the," to strike out "owners of land abutting on said river at or near the lock and dam aforesaid" and insert "highest bidder;" so as to make the clause read:

Improving Cumberland River, Tennessee, above Nashville: Continuing improvement and for maintenance, $200,000.

That the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses to the highest bidder for the use of the water power created by said dam, at such a rate and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to issue permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of water aforesaid.

The amendment was agreed to.

The next amendment was, on page 83, after line 5, to insert:

Improving Tug and Levisa forks of the Big Sandy River, West Virginia and Kentucky, by construction of a lock and dam on each of said forks next above their junction, in accordance with the report submitted in House Document No. 235, Fifty-sixth Congress, second session, $200,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $250,000 exclusive of the amount herein or heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 83, after line 18, to insert:

Improving Big Sandy River, West Virginia and Kentucky: Completing improvement of the two locks and dams between Louisa and the mouth of the river, authorized by the river and harbor act of March 3, 1899, $50,000, the said sum to be in addition to the amount authorized by said act to be expended on the said locks and dams.

The amendment was agreed to.

The next amendment was, on page 84, line 16, after the word "river," to insert:

Provided further, That $25,000 of this appropriation, or so much thereof as may be necessary, may be used, in the discretion of the Secretary of War, for the improvement of the levee at Shawneetown, Ill.

So as to make the clause read:

Improving Ohio River from its head to its mouth: Continuing improvement, $400,000. * * * *Provided further*, That $25,000 of this appropriation, or so much thereof as may be necessary, may be used, in the discretion of the Secretary of War, for the improvement of the levee at Shawneetown, Ill.

The amendment was agreed to.

The next amendment was, on page 86, after line 8, to insert:

For local surveys and purchase of site for Lock and Dam No. 7, $23,000, and any part thereof which may not be required for such purpose shall be available for construction of said lock and dam.

The amendment was agreed to.

The next amendment was, at the top of page 88, to insert:

Improving Ohio River between Marietta and the mouth of the Big Miami River, at Movable Dam No. 19, in accordance with the report submitted on pages 2608 and 2609 of the Report of the Chief of Engineers for the year ending June 30, 1901, to be used for the survey, acquisition of site for dam, and construction of dam, $25,000.

The amendment was agreed to.

The next amendment was, on page 90, line 17, after the word "exceed," to strike out "five thousand dollars" and insert "twelve thousand five hundred dollars," and in line 19, after the word "dredging," to insert "Flint;" so as to make the clause read:

Improving Saginaw River, Michigan: Continuing improvement and for maintenance, $50,000: *Provided*, That one-half of said amount may be expended above and one-half below the county line between Saginaw and Bay counties, and of the amount to be expended above said county line the Secretary of War may expend, in his discretion, not to exceed $12,500, from the amount herein appropriated, for improvement above the said county line, in dredging Flint, Shiawassee, and Bad rivers up as far as St. Charles, in accordance with House Document No. 135, Fifty-fifth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 93, line 23, before the word "thousand," to strike out "twenty-five," and insert "twenty," and on page 94, line 7, before the word "project," to strike out "completing the said," and insert "work under the existing;" so as to make the clause read:

The unexpended balances remaining from appropriations for St. Marys River at the Falls shall be expended as follows: Twenty thousand dollars, or so much thereof as may be necessary, at the Sailors Encampment, with a view to avoid collisions and groundings at that point; $20,000, or so much thereof as may be necessary, to pay the salaries and expenses of the commission created by section 4 herein; of the remainder, a sufficient amount may be expended for the completion and further improvement of the St. Clair Flats Canal heretofore referred to and described in House Document No. 234, Fifty-sixth Congress, second session. So much of the balance remaining after the diversions above set forth as may not be required for work under the existing project shall be expended for the widening and improvement of the St. Mays Falls Canal above the locks, in accordance with the project submitted in House Document No. 128, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 94, line 19, before the word "improvement," to strike out "$125,000" and insert "with the view of extending the same as far north as Fulton street, Grand Rapids, $150,000;" so as to make the clause read:

Improving Grand River, Michigan: Continuing improvement with the view of extending the same as far north as Fulton street, Grand Rapids, $150,000, of which $100,000, or so much thereof as may be necessary, may be used for the purchase or construction of a dredging plant.

The amendment was agreed to.

The next amendment was, on page 95, line 12, after the word "Wisconsin," to strike out:

And for dredging and otherwise improving Miller Bay on the west shore of Lake Winnebago, Wisconsin, for the purpose of making it more available as a harbor of refuge.

The amendment was agreed to.

The next amendment was, on page 95, after line 20, to insert:

The Secretary of War is hereby directed to ascertain and determine the advisability of removing the dam at or near the mouth of Minnesota River, in the State of Minnesota, and, in case he determines that the removal of said dam is advisable, he is authorized to remove the same; and the sum of $2,500 is hereby appropriated for that purpose.

The amendment was agreed to.

The next amendment was, on page 99, line 1, after the word "Congress," to insert:

And provided further, That nothing contained in this paragraph shall be construed as relieving the Fox River Navigable Waterway Association from liability for any damage inflicted upon private property by reason of the construction of the dam as aforesaid.

So as to make the clause read:

Fox River, Illinois: Permission is hereby given to the Fox River Navigable Waterway Association to construct a dam across the said river in the northwest quarter of section 36, in township 45, in range 8 east of the third principal meridian, same being about 3,000 feet below the highway bridge at McHenry, in McHenry County, Ill.: *Provided, however*, That the right is hereby reserved to alter, amend, or repeal this provision, at the pleasure of Congress: *And provided further*, That nothing contained in this paragraph shall be construed as relieving the Fox River Navigable Waterway Association from liability for any damage inflicted upon private property by reason of the construction of the dam as aforesaid.

The amendment was agreed to.

The next amendment was, on page 99, line 16, after the word "expended," to strike out "by the Mississippi River Commission;" in line 22, after the word "required," to strike out "from Lockport, Ill., through the Des Plaines River and Illinois River, to the mouth of said Illinois River," and on page 100, line 3, after the word "Missouri," to strike out:

The said Mississippi River Commission shall make said report covering such proposed improvement from the mouth of the Illinois River to St. Louis, and the said board of engineers shall make such report from Lockport, Ill., to the mouth of the Illinois River.

So as to make the clause read:

The sum of $200,000, or so much thereof as may be necessary, is hereby appropriated for making such surveys, examinations, and investigations as may be required to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway 14 feet in depth from Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River, and from the mouth of the Illinois River, by way of the Mississippi River, to St. Louis, Mo.: *Provided*, That $25,000 of said sum, or so much thereof as may be necessary, may be expended in making surveys, examinations, and investigations herein required from the mouth of the Illinois River to St. Louis: *Provided further*, That the Secretary of War shall appoint a board of three engineers to make the surveys, examinations, and investigations hereinbefore required, and that all such surveys, examinations, and investigations shall be made to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway 14 feet in depth from Lockport, Ill., to St. Louis, Mo.

The amendment was agreed to.

The next amendment was, on page 104, line 16, before the word "thousand," to insert "and fifty;" in line 24, before the word "thousand," to strike out "eight hundred" and insert "nine hundred and fifty;" on page 105, line 3, before the word "thousand," to insert "and fifty," and in the same line, after the word "years," to insert:

And provided further also, That the Secretary of War is authorized to cause to be examined the materials furnished and the work and labor done since May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officer in charge, to prevent the erosion of the banks at or near Sawyers Bend, in the harbor of St. Louis, so as to improve the channel and preserve the protection works at said point, and to ascertain the reasonable value of such materials, work, and labor so furnished and done, and out of said sum to pay the same, not, however, to exceed the sum of $50,000: *And provided further*, That the $10,000 allotted by the sundry civil act of March 3, 1899, for protection of bank on the Missouri side, and to deepen and to straighten the channel at Wittenburg, in Perry County, in the State of Missouri, be made available for general improvement.

So as to make the clause read:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, $650,000:

Provided, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,950,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That the amount to be expended upon the improvement of said river between the points mentioned shall be limited to $650,000 per year for four years: *And provided further also*, That the Secretary of War is authorized to cause to be examined the materials furnished and the work and labor done since May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officer in charge, to prevent the erosion of the banks at or near Sawyers Bend, in the harbor of St. Louis, so as to improve the channel and preserve the protection works at said point, and to ascertain the reasonable value of such materials, work, and labor so furnished and done, and out of said sum to pay the same, not, however, to exceed the sum of $50,000: *And provided further*, That the $10,000 allotted by the sundry civil act of March 3, 1899, for protection of bank on the Missouri side, and to deepen and to straighten the channel at Wittenburg, in Perry County, in the State of Missouri, be made available for general improvement.

Mr. FRYE. I offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maine to the amendment will be stated.

The SECRETARY. On page 105, line 15, after the word "dollars," strike out the colon and insert a period and strike out all of the amendment thereafter down to and including the word "improvement" in line 20.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 107, line 4, after the word "ice," to strike out:

And provided further, That of the sums hereby appropriated and authorized to be expended the Mississippi River Commission may expend, in its discretion, as approved by the Chief of Engineers, during the period of four years an amount aggregating $620,000 in continuing improvement at New Orleans, La.; Natchez and Vidalia, Miss. and La.; Greenville, Miss.; Helena, Ark.; Memphis, Tenn., including Wolf River; New Madrid and Caruthersville, Mo., and rectification of Red and Atchafalaya rivers, Louisiana: *And provided further also*, That the Chief of Engineers shall have authority to temporarily remove one or more of the dredges now under the control of the Mississippi River Commission from the river below Cairo to the river between Cairo and St. Louis, and to so operate the same as, in his judgment, will be most beneficial to the commerce of the whole river, and to expend, from the sum herein appropriated and authorized to be expended in this paragraph, for the maintenance and operation of such dredge or dredges between St. Louis and Cairo a sum not to exceed $50,000 per annum for four years.

And to insert in lieu thereof the following:

That the Chief of Engineers shall have authority to temporarily remove one or more of the dredges now under the control of the Mississippi River Commission from the river below Cairo to the river from the mouth of the Ohio to and including the mouth of the Missouri, and to so operate the same as, in his judgment, will be most beneficial to the commerce of the whole river, and to expend, from the sum heretofore appropriated and authorized to be expended for the improvement of the river from the mouth of the Ohio to and including the mouth of the Missouri, for the maintenance and operation of such dredge or dredges from the mouth of the Ohio to and including the mouth of the Missouri, a sum not to exceed $50,000 per annum for four years.

Continuing improvements at New Orleans, La.; Natchez and Vidalia, Mississippi and Louisiana; Greenville, Miss.; Helena, Ark.; Memphis, Tenn., including Wolf River; New Madrid and Caruthersville, Mo., and rectification of Red and Atchafalaya rivers, Louisiana, $620,000, to be expended by the Mississippi River Commission, in its discretion, as approved by the Chief of Engineers, during the period of four years.

The amendment was agreed to.

The next amendment was, on page 108, after line 21, to strike out:

Improving the Missouri River from the mouth to Stubbs Ferry, Montana: For snagging and maintenance, $80,000; and the Secretary of War shall cause an examination to be made of the lower portion of said river with a view to ascertaining whether navigation can be maintained at a reasonable cost by dredging and the removal of obstacles; also at and near Hermann, West Glasgow, Wilhites Bend, Lexington, and St. Joseph with a view to ascertaining what improvements in those localities, if any, are necessary for navigation.

And insert:

Improving Missouri River at Sioux City, Iowa, and above to Stubbs Ferry, Montana: Continuing improvement, including snagging, $150,000, to be expended at such localities and in such amounts as the Secretary of War shall determine.

Improving the Missouri River from Sioux City, Iowa, to the mouth of the river: Continuing improvement, $250,000, said sum to be expended in such manner and at such localities as the Secretary of War may direct.

The amendment was agreed to.

The next amendment was, on page 111, after line 8, to insert:

For building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, $52,500.

The amendment was agreed to.

The next amendment was, on page 112, after line 11, to insert:

For the rectification of the Stockton and Mormon channels at and near the city of Stockton, Cal., by the construction of a canal to divert the waters of the Mormon Channel into Calaveras River, in accordance with the report submitted in House Document No. 152, Fifty-fifth Congress, third session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, not to exceed in the aggregate $175,000 exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the city of Stockton or the State of California shall first furnish to the United States the right of way for said canal.

The amendment was agreed to.

The next amendment was in the appropriation for the improvement of the Columbia River at the Cascades, Oregon, on page 115, line 20, after the word "dollars," to insert the following proviso:

Provided, That so much thereof as may be necessary may be used in the removal of the obstructive rock in the rapids of the Columbia River, near the Cascade locks.

The amendment was agreed to.

The next amendment was, on page 116, line 1, before the word "thousand," to strike out "twenty-five" and insert "forty;" and in line 12, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Improving Upper Columbia and Snake rivers, Oregon and Washington: Continuing improvement and for maintenance, $40,250. The unexpended balance of the appropriation heretofore made for the improvement of the Clearwater River, Idaho, is hereby made available for the improvment of the above-named rivers. Of the several sums herein provided for, $28,000, or so much thereof as may be necessary, may be expended in completing the improvement and for maintenance of the Snake River between Riparia and Lewiston in accordance with the project recommended in House Document No. 127, Fifty-sixth Congress, second session, and $25,000, or so much thereof as may be necessary, may be expended in the improvement of the Snake River above Lewiston.

The amendment was agreed to.

The next amendment was, on page 116, after line 14, to strike out:

Columbia River at Three-Mile Rapids, from the foot of The Dalles Rapids to the head of Celilo Falls, Oregon and Washington: The Secretary of War is hereby directed to cause surveys to be made by a board of engineers, with a view to the construction of a canal and locks on the Columbia River, from the foot of The Dalles Rapids to the head of Celilo Falls, Oregon and Washington, sufficient to accommodate the commerce of said river, and to ascertain whether the same can not be constructed at a cost less than the amount specified in House Document No. 228, Fifty-sixth Congress, second session. The expenses of such survey shall be paid out of the balance unexpended and heretofore appropriated for the construction of a boat railway upon said river. The remainder of said unexpended balance shall be reserved to be applied upon the construction of locks and a canal at said point, in case a plan for such improvement shall have been made and approved by Congress. All other provisions of law, or laws, providing for the construction of said boat railway are hereby repealed.

And insert:

Improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington, by means of canals and the improvement of the channel of the river, in accordance with the project submitted in House Document No. 228, Fifty-sixth Congress, second session: The unexpended balance heretofore appropriated for the purpose of procuring a right of way and commencing the construction of a boat railway at said point is hereby authorized to be used for procuring a right of way and commencing the construction of said canals and commencing the other improvements contemplated as a part of said project: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute said improvement in accordance with the plan approved by the Chief of Engineers, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $400,000, excluding the amounts herein and heretofore appropriated, said contract or contracts to be made for such work and materials as will materially forward and advance the completion of said project.

The amendment was agreed to.

The next amendment was, on page 118, after line 5, to insert:

Improving the Columbia River between the mouth of the Willamette River and the city of Vancouver, in the State of Washington: For works of improvement, $10,000; for maintenance of improvement, $8,000.

The amendment was agreed to.

The next amendment was, on page 118, line 12, to increase the appropriation for continuing the improvement of Siuslaw River, Oregon, from $26,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 118, line 23, before the word "River," to strike out "Willipah" and insert "Willapa;" so as to make the clause read:

Willapa River and Harbor: The balance on hand to the credit of this improvement may, in the discretion of the Secretary of War, be expended in snagging and otherwise improving the North and Nasal rivers.

The amendment was agreed to.

The next amendment was, on page 119, line 5, before the word "thousand," to strike out "fifteen" and insert "twenty;" in the same line, before the word "thousand," where it occurs the second time, to strike out "ten" and insert "fifteen;" in line 9, after the word "jam," to insert:

Or, in his discretion, a channel may be cut from a point at or near the head of said jam to Bellingham Bay: *Provided*, That proper title to the lands necessary for said cut be given to the United States to the satisfaction of the Secretary of War: *And provided further*, That the cost of cutting said channel or removing said log jam shall not exceed said sum of $15,000.

And in line 16, to strike out "provided that the cost thereof is not increased;" so as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement and for maintenance, $20,000, of which amount $15,000, or so much thereof as may be necessary, may, in the discretion of the Secretary of War, be expended in removing the log jam in Nooksack River, and the Secretary of War may modify the existing plans for removing the said log jam, or, in his discretion, a channel may be cut from a point at or near the head of said jam to Bellingham Bay: *Provided*, That proper title to the lands necessary for said cut be given to the United States to the satisfaction of the Secretary of War: *And provided further*, That the cost of cutting said channel or removing said log jam shall not exceed said sum of $15,000.

The amendment was agreed to.

The next amendment was, on page 119, line 21, after the word

"Washington," to strike out: "Continuing improvement and for maintenance, $10,000," and insert:

Twenty-two thousand five hundred dollars, of which amount so much as may be necessary shall be used for completing the improvement of the Okanogan, and the remainder for continuing improvement and for maintenance of the improvement of the Pend Oreille.

So as to make the clause read:

Improving the Okanogan and Pend Oreille rivers, Washington, $22,500, of which amount so much as may be necessary shall be used for completing the improvement of the Okanogan, and the remainder for continuing improvement and for maintenance of the improvement of the Pend Oreille.

The amendment was agreed to.

The next amendment was, on page 122, line 22, to increase the appropriation for preliminary examinations and surveys (other than those mentioned in section 1), contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, etc., from $250,000 to $300,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, on page 125.

Mr. LODGE. I move to amend line 13, by striking out the word "authorized" and inserting the word "requested." This is in the nature of a negotiation which the President, of course, requires no authority to initiate, and the word "requested" follows the precedents of all resolutions and bills on such subjects.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 125, line 13, strike out "authorized" and insert "requested;" so as to read:

SEC. 4. That the President of the United States is hereby requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, etc.

The amendment was agreed to.

The reading was resumed. The next amendment was, in section 7, page 128, after line 12, to strike out:

Cypress Bayou, Texas and Louisiana.

The amendment was agreed to.

The next amendment was, in section 11, page 131, line 2, after the word "dollars," to strike out "or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

The amendment was agreed to.

The next amendment was, in section 13, page 132, line 4, after the words "Secretary of War," to insert:

There shall also be printed 1,000 copies of an index to the reports of the Chief of Engineers, United States Army, from 1866 to 1900, inclusive."

So as to make the clause read:

That there shall be printed 3,000 copies of the laws of the United States relating to the improvement of rivers and harbors passed until and including the laws of the first session of the Fifty-seventh Congress, of which 600 copies shall be for the use of the Senate, 1,400 for the use of the House, and 1,000 copies for the use of the War Department. Said compilation shall be printed under the direction of the Secretary of War. There shall also be printed 1,000 copies of an index to the reports of the Chief of Engineers, United States Army, from 1866 to 1900, inclusive, etc.

The amendment was agreed to.

The next amendment was, on page 133, after line 7, to insert as a new section the following:

SEC. 14. That hereafter the Secretary of War, in his discretion, may require each guaranty and bond for the due entering into and performance of contracts for works of river and harbor improvement to have as surety thereon a surety company which has qualified as required by the act of Congress approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

The amendment was agreed to.

Mr. FRYE. I offer an amendment as a new section, to come in after section 14.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 133, after the amendment already agreed to, insert:

SEC. 15. That the Secretary of War is hereby authorized to extend the time of completion of any bridge the construction of which is authorized under any existing law of Congress whenever application to him shall be made before the expiration of the time limited and the reason for such extension shall be deemed by him to be sufficient.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The amendment was agreed to.

The next amendment was, in section 16, page 134, line 12, to strike out in the subhead the words "and Florida."

The amendment was agreed to.

The next amendment was, under the subhead "California," on page 135, after line 5, to insert:

Belvedere Harbor, in San Francisco Bay.

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 135, after line 11, to insert:

Smyrna River, with a view to cuts to straighten and shorten river.

The amendment was agreed to.

The next amendment was, on page 135, after line 15, to insert:

Harbor at Wilmington and Christiana River, with a view to providing bulkheads for said harbor and river and widening and maintaining a channel 21 feet deep.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 135, after line 21, to insert:

The two entrances to St. Andrews Bay, with a view to securing a 21-foot channel through one of said entrances and across the bulkhead into said bay up to the town of St. Andrews Bay.

The amendment was agreed to.

The next amendment was, on page 136, after line 9, to insert:

Volusia Bar and Lake Monroe Bar and the shoal between said two bars on the St. Johns River, with a view to securing a 6-foot depth at mean low water.

The amendment was agreed to.

The next amendment was, on page 136, after line 12, to insert:

Naples Harbor, with a view of securing a depth of 18 feet at mean low water.

The amendment was agreed to.

Mr. FRYE. After the amendment just agreed to I move to insert:

Key West Harbor, with a view of determining the desirability and feasibility of securing a channel 30 feet in depth and 400 feet in width through the ship channel entrance into the harbor of Key West, and of said depth and 2,500 feet in width and 1 mile in length in said harbor.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment was, under the subhead "Georgia," on page 136, line 19, before the word "improving," to strike out "A survey and an estimate of the cost of" and insert "With a view to;" so as to make the clause read:

Skiddaway Narrows: With a view to improving Skiddaway Narrows, connecting Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet at mean low water.

The amendment was agreed to.

The next amendment was, on page 136, after line 21, to insert:

Club and Plantation creeks with a view to providing an inside water route from the Altamaha River into the port of Brunswick.

The amendment was agreed to.

The next amendment was, under the subhead "Illinois," on page 137, after line 6, to insert:

Harbor at Mound City, on the Illinois side of the Ohio River, with a view to ascertaining whether or not work at that point is necessary for the preservation and improvement of said harbor.

The amendment was agreed to.

The next amendment was, on page 137, after line 10, to insert:

Ohio River from Mound City, Ill., to Cairo, Ill., with a view to ascertaining what improvement, if any, is desirable for the protection of the banks and levees on the Illinois side.

The amendment was agreed to.

The next amendment was, on page 137, after line 14, to insert:

Chicago River, with a view to determining the need and advisability of constructing one or more turning basins in the north and south branches.

The amendment was agreed to.

The next amendment was, on page 137, after line 17, to insert:

The east bank of the Mississippi River from the city of Quincy to Sny Levee, with a view to improving navigation by preventing the water from overflowing the natural and artificial banks along that part of the river, and deepening the channel.

The amendment was agreed to.

The next amendment was, under the subhead "Indiana and Kentucky," on page 138, after line 4, to insert:

Ohio River, below the mouth of Salt River, with a view to the construction of a movable dam, so as to make a harbor at New Albany, Ind., and Louisville, Ky., of an average depth of 6 feet below the Ohio Falls.

The amendment was agreed to.

Mr. FRYE. I move to insert, after line 11, on page 138:

Sand Island, in the Ohio River, with a view to determining the desirability of acquiring a sufficient portion thereof for the mooring of boats or barges and the making up of tows passing through the Louisville and Portland Canal.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Commerce was, under the subhead "Kentucky," on page 138, after line 23, to insert:

Pond River.

The amendment was agreed to.

The next amendment was, under the subhead "Maine," on page 140, after line 15, to insert:

Tennants Harbor.

The amendment was agreed to.

The next amendment was, on page 140, after line 19, to insert:

Cape Small Harbor.

The amendment was agreed to.

Mr. FRYE. I move, after line 4, page 141, after the words "Bear Creek," to insert as a new paragraph:

For the widening to 200 feet and the deepening to 30 feet of the present channel from the Brewerton Channel of the Patapsco River to Sparrows Point, Maryland.

The amendment was agreee to.

The next amendment was, under the subhead "Minnesota," on page 142, after line 4, to strike out:

Minnesota River, to determine the advisability of removing the dam at the mouth of said river.

The amendment was agreed to.

The next amendment was, on page 142, after line 6, to insert:

Otter Tail Lake and Otter Tail River, Minnesota: Continuing survey with a view to the construction of a dam at the outlet of said lake; for the purpose of improving the navigation on the Red River of the North, Minnesota.

The amendment was agreed to.

The next amendment was, on page 142, after line 10, to insert:

Red Lake and Red Lake River, Minnesota: Continuing survey with a view to the construction of a dam with locks at the outlet of said lake, for the purpose of improving the navigation of the Red River of the North and the said Red Lake River, Minnesota.

The amendment was agreed to.

The next amendment was, on page 142, after line 15, to insert:

Big Stone Lake and Lake Traverse, Minnesota and South Dakota: Continuing survey with a view to constructing reservoirs therein for the improvement of the navigation of the Minnesota River.

The amendment was agreed to.

The next amendment was, under the subhead "Mississippi," page 143, after line 3, to insert:

Tallahatchie River, from Batesville to Coldwater.

The amendment was agreed to.

The next amendment was, on page 143, after line 6, to insert:

Yazoo and Big Sunflower rivers, with a view to the construction of a lock and dam in the Yazoo River near the mouth of the Big Sunflower River.

The amendment was agreed to.

The next amendment was, on page 143, after line 11, to insert:

Cassidy Bayou from its mouth to a point 60 miles upstream.

The amendment was agreed to.

The next amendment was, on page 143, after line 17, to insert:

Horn Island Pass, with a view to a channel of 25 feet depth and suitable width.

The amendment was agreed to.

The next amendment was, on page 143, after line 22, to insert:

NEW HAMPSHIRE.

Hampton River and Harbor.

The amendment was agreed to.

Mr. FRYE. After the last amendment I move to insert:

NEVADA.

The Secretary of War shall cause a survey of the Colorado River to be made with a view to removing obstructions, deepening and rendering navigable the channel between El Dorado Canyon and Rioville, Nev., and shall submit an estimate therefor.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside in order that we may complete the consideration of the river and harbor bill.

The PRESIDING OFFICER. Without objection, that order will be made. The reading will be resumed.

The Secretary continued the reading of the bill. The next amendment of the Committee on Commerce was, under the subhead "New Jersey," on page 144, after line 1, to insert:

Raritan Bay, with a view of obtaining a depth of 22 feet of water 400 feet wide at mean low tide from South Amboy to tail of Great Beds.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 144, after line 22, to insert:

Wappinger Creek from Wappinger Falls to the mouth.

The amendment was agreed to

Mr. FRYE. After line 24, "Sheepshead Bay," I move to insert:

Fire Island, with a view of placing a system of jetties in accordance with the suggestions made by Maj. E. H. Ruffner, in House Document 103, Fifty-sixth Congress, second session, page 6.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, at the top of page 145, to insert:

Harlem Kills from the lower end of Harlem River to Long Island Sound.

The amendment was agreed to.

The next amendment was, on page 145, after line 2, to insert:

The Secretary of War shall appoint a board of engineers to examine and determine whether existing Government work in connection with the Upper Hudson improvement causes gorges and freshets between Albany and Coxsackie; to report what changes should be made, if any, provided such is the case, together with an estimate of the cost thereof.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 145, after line 20, to insert:

The waterway connecting Swan Quarter Bay with Deep Bay, with a view to obtaining depths of 7, 8, and 9 feet, respectively, and such width as may be necessary.

The amendment was agreed to.

The next amendment was, on page 145, after line 23, to insert:

Bennett's Creek.

The amendment was agreed to.

The next amendment was, on page 146, after line 2, to insert:

Shallotte River.

The amendment was agreed to.

The next amendment was, under the subhead "Oregon," on page 146, after line 15, to insert:

Cape Lookout, with a view to establishing a breakwater.

The amendment was agreed to.

The next amendment was, on page 146, after line 16, to insert:

Yamhill River, with a view to prolonging the period of navigation.

The amendment was agreed to.

The next amendment was, on page 147, line 20, after the word "to," to strike out "Toledo" and insert "Elk City;" so as to make the clause read:

Yaquina River from its mouth to Elk City.

The amendment was agreed to.

The next amendment was, on page 147, after line 20, to insert:

Willamette River between the city of Portland and Oregon City.

The amendment was agreed to.

The next amendment was, on page 147, line 25, after the word "navigation," to insert "also the bank of the Willamette River near Albany, Oreg., with a view of preventing a diversion of said stream;" so as to make the clause read:

Willamette River, opposite Albany, with a view to ascertaining whether a diversion of said stream at that point would result in injury to navigation; also the bank of the Willamette River near Albany, Oreg., with a view of preventing a diversion of said stream.

The amendment was agreed to.

The next amendment was, on page 148, after line 5, to insert:

Tillamook Bar.

The amendment was agreed to.

Mr. FRYE. I move to amend, on page 148, by inserting, after line 17:

Pittsburg Harbor, with a view to harbor-line extension.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, under the subhead "South Carolina," on page 149, after line 3, to insert:

Georgetown Harbor, with a view of obtaining a channel with a navigable depth of 18 feet at mean low water and a width or 400 feet, or such width as may be necessary or practicable, from a point 1 mile above the limits of the city of Georgetown, in Sampit River, to the ocean entrance of Winyaw Bay, South Carolina, as far seaward as may be necessary to form a project to secure said depth.

The amendment was agreed to.

Mr. FRYE. At the bottom of page 149 I move to insert:

For the cleaning out of Walls Cut from South Edisto River into North Creek, through North Creek into Dawho River.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, under the subhead "Tennessee," on page 150, after line 4, to insert:

Hiawassee River, from the mouth of the Ocoee River to the ferry at head of Jenkins Island.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 151, after line 11, to insert:

Sabine River.

The amendment was agreed to.

The next amendment was, under the subhead "Washington," on page 151, after line 19, to insert:

Columbia River at Foster Creek Rapids, near the mouth of the Okanogan River.

The amendment was agreed to.

The next amendment was, on page 151, after line 21, to insert:

Columbia River, between the mouth of the Okanogan and the Grand Rapids, with a view to removing obstructions.

The amendment was agreed to.

The next amendment was, on page 151, after line 23, to insert:

Snohomish River, between the city of Snohomish and the confluence of the Skykomish and Snoqualmie rivers, including Stretchs Riffle, with a view to providing a channel of sufficient depth and width at low water to accommodate steam vessels which may reasonably be expected to navigate said waters.

The amendment was agreed to.

The next amendment was, on page 152, after line 4, to insert:

The Puyallup and other waterways, not already surveyed, of the harbor of Tacoma, with a view to further harbor improvement.

The amendment was agreed to.

The next amendment was, on page 152, after line 10, to insert:

For a canal between Puget Sound and Grays Harbor.

The amendment was agreed to.

The next amendment was, under the subhead "Wisconsin," on page 152, line 25, after the word "port," to strike out ", with plans and estimates of the same;" so as to make the clause read:

Harbor at South Milwaukee: Resurvey, with a view to the modification of the present plan of said harbor, and with a view to ascertaining the feasibility and advisability of the construction of a harbor suitable for the needs of commerce at said port.

The amendment was agreed to.

The next amendment was, on page 153, after line 10, to insert:

Miller Bay, on the west shore of Lake Winnebago, with a view to making it more available as a harbor of refuge.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill has been concluded, and it is still open to amendment as in Committee of the Whole.

Mr. FRYE. On page 69, line 3, I move to strike out the words "both of said States" and to insert "the States of Florida and Louisiana."

The amendment was agreed to.

Mr. FRYE. On page 59, line 7, I move to strike out the words "reports of the Board of Engineers" and insert "report submitted in House Document No. 87 of the Fifty-fifth Congress, third session."

The amendment was agreed to.

Mr. FRYE. On page 81, line 18, after the word "highest," I move to insert "responsible."

The amendment was agreed to.

Mr. FRYE. That is all.

Mr. McCOMAS. I wish to ask the attention of the chairman to one matter. I know the committee has considered everything very carefully and very thoroughly, and therefore I do not want to move any amendment, but I have urged the committee to dig out Annapolis Harbor. The commandant at the Naval Academy has told us that they could not get the training ship into the harbor at Annapolis, and the officers complained that the *Indiana* and other warships could not get into the harbor. There ought to be some little money there for dredging. I should like to know whether it would not be well to put in an amendment for dredging, so that a training ship and a ship of war might get up to the harbor of the Naval School and visit it without swimming ashore.

Mr. FRYE. The committee considered the proposition with regard to Annapolis and came to the conclusion that it could wait. It is not a commercial item at all, has nothing to do with commerce in any way, and under all the circumstances the committee thought Annapolis might wait a couple of years.

Mr. WARREN. I should like to ask the Senator from Maine who has charge of the bill something about the amendment on page 111, "for building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River."

I do not object to it at all, but I wish to ask if the purpose is to control and regulate the flow of the Missouri River?

Mr. FRYE. That is what the committee put it in for.

Mr. WARREN. Mr. President, I take this occasion to say that it will be observed that no amendments have been offered in the Senate and none was offered in the Committee on Commerce, and I believe no appearance was made in the committee by any of the Senators who have heretofore asked that the river and harbor bill might contain appropriations for building dams and works for reservoirs, canals, etc., for the conservation of water to aid in irrigation and the general improvement of navigable streams.

The Senate has very wisely and generously at the present session considered the subject of irrigation, and has passed a bill providing for the building of dams and reservoirs, which is awaiting action in the House; and therefore, in good faith, the Senators most interested in irrigation have offered no irrigation amendments to this bill, and are supporting the measure as it stands.

I desire to say, however, that those who have heretofore asked for assistance in the way of reservoir appropriations before the Committee on Commerce have not changed their minds and have not lost interest in the subject, believing, as they always have believed, that there should be goodly appropriations made for that purpose, and believing, furthermore, that they ought to be made in river and harbor bills.

There is still a group of States totally unrepresented in the river and harbor bill—a group more needy of improvement through the use and control of waters than any in the Union. But it has given me a good deal of pleasure, as it has other friends of irrigation, to separate the consideration of that matter from the river and harbor bill during this session, at the suggestion of those who believe it should be so separated, and that the items should not be contained in the current river and harbor bill, in order that the House of Representatives may have an opportunity to first consider these matters separate and apart. If the House takes the view which the Senate has taken, then there can be no difference of opinion hereafter between those who have formerly opposed the river and harbor bill because the subject of irrigation was ignored and those who have believed that specific bills should cover the different branches of river and harbor appropriations. If the House passes favorably upon the pending bill on irrigation, the friends of that cause will be greatly relieved. If it does not, and we get no relief there, we shall be again compelled to appeal to the Committee on Commerce or to the Senate for appropriations in the river and harbor bill for the building of dams and reservoirs for irrigation and regulation of the flow of water in streams.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. MITCHELL. Mr. President, I feel it my duty to detain the Senate a few moments before the final vote is taken on this bill, for the purpose of calling attention to an amendment made by the Senate committee in reference to the proposed improvement at The Dalles of the Columbia.

I want, on the part of Oregon, to extend my congratulations and thanks to the committee. I am sure the Senators and Representatives from the States of Idaho and Washington, and also the people generally of these three States, feel the same way. I also desire to express a hope that our conferees will stand firmly by the amendment, and that the conferees on the part of the House may also see it to be their duty to accept this amendment.

In support of that view and of the amendment, I hold in my hand a petition containing the names of 4,120 of the citizens of the States of Oregon, Washington, and Idaho. The petition is very brief, and I will read it in order that it may appear in the RECORD:

To the Senate and House of Representatives
of the United States in Congress assembled:

The best development of the States of Oregon, Washington, and Idaho demands the adequate improvement of our inland waterways and harbors, and we urge upon Congress a liberal policy for their betterment through adequate appropriations and systematic and continuous work. The improvement of our rivers and harbors is of equal importance with any work carried on by any department of the United States Government. Deeper and wider channels must be created for our tide-water harbors to meet the requirements of the modern steamships that have revolutionized the commerce of the world.

Therefore we, the undersigned, residents of the States of Oregon, Washington, and Idaho—an area of 250,010 square miles, which is as large as the combined area of all the New England States and New York, Pennsylvania, New Jersey, Ohio, and Kentucky—hereby petition the Congress of the United States to make appropriations in the river and harbor bill for overcoming the obstructions in the Columbia River between The Dalles and Celilo, and for improving the Snake River, so as to give the people of Eastern Oregon, Eastern Washington, and Idaho a larger and more profitable market for their products. We demand further that the mouth of the Columbia River shall be improved so there shall be a 40-foot channel for the accommodation of our foreign and coastwise commerce. We demand that the Senators and Representatives in Congress from the States of Oregon, Washington, and Idaho give to these projects for the improvement of navigation their united and earnest support.

As I have said, this petition is signed by over 4,000 citizens of the States of Oregon, Washington, and Idaho.

Now, a word as to the necessity and propriety of this proposed improvement at the Threemile Rapids and Celilo.

From the ocean to the mouth of the Willamette it is 98 miles; from the mouth of the Willamette to Threemile Rapids, 88 miles; from Threemile Rapids to Celilo (obstructions), 10 miles; from Celilo to Priest Rapids, 198 miles, and from the mouth of the Snake River at Ainsworth to Asotin, Wash., it is 146 miles; making in all a total of 540 miles.

That is the distance that would be open to free navigation, provided the improvement so wisely provided for in the bill by the Senate Committee on Commerce is accomplished.

The first investigations of the obstructions between Celilo and The Dalles by the Government with a view to permanent improvement was made in 1874, by Maj. N. Michler, Corps of Engineers, whose report will be found in the Annual Report of the Chief of Engineers of the United States Army for 1875, part 2, page 787. Major Michler in his report says:

The importance of the proposed improvement can not be overestimated. The difficult problem of engineering which must be solved will, at least at one of the localities, The Dalles, at first sight appear almost insurmountable.

Later investigations were made by the Government under the direction of Congress in 1879, and a detailed and comprehensive

survey with a project for improvement was made by Capt. (now Maj.) C. F. Powell, Corps of Engineers. This report the Senate will find printed in the Annual Report of the Chief of Engineers for 1882, part 3, page 2690.

It provided for the use of the river at low water from the town of The Dalles, Oreg., up as far as the foot of Celilo Falls, by an open river without locks. The passage of Celilo Falls was provided for by a canal and locks on the Washington bank. This project required the excavation of much rock in the open river portion in widening and straightening the channel from The Dalles up to Celilo Falls.

Major Powell, in his report on this project, said:

> The Columbia is the great river of the Pacific coast. In volume and commercial value it is second only to the Mississippi. Its banks are more stable, its waters are more clear, its ice blockades are much less in duration than on the great waterway of the East. Unlike the Mississippi, the Columbia seeks the ocean on a line parallel to trade channels and not at right angles to them.

The estimate of the cost of this project was $7,647,495.51, and a supplemental project permitting the use of the river during high-water stages was included, requiring an additional $2,842,848.20, making a total of $10,517,343.71 for the improvement for all boat stages.

It will thus be seen that the estimate was entirely too high, and subsequent developments have shown that to be true. A new project was proposed, a boat railway was provided for, as the Senate will remember, and an appropriation at one time for the full estimate of the appropriation for a boat railway, amounting to a total of over $2,800,000, was passed through the Senate, but failed in the House of Representatives.

By this proposed boat railway vessels were to be removed entirely from the water by vertical hydraulic lifts; the one at one end 77 feet high and the one at the other end 62 feet high, the boats to be transported on a car over a broad-gauge track about 9 miles long around the obstructions and then returned to the river by the lift at the other end. This report was submitted in 1890, and the estimated cost was $2,860,356.35.

The second board was reconvened to consider these plans in 1892, and submitted a report April 12, 1893, the board being divided, one part recommending the construction of a canal with locks, and the other adhering to the boat railway project.

Subsequently a bill became a law as a part of the river and harbor bill providing for a boat railway at this point. A right of way was obtained, but upon subsequent examination the Engineer Department came to the conclusion that it was better to abandon the idea of a boat railway and provide for a canal.

There is a balance unexpended, which was heretofore appropriated for the boat railway, of $214,500. The House of Representatives instead of utilizing that balance or making provision for the construction of the canal and locks at Celilo, provided for another survey and estimate.

The estimate of a later survey of Engineer Hart is a little less than $4,000,000, the precise amount is $3,969,371, only a little over one-third of the former estimate. It is believed, Mr. President, by the people of the northwest Pacific coast, familiar with the conditions there, and with the character of the proposed improvements, that the estimate is a reasonable one and that, based on that estimate, Congress should proceed without any further delay to make this improvement.

If there is any one subject upon which the people of Oregon, Washington, and Idaho are intensly interested, it is the opening up of the Columbia and Snake rivers to free navigation. It must be borne in mind that the Columbia is one of the great rivers of the world, the greatest by all odds on the Pacific coast of North America. It drains an enormous area, an area estimated to contain more than 245,000 square miles, over 180,000 square miles of which lie east of the Cascade Mountains. It is in area about equal to the combined areas of all the New England States, including also New York, Pennsylvania, New Jersey, and Maryland. The drainage basin of the Columbia River is second only in point of size and commercial importance in the United States. The area of productive country to be affected in a greater or less degree by the proposed improvement at The Dalles and Celilo includes, as stated in Mr. Hart's report, the following districts:

First. The Lewiston district embracing over 2,000,000 acres, including Wallowa County, Oreg.; Asotin County, Wash.; and all of Nes Perce, Latah, and Idaho counties, and a part of Shoshone County, Idaho;

Second. The Palouse or Colfax district, including Whitman County, Wash.;

Third. Bid Bend or Spokane district, including Spokane, Lincoln, Douglas, Adams, and Franklin counties, Wash.;

Fourth. Wallawalla district, including Wallawalla, Garfield, and Columbia counties, Wash.;

Fifth. Yakima Valley, including Yakima and Kittitas counties, Wash.;

Sixth. Pendleton district, including Umatilla, Morrow, Union, and Wallowa counties, Oreg.; and

Seventh. The Dalles district, including Sherman, Wasco, Gilliam, and Wheeler counties, Oreg., and Klickitat County, Wash.

The cereals produced annually in the Columbia and Snake River valleys amount in the neighborhood of 50,000,000 bushels. This great country is rich, not only in cereals but in timber. In the Clear River Valley it is said that the white pine now standing is estimated at 2,700,000,000 feet, lumber measure, and is said to cover over 270,000 acres, while in the Grande Ronde Valley, in eastern Oregon, there is also some 250,000 acres of yellow pine standing, amounting to 2,500,000,000 feet, lumber measure, of merchantable lumber, to say nothing of the gold and copper mines in Idaho, eastern Oregon, and Washington, which are exceedingly valuable and productive. The gold belt of eastern Oregon alone produces considerably over $2,000,000 annually in gold alone, while the Coeur d'Alene, of Shoshone County, Idaho, has the largest lead-silver mines in the United States; while undeveloped copper mines in the Seven Devils district, along the Snake River between Lewiston, Idaho, and Huntington, Oreg., are lying dormant simply for lack of means of transportation.

In referring to the products of this great inland empire we must not overlook the wool product, the oats, the barley, the cattle, the sheep, the fruit, and the hogs.

The amendment proposed by the Committee on Commerce of the Senate strikes out that provision of the House bill providing for a further survey and estimate, and provides for the utilization of the $214,500, the unexpended balance heretofore appropriated for a boat railway for this purpose—that is, of procuring a right of way for and commencing the construction of a canal and locks at Celilo, and also authorizes a contract to be made to the extent of $400,000 more.

Mr. President, no more important proposition is involved in this bill from beginning to end than the one of which I am speaking. It is not a local matter, but one of national character, which affects vitally the whole Pacific Northwest. It is a matter of the utmost importance to the people of the Northwest, to the people of Oregon, of Washington, and of Idaho, and, therefore, I trust there will be no more dallying with this subject and that this amendment may be retained by our conference committee. I should like to have all the names signed to these petitions printed in the RECORD, but I shall not ask to have that done. I shall ask that this petition be referred to the Committee on Commerce, to the end that it may brought to the attention of the conferees of the two Houses.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

On motion of Mr. FRYE, it was

Ordered, That there be printed for the use of the Senate 200 copies, in addition to the usual number, of the river and harbor bill with Senate amendments numbered.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask that the Senate now proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I suppose, Mr. President, the first matter in order is the amendment offered by the Senator from Utah [Mr. RAWLINS] in the nature of a substitute for section 1. Am I right? Is that the first amendment?

The PRESIDING OFFICER. The Chair will suggest to the Senator from Massachusetts that no amendment is now before the Senate for consideration. The amendments presented by the Senator from Utah [Mr. RAWLINS] and the Senator from Tennessee [Mr. CARMACK] were presented for the purpose of being printed.

Mr. LODGE. The committee amendments were all disposed of?

The PRESIDING OFFICER. So the Chair is informed.

Mr. LODGE. But amendments were offered by the Senator from Utah and by the Senator from Tennessee. They are amendments to different parts of the bill, and I suppose, of course, will have to be considered before we proceed to the consideration of the amendment in the nature of a substitute.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. I think they are in the nature of amendments perfecting the text of the bill, and I suppose they will be taken up in their order by sections.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Massachusetts that the amendments will have to be offered from the floor. The amendments were simply submitted

for the purpose of being printed, and they are not formally and properly now before the Senate. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BATE. Mr. President, my colleague [Mr. CARMACK] is not in the Chamber at present, but he will be here presently. I believe he offered an amendment to the bill, and the Senator from Utah [Mr. RAWLINS] offered several amendments. Both Senators will be in the Chamber in two or three minutes, I think.

Mr. LODGE. I understand the Senator from Tennessee to say that his colleague and the Senator from Utah will be in the Senate in a moment.

Mr. DUBOIS. I will say that both those Senators have been sent for, and are expected to return in a moment.

Mr. LODGE. I only desire to go on with the bill.

Mr. DUBOIS. I myself have been away for a week and am not familiar with the situation.

Mr. LODGE. I know the Senator has been away.

Mr. BACON. If the Senator from Massachusetts will pardon me, I suggest that those who have not had the opportunity for enlightenment which the members of the committee have had would like very much to hear from the affirmative side of the proposition. We should like to have the Senator, who is the honored chairman of the committee and who is familiar with all the details of the bill, which is certainly a most important and far-reaching measure, explain its provisions to the Senate.

Mr. LODGE. The chairman of the committee in his report has stated all he has to state about the provisions of the bill. He is prepared to discuss them if they are discussed by others. The chairman has described the bill in the report submitted by him.

Mr. BATE. I do not doubt but that the bill will be discussed by my colleague and also by the Senator from Utah [Mr. RAWLINS], as I said a while ago.

Mr. LODGE. The Senator from Utah has a number of elaborate amendments, which have been presented, and which I suppose he will be prepared to go on with to-day. He offered them and had them printed.

Mr. PETTUS. If it is not contrary to the wishes of the Senator in charge of the bill, I ask that it may be laid over until to-morrow morning, with a view of taking up the Calendar.

Mr. LODGE. I can not have this bill displaced, Mr. President. The Senator from Alabama must be aware of that.

Mr. PETTUS. I do not want the bill to lose its place.

Mr. LODGE. The motion to lay it aside would, of course, displace it.

Mr. PETTUS. I move, then, that the bill be laid over until to-morrow morning, retaining its place as the unfinished business.

Mr. LODGE. The bill has been made the unfinished business by the Senate, and the committee are ready to go on with it. The bill has been before the Senate for ten days or two weeks, and I am anxious to dispose of it at the earliest possible moment. I hope that Senators will discuss it, to vote on the amendments, or else allow us to fix some time for a vote, and then they can arrange to debate the bill at their own convenience. So long as it is placed as it is I shall be obliged to press it every day upon the attention of the Senate and to endeavor to get action upon it. I do not want to incommode Senators on either side, but I am left no choice while the matter is open in this way.

Mr. BACON. As the Senator from Massachusetts is on the floor and declines to go forward on his own motion to explain the provisions of the bill, there may be some things in it that I should like to hear about, and which, with his permission, I shall ask him about.

Mr. LODGE. I shall try to respond, with great pleasure.

Mr. BACON. I should like to have the Senator explain why it is that in this bill——

Mr. CARMACK. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. BACON. Certainly.

Mr. CARMACK. I was called out of the Chamber and did not hear the particular statement of the Senator from Massachusetts.

Mr. LODGE. I have made no statement.

Mr. CARMACK. Then what was the Senator's proposition?

Mr. LODGE. The bill came up, and the Senator from Idaho [Mr. DUBOIS] said that the Senator from Tennessee [Mr. CARMACK] and the Senator from Utah [Mr. RAWLINS], who had offered amendments which are pending, were absent, and that they would return in a moment. I supposed the Senators would be ready to go on with the amendments which they had proposed. I have said nothing about the bill at all.

Mr. CARMACK. The Senator from Utah [Mr. RAWLINS] was called from the Chamber to attend a committee meeting a few moments ago. He said to me that he was called out for a while and would be back as soon as possible. I suppose he will return in a few minutes. Of course I should not like to see the amendment of the Senator from Utah acted on in his absence.

Mr. LODGE. Certainly not. I should not, of course, want to have the amendment acted on in the absence of the Senator.

Mr. CARMACK. I supposed the Senator from Massachusetts [Mr. LODGE] would go on with some statement in regard to the bill.

Mr. LODGE. I have no statement to make in regard to the bill, as I stated to the Senator from Georgia [Mr. BACON], except the statement made in the report of the committee. Of course, I am ready to discuss the details of the bill, if objections are made to any part of it, and I will try to the best of my ability to explain its provisions, but I have no set speech in regard to the bill and do not propose to make any.

Mr. DUBOIS. I will suggest to the Senator from Massachusetts that we might have the report of the majority of the committee read.

Mr. LODGE. Very well, let the report be read; it is very brief.

Mr. DUBOIS. Let the report be read. I will say that this side of the Chamber is prepared, I think, to discuss the bill at some considerable length; but I do not know whether any Senator is ready to go on to-day. To-morrow, no doubt, there will be Senators on this side ready to participate in the debate and keep it up continuously until the time arrives for a vote.

The PRESIDING OFFICER. The report of the committee will be read.

Mr. TELLER. Before the report is read I want to ask unanimous consent to offer a resolution, which, I suppose, will go to the Committee on the Philippines. I withheld the resolution this morning because the chairman of the committee was not in the Senate at that time, and I was uncertain whether it ought to go to the Judiciary Committee or to the Committee on the Philippines. I ask unanimous consent that the resolution may be now read and considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado [Mr. TELLER]? The Chair hears none, and the resolution will be read.

The Secretary read as follows:

Whereas it has appeared by Associated Press dispatches from Manila, which have not since been denied, that the editors of two newspapers published in Manila, viz, Freedom and Volcano, neither of which papers are hostile to American rule in the Philippines, have been, at the instance of the United States Philippine Commission, arrested under the sedition laws adopted by the said Commission; and

Whereas the offense of the editor of Freedom consists in that he caused to be published in his newspaper an article copied from an American periodical, to which the said editor agreed in his said paper, and further that he added remarks of his own to said article censuring the United States Philippine Commission rule, saying that when it started every paper in the city upheld it, since which they had all dropped by the wayside, as they would not support arbitrary government, especially when evidence of carpetbagging and rumors of "graft" were too thick to be pleasant; and further, in that the said editor charged that in many cases the Filipino officeholders are rascals and that the Commission has exalted to the highest positions Filipinos that are notoriously corrupt; and

Whereas the offense of the editor of Volcano consists in that he demanded the removal of the judge who recently tried one Señor Valdez, editor of another Manila journal, whom the said judge fined 4,000 pesetas for an alleged libel of two of the Filipino members of the said Commission, and which judge is now trying the said editor of Freedom under said sedition laws; and

Whereas under the said sedition laws the said defendants to said prosecutions are denied the right of trial by jury, and are forced under said sedition laws to submit to trial before a judge appointed by the very Commission for the criticism of members of which they are charged with sedition; and

Whereas under the said sedition laws the truth of charges made against the said Commission, or members thereof, constitute no defense and are not receivable as a defense nor in mitigation; and

Whereas the said sedition laws have, in the main, been copied from Spain's sedition laws, which were in force under Spanish rule to crush out both freedom of speech and of the press, that the tyrannical and hated Government of Spain might continue its oppressive rule over the people of said archipelago; and

Whereas perfect peace reigns in the said city of Manila and surrounding country, and the governor of said islands declares that he is as safe in the streets of Manila as in the city of Washington; and

Whereas such laws are hateful to all liberty-loving people and instruments fit only for the hand of tyrants; and

Whereas by the enactment of such laws and the denial of trial by jury to those accused under them, and the administration of such laws by judges appointed by the officials against whom the offenses are alleged to have been committed, and who have reserved to themselves the right to remove said judges at pleasure, every vestige of civil liberty is destroyed, and life, personal liberty, and property are without the security of law, and the Filipino people are being taught to hate the United States even as much as they hated Spain: Therefore, be it

Resolved, That it is the sense of the Senate of the United States that the said sedition laws and all of them should be immediately repealed and prosecutions under them immediately cease, and that no person shall hereafter be punished by death, imprisonment, or fine in the provinces of the Philippine Islands in which armed resistance to the authority of the United States has ceased, unless the accused upon demand has been tried before a jury of his peers and lawfully pronounced guilty; and, further, that hereafter in the courts of said archipelago, when the offense charged consists of words spoken or written against any citizen or official or department of said government, the truth of said words spoken or written may be given in evidence and shall constitute a full and perfect defense.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Philippines.

Mr. LODGE. Mr. President, the Senator from Idaho [Mr. DUBOIS] said that he thought the minority would be ready to go

on to-morrow, and, as it is obvious that they are not prepared to go on this afternoon. I do not think anything would be gained by now pressing the bill, and so I will ask that it be laid aside temporarily, so that the Senator from Michigan [Mr. McMillan] may proceed with the bill of which he gave notice and said he would call it up in the morning hour to-morrow; but to-morrow, after the routine business, I shall move to take up the Philippine bill and proceed to its consideration.

Mr. DUBOIS. Mr. President, I withdraw my request for the reading of the report, with the understanding announced by the Senator from Massachusetts.

Mr. TELLER. Mr. President, I want to make a suggestion to the chairman of the Committee on the Philippines. It seems to me that we ought to have some statement from the chairman beyond the reading of the report. If he does not think he ought to make such a statement, I have nothing further to say about it; but I want to know what is the status of the people of the Philippines. I see that the bill provides that they are to be citizens of the Philippine Islands. I desire to know whether or not they are to be citizens of the United States, or what is the theory of the pending bill in that regard?

Mr. LODGE. We have adopted the clause in the pending bill which was adopted in the Porto Rican bill in regard to the status of the people of Porto Rico.

Mr. TELLER. It seems to me that we have reached a point where we should determine what is the status of these people. The treaty reserves to Congress the right to determine whether these people are to be citizens or not. There is some difference between them——

Mr. LODGE. In the Porto Rican bill we determined the status of the people of Porto Rico.

Mr. TELLER. What did we determine?

Mr. LODGE. We determined that they were citizens of Porto Rico, entitled to the protection of the United States and owing allegiance to the United States. In the bill providing a government for the Philippines we followed that clause exactly.

Mr. TELLER. That is a new relation that these people bear to the Government of the United States.

Mr. LODGE. It is not a new relation.

Mr. TELLER. That is one of the very important questions to be discussed in this bill, and I shall insist, if it is possible, while this bill is pending to have a determination of the question whether the inhabitants of the Philippine Islands are citizens of the United States or whether they are not. It seems to me that it would be easy enough to determine whether it is policy to make them citizens or whether it is not policy to make them citizens. Of course the minority can not do that. We have got to depend upon the majority of this Senate to do that.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. TELLER. Certainly.

Mr. CARMACK. If the people of the Philippine Islands are not to be citizens of the United States, their status respecting the United States or in relation to the United States ought to be determined in some way. We do not say they are citizens of the United States, and do not say what they are.

Mr. TELLER. That is exactly what I mean. To say that they are citizens of the Philippine Islands does not mean anything at all. They are inhabitants of the Philippine Islands; and if the Philippine Islands have such a status that they can have citizens, I suppose their inhabitants would be citizens without a declaration to that effect. I should like to know what the theory is. It seems to me that these people can not be citizens of a mere island. They may be inhabitants of an island, but they are not citizens of an island; they are not citizens of Luzon or of some other island. There must be a sovereignty before there can be a citizen. It may be a qualified sovereignty, I admit; it may not be a complete sovereignty, perhaps, but there must be some sovereignty. Those people must owe allegiance to some political body. If they are citizens of the Philippine Islands, then there must be some sort of sovereignty in those islands. I want to know whether that is what the committee mean.

Mr. LODGE. The committee means to say exactly what the Congress said in the case of Porto Rico—that these people shall be held to be citizens of the islands where they live, entitled to the protection of the United States, just as we said the inhabitants of Porto Rico should be citizens of Porto Rico, entitled to the protection of the United States. We defined their status, and we define the status of the people of the Philippine Islands in the pending bill in that way. The committee felt, as the Congress felt about Porto Rico, that they were not defining a citizen of the United States.

Mr. TELLER. The cases are not at all analogous. We organized a civil government—a Territorial government—in Porto Rico. We are not doing that in the Philippines under this bill.

Mr. LODGE. If the Senator will excuse me, we did not organize Porto Rico as a Territory—we specifically did not.

Mr. TELLER. Well, you may say you did not do it in so many words, but that is the legal effect of it.

Mr. LODGE. The precise object of the definition was to escape the organization of a Territory.

Mr. TELLER. I know Congress did not say the Territory of Porto Rico. They were careful enough not to say that. The truth is that the party in power did not know what they wanted to declare. That was rather early in this controversy, and nobody felt like embarrassing the conditions by then insisting upon a specific declaration. It seems to me we have now passed to a point where we should declare either that these people are citizens of the United States or that they are not citizens of the United States—one or the other. If they are not citizens of the United States, then we must declare just what is their obligation to us and what our obligation is to them.

Mr. LODGE. I think we do declare they are not citizens of the United States by the principle of exclusion. We declare them to be something else.

Mr. CARMACK. What is that something else?

Mr. LODGE. Citizens of the Philippine Islands.

Mr. TELLER. A man may be a citizen of the State of Illinois and a citizen of the United States at the same time.

Mr. LODGE. Oh, yes; the two things are not incompatible.

Mr. BACON. Mr. President, I want to suggest to the Senator from Massachusetts [Mr. Lodge] that the action of the Congress in the passage of the bill with reference to Porto Rico can not be pleaded as a justification for following the same course in the bill with reference to the Philippines, for the reason that the action of Congress with reference to Porto Rico in this regard is absolutely indefensible and without any logical justification. As suggested by the Senator from Colorado [Mr. Teller], a man to be a citizen of any country must be the citizen of a sovereignty, and, as stated by him, it may be a qualified sovereignty, but still it is a sovereignty within a certain scope.

To say that a man is a citizen of Porto Rico is, as properly expressed by the Senator from Colorado, to say practically nothing. You say a man in Porto Rico is a citizen of Porto Rico. What does it mean? Has Porto Rico any sovereignty? It was playing with words when Congress said that a man living in Porto Rico was a citizen of Porto Rico owing allegiance to the United States. Those who had the determination of what should be stated in that bill were reluctant, if not afraid, to express what was the truth. To say that a man is a citizen of Porto Rico and owes allegiance to the United States, thereby implying that he is not a citizen of the United States, simply means to say what they did not wish to put in words, that he is a subject of the United States. That is the effect of the Porto Rican bill. That is the meaning of it. And yet the dominant party controlling the bill did not have the courage to use those words.

Mr. President, what is the effect of that? I desire to call the attention of the Senator from Massachusetts, as he has charge of this bill and as we have the same problem now before us, to the remarkable fact that there is no provision of law by which a Porto Rican can become a citizen of the United States. There is no provision of law by which an inhabitant of Porto Rico, if he comes to the United States, can be made a citizen of the United States. A white person or a person of African descent can come from Africa or South America, or any other country on the top of the whole earth, and he can be naturalized as a citizen of the United States, but the terms of our naturalization law will not permit any man who is an inhabitant of what are now so fondly termed "our possessions" to be naturalized as a citizen of the United States.

Therefore to say that a man is a citizen of Porto Rico absolutely not only means nothing, but in denying that he is a citizen of the United States we at the same time deny to him the benefit of the naturalization laws, which apply only to the subjects of a foreign potentate or power. If we intend, Mr. President, that the inhabitants of these various islands, not only of the Philippines, but of Porto Rico, shall remain in the status which is now prescribed by the act with reference to Porto Rico—if we intend that they shall be "subjects" of the United States, let us at least be frank and say so in plain language.

I wish to call attention to the fact that there can be no mistake as to the purpose of Congress in the Porto Rican act to deny to Porto Ricans citizenship of the United States. This is shown by the fact that when that bill was first introduced, and when it first came back from the committee, it did contain a provision recognizing in terms the Porto Ricans as citizens of the United States. It went to the extent of giving them a Delegate in Congress. But the necessities of the legislation which was proposed, by which a tariff wall was to be erected between Porto Rico and the United States, required that the relation of citizens should be denied, because, of course, the Porto Ricans could not be citizens

of the United States unless Porto Rico was a part of the United States, and the law could not recognize Porto Rico as part of the United States if it proposed to erect a tariff wall between that island and the United States, as the Constitution of the United States prohibits the exercise of any such power. Therefore the original provision in the bill, which, in so many words, recognized the Porto Ricans as "citizens of the United States" was stricken out and the words "citizens of Porto Rico" were substituted in their stead.

When Congress said that the Porto Ricans should be citizens of Porto Rico, I repeat that, taken by itself, it meant absolutely nothing. A man may be a citizen of a limited sovereignty, but as to the ultimate paramount sovereignty he must either be a citizen or a subject. There is no other ground for him to occupy. There is no other place in the whole world—and I challenge the Senator from Massachusetts to point it out, if I am in error—where a man fails to occupy the position of either citizen or subject to the government which is in ultimate and paramount control over him. And yet we here deny that the Porto Rican is a citizen of the United States and we have not the courage to say he is a subject of the United States. And we are about to repeat the same thing as to the Filipinos. It is a waste of words to say that they are "citizens of the Philippine Islands." These words simply mean that the Filipinos are subjects of the United States, and that we are afraid to write those words into the statute book.

Mr. LODGE. I think the clause is perfectly plain and its meaning perfectly plain, and I think it can be easily defended; but as I have already said that I would ask that the bill be laid aside, inasmuch as the Senator from Michigan [Mr. MCMILLAN] is very desirous to go on and finish this afternoon the bill of which he is in charge, I will not now enter upon a discussion of the point, but will renew my request that the bill may be temporarily laid aside to enable the Senator from Michigan to call up his bill.

Mr. MCMILLAN. I wish to state that at the request of the Senator from Colorado [Mr. PATTERSON] I should like to have the bill of which I have charge go over until to-morrow morning.

Mr. LODGE. Very well. Then I withdraw my request.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo.;

A bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport;

A bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River; and

A bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River, and known as Lock Four.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry; and

A bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees.

The bill (H. R. 4393) reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc., was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

The bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CHATTAHOOCHEE RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

Mr. BACON. I ask that the bill be put on its passage.

The bill was read the first time by its title, and the second time at length, and by unanimous consent the Senate proceeded to its consideration.

Mr. BACON. I move to amend the bill on page 3, line 2, after the word "bridge," by inserting "equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BACON. I move that the Senate reconsider the vote by which the bill (S. 4897) to authorize the construction of a bridge across the Chattahoochee River at some point between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., was passed, and that it be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. As no Senator seems to be ready to proceed with the debate on the Philippine question this afternoon, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 22, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21, 1902.

APPOINTMENT BY BREVET IN THE ARMY.

To be major by brevet.

Capt. Butler D. Price, Fourth Infantry, for gallantry in battle, Santiago, Cuba, July 1, 1898, to rank from that date.

[NOTE.—This officer was nominated to the Senate March 20, 1902, for appointment to the above-named office, with the remark "since retired from active service." As he is still an officer on the active list of the Army, this message is submitted to correct error in nomination.]

PROMOTIONS IN THE NAVY.

Capt. Joseph B. Coghlan, to be a rear-admiral in the Navy, from the 11th day of April, 1902, vice Rear-Admiral Norman Von H. Farquhar, retired, to take rank next after Rear-Admiral Arent S. Crowninshield.

Capt. James H. Sands, to be a rear-admiral in the Navy, from the 11th day of April, 1902, vice Rear-Admiral Joseph B. Coghlan, an additional number in grade.

Asst. Surg. Will M. Garton, to be a passed assistant surgeon in the Navy, from the 27th day of July, 1901, to fill a vacancy existing in that grade.

Earle Mason Brown, a citizen of California, to be an assistant surgeon in the Navy, to fill a vacancy existing in that corps.

Howard Francis Strine, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy existing in that corps, to take rank next after Asst. Surg. Earle M. Brown.

Gunner Joseph R. Ward, to be a chief gunner in the Navy, from the 11th day of March, 1902, in accordance with the provisions of section 12 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

POSTMASTERS.

Albert L. Smith, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona, in place of James W. Akers. Incumbent's commission expired March 31, 1902.

U. S. Sartin, to be postmaster at Kansas City, in the county of Wyandotte and State of Kansas, in place of Nathaniel Barnes. Incumbent's commission expired June 5, 1901.

Zenas R. Detwiler, to be postmaster at Wamego, in the county of Pottawatomie and State of Kansas, in place of Zenas R. Detwiler. Incumbent's commission expired February 22, 1902.

Luther McGee, to be postmaster at Joplin, in the county of Jasper and State of Missouri, in place of Daniel K. Wenrich. Incumbent's commission expired January 12, 1902.

George W. Smith, to be postmaster at Sweet Springs, in the county of Saline and State of Missouri, in place of George W. Smith. Incumbent's commission expires April 28, 1902.

Max Geldner, to be postmaster at New Dorp, in the county of Richmond and State of New York, in place of Max Geldner. Incumbent's commission expired January 10, 1902.

John L. Goddard, to be postmaster at Maryville, in the county

of Blount and State of Tennessee, in place of John L. Goddard. Incumbent's commissiom expired February 2, 1902.

Carlton A. Dickson, to be postmaster at Cleburn, in the county of Johnson and State of Texas, in place of Carlton A. Dickson. Incumbent's commission expired March 31, 1902.

John T. Dawes, to be postmaster at Crockett, in the county of Houston and State of Texas, in place of John T. Dawes. Incumbent's commission expired March 31, 1902.

Daniel D. Hurst, to be postmaster at Jackson, in the county of Breathitt and State of Kentucky. Office became Presidential July 1, 1901.

Samuel E. Stafford, to be postmaster at Elkhorn, in the county of McDowell and State of West Virginia. Office became Presidential April 1, 1902.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 21, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

HERBERT A. BOOMHOWER.

Mr. SAMUEL W. SMITH. Mr. Speaker, I submit the following conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

S. W. SMITH,
A. B. DARRAGH,
RUDOLPH KLEBERG,
Managers on the part of the House.

J. H. GALLINGER,
J. C. PRITCHARD,
PARIS GIBSON,
Managers on the part of the Senate.

The statement was read, as follows:

This bill passed the House at $24 per month. It was amended in the Senate to $17 per month.

The result of the conference is that the Senate recedes from its amendment, and the conferees recommend that the bill pass at $24 per month, the same as it was originally passed in the House of Representatives.

S. W. SMITH,
A. B. DARRAGH,
RUDOLPH KLEBERG,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. SAMUEL W. SMITH, the motion to reconsider the last vote was laid on the table.

The SPEAKER. By order of the House, this day is assigned to business for the District of Columbia, and the Chair recognizes the gentleman from Maryland.

BILLIARD AND POOL TABLES IN DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I call up the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes."

The Clerk read the bill, as follows:

That section 4 of an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," approved February 25, 1897, be, and the same is hereby, amended by adding thereto before the penalty clause thereof the following:

"And it shall be unlawful for the proprietor or proprietors of any billiard or pool room or billiard or pool table, operated in connection with a barroom or other place where intoxicating liquors are sold, to suffer or permit any minor under 18 years of age to frequent, visit, or patronize the same."

With the following amendments recommended by the committee:

Line 10, after the word "any," insert the words "billiard or." After the word "or" insert "billiard or." After the word "table" insert a comma and the following words: "operated in connection with a bar room or other place where intoxicating liquors are sold;" so that, commencing with line 9, the same will read as follows:

"And it shall be unlawful for the proprietor or proprietors of any billiard or pool room or billiard or pool table, operated in connection with a bar room or other place where intoxicating liquors are sold, to suffer or permit any minor under 18 years of age to frequent, visit, or patronize the same.

The amendments recommended by the committee were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

PROMOTION OF ANATOMICAL SCIENCE IN DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I call up the bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery, or both; the Post Graduate School of Medicine, incorporated by an act of Congress approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical schools of the United States Army and Navy; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service; and the board of medical supervisors of the District of Columbia.

Said board shall be known as the Anatomical Board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical schools of the United States Army and Navy, the representatives from which shall be selected and detailed by the Surgeon-General of the Army and the Surgeon-General of the Navy. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

SEC. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

SEC. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting, and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such schools and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct.

All bodies shall be delivered among such schools and boards in regular order so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

SEC. 4. That no school except the medical schools of the United States Army and Navy shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of $200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and of dentistry.

SEC. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of the science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

SEC. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than $200 or imprisoned in the workhouse of said District for not more than one year.

SEC. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical schools of the Army and Navy, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said

board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

SEC. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than $100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

SEC. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. MUDD. Mr. Speaker, this bill has already passed the House and Senate with the exception of a slight amendment incorporated herein made at the recommendation of the Secretary of the Navy. The only effect of the amendment is to provide that a representative of the Medical Corps of the Navy shall be a member of the anatomical board created by the bill and to extend the benefits of the measure to the medical schools of the Navy as well as of the Army. With that exception, it is the same bill that passed both the House and Senate and was in the hands of the President, but it was recalled at the request of the Secretary of the Navy for the purpose of incorporating the amendment I have referred to.

The bill was considered, was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

POSTPONEMENT OF PAYMENT OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I now call up House joint resolution 178, and, as I understand, there is a similar resolution of the Senate now on the Speaker's table. I move to substitute the Senate joint resolution 80 for the House resolution.

The SPEAKER. Without objection, the Senate joint resolution will be read instead of the House joint resolution.

The Clerk read Senate joint resolution No. 80, as follows:

Joint resolution postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the collection of taxes on real property and improvements thereon in the District of Columbia, which will become payable in the month of November, 1902, be, and the same is hereby, suspended until the month of May, 1903, at which time said taxes shall be due and payable, and the collection thereof shall be enforced in all respects, as provided under existing law for the collection of taxes on real property and improvements thereon, for the tax year ending June 30, 1903.

SEC. 2. That the time for the completion of the duties of the board of equalization and review provided for in sections 9 and 10 of the act of Congress approved August 14, 1894, entitled "An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes," be, and is hereby, extended to October 31, 1902.

Mr. PAYNE. Mr. Speaker, I should like to have some explanation of this.

Mr. MUDD. The object of the resolution, Mr. Speaker, and the only effect of it, is to extend from June to October the time within which the board of equalization and review can complete its labors under the law providing for a reassessment of the property this year in the District of Columbia. The reason for the extension of the time arises out of the fact that during this year, because of an unusual and urgent necessity for the raising of more revenue for the District of Columbia, the board of equalization and review expects to make the work not a mere triennial revision, but a total reassessment, involving a different system from that pursued heretofore. They will not get through until about October, and that is the reason for asking for this extension of time. The resolution involves no new method of taxation in the District.

The other provision of the resolution is to the effect that the tax bills now payable by law in November, 1902, shall be suspended until the month of May, 1903. The reason for that arises out of the first proposition. By reason of this new assessment the board of equalization and review can not have the books ready for the receipt of taxes by November, and the receipt of taxes, if the work is done properly, will be upon a different and larger basis than at present.

Mr. FINLEY. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. FINLEY. Will not the effect of that be that the taxpayers will be called upon to pay the taxes for 1903 and 1902 at the same time? In other words, will they not have to pay two years?

Mr. MUDD. No; under the law passed during the present session the taxes for the year 1903, which runs from July of this year to July of next year, are payable one-half thereof, at the option of the taxpayer, in November of this year.

Mr. FINLEY. The taxes for 1903 will be due in October, 1903?

Mr. MUDD. Oh, no; under this resolution they will be due in May, 1903.

Mr. BURKETT. Under this resolution you skip one year.

Mr. MUDD. Oh, no; this has no relation to any other year.

Mr. BURKETT. If the 1902 tax is payable in May, 1903, then the taxpayer will pay taxes twice in 1903.

Mr. MUDD. The fiscal year 1902 runs from July, 1901. That is my understanding.

Mr. BURKETT. And the tax for that year is payable——

Mr. MUDD. Was payable in November, 1901, and May, 1902. This resolution does not interfere with any other year than the one named.

Mr. BURKETT. But if the taxes payable in November of this year are carried over to 1903, then in that year there will be two payments.

Mr. MUDD. The tax year 1903, as I understand, runs from the middle of 1902 to the middle of 1903.

Mr. BURKETT. But there will be a payment due in November, 1903.

Mr. MUDD. That will be for the next year's taxes.

Mr. BURKETT. But there will be two payments of taxes in one year.

Mr. MUDD. The tax payment in November, 1903, will be optional with the taxpayer.

Mr. BURKETT. But there will be one payment in May and another payment in November of the same year.

Mr. MUDD. We have those two payments now in one year, at the option of the taxpayer.

Mr. BURKETT. But there will be taxes for two years payable within six months.

Mr. MUDD. The taxes for the year 1903, if this resolution passes, can be paid in May, 1903, only; and those for the year 1904 can be paid one-half in November, 1903, and one-half in May, 1904, if the taxpayers prefer thus to pay in installments.

Mr. BURKETT. Is not that the same as the present arrangement?

Mr. MUDD. The same that exists and will exist without the passage of this resolution. Not the same as will obtain for this year if the resolution passes.

Mr. JENKINS. In the District of Columbia there are two payments of taxes in a single year—one in May and the other in November. On account of a change of the law made during the present session of Congress it is impossible for the assessors and the board of equalization to complete their work so that the November payment can be made; so that instead of that payment being made this year, at the option of the taxpayer, the whole payment goes over until next May.

Mr. MUDD. Without interest added?

Mr. JENKINS. Without interest. The entire payment will be made next May instead of part being paid in November of this year.

Mr. BURKETT. That is just what I said; there will be two payments in one year within six months of each other.

Mr. JENKINS. It is the same tax——

Mr. BURKETT. But you compel the taxpayer to pay two years' taxes in one year, which is a hardship.

Mr. JENKINS. No; the gentleman is entirely mistaken.

Mr. MUDD. I ask for a vote.

The question being taken, the joint resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PRIVILEGES OF SPECIAL POLICEMEN AT STREET CROSSINGS.

Mr. MUDD. Mr. Speaker, I call up the bill (H. R. 12349) granting special privileges to the special policemen stationed at street crossings in the city of Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That each of the special policemen stationed at street railway crossings and intersections in the District of Columbia under the law providing for such service shall, during each calendar year, be entitled to twenty days' leave of absence, at times to be determined by the Commissioners of said District, and to not exceeding twenty days' leave of absence due to their illness, and shall receive from the source prescribed in said law full pay during such absences. A sum sufficient to provide for the payment of substitute service for such officers during such absence is hereby appropriated, to be derived, disbursed, and accounted for as are the regular annual appropriations for the support of the government of said District.

SEC. 2. That hereafter the Commissioners shall deduct $1 each month from the pay of each such policeman, which sum shall be deposited with the auditor of said District to be invested by him from time to time in United States or District bonds. The fund so created shall be held subject to disbursement, on order of the Commissioners of the District of Columbia, for expenditures for the relief of any of said policemen who, by injury received or disease contracted in the line of duty only, shall become so permanently disabled as to be discharged from said service therefor, and, in case of the death of any such officer, for the relief of the widow or children of said officer and for funeral expenses, as the Commissioners shall determine.

The following amendment, reported from the Committee on the District of Columbia, was read:

Page 1, line 12, strike out the words "is hereby appropriated, to be," also the comma between the words "appropriated" and "to," and substitute therefor the words "shall be."

Mr. CANNON. I make the point of order that this bill should receive its first consideration in Committee of the Whole.

Mr. MUDD. It makes no appropriation.

Mr. CANNON. But it involves a charge on the Treasury.

The SPEAKER. The Chair is of the opinion that the point of order is well taken and that the bill must go upon the Calendar of the Committee of the Whole House on the state of the Union.

Mr. MUDD. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. GILLETT of Massachusetts in the chair), and proceeded to the consideration of House bill 12349.

The CHAIRMAN. The Clerk will report the bill.

Mr. MUDD. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. MUDD. I yield to my colleague, the gentleman from Maryland [Mr. PEARRE], who reported the bill.

Mr. PEARRE. Mr. Chairman, this is a Commissioners' bill, as bills emanating from the Commissioners of the District are usually denominated in the District Committee. The first suggestion with regard to this subject was a bill in a different shape. That bill provided for the merging of the 37 street-crossing policemen into the regular Metropolitan police force. The superintendent of police and the Commissioners of the District of Columbia did not consider that merger a wise one, basing their objection upon the fact that there were greater qualifications and stricter rules imposed upon the regular Metropolitan force than upon the street-crossing police force.

I introduced the first bill, and after receiving these objections from the Commissioners of the District and from the superintendent of police wrote to the Commissioners of the District, asking them to prepare a bill which would meet their views and allow the same leave of absence and sick leave to the street-crossing policemen as are allowed by law now to the officers of the regular Metropolitan police force, and also providing a pension fund for the street crossing policemen. The reply I received from the Commissioners recommended the passage of this bill.

The bill referred to in this letter is the bill which is now being considered by this committee. In its first section, as the committee will observe, it provides for twenty days' leave of absence and twenty days' sick leave, which are the same leaves now allowed to the officers of the Metropolitan police force. It also contains an authorization of an appropriation to cover the expense incidental to the granting of these leaves of forty days—twenty days for sick leave and twenty days for regular leave—as now granted to the Metropolitan force.

The second section of this bill provides for the establishment of a pension fund for the street crossing policemen. That pension fund is made up of deductions from their own salaries, and not contributed to by the regular force or in any other way; nor under this bill do the street crossing police officers get any benefits of the present pension fund which was some years ago established for the benefit and protection of the regular Metropolitan force.

Mr. HULL. Will the gentleman yield for one question?

Mr. PEARRE. Yes.

Mr. HULL. This puts the street crossing police on an equality with the regular Metropolitan force?

Mr. PEARRE. Only as I have endeavored to explain, with reference to sick leave and leave of absence.

Mr. HULL. That is what I mean.

Mr. PEARRE. Yes.

Mr. HULL. And pensions.

Mr. PEARRE. No. As I was explaining, it creates a pension fund made up of contributions from their own salaries.

Mr. HULL. The Metropolitan police force make up the pension fund from the salaries of the Metropolitan police.

Mr. PEARRE. Partially so.

Mr. MUDD. And from certain fines.

Mr. PEARRE. As I was stating, Mr. Chairman, the Metropolitan police officer's pension fund is made up, first, of the deduction of a dollar from the salary of each man. In addition to that certain fines are appropriated to this fund, and also certain unclaimed property, which, under previous law, is to be sold and the proceeds turned into that fund, and of certain fines covered into this fund. I can give the gentleman the acts of Congress upon the subject.

Mr. HULL. I do not care for that. The street-crossing police have no pension except the deduction from their own salaries.

Mr. PEARRE. A deduction from their own salaries. This fund is created here in section 2. They have no relief of this sort now, although they are subjected to the same dangers.

Mr. HULL. Why should not they be put on the same basis as all the others?

Mr. PEARRE. There were some members of the committee who believed that they ought to, but the Commissioners of the District and the superintendent of police seemed to entertain a different view, and we adapted the bill to the views of the superintendent of police and the Commissioners. Indeed, the Commissioners prepared the bill covering the leave of absence and for a separate pension fund.

Mr. CANNON. If the gentleman will allow me, for information, am I correct in the impression I have that these policemen at the street-railway crossings are now paid by the railways?

Mr. PEARRE. I will say in reply to the gentleman from Illinois that his impression is entirely correct, and the probabilities are—nay, the certainty is that the gentleman participated in the legislation which brought that about. The act of June 24, 1898, in section 3, to define the rights of purchasers of the Belt Railway, and for other purposes, reads as follows:

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and directed to station special policemen at such railway crossings and intersections in the city of Washington as said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies.

Mr. CANNON. Now, if that is the law, this is a proposition to grant to such policemen, paid by the railway companies, doing the work practically for the railway companies, twenty days' leave of absence each year on pay and twenty days' sick leave. That is what the bill provides. I will ask the gentleman if it is not true that the other policemen in the city have only twenty days' leave of absence with pay?

Mr. PEARRE. As I understand it, the Metropolitan police force not only have twenty days' leave of absence, but twenty days' sick leave.

Mr. CANNON. I am informed that there is no sick leave; only the twenty days' leave of absence.

Mr. PEARRE. I am quite confident that the gentleman from Illinois is misinformed about that. I think, perhaps, I have a communication here from the Commissioners to that effect.

Mr. CANNON. The law passed in the Fifty-fourth Congress, I am informed, gives twenty days' annual leave to members of the Metropolitan police force. And I am not aware of anything to change that. I want to say if that is true that these street railway crossing policemen ought only to be placed on all fours with the other policemen.

Mr. PEARRE. I will say to the gentleman from Illinois, as I said before, that I am confident he is misinformed about that; but the purpose of this bill is only to put them on the same footing as the members of the Metropolitan police force as regards leave of absence, and if we ascertain that such is the fact this bill can be so amended as to cover that.

Mr. CANNON. I apprehend that such is the fact. Now, one other question. It seems to me that this bill by its provisions throws the expense of the annual leave upon the United States and the District, instead of throwing it upon the street railway companies. These people being practically employees of the street railway companies, to police their crossings, it is perfectly patent, if the legislation ought to be had at all, it seems to me, that the expense of the twenty days' leave ought to go upon the railway companies.

Mr. PEARRE. If the gentleman will read the first section, I apprehend he will see that it is covered there:

That each of the special policemen stationed at street railway crossings and intersections in the District of Columbia under the law providing for such service shall, during each calendar year, be entitled to twenty days' leave of absence, at times to be determined by the Commissioners of said District, and to not exceeding twenty days' leave of absence due to their illness, and shall receive from the source prescribed in said law full pay during such absence.

Mr. CANNON. What law?

Mr. PEARRE. The law providing for such service; that is, the law embodied in section 3 of the act of June 24, 1898, which authorizes this special crossing service.

Mr. CANNON. Then the gentleman agrees that whether his bill does it or not, the leave of absence to these men ought to be the same as the leave of absence to the Metropolitan police force.

Mr. PEARRE. Quite so.

Mr. CANNON. He agrees, second, that if this bill does not provide for it, the leave of absence ought to be paid as their salaries are paid—by the railway companies.

Mr. PEARRE. I believe that the bill does so provide with regard to the leave of absence at least, because it says, as the gentleman will see:

Shall receive from the source prescribed in said law full pay during such absences.

That source is the railroad companies.

In other words, the railroad companies would continue to pay exactly what they pay now. The man would get the leave of absence and the company would pay for it. The companies pay these men now. They have no leave of absence. If the leave be granted, the companies would pay no more than they do now. The additional leave or sick leave of twenty days would be paid

for by the Government, and, therefore, there is an authorization here of an appropriation for that purpose.

Mr. CANNON. Well, it seems to me that my friend, probably on further thought, will agree with me that these being practically employees of the railway companies, vested for obvious reasons with police powers, that this ought to be entirely at the expense of the railway companies.

Mr. PEARRE. I will say to the gentleman that I can not agree with the proposition at all.

Mr. CANNON. Well, then, we will fight it out along that line.

Mr. PEARRE. They are employed by the railroad companies; they do service for the railway companies, but in addition to that they perform incalculable service to the public, not only along the line of the particular service which they perform for the railroad companies, but in the performance of the general duty of a police officer, as will be indicated by the order issued by Major Sylvester, superintendent of the police force of the District, dated December 20, 1901:

DECEMBER 20, 1901.

LIEUTENANTS: The following copy of an order of the honorable Commissioners, District of Columbia, dated July 28, 1898, is published for the information of those concerned:

"*Ordered*, That the duties of the special policemen at street railroad crossings are hereby defined, as follows:

"To see generally that all police regulations are enforced."

Nothing could be more comprehensive than this part of this order.

Mr. CANNON. That is right.

Mr. PEARRE (continuing):

To see that street cars come to a full stop before crossing the street.

Mr. CANNON. That is right.

Mr. PEARRE (continuing):

To see that vehicles, including bicycles, shall not cross the streets at a rate of speed exceeding that allowed by law.

Now, that is a matter within the line and actual scope of the duties for which they are originally designed.

To see that bicycles and vehicles keep on the right-hand side of the street and make the proper turns at the crossings.

To do everything in their power to avoid accidents, rendering whatever assistance may be necessary in case an accident should occur.

In case of a violation of the law by any of the motormen or conductors of the street-car lines, notice shall be given by the officers to such motormen or conductors to appear in court at a given time to answer for the violation of the law, but no arrests shall be made so as to impede travel on the cars.

To aid pedestrians in safely crossing at crowded thoroughfares, and answer civilly such questions as may be asked them regarding location of streets, hotels, public buildings, etc.

Also, special policemen at street-railway crossings should not confine themselves to any one corner, but move about from corner to corner, giving themselves such exercise in this respect as will prevent illness. They should give special attention to the aged and infirm and women and children getting on and off cars, so that accidents may be avoided; prevent reckless and fast riding and driving and congestion of the street by pedestrians waiting for cars; maintain peace and good order at their respective posts, and see that the same are kept free from litter of every kind.

In case of an emergency call for police service within a reasonable distance of a post—special railway-crossing officers, having police powers, should respond.

Lunch hours have been prescribed by the respective lieutenants.

RICHARD SYLVESTER,
Major and Superintendent.

So it will be observed that these officers have police power.

Mr. CANNON. If my friend will allow me. There is not a thing in that order issued—if he has the power to issue it, and I presume he had—there is not one thing done but what is for the advantage of the railways and to the advantage of the public; but it vests, practically, the employees of these railways with police powers for the protection of the railways, and, incidentally, for the protection of the people. It seems to me that if they are to have this leave of absence that the railroads should pay for it. And I would ask my friend if he has thought of the proposition of giving the conductors and motormen leave of absence, also, who are other employees of these railroads?

Mr. PEARRE. I think the gentleman's mental fairness will discriminate between the case of the motormen and the conductors, who are on the cars and do not get off the cars, who do not attempt to regulate the street traffic, who have no police powers and do not undertake to assume police powers. I think the gentleman will recognize the difference between the duties of the motormen and conductors and these officers. The gentleman has practically admitted that these men not only perform this service in their duty to the companies, but that they perform such duties as are absolutely distinct from those for which they were originally designed.

Mr. ROBINSON of Indiana. I desire to call the gentleman's attention to the phraseology of the bill. As to the general fund charged and special fund charged with the performance of this service provided for, the plural is used with reference to the leaves of absence, including the sick leave and general leave of absence. It uses the plural in both instances; and then the bill says, commencing at the third line from the bottom, on the first page:

A sum to provide for the payment of substitute service for such officers during such absences shall be derived, disbursed, and accounted for as are the regular annual appropriations for the support of the government of said District.

Charging, then, to the general fund this special service that is rendered necessary by these leaves of absence granted.

Mr. PEARRE. The absences of the respective officers is the clear and indubitable construction of this phrase.

Mr. ROBINSON of Indiana. But the gentleman will not contend that it is not charged to the District fund that is provided for equally by the Government and the District. This special class of service that is provided for them shall be given to these men, no matter how employed, one half of the expense paid on the part of the Government.

Mr. PEARRE. Yes.

Mr. ROBINSON of Indiana. The other half is paid by the railroad companies?

Mr. COWHERD. I desire the gentleman to yield to me before a vote is had on the bill.

Mr. PEARRE. I suppose there will be no objection to that. There is another observation which prompts me to support it, and that is this—that these officers are not appointed by the railroad companies, but are appointed by the Commissioners of the District themselves, and the Commissioners are the governing power of the District of Columbia.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. PEARRE. Certainly.

Mr. SHAFROTH. How many of these officers are there?

Mr. PEARRE. There are 37.

Mr. SHAFROTH. And these substitutes that this proposes shall be employed when they are absent on leave, will they be paid by the railroad companies or by the Government?

Mr. PEARRE. As I understand, one half by the railroad companies and the other half by the Government.

Mr. SHAFROTH. That is the substitute?

Mr. PEARRE. That is, so far as I understand it.

Mr. ROBINSON of Indiana. Is not the correct interpretation of that that one half will be paid by the people of the District and the other half by the General Government?

Mr. PEARRE. No; one half will be paid by the General Government.

Mr. McDERMOTT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from New Jersey?

Mr. PEARRE. I do.

Mr. McDERMOTT. I understand that some portion of the duty of these officers is rendered to the public as distinct from that rendered to the railroad company. I propose to speak on that question in a moment. I want to ask the gentleman from Maryland why the railroad company, or the city of Washington, should have imposed upon them as a separate and distinct burden the payment of any police officer or cost of police officers for services rendered to the general public?

Mr. PEARRE. In answer to the gentleman from New Jersey, I may say that I am unable to explain the reason except in this way. My information is that this third section of the act of July 24, 1898, was the embodiment of a suggestion of a distinguished Democrat, Arthur Pugh Gorman, at that time a Senator from Maryland. I never heard of the reasons given, and, not being a member of Congress at the time, I was not familiar with the discussion, if any arose, over that section of the bill which I am informed was introduced by the gentleman from Maryland at that time.

Mr. McDERMOTT. As I understand the gentleman, the only excuse for the unjust burden, if it is an unjust burden, is that it was proposed at the suggestion of a distinguished Democrat. [Laughter.]

Mr. PEARRE. I have not admitted, and I do not know that anybody has admitted, that there is any unjust burden imposed on the railroad company. As far as my own judgment goes, I may say that I do not believe that it is an unjust burden. I believe it is a perfectly proper and just burden, and that each one of these men earn three times over in his services to the railroad company the pittance which the railroad companies, under this law, are required to pay for their services.

However, I may also add that we have acted upon the suggestion of the Commissioners of the District of Columbia, who have recommended this bill, and prepared this bill, and are behind this bill.

I may also add, Mr. Chairman, that perhaps the gentleman from New Jersey is even more familiar with the railroad system of the District of Columbia and the reasons why this or that or the other thing has been done in connection with their management than I can possibly be. Now, Mr. Chairman, I do not desire to go into any lengthy discussion in relation to this matter. It seemed apparent to the committee that the justness and wisdom of the provisions of this bill would be so apparent that they would meet

with no opposition in the House. These men do good service on the crossings during the whole day through rain and sunshine, not only as custodians of the railroad companies, but they are there as custodians of the life and safety of the people of the District of Columbia.

In addition to that, if any crime be committed within their presence or within their sight they have jurisdiction and they have the power to make an arrest. They are required to make the arrest, and they are on the lookout for all thieves, pickpockets, and known criminals. Every morning a list of lost articles is published and sent by the marshal to the superintendent of police and to the various officers of the Metropolitan police, containing a list of property and a description of escaped criminals, fugitives from justice, and where some criminal who is wanted, and these lists are placed in their hands, and they are charged with the same duty in reference thereto as is the Metropolitan police force.

They must detect, pursue, and arrest criminals if the commission of a crime occurs in their vicinity, as it is the duty of the officers of the Metropolitan police force. They are brave, courageous, and faithful. Their fidelity is commended in communications to the committee by the Commissioners of the District of Columbia, which Board of Commissioners, after having gone carefully over the whole matter, have submitted this bill to the judgment of the House.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. PEARRE. I will yield to the gentleman.

Mr. FINLEY. I would like to ask the question if he would consent for the bill to be so amended that the extra policemen shall be paid in the same manner as the regular policemen employed in this work are now paid?

Mr. PEARRE. The effect of that amendment would be to relieve the railroad companies of any burden and give the benefit of their services to the railroad company. I would not consent to that.

Mr. FINLEY. The gentleman has misconstrued my question entirely. I understand the policemen are now paid by the railroad companies.

Mr. PEARRE. That is correct.

Mr. FINLEY. I propose by the amendment to require the men employed as provided in this bill to be also paid by the railroad company. Will the gentleman agree to that?

Mr. PEARRE. I think the bill in its present form, as recommended by the Commissioners, presents the fairest proposition.

Mr. FINLEY. What objection can the gentleman have to the railroad company paying these extra policemen to be employed?

Mr. PEARRE. Simply this, that these police officers perform one half of the duties to the public and the other half to the company, and the company should share the expense. That seems to us the most just and equitable distribution of the burdens arising from the passage of the bill—a trifling one, it is true.

Mr. FINLEY. But I ask the gentleman what greater inequality or greater injury will be done the railroad company if it is right for them to pay this charge now by requiring them to continue to pay as they have done?

Mr. PEARRE. We are imposing an additional burden upon them by this bill.

Mr. GAINES of Tennessee. I should like to ask a question. Why should the public pay for policemen to look after the business of the railroad company?

Mr. PEARRE. I have endeavored to answer that question several times. These policemen not only look after the interest of the railroad company, but they also perform a public duty.

Mr. GAINES of Tennessee. That is the exact point of my inquiry. What business of the Government is it to have an officer there to attend to the business of the railroad company?

Mr. PEARRE. He attends not only to the railroad company's business, but to all matters which may come under the purview of any police officer. He is authorized to arrest any man guilty of a breach of the peace or any other violation of the law.

Mr. GAINES of Tennessee. Why does not the railroad company have an officer there, employed and paid by the railroad company, and why does it not have gates there to protect the public instead of having the public pay an officer to stay there?

Mr. PEARRE. I may say to the gentleman from Tennessee that the wisdom of the original proposition was passed upon by a former Congress in 1898. Neither the Commissioners nor the committee took up the question of changing the system in any degree. The railroads now pay these officers, and under this bill will pay one-half the additional expense for leaves. But in view of the fact that by this bill an additional burden and an additional expense would be imposed by reason of these leaves of absence, the committee thought it wise to follow the recommendation of the Commissioners of the District of Columbia and provide for the District sharing this expense.

Mr. GAINES of Tennessee. As the railroad company is granted the privilege of crossing the streets in this way and thereby increases the danger to citizens, should not the company be made to pay for the officers necessary to be stationed there in order to make the arrangement reasonably safe for the public?

Mr. PEARRE. They do pay. They pay $2.50 a day to every watchman stationed at a railroad crossing. The only new thing provided for in this bill, as the gentleman will see if he examines it, is the granting of leave of absence for forty days annually to these policemen—twenty days as sick leave and twenty days regardless of sickness. To furnish substitutes during the leave of absence of the regular policemen will cost some money; and it is the proper distribution of that expense we are discussing here.

Mr. GAINES of Tennessee. Who pays the officer while he is on leave of absence?

Mr. PEARRE. That is a matter we have been discussing here for half or three quarters of an hour. I recommend the gentleman to read the bill.

Mr. GAINES of Tennessee. I have sent for it. This measure is not going to get through here unless I know something about it.

Mr. JENKINS. The gentleman from Tennessee, as I understand his remarks, seems to be laboring under an impression that the railroad companies of the city are insisting that these policemen be stationed at these several crossings. I desire to correct the gentleman on that point. Congress has imposed upon the railroad companies the necessity of keeping those policemen at these crossings at the expense of the railroad company but in the interest of the public.

Mr. GAINES of Tennessee. That is all right; but let the railroad company pay for it.

Mr. JENKINS. The railway companies insist that they do not need these officers, that their employment is an unnecessary expense; but they are now paying upward of $36,000 a year for the purpose of maintaining the policemen at these several crossings.

Now, inasmuch as these officers are rendering this service, they want to be put on the same level as other employees of the Government with regard to leave of absence, including sick leave and other leave.

Mr. GAINES of Tennessee. Who is to pay for this?

Mr. JENKINS. The bill provides that one-half be paid out of the general fund and one-half out of the funds collected through the District of Columbia. The railway companies feel that they are already more heavily burdened than they ought to be.

Mr. GAINES of Tennessee. I never heard of a railway company in the District of Columbia being burdened with anything.

Mr. JENKINS. That is because my friend from Tennessee is devoting so much of his time to public matters that he does not familiarize himself with the details of the city government.

Mr. GAINES of Tennessee. But I am not a member of the District Committee, and I am trying to get information from the members of the District Committee, whose duty it is to explain this bill and give the reason for its passage, and I know of no man who is more capable of doing so than the gentleman from Wisconsin.

Mr. PEARRE. We are endeavoring to give the gentleman all the information he asks. We have, in several instances, repeated for his benefit information that we had already given to somebody else. We would be perfectly willing to repeat it as often as the gentleman desires and the patience of the House will permit.

Mr. WACHTER. I would like to ask my colleague a question, Mr. Chairman. At one part of the report it refers to a pension fund. Have the balance of the railroad employees a pension fund?

Mr. PEARRE. I would say to my colleague from Maryland that the officers of the Metropolitan police force proper have a pension fund which was established some years ago, and that fund is created in this way: First, by the deduction of a dollar per year from the salary of each regular officer of the Metropolitan police force, and then it was discovered as time went by that that fund was not sufficient to provide for them and their widows and children. The Congress of the United States thought it wise to aid in increasing that fund, so that in case of death or injury the family of the police officer or the police officer himself might have proper relief, and on May 29, 1896, a bill was approved which provides that the property of deceased parties not claimed in the District of Columbia may be sold and the proceeds covered into that fund. There was a subsequent act passed June 11, 1896, which allowed the receipts from fines in certain cases to go to the swelling of that fund.

Now, the crossing police officers have never been able to share in that at all, and the original proposition embodied in the bill which I first introduced was to the effect that these men should be placed in all respects upon the same footing as the Metropolitan police force. The superintendent of police and the Commissioners of the District did not agree with that proposition, for perhaps good reasons, which they gave in communications to the committee, and then this other suggestion was made that the relief for these crossing policemen should be limited only and solely

to leave of absence, twenty days, and a sick leave of twenty days, as is now enjoyed by the Metropolitan police force, and the creation of an independent pension fund made up by deduction of $1 per year from the salary of each crossing police officer, that fund being devoted entirely to the uses and purposes and relief of crossing policemen, and being an entirely separate fund.

Mr. WACHTER. I would like to ask my colleague another question. Under whose orders are these crossing policemen? Are they more amenable to the railroad company than to the Commissioners of the District?

Mr. PEARRE. The only thing that the railroad has to do with them is to pay them. That is the poor privilege that the railroad companies of the District have. These men are appointed by the Commissioners, and are entirely under the control of the superintendent of police, just as the regular Metropolitan force is; and, further than that, they perform all the duties of a regular police officer.

Mr. WACHTER. I would like to ask whether they are appointed under the civil service, as the others are?

Mr. PEARRE. Well, no; and will not be with my vote. [Laughter.]

Mr. ROBINSON of Indiana. Does the gentleman say that the Metropolitan police force or its officers have twenty days' sick and vacation leave?

Mr. PEARRE. I think the gentleman heard my discussion with the gentleman from Illinois on this point.

Mr. CANNON. On examination, I find only twenty days' leave in the year.

Mr. PEARRE. If that be so, I will accept the amendment. I think the gentleman from Indiana [Mr. ROBINSON] heard the short discussion between the gentleman from Illinois [Mr. CANNON] and myself in regard to that matter.

Mr. ROBINSON of Indiana. With reference to the equalization of sick and vacation leaves, I desire to call the attention of the gentleman to the fact that he is giving these police officers more privilege in that regard than is accorded to the employees of the Navy Department, or the Printing Department, or the Arsenal. Now, what is the reason for that? The employees of the Printing Department have a vacation of thirty days, but no sick leave. The employees of the Navy have fifteen vacation and no sick leave.

Mr. PEARRE. The purpose is to equalize the sick leave between these special officers and the regular officers. The gentleman evidently sees the purpose of that.

Mr. ROBINSON of Indiana. Will the gentleman let us know what salaries these officers get?

Mr. PEARRE, I think I have stated it on several occasions. They now get $2.50 a day. The report will show all this if the gentleman will be good enough to read it. Now, I reserve the balance of my time.

Mr. MUDD. I would like to suggest to the gentleman from Missouri [Mr. COWHERD] that some arrangement be made about limiting general debate to, say, twenty minutes.

Mr. COWHERD. That would be hardly enough. I understand there are several gentlemen here who desire to be heard. I will occupy only about ten minutes and then yield to the others.

Mr. MUDD. Very well.

Mr. COWHERD. Mr. Chairman, this bill has been pending before the District Committee for at least four years. I think, without betraying any secret, I am entitled to say I have always opposed this measure. For that reason I feel that I am entitled to oppose it on the floor, although I was not present when the bill was taken up in committee.

I think the gentleman from Maryland [Mr. PEARRE] has stated, and it is a fact, that these men are put on by order of Congress, Congress having passed the law giving the Commissioners authority to appoint. First, I believe there was a bill compelling the railroad companies to put on watchmen at crossings, and afterwards giving the Commissioners the authority to select the men, on the ground that it was the duty of the railroad company to protect the lives of the public, and that the Commissioners in order to protect the public might have the right of selecting the men.

Now, these are employees of the railroad company. They are paid by the railroad company. Their business is to protect life, and every time they protect it they protect it for the advantage and benefit of the railroad company. If a man is killed at a street crossing of course the railroad company has to stand a lawsuit and, if guilty of any negligence, has to stand the damages. So that it is for their interest to have these men there, and it is proper and right that they should pay them.

These crossing policemen do not have any more special police duty to perform than does the watchman down on the wharf who is given a special commission. Any big property owner or any great institution having a large amount of property to protect can go to the Commissioners and get a special permission for its watchman. It is done in order that the man may be useful to the company that he is serving and at the same time may be of benefit to the public, and there is no more reason why the public should compel the street railroad company to give vacation leave to its special policemen than there is why the public should tell the wharf owner to give a vacation leave to its special policeman or other watchmen in the city of Washington.

I go further and say that there is no more reason why we should compel the railroad company to give the leave of absence to special policemen than why we should compel them to give leave of absence to the motorman or the conductor on the car. They are all employees of the company, and the fact that in order that these watchmen at the crossing may perform the service for which he is placed there, in order that he may have authority to make a driver move on or to make a driver stop before he gets to the crossing, we give him a special authority in order that he may perform that duty, gives us no right to compel the company to give him a leave of absence and pay him for it. But I go further.

The gentleman from Maryland [Mr. PEARRE], I think, is entirely mistaken, if I understood his statement, as to where the money is coming from to meet this extra charge upon the Treasury. For, mind you, when we give a twenty days' leave of absence to a special policeman somebody has to take his place. We only provide in the bill that his salary shall come out of the pocket of the company; but who is going to meet the charge of the man who takes his place? Here is the language of the bill:

> A sum sufficient to provide for the payment of substitute service for such officers during such absences shall be derived, disbursed, and accounted for as are the regular annual appropriations for the support of the government of said District.

Now, how are our regular annual appropriations derived? They are derived one-half by taxes on the people of the District and one-half out of the revenues of the Government. So every dollar of additional expense provided for in this bill, by the giving to these men of twenty or forty days' leave of absence, is to be paid out of the general revenues of the District of Columbia, one-half, and one-half out of the general revenues of the United States.

In other words, you gave forty days' leave—twenty days' regular and twenty days' sick leave—to certain employees of the Metropolitan Street Railway Company and the Capital Traction Company, and you pay every dollar of expense incurred by that gift out of the revenues of the United States and of the District of Columbia. I protest against any such action. I do not believe the bill ought to pass at all.

I do not believe we have any right to say to this street-railroad company, "You have got to station a man there, and we will select the man and we will compel you to give to that man certain leave of absence." We have the right to compel the company to station the man there, and we have the right to select the man, but that is as far as we have a right to go; and I unquestionably protest against it when we go still further and say that for this leave of absence that you give to these men the expense shall come out of the pockets of the people of the District and the pockets of the people of the United States.

Mr. SCOTT. Why does this bill impose a hardship upon the railroad company if the District is to meet the expense?

Mr. COWHERD. This bill does not impose any hardship upon the railroad company.

Mr. SCOTT. I understood the gentleman to say that we were endeavoring by passing this bill to order the street railway company to give its employees, or certain of them, twenty days' leave of absence.

Mr. COWHERD. We are.

Mr. SCOTT. Later on the gentleman, in his argument, said that we are compelling the company to give leave to its employees. It seems to me that the statements of the gentleman are hardly consistent.

Mr. COWHERD. If the gentleman will permit me, I said we had no right to say to the street railroad companies, "You shall give certain of your employees leave and not others." We might as well say to the companies, "You shall give your motormen and your conductors twenty days' leave of absence," which would be a hardship upon the railroad company for the Government of the United States to go and say to them, "You must give leave of absence to this class of your employees." I say it is a hardship upon the Government, upon the people, of the District, when we go and say to this railroad company, "You must give these men leave of absence." And, in the next place, when given, it must be paid for by the Government.

Mr. SCOTT. It would only be a hardship if we ask them to give leave to experienced men and require them to pay for the services of substitutes who were inexperienced.

Mr. PEARRE. Will the gentleman from Missouri tell me his definition of an employee?

Mr. COWHERD. There is no need of going into that technical proposition.

Mr. PEARRE. What is an employee?

Mr. COWHERD. I say there is no need of going into a technical proposition of that kind.

Mr. PEARRE. You base your whole argument on the proposition that these are employees of the railroad companies. As that is made the point of the controversy, it is well to technically ascertain what is the definition?

Mr. COWHERD. Whether the gentleman is right technically, and whether this man is or is not an employee, the result I maintain is the same in this matter. A substitute is paid half by the railroad company for guarding the property of the railroad and half for keeping the people from being injured by the railroad companies; and if they were injured it would be cause of expense to the company.

Mr. PEARRE. It is not for guarding the property of the company.

Mr. SHAFROTH. I will ask the gentleman from Missouri if it is not a fact that every city of the United States provides that there shall be watchmen at the crossings, to be placed there at the expense of the company, and not at the public expense, in every city in the United States?

Mr. COWHERD. I have not examined the provision as to every city, but I know that in my city, and I know that in every city that I have been able to see any of the provisions concerning, they do provide for the placing of a watchman at every crossing and compel them to pay for a watchman. The only distinction between the watchmen at the street railroad crossings in other cities under their ordinances and the city of Washington is that in this case the Commissioners have the right to select the persons.

Mr. PEARRE. Is it not a fact that in the city of Washington the companies are required to pay the policemen and the city appoints them?

Mr. COWHERD. I did not understand the gentleman's question.

Mr. PEARRE. Is it not a fact that the law with reference to watchmen and policemen at street crossings in this city does not differ from that of any other city, except that in the case of Washington the law authorizes the Commissioners to make the appointment?

Mr. COWHERD. Oh, well, the gentleman has gone over that and so have I. They are watching the property of the railroad company at last.

Now, as to section 2, I have just a word to say on that section. Section 2 attempts to provide a relief fund out of which these men are to receive certain relief, and in the end pension, because that is always the end of that with the police force. This fund will not be sufficient, as every man knows. We attempted to provide a relief fund, as gentlemen will remember, by certain laws for the pension of the Metropolitan police.

They have a much larger force, and yet it was found not to be sufficient, and we had to add additional items, including all fines and forfeitures in certain cases to provide for the relief and pension fund. The result of this thing will be, if this law is passed, that this will be a tax upon the Government to pay for these special men, and in the end we will have to appropriate for the relief and pension fund. Now, several have asked me for time, and I would be glad to yield to them. I yield now ten minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, you can take this bill which ever way you see fit, and it is bad, in my opinion. Now, to begin with, the act to which the gentleman referred, in my opinion, was wholly wrong. That, however, is passed. I do not believe that any watchman or special police force should have been provided for in that manner. There is not a city in the United States that does not have its special police force. Private citizens can have a special officer appointed if they take the matter before the chief of police, or they can have a special patrol by arrangement made with the chief of police or police commissioners.

Now, here you are going to establish a precedent that Congress shall have the power, and I believe if Congress has the power to compel a street-railroad company in the city of Washington to pay special policemen appointed by the commissioners, then we have that power anywhere. I hold if this matter was ever taken into the courts, that it would not be sustained that the railroad company could be compelled under the law to pay what the gentleman from Maryland says is a Government employee. I do not believe the courts would ever sustain a position of that character.

Some gentlemen run mad on pensions. I believe it is the duty of all men, conservative men, to endeavor as far as possible to stem this rush upon the public Treasury for pensions. As I have said on this floor before, if there is equity in paying pensions to persons employed either wholly, partly, or semiofficially by the Government, then there is a greater equity in paying pensions or giving leave of absence to every man, woman, and child that lives. Because the money to pay the pension or the leave of absence, either one of which is payment for no services rendered, must ultimately come from the sweat of the face of the whole people.

Now, one citizen is entitled to just as much consideration as another. I believe the unfortunate man who has not been on the Government pay roll is entitled to just as much consideration as he who has been fortunate enough to be on the Government pay roll. Again, if they are pensioned, or if they have leave of absence, being paid without rendering service, that money coming from you and from me and from 70,000,000 of other people, then everyone is entitled to the same consideration.

Here is a case where there are private watchmen in some bill passed as ordinary District bills are, with not more than 10 or 15 members of the House knowing anything about what the legislation contains—because we can not devote attention to such legislation—enacted into law a provision that compels the railroad companies—and I believe justly so—to put a watchman or a special policeman at the crossings. There the law should have ended.

The railroad companies themselves should have been permitted to select those men. But now, because we have unfortunate legislation and the District Commissioners have been given power to select these men, I say the Government should not give them forty days' leave of absence, and neither should the railroad companies be compelled to pay them for forty days' leave of absence. I hope this measure will be defeated, even if the bill is ultimately amended, and I shall vote for the amendment the gentleman from Illinois proposes to offer; but, even if it be amended, I say the legislation is wrong, vicious, and should be defeated. [Applause.]

Mr. COWHERD. I now yield fifteen minutes to the gentleman from New Jersey.

Mr. McDERMOTT. Mr. Chairman, the proposition that the street railroads of Washington should pay policemen was put upon the statute book, so far as we have had it explained by the gentleman from Maryland [Mr. PEARRE], for no discoverable reason. No State in this Union has ever imposed such legislation upon its books. There is not a State that provides that a railroad company shall pay part of the salaries of the police department, and in proper legislation there is no more place for such a provision than would be found for a law enacting that a railroad company should take care of the roof on the city hall.

What was the object of this bill? To provide political places. There was no other object. If it is said that it was for the protection of the public, then the protection of the public has these two safeguards: First, the responsibility of the railroad company in the case of accident, and, second, the duty which was imposed upon the railroad companies of properly guarding their crossings, and they should guard them. Men, women, and children in these days of swift electrical transit require at crossings some one to warn them of the approach of cars. Are these men selected because of their peculiar fitness for the position? The fact that the District Commissioners believe that they should have the power to appoint railroad employees makes no impression on my mind.

My understanding of the District of Columbia and its government is this: That to-day it is the most extravagant on the face of God's footstool, and to-day it is eating the heart out of every property owner within the District. It is absolutely plain to every man who desires to invest capital that if he sends it to the District of Columbia he finds the worst spot in the country for investment.

Now, what is the result of this act, passed, it is said, at the suggestion of the Democratic Senator from Maryland? Take the City and Suburban road, a road running from east to west and north and south in the city of Washington. That road is capitalized and bonded at its exact cost of construction. Congress ordered that road to change its construction, and doubled its cost by enforcing an underground system.

Every man who invested a dollar in stock of that railroad company lost his money, and there is not a chance that within twenty years it will earn a penny on its stock. Within a year I was appointed receiver of that road. Why? Because it was found that it was impossible to earn 60 per cent of the interest upon its bonds. Now, what do we find the application of this law to that railroad to be? First, a 4½-cent fare for a ride that may extend over 13 miles. That is cheap enough so far as the public is concerned. Then a 4 per cent tax on its gross receipts and full taxation of its real estate. That is pretty heavy.

This tax is placed upon its receipts, and then they put special policemen along the line of the road where not one-half of them are required; and I ask the gentleman from Maryland whether he knows what these special policemen cost on that road alone? If he does not, I will tell him. When you gave the franchise to that railroad company you said to them: You shall pay for that franchise outside of the tax upon your real estate 4 per cent upon

every dollar you take in, and then you impose special policemen, and last year the Commissioners of the District of Columbia employed special policemen whose salaries were over 2 per cent on the gross receipts of the railroad. Do you find anything to equal that in this country? Find any such proposition in any municipality in this country, upon a railroad that has never earned enough to pay 40 per cent of the interest on its bonds, representing about half the cost of construction.

I have no objection to a law providing that the railway companies should put warning employees at the railway crossings. But these policemen are in no sense employees of the railway company. Some of them are efficient officers; all of them brave men. All of them are duly and annually complimented by the Commissioners of the District of Columbia, who duly and annually compliment every department whose officers they appoint, and duly and annually compliment everything that they have charge of; and I might remark at this point that it would require the reincarnation of Charles Dickens to properly describe some of the maneuvers of municipal government in this District.

Now, the proper thing for a dignified Congress to do is that suggested by the gentleman from California—to provide that these corporations, holding public franchises and bound to protect the public, shall at these street crossings place employees of the railroad companies. These policemen now employed will obey no order, will take no instruction, from the railroad companies. The railroad companies can not remove them, can not give them orders. They do not act in concert with the employees of the railroad company. They have no special knowledge of railroading, and railroading is a science. The protection of the public is the one great object of the efficient manager of a railroad company, because his company has to pay, and pay dearly, as ordinary juries give their verdicts, if there is a failure to observe proper precautions in the management of the company.

There would be no objections on the part of these corporations of this District if a law were enacted providing that wherever the District Commissioners say it shall be done, the railroad companies shall place men, proper and efficient men, at these railroad crossings. But what the companies do object to is the fact that these men are upon the pay rolls of the companies and yet render absolutely no service to the companies.

I do not desire to object to any legislation that may bring these men into conformity with others except for the reason that the basic proposition of putting men under the direction of the police department, but at the cost of the corporations, at the crossings is wrong. This system was adopted without reason; it has continued without reason. It does not give the public proper protection, and it is an imposition of unjust taxation.

Taking the proposition of the gentleman from Maryland, that these men are engaged in public service, irrespective of their relation to the management of the cars, then you have no right to charge the railroad companies with their salaries, for that is taking private property for public use. The minute you admit the proposition that these men are engaged in a service not created by reason of the fact of a railroad crossing, that minute you subtract from the power of Congress to continue this burden. It is only upon the theory that the exercise of a public franchise creates a necessity for these officers that you can impose any such burden.

And while the burden is wrong in the way it is imposed, it does not do the public any good. These men render little or no services. They would be efficient if they had anything to do, and are not efficient because they have not anything to do.

The proper thing for Congress to do is to legislate that the railroad companies shall protect the public, not that these political officers shall be kept on the pay roll of the railroad companies of this District.

Mr. MUDD. I would like to ask the gentleman from Missouri [Mr. COWHERD] whether we can not agree upon a time for closing the general debate?

Mr. COWHERD. The gentleman from Tennessee [Mr. GAINES] and the gentleman from South Carolina [Mr. FINLEY] have each asked for five minutes.

Mr. MUDD. As there will be opportunity for debate under the five-minute rule after the general debate is closed, I ask unanimous consent that general debate be closed in ten minutes.

There was no objection.

Mr. COWHERD. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, when the company built its road on the street, it made, we must presume, the street dangerous for use by pedestrians and equestrians. The fact that the street car operates on the street makes the street dangerous. The street car creates the danger upon the highway, and under the law it is the duty of the street-car company to protect the public from the danger thus created. Yet, after the Government has given the company the right of way, gentlemen come here and ask the Government to help pay for providing against the danger which the street-car company itself creates. These gentlemen interested in these corporations are never satisfied. I take it that if they took Congress to be composed of a lot of knaves they would want all of their employees paid by the Government while they took as their income all of the revenue derived from the railroad.

Now, should Congress either directly or indirectly pay to protect the public from a danger which the street-car company itself creates? Clearly not. The gentleman from New Jersey [Mr. MCDERMOTT] says that none of the States have statutes requiring that men be stationed in this way at railroad crossings. I think there is a statute of that kind in my own State. I know there is a requirement in the charters of some of these roads. Notably one in Chattanooga.

Mr. CLARK. Why should the city authorities of the city of Washington be permitted to appoint employees for this street railway company?

Mr. GAINES of Tennessee. The city ought not to do that sort of thing. On the contrary, the city ought not to pay the employees of the railroad. The railroad, as I have stated, plainly creates a danger; it creates a death trap; it endangers the use of the street. The street was originally laid out for the God-made man and not for the man-made man. A human being has a superior right. That is the law of this country and the highest court of the country has said so. Now, then, when the street car comes along under the shadow of the opinion of that court and creates a danger and a death trap, as the gentleman from Missouri [Mr. COWHERD] has well said, in order to protect themselves from lawsuits, to protect themselves from criminal prosecution, we put a watchman there, and now they come along and say the public must pay for that watchman. The public did not put the railroad there; the public does not create the danger; the public does not use the street as a railway track. It is the street-car company that creates the danger, and the street-car company should be made to protect the public from the danger which the corporation creates.

Mr. MCDERMOTT. They have no objection to protecting the public.

Mr. GAINES of Tennessee. They are coming here and asking that the Government share in the expense of the police they put there.

Mr. PEARRE. I would like to ask the gentleman from Tennessee whether his argument would not apply as well to the livery-stable keeper or to one who operates automobiles.

Mr. GAINES of Tennessee. When the livery-stable keeper comes here and gets rights, we will look after him. I am trying to look after the public, and I hope the gentleman from Maryland is trying to do it. I have no interest in the railroad or in the livery stable or in anything else that lives by virtue of law. I stand here stripped of any influence of the sort, one way or the other.

Mr. PEARRE. I am convinced of the gentleman's virtue without any argument in that behalf, but will the gentleman answer the question as to whether his argument would not apply equally well to the man who operates automobiles in the street or to a livery-stable keeper?

Mr. GAINES of Tennessee. Well, if the automobiles were so dangerous and the Government gave them the right to go up Pennsylvania avenue, do you think it would be the duty of the city to pay for policemen to go along and keep them from running over anybody? Not at all.

Mr. SHAFROTH. If the automobile company were to operate in the streets of this city, running at intervals of ever minute or two, why they would be required and ought to be required to have people stationed along to protect citizens.

Mr. GAINES of Tennessee. Yes; but they would not permit them to go along in the street at that rate and yet here are the street cars——

Mr. PEARRE. How in regard to the bicycles?

Mr. GAINES of Tennessee. Oh, Mr. Chairman, I do not yield to this cross firing here in my time. These electric cars are dangerous. Everybody knows that. They are very large, larger almost than some of the Pullman cars, and they are dangerous, and the street-car company knows they are dangerous, and hence it is that we require that these guards, that they are, be placed at the intersection of the cross streets, and if the statute does not require them they ought to be made to do it anyhow.

Mr. COWHERD. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the present law provides that special policemen shall be stationed at certain street railway crossings in the District of Columbia, and it further provides that the railway companies shall pay the wages of those special policemen. Now, I am sure that a great deal of the discussion here is irrelevant, because the proposition as to whether or not this shall continue to be the law is not involved in this bill, but if it was there can be no question as to the power of Congress to do so.

It has been ruled in the courts of this country time and again that it is entirely within the province of the legislative body to require that watchmen or special policemen, or whatever they may be called, shall be stationed at certain crossings which are dangerous to the public, in order that the interests of the public may be guarded; but this bill, Mr. Chairman, goes beyond that, and it is obnoxious and objectionable because it gives to these 37 policemen who are paid by the street railway companies forty days' leave of absence each year at the expense of the government of the District of Columbia and to provide a pension fund for their benefit. Now, for my part I can not see and do not see why this departure should be made.

In my judgment, if it is right and proper, and I think it is, for the street railway company to pay these special policemen as now provided by law, it is entirely right that the street railway company should pay the increased cost provided for in this bill. If one is right, the other is. The proposition here would give them forty days' leave of absence with pay, that pay to come out of the government of the District of Columbia. So, Mr. Chairman, I do not think the people of the United States and the people of the District of Columbia should be called upon to provide a fund of this kind to be given to the employees of a street railway company or anyone else.

Now, as to whether or not these people should be named by the Commissioners of the District of Columbia is not involved in this bill, and if a bill was brought here of the kind and character suggested by the gentleman from New Jersey, I for one should be glad to vote for it and would do so; but that proposition is not here. By the bill under consideration it is proposed to take money out of the treasury of the District of Columbia—that money provided by taxation on the property of the District and by appropriation from the United States Treasury—and to pay these special employees of street railway companies, which is objectionable in principle, as I see it, and I think that this bill should be killed, and the only motion that I can think of that would render it entirely unobjectionable would be one to strike out the enacting clause of the bill.

Mr. COWHERD. Mr. Chairman, is it in order at this time to move to strike out the enacting clause?

The CHAIRMAN. General debate is not closed yet.

Mr. FINLEY. I surrender back the time remaining to me.

Mr. COWHERD. I only desired to know whether it would be in order at this time, or whether the motion must come after the reading of the first section.

The CHAIRMAN. It will be in order after the general debate is closed. The gentleman has one minute remaining.

Mr. COWHERD. I will yield that one minute to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Chairman, I do not regard this bill as one we should pass. If anything should be done, we should repeal that part of the law which permits the Commissioners to appoint these policemen. I merely rise to reply to the suggestion of the gentleman from Maryland, as to why we should not regulate the speed of automobiles. The persons operating railroads of this character operate under a franchise and take toll from the public. Persons traveling along the street individually and not taking toll from the public occupy a very different position.

The CHAIRMAN. The time for general debate has expired. The Clerk will read.

The Clerk read the first section of the bill.

Mr. COWHERD. Mr. Chairman, I move to strike out the enacting clause of the bill.

Mr. MUDD. Does the gentleman from Missouri desire to be heard on that?

Mr. COWHERD. No; I do not care to say anything further.

Mr. MUDD. Mr. Chairman, I want to say a word or two in opposition to that motion. It seems to me the simple question to be determined here is whether or not Congress wants to give to these special employees of the District government the same leave of absence that other employees have; because while the fact is, as we all know, that the railroad companies pay the salaries of these employees, the other fact is that the companies have no control over these men, that the services performed are not particularly for the companies any more than, nor as much as, for the public, and the companies have nothing to do with the appointment of these people.

I want to remind gentlemen that they seem to lose sight of that fact when they undertake to find an analogy in the case of other cities. I do not believe it will be found in any other city of the United States that appointments of these people are provided for as they are in this bill. Railroad companies in other cities are required to employ watchmen at their crossings, but they employ them themselves at such salaries as they may fix, and they have complete control over them. Now, I submit that, while the House has this bill in its posession and can do with it as it pleases, yet it is hardly a proper thing to do to strike out the enacting clause and kill the bill.

I want to say for myself, as the acting chairman of the committee for the time being, that if the chairman of the Committee on Appropriations [Mr. CANNON] is confident of the truth of his assertion that other policemen only have twenty days' leave of absence all told, I am willing to accept an amendment to that effect. There was no opposition to this bill whatever in the committee. The bill comes from the Commissioners of the District of Columbia with their unqualified approval.

Mr. COWHERD. If the gentleman will pardon me, he knows that whenever this bill has been taken up I have opposed it.

Mr. MUDD. I have no doubt the gentleman is opposed to the bill. He has convinced the committee of that.

Mr. COWHERD. The gentleman said there was no opposition in the committee.

Mr. MUDD. I say when this bill was considered in the committee no one manifested any opposition. The gentleman from Missouri was away looking after other matters, but of course his statement is accepted when he says that he has been opposed to the bill. It seems to me these men ought to have this leave of absence. They are employees of the District government, and they are entitled to the same leave of absence that other men are who are engaged, in part at least, in the same class of work. Of course if the House desires a different provision with reference to the payment for this leave of absence, then it is for the House to say so. If it is desired that the railroad companies shall pay the salaries of the substitutes made necessary by these leaves of absence, then let us so provide; but the pregnant fact is that these people are appointed by the District government, are under the control of the District government, and I can see no reason why they should not have the leave of absence that the Government of the United States accords to all of its employees in every branch of the service. However, I will submit to the judgment of the committee.

Mr. MORRELL. I move to strike out the last word. In reply to the gentleman from Illinois, I may say that I have communicated with the Commissioners of the District, and the reply that I have received from them states that the appropriation act providing for the expenses of the District of Columbia, approved March 3, 1897, reads as follows:

> Hereafter each of the members of the Metropolitan police force shall be entitled to leave of absence each year, with pay for such time, not exceeding twenty days, as the Commissioners shall determine.
>
> Section 32 of chapter 46 of the compiled statutes of the District of Columbia: "Whenever any member of the police force in the actual discharge of his duty shall become actually disabled, his necessary expenses during the time of such disability, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the Commissioners, may become a charge upon the policemen's fund. But the Commissioners may discontinue such allowance for any satisfactory reason."
>
> Under the manual provided for the government of the Metropolitan police force the Commissioners allow thirty days' leave for sickness. These regulations are authorized by law to be made by the Commissioners, and where the time exceeds thirty days the Commissioners, in their discretion, may allow such excess on the certificate of the police surgeon.

This communication was received directly from the Commissioners of the District of Columbia.

Mr. CANNON. That does not give arbitrarily thirty days' sick leave. There is a provision that the injury shall be in line of duty, and a medical certificate, and everything of that kind; and then there may be a charge upon the special police pension fund; and then they may renew it, until it gets up to thirty days; but this is a proposition giving twenty days' sick leave, independent of anything.

Mr. MORRELL. I think the gentleman from Maryland has agreed that the same law shall prevail with these crossing policemen as does for the regular Metropolitan force.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri to strike out the enacting clause.

The question was taken, and the motion was agreed to.

Mr. COWHERD. Mr. Chairman, I move that the committee now rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 12347, and had instructed him to report the same back to the House with the enacting clause stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following

titles; in which the concurrence of the House of Representatives was requested:

S. 4983. An act granting an increase of pension to John W. Smoot;

S. 2347. An act granting an increase of pension to Alfred M. Wheeler;

S. 4293. An act granting an increase of pension to Elizabeth C. Vincent;

S. 4979. An act granting an increase of pension to Paul Fuchs;

S. 4871. An act granting an increase of pension to Helen M. Worthen;

S. 3397. An act granting an increase of pension to Eliza A. Walker;

S. 500. An act granting a pension to Samuel S. Beaver;

S. 3321. An act granting a pension to Patrick J. Murphy;

S. 4393. An act granting an increase of pension to William M. Hodge;

S. 3279. An act granting a pension to John Coolen;

S. 4238. An act granting an increase of pension to Philo F. Englesby;

S. 2461. An act granting an increase of pension to George W. McDowell;

S. 4962. An act to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect;

S. 2081. An act granting an increase of pension to Horatio N. Whitbeck;

S. 5065. An act granting a pension to Jemima McClure;

S. 4619. An act granting an increase of pension to Clifford Neff Fyffe;

S. 4300. An act granting an increase of pension to Ann Comins;

S. 3999. An act granting an increase of pension to Emma S. Hannah;

S. 4758. An act granting an increase of pension to Mary L. Doane;

S. 1593. An act granting an increase of pension to Ellen C. Winslow;

S. 4783. An act granting an increase of pension to Mary Breckons;

S. 4494. An act granting an increase of pension to Oscar Van Tassell;

S. 1638. An act granting a pension to John R. Homer Scott;

S. 2346. An act granting a pension to Amanda C. Bayliss;

S. 4865. An act granting an increase of pension to Joseph D. Hazzard;

S. 3998. An act granting an increase of pension to Emma L. Kimble;

S. 2050. An act granting an increase of pension to Edward N. Goff;

S. 4004. An act granting an increase of pension to Thomas L. Nelson;

S. 148. An act to establish a fish-hatching and fish station in the State of Utah;

S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes;

S. 280. An act to provide for enlarging the public building at Kalamazoo, Mich.;

S. 3401. An act for the relief of H. Glafcke;

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State;

S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company of the State of Florida to construct a bridge across the Manatee River in the State of Florida;

S. 5269. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States;

S. 4148. An act to grant certain lands to the city of Colorado Springs, Colo.; and

S. R. 80. Joint resolution postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3592. An act for the relief of Henry Lane;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 7903. An act granting an increase of pension to Ernest Wagner;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 7782. An act granting an increase of pension to Thomas P. Smith;

H. R. 5560. An act granting an increase of pension to Annie L. Evens;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2207. An act granting an increase of pension to Louis Hahn;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.;

H. R. 11550. An act granting an increase of pension to William G. Gray;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting an increase of pension to Mary Ann E. Sperry;

H. R. 10951. An act granting an increase of pension to Pauline M. Roberts;

H. R. 8553. An act granting a pension to Joseph Tusinski;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 2619. An act granting an increase of pension to William Holgate;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 10532. An act granting an increase of pension to John L. Bowman;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 11737. An act granting a pension to Irenia C. Hill; and

H. R. 6760. An act granting a pension to Susan House.

GEORGE W. KING.

Mr. MUDD. I now call up the bill S. 2966 and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will first report the bill, and the Chair will submit the request.

The Clerk read as follows:

A bill (S. 2966) for the relief of George W. King.

Be it enacted, etc., That the following real estate, to wit, parts of lots 228 and 229, in square 1290, in the city of Washington, D. C., described as follows: Beginning for the same at a point on the east side of Thirty-fourth street 8 feet north of the dividing line between said lots and running thence south on Thirty-fourth street 24 feet; thence east parallel with T street 96 feet to the rear line of said lot; thence north with said rear line 24 feet, and thence west to the place of beginning, heretofore purchased and conveyed to George W. King, of the city of Washington, D. C., be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act, by reason of the alienage of one Patrick Mahon, a former owner of said real estate, are hereby remitted.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill just reported to the House be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MUDD. Mr. Speaker, that is all the business from the Committee on the District of Columbia.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. HEPBURN. Mr. Speaker. I ask unanimous consent that the resolution that I send to the Clerk's desk may have consideration at this time.

The Clerk read as follows:

Resolved, That the Committee on Interstate and Foreign Commerce be hereby authorized to hold its sessions without regard to the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. I would ask the gentleman from Iowa if this resolution meets the approval of the minority members of the committee?

Mr. HEPBURN. I do not know. I have no doubt but that it will meet with their approval.

The SPEAKER. The Chair hears no objection.

The question was taken, and the resolution was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13676, being the Military Academy appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union, for the consideration of the bill H. R. 13676, being the Military Academy appropriation bill.

Mr. HAY. Mr. Speaker, I would ask the gentleman if, before going into the Committee of the Whole, we could not agree upon time for general debate?

Mr. HULL. I thought we could let it run on for a while and there would be no trouble about closing general debate.

Mr. HAY. I think we could possibly get through sooner by agreeing upon a time for general debate before we go into committee.

Mr. HULL. I do not care about it.

Mr. HAY. I say we will get through in less time if we could agree upon an hour, before we go into committee, than by letting it run.

Mr. HULL. What is the objection to agreeing to let it run on for some little time?

Mr. HAY. I have none especially, but I ask unanimous consent——

Mr. HULL. I say, Mr. Speaker, that one gentleman on this side has asked for some time, but not on the bill, and after he has spoken we might have no other desire for additional time; but if the gentleman wants to agree on a time I will ask that we have an hour on each side.

The SPEAKER. The gentleman asks unanimous consent that general debate be limited to an hour on each side. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. JENKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

Mr. HULL. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, the bill presents but very few items that can be open to any discussion whatever so far as the ordinary appropriations are concerned. The committee, by unanimous vote on both sides, have made a change in paying cadets at West Point, in order to conform with the pay of cadets at Annapolis. For years we have had submitted to us the proposition to pay the cadets at West Point $500 a year and one ration, to be paid out of the appropriation for subsistence of the Army. That is exactly what the cadets at Annapolis receive.

Heretofore we have paid the cadets at West Point $540 a year without a ration. The ration is commuted at the same price as given to Annapolis, 30 cents a day; and it increases the pay of the cadets at West Point in the neighborhood of $60 a year. It was originally fixed at 35 cents, but the Superintendent of the Military Academy was mistaken as to the amount received at Annapolis. It is 30 cents a day instead of 35.

There is no reason why the two schools should not be paid the same rate. They have the same amount of expense, the same number of charges upon their pay, and it makes constant friction to have one set of boys paid at one rate and another at another rate.

Another proposition that is new is the proposition to have a librarian for the library at West Point. The library is now becoming an important factor in the military education, not only for the cadets at West Point, but for the officers in the Army at large. With the appropriations made for the increase of the library, this year amounting to $10,000, which seems to be the amount recommended not only by the academic board, but by the Secretary of War, and also by the Board of Visitors at West Point last year and the year previous, it will make the library grow in importance, and in order to get the full benefit of it there ought to be a librarian competent to take charge and classify and control the library.

Another proposition of much greater importance is the adoption of a plan for the enlargement of the Military Academy. Heretofore we have made appropriations from year to year for the buildings that were absolutely necessary for the improvement of the post for that year, and that year only, without any regular plan by which the school buildings and quarters could be built up harmoniously.

You remember that during last Congress we increased the number of cadets by the addition of 90, apportioned to the Senators, one for each Senator, and by giving the President 10 more cadets at large, making an increase of 100 cadets at West Point. By the increased representation in this House after this Congress there will be a further increase to correspond with the increased number of members of the House. The cadets are now crowded, without facilities for study, and it is absolutely necessary to at once commence the construction of new cadet quarters.

In addition to that you must at once commence the construction of an academic building. The increased faculty makes the increased number of officers' quarters absolutely imperative. The old heating and lighting plant at West Point is out of date. The light is so bad that cadets go out of there with bad eyesight. The expense of hauling coal to the different places and heating the buildings in the way now done is exceedingly expensive and unsatisfactory, and the proposition is to establish one heating and lighting plant that will supply not only the post as it is to-day, but large enough and with facilities enough to supply the post as it will be when completed. That involves a large expenditure of money.

The committee has provided a large appropriation for this year. Whether it is necessary or not there will be a difference of opinion, but, in my judgment, on the evidence before the committee, it is necessary to commence at once the erection of this plant, providing for its total expenditure not to exceed $6,500,000, and appropriating practically $3,000,000 for the plant for the current fiscal year. For lighting and heating, in my judgment, $1,400,000 is absolutely necessary to begin now, and I think it can be finished during the coming year without any question.

The academic building must be rebuilt now. There is no room now for the students to recite. The cadet quarters must be built now, and the cadet barracks that are to be built must be on the angle with the cadet barracks already existing, for the reason that the cadets all come out and form on the parade ground in front of the quarters and march to the drill ground, and they must be near each other, so they can march as a body in place of being broken up in detachments and coming on the ground at different times.

In my judgment there is no busier body of men in the world than the cadets at West Point. There is absolutely no waste time from early morning until they go to bed at night. Every minute of time is taken up with recitations or drills or exercise except what is used at their meals, so that the loss of five minutes even is regarded as a serious inconvenience to the control of the Academy and to the welfare of the students.

Another one of the buildings which must be largely increased at once is the gymnasium, which, built for a smaller school, is utterly inadequate; and it should be so built that the future Congresses will not be called upon to reconstruct it, so that it will meet the demands of the cadets now provided by law, and will be equal to the demands of the increased number of cadets without further expense on the part of the Government for buildings.

These, Mr. Chairman, are the only points to which I wish to call the attention of the Committee of the Whole at this time.

Mr. CANNON. How many cadets are there?

Mr. HULL. Five hundred and eleven now. That is my recollection.

Mr. CANNON. That is the increased number?

Mr. HULL. That does not cover the increased number that will come in with new members of Congress.

Mr. CANNON. That will be a small number.

A MEMBER. Twenty-nine.

Mr. CANNON. Well, there are 511 there now. Does the gentleman from Iowa [Mr. HULL] know the value of the plant there now?

Mr. HULL. It would be difficult to arrive at the value of the plant. Some of those buildings have been there for nearly a century. Some of the buildings that these new barracks will take the place of have been built three-quarters of a century. We have spent altogether there, I should say, some $21,000,000 or $22,000,000 on building and maintenance.

Mr. CANNON. And during the last ten years we have added buildings to the value of some five or six millions, have we not?

Mr. HULL. Yes; more than that, I should think, in the last ten years. But the gentleman will permit me to say that very few of the buildings that have been erected in the last eight or ten years are to be disturbed. The buildings there that are utterly inadequate are the gymnasium and the academic hall; and as to the latter, it is probably desirable to have two buildings for that purpose, rather than one consolidated structure, because of the large number of classes that are to be heard. The buildings

which have been put up within the last ten years are not to be wasted; we propose to utilize them all.

Mr. CANNON. The gentleman says that the cost of the buildings has been from $20,000,000 to $25,000,000?

Mr. HULL. No; the whole expense of the Academy.

Mr. CANNON. I was speaking of the cost of the buildings.

Mr. HULL. I can not state that exactly; probably four to five million dollars for buildings during the last ten years.

Mr. CANNON. Four or five million dollars during the last ten years. Now, we have increased the number of cadets 100; and the gentleman says that this increase entails an expense of $6,500,000 for more buildings.

Mr. PARKER. Oh, no.

Mr. CANNON. A gentleman near me, who is quick in arithmetic, says that the figures I have just stated would mean an expense of $60,000 to house a cadet.

Mr. HULL. That is not a fair statement. If the gentleman will look over the plans he will find that without regard to this increase it would have been necessary to expend a good part of this money to make a modern institution. It means more than buildings. It is the entire plant. I was mistaken as to amount expended in buildings. In the last ten years the amount is not two million.

Mr. CANNON. Well, if the buildings were all torn down—leveled with the earth—and if we should provide for the expenditure of six million and a half for buildings to accommodate 500 cadets, it would mean $13,000 per cadet for buildings alone.

Mr. HAY. Not only for cadets, but for officers and professors.

Mr. HULL. The amount I named covers not only expense of buildings but expense of roads, of lighting, heating, etc. If the gentleman would say that the sum named covered the whole plant he would be about right.

Mr. CANNON. That is what I said.

Mr. HULL. No; you said for buildings.

Mr. CANNON. Well, that is all included; in other words, in the last ten years from four to six million dollars have been expended on new buildings.

Mr. HULL. New buildings and improvements and waterworks and roads and maintenance.

Mr. CANNON. The roads are still there?

Mr. HULL. Yes, sir.

Mr. CANNON. And the waterworks are still there?

Mr. HULL. The waterworks need to be improved. The expense of that is estimated to be $100,000 or more this year.

Mr. CANNON. And you throw away the old waterworks?

Mr. HULL. No; we are not going to throw anything away; but we are going to add to the existing system, because it is inadequate.

Mr. CANNON. Well, there is only one possible defense for this proceeding that I can think of. I have never seen West Point; but it occurs to me the trouble is the spirit of demolition and rivalry that exists between the Army and the Navy. Down here at Annapolis we have entered upon an expenditure of about six and a half millions——

Mr. HULL. Eight and a half.

Mr. CAPRON. And it will cost us twelve millions before the work is done.

Mr. CANNON. "Twelve millions before the work is done!" Now, then, is it possible that less than twelve millions are to be expended on West Point?

Mr. HULL. I think the amount I have named will cover it all.

Mr. CANNON. The gentleman says "he thinks;" he is not sure about it.

Mr. HULL. No man on earth is "sure" about anything which is in the future.

Mr. CANNON. My judgment about the matter is that for about half a million dollars, or probably less, these extra 100 people could be accommodated, and accommodated from every standpoint of efficiency, had it not been that in an evil hour we embarked upon a $20,000,000 expenditure, as I recollect the amount, though I believe it was finally pared down to eight millions and a half at Annapolis.

Mr. PARKER. May I ask the gentleman a question?

Mr. HULL. Mr. Chairman, I believe I have control of the time.

Mr. CANNON. Oh, I have no time to yield to the gentleman.

Mr. HULL. How much time does the gentleman from New Jersey desire?

Mr. PARKER. I do not want any time, I just want to ask a question.

Mr. HULL. Then I yield.

Mr. PARKER. I would like to ask whether or not the gentleman founded that judgment upon any study of the conditions at West Point?

Mr. CANNON. Oh, well, I know that it takes about so much space on which to build a building. I have a general idea of what stone and brick and mortar and slate cost. I have a general idea what a heating plant would cost, and I want to say that I have a very friendly disposition to the Army and to the Navy, and I believe in educating the young men who are to become the future officers of the Army and Navy, but I have no doubt whatever that in the construction of the new building at Annapolis already authorized and entered upon and upon this construction that it is absolutely not from the standpoint of utility alone, but with the rankest kind of rank extravagance in addition to utility.

Mr. PARKER. Will the gentleman from Illinois permit me to repeat the question as to whether this judgment is founded upon any study of the conditions at West Point?

Mr. CANNON. Why, I suppose West Point wants to be equal to Annapolis.

Mr. HULL. Oh, no; we did not consider that at all. We did not even look at Annapolis. We looked at what they needed at West Point, taking the Secretary of War, the academic board, and the board of visitors as the basis of our information, and all the information that we could get from any source.

Mr. CANNON. Yes; and still where there has been an expenditure of five, ten, or fifteen millions—God knows how much; the gentleman does not and I do not—and it has been made for a hundred years.

Mr. HULL. I have that on my table, and I will send and get it.

Mr. CANNON. I do not believe that it is necessary for the instruction of these five hundred and odd cadets that you should add a plant costing six millions and a half. The gentleman asks if I have made a study of the situation. No; I have not made a study, yet I have a general idea of what buildings cost.

Mr. HULL. I reserve the balance of my time, Mr. Chairman.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 18, 1902:

H. R. 7675. An act to construct a light-house keeper's dwelling at Calumet Harbor.

On April 21, 1902:

H. R. 11354. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903; and

H. J. Res. 155. Joint resolution granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I simply want to say that I concur in what has been said by the chairman about the improvements that should be had at the Military Academy. I had the honor last summer of being on the Board of Visitors and was on the ground and therefore had an opportunity to see what was necessary there. I do not think this can be called rank extravagance, because these buildings are of such a character and the needs of the institution are such that it is absolutely important that this reorganization of the plant at the Military Academy shall begin at once.

An increase of 139 cadets requires that there shall be an increase in the plant, and if we are going to have any improvement of this school, if it is going to be placed upon a modern basis, if the young men who are to be educated for our Army are to receive such an education as it is necessary they should receive, then it is absolutely necessary that this expenditure should be made. I do not think it necessary for me to go into these questions any more fully than has been done by the chairman, and I yield, therefore, thirty minutes of my time to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, some days ago the gentleman from Massachusetts [Mr. GILLETT] took occasion to criticise the remarks that had been made a few days previously by my colleague from Kentucky [Mr. WHEELER], and in course of these remarks that gentleman [Mr. GILLETT] used this language:

> But there are two classes which still look to birth and ancestry. One class is the self-styled aristocratic circle in our great cities who have shown a strong tendency to pay huge prices for empty titles even when they had to be taken with the incumbrance of a useless and disreputable husband.
>
> The other class exists almost exclusively in the part of the country dominated hopelessly by the Democratic party, where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood.

On the following day the gentleman from Ohio [Mr. BROMWELL] found an opportunity to read some poetry at the expense of Kentucky, and then proceeded to comment thus:

> So much for Colonel Mulligan, and it is particularly the last line of this poem which reminded me that the gentleman from Kentucky had made a

speech which illustrated it most beautifully—"Politics are the damnedest in Kentucky." * * * Mr. Chairman, we have no Indians nor savages in Ohio. The general impression is that while there may not be many Indians in Kentucky, there are still some specimens of savages there.

Then last and least a certain General Funston is reported in the Washington Post of March 4 as having this to say:

There is no more war in the Philippines than there is in Kentucky. Assassins lurk in the cane and shoot down men who are at their mercy, but there are no soldiers in the field to battle with the United States troops. Even respectable guerrilla warfare has ceased.

Now, I desire to comment a little upon these criticisms of my State, and to remind the members of this House and the country of Kentucky's people, her politics, her history, and her achievements.

Now, first let us read over again the objectionable feature of the remarks of the gentleman from Massachusetts. "The other class (of aristocrats) exists almost exculsively in the part of the country dominated hopelessly by the Democratic party, where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood." It is perfectly true that in Kentucky and in the South generally no culture or ability can atone for a taint of color in the blood. We do not believe in social equality with the negroes in the South, and we have very little respect for the white man in the North or South who does believe in social equality between the two races. We believe that the greatest calamity that could befall the white population of this country would be for them to become degenerates by a general admixture of negro blood. Who can think of miscegenation without a shudder of horror. The Jews have preserved the purity of their blood through the ages more successfully than any other race, and they are as a result of this the only race who have survived from the ancient world. For centuries it was a felony for a Jew to land upon the soil of England.

Pride and humiliation, hand in hand,
Walked with them through the world where'er they went;
Trampled and beaten were they as the sand,
And yet unshaken as the continent.

But in a few years after they ceased to be persecuted they came rapidly to the front, and the destinies of the British Empire are in the hands of three Jews. Judah P. Benjamin was her lawyer, Rothschild was her banker, and Disraeli was her prime minister. Upon the other hand, think how other nations have degenerated and disappeared.

Think of the Roman senator, and then look out upon the street and see the modern Italian organ grinder, with his monkey, the descendant of the ancient Roman. Reflect for a moment what Portugal was in the days of Vasco da Gama and of Camoëns, when her victorious banner floated in the breeze in every clime and the sails of her merchantmen whitened every sea. But that race soon began an almost indiscriminate marriage with negroes and Indians, and Portugal has not only ceased to be a nation of importance, but her half-breed and mongrel people have been the curse of all the South American and other countries she has attempted to colonize. Let us further reflect that the richer and more luxurious the white population becomes the more the ladies take to raising poodle dogs instead of children.

For example, we have an ominous fact shown in the last census that in Massachusetts, after a lapse of more than three hundred years of civilization, more than half of the population of that State is foreign born. Everybody knows that as a rule the poor and hard-working people raise proportionately the most children in every country. So, in Kentucky, we can not shut our eyes to the importance of watching and curbing every tendency to social equality between the white and colored races. "We believe that no culture, no education, no refinement, no public service can atone for a taint of color in the blood." Our opinion is that any white man who encourages an intermingling of the races is a public enemy and that every step in that direction is a crime. It is not a mere sentiment. This universal race prejudice is the voice of nature and the voice of God crying out for the preservation and purity of the race, and he is a blasphemer against the laws of the Almighty who with hypocritical cant would undertake to tear down and destroy these sentiments. When any white man invites any negro to sit down at his table and to sop with him out of the same dish, that white man then and there establishes social equality between those two at least.

Now, if the most exalted white man in this nation can properly do this with the most cultivated and worthy of the colored race, then by parity of reasoning the poorest and humblest of our white men can surely do the same thing with the poorest and humblest of the negroes.

And if this conduct is proper with the two extremes of society, no good reason can be shown why the intermediate classes should not also freely intermingle on terms of entire social equality, and so we would have social equality all along the line.

Let me tell you that when this sort of social equality is established we shall have torn away the barriers against an entire and indiscriminate intermingling of the two races.

The next step, and quite a short step too, would be intermarriage and a mongrel, degenerate population.

It was but a step from the Capitol to the Tarpeian Rock, and for the sake of our children and our country let us not take that step and no step in that direction. There is not a white girl in Kentucky so poor, so humble, or so ignorant but who would rather marry the meanest, lowest, and most ignorant white man in America than to marry the smartest and best-educated negro in all the world; and there is no decent white man in this country with a marriageable daughter who would not indorse this sentiment.

You in Massachusetts do not believe in negro equality, and so you ought to stop this rot about an aristocracy in Kentucky "where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood."

During my first two years in Congress there sat over there among you a negro member from North Carolina, and not one of you ever invited him to visit your family.

Mr. GAINES of Tennessee. They did once by mistake.

Mr. GILBERT. Yes; the chairman of a committee inadvertently invited all the members of the committee to his house, and when he discovered there was a taint of color in the blood of a member of the committee he canceled the engagement. Not only that, but during those two years not a single Republican across the aisle ever invited that colored man down stairs to lunch with him. If any of you did, please stand up. I want to see you, and I want to send your photograph home to my constituents. You gave the negroes the right to vote for you white Republicans, but you have not in the North ever given him the right, or the chance, to vote for another negro.

The negro vote constitutes the balance of power in many Northern States. The Republican majority on this floor now is due to the negro vote. You elected McKinley over Bryan in 1896, by reason of the negro vote. The Republican party has been kept in power ever since the war by reason of the negro vote. And yet no negro was ever elected to Congress from any Northern State.

No negro was ever elected to any State office or ever nominated to any State office since the war in any State north of the Ohio River. Besides that, a Republican Congress set the first example of disfranchising the negro vote in the South by taking from him the right to vote in the District of Columbia. Be honest with yourselves, honest with the negroes, and honest with the white people of the South, and stop this hypocritical cant about "atoning for a taint of color in the blood."

I want to remind the gentleman from Massachusetts that while Governor Shelby, of Kentucky, with sword in one hand and hat in the other, was charging and routing the British at Kings Mountain, Massachusetts, farmers were driving cattle across the border to feed the British soldiers in Canada, and Massachusetts statesmen were holding the Hartford convention and were planning and scheming to dissolve the Union.

The gentleman from the Pigtown district of Ohio indorsed the sentiment that "politics are the damnedest in Kentucky," and said that we still had some specimens of savages there.

Let me remind the gentleman that politics became the damnedest in Kentucky only when a lot of Republicans came from the mountains to Frankfort, armed with pistols and Winchester rifles, loaded up with mean whisky, and in utter defiance of the law forcibly drove the legislature from the capitol, chased the members from place to place at the point of the bayonet, and wound up their drunken orgy by a cowardly assassination of the governor of the State.

Let me remind the gentleman that two of these assassins escaped and are now upheld and protected by certain Republican officials in the State of Indiana. If Kentucky's besetting sin is homicide, then Republican governors north of the Ohio River should surrender some of these criminals when they have been indicted and when the governor of our State has duly and repeatedly made requisitions for them. We could better enforce our criminal laws and fewer homicides would be hereafter committed if Northern States would cease to become cities of refuge for the murderers who escape over the border.

I desire to remind the gentleman from Ohio that these refugee criminals have not only been supported and protected, but they have been feasted and toasted and lionized by the Republican party generally. At the last national convention of that party Governor Taylor was sent as a sort of honorary delegate. He was on the floor of that convention and when he arose in his seat to say something the chairman of that convention bawled out: "Come up on the platform, Governor; we all want to see you." Then amidst the waving of handkerchiefs and the clapping of hands this assassin and idol of the Republican convention came forward and bowed his compliments to that smiling and appreciative audience.

There are no savages in Ohio. But they used to swarm over that State and over all the Northwest Territory, and but for the

heroism of Kentucky pioneers the gentleman's State of Ohio would still perhaps be a part of Canada and therefore a part of the British possessions in North America.

Has he forgotten those brave Kentuckians who, with old rifles and powder horns, with buckskin breeches and coonskin caps, followed the leadership of George Rogers Clark, who waded the swamps of that Northwest Territory up to their armpits for ten days in a bleak winter and drove the Indians from Kaskaskia and Vincennes and moved the northern line of our possessions from the Ohio River up to the Lakes? By the way, now that you Republicans are about to send some special envoys to the Court of St. James to assist in the coronation of Edward VII, it is a good time to remind the people, and especially the younger generation, that when our country was young and feeble it was this same old England which was not satisfied with trying to crush us with ordinary war but she armed the savage Indians, filled them with whisky, and while the young and able-bodied of the men were on the Atlantic seaboard fighting her redcoats it was the same England that turned these savages loose to murder and scalp the women and children that were left unprotected upon our Western frontier.

And General Funston tells us that "there is no more war in the Philippines than there is in Kentucky."

What a commentary that is upon the Administration, to keep 60,000 soldiers at an expense of more than a hundred millions of dollars a year in the Philippine Islands when there is no war there! Certainly there is no war in the State of Kentucky, and no assassinations have occurred there since the one I have mentioned, and certainly Kentucky needs no defense from such a wanton slander as this to those who know her history. Did you know that Kentucky was the first State in the Union to establish a general system of common schools under which all of the property of all the people was taxed for the education of all the children? Kentucky was the first State in the Union to clamor for the free navigation of the Mississippi River and for the purchase of the Louisiana Territory.

Kentucky was the first State in the Union to demand reparation and apology for impressing American sailors, and when these were denied she was the first State to agitate the necessity for the second war with England, and when the war came her soldiers were the first to take their flatboats and float down the Ohio and Mississippi rivers to New Orleans, and but for the soldiers of Kentucky and Tennessee General Jackson's great victory at New Orleans would never have been achieved. Kentucky was the first State in the Union to agitate the gradual emancipation of the slaves and to urge compensation to the owners instead of war. For more than a generation the great Commoner, Henry Clay, stood upon the floor of this Capitol, and with one hand upon the shoulder of the Northern abolitionist and with the other hand upon the shoulder of the Southern slaveholder, he, with unequaled eloquence, begged for peace.

Kentucky furnished more soldiers in the Texas revolution than any State in the Union, and was the only State that had as many as a regiment of soldiers at the great battle of San Jacinto.

Kentucky furnished more soldiers in the war with Mexico than any other State in the Union, and it was a gallant young Kentuckian who scaled the walls of Chapultepec and planted the Stars and Stripes above the palace of the Montezumas. The first steamboat ever seen in the world was invented and constructed by John Fitch, who was a Kentuckian, and who now lies buried at Bardstown.

The greatest American ornithologist was James Audubon, a Kentuckian, whose studies and illustrations of birds are the admiration of every civilized country.

The finest piece of statuary ever seen in America is the "Triumph of Chastity," carved by Joel T. Hart, a Kentucky sculptor.

The finest portrait in the Corcoran Art Gallery is a painting of Henry Clay, by Jewett, a Kentucky painter. It was of this picture that Charles Sumner, himself an art critic, said, "This must be the work of Rembrandt, for no American artist has attained such excellence."

The greatest lawyer who has sat upon the bench of the Supreme Court since the death of John Marshall was Samuel F. Miller, who was first a Kentucky doctor and then a Kentucky lawyer before he moved to Iowa.

The learned and classical opinions of Chief Justice Robertson, of Kentucky, have been read with admiration and followed as precedents in all the great courts, from Washington to Westminster Hall.

The first successful operation of ovariotomy was performed by Dr. Ephraim McDowell, a Kentucky doctor, and the first successful hip-joint amputation in surgery was performed by Dr. Brashear, of Kentucky. An account of these achievements in surgery were read with admiration and followed as precedents in the great medical schools of Paris, Edinburgh, and Berlin.

The greatest and most respectable religious denomination that ever originated on the Western Hemisphere was founded and promulgated by a Kentucky preacher, Alexander Campbell. The most learned and eloquent preacher the Presbyterian Church has produced in a hundred years was Robert J. Breckinridge, of Kentucky. The most gifted pulpit orator the Methodist Church has seen since the days of John Wesley, and the man who Henry said was the greatest orator he had ever heard, was Bishop Bascom, of Kentucky. The most learned Hebrew scholar and greatest theologian the Baptist Church can boast of in America was the Rev. John A. Broaddus, of Kentucky. The great historian of the Roman Catholic Church, the man who wrote the splendid reply to Daubigne's history of the Protestant reformation, was Archbishop Martin J. Spaulding, of Kentucky.

There is no State in the Union with a better and cleaner record than Kentucky. We have scarcely any criminal classes at all, outside of the negro population and a few lawless counties in the mountains, "hopelessly dominated by the Republican party." [Loud applause on the Democratic side.]

No State of equal population has fewer suits for seduction, for slander, for divorce, for criminal conversation, for libel, or other offenses against the person.

No State has fewer prosecutions for robbery, for theft, for arson, for burglary, or other crimes against the rights of property.

In many counties the jail door stands ajar without an occupant; grand juries meet and adjourn without returning an indictment.

I venture to assert there are more crimes committed in the single city of Boston or Cincinnati than there are in the whole State of Kentucky. A single mob in Cincinnati burned the court-house, destroyed the records, and burned and destroyed more property than all the mobs ever seen in Kentucky.

And one bright Sunday morning in Massachusetts nine people—men, women, and children—were tied to the stake and burned to death as witches. No such horrid crimes as these ever disgraced the annals of Kentucky.

In Kentucky the negro is protected in all of his political rights better than in any other State.

We have fewer millionaires and fewer tramps and paupers than any State in the Union; property is more equally distributed; everyone who tries lives in peace and comfort, and there is no newly rich class with ignorant impudence undertaking to lord it over the rest. We are all poor and proud, and the poorer the prouder. All of us white folks are in this sense aristocratic alike.

No, gentlemen, there are no wars or rumors of wars in Kentucky. Our politics are cleaner and better than they are in most of the States, since we have put some of the leading Republicans in the penitentiary and have driven others to find refuge beyond the Ohio.

But there is still in Kentucky a wide gulf, which no man and no woman can cross or wants to cross. This gulf separates the white people from the negroes; and no culture, no ability, or refinement, or public service can atone for a taint of color in the blood.

Kentucky was settled by men and women of dauntless spirit and heroic mold.

When Abram was called from Urr of the Chaldees to found a new nation in the Land of Promise, he took with him his servants and his cattle, and he found the land flowing with milk and honey.

When Romulus and Remus laid the foundation of the imperial city, the flight of birds marked out the division lines, trust in the Golden Fleece assured them of wealth, and the wild wolf had been domesticated to furnish them with milk. But our ancestors left home and civilization far behind them and over the mountains. They lighted their fires in a trackless wilderness, while there lurked concealed upon every side the deadliest and most relentless of savage foes. Only at long intervals had they any bread at all, and this was of corn cakes baked in ashes. Their meat consisted of wild game brought down by the unerring aim of the rifle. Their houses consisted of the rudest log huts, without glass in the windows, without carpets upon the floor, and without parlor or piano. Like the rebuilders of the temple, they toiled through the day with the implements of their labor in one hand and their weapons of defense in the other. At nightfall these pioneers locked themselves within their cabins against prowling wolves and roving savages, that then really existed in Kentucky. They had no books or newspapers to while away the long hours of the evening, and when sleep came at last to their tired and careworn bodies they flung themselves down on the skins of wild animals, while their children were hushed to sleep by the weird lullabies furnished by the hooting of the owl and the scream of the panther.

And yet they were a brave, chivalrous, splendid people. They were the knight-errants of the wilderness. The lady love of the Kentucky pioneer was the wife of his bosom. His children were the hostages that pledged him to the love of home and country.

If he was a terror to the wild animals and the wild Indians, he was a still greater terror to the despoiler of home or honor; and—

What, though on humble fare they dined,
Wore hodden-gray, and a' that;
Give fools their silk and knaves their wine—
A man's a man for a' that.

[Prolonged applause.]

Mr. HULL. I yield thirty minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman from Kentucky [Mr. GILBERT] who has just taken his seat quoted a sentence used by me in this House some weeks ago which he said was objectionable; then he deliberately proceeded to say that I accurately expressed his feeling and the feeling of his part of the country; and then he went on to criticise the attitude of Massachusetts on this unfortunate question.

I admit, Mr. Chairman, that there is a prejudice in Massachusetts against the negro. I believe there is probably a more inherent, instinctive, physical repugnance toward him than there is in the South—a repugnance which often makes us wonder at the swarm of mulattoes in the South. But that instinctive repugnance, instead of being systematically cultivated and developed into an artificial creed, is generally recognized as unreasonable and uncharitable and unfair and by the better sentiment of the community is discouraged and repressed; and however a man may feel about his own social relations with a negro, he recognizes the right of each person to determine that for himself, and would consider it not only presumptuous but outrageous to endeavor to prevent others extending a hospitality from which his own prejudice restrained him.

Mr. GILBERT. Will the gentleman allow me a moment?

Mr. GILLETT of Massachusetts. Yes, sir.

Mr. GILBERT. I wish to ask what the gentleman means when he says that he can not understand why the people in the South discriminate against the negro on account of the taint of color in the blood. What does the gentleman mean by that remark?

Mr. GILLETT of Massachusetts. I think that my meaning was pretty plain.

Mr. GILBERT. Do you mean to say that there ought not to be any discrimination?

Mr. GILLETT of Massachusetts. No, Mr. Chairman; I recognize the existence of this prejudice; but what I blame in the South is not the instinctive repugnance against the colored race, but the attempt to make everybody else, by social ostracism, however they may feel, take the same attitude. Now, with us, although we have that repugnance——

Mr. BARTLETT. Is it not true that in Boston, when the distinguished, educated, and refined Booker Washington, from Alabama, went there a few weeks ago, it was impossible for him to find entertainment or lodging at a single respectable hotel in that city?

Mr. GILLETT of Massachusetts. Well, Mr. Speaker, the gentleman has made two mistakes in his statement. In the first place, the incident to which he refers did not occur in Boston, but in my own city of Springfield——

Mr. BARTLETT. Pretty close to Boston.

Mr. GILLETT of Massachusetts. I happen to know all about that case; and the fact——

Mr. BARTLETT. It occurred in Massachusetts, did it not?

Mr. GILLETT of Massachusetts. Yes, sir. But it is not a fact that Mr. Washington could not get lodging in any respectable hotel. The fact is simply this: He came late in the evening to the Springfield hotel, where he had stopped for many years, where he was always a welcome guest, and they told him that the hotel was full. It generally was full at that season of the year. It happened that that very evening (I am acquainted with the facts, for I inquired about this matter a short time ago when I was home)—it happened that that very evening they had turned away a number of people. They said that the other principal hotel of the place was also full, for they had telephoned there already for others.

The clerk told Mr. Washington, whom he knew well, these facts, and said: "There is a hotel right across the street to which we have sent this evening a number of guests whom we could not accommodate. We are sure that by telephoning we can get you a room there; and we shall be glad to have you come in here to breakfast, if you will, in the morning." They knew him, and instead of there being a prejudice against him, the only trouble was that the hotel where he generally stayed was full. He went across the street and obtained lodging in this other hotel, just as respectable, and that is all there is to the incident.

Now, I presume that when some gentleman like my friend from Georgia [Mr. BARTLETT] reads the report in a newspaper that a negro does not get into a hotel because it is full, he at once jumps to the conclusion that the hotel was not full and that the statement was merely a pretext. But let me tell my friend that he is certainly mistaken in this instance. That hotel had frequently entertained Mr. Washington before, would have been glad to then, and will be glad to in the future.

Mr. GAINES of Tennessee. Why was it that Governor Wolcott did not bring the negro he had on his staff down to the Nashville Centennial, and why was it that the legislature passed an act making everybody pay his own way down there, so as to get rid of that negro on that trip?

Mr. GILLETT of Massachusetts. I do not know whether that was true or not.

Mr. GAINES of Tennessee. That was told to me by a member of the party.

Mr. GILLETT of Massachusetts. I have the floor.

Mr. GROSVENOR. Allow me to say that Governor Wolcott was not the governor of that State at the time of the Nashville Centennial.

Mr. GAINES of Tennessee. At all events, the statement is true in regard to whoever was governor at that time. I state it as a fact.

Mr. GILLETT of Massachusetts. I have not yielded to the gentleman from Tennessee, and I hope the Chair will protect me in my right to the floor.

If, however, the matter was as the gentleman states, I think it reflects credit on Governor Wolcott. It shows that he did not wish to offend the sensibilities of gentlemen like the gentleman from Tennessee by taking a colored man with him down there. The fact as stated is no discredit to him. It simply illustrates the attitude which I think is recognized and practiced in Massachusetts as correct; that no matter what prejudice one man may feel, he should not insist on forcing his prejudice on others who do not sympathize with him.

Now, we in Massachusetts recognize the terrible sufferings that you gentlemen in the South have undergone, the hard problem you are now struggling with. We do not blame you for not submitting to negro domination. We recognize, too, that the negro recently emerged from slavery, still bound by the habits of centuries of savagery, can not, as a race, be your social companions. We know, too, that the first steps of any race into civilization exaggerate their worst qualities, imitate vices rather than virtues, and that the first stage of improvement is a coarse self-assertion and a brutal claim of equality, which is most disagreeable and exasperating.

But we do not think you ought to keep a whole race in everlasting ignorance and degradation because the intermediate stages are disagreeable and inconvenient. And when one does emerge from his surroundings and prove himself the peer of any of you in intelligence and refinement and high purpose, we think he should be encouraged and rewarded.

I have no sympathy with that artificial code of society which will entertain as an equal and honored guest the man of openly immoral life and vicious habits and coarse nature, who boasts, perhaps, of fraud and perjury at elections, whose hands are known to be stained with the blood of barbarous lynchings, and then will shut the door on a man of clean person and pure life, of high purpose and fine character and cultivated intelligence, only because he is black. There is no other spot in the world where such an antiquated, benighted, unreasonable, unkind code prevails, and the distressing conditions in the South do not excuse it.

Punish, if you will, by social ostracism and contempt all uncleanness, all immorality, all coarseness, all depravity, but do not pardon all these and establish only one unpardonable crime—color. That is what we object to in the South.

Mr. GILBERT. Will the gentleman yield to a question?

Mr. GILLETT of Massachusetts. Yes.

Mr. GILBERT. I want to say that in Kentucky most of the school taxes are paid by the white people, and per capita is distributed equally between the white and colored people, and we have a normal school at Frankfort, presided over by well-educated negroes, and the political rights of the colored people are recognized in Kentucky as well as in any State of the Union, but I do not want the gentleman to dodge the issue. I ask him if he has ever invited a colored man to his table or to his parlor?

Mr. GILLETT of Massachusetts. I never did, and I never in my life was so mean as to criticise a man who did. To-day, when we see in foreign countries some vapid lordling, just because he has inherited a title, looking down with conscious and admitted social superiority on men whose culture and abilities he can not even comprehend, we think it is an unreasonable, antiquated, and ridiculous social condition. When we see here at home the airs and importance assumed by some weakling whose inherited wealth "gilds the straightened forehead of the fool," we laugh at and despise it.

Such conditions are un-American. Worth here makes the man; and a social code is far more un-American, and unrepublican, and undemocratic, and uncivilized, and unchristian which says that no capacity, no refinement, no character, can atone for the slightest taint of negro blood.

Mr. GILBERT. Will the gentleman yield?

Mr. GILLETT of Massachusetts. I can not yield any more at this time. I will yield before I am through. And I must say it makes my blood boil when I hear that young girls from the North, as pure, as delicate, as refined, and as attractive as any in this land, go South to teach in negro schools, either from philanthropy or for self-support, and the ladies of the town lift up their skirts and walk by as if they were contaminated by their presence.

You say we do not recognize the colored race in Massachusetts. I was very glad to notice that this last year the senior class in Harvard College, which is certainly as aristocratic an institution as there is in the North—we often think too much so—I was glad to see that the senior class of Harvard College elected as their class orator a negro, a man who in your section of the country would not be considered fit to sit down at the table with. I was glad that my college of Amherst some years ago did the same thing.

Now, let me make it clear. Our feeling is not that a man ought to put away all prejudice. That is impossible. We do not blame you for having prejudices. We appreciate your condition, but we do not believe that any man has a right to ostracise other men for exercising their own tastes; and if a man can rise superior to prejudice and say that some black man is entitled by his qualities to be the social equal of himself, I honor such a man for his magnanimity. The most popular governor Massachusetts ever had touched the heart of our people when he said:

I know not what record of sin awaits me in the other world, but this I do know: I never was so mean as to despise a man because he was poor or because he was ignorant or because he was black.

You would cultivate a worse meanness than that by not only despising the black yourselves, but by punishing everyone who would not agree with you in despising the black. Such a state of society can not be permanent, whether it springs from prejudice, from the bitter sting of suffering, from a political aim at a solid South. It is irreconcilable with democracy; it flies in the teeth of the great sweep of civilization and progress; it belongs with the outgrown orders of nobility and the divine right of kings, and can not stand the test of an age of reason.

Mr. GILBERT. Now, one question.

Mr. GILLETT of Massachusetts. Certainly; I will yield now for a question.

Mr. GILBERT. By this homily you have given us about our prejudices, do you mean that that applies only to the colored people, or have you forgotten that you voted for the Chinese-exclusion bill? Is your inability to discriminate between the colors of people confined to differences between white and black, or does it extend to the yellow and brown?

Mr. GILLETT of Massachusetts. Oh, I do not think I ought to take my time to answer that.

Mr. GILBERT. Did you vote for the Chinese-exclusion bill?

Mr. GILLETT of Massachusetts. Why, it is an entirely different question. It is not because we are prejudiced against the color of the Chinese, but it is because we do not want them here to cheapen our labor. That is an entirely different issue. There is no social question about it.

Mr. Chairman, a communication has come to the House from the Secretary of State, in response to a resolution reported by the Committee on Foreign Affairs requesting information about the shipment of horses, mules, etc., from the State of Louisiana. The document is just printed to-day. It contains a report from the governor of Louisiana which tells us what has been done there, so we can see what was the real basis of the inflamed and intemperate assaults here upon the Administration for violating neutrality.

The Secretary does not give us any legal argument, but I wish to discuss the legal proposition involved, because I think, in spite of the attacks from the other side, that the present Administration has acted in strict conformity to law, in absolute sympathy with all the precedents of every Administration which has ever considered the question, beginning with Jefferson, and, moreover, it is acting in line with the best permanent interests of the United States, which no Administration could depart from without both breaking our past precedents and threatening our future development and commercial expansion.

What is the law of neutrals which gentlemen on the other side invoke?

I notice there was a very long article from a worthy gentleman of Chicago in the papers, arguing with great minuteness and elaboration that horses intended for the supply of the British army were contraband of war. When I was in the law school I remember a professor told us that the best definition of a demurrer that he knew of was, "What of it?" So I enter a demurrer to this argument.

I would say, What of it? What if horses are contraband of war? For myself I am willing to admit that they are, and that that is the law; but what of it? Can not citizens of the United States sell contraband of war to belligerents?

In the public press and I believe upon the other side of this Chamber it has been argued that we can not. But one must be strangely ignorant of American diplomatic history to maintain such a contention, for there is an unbroken chain of precedents from Washington down against it. In 1793 Mr. Jefferson, then Secretary of State, wrote to the ministers of Great Britain and France, which nations were then at war, as follows:

Our citizens have always been free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings—the only means, perhaps, of their subsistence—because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation—that of confiscation of such portion of these arms as shall fall into the hands of the belligerent powers on the way to the ports of their enemies. (3 Jefferson's Works, 558.)

Now, if we have the right to sell arms, we certainly have the right to sell horses. Why did Jefferson make that rule? He did it because, with that philosophic, far-seeing statesmanship of his, he divined what was the destiny and the permanent interest of the American nation. At that time Europe had been so repeatedly swept by devastating wars that it seemed as if war was her normal condition.

Our early statesmen recognized the wonderful advantage we should enjoy by our distance from the arena of war and wisely planned that we should avoid entangling alliances; should be friends to all but allies to none and so should be free to trade with all, and from our peaceful accumulations supply their warlike needs. That we should sell them the food they could not raise, the arms they had no time to manufacture, the neutral ships to carry their freights, and to carry even their soldiers. So obviously wise and politic was this plan for the growth and wealth of the United States that all statesmen and parties have followed it and it has become our American doctrine of neutrality, as the following quotations from our state papers will prove:

Alexander Hamilton said:

The purchasing within and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. (1 Am. St. Pap., For. Rel., 140.)

Timothy Pickering, Secretary of State, wrote to the minister of France, 1796:

In both the sections cited (from Vattel) the right of neutrals to trade in articles contraband of war is clearly established; in the first, by selling to the warring powers who come to the neutral country to buy them; in the second, by the neutral subjects or citizens carrying them to the countries of the powers at war, and there selling them. (1 Am. St. Pap., 649.)

President Pierce, in his second annual message, 1854, said:

In pursuance of this policy the laws of the United States do not forbid their citizens to sell either of the belligerent powers articles contraband of war or take munitions of war or soldiers on board their private ships for transportation, and although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the Government.

Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been and still continue to be largely employed by Great Britain and by France in transporting troops, provisions, and munitions of war to the principal seat of military operations, and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international or by our municipal law, and therefore does not compromit our neutral relations with Russia.

Mr. Marcy, Secretary of State, wrote in 1854:

The mere exportation of arms and munitions of war from the United States to the belligerent country has never, however, been considered as an offense against the act of Congress of the 20th of April, 1818. All the belligerents enjoy this right equally, and a privilege which is open to all can not be justly complained of by any one party to a war. (MSS. Notes, Cent. Am.)

And in 1855 Mr. Marcy again wrote to Mr. Buchanan:

It is certainly a novel doctrine of international law that traffic by citizens or subjects of a neutral power with belligerents, though it should be in arms, ammunition, and warlike stores, compromits the neutrality of that power. That the enterprise of individuals, citizens of the United States, may have led them in some instances and to a limited extent to trade with Russia in some of the specified articles is not denied, nor is it necessary that it should be for the purpose of vindicating this Government from the charge of having disregarded the duties of neutrality in the present war.

Private manufacturing establishments have been resorted to for powder, arms, and warlike stores, and immense quantities of provisions have been furnished to supply their armies in the Crimea. In the face of these facts, open and known to all the world, it certainly was not expected that the British Government would have alluded to the very limited traffic which some of our citizens may have had with Russia, as sustaining a solemn charge against this Government for violating neutral obligation toward the allies.

Russia may have shared scantily, but the allies have undoubtedly partaken largely in the benefits derived from the capital, the industry, and the inventive genius of American citizens in the progress of the war; but as this Government has had no connection with those proceedings neither belligerent has any just ground of complaint against it. (MSS. inst., Gr. Brit.)

Mr. Fish, Secretary of State in 1874, wrote to Mr. Cramer:

Transportation of arms or money from the United States to either of the belligerents in Mexico is not a breach of neutrality, either under international law or the municipal law of the United States. (Mr. Seward, Secretary of State, to Mr. Romero, August 7, 1865. MSS. notes, Mex.)

The exportation of arms and munitions of war of their own manufacture to foreign countries is an important part of the commerce of the United States. In time of war their Government will expect those engaged in the business to beware of all the risks legally incident to it. (MSS. inst., Denmark.)

Mr. Evarts, Secretary of State in 1879, wrote to Mr. Sherman:

"A torpedo launch, in five sections, ready to be set up," though contraband of war, may be exported from the United States without breach of neutrality. Such articles are "a legitimate element of commerce to the citizens of the United States, a neutral power, with either of the belligerents in time of war in the same manner and to the same extent as they would be in time of peace, and afford no ground for the interference of the executive officers of the United States."

Do not these citations abundantly prove that the United States has recognized and upheld and acted upon the doctrine of international law which allows citizens of a neutral State to sell contraband of war to belligerents? But there has once, at least, been a Congressional investigation of this subject where an administration was criticised for an act which certainly tended vastly more to partiality and unfriendliness than anything charged against the present Administration.

In 1868 the United States had on hand an enormous number of Springfield muskets, relics of the civil war, which were becoming obsolete, and it passed a law authorizing their sale. The war between France and Germany broke out before they had all been sold, and several hundred thousands of these muskets were sold to France. Germany objected, naturally, because that was not in the ordinary course of commerce, not the business act of an individual, but the nation, the United States itself, went into the market and furnished one of the belligerents with munitions of war. I think myself that was an unfriendly act. I do not wonder that Germany protested.

Mr. WM. ALDEN SMITH. Will the gentleman allow me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. WM. ALDEN SMITH. Is it the contention of the gentleman that the right to sell contraband of war also carries with it the right to establish a naval post in our country?

Mr. GILLETT of Massachusetts. No; it does not. I quite agree with my colleague on the committee in the distinction which he makes, and I shall discuss the point he has in mind later. Senator Carpenter was at the head of the Senate committee which investigated that sale to France, and, so far as I can find from the RECORD, the committee was unanimous in its report, which held that our Government committed no breach of neutrality by that sale, and enunciated this striking statement of the law:

Congress having by the act of 1868 directed the Secretary of War to dispose of these arms and stores, and the Government, being engaged in such sales prior to the war between France and Germany, had a right to continue the same during the war, and might, in the city of Washington, have sold and delivered any amount of such stores to Frederick William or Louis Napoleon in person without violating the obligations of neutrality, provided such sales were made in good faith, not for the purpose of influencing the strife, but in execution of the lawful purpose of the Government to sell its surplus arms and stores.

That certainly was an extreme case, far different from that before us to-day; yet this committee of distinguished lawyers, one of whom sits to-day upon the Supreme Court of the United States, gave that as their understanding of the rights of neutrals under international law. If the acts they sustain were valid, it would seem preposterous to question the validity of our sales of horses to Great Britain.

But some of our critics, recognizing apparently that the overwhelming weight of authority and precedent sustains the right of citizens of a neutral state to sell contraband of war to belligerents, claim that under the second rule of the treaty of Washington the present sale of horses is forbidden. That rule is as follows:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

Now, I will admit that when I first read that rule in this connection it seemed to me it did forbid shipping horses from our ports, because it would be an "augmentation of military supplies." When I asked about it, however, of the chairman of the Committee on Foreign Affairs [Mr. HITT], who knows by heart the international law and historical precedents which most of us have to dig out for each case, he directed me at once to the true meaning of that rule, as incontrovertibly established by its connection and its subsequent interpretation by the parties who made it.

To correctly interpret a treaty it is necessary to consider its history and attendant circumstances. And I challenge any man to study the history of that rule and the correspondence between the two Governments who framed it without being convinced that the rule applies only to supplying vessels carrying on war and not to any other sale of military supplies.

The treaty containing that rule was adopted in the settlement of the Alabama claims. It was about naval vessels we were treating and it was to naval vessels that section was meant to apply, and not at all to ordinary sales of contraband of war. This fact might be doubtful were it not for the subsequent statements of the two Governments, which make it clear and unquestionable.

When either nations or individuals make an agreement, the way to find the true meaning, the proper interpretation, of that agreement is to ascertain what the parties to it intended, and if they both afterwards agree upon what they intended, that prevents all dispute and is final. Both England and the United States, the parties to this agreement, have since agreed upon what they intended, and in such a formal way and at such a time as to be most impressive and binding and conclusive. When the ratification of the treaty was pending in 1871, our minister to London sent to our Secretary of State the following telegram:

LONDON, *June 9, 1871.*

FISH, *Secretary of State, Washington:*

It seems probable that to remove serious objection to ratification of treaty here some declaration should be made limiting interpretation of second rule, sixth article, so as not to restrict sales of arms or other military supplies in ordinary course of commerce. Will the President authorize such expression of views and purpose in bringing rules to knowledge of other maritime powers and asking assent to them? De Grey in difficulty, because no understanding on this point expressed.

SCHENCK.

To this our Secretary of State cabled the following answer:

DEPARTMENT OF STATE, *Washington, June 10, 1871.*

SCHENCK, *Minister, London:*

The President understands and insists that the second rule of Article VI does not prevent the open sale of arms or other military supplies, in the ordinary course of commerce, as they were sold in this country during the late French-German war, and as they were sold to this Government in England during the rebellion, and as we understand them to have been sold also in England during the late French-German war.

In bringing the rules to the knowledge of other powers, and in asking their assent, this Government will express this view, and will insist that such i the proper interpretation and meaning. It will be well that the two Governments agree upon the same terms of expression in presenting the rules to other powers.

You are authorized to read this dispatch to Lords Granville and De Grey.

FISH, *Secretary.*

On June 12, after this exchange of telegrams, Mr. Schenck wrote to Mr. Fish a letter from which I quote the following extract showing still more clearly the purpose of these negotiations and the interpretation of the rule:

I found that Lord De Grey was very anxious about the opposition to the treaty which had been developed in certain quarters, arising mainly out of the construction or interpretation to be given to the second rule in the sixth article. It was held, he said, by many members in both houses of Parliament, including Sir Roundell Palmer, whose opinion was likely to carry great influence and weight with others, that the language of that rule would restrict or forbid the sale by a neutral, or in the country of a neutral power, of arms and other military supplies in the ordinary course of commerce.

The ministry had notice, he said, that they would be interrogated on this point, particularly in the House of Commons, and that the same objection to ratification on the part of Her Majesty's Government be strongly urged in the House of Lords in the debate on Earl Russell's resolution, which was to come on on the following Monday. He and Sir Stafford Northcote, and perhaps also Mr. Bernard, of the British commissioners, had assured the government that the rule was never intended or understood by the negotiators to have any such meaning, and he was desirous to know if I, as one of the commissioners on the part of the United States, did not fully concur with him in this view. I frankly assured him that I did, and that I was satisfied that no other interpretation would either be claimed or admitted by my government.

On the same day this letter was written the question of ratifying the treaty came up for discussion in the British House of Commons, and Sir Roundell Palmer put to Mr. Gladstone the following question:

I beg to ask the first lord of the treasury whether the second rule in article 6 of the treaty of Washington is understood by Her Majesty's Government as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against another belligerent, and not when military supplies or arms are exported for use of a belligerent power from neutral ports or waters in the ordinary course of commerce; whether any steps have been taken by Her Majesty's Government to ascertain that the rule in question is understood by the Government of the United States in the same limited sense, and, if so, with what result; and whether it is intended, in any communications which may be addressed to foreign governments with a view to the general adoption of this rule, to guard against its being accepted or understood in any larger sense?

To this inquiry Mr. Gladstone at once responded as follows:

With reference to the first part of the honorable and learned gentleman's question, I perceive that it has been framed with great care, and having considered our reply with equal care, while avoiding entering into any of the details of the question, I am in a position to answer this part of the honorable and learned member's question in the affirmative. In answer to the second part of the honorable and learned gentleman's question, I may state that we have had an opportunity of communicating with Lord De Grey, with the right honorable gentleman opposite, and with Mr. Barnard on the subject, who have all of them given us the fullest assurance that the understanding referred to in the first part of the honorable and learned gentleman's question is that of the United States in reference to this matter, and, further, that it has been in our power to communicate with the distinguished gentleman who has arrived in this country as a representative of the United States, who was a member of the joint high commission, General Schenck, who has informed Her Majesty's Government that such was his understanding of the meaning of the rule in question, and, indeed, we have been told by that gentleman that the President of the United States himself understands the rule in that sense, and that the latter would himself be the first not only to admit and allow, but to contend for that construction of the rule in question.

With regard to the third part of the honorable and learned gentleman's

question, I am able to state that Mr. Fish, the United States Secretary of State for Foreign Affairs, who was also one of the commissioners, has expressed an opinion that it would be advantageous if the two Governments were to make a joint declaration which would place the meaning of this rule beyond all chance of misconstruction. I believe that communications have been entered into between some of the British commissioners and some of the United States commissioners and other distinguished authorities in America on the subject, and that they also have come to the conclusion that it is impossible to entertain the slightest doubt but that the meaning to be attached to the terms of the treaty is that which the contracting parties themselves attach to them.

Thus there was a definite and distinct agreement between representatives of the two Governments which made the treaty what this rule meant before the treaty was ratified.

There is still further evidence in the subsequent history of this rule what was meant by it, for in the treaty it was stipulated that the United States and Great Britain should join in bringing before other powers the three rules they had agreed upon as their understanding of the duties of neutrals in case of war, and asking the other powers to agree to the same rules.

When it came to framing the joint note to the other powers, both nations wished to give an explanation of rule 2 so that it should be plain that it did not mean to prohibit commerce in contraband of war, but only for naval vessels; and England drew up and submitted to the United States the following statement of the purpose and meaning of rule 2 as a form to be presented to other governments in asking that they would also bind themselves in the future to obey the rule.

As some question has been raised as to the true import of the second rule, that rule is understood by Her Majesty's Government (and, as the Government of —— will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war or intended to cruise or carry on war against another belligerent and not when military supplies or arms are exported for the use of a belligerent power from a neutral port or waters in the ordinary course of commerce. And it is in order to prevent any future misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of —— and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon the second rule, and under which they invite and desire to accept the accession of the Government of ——, as they will that of all other maritime powers.

The United States suggested instead of this form the following:

As some question has been raised as to the true import of the prohibition of the renewal or augmentation of military supplies or arms contained in the second rule, that that part of the said rule is understood by Her Majesty's Government (and as the Government of —— will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of the ports or waters of the neutral for the renewal or augmentation of military supplies or arms only when such supplies or arms are for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against either belligerent and as not prohibiting the open sale of arms or other military supplies in the ordinary course of commerce. And it is in order to prevent any misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of ——, and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon that part of the second rule, and under which they invite and desire to accept the accession of the Government of ——, as they will that of all other maritime powers.

The differences in these two forms are trivial and do not at all affect the issue I am discussing, so they prove conclusively upon that issue what the two governments meant by rule 2. These differences, however, although so trivial, occasioned a long correspondence and some friction, and meanwhile it appeared probable that the rules would not be accepted by the other great powers, so that after long and spasmodic correspondence the submission of the agreement to other powers was dropped.

To summarize, then, the facts in the history of this rule which show its true meaning, it was part of the Alabama treaty, which dealt mainly with the law of vessels and not other contraband of war. Before it was ratified the representatives of both Governments which framed it agreed that it was not intended to apply to ordinary commerce in contraband of war, but only to supplies for vessels of war. This statement was formally made in the House of Commons and disarmed opposition, which the treaty would otherwise have met.

Afterwards, when the two nations prepared, in accordance with the terms of the treaty, a request to other nations to also adopt these three rules as the law of neutrals, they prepared, in order to prevent all misunderstanding, a statement of their interpretation of rule 2, and although they never finally agreed upon the details of that statement or presented it to other powers, the correspondence shows (Senate Docs., vol. 1, third session Forty-fifth Congress) that they agreed that rule 2 did not apply to ordinary commerce in contraband of war, but only to vessels of war.

It seems to me that this is absolutely conclusive to an impartial mind, and that the contention that selling horses to the British Government is a violation of rule 2 is unsound and unfair. Until gentlemen can claim that horses are a part of the equipment of a vessel of war they can not justly claim that trade in them is forbidden by rule 2 of the treaty of Washington.

There have, however, been some charges made that English military camps are being established in this country, where the horses bought were being collected. I have believed myself that these charges were largely the exaggerated products of an excited imagination, sometimes influenced by political animosity and hopes. One of them was presented formally to this House, and the Secretary of State has sent to us the report of the governor of Louisiana upon the so-called camp in that State.

It discloses, what I think could have been anticipated; that the term "military camp" was a misnomer. If, under the law, the English have a right to buy horses and export them to South Africa, still more have they the right to buy them and keep them here. The sheriff of St. Bernard, to whom the governor of Louisiana intrusted the investigation, reported as follows:

ST. BERNARD, LA., *February 28, 1902.*

His Excellency W. W. HEARD,
Governor of the State of Louisiana, Baton Rouge, La.

DEAR SIR: Your letter of the 21st received and contents noted I beg to state that the extract from the letter of Mr. Samuel Pearson, reproduced in your letter, does not contain a correct statement of the facts existing in the parish of St. Bernard, except as to the following points:

Mules and horses have been and are now being loaded at Port Chalmette, in the parish of St. Bernard, and, as I am informed, for the British Government, either directly or indirectly, but the loading of said animals as well as the preparing of the ships for the reception of same is done by local men, all of whom, I believe, are citizens of the United States. In fact, I have been informed that at present the loading of said animals is being done by the longshoremen of the city of New Orleans. The work, I understand, is supervised by Englishmen, who may or may not be officers in the British army. Certainly there is no one there in uniform.

There is no such thing as a British post, with men and soldiers, established at Port Chalmette. So far as the recruiting of men is concerned, I am sure and can certify that it is not being done in the parish of St. Bernard. * * *

E. E. NUNEZ,
Sheriff of the Parish of St. Berrand.

That report disposes pretty effectually of the Louisiana case. I think investigation will probably show that other complaints have as little foundation, because I do not believe the English Government will be so foolish as to commit a violation of our neutrality laws when, without any breach of them, they can secure what they need.

Undoubtedly to a large portion of the American people the state of the law which allows the British to supply themselves with horses is most unpopular. Undoubtedly very many, observing that in this instance the law works entirely to the advantage of one side and can not be availed of at all by the other, think the law itself unreasonable and unjust, and do not wish it observed. And undoubtedly some take advantage of the popular feeling and try to direct it into political channels for political advantage.

But if this administration has acted in strict conformity with international law, has held the scales of justice even, without yielding to partiality or to feeling or to political pressure, but has carried out faithfully and impartially the well-settled law of the duty of neutral states, it will ultimately receive the commendation and approval of the American people. That, I believe, it has done. And it could not have followed any different course without not only violating its duty of neutrality but also abandoning and overthrowing that great principle which Jefferson enunciated and which so many of our greatest statesmen have elaborated since as one of the cardinal doctrines of American policy, that we will always sell freely and impartially to every belligerent all that she needs, even contraband of war.

Mr. PATTERSON of Tennessee. Mr. Chairman, I had not intended to take any part in this discussion and should not do so now except for what I conceive to be the rather remarkable argument made by the gentleman from Massachusetts [Mr. GILLETT] who has just taken his seat.

From my standpoint, Mr. Chairman, as a Democrat and as a Southerner, I think it is extremely unfortunate that debates of this character should ever be precipitated upon this House, because I think that under no circumstances can they do any section, or any part of our country, or any people of our country any good. And when I hear the arguments made by the gentleman from Massachusetts, coming from that great State of scholars and of literature, that has done so much to enrich the history of our common country, saying that he can see no difference between a man who has colored blood in his veins and a man with white, I blush for the honor and for the past of that great State.

Why, Mr. Chairman, the distinction is not as the gentleman says. It is not one of prejudice against the colored man as a colored man; it is an instinct of civilization; it is the voice of nature; it is the voice of God calling out for the perpetuity of the white race and for the preservation of Anglo-Saxon institutions. [Applause on the Democratic side.]

I believe it was the great Cardinal of France who said, "Thou canst never know what thou hast never tried," and so I say to

these gentlemen of the North that they can never know the conditions in the South until they come there and see for themselves.

I remember that in the great city in which I live, where there are a great many negroes, who are protected under the law in all the rights of citizenship—I remember that a very excellent gentleman from Iowa came there to make his home. He came there as a Republican; and yet he has written one of the best papers that ever appeared in any magazine in this country, saying, in effect, that party commits a crime against civilization and against the country that puts the elective franchise in the hands of the ignorant negro of the South. I say, Mr. Chairman, that the question is not one of personal prejudice, but one of race and race instincts.

Now, so far as I am concerned, in the great Commonwealth which I in part represent, when I was prosecuting attorney, for thirty-eight days I stood in court and prosecuted white men for lynching negroes; and three out of the number were men of Northern birth: and the leader of the gang in that outrageous murder and assassination was born in the great State of New York.

Mr. BLACKBURN. Is it not a fact that every negro State in the South is a Democratic State, and every negro county a Democratic county?

Mr. PATTERSON of Tennessee. Yes, my friend, thank God what you say is true. And you can pass your "force bills" and threaten us with Crumpacker resolutions, but until the end of time the South will be dominated by white men. [Applause on the Democratic side.] And if you lived in the South you would join hands with us. [Renewed applause on the Democratic side.]

A MEMBER. He is a North Carolinian.

Mr. PATTERSON of Tennessee. Oh, well, he is a North Carolina Republican. Then I give him up completely—for him there is no salvation.

Sir, take the South as she is. I want to see negro children educated. We have schools all over the State of Tennessee for their education. Such schools exist all over the South. White men tax themselves to educate the colored people. And I will tell you to-day that the best friend and the truest friend that the negro has is not you of the North, who do not understand him, but the white man of the South, and the negro himself is beginning to realize that fact.

Now, as a Southern man, I regard it as a mistake that President Roosevelt ate dinner with Booker Washington. But if it was a matter of taste with the President, it was all right so far as I am concerned. I was not disposed to indulge in any harsh criticism of him on that account and suppose he now realizes that he made a mistake. I was disposed, and am now, to attribute it to impulse and not a design to wound the feelings of the Southern people. So far as I am concerned, I do not intend to do it. So far as the gentleman [Mr. GILLETT of Massachusetts] is concerned, he informs us that he has not and does not intend to do it. And so far as the vast number of the Republicans are concerned, they do not intend to do it; and whenever they get up here in this House and prate and parade about the negro, and especially the negro in the South, the negro in the South himself understands that it is not for his protection or for his benefit.

What is the use, my friends, of stirring up race antagonism? The Southern white man and the negro are getting on well. I know many negroes whom I believe to be honest, whom I believe to be intelligent, whom I believe to be moral men, and many of them are my friends, and I am glad to number them among my friends; but when you say that that negro shall control white men or hold office, then I say to you that you are simply turning back the wheels of time and that you are reversing the policy by which this Government has been brought up to its present standard of civilization. Now, there is one thing, my friends, I want to correct you about, and I was surprised that a gentleman of the scholarship and attainments and historical research of the gentleman from Massachusetts should have been guilty of making such a mistake.

I supposed that the gentleman understood history better than to make a remark of that kind. He says that he has a physical repugnance to the negro and that he can not understand how it is that so many mulattoes are born in the South when white men talk as I do. I want to call his attention to the fact that most of the mulattoes in the South are from 37 to 40 years old and at the time they were conceived there were about a million Northern soldiers in the South and all the Confederates were away from their homes. [Laughter.]

Mr. GILLETT of Massachusetts. Is that the best light the gentleman has on that subject?

Mr. PATTERSON of Tennessee. I will state that I am answering the speech of the gentleman in kind.

Mr. HULL. I think if you will go back to the history of your country you will find they were there long before the soldiers invaded the South.

Mr. PATTERSON of Tennessee. Oh, I do not think so. They were very rarely seen before the war. Now, there is no use of getting angry about this thing at all, gentlemen. What I have stated to you is an historical fact, and the gentleman from Massachusetts, coming from that great State, ought to have known it, and what I simply say is to express my surprise that he was ignorant of that fact. I think I have said all that I care to say. I want it distinctly understood that I have no war to make with any white man who wants to take dinner with a negro. If it suits the white man, it does not hurt the negro.

A MEMBER. But you feel sorry for the negro.

Mr. PATTERSON of Tennessee. No; I can not say that. I think that is a matter of taste, but what I do say is that what you call this prejudice is not a prejudice against the negro personally, but it is a racial instinct, which you ought to recognize, and which I am satisfied that many gentlemen on that side of the Chamber do recognize.

Mr. COCHRAN. And which they feel much more acutely than you do.

Mr. PATTERSON of Tennessee. Yes; and to-day, in spite of it all, in spite of the enfranchising of the colored race, in spite of the Republican party putting the ballot into their hands and their exercise of the ballot, not one State in that whole South has a negro official, and I am proud of that fact, and you ought to be proud of it, as you belong to the same race and have the same common country.

Mr. CLAYTON. And the same is true of the Northern States. They have none.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KAHN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2455. An act granting a pension to Genevieve Almira Sprigg Ludlow;

S. 4850. An act to increase the pensions of soldiers and sailors who have lost limbs in the service;

S. 2951. An act granting an increase of pension to Maria J. Wilson;

S. 3505. An act granting an increase of pension to Matthew B. Noel;

S. 1299. An act granting a pension to Ambrus U. Harrison;

S. 1300. An act granting a pension to Judson N. Pollard;

S. 2709. An act for the relief of John F. Finney;

S. 3779. An act for the relief of Thomas J. McGinnis;

S. 5153. An act granting an increase of pension to Eri W. Pinkham;

S. 1478. An act for the erection of a public building at Marblehead, Mass.;

S. 2699. An act to provide for the temporary detention of persons dangerously insane in the District of Columbia;

S. 4577. An act for the relief of William McCarty Little;

S. 4647. An act to amend section 4929 of the Revised Statutes, relating to design patents;

S. 2638. An act granting a pension to David O. Carpenter;

S. 2935. An act granting a pension to Joanna Rommel;

S. 3781. An act granting a pension to George A. Mercer;

S. 2551. An act granting a pension to Amelia Engel;

S. 5059. An act granting a pension to May D. Liscum;

S. 2048. An act granting an increase of pension to Louis G. Latour;

S. 1038. An act granting an increase of pension to Gustavus C. Pratt;

S. 4853. An act granting an increase of pension to Amos Moulton;

S. 4655. An act granting an increase of pension to Oliver K. Wyman;

S. 4730. An act granting an increase of pension to George W. Youngs;

S. 4729. An act granting an increase of pension to Daniel A. Hall;

S. 3032. An act granting a pension to Samuel J., Christopher, and Jeane Vickers;

S. 1903. An act granting an increase of pension to Hamline B. Williams;

S. 2229. An act for the relief of J. M. Bloom;

S. 2755. An act granting a pension to Ruth H. Ferguson;

S. 4941. An act granting an increase of pension to William Nichol;

S. 4650. An act granting an increase of pension to Delania Ferguson;

S. 3063. An act granting an increase of pension to H. J. Edge;

S. 3298. An act granting an increase of pension to William A. Kimball;

S. 3552. An act granting a pension to John A. Reilley;
S. 4043. An act granting an increase of pension to Catharine A. Carroll;
S. 3991. An act granting a pension to Waity West;
S. 2511. An act granting a pension to William Phillips;
S. 4455. An act granting an increase of pension to Hallowell Goddard;
S. 3208. An act to authorize the Commissioners of the District of Columbia to refund certain license taxes;
S. 3555. An act for the relief of William Dugdale;
S. 4725. An act for the opening of R street NE. to Twenty-eighth street and of Twenty-eighth street NE. from R street to M street;
S. 4663. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across the Red River, in the State of Louisiana, at or near Shreveport;
S. 4992. An act to provide an American register for the bark Homeward Bound;
S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents;"
S. 4777. An act to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.;
S. 4776. An act to authorize the construction of a bridge across the Emory River in the State of Tennessee by the Tennessee Central Railway or its successors;
S. 4973. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army;
S. 653. An act for the erection of a public building at Meriden, Conn.;
S. 177. An act for the erection of a public building at Providence, R. I.;
S. 2204. An act to provide for the erection of a public building at Findlay, Ohio;
S. 1812. An act to authorize the registration of the names of persons, firms, or corporations engaged in transportation business;
S. 2826. An act for the establishment of a fish-cultural station in the State of Florida; and
S. 4221. An act authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.

The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 9625. An act granting a pension to Elizabeth L. Beckett;
H. R. 9494. An act granting an increase of pension to Mary A. Andress;
H. R. 3379. An act to correct the military record of Calvin A. Rice;
H. R. 7994. An act granting an increase of pension to Margaret M. Grant;
H. R. 5560. An act granting an increase of pension to Annie L. Evens;
H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic;
H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;
H. R. 11096. An act to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900; and
H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JAMES HENDERSON KYLE, late a Senator from the State of South Dakota.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect at the conclusion of these exercises the Senate do adjourn.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. I yield ten minutes to the gentleman from North Carolina [Mr. BLACKBURN].

Mr. BLACKBURN. Mr. Chairman, I did not intend to say anything on this subject. I had no inclination to do so. I wish to state, however, to the distinguished gentleman from Tennessee [Mr. PATTERSON] that if he will take the pains to look in the Congressional Directory he will find that I am a native of the South, that I hail from the State of North Carolina, one of the States which seceded in the late unpleasantness.

I have been in public life since 1890, and I have heard every phase of the negro question from that time until now. I have heard it discussed pro and con. There is none of it which is not as familiar to me as A B C. And as a Southern man, as a man whose interests are in the South, an individual whose ancestors on both sides belonged to the Confederacy, as a member of a family who, upon my mother's side, gave seven lives to the Confederacy and whose father gave four years of his service to the Confederacy, I want to say there ought to be some time in the range of human conception where this question could stop. [Applause on the Republican side.]

I am talking not as a politician. I say this as a citizen. The great South, spread out before us with its vast area and its vast possibilities, has been held in the background for thirty years, simply to gratify the whim and the feeling of a few Democratic politicians. [Applause on the Republican side.] We are told that Rip Van Winkle slept for twenty years. The South has slept for a longer period, and if the advice of these distinguished gentlemen who are now presenting this question and precipitating it upon this floor is to be followed, we will be in absolute darkness fifty years from now unless they are overthrown.

I want to say that I hail from a section of the South where the negro question can not enter. I come from a section of the South where there are no colored votes. I come from the section of the South where you can not stuff ballot boxes and come here with 5,000 majority back of you with no opposition. I come from that section of the South were every man walks up and puts in a ballot and stays there as a free man under our constitution under his oath, and sees that that ballot is counted, just as he cast it. And if you will look at the record you will see that my district in the last election gave approximately as many votes as the whole State of South Carolina where you have negro domination to the queen's taste. [Applause on the Republican side.]

You come up here now and you say that the South must be protected from the negro. I want to submit this, Mr. Chairman: In my own State, where we took charge in 1894, there was not a solitary county that has ever been dominated by the negro; not one. Nobody fears negro domination in North Carolina, yet the last campaign in my State was a travesty upon justice. There was no semblance of an election in more than half of North Carolina. An organized band of red shirts rode my State from one section to the other, regardless of law and order, and fired their guns into the houses of private individuals who at no time had disturbed anybody for the mere purpose of carrying the State against the will of the people, against the rights of the citizens, in order to put a few men into Congress, to make a governor of North Carolina, and to send a man here to the United States Senate who might act in that capacity regardless of the will of the people.

I know whereof I speak, and I say, as a Southern man, this question ought to have a limit. In the last campaign in my State we were promised that if we disfranchised the negro we should never hear any more of the negro question. It was said, "We are going to let the white men divide up upon economic lines." There is not a Democrat who sits on that side—and I have as many friends in my State where I am known as any Republican—there is not a Democrat who sits there to-day who does not know that the policy of the Republican party has been the salvation of the South, and there is not a man there who does not know that while the Republican party has reached out and given us all the aid we have we have had a solid Democratic delegation coming here year after year protesting against it and doing all they could to obstruct legislation. [Applause on the Republican side.] The Republican party has tendered us bread when we have asked for a stone. The Republican party has given us fish when we pleaded for a serpent, and everybody on that side knows it. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, a few moments ago I made the statement, and I now repeat it, that Governor Wolcott, during the Nashville centennial, came there with his staff. The gentleman from Ohio [Mr. GROSVENOR] said that Governor Wolcott was not the governor of Massachusetts at that time.

Mr. GROSVENOR. My friend is mistaken. I did not say that.

Mr. GAINES of Tennessee. What did the gentleman say?

Mr. GROSVENOR. I asked the question whether it was not Governor Greenhalge who was the governor at the time of that celebration. Governor Greenhalge went to Chattanooga with his staff at the time of the dedication of Chattanooga Park, and I had confounded the two occasions.

Mr. GAINES of Tennessee. I state, Mr. Chairman, that it was Governor Wolcott. Now, I have the Tribune Almanac, and I guess the Tribune Almanac is Republican enough to quote from. At least Republicans can believe it. It states that Governor Wolcott was elected governor of Massachusetts in 1896. He came to Nashville, and I, with a lot of other gentleman, had the honor of entertaining him. He brought his staff along with him, and a number of members of his staff stated to me that there was a negro who was one of their number, under the law and by election, from the State of Massachusetts, and that they left him behind; that they had passed a law making every man on the governor's staff, including the governor himself, I believe, pay his own way to get rid of the negro, and they did it in that way.

And they were condemning him most liberally, as usual with the Republicans when they express their honest convictions. They did not want to have anything to do with him or to associate with him, really. They do not meet with them in the restaurants——

Mr. GILLETT of Massachusetts. Will the gentleman yield to me for a question?

Mr. GAINES of Tennessee. Certainly.

Mr. GILLETT of Massachusetts. Was not he left behind because they did not want to offend the sensibilities of your region?

Mr. GAINES of Tennessee. I was just giving you the conversation of the distinguished gentleman or gentlemen who were on the staff of the governor—all of whom we liked and enjoyed immensely—stated to me. The negro did come, I was informed, but preceded the governor and his staff. The negro stayed at some place. I do not know where. [Laughter.] Now, that is the way Massachusetts loves them. But the gentlemen who alluded to the negro condemned him as an individual, and were sore at having to meet him at home even officially.

Now, Mr. Chairman, I am going to speak of a distinguished gentleman who lives in Iowa. I was astonished when I read this. It is from the Omaha Herald of December 1, 1901. Coming direct from that great section, I was struck by a very significant statement that is now pertinent, one which I never would have suspected. But it occurred with a citizen coming from the State of Iowa. Here is what I found. I find this: That before this occurrence the gentleman states that he had met Mr. Lincoln and had a talk with him and that when he was sent for to come to Washington he feared the worst had overtaken him. I will read from the Herald:

In 1862, while in command of the district of Corinth, Miss., I received a dispatch from General Grant to proceed to Washington and report to the President. No explanation coming with the dispatch, I was a little alarmed, for there had come to me at Corinth a great many negroes, and I had placed them in what was known as a contraband camp and had placed over them certain soldiers as guards. This caused me a good deal of annoyance and trouble. The white soldiers did not like the duty and took every opportunity to annoy the negroes, even in some cases going as far as to shoot them.

The superintendent of the camp was Chaplain Alexander, of an Ohio regiment, a very able and excellent man, and he suggested one day to me that he believed that negroes would be better to guard the contraband camp than white soldiers. I authorized him to raise one or two companies, and I armed them, solely for the purpose of guarding these negroes. I had no authority to do this, and I did not at the time appreciate the importance that was to be given to it. There were many protests against this, and in the command there was considerable opposition to it; and I thought that my call to Washington was possibly to be called to account for this act.

Those are the words of Gen. Granville M. Dodge in December, 1901, over his own signature. His soldiers, he says, shot the negroes. Here is an old incident of 1862, showing the racial hatred of the white man of the negro. After this cruel act the negro was enfranchised, when the South was tied hand and foot by infamous laws enacted by carpetbag rulers, presenting conditions which the whites in the South could not and would not then or now tolerate and to which the people of Massachusetts would not then or now submit. My observations since I have been in Congress are that the white people East and West can not and will not tolerate, but severely criticise the negro, and yet the so-called negro lovers East and West, and especially East, in the press and Congress, now and then make the warmest professions of love for the negro. The negro knows the Southern people are his real friends and they remain South.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I would like to have a few minutes more.

The CHAIRMAN. The committee will rise informally.

The committee accordingly rose; and the Speaker resumed the chair.

The SPEAKER. The Chair dislikes to disturb the committee, but the gentleman from Missouri has a bill of great importance, and the Chair lays before the House a report from the Committee on Enrolled Bills.

ORDER OF BUSINESS.

Mr. WILLIAM W. KITCHIN. Before the committee resumes its session, I request unanimous consent that the time be extended for the discussion of the pending bill one hour.

Mr. HULL. I object.

Mr. WILLIAM W. KITCHIN. One half to be in charge of the gentleman from Iowa and the other half the gentleman from Virginia [Mr. HAY].

The SPEAKER. Objection is made.

BANKRUPTCY BILL.

Mr. CLAYTON. Mr. Speaker, I would like to make a request of the House. I ask unanimous consent to submit the minority views on House bill 13697. The majority have filed their report.

Mr. PAYNE. I make the point of order that the committee has only risen informally, and that it is not in order.

Mr. CLAYTON. I make that request. I have the consent of the gentleman from Wisconsin [Mr. JENKINS].

Mr. CANNON. What is the bill?

Mr. CLAYTON. It is the views of the minority on the general bankruptcy bill; and I ask that we have until Friday for the purpose of filing them.

The SPEAKER. Without objection the gentleman from Alabama will have permission to file the views of the minority.

There was no objection.

The SPEAKER. The committee will resume its session.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. I yield fifteen minutes to the gentleman from Missouri.

Mr. COCHRAN. Mr. Chairman, the gentleman from Massachusetts devoted considerable time to discussing the treaty of Washington and its applicability to the maintenance of a British military supply depot in the State of Missouri and a British supply depot and port on American soil on the Gulf of Mexico.

I sought the privilege of interrogating him, but it was not allowed. I desired to ask him whether, in his opinion, had the treaty of Washington never been entered into, it would not have been in contravention of the laws of nations if during a war a neutral power should permit the maintenance within its borders of a military supply depot in charge of the military officers of one of the belligerents, and the maintenance on its seacoast of a port, also in charge of officers of the army of one of the belligerents, and the purchase and shipment directly to the theater of war of cargo after cargo of things contraband under international law, bought by these military officials and concentrated by these officials at these military camps? I contend that the treaty of Washington is an added reason for challenging the attitude of the Administration upon this question.

It is true the citizens of a neutral State may sell in its markets to all comers things contraband of war. The contraband articles may be seized in transit on the high seas, and there is no redress for those who may sustain loss on that account, and this has been cited over and over again, as if it were the only remedy.

This does not touch the question under consideration. Were the United States at war with Great Britain, would we permit the maintenance of a depot of supplies just over the line in Mexico and the collection there of war supplies, and their constant shipment to the theater of war?

Would we regard the Government of Mexico as neutral if this were permitted? Certainly not—especially if the supply camp should be in charge of the officers of Great Britain. Great Britain maintains in this country two such supply camps. Her army officers are in charge of them. They publicly advertise for war materials and for men to enter the employment of the British war office and convey the supplies from their camps to the theater of war. Are we to understand that the Republican Administration regards this as no violation of the law of nations?

Mr. LACEY. Will the gentleman allow me a question?

Mr. COCHRAN. With the greatest pleasure.

Mr. LACEY. We are seeking light on this question, and perhaps the gentleman can give us the actual facts in relation to the situation of affairs in his own State.

Mr. COCHRAN. I believe that within 50 miles of my own town there is a British supply camp, where British soldiers are buying war material and sending it to South Africa; and I here solemnly declare that it is the bounden duty of the American Government to put a stop to the disgraceful proceedings. Whether it be in my own State or outside of it, whether my people or others are profiting by it, it is a crime against the cause of liberty. [Applause.] And the gentleman from Iowa deep down in his heart believes the same thing.

We all know that one way of giving effect to its sympathies for one or the other of the belligerents is for a country professing neutrality to stretch the law of nations a long way to help the side with which it sympathizes. Generally this is done by winking at the illicit traffic. The government thus offending necessarily takes refuge in pretended ignorance, and when called to account takes a long period in which to ascertain the facts. This is the course that is being pursued by our Government right now.

American Cabinet officials and the American President are simulating ignorance of things known to every schoolboy and every schoolgirl in the land. Meanwhile this Government is permitting the maintenance of the chief commissary depot of the British army on American soil. This, Mr. Chairman, is the plain, unvarnished history of this infamous proceeding. [Applause.]

The gentleman from Iowa would score a point by mentioning the fact that one of these British posts is in Missouri. Let me assure him that, in the opinion of Missourians, the United States have a higher mission in the world than is to be accomplished by taking advantage of the tragedy in South Africa for the purpose of unloading our surplus mules and horses on the British Government.

Mr. LESSLER. Will the gentleman permit me a question?

Mr. COCHRAN. Certainly.

Mr. LESSLER. Did not the gentleman from Missouri know it before it was brought to the attention of the Administration that your people were selling a million dollars' worth of horses and mules to the British Government; and if so, why did not you point it out?

Mr. COCHRAN. Is that all of your question?

Mr. LESSLER. Yes.

Mr. COCHRAN. I will be delighted to answer it. I took occasion weeks ago to call attention to the New Orleans depot. I did not know there was a British military camp in my own State until about thirty days ago. As an evidence that the people of Missouri are not disposed to violate international law and help destroy the Boers, even though it may be profitable, I direct attention to the fact that within 50 miles of Lathrop, at public meetings, the people have protested against it.

Mr. LESSLER. Does not the gentleman know that last summer in Kansas City everybody was selling mules and horses to these agents, and that there was no protest against it, that they all took their money and were glad to get it?

Mr. COCHRAN. Let me enlighten my young friend just a little. Our Government is not asked to prevent the sale of mules and horses in the open market. I do not contend that it is unlawful for our people to sell horses to agents of the British Government. But when the British Government establishes camps and advertises in the ordinary way in the newspapers for horses and mules to be sent to the theater of war, and concentrates enormous quantities of war supplies on our soil in charge of army officers of Great Britain, who come into our territory uniformed to inspect and prepare these supplies for the field, and employ men publicly to carry these supplies to the army in the field, the law of neutrality is grossly violated.

Mr. LESSLER. Is there any evidence of that?

Mr. COCHRAN. Any evidence of it? If you take one weekly newspaper from your own district and read it you must know that I have not overstated the case.

Mr. GILLETT of Massachusetts. Does the gentleman contend that as a matter of law it is a breach of international law for American citizens to sell contraband of war to the British Government?

Mr. COCHRAN. Let me say to the gentleman that I do not propose to be diverted from the main question. I contend that to allow the British Government to set up depots of supplies, to send uniformed British officers 20 or 30 in number to one place and uniformed British officers 40 or 50 in number to another place, and thus maintain military-supply posts in this country—posts as plainly military as any that can be found on the blood-stained fields of South Africa—is a violation of international law. Now, I will ask the gentleman from Massachusetts if he does not agree with me?

Mr. GILLETT of Massachusetts. If the gentleman will give any evidence of such a state of facts, it will put a new phase upon this case.

Mr. COCHRAN. Oh, what a wonderful thing is that ignorance, under the disguise of which an Anglo-American Secretary of State, is making us accessory to the murder of the South Africans. [Applause.] Read the first newspaper that comes into your hands and it will tell you——

Mr. GILLETT of Massachusetts. I have not seen any such.

Mr. COCHRAN. I have one right here in my hands, and I will ask leave to print from its columns what I contend is a faithful rescript of the law of this question, quoted from text-books and treaties in force between this country and others. In every line of this column of newspaper print the attitude of the gentleman from Massachusetts is denounced as untenable. In the brief time at my disposal it is impossible for me to read any portion of it. I ask unanimous consent to incorporate it as a part of my reply to the contention of the gentleman from Massachusetts in regard to the law of this case.

The CHAIRMAN (Mr. JENKINS). The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. COCHRAN. During the Spanish-American war we had an exhibition of what can be done by the strict, unyielding, and persistent enforcement of the neutrality laws. That suited the policy of the Administration at that time. Now we are having an exhibition of what can be done in the direction of making us an ally of one of the parties to a great war, by refraining, utterly, from the enforcement of those laws—shielding ourselves, of course, behind pretended ignorance of the fact.

The gentleman from Massachusetts inquires whether I have any evidence that the facts I have stated exist. I now ask him if he has any evidence to offer in refutation of column after column that has been printed in Associated Press dispatches? Has he anything to offer in refutation of the statement made by the Governor of the State of Louisiana in an elaborate report filed with the State Department?

Mr. GILLETT of Massachusetts. The only refutation I have is what is stated by the sheriff of Louisiana. I will read it.

Mr. COCHRAN. Do you read that as a legal authority?

Mr. GILLETT of Massachusetts. This is on the question of fact.

Mr. COCHRAN. I thought it might be more "law."

Mr. GILLETT of Massachusetts. Will you allow me to read?

Mules and horses have been, and are now being, loaded at Port Chalmette, in the parish of St. Bernard——

Mr. COCHRAN. I can not yield to have all that read. The gentleman can print it.

Mr. GILLETT of Massachusetts. I should not think you would want it read.

Mr. COCHRAN. The gentleman refused to yield to me for a question which would not have consumed a minute.

Mr. GILLETT of Massachusetts. Oh, I yielded often.

Mr. COCHRAN. What a speech that was, to be sure. The gentleman from Massachusetts began by lamenting the fate of the unfortunate African in the South, who, alas and alack, is debarred from taking charge of politics and government. Then he defended the policy which makes us allies in a war of conquest that is being waged against two Republics in South Africa.

Mr. GILLETT of Massachusetts rose.

Mr. COCHRAN. I can not yield any more. The gentleman would destroy republican government in five or six States of this Union by giving their governments into the hands of men but little removed from barbarism, and he would continue to allow the British military camps in Missouri and Louisiana to go on shipping mules and horses to South Africa.

The unalterable determination of the Southern white men to prevent the domination of an inferior race in their country is right. It has the approval of the voters of every election district of the United States. Present to any county in Massachusetts, to any village in New England, the question forever present in the domestic economy of the South and the people would decide it precisely as have the people of the South. They would retain control of public affairs, and, no matter what might be the opinions of political managers, more interested in votes than in the negro or his fate, their countrymen everywhere would indorse their action.

The Republican politicians of the North would give the negro the vote and nothing else. Why do not his Northern friends give him employment? They have an innate prejudice that prevents it. Go through this city and ascertain in whose families negro servants are employed. Make inquiries, and you will hear the Yankee from the Northeastern States expressing astonishment that Southern men employ negro servants. Their friends from New England invariably would not give them house room. How many negro carpenters and blacksmiths have you in the North? Why do you refuse to open up the avenues of industry to the negro?

How many colored miners have you? What avenues of employment have the Northern Republicans opened up for the negro? The truth is that Sambo is hedged about in the North by a race prejudice so domineering and universal that he is remanded to servile employments or to the work of day laborer.

Meantime his party brethren, having given him the ballot, sing psalms about human equality and consider his destiny assured. [Applause and laughter.] I say to you, let the negro have a chance to work out his own salvation. Having committed the crime of his enfranchisement long before he was prepared for it, the least you can do is to allow the South to deal with the problem, and they will solve it, vexatious and difficult though it is. It can not be dealt with properly through the medium of Crumpacker resolutions. By the way, this Crumpacker resolution has had a wonderful career. [Laughter.]

A little while ago we were told that it would soon be brought forward; then it was said that in order to fix up the quarrel over the sugar tariff the Committee on Rules had agreed to give it a day; but it was not given a day. In the final shuffle in the controversy over the sugar tariff it was kicked around this Chamber like a football, and at last it is viewed with contempt by the men who pretended to sustain it. Gentlemen, you dare not go to the country upon this issue. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. By permission of the House I append the document referred to in my remarks:

Peter Van Vlissingen, who has been one of the most active friends of the Boers in Chicago, to-day [April 18] sent to President Roosevelt the following open letter:

To His Excellency THEODORE ROOSEVELT,
President of the United States.

SIR: In view of the investigation now being made to determine whether the British Government is maintaining a military camp in the vicinity of New Orleans, I desire to submit to you an argument to show that even though Governor Heard's charges should not be deemed sufficient, the Federal Government is still bound to interfere in the matter of the traffic in horses and mules from the ports of the United States for the use of the British army in the war against the South African Republics.

The premises upon which I base this argument are totally different from those assumed by Governor Heard in that I maintain that, regardless of whether the British Government is maintaining a military camp at Port Chalmette, the shipment of horses and mules from our ports is still an open violation of the treaty of Washington, by the provisions of which this Government is pledged to maintain strict neutrality as to the use of its ports, and should for that reason, if for no other, be stopped.

THREE RULES IN TREATY.

The treaty of Washington was concluded between Great Britain and the United States May 8, 1871. Article 6 of that treaty lays down three rules by which arbitrators are to be governed. The first rule relates to the equipment of war vessels intended for use against belligerents. The second rule declares:

"A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies or arms or the recruitment of men."

The third rule reads:

"A neutral government is bound to exercise diligence in its ports or waters and as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties."

The opinion has been advanced that the parties to this treaty intended to lay down no new doctrine, but that these important rules, framed and adopted with so much circumstance, were in fact regarded by the contracting parties as a mere restatement of principles of international law already existing; and it is argued that as neutral ports had been used in the past for trafficking in military supplies, so might they be freely used in future. Such certainly were not the views entertained by Great Britain.

CONCLUSION OF ARTICLE 6.

Article 6 of the treaty, after laying down the above rules, concludes as follows:

"Her Britannic Majesty has commanded her high commissionersand plenipotentiaries to declare that Her Majesty's Government can not assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in article 1 arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of these claims, the arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules. And the high contracting parties agree to observe these rules as between themselves in future and to bring them to the knowledge of other maritime powers and to invite them to accede to them."

Here is an express declaration, by Great Britain herself, that the obligations set forth in these rules are new and were no part of the body of inter national law existing when the grievances were committed, but those rules are declared to be binding in the future upon the two contracting parties, who expressly pledge themselves "to bring them to the knowledge of other maritime powers and to invite them to accede to them." In the light of this article who will venture to argue that the rules of arbitration adopted in the treaty of Washington were a mere declaration of existing principles? Great Britain expressly stipulates that she can not admit any such contention; that the rules are to be considered binding only in the future, and that other powers are to be invited to accede to these rules. Other powers would not be asked to adopt rules by which they were already governed. Is there any doubt, therefore, that the treaty of Washington was intended to and did introduce as between the contracting parties duties and obligations not already recognized as a part of the law of nations?

ENFORCED IN SPANISH WAR.

Great Britain made no scruple of asserting the terms of the treaty of Washington against this country upon the first and only occasion when our Government was at war with a foreign State. April 26, 1898, the day after war was declared between the United States and Spain, Queen Victoria issued a proclamation of neutrality, insisting in the following language upon the observance of the treaty:

"Whereas, we are resolved to insure by every lawful means in our power the due observance by our subjects, toward both the aforesaid powers, of the rules embodied in article 6, of the treaty of May 8, 1871, between us and the United States of America, which said rules are as follows:

"A neu ral government is bound * * * secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

"Thirdly, to exercise due diligence in its own ports and waters and as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties."

In this proclamation Great Britain insists that her ports and waters shall not be used to abet the military activity of belligerent powers, and we now request the enforcement of this rule.

The object of the second rule of article 6 is to prohibit the use of neutral ports as a base of naval or military war against belligerents and to make it plain that the collection of military supplies is one of the uses of the port thus forbidden by the treaty. It can not be denied that horses and mules destined to be used in military operations are within the meaning of the term "military supplies" as employed in the treaty of Washington. All writers on international law agree that they are contraband of war and subject to confiscation as such. If they are contraband it can only be because they are military supplies, and both Great Britain and the United States have unequivocally put themselves on record as accepting that definition. In the treaty of December 1, 1774, between Great Britain and Holland it is expressly declared that "horses and other warlike instruments are contraband of war," and again in article 24 of the treaty of 1778 between the United States and France it is laid down that "horses, with their furniture, are contraband of war."

HORSES CONTRABAND OF WAR.

By the classification prepared by the State Department during the incumbency of Secretary John Hay and published by Secretary Long June 20, 1898, in his "Instructions to blockading vessels and cruisers" (General Orders, No. 492, paragraph 19), horses are designated as "absolutely contraband" of war. (See also House Docs., vol. 36, Fifty-fifth Congress, third session, p. 60.)

If additional argument were needed to prove that horses have been considered contraband of war by the United States Government, the following instances in which they have been so classed might be made:

"In the treaty between the United States and Bolivia (Treaties and Conventions, 1889, p. 90, article 17), horses with their furniture are comprehended as contraband of war."

In the following other treaties a similar specification is made:

"Treaty between United States and Brazil (Treaties and Conventions, 1889, p. 105, article 16).

"Treaty between United States and Colombia (Treaties and Conventions, 1889, p. 186, article 17).

"Treaty between United States and Haiti (Treaties and Conventions, 1889, p. 551, article 20).

"Treaty between United States and Peru (Treaties and Conventions, 1889, p. 1191, article 18).

"Treaty between United States and Sweden and Norway (Treaties and Conventions, 1889, p. 1042, article 9)."

A belligerent may purchase iron or steel in open market, but if it presumes to assemble those materials in a neutral port for the construction or equipment of a man-of-war the terms of the treaty are violated. An emissary of the British Government may in like manner buy a horse from a ranchman on the Western prairies, but when horses and mules purchased in different parts of the country are gathered at a seaport for shipment to the field of war the belligerent power is preparing to use a port of this country "for the purpose of renewal or augmentation of military supplies." If the Executive intends to compel Great Britain to abide by the treaty which she has insisted upon our observing, it can only be done by detaining those military supplies upon our own coasts.

SAD PLIGHT FOR GOVERNMENT.

The plight of the United States Government would indeed be inglorious if, while pledged by the treaty of Washington to keep its ports neutral and guiltless of warlike activity, it were yet incapable of preventing British officers from collecting military supplies in those ports and shipping them thence to the scene of war. Such could never have been the intent of the contracting parties.

Great Britain has declared that the treaty of Washington established new rules and standards of international obligations. She has insisted upon the observance of those rules as against this country in the Spanish war. She is openly using our ports in direct contravention of those rules for the purpose of augmenting her military supplies and exterminating a brave people whose heroic struggles have awakened the deepest sympathy in the heart of every true American.

If any question be made respecting the rights of the Transvaal Republic as a sovereign belligerent power, certainly no doubt can be cast upon the complete autonomy of the Orange Free State. Can Great Britain justly regard this Government as guilty of an unfriendly act if it shall insist upon her abiding by the terms of a treaty which she has been so earnest in upholding?

I bespeak for these views your earnest consideration and early attention.

I am, sir, very respectfully, yours,

PETER VAN VLISSINGEN.

CHICAGO, *April 18, 1902.*

Mr. HULL. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman from Missouri [Mr. COCHRAN] has taken up much time talking about there being garrisons in Missouri. A week or two ago it was a garrison in Louisiana they were complaining of and that was investigated at the request of the gentleman on the other side of the Chamber, and here is what the sheriff of the parish of St. Bernard, who made an investigation, writes to the governor:

ST. BERNARD, LA., *February 28, 1902.*

To His Excellency W. W. HEARD,
Governor of the State of Louisiana, Baton Rouge, La.

DEAR SIR: Your letter of the 21st received and contents noted. I beg to state that the extract from the letter of Mr. Samuel Pearson, reproduced in your letter, does not contain a correct statement of the facts existing in the parish of St. Bernard, except as to the following points:

Mules and horses have been and are now being loaded at Port Chalmette, in the parish of St. Bernard, and, as I am informed, for the British Government, either directly or indirectly, but the loading of said animals, as well as the preparing of the ships for the reception of same, is done by local men, all of whom, I believe, are citizens of the United States. In fact, I have been informed that at present the loading of said animals is being done by longshoremen of the city of New Orleans. The work, I understand, is supervised by Englishmen who may or may not be officers of the British army. Certainly there is no one there in uniform.

There is no such thing as a British post with men and soldiers established at Port Chalmette.

Those are the kind of facts we get when we hold an investigation, and it is very easy for gentlemen to get up on the floor of the House and make vague assertions.

Mr. COCHRAN. Does not the gentleman from Massachusetts consider the opinions of the sheriff as to where these men go and what for very edifying, but not very instructive?

Mr. GILLETT of Massachusetts. The governor of Louisiana intrusted it to him to investigate.

Mr. COCHRAN. I am speaking now of the sheriff.

Mr. GILLETT of Massachusetts. The governor of the State intrusted the sheriff with the duty of making this investigation. This is the official investigation.

Mr. COCHRAN. You would rather take what the sheriff said than what the governor said?

Mr. GILLETT of Massachusetts. The governor does not say anything about the facts except in these reports. I can not read the whole of it. The governor does not contradict this in the slightest degree. He takes this as the official report, and it is inserted as a part of his report.

Mr. COCHRAN. Is the gentleman aware that pretty nearly 300,000 horses have been shipped from that port to the theater of war in South Africa?

Mr. GILLETT of Massachusetts. I presume there have been a large number of them, and the more the United States can sell the belligerents in any war, the more I am pleased. That is part of the opportunity of the United States. That is a part of our long-established policy, to sell to all belligerents munitions of war.

Mr. COCHRAN. The fact that the backbone of the English army, the cavalry service, has been kept up by the United States is very pleasing to the gentleman, is it?

Mr. GILLETT of Massachusetts. I do not say that.

Mr. COCHRAN. You did say it.

Mr. GILLETT of Massachusetts. I say what we have to do is to observe the laws of the nations. If United States citizens in observing the laws of neutrality can make a profit, I am pleased, and I do not believe we ought to depart from the long-established doctrines of neutrality just because our sympathies are with one side or the other. The Administration ought to observe the laws and follow out the policy established by Jefferson and followed by every Secretary of State.

Mr. COCHRAN. You think that the policy of the country in the matter should be bargains, worship God, and catch fish.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask for the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, $500.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move to strike out the last word.

I would not intrude myself upon this debate except for some of the statements that my colleague from North Carolina [Mr. BLACKBURN] has seen fit to make in his remarks this afternoon. If I understood the gentleman correctly, he stated to this House that no counties in North Carolina had been under negro rule. Mr. Chairman, I do not intend to discuss the political effect of the Crumpacker resolution, or any political measure pending in this House. When they come up I hope to be heard upon them. But as to the statement that no county in North Carolina was under negro rule; as I stated in this House two years ago, there have been many counties in North Carolina under negro rule. There were many counties where the negro vote predominated. There were counties that had 30 negro justices of the peace. There were counties that had a great majority of the officers who were negroes.

I will give a few facts in regard to it, because I make no statement that is not strictly correct upon this question. When you gentlemen from other sections of the country appear astonished that the great white race stood shoulder to shoulder in the campaign that shook our State from center to circumference four years ago, your astonishment is because you do not and did not understand the facts there. White men believe and feel the same the world over about some things. I care not whether it is in Indiana or in Illinois or Pennsylvania or Massachusetts, a white man feels his superiority over every other creature of God's handiwork.

Mr. BLACKBURN. May I interrupt the gentleman?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. BLACKBURN. I want to ask the gentleman if in the campaign of 1900 the Republican party from the white counties did not go down to Raleigh, in the central part of North Carolina, with 3,500 majority against the amendment, and if the Democracy did not come up from the negro belt with 60,000 in favor of it?

Mr. WILLIAM W. KITCHIN. I will come to that. Eliminate every county that had a negro majority and our amendment was adopted in 1900 by nearly 40,000 majority. The gentleman's statement was that we had no county in North Carolina under negro rule. I deny that statement, and the gentleman knows that in New Hanover County in 1898 they had 40 justices of the peace. Was that white rule? That county had 86 negro officials. Were they elected by white people? In the counties where the negroes constitute an overwhelming majority of the population the entire control was under the negro vote. In Bertie County they had 16 negro justices of the peace. In Edgecombe County they had 31, in Craven County they had 27, in Vance County 15, in Granville 17, in Caswell 7—about 300 negro justices of the peace in North Carolina. Was that white domination? No man can say it. Craven County, in which Newbern is situated, in 1898 had 65 negro officials, among them the negro register of deeds, 3 negro deputy sheriffs, a negro coroner, a negro county commissioner, and many magistrates and school officials. And in that very campaign the Republican party in its regular convention nominated there:

A negro, I. H. Smith, for the legislature; a negro, C. C. Roach, for county treasurer; a negro, John Willis, for register of deeds; a negro, Dr. Lassiter, for coroner; a negro, Robert Moseley, for county commissioner; a negro, Judge Stanley, for constable of Newbern Township.

Gentlemen, that is the kind of domination that we had in certain parts of North Carolina. The county of New Hanover, in which is Wilmington, where my distinguished colleague [Mr. BELLAMY] resides, was cursed even with a worse situation of affairs than that.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAM W. KITCHIN. If I had the time, I would read some of Mr. BELLAMY'S testimony in his contested-election case. But I will state that New Hanover County had a majority of the justices of the peace who were negroes; a member of the board of county commissioners, the register of deeds, a majority of the policemen, and several city aldermen in the great city of Wilmington were negroes; and in that town robbery after robbery was committed almost in nightly succession, and the good women of that town were afraid to walk the streets in the daytime unescorted by gentlemen. Were these the results of white rule? Such were the facts which made the white men of North Carolina act precisely as any other men would have acted under similar circumstances in the 1898 campaign. But I deny that armed men with red shirts traveled from one section to another of that State, as the gentleman from North Carolina charges they did in the last campaign, for the purpose of influencing the election of a Senator or Congressman. I admit that in the 1898 campaign in 8 counties out of 96 there were organized Red Shirts, but I deny that there were any such organizations anywhere in the last campaign.

Mr. BLACKBURN. Is it not a fact that within the last three weeks or a month, after the negro question had been settled by the constitutional amendment according to the principles of your party, that in the county of Pasquotank a white man by the name of Willcox had been tried on the charge of murdering Nellie Cropsey, and that there were negro witnesses and two negroes on the grand jury in his trial?

Mr. WILLIAM W. KITCHIN. Mr. Chairman, what in the world has that to do with the statements that the gentleman made, and which I tell you are not correct? I did not say that there were not negro witnesses in North Carolina, and I did not say that negroes did not serve on juries. I say that they are accorded their rights under the law the same as white men are accorded their rights. We are trying to do justice to them and to the white men. Only yesterday Dr. Sheppard, a negro from North Carolina, made a speech in the city of Washington here in which he advised the negroes to remain in the South, because the Southern white people understand them. I deny the statement that armed bands of white men with red shirts went in the last campaign from one place to another to terrify the people. It is not true.

Mr. LESSLER. Do you know that the lately revered and sainted Richard Croker, of Tammany, organized colored Democratic clubs——

Mr. WILLIAM W. KITCHIN. I know that colored Democratic clubs have been organized.

Mr. LESSLER (continuing). And as a reward for services——

Mr. WILLIAM W. KITCHIN. I do not deny that the colored men have the right to vote the Democratic ticket, and I think that were they more intelligent and patriotic they would oftener vote the Democratic ticket. [Laughter on the Democratic side.]

Mr. LESSLER. Do you know that as a reward for services rendered he got an assistant——

Mr. WILLIAM W. KITCHIN. I do not know.

Mr. LESSLER. I am trying to tell you.

Mr. WILLIAM W. KITCHIN. You can make a speech in your own time and charge upon Mr. Croker what you see fit. My charge is that these bloody-bones stories related to the people of the country by the gentleman from North Carolina are baseless and exist only in the imagination of Republican politicians. I live in a section of North Carolina where white men predominate and where many white men are Republicans. We have many negroes, not a majority by any means, but a large number of negro voters. Wherever you find that the negroes predominate at the ballot or where they have a large proportion of voters there you find white men standing shoulder to shoulder. Men of intelligence, responsibility, and conscience in that great State unite in one solid effort to preserve their homes and their civilization against the evils and wrongs of negro domination.

If you go to the mountain counties, from one of which my colleague [Mr. BLACKBURN] comes, where there are few negroes, you will find, as in the North, the white men divide and line up on the great national questions and sometimes, as in my colleague's district, as it was in the last campaign, a district goes Republican. But down in the eastern part of the State, where the great cotton plantations are, in some counties the negroes outnumber the whites. There you find the negroes voting solidly together, and right there you find the white men almost solidly voting together, regardless of the issues of imperialism, trusts, money, protection, or anything else. No, Mr. Chairman, I can state that North Carolina has been misrepresented throughout the length and breadth of this country. All we ask, Mr. Chairman, is, if you have any friend down there in the manufacturing business write to him for the facts and he will tell you that he votes with the whites on local and State questions.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, $500.

Mr. WILLIAM W. KITCHIN. I move to strike out the last word. I will not detain the House, except to reply somewhat to the remarks of the gentleman from Massachusetts [Mr. GILLETT].

Mr. HULL. I am going to raise the point of order if you are going to discuss anything but the bill. I waited for the gentleman for ten minutes, so he could answer a question; and it seems to me to enter upon a field of this character that the gentlemen from North Carolina could fight it out on some other bill. I must preserve the time to try to get through with this bill.

Mr. WILLIAM W. KITCHIN. I will ask the gentleman to withhold the point of order on this particular motion. I just want to reply to some remarks made by the gentleman from Massachusetts, and I will leave the purely local qestion out.

Mr. HULL. I understand that, but there will be other bills that you can have opportunities on, and I have yielded the same amount of time to the other gentleman and yourself, and I hope the gentleman will not continue.

Mr. WILLIAM W. KITCHIN. I am not going to refer to the other gentleman from North Carolina.

Mr. HULL. But the gentleman is going to speak about matters which are foreign to the bill.

Mr. WILLIAM W. KITCHIN. I do not want to make any point of order upon the gentleman's bill.

Mr. HULL. I understand; but the gentleman desires to make a speech on another subject.

Mr. WILLIAM W. KITCHIN. I ask you to yield me five minutes, and then I will have nothing more to say.

Mr. HULL. I yield the gentleman five minutes.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in all kindness I desire to say to my friend that I did not bring up this race question and regret that it was brought up. I thought that the race question was going to be settled. The States of the South have adopted their various amendments, and I thought our section was to be left to settle those matters for itself. But so long as you gentlemen undertake to keep that question in national politics and hold it over us, and undertake to say that you will drive us and force the issue upon us, or anything like that, just so long the white men are going to unite; and just so long you will have that question in our politics. So I beg you to keep out this question.

Now, let me say a word about the social equality. When you gentlemen, like the gentleman from Massachusetts, state that we should not criticise the position of one who declares for social equality, though I may respect you, I can not indorse your position—I can not forbear to criticise you. I can not say stealing is wrong, and yet think it is right if you do it. I can not take the position that anarchy is wrong in another man, but if you are an anarchist it is all right. I can not take that position. If I regard a thing as wrong I am bound to regard him wrong who practices it. I believe social equality is wrong, and believing that, I believe the white man that encourages it or sets the example, it matters not where he is, is committing a wrong; and the higher his station the worse it is. I believe that the great principle that lies at the bottom of this social question is miscegenation or amalgamation of the races, or rather the preservation of the races. I believe if you want to keep them separate and apart, you must do like the laws of the Southern States say—you must not allow their intermarriage. If you allow intermarriage, and if they follow it, it means amalgamation; and when you amalgamate, though it may elevate the black man, it brings down the white man.

If you want to preserve to mankind the civilization of the world and to maintain the most progressive race on the face of the earth, you want to preserve the white race uncontaminated.

Now, if you believe in social equality, if you have social equality in your homes, at your table, in your parlors, it follows that there will be intermarriage, and when you have intermarriage it means amalgamation, and amalgamation means degradation of the most progressive, the most aggressive, and the most intellectual race on the face of the earth.

I care not how much Republican members of Congress may believe theoretically in social equality, how much they may defend social equality for political purposes, I do not believe there is one of them who—and if he lives in the city he has the opportunity—would invite to his home at a social function a half dozen of the most refined and educated colored women of his city.

I say he would not do it. Why? Would it be because he has not the lawful right? No; but when you propose to put the colored woman at the same table as the white woman and let them intermingle in the same parlor, that spirit of social repugnance heretofore mentioned this afternoon rises up and repels it. Why does it do it? Because down in the heart and judgment and conscience of every white man, it matters not what his political theories may be, that one little thought exists that the white man is superior to every other. Amalgamation is to be deplored, and the slightest approach to it will be resented by the white race to which the gentleman from Massachusetts and myself belong.

If you want to keep the greatest of the human races intact, pure, and progressive and aggressive, you must keep it as the Almighty himself made it, and not degrade it by contamination, if I may use the word, with the blood and brains of the inferior race. [Prolonged applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, $4,000.

Mr. FEELY. Mr. Chairman, I move to strike out the last word. In the defense this afternoon, or the attempted defense, of the Administration, in regard to the violation of the neutrality law——

Mr. HULL. Mr. Chairman, I rise to a point of order. The Administration is not on trial in this bill.

The CHAIRMAN. The point of order is well taken, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JENKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and had come to no resolution thereon.

CLARA H. FULFORD.

The SPEAKER laid before the House the following change of reference; which was made by unanimous consent: The bill (S. 916) for the relief of Clara H. Fulford, from the Committee on Ways and Means to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROUSSARD, for three days, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was given Mr. RYAN to print remarks on the Chinese-exclusion bill.

AGRICULTURAL APPROPRIATION BILL.

Mr. PAYNE. Mr. Speaker, the gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, requested me to present for him the report from that committee on the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The SPEAKER. The gentleman from New York, by request of the chairman of the Committee on Agriculture, presents the agricultural appropriation bill, which bill be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Alabama reserves all points of order.

STATUE OF ROCHAMBEAU.

Mr. PAYNE. Mr. Speaker, I present the following report from the Committee on Ways and Means.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, reports the following joint resolution, which the Clerk will read by title.

The Clerk read as follows:

House joint resolution 180, authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

The joint resolution was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

STOREKEEPERS AND GAUGERS.

Mr. PAYNE, from the same committee, also reported the bill (H. R. 12097) amending the internal-revenue laws in regard to storekeepers and gaugers; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

STATUE OF ROCHAMBEAU.

Mr. PAYNE. Mr. Speaker, I would like to have the House consider, as in Committee of the Whole House, joint resolution 180, just reported. It will take but a few minutes, and I think no one will object.

Mr. UNDERWOOD. Reserving the objection, I would like to hear the bill read.

The Clerk read the joint resolution, as follows:

Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

Whereas by act of Congress approved March 3, 1901, the Joint Committee on the Library was authorized to purchase a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; and

Whereas a contract has been entered into between said committee and Jules Bœufvé, chancellor and attaché of the French embassy to the United States, dated April 30, 1901, for the purchase thereof, for the sum of $7,500, delivered in Washington, D. C., but which contract provides that said Jules Boeufvé shall not be required to pay any customs duty for the admission of said statue and pedestal at any port of the United States: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to instruct the collector of customs at the port of importation to admit to entry free of customs duties the said statue and pedestal mentioned and described in said contract.

Mr. UNDERWOOD. I see no reason, Mr. Speaker, why I should object to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table, and referred to their appropriate committees as indicated below:

S. 2455. An act granting a pension to Genevieve Almira Sprigg Ludlow—to the Committee on Pensions.

S. 4850. An act to increase the pensions of soldiers and sailors who have lost limbs in the service—to the Committee on Invalid Pensions.

S. 2951. An act granting an increase of pension to Maria J. Wilson—to the Committee on Invalid Pensions.

S. 3505. An act granting an increase of pension to Matthew B. Noel—to the Committee on Invalid Pensions.

S. 1299. An act granting a pension to Ambrus U. Harrison—to the Committee on Invalid Pensions.

S. 1300. An act granting a pension to Judson N. Pollard—to the Committee on Invalid Pensions.

S. 2709. An act for the relief of John F. Finney—to the Committee on Claims.

S. 3779. An act for the relief of Thomas J. McGinnis—to the Committee on Claims.

S. 5153. An act granting an increase of pension to Eri W. Pinkham—to the Committee on Invalid Pensions.

S. 1478. An act for the erection of a public building at Marblehead, Mass.—to the Committee on Public Buildings and Grounds.

S. 2699. An act to provide for the temporary detention of persons dangerously insane in the District of Columbia—to the Committee on the District of Columbia.

S. 4577. An act for the relief of William McCarty Little—to the Committee on Naval Affairs.

S. 4647. An act to amend section 4929 of the Revised Statutes, relating to design patents—to the Committee on Patents.

S. 2638. An act granting a pension to David O. Carpenter—to the Committee on Invalid Pensions.

S. 2935. An act granting a pension to Joanna Rommel—to the Committee on Invalid Pensions.

S. 2551. An act granting a pension to Amelia Engel—to the Committee on Invalid Pensions.

S. 4983. An act granting an increase of pension to John W. Smoot—to the Committee on Invalid Pensions.

S. 2347. An act granting an increase of pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

S. 4293. An act granting an increase of pension to Elizabeth C. Vincent—to the Committee on Invalid Pensions.

S. 4979. An act granting an increase of pension to Paul Fuchs—to the Committee on Invalid Pensions.

S. 4871. An act granting an increase of pension to Helen M. Worthen—to the Committee on Invalid Pensions.

S. 3397. An act granting an increase of pension to Eliza A. Walker—to the Committee on Invalid Pensions.

S. 500. An act granting a pension to Samuel S. Beaver—to the Committee on Invalid Pensions.

S. 3321. An act granting an increase of pension to Patrick J. Murphy—to the Committee on Pensions.

S. 4393. An act granting an increase of pension to William M. Hodge—to the Committee on Invalid Pensions.

S. 3279. An act granting a pension to John Coolen—to the Committee on Pensions.

S. 2461. An act granting an increase of pension to George W. McDowell—to the Committee on Invalid Pensions.

S. 4238. An act granting an increase of pension to Philo F. Englesby—to the Committee on Invalid Pensions.

S. 4962. An act to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 2081. An act granting an increase of pension to Horatio W. Whitbeck—to the Committee on Invalid Pensions.

S. 5065. An act granting a pension to Jemima McClure—to the Committee on Invalid Pensions.

S. 4619. An act granting an increase of pension to Clifford Neff Fyffe—to the Committee on Invalid Pensions.

S. 4300. An act granting an increase of pension to Ann Comins—to the Committee on Invalid Pensions.

S. 3999. An act granting an increase of pension to Emma S. Hannah—to the Committee on Invalid Pensions.

S. 4758. An act granting an increase of pension to Mary L. Doane—to the Committee on Invalid Pensions.

S. 1593. An act granting an increase of pension to Ellen C. Winslow—to the Committee on Invalid Pensions.

S. 4783. An act granting an increase of pension to Mary Breckons—to the Committee on Invalid Pensions.

S. 4494. An act granting an increase of pension to Oscar Van Tassell—to the Committee on Invalid Pensions.

S. 1638. An act granting a pension to John R. Homer Scott—to the Committee on Invalid Pensions.

S. 2346. An act granting a pension to Amanda C. Bayliss—to the Committee on Invalid Pensions.

S. 4865. An act granting an increase of pension to Joseph D. Hazzard—to the Committee on Invalid Pensions.

S. 3998. An act granting an increase of pension to Emma L. Kimble—to the Committee on Invalid Pensions.

S. 2050. An act granting an increase of pension to Edward N. Goff—to the Committee on Invalid Pensions.

S. 4004. An act granting an increase of pension to Thomas L. Nelson—to the Committee on Invalid Pensions.

S. 148. An act to establish a fish-hatching and fish station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes—to the Committee on the Judiciary.

S. 280. An act to provide for enlarging the public building at Kalamazoo, Mich.—to the Committee on Public Buildings and Grounds.

S. 3401. An act for the relief of H. Glafcke—to the Committee on Claims.

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State—to the Committee on Foreign Affairs.

S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

S. 5269. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States—to the Committee on the Library.

S. 5059. An act granting a pension to May D. Liscum—to the Committee on Pensions.

S. 2048. An act granting an increase of pension to Louis G. Latour—to the Committee on Invalid Pensions.

S. 1038. An act granting an increase of pension to Gustavus C. Pratt—to the Committee on Invalid Pensions.

S. 4853. An act granting an increase of pension to Amos Moulton—to the Committee on Invalid Pensions.

S. 4665. An act granting an increase of pension to Oliver K. Wyman—to the Committee on Invalid Pensions.

S. 4730. An act granting an increase of pension to George W. Youngs—to the Committee on Invalid Pensions.

S. 4729. An act granting an increase of pension to Daniel A. Hall—to the Committee on Invalid Pensions.

S. 3032. An act granting a pension to Samuel J. Christopher and Jane Vickers—to the Committee on Invalid Pensions.

S. 1903. An act granting an increase of pension to Hamline B. Williams—to the Committee on Invalid Pensions.

S. 2755. An act granting a pension to Ruth H. Ferguson—to the Committee on Invalid Pensions.

S. 4941. An act granting an increase of pension to William Nichol—to the Committee on Invalid Pensions.

S. 4650. An act granting an increase of pension to Delania Ferguson—to the Committee on Pensions.

S. 3063. An act granting an increase of pension to H. J. Edge—to the Committee on Invalid Pensions.

S. 3298. An act granting an increase of pension to William A. Kimball—to the Committee on Invalid Pensions.

S. 3552. An act granting a pension to John A. Reilley—to the Committee on Invalid Pensions.

S. 4043. An act granting an increase of pension to Catharine A. Carroll—to the Committee on Invalid Pensions.

S. 3991. An act granting a pension to Waity West—to the Committee on Pensions.

S. 2511. An act granting a pension to William Phillips—to the Committee on Invalid Pensions.

S. 4455. An act granting an increase of pension to Hallowell Goddard—to the Committee on Invalid Pensions.

S. 3208. An act to authorize the Commissioners of the District of Columbia to refund certain license taxes—to the Committee on the District of Columbia.

S. 3555. An act for the relief of William Dugdale—to the Committee on Claims.

S. 4725. An act for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street—to the Committee on the District of Columbia.

S. 4663. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across the Red River, in the State of Louisiana, at or near Shreveport—to the Committee on Interstate and Foreign Commerce.

S. 4992. An act to provide an American register for the bark *Homeward Bound*—to the Committee on the Merchant Marine and Fisheries.

S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor," and providing for pensions to widows, minor children, and dependent parents—to the Committee on Invalid Pensions.

S. 4777. An act to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.—to the Committee on Interstate and Foreign Commerce.

S. 4776. An act to authorize the construction of a bridge across the Emory River in the State of Tennessee by the Tennessee Central Railway or its successors—to the Committee on Interstate and Foreign Commerce.

S. 4973. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army—to the Committee on Military Affairs.

S. 653. An act for the erection of a public building at Meriden, Conn.—to the Committee on Public Buildings and Grounds.

S. 177. An act for the erection of a public building at Providence, R. I.—to the Committee on Public Buildings and Grounds.

S. 2204. An act to provide for the erection of a public building at Findlay, Ohio—to the Committee on Public Buildings and Grounds.

S. 1812. An act to authorize the registration of the names of persons, firms, or corporations engaged in transportation business—to the Committee on Patents.

S. 2826. An act for the establishment of a fish-cultural station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

S. 4221. An act authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189—to the Committee on the District of Columbia.

S. 2229. An act for the relief of J. M. Bloom—to the Committee on Claims.

S. 3781. An act granting an increase of pension to George A. Mercer—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 12101. An act granting a pension to William E. Gray;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 2981. An act granting an increase of pension to Thomas Findley;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 12697. An act granting a pension to M. C. Rogers;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 13627. An act making appropriations to supply additional urgency deficiencies for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 2919. An act granting a pension to Christina Steiger;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 5695. An act granting an increase of pension to John M. Seydel;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 6895. An act granting an increase of pension to Richard P. Nichuals;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 8553. An act granting a pension to Joseph Tusinski; and

H. R. 11578. An act granting an increase of pension to John Gaston.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4798. An act to authorize the Quincy Railroad Company, its successors and assigns, to rebuild the drawspan of its bridge across the Mississippi River at Quincy, Ill.;

S. 4072. An act granting an increase of pension to Samuel J. Lambden;

S. 2082. An act granting an increase of pension to Louis Ward; and

S. 1512. An act granting an increase of pension to Mary Jane Faulkner.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending the purchase of a strip of land for roadway to Schooner Ledge (Pennsylvania) rear range light station—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, reported the same without amendment, accompanied by a report (No. 1698); which said bill and report were referred to the House Calendar.

Mr. LONG, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3746) to amend section 2593 of the Revised Statutes relating to ports of entry, reported the same without amendment, accompanied by a report (No. 1699); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory, reported the same without amendment, accompanied by a report (No. 1700); which said bill and report were referred to the House Calendar.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 123) to adopt the weights and measures of the metric system as the standard weights and measures of the United States, reported the same with amendments, accompanied by a report (No. 1701); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, reported the same with amendments, accompanied by a report (No. 1702); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13416) granting an increase of pension to Isabella H. Thompson, reported the same with amendment, accompanied by a report (No. 1670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13691) granting an increase of pension to James M. Conrad, reported the same without amendment, accompanied by a report (No. 1671); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5475) granting an increase of pension to August Schill, alias Silville, reported the same with amendments, accompanied by a report (No. 1672); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13249) granting an increase of pension to Ada Trowbridge, reported the same with amendment, accompanied by a report (No. 1673); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12780) granting an increase of pension to William H. Wheeler, reported the same with amendment, accompanied by a report (No. 1674); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4535) granting an increase of pension to Lydia M. Granger, reported the same without amendment, accompanied by a report (No. 1675); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7687) granting an increase of pension to Charles C. Washburn, reported the same with amendments, accompanied by a report (No. 1676); which said bill and report were referred to Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13439) granting an increase of pension to William Blanchard, reported the same without amendment, accompanied by a report (No. 1677); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13614) granting an increase of pension to William H. White, reported the same without amendment, accompanied by a report (No. 1678); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8856) granting an increase of pension to Leon King, reported the same with amendment, accompanied by a report (No. 1679); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3252) granting an increase of pension to Jesse W. Bice, reported the same without amendment, accompanied by a report (No. 1680); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13479) granting a pension to Ira P. Smith, reported the same without amendment, accompanied by a report (No. 1681); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 832) granting an increase of pension to William Clark, reported the same with amendments, accompanied by a report (No. 1682); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3672) granting a pension to James Scannell, reported the same without amendment, accompanied by a report (No. 1683); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13143) granting an increase of pension to Susan Parker, reported the same with amendments, accompanied by a report (No. 1684); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12109) granting an increase of pension to Frederick Benefeldt, reported the same with amendments, accompanied by a report (No. 1685); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4969) granting an increase of pension to Abbie George, reported the same without amendment, accompanied by a report (No. 1686); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8476) granting an increase of pension to Moses S. Curtis, reported the same with amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1681) granting a pension to Erma G. Harvey, reported the same with amendments, accompanied by a report (No. 1688); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 234) granting an increase of pension to James Frey, reported the same without amendment, accompanied by a report (No. 1689); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12685) granting a pension to H. J. Springfield, reported the same with amendments, accompanied by a report (No. 1690); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6625) granting an increase of pension to Mrs. R. L. Downing, reported the same with amendments, accompanied by a report (No. 1691); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2738) granting an increase of pension to James W. Hankins, reported the same without amendment, accompanied by a report (No. 1692); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9695) granting an increase of pension to Evaline Jenkins, widow of David B. Jenkins, reported the same with amendments, accompanied by a report (No. 1693); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 899) granting an increase of pension to George F. Bowers, reported the same without amendment, accompanied by a report (No. 1694); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 5018) granting a pension to Johann Conrad Haas, reported the same with amendments, accompanied by a report (No. 1695); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committtee on Invalid Pensions, to which was referred the bill of the House (H. R. 13265) granting an increase of pension to John Whalen, reported the same with amendment, accompanied by a report (No. 1696); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2975) granting an increase of pension to Levi Hatchett, reported the same with amendment, accompanied by a report (No. 1697); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 7344) for the relief of T. J. Coleman, reported the same without amendment, accompanied by a report (No. 1703), which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2602) for the relief of Nelson Dalbec, reported the same without amendment, accompanied by a report (No. 1704); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 11010) for the relief of Ramon O. Williams and Joseph A. Springer, reported the same without amendment, accompanied by a report (No. 1705); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9411) for the relief of P. B. S. Pinchback, reported the same without amendment, accompanied by a report (No. 1706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3880) for the relief of Patrick J. Madden, reported the same without amendment, accompanied by a report (No. 1707); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Ways and Means was discharged from the consideration of the bill (H. R. 12294) for the relief of the Southern California Railway Company, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RANDELL of Texas: A bill (H. R. 13868) to provide for the purchase of a site and the erection of a public building thereon at Denison, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. NORTON: A bill (H. R. 13869) to permit the regulation of hours which shall constitute a day's work for clerks or employees in a drug store or pharmacy by the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: A bill (H. R. 13870) to amend an act entitled "An act to create a customs district of the Territory of Arizona," approved April 29, 1890—to the Committee on Ways and Means.

By Mr. NORTON: A bill (H. R. 13871) granting pensions to honorably discharged officers and enlisted men in the military and naval service of the United States during the civil war—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13872) to provide for the appointment of official stenographers for the supreme court of the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCLEARY: A bill (H. R. 13873) granting the right of way for telegraph and telephone lines in Alaska—to the Committee on the Public Lands.

By Mr. McRAE: A bill (H. R. 13874) to determine the jurisdiction of the circuit and district courts of the United States in suits by and against corporations, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona—to the Committee on Indian Affairs.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903—to the Union Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 13876) granting an honorable discharge to John Sullivan—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 13877) granting an increase of pension to William M. Henry—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13878) granting a pension to W. W. Houston—to the Committee on Invalid Pensions.

By Mr. FEELY: A bill (H. R. 13879) to remove the charge of desertion against James Denney—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 13880) granting a pension to John W. Holcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13881) granting a pension to W. M. Wilson—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 13882) granting an increase of pension to James W. Jarrell—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13883) granting a pension to Adaline R. Ranney, widow of Zadoc Dexter—to the Committee on Pensions.

By Mr. LESTER: A bill (H. R. 13884) granting an increase of pension to Catherine Cook, widow of Thomas Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13885) granting a pension to Parker C. Dunn—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 13886) granting an increase of pension to Henry Rogers—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13887) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13888) granting an increase of pension to Emma B. Hartley—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 13889) for the relief of legal representatives of James W. Grinter, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 13890) granting an increase of pension to John C. Cavanaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13891) granting a pension to Hiram A. Sheldon—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13892) granting an increase of pension to John E. Ammel—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 13893) granting a pension to Ella F. Shandrew—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 13894) for the relief of Jacob Miltenberger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Mine Workers' Union No. 1263, of Monongahela City, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, held at Kansas City, Mo., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, held at Kansas City, Mo., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Resolution of the town council of South Kingston, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of Polish Ladies' Society of Pittsburg, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Colonel William H. Moody Post, No. 155, of Pittsburg, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): Protest of Pierpoint

Bros. & Co. and citizens of Butler, Mo., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Papers to accompany House bill 5954, granting a pension to Alfred H. Rogers—to the Committee on Invalid Pensions.

By Mr. FEELY: Papers to accompany House bill relating to the correction of the military record of James Denney—to the Committee on Military Affairs.

By Mr. GORDON: Petitions of John Miller Post, No. 685, of Osgood, and G. W. Larimore Post, No. 445, of Versailles, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 10426, to amend the military record of Isaac A. Kase—to the Committee on Military Affairs.

By Mr. JACK: Resolutions of John F. Croll Post, No. 156, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KERN: Petitions of Pecan Grove Creamery Company and merchants of Okawville, Ill., favoring House bill 9206—to the Committee on Agriculture.

Also, resolutions of Glass Workers' Union No. 9509, of Belleville, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Papers to accompany House bill granting a pension to Adaline R. Ranney, widow of Zadoc Dexter—to the Committee on Pensions.

By Mr. KNOX: Petition of Association of Machinists of Lawrence, Mass., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHONEY: Petitions of two Polish societies of Chicago, Ill., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. MANN: Resolutions of the Lake Carriers' Association of Buffalo, N. Y., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Zgoda Society, of South Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Reid, Murdoch & Co., of Chicago, Ill., favoring the passage of Senate bill 3057, relating to irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., against the construction of a Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts; Resolutions of Bay State Lodge No. 73, Locomotive Firemen, of Worcester, Mass., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of James Chatfield and other citizens of Baker City, Oreg., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. MORRELL: Resolutions of James Ashworth Post, No. 334, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS: Petition of Brotherhood of Locomotive Firemen of Staples, Minn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Locomotive Firemen, Lodge No. 443, Staples, Minn., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Polish society of Gniezno, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. OTEY: Petition of Federal Labor Union No. 8337, of Roanoke, Va., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of Mine Workers' Union No. 1640, of Minersville, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Resolutions of Typographical Union No. 78, of Fort Wayne, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolutions of Mine Workers' Union No. 746, of Gallup, N. Mex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of the directors of the Connecticut Temperance Union, relative to post exchanges—to the Committee on Military Affairs.

By Mr. WACHTER: Petition of John E. Ammel for increase of pension—to the Committee on Invalid Pensions.

By Mr. WARNER: Resolutions of Charles E. Hovey Post, No. 786, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. YOUNG: Protest of Woman's Board of Home Missions of the Presbyterian Church against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, relating to House bill 7645, to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *April 22, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FRANCES L. ACKLEY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER were appointed.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of Newport Lodge, No. 119, International Association of Machinists, of Newport, R. I., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of the Central Labor Union of Whatcom, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. TELLER presented a memorial of the Arikari Valley Live Stock Association, of Cope, Colo., remonstrating against the leasing of the public lands of the West; which was referred to the Committee on Public Lands.

He also presented a petition of Smeltermen's Local Union No. 94, American Federation of Labor, of Golden, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of the German-American Central Verein, of Denver, Colo., remonstrating against the enactment of further legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Colorado State Board of Horticulture, praying for the enactment of legislation to protect the wild birds of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Bryan Good Government Club, of New Castle, Colo., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Cigar Makers' Local Union No. 129, of Denver, Colo., remonstrating against any reduction of the duty on Cuban cigars; which was referred to the Committee on Finance.

He also presented a petition of Rocky Mountain Division No. 77, Order of Railroad Telegraphers, of Denver, Colo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of a substitute for the same; which was ordered to lie on the table.

He also presented petitions of Journeymen Barbers' Local Union No. 205, American Federation of Labor, of Denver; of Upholsterers' Local Union No. 22, American Federation of Labor, of Denver; and of Local Division No. 540, Brotherhood of Locomotive Fireman, of Denver, Colo., praying for the reenactment of the Chinese exclusion law; which were ordered to lie on the table.

Mr. HOAR presented a petition of North Shore Lodge No. 468, International Association of Machinists, of Salem, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. PROCTOR presented a petition of Stannard Post, No. 2, Department of Vermont, Grand Army of the Republic, of Burlington, Vt., praying for the enactment of legislation providing for the improvement and extension of the post exchange; which was referred to the Committee on Military Affairs.

He also presented petitions of Quarrymen's Amalgamated Union No. 9666, of Graniteville, and of Reed and Rattan Workers' Local Union No. 8693, of Brattleboro, in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUARLES presented a petition of sundry citizens of Merrill, Wis., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union, of Brooklyn, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman Suffrage Association of Wisconsin, praying for the enactment of legislation to authorize the appointment of a commission to investigate woman suffrage in those States where the same has been tried; which was referred to the Committee on Woman Suffrage.

He also presented memorials of the Advancement Association, of Dorchester; of Cigar Makers' Local Union No. 182, of Madison; of Cigar Makers' Local Union No. 168, of Oshkosh; of Cigar Makers' Local Union No. 341, of Neenah; of Cigar Makers' Local Union No. 85, of Eau Claire, and of Cigar Makers' Local Union No. 61, of La Crosse, all in the State of Wisconsin, remonstrating against the enactment of legislation to reduce the tariff on imports from Cuba; which were referred to the Committee on Relations with Cuba.

Mr. PLATT of New York presented petitions of Laborers' Protective Union No. 9465, of Corinth; of the Central Federation of Labor, of Troy; of Steel Cabinet Workers' Union No. 7294, of Jamestown; of Mohican Lodge, No. 482, International Association of Machinists, of Palmer; of the Printing Press Assistants' Union, of Buffalo, and of Laborers' Protective Union No. 8856, of Middletown, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. COCKRELL presented a petition of Lodge No. 371, Brotherhood of Locomotive Firemen, of Nevada, Mo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Division No. 2, Order of Railroad Telegraphers, of St. Louis, Mo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of a substitute for the same; which was ordered to lie on the table.

He also presented petitions of Bakers' Local Union No. 83, of St. Joseph; of Stereotypers and Electrotypers' Local Union No. 6, of Kansas City; of the American Federation of Labor; of Local Division No. 321, Order of Railway Conductors, of Springfield; of Local Division No. 51, Brotherhood of Locomotive Firemen, of Springfield; and of Local Division No. 290, Brotherhood of Locomotive Firemen, of Hannibal, all in the State of Missouri, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the board of directors of the Missouri, Kansas and Oklahoma Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of sundry citizens of Sanborn, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Great Northern Division No. 178, American Federation of Labor, of Grand Forks, N. Dak., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of sundry citizens of Louisville, Ky., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of Mine Workers' Local Union No. 19, of Coalcreek, Tenn., praying for the passage of the so-called eight-hour bill, and also for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of 16 citizens of Williamson County, Tenn., and a petition of 80 citizens of Tennessee, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. FORAKER presented sundry papers to accompany the bill (S. 2206) for the relief of Robert W. Caldwell; which were referred to the Committee on Military Affairs.

He also presented petitions of 141 citizens of Sycamore, Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Branch No. 55, United Brotherhood of Leather Workers on Horse Goods, of Marietta, Ohio, praying for the enactment of legislation to establish a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 66 citizens of Youngstown, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 91 citizens of Ohio, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Barbers' Local Union No. 27, of Findlay; of Local Union No. 416, of Norwalk; of Flint Glass Workers' Local Union No. 31, of Fostoria; of Painters, Decorators, and Paper Hangers' Local Union No. 815, of Bowling Green; of Local Union No. 213, of Cincinnati, and of Miners' Local Union No. 1753, of Byesville, all of the American Federation of Labor; and of Lodge No. 175, Brotherhood of Locomotive Firemen, of Newark, all in the State of Ohio, praying for the enactment of legislation to exclude Chinese laborers from the United States and its insular possessions; which were ordered to lie on the table.

He also presented petitions of Local Union No. 225, of Toledo; of Labor Union No. 7320, of Cambridge; of Local Union No. 25, of Piqua; of Journeymen Bakers' Local Union No. 94, of Springfield; of Boot and Shoe Workers' Local Union No. 241, of Columbus; of the Painters, Decorators, and Paper Hangers' Local Union No. 315, of Bowling Green; of the Central Trades and Labor Council of Zanesville; of Press Assistants' Local Union No. 17, of Cincinnati; of Local Union No. 248, of Columbus; of the Central Labor Union of Canton; of the Central Trades and Labor Council of Coshocton; of the Trades and Labor Council of Chillicothe; of the Labor Council of Ironton; of Federal Labor Union No. 8989, of Bowling Green; of the Central Trades Council of Sidney; of Local Union No. 77, of Chillicothe; of the Central Labor Union of Ashtabula, and of Valley City Federal Union, No. 8649, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of 79 citizens of Cincinnati, Ohio, praying for the enactment of legislation to promote the efficiency of the clerical service of the United States Navy by organizing a clerical corps therefor; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the Board of Trade of Wilmington, Del., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the petition of citizens of Ottumwa, Iowa, favoring the appointment of a committee of Congress to

investigate the equal suffrage question, asked to be discharged from its further consideration, and that it be referred to the Select Committee on Woman Suffrage; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi, to build and maintain a railway bridge across Pearl River, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5294) granting an increase of pension to William F. Horn; and

A bill (H. R. 5150) granting a pension to Mary C. Trask.

Mr. KEARNS, from the Committee on Public Lands, to whom was referred the bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 1797) granting an increase of pension to Benjamin Russell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7678) granting a pension to Mary Holmes;

A bill (H. R. 10173) granting an increase of pension to Richard Trist;

A bill (H. R. 10179) granting an increase of pension to Theron R. Mack; and

A bill (H. R. 12370) granting a pension to Ida M. Briggs.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 10782) granting a pension to Ole Steensland, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 2084) granting an increase of pension to Samuel E. Ewing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4759) granting an increase of pension to Martha Clark, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3676) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3341) granting an increase of pension to Robert H. Busteed; and

A bill (H. R. 4994) granting a pension to Lydia Carr.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 2336) granting a pension to Rebecca Coppinger, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1742) granting an increase of pension to Alonzo Lewis; and

A bill (H. R. 5170) granting an increase of pension to Frederick Wright.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4945) granting a pension to Shadrack I. Corbett; and

A bill (H. R. 7149) granting an increase of pension to Ephraim D. Dorman.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 8349) granting a pension to John Watts, reported it with an amendment, and submitted a report thereon.

He also from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 12504) granting a pension to James B. Hashbargar; and

A bill (H. R. 4927) granting a pension to George Tucker.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9370) granting an increase of pension to John J. Wolfe;

A bill (H. R. 11168) granting an increase of pension to Isaac Phipps; and

A bill (H. R. 4008) granting a pension to Christopher Columbus Sheets.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4638) granting a pension to Mrs. Joseph M. Sudsberg; and

A bill (S. 4927) granting a pension to Hattie M. Whitney.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5789) granting an increase of pension to Joseph Seithen; and

A bill (H. R. 13066) granting an increase of pension to Obed D. Jasper.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5711) granting an increase of pension to James R. Brockett, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3661) granting an increase of pension to George W. Edmunds;

A bill (S. 3730) granting an increase of pension to Jonas Olmstead; and

A bill (H. R. 5111) granting an increase of pension to James G. Bowland.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5321) granting a pension to Rebecca H. Geyer;

A bill (S. 3331) granting a pension to Ada V. Park; and

A bill (S. 4706) granting a pension to William Harrington.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard; and

A bill (H. R. 5254) granting an increase of pension to Enos G. Budd.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 282) granting an increase of pension to John O'Rourke;

A bill (H. R. 4426) granting an increase of pension to Daniel Sims;

A bill (H. R. 11895) granting a pension to Thomas Holloway; and

A bill (H. R. 12468) granting an increase of pension to Phineas Curran.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

Mr. BERRY. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo. A bill similar in character—that is, a bill meaning precisely the same thing, different in a few words—passed the Senate. Both bills mean precisely the same thing. The bill consists of only half a dozen lines, and I ask for its present consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Has the Senate bill gone to the House?

Mr. BERRY. The Senate bill has gone to the House, and I move that it be recalled.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the House be requested to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

The motion was agreed to.

RED RIVER BRIDGE, AT SHREVEPORT, LA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and

maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar.

Mr. BERRY. A precisely similar bill has passed the Senate. I move that the House be requested to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The motion was agreed to.

CENTRAL ARIZONA RAILWAY.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands to report back the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve. This is a Senate bill, which passed both Houses, and while it was in the hands of the Executive, for some reason which is immaterial now, it was recalled by a concurrent resolution of the two Houses. On the return of the bill to the Senate it was referred to the Committee on Public Lands. That committee has had the bill under consideration this morning, and I am directed to report it back in the form in which it reached the committee and request that it be returned to the President for his action.

Mr. TILLMAN. I did not exactly catch the purport of the Senator's explanation. Does he mean that the President has conferred with his committee or that the committee has sent for this bill and has had it under consideration and is advising the President as to his signature of the bill, or what is it? Is it a law up to the signature of the President? In other words, has it passed both Houses?

Mr. HANSBROUGH. It has.

Mr. TILLMAN. Then what have we to do with it here?

Mr. HANSBROUGH. It was recalled from the Executive by a concurrent resolution of the two Houses, and came back to the Committee on Public Lands, whence it originated.

Mr. TILLMAN. What about the other House? Has the other House had it back and considered it?

Mr. HANSBROUGH. I do not know that the other House will need to take any action upon it.

Mr. TILLMAN. After the bill has been recalled from the President can we send it back to the President without a concurrent resolution or a reenactment, or something of that kind? I am merely inquiring for information.

Mr. HANSBROUGH. My opinion is that, this being a Senate bill, we have jurisdiction of it.

Mr. TILLMAN. When a bill has been recalled from the President by a concurrent resolution, can we do anything with it unless we reenact it in both Houses? In other words, the other House has not been consulted as to whether it should be returned to the President or not?

Mr. HANSBROUGH. I suppose the other House, if the contention of the Senator from South Carolina is correct——

Mr. TILLMAN. I am not making any contention. I am merely making an inquiry for information.

Mr. HANSBROUGH. Will the Senator allow me to finish my sentence? I was about to say that I suppose the other House, if the contention of the Senator is correct, will take due notice of the parliamentary situation and take the same action which I am now asking shall be taken here.

Mr. TILLMAN. I should like to ask the Chair to rule as to the legal status or the parliamentary status of the bill.

The PRESIDENT pro tempore. In the opinion of the Chair, the bill having been recalled by a concurrent resolution of the Senate, and having been before a committee of the Senate, that committee now reporting it with a request that it be returned to the President, it can be returned to him, and if he approve it he will send it back to the Senate and the notification of his approval will go to the House. The Chair thinks there is no difficulty about it. The bill has been reported back with the request that it be returned to the President.

Mr. HOAR. It seems to me that the ruling of the Chair is absolutely in accordance with parliamentary law. Both Houses have passed the bill, and the Senate, after having passed it, desired to reconsider it. The House has expressed no doubt of its original action at all. The House, however, was asked to concur in the request that the bill be returned to the Senate. Both Houses having passed it, the Senate asked the House to concur in desiring that it be returned to the Senate. That has been done; and on the reconsideration by the Senate, if there is no objection, it goes back to the President for his approval. I do not understand that the House has manifested any desire of its own to reconsider it there.

Mr. TILLMAN. I should like to ask the Senator, though, to explain how the House loses touch of the bill. For instance, it has joined the Senate in a concurrent resolution asking for its recall.

Mr. HOAR. But the House——

Mr. TILLMAN. Now, unless the House reenacts the bill or expresses its approval of its return to the President it seems to me we are ignoring the House.

Mr. HOAR. The request for its return does not wipe out the previous action of both Houses. It stands as a bill that both Houses have enacted. The Senate desired to reconsider the matter, and now no action is required, except that the Senate sends it back to the President, saying that it leaves its original action to stand, and it stands.

Now, the question is whether courtesy to the House, that we asked to join us in the request, requires us to submit the bill again to that body for reconsideration. But they have not expressed any desire to reconsider their action at all. They merely consented to the request of the Senate for the recall of the bill.

Mr. HANSBROUGH. So far as we know they may take the same action we are about to take here to-day; and with that, of course, we have nothing to do.

Mr. HOAR. It seems to me that the conclusion of the Chair is absolutely right.

The PRESIDENT pro tempore. Without objection, then, the bill will be returned to the President of the United States.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. HARRIS introduced a bill (S. 5359) granting an increase of pension to Hampton B. Farmer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 5360) granting an increase of pension to John Ritchart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 5361) granting an increase of pension to Martha A. Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5362) for the relief of Charles R. Biederman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5363) granting an increase of pension to Alfred R. Babb;

A bill (S. 5364) granting an increase of pension to Hiram F. Armstrong; and

A bill (S. 5365) granting an increase of pension to Sarah A. Creed (with accompanying papers).

Mr. PROCTOR introduced a bill (S. 5366) granting an increase of pension to Laura A. Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5367) for the relief of Charles Y. Squier; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5368) to authorize the appointment of district court commissioners and to delineate the duties thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 5369) granting an increase of pension to Charles R. Allen; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles R. Allen for increase of pension, together with affidavits of Dr. J. Jay Boyd, John Chapman, and R. L. Hottel. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5370) granting a pension to William McNelis; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of William McNelis, Captain Eliott's company, Lawrence County, Mo., Home Guards, with Pension Office letter, and affidavits of Dr. Z. C. Denney, J. A. Barker, Porter Allen, R. P. Colley, and J. J. Spilman, and numerously signed petition of neighbors. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5371) granting an increase of pension Jonathan O. Thompson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Jonathan O. Thompson for increase of pension, with affidavits of Dr. John T. White, E. E. Conklin, and G. H. Gilliland, and letters from the Pension Office and War Department. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5372) granting an increase of pension to Christine Lusk; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Christine Lusk, with affidavits of Dr. G. Ettmueller, E. L. King, and Julius Wagner, and military record of William H. Lusk, major, Tenth Missouri Cavalry, etc. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5373) granting a pension to Michael Connor; which was read twice by its title.

Mr. COCKRELL. In the Fifty-sixth Congress, second session, Senate bill No. 551, for the relief of Michael Connor, was introduced, together with the affidavits of Michael Connor, the claimant, Andrew Condra, James Kinsley, and one other, and they are on file now. I move that the papers on file may be withdrawn and referred to the Committee on Pensions, with the bill now introduced.

The motion was agreed to.

Mr. FORAKER introduced a bill (S. 5374) to provide for the erection of a monument in the city of Washington, D. C., in memory of those who lost their lives on the steamer Sultana, April 27, 1865; which was read twice by its title and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5375) granting a pension to Benjamin F. Cory (with an accompanying paper);

A bill (S. 5376) granting an increase of pension to Edwin M. Bradford (with accompanying papers);

A bill (S. 5377) granting an increase of pension to John B. Eaton (with an accompanying paper);

A bill (S. 5378) granting an increase of pension to Abiah Richards (with accompanying papers); and

A bill (S. 5379) granting a pension to Catharine M. Heaton (with accompanying papers).

Mr. HAWLEY introduced a bill (S. 5380) to increase the efficiency of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PATTERSON introduced a bill (S. 5382) for the relief of Joshua T. Reynolds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in September in each year; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5384) for the relief of the estate of Mrs. E. Ann Lowry, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5385) granting an increase of pension to George Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5386) granting an increase of pension to James Fly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL introduced a joint resolution (S. R. 83) directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington; which was read twice by its title, and referred to the Committee on Commerce.

THE PETRIFIED FOREST NATIONAL PARK.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 8336) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park; which was referred to the Committee on Public Lands, and ordered to be printed.

ESTATE OF H. V. M. MILLER.

Mr. CLAY submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay to Hooper Alexander, administrator of the estate of H. V. M. Miller, deceased, late a Senator from the State of Georgia, $6,602.74, due him as a Senator of the United States from March 4, 1867, to July 28, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

TRANSPORTATION AND SALE OF MEAT PRODUCTS.

Mr. HARRIS. In the Fifty-first Congress the Senate appointed a committee composed of Senator VEST, Senator Plumb, and Senator Coke, who made an exhaustive report on the so-called beef trust. The supply of this document has long ago been exhausted, and in view of the present situation it has become a matter of very great interest. I therefore offer a resolution and ask to have it read and referred to the Committee on Printing.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

PROPOSED ADJOURNMENT.

Mr. HOAR. I submit a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved, That when the Senate meets on Thursday, May 1, it shall be adjourned by the Presiding Officer until Monday, May 5, at 12 o'clock.

Mr. HOAR. I should like to be allowed to say one word about the resolution, and then to have it go over.

It was the custom of the Senate down to a very recent period to take at this season of the year an adjournment of half a week at least, or from Tuesday of one week to Monday of the next. I do not think it has ever been found that it delayed or postponed the final adjournment, and it is very convenient for various reasons. That time especially is always used to take up the carpets, with their accumulation of winter dust and dirt, and have a cleansing of the Chamber.

I will not ask to have the Senate act on the resolution now. I should like to have it go over, in order that gentlemen who have various important measures in charge may look at it and see whether it is going to interfere with their management of those measures.

The PRESIDENT pro tempore. The resolution will go over, under the rule.

Mr. PETTUS. I desire to call the attention of the Senate to the fact that important special business has been, by unanimous consent, set for next Thursday.

Mr. HOAR. What business is that?

Mr. BLACKBURN. Executive business.

Mr. PETTUS. It is executive business which has been appointed, by general consent, to be disposed of next Thursday.

Mr. HOAR. I thought that order was for Thursday of this week.

Mr. LODGE. It is.

Mr. BERRY. It is this week.

Mr. SCOTT. It is this week.

Mr. HOAR. My resolution applies to next week, not to this week.

The PRESIDENT pro tempore. The resolution has gone over under the rule.

Mr. HOAR. I should like simply to say that I wanted Senators to have full notice of it. I have spoken to several Senators who have a good deal of business to do, notably the chairman of the Committee on Appropriations, and they all favor it.

FOOD, ADULTERATION, ETC.

Mr. MCCUMBER. I desire to give notice that on Friday, immediately after the routine morning business, I shall submit some remarks on the pure-food bill reported by the Senate Committee on Manufactures.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 2966) for the relief of George W. King;

A bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; and

A joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boombower.

The message also announced that the House had passed a joint

resolution (H. J. Res. 180) authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1512) granting an increase of pension to Mary Jane Faulkner;

A bill (S. 2082) granting an increase of pension to Louis Ward;

A bill (S. 4072) granting an increase of pension to Samuel J. Lambden;

A bill (S. 4798) to authorize the Quincy Railroad Company, its successors and assigns, to rebuild the drawspan of its bridge across the Mississippi River at Quincy, Ill.;

A bill (H. R. 611) granting an increase of pension to Theodore F. Collins;

A bill (H. R. 1326) granting an increase of pension to Thomas Thatcher;

A bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff;

A bill (H. R. 1486) granting an increase of pension to Charles A. Perkins;

A bill (H. R. 1636) granting an increase of pension to James Austin;

A bill (H. R. 2113) granting an increase of pension to Mary J. Clark;

A bill (H. R. 2241) granting an increase of pension to Dorothy S. White;

A bill (H. R. 2600) granting an increase of pension to Richmond L. Booker;

A bill (H. R. 2919) granting a pension to Christina Steiger;

A bill (H. R. 2981) granting an increase of pension to Thomas Findley;

A bill (H. R. 2994) granting an increase of pension to Eliza J. Noble;

A bill (H. R. 3264) granting an increase of pension to William B. Matney;

A bill (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston;

A bill (H. R. 5258) granting an increase of pension to William Eastin;

A bill (H. R. 5695) granting an increase of pension to John M. Seydel;

A bill (H. R. 5910) granting an increase of pension to Reuben Wellman;

A bill (H. R. 6080) granting an increase of pension to Mariah J. Anderson;

A bill (H. R. 6081) granting an increase of pension to Frances T. Anderson;

A bill (H. R. 6699) granting a pension to Esther A. C. Hardee;

A bill (H. R. 6805) granting an increase of pension to Robert E. Stephens;

A bill (H. R. 6895) granting an increase of pension to Richard P. Nichuals;

A bill (H. R. 7369) granting an increase of pension to Perry H. Alexander;

A bill (H. R. 8553) granting a pension to Joseph Tusinski;

A bill (H. R. 8782) granting an increase of pension to Myron C. Burnside;

A bill (H. R. 9018) granting a pension to Ida D. Greene;

A bill (H. R. 9415) granting an increase of pension to James Matthews;

A bill (H. R. 9847) granting an increase of pension to Zachariah R. Saunders;

A bill (H. R. 9986) granting an increase of pension to James Moore;

A bill (H. R. 9999) granting an increase of pension to George W. Guinn;

A bill (H. R. 10090) granting a pension to James F. P. Johnston;

A bill (H. R. 10091) granting a pension to Blanche Duffy;

A bill (H. R. 10230) granting an increase of pension to Harrison C. Vore;

A bill (H. R. 10841) granting an increase of pension to Margaret Hoefer;

A bill (H. R. 11314) granting an increase of pension to Mary E. Pettit;

A bill (H. R. 11578) granting an increase of pension to John Gaston;

A bill (H. R. 11782) granting an increase of pension to Ellen Hockenbury;

A bill (H. R. 11924) granting an increase of pension to Lewis H. Delony;

A bill (H. R. 12101) granting a pension to William E. Gray;

A bill (H. R. 12136) granting an increase of pension to Stephen May;

A bill (H. R. 12697) granting a pension to M. C. Rogers; and

A bill (H. R. 13627) making appropriations to supply additional urgency deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

UNION RAILROAD STATION.

Mr. MCMILLAN. According to the notice I gave, I move to take up Senate bill 4825, to provide for a union railroad station.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. MCMILLAN. The other day when the bill was up the Senator from Arkansas [Mr. JONES] objected and the bill went over on his objection. He is away to-day, but he authorized me to state that after examining the bill thoroughly he withdraws his objection and that he is in favor of the bill. I ask that the amendments which were offered the other day from the committee be considered in their order.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

The first amendment of the Committee on the District of Columbia was, in section 1, page 2, line 18, after the word "continuing," to strike out "along" and insert "under the west side of;" so as to read:

Thence curving to the northward, crossing over Canal street and South Capitol street, with a clearance of not less than 14 feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street SE., and B street SE. at the intersection with First street; thence continuing under the west side of First street to near E street NE.; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for.

The amendment was agreed to.

The next amendment was, in section 4, page 9, line 23, after the word "upon," to strike out "square" and insert "squares," and in line 24, after the words "seven hundred and eleven," to insert "seven hundred and twelve, and seven hundred and thirteen;" so as to make the section read:

SEC. 4. That in order to provide terminal facilities for the freight traffic of the Baltimore and Ohio Railroad Company in lieu of those which said company is now authorized to have within the area to be occupied by the passenger station and terminal described, in the act relating to it, approved February 12, 1901, the said Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered (in addition to the power and authority conferred upon it by the provisions of said act relating to it, approved February 12, 1901) to locate, construct, maintain, and operate tracks, switches, sheds, warehouses, other structures, and facilities necessary or proper for a freight-delivery yard and terminal in Eckington, in, over, and upon the bed of Quincy street and Third street between New York avenue and R street, and in and upon the property bounded by New York avenue, Florida avenue, Eckington place, and R street, outside the limits of the city of Washington; and also within the city of Washington in, over, and upon the bed of Second street between M and N streets and in and upon squares 711, 712, and 713, and said company is hereby authorized to acquire, by purchase or condemnation, as provided in this act, the lands and property necessary for the additional freight facilities above mentioned.

The amendment was agreed to.

The next amendment was, in section 5, page 12, line 8, after the words "Delaware avenue and," to strike out "the west 40 feet of Delaware avenue;" and in line 10, after the words "L street and," to insert "so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom;" so as to read:

In the city of Washington, Ivy street, between South Capitol street and a point 220 feet east thereof, Second street NE. between N street and Delaware avenue, and between the north side of M street and the south side of L street, and so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom; also all parts of streets included within the area of the terminal herein described, except H and K streets, etc.

The amendment was agreed to.

The next amendment was, in section 9, page 20, line 24, after the words "And provided further," to strike out "That the right to institute condemnation proceedings as authorized in this section shall cease and expire two years after the date of approval of this act," and in lieu thereof to insert:

That any property owner whose land is included within such location shall have the right, within two years, to begin proceedings to compel the appropriation of said land by said company and the payment of damages in the same manner as if the proceedings had been instituted by the company under the provisions of this act.

The amendment was agreed to.

Mr. CULBERSON. I desire to ask if there is a report of the committee accompanying the bill.

Mr. MCMILLAN. There is a report, which has been printed for some time.

Mr. CULBERSON. I ask that the report of the committee be read.

Mr. McMILLAN. There is both a report of the committee and a report of the Commissioners of the District of Columbia.

The PRESIDENT pro tempore. Will the Senator withhold the request until action is had on the remaining amendment of the committee?

Mr. CULBERSON. Certainly.

The next amendment was, in section 12, page 25, line 7, after the word "thereto," to strike out "and to authorize the use of;" so as to make the section read:

SEC. 12. That the Commissioners of the District of Columbia are hereby authorized and directed to lay out on the plaza provided for in this act and on the streets extending thereto, such extensions of street-railway lines as may be necessary to accommodate public traffic to and from said union station.

The amendment was agreed to.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. McMILLAN on the 3d instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having considered the same, make a favorable report thereon.

The bill proposes that the Baltimore and Potomac Railroad Company shall remove its tracks from the Mall and shall unite with the Baltimore and Ohio Railroad Company in the construction of a union passenger station on the north side of Massachusetts avenue at its intersection with Delaware avenue.

The Baltimore and Potomac Railroad Company occupies a portion of the Mall by virtue of a grant made by the common council and the board of aldermen of the city of Washington, made on March 20, 1871, which grant was confirmed by the act of Congress entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington, designating a depot site for the Baltimore and Potomac Railroad Company, and for other purposes," approved May 21, 1872, the bill having been passed by a two-thirds vote in each the Senate and the House of Representatives. A station site south of the Mall had been granted to the road, but the people living in the neighborhood strenuously objected to a location near the schools and churches, and leading merchants petitioned Congress for a site convenient to business on Pennsylvania avenue.

During the Fifty-sixth Congress legislation was enacted enlarging the occupation of the railroad in the Mall. This action was taken only after years of effort to obtain the withdrawal of the road from public space, and because of the demand for the elimination of grade crossings and increased facilities for handling the rapidly growing traffic. In the adjustment then made, the railroad received land in the Mall in lieu of the usual cash payment of one-half the cost of track elevation.

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad has been paying taxes for thirty years, and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connections with the proposed union station.

This proposition does not come from the railroads. They are satisfied with their present situation. When the question of improving the District of Columbia was taken up, the removal of the railroad tracks from the Mall was considered absolutely essential. The Mall was laid out to form the great approach to the Capitol, and it is impossible to conceive any adequate treatment of the capital park system without freeing the Mall from the railroad tracks and station. When this view of the situation was placed before the president of the Pennsylvania Railroad, he replied, after very careful consideration, that while he did not desire any change, yet he realized that if Washington is to have the development of a capital city in the true sense of that word, the railroad must leave the Mall; and he was willing to accept any adjustment that would be fair to the stockholders whose interests he represented.

From the standpoint of economical railroad management, the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there will be no corresponding increase in passengers. The Baltimore and Ohio Company, which does a comparatively small passenger business, claims that it would be much better off by keeping to the C street site provided for in existing legislation, especially as contemplated change compels that road to give up its present extensive and well-located freight yards, and purchase city blocks in Eckington.

Yet a station at C street would bring a great commercial structure in close proximity to the Capitol, the approaches would be narrow and indirect, and Massachusetts avenue would be permanently disfigured by being bridged by a train shed 800 feet in length. Those ugly features which lead to the removal of the railroad from the Mall would be repeated by the C street location.

Very careful figures have been made in regard to the height at which the station should stand above the present grade of Massachusetts avenue. The architect desired the lowest possible grade, but the Engineer Commissioner of the District has figured that the grade selected (+ 56) will result in the smallest amount of damages to property. At the same time the new grade will allow the grade of North Capitol street to be raised and other like improvements to be made, and the location of the station as proposed will greatly increase property values in what has long been practically dead territory. The Massachusetts avenue site also benefits the Government Printing Office by removing the car shifting and the consequent dust and smoke.

The new station will be the finest structure of its kind in the world. Its length will be 760 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone. The classical style of architecture will be used, and the building will be so located and designed that while distinctly subordinate to the Capitol it will take rank among the great public structures in Washington. The minimum cost of the station has been placed at $4,000,000, but the total cost will be nearer $5,000,000.

The station as planned is arranged for 29 tracks, with room for 7 additional tracks, thus providing for an indefinite future. The public convenience has been studied, with the result that persons arriving or departing will be accommodated without loss of time; and a private entrance is provided for use of the President of the United States and for ceremonial occasions. All street-car lines receive and discharge passengers in close proximity to the station, and ample accommodations are provided for bodies of troops and great delegations arriving or departing at inaugural times or when other large gatherings occur at the capital. In a word, every provision has been made for a great, dignified, convenient, accessible gateway to the capital of the nation..

At the same time the occupation of public space set apart by Washington to give dignity and beauty to the Capitol will be restored to public uses; and that great thoroughfare, Massachusetts avenue, which under present legislation would be disfigured by the construction of a railroad viaduct, will be left free and open. Every question relating to beauty, dignity, and convenience has received attention; and while the initial expense of a union station is large, at the same time the solution reached seems to the committee ideal in every respect.

It is proposed to pay to the Baltimore and Potomac Railroad Company $1,500,000 for the ground in the Mall, this amount to be expended by the company as a portion of the cost of making the connection with the new union station. The tunnel under Capitol Hill alone will cost $1,642,000. The ground given up by the railroad becomes available for two public buildings, as well as for park purposes.

It is further proposed that the District of Columbia shall make suitable approaches to the new station. This is a municipal improvement; it will not increase the revenues of the railroads, but it will conduce to the convenience of the people of the District, of Government officials, and of visitors to the national capital. It is provided that the railroads shall construct so much of the plaza as lies between the building line of Massachusetts avenue and the new station; and also that they shall provide for streets on the west side of the station. The cost of these street improvements will be $620,000 for grading and paving, $500,000 or less for land, and $550,000 for damages to property due to changes of grade; in all, $1,670,000, the payment of which amount will be spread over a number of years.

It is not proposed to disturb the present legislation in regard to the elimination of grade crossings in the District of Columbia. That legislation was the result of an agitation carried on in Congress and in the District for the past twenty years. Aside from the question of the occupation of the Mall, the present laws are well adapted to secure all the results necessary to give to the District of Columbia the best possible railroad terminals. The acquisition by the Pennsylvania Railroad Company of a controlling interest in the Baltimore and Ohio Railroad makes it possible at this time to secure such a modification of the project of last year as will, when carried out, give a complete, adequate, and monumental treatment of the railroad terminals in Washington.

The entire cost to the railroads of all the changes that are to be made in the District of Columbia for the elimination of grade crossings and the construction of improved terminals amount to $6,761,651 for the Baltimore and Potomac Railroad Company, and for the Baltimore and Ohio, $5,599,408, or a total of $12,361,059.

In addition to this amount, the District and the United States is to expend on its own property in streets and avenues $1,670,000, thus bringing the total sum of money to be spent in the District to more than $14,000,000. Of this amount the United States and the District of Columbia contribute $1,500,000 to the Baltimore and Ohio, as their share in the elimination of grade crossings along that line; and the United States pays $1,500,000 toward the elimination of grade crossings along the line of the Baltimore and Potomac. The railroad relinquishes its occupation of the Mall. There are various smaller items in the account, such as the use of lands in Garfield Park and damages to property along the line of the Baltimore and Potomac, but these are comparatively small items and do not materially affect the above statement.

There is practical unanimity among the people of the District of Columbia in favor of a union depot on the Massachusetts avenue site. Indeed, the solution of the railroad problem proposed is what the District of Columbia has been striving for during the past quarter of a century.

Mr. GALLINGER. I ask that the report of the Commissioners of the District of Columbia may be likewise read, Mr. President.

The PRESIDENT pro tempore. The report will be read.

Mr. CULBERSON. I only asked for the reading of the report of the committee. I do not insist on the reading of the report of the District Commissioners, so far as I am concerned.

Mr. GALLINGER. Very well, then, let the report of the Commissioners be printed in connection with the report of the committee.

The PRESIDENT pro tempore. If there be no objection, the report referred to will be printed in the RECORD.

The report referred to is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 27, 1902.

SENATOR: The Commissioners have the honor to submit the following preliminary report upon Senate bill 2481, Fifty-seventh Congress, first session, "To effect the relinquishment and surrender by the Baltimore and Potomac Railroad Company of its right to use and occupy a portion of the Mall for a passenger station, and to provide for a passenger station and terminals in the city of Washington, D. C., to be used in common by the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, and for other purposes."

A full report can not be submitted at this date on account of certain data as to cost of work to be done by the railroad, and of land owned by the railroad not having been obtained. All the main engineering features have been thoroughly considered and are included in this report. The full report will follow within a few days.

This bill is supplemental to the acts of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," and "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and enable it to relocate part of its railroad therein, and for other purposes," which acts still continue in force except as modified by this bill.

OBJECTS OF THE BILL.

The general provisions of the bill are:

First. The relinquishment by the Baltimore and Potomac Railroad Company of the public space occupied, in accordance with existing legislation, on the Mall, on the streets north of Maryland avenue west of Eighth street, and north of Virginia avenue east of Eighth street.

Second. The construction of a union passenger station on the axis of Delaware avenue and near the north edge of Massachusetts avenue.

Third. The construction of a double-track line from the present tracks of the Baltimore and Potomac Railroad at Virginia avenue and Second street SW., passing under Capitol Hill by means of a tunnel to the new station.

Fourth. The relinquishment of the proposed Baltimore and Ohio passenger station and freight stations as authorized under existing law.

Fifth. The establishment of a Baltimore and Ohio freight station in Eckington at New York avenue and Eckington place, and a second station at M, N, and Second streets NE.

Sixth. The construction of a new line for the Baltimore and Potomac

Railroad from the new station to Magruder Junction, none but passenger trains coming south of Florida avenue.

Seventh. To increase and construct new yards at Eckington place and eastward.

DESCRIPTION OF CHANGES.

Taking up the changes in detail, they are as follows:

In South Washington the main line of the Baltimore and Potomac is generally not altered. The tracks are to be removed that branch out from the main line to the present passenger station on the Mall, except that at Sixth street a freight station, with overhead crossing over that street between Virginia avenue and C street, will be built. At a point near the crossing of Second street SW. a branch line of two tracks leave the main tracks, crossing Virginia avenue with a clearance of 15 feet; First street and Delaware avenue with a clearance of 16 feet; and South Capitol street with not less than 14 feet; thence entering a tunnel just before reaching New Jersey avenue, keeping in tunnel under First street until station is reached at Massachusetts avenue. This tunnel presents no difficulties. It is not known just what the material is through which it will pass, though probably it is clay, or clay mixed with sand, as the indications from sewers and old wells are of that nature. Whether it is earth or rock, there should be no difficulty in driving and protecting the tunnel. It will pass with the rails about 55 feet below surface at Capitol Hill and under the west side of First street E. There can be no danger anticipated to the Congressional Library, nor to any private buildings. At the south edge of the plaza in front of the station the double track branches into six tracks entering the station. The west end of Ivy street is closed and the street diverted into Canal street.

The station is built on the axis of Delaware avenue at the north edge of Massachusetts avenue. In front will be an elliptical plaza about 500 feet in width along the axis of Delaware avenue and about 1,000 feet at right angles thereto. From this plaza the existing streets and avenues, as well as certain projected ones, radiate in a symmetrical manner, making the frontage of this terminal a focus for the thoroughfares leading from all parts of the city.

The terminal structure, which has a frontage of 760 feet on the plaza, has a length of 1,500 feet without a reduction of width up to a point between H and I streets; it then begins to narrow until at the south side of L street, which is the end of the terminal structure proper, it has a width of 160 feet. From that point a viaduct extends to Florida avenue, where the tracks divide into three branches, the first connecting with the Metropolitan branch of the Baltimore and Ohio, as in existing legislation; the second connecting with the Washington branch of the Baltimore and Ohio near Montello station, and the third connecting with the main line of the Baltimore and Potomac near Magruder station.

F street and G street will be closed. It is not important in the former case as Massachusetts avenue is so near, and in the latter case it is impossible to keep the street open. H street will be kept open under the railroad. I street is closed. K street will be kept open under the railroad, and similarly L and M streets. N street is already closed under existing legislation. Florida avenue will be kept open under the tracks, and New York avenue it is planned to carry over the railroad.

The Washington Branch of the Baltimore and Ohio and the Baltimore and Potomac then run north of New York avenue extended to Montana avenue.

Ninth, Twelfth, and Fifteenth streets will be carried over the railroad and Montana avenue underneath.

From Montello Station the Baltimore and Ohio continues on its present line. The Baltimore and Potomac continues between U and V streets, crossing the Reform School grounds near the District line. The projected streets that are to be kept open are Twenty-second, Twenty-fourth, Twenty-sixth, Twenty-eighth, Thirty-first, Thirty-third, and Thirty-fifth. The plan of street extension will be so altered as to accommodate itself to the changed conditions, which can be done without difficulty, as the streets have not yet been opened.

CHANGES OF STREET GRADE.

The main changes of grade, according to this bill, will be at the terminal station. At that point there will be a maximum fill of 35 feet with changes of grade as far east as Second street and as far west as New Jersey avenue, with about 23 feet fill at North Capitol street and a maximum grade of 3 per cent on Massachusetts avenue. The exact figures are shown on the map transmitted herewith.

At H street there will be a tunnel 800 feet in length and a cut of 9 feet at the east end, and no change of street grade at the west end, with a grade of approach of 4 per cent. It is proposed to have openings for air and light, and further, to require any street-car company using this street to light the tunnel. At K street the tunnel will be 430 feet long, with a cut at the east end of 12 feet and at the west end of 5.6 feet, with a grade of approach of 3 per cent. At L street the tunnel will be 160 feet, with a cut at the east end of 11 feet and at the west end of 9 feet, and a grade approach of 3.7 per cent. At M street the cut at the east end will be 15 feet and at the west end 11 feet, with a grade approach of 3 per cent. In all these streets the grades are not difficult and there will be a continuous fall from east to west. At Florida avenue the tunnel will be 160 feet long; there will be a cut of 14 feet at the east end and 15 feet at the west end, giving a depression of 9 feet below the summit of the western approach.

At New York avenue an overhead bridge is recommended, principally because to the east of the railroad and south of New York avenue the ground is high and the avenue will better serve this property if a bridge is constructed over the railroad instead of a tunnel under. The crossings of the streets farther to the east are not difficult and can readily be arranged.

The elevation of the plaza and the arrangements of street crossings have been carefully studied, and assuming the location of the station as fixed the grades agreed on are as favorable as possible to the District. The difficulty of arriving at a thoroughly satisfactory arrangement of street crossings lies in the necessity of bringing the trains from the south under the plaza and then over H street. Any further raising of the plaza would increase the fill and grades, and besides, in the opinion of the Park Commission, be injurious to the appearance of the station building.

Any lowering of the plaza would injure all the street crossings to the north of the station, as the streets would have to dip under the tracks. If the plaza were lowered about 20 feet bridges could be built over the tracks instead of carrying the streets under, but this would cause great damage to the property on these streets, and besides the crossings would, in each case, be more difficult, as there would be an up and down grade in the streets instead of a continuous grade in one direction. It would also make the grades of the Baltimore and Ohio to the north very heavy.

The subways for the streets will be lined with light brick and will have air and light shafts. In order to have as little change of grade as possible the bridges will go over in four spans, with columns in the center and at curbs, allowing 50 feet width between the curbs and 12-foot sidewalks.

LIST OF STREETS VACATED AND OF THOSE RESTORED TO PUBLIC USE.

The streets vacated and abandoned to the Baltimore and Potomac Railroad Company under the act of February 12, 1901, are as follows:

Canal street, between South Capitol street and New Jersey avenue.

G and H streets SE., between South Capitol street and New Jersey avenue.

I street SE., between First street and South Capitol street.

South side of Virginia avenue, between Second and Four-and-a-half streets SW.

North side of Virginia avenue SW., between Four-and-a-half and Seventh streets.

South side of Maryland avenue SW., between Ninth and Tenth streets.

All of Maryland avenue SW., between Twelfth and Fourteenth streets.

Thirteenth and Thirteen-and-a-half streets SW., between D and Water streets.

E street SW., between Twelfth and Water streets.

E and F streets SW., where they cross the new railroad right of way.

D street SW., between Four-and-a-half and Sixth streets.

C street SW., between Sixth and Seventh streets.

That portion of Garfield Park lying south of the main tracks authorized by the act, as well as all the area of the Mall lying between Sixth street and a line 340 feet west thereof.

The streets vacated and abandoned to the Baltimore and Ohio Railroad Company under the act of February 12, 1901, are as follows:

N street NE., between Second and Third streets.

Delaware avenue, between M street and Florida avenue.

E street NE., between North Capitol and First streets.

D street NE., between North Capitol and First streets.

Delaware avenue NE., between C and F streets; and all streets embraced within the area of the terminal and viaduct described in the act.

In the subdivision of Eckington, east of the right of way of the Metropolitan Branch:

All streets between T street, Florida avenue, Brentwood road, and Sixth street; also Brentwood road, between S street and Florida avenue, and R street, between Third street and the Metropolitan Branch.

Under the provisions of the pending bill the following additional streets are vacated and abandoned for railroad use:

In the city of Washington: The west 220 feet of Ivy street; Second street NE., between N street and Delaware avenue; the west 40 feet of Delaware avenue NE., between the north side of M street and the south side of L street; and all parts of streets and avenues within the area of the terminal and viaduct described in the bill, except that H street, K street, L street, M street, and Florida avenue shall be carried under the railroad through these structures, and that New York avenue extended shall be carried over them.

In Eckington: T street between the right of way of the Metropolitan Branch and the west line of Seventh street; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street eastward; S street from Sixth street to the Brentwood road; Brentwood road from the south side of S street to the west side of Seventh street; Third street from the south side of R street to Florida avenue; and Quincy street throughout its length; except that T street shall be carried over the railroad by a bridge.

The streets and reservations that are granted to the railroads by the acts of February 12, 1901, and which will revert to public use under this bill, are as follows:

Delaware avenue NE., from C street to Massachusetts avenue; Massachusetts avenue within the limits of the terminal specified in those acts; E street, from North Capitol street to First street east; D street, from North Capitol street to First street east; the portion of F street from Massachusetts avenue to the west line of the terminal structure authorized by the pending bill; the area of the Mall between Sixth street and a line 340 feet west thereof, and C street SW. between Sixth and Seventh streets.

To summarize the above, the value of public property in addition to present occupation, with deductions for such as is restored to the public use, is as follows (the prices per square foot being either those used in previous reports and estimates, or, where such are not found, being arrived at by careful analogous determination):

Under the act of February 12, 1901, in relation to the Baltimore and Potomac Railroad, $1,374,000; in relation to the Baltimore and Ohio Railroad, $1,138,610; total, $2,512,610.

Under pending bill there is an occupation in common by both railroads of portions of public space, giving a total of $1,454,521. The figures relate in each case to a comparison with conditions as they exist to-day.

PROVISION FOR DAMAGES.

The principal objections that have been raised to the bill by citizens and property owners are regarding the damage to property due to change of grade. This can not be avoided, but it is thought that by concentrating the changes at the station a less permanent amount of damage is done, as it is expected that the rise in value of the property around the station will in many cases counterbalance the damage. The damages at the other streets, where there would be less advantage due to the location, have been minimized. The Commissioners have introduced an amendment allowing damages to property owners injured. This provision would take into consideration in awarding damages any increase in value due to location near the new station.

SUGGESTED CHANGES.

Some citizens of South Washington have petitioned that instead of the railroad crossing at Ninth street at existing grade and at Sixth street about 20 feet above existing grade, as required by existing legislation, the railroad tracks should be lowered so as to have the street at Ninth street at about existing grade and the railroad at Sixth street at about grade, carrying the street over by a viaduct. The object of this would be to depress the tracks around the park at Virginia and Maryland avenues, and to carry Seventh street above the railroad instead of below, on account of the less damage to business and other property in that vicinity and to better save the park. It would also be of advantage in that the view down Maryland avenue from the Capitol will be less obstructed. The citizens claim that the grades authorized by existing legislation were assumed so as to allow the railroad to get readily into the Mall.

The Commissioners do not recommend the change for the reason that Sixth street is a through street from Pennsylvania avenue south to the wharves and will probably become an important thoroughfare, while Ninth street is a short street, not passing through the Mall. The arrangement proposed by existing legislation takes Seventh street under the railroad, and while the cut will be greater than the fill suggested by the citizens of South Washington, the dip would be about the same as the rise on a bridge, as there is a slight elevation at present at Seventh street and Virginia avenue. The damage to property in that vicinity is estimated, in the report on existing legislation, as not great.

The citizens who claim to be affected most disadvantageously by the proposed legislation are those living in and around Eckington. This suburb has the railroad to the east and south and a hill to the west, over which the streets are not yet improved, and even when improved will have heavy grades. Communication with the city is only to be had along R street, between Second and Eckington place. This short piece of street has double car tracks with curves at Eckington place and Second street, making it rather difficult passing. Existing legislation provides for the final opening of Third street, but the present bill closes this street. The widening of Eckington place will help the matter somewhat, but the exit will still be inconvenient, and S and T streets should be opened and improved as soon as possible. The Eckington Citizens' Association has expressed itself as interested in the project, and

while it states that the proposed legislation will damage property in Eckington, it only asks for the following concessions:

First. That the roundhouse and shops be located east of Seventh street. This is provided for in the plan submitted by the railroad companies.

Second. That the freight station be kept south of Q street, and, failing that, south of Quincy street. The former restriction does not seem practicable, as the station covers most of Q street east of Eckington place. The railroad plans do not indicate at present any extension north of Quincy street, but it is explained that the railroad may wish to extend over the whole space to the south side of R street within a short time.

The south side of R street between Third and Second streets is almost entirely built up with substantial houses; the north side of R is as yet unimproved. The north side of Quincy street, on the part opened, is built up with brick dwellings; the south side is unimproved.

Owing to the shut-in condition of Eckington it would be desirable, unless the railroad company has absolute need of this land for freight facilities in the near future, to require Quincy street to be kept open and continued to Eckington place.

Third. That there should be a stone wall 7 or 8 feet high built between Eckington and the freight yards and tracks as far north as T street. This is simply a question of expense. This fence would cost $12 per foot, or a total cost of $28,000. If the railroad extends its freight yard to the south side of R street such a fence should undoubtedly be built for the protection of dwellers on the north side of R street.

COST.

The cost will approximate as follows:

The bill provides that the Baltimore and Potomac Railroad shall receive $1,500,000. This is approximately the assumed value of the property on the Mall occupied by the railroad under existing legislation and is intended to repay the company for its relinquishment. As the Mall is to become United States property this cost is, according to the bill, to be borne by the United States.

Existing legislation requires the Baltimore and Ohio Railroad to be paid the sum of $1,500,000. As the final figures of the cost of the changes required by this bill have not yet been received, it is not possible to make exact comparisons. It is probable that the cost will be less than by existing legislation, due to the Baltimore and Potomac sharing many of the expenses and to less length and height of viaduct. Besides, the Baltimore and Ohio will have a southern connection, which is very valuable. On the other hand, the cost of operation as to terminal facilities, and more especially the change of location of the freight depot, will be a continuous source of expense to the railroad.

The railroad companies are required to construct the street crossings of existing streets within the right of way, the streets thereafter, including viaducts carrying the streets, to be cared for as other streets and bridges in the District.

In cases of streets not yet opened the bill directs that the railroad companies shall pay half the cost. This is the usual method in such cases.

The money to be expended by the Government in making the changes is as follows:

The estimated cost in South Washington, according to existing legislation, was $250,000. This amount will be reduced to about $170,000, on account of work around the Mall which will not be necessary, $50,000 of which is due to damages on account of change of grade.

North of the Capitol the cost is estimated as follows:

238,943 cubic yards grading (cut to be used in fill), at 40 cents	$93,577.20
547,283 cubic yards grading (barrow to be used in fill), at 15 cents	82,092.15
25,580 linear feet curb reset, at 30 cents	7,674.00
7,500 linear feet new curb set, at $1.10	8,250.00
77,803 square yards asphalt (new and relaid), at $2	155,606.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
7,851 square yards macadam relaid, at 20 cents	1,570.20
7,610 square yards gravel relaid, at 25 cents	1,902.50
49,158 square yards sidewalk to be laid, at $1	49,158.00
	403,279.30
Changes in sewers and water pipes	25,000.00
	428,279.30
Add 15 per cent for contingencies	64,241.89
Total cost of grading and paving	492,521.19

Say $500,000.

The railroad companies agree to supply earth for filling free of cost on cars at station, thus allowing this great fill to be estimated at 15 cents per cubic yard.

The asphalt pavements that are to be relaid are generally quite old, and the ones that will replace them will be a betterment to this extent. While difficult to estimate the value of this betterment, it can safely be placed at not less than $20,000.

Of the above total of $500,000 the following are directly attributable to change of grade of streets, due to elimination of grade crossings from H street, inclusive, northward:

233,943 cubic yards grading (cut to be used in fill), at 40 cents	$93,577.00
9,789 square yards grading in fill, at 15 cents	1,468.35
11,020 linear feet curb reset, at 30 cents	3,306.00
2,040 linear feet new curb, at $1.10	2,244.00
15,248 square yards asphalt, at $2	30,496.00
3,668 square yards gravel relaid, at 25 cents	916.75
7,851 square yards macadam relaid, at 20 cents	1,570.20
19,103 square yards sidewalk to be laid, at $1	19,103.00
	152,681.30
Changes in sewers and water pipes	25,000.00
	177,681.30
Add 15 per cent for contingencies	26,652.19
Total	204,333.49

Say $200,000.

The balance of the total of $500,000, or $300,000, is directly connected with the grading and paving of the plaza and streets leading thereto, itemized as follows:

537,494 cubic yards grading in fill, at 15 cents	$80,624.10
14,560 linear feet curb reset, at 30 cents	4,368.00
5,460 linear feet new curb, at $1.10	6,000.00
62,555 square yards asphalt (new and relaid), at $2	125,110.00
4,599 square yards granite block relaid, at 75 cents	3,449.25
3,943 square yards gravel relaid, at 25 cents	985.75
30,055 square yards sidewalk (new and relaid), at $1	30,055.00
	250,593.10
Add 15 per cent for contingencies	37,589.70
Total	288,187.80

The real estate to be purchased can not be valued until further figures are obtained from the railroad. The president of the Baltimore and Ohio has promised that such land required as is owned by the railroad will be given at cost price. A preliminary estimate is made of $500,000.

A map showing all property affected is submitted. The value of most of the unimproved property will probably be enhanced. While the work is going on around the plaza, and until the roads are paved, much of the improved property will be difficult of access. It will also be left below grade. In many cases it will be possible to raise the houses, but there will be considerable damage to private owners. It is impossible to estimate, even with reasonable accuracy, the amount of these damages. As far as can be estimated it will be at least $500,000.

A summary of the preliminary estimated cost is at follows:

To be paid by the United States, $1,500,000, to the Baltimore and Potomac Railroad for evacuation of the Mall.

To be paid half by the District and half by the United States, $1,500,000 to the Baltimore and Ohio Railroad as per act of February 12, 1901: $320,000, cost of grading and paving; $500,000, real estate to be purchased; $550,000, damage to property.

All of this will not be paid out at once. The sums to go to the railroad companies will be paid only when the work is completed, and the remainder only as the work is done.

Taking all questions into consideration, the Commissioners are of the opinion that the proposed arrangement is for the best interests of the District. The change is a great one and intended to be permanent. All grade crossings within the city limits and on all new construction are abolished. A union station is built, monumental in character and in keeping with the plans for beautifying the District. The location, while not as simple from an engineering point of view as the one on C street, has the great advantage of keeping Massachusetts avenue open, of locating the station where it will appear to the best advantage, and of being reached by direct line and wide streets from any part of the city. The cost to the District will be greater than the first-named location, but it is thought it will in the end be more satisfactory.

Provision should be made for the street cars to come to the station. The companies have submitted plans for this, but such can hardly be considered as final. As the tracks can not be put in until the grading is completed, there is no need of immediate legislation, but it may be advisable to authorize the Commissioners to make proper provision for the street-car companies to connect with the plaza.

The Commissioners return the bill with certain amendments inserted, most of which are minor and have practically all been agreed to by the railroad companies.

The following maps are submitted herewith:

A. Map showing existing and proposed terminal systems within the District.

B. Map showing public space vacated for railroad uses in the northeast section.

C. Map showing changes in street grades and property affected thereby.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

Mr. PATTERSON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of section 9 it is proposed to insert:

And any railroad company whose tracks may or shall connect with or intersect the tracks of any of the companies hereinbefore named shall have the right to move its passenger traffic over the tracks so connected with or intersected and to use the main passenger station and terminals hereinbefore provided for upon such terms as may be agreed upon between such railroad company and the company or companies owning said tracks, station, or terminals; and in case of failure on the part of any of such companies to agree about such use, either as to terms, accommodations, schedules, or otherwise, the matters in dispute shall be submitted to the supreme court of the District of Columbia in equity term for its determination upon the petition of either party to the controversy, and jurisdiction to hear and consider such disputes and to finally adjudicate the same according to principles of equity and the very right of the matter and to enforce its orders or decrees in such respect is hereby conferred upon said supreme court.

Mr. PATTERSON. Mr. President, the way I became interested in this bill is as follows: Several of my constituents, with some capitalists of Pittsburg, Pa., invested several million dollars in the construction of a railroad from Washington City to the shores of the Chesapeake Bay. That railroad is some 40 miles in length. At the terminus on the bay the company expended hundreds of thousands of dollars in the purchase of land on the shore, the erection of hotels, baths, piers, walks, and the like.

The purpose of the construction of the railroad and the buildings on the beach was to afford to the people of the city of Washington a cheap and convenient seaside summer resort, which those who could not afford to go to the Atlantic coast, to Long Branch, Saratoga, and other great and expensive watering places might reach from the city of Washington at a minimum charge.

That road was constructed; its Washington terminus is some 3 or 4 or 5 miles out, and since its construction the company has found it impossible to enter the city of Washington. Passengers from Washington desiring to visit that resort must leave the city on electric cars and transfer at the terminus of the steam road. It is practically a railroad in the air, capable of immense good to the city of Washington and its people, but rendered almost valueless by reason of its being refused ingress into the city. I was conversing several weeks ago with the manager of the road and he told me of the difficulties in that connection and mentioned the pending bill. It caused me to examine the bill and to offer this amendment.

Ordinarily, Mr. President, I understand that Senators do not interfere with the management of the District of Columbia by the Senate committee having in charge its interests and business;

and were it not that I have constituents who are very deeply interested in this matter, I presume I should have followed the common practice. The examination of the bill, however, disclosed to me a measure which in most of its features is extraordinary and without a parallel in the dealing of municipalities with railroads or other corporations—a measure that grants to the Pennsylvania Railroad Company more money and more property than was ever before granted by any municipality within the limits of the United States, and, I will venture the assertion, more than was ever given to any corporation by any municipality in the world.

The result of this extreme prodigality upon the part of the Government in dealing with the Pennsylvania Railroad Company is to establish a monopoly in that company of all of the passenger traffic and practically of all of the freight coming into and going out of the District of Columbia. I mention this for the purpose of showing the necessity of some such amendment as that I have offered.

The amendment does no more than break the monopoly. The bill as it is makes the District of Columbia a mere annex to the Pennsylvania Railroad. It gives to the Pennsylvania Railroad Company practically a perpetual monopoly of all the passenger and freight business to and from the District of Columbia, and unless this Congress, in connection with the passage of this bill, puts some amendment upon the measure, it will be utterly impossible, in my judgment, ever in the future to break this monopoly.

I call the attention of the Senate to the grounds upon which these tremendous grants are proposed to be made: That the city of Washington is to be improved along certain artistic and extensive lines; that it is necessary for the harmony of the design that some such depot as this should be erected; that by the last Congress certain grants and concessions were made to the Baltimore and Ohio Railroad Company and to the Baltimore and Potomac Railroad Company, in consideration of which two depots, two terminals, were to be created in the District of Columbia, but that influences have been at work to induce the two railroad companies to coordinate and cooperate so that they will unite in the construction of a single large union depot, and in the construction of approaches thereto of a certain character. They seek to impress the inference upon the Senate that these two railway companies, as an act of grace, by way of concession to Congress, have agreed to consolidate their business in one union depot and their entrance to the city along one single approach.

The fact is, Mr. President, that by reason of the consolidation of these two great lines of railway it has become almost an imperative necessity that, instead of having two terminal depots, there should be but one union depot. It was admitted in the reports, which were printed for the information of Congress, that the Pennsylvania Railroad Company own and control both the Baltimore and Potomac and the Baltimore and Ohio railroads. That ownership did not exist when the two measures were passed in the last Congress; but in the interim the consolidation has occurred. So that, instead of being an act of grace and favor upon the part of these two corporations to unite for the construction of one union depot, it has become a necessity with those corporations that there should be but one depot.

You can not very well imagine any well-conducted railway entering any city upon two separate and distinct lines and transacting its business at two separate and distinct depots without any connecting railway tracks between them. But, under one ownership, reaching the same city, to compass the passenger and the freight traffic of the same locality and the same people, having two terminals, two sets of officers, and a duplication of all that is necessary to carry on their business, when a single system is all that is necessary, is absurd in the extreme.

So that, for one, Mr. President, I am inclined to believe that when the necessity for the consolidation of the interests of these railways in the city of Washington occurred, instead of increasing the grant to the railway companies to secure the erection of a proper depot, a concession should have been demanded of the railway companies, and the benefit should have been received by the District of Columbia and the Government, and the grant should not have been increased to the consolidating lines.

I call the attention of the Senate to what this bill grants to the Pennsylvania Railroad Company. First, a cash payment of $3,000,000, most extraordinary if that were all; second, real estate in the way of streets and other public property, which is estimated by the Commissioners of the District of Columbia, determining the value of these streets by the value per foot of private real estate adjoining—that, in all, amounts to $4,167,131—a pure gift of real estate, and real estate that belongs to the taxpayers of the District of Columbia and to the United States.

In addition to that the Government has to expend in the purchase of land, in payment of damages to abutting real estate, and in the construction of fills an additional sum of $1,800,000, making a total cost to the Government of $8,967,131; practically a gift to a single railway corporation, and for what? To erect a depot that will stand simply to the glory and the profit of this railroad corporation.

When Congress has heretofore appropriated money for the improvement of the District of Columbia, the improvements belonged to the Government and to the people; but here, in round figures, the sum of $9,000,000 in money—cash gifts, real estate gifts, and money to be expended by the Government, of $9,000,000—all given for the benefit of the Pennsylvania Railroad Company; and, except in the mere matter of ornamentation, the fact that in the city of Washington there will be a beautiful depot, a costly depot, and that these railways will enter that depot in a way that will make travel measurably safe, not an atom of benefit is to accrue to the Government by reason of this vast expenditure of money and property.

Mr. President, when you add to this vast sum of $9,000,000 the value of a perpetual franchise, a franchise in perpetuity, and the value of the monopoly to the Pennsylvania Railroad Company, it means that you are giving to that company a sum of money and benefits and the value of benefits that will not fall short of $50,000,000.

Mr. GALLINGER. Will the Senator please restate that proposition? The figures $50,000,000 attracted my attention.

Mr. PATTERSON. I said that in cash gifts, in the value of real estate, in the expenditure of money by the Government to make ready the plaza, in the purchase of real estate to give to the company, and in the value of franchises, embracing, as they do, practically a perpetual monopoly, the value of the gift to the Pennsylvania Railroad Company does not fall short, if it can be estimated in money, of $50,000,000.

Mr. GALLINGER. If the Senator will permit me, the company has that franchise now, has it not?

Mr. PATTERSON. The company has a franchise to enter the city of Washington on Pennsylvania avenue or near thereto, and the Baltimore and Ohio Railroad Company has a franchise to enter the city of Washington near the Capitol, but there is no legislation that creates in those franchises, or in connection therewith, a monopoly; and it is by reason of the right to extend their tracks through the city to a common terminus, and the exclusion of other railroad companies from entering the city of Washington, that this franchise and monopoly is of so vast a value.

Mr. GALLINGER. Will the Senator permit me there?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. Does the Senator think that it is to the detriment of the city of Washington to have a franchise that permits these railroad corporations to enter one station rather than two? Is the Senator not aware of the fact that this legislation will allow every railroad that enters the city to-day the use of this station?

Mr. PATTERSON. Mr. President, I do not think it is a disadvantage to grant a franchise that will consolidate two terminals into one. I also understand that all the railroads—I believe they are four in number—that now enter the city of Washington will have the use of this depot.

Mr. GALLINGER. Five or six.

Mr. PATTERSON. And these railroads, Mr. President, are all practically under the control of the one high beneficiary.

Mr. GALLINGER. Oh, no.

Mr. PATTERSON. But I would ask the honorable Senator from New Hampshire is the city of Washington completed? Has it its full growth? Is the city of Washington to be deprived of other railways? Is Washington, the capital of the nation, in times of war or in times of peace to be perpetually at the mercy of one single railway corporation? No matter how other railway companies may look with longing eyes toward the capital, no matter how anxious they may be to enter the city of Washington, no matter what the benefits of such railway companies might be to the business and the residents of the city of Washington, no matter what the necessity for these railways may be, the practical effect of this bill is to continue the monopoly in the Pennsylvania Railroad Company, and to exclude these incoming roads, if any there be, from the limits of the District.

I take it, Mr. President, that if the city of Washington is to remain a hamlet, if its size is now fixed and determined, if the lines of railway that other municipalities are seeking for, bidding for, and longing for, are to be excluded from the city of Washington, if it is to the benefit of the Government that such shall be the case, if it is justice to the taxpayers and the property owners and the residents of the District of Columbia that that condition shall exist, then, Mr. President, this is an eminently fit and proper bill no matter what its cost may be to the Government and to the people of the District of Columbia.

Is this a monopoly? Let us see, Mr. President. The Board of Commissioners of the District have agreed upon a general system for the ornamentation and the beautifying and the laying out of the city of Washington. The system forbids the erection of unsightly depots outside of this one great depot; it forbids the laying

of other lines of track along the streets or thoroughfares or across them or along or upon private property. To permit such things to be done would be to destroy the system of improvement which has been practically agreed upon; and it is by reason of that that this vast sum of money is to be expended by the District and by the Government for this new depot and the construction of the entrance for these two railways into that depot.

There is a provision in this bill for allowing other railways to enter the city of Washington. But what is the provision? They can only enter and use the tracks and use the depot, for which the Government in money and property will expend at least $9,000,000, by a contract with the Pennsylvania Railroad Company. The Pennsylvania Railroad Company in possession, having the right to fix the terms upon which a new railway will enter the city of Washington, will make it easy for it if it suits the purpose of the Pennsylvania Railroad Company, but if it is opposed, it will make its demands so onerous and burdensome that it will be impossible for the new line to enter. Thus, pretending to provide for the entrance of new railways and cutting off the appearance of a monopoly, the provisions of the bill exclude all new railways and create a monopoly as binding and as grasping as any with which a community has ever before been afflicted.

Since it is the Government that is making this grant, since it is the Government that must legislate to permit the construction of these railway lines within the city and the depot, the Government has the right, and it is the duty of the Government, to protect the public, to make the grant only upon condition that the growth of the city shall not be retarded; that the city shall not be held in the grasp of this monopoly; that the taxpayers of the city of Washington shall have some benefit arising out of the vast sums of money which they will be compelled to pay by taxation. It is eminently wrong, Mr. President, for Congress, upon which the eyes of the country are centered, to set an example to all the municipalities of this country of absolute, complete, and abject surrender to any single corporation, and to place the great capital city of the nation fettered and under the control and at the mercy of this corporation.

I take it the time may come when the District of Columbia will need more railroad accommodations than the Pennsylvania Railroad may offer. There may come a time when troops must be hurried to the capital in great number. There may come a time when munitions of war of every kind—horses, artillery, provisions—must be hurried to the capital.

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. Does the Senator think a railroad will be built when the emergency arises for the purpose of bringing munitions of war here?

Mr. PATTERSON. I have no idea, Mr. President, that any company will build a railroad simply to have it in readiness to carry arms and armies to and from the capital, but I take it that the city of Washington as a focus, as a great and a growing community, offers advantages to railway companies to come here, so that in the no very distant future, if the necessity arose, we would have several more lines of railways to do the business of the country than we will have if this bill as it is now framed shall go into effect. That is what I mean, Mr. President.

See what other cities are doing with this very railway company. The Pennsylvania Railroad wants to enter the city of New York. Reading the New York papers, I discover that it is to construct a tunnel under the river, through which its trains will be hauled from the West and the South to the heart of the great metropolis, an improvement of vast advantage to the city of New York and of vast expense. Is the city of New York giving to the Pennsylvania Railroad Company a great bonus to induce it to construct that great work which it is on the verge of constructing?

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Always.

Mr. GALLINGER. I suppose the Senator is familiar with the fact that New York now has a general grade-crossing act, which provides that the expense of abolishing grade crossings is to be borne 50 per cent by the railway company, 25 per cent by the municipality, and 25 per cent by the State, and New York has paid out millions of dollars to the railroads that enter that city at the present time for the abolition of grade crossings. The money appropriated in this bill is largely for that purpose in the city of Washington. Every other State, I will say to the Senator, if he will permit me, is doing the same thing.

Boston has spent a great many million dollars for that purpose. The Senator would insist that it was a gift to a railroad company. The city, desiring to improve the transportation facilities and to get rid of dangerous grade crossings, has spent fabulous sums of money for that purpose.

Mr. McMILLAN. I should like to ask the Senator from New Hampshire if it is not true that the city of Boston and the State of Massachusetts——

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Michigan is reminded that he must first address the Chair and secure the permission of the Senator entitled to the floor.

Mr. McMILLAN. Mr. President, will the Senator from Colorado allow me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. PATTERSON. Certainly.

Mr. McMILLAN. I wish to ask the Senator from New Hampshire if it is not true that in Massachusetts the division is 40 and 60 per cent, the State paying 40 and the railroad 60?

Mr. GALLINGER. That is absolutely correct.

Mr. McMILLAN. In Connecticut, I think, it is 50 per cent each.

Mr. LODGE. The city pays part.

Mr. McMILLAN. The city pays half and the State pays the other half.

Mr. GALLINGER. That is the rule, if I may be permitted, in every city and every State of the country, and what this bill proposes to do in the city of Washington is not so generous, so far as contributions for this great public improvement are concerned, as what has been done in Boston, in New York, in Chicago, and in all the other great cities of the country, as can be readily shown.

Mr. PATTERSON. I am not familiar with the figures and therefore must accept the statement of the Senator from New Hampshire and also the statements of the chairman of the Committee on the District of Columbia, but as I understand their claim—and the Senators may correct me if I am mistaken—the municipalities to which they have referred have borne a certain proportional share of the expense of constructing either overhead railway tracks or tunnels in order that the surface of the streets might be relieved from existing impediments.

Mr. McMILLAN. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly. Take it for granted that consent is always given.

Mr. McMILLAN. That is exactly what we have done in the District of Columbia. The same principle has been acted upon here as in every State, or in the Eastern States anyway.

I will state, while I am on my feet, that the bill to which the Senator from Colorado is now addressing himself, calls for not one cent of money from the District of Columbia or the United States, except in connection with the Mall. All the improvements—the new depot, the site for the new depot, and the damages, and the stations outside for freight—are to be paid for by the railroad company, even the connections between the two railroads. So the railroad company pays under this bill $4,500,000, nearly $5,000,000 more than it would under the old bills which have been passed by Congress.

The United States and the District of Columbia pay not one dollar, but they simply improve the land in front of the station, do what is necessary in order to make a plaza, and for the fillings, which it is estimated will cost $1,800,000, one-half to be paid by the United States and one-half by the District of Columbia. They pay nothing for stations or tracks or anything like that. It is all paid by the railroad company.

Mr. PATTERSON. I should like permission to ask the chairman of the Committee on the District of Columbia some questions. You do give the railroad company $3,000,000 in money, do you not?

Mr. McMILLAN. The old acts which are now in existence—the legislation having passed a year ago—give the Baltimore and Potomac a million and a half dollars in land instead of money. It was to help it to do away with grade crossings. The Congress gave the Baltimore and Ohio a million and a half for the same purpose. Now, they have the legislation for that at the present time, but the new legislation does not call upon the United States or the District of Columbia to pay one cent except to improve the land in front of the station.

Mr. PATTERSON. It is a long way around Robin Hood's barn. The United States is to pay to the consolidated company for consolidating its lines and to help it to build this new depot, $3,000,000. That is one thing which is settled. Does not the United States pay (to be paid one half by the Government and the balance to be levied on the taxpayers of the District of Columbia) $1,800,000 for property, for construction, for fills, and for damages? Is not that the estimated cost to be paid for those items?

Mr. McMILLAN. In reply to the Senator from Colorado, I will say that it will cost $1,800,000 for those improvements. That, however, has nothing to do with the operation of the railroad. It is simply to make the access by opening streets and paving streets and providing a grand plaza there suitable for such a

depot. In all cases of that kind, in all cities, in the East especially, you will find that the cities provide everything outside of the station, just as we are doing.

Mr. GALLINGER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator must not lose sight of the fact that the two railroad corporations were given a grant of $3,000,000, which, under existing law, they can now claim if they should continue their terminal facilities as they are at the present time; and the Senator should also keep in mind that the Baltimore and Potomac Railroad Company, under this bill, vacates its present location in the Mall, at the corner of Sixth street and Pennsylvania avenue, and surrenders that land to the Government, which in all probability, if it should be put on the market, would amount in value to more than $3,000,000. Certainly if that property were sold at the same rate at which property in the immediate vicinity has been sold, it is not an overestimate to say that it would amount to as much as the Government is giving, so far as the elimination of grade crossings is concerned.

Mr. PATTERSON. Recurring to the last question I propounded to the chairman of the Committee on the District of Columbia, the United States and the District of Columbia are to expend $1,800,000. That is the estimated expenditure for the filling in to secure the elevation upon which the great depot is to stand, for the purchase of real estate to turn in and make a part of this great plaza by which entrance into and exit from the depot can be reached and made. That much money is not paid to the railroad company, but that much money is paid for the benefit of the depot, to make it easy of access, to make it handsome in appearance; in other words, to add to the facilities for the depot to be constructed by the railroad company and in a certain measure to help in the adornment of the city in that particular locality.

Mr. McMILLAN. Does not the Senator from Colorado believe that if these great improvements, costing millions of dollars, are made on the north side of the Capitol, eventually the District of Columbia will gain great benefit in taxation? Property there has already gone up three or four times in value, and those streets would have to be improved in the next five years anyway. So, in reality, we are simply improving the District of Columbia, improving our own property, and the benefits will come hereafter, no doubt, to some extent anyway.

Mr. PATTERSON. I want to answer the questions in their order. To recur to the proposition of the Senator from New Hampshire, the land occupied by the Baltimore and Potomac Railroad, I understand, it holds practically as a tenant at will. It never paid a dollar for it. It was Government property, a part of that which is called the Mall. The company was given the right of entrance and the right to construct and build upon it. That is all, as I understand the fact and as it has been claimed by a number of excellent lawyers.

Mr. GALLINGER. I do not wonder that the Senator understands it in that way, because I so understood it until somewhat recently, but the fact is that that land went to the railroad company by a grant from the municipal government of the city of Washington, which act was confirmed by the Congress of the United States. So the railroad company owns the land absolutely. There is no doubt that the railroad received it for nothing; but if the Senator should make me a gift and I accepted it, there would be no legal reason certainly why I should return it to the Senator.

Mr. TELLER. I want to interrupt the Senator from New Hampshire to say that in twenty-five years' service here I have always understood that the railroad company held that land at the will of the Government of the United States. I believe that is the law of the case.

Mr. GALLINGER. The Senator is manifestly mistaken about the matter, and I will quietly guarantee to the Senator that I will persuade him he is mistaken.

Mr. PATTERSON. Let me ask the Senator from New Hampshire if the gift to which he refers was made by the last Congress?

Mr. GALLINGER. Not by the last Congress.

Mr. PATTERSON. How long ago was it made?

Mr. GALLINGER. A long time ago. I have forgotten when, but when the railroad took possession.

Mr. PATTERSON. I think I can make one statement——

Mr. GALLINGER. I will say to the Senator from Colorado that the chairman of the committee states it was in the year 1871.

Mr. PATTERSON. I think I can make a statement which will not be contradicted, and that is that so far as the city of Washington is concerned or the District of Columbia, it had no authority to make a grant of any portion of that real estate; that it belonged to the Government of the United States, being specially reserved to the Government.

Mr. McMILLAN. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly.

Mr. McMILLAN. As I understand it, the grant was given by the municipal government and confirmed by act of Congress, two-thirds of both Houses voting therefor at the time, 1872.

Mr. PATTERSON. I have never seen the confirmation. I have never even seen the grant by the District of Columbia, but I have so much faith in the common sense and prudence of the Congresses of twenty-five or thirty years ago that I express the gravest doubt about the Congress ever having granted to any railway company, as a gift or otherwise or for money, a part of what was and is to be a great garden and a site for great buildings between the Capitol and the Potomac River; and I will be pleased to see and to examine the very terms of the act of Congress to which the Senators refer.

Mr. President, to recur to a question propounded by the Senator from Michigan as to the great benefits which are to be derived by property owners and the people of the District of Columbia generally from this enterprise, there never was a demand made by a railway or other corporation upon a municipality to secure which the same claims were not made. I take it there is not a private owner of real estate within the limits of the District of Columbia who desires to erect upon his lot a ten or twelve story building who may not come to Congress with the same plea for a donation of money, because he is going to erect a structure that will add to the beauty of the capital, to the value of property, and to the business of the city.

The great scandals of the last century in the United States, Mr. President, have been the scandals in which municipal corporations were parties, in the struggle of street railway companies and steam railway companies with municipal councils to get from the city grants of franchises and donations of money to help along improvements which they claimed they desired to make for the benefit of the people. Only the other day we read in Associated Press dispatches of the tremendous scandals in the city of St. Louis, where street railway companies and other corporations had paid to the members of the city council time and time again sums of money—$100,000, $50,000, $25,000, and in one instance $250,000—for what? For franchises along the streets of the city, to build up the city, to improve the city, to give facilities to the residents and visitors for locomotion throughout the city. That was their plea, Mr. President. The corporation always confers the benefits——

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.

Mr. TILLMAN. I would remind the Senator that a couple of years ago, I think it was, the Hon. John Wanamaker offered $2,000,000 for franchises in the city of Philadelphia which had been granted by the municipal government free. He offered to buy them and pay the cash, and I think he put a certified check in bank.

Mr. PATTERSON. Anyone who has given attention to municipal transactions will realize the nature of the dealings between the corporations and municipal councils. I venture the assertion that if you will take the stocks and bonds, or the asking price, of street railways in the city of Washington, you will find that the demand is twice or thrice what it has cost the constructors. I know in my own city we have a street railroad system for which, as I am credibly informed, $8,000,000 was refused. They never paid $3,000,000 in construction and betterments. The franchises make up the difference between the actual cost to the company and the price demanded or the value of the property by reason of the dividends that the company are able to earn.

Mr. President, people, as a rule, do not seem to comprehend franchises. The right or the monopoly in a street of a city is the property of the city and the property of the taxpayers. Pennsylvania avenue, and F street, and G street, and H street, and Massachusetts avenue are the property of the people of the city of Washington, and when Congress, or any other body, grants a monopoly of those streets to any company, for street transportation or otherwise, or to lay therein water mains or gas mains, that body is simply taking from the people their property and giving it to corporations. As well might the corporation go to the owner of a large amount of real property and say, "I propose to erect a manufacturing establishment, and you must give me a part of your property, no matter how much its value, to erect my establishment upon, because it will improve the remainder of your property." No court of justice and no people would hearken to a demand of that kind. When you grant a franchise along the streets, you are simply giving a leasehold of the streets to a monopoly, and that leasehold is worth immense sums of money to the municipality. Still such leaseholds are given away, although if they were properly and honestly administered the use of those streets would yield immense revenues to the municipality.

Let me give one illustration close at home. Only 40 miles away, in the city of Baltimore, the street railway companies pay to the city 9 per cent of their gross receipts for the right to use

the streets of the city of Baltimore; and it is no more than a fair rental for those streets. Those vast sums, amounting each year to between three and four hundred thousand dollars, are used by the city of Baltimore to lessen the taxes of the people and to beautify their park system and to add to the park area. The people in different municipalities all over the country are awakening to the immense value of these franchises, which heretofore have been held as baubles to be given to the first comer who would promise to create some improvement upon the streets. The people in the different municipalities of the United States are commencing to realize that the streets belong to the people, that the streets are the property of the population, and that they are as much entitled to compensation for the use of those streets as the private property owner is entitled to compensation for the use of his town lot or his farm acres.

Now, then, what I object to in this measure is not so much the vast and magnificent gifts that are being thrown at the Pennsylvania Railroad Company, but that we give to the company a practical monopoly, the value of which must increase year by year, as the city of Washington and the business of Washington and the population of Washington constantly increase. The amendment I have offered is simply for the purpose of destroying that monopoly—to say to the railway companies of the country, "If you will construct a line to the city of Washington and you desire passenger facilities where the Government has made up its mind passenger facilities shall alone be afforded to railroad companies, you may negotiate with the owner of the depot and the tracks leading to it, and if you can not agree with the owner, then you may go to the supreme court of the District of Columbia, sitting in equity, and ask the judge of that court to determine the terms upon which you may be permitted to enter and use the privileges, what the rental shall be per year, what the rates of charges to passengers may be," and imposing upon the company which desires the benefit of the terminal facilities such terms as the supreme court of the District of Columbia may think just and proper.

Is that wrong? Is it not the very essence, the very spirit, of equity itself? Can the Congress afford to pass a bill which leaves it in the power of the Pennsylvania Railroad Company to deprive of its passenger traffic every other railway company which may desire to enter the city of Washington? For if, as is the case with the road which extends to the Chesapeake shores, new railroad companies are compelled to halt out on the boundary line of the city and to have their passengers transferred to the city over electric railway lines, what railway will build here? If this amendment shall be adopted, before long the Pennsylvania Company will be more than compensated in rentals for the expenditures that it is said it will make in constructing these approaches and this building.

I am reminded—and I want to refer to it before I close—to what is being done by other cities where they change surface trackage to elevated or underground trackage. I doubt if there is a case on record where a municipality has done more than to help bear the expense of the change, but here Congress transfers to this railway company, according to the estimate as I took it from the Saturday Evening Star, streets and other city property which aggregates in value nearly $4,800,000. And for what? To build upon that property their freight yards, their freight sheds, their freight switches, and their freight lines. When did you ever hear of a municipality, however corrupt, to secure the elevation of trackage, the change of trackage from surface to some other method, not only helping to bear the burden of the change, but also giving millions of real estate to the railway company in order that it might construct its freight yards, its freight sheds, and its coal yards—real estate given to it by the city upon which to do its freight business?

Mr. President, monopolies and perpetuities are inimical to a spirit of free government. Jefferson and all of the great fathers of our country have so declared. There is hardly a municipality of 50,000 people or more in the United States in which the people are not engaged in struggling against the encroachments of these quasi-municipal corporations and the corruption of their city councils. There are efforts being made all over this country for municipal ownership of the great public utilities, street railways, water supplies, electric lights, gas, and privileges of that character. It is a struggle that is now only in its infancy. It is necessary that that system shall ultimately prevail or else the corruption that is the curse of municipal life will continue to increase until those who live in cities will be the serfs of the corporations who own and control the councils and who own and operate and control the franchises.

What should be done by Congress with reference to this depot and this line is for Congress to build it itself. Congress should own the depot, and Congress should construct the tunnel and should construct the overhead trackways. Then it should force every railway company within the District of Columbia to do its business there and to pay to the city of Washington or to the Government fair rental and compensation for the privileges.

If it does not do that, then Congress should content itself with paying to these corporations a fair pro rata for the change of its existing tracks from surface tracks to those that will be over head or under ground. It will be impossible for members of the Committee on the District of Columbia to show wherein more than two or three million dollars will be required to make these changes. The construction of the tunnel, which is the most expensive part of the work, will cost less, as I am informed by a member of the committee, than a million and a half of dollars. Then, how about the elevated line of trackage? It certainly will cost no more. The length is limited, the height is not great, the kind of construction is not overexpensive.

But under the plea of helping to compensate the Pennsylvania Railroad for elevating its tracks in some localities and submerging the tracks in others it is proposed to give to this corporation, and at the same time enable it to establish a monopoly, $3,000,000 in money, $4,700,000 in land, and to expend $1,800,000 in order to make the depot when it is completed approachable by the public.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I have here the act of May 1, 1872, which is entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington designating a depot site for the Baltimore and Potomac Railroad Company, and for other purposes;" and there occurs in it toward the end, after making some specification as to what might be done under it, this clause:

And provided further, That the United States, by act of Congress, shall have the right to repeal or modify the provisions of this act.

It therefore can not be said that any title has ever vested in the Pennsylvania road or the Baltimore and Potomac Railroad for the present site on Sixth street. They do not own it. They are merely tenants at the will of Congress. Therefore in abandoning it for this other site they give us nothing.

Mr. PATTERSON. Senators who are not lawyers are often misled by a provision at the end of acts reserving to Congress or the legislative authority the right to repeal or amend the grant. In most instances it stands simply as a proviso, and with that clause in it courts have repeatedly held that it is not within the power of the legislature making the grant to repeal or in any wise interfere with what might be termed the "contractual" part of the statute. That was the reason I desired to see the act to which the chairman of the Committee on the District of Columbia referred. I am told by my colleague [Mr. TELLER] that it is not a grant of title, but simply a confirmation of the right given by the legislative council of the District of Columbia to the company to construct its depot and its tracks upon this Government property.

Now, Mr. President, I will do no more than urge upon the Senate the adoption of the amendment I have offered. I am not particular about the phraseology, but some amendment should be adopted that would put it out of the power of the Pennsylvania Company to keep all competitors from entering the limits of the city, and that would give access to this trackage and the depot to other lines upon fair and just and equitable terms, taking nothing from the Pennsylvania Railway, simply making it amenable to rules of equity and law and conscience, so that the growth of the city of Washington may not be dwarfed; that a monopoly shall not continue indefinitely, and that if the taxpayers of the city of Washington are compelled to pay a couple of million dollars added to their already great burden of taxation, the tax will not be used for the purpose of closing the gates of the city of Washington to all other railways and fastening upon the people of the city a monopoly in perpetuity.

Mr. TILLMAN rose.

PAN-AMERICAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, with respect to the resolution concerning a Pan-American railway adopted by the delegates of the republics represented at the Second International Conference of the American States, recently held at the City of Mexico.

I recommend an appropriation by Congress of the sum of $20,000, or so much thereof as may be necessary, to enable the President to appoint two commissioners to visit Central and South America to carry the purpose of the resolution into effect, and to investigate and report upon the means of extending the commerce of the United States with those regions.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 22, 1902.

The PRESIDENT pro tempore. The Chair suggests that only the message and accompanying typewritten matter be printed,

and that they be referred, with the report, to the Committee on Foreign Relations. Without objection, it will be so ordered.

STATUE OF ROCHAMBEAU.

Mr. ALDRICH. I ask that the President of the Senate will lay before the Senate the joint resolution received from the House this morning.

The joint resolution (H. J. Res. 180) authorizing the entry, free of duty, of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same, was read the first time by its title.

Mr. ALDRICH. It is important that action should be had upon the joint resolution promptly, and I ask that it may be placed upon its passage.

The joint resolution was read the second time at length, as follows:

Whereas by act of Congress approved March 3, 1901, the Joint Committee on the Library was authorized to purchase a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; and

Whereas a contract has been entered into between said committee and Jules Bœufvé, chancellor and attaché of the French embassy to the United States, dated April 30, 1901, for the purchase thereof, for the sum of $7,500, delivered in Washington, D. C., but which contract provides that said Jules Bœufvé shall not be required to pay any customs duty for the admission of said statue and pedestal at any port of the United States: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to instruct the collector of customs at the port of importation to admit to entry free of customs duties the said statue and pedestal mentioned and described in said contract.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

Mr. HOAR. Does it require an act of Congress to admit a statue of the Government?

Mr. ALDRICH. The importation was made in the name of the chancellor of the French legation, and I suppose that is the reason why the Secretary of the Treasury has decided that action by Congress is necessary to authorize the entry free of duty.

The PRESIDENT pro tempore. The unfinished business will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. Is there objection to temporarily laying aside the unfinished business and proceeding to the consideration of the joint resolution which has been read?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS addressed the Senate. After having spoken for half an hour,

Mr. CARMACK. Mr. President, I make the point that there is no quorum present.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	Kearns,	Pettus,
Bacon,	Elkins,	Kittredge,	Platt, N. Y.
Bate,	Foraker,	Lodge,	Quarles,
Berry,	Foster, La.	McComas,	Rawlins,
Blackburn,	Foster, Wash.	McEnery,	Scott,
Burnham,	Frye,	McMillan,	Simon,
Carmack,	Gallinger,	Mallory,	Stewart,
Clark, Mont.	Gamble,	Martin,	Teller,
Clark, Wyo.	Hawley,	Mitchell,	Vest,
Cockrell,	Heitfeld,	Money,	Warren,
Cullom,	Hoar,	Morgan,	Wellington.
Deboe,	Jones, Nev.	Patterson,	
Dolliver,	Kean,	Perkins,	

The PRESIDENT pro tempore. Fifty Senators have responded to their names. There is a quorum present. The Senator from Utah will proceed.

Mr. RAWLINS resumed his speech. After having spoken for nearly an hour,

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Will the Senator from Utah yield to the Senator from Colorado?

Mr. RAWLINS. With pleasure.

Mr. TELLER. I do not like to interrupt the Senator, but it hardly seems to me that any important question of this kind should be discussed in this way. I think we ought to have the attendance of Senators or we ought to adjourn, one or the other.

The PRESIDING OFFICER. Does the Senator ask for a quorum?

Mr. MONEY. I move that the Senate do now adjourn.

Mr. LODGE. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PETTUS]. I do not know how he would vote, if present.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Louisiana. I have a general pair with the Senator from North Dakota [Mr. MCCUMBER] who is absent, and I refrain from voting.

Mr. CLARK of Montana. I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]. I withhold my vote.

Mr. HOAR. I have a general pair with the Senator from Alabama [Mr. PETTUS]. I think he would desire me to vote on this question. So I shall vote. I vote "nay."

The result was announced—yeas 12, nays 22; as follows:

YEAS—12.

Bate,	Culberson,	Money,	Simmons,
Berry,	Dubois,	Patterson,	Teller,
Carmack,	Heitfeld,	Rawlins,	Vest.

NAYS—22.

Bacon,	Gallinger,	Kittredge,	Platt, N. Y.
Burnham,	Hansbrough,	Lodge,	Scott,
Cullom,	Hawley,	McComas,	Wellington,
Elkins,	Hoar,	McMillan,	Wetmore.
Foster, Wash.	Kean,	Morgan,	
Frye,	Kearns,	Perkins,	

NOT VOTING—54.

Aldrich,	Deboe,	Jones, Ark.	Platt, Conn.
Allison,	Depew,	Jones, Nev.	Pritchard,
Bailey,	Dietrich,	McCumber,	Proctor,
Bard,	Dillingham,	McEnery,	Quarles,
Beveridge,	Dolliver,	McLaurin, Miss.	Quay,
Blackburn,	Dryden,	McLaurin, S. C.	Simon,
Burrows,	Fairbanks,	Mallory,	Spooner,
Burton,	Foraker,	Martin,	Stewart,
Clapp,	Foster, La.	Mason,	Taliaferro,
Clark, Mont.	Gamble,	Millard,	Tillman,
Clark, Wyo.	Gibson,	Mitchell,	Turner,
Clay,	Hale,	Nelson,	Warren.
Cockrell,	Hanna,	Penrose,	
Daniel,	Harris,	Pettus,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The call of the yeas and nays discloses that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dillingham,	Heitfeld,	Platt, N. Y.
Bacon,	Dubois,	Hoar,	Quarles,
Bate,	Elkins,	Kean,	Rawlins,
Berry,	Foster, La.	Kearns,	Scott,
Burnham,	Foster, Wash.	Kittredge,	Simmons,
Burrows,	Frye,	Lodge,	Simon,
Carmack,	Gallinger,	Mallory,	Teller,
Clark, Mont.	Gamble,	Mitchell,	Vest,
Clark, Wyo.	Hanna,	Money,	Warren,
Clay,	Hansbrough,	Morgan,	Wellington,
Culberson,	Harris,	Perkins,	Wetmore.
Deboe,	Hawley,	Platt, Conn.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. MONEY. Mr. President, having made the motion to adjourn, I now ask to withdraw that motion, and I also ask permission to say that the motion to adjourn was not made by me to procrastinate or delay the consideration of this measure, but rather to expedite and facilitate it. It is impossible, with an empty Senate, to consider a bill of this vast importance, embracing as it does the rights, life, liberty, property, and well-being of the Filipinos generally, and also involving material and important changes in our manner of government at home. I want it understood now that the Senate must consider this bill before it is ever passed, and if a quorum is not present there will either be a call for a quorum or a motion to adjourn to bring Senators back to their places.

I want to say that I am not anxious to delay the bill by any means, but I am willing that we shall have a vote upon it whenever the Senate thinks it is ready to vote; but while the bill is before the Senate it ought to be considered by a quorum of the body.

Mr. SCOTT. Does the Senator from Mississippi think for a minute that the arguments of any Senator on the floor of this Chamber will change the vote of a single Senator upon this proposition?

Mr. RAWLINS. Mr. President, I never in my life have indulged in such an unreasonable assumption as that the judgment of the Senator who has last spoken could be affected by any argument. [Laughter.] If he or any other Senator upon that side

of the Chamber imagines for an instant that I am addressing an argument to them with any hope that they will be influenced by considerations of reason or justice which will be presented in behalf of ten millions of people who have no political voice in the destiny of this country, he is entirely mistaken. The argument which I address to the Senate is addressed to the country. There are 70,000,000 people who want to know the truth about this measure and the questions which are now pending before the Senate.

It is natural, Mr. President, and I am not surprised at it, that Senators upon the other side, knowing the infamy of the proposition which they propose to enact into law, skulk away and observe the consideration of it through the keyhole. An oligarchy as foul as ever disgraced the history of mankind is about to be established and continued in perpetuity by this measure. It is the most impudent despotism ever conceived for the purpose of greed, and not for humanity: its object is spoliation and plunder. Ten millions of silent, unheard, and suffering people are waiting upon its consideration; their fate hangs in the balance, and Senators, while this bill is thus under consideration, slink away and declare impudently to the American people that no argument in behalf of humanity or justice or reason will have the slightest influence upon their minds in their determination to commit this robbery and this crime. If the Senator wants to retire, he may go. I have no words to address to him or to any other Senator who assumes such an attitude upon a question so vital as the one which is now before us for consideration.

Mr. WELLINGTON. If the Senator will permit me, I should like to say a word.

Mr. RAWLINS. I will yield to the Senator.

Mr. WELLINGTON. I think the Senator is wrong to impute such motives as he has to many of the Senators who are here. He knows very well that at this time many of the Senators are compelled to be absent from the Chamber by reason of their committee work. I was absent from the Chamber on account of being in attendance upon the Committee on the District of Columbia, having under consideration a very important matter, and came into the Chamber when the call was made. I do not think the Senator is just in imputing such motives.

Mr. RAWLINS. Mr. President, that explanation was not necessary from the Senator from Maryland. I impute to no Senator any improper purpose, and I would not have made the remark I did except for the statement that was made from the other side, in a degree, I supposed, representing the purpose of the other side, although this bill was before us for discussion and consideration, that it was presumptuous on the part of Senators upon this side to suppose that anything which might be advanced by them would have the slightest influence upon the minds of Senators on the other side. I applied the remark to no Senator. I could not and would not impute any improper motive to Senators, many of whom I know are busily employed with other matters, and so far as I am personally concerned, I would not desire to interrupt their consideration of business which may demand their attention elsewhere.

Mr. HOAR. Will the Senator yield to me?

Mr. RAWLINS. With pleasure.

Mr. HOAR. I wish to ask the Senator, in all courtesy and kindness, if he will not withdraw the words he just used—"slink away."

Mr. RAWLINS. Did I use those words?

Mr. HOAR. It seems to me that they are hardly in accordance with the rule which the Senate has just laid down for itself.

Mr. RAWLINS. Mr. President, I do not recall the exact phraseology I employed. I meant only by it what was implied fairly, I think, by the statement made by the Senator who said that he went away because he could not be influenced. I may have used the words "slink away," but I will change them to "walk away," if that be more appropriate.

Mr. TELLER. Or "stay away."

Mr. RAWLINS. Or "stay away." It would be worse to say "ran away." [Laughter.] I will say "retired."

Mr. HOAR. If the Senator will allow me, I do not wish to assume the rôle of making suggestions to gentlemen about these matters of debate; and I beg the Senator's pardon if in any way I trench upon him. But I think the Senate mean, if they can, for the future to establish the rule of courtesy for the deliberations of this Chamber which would prevail in ordinary social intercourse, or certainly that which would prevail in the intercourse of diplomatic representatives of great nations, which we are in one view of our places here, the ambassadors of great States.

The phrase of the new rule is that we will not use any language imputing to any Senator conduct or motives unworthy of a Senator. While I know that in the warmth of political debate no man probably has been a greater transgressor than I have been in the past—and I have no right to lecture anybody—this is the first time that this thing has happened since that rule was adopted, and I am quite sure I shall have the earnest approval of my honorable friend from Utah, who, so far as I know, has never transgressed any rule of the Senate—certainly not, so far as I have ever heard—in endeavoring to err on the safe side of that question if he err at all.

Mr. RAWLINS. Mr. President, I appreciate the high purpose of the Senator from Massachusetts. I agree with him fully that we ought to use proper diplomatic, inoffensive language, and I seek to do that. I do not recall the exact words I used, but the Senator says I used the word "slink," or "slunk." I am willing to withdraw any word that is objectionable, and substitute any appropriate equivalent which the Senator from Massachusetts may suggest. [Laughter.]

Mr. TELLER. Will the Senator from Utah yield to me for a moment?

Mr. RAWLINS. Certainly.

Mr. TELLER. I only want to say a word. I want to call the attention of the Senate to the fact that, according to the rule of the Senate, the committees of this body have not any business to be in session during the regular hours of the sessions of the Senate. It is no excuse for a Senator to come in here and say that he was in committee.

Mr. LODGE. Does the Senator apply that to conference committees? A conference committee has the right to meet at any time, and there is a conference meeting on the Chinese-exclusion bill in session which has kept three Senators away from the Chamber.

Mr. TELLER. All the absent Senators are not on conference committees.

Mr. LODGE. Three Senators are absent attending the session of the committee of conference on the Chinese-exclusion bill.

Mr. TELLER. They are still absent. Nobody complains of that; but the complaint is that Senators deliberately go out of the Chamber who have no business to do so, and sit in the cloakrooms or sit in other places and do not attend the sessions of the Senate a good part of the time. Of course we expect Senators to go to lunch, but they rarely all go to lunch at the same time. When the roll was called some time ago a number of Senators were at lunch, and they came into the Chamber.

I made the suggestion that there ought to be a quorum in attendance here, but I did not make the motion for an adjournment. I said if we could not keep a quorum present, we ought to adjourn, and thereupon another Senator made the motion to adjourn. Nobody wants to adjourn now. If I recollect aright there were present but four Senators on the other side of the Chamber when I took the floor; and they were all who had been here for some little time.

The Senator from Massachusetts [Mr. HOAR] talks about courtesy, etc. It seems to me that nothing can be more discourteous in the Senate than for the entire body of one political organization to abandon the Chamber when a discussion is going on, and a discussion which has been conducted in a proper spirit and in a proper manner by a Senator who is a member of the committee reporting the bill.

I think, in order to do the business of the Senate in a decent, orderly, and respectable manner, it is the duty of somebody to keep a quorum here, or else to move to adjourn, and hereafter I am prepared to say that unless there is a reasonable attendance here some Senator will be found to make such a call or such a motion.

Mr. RAWLINS. Mr. President, we seem to have arrived at that point in our history when there are those who affect to believe that to think is sedition and to talk is treason. "For heaven's sake, let us keep silent until the war is over!" exclaimed one of the heroes and graduates from the Philippine Islands. He would make, if he could, free speech treason, treason odious, and cart us away to the gallows. He would perhaps allow the Senator from Massachusetts [Mr. HOAR] the benefit of clergy on account of his sympathy for a superheated conscience. All this, if we are to believe what he says, has the approval of the President of the United States. Congress no longer has to declare war. An Otis or a Chaffee will graciously undertake to do that and relieve us of the responsibility.

A few days ago a message came to us that Malvar, the last of the insurrectos, had surrendered. On the next day it was announced that General Chaffee had made a declaration of a new war, and had dispatched an army to wage it against 2,000,000 people in the island of Mindanao. But, Mr. President, mum is the word so long as there is any disturbance anywhere within our borders or in any one of the thousand islands of the sea. The temple of Janus will never be closed; the brazen gates of war will remain forever open; and there will be no peace if only the party in power can thereby put a padlock upon our mouths and coin political capital out of the blood of our soldiers and the slaughter of unoffending peoples.

So, Mr. President, if we are to speak at all we are compelled to

speak now, although the Senator in charge of this bill desires it to go through in silence, pursuant to the notion that so long as we have troubles upon our hands anywhere it is our patriotic duty to remain silent, even in respect to a measure of great importance and which is pending before the Congress for consideration.

Mr. President, there are facts which cry out for utterance. There are things which demand revelation. Across the water there are more than 10,000,000 of suffering people silent and unheard, but whose souls doubtless cry out against wrongs, cruel, unspeakable, beyond the ken of mortal language to describe. There are more than 70,000,000 people on this side of the water wanting to know the truth heretofore stifled and suppressed.

Mr. President, it seems to me that it is a time when it is a patriotic duty to give utterance to the truth, that the American people may be advised and that we may intelligently deal with the important questions which confront us.

Friends of justice, champions of liberty, have ever been jealous of the encroachment of the executive or kingly power, and those who, irrespective of consequences to themselves, have resisted its aggressions and refused to be seduced by its blandishments have passed into history with enduring and honorable fame, while those who have catered to it and sought to profit by the favors which it had to bestow have sunk into oblivion, or, if remembered, are only remembered to be despised.

What is this bill? The Senator who introduced it has not explained it; but upon its examination we will find that it continues, if it does not establish in perpetuity, a Presidential despotism—not a benevolent despotism, but a cruel, a remorseless, and a predatory despotism.

For this they have no warrant in our history or traditions. To do this they must trample under foot the precepts of our Constitution and axioms of our liberty. This bill reaches backward as well as forward. It strikes its roots into and derives its support from that excrescence upon the Army appropriation bill of 1901 known as the "Spooner amendment." The qualification of the absolute power therein conferred, adopted at the instance of the Senator from Massachusetts, by this bill is eliminated. After this bill shall have passed, this absolute power will stand forth stripped of every qualification and limitation. In order to comprehend this bill, therefore, it is necessary to read into it as a part of it that grant of absolute authority. This bill appears in some respects in disguise. Its real purpose does not in all respects appear upon its face. It is another Trojan horse stalking into the citadel of the nation filled with the arms and soldiers of a despotic power, concealing the instrumentalities of tyranny and oppression and the means of spoliation and plunder.

That provision to which I have referred reads as follows:

UNLIMITED POWER OF COMMISSION.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

I invite attention to the first section of the pending bill, which reads:

That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commision, dated April 7, 1900, and in creating the offices of civil governor and vice-governor of the Philippines, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June 21, 1901, and in establishing four executive departments of government in the Philippine Islands as set forth in the act of the Philippine Commission, entitled "An act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September 6, 1901, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said archipelago shall continue to be governed as thereby provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission."

Future appointments of civil governor, vice-governor, members of the Commission, and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

The Spooner amendment provides that all civil, military, and judicial power necessary to govern the Philippine Islands shall be vested in such person and persons and be exercised in such manner as the President may direct. The persons constituting the United States Philippine Commission are such person and persons as above referred to. The first section of the bill approves the instructions of the President to the Commission and directs the Commission to impose certain rules taken from the amendments of the Constitution upon their subordinates. These rules are not limitations either upon the power of the President, the Secretary of War, or the Commission, and their authority is therefore left without qualification.

The first section also approves the act of the Philippine Commission instituting certain bureaus. Why this was selected for approval out of more than 200 acts passed by the Commission is not explained.

Future members of the Commission are to be appointed by and with the advice and consent of the Senate. The present members, therefore, may hold their position during life without the concurrence of the Senate.

It is not necessary to read the whole of those instructions of April 7, 1900. They have been called to the attention of the Senate; they have been read here; and it has been claimed that they constitute limitations upon the authority of the Government which has been established under the provisions of the Spooner amendment and subsequent legislation.

Mr. President, a casual examination of these instructions will disclose that they constitute no limitation whatever upon the President of the United States who, in the first instance, is clothed with this absolute power; and the President could not circumscribe by his own act the authority which we conferred upon him in the Army appropriation bill of 1901. The President himself may violate every one of the cardinal principles which are here in these instructions named, and he may grant dispensations to those who do violate them. The Secretary of War may violate every one of these cardinal rules and grant dispensations to those beneath him who may violate them. The United States Philippine Commission, when we examine these instructions to them, may violate every one of these rules, and they also may grant dispensations and confer immunity to anyone beneath them, or subject to their control, who may see fit to violate any one of these principles.

Let us see if that be not true. Passing over the mere details of instructions as to these commissioners to travel, to meet, and to organize, the immaterial incidents relating to their authority, we have this language on page 8:

Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Mr. President, it is enjoined upon the United States Philippine Commission to impose upon every division and branch of the government of the Philippine Islands these inviolable rules; a direction to the person and persons who are the creatures acting under the direction of the President to impose upon their subordinates these inviolable rules. It is not necessary to argue the question that these rules, these axioms of human liberty, these limitations upon the exercise of arbitrary power, are in no degree restrictions upon the President, or upon the Secretary of War, or upon the oligarchy known as the United States Philippine Commission. Any one of those agencies of government in the Philippine Islands is left with a free hand to violate every one of those cardinal rules, which are declared, as to their subordinates, to be inviolable.

Mr. President, before I shall conclude the argument in the discussion of this bill it will be shown that every one of those rules has been time and again violated from the moment of their promulgation down to the present hour. In the Philippine Islands they have deprived the people of freedom of speech and of the right of petition. The people over there are being railroaded into prison on the charge of the offense of sedition, which consists in

nothing more than the publishing of the truth in relation to the administration of this very Commission, and when arraigned before the judge, who is in the exercise of this authority, and the plea is interposed that the publication is true, the judge answers that that is an aggravation of the offense. As well and clearly pointed out upon the floor of this Chamber by one of my colleagues, this treason and sedition law, which has been laid before the Senate and presented to it for its consideration, expressly denouncing as a crime punishable by fine and imprisonment publications relating to the administration of the oligarchy in the islands, nowhere makes it available to the defendant as a defense to prove that the statement in the publication is true.

Governor Taft certainly had not read this treason and sedition act; he was not present when it was passed; he did not look through it; for if he had he would not have made the statement that under the charge of crime for the violation of any one of these provisions it was open to the defendant to prove the truth of the publication.

"No person shall be compelled to be a witness against himself." It has been shown—and it is no longer controverted, because it can not with semblance of truth be controverted—that not only have the people been compelled to bear witness against themselves, but the most excruciating tortures which the invention of cruelty and tyranny in the past has been able to devise have been applied in order to extort statements to be employed for the conviction and punishment of the victim of the cruelty and to obtain information otherwise to be employed to the advantage of the oligarchy and the upholding of its authority.

"No person shall be deprived of life, liberty, or property without due process of law." Yet, under the declarations of a military dictator, unoffending citizens and, indeed, all inhabitants, without regard to age, sex, or condition, are presumed conclusively to be guilty of the highest crime known to the law, until in certain ways they establish their innocence, and upon such presumption their persons are thrown into prison and their property confiscated or destroyed. And when we come to an analysis of the only way pointed out for the poor wretch to escape the dire punishment, the drastic cruelty which is to follow in the wake, and as a result of the presumption it is developed that he must do things which to him might be and probably would be utterly impossible. He must go out and seize some of his former compatriots and drag them into the custody of the military power; he must disclose information which proves to be true and effective and valuable to the Army as to the whereabouts of persons who are being sought, or he must render active, affirmative, unequivocal service such as to demonstrate beyond all question that he was in all respects, in thought as well as in act, loyal to the government instituted under the provisions to which I have already made reference.

Mr. President, I do not intend at this juncture to go into details as to the extent to which these rules or these instructions have been violated and the extent to which they are now being violated; and violated not accidentally or in sporadic cases, but violated according to a well-established programme emanating from the highest authority in the islands, with the consent and by the direction of such person and persons as have been constituted to exercise the powers of government in those islands. Hence it is that these instructions, so ostentatiously referred to in the first section of this bill, as setting limitations upon the exercise of civil, military, and judicial power, have no vitality, no force whatsoever, and that no hand disposed to tyranny and oppression is in the slightest degree restrained by reason of any one of these instructions; that they have been and are being violated with perfect impunity; that the "person and persons" and those in control of the islands, if these things have not been done by their direction, are affording dispensation to those who have thus violated them.

Mr. President, the act of the Commission which, in addition to the instructions, is selected in the first section for approval provides:

> The department of the interior shall embrace within its executive control the bureau of health, the quarantine service of the marine hospital corps, the bureau of forestry, the bureau of mining, a bureau of agriculture, a bureau of fisheries, the weather bureau, a bureau of pagan and Mohammedan tribes, the bureau of public lands, the bureau of government laboratories, and the bureau of patents and copyrights.
>
> SEC. 2. The department of commerce and police shall have under its executive control a bureau of island and interisland transportation, the bureau of post-offices, the bureau of telegraphs, the bureau of coast and geodetic survey, a bureau of engineering and construction of public works other than public buildings, a bureau of insular constabulary, a bureau of prisons, a bureau of light-houses, a bureau of commercial and street railroad corporations and all corporations except banking.
>
> SEC. 3. The department of finance and justice shall embrace within its executive control the bureau of the insular treasury, the bureau of the insular auditor, the bureau of customs and immigration, the bureau of internal revenue, the insular cold-storage and ice plant, a bureau of banks, banking, coinage, and currency, and the bureau of justice.
>
> SEC. 4. The department of public instruction shall embrace under its executive control the bureau of public instruction, a bureau of public charities, public libraries, and museums, the bureau of statistics, a bureau of public records, a bureau of public printing, and a bureau of architecture and construction of public buildings.

Then this follows:

> SEC. 5. The secretaries of the departments described in the foregoing sections shall exercise the executive control therein conferred, under the general supervision of the civil governor.

Those who support this bill deemed it necessary to select this one act out of more than two hundred for special approval by act of Congress, and in this bill it is provided that the heads of each of those departments shall be appointed in the future by and with the advice and consent of the Senate.

COURTS AND OFFICERS DEPENDENT.

You will see an outline here of wonderfully complicated machinery. These various departments and bureaus, covering every conceivable subject of administration, are to be supported by the taxes derived from the people of the Philippine Islands. The heads of these bureaus and all the subordinates and employees connected with them are dependent for the tenure of their office and the amount and payment of their salaries upon the United States Philippine Commission. They are subservient in all respects to the edicts and behests of that Commission. The persons now in office, so far as we are enabled to determine from an inspection of the law and from anything in the bill which we now have under consideration, are to continue to hold those offices during life; and that is true of the membership of the United States Philippine Commission. They are selected by the President, and now constitute the sole depositary of power in the islands. They are to hold their positions during life, nothing being said about good behavior. The concurrence of the Senate is only required as to future appointments, and the bill is very careful to prevent the possibility of the Senate passing upon the fitness of the persons who are, during their lives it may be, to exercise these unusual and arbitrary powers to which I have already made reference.

When we come to consider the judiciary, which is provided for in the next section, we shall find that that, too, is absolutely dependent upon the will of the United States Philippine Commission and will be subservient to its purposes. When we proceed farther, to ascertain if there be any limitations circumscribing the authority mentioned in the Spooner amendment which I have read, we look in vain. They have control of the courts. They have control of the salaries and the tenure of judges. The extent of the jurisdiction which any one of them may exercise, if any, is dependent wholly upon the action of the Commission. All property and rights—rights in the generic sense, without qualification, as distinguished from property, embracing thereby, as it does, according to every reasonable implication, the sovereignty, if any, that we acquired from Spain by the peace treaty—are by one section of the bill turned over absolutely and unqualifiedly to this oligarch, the United States Philippine Commission. To what end? To be administered, distributed, disposed of.

POWER OVER LANDS.

Mr. President, the feet of the archipelago rest near the equator. Twelve hundred miles to the north its head is bathed by the waters of the Chinese Sea. It is said there are more than 600 islands; more than 76,000,000 acres of land, embracing mountains, volcanoes, valleys, lakes, rivers, and swamps, timber resources, whatever they may be—and all these things are turned over absolutely to the control and the disposition of the United States Philippine Commission. Of the 76,000,000 acres of land to-day, according to the reports, there are but 5,000,000 acres subject to private ownership, and this bill is not content to leave that inviolable in the hands of the people who have acquired it, because there is a provision in the bill authorizing the same United States Philippine Commission to appropriate it in the exercise of the power of eminent domain and to dispose of it, to sell it, or give it away, as they may deem proper. In order to acquire it they are given authority to issue bonds in payment therefor, mortgaging the future of the islands and their people.

All these lands, every acre and every foot of land within the archipelago, including all appurtenances, all rights of every description, under the provisions of this bill are to be disposed of absolutely without limitation, according to the rules and regulations which may be enacted or prescribed by the United States Philippine Commission. I said "without limitation." Practically so. This limitation is provided in one of the sections of the bill. When the rules of the United States Philippine Commission are passed, they are to be submitted to the President, and are not to take effect until approved by him. They are to be submitted to Congress, and if not disapproved by Congress before the expiration of the next session of Congress, then they become effective and go into operation.

The despotic power conferred upon the President of the United States and the United States Philippine Commission is therefore in no degree limited with respect to the rules and regulations providing for the disposition of the public lands in the islands, except to the extent that Congress may be able, after the rules are submitted for its consideration, to disapprove of those rules within

the time limited. Either House may prevent such disapproval, and delay may prevent such disapproval, although a majority of each House may so desire.

WHAT COMMISSION MAY DO.

In this cursory review of the general powers of the Commission it follows, it seems to me, without possibility of controversy, that the Commission, under the direction of the President, may declare war and make peace. The President and such person or persons as he may designate and under his direction possess all civil, judicial, and military power necessary to govern the islands. That covers and includes every conceivable power. They may declare war and make peace, because the Constitution does not restrict them. That reservation to Congress is of no potency when we step beyond the shores of the continental Republic. That is the theory of the friends and supporters of this bill.

The same oligarchy can raise armies and provide navies. It can regulate commerce among the islands and with foreign countries, with any sort of discrimination as to islands and ports. It may lay taxes to the extent of the destruction of the subjects of taxation, without justice and without uniformity, because there is no such limit circumscribing its authority. It may coin money and regulate the value thereof, and it has already set up a bureau relating to coinage and currency as well as banking. It may pass ex post facto laws and bills of attainder, working corruption of the blood to the remotest generation, with incidental confiscation and things evil to the victim of such legislation. It may take the property of one man and give it to another, and that express authority is given in the pending bill. It can destroy freedom of speech and of the press; make the thought as well as the word and the thought and word as well as the act punishable capitally.

Mr. President, I might go on and enumerate the various things that may be done under the authority which we have conferred and which will be conferred under this bill, but these are sufficient to illustrate it.

JUDICIARY.

Now, I invite attention specifically to the judiciary, because, as against encroachments of power and acts of tyranny, an independent judiciary in every country has usually been the main, the best safeguard. The second section provides:

SEC. 2. That the supreme court, courts of first instance, and municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by said Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by the Commission or otherwise enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine Commission: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

The judges of the supreme court are to be appointed with the concurrence of the Senate. They are, however, to have only such jurisdiction as may have been conferred upon them by the Philippine Commission, and that may be regulated, altered, and amended in any way in which the Commission may hereafter enact. While these judges are not dependent upon the Commission for the tenure of their office, they are for the amount and payment of their salaries, and they are wholly dependent upon the Commission as to the extent of the jurisdiction which they may exercise.

It will be noted that there is no appeal provided in any case in this statute from the decisions of the judges of first instance to the supreme court herein referred to. When we look to the judges of the courts of first instance, we find that they are to be appointed by the civil governor, by and with the advice and consent of the Philippine Commission. The same Commission fixes the compensation of the judges and their terms of office. The extent of their jurisdiction is to be defined by laws which the Commission is expressly authorized to enact. It is competent for the Commission to make final every decision of these judges, dependent in every way upon the Commission, allowing no appeal from their decision to the supreme court which is provided for in this act. Thus we see how absolutely dependent both these courts are upon the United States Philippine Commission.

We turn to the provision relating to appeals. There is no provision regulating appeals from the courts of first instance to the supreme court, but section 67 relates to appeals to the Supreme Court of the United States, and is as follows:

SEC. 67. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, privilege, or obligation of the United States is involved, or in causes in which the value in controversy exceeds $5,000, or in which the title or possession of real estate exceeding in value the sum of $5,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

Mr. President, it will be noted that there is no jurisdiction given the Supreme Court of the United States except such as the Philippine Commission may see fit to allow to be exercised. Having absolute control of the jurisdiction of the supreme court of the islands, that Commission can cut off any case from reaching the Supreme Court of the United States which they do not wish to have come before that tribunal for determination. So we have the courts constructed upon such a plan as to be subject absolutely to the control of the United States Philippine Commission; and those courts are, therefore, no safeguard against the exercise of any power which that Commission may undertake to employ, and the victim of its oppression, if it shall practice oppression, can have no remedy except such remedy as the Commission may see fit to provide.

DISPOSAL OF LANDS.

If it is desired by the Commission to appropriate lands to subserve purposes which they may wish to subserve, and to employ the judiciary to that end, they have a subservient tool to carry out that wish. If they want to deprive of liberty any man who becomes obnoxious to them or dares to assert a policy which may be antagonistic to that which they desire, they have the courts as subservient tools for his suppression. Section 10 reads as follows:

SEC. 10. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, 1898, are hereby placed under the control of the government of the Philippine Islands to be administered for the benefit of the inhabitants of the islands, except as hereinafter provided.

The purpose of that is self-evident. I have already made sufficient comment upon it. The next section is as follows:

SEC. 11. That the government of the Philippines, subject to the provisions of this act and except as hereinafter provided, shall make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, by and through the Secretary of War, and they shall also be submitted to Congress, and unless disapproved or amended by Congress at the next ensuing session after their submission they shall at the close of such session have the force and effect of law in the Philippine Islands, when they shall have received the approval of the President, as hereinbefore provided.

Those two sections put together place lands of every description within the islands subject to these rules and regulations for lease, sale, or other disposition. The power which this section confers upon the President and the Commission may be employed to any conceivable iniquitous end, depending wholly upon the honor, the disposition, or the integrity of the men who may happen to constitute the government.

We already know the ends really to which these powers are to be employed. They have been pointed out to us by the civil governor of the islands. It is designed that leases may be made to cover a period in the neighborhood of a hundred years. The nature or terms of those leases of course may be prescribed by the Commission. The tenure under which those lands may be held may be of a feudal nature. The right to hold the lands, the privilege of holding the lands, may be made dependent upon the rendition of service to the government, upon whom is conferred this authority to make leases.

In other words, the Philippine Commission is made the lord paramount of all the lands and property in the islands, and they may be leased or they may be sold or they may be otherwise disposed of without any reference to the quantity and without any reference to the purposes for which they may be used. They may be turned over to syndicates or to corporations, or it is possible they may be confined to those who may be seeking homes. But we know that the main purpose of the Commission, which seeks to have conferred upon it this power, is to dispose of those lands in large quantities, as large as 20,000 acres, if not more, to syndicates and corporations, with a view to their exploitation.

Section 12 provides:

SEC. 12. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands not exceeding 160 acres.

The following section provides:

SEC. 13. That pending the preparation and until the adoption of rules and regulations as provided in section 8 the government of the Philippines is hereby authorized and empowered, on such terms as it may prescribe, to lease, let, and demise to actual occupants and settlers and others, for a term of not more than five years, such parts and portions of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 5,000 acres to any corporation or association of persons.

This is a temporary authority, to be exercised by the commission, without the necessity of any approval by the President, until the general rules and regulations which are prescribed in section 11 have gone into effect.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. Certainly.

Mr. CARMACK. As I understand the Senator, it is his understanding that as soon as the rules and regulations provided for in section 11 have been made the provisions of this entire section will become dead?

Mr. RAWLINS. That is my understanding of the meaning of this bill. The provision to which I have made reference last is simply a temporary provision.

Mr. CULBERSON. What section?

Mr. RAWLINS. Section 13 is a temporary provision to be employed by the government of the Philippines only until the rules and regulations provided for in section 11 go into effect. Of course the limitations contained in section 13 do not apply to the rules and regulations which are referred to in section 11 of this bill.

I have offered an amendment striking out the sections to which I have now made reference, and in lieu thereof I propose to extend over the islands the public-land laws of the United States, giving to the Commission or to the legislature of the islands, whatever it may be, authority to prescribe rules and regulations, not inconsistent with the provisions of the public-land laws of the United States, for the purpose of carrying them into effect. That amendment, if adopted, will preserve the lands in the islands to actual home seekers. No one could acquire title thereto to a greater extent than 160 acres, and he could only acquire it under the provisions of our homestead laws. Natives who are in actual possession of lands, occupying them as homes, under the provisions of those laws would without expense to themselves be able to acquire title. No government could thus use the lands for the purpose of speculation or spoliation or to bestow them upon syndicates or to put them in dead hands.

Mr. President, those islands belong to the people who now inhabit them and who seek to maintain their homes there. They are the legitimate heritage of them and them alone.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. RAWLINS. With pleasure.

Mr. CULBERSON. I should like to ask the Senator from Utah if it was not the testimony of General MacArthur that, speaking in general terms, with the exception of railway franchises, every other consideration looking to the improvement of the Philippine Islands ought to be postponed to such time as the Filipinos themselves should take charge of the government of the archipelago; that is to say, the Government of the United States ought not to attempt or permit anything like an exploitation of the islands, but that with the exception of granting railway franchises all matters looking to an improvement of the islands should be postponed until the Filipinos themselves could take charge of the government?

Mr. RAWLINS. That was certainly the purport of the testimony of General MacArthur, but it is of course antagonistic to the recommendations of the United States Philippine Commission. It is also in harmony, in a measure at least, with the testimony of General Otis so far as he testified upon that subject. The military commanders of the islands have disapproved of the policy of retaining them for the purposes of exploitation or spoliation. They (and it seems to me every reasonable man must concur with them in that regard) consider that it would be disastrous to the peace and to the welfare of the islands to have the lands there disposed of in large tracts to syndicates and corporations. Indeed, we have a most apt illustration of that in the condition of affairs which has heretofore prevailed there in regard to the friars' lands. There are, in round numbers, about 30 religious haciendas or tracts of land, amounting to the neighborhood of 60,000 acres each, belonging to the different orders of friars. Of course those orders are in reality nothing but corporations, and just like any other corporation possessing a similar tract of land they hold it for mercenary ends, just as any corporation seeking to exploit lands would hold them.

Mr. MONEY. With the permission of the Senator from Utah, I should like to interrupt him for information.

Mr. RAWLINS. With pleasure.

Mr. MONEY. Before he passes from the subject of grants by the Philippine Commission to companies or corporations, to use his very expressive language, to exploit these lands, do I understand him to mean that those lands are granted forever, irrevocably, in fee, or that they are limited for a term of years? What is the nature of the grant of lands made to corporations or companies?

Mr. RAWLINS. By the Philippine government?

Mr. MONEY. By the Philippine Commission.

Mr. RAWLINS. The present bill, as I have pointed out, authorizes the Commission to make rules and regulations for the lease, sale, or other disposition of the lands. As we may infer, the purpose of those who will exercise this power, as manifested in the testimony of Governor Taft, is to grant the lands in large tracts, at least as large as 20,000 acres if not larger, to corporations, to hold in perpetuity.

Mr. MONEY. Is this power to grant on the part of the Commission without any review from any other power?

Mr. RAWLINS. Of course the authority conferred is primarily to the Commission to make the rules, and they may make them just as they desire. Those rules, before they go into effect, must have the approval of the President, but with the concurrence of the President it is in the power of the Commission to do just what Governor Taft in his testimony said the Commission desire to do, and that is to bring about the development of the islands by granting the lands in large tracts to corporations who would employ large capital for their improvement and development; and as the Executive authority has approved that policy and has in every act upheld the recommendation, we have every reason to believe that as soon as this bill becomes a law the United States Philippine Commission will enact rules for the disposition of the lands in large tracts of 5,000, 10,000, 20,000, or 50,000 acres, for aught we know, to be held in perpetuity for the end which I have described.

Mr. MONEY. I will make a still further inquiry, if the Senator will permit me. I understand, then, from what the Senator says, that the Philippine Commission have the power to dispose of the public lands of the United States in the Philippine Archipelago, which power is denied to any other except the political power of the Government, the Congress of the United States, within the continental limits of the United States; in other words, that that Commission enjoys in the Philippine Islands a power which is enjoyed alone by the Congress of the United States within the continental borders of the United States. Is that the understanding of the Senator?

Mr. RAWLINS. Yes. Mr. President, in answer to the pertinent inquiry of the Senator, the authority of the Philippine Commission under the provisions of this bill is far in excess of that which has ever been exercised, at least by Congress, and, in fact, is coextensive with any power that Congress might by possibility exercise in regard to the disposal of the public lands in the Philippine Islands.

Mr. MONEY. I should like to ask again, if I am not trespassing too much upon the Senator's usual good nature——

Mr. RAWLINS. Not at all.

Mr. MONEY. I am asking for information now, because I do not understand the bill. I should like to ask the Senator if there is any doubt in his mind as to the character of the proprietorship of the United States in the public lands within the Philippine Archipelago, whether we are not subrogated, I might say, to the rights of Spain in sovereignty there, and if the public lands in the archipelago are not as much the public lands of the United States as are the public lands in the State of Utah?

Mr. RAWLINS. Mr. President, if we acquired, under the Paris treaty, the Philippine Islands we acquired there such title to the public lands as Spain then possessed, which included practically all the lands in the archipelago—about 76,000,000 acres, with the exception of about 5,000,000 acres which were at the time the subject of private ownership. It was for these lands that we paid the $20,000,000. That is practically what we obtained, with the incidental benefits of war.

Mr. MONEY. Then, Mr. President, I understand from the Senator that we confirm to the Philippine Commission a power granted to the President to dispose of the public lands of the United States, which power alone belongs to the Congress of the United States, and if so it can not be delegated to the Commission, nor conferred by the President upon that Commission, constitutionally.

Mr. RAWLINS. That is undoubtedly true. The limitation of the Spooner amendment, adopted at the instance of the Senator from Massachusetts, forbade the Commission making disposals of these public lands, but that limitation will be abrogated if this bill passes in its present form. The bill purports to confer on the Philippine Commission, with the approval of the President, subject to the disapproval of Congress at the next session—assuming that Congress can not disapprove this legislation unless they do it at an ensuing session—the power to make rules and regulations for the lease, sale, or other disposal of all lands not subject to private ownership which we acquired under the treaty with Spain.

Not only may they dispose of the lands; they may grant them according to any tenure they please—for life, in fee, or in perpetuity. They may exact what consideration they please. They may compel those who become their tenants, they being lords paramount, to render feudal service in return for the privilege of possessing and cultivating the soil. There is the possibility of the power which is hereby conferred to make them villeins, an incident of and attached to the soil of the lands. They can require the people who occupy those lands and derive their sustenance from them to obey any behest or edict which that Commission shall issue. Any money or any consideration which may be derived upon the lease, sale, or other disposal of these lands does

not go into the Treasury of the United States, I would advise the Senator from Mississippi. They are not to be the subject of an appropriation of the Congress for the benefit of the people of the United States. They are not to be the subject of the appropriation of the people of the Philippine Islands. They are to be subject to the absolute disposal of the oligarchy known as the President and the United States Philippine Commission.

Mr. President, the Senator from Mississippi [Mr. MONEY] made inquiry as to the purpose of the Commission in regard to the disposition of the public lands in the Philippines. I can not answer that any better than to read briefly from the testimony of Governor Taft, on page 184 of the hearings. Governor Taft said:

I am not at all sure that 5,000 acres is large enough. We did not form any definite view. There is a company represented by Mr. King, I think it is, of San Francisco—I call it a company; he said he had a number of very wealthy men interested with him—which sent him to Mindanao to look over the field. He went there, and he stated to me that the company which he expected to form intended to establish headquarters at Parangparang, in Mindanao, and to establish direct steam communication between this part of Mindanao and San Francisco, and that in order to carry out the plan they had it would be necessary that they acquire quite large tracts of land. I do not think he mentioned the amount, but I think he had in his plan somewhere between 5,000 and 10,000 acres.

Mr. President, a further review of the testimony of Governor Taft will indicate a purpose on the part of the Commission, at least, to dispose of these lands, if authority be given, in very large quantities, and, I think, in one place Governor Taft says that 20,000 acres might not be excessive.

One of the evils in the islands is the large holdings of land by what are known as the friars. These holdings each amount on the average to about 60,000 acres of land, held by corporations; and authority is given in this bill to appropriate those lands in exercise of the power of eminent domain. The effect of the transaction will be, if it is consummated, to take lands now held in large quantities from one corporation in order to sell them in equal quantities to another corporation.

The mischief which now exists in the islands does not consist particularly in the character of the individuals who compose those organizations, but in the fact that they are corporations or syndicates holding large tracts of land and excluding all the people from proprietorship in those lands. They are a constant source of irritation. The persons holding them desire to exploit them to the greatest possible advantage, and they naturally desire to obtain the cheapest labor which will yield to them the largest amount of product with the lowest amount of outlay. That same mischief——

Mr. HOAR. How many acres did the Senator say was the amount of these lands?

Mr. RAWLINS. Held by the friars?

Mr. HOAR. The Senator stated the number of acres as 60,000, as I understood him, and I thought he had made a mistake.

Mr. RAWLINS. Those lands are held in tracts of about 60,000 acres each, and there are about 30 such tracts. There are 30 religious centers, and the aggregate of the land is something in the neighborhood of half a million acres.

TAKING FROM ONE TO GIVE TO ANOTHER.

Mr. President, it is an unusual authority, as the Senator from Massachusetts [Mr. HOAR], who is a distinguished lawyer, will, I think, at once recognize, to undertake to appropriate in the exercise of the power of eminent domain the lands or property belonging to one corporation in order to transfer the same lands to another corporation. In this case the power is to be exercised by the application of a sort of religious test. If these lands are held by a corporation composed of Catholics of a certain order, they are to be the subject of condemnation, to be turned over by the process of eminent domain into the hands of another corporation, composed perhaps of Protestants, or people of mixed religion, or no religion.

It is scarcely a public purpose, within the usual rule established at least by the courts of this country, to condemn one man's land in order to sell it or dispose of it to another. That is not a public purpose. This provision in relation to the friars' land, this attempted exercise of the power of eminent domain to appropriate the property of one individual in order to give it to another, is fundamentally vicious. It is in effect taking the property of one individual without his consent, not for a public use, but in order to bestow it upon another individual in order to devote it to a private use. Under our Constitution that could not be done. If there is no Constitution in the Philippine Islands perhaps there is no constitutional difficulty in the way of thus appropriating property of one individual in order to give it to another.

Mr. BACON. Will the Senator pardon me a moment?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. RAWLINS. I yield to the Senator.

Mr. BACON. The Senator is more familiar with this matter than I am, but I want to ask him if he is exactly correct in stating that the purpose is to bestow these lands, or give the use of them, to some other corporation? Is not the sole purpose to take the title of the lands out of one corporation regardless of the question as to who will get the benefit of them? In proceedings of condemnation the object in view is to give a certain privilege or interest in land to some party who is to make a certain use of it—under our system a public use—but in this case, as I understand it, the motive is not to give the advantage of the lands to some other particular person, but to see that they are gotten away from a certain corporation, which is distasteful to some people. Is not that true? In other words, there is no particular object that is in view in the change of ownership; it is not for the purpose of benefiting somebody else who is going to make a certain use of them—build a railroad, for instance, or engage in any other work—but the purpose, as I understand it, is to get the title of the lands out of the friars. Is not that the main and controlling motive?

Mr. RAWLINS. Well, Mr. President, I am unable to give to the Senator the motive otherwise than appears from the provisions of the bill, and the effect of the bill, if it shall become a law, will be that if the lands of these religious orders are condemned and appropriated in the exercise of the power of eminent domain, the title will vest in the government of the Philippine Islands, in which government the titles to all other public lands in the islands are vested under the provisions of this bill. I mean the title in the sense of having the power of absolute control and disposition.

Mr. BACON. Mr. President——

Mr. RAWLINS. Now, if the Senator will permit me, these lands when thus condemned, these religious orders thus being deprived of them, will become a part of the public lands of the islands. Then the Philippine Commission, if it carries into effect the purpose as expressed by Governor Taft, and which is embodied in the report of the Commission, in the exercise of the authority which this bill is designed to confer, will grant those lands by sale to syndicates or corporations in large tracts for purposes of exploitation, Governor Taft saying that 5,000 acres was too limited a quantity, and mentioned one concern which desired at least 10,000 acres, and in another place indicating that 20,000 acres would not be excessive. So that the practical effect, if this policy be carried out, will be to issue bonds, to incur this indebtedness, and to appropriate, against the will of these religious orders, in the exercise of the power of eminent domain, this more than half a million acres of land and immediately, under rules to be prescribed by the Philippine Commission, dispose of it in tracts ranging from 5,000 to 20,000 acres to syndicates or corporations in perpetuity.

I do not believe in the policy of keeping lands tied up in mortmain, or in dead hands, under the control of syndicates or corporations. The policy of the English law has ever been in contravention of that. Evil and mischief necessarily grow out of such a policy; but yet, if the mischief is limited to the fact that the lands are held in large quantities by religious corporations or organizations, no more mischief will follow than if they be held by a secular corporation.

This bill proposes to take the lands away from the friars and vest the title to them in alien landowners, operating in the form of syndicates, equally desirous of exploitation, and gaining the largest realization of the production of the lands with the cheapest possible labor. As a result of this you will find in a little while that the disturbance and trouble in the islands, growing out of such large holdings of land, will be as prevalent when the lands are held by one corporation as by another.

Mr. President, this proposition to exercise the power of eminent domain is not to condemn those lands to any specific public purpose. There is no pretense that any such purpose is in view. It is not for a highway. It is not for a public common. It is only to the end that title may be acquired, to be retransferred to private interests. Thus we establish, if this is to be carried into effect, the vicious principle of exercising this power to take property from one individual and give it to another individual.

THE PROPER REMEDY.

But we ought to reach this mischief, and some of the Filipinos who have been questioned have suggested a method to solve this trouble, which, in my opinion, is entirely worthy of the consideration of the Senate. It is founded upon well-established precedents and can be exercised without any violation of the fundamental principles of justice and right.

These religious orders are corporations, deriving their charters under the laws of Spain, and it is provided in those laws that whenever these organizations are in such a position that they are unable to devote the lands to the ends to which they are consecrated, it is competent for the civil authorities to dissolve the corporation and provide for a reappropriation of the land in accordance with the old doctrine of cy pres; that is, where lands are dedicated to a charitable use, to a particular use, and it becomes unlawful, or it becomes contrary to the public policy, it is then competent for the civil authorities to enact a law authorizing a court, some judicial tribunal, to make application of the charity to some lawful and legitimate end nearest akin to that

to which it was originally dedicated. These religious orders, as the facts develop, are no longer able to devote their lands to the charitable and religious purposes to which they were originally consecrated, and it is perfectly competent for them to be reappropriated.

That has been done in my own State, where a religious organization was claimed to hold real estate in contravention of public policy. Proceedings were instituted declaring its escheat, and for its new application under this doctrine to ends which were legitimate and lawful, and not in contravention of public policy. That proceeding was sustained by the Supreme Court of the United States. It is competent for us to institute a proceeding to terminate the right of these religious orders in the Philippine Islands to hold property in large tracts, upon the ground that it is a menace to the welfare and peace of the islands. But we ought not to exercise that power for the purpose of taking lands from one hand in order to bestow it upon another hand no more meritorious. It ought to be our confirmed and resolute purpose in those islands to prevent the acquisition and holding of lands in large bodies, in order that they may be reserved to the people for homes, in order that there may be built up there, if it be possible to build up in that climate, a race of independent native owners, who shall exercise freely and with propriety the powers of government which they ought to employ for their own welfare and advantage.

TENDS TO DEGRADE PEOPLE.

But if the policy which is recommended by the Commission and which this bill it designed to subserve is carried into effect the evils which now prevail there, and which prevailed there during the dominance of Spain, will be multiplied in extent and in their difficulties as we proceed to create new orders, new syndicates, new corporations for purposes of spoliation or exploitation and to place the control of lands in large quantities into their hands.

We know now absolutely with certainty that syndicates of this character are not interested in the public weal. Their primary and, in fact, their only purpose is to derive the largest degree of profit possible.

There will be ten or twenty thousand acres of land in a tract, and a few such large tracts will cover all the available land in the islands, that is, land which can be reclaimed. These syndicates will be controlled by alien proprietors who have no personal interest in the islands or in their welfare or in the welfare and happiness of their people. It will be a system of pernicious landlordism, which has led to disquiet on the part of the people of Ireland.

Mr. President, these syndicates, organized with stockholders in New York and Chicago and San Francisco or Great Britain, with their agents in the islands to execute their policy of greed (using that word in no offensive sense, but only to the end for which the corporation itself is organized), the land being thus held and thus managed, how are you ever to have a citizenship in the islands upon whom could safely be devolved the exercise of the powers of government? How do you ever expect by such a policy to uplift the people of the islands and make them fit for self-government? This policy does not tend to insure an independent and self-reliant and intelligent citizenship. It tends to degradation, to turpitude, and slavery. It tends to unfit the people, and if they are now unfit to be intrusted with the employment of any power of government, they will be doubly unfit after they receive a schooling under the training and despotism of alien syndicates holding possession of all their lands.

So, Mr. President, this part of the bill relating to the friars, while apparently justified on account of the difficulties which have grown out of the situation in the islands, it seems to me will result in no cure of the mischief, unless we shall alter the bill so as to make an entirely different disposition of the lands that may be acquired from these religious orders.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. I do.

Mr. CARMACK. I ask the Senator from Utah to yield to me for the purpose of making a motion to adjourn, if the Senator would prefer to go on to-morrow. The hour is growing late, and if it is satisfactory to him I will make that motion.

Mr. LODGE. If the Senator from Utah prefers to go on to-morrow, as it is now nearly half past 4, it will be entirely agreeable to me.

Mr. RAWLINS. I would prefer to do so, and probably I can conclude my remarks more satisfactorily then than to undertake to proceed further to-night. There are a few more topics to which I wish to refer.

Mr. LODGE and Mr. CARMACK. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 23, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 22, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE OHIO RIVER.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The amendments were read.

Mr. GRAHAM. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

MONUMENT TO BENJAMIN F. STEPHENSON.

The SPEAKER also laid before the House, with amendments of the Senate, the joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic.

The amendments were read.

Mr. McCLEARY. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

REFUND OF DUTIES ON IMPORTS INTO PORTO RICO.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900.

The amendments of the Senate were read.

Mr. RAY of New York. I move that the House concur in these amendments.

Mr. UNDERWOOD. If I may be allowed a moment, I would like to ask whether this bill confers on the Court of Claims authority to draw the money upon these claims out of the Treasury without warrant from Congress. I tried to understand, as they were read, the amendments put on by the Senate.

Mr. RAY of New York. This bill would be the warrant by Congress to pay these judgments. I consulted with the chairman of the Committee on Ways and Means [Mr. PAYNE] on this subject, and he thinks that we should concur in the amendments. The quicker these judgments are paid the better.

Mr. PAYNE. Allow me a moment. The judgments, when obtained in the Court of Claims, will draw interest from the date the judgments are rendered. The United States having this money to pay, I thought it would be best, instead of letting it run along at 6 per cent interest—for that is what the proposition amounts to—to pay the judgments at once. The bill applies, of course, only to this class of claims.

Mr. UNDERWOOD. There may have been a precedent for such a procedure in the past, but there has been none to my knowledge. It has always been the custom of Congress to require that when a judgment was found against the Government, it should be brought to Congress, certified to the Appropriations Committee, and Congress allowed to pass on the expenditure; in other words, that Congress should exercise the authority conferred on it by the Constitution to hold the reins on payments from the United States. Although I think it proper to pay these claims—when judgment has been rendered they ought to be paid, and I am in favor of paying them—I am not in favor of surrendering to the Court of Claims the power of Congress to appropriate from the Treasury the amount of the judgment. Even if the Government does lose a few thousand dollars in the form of interest, I think the bill ought to provide that the judgment of the Court of Claims, after being rendered, should be certified to the Appropriations Committee as is done with other claims, and then have Congress provide by appropriation for the payment. In this way we still hold our hand on the Treasury.

The SPEAKER (having put the question on the motion of Mr. RAY of New York, to concur in the amendments). The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

The House divided, and there were—ayes 67, noes 21.

So the motion of Mr. RAY of New York was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LACEY obtained leave of absence for one week, on account of a death in his family.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made in the following cases:

A bill (H. R. 11803) for the purchase, for a national park, of a

tract of land upon which the Natural Bridge in Virginia is situated—from the Committee on Military Affairs to the Committee on Agriculture.

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe—from the Committee on Invalid Pensions to the Committee on Pensions.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to disagree to the amendments of the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1893, and commonly known as the "Bowman Act," and ask for a conference.

The SPEAKER. Under the order of the House this bill was set apart for war claims, and the gentleman from Pennsylvania, from the Committee on War Claims, asks unanimous consent that the House disagree to the amendment of the Senate to the bill H. R. 8587, the omnibus war claims bill (so called), and ask for a conference. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this: That there are a certain class of claims in this omnibus bill that I do not believe ought to be passed. I think they should receive the careful consideration of every member of this House. The bill originally left this House carrying about $200,000 worth of claims. It comes back here with over $3,000,000 worth of claims. They have not been considered by this House in the Committee of the Whole, as they would have to be if they had been originally reported by the War Claims Committee. Now, I do not want to obstruct legislation; I do not wish to assume that because I am opposed to a claim it must be absolutely wrong, but I do assume and I do assert that it is the right of every member of this House to have claims considered in the legitimate way—under the rules, where they can be discussed under the five-minute rule and the fair consideration of the House obtained.

Now, to-day is set apart for the consideration of these claims. It is true an appropriation bill has come in here, but nothing can be harmed by delaying that appropriation bill till to-morrow. It can not injure anything. There are very many legitimate claims on this omnibus bill, but there are other claims that Congress for forty years has repudiated and turned out. Now, I think it is the duty of this House to-day, instead of asking unanimous consent to send this matter to a conference committee, where the members of the House lose control of the individual items in the bill, to vote down a motion to go into the Committee of the Whole House on the state of the Union to consider the bill for the Military Academy, and to give the gentleman from Pennsylvania the right of way to-day. Let these claims be heard by the House. Let them be heard individually on their own merits, and let the House pass on each bill and dispose of it, and I will say this, although I intend to object to any unanimous consent to this going to a conference: I will vote, and I believe I can speak for the members on this side of the House, that they will vote with the gentleman from Pennsylvania to give him this day for the consideration of these claims.

The SPEAKER. The gentleman from Alabama objects.

Mr. MAHON. Mr. Speaker, I rise to a parliamentary inquiry. Would it be proper now for me to move to nonconcur in the Senate amendment?

The SPEAKER. That is objected to by the gentleman from Alabama.

Mr. MAHON. Then I move that the House resolve itself into the Committee of the Whole to consider bills on the Private Calendar, and pending that I want to ask unanimous consent that the ominbus bill be considered under the five-minute rule, without general debate.

Mr. UNDERWOOD. Mr. Speaker, I think that is a fair proposition, and I suppose if there is any one item that extends beyond five minutes that the gentleman from Pennsylvania will allow some latitude.

Mr. MAHON. Oh, certainly; the usual courtesies will be extended.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill H. R. 8587, the omnibus war claims bill, and pending that motion asks unanimous consent that the consideration of the bill be under the five-minute rule. It is the duty of the Chair also to state that it will require unanimous consent to name the particular bill.

Mr. MAHON. It is the bill H. R. 8587, and I ask unanimous consent that that bill be considered when the House goes into Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill H. R. 8587, the omnibus war claims bill, so called, may be considered when the House goes into Committee of the Whole, and under the five-minute rule. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole for the consideration of the bill H. R. 8587, the omnibus war claims bill, so called.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House for the consideration of the Senate amendment to the bill H. R. 8587, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read the bill by paragraphs.

Mr. MAHON. Mr. Chairman, there is but one amendment to the Senate bill. I suppose it will all have to be read first, and then it will be open to discussion and amendment. I ask unanimous consent that the first reading of the bill and amendment be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill and amendment. Is there objection?

Mr. CANNON. Mr. Chairman, I propose to dispense with the first reading of the bill and then that it be read by paragraphs. That would be the convenient way.

Mr. MAHON. Yes.

Mr. CANNON. I will add that to it. Let it be read by paragraphs.

Mr. MAHON. I wish to explain to the gentleman from Illinois that this is but one amendment. When that amendment is read the bill will be open to amendment, the greater part of it. There is a great deal of the bill that probably nobody wants to amend.

Mr. CANNON. Well, after all, it seems to me the orderly way would be for the gentleman to ask unanimous consent to read it by paragraphs. Of course, if there is no challenge, it seems to me you would make better headway.

Mr. MAHON. All right; go ahead without any motion. I will agree to that.

Mr. CANNON. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLAIMS ALLOWED UNDER THE BOWMAN AND TUCKER ACTS BY THE COURT OF CLAIMS.

ALABAMA.

To Francis B. Appling, of Tuscaloosa County, $130.

To Hugh P. Bone, executor of Martha H. Bone, deceased, of Madison County, $2,544.

To Hugh H. Kirby, administrator of James Bundren, of Dekalb County, $980.

Mr. CANNON. Mr. Chairman, where is the clerk reading?

The CHAIRMAN. The Chair will state that the Clerk was reading from page 1 of the official Senate amendment, which is the same matter as appears on page 21 of the House bill.

Mr. CANNON. It is page 21 of the House bill as printed.

The CHAIRMAN. Yes.

Mr. MADDOX. I should like to ask the chairman of the committee, the gentleman from Pennsylvania [Mr. MAHON], a question. As I understand it, these first claims down here—a number of them—are the same claims that were passed by this House when we sent the bill over to the Senate, the Bowman Act claims?

Mr. MAHON. The Senate committee struck out some of the Bowman Act cases by mistake, and when we get to conference those will go back.

Mr. MADDOX. I was going to suggest that in so far as they were the same claims we had passed on before, we might waive them and go on to some of the others.

Mr. CLARK. I should like to suggest that the chairman of the committee come over here in the center of the House, where everybody can hear him, and that everybody else take his seat and keep it.

The CHAIRMAN. Gentlemen will please be seated, so that the business of the House may proceed in order.

Mr. BREAZEALE. Will the gentleman from Pennsylvania yield for a question?

Mr. MAHON. I want to answer the question of the gentleman from Georgia [Mr. MADDOX]. The Senate sent a great many claims under the Bowman and Tucker acts to the Court of Claims. The War Claims Committee in the House has no jurisdiction over them. The Senate has added all the findings of the Court of Claims under the Bowman and Tucker acts that were returned to the President of the Senate. All the claims that went over from the House, with the exception of twelve, are in this bill. Twelve were struck out by the Senate. That is the only difference.

Mr. MADDOX. It occurs to me that those claims that we had passed on might be passed over.

Mr. BREAZEALE. Will the gentleman yield now for a question?

Mr. MAHON. Yes.

Mr. BREAZEALE. I find on page 7 of this bill, under the head of Louisiana claims, an appropriation to Charles M. Flower, Frank

S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, $23,357, has been stricken out by the Senate.

Mr. MAHON. That passed the Claims Committee of the Senate as we sent it over; but, by a page being left out of the report the committee made to the Senate, on which were 12 claims that the House had passed, that claim and the 11 others did not get into the Senate bill.

Mr. BREAZEALE. Will that claim go back into the bill when the bill goes to conference?

Mr. MAHON. It will.

Mr. BREAZEALE. What I want to call attention to is the fact that the Court of Claims has found in favor of this claim.

Mr. MAHON. Oh, I am familiar with it.

Mr. BREAZEALE. And there is not a fairer claim anywhere in the bill.

Mr. MAHON. They were findings of the court that were left out by an error, and they will be put back in conference.

Mr. BREAZEALE. With that assurance, Mr. Chairman, I am satisfied.

The Clerk read as follows:

MASSACHUSETTS.

To Charles Foster, receiver of the Union Steamship Company, of Boston, $18,000.

Mr. MAHON. Mr. Chairman, I would like to have the attention of the committee. All the matter in this bill up to page 95 where the heading occurs, "Selfridge board," are claims that have been sent to the Court of Claims, and it looks like a waste of time to read them all.

Mr. UNDERWOOD. I agree with the gentleman. They have all been passed upon by the Court of Claims.

Mr. MAHON. I therefore ask unanimous consent to dispense with the reading of all that part of the bill up to page 95 up to the heading "Selfridge board findings."

Mr. SMITH of Kentucky. I would like to ask the gentleman from Alabama what is the necessity of reading all this bill through? The Senate has put a whole lot of amendments on here that I do not suppose anybody wants to concur in any of them. Why not concur in all of them?

Mr. UNDERWOOD. I will state to my friend why I will object to unanimous consent to passing them all to conference. I agree that there are a lot of legitimate claims on this bill, and to send it over to the Senate concurred in there is nothing to trade on, nothing to force anybody's hand. If the House will vote to concur in the legitimate claims and nonconcur in the illegitimate claims, then it goes to the Senate, where they can accept the good claims, and the bad ones will be turned down. But if we nonconcur in everything, gentlemen who have good claims will be put in the attitude, if this thing goes to conference and comes back again, that they may have to take claims that they do not want to get the claims they do want. I am unwilling for that situation to arise.

Mr. MADDOX. Now, we have got Bowman Act claims that have been read up to this time.

Mr. UNDERWOOD. Yes.

Mr. MADDOX. Why not concur in those and nonconcur in the balance? The Senators put on a lot of Bowman Act claims that seem just as legitimate as any of these.

Mr. UNDERWOOD. I am perfectly willing to agree to the proposition of the gentleman from Pennsylvania.

The CHAIRMAN. The Chair states that the question now before the committee is the request of the gentleman from Pennsylvania, asking unanimous consent to dispense with the reading of the bill from the end of line 19, page 31, to which point the Clerk has already read, to the line before the heading "Selfridge board findings," on page 95.

Mr. MAHON. All of which have been passed upon by the court.

The CHAIRMAN. This question is not a debatable question. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROBB. For the present I enter an objection, Mr. Chairman. I have here an amendment which I desire to offer on page 35, adding an additional claim there. It was certified in 1892 to this House. The claim has been passed upon by the Court of of Claims. I introduced a bill to that effect, which went to the Committee on War Claims. I can not see why it was not reported. The claim of Isaac G. Whitworth was put on this bill, and the other claim was precisely of the same character, and was not put in the bill.

The CHAIRMAN. The Chair will state for the information of the gentleman that we are now reading one long Senate amendment. When that amendment has been finally read, or with the omission of such parts as it may be agreed shall be omitted in reading, it will then be in order to offer an amendment to any part of the Senate amendment.

Mr. ROBB. Then I will simply ask unanimous consent to return to page 36 for the purpose of offering my amendment.

The CHAIRMAN. It is not necessary to ask unanimous consent. The gentleman will have the opportunity to present an amendment to any part of the Senate amendment after the entire amendment has been read.

Mr. ROBB. I withdraw the objection.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the Senate amendment from the end of line 19, page 31, to the head "Selfridge board findings," on page 95. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, I desire to rise to an inquiry. I understand the Chair to hold that this is one Senate amendment. Then will it be in order to move to strike out and nonconcur in item after item as reached and read now, or will it be necessary to wait until the whole bill is read through before a motion is in order to strike out and nonconcur?

The CHAIRMAN. The Chair is of opinion that this will be treated like any other Senate amendment and that the motion to strike out, or concur, or to amend will have precedence, as usual in ordinary cases.

Mr. UNDERWOOD. When the item is reached.

The CHAIRMAN. The motion to amend would have precedence of the motion to concur.

Mr. UNDERWOOD. I would ask the Chair if the ruling is whether it is proper to move to nonconcur and strike out when the item is reached, if read now, or after the entire reading of the Senate amendment is ended?

The CHAIRMAN. The Chair will state that the consideration of Senate amendments in Committee of the Whole House, as we are now doing, is of very rare occurrence. But, considering the rules and precedents so far as applicable, the Chair is inclined to hold that the entire Senate amendment must first be read, and then the Chair is of the opinion that amendments may be offered to any clause, paragraph, or line precisely as if the amendment covered but one page or one line.

This is probably the longest Senate amendment that has ever come over to the House. It covers many pages and embraces many paragraphs to clauses, and yet it is only one amendment. The inquiry is quite pertinent, whether an amendment to this amendment must be offered when, in reading, the Clerk has reached the paragraph to which it is applicable, or withheld until the entire Senate amendment has been read.

The rule as adopted April 17, 1789, provided that—

Upon bills committed to a Committee of the Whole House the bill shall be first read throughout by the Clerk and then again read and debated by clauses, leaving the preamble to be last considered. * * * After the report (to the House) the bill shall again be subject to be debated and amended by clauses before a motion to engross it be taken.

In the revision of 1880 this rule was omitted, possibly because the practice of reading a bill by paragraphs for amendment had become such a matter of course in the practice of committees of the whole that its repetition was considered unnecessary, or possibly because it was entirely overlooked, but the present Rule XXIII, section 6, provides that—

The committee may by the vote of a majority of the members present at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill close all debate upon such section or paragraph.

This is a recognition of the practice of reading and amending the bill itself by clauses or paragraphs, but the Chair is unable to find any rule or evidence of any practice or any precedent for the reading of an amendment by paragraphs for amendments to the amendment. Certainly an amendment offered originally in Committee of the Whole would not be so read. Although it might be a very long amendment, embracing many paragraphs, it would be read as an entirety, and then an amendment or successive amendments might be offered to any part of it. Now, this is not a Senate bill. It is simply a Senate amendment to a House bill and, in the opinion of the Chair, to be treated as any other amendment—that is to say, first read as an entirety, and then considered as subject to such amendments as may be offered to any part thereof, precisely the same as if, instead of coming from the Senate, it had been offered to-day for the first time by a member of this Committee of the Whole House.

Mr. UNDERWOOD. If that is the ruling of the Chair, I ask unanimous consent—we all have the bill before us, and we know the portions we desire to object to—that the further reading of the bill be now dispensed with and that gentlemen be recognized to strike out or amend this section as they may wish under the five-minute rule.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the further reading of the Senate amendment be dispensed with, the whole amendment be considered as open to amendment as having been read. Is there objection?

Mr. WM. ALDEN SMITH. Mr. Chairman, to what line on page 95 was unanimous consent given?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the reading down to the heading "Selfridge board findings."

Mr. SWANSON. Mr. Chairman, I want to know the effect of that unanimous consent. It was coupled with the statement that everybody should offer amendments to concur or nonconcur, as he might see proper. If that is allowed and unanimous consent is given that everybody shall do that, this bill could be held up here in that shape all this session. I am willing to consent that the further reading of the bill be dispensed with, and then leave the bill in its parliamentary situation.

Mr. UNDERWOOD. I am willing to do that because the Chair has ruled that it is open to amendment.

Mr. SWANSON. I have no objection to the unanimous consent being given that the further reading of the Senate amendment to be dispensed with, but I want the bill then left in its parliamentary status.

The CHAIRMAN. The question is on the the motion of the gentleman from Alabama that the further reading of the Senate amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Chairman, I move to strike out and nonconcur in that portion of the Senate amendment headed "The Selfridge board findings," commencing on page 95, line 18, down to and including line 25 on page 100.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 95, beginning on line 18, strike out the remainder of said page, all of page 96, page 97, page 98, page 99, and page 100 down to and including line 25.

Mr. CANNON. Mr. Chairman, reserving the right to make the point of order on that amendment, I want to know its effect. I am quite in sympathy with what the gentleman from Alabama desires to get at, but if his motion to nonconcur in a part of the amendment is adopted, does that mean concurrence in the balance of it?

Mr. UNDERWOOD. I do not so understand it.

The CHAIRMAN. The Chair understands the motion of the gentleman from Alabama to be simply a motion to amend the Senate amendment, and after that amendment and all other amendments have been passed upon, the motion to concur will be in order.

Mr. CANNON. Or to nonconcur?

The CHAIRMAN. Or to nonconcur.

Mr. UNDERWOOD. My motion is to strike out that portion of the Senate amendment, and upon that I wish to be heard.

Mr. MAHON. Mr. Chairman, what is the gentleman's motion?

The CHAIRMAN. The motion is to strike out that portion of the Senate amendment which has been indicated beginning at "The Selfridge board findings," on page 95, down to and including line 25 on page 100.

Mr. MAHON. That is a motion to nonconcur in the balance?

The CHAIRMAN. The Chair will state that the motion to nonconcur is not in order at this time. As the Chair has stated, it is simply a motion to amend by striking out.

Mr. UNDERWOOD. That is the motion, Mr. Chairman.

Mr. MAHON. A parliamentary inquiry, Mr. Chairman. Would it be in order for me to move to concur?

The CHAIRMAN. The Chair is of the opinion that it would not be in order to move to concur until the Senate amendment has been perfected by the committee by making such amendments as it is desired to make.

Mr. UNDERWOOD. Mr. Chairman, I desire to state my objections to that part of the Senate amendments to the bill under consideration known as the Selfridge board claims. It is a claim arising out of contracts made by the Government during the civil war.

Among the many and varied amendments made by the Senate to House bill 8587, for the allowance of stores and supplies reported by the Court of Claims under the Bowman Act of March 3, 1883—making 110 additional pages, with nearly three millions of direct appropriations—is one appropriating nearly $1,000,000 to certain contractors, their heirs or assigns, administrators or administratrices, or personal representatives, in payment of their claims for additional allowances over the contract price and in addition to the extra allowances made and paid them at the time and since by the Navy Department or by Congress.

The bill was reported from the Committee on War Claims, with amendments, and taken up in the House on February 12. (RECORD, p. 1688.) Mr. MAHON, chairman of the committee, stated that it was the same bill that was passed by the House in the last Congress and failed in the Senate, and included 172 claims and embraced only cases found due by the Court of Claims. A few amendments were submitted and adopted, and the bill passed unanimously, the total amount appropriated being about $198,000 in round numbers.

The Senate Committee on Claims reported the bill with a great many amendments, aggregating specifically nearly $2,900,000, covering a great variety of subjects, the most important being what is designated the "Selfridge board findings" and the "French spoliation claims," converting it from a strictly "Bowman Act bill" to a general "omnibus claim bill."

The Senate committee struck out the entire text of the House bill, in order to throw it into conference, and then restored it with a few amendments, including cases reported under the Tucker Act, which were not included in the House bill, the accompanying report summarizing the new claims added, as follows:

1. Tucker Act cases.
2. Bowman Act court findings since the House made its list.
3. French spoliation court findings.
4. Selfridge board and Marchand board ship cases.
5. Certain approved claims which have repeatedly passed the Senate or House heretofore.
6. A few items for reference to the Court of Claims, court of admiralty, and Treasury Department.

The Senate report is inaccurate in its statements of detail and fact in many respects, but it would require more time than is now possible to dissect these Senate amendments, involving millions of dollars, most of which have never been investigated by any committee of the House of Representatives in recent years, and many of which—notably the so-called "Selfridge board findings"—have never been approved or passed by the House of Representatives, and but once by the Senate.

The paragraph appropriating nearly $1,000,000 for the claims of contractors, their heirs, assigns, administrators, representatives, etc., for the construction of certain war vessels and machinery in the years 1862–63 should receive the closest scrutiny of each member of the Committee on War Claims, as well as by every other member of the House of Representatives. These alleged "findings" have not only never received the full approval of the Senate, as stated in the report, but they have been repeatedly rejected by Senate committees, and in 1866–67 by the Senate itself, and always by the House of Representatives. Congress created a board, known as the Marchand board, by act of March 2, 1867, to go over the entire ground and make report to Congress thereon.

The Senate report ignores wholly the history and report of the Marchand board—only makes a mere reference to it—and suppresses important facts necessary to a proper understanding of the history and merits of these claims, which have been discredited as a whole by the House of Representatives from the very start. Two or three cases passed Congress on their merits, greatly reduced in amounts, while the few others which became laws were put through Congress after going through the Court of Claims under prescribed conditions which left the court nothing to do but see that the clerical computations made in each case were correct.

No mention whatever is made in the Senate report of the fact that in the first session of the Thirty-eighth Congress (1863) Congress passed a joint resolution (S. R. 50) for the relief of the contractors for the machinery of the side-wheel gunboats known as "double-enders," the Senate passing it after a long debate by a bare majority and the House promptly referring it to the Committee on Naval Affairs without an opposing vote, where it was unanimously pigeonholed.

The debate in the Senate commenced on May 11, 1864, and ended on June 22 following, the Senate adopting by a majority of 2 votes the following amendment submitted by Senator Grimes, of Iowa, viz:

All claims based upon or arising from the contracts with persons who contracted with the Government of the United States for the machinery and engines of the side-wheel gunboats commonly known as "double-enders" be, and the same are hereby, referred to the Court of Claims for examination and adjudication; and said court is hereby authorized to examine and report to Congress what amount of work said contractors have done and what amount of materials they have furnished in addition to their contract, and what is the fair value of the same.

Senator Grimes again stated—

That the joint resolution was a matter of more magnitude than Senators might at the first blush suppose, for whenever this bill passes there is to be another one following it immediately for every class of vessels that have been built for the Navy. These contractors enter into a contract agreeing to finish a vessel by a certain time, but none of them do it.

He then made a motion to postpone the consideration of the joint resolution until information could be procured from the Navy Department concerning the matter. A proposition to make it a special order was resisted by Senator Sherman, who stated—

That if the joint resolution passes it will only be but the beginning of 500 similar bills. We shall have similar appeals from contractors who agreed to furnish flour or supplies to the Government, and they will have precisely the same claim. Every person who, by the rise of prices, has lost money by his contract will have the same claim. This principle would apply to all the

various departments of the Government, and would produce disorder and confusion.

On June 2 a motion was made to take up the joint resolution, which was opposed by Senator Hendricks, who in a subsequent Congress favored the reference of all these claims to the Court of Claims under the general law. Senator Grimes stated—

That this joint resolution was only the opening or entering wedge to further claims on the part of other contractors. This is to be followed by the contractors for the hulls of vessels, for the hulls and machinery of other classes of vessels; and if this shall be successful, as perhaps it may be, we shall have some rule applying not alone to the Navy, but to the Army and to every branch of the public service.

After the debate a motion to postpone a special order and continue the consideration of the joint resolution was defeated. The joint resolution was again taken up on June 22 and debated at length. Senators Clark, of New Hampshire; Hendricks, of Indiana; Grimes and Harlan, of Iowa; Reverdy Johnson, of Maryland; Cowan, of Pennsylvania, and Sherman, of Ohio, opposed the joint resolution, which was supported only by Senators Hale, of New Hampshire, and Anthony, of Rhode Island. Senator Grimes stated—

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They have not been required to do anything in connection with their machinery that they did not stipulate to do in their contract. They admit it, the Secretary of the Navy says it, and it is true as he has said that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day, upon the authority of this precedent, just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

Senator Sherman stated—

That there was a letter on the Secretary's desk from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

And the Secretary's letter was read by Senator Grimes (Globe, p. 3174.) The joint resolution as amended was then passed.

A few days before a joint resolution similar to the one reported in the Senate was introduced in the House and referred to the Committee on Naval Affairs, but not reported. On June 30 (Globe, p. 3428) the Senate bill was reached in its order on the Speaker's table and referred to the Committee on Naval Affairs on motion of Mr. Rice, of Massachusetts, chairman of that committee, and was unanimously ordered reported adversely, but the report was withheld.

THE SELFRIDGE BOARD.

At a special session of the Senate convened by President Lincoln on March 4, 1865, that body adopted on March 9, just as it was about to adjourn, with no quorum present, without debate, and without even the knowledge of most of the few Senators present, the following resolution submitted by Senator Nye, of Nevada, viz:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

Senator Nye had been a member of the Senate thirty-seven days when he took up the claims of these contractors, less than a half a dozen of whom were in Washington, and at a special session of the Senate, when legislative business, under the unbroken precedents of the Senate (save in emergencies), was never transacted, "slipped" through the Senate covertly a resolution for which, according to the papers of the day, he alone voted for, and which the House of Representatives by an overwhelming vote treated, in the succeeding Congress, as a nullity, and has uniformly since rejected as a whole.

The President was aware, as was Congress, that the Secretary had convened several boards—notably the Boggs, the Gregory, and the Ringgold boards—all composed of able men, with full facilities and information to protect the interests of the Government, and that after the most complete and thorough and searching inquiry, with every disposition on the part of President Lincoln and Secretary Welles to be as liberal as possible with these contractors on account of the peculiar situation of affairs, Congress and the public press of the day criticised the extra allowances of the Navy Department of over $5,000,000 and said the contractors should have no more, the House Committee on Naval Affairs being practically unanimous against the contractors.

On January 30, 1866 (first session Thirty-ninth Congress), the Secretary of the Navy transmitted the report of the Selfridge board to the Senate without any recommendation. It was referred to the Committee on Naval Affairs, of which Senator Grimes, of Iowa, was chairman and Senator Nye the "tail-end" Republican member. On March 22, 1866, Senator Nye reported a bill (S. 220) for the relief of certain contractors for the construction of vessels of war and steam machinery. Up to the time of the presentation and adoption of Senator Nye's resolution not a petition or bill or paper of any kind had been presented in the Senate of the Thirty-eighth Congress on behalf of these contractors for relief, save for the machinery for the "double-enders."

On April 11 the bill was called up, and Senator Grimes of Iowa, spoke in opposition to the bill. He first called attention to the fact that the resolution was adopted solely by the Senate; was not approved by the House of Representatives; was not an act of legislative authority, and that no board organized under it had any authority to bind, either legally or morally, the action of Congress. He then stated that if the bill were passed the principle involved would require payment of more than $12,000,000 to these contractors and at least $60,000,000 to other contractors for war supplies where they had lost on their contracts.

On April 27 (Globe, p. 2222) the amendment of Senator Grimes, providing that the Secretary of the Navy should pay to the several parties the amounts awarded by said board, not to exceed the sum of 12 per cent of the contract price, except in the case of the *Comanche*, which should be paid in full, was adopted. An amendment for the steamer *Ashuelot* and machinery, and for the *Tippecanoe*, which had been completed to the satisfaction of the Department, was adopted, as was an amendment by Senator Clark of New Hampshire, providing that the sums authorized should be in full for all work done on vessels and machinery for which said sums were respectively paid, and, if accepted, should be on that condition, and no contractor should be entitled to payment until he had executed a receipt in full for said claim.

The bill was then passed by yeas 22, nays 11, the negative vote being Senators Clark of New Hampshire, Conness of California, Davis and Guthrie of Kentucky, Doolittle and Howe of Wisconsin, Henderson of Missouri, Kirkwood of Iowa, Sherman and Wade of Ohio, and Trumbull of Illinois. The bill was referred to the House Committee on Claims and no further action thereon taken during that session.

On February 15, 1867 (second session), Mr. Sloan, of Wisconsin, reported the bill with a substitute (Globe, p. 1265) which authorized and directed the Secretary of the Navy to investigate the claims of certain contractors therein named, 19 in all, and fix the basis on which such investigation should be made. The substitute was read, and while the report was being read the morning hour expired. Notice of substitutes intended to be offered (Globe, p. 1265) was given.

On February 16 the bill was taken up, and Mr. Delano, of Ohio, chairman of the committee, made a statement to the House (p. 1281), saying that the aggregate carried by the bill under the Grimes amendment was $1,267,000. He also stated that the report of the committee was not in print, but a bill and pamphlet in the interest of the contractors was, and he moved to postpone the bill until the following Friday, which motion prevailed by yeas 77, nays 67.

On February 22 (p. 1472) the bill was taken up and Mr. Sloan stated the case and situation, from which it appears that there were over 40 contractors interested in the bill; that the contract price, together with allowances for extra work, had been paid; and then he gave a full and critical analysis of existing conditions (pp. 1471–1472).

The committee were not satisfied with the Senate bill. As the case stood, Congress is asked to legislate upon these cases blindly, and to appropriate more than a million dollars from the Treasury with no knowledge whether a single dollar ought to be paid or not.

Messrs. Delano, of Ohio; Grinnell, of Iowa; Washburn, of Massachusetts, and others spoke in favor of the substitute and Mr. Woodbridge, of Vermont, in favor of the Senate bill.

The question was put on the amendment (more favorable to the contractors) to the committee's substitute and it was rejected, yeas 36, nays 79. The committee's substitute, as slightly modified, was then agreed to, yeas 88, nays 44, and the bill as amended was then passed, yeas 105, nays 42. The Senate disagreed to the House substitute and asked a conference, which was granted. The conference report was agreed to, the Senate agreeing to the House amendment with an amendment, changing the period of time so as to make it under contracts between May 1, 1861, and prior to January 1, 1864. The report also included one more vessel, the *Dunderberg*. The bill was approved and became the act of March 2, 1867 (vol. 14, p. 424).

On December 4, 1867 (second session Fortieth Congress), the Secretary of the Navy transmitted to the Senate the report of the board of naval officers composed of Commodore Marchand, Chief Engineer King, and Paymaster Foster under the act of March 2, 1867, which was referred to the Committee on Naval Affairs and ordered printed (Globe, p. 19). On January 31, 1868, Mr. Grimes reported from said committee a bill, S. 307, for the relief of certain Government contractors. On February 13 the bill was called

up and discussed (p. 1143–1144). The bill made the following appropriations to several contractors, viz:

Secor & Co. and Perrine, Secor & Co	$115,539
Harrison Loring	38,513
Atlantic Iron Works, Boston	4,852
Aquilla Adams	4,852
M. F. Merritt	4,852
Tomlinson, Hartepee & Co	15,171
Poole & Hunt	3,694
Total	187,473

Senator Grimes offered an amendment including the firm of Harlan & Hollingsworth for $38,513, which was omitted by mistake. In reply to a question from Senator Sherman why so large an amount was allowed, Senator Grimes stated the facts and said (Globe, pp. 1143–1144) that in place of recommending the appropriation of one million and a half dollars involved in the Senate bill of the previous Congress, the Marchand board recommended the payment of about $200,000 as against nearly $2,000,000 by the Selfridge board. The reason for the discrepancy was that the Selfridge board "took the statements of the contractors as submitted without going into the subject thoroughly, while the Marchand board have taken the statements made by the contractors, as well as statements made by the Navy Department, and have thoroughly analyzed the whole thing, sifted it down and furnished a tabular statement showing all pertinent details," etc. The bill then went over.

On June 8 (Globe, 2922) the Senate resumed its consideration, and in reply to a question Senator Hendricks explained that the bill was based on the report of the Marchand board, "which was satisfactory to the Secretary of the Navy and satisfactory to the Senate Committee on Naval Affairs" (p. 2924, 2925). A special order intervened and the bill went over until the following day. When resumed, Senator Hendricks offered an amendment by adding at the end of the bill the following words:

Which shall be in full discharge of all claims against the United States on account of vessels upon which the board made the allowance as per their report made under the act of March 2, 1867.

Senators Frelinghuysen, of New Jersey, and Howe, of Wisconsin, stated that the contractors had been paid over $5,000,000 in addition to the contract price by the Navy Department (p. 2959). Senator Cameron, of Pennsylvania, "objected to these large claims going through in such a way."

Senator Howe submitted a substitute for the amendment of Senator Hendricks to the same effect.

After lengthy debate the bill went over until June 10. (Globe, p. 3051.) After further debate the amendment submitted by Senator Howe to the amendment of Senator Hendricks was rejected and the original amendment adopted, and as thus amended the bill was passed. (Globe, p. 3052.)

The bill was reported without amendment from the House Committee on Claims, and referred to the Private Calendar.

On June 10, 1868 (Globe, p. 3940), the bill was reached and debated. Mr. ALLISON, of Iowa, tried to submit the following amendment, but was not permitted to do so:

Provided, That the several sums hereby appropriated shall be accepted by the several parties in full satisfaction of all claims against the United States arising out of the construction of vessels by the several parties herein named.

Mr. ALLISON stated that he thought the last clause of the bill—Senator Hendricks's amendment—did not cover the case fully, his own idea being "that if the contractors receive this amount it is to be a final settlement." (Globe, p. 3940.)

Mr. Spalding, of New York, was opposed to the bill, and referred to the combination of contractors to get $7,000,000 more out of the Government, when it was not bound either legally or morally to pay them a dollar. An amendment to strike out the allowance of $115,539 to Secor & Co. and Perrine, Secor & Co., and to M. F. Merritt for $4,852, was rejected and the bill passed without amendment (Globe, p. 3942).

The bill was approved July 13, 1868 (Stat. L., vol. 15, p. 379).

Not satisfied with the action and allowances of the Marchand board, created by Congress at the instance and request of these contractors, they sought still further legislation, and procured in the Forty-first Congress the report of a joint resolution (No. 92) from the Committee on Naval Affairs of the Senate, which was called up on January 24, 1870 (Globe, p. 697), and after brief discussion was objected to by Senators Howe, of Wisconsin, and Sherman, of Ohio, and on January 25 was recommitted to the Committee on Naval Affairs, and on May 12 was reported back with an amendment drawn by Senator Edmunds.

On July 8, in the closing hours of the session (Globe, p. 5368), the joint resolution was called up and the substitute reported agreed to and the same passed. On July 14 (Globe, p. 5597) it was reached on the Speaker's table and objected to by Mr. ALLISON, of Iowa, and subsequently by Mr. Randall, of Pennsylvania. On July 15 a motion was made to suspend the rules and pass the joint resolution, which failed by yeas 98 and nays 77. It went over until the next session. On January 30, 1871, the joint resolution was passed from the Speaker's table, and on February 7 following was vetoed by President Grant, whose message concluded as follows, viz:

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material, when we could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

These claims have been discussed in the Congress time and again during the last forty years. Let me read again what Senator Grimes of Iowa said at that time. Senator Grimes was speaking upon the following resolution then pending:

That all claims based upon or arising from contracts with persons who contracted with the Government of the United States for machinery and engines of side-wheel gunboats, commonly known as double-enders, be, and the same are hereby, referred to the Court of Claims; and said court is hereby authorized to examine and report to Congress.

Listen to what Senator Grimes stated:

That there was not the slightest claim on the part of these contractors that there had been the slighest deviation in the contracts.

Mark you, gentlemen, it is claimed in the Senate report and in the reports before the House that the Government changed the terms of the contracts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWIE. I ask unanimous consent that the time of the gentleman be extended fifteen minutes. This is a very important matter.

Mr. SWANSON. How much time does the gentleman want?

Mr. UNDERWOOD. Fifteen minutes.

Mr. SWANSON. I have no objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of his colleague be extended fifteen minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mark you, the claim is made that these claims must be paid because they say the Government deviated from the contracts, that it changed the contracts, and the contractors had to work on new plans and were delayed thereby. I ask you, Does the statement of the Senator from Iowa, made at a time when he must have been conversant with all the facts, sustain such a contention?

Mr. GAINES of Tennessee rose.

Mr. UNDERWOOD. I will ask my friend not to interrupt me, because I have only fifteen minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. UNDERWOOD. Again, listen to what Senator Grimes, who was on the committee that had charge of the investigation of these matters, after investigating it, further said in reference to the justice of paying these claims:

That there was not the slightest claim on the part of these contractors that there had been the slightest deviation from their contracts. They had not been required to do anything in connection with the machinery that they did not stipulate to do in their contracts. They admitted, the Secretary of the Navy says, and it is true, as he has said, that this is merely an appeal to the liberality, generosity, and beneficence of Congress. It is also true that if we grant it in this case we shall have appeals made to us day after day and day after day upon the authority of this precedent just as we have had appeals made to us because we have already this evening decided in favor of the Ericsson claim.

The Ericsson claim was one of the claims that they paid. Now, I have read what Senator Grimes, of Iowa, said. He was in the Senate at the time. He was then chairman of the Senate Committee on Claims, which had refused to allow these claims, and he knew the facts, not forty years afterwards, but knew the facts then, and he said that the only ground on which they had a right to make any appeal to Congress was to the liberality, generosity, and beneficence of Congress.

Mr. GAINES of Tennessee. Were all the claims alike?

Mr. UNDERWOOD. I am talking about the Selfridge board claims, all of which were turned down by the Marchand board, that are in this bill.

Mr. GAINES of Tennessee. All turned down for the same reason?

Mr. UNDERWOOD. Yes; because they said that Congress did not owe anything to the contractor, that it was only to the liberality and generosity of Congress that they were appealing. That is what Senator Grimes, of Iowa, the then chairman of the Committee on Claims, stated.

Mr. POWERS of Massachusetts. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Massachusetts?

Mr. UNDERWOOD. Yes; for a question.

Mr. POWERS of Massachusetts. I understood the gentleman from Alabama to state that all these claims had been heard by the Marchand board and rejected. Am I correct?

Mr. UNDERWOOD. The gentleman is correct. I so understand it.

Mr. POWERS of Massachusetts. Has the gentleman ever understood that any of these claims were ever heard by the Marchand board and passed on by that board?

Mr. UNDERWOOD. My understanding, from what I gather from the record, is that all these claims that are now in this bill were laid before the Marchand board and were rejected, except a certain number of specified claims amounting to $187,000 that were paid at the time. Now, I want to read again what Senator Sherman said in reference to these claims when they were paid. He stated that there was a letter on the desk of the Secretary of the Senate from the Secretary of the Navy in which he denied explicitly and positively that there were any changes made since these contracts were entered into.

Senator Sherman of Ohio is in the record stating that there was lying on the desk of the Secretary of the Senate at that time a statement from the Secretary of the Navy saying that no changes had been made in these contracts, and therefore if you believe what Senator Sherman says, if you believe what the records of Congress say, you are asked to pay these contractors about a million and a half dollars because the Government changed their contracts. It is not sustained by the record, and their contention has gone up in smoke, in vapor, and is a myth; there is nothing in the argument.

Mr. Chairman, I might say a great deal more in reference to the facts in this matter. As I have stated all the time, I do not desire to filibuster this bill, or to delay its legitimate passage; but in investigating the facts I am satisfied in my own mind that these claims were fairly and justly considered by the members of Congress forty years ago and justly rejected by the executive department and the legislative department of the Government at that time.

I say that the statements contained in the present Senate and House reports are not sustained by the record. The claim that we must pay these men because the Government had changed their contracts is denied by the record. It is shown that the then Secretary of the Navy denied it. It is shown that the chairman of the Committee on Claims of the Senate denied it. It is shown that there is no record here to sustain anything of the kind and that the only appeal that was then made was to the liberality and the generosity of Congress.

I contend you should pay a man what is due him, but the money in the Treasury of the United States does not belong to you. You may be liberal and generous with what is your own, but the money you are voting to-day is not your own. It belongs to the people of the United States, and these men have got no right to come here under an appeal to the liberality and the generosity of Congress and ask you to vote a million and a half dollars out of the public Treasury of the United States because they made contracts that turned out disastrous, and I contend that these claims ought to be stricken out and nonconcurred in before this bill passes.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. CALDWELL. Have you footed up and found the amount of the Selfridge-board findings in this bill?

Mr. UNDERWOOD. No, I have not. I take the statement of the board. I have moved to strike out all of those claims.

Mr. CALDWELL. I think it would be a matter for the information of the House if you would state approximately the amount of the findings, which I do not know.

Mr. UNDERWOOD. The amount is stated to be a million and a half, I understand, but I do not mean to say that my figures are accurate to a dollar. It is stated in the report, and any gentleman can find the exact figures there.

Mr. GAINES of Tennessee. What other testimony have you besides that of Senator Grimes?

Mr. UNDERWOOD. If the gentleman will look in the Congressional Globe and CONGRESSIONAL RECORD he will find that this matter has been discussed for forty years.

Mr. GAINES of Tennessee. I take it for granted that the gentleman from Alabama has looked through the RECORD.

Mr. UNDERWOOD. I have endeavored to search the records, and there is no doubt that the leading men at that time in Congress did believe these claims should not be paid, and refused to pay them; and they have simply been hanging around here, kicked about like a football, ever since, with no legitimate ground to stand on. I say it is not only absurd, but it would be outrageous for Congress at this late day to take up claims of this kind and pay $1,500,000 out of the Treasury without anything more tostand on than these claims come to this House with.

In conclusion, let me say that this bill contains many just and legitimate claims against the Government—in many cases judgments rendered by the courts in favor of the claimants—and it is an outrage on these claimants to add as amendments to the bill claims of doubtful propriety and attempt to make those who are in favor of the Government paying its honest debts vote to pay claims that otherwise would have no chance of being allowed in order to secure the payment of a few just and deserving judgments that the Government owes to its citizens.

Mr. LINDSAY. Does the gentleman say that he believes these claims are fraudulent?

Mr. UNDERWOOD. I do not say that they are fraudulent, but I say they ought not to be paid; that they are not legitimate.

Mr. LINDSAY. I wish to say that I know one of these claimants, Mr. Thomas Stack, who is now 82 years of age, and has been a shipbuilder since 1844, and I know that he is asking only the payment of a legitimate debt—the repayment of money which he spent on behalf of the Government. I am personally acquainted with this man; he resides in my district. He built a monitor there. Like other claimants of the same class, he built the vessel at a time when it was wanted by the Government, during the civil war, and because this service was rendered long ago that is no reason why its payment should now be refused or the claim pronounced fraudulent or illegitimate. I do not believe any such charge is true. I believe that in these cases the contractors paid out thousands and thousands of dollars for the purpose of carrying out their contracts with the Government, and now after all this delay they ought to be repaid. These expenditures outside of the contract price of the vessels were, as gentlemen understand, incurred by reason of changes made in the vessels by order of the Government, and it is admitted that if there was any fault it was occasioned by the change of the plans by the officer of the Government at that time.

In compliance with a resolution of the Senate of March, 1865, a board of Navy officers was appointed to inquire into and determine how much of the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowances for extra work.

The resolution adopted in the United States Senate March 9, 1865, was as follows:

> That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work and report the same to the Senate next session; none but those that have given satisfaction to the Department to be considered.

Under an order from the Hon. Gideon Welles, then Secretary of the Navy, the following officers of the Navy were appointed: Thomas O. Selfridge, commandant and president of the board; Montgomery Fletcher, chief engineer, and Charles H. Eldridge, paymaster. This board held the first meeting June 6, 1865, and considered the claims contained in this bill until December 23, 1865. On July 12, 1865, the claimant, Mr. Thomas Stack, in this bill, made the following statement under oath before this naval board: That the contract for this vessel was signed by the Navy Department September 9, 1862, in which he was allowed one hundred and twenty-six days, or until January 13, 1863, to launch the vessel and deliver her to the engine builders; but she was not launched until March 7, 1863, the delay being caused by the difficulty of obtaining the composition stems; that the total cost of the vessel, including bill for extra work, was $96,405.45; that the contract price was $75,000, and that he received from the Bureau in the bill for extra work $3,048.64; total amount received from the Government, $78,048.64. That the excess of cost of vessel to him over and above the contract price and amount paid for extra work was $18,356.41. The vessel was delivered to the engine builders March 7, 1863, who were allowed fifty days, or until April 26, 1863, to erect the machinery on board; but this work was not completed by them until November 5, 1863, by which delay on their part he was unable to complete the vessel, and he was at great loss by being compelled to pay larger prices for material and labor. There is no charge in the bill annexed to this record (marked No. 14) for any condemned material or faulty workmanship.

S. M. Pook, naval constructor, in his testimony for the Government before the Selfridge board on September 30, 1865, as printed in Senate Document No. 18, Thirty-ninth Congress, first session, page 30, says:

> Having examined the bill of cost and extra work for the gunboat *Metacomet*, built by Thomas Stack & Co., I find the charges to be correct, fair, and reasonable, and consider that the extra bills should be paid in full.

The board recommended $16,351.36, the amount the present bill appropriates.

Mr. MAHON. Mr. Chairman, if I can get the attention of the House for a moment, I simply want to state the facts in relation

to these Selfridge board claims. My ultimate effort is to get this matter into conference, to settle this whole bill. The story of the building up of the Navy at the beginning of the civil war is a long story. I am not going to read it, but I have an official document in my hand in which a high officer of the Navy Department states that the employment of a man by the name of Stimers, who was employed to draft these monitors, was the cause of all this trouble; that he was a man who knew absolutely nothing about it. He drafted the plans and specifications of these monitors, and they were taken by contract to be constructed by these boat builders. They were to be finished in six months, some 18 or 20 of them, because the war was pressing and we were without a Navy.

These contractors went to work speedily, under a threat of the Navy Department that if they did not complete these boats under those contracts and specifications at a certain price the Government would seize their shipyards and build the monitors themselves. Now, I want to say to the House that if the Government had acted in good faith toward these men this claim never would have been here. They would have completed their contract. What was the result? One shipbuilder did build his monitor within about five months and a half. They floated that monitor out in deep water, after they had put her guns on her, and she went down in 20 feet of water. That is what happened under the specifications of this man who drew the plans. Immediately the Navy Department issued an arbitrary order stopping all work upon these boats. New specifications had to be drawn, new plans had to be made, and again they were put to work. For a second time the boats failed to carry out their purpose, because they would not float. Again the Navy Department were compelled to stop work and to build the decks up 22 inches above the second design, because when the boats were completed a second time only 6 inches appeared above the surface of the water.

Now, I know these boats were all put under contract by the Government officers.

Mr. LITTLEFIELD. Were the failures of these boats for the purposes for which they were constructed on account of the failure of the contractors or the failure of the designers?

Mr. MAHON. It was the fault of the designers of the Navy Department. These parties went on with their contracts. Some of them were not completed until 1864. The Government paid these men the contracts for the change made in these boats; but then the Navy Department refused to pay these men for the advance in labor and material that they were put to by their delay.

Iron could be bought for $30 a ton when the boats were contracted, and before they were completed it had run up to $115 a ton. The men working in the shipyards at the time these contracts should have been completed were paid $2.50 a day for labor, and before these boats were completed labor had risen to $4.50, $5, and $6 a day in these shipyards. Now, these men simply ask that this Government pay them the difference between the increase in the price of labor and material from the time that the contracts were to have been finished until they were finished. Now let me read you a little to show why these contracts had to be changed. I read from the letter of Commodore Benjamin Isherwood, a man who knew all about this matter.

WASHINGTON, D. C., *January 26, 1887.*

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City and had placed Mr. Alban C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammeled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system 20 vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about $8,000,000, and there was, in my opinon, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time, conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent, and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon or complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not at that time be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time by estimating the cost to the contractors of the original work, had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government, taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work, which was done according to the original contract, was much increased at the expense of the contractors.

Respectfully,

B. F. ISHERWOOD.

Hon. BENJAMIN BUTTERWORTH.

I might also read this long report in the same line.

Congress has paid over one-half of the Selfridge board claims. This matter has been before Congress for a number of years. The Senate passed a resolution authorizing the Navy Department to appoint a board, and they appointed Commodore Selfridge at the head of the board, and a number of other officers, and their examinations covered a period of sixteen long months. This board went to the shipyards, examined the books of those concerns, put these men to their proof, and after a long and careful examination as to the increase of labor and the increased price of material they ascertained the amount due these men. Now, then, the Fifty-fifth Congress and the Congress before that has paid one-half of these men. One-half of the Selfridge board findings has been paid by the Congress of the United States. This is the last of them put in by the Senate.

Now, the gentleman from Alabama quoted from Senator Sumner. I want to read what Senator Sumner said in the Senate in 1866:

The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on?

Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it. (Cong. Globe, p. 1987.)

The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in these mighty results which we all now enjoy.

And now, again I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked

you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that "Republics are ungrateful." I hope that this Republic may certainly vie with any monarchy in gratitude to those who have served it. (Cong. Globe, page 1987.)

Now, let me read what a distinguished Democrat said, the man that we all had a great admiration for. Senator Hendricks, who was elected Vice-President of the United States, in the same debate, said this:

I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that?

The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims, without reference to the particular merit of each case. (Cong. Globe, p. 1890, 1866.)

The point is that these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed (Cong. Globe, p. 1892.)

These contracts were made by some below their own propositions and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who wishes to say to these men, "We have your bond and we will hold you to your bond; we will take the blood out of your business; we will have the pound of flesh?" (Cong. Globe, p. 1964.)

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chairs hears none.

Mr. MAHON. Mr. Chairman, I quoted from Senator Sumner, who was a Republican, a distinguished gentleman, and from Mr. Hendricks, who was on the opposite side. I could waste hours of this House reading from what some of the most distinguished men in both branches have said in advocating the payment of these claims. I could quote from men who were in the Senate and afterwards became judges in our courts.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. MAHON. Certainly.

Mr. HENRY C. SMITH. Have these Selfridge board claims ever been before the Court of Claims; and if they have not, can the gentleman give us any reason why they should not go there?

Mr. MAHON. This class of claims do not go to that court.

Mr. HENRY C. SMITH. Is there any reason why they should not go to that court for adjudication?

Mr. MAHON. There is every reason. You should not be asked to try your case before one court for eighteen months, and then be refused for thirty-five years to have the findings of that court confirmed. They would have to go to that court by special legislation.

Mr. UNDERWOOD. Is it not a fact that some of these claims have been sent to the Court of Claims before?

Mr. MAHON. No.

Mr. UNDERWOOD. Well, my understanding is there have been a few of them sent there.

Mr. MAHON. In the Fifty-fifth Congress $700,000 of these claims were paid.

Mr. UNDERWOOD. Some of them, I believe. were sent to the Court of Claims.

Mr. MAHON. There may have been some, but they were mere isolated cases.

Now, Mr. Chairman, the Marchand board has no authority to pass on these claims of the Selfridge board. They were carefully examined by the Selfridge board. I might state something about that Marchand board that I do not want to state. That board was raised for a specific purpose. It was raised to pass upon the claims of certain boat builders, and when they had completed that work their duties ended. I will not name these men, but every member of Congress knows that these firms are in bad odor around this Congress. They excluded these men, and all men should have had a hearing.

Mr. CANNON. My recollection is that the Marchand board was a creature of law. The House, Senate, and President constituted it; that its findings as to the Selfridge board were born——

Mr. MAHON. In the Senate?

Mr. CANNON. By a Senate resolution, and that that very Congress that constituted the Selfridge board spat upon its findings. The Senate passed a bill true to their resolution, but the House refused to concur, and it was acquiesced in and the Marchand board was created, which was a board under the law, begotten of the law.

Mr. MAHON. Well, Congress has created many a child that Congress has turned out, and we had better let them sleep.

Mr. CANNON. I would rather have a legitimate child born under the Constitution than a bastard born by Senate resolution. [Laughter.]

Mr. MAHON. If the bastard become a good, sober, intelligent citizen, I would take him before I would a drunkard that has wallowed in the gutter. [Laughter.]

Mr. ROBERTS. Mr. Chairman, I judge from the remarks of the gentleman from Alabama that there is considerable confusion in his mind as to what was done by the so-called Selfridge board and the so-called Marchand board. I understood the gentleman to say that all of the cases passed on by the Selfridge board were afterwards retried, so to speak, before the Marchand board.

Mr. UNDERWOOD. If the gentleman will pardon me, I did not state that every one in detail, but that the Marchand board was appointed to reconsider the claims passed on by the Selfridge board, and that they reconsidered those claims, but not that every single contractor was heard.

Mr. ROBERTS. The gentleman is totally wrong. The Marchand board was not convened, was not organized to retry the Selfridge board claims. The Marchand board was organized to try an entirely new class of claims that had presented themselves after the institution of the Selfridge board. If the gentleman had made any study of this question he would know that the resolution establishing the Selfridge board limited the class of claims that could be brought before it; and it limited it to those claims in which the work performed had given satisfaction to the Navy Department, and only those could be considered.

This was held by the Selfridge board to include only such vessels and such engines as had been completed and accepted by the Government. When the Selfridge board was established there were many of these vessels that had not been completed, many of them that had not been accepted by the Government, and the same condition of affairs applied to them as to the others. Under the ruling of the Selfridge board these others could not be considered by that board. Hence, the necessity of a new tribunal to consider the new class of claims which had arisen.

Mr. THOMAS of Iowa. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.

Mr. THOMAS of Iowa. Is it not a fact that the Marchand board was organized under an act of Congress immediately after Congress had refused to carry out the findings of the Selfridge board, and that the same claims that were examined by the Selfridge board were afterwards presented to the Marchand board and findings had upon them?

Mr. ROBERTS. The gentleman is partly right and partly wrong.

Mr. THOMAS of Iowa. I am entirely right.

Mr. ROBERTS. I can not understand for the life of me why gentlemen on the floor cavil about one board being the board of the Government, and the other not being the board of the Govment. The Selfridge board was created by an act of a coordinate branch of this Government, and appointed by the Secretary of the Navy, and they sat and discharged their duties, and the other, the Marchand board, was created by the joint action, but they were both boards representing the interests of the Government, and nothing else.

Mr. SIMS. Mr. Chairman——

Mr. ROBERTS. One moment. I want to say further that both boards, both the Selfridge board and the Marchand board, were appointed by the Secretary of the Navy. Why make a distinction between the legality, jurisdiction, and weight of the findings between these two boards? I want to refer to the weight of the findings later. Now, I will yield to the gentleman from Tennessee.

Mr. SIMS. I want to ask this question: Is it not a fact that under the Selfridge investigation the Government was not represented by any agent or attorney or anybody to take that side of it?

Mr. ROBERTS. Why, Mr. Chairman, the Government was represented by the naval officers, and they had the testimony of of the naval officers. The following witnesses were examined by the Government before the Selfridge board: United States Naval Constructors Pook, Delano; Chief Engineers Purse, Albert, King, Brooks, and Lawton; Government Inspectors Childs, Lowry, Betts, Hughes, and Drake, each of whom was examined fully, under oath. They were all examined under oath before the Selfridge board. They were called in there to protect the interests of the Government. Further, this board was in correspondence

with Rear-Admiral Gregory, who had charge of the gunboat contracts, with the Secretary of the Navy, with Chief Engineer Denby, with John Renthol, Chief of the Bureau of Construction, and B. F. Isherwood, Chief of the Bureau of Engineering, and Chief Engineer Fletcher, who from time to time they made personal investigation as testimony was offered to the board.

Mr. SIMS. Were they not limited in the scope of their inquiry to the increased cost of labor and material only?

Mr. ROBERTS. No; I do not know that there was such a limitation. I understand that they were there to find out generally the increased expense to these people.

Mr. SIMS. One other question: Is it not a fact that the equities growing out of the case in favor of the Government, and the payments made by the Government were not considered by the Selfridge board?

Mr. ROBERTS. I do not so understand. I infer that they took into consideration all the circumstances attending these cases.

Now, I want to refer to some of those circumstances attending the giving of these contracts, which were considered by the Selfridge board, particularly the machinery contracts; and I want to refer to some of the testimony before the Court of Claims in the case of the Washington Iron Works. This same B. F. Isherwood, Chief of the Bureau of Engineering, was a witness, and he testified under oath that he had been an engineer about thirty years; this was in 1873——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. I ask for five minutes more.

There was no objection.

Mr. ROBERTS. He testified that he had been in the service of the United States as an engineer for twenty-eight or twenty-nine years. He was asked——

State, if you please, what you had to do with the making of the contracts for said machinery.

Then he goes on to say that by direction of the Department he advertised for bids for different engines (these are the class of claims relating to engines); that he got bids running all the way from $80,000 to $125,000 for engines, the two lowest bids being $80,000 and $82,000. The Department decided they would not pay more than $82,000, and they let two contracts, one for $80,000 and one for $82,000. They were to let as many at $82,000 as they could get men to take. They could not get the engine builders of this country to take those contracts at those figures. Then what did the Navy Department do? It sent its Chief Engineer around to all the shops of the United States that were available and instructed him to urge upon these engine builders as a patriotic duty that they take these contracts at the price the Government was willing to give.

Now, here is a question of which I wish the House to note the answer, because it involves a vital point:

State, if you please, what arguments you used to induce the parties who took this contract to construct the machinery to so take it.

Then Chief Engineer Isherwood, of the Navy, tells what he did under the instructions of the Secretary of the Navy:

Answer. The general scope of the arguments was that the Government was very greatly in need of this work, and that, as loyal supporters of the Government, they were bound to meet its needs; that a refusal to do so would place them in the category of those not entitled to the patronage of the Department hereafter.

Note that if they did not come in and take these contracts at the price the Government saw fit to pay they were to be blacklisted, and could expect thereafter no more Government work. But that was not all:

I also stated that unless the shops responded to the best of their ability to the exigencies of the Department I would recommend what I had before suggested to the Department, to take possession of the shops and have them operated exclusively for the Government work.

Those were the conditions under which these loyal citizens of the North were induced to take these contracts, for which they now seek adequate compensation. First they were threatened with being blacklisted, so that they would receive no more Government work, and when that threat did not operate they were confronted with the threat that the Government would step in and take their shops and run them for the benefit of the Government, thus shutting them out of all the other remunerative work that they were getting.

Then on top of that they were asked to take the contract for these engines without having before them the plans of the machinery that they were to bid on. They were told, in the case of Buckmaster, that the engines would not be more than twice as expensive as the engines on certain ferryboats; they were told that would be the limit of expense for those engines. Yet when the plans came the engines to be constructed were vastly more expensive than twice the expense of ferryboat engines.

These are the class of claims that were brought before this Selfridge board.

Now, a word or two more in regard to the Selfridge and Marchand boards. The Selfridge board sat for months with open doors, inviting these different claimants to come before them with their testimony. The claimants appeared; their witnesses were put under oath. Every bit of testimony which appears in the report of the Selfridge board, which I have here somewhere, this thick document which I exhibit to the House, the original report, represented months of careful search and inquiry, with Government witnesses before it, and all testimony under oath.

Now, how about the Marchand board, this much vaunted Marchand board that sat about four months, a little less, behind closed doors? All the opportunity the claimants had before that board was to send in a written statement of what they claimed. There was no testimony taken under oath. The claimant was not allowed to appear with his witnesses and state his case, and after four months of star-chamber proceedings this much vaunted Marchand board makes this report, which is contained on less than two pages of paper, and yet that is the board we are supposed to follow. We do not know how the Marchard board arrived at its findings. They locked themselves in; they did not want anybody to know how they were getting at it, and yet we are asked to abide by the finding of that board as against the findings of the Selfridge board, which operated in the broad daylight, and was casting about everywhere to get all the information it could get in the interests of the Government, not in the interests of the claimants.

Mr. Chairman, in view of the careful, patient, accurate work of the Selfridge board; in view of the fact that subseqnent Congresses, notwithstanding the statement of the gentleman from Illinois [Mr. CANNON] that Congress repudiated that board and spat upon it immediately it filed its report; in view of the action of subsequent Congresses which have adopted the findings of that Selfridge board to the extent of over $1,200,000, and in view of the fact that we have only about $700,000 worth of these claims left to clean up all those findings, I submit that we, sitting here in the Fifty-seventh Congress, should abide by the findings of the Selfridge board, and not by those of the star-chamber proceedings. I want to read right here in this connection the following:

Two high officers of the United States Navy, Admiral Hichborn and Commander Webster, testified as witnesses for the United States in the Snowden case (Court of Claims, No. 16829) that the conclusions of that board "both of law and fact were contrary to the right and justice of the matter" and that "it did not accord to claimants an opportunity to present their claims."

What board? The Selfridge board? Oh, no; the Marchand board, to which so many members on the other side of the Chamber particularly wish to bow down and submit. Those are the facts, and those are the two boards, and those were the jurisdictions of the two boards, and I have given you the findings of the two boards.

Now, I say in all fairness, Why should not we accept the findings of that board, which sat in broad daylight? Why, the gentleman from Illinois [Mr. CANNON] says that the Congress which appointed the Selfridge board spat upon it. Now, let us see who spat upon it. Immediately after their report a bill passed through the Senate, paying the claim on the *Comanche*, the amount of which had been found by the Selfridge board. Here are some of the men who did not spit on the findings of the Selfridge board: Nathaniel Banks, James G. Blaine, Boutwell, Butler, Hays. Those were some of the men who were in Congress at the time the Selfridge board was in session, who were here when they made their findings, and who are supposed to know something about the trustworthiness of the report of that board.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. CROOK, one of his secretaries.

ALLOWANCE FOR CERTAIN CLAIMS FOR STORES, ETC.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I would like the attention of the committee for about five minutes, and I trust not to ask for more than that. I think I can state in substance this transaction from the beginning. I will not take much time. In former Congresses, dating back twenty-eight years, from time to time I have made a study of these claims. They have been rejected from time to time, but after being turned down time and again, like hope, they spring eternal. Now, what is the fact? During the war the Government had need of certain boats. Specifications were made, advertisements, and contracts. That contract or those contracts gave the Government the right to change the specifications and provided that any changes that might be made should be paid for.

The Government had the right under the contract made, not under duress, to make the changes, and did make changes from time to time, and the Government paid every cent for extra work under the contract, amounting to many millions of dollars in the

aggregate, and there was a full settlement, a final payment in settlement of the contract as it was originally made, and for all changes. The transaction was closed. Now, then, shortly after the close of the war, the people all living that helped make those appropriations, the Senate of the United States passed a resolution creating what was called the Selfridge board to pass on these claims, and this appropriates the findings of the Selfridge board, which shall be in full discharge of same. Now, that board was an ex parte board.

Mr. ALEXANDER. Will the gentleman from Illinois allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. I have but five minutes, but I will yield to a question.

Mr. ALEXANDER. On what are the claims based?

Mr. CANNON. Oh, on anything necessary to get something out of the Treasury that does not belong to them. [Laughter.] Claim! Why, the vilest sinner on earth, without having his sins forgiven, can claim to pass St. Peter's gate. Claims are the easiest things on earth. I have stated that there was a full settlement and payment for extras, and that these amounted to multiplied millions of dollars.

Now, this ex parte board sat and made its report. It came to the Senate. The Senate created it. The Senate considered the claim and passed a bill appropriating according to the recommendations of the Selfridge board. I speak respectfully of a subordinate branch, or of a body that sits elsewhere, but I apprehend that then as now matters passed more readily there than in a larger body, and naturally so. I do not speak in derogation of the Senate, but I speak of it parliamentarily. It came to the House, and the House of Representatives, coming from the people, rose up and said, "We will not have it," and refused to concur and pass the Senate bill. What was the result? In conference it was provided that a new board should be created, and then the legitimate board was created by law. That board met and made its report, and every finding of that board was promptly appropriated for by Congress.

Mr. MAHON. Will the gentleman allow me to ask him a question? Is it not a fact that these very men, who sat less than three or four months, absolutely sat down on the men who are now asking for consideration; that they took a few favorites of the chief of that board and paid them and refused to do anything for the others?

Mr. CANNON. The members of the Marchand board are dead and gone. Nearly everybody is dead and gone who was in that Congress, just at the close of the war, and I am speaking historically.

Mr. MAHON. The gentleman has not answered my question, whether they did not exclude these men.

Mr. CANNON. I do not know whether they did or not, but I am informed from the statement of the gentleman from Alabama [Mr. UNDERWOOD] that these men or most of them presented their claims before the Marchand board, and all the while, signed, sealed, and delivered, was the final receipt in full from every one of these men for all claims and demands under contract and for extras now in the records of the Government,

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. That Congress that was contemporary and familiar with all the facts refused this relief. In the fullness of time that Congress passed away. I doubt if there is a man living to-day who was a member of it in either House or Senate. I began to come here about 1873, and along in the late seventies and then in the eighties we heard these flowery speeches about the poor claimants, and up jumped the Selfridge board claims, and on Friday, frequently without a quorum, with our hands full of our business with the living matters of the day, we being new men then, first one claim slipped through and then another, and then they said, "You have paid one. Why treat one differently from the other?" Well, that is a pretty good argument sometimes, but if a man steals your horse, shall another man come and steal the whole livery stable? [Laughter.] There is not much in that.

Mr. ROBERTS. You might give him the halter.

Mr. CANNON. Yes; you might give him the halter, says my friend. But giving is one thing, if the halter belongs to you; but if you and I stand for the time being as the custodians of the Treasury we ought not to give away the money that comes from the multiplied millions of men who live in the sweat of their faces and of the women who wash that they may live.

A MEMBER. What about the unwashed?

Mr. CANNON. Well, as for the unwashed, worse still. Gentlemen may laugh and find it funny, but somebody somewhere ought to voice the 70,000,000 of people who have got to pay this bill. That is what I claim.

Now, there ought to be a statute of limitation. I suppose if this is turned down to-day, in the next Congress on an omnibus claims bill it will come back. I think it likely, if we do not pay it, that fifty years from now it will come, the attorney, perhaps, having his contingent fee, somebody having bought the claim perhaps for a song. Here it will come, and what assurance have you, after you give this, that they will not come for more? Why, claims constantly come where Congress has granted relief, and they come back and say Congress did not give enough. With a change in the membership of Congress, and a claim persistently prosecuted, there you are! I think it would be fortunate if we had a constitutional amendment covering a statute of limitations to send everybody that has a legal claim to the court and let him abide by the decision, and take from us the power to pass upon these claims.

Now, that is about all I want to say. So far as I am concerned I have always heretofore, after full investigation, time and again voted against these claims. They have no legal standing; and, measuring my words, from the best investigation I have been able to give them from time to time in God's chancery, they have no claim upon the American people. [Loud applause.]

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate upon this amendment be limited to ten minutes, giving five to the gentleman from New York [Mr. SHERMAN] and five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to discuss this matter, and I do not think I could debate it in five minutes.

Mr. DE ARMOND. I should like to have a little time on the amendment too.

Mr. CANNON. It seems to me——

Mr. MAHON. Make it fifteen or make it twenty, and give ten on each side.

Mr. DE ARMOND. I would like to have a few minutes on this matter.

Mr. UNDERWOOD. Let the debate run for a little while, as I think you would get through quicker.

Mr. MAHON. I do not want to be discourteous. This is the only day this committee has in Congress, and it has been waiting a long time. I want to be courteous to the gentleman from Missouri, the gentleman from Tennessee, and the gentleman from New York, and if the gentlemen will indicate what time they will need I will endeavor to accommodate them. How much time does the gentleman from Missouri want?

Mr. DE ARMOND. About ten minutes.

Mr. MAHON. How much time does the gentleman from Tennessee want?

Mr. SIMS. I can not tell. If questions are not asked, I think I can get through in about ten minutes; but if questions are asked, I may not.

Mr. MAHON. I move that the gentleman from Missouri may have ten minutes, the gentleman from Tennessee ten minutes, and the gentleman from New York five minutes, and then the debate shall be closed on this amendment.

The CHAIRMAN. Twenty-five minutes.

Mr. LINDSAY. I would like to have five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate upon the motion offered by the gentleman from Alabama be closed in twenty-five minutes, the time to be allotted as stated by the gentleman.

Mr. CANNON. I do not think that motion ought to be adopted.

The CHAIRMAN. The question is on the adoption of the motion to close debate in twenty-five minutes.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Several MEMBERS. Division!

The committee divided, and there were—ayes 40, noes 35.

So the motion was agreed to.

Mr. SIMS. Mr. Chairman, I have no feeling in this case due to any malice or to any dislike for the claimants, for I do not know who they are. But I want to say, Mr. Chairman and gentlemen of the House, that we reported a bill here from the Committee on War Claims of the House, and we came in and stated to the House we have a bill here, an omnibus bill, with nothing on earth except claims that have been passed on by the Court of Claims and determined in favor of the claimant. We would not let any other class of claims, or anything come in except claims that had been passed upon by the Court of Claims, where the Government had been represented.

That is what we did, and the House passed a bill with $198,000 of this class of claims. The bill went from the House to the Senate without a claim that had not been referred to and determined by a court of competent jurisdiction. It has come back from the other end of the Capitol, and to it, a bill which had claims for $198,000, has been added $3,000,000, or nearly so. I state that there

is not a gentleman in this House that knows all about these 600 items or knows anything about them. It is utterly impossible. And what does the Senate do? The Senate, instead of amending our bill, strikes out every item in our bill and then brings in a bill with our items named first in it, and then we are asked to nonconcur in the very items this House has voted in favor of.

Now, their claims may be just, but I think I can see through the philosophy of it. They find that these claims that have been passed upon by the Court of Claims have been favorably considered, are distributed over such a large territory of the country, they demand such a support, as will enable these other claims to be pulled through by them. They could not have been put on here for any other reason. The committee put on no claims in this bill that had not been referred to the Court of Claims and passed upon, and they were passed upon in Committee of the Whole and reported and passed in the House.

Mr. MAHON. I would like to ask the gentleman a question.

Mr. SIMS. Certainly.

Mr. MAHON. The gentleman certainly knows that in the Senate they have no Committee on War Claims. Their committee is the Committee on Claims. Every claim under the Bowman Act or the Tucker Act which goes to the Senate would go in, and we can not put in any miscellaneous claims. We have no jurisdiction there, and in two-thirds of the claims put in by the Senate they have jurisdiction where we have none. That is the way bills are often passed; and why not agree to that?

Mr. SIMS. Oh, yes; they do as you say.

Mr. MAHON. They want it added.

Mr. SIMS. I want to say to the House that I shall move to concur in the claims that were on the bill as it passed the House, and I have no objection to a conference on the rest of them. This House having passed on $198,000 of them, I wanted those to be on the bill.

Mr. MAHON. You would stick the knife in the other fellow, but put it in the sheaf when it came to yourself.

Mr. SIMS. There is no use sending to a conference committee that which the House has already considered. I shall move to nonconcur in what the House has not considered, and to concur in all those from the Court of Claims that we have already passed on.

Why, suppose I am on a conference committee and I take up the House claims passed by the House after a long and tedious debate, and I am instructed by the very same House to fight against them as a Senate amendment by a motion to nonconcur. Now, why not concur in the items we have already passed favorably, and nonconcur in the Senate amendments purely and properly? That part of the bill which the House has passed upon ought not to be in here as a Senate amendment; the Senate could have added their items to our bill, but they did not do it. I do not want to make any improper charges, and I will not do it, for I do not know; but I can give no other reason for striking out the whole House bill and putting the whole in as a Senate amendment and letting it all go together but the fact that they wanted it all to go together or fail together.

Now, Mr. Chairman, some of these claims are from my district; many are from my State; but I shall not, as a member of that committee, stand up here and favor the payment of claims I do not believe are just; that as a member of the committee and a member of the House I can not sanction, simply to get justice to those, which has been long delayed, who live in my own State. I could not do it conscientiously and I do not want to do it in any other way.

I have no feeling against the Selfridge board claims. The particular vessels that were built, the total amount of contract price for all of them was $14,201,000; that was the contract by the Government. The total additional amount claimed by the contractors on account of the advance in material and labor, caused by the change in specifications, as they claim, was $10,184,592.50. Now, the Government has paid upon the amount claimed $5,302,847.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

Mr. MAHON. I object.

Mr. SIMS. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The amendment is not in order at this time.

Mr. SHERMAN. I will yield the gentleman two minutes of my five.

Mr. SIMS. Two minutes is not sufficient at this time. I thank the gentleman.

Mr. CANNON. Mr. Chairman, I ask unanimous consent, as the gentleman is on this committee, that his time be extended ten minutes, not to be taken out of the time of any other person.

Mr. MAHON. We have limited debate to thirty-five minutes.

Mr. CANNON. Well, I ask unanimous consent that he have ten minutes, not to be taken out of that time.

Mr. MAHON. I do not object to that.

The CHAIRMAN. Let the Chair understand. The time for debate on this paragraph has been limited. Does the Chair understand that this ten minutes is to extend that time?

Mr. CANNON. Yes; to extend it ten minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Tennessee be extended ten minutes, which time is not to be taken out of the time originally determined upon when debate should be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I thank the committee. I have no desire, Mr. Chairman, to occupy the time of the House only to give the facts as they have been given to me. I just stated that the Government considered every item of cost due to Government delay—advance in material and labor—and they paid $5,302,847.91 above contract price. As I have always understood it, and now understand it, the Selfridge board was limited to the investigation of the increase of cost to the contractor due to advance of material and labor caused by the delay of the Government, and they did not consider anything else, and reported upon evidence which was furnished by the contractor and nobody else. There were no witnesses on the part of the Government; they had no right to appear, and the board so limited it.

The Marchand board, afterwards formed, went over the same items, or nearly all of them, and found only one hundred and fifty-seven thousand and some odd dollars due, all of which has been paid.

I have no feeling against these findings more than any other claims, but if you are going to pay additional amounts to contractors for the Government every time they lose and take nothing back from them when they make a profit, you might as well have no contract at all. There is no use of going through the farce of publishing or advertising for bids if contractors can show that they lost money and come to Congress and be paid for it. Does anybody believe if the price of labor and materials had gone down so that these gentlemen would have reaped a large profit—larger than was contemplated by them—that they would come to the Government and hand over the excess of profit? What sort of a precedent is this? We have vessels built recently, and these contractors may come and say that they lost money, and it was due to advance in material on account of trusts and combines, drought and distress, and that we ought to pay these losses. Why talk about being held up by the Government? I tell you there is very little holding up by the Government that is not for the benefit of the held up.

I here insert in full the table, which I have not time to read in detail, showing the amount claimed by contractors over contract price, and the amounts that have been paid by the Government:

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy to "examine the claims of certain contractors for the construction of vessels of war and steam machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
Secor & Co. and Perine, Secor & Co	River and harbor monitors Manhattan, Tecumseh, and Mahopac.	$1,380,000.00	$1,236,101.22	$115,539.01	$521,195.58
Alexander Swift & Co	River and harbor monitors Oneota and Catawba.	920,000.00	665,757.22	None.	322,849.08
Snowden & Mason	River and harbor monitor Manayunk	460,000.00	339,025.00	None.	166,582.24
Miles Greenwood	River and harbor monitor Tippecanoe	460,000.00	349,455.33	None.	173,327.84
Harrison Loring	River and harbor monitor Canonicus	460,000.00	267,709.40	38,513.00	162,963.22
J. B. & W. W. Cornell	Turrets, etc., Miantonomoh and Tonawanda	282,050.00	461,777.72	None.	292,657.93
Atlantic Works, Boston	Turrets, etc., Monadnock and Agamenticus	265,000.00	427,323.64	None.	280,322.18
Charles W. Whitney	Ironclad Keokuk				
Snowden & Mason	Light-draft monitor Umpqua	395,000.00	346,457.46	None.	166,582.24
Merrick & Sons	Light-draft monitor Yazoo	395,000.00	234,676.14	None.	175,725.19
Wilcox & Whiting	Light-draft monitor Koka	386,000.00	305,425.21	None.	165,638.53
Donald McKay	Light-draft monitor Nauset	386,000.00	314,768.93	None.	192,110.98

Tabular statement showing the result of the action of the board appointed July 6, 1867, etc.—Continued.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the bureaus.)
William Perine	Light-draft monitor Naubac	$395,000.00	$287,470.93	None.	$127,440.00
A. & W. Denmead & Sons	Light-draft monitor Waxsaw	395,000.00	321,360.91	None.	198,587.32
George C. Bestor	Light-draft monitor Shiloh	386,000.00	364,073.55	None.	207,311.00
Atlantic Works, Boston	Light-draft monitor Casco	395,000.00	234,067.78	$4,852.58	132,701.57
Curtis & Tilden	Light-draft monitor Shawnee	386,000.00	393,138.20	None.	196,319.70
C. W. McCord	Light-draft monitor Etlah	386,000.00	364,073.55	None.	207,311.00
McKay & Aldus	Light-draft monitor Squando	395,000.00	337,329.46	None.	194,535.70
George W. Lawrence	Light-draft monitor Wassuc	386,000.00	210,099.62	None.	169,815.37
Aquilla Adams	Light-draft monitor Chimo	395,000.00	377,243.20	4,852.58	225,445.52
Alexander Swift & Co	Light-draft monitors Klamuth and Ruma	780,000.00	678,446.34	None.	415,970.68
M. F. Merritt	Light-draft monitor Cohoes	395,000.00	318,735.99	4,852.58	201,968.28
J. O. Underhill	Light-draft monitor Modoc	395,000.00	214,435.72	None.	127,669.35
Tomlinson, Hartupee & Co	River monitors Sandusky and Marietta	376,000.00	314,850.36	15,171.00	94,079.14
Donald McKay	Iron double-ender Ashuelot	275,000.00	81,447.50	None.	22,415.92
T. F. Rowland	Iron double-ender Muscoota	275,000.00	71,565.21	None.	21,642.83
Zeno Secor	Iron double-ender Mohongo	275,000.00	84,144.13	None.	32,882.23
Harrison Loring	Iron double-ender Winnepec	275,000.00	70,443.16	None.	23,132.24
Paul Curtis	Wooden double-ender Chicopee	75,000.00	20,292.96	None.	5,739.85
George W. Lawrence	Wooden double-enders Agawam and Pontoosuc	150,000.00	50,987.95	None.	10,377.00
Larrabee & Allen	Wooden double-ender Iosco	75,000.00	25,914.90	None.	7,268.68
Edward Lupton	Wooden double-ender Lenapes	75,000.00	70,493.94	None.	5,923.48
Daniel S. Mershon, jr	Wooden double-ender Mingo	75,000.00	31,583.34	None.	None.
J. J. Abrahams	Wooden double-ender Eutaw	75,000.00	17,412.66	None.	200.00
Curtis & Tilden	Wooden double-ender Massasoit	75,000.00	17,398.82	None.	4,918.41
Daniel S. Mershon, jr	Wooden double-ender Cimarron *				
Thomas Stack	Wooden double-ender Port Royal	100,000.00	20,758.79	None.	57.00
A. & G. T. Sampson	Wooden double-ender Mattabessett	75,000.00	20,377.49	None.	3,723.30
Curtis & Tilden	Wooden double-ender Osceola	75,000.00	16,225.63	None.	4,485.41
F. Z. Tucker	Wooden double-ender Mendota	75,000.00	25,398.71	None.	4,631.53
Thomas Stack	Wooden double-ender Metacomet	75,000.00	27,769.80	None.	4,081.27
S. Simonson	Wooden double-ender Chenango	75,000.00	19,969.98	None.	3,528.17
Globe Works, Boston	Steam machinery of ship Guerrière	400,000.00	30,508.02	None.	14,149.27
William Perine	Iron tug Triana	128,000.00	47,773.22	None.	5,142.22
Do	Iron tug Maria	80,000.00	31,049.88	None.	
Poole & Hunt	Machinery of wooden double-ender Mackinaw	82,000.00	11,844.96	3,694.81	943.89
J. P. Morris, Towne & Co	Machinery of wooden double-ender Tacony	82,000.00	27,518.57	None.	8,494.57
Total		14,201,000,00	10,184,592.50	157,475.55	5,302,847.91

*Not considered as within the province of the board.

J. B. MARCHAND, *Commodore, and President of Board.*
J. W. KING, *Chief Engineer, and Member of Board.*
EDWARD FOSTER, *Paymaster, and Member of Board.*

NAVY DEPARTMENT, *Washington, D. C., November 26, 1867.*

Mr. Chairman, I think the proper way to treat this bill is to concur in so much of it as was included in the original House bill—and that part is easily separable—and let us go to conference on the rest. There is no use in going over these items, amounting to $198,000, that the Committee on War Claims has gone over, that the Committee of the Whole of this House has gone over, and that the House has solemnly voted for. There is no use of taking those matters again into consideration because the Senate has struck them all out and has inserted one entire amendment. There is no use loading down the conferees with extra work of that kind. If the purpose was not to force through the rest of this bill—French spoliation claims, Selfridge board claims, and miscellaneous matters of various kinds—I can see no reason why we should not concur in that much of the Senate amendment as it now comes to us.

The House was so kind as to give me extra time, but I have no wish to occupy the floor further. I have no feeling whatever in regard to this matter, but I am not willing to vote for what I think wrong simply because some of the money appropriated may go to my district.

Mr. DE ARMOND. Mr. Chairman, if the items in dispute now were small, and if the persons preferring them were poor and weak, and if there were a design to beat them, the task would be very easy and the result would be very sure. But the items being large and the influence behind them being powerful, the prospect of defeating them is by no means good.

It seems somewhat strange that there should be this great quantity of "good" claims, with the mold of thirty or thirty-five years upon them. It seems very strange that the people who dealt with them in the days when they were fresh—when the facts were known, when the evidence against them as well as the evidence for them was obtainable—did not see their merit, but with their eyes open rejected them; and that now, when the evidence upon the one side has gone and the evidence upon the other side seems not even to be necessary, they may be rushed through wholesale and without consideration. It would seem, if we wished to do what is right by the taxpayers, if we wished to treat the small claimant and the large claimant with equal justice, then the most that could be offered by anybody, preferring any of these stale old claims, would be a request for a hearing upon the merits, taking in all the case, before some tribunal where, leisurely and according to the processes known to the courts, the whole matter could be examined and justice done.

It is totally impossible, in a body like this, to consider in a few hours of hasty debate, grudgingly allowed, a dozen, or fifty, or a hundred, or five hundred claims, such as are pending now in this amendment. There may be some of them with merit, or a modicum of merit. That a large share of them are totally without merit, trumped up, totally unworthy of consideration in any tribunal, designing to do justice, seems to me to be clear beyond the possibility of a doubt.

It is not for us here—and it would be useless if we should indulge in that pastime—to speculate as to how these claims came upon this bill in the Senate. Glancing over the CONGRESSIONAL RECORD, we do not find any lengthy debate; we do not find any evidence of careful examination. We find abundant evidence of a complaisant disposition and a ready acquiescence, rather than anything indicating that there has been careful examination or any painstaking desire to get at the truth and the merits, and to act according to the truth and the merits.

I have but little hope that the House will do what it seems to me it ought to do, reject these claims, both because they are without merit and because it is totally impossible for the House to consider them and ascertain what, if anything, of merit may be in any one of them. We have so often here the spectacle of the small claimant, interested to the extent of one hundred, two hundred, five hundred, or a thousand dollars in a claim against the Government, growing weary with waiting with prosecuting his claim, growing old as the years go by and justice is denied, and finally dropping out of life, with the claim unsettled, unconsidered, and still pending, while a combination of holders of large claims, trumped up, having nothing of merit in them, lacking everything of merit, can somehow push the big, bad claims through both Houses of Congress and get at the Treasury.

It is not possible here—it is absolutely impossible—to investigate and reach a conclusion understandingly upon a single one of these items. Yet here they are by hundreds, and men are hungry to push them through; hungry to raid the Treasury for the benefit of their friends; hungry, it may be, to raid the Treasury merely as a pastime; indifferent to the rights of the public; coldly and stolidly indifferent to the rights of the small claimant; reckless and profligate in dealing with the large ones. If the good people of the country could know how the rights of the poor, humble citizen are postponed, know the little chance he has for fair or prompt consideration, know how the claims of the millionaire lobbyist, the claims of the combination and trust in the

jobbery of claims may be rushed through, it certainly would be a piece of information very edifying to them, but one which they would by no means relish. I do hope, even against hope, that the House will reject this batch of bogus claims, aggregating no one knows just how many millions of dollars.

Mr. POWERS of Massachusetts. Mr. Chairman, I do not understand that there are any facts in controversy regarding the claims presented. The facts are these: At the breaking out of the civil war the United States had no Navy. They commenced at once the construction of vessels and also the construction of machinery to be placed in those vessels. The Government at that time had little or no knowledge about the making of ships, and the shipyards at that time had very little knowledge of the making of war vessels. Now, in 1862 and in 1863 the Government entered into certain contracts for the building of ships and for the equipping of those ships with machinery.

In those times, Mr. Chairman, conditions changed every minute. Material commenced to go up, labor commenced to go up. The Government found that it had made mistakes in its designs and specifications, and it commenced at once to make changes, and from time to time in making those changes it increased the cost of those vessels. At the close of the war these parties who had made these vessels found that they had cost them about twice the contract price, and they made a claim upon the Government, and the Senate by resolution constituted what is known as the Selfridge Board, a board made up of a commodore, a chief engineer, and another officer of the United States Navy. Acting under that resolution they proceeded at once to make an examination and found the actual cost which each of the claimants had been put to in the construction of these vessels.

Now, I do not undertake to say that if these claimants had sued the Government at the time and the Government had been permitted to set up every technical defense that it might not have defeated those claims. On the other hand, no one can say that the technical defense which the Government could have set up would have defeated those claims, because the Government, as I understand it, had broken its contract with these contractors. Now, what are these parties asking for to-day? They are asking that they shall be paid the actual cost of those vessels, as found by a board constituted by the United States Government. Is that unfair? Is there any gentleman in this House who, after nearly forty years, desires to say that these men who, in the time of their country's peril, came to their country's aid, and under conditions which made it impossible to make a wise contract, shall not have back the money which they expended in performing a contract under which they entered into with the Government?

Mr. SCOTT. Will the gentleman permit an inquiry? I understood the gentleman from Illinois [Mr. CANNON] to say that all these claimants had received the full amount of their due, and the Government held their receipt in full.

Mr. MAHON. Receipts for the contract price only.

Mr. POWERS of Massachusetts. They undoubtedly received the contract price, but I do not understand the Government holds their receipts in full, neither do I understand that they have ever received anything in compensation for the extra expense that they were put to by reason of the increased price of labor and the increased price of material.

Mr. SCOTT. May I ask how long it is since the award of the Selfridge board was made?

Mr. POWERS of Massachusetts. The award was made in 1867, and from 1867 down to the present time these claimants have come before Congress, and if I am not mistaken the Senate at different times has favored their payment, and the House at different times has also favored their payment. Now, the present year, as I understand it, the committee favors the payment of these claims. Nearly one-half of them have already been paid, and what earthly reason is there why the other half should not be paid? If it is an equitable claim it ought to be paid, and this great Republic, with all its wealth, with all its reputation for fair dealing, can not to-day in conscience say to these men who performed this work forty years ago, and who have waited all this time for their money, that they shall not have the face of what they expended in performing the contract loyally and honestly for the Government. You must bear in mind, also, Mr. Chairman, that during this time there were delays caused by enlistment. and by draft, and the conditions were such that no contractor ought to be held to conditions as they existed during the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I do not propose to detain the committee for my full five minutes, nor to enter into a discussion of the merits of this case. I just want to say a word. The gentleman from Illinois [Mr. CANNON] intimates that the Selfridge board is or was the creature of the Senate of the United States. The Senate of the United States, it is true, provided for the board, but the board was named by the Secretary of the Navy. Now, Mr. Chairman, this is this case: The Secretary of the Navy named the board that considered this case. Every claimant was dependent, substantially, entirely upon Government witnesses to make his case. And yet that board finds in favor of every claimant. Now, when I as a plaintiff can choose my own judge, can select my own jury, when my opponent is dependent entirely upon my testimony and the testimony of those in my employ, and the verdict of that jury is against me, I shall take no appeal, and that is all there is in this amendment, and it ought to be voted down.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to print my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] to strike out that portion of the Senate amendment which the Clerk will state.

The Clerk read as follows:

Strike out, beginning with line 18, page 95, all the remainder of page 95 and all of pages 96, 97, 98, 99, and 100.

The question being taken, on a division (demanded by Mr. SHERMAN) there were—ayes 67, noes 59.

Mr. MAHON demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MAHON and Mr. UNDERWOOD.

The committee again divided; and the tellers reported—ayes 75, noes 72.

Accordingly the motion was agreed to.

Mr. MAHON. Mr. Chairman, I move that the House nonconcur in the Senate amendment and ask for a conference, and that the bill be reported to the House with that recommendation.

The CHAIRMAN. The Chair will state, in order that there may be no misunderstanding about the parliamentary situation, that the Chair stated some time ago to the gentleman from Missouri [Mr. ROBB] that if he desired to offer an amendment it would be in order at this time.

Mr. ROBB. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amend the bill by inserting after the word "dollars," in line 17, page 35, the following:

"To the heirs and legal representatives of John W. Hancock, deceased, of Iron County, Mo., the sum of $1,160."

Mr. ROBB. Mr. Chairman, I desire to make a brief statement in regard to this amendment. I introduced a bill on this subject, which was referred to the committee, and I supposed that it had been incorporated in this bill. The claim embraced in the amendment was referred to the Court of Claims by the Committee on War Claims on March 3, 1883, was considered by the Court of Claims and reported back June 17, 1892. The claim is for supplies, which consisted of horses furnished the Army during the war. The findings of the court are brief. First, the court finds that the claimant was loyal to the Government of the United States throughout the war. That is the preliminary finding.

The court then finds that in September, 1864, Capt. Pinckney L. Powers, of Company H, Forty-seventh Missouri Volunteers, was instructed by General Rosecrans, then commanding the Department of Missouri, to purchase horses and mount his company so that it might be used as mounted infantry. The instructions were not in writing, but appear to have been confirmed by the facts that General Rosecrans sent inspectors to inspect the horses purchased by Captain Powers, and that horses so inspected were purchased and paid for, and that the company was mounted.

The court further finds that pursuant to the instructions referred to, Captain Powers purchased from the claimant eight horses, at prices ranging from $140 to $150, subject to inspection. The legal title to the property was not to pass to the United States until inspected, but the horses were immediately turned over to Captain Powers, and were held by him with Government horses in the claimant's stable at Pilot Knob. While so awaiting inspection they, with other horses, some of which belonged to the Government, were captured by the enemy on the 27th of September, 1864. No vouchers were issued to the claimant for these horses, and he has never been paid therefor, nor had the horses been branded. The total amount to be paid for these horses, if they passed inspection, was $1,160. It appears that the horses were sound and serviceable, and that they probably would have passed inspection.

The court also find that the sale of the horses took place on the 23d of September, the capture on the 27th. The inspectors were delayed in coming by the advance of the Confederate forces, popularly known as "Price's raid." At the time of the sale it was expected that the inspection would take place immediately; that is, that inspectors would be sent from St. Louis within two or three days. It does not appear that there was negligence or delay on the part of the Quartermaster's Department in sending inspectors.

Now, there is the finding of the Court of Claims ten years ago, finding the loyalty of the claimant, finding the value of the property sold, finding that the horses were sold and delivered to the officer of the Army and were in his possession at the time they were captured by the enemy. Why this claim has not been paid before this time I am unable to understand. I am satisfied that it is as just and legal a claim against the Government as any one embraced in this bill. Just preceding this amendment is an allowance to Mr. Isaac G. Whitworth, of a claim of precisely the same character, on a finding by the Court of Claims. I introduced the bills about the same time. I am disposed to believe that the committee from some cause or other simply overlooked this claim. I think that if the committee had considered the claim it would have been embraced in the bill, and I hope there will be no objection to the adoption of the amendment.

It is a finding by the Court of Claims; it is for supplies. There is no question about the justice or legality of the claim. As to the question of loyalty, some one asks. I stated a while ago that the court found that the claimant was loyal throughout the war. I can not conceive of any objection to the adoption of this amendment, and hope it will be adopted. I move the adoption of the amendment.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. MAHON. Mr. Chairman, the bill is being read for amendment. I move that the committee rise and report this bill to the House with the recommendation to nonconcur in the Senate amendment, and ask for a conference.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee agree to report this bill to the House with the recommendation that it nonconcur in the Senate amendment, and that a committee of conference be appointed.

The motion was agreed to.

Mr. CANNON. Mr. Chairman, I want to ask the parliamentary status before we go out of the committee. The gentleman from Missouri moved an amendment. I suppose that is equivalent to a nonconcurrence with an amendment.

The CHAIRMAN. In the opinion of the Chair the situation is the same as if in Committee of the Whole an amendment had been offered and carried to the bill, and then the bill itself had been negatively reported.

Mr. CANNON. Therefore it has no——

The CHAIRMAN. Therefore it has no particular significance at this time.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the Senate amendment to the bill H. R. 8587, and, having made two amendments thereto, had instructed him to report the bill back to the House with the recommendation that the House do nonconcur in the Senate amendment and ask for a conference.

Mr. MAHON. Mr. Speaker, I now move that the House nonconcur and ask for a conference.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania that the House nonconcur in the Senate amendment and ask for a conference.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair did not state the question so that we could know what we are called to vote upon.

The SPEAKER pro tempore. The question is on disagreeing to the Senate amendment to the omnibus claim bill and to ask for a conference.

Mr. RICHARDSON of Tennessee. What I would like to ask, Mr. Speaker, is, What is the effect as to the adoption in the Committee of the Whole, and the recommendation of the Chairman of that committee, as to nonconcurrence in the balance of the amendment? In other words, if we nonconcur now in the Senate amendment, then we attempt to amend. Very much of it is not attempted to be amended, and that goes to the conference nonconcurred in as well as to the other portion of the amendment. What is the effect, in other words, of the vote of the Committee of the Whole to nonconcur in a portion of the Senate amendment? The Senate amendment was amended in Committee of the Whole and then nonconcurred in. Well, then, is not the effect of that, Mr. Speaker—and I ask it because it is a new proposition, because it is a new question—the entire Senate amendment is nonconcurred in on this proposition?

The SPEAKER pro tempore. That is right.

Mr. RICHARDSON of Tennessee. What more has been done in Committee of the Whole, which is simply a committee of the House, except to nonconcur in the Selfridge board amendment? I submit that the Selfridge board amendment or any portion of the Senate amendment would go into conference, it seems to me, whether we desire to or not. But I desire to ask the ruling of the Chair as to whether it goes to conference or not. I confess it is a novel and new question, and I am not advocating the Selfridge board claims. I simply want to know the parliamentary status when it goes into conference.

Mr. UNDERWOOD. I made the motion to strike out the items. My object in doing so was to instruct the conferees. Of course, I think these other portions of the bill could have been concurred in and this nonconcurred in; but as gentlemen interested in the bill, who had claims, desired to send the bill to conference, I have made no attempt to move to concur, because the gentlemen interested in the claims did not want to concur. But my object in making the fight in the committee was not to affect its parliamentary status, because that can not be done without we nonconcur, but it amounted to a vote of this House to instruct, not in so many words, but practically instruct the conferees not to concur in these Selfridge-board claims without they violated the wishes of the House. I think that is all there is in the parliamentary situation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment.

Mr. ROBB. Mr. Speaker, before that vote is put I would like to know the parliamentary situation in respect to the amendment offered by me in Committee of the Whole, which was adopted unanimously.

The SPEAKER pro tempore. The gentleman's motion is not in because there is a motion to nonconcur. If there had been a concurrence the gentleman's amendment would be in. The question is on the motion of the gentleman from Pennsylvania to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

Mr. MAHON. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. OLMSTED in the chair.

A. W. CAMPBELL AND OTHERS.

The first business on the Private Calendar was the bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, upon the requisition of the Secretary of War, without further audit, allowance, or restatement of the claims by the accounting officers, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, or to their legal representatives in case of their death since the allowance of their claims by the accounting officers, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers, under the provisions of the act of July 4, 1864, since February 2, 1897, namely:

OHIO.

To John C. and Lushion I. H. Goings, sons of John A. Goings, deceased, late of Greene County, $80.

TENNESSEE.

To Robert Stewart, administrator of Thomas Stewart, deceased, late of Shelby County, $270.

NEBRASKA.

To A. W. Campbell, of Boxelder, formerly of Roane County, Tenn., $100.

Mr. GIBSON. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

J. V. WORLEY.

The next business on the Private Calendar was the bill (H. R. 2974) for the relief of J. V. Worley.

The Clerk read the bill as follows:

Be it enacted, etc., That the sum of $40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and that the same be paid to J. V. Worley, of Hardin County, Tenn., to reimburse him for a like sum wrongfully collected from him by the United States marshal for the eastern division of the western district of Tennessee, in the sixth judicial circuit thereof.

The bill was laid aside to be reported to the House with a favorable recommendation.

FLORA A. DARLING.

Mr. OTJEN. Mr. Chairman, I ask unanimous consent to take up the bill S. 1902, Calendar number 681.

Mr. SIMS. What is the bill?

Mr. OTJEN. It is for the relief of Flora A. Darling. It has been reported ten different times to the House.

Mr. SIMS. Is that the bill dealing with the asphalt pavement?

Mr. OTJEN. Oh, no; it is to recompense Mrs. Darling for the goods taken while she was under a flag of truce.

Mr. BROMWELL. Mr. Chairman, I would like to ask whether it is too late to object to the taking up of this bill. I think the Calendar ought to be taken up in its order so that those industrious members who get their work in early and the bills on to the Calendar shall not be debarred in getting their bills through by taking up later ones on the Calendar.

The CHAIRMAN. It is in order to object.

Mr. BROMWELL. Then I object to taking up the bills out of order.

BENJAMIN F. FOX.

The next business on the Private Calendar was the House resolution 56.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 3317) for the relief of Benjamin F. Fox, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the terms of the act of March 3, 1887, and commonly known as the Tucker Act.

The resolution was laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 647) for the relief of William P. Marshall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of $200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

Mr. LOUD. Mr. Chairman, I think it is fair to the committee to know what this bounty is.

Mr. MAHON. Let the report be read.

The CHAIRMAN. If there is no objection, the report will be read.

The Clerk read the report (by Mr. MAHON), as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 647) entitled "A bill for the relief of William P. Marshall," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A favorable report on this case was made by this committee in the Fifty-sixth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 1414, Fifty-sixth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 7038) for the relief of William P. Marshall, beg leave to submit the following report, and recommend that said bill pass without amendment:

A favorable report on this case was made by this committee in the Fifty-fifth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 320, Fifty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1844) for the relief of W. P. Marshall, submit the following report:

Your committee report that they concur in the conclusions embodied in the report from the Committee on War Claims of the Fifty-fourth Congress, a copy thereof being hereto attached as part of this report.

Your committee recommend the passage of the bill.

[House Report No. 1246, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5501) for the relief of W. P. Marshall, submit the following report:

This is a claim for bounty alleged to be due William P. Marshall, late a private in Company H, One hundredth Pennsylvania Infantry Volunteers.

The records of the War Department show that William P. Marshall was enrolled December 12, 1861, and mustered into service January 6, 1862, as a private in Company H, One hundredth Pennsylvania Infantry Volunteers, to serve during the war; that he was discharged the service August 27, 1862, on surgeon's certificate of disability, in which it is stated that he was suffering from hydrothorax and that he had been "off duty six months and still unfit."

Claimant alleges hernia (left inguinal) received by heavy lifting June 16, 1862, and also by a fall from collision of steamers August 18, 1862. The claimant is sustained in both statements by witnesses personally cognizant of the facts. He gets a pension for "left inguinal hernia."

Your committee is of the opinion that the disease for which he was discharged was the result of the injuries at one or both places above mentioned, and that he is entitled to a bounty of $100 under the terms of the act of July 22, 1861, and a bounty of $100 under the terms of the act of July 28, 1866.

The following are the acts above mentioned:

[12 Stat. L., p. 269.]

[Extract from an act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.]

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army: *Provided*, That the allowances of noncommissioned officers and privates for clothing, when not furnished in kind, shall be $3.50 per month, and that each company officer, noncommissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse equipments and shall receive 40 cents per day for their use and risk, except that in case the horse shall become disabled or shall die the allowance shall cease until the disability be removed or another horse supplied. Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid at the rate of 50 cents in lieu of subsistence, and if a cavalry volunteer, 25 cents additional in lieu of forage, for every 20 miles of travel from his place of enrollment to the place of muster, the distance to be measured by the shortest usually traveled route, and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of $100: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse equipments in the same manner as in the United States Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of $100.

Approved July 22, 1861.

[14 Stat. L., p. 322.]

[Extract from an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.]

SEC. 12. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 19th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment has been honorably discharged, and who has received or who is entitled to receive from the United States under existing laws a bounty of $100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of $100 hereby authorized.

SEC. 13. *And be it further enacted*, That each and every soldier who enlisted into the Army of the United States after the 14th day of April, 1861, for a period of not less than two years and who is not included in the foregoing section and has been honorably discharged after serving two years, and who has received or is entitled to receive from the United States, under existing laws, a bounty of $100 and no more, shall be paid an additional bounty of $50, and any such soldier enlisted for not less than two years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of $50 hereby authorized.

SEC. 14. *And be it further enacted*, That any soldier who shall have bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress, shall not be entitled to receive any additional bounty whatever; and when application is made by any soldier for said bounty he shall be required, under the pains and penalties of perjury, to make oath or affirmation of his identity, and that he has not so bartered, sold, assigned, transferred, exchanged, loaned, or given away either his discharge papers or any interest in any bounty as aforesaid. And no claim for such bounty shall be entertained by the Paymaster-General or other accounting or disbursing officer except upon receipt of the claimant's discharge papers, accompanied by the statement under oath, as by this section provided.

SEC. 15. *And be it further enacted*, That in the payment of the additional bounty herein provided for, it shall be the duty of the Paymaster-General, under such rules and regulations as may be prescribed by the Secretary of War, to cause to be examined the accounts of each and every soldier who makes application therefor, and if found entitled thereto shall pay said bounties.

SEC. 16. *And be it further enacted*, That in the reception, examination, settlement, and payment of claims for said additional bounty due the widows or heirs of deceased soldiers the accounting officers of the Treasury shall be governed by the restrictions prescribed for the Paymaster-General by the Secretary of War, and the payment shall be made in like manner under the direction of the Secretary of the Treasury.

Approved July 28, 1866.

Your committee attach hereto a letter from W. P. Marshall, and ask that it be printed as a part of this report:

CLAIM FOR BOUNTY.

DEAR SIR: There being no law or ruling by Department of the Interior covering my claim for bounty, and having been informed by Department of the Interior that, notwithstanding the fact that I proved and made my claim for pension to the satisfaction of the Pension Department (on account of hernia of left side received while in line of duty at James Island, South Carolina, July 16, 1862, for which pension certificate No. 183526 was granted me in March, 1881), cuts no figure whatever in bounty claims. The law in regard to bounty reads, as I understand it, that all soldiers enlisting for three years after August 1, 1861, and have served two years of their time of enlistment, shall receive bounty money to the extent of $200.

All soldiers discharged for injuries received while in the line of duty, and are discharged from the service before the expiration of two years on account of said injuries, shall receive $200 bounty. This law was in force, I think, from August, 1861, to August, 1863. After 1863 all soldiers enlisted received the bounty, as the two-year restriction was done away with. (See bounty laws.)

I first enlisted in the Ninth Indiana Infantry in April, 1861—first call for troops for three months' service. I again enlisted December 11, 1861, for three years, in Company H, One hundredth Pennsylvania Volunteer Infantry; was discharged from the service August 27, 1862, on account of being unfit for active duty. Now I come to the point upon which I base my claim for the bounty, which I claim I am entitled to under existing laws, but have never received, owing to an oversight on the part of my regimental surgeon, Dr. Horace Ludington, and ruling of Department of the Interior in my case.

During an engagement with the enemy June 16, 1862, on James Island, South Carolina, I was detailed from my command to assist in placing heavy artillery in position. While doing this duty I received inguinal hernia of left lower part of abdomen; was taken to hospital and treated for same by regimental surgeon, Dr. Ludington, whose affidavit is on file with Pension Department to that effect. In a few days after the above occurrence my command was ordered to Port Royal, S. C. From this point we were ordered to Newport News, Va. (I being on the sick list all this time). From Newport News my command was ordered to join General Pope near Bull Run. I was left in hospital at Newport News. On or about August 13, 1862, I, with others, was ordered to embark on board the steamship *West Point*, bound for Aquia Creek, Virginia, there to be landed for some purpose which I am not cognizant of.

About 7 p. m., as we were proceeding up the river, we collided with the steamship *Geo. Peabody*. The *West Point* had her bow stove in, and sank in a few minutes in 8 fathoms of water. All on board were drowned except some 16 persons. After the collision I found that I was fast in the wreckage,

and was rapidly sinking with our vessel. In my struggle to get loose, or in my struggle in the water to save my life after I did get loose, I reruptured myself in same place for which I had been treated on James Island and in hospital. I, with others, was picked up by the gunboat *Thunderer* and taken on board of a large steamship of General Burnside's command, and by it taken to Alexandria, Va. At Alexandria I was placed in Fairfax Seminary Hospital for treatment, from which hospital I was discharged from the service August 27, 1862.

There are affidavits on file with Pension Department in regard to all the above from Dr. Horace Ludington, regimental surgeon; Col. Daniel Leasure, colonel of regiment; Capt. R. J. Ross, captain of Company H; Robert Watson, private, Company H, all of my regiment, the One hundredth Pennsylvania Infantry. All of the above named made affidavit as to my injuries, etc. I have been and am shut off from bounty under existing laws for this reason. Although I received inguinal hernia at James Island and was treated for such injury, the surgeon, either through neglect, lack of time, or incompetency, failed to make his report show for what cause I was in the hospital, and simply has me marked as being sick at that time.

When taken to Fairfax Hospital I was bleeding at mouth considerably on account of internal injury received in or during the wreck spoken of. The surgeons, under Daniel P. Smith in charge, did not examine me or treat me for the rerupture, as it had not fully developed while under their charge, but did treat me for the internal injury, which afterwards caused or proved to be a rerupture in the former place mentioned. I was eventually discharged by the surgeons for hydrothorax (dropsy of the chest), a disease I never had; if so, I would have been dead long time ago.

I find that the only way I can get that which is justly due me, owing to present laws, is by special act of Congress. The fact that I have made my claim clear in Pension Office, backed by the affidavits of officers above named, ought, in my mind, be sufficient evidence that I did receive the injury as stated, and that members of Congress will recognize the fact and grant me the bounty.

Should you need assistance in this matter, or proof as to my hernia, I will refer you to Dr. Jethro A. Hatch, Congressman-elect from Tenth Indiana district. He was the first surgeon to examine me (per order of Government) when I made application for pension.

There should be a law passed or rule made covering such cases as mine; there are quite a number of them. The law or rule should be something after this order:

Where an ex-soldier has proven beyond a doubt and to the satisfaction of the Pension Department that certain injuries were received while in line of duty, to the extent that pension will be granted him, ought to be prima facie evidence with the Department of the Interior in cases of bounty claim. Like my case, there are many ex-soldiers barred from bounty on account of carelessness on the part of regimental surgeons to properly report their cases. Many surgeons drank much whisky during the war.

Respectfully, yours,

W. P. MARSHALL,
90 East Twenty-second Street, Chicago, Ill.

Hon. H. R. BELKNAP, M. C.,
Washington, D. C.

Your committee report back the bill and recommend its passage with the following amendment:

In line 7 strike out "the bounty due him under the bounty laws" and insert in lieu thereof "the sum of two hundred dollars for bounty due him."

Mr. LOUD (interrupting the reading). Mr. Chairman, enough of the report has been read to show the character of this claim. I want to say to the gentleman that if this man has a claim for a bounty there is no doubt in the world but what he can get it by going to the War Department at as late a date as this and secure that bounty.

Mr. MAHON. They say they can not pay it; that there is no money to pay it.

Mr. LOUD. That is a mistake. It is a little bill; it is only $200.

Mr. MAHON. All I know about it is that it is Judge CRUMPACKER'S bill, and he said that this was the only way that the man could get his money.

Mr. LOUD. If this man has a claim he can go to the Auditor of the War Department and get it audited, and then he will get his money. You are proposing to give the money by a roundabout way. You are proposing to give him $125 or $130 more than he could ever get any other way. If he has a claim for a bounty it would not exceed $8.33⅓ a month for his term of service. Here you are attempting to lump the act of 1861 and the act of 1867 together. The gentleman knows that after all the bounty acts were passed they were finally equalized, and each man was given $8.33⅓ a month. This man's term of service was less than one year, and so if he has a claim he can not secure $100 at the War Department, therefore he comes here, probably without any claim whatever, and attempts to get out of Congress additional bounty. Mr. Chairman, this claim ought not to pass.

Mr. MAHON. This bill was presented by Judge CRUMPACKER, of Indiana. It is a small claim and I have confidence in the gentleman from Indiana. I told him to examine the law properly as to the proof and report, and this report was made. I am satisfied that the gentleman from Indiana would not have reported anything that was not correct.

Mr. LOUD. I do not think the gentleman would report anything he did not believe to be correct, but even as good men as the gentleman from Indiana are sometimes mistaken.

Mr. MAHON. I have no special interest in this bill whatever, except that I have faith in the gentleman from Indiana, and I know that he believes the bill ought to pass.

Mr. LOUD. I am not going to take part in passing any bill upon the mere report of any member here, because the best men in the House are sometimes mistaken. Now, the gentleman from Pennsylvania [Mr. MAHON] knows something about bounty and something about the service of soldiers. He knows that the Auditor of the War Department is to-day passing upon claims of this kind——

Mr. MAHON. I suggest that we let this bill be passed over without prejudice. The next time it comes up the gentleman from Indiana will no doubt be here.

Mr. LOUD. I have no objection to that suggestion, although I think the bill ought to be defeated. It has no business before this House. There is nothing that can be said in its favor. The gentleman from Pennsylvania well knows that any man who has an equitable and just claim of this kind can go before the Auditor of the War Department and have his claim passed upon.

Mr. MAHON. I would like that the gentleman from Indiana should have his day in court. I move that the bill be passed over without prejudice.

The motion was agreed to.

BILLS PASSED OVER.

Mr. MAHON. I ask that the next three bills on the Calendar—House bill 1591, House bill 1010, and House bill 5896—be passed over without prejudice.

The motion was agreed to.

Mr. MAHON. I ask also that House bill No. 5070, in which the gentleman from Indiana [Mr. LANDIS] is interested, and House bill 1937, in which the gentleman from Pennsylvania [Mr. WANGER] is interested, be passed over without prejudice, both of those gentlemen being absent.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 9290) granting a pension to Frances L. Ackley disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.; and

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

S. J. BAYARD SCHINDEL.

The committee resumed its session.

The next business was the bill (H. R. 8769) for the relief of S. J. Bayard Schindel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited the accounts of Lieut. S. J. Bayard Schindel, commissary Sixth Regiment United States Infantry, with the sum of $77.13, being for subsistence funds stolen from the commissary storehouse by unknown parties, and for which he was responsible.

Mr. BROMWELL. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

JOSIAH B. ORBISON.

The next business was the bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal Township, Butler County, Pa., the sum of $300 that he paid to avoid the draft in 1863.

The bill was read, as follows:

Be it enacted, etc., That the honorable Secretary of the Treasury of the United States is hereby authorized and directed to pay, or cause to be paid, out of any money now or hereafter to be appropriated for the payment of

claims, to Josiah B. Orbison, a colored man and a descendant of the African race, the sum of $300; same when paid to be in full for all claims that said Josiah B. Orbison has against the United States of America by reason of his being compelled to pay said sum of $300 to avoid the performance of military duty as a conscript from Donegal Township, Butler County, Pa., on the 31st day of August, 1863, at a time when he was not subject to military duty, not being a citizen, not entitled to vote, and not entitled to hold office.

Mr. MAHON. This is the case of a colored man who was drafted into the military service and compelled to pay $300 as computation, when, as claimed, he was not subject to military duty.

Mr. CANNON. Let us have the report read. I suppose we do not want to go into the business of making reimbursement in cases of this class. It would take us a long time before we got through.

The CHAIRMAN. Shall this bill be laid aside to be reported favorably to the House?

Mr. LOUD. I hope not.

Mr. PAYNE. I ask for the reading of the report.

Mr. LOUD. I should like to be heard, if I am recognized.

Mr. PAYNE. Let us have the report read.

Mr. LOUD. That can be done later on.

The CHAIRMAN. The gentleman from California [Mr. LOUD] is entitled to the floor.

Mr. LOUD. Mr. Chairman, the House evidently recognizes this claim. I do not see why some industrious advocate of the claim did not have it put into the "omnibus bill." That is where it will ultimately go.

Mr. MAHON. Oh, never; it could never get my vote to go there.

Mr. LOUD. Well, there are very few claims ever presented before Congress, having sought every possible avenue to secure favorable consideration, that do not ultimately bring up in what is denominated an "omnibus bill."

Mr. MAHON. Why does not the gentleman make some motion to dispose of the bill?

Mr. HAUGEN. I move that the bill be passed over without prejudice.

The CHAIRMAN. The gentleman from California [Mr. LOUD] has the floor. Does he yield for that motion?

Mr. LOUD. No; I think we might as well dispose of this bill now as some other time. This is simply an old claim—a proposition to refund——

Mr. MAHON. I desire to move that the Committee of the Whole rise, in order that the Military Committee may take up their bill.

Mr. LOUD. Well, let us adopt a motion that this bill be reported to the House with the recommendation that it lie on the table. I make that motion, and when it is acted on the gentleman from Pennsylvania can move that the committee rise.

The question being taken, the motion of Mr. LOUD was agreed to.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report these bills to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills upon the Private Calendar, and had instructed him to report the bills H. R. 2494, 4974, 8769, and House resolution No. 56 with the recommendation that they do pass, and also report back the bill H. R. 2782 with a recommendation that the same do lie on the table.

CLAIMS REPORTED BY THE TREASURY DEPARTMENT.

The bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

J. V. WORLEY.

The bill (H. R. 2974) for the relief of J. V. Worley, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

BENJAMIN F. FOX.

House resolution 56 for the relief of Benjamin F. Fox, reported favorably from the Committee of the Whole, was considered, and agreed to.

S. J. BAYARD SCHINDEL.

The bill (H. R. 8769) for the relief of S. J. Bayard Schindel, reported favorably from the Committee of the Whole, was considered, was ordered to be engrossed and read a third time; and it was read the third time, and passed.

JOSIAH B. ORBISON.

The bill (H. R. 2782) authorizing and directing the repayment to Josiah B. Orbison, of Donegal County, Pa., the sum of $300 that he paid to avoid the draft in 1863, reported from the Committee of the Whole with a recommendation that the bill lie upon the table, was considered, and the recommendation agreed to.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

PAN-AMERICAN RAILWAY.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, with respect to the resolution concerning a Pan-American railway, adopted by the Second International Conference of the American States, recently held at the City of Mexico.

I recommend an appropriation by Congress of the sum of $20,000, or so much thereof as may be necessary, to enable the President to appoint two commissioners to visit Central and South America to carry the purpose of the resolution into effect, and to investigate and report upon the means of extending the commerce of the United States with those regions.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 22, 1902.

The message and accompanying documents were ordered to be printed and referred to the Committee on Foreign Affairs.

MILITARY ACADEMY.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13670) making appropriations for the Military Academy.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. JENKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13670) making appropriations for the Military Academy, and the Clerk will read.

The Clerk read as follows:

For purchase of Welsbach burner or other suitable incandescent lights, drop lights, tubing, mantles, etc., $20.

Mr. FEELY. Mr. Chairman, I move to strike out the last word. I for one am glad that there is inserted into this bill a provision for the purchase of Welsbach lights. I think that those lights will be needed in the Military Academy to throw some glamour over the interpretation of the treaty of Washington made yesterday by the gentleman from Massachusetts. The Washington Post to-day contains a dispatch which contains a commentary upon us by a British officer, which I commend to the House as a sweet opinion entertained concerning us by one of our Anglo-Saxon cousins:

BRITISH OFFICER DEFIANT—SAYS ALMIGHTY DOLLAR RULES AND MULE SHIPMENTS WILL CONTINUE.

CHICAGO, *April 21.*

"Mules will continue to be shipped to South Africa as long as the 'almighty dollar' rules America," declared Gen. Sir Robert Stewart, an officer of high rank in the artillery branch of the British army, who arrived at Chicago to-day.

"England is not at all alarmed over the investigation at New Orleans," continued General Stewart. "There is no denying that mules and horses are shipped to South Africa by our Government, and it is nonsense to talk of stopping it. We probably will begin shipping your American mustangs to South Africa also."

When General Stewart returns to London he will report favorably on the adaptability of the mustang for use in the British army. While here he has arranged for the purchase of hundreds of the wiry little animals should his Government act favorably on his report.

The interpretation placed upon the treaty of Washington is truly remarkable. He seems to confine that interpretation purely to naval operations, and to believe that these words contained in the treaty have reference to nothing else but naval warfare:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Now, Mr. Chairman, a new light will come into the field of international law if the nations are bound to accept the interpretations of the gentleman from Massachusetts [Mr. GILLETT] on that point. He shows an incredulity which is truly remarkable and true Yankee characteristics when he says that there is not sufficient truth adduced here that there are maintained in this country military camps for the purchase, under the supervision of British officers, of horses and mules to be used by the British army for the war in South Africa. Will he be satisfied with the statement of a member of this House who has personal knowledge of the maintenance of these camps in his district?

Mr. Chairman, there are maintained to-day—outside of the one in Louisiana, outside of the one referred to by the gentleman from Missouri in his district—two camps in the county of St. Clair, in the State of Illinois, near the cities of Belleville and East St. Louis, which are operated for this purpose. Members may demur to this and say that the individual citizen of the United States has a right under the law to sell stock to be used for this

purpose; but, gentlemen, if we had a statesman in the office of Secretary of State of the character and of the Americanism of Richard Olney, of Massachusetts, a way would be found to stop the loading and shipping from the port of New Orleans of these horses and mules to be sent to South Africa to take part in this war.

Mr. Chairman, it is a poor diplomacy, it is a poor exhibition of American statesmanship to deny the existence of these camps, and it is certainly an encroachment on the very outside boundaries of the rules of international law, when an interpretative law is relied upon to prevent any interference with the shipping of horses and mules to South Africa. It is well known that this is not the only infraction of the laws of neutrality which has been committed without let or hindrance by the executive department of the Government. As has appeared in the public prints, as appeared in the report of those sent officially to investigate, men are taken from our ports to South Africa and there inveigled to enter the service of the British army. Can it be said, by reason of the fact that nobody has sufficiently pointed out enough official evidence to warrant Executive interference, that this condition does not really exist?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FEELY. Mr. Chairman, I ask unanimous consent to be permitted to proceed for five minutes.

Mr. CAPRON. Mr. Chairman, I object, and I ask unanimous consent that the gentleman be allowed to extend his remarks in the RECORD.

Mr. FEELY. I do not desire that. I will get time hereafter.

The Clerk read as follows:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, $3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than $5,500,000: *Provided further*, That after the preparation and approval of the plans herein provided, the Secretary of War is authorized to enter into a contract or contracts for any part or all of the improvements herein authorized within the said limit of cost, to be paid for from the appropriations annually made for this purpose: *Provided further*, That no money shall be expended or obligation incurred for supervising architects after the plans for improvements above provided for have been approved by the Secretary of War.

Mr. HULL. Mr. Chairman, by direction of the Committee on Military Affairs I move to amend by striking out the word "three," in line 12, page 29, and inserting the word "two," so that it will appropriate at once for these improvements $2,000,000 instead of $3,000,000.

The Clerk read as follows:

In line 12, page 29, strike out "three" and insert "two."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I am further instructed to move to amend the bill in line 21, page 29, by striking out the word "six" and inserting the word "five," so as to limit the cost to $5,500,000 instead of $6.500,000.

The Clerk read as follows:

On page 29, in line 21, strike out "six" and insert "five."

Mr. CANNON. Mr. Chairman, I quite agree with this amendment, and am very glad indeed that the Committee on Military Affairs have recommended it. I am not here to say that they ought to have recommended a still further reduction, because I have very great respect for the personnel of that committee. They have investigated the matter and, I understand, have visited West Point and have given the subject that kindergarten observation, besides what they get from documents. I am inclined to think, with all due respect to the committee, that these cadets might have been provided for and that the present plan could have been utilized, with an extension that would have been much less expensive than the authorization of this bill.

I do not speak positively touching that matter, because I have not given it that investigation that the committee has given it. I want to say enough, however, to put myself upon record, and, I trust, the committee as well. I say it for that object. As I take up the estimate that I have here—perhaps not an estimate so much as a printed plan and a drawing showing the proposed improvements, and a description of what they are and what they will cost, and from an examination of the plans by Mr. Larned, who, I believe, is an officer or a professor at West Point, I am inclined to believe that everything contemplated from the standpoint of utility as well as of proper architectural effect and permanency of construction can be made for five million and a half of dollars, as the committee propose to limit it.

That includes roads, grading, and water, and heat and light—the whole thing. The object of my making this statement—and I trust if I am correct about it I will receive the assent of the Committee on Military Affairs—is that whoever expends this money may be placed upon notice that the plans and specifications and contracts shall be made so as to complete this work entirely from the beginning to end, and that next year, or two years from now, or five years hereafter, we will not have additional estimates for construction at West Point. I do this because sometimes zealous officials in expending public money use it as far as it will go, and then come to the succeeding Congress for additional appropriation. There is an amendment I want to offer a little later, unless the gentleman will offer it himself.

Mr. PARKER. Mr. Chairman, I do not desire to delay the committee by extended remarks at the present time, but rather to avail myself of their permission to submit some considerations with reference to the enlargement of the Military Academy at West Point.

Necessities speak for themselves. The accommodations of the post are entirely insufficient for the number of cadets now provided by law. Of the 452 cadets now at the Point 192 are now actually living 3 in a room and 24 are living 4 in a room. Sixty-eight additional rooms are required in order to allow 1 room to 2 cadets for the maximum corps of 511 now provided for by law. Forty-eight additional rooms are required in the same barracks to provide orderly rooms, storerooms, and quarters for tactical officers, so that 116 more rooms are absolutely needed at the present time in the cadet barracks to provide for the force of cadets who may be at the post under the present law.

The heating and lighting plant of the post is grossly insufficient. There are not quarters for the expanded corps of instructors. The chapel will only hold about half of those who wish to attend. The riding hall is only big enough for 32 men to drill at once, out of the 500. It is greatly to be desired that a full troop of cavalry and full battery of light artillery should be stationed at this post, and quarters must be provided for them and for their officers.

Provision for these necessities will require a practical rearrangement of many of the buildings, which have been scattered over the limited area of level ground existing at the post; so that with larger numbers the replacement and consolidation of many of these buildings are needed, not only to economize space, but to save money in heating and lighting and to bring all the branches of instruction so near to one another that time shall not be wasted.

By this bill as amended the sum of $5,500,000 is appropriated for these purposes, and is a moderate appropriation. The Naval Academy at Annapolis received $8,000,000 for like purposes, and that Academy also enjoys the free use of vessels of war for instruction. The ground and buildings for artillery and cavalry drill naturally need to be larger than for the schools and foot drill of the Navy. The sum asked is certainly moderate.

Exactly what plan for this enlargement shall be adopted is left to the Secretary of War. In this the provisions of the bill follow exactly the model which was furnished in the act for the enlargement of the Naval Academy (act of June 7, 1900, Fifty-sixth Congress, first session; Stats., p. 696). It is expected that in the preparation and adoption of these plans the Secretary of War will call to his aid, not only officers of the Army and of the post, but also such architects as he may wish to consult, in order that the plan shall be in all respects worthy of the situation.

It is not intended to create any abodes of luxury. The cadets are to be two in a room, as heretofore, in plain quarters suitable for a soldier. The cadet gray of the old granite buildings now existing is to be preserved, as well as the plainness and simplicity of the architecture, which fit in so beautifully amid the green of the surrounding hills. It is not for Congress to decide upon the details of such plans. It must be left to others and to experts to determine what is most needed, how to make the most of the room, and how to build so as to be in line for further enlargement as the nation shall grow and the numbers at the Point shall increase.

We must trust the judgment of the Secretary of War as to whom he employs. We have given him full liberty to obtain the best talent that can be had in the preparation of the plans. We have added what we may regard as a most wise provision that the work of actual construction shall be supervised by the officers of the Army, whose exacting and careful oversight will give us buildings that shall last and save expense as far as may be.

We need say no more about the necessity of this appropriation for a school of which the whole nation has been proud for a hundred years. No one can visit West Point without his heart being lifted up with the thought of the deeds that have there transpired. The mind goes back of the establishment of the Academy to the time when that point protected the only communication between the New England States and those west and south of the Hudson River; to a time when Fort Clinton on the plain and

Fort Putnam on the heights and the great chain across the river to Constitution Island held back the British fleet, which dominated the city of New York, and protected a way for the patriots of the Revolution and for the carriage of their supplies.

We look across the river to the country place whence Benedict Arnold made his escape. We realize that this little fort was formerly the keystone of our new-built arch of independence, while we remember, too, that its buildings, nestling beneath the hills, have been the cradle of the Army. The civil war taught us that we could not get along without it. We began with citizen generals, and they mostly failed. It is true that during that war men were trained in the school of war who took their place with the best who came from the West Point Military School.

But our reliance, after all, was on the small corps of men who had been instructed there, and who afterwards leaped into high command. Some came from the Regular Army—almost more from civil life. But we do not forget that our great commanders, Grant and Lee, McClellan, Jackson, Meade, the two Shermans, Thomas, Sheridan, Joseph E. Johnston and Albert Sidney Johnston, Rosecrans, Bragg, Hooker, Franklin, and Gregg—but why should I prolong the list? The leaders of both sides of the greatest conflict that the world has ever seen were mostly from that little school at the fort which held the gate between the scattered States of the Revolution.

West Point has always been unique among military schools. There is none like it in the world. In other countries the instruction in a particular school is confined to one branch. Artillery, cavalry, engineering, etc., each has its own school. But Americans have always believed that the true soldier must know something of all these branches in order to be fitted for high command and to meet the emergencies that may come upon him. Sheridan leaped from an infantry company into the command of cavalry, and his familiarity with cavalry had been acquired at West Point.

It is only recently that we have learned that the same knowledge of all branches may be exacted in the Navy, so that the captain must likewise be an engineer and artillerist and a torpedo expert. Perhaps we have carried the principle further in the Navy by providing for the transfer of officers from one branch to another in the regular course of their duties throughout their professional life. It may be wise hereafter to adopt the same course in the Army, but at present we rely upon West Point alone to supply an officer with the general knowledge which will enable a general officer to fortify his camp and properly direct his artillery, cavalry, and infantry.

We demand that all this shall be learned in the short term of four years. The course of study has been crowded until it has almost become more than a boy can do. The work of the cadet is done upon the jump, from morn till night, with little or no recreation, with entire devotion to such studies, and such studies only, as will be useful in his profession; with a severity of discipline which is unexampled in the strictest military government, and with a division of classes into sections, which enables the leaders to make all the progress of which their minds are capable, while it insists that the laggard shall at least know thoroughly whatever he has gone over.

Such a system requires that those who will not or can not learn shall be got rid of, and the lowest class is sometimes double the number of the highest. By such means the Academy, in a course of four years, turns out athletes in mind and body, men who are ready for work and for any emergency; proud of their school and of their profession, knowing their abilities, but always imbued with a military sense of honor, which has never failed, and which leads them to regard the cadet uniform and their profession as things almost equally sacred. We feel no hesitation in appealing to this House for a generous provision for the enlargement of such a school.

This school has not increased proportionately to the growth of the country. The first establishment was, of course, small. A century ago the law of March 16, 1802, provided for a corps of 20 in all, including 10 cadets to be enrolled in a school of engineering simply. By the act of April 29, 1812, making a further provision for the Corps of Engineers, professors were provided for 250 cadets, who should be attached, at the discretion of the President, to the Academy and be subject to its regulations; that they should be arranged into companies of noncommissioned officers and privates, according to direction of the commandant of engineers, and officered from said corps; that they should be taught all duties of a private, noncommissioned officer, and officer, and be encamped at least three months each year and taught all the duties incident to a regular camp, and that they should be when appointed between the ages of 14 and 21, and engaged, with the consent of their parents or guardian, to serve five years, unless sooner discharged.

In 1810, two years before that act of April 29, 1812, our population was 7,239,881. In 1900, two years before this present April, our population was 76,303,387. In 1812 we had an Army of not to exceed 10,000 regular troops; now we have one of 70,000. Population has increased over tenfold, the Army sevenfold, while West Point has barely doubled. These figures seem to indicate that the Military Academy at West Point was intended to fill a different place than that of merely supplying our Regular Army with officers.

Indeed, the cadet was only required to serve five years; that is, only one year in the Army. In 1838, the enlistment was enlarged from five to eight years. We come to suspect that perhaps the wisdom of our forefathers aimed not at the mere military education of Regular Army officers, but at the military education of the nation. This suspicion is changed into certainty when we turn to their writings. It was as early as 1793 that Washington advised the establishment of such an academy, not for the benefit of the Regular Army, but for the instruction of the officers of the militia. In his fifth annual message he says:

> But it is an inquiry which can not be too solemnly pursued whether the act "more effectually to provide for the national defense by establishing a uniform militia throughout the United States" has organized them so as to produce their full effect, whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

Let us remember that these are Washington's words—the declaration of one who had had experience of the dangers and needs which beset this country. It is he that asks, as I ask now, whether it would not be a material feature in the improvement of that citizen soldiership which constitutes our national guard to afford an opportunity for the "study of those branches of the military arts which can scarcely ever be attained by practice alone." In December, 1796, he recurs to his proposition for the establishment of a military academy, stating that its desirableness has so constantly increased with every new view he has taken of the subject that he can not omit the opportunity of recalling the attention of Congress thereto.

He insists that however pacific the general policy of the nation may be it ought never to be without an adequate stock of military knowledge for emergencies, and that in proportion as it avoids the practice of arms it should be careful to preserve and transmit by proper establishments the knowledge of the art; that this art of war is complicated and demands much previous study, and that its possession in its most perfect state is necessary to the security of the nation, and that for this purpose an academy with a regular course of instruction is an obvious means.

He says:

> The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety or expose it to greater evils when war could not be avoided; besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practicing the rules of the military art ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art.
>
> Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated, that it demands much previous study, and that the possession of it in its most improved and perfect state is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose an academy where a regular course of instruction is given is an obvious expedient which different nations have successfully employed.

Thomas Jefferson, on March 18, 1808, sent a special message recommending the enlargement of the Academy as being too limited to furnish the number of well-instructed subjects in the different branches of artillery and engineering, which the public service calls for.

President Madison, on December 5, 1810, recommended the restoration of the buildings and that the scope of the Academy should be enlarged by providing professorships for all the necessary branches of military instruction, saying that the means of modern warfare "render these schools of the more scientific operations an indispensable part of every adequate system."

He says that this is so even where large standing armies and frequent wars afford other opportunities of instruction, but that in governments without such opportunities—"seminaries where the elementary principles of the art of war can be taught without actual war and without the expense of extensive and standing armies—have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defense be made at so little expense or more consistently with the public liberty."

Let us apply these words to our present conditions. What we lack in time of war is officers for our volunteers or militia. One such officer is worth a hundred men. A thousand cadets at West Point might cost as much as two or three regiments, but it would

furnish 5,000 cadets every twenty years, or enough to give officers to 100,000 men. Is there any other way in which like advantage can be realized?

Is it not instructive to consider the immediate effect which West Point had upon the wars of the nation? In the war of 1812, before we obtained graduates from that school, our one victory was that of Jackson at New Orleans, gained by riflemen intrenched behind cotton bales. Everywhere else our Army was in disgrace, and the Bladensburg races preceded the capture and burning of the Capitol at Washington. But in 1845, when the Academy was in full operation, our little Army became the admiration of the world and carried forward the flag against overwhelming numbers and impossible odds, storming fortifications, maintaining its communication, and placing that flag finally on the capital of Mexico. Need we increase citations? In December, 1815, Madison recommended the enlargement of the Academy, although it was, then, in proportion to our population, about five times as large as at present.

On December 3, 1822, James Monroe, in a very careful message largely devoted to the needs of the Army, states the use of the Military Academy for the instruction of the whole people. He says:

The Military Academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the Army, while others, who retire to private life, carry with them such attainments as, under the right reserved to the several States to appoint the officers and to train the militia will enable them by affording a wider field for selection to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia.

It is, therefore, with no hesitation that we bring forward plans for the enlargement of that Academy. It has not grown proportionately to the Army or to the nation. Up to the time of the civil war it was largely a free college whose graduates were not required in the Army and could obtain no commissions there. They went into private life. A large proportion of the most successful generals of the civil war were West Point graduates, who came back from private life to serve the cause that they deemed right. It would be, therefore, only returning to the policy of our fathers if we enlarged that Academy proportionately to the growth of the country.

It once had 250 cadets with a population of 7,000,000. It would have 2,500 cadets, instead of 500, if it were enlarged proportionately to the 70,000,000 population of to-day. Is it not possible also that it is hurting the Academy, as well as the nation, to make it exclusively a training for the Regular Army? May not the officer who has had West Point training, and who comes from civil life back into the service, bring with him a broader experience than the man who knows nothing but the regulations?

This topic is a great one. I put these suggestions rather by way of question than of assertion. But I ask you to consider whether all experience does not prove that Washington and Jefferson, Madison and Monroe, were right in desiring a school fitted for the education of the nation in the art of war and in regarding this as essential to the efficiency of the militia and to our readiness for war.

And when we look at history and see how the absence of this school was felt in 1812, how we longed for instructed officers for our volunteers in 1861 and still more in 1898, and how we depleted the Regular Army to find them, may we not ask your liberal encouragement of the little school of war upon the Hudson, your generous encouragement of its numbers, and of the diffusion among the whole people of that knowledge and practice of arms which is the safety of a free country?

We do not ask this in order to enlarge our standing Army. Diminish that Army, if you will. Give the soldier and noncommissioned officer a full and fair chance for promotion. The West Point graduate has no lien upon the Army or upon its official position. He must compete with his fellows both in peace and war. It is for the military security of the nation that we may urge a return to the policy of the fathers, establishing a system of education which shall fill the whole community with men who shall be fit to officer its Army and its militia and to lead its volunteers in time of war.

Mr. HULL. Mr. Chairman, I will ask unanimous consent that any member of the committee that desires to do so may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that gentlemen of the committee may be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. I only desire to say a word in reply to what my friend from Illinois has said. It will be impossible for anyone, no matter how skilled he may be, to forestall the action of Congress in the future with reference to improvements to the Military Academy. There will come a time when additional improvements will be made, when improvements will be suggested, and made by the Congress of the United States. We have no power to forestall such action. When it comes to the question of roads through the reservation, they require a good deal of money every year apparently for roads. We have had a continuing appropriation for a great many years in the past, and in my judgment there will be continuing appropriations for a good many years in the future.

This plan does not contemplate, as I understand, the construction of all these roads at this time, but there will be broken stone and gravel required in every appropriation bill, in my judgment, for years in the future as there have been for the years that have passed since I have been here. The amount, of course, will not be so great after the roads are once constructed, but there are many miles of road through there, and with the heavy rains that they have in the spring it will always require more or less to repair them. That is all I desire to say about it.

Mr. CANNON. I want to say, if the gentleman will allow me, just an additional word. Of course, after the roads there have once been constructed they have to be kept in repair.

Mr. HULL. Let me explain. There is a breast-high wall carried on by an appropriation of $500 a year or $1,000 a year, the effect of which is that as the road is extended the breast-high wall is extended, not as a complete work. It will probably be eight or ten years before that will be entirely completed. I was not at West Point at the time the committee visited there, but I went over this ground very carefully before. I want to say to the gentleman that in some of these works it is more economical to build a part of it every year than to make a large appropriation to complete it, and this scheme is not to complete this now, but to complete buildings and roads necessary to make the buildings and grounds what they should be; and the roads are extended as the buildings are erected on new plots of grounds.

Mr. CANNON. Now, let me read, because I do not want to be misunderstood, the very clause that we are talking about:

To increase the efficiency of the United States Military Academy at West Point, N. Y., and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, made necessary by the increased number of cadets now authorized by law, immediately available and to remain so until expended, $3,000,000: *Provided*, That before any part of this amount is expended, except so much as may be necessary to provide an immediate increased water supply and to complete the improvements begun on the cadet mess building, complete plans shall be prepared and approved by the Secretary of War, covering all necessary buildings and improvements at West Point, and for each and every purpose connected therewith, which plans shall involve a total expenditure of not more than $5,500,000.

Then, as I understand it, that includes the construction of all necessary buildings. It includes everything that is necessary at West Point in connection with those buildings; it includes the grading of roads that are necessary to be made on account of this new construction, and includes water. If the gentleman has not attempted to try to make such a provision, then for one I will vote against the whole provision. Of course when the gentleman says that a road deteriorates or a building needs new paint or additional paint and repairs, why, he states that which all of us know; but I for one will not vote for this provision if we are to have, after this $5,500,000 is expended, five hundred thousand, a million, a million and a half more because we have not given enough to complete this plant. If this will not complete the plant and do the work, why, I would be glad to know it. Now, then, if that is the plan to complete and do that work for that purpose, I am content.

Mr. HULL. Mr. Chairman, I want to say again that—take the one item on page 28, "For continuing the construction of breast-high wall in dangerous places, $500"—I do not want the gentleman from Illinois to think, if we come in here next year with an appropriation of $500 more in the same line, that we have violated what he understands to be an agreement in this House. It will not be. This bill carries the amount necessary to make permanent in buildings and grounds for the enlarged and improved post.

What this is proposed to do is to complete the plant so far as laying it out and completing the roads. The breast-high wall is not completed, and it will take years to complete it. It is not necessary to complete it at this time. The items I wanted to call attention to are in the character of continuing appropriations, and I do not understand that this scheme covers that. It does cover the completion of all roads made necessary by the location of new buildings by opening up new plats of ground, by developing the plan that will be necessary to drive from one barrack to another and one quarter to another.

It is a great reservation, and the Congress of the United States may decide to have additional drives. I do not believe it would be a violation of faith, if they desired to do it, to appropriate for it. The gentleman from Illinois states it so broadly, that if this went through we would never be able to do anything more except to keep up repairs, and as chairman of the committee I did not want to subscribe to that proposition, and will not.

Mr. CANNON. The gentleman decreases his recommendation of the committee $1,000,000. I think he did right, but I want to

know when the five millions and a half is given that it will build these buildings. For instance, here is a schoolhouse for officers which will cost $20,000; here is a different schoolhouse for the children of the enlisted men, costing some $14,000 or $15,000. Here is this and that and the other. I am not here to be hypercritical. Here is an establishment educating less than 600 cadets, and it is necessary to have in round numbers officers quarters which, as I recollect, will cost $20,000 apiece. It may be a little less, but substantially that.

Here it is necessary to have the professors of the enlisted men here to be housed and the band has to be housed, and if you have the professors it is necessary that their children should go to school, and the children of the enlisted men are to go to school, and so on, and so on. I am not complaining, I do not want to be hypercritical, but here are the drawings, a matter in detail, and for the finishing, not the permanent repair, not the extension of the river wall, but for the finishing of the proposed construction, I want to feel and know that it will be so administered that five and one-half million dollars will do it.

Mr. SIBLEY. If I understood the gentleman, he says there is a schoolhouse for the children of the officers?

Mr. CANNON. Yes; costing $20,000.

Mr. SIBLEY. And another schoolhouse for the children of the enlisted men.

Mr. CANNON. That is an extension of the schoolhouse.

Mr. SIBLEY. Is it one schoolhouse where the enlisted men's children are to be educated and another separate one where the officers' children are to be educated? If so, I want to tell you——

Mr. HULL. The officers pay their own teachers and the Government supplies the teachers for the children of the enlisted men.

Mr. SIBLEY. Let the officers use the schoolhouse of the enlisted men. The common schools of the United States are the glory and pride of the Republic, and if there is anything that tends to keep down the barrier of class distinction it is the common schools of America, and I shall vote against any proposition which will differentiate the children of enlisted men from the children of officers in schools sustained by the Government by votes which we cast as members of this body.

Mr. HULL. If the Government paid the teachers of the children of the officers, that would be correct; but when the officers are compelled by law to educate their own children, you can not very well have one school where the children of the enlisted men and officers all can go. The Government pays the teachers of the children of the enlisted men, and the children of the officers are not permitted to attend that school.

Mr. SIBLEY. Let the officers provide their own building, if they provide their own teachers.

Mr. HULL. If the gentleman will bring in a bill providing that the Government shall furnish tuition to the children of the officers as well as to the children of the enlisted men, the gentleman would have some right then to criticise.

Mr. SIBLEY. I would not want to discriminate against the officers.

Mr. HULL. I agree with the gentleman that the common school is the bulwark of the Republic. Every child of mine attended the common schools and graduated there before he was permitted to go to any other. I believe in the public schools, and live in a State where they are liberally maintained. But we have a class of officers at West Point who are not in reach of public schools, and they are not open to criticism, because the Government does not permit the officers' children to go to the same school as the enlisted men.

Mr. SIBLEY. Let me make a suggestion to the chairman of the committee.

The CHAIRMAN. Debate on this is proceeding by unanimous consent.

Mr. SIBLEY. Let me suggest to the gentleman from Iowa that he change the bill, so that the officers may have the privilege of educating their children with those of the enlisted men.

Mr. HULL. The gentleman wants a law compelling the Government to furnish schools for the officers' children.

Mr. SIBLEY. As well as the enlisted men; I do not want to discriminate against the officers.

Mr. HULL. My impression is that such a provision as the gentleman suggests would be subject to a point of order on this bill. I think he had better introduce a separate bill, and with his ingenuity and well-known liberality I have no doubt he could frame a measure which would receive very favorable consideration. I promise that I will use whatever influence I have to secure for it a favorable report.

Mr. BROMWELL. The gentleman from Pennsylvania might do the Carnegie act by endowing such an institution himself. [Laughter.]

Mr. HULL. The gentleman from Pennsylvania must remember that there is considerable prejudice against granting extraordinary favors to officers of the Army; and if it should be proposed to establish a public school on a reservation for the benefit of the children of officers I am sure a great many people would object, saying that as these officers receive liberal pay they ought to provide for the education of their own children.

Mr. SIBLEY. But you contemplate appropriating $20,000 for the erection of a building for a purpose of this kind.

Mr. HULL. Yes; a Government building on Government grounds. Of course you could not expect these people to pay the expenses of such a building themselves. They are there four years and then ordered away and others detailed to take their places, except certain professors who are permanent. The great majority of the officers are there only four years.

The question being taken on the amendment of Mr. HULL, it was agreed to.

Mr. CANNON. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 21, page 29, insert "including the sum herein appropriated."

Mr. HULL. There is no objection to that amendment, though there may be some question whether it is necessary or not. The intention is to limit the expenditure to this amount.

The amendment was agreed to.

The Clerk read as follows:

Total buildings and grounds, $3,090,326.

Mr. HULL. I move to amend by striking out in the paragraph just read the word "three" and inserting "two."

The motion was agreed to.

Mr. HULL. I move that the committee rise and report the bill, with the amendments, to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JENKINS reported that the Committee of the Whole House on the state of the Union had had under consideration House bill 13679 (the Military Academy appropriation bill), and had directed him to report the same back with various amendments and with the recommendation that the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If no separate vote is desired the Chair will submit the amendments to the House in gross.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HULL. I ask unanimous consent that the gentleman from Tennessee [Mr. SNODGRASS] and other gentlemen of the Committee on Military Affairs may have leave to print remarks on this bill in the RECORD for the next five days.

There was no objection.

BILLS OF LADING, ETC.

The SPEAKER. The committees will now be called.

Mr. FLETCHER (when the Committee on Interstate and Foreign Commerce was called). I desire to call up the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

The SPEAKER. Gentlemen will understand that under this call bills must be called up by authority of the committee reporting them.

Mr. FLETCHER. I have such authority.

The bill, with the amendments of the committee, was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893, be, and it is hereby, amended so as to read as follows:

"That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports, to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge, and it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect."

SEC. 2. That this act shall take effect from and after the 1st day of July, 1902.

Mr. GROSVENOR. Mr. Speaker, I raise the question of consideration on this bill. It is one of the most important bills presented in Congress during the present session. I do not think it ought to be taken up in the present condition of the House.

The SPEAKER. Will the House consider the bill? On this question the Chair will appoint as tellers the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Minnesota [Mr. FLETCHER].

Mr. TAWNEY. May I make a statement in regard to the bill before the vote is taken, so that the House may know the nature of the bill?

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The tellers will take their places.

The House divided; and the tellers reported—ayes 55, noes 20.

Mr. GROSVENOR. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Ohio makes the point that no quorum is present. The Doorkeeper will close the doors and the roll will be called, and members will vote or answer present as their names are called on the proposition, which is the consideration of the bill.

The question was taken; and there were—yeas 125, nays 37, answering present 24, not voting 169; as follows:

YEAS—125.

Aplin,	Elliott,	Lewis, Pa.	Richardson, Tenn.
Ball, Del.	Emerson,	Lindsay,	Rixey,
Bankhead,	Feely,	Little,	Ryan,
Bartlett,	Fletcher,	Lloyd,	Salmon,
Bell,	Flood,	McCleary,	Scarborough,
Bellamy,	Gaines, Tenn.	McCulloch,	Selby,
Blakeney,	Gibson,	McLachlan,	Shackleford,
Breazeale,	Gordon,	McRae,	Shafroth,
Brown,	Graff,	Mann,	Shallenberger,
Brownlow,	Greene, Mass.	Marshall,	Sims,
Brundidge,	Griffith,	Martin,	Skiles,
Burkett,	Hamilton,	Mercer,	Smith, H. C.
Burleson,	Hay,	Meyer, La.	Snodgrass,
Calderhead,	Heatwole,	Mickey,	Southard,
Caldwell,	Henry, Conn.	Miers, Ind.	Spight,
Candler,	Hitt,	Mondell,	Stark,
Cannon,	Howell,	Moon,	Stephens, Tex.
Cassingham,	Jackson, Kans.	Morris,	Stevens, Minn.
Cochran,	Jenkins,	Needham,	Stewart, N. J.
Conner,	Johnson,	Otey,	Swanson,
Coombs,	Jones, Va.	Padgett,	Tawney,
Corliss,	Jones, Wash.	Patterson, Pa.	Thompson,
Cowherd,	Kehoe,	Pearre,	Underwood,
Darragh,	Kitchin, Claude	Pierce,	Vandiver,
Davidson,	Kitchin, Wm. W.	Pou,	Wachter,
Davis, Fla.	Kleberg,	Prince,	Warner,
Dayton,	Lacey,	Randell, Tex.	Williams, Ill.
De Armond,	Lamb,	Ransdell, La.	Woods,
Dick,	Lanham,	Reeves,	Zenor.
Dinsmore,	Lassiter,	Reid,	
Dougherty,	Lawrence,	Rhea, Va.	
Edwards,	Lessler,	Richardson, Ala.	

NAYS—37.

Adamson,	Gillett, Mass.	Mudd,	Tayler, Ohio
Allen, Me.	Graham,	Olmsted,	Tompkins, Ohio
Ball, Tex.	Grosvenor,	Parker,	Van Voorhis,
Bromwell,	Hedge,	Payne,	Wadsworth,
Burton,	Kern,	Perkins,	Wanger,
Creamer,	Knapp,	Ray, N. Y.	Warnock,
Curtis,	Lewis, Ga.	Sibley,	Wilson.
Dalzell,	Littauer,	Sperry,	
Draper,	Loudenslager,	Stewart, N. Y.	
Fowler,	Maddox,	Sulloway,	

ANSWERED "PRESENT"—24.

Bartholdt,	Cooper, Tex.	Kahn,	Smith, Iowa
Benton,	Foss,	Mahon,	Tate,
Bishop,	Gooch,	Minor,	Thomas, Iowa
Bull,	Hepburn,	Robinson, Ind.	Trimble,
Capron,	Holliday,	Scott,	Vreeland,
Clark,	Hull,	Shelden,	Wheeler.

NOT VOTING—169.

Acheson,	Cassel,	Foerderer,	Hopkins,
Adams,	Clayton,	Fordney,	Howard,
Alexander,	Connell,	Foster, Ill.	Hughes,
Allen, Ky.	Conry,	Foster, Vt.	Irwin,
Babcock,	Cooney,	Fox,	Jack,
Barney,	Cooper, Wis.	Gaines, W. Va.	Jackson, Md.
Bates,	Cousins,	Gardner, Mich.	Jett,
Beidler,	Cromer,	Gardner, N. J.	Joy,
Belmont,	Crowley,	Gilbert,	Ketcham,
Bingham,	Crumpacker,	Gill,	Kluttz,
Blackburn,	Cummings,	Gillet, N. Y.	Knox,
Boreing,	Currier,	Glenn,	Kyle,
Boutell,	Cushman,	Goldfogle,	Landis,
Bowersock,	Dahle,	Green, Pa.	Latimer,
Bowie,	Davey, La.	Griggs,	Lester,
Brantley,	De Graffenreid,	Grow,	Lever,
Brick,	Deemer,	Hall,	Littlefield,
Bristow,	Douglas,	Hanbury,	Livingston,
Broussard,	Dovener,	Haskins,	Long,
Burgess,	Driscoll,	Haugen,	Loud,
Burk, Pa.	Eddy,	Hemenway,	Lovering,
Burke, S. Dak.	Esch,	Henry, Miss.	McAndrews,
Burleigh,	Evans,	Henry, Tex.	McCall,
Burnett,	Finley,	Hildebrant,	McClellan,
Butler, Mo.	Fitzgerald,	Hill,	McDermott,
Butler, Pa.	Fleming,	Hooker,	McLain,
Mahoney,	Overstreet,	Sheppard,	Taylor, Ala.
Maynard,	Palmer,	Sherman,	Thayer,
Metcalf,	Patterson, Tenn.	Showalter,	Thomas, N. C.
Miller,	Powers, Me.	Slayden,	Tirrell,
Moody, Mass.	Powers, Mass.	Small,	Tompkins, N. Y.
Moody, N. C.	Pugsley,	Smith, Ill.	Tongue,
Moody, Oreg.	Reeder,	Smith, Ky.	Watson,
Morgan,	Robb,	Smith, S. W.	Weeks,
Morrell,	Roberts,	Smith, Wm. Alden,	White,
Moss,	Robertson, La.	Snook,	Wiley,
Mutchler,	Robinson, Nebr.	Southwick,	Williams, Miss.
Naphen,	Rucker,	Sparkman,	Wooten,
Neville,	Rumple,	Steele,	Wright,
Nevin,	Ruppert,	Storm,	Young.
Newlands,	Russell,	Sulzer,	
Norton,	Schirm,	Sutherland,	
Otjen,	Shattuc,	Talbert,	

So the House determined to consider the bill.

The Clerk announced the following pairs:

For the session:

Mr. HILDEBRANT with Mr. MAYNARD.
Mr. BOREING with Mr. TRIMBLE.
Mr. METCALF with Mr. WHEELER.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. KAHN with Mr. BELMONT.
Mr. WRIGHT with Mr. HALL.
Mr. YOUNG with Mr. BENTON.
Mr. SHERMAN with Mr. RUPPERT.
Mr. BULL with Mr. CROWLEY.
Mr. DEEMER with Mr. MUTCHLER.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. HEMENWAY with Mr. TAYLOR of Alabama.
Mr. OVERSTREET with Mr. GRIFFITH.
Mr. IRWIN with Mr. GOOCH.
Mr. MOODY of Massachusetts with Mr. THAYER.
Mr. BABCOCK with Mr. CUMMINGS.
Mr. EDDY with Mr. SHEPPARD.
Mr. CAPRON with Mr. JETT.
Mr. STEELE with Mr. COOPER of Texas.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. SHELDEN with Mr. VREELAND.
Mr. RUMPLE with Mr. FOX.
Mr. HILL with Mr. ALLEN of Kentucky.
Mr. LANDIS with Mr. CLARK.
Mr. BOUTELL with Mr. GRIGGS.
Mr. JACK with Mr. FINLEY.

For one week:

Mr. WATSON with Mr. BURNETT.
Mr. CROMER with Mr. ROBINSON of Indiana.

For this day:

Mr. MOODY of Oregon with Mr. MCANDREWS.
Mr. KNOX with Mr. WILEY.
Mr. BINGHAM with Mr. SULZER.
Mr. BOWERSOCK with Mr. SPARKMAN.
Mr. CONNELL with Mr. SNOOK.
Mr. COUSINS with Mr. SMITH of Kentucky.
Mr. HOPKINS with Mr. SMALL.
Mr. SCHIRM with Mr. ROBERTSON of Louisiana.
Mr. TONGUE with Mr. ROBB.
Mr. SOUTHWICK with Mr. PUGSLEY.
Mr. TOMPKINS with Mr. PATTERSON of Tennessee.
Mr. WEEKS with Mr. WOOTEN.
Mr. SAMUEL W. SMITH with Mr. NORTON.
Mr. WM. ALDEN SMITH with Mr. NEWLANDS.
Mr. ESCH with Mr. MCLAIN.
Mr. COOPER of Wisconsin with Mr. MCDERMOTT.
Mr. NEVIN with Mr. LESTER.
Mr. MORGAN with Mr. LATIMER.
Mr. MILLER with Mr. NEVILLE.
Mr. LOVERING with Mr. KLUTTZ.
Mr. MCCALL with Mr. HOWARD.
Mr. LITTLEFIELD with Mr. LIVINGSTON.
Mr. KETCHAM with Mr. HOOKER.
Mr. JOY with Mr. WILLIAMS of Mississippi.
Mr. HAUGEN with Mr. HENRY of Mississippi.
Mr. HANBURY with Mr. GLENN.
Mr. GROW with Mr. GILBERT.
Mr. GILL with Mr. FLEMING.
Mr. GAINES of West Virginia with Mr. FITZGERALD.
Mr. FOSTER of Vermont with Mr. DE GRAFFENREID.
Mr. DRISCOLL with Mr. COONEY.
Mr. EVANS with Mr. CONRY.
Mr. DOVENER with Mr. CLAYTON.
Mr. BURLEIGH with Mr. BUTLER of Missouri.
Mr. BURKE of South Dakota with Mr. BURGESS.
Mr. BRICK with Mr. BROUSSARD.
Mr. BARNEY with Mr. BRANTLEY.
Mr. BEIDLER with Mr. BOWIE.

Mr. BUTLER of Pennsylvania with Mr. DAVEY of Louisiana.
Mr. SHATTUC with Mr. RUCKER.
Mr. REEDER with Mr. HENRY of Texas.
Mr. ALEXANDER with Mr. GOLDFOGLE.
Mr. BARTHOLDT with Mr. ROBINSON of Nebraska.
Mr. LONG with Mr. FOSTER of Illinois.
Mr. BURK of Pennsylvania with Mr. THOMAS of North Carolina.
Mr. ACHESON with Mr. MAHONEY.
On this vote:
Mr. CRUMPACKER with Mr. LEVER.
Mr. MAHON with Mr. WHITE.
Mr. FOERDERER with Mr. NAPHEN.

Mr. WHEELER. Mr. Speaker, I refrained from voting and answered "present" under the impression that I was paired with the gentleman from California [Mr. METCALF]. I understood from the reading of the pairs that the gentleman from California was announced as paired with some one else. If that be true, I desire to vote.

The SPEAKER. The gentleman has a right to vote notwithstanding the pair if he desires to do so.

Mr. WHEELER. I am aware of that fact, but I do not choose to exercise that right.

The SPEAKER. The gentleman, however, is paired with the gentleman from California, and the gentleman from California has not voted. What does the gentleman wish to do?

Mr. WHEELER. I do not wish to do anything if I am paired. I understood the gentleman from California to have been announced as paired with some one else.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum having appeared, the officers will open the doors.

Mr. FLETCHER. Mr. Speaker, I desire to yield my time to my colleague [Mr. TAWNEY], who will explain this bill during the time belonging to me.

Mr. TAWNEY. Mr. Speaker, this bill contemplates merely an amendment to what is commonly known as the "Harter Act," an act passed in the Fifty-second Congress making it unlawful for steamship companies to incorporate in contracts of shipments or bills of lading provisions exempting them from liability.

Mr. HENRY C. SMITH. What liability?

Mr. TAWNEY. Liability for negligence in the storage of merchandise, loading or unloading, or anything of that kind. I will read the section of the Harter Act to which this bill is proposed as an amendment:

That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from neglect, fault, or failure in proper loading, stowing, custody, care, or proper delivery of any or all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Before I read that portion of the bill which is the proposed amendment to this section, I would say that the existing law makes it unlawful for steamship companies to incorporate in a contract of shipment provisions of this kind, exonerating them from liability or the payment of damages for which at common law they would be liable. Now, the proposed amendment to this section contemplates simply that it shall be unlawful for them to incorporate in the contract of shipment charges known as landing charges, which by the law of the country to which the goods are shipped are imposed upon the shipowner or shipmaster.

In other words, in addition to making it unlawful for steamship companies to incorporate a provision in the contract of shipment exempting them from the common law liability, this proposed amendment contemplates merely making it unlawful for them to contract themselves out of a statutory liability. Now, following the language which I have read is the proposed amendment. I read now from page 2 of the bill, line 5:

And it shall not be lawful for the manager, agent, master, or owner of any such vessel to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is imposed on the manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Mr. Speaker, in 1888, as the result of a combination between the London and India Dock Company and the steamship transportation companies entering the port of London, there was incorporated into the bill of lading a provision whereby these landing charges were to be paid by the consignee or the consignor. In other words, it was a charge imposed upon the cargo or the merchandise, why? Because under the provisions of the merchants' shipping act of Great Britain these charges, included in what is known as the "London clause," are imposed upon the shipowner or shipmaster. To evade the provisions of that law they incorporated this clause known as the "London clause" in the contract of shipment, thereby imposing this charge upon the consignee or the consignor.

This is the provision of the law of Great Britain:

If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment—

Now, mark you—

and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That is the language of the merchants' shipping act of Great Britain, and the expense of landing and assorting the goods under this law must be paid by the shipowners.

This London clause A, which they insert in every contract of shipment from North Atlantic ports, is lengthy. I will read only a part of it.

(A) The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays, or to discharge them in craft hired by them, immediately on arrival, and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid with the freight to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

Following wooden goods in packages: Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hoops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement, or 2s. 6d. per ton weight at ship's option. All other general cargo, except slates, 1s. 9d. per ton weight or measurement, at steamer's option; minimum charge, 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after ship shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage, any single article weighing over 1 ton to be subject to extra expenses for handling, if incurred.

All measurement freight to be on the intake calliper measurement, as stated in the margin. Freights by weight (grain excepted) to be paid upon the weight stated in margin or at steamer's option upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad rates furnished at the port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

These are the rates which the consignee must pay in order to have his goods landed from the ship that has carried them from the North Atlantic ports to the port of London.

This bill is general in its terms. In one sense it would apply to every port in the world. In fact it will only apply to a single port, and that is the port of London, for the reason that in no other country, and at no other port in Great Britain, are these charges imposed by the laws of the country upon the shipowner or shipmaster.

Another fact I wish to call the attention of the House to is this, that this London clause is a discrimination against the export products of the United States entering the port of London; for this London clause, imposing these charges upon the shipper, is not included in the contract of shipment for the carrying of goods from any other port in the world except the North Atlantic ports, which includes the ports of the United States and ports of Canada. All goods entering the port of London from any other port in the world are exempt from this charge. Now, let me give you an illustration of how it operates upon the item of flour alone.

I want to say right here that we have in the Committee on Interstate and Foreign Commerce petitions and resolutions from almost every chamber of commerce and board of trade in the United States, asking for the passage of this very bill, because it proposes to remove an unjust discrimination against the commerce of the United States entering the port of London.

In the matter of flour, for example, the charge for unloading that flour from vessels onto the quay or dock is 1s. 9d. It has been steadily increased from 1s. 2d. in 1888 to 1s. 9d. at the present time, and that amounts to 3½ cents a barrel which the American flour shipper must pay in addition to paying the freight, and what is that charge made for? It is made to defray the expenses of unloading the ship and delivering the goods on the quay or on the dock at the port of London.

I maintain, and I think every lawyer of this House will agree with me, that when a carrier undertakes to carry a certain quantity of freight for me from one point to another point that the carrier is bound by his contract of carrying to deliver the goods at the point of destination where I can get them. I maintain that this charge, as I have stated by way of an illustration, upon flour is a necessary part of the freight charge. It is a portion of the expense incident to the carrying and the delivering of the goods

which the steamships are to carry for the American shippers to the port of London, and it should therefore be included in the freight. It should be included in the freight, because freight rates fluctuate, varying according to the laws of supply and demand for space and for freight, and this charge would necessarily be absorbed a greater part of the time in the freight charge.

Now, Mr. Speaker, this matter has been a subject of complaint on the part of American shippers and on the part of London consignees for a number of years. This London clause, as I stated before, was first included in the contract of shipment in 1888, as a result of a combination between the London and India Dock Company and the steamship carriers. It has been changed frequently since that time. The conditions of the contract are made more onerous from year to year, and these charges are increased arbitrarily from time to time by the steamship companies.

Now, they have simply segregated a part of the legitimate freight charge, making it a fixed charge and a charge, too, that is absolutely at their sweet will. I say that this has been a matter of great concern to the American shippers and to the London consignees for a number of years. Last year our State Department, at the instance of the American shippers, brought this London clause to the attention of our ambassador, who was instructed to make an investigation and to report to the State Department the facts and his conclusions and such recommendations as he saw fit to make.

Mr. Choate, in this report, says:

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other ports of the world. Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowner out of the freight, no such a clause as the London clause having been adopted.

Now, the discrimination growing out of this London clause exists not only to flour, it applies to lumber, it applies to grain, it applies to all classes of merchandise exported from the United States to the port of London, but, as Mr. Choate calls attention in his report, the fact is that this charge is not made against the products of any other country in the world shipped into the port of London, except the products of the United States and the products of Canada.

Again Mr. Choate says:

Whether the charge of 1 shilling 9 pence now made on flour for the cost of handling it until actual delivery to the consignee's barge is a proper one does not, in my judgment, depend upon the actual cost of the labor so incurred being more or less than the charge so made. It depends upon an ulterior inquiry of much broader scope than any which I have power to make, viz, whether, taking the freight and charges in the bill of lading together, the North Atlantic lines running to London by their combined action by means of this London clause—which shippers and consignees can neither resist nor control—are exacting from them more than a reasonable profit for the carriage and delivery of their goods.

The shippers and the consignees, as testified here by Ambassador Choate, are absolutely at the mercy of the steamship companies in regard to this provision in contract of shipment. They must either accept this bill of lading contained in the London clause or not ship their goods to the port of London.

Then Mr. Choate goes on to say:

The mere ascertainment and exposure, under the authority of Congress, of such an unjust exaction, if it exists, would probably go far toward a cure of the evil.

If this ulterior question should be decided in the negative and it should be found that these great steamship lines are not using their united power to exact more from the shippers and consignees for the carriage and delivery of their goods than is fair and just, the only question that would remain for Congress to determine is one of method—whether the convenience of commerce requires that by an amendment to the Harter law, or other suitable enactment, all shipowners should be forbidden to insert in the bill of lading any charge in addition to freight for the discharge and delivery of the goods. Of course, such an enactment would in all probability be immediately followed by an increase of the freight to London by the 1s. 9d. now charged for this item, or a greater amount.

There are obvious advantages in the old rule that the freight named in the bill of lading should cover all charges for the carriage and delivery of the goods. The shippers and consignees have added to their protests against the extra charge the request, from time to time made to the shipowners, to include it in the freight, but this the steamship companies have steadily refused. They appeal to the long continuance of the present system of charging since 1888, and to their belief that such an amendment of the Harter Act would be a serious blow to the trade with London, affecting not only the shipowners, but also the American shippers and London receivers.

It might well be that in the event of its being found that the shipowners, by their combined action, are exacting from shippers and consignees by means of the London clause more than a fair and reasonable profit for the carriage and delivery of their goods, such an amendment of the Harter Act would have a wholesome effect in restraining the combined companies from imposing an extravagant freight, made up of the total freight and charges, and thereby themselves inviting a competition which now seems inevitable.

Competition by reason of the London clause being incorporated in the contract of shipment, Mr. Choate tells us, is impossible. Now, let me call attention to another fact on the ulterior question to which Mr. Choate refers in his report. He says it is for Congress to investigate as to whether or not these charges are exorbitant. That investigation has taken place before the Committee on Interstate and Foreign Commerce. And in the report in favor of this bill I find the following, taken from the New York Produce Exchange for 1901, giving the freight rates from New York to London, Liverpool, and Glasgow during 1900.

How can we ascertain whether or not the charges added to the freight constitute an exorbitant charge for the carrying of merchandise from the North Atlantic ports to the port of London? I find that the general average freight for the year 1900 from New York to London was $4.16¼ a ton, and to Liverpool $3.21¼ per ton, and to Glasgow $3.40 a ton. Now, with the London charge on flour of 1 shilling and 9 pence added, or 42 cents per ton added to the freight on the flour, the rate per ton to London during 1900 was $4.58, or $1.27 per ton more than to Liverpool and $1.18¼ per ton more than to Glasgow, and the freight charge to Liverpool and Glasgow includes the expense incident to the unloading of the cargoes at those ports on the quay.

Mr. WACHTER. I would like to ask the gentleman a question.

Mr. TAWNEY. Just one moment, and I will yield to the gentleman. Now, it also appears that some of these vessels sailing between New York and London carried freight of twelve to fourteen thousand tons; so that a vessel carrying 14,000 tons from New York to London receives $19,180 more on its cargo than if it delivered the cargo at Liverpool and $16,220 more that if the cargo is delivered at Glasgow.

The difference in distance is practically the only additional expense incurred by the shipper as between New York and the three points named. The difference in distance is as follows: From New York to London, 3,740 miles; from New York to Liverpool, 3,540 miles; from New York to Glasgow, 3,375 miles. In one case the difference is 200 miles; in the other 365 miles; and for this difference in distance they receive $19,000 for carrying the cargo.

Mr. WACHTER. Allow me to ask the gentleman this question. Is there any difference in this respect between the flour shipped to London and the flour shipped to these other points? Does not the shipper receive a greater amount for that shipped to London than for that shipped to other ports?

Mr. TAWNEY. I am unable to answer the gentleman's question as to what the flour sells for after delivery in the port of London.

Mr. WACHTER. I did not mean to ask what the flour sells for but what the cargo charges are—that the shipper on this side receives from the consignee.

Mr. TAWNEY. The difference in freight rates is 1 shilling 9 pence (42 cents) a ton.

Mr. WACHTER. What I want to know is whether that additional charge is not added to the cost of the flour when the flour is sold?

Mr. TAWNEY. It is not; and it can not be as long as other countries are permitted to make their shipments into the port of London without the payment of these charges. Take a shipment of flour from France to Great Britain or London. Wheat is imported into France from the United States. There it is ground into flour and shipped to London; but the London landing charge incorporated in the contract of shipment from the United States to London is not paid on the flour coming from France to London.

Mr. DALZELL. I want to see whether I understand this proposition or not. As I understand, there are certain charges imposed by law or custom in the port of London in connection with the delivery of goods; and those charges are payable by the shipowner or the vessel carrying the goods. Is that so?

Mr. TAWNEY. It is made so by the law of Great Britain.

Mr. DALZELL. So that this bill is an attempt to prevent the shipowner from relieving himself from charges which by law he must pay, and making the party who ships the goods pay those charges. That is the purpose of the bill, as I understand. Now, does the gentleman think it is competent by legislation to limit the right of contract to that extent?

Mr. TAWNEY. The gentleman from Pennsylvania has not correctly stated the proposition.

Mr. DALZELL. I asked the gentleman whether that was the correct construction of the bill.

Mr. TAWNEY. The law of Great Britain requires these steamship companies to pay all the expense incident to the unloading of their vessels—incident to the shipment of the cargo and the delivery of the same on the quay, the dock, or over side to the lighter. By the law of Great Britain this expense is imposed upon him.

Mr. HEPBURN. Will the gentleman give us the date of that law?

Mr. TAWNEY. The amendment was in 1894.

Mr. HEPBURN. What I want to know is the date of the English statute that you speak of. It is over three hundred years old, is it not?

Mr. TAWNEY. It is very old, I know.

Mr. HEPBURN. And it was adapted to the conditions existing when a vessel of 200 tons was an immense ship.

Mr. TAWNEY. I call the attention of the gentleman to the

further fact that the law was amended in 1894, and this provision in regard to the payment of these charges was included in the amendatory act. So that it is not an antiquated law by any means.

Mr. HEPBURN. Will the gentleman allow me still further? Was not that amendment necessary because of certain prescriptive rights which had been enjoyed by lightermen for more than three hundred years, and because the English Parliament could not change the statute so as to alter those rights under it?

Mr. TAWNEY. I do not know whether the amendatory act was made necessary by reason of the prescriptive rights of these lighter owners, but I do know that since this London clause was incorporated into the contract of shipment—which has been only since 1888, since the custom of doing business at the port of London has changed—this law was amended and the provision which I have read was incorporated into the amendatory act imposing upon the shipowner or the shipmaster the payment of those charges which are incident to the unloading of the vessel. I have read that provision of the act.

Mr. DALZELL. Let me ask the gentleman another question. Is there anything in this bill that would prevent the shipowner from adding these charges to the freight charges?

Mr. TAWNEY. Nothing whatever. There is nothing in this bill that would prevent his charging or adding these charges, and they properly belong to the freight charge. The reason that the steamship companies are so vigorously protesting against the passage of this bill is the fact that they know that if this charge, which applies to the freight charge, is incorporated as a part of the freight rate, a great deal of it at times—all of it at other times—will be absolutely absorbed by the competition between the carriers of freight from the North Atlantic ports to the port of London.

That is why they are resisting the passage of this bill. Under this London landing clause they extract a part of the charge incident to the expense of carrying and delivering the cargo and put that in as a fixed charge in the contract of shipment. That part of the freight charge, therefore, does not enter into competition between carriers; that part of the charge is under the absolute control of the shipowner. He can make it whatever he chooses, and it is a fixed charge, inflexible, whereas if it was included in and constituted a part of the first charge, you gentlemen all can readily understand that at times all of it would be absorbed, at other times part of it would be absorbed, and perhaps at other times none of it would be absorbed in the competition for the carrying of goods from the North Atlantic ports to the port of London, and that is all we ask.

I say that this under common law is an expense which the carrier is bound to meet, and when he undertakes to carry my goods from one point to another, he necessarily undertakes to deliver those goods, and he also includes in the contract of carrying all of the expense incident, not only to the carrying, but to the delivery. In this case we contract on this side of the Atlantic for the carrying of freight to the port of London at a certain sum per ton. Our goods are carried to the port of London, but when they reach that port we have got to pay an additional charge to the shipowner in order to get that cargo out of the ships, notwithstanding the common-law rights of delivery, notwithstanding the statutory right of delivery in Great Britain. Every one of these steamships are incorporated under the laws of Great Britain.

They sail under the English flag. And when the representative of the steamship companies was asked by a member of the Committee on Interstate and Foreign Commerce why he did that, why they incorporated in England, why they sailed under the English flag, he replied: "Because it is more profitable for us to do that than it is to sail under the American flag." But, having incorporated under the laws of Great Britain, reaping the advantages that inure to them by reason of those laws, whereby their business is more profitable, then they come back onto the American shipper and seek to throw upon him burdens which, by the laws of the country under which they are incorporated, are imposed upon themselves. This, Mr. Speaker, is rank injustice, and it is a discrimination, I say, against the articles of the United States intended for shipment to the port of London, and should be prohibited by law.

Mr. VANDIVER. Will the gentleman allow me a question for information? If a bill under consideration provides no method of preventing the shipowner from adding new charges to the freight charges of the shipper, by what method, then, does it propose to relieve the shipper?

Mr. TAWNEY. By the simple law of competition in the carrying of freight from the North Atlantic ports to the port of London. That is the only way it can be regulated.

Mr. VANDIVER. How is that competition secured by the bill?

Mr. TAWNEY. It simply requires them to include this charge as a part of the freight for carrying. Well, that of course, if it is added, will necessarily increase the carrying price of freight from New York and other North Atlantic ports to the port of London. That of itself will invite competition, and in that competition the American shipper knows that these charges the greater part of the time will be absorbed in the freight.

Mr. PAYNE. Will the gentleman allow me? I understood the gentleman to say there was a discrimination against American shippers. Does not this London clause and the law in London apply to shipments from all the world?

Mr. TAWNEY. The law does.

Mr. PAYNE. Requiring that this 1s. 9d. shall be paid by the shipowner from Russia or anywhere else?

Mr. TAWNEY. The law applies to goods shipped into London from any port in the world, but the London clause which is incorporated in the contract of shipment is only in the contracts for the carrying of goods from North Atlantic ports to the port of London.

Mr. PAYNE. Do not confuse the question.

Mr. TAWNEY. I have not confused it. I have answered your question.

Mr. PAYNE. Does not the Russian shipowner have to pay this charge?

Mr. TAWNEY. Mr. Choate says not.

Mr. PAYNE. Well, I do not believe Mr. Choate does say so. Mr. Choate says it is not put in the Russian shipowner's contract, but that it may appear in the freight. He does not say whether it does or not.

Mr. TAWNEY. Let me read what he says:

There is undoubtedly a discrimination against flour from the United States and Canada in favor of flour coming to London from other ports of the world.

Mr. PAYNE. I heard the gentleman read that and some other sentences.

Mr. TAWNEY. That is from Mr. Choate.

Mr. PAYNE. Well, I heard the gentleman read something else from Mr. Choate in that connection. I am not able to get hold of the report. I have just got hold of the minority report. The views of the majority do not seem to be obtainable.

Mr. TAWNEY. I suppose the gentleman can find the views of the majority.

Mr. PAYNE. I say that I have the minority, but I have not been able to get the majority.

Mr. PEARRE. May I ask the gentleman a question?

Mr. TAWNEY. I want to read the balance of this, because it has been intimated that I was not fair in reading only a part of it.

Mr. PAYNE. What page is it on?

Mr. TAWNEY. Page 73.

Mr. PAYNE. Is that a hearing?

Mr. TAWNEY. Yes; it is Mr. Choate's report, printed in the hearings of the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. I still am unable to get that.

Mr. TAWNEY (reading):

Flour is brought to London from many other ports of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the London clause having been adopted.

Now, if the charge is paid by the shipper from Russia or any other part of the world it is paid as a part of the freight, and it is open to competition in the carriage.

Mr. PAYNE. I am not making any dispute about that, but my point is that the vessel owner has to pay these charges.

Mr. TAWNEY. Yes.

Mr. PAYNE. Of course, the gentleman does not suppose that the vessel owners from Russia are so generous that they are paying these charges out of their own pockets and not recouping from the persons who pay the freight.

Mr. TAWNEY. That all depends on the amount of competition there is for the carrying of the goods from the other ports in the world to the port of London.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the gentleman from New York [Mr. SHERMAN] filed the views of the minority upon this question. I do not know what other gentlemen there are here who desire to discuss it, whether members of that committee or not, and as this matter is now before the House and will come up the first thing whenever there is a call of committees, I would suggest that we adjourn now, so that the matter may be discussed when Mr. SHERMAN is here.

Mr. SHACKLEFORD. I see that among those signing the minority report are Mr. HEPBURN, Mr. TOMPKINS of Ohio, and Mr. ADAMSON, all of whom are sitting in the House.

Mr. TAWNEY. There are plenty of gentlemen on the minority side of the committee who can take care of this proposition. I have no objection at all to the House adjourning, but I want to know what the parliamentary status of the bill will be on to-morrow in the House.

The SPEAKER. The bill under consideration will be the

unfinished business when there is another call of committees. Each committee is entitled to two days if it has sufficient business, and this will be the unfinished business before the committee when there is another call.

Mr. TAWNEY. Then, Mr. Speaker, I shall not consent to an adjournment, and I hope the matter can be disposed of this evening.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Did the gentleman from Minnesota reserve the balance of his time?

Mr. TAWNEY. I reserve the balance of my time.

The SPEAKER. Before putting the motion of the gentleman from New York, the Chair will submit a request from the Senate.

RETURN OF CERTAIN BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *April 22, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

Also the following:

IN THE SENATE OF THE UNITED STATES, *April 22, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.

The SPEAKER. These requests will be granted, if there be no objection.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of Pennsylvania until May 1, on account of important business.

CONFEREES ON OMNIBUS CLAIMS BILL.

The SPEAKER announced as conferees on the part of the House on the bill H. R. 8587, the omnibus claims bill, Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 639. An act granting increase of pension to Justus Canfield;

H. R. 1811. An act granting increase of pension to Thomas Milsted;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 2619. An act granting increase of pension to William Holgate;

H. R. 10532. An act granting increase of pension to John L. Bowman;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting increase of pension to Mary Ann E. Sperry;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 658. An act granting increase of pension to John H. Jack;

H. R. 10951. An act granting increase of pension to Pauline M. Roberts;

H. R. 2207. An act granting increase of pension to Louis Hahn;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 7903. An act granting increase of pension to Ernest Wagner;

H. R. 7782. An act granting increase of pension to Thomas P. Smith;

H. R. 4821. An act granting increase of pension to Herbert A. Boomhower;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 11550. An act granting increase of pension to William G. Gray;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.; and

H. R. 3826. An act granting an increase of pension to George W. Dodge.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre; and

S. 3449. An act to establish an additional land office in the State of Montana.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 12346, known as the river and harbor bill.

The SPEAKER. The gentleman from Ohio, chairman of the Committee on Rivers and Harbors, asks unanimous consent that the House nonconcur in the Senate amendments to the river and harbor bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announces the following conferees: Mr. BURTON, Mr. REEVES, and Mr. LESTER.

The question is on the motion of the gentleman from New York, that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting the conclusions reached after an investigation of the receipts and expenditures of the State of Texas on account of Greer County—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes, reported the same without amendment, accompanied by a report (No. 1730); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, reported the same with amendments, accompanied by a report (No. 1732); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4042) granting an increase of pension to William H. Norton, reported the same without amendment, accompanied by a report (No. 1711); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3334) granting an increase of pension to Thomas E. James, reported the same without amendment, accompanied by a report (No. 1712); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 694) granting a pension to Jane Caton, reported the same without amendment, accompanied by a report (No. 1713); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9164) granting a pension to John H. Crawford, reported the same with amendments, accompanied by a report (No. 1714); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3500) granting an increase of pension to Kate O. Phillips, reported the same with amendment, accompanied by a report (No. 1715); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3269) granting a pension to Ida M. Kinney, reported the same

with amendment, accompanied by a report (No. 1716); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer, reported the same with amendment, accompanied by a report (No. 1717); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10731) granting an increase of pension to Samuel Milburn, reported the same with amendments, accompanied by a report (No. 1718); which said bill and report were referred to the Private Calendar.

Mr. KLEBURG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10488) to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1719); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9799) granting a pension to Mary Murphy, reported the same with amendments, accompanied by a report (No. 1720); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9606) granting a pension to Charles Blitz, reported the same with amendment, accompanied by a report (No. 1721); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13211) granting a pension to Melissa Burton, widow of William Burton, reported the same with amendments, accompanied by a report (No. 1722); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13036) granting an increase of pension to John B. Greenhalgh, reported the same with amendment, accompanied by a report (No. 1723); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12828) granting a pension to Mary E. Culver, reported the same with amendment, accompanied by a report (No. 1724); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12788) granting a pension to Elizabeth McDonald, reported the same with amendment, accompanied by a report (No. 1725); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12877) granting an increase of pension to James N. Gates, reported the same with amendment, accompanied by a report (No. 1726); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12324) granting a pension to Cora E. Brown, reported the same with amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12713) granting an increase of pension to Bernard McCormick, reported the same without amendment, accompanied by a report (No. 1728); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9249) granting a pension to Amos Allport, reported the same with amendments, accompanied by a report (No. 1729); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 636) to remove the charge of desertion against David A. Lane, reported the same without amendment, accompanied by a report (No. 1731); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11803) for the purchase for a national park of a tract of land upon which the Natural Bridge of Virginia is situated—Committee on Military Affairs discharged, and referred to the Committee on Agriculture.

A bill (H. R. 13859) granting a pension to Sarah P. McIntee—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13866) granting an increase of pension to Augustus H. Summers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13867) granting an increase of pension to Logan O'Banion—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 13896) to incorporate the Society of the American Cross of Honor of the District of Columbia—to the Committee on the Judiciary.

By Mr. MARSHALL: A bill (H. R. 13897) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota—to the Committee on Indian Affairs.

By Mr. HULL (by request): A bill (H. R. 13898) to authorize the President to select a lieutenant-colonel of the Pay Department and appoint him brigadier-general, United States Army—to the Committee on Military Affairs.

By Mr. SHATTUC: A resolution (H. Res. 220) relative to the consideration of H. R. 12199—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 13899) granting an increase of pension to Mary A. Pearman—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13900) for the relief of David W. Speck—to the Committee on War Claims.

Also, a bill (H. R. 13901) for the relief of William Crosby—to the Committee on War Claims.

Also, a bill (H. R. 13902) for the relief of Abraham Stover—to the Committee on War Claims.

Also, a bill (H. R. 13903) for the relief of John D. Youell—to the Committee on War Claims.

Also, a bill (H. R. 13904) for the relief of Amanda Lam, administratrix of the estate of James Lam, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13905) for the relief of Mrs. Maria D. La Rue—to the Committee on War Claims.

Also, a bill (H. R. 13906) for the relief of T. H. McGinnis—to the Committee on War Claims.

Also, a bill (H. R. 13907) for the relief of the legal representatives of Paul McNeel—to the Committee on War Claims.

Also, a bill (H. R. 13908) for the relief of the estate of George W. Taylor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13909) for the relief of Mrs. S. M. Cale—to the Committee on War Claims.

Also, a bill (H. R. 13910) for the relief of George W. Craig—to the Committee on War Claims.

Also, a bill (H. R. 13911) for the relief of the estate of Hugh L. Gallaher, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13912) for the relief of James A. Snyder, executor of Jacob Snyder, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13913) for the relief of James W. Smith—to the Committee on War Claims.

Also, a bill (H. R. 13914) granting an increase of pension to Elizabeth V. Harman—to the Committee on Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Frederick Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13916) to reimburse the trustees of the Presbyterian Church at McDowell, State of Virginia—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 13917) granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13918) for the relief of Thomas Mundy, disabled by an accident at the life-saving station at Charlotte, N. Y.—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 13919) for the relief of John Wright—to the Committee on Claims.

Also, a bill (H. R. 13920) granting a pension to Martha Ann Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13921) for the relief of E. C. Adams—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 13922) for the relief of James Welch—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 13923) granting an increase of pension to Stephen W. Pomeroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13924) for the relief of Ephraim Winters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13925) for the relief of James Appleton—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13926) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SELBY: A bill (H. R. 13927) granting an increase of pension to Patrick O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13928) granting an increase of pension to Hezekiah Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13929) to remove the charge of desertion from the record of Patrick Murphy—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13930) granting a pension to John M. Cheever—to the Committee on War Claims.

Also, a bill (H. R. 13931) for the relief of Herman B. Robb—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13932) granting a pension to George W. Heator—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13933) granting a pension to Hattie Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13934) for the relief of Lucas P. Rettenstorf—to the Committee on Military Affairs.

Also, a bill (H. R. 13935) granting a pension to George Eckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13936) for the relief of Peter Duchane—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 13937) for the relief of George H. Suits—to the Committee on War Claims.

By Mr. WOODS: A bill (H. R. 13938) granting an increase of pension to Perrin O. Needham—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 13939) granting an increase of pension to William Ellis—to the Committee an Invalid Pensions.

Also, a bill (H. R. 13940) for the relief of George W. McElrath—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Printing Press Assistants' Union of Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolutions of the Maritime Association of the port of New York, relating to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROWNLOW: Petition of the heir of Mrs. E. Bosley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Providence, R. I., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of G. B. Lewis and other veterans of the civil war, citizens of Brownville, Nebr.; also, petition of L. E. Ricksecker, of Santa Rosa, Cal., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

Also, petitions of Frank Gillitt, R. S. Unland, and David Dickerson, indorsing House bill 9206—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of the Maritime Association of the Port of New York, in relation to ship subsidy—to the Committee on Merchant Marine and Fisheries.

Also, petitions of C. H. Weaver & Co., Chicago, and citizens of Culver, Haddam, Concordia, Kipp, Marysville, Abilene, Palmer, Bremen, and Bridgeport, Kans., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. CASSINGHAM: Resolutions of Mine Workers' Union No. 587, of Odbert, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Texas: Resolutions of Neches Queen Lodge, No. 590, Beaumont, Tex., Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolutions of two Polish societies of Detroit, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DALZELL: Resolutions of National Frémont Association, Pittsburg, Pa., favoring the erection of a monument and statue to the Pathfinder, Maj. Gen. John C. Frémont—to the Committee on the Library.

By Mr. DRAPER: Petition of C. Y. Knight, secretary of National Dairy Union, Chicago, Ill., in relation to the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. ESCH: Resolution of the Maritime Association of the Port of New York, in relation to the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FITZGERALD: Resolutions of the Maritime Association of the Port of New York, in favor of an amendment to the so-called subsidy bill to include sail vessels of 1,000 tons gross register within its vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Vermont: Resolutions of Stannard Post, No. 2, Grand Army of the Republic, of Burlington, Vt., relative to the improvement of the post exchange—to the Committee on Military Affairs.

Also, resolutions of H. H. Smith Post, No. 19, Grand Army of the Republic, Stowe, Vt., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolutions of Abe Patterson Post, No. 88, of Allegheny, Grand Army of the Republic, Department of Pennsylvania, and Peller Post, No. 89, Department of Minnesota, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of the Maritime Association of the port of New York, in relation to ship-subsidy bills—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Napoleon B. Kidwell—to the Committee on Invalid Pensions.

By Mr. HALL: Petitions of Post No. 90, of Philipsburg; No. 216, of St. Marys; No. 293, of Houtzdale; No. 343, of Coalport, and No. 419, of Stormstown, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. HANBURY: Resolutions of Maritime Association of the port of New York, relative to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JACK: Petition of St. Joseph's Society, of Mount Pleasant, Pa., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of J. Ed. Turk Post, No. 321, of Dayton, and Post No. 266, of Rochester Mills, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KNOX: Petitions of business men of Lawrence, Lowell, Woburn, and Peabody, Mass., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, resolutions of Bay State Lodge, No. 73, Locomotive Firemen, of Worcester, Mass., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. LACEY: Petitions of 10 citizens of the Sixth Congressional district of Iowa, in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. LANHAM: Resolutions of Hillsboro Lodge, No. 616, of Hillsboro, and Bayou City Lodge, No. 146, of Houston, Tex., Brotherhood of Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Bayou City Lodge, No. 146, of Houston, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Petition of Division No. 384, Order of Railway Conductors, of Stapleton, N. Y., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LONG: Resolutions of Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHONEY: Resolutions of Polonia Society, Kosciusko Society, and Giller Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MOON: Petition of heirs of William B. Irwin, deceased,

late of James County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of Mine Workers' Union No. 554, of Victoria, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of Temple Ohabei Shalom, Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Garment Workers' Union, Binghamton. N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

By Mr. SCOTT: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, favering House bill 8337, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Iola Central Labor Union, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHATTUC: Papers to accompany House bill 13377, to place David B. Jeffers on the retired list—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: Petition of Ray Miners Union, Troy, Ariz., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany House bill 8542, granting an increase of pension to P. F. Harris—to the Committee on Invalid Pensions.

Also, resolutions of Thomas McClure Post, No. 326, and Theodore G. Merchant Post, No. 683, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. STARK: Paper to accompany House bill 1515, granting an increase of pension to George D. Salyer—to the Committee on Invalid Pensions.

By Mr. VANDIVER: Papers to accompany House bill 13940, for the relief of George W. McElrath—to the Committee on War Claims.

By Mr. WOODS: Papers to accompany House bill 13938, granting a pension to Perrin O. Needham—to the Committee on Invalid Pensions.

Also, resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *April 23, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of conclusions reached in an investigation of the amount of taxes collected by Texas in what was formerly known as Greer County, and the expenditures made on account of that county by the State, as directed by act of Congress approved January 15, 1901; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of 15 citizens of Corydon, Pa., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Onoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the repeal of the so-called desert-land act, and also that an appropriation of $250,000 be made for irrigation purposes; which was referred to the Committee on Public Lands.

He also presented a memorial of Typographical Union No. 2, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Federal Labor Union of McSherrystown; of Federal Labor Union No. 7204, of Carbondale, and of Federal Labor Union No. 9452, of Lopez, all in the State of Pennsylvania, and of the American Society of Plate Engravers, of Washington, D. C., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Captain Joshua W. Sharp Post, No. 371, of Newville; of W. D. Myers Post, No. 434, of Johnsonburg; of John S. Bittner Post, No. 122, of Lock Haven; of Etz Post, No. 401, of Tioga; of Captain Michael Smith Post, No. 355, of McClure; of Robert F. Elliott Post, No. 526, of Spring Run; of Lafayette Post, No. 217, of Easton; of Henry Wilson Post, No. 129, of Milton, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented a memorial of the Pacific Coast Marine Firemen's Union of San Francisco, Cal., remonstrating against the elimination of the so-called seamen's clause from the ship-subsidy bill and the Chinese-exclusion bill; which was ordered to lie on the table.

Mr. PLATT of New York presented petitions of Bakers' Local Union No. 16, of Buffalo; of Journeymen Tailors' Local Union No. 91, of Elmira; of Bakers' Local Union No. 177, of Port Chester, and of Local Union No. 276, of Buffalo, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bricklayers and Masons' Local Union No. 2, of Niagara Falls; of the Trade and Labor Council of Kingston; of the Team Drivers' Local Union No. 135, of Olean; of the Flint Glass Workers' Local Union No. 57, of Brooklyn; of Typographical Union No. 451, of Plattsburg; of Bricklayers and Masons' Local Union No. 20, of Sing Sing; of Bricklayers and Masons' Local Union No. 31, of Auburn; of Local Union No. 34, of New York City; of Local Union No. 42, of Binghamton; of Bricklayers and Masons' Local Union No. 46, of Nyack; of Local Union No. 51, of New Rochelle; of Bricklayers' Local Union No. 4, of New York; of Masons' Local Union No. 10, of Troy; of Local Union No. 12, of Lockport; of Local Union No. 26, of Cortland; of Boiler Makers and Iron Ship Builders' Union of New York; of Bricklayers and Masons' Local Union No. 8, of Cohoes; of Local Union No. 22, of Yonkers; of Local Union No. 17, of Ithaca; of Boiler Makers and Iron Ship Builders' Local Union No. 200, of Staten Island; of Local Union No. 202, of Schenectady; of the Bricklayers and Masons' Local Union No. 125, of Dunkirk; of Local Union No. 163, of Brighton; of the Wire Weavers' Protective Association of Brooklyn; of the Retail Clerks' Protective Association of Watertown; of Carpenters' Local Union No. 457, of New York; of Carpenters and Joiners' Local Union No. 374, of Buffalo; of Local Union No. 369, of North Tonawanda; of Local Union No. 774, of New York; of Carpenters and Joiners' Local Union No. 754, of Fulton; of Local Union No. 727, of Lake Placid; of Local Union No. 718, of New Rochelle; of Local Union No. 707, of New York; of Carpenters' Local Union No. 673, of Fort Edward; of Local Union No. 659, of Albany; of Local Union No. 639, of Brooklyn; of Stair Builders' Local Union No. 575, of New York City; of Local Union No. 574, of Middletown; of Local Union No. 573, of Rye; of Carpenters and Joiners' Local Union No. 507, of Newtown; of Local Union No. 503, of Lancaster; of Local Union No. 901, of Woodhaven; of Local Union No. 853, of Silver Creek; of Carpenters and Joiners' Local Union No. 132, of Buffalo; of Local Union No. 125, of Utica; of Local Union No. 99, of Cohoes; of Local Union No. 72, of Rochester; of Local Union No. 65, of Jamestown; of Plumbers and Steam Fitters' Local Union No. 206, of Elmira; of Local Union No. 223, of Kingston; of Plumbers' Local Union No. 253, of Gloversville; of Local Union No. 12, of Albany; of Wood Workers' Local Union No. 636, of Troy; of Cigar Makers' Local Union No. 68, of Albany; of Plasterers' Local Union No. 168, of Tonawanda; of Typographical Union No. 62, of Utica; of Typographical Union No. 315, of Poughkeepsie; of Typographical Union No. 348, of Olean; of Local Union No. 9, of Elmira; of Local Union No. 374, of Elmira; of the Watch Case Makers' Local Union of Brooklyn; of the Bakers' Local Union No. 105, of Geneva; of Local Union No. 291, of Newark; of Local Union No. 1, of Port Jervis; of Local Union No. 101, of Buffalo; of Local Union No. 149, of New York; of Local Union No. 155, of New York; of Local Union No. 276, of Buffalo; of Local Union No. 63, of Mechanicsville; of the Central Labor Union of Seneca Falls, and of the Car Repairers' Local Union No. 6, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. QUAY presented a petition of Street Railway Union No. 164, American Federation of Labor, of Wilkesbarre, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of John W. Geary Post, No. 90, of Philipsburg; of J. Ed. Turk Post, No. 321, of Dayton; of John F. Croll Post, No. 156, of Pennsylvania; of E. N. Ford Post, No. 336, of Warren; of Spalding Post No. 33, of Leraysville, all of the Department of Pennsylvania, Grand Army of the Republic, and of Major A. M. Harper Circle, No. 4, Ladies of the Grand Army of the Republic, of Braddock, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented petitions of Local Unions Nos. 1947, 488, 278, 237, 309, 419, 321, 125, 258, 29, 31, 37, 42, 43, 47, 48, 49, 7, 37, 50, 1, 153, 62, 141, 57, 2, 8, 23, 26, 27, 106, 44, 5, 102, 61, 173, 159, 185, 359, 277, 263, 228, 378, 350, 169, 101, 195, 813, 62, 211, 283, 326, 32, 36, 61, 1001, 1108, 1156, 1168, 1218, 1589, 1562, 1376, 1281, 1263, 1628, 1685, 208, and 206, of Elizabeth, Mount Carmel, Lansford, Newcastle, Philadelphia, Allegheny, Rothsville, Bradford, Hazleton, Rochester, Nanticoke, Erie, Easton, Lebanon, Braddock, Plymouth, Franklin, Pottsville, Du Bois, Pottstown, Gray Station, Ormsby, Lancaster, Pittsburg, Susquehanna, Bethlehem, York, Kane, Harrisburg, New Kensington, Kittanning, Williamsport, Oil City, Altoona, Girardville, Berwick, Weissport, Columbia, Sayre, Carbondale, Coraopolis, Uniontown, Great Bend, Bradford, Sunnyside, Simpson, Vandling, Throop, Pittston, Wilkesbarre, Anita, Arnold, Pottsville, Sixmile Run, Monongahela, Hegins, and Shenandoah, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. MONEY presented petitions of Bricklayers and Masons' Local Union No. 2, of Vicksburg; of the Journeymen Tailors' Union, of Vicksburg; of Bricklayers' Local Union No. 3, of Jackson, and of Bricklayers' Local Union No. 1, of Meridian, all of the American Federation of Labor, in the State of Mississippi, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. COCKRELL presented petitions of the Typographical Union of Carthage; of Nettleton Division, No. 378, Brotherhood of Locomotive Engineers, of Springfield; of Bricklayers' Local Union No. 4, of Stanberry; of Local Union No. 117, Brotherhood of Locomotive Engineers, of Stanberry; of Frisco Lodge, No. 54, Brotherhood of Locomotive Firemen, of Springfield; of Marion Lodge, No. 290, Brotherhood of Locomotive Firemen, of Hannibal; of Bricklayers' Local Union No. 8, of Joplin; of Beef Butchers' Local Union No. 76, of St. Joseph; of Carpenters' Local Union No. 945, of Jefferson City; of Deep Water Lodge, No. 368, Brotherhood of Locomotive Firemen, of Springfield; of the Central Labor Body, of Joplin; of Granite Workers' Local Union No. 9289, of Graniteville; of United Mine Workers' Local Union No. 1226, of Novinger; of Boiler Makers' and Iron Shipbuilders' Subordinate Lodge, No. 113, of Sedalia; of Glass Workers' Local Union No. 6, of St. Louis; of Chain Workers' Local Union No. 3, of St. Louis; of Bricklayers' Local Union No. 5, of St. Joseph; of Meat Cutters' Local Union No. 152, of St. Joseph; of Retail Clerks' Local Union No. 80, of St. Louis; of Bricklayers' International Union No. 1, of St. Louis; of Bricklayers' Local Union No. 2, of St. Louis; of Carpenters and Joiners' Local Union No. 48, of Kirksville; of Carpenters and Joiners' Local Union No. 49, of St. Louis; of Carpenters and Joiners' Local Union No. 4, of Kansas City; of Iron Molders' Local Union No. 204, of Joplin; of Brewery Workers' Local Union No. 169, of Kansas City; of Journeymen Plumbers and Gas Fitters' Local Union No. 8, of Kansas City; of Stereotypers' Local Union No. 8, of St. Louis; of Bridge and Structural Iron Workers' Local Union No. 10, of Kansas City; of Box Makers and Sawyers' Local Union No. 149, of St. Louis; of Cigar Makers' Local Union No. 23, of Springfield; of St. Joseph Typographical Union, No. 40, of St. Joseph; of Olive Leaf Lodge, Brotherhood of Locomotive Firemen, of Stanberry; of Local Union No. 642, United Mine Workers of America, of Vernon; of Local Union No. 104, United Mine Workers of America, of Camden; of Carpenters and Joiners' Local Union No. 311, of Joplin; of Carpenters and Joiners' Local Union No. 721, of Flat River; of Local Union No. 1472, United Mine Workers of America; of Carpenters and Joiners' Local Union No. 740, of Novinger; of Carpenters and Joiners' Local Union No. 578, of St. Louis; of Local Union No. 1442, United Mine Workers of America, of Novinger; of Diagonal Lodge No. 565, Brotherhood of Locomotive Firemen, of St. Joe, and of Lodge No. 70, National Brotherhood of Boiler Makers and Iron Ship Builders, of America, of Springfield, all in the State of Missouri, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HOAR presented petitions of Cigar Makers' Local Union No. 324, of Gloucester; of Carpenters and Joiners' Local Union No. 878, of Beverly; of Carpenters and Joiners' Local Union No. 877, of Worcester; of Carpenters and Joiners' Local Union No. 823, of Webster; of Carpenters and Joiners' Local Union No. 862, of Wakefield; of Carpenters and Joiners' Local Union No. 624, of Brockton; of Bricklayers and Masons' Local Union No. 21, of Gloucester; of Bay State Division, No. 439, Brotherhood of Locomotive Firemen, of Boston; of Steel and Copper Plate Printers' Local Union No. 3, of Boston; of the Central Labor Union of Quincy; of Journeymen Plumbers' Local Union No. 12, of Boston; of Bakers' Local Union No. 170, of Milford; of Journeymen Barbers' Local Union No. 265, of Greenfield; of Carpenters and Joiners' Local Union, of Boston; of Bricklayers and Plasterers' Local Union No. 39, of New Bedford; of Bricklayers and Masons' Local Union No. 11, of Fall River; of Bricklayers and Masons' Local Union No. 10, of Lawrence; of Bricklayers and Masons' Local Union No. 19, of Fitchburg; of Bricklayers' Local Union No. 12, of Lynne; of the Bricklayers' Local Union of Attleboro; of Bricklayers' Local Union No. 27, of Roxbury; of Brotherhood of Stationary Firemen Local Union No. 47, of Brockton; of Stonemasons' Local Union No. 29, of Worcester; of Meat Cutters' Local Union No. 162, of Cambridge; of the Retail Clerks' Local Union, of North Adams; of the Retail Clerks' Association of Swampscott; of Retail Clerks' International Protective Association No. 4, of Danvers; of Retail Grocery, Provision, and Fish Clerks' Association No. 372, of Lowell; of Local Union No. 14, of Brockton; of Carpenters and Joiners' Local Union No. 351, of Northampton; of Carpenters and Joiners' Local Union No. 275, of Newton; of Carpenters' Local Union No. 222, of Westfield; of Carpenters' Local Union No. 177, of Springfield; of Carpenters' Local Union No. 443, of Chelsea; of Carpenters' Local Union No. 441, of Cambridge; of Carpenters' Local Union No. 438, of Brookline; of Carpenters' Local Union No. 390, of Holyoke; of Carpenters' Local Union No. 386, of Dorchester; of Carpenters' Local Union of Lenox; of Carpenters' Local Union No. 777, of Medford; of Carpenters' Local Union No. 782 of Quincy; of Carpenters' Local Union No. 950, of Danvers; of United Carpenters' Local Union No. 938, of Roslindale, and of Carpenters' Local Union No. 924, of Manchester, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CULLOM presented a petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Belleville, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of Lodge No. 579, Brotherhood of Locomotive Firemen, of Montevideo, Minn., and a petition of Lodge No. 401, Brotherhood of Locomotive Firemen, of Two Harbors, Minn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Machinists' Local Union of St. Paul; of Plumbers' Local Union No. 11, of Duluth; of Local Union No. 525, of Minneapolis; of Bakers' Local Union No. 222, of Minnesota; of Local Union No. 31, of St. Paul; of Printing Pressmen's Local Union No. 63, of Duluth; of Glass Workers' Local Union No. 8, of Minneapolis; of the Printing Trades Council of St. Paul; of the Printing Trades Council of Minneapolis; of Local Union No. 28, of Duluth; of the Boiler Makers' Local Union of St. Paul; of Jewelers' Local Union No. 8, of Minneapolis; of the Wire Weavers' Protective Association of Duluth; of the Retail Clerks' Protective Association of Brainerd; of Bricklayers' Local Union No. 1, of St. Paul; of Carpenters' Local Union No. 361, of Duluth; of Carpenters and Joiners' Local Union No. 957, of Stillwater; of Local Union No. 930, of St. Cloud; of Carpenters' Local Union No. 87, of St. Paul; of Brewery Workers' Local Union No. 133, of Duluth; of Plumbers' Local Union No. 6, of Winona; of Mailers' Local Union No. 4, of Minneapolis; of Bridge and Structural Iron Workers' Local Union No. 19, of Minneapolis; of the Woodworkers' Local Union of Minneapolis; of Cigar Makers' Local Union No. 294, of Duluth; of Local Union No. 579, of Montevideo; of Local Union No. 401, of Two Harbors; of Retail Clerks' Local Union No. 2, of St. Paul; of Tailors' Local Union No. 97, of Duluth, and of Local Union No. 10, of Staples, all of the American Federation of Labor, in the State of Minnesota, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented petitions of Candy Makers' Local

Union No. 124, of Louisville; of Bricklayers' Local Union No. 3, of Henderson; of Retail Clerks' Association No. 423, of Newport; of Carpenters and Joiners' Local Union No. 735, of Covington; of Carpenters and Joiners' Local Union No. 712, of Covington; of Carpenters and Joiners' Local Union No. 559, of Paducah; of Carpenters' Local Union No. 937, of Fulton; of Carpenters' Local Union No. 851, of Henderson; of Carpenters and Joiners' Local Union of Central City; of Barbers' Local Union of Newport; of Journeymen Barbers' International Union No. 45, of Louisville; of Branch No. 81, Brotherhood of Leather Workers on Horse Goods, of Maysville; of Box Makers and Sawyers' Local Union No. 105, of Louisville; of Retail Clerks' Local Union No. 287, of Central City; of the Typographical Union of Louisville; of District No. 23, United Mine Workers, of Central City, and of United Mine Workers' Local Union No. 1183, of Griffith, all of the American Federation of Labor, in the State of Kentucky, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PLATT of Connecticut presented petitions of Semaphore Lodge, No. 551, Brotherhood of Railroad Trainmen, of East Hartford; of Journeymen Barbers' Local Union No. 215, of New Haven; of Cigar Makers' Local Union No. 282, of Bridgeport; of Bakers and Confectioners' Local Union No. 38, of Bridgeport; of Bakers and Confectioners' Local Union No. 8, of Bridgeport; of the Allied Printing Trade Council of New Haven; of Journeymen Plumbers' Local Union No. 267, of Norwich; of Hat Makers' Local Union, of Danbury; of Hat Finishers' Local Union No. 2, of Bethel; of Sheet Metal Workers' Local Union No. 127, of South Norwalk; of Bricklayers and Plasterers' Local Union No. 3, of New Britain; of Bricklayers and Masons' Local Union of Meriden; of Bricklayers and Masons' Local Union No. 12, of Norwich; of Bricklayers ahd Masons' Local Union No. 21, of Danville; of Bricklayers and Masons' Local Union No. 20, of South Manchester; of Stone Masons' Local Union No. 17, of New London; of Boiler Makers' Local Union No. 61, of New Haven; of Carpenters' Local Union No. 260, of Waterbury; of Carpenters' Local Union No. 216, of Torrington; of Journeymen Barbers' Local Union No. 175, of Danbury; of Carpenters' Local Union No. 746, of Norwalk; of Carpenters' Local Union No. 927, of Danbury; of Carpenters' Local Union No. 920, of Meriden; of Carpenters' Local Union No. 804, of Naugatuck; of Carpenters' Local Union No. 127, of Derby, Shelton, and Ansonia; of Carpenters' Local Union No. 97, of New Britain; of the Carpenters' Local Union of Bristol; of the Carpenters' Local Union of Bridgeport; of New Haven Branch Amalgamated Society of Carpenters and Joiners' of New Haven; of Journeymen Barbers' Local Union No. 73, of Hartford; of Iron Molders' Local Union No. 126, of Norwich; of Journeymen Plumbers' Local Union of Hartford; of Stereotypers' Local Union No. 27, of Hartford and New Haven; of Amalgamated Wood Workers' International Union, of Danbury; and of Cigar Makers' Local Union, of New London, all in the State of Connecticut, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PROCTOR presented a petition of H. H. Smith Post, No. 19, Department of Vermont, Grand Army of the Republic, of Stowe, Vt., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Retail Clerks' International Protective Association No. 241, of Barre; of Retail Clerks' Association No. 335, of Rutland; of Local Union No. 683, Brotherhood of Carpenters and Joiners, of Burlington; of Carpenters and Joiners' Local Union No. 679, of Montpelier; of Brewery Union No. 131, of Bellows Falls; of G. L. Blodgett Lodge, No. 495, Brotherhood of Railroad Trainmen, of St. Johnsbury; of Carpenters and Joiners' Local Union No. 481, of Barre, and of Typographical Union No. 402, of Barre, all of the American Federation of Labor, in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KITTREDGE presented a petition of Prairie Lodge No. 170, Brotherhood of Locomotive Firemen, of Huron, S. Dak., and a petition of Local Union No. 783, Carpenters and Joiners of America, of Sioux Falls, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PATTERSON presented a petition of sundry citizens of Colorado, praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Lodge No. 488, Brotherhood of Locomotive Firemen, of Canon City; of Amalgamated Carpenters' Local Union No. 726, American Federation of Labor, of Denver, in the State of Colorado, and of the Marine Firemen's Local Union, American Federation of Labor, of New York City, N. Y., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented a petition of Bill Posters and Billers' Local Union No. 9517, American Federation of Labor, of Denver, Colo., and a petition of Miners' Local Union No. 84, American Federation of Labor, of Vulcan, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Republican Club of the Seventh assembly district of New York City, praying for the enactment of legislation providing for an increase in the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Newark, N. J., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented petitions of Plumbers and Steam Fitters' Local Union No. 217, of Portland; of Carpenters' Local Union No. 621, of Bangor; of Carpenters' Local Union No. 787, of Skowhegan; of the Bricklayers' Local Union of Portland; of the Bricklayers and Masons' Local Union of Waterville; of the Bricklayers, Masons, and Plasterers' Local Union of Augusta; of the Stone Masons' Local Union of Lewiston; of Local Union No. 514, of Bangor; of the Carpenters' Local Union of Portland; of the Carpenters' Local Union of Lewiston; of Plumbers' Local Union No. 209, of Bangor; of Local Union No. 366, of Henderson, and of the Paving Cutters' Local Union of Hurricane Island, all of the American Federation of Labor, in the State of Maine, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 312) providing that the circuit court of appeals of the Eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4769) to fix the fees of jurors in the United States courts, reported it without amendment.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6356) granting an increase of pension to William G. Taylor;

A bill (H. R. 10361) granting an increase of pension to Alexander Scott;

A bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell;

A bill (H. R. 4543) granting an increase of pension to George W. Parker;

A bill (H. R. 9952) granting a pension to William P. Featherstone;

A bill (H. R. 11112) granting an increase of pension to S. Agnes Young;

A bill (H. R. 11091) granting an increase of pension to James Cooley;

A bill (H. R. 11977) granting a pension to Sidney Cable; and

A bill (S. 2703) granting an increase of pension to James S. Myers.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4642) granting an increase of pension to Annie Dowery;

A bill (S. 3997) granting an increase of pension to Otis A. Barlow; and

A bill (S. 4256) granting an increase of pension to Henry W. Edens.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 182) granting a pension to Mary F. Zollinger;

A bill (S. 3668) granting a pension to Hulda Milligan; and

A bill (S. 4829) granting an increase of pension to Nimrod Headington.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3387) for the relief of Gilbert E. L. Falls, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3250) granting an increase of pension to Winfield S. Piety, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4088) granting an increase of pension to Henry Jennings, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2599) granting an increase of pension to John Hall;

A bill (H. R. 9144) granting an increase of pension to James R. Wilson;

A bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis; and

A bill (H. R. 2660) granting an increase of pension to Henry Runnebaum.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 12550) granting an increase of pension to James E. Horton, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8562) granting an increase of pension to Sarah Ciples, now Vandemark, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4903) for the relief of Emma Morris;

A bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg; and

A bill (S. 3697) for the relief of Ramon O. Williams and Joseph A. Springer.

Mr. McCOMAS, from the Committee on Education and Labor, to whom was referred the bill (S. 4419) to incorporate the General Education Board, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 136) for the relief of Mrs. Martha E. West; and

A bill (S. 576) for the relief of Mrs. P. J. Getty, administratrix.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (S. 1874) for the relief of Frank F. Flournoy, reported it without amendment, and submitted a report thereon.

STENOGRAPHER FOR DISTRICT OF COLUMBIA COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McMILLAN on the 21st instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the District of Columbia be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART on the 17th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to take testimony and to summon and examine witnesses in the investigation of the conduct and management of Indian schools and reservations now being made by said committee; and that the expenses of the same be paid from the contingent fund of the Senate.

VONNIE K. TURNER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEITFELD (for Mr. TURNER) on the 3d ultimo, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Vonnie K. Turner, widow of Walter P. Turner, late a laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

WILLIAM W. LEAKE AND ESTATES OF WILLIAM BOOTH AND THOMAS J. POWELL.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1244) for the relief of the estate of William Booth;

A bill (S. 2351) for the relief of the estate of Thomas J. Powell, deceased; and

A bill (S. 1123) for the relief of William W. Leake, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 1244, 1123, and 2351) entitled "A bill for the relief of the estate of William Booth," "A bill for the relief of William W. Leake," and "A bill for the relief of the estate of Thomas J. Powell, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FRANCOIS PETITFILS AND ESTATE OF W. H. H. BROOKS.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 728) for the relief of Francois Petitfils; and

A bill (S. 3592) for the relief of the legal representatives of W. H. H. Brooks, deceased—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 728 and S. 3592) entitled "A bill for the relief of Francois Petitfils," and "A bill for the relief of the legal representatives of W. H. H. Brooks, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

HEIRS AT LAW OF ALEXANDER P. MILLER, DECEASED.

Mr. McLAURIN of Mississippi, from the Committee on Claims, to whom was referred the bill (S. 4172) for the relief of the heirs at law of Alexander P. Miller, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4172) entitled "A bill for the relief of the heirs at law of Alexander P. Miller, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SUBPORTS OF ENTRY IN LOUISIANA AND TEXAS.

Mr. BAILEY. I move that the Committee on Finance be discharged from the further consideration of the bill (S. 3517) to amend the law creating the district of the Teche, La., as it is a bill providing for a port of entry, it properly belongs to the Committee on Commerce.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. CULLOM introduced a bill (S. 5388) for the payment of additional bounty to Charles P. Brace; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DEBOE introduced a bill (S. 5389) granting an increase of pension to Jasper N. Acree; which was read twice by its title and with the accompanying papers referred to the Committee on Pensions.

He also introduced a bill (S. 5390) creating a commission to inquire into the condition of the colored people of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FORAKER introduced a bill (S. 5391) to remove the charge of desertion from the military record of Jacob Shela; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5392) granting a pension to Elizabeth Woerz;

A bill (S. 5393) granting an increase of pension to Joseph C. Boltin;

A bill (S. 5394) granting an increase of pension to Mary Ann Shea;

A bill (S. 5395) granting an increase of pension to Stephen G. Horsey (with accompanying papers);

A bill (S. 5396) granting a pension to Mary J. Bowen (with an accompanying paper);

A bill (S. 5397) granting an increase of pension to John Shaw (with an accompanying paper); and

A bill (S. 5398) granting an increase of pension to Jacob J. Saunders (with accompanying papers).

Mr. MITCHELL introduced a bill (S. 5399) for the relief of retired colonels of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5400) granting a pension to Annie E. Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5401) granting a pension

to Melinda Morford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5402) granting an increase of pension to Hiram H. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5403) granting a pension to Lyman Hotaling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCLAURIN of Mississippi introduced a bill (S. 5404) for the relief of the heirs of Angelo Miazzo, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5405) granting a pension to A. McLellan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 5407) granting an increase of pension to Walter S. Sylvester; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 5408) granting a pension to George Erskine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a joint resolution (S. R. 84) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 85) to amend the highway extension plans of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GAMBLE introduced a joint resolution (S. R. 86) providing for the printing of the eulogies on Hon. James H. Kyle, late a Senator from South Dakota; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAILEY submitted an amendment proposing to prohibit the expenditure of any moneys appropriated for the support of the Army for the fiscal year ending June 30, 1902, in defraying the expenses of anyone in going to, or coming from, or in attendance upon, the coronation of any hereditary king, prince, or potentate, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States and any acts of Congress relating thereto, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to grant to the State of Connecticut the right to occupy, improve, and control for the purposes of a public park the tract of land owned by the United States situated on the east shore of New London Harbor, Connecticut, known as Fort Griswold, reserving to the United States the fee to the same, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED ADJOURNMENT.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. HOAR. A resolution comes over from yesterday, I think.

The PRESIDENT pro tempore. Does the Senator desire it to be taken up this morning?

Mr. HOAR. I do.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That when the Senate meets on Thursday, May 1, it shall be adjourned by the Presiding Officer until Monday, May 5, at 12 o'clock.

Mr. ALDRICH. I suggest that the resolution had better go to some standing committee of the Senate.

Mr. CULLOM. The Committee on Appropriations.

Mr. ALDRICH. It should be referred to either the Committee on Appropriations or the Committee on Rules for the purpose of ascertaining whether in view of the public business it is desirable to take an adjournment for that length of time.

The PRESIDENT pro tempore. The Senator from Rhode Island moves the reference of the resolution to the Committee on Appropriations.

Mr. HOAR. I spoke to a good many of the Senators who have charge of business which is about coming on, among them the chairman of the Committee on Appropriations, and I believe that everyone to whom I spoke favored this resolution. I do not believe that it will result in prolonging the session one particle or in delaying one particle the coming to a vote of any pending measure. It was the universal practice to adjourn for half a week at about this time in the session until a very recent date, as the Senator from Illinois [Mr. CULLOM] doubtless will remember.

I shall not press the resolution, of course, if any Senator who has important matters in his charge thinks it is unwise, but I think the Senate can vote upon it now.

Mr. ALDRICH. I think the resolution had better go to some standing committee. I have been in the Senate not quite as long as the Senator from Massachusetts, but I have been here for twenty-two years, and such an adjournment as the Senator speaks of has never been taken since I have been in the Senate.

Mr. HOAR. Oh, yes.

The PRESIDENT pro tempore. The Senator from Rhode Island moves the reference of the resolution to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory; and

A bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900; and

A joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. GIBSON, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12346) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. REEVES, and Mr. LESTER managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 2974) for the relief of J. V. Worley;

A bill (H. R. 8769) for the relief of S. J. Bayard Schnidel; and

A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had passed a concurrent resolution to print 5,000 additional copies of the report of the governor of Oklahoma for the year 1901; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900.

The message also returned to the Senate, in compliance with its

request, the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre;

S. 3449. An act to establish an additional land office in the State of Montana;

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 2207. An act granting increase of pension to Louis Hahn;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 2619. An act granting increase of pension to William Holgate;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 4821. An act granting increase of pension to Herbert A. Boomhower;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 6760. An act granting a pension to Susan House;

H. R. 7782. An act granting increase of pension to Thomas P. Smith;

H. R. 7903. An act granting increase of pension to Ernest Wagner;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9140. An act granting increase of pension to Mary Ann E. Sperry;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 10532. An act granting increase of pension to John L. Bowman;

H. R. 10951. An act granting increase of pension to Pauline M. Roberts;

H. R. 11550. An act granting increase of pension to William G. Gray;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.; and

H. R. 12129. An act granting a pension to Minnie M. Rice.

UNION RAILROAD STATION.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the bill (S. 4825) to provide for a union railroad station the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PATTERSON].

Mr. TELLER. Mr. President, I had not intended to take any special part in this debate, but there were some statements made yesterday which attracted my attention, and the amendment offered by my colleague [Mr. PATTERSON] seems to me to be so proper that I would really like to know from the Senator who has the bill in charge what objection there can be to the amendment. It simply provides that if any railroad company other than those that are already provided for desires to use this depot and these tracks it may do it by making a proper arrangement with the railroad company, or, failing to make such arrangement, it may go into court.

I do not think any railroad company has any right to object to that provision; and if the Senator who has the bill in charge has any grounds for objection I wish he would state them. I myself can conceive of none unless it shall be admitted that we are preparing here to create a monopoly and give to these railroad companies or to this railroad company, more properly speaking, there being two in one, the absolute right to exclude and keep out of the city of Washington any other railroad which may desire in the future to come in.

I supposed it was one of those things which had escaped the notice of the committee, and that when the suggestion was made it would be accepted. I have heard up to the present time no reason why the amendment should not be accepted, and I understand that the committee are against it. I wish to know from the chairman whether that is a fact?

Mr. MCMILLAN. Mr. President, do I understand that the Senator from Colorado desires me to make an explanation as to the reason why the committee thought it was not wise to put on this amendment?

Mr. TELLER. That is what I should like to have, for I myself can not conceive of any reason. I have not such a vivid imagination that I can think up any objection to it, and I should like to hear what the objection is.

Mr. MCMILLAN. When the legislation that was passed a year and a half ago came up before us we considered this whole matter. In the House it was discussed very freely, but in the Senate it was not discussed. The intention was to take care of all the railroads entering the District of Columbia. The three Southern railroads, as well as the Baltimore and Ohio and the Baltimore and Potomac, were taken care of on terms satisfactory to them. These Southern roads and the Baltimore and Potomac were to come into one depot, which was to be placed on the Mall. Congress provided that the Baltimore and Ohio should build a new station on Delaware avenue and C streets, near where the present station is.

Now, that legislation has been passed. It is entirely satisfactory to the two railroad companies. They have not asked for any additional legislation. They do not want any additional legislation. They want to stay just where Congress put them a year and a half ago. But your committee, believing that it would be a great benefit and a great advantage to the District of Columbia as the national capital to have but one station here instead of two, and to get rid of the railroad tracks in the Mall, had this bill prepared on the general lines suggested by the committee. The technical portions of the bill were prepared by the railroad companies after consultation with the District engineers; then the bill was referred to the District Commissioners, who made suggestions touching the grades and streets, all of which were incorporated in the bill. Next the committee made amendments to protect the property owners and the Government.

If we amend the bill by allowing other roads to come in I am frank to say that I fear the whole matter will drop, and it is just as well to understand it so. The companies are to build this station and the terminals. If we compel them to open their tracks and their depot and to spend all this money, and give rights to unknown companies, I do not think they will be willing to do it. That is my judgment.

Now, that is the situation. We have asked the two railroad companies, the Baltimore and Ohio and the Baltimore and Potomac, which furnish the money, to do something which we think is to be of great benefit to the District of Columbia. They have agreed to do it. We had to work on them for three or four months to get them to consent to do this thing. Now we have accomplished it; but this amendment which, of course, seems on its face very fair, is not one that the railroad companies care to accept because they are to spend $10,000,000, and some new company could be started in New York or somewhere else and get up a prospectus stating that they have depot facilities in the city of Washington, and thus encourage an enterprise which might have no real foundation.

We all know that railroads do not want opposition. The fact is they are all getting together now, and I suppose the time will come when the Government will have to own all these railroads and then we can handle them just as we please; but now the railroad companies are getting into the hands of but one corporation; the whole trend is to consolidation; and this plan of ours is to have one railroad station which will take in every railroad now entering the District—the three roads from the South, the Baltimore and Ohio, and the Baltimore and Potomac. Now, that is the whole thing. They are not asking anything. We are asking it for them. That is the only explanation.

Mr. TELLER. It is a rather frank statement, I think, to say that the railroads will insist upon a monopoly, that they will insist upon allowing such railroads to come in as they have already suggested, and beyond that they will not go.

I am not myself willing to vote for a bill under those circumstances. I think the bill itself is an improper measure; but I would allow the matter, as far as I am concerned, to rest if there was a proposition that any railroad coming in here in the future might have the benefit of what we are giving to these railroad companies, because I think the public might be better served in some respects with this new scheme than with the old. But when we are told distinctly that this is to be a close corporation, and that there will be no power here in the Government of the United States or in the courts to provide for the use of this depot

and these tracks that are crossing our streets, and for which the District government and the United States are paying a large amount of money, I am not willing to say that it shall not be done unless the railroad companies see fit to allow it to be done.

Mr. President, I do not know what the legislation was a year and a half ago. My attention was not called to it; but I do know that if it proceeded upon the basis that the Baltimore and Potomac Railroad Company own any interest in the Mall, which they cross in getting to their present Sixth Street depot, it was a fraud upon the Senate and a fraud upon the country, because they never have owned any title to it. They have never, that I ever heard of, until recently asserted any title or suggested that they had any title.

I have heard this matter discussed here, more or less, for twenty-five years. I recall very distinctly a discussion which came up here very early in my Senatorial service, in which it was admitted by everyone that they were there by sufferance and that we could move them off whenever we saw fit, and there was a strong feeling to make them retire and go back on the other side of the Mall and secure their own depot ground by purchase, like railroad companies usually do. During that debate no one ever suggested that they were entitled to hold the Mall against the will of Congress, or that they had anything but the right to occupy it during the pleasure of the Government of the United States.

The Senator from Michigan speaks as if the railroad company were being asked in this amendment to give to a new railroad company something. It is nothing of the kind. That is not proposed. It is proposed that they shall allow them to come in if they can agree; and if not, the court of justice here shall determine what compensation shall be rendered by the new road. I know not what new roads may want to come in. It can not be assumed, I think, that we have quit building railroads to the national capital. There will probably be some other railroads built here, and if they are built they ought to have the same privileges that we are now granting to these people, upon paying, of course, a proper compensation, and there can be no fairer way of determining that than by allowing the supreme court of the District to determine it.

If this amendment is not sufficiently guarded, if anyone thinks there ought to be some provision for the safety of the roads that is not in it, an amendment might be made to it. But I can see nothing myself in it that needs any amendment. No one has suggested that there is any defect in the text of the amendment, but we are simply told that the railroad companies do not want any competition and the railroad companies do not want to divide, not simply as to railroads that are to be hereafter built, but as to a railroad that is already built here and that would like to get in. If we have tied ourselves up, as the chairman of the Committee on the District of Columbia seems to indicate we have in his opinion done, to such an extent that we ought to get rid of it by some such law as this, it is quite within our power to repeal the act of a year and a half ago.

Mr. FORAKER. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. FORAKER. I was about to make an inquiry as to whether or not anything has been done under the act of a year and a half ago that gives this railroad such a vested right that we can not any longer act by legislation with respect to the matter.

Mr. TELLER. I guarantee that there has not been any, for there has not been anything done under the act, I understand.

Mr. FORAKER. That is my own understanding, and I do not know of any reason, therefore, why we are not at liberty to enforce a union depot, if we want it.

Mr. TELLER. We are proposing, of course, to repeal that act by this act.

Mr. GALLINGER. Mr. President, if the Senator from Colorado will permit me, I think it is proper I should say that the roads have not proceeded under that act for the reason that the Committee on the District of Columbia requested them to withhold action pending the consideration of a union station.

Mr. TELLER. Mr. President, when that act was passed these two railroads were not consolidated. The Baltimore and Ohio was then a distinct corporation, as it is to-day; but it is now the property of the Pennsylvania Railroad, which is the owner, and has been for many years, of the Baltimore and Potomac road.

Mr. FORAKER. If the Senator from Colorado will allow me again to interrupt him, I will call his attention to the fact that section 17, which is the last section of the act of February 12, 1901, provides that "Congress reserves the right to alter, amend, or repeal this act." That would be a right reserved by Congress which we could legitimately exercise, although they had proceeded to make improvements under the act as was then contemplated.

Mr. GALLINGER. That is always reserved.

Mr. FORAKER. I know it is always reserved. It is not different in this case, but it is well enough, in view of the statement made by the Senator having the bill in charge, to draw attention to the fact that we are not powerless to deal with this matter.

Mr. TELLER. There is not any question but that we have ample power to deal with the matter. I should like to discuss the subject further, but I have difficulty with my throat this morning, which prevents me from saying more. I can not continue the discussion, but I hope the Senate will not allow the bill to be passed without taking proper steps to see that in the future the interest of the Government and the interest of the public are fully protected. That can not be done as the bill now stands, unless a general clause in the bill that Congress may modify or repeal the act, which I suppose is in, might allow it to be done. Now is the time to do it. I suppose the railroad companies will do what Congress declares they have got to do, because if they do not their tracks might be removed and they might be compelled to select a place for a station and to pay all the expenses themselves. I do not think the railroad companies have the Government of the United States by the throat, by any means. When this matter is presented properly to the railroad company or to the leading men of that great corporation, one of the greatest in the United States, I should doubt very much whether they would be so unwise as to object to the provision which has been offered as an amendment to the bill.

Mr. HOAR. Mr. President, I thought yesterday, when this bill came up, of proposing such an amendment as has been proposed by the junior Senator from Colorado [Mr. PATTERSON], but on reflection it seemed to me that it was of no practical importance whatever, and that it was hardly worth while to put it in the bill. The principle of the amendment is undoubtedly a sound and wise principle. It is the principle which prevails in my own State, and I suppose in most other States, that when any railroad has the right of eminent domain either to lay a track or to build a station, the legislative power may compel it to allow other roads, where the public interest requires, to enter upon the track and use it under a proper regulation, to have their cars conveyed, or to enter and use the station. Now, that is all right.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. HOAR. Yes, sir.

Mr. PATTERSON. I call the attention of the Senator from Massachusetts to the fact that the bill provides that the occupant railroad company may allow other railroad companies to enter on these approaches to this depot by agreeing with them. It is a right or a privilege that is conferred practically upon the Pennsylvania Railroad Company to allow other railroads to enter.

Mr. HOAR. That is the Senator's speech. I was making mine.

Mr. PATTERSON. I simply wanted to make that clear to the Senator, in order that he might direct his attention to this proposition, that having expressly conferred upon the Pennsylvania Railroad Company the right to allow other railroads to enter, and only in that method, is it not a very grave question whether any subsequent legislation could modify that right conferred by this bill?

Mr. HOAR. That is precisely what I was about to state. I had not overlooked the Senator's suggestion. I was making the preliminary statement of what I supposed to be the general policy in such cases in this country, and a just and wise policy.

Mr. President, it does not seem to me to be necessary or worth while to put anything in this bill which is not in it now, as I think it secures everything that ought to be secured. These railroad companies have got certain rights by the legislation of two years ago, and they are satisfied. That legislation of two years ago provides just what this bill does, that Congress reserves the right to alter, amend, or repeal the act. That is in the new bill as it is in the old act.

This new bill is one which had its origin in a suggestion from the Committee on the District of Columbia, that although the railroad companies may be satisfied with the bill of two years ago, it will be a great deal better for the public to have one station instead of two, and to have this great and magnificent building which is to be of greater length, I think, than the Capitol, built by the joint action of the railroad companies, for the ornamentation and convenience of this capital.

The only difference between the bill if amended as the Senator from Colorado proposes and without the amendment is that under the amendment any railroad company that wants to go in may go to the supreme court of the District of Columbia and get leave as of right, while without it Congress has the right, under this repeal clause and under its power of eminent domain, when it passes a law authorizing a new railroad to go where it does not go now, to give permission to such a railroad to enter that depot, and the courts or some public officer shall assess the damages. In other words, the only question is whether this shall be an absolute right to be enforced by the courts in all cases without the

further assent of Congress or whether it is a right which Congress has the power to confer hereafter under its general power of eminent domain or under special authority reserved in the final sections of both bills.

Whenever a railroad goes to that depot or goes through the streets of Washington to get there, it will be necessary to get an act of Congress to do it. There is no power to do it now. When Congress grants the power to do it in the future, it must then determine whether the railroad shall be authorized to go into this depot, the damages to the other railroads to be assessed and the details arranged by the court or by some board of public officers. I do not think the courts are a very good tribunal to attend to such matters. If we had a board of railroad commissioners, that would be a better tribunal to determine the convenience of the public in the matter of depots and the occupation of streets; but as we do not have a board of railroad commissioners, the Commissioners of the District are a better tribunal than the courts. If it is not thought proper to confer the authority on the District Commissioners, the Department of the Interior, through such agencies as it shall select—practical railroad experts—is a better tribunal than the courts; but at any rate you will have to get an act of Congress on the subject. If this bill passes with the amendment of the Senator from Colorado, we tie up Congress by having a jurisdiction in the District supreme court; and if the amendment does not pass, Congress may then do what it thinks reasonable. So I have surrendered and abandoned my purpose to support the amendment for that reason.

Mr. TILLMAN. May I interrupt the Senator?

Mr. HOAR. Certainly.

Mr. TILLMAN. As I understand the reading of the act of February 12, 1901, there are no vested rights in these railroad companies that Congress can not amend or alter.

Mr. HOAR. Certainly not.

Mr. TILLMAN. In other words, the railroads have nothing——

Mr. HOAR. And they have not in this bill.

Mr. TILLMAN. Yes, I know; but the Senator, as I understood him, said that the railroad companies already possessed all they wanted.

Mr. HOAR. I did not say any such thing. I beg the Senator's pardon, if I spoke too earnestly. So far as I am aware, I did not say any such thing as that.

Mr. TILLMAN. I will call the Senator's attention, if he will permit me, to the rule which he called down on the Senator from Utah [Mr. RAWLINS] yesterday. [Laughter.]

Mr. HOAR. What is that?

Mr. TILLMAN. I was just going to remark that the Senator had introduced a certain rule and called the attention of the Senator from Utah [Mr. RAWLINS] to it yesterday, and I was about to suggest that the Senator had better be careful or he would break the rule himself.

Mr. HOAR. In what respect?

Mr. TILLMAN. In what you just said to me.

Mr. HOAR. What did I say to the Senator?

Mr. TILLMAN. You contradicted me flatly, which I think was conduct "unbecoming a Senator."

Mr. HOAR. I beg the Senator's pardon.

Mr. TILLMAN. I grant it. I do not intend to get into an unnecessary wrangle about it.

Mr. HOAR. Mr. President, I will agree that the Senator from South Carolina is an expert in the particular matter of which he is talking, but I do not understand that when a Senator says to me that I have said something, and I reply that I did not say any such thing, and before the sentence was over I added "and I beg the Senator's pardon; perhaps I stated that too emphatically," that that statement of mine should be compared with a statement that Senators had skulked and slunk out of the Chamber. If the Senator from South Carolina thinks it should, I will yield to his authority and go on with my statement.

Mr. TILLMAN. Will the Senator allow me a word right there?

Mr. HOAR. I think I would rather have the Senator wait until I get through.

The PRESIDENT pro tempore. The Senator from Massachusetts declines to be interrupted.

Mr. HOAR. I do not care about entering into a discussion of my own propriety of speech.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts declines to yield to the Senator from South Carolina.

Mr. HOAR. I have done my best.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I wish to say again whenever any railroad wants to go into that depot or cross the streets of the city or share in the advantages which the depot will afford, it has got to get an act of Congress; and when that act of Congress shall pass, it will undoubtedly be within the power of Congress, first, because the present proposed statute affirms the power to alter, amend, or repeal the law, and next, without any legislation they have the right to do that under their power of eminent domain.

The only question is, therefore, when we are asking these railroad companies to give up something we have undertaken to give them and consent to something at our request, we had better settle now the question whether the supreme court of the District shall be the tribunal to fix all the arrangements to be made in that complicated transaction or whether we had better leave the enabling act to provide that or some other tribunal of the kind. That is all there is of it.

Mr. TILLMAN. Mr. President, I am sorry the distinguished Senator from Massachusetts [Mr. HOAR] should be so sensitive. I did not intend a moment ago in calling attention to his rather emphatic and, under certain circumstances, more or less insulting rejoinder to my utterance, to imply that the Senator intended anything discourteous. I had no desire to get into a wrangle with him or to raise any issue with him. It occurred, though, to my mind that as he is a stickler for good order and decorous language and Senatorial courtesy and dignity and all that kind of thing, he ought to set us youngsters a very high example. Ordinarily, I will say, the Senator does set us an example, which all of us might imitate with profit if we were able to do so, but I have noticed that the Senator habitually, I might say, breaks certain rules of this body—habitually—almost every time he gets on his feet, and while he does not do it in any undignified way or with any desire to show discourtesy or to obstruct discussion in the Senate, he ought to make allowances for the rest of us who have our foibles and shortcomings. That was all I desired to direct attention to, and I was not intending in any way to offend the Senator or to give him any cause for anger or to shut me off arbitrarily, as he did, or anything of that kind.

There is in regard to this matter which we have under discussion this phase—either the Senator from Massachusetts [Mr. HOAR] or some one in that neighborhood—possibly it might have been the Senator from Ohio [Mr. FORAKER] who was gyrating out of his orbit a moment ago—said something of that kind. But possibly I had better withdraw that language as being "unworthy of a Senator" or undignified.

Mr. FORAKER. The Senator from South Carolina ought at least to specify which Senator from Ohio was "gyrating out of his orbit." I do not know what he means by that very unusual expression—"gyrating out of his orbit."

Mr. TILLMAN. Well, your orbit is over here on this side of the Chamber.

Mr. FORAKER. Oh!

Mr. TILLMAN. And being on that side of the Chamber—not that the Senator does not frequently go there during the discussions in this body—if I remember aright, either the Senator from Massachusetts said there were certain rights already vested in these two railroad companies and that they had already what they wanted—but the Senator from Colorado now suggests to me that it was not the Senator from Ohio who made the remark to which I have referred, but some one in his neighborhood——

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. The Senator from South Carolina was so occupied in watching the gyrations of the Senator from Ohio, who was outside of his orbit, that he did not notice what the Senator from Ohio said. If the Senator referred to any remarks made by me, they were practically directly the opposite of what he has indicated.

Mr. TILLMAN. Do I understand the Senator, then, supposing that I have located it wrongly or misunderstood it, to contend that these railroads have no right now that Congress can not take away or alter or change? In other words, am I to understand that there is nothing vested; that they have done nothing which would leave us as a body and as a Congress subject to the rules of equity to do justice to these people should we change the law of 1901?

Mr. FORAKER. Mr. President, the remark I made was more in the nature of an inquiry than an assertion. The inquiry I made was directed to the Senator from Colorado [Mr. TELLER]. I was endeavoring to ascertain whether or not anything had been done under the act of 1901 that had given to these railroads such vested rights that we could not equitably and in good conscience repeal, alter, or amend the law that was then enacted. It is my opinion that we ought, if possible, to enforce a union depot. We do not want as many stations as there may be railroads desiring to come into Washington. I favored the legislation of 1901, because we were consolidating into two depots all the terminal facilities of this city, and I was gratified when there seemed an opportunity to consolidate the two into one, as this bill provides.

I shall regret exceedingly if there is anything standing in the way of such legislation as will enforce the entrance into that union depot of all the railroads that may come into this city. I simply wanted to know, interrupting the Senator from Colorado, who I thought was informed on the subject, whether or not anything had been done under that act to give a vested right which would stand in the way of our so legislating as proposed by the amendment offered by the junior Senator from Colorado [Mr. PATTERSON], which amendment seemed to me to be equitable and just.

Mr. TILLMAN. Then, Mr. President, I must have misunderstood the language of some one in the neighborhood of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. The Senator will allow me to repeat what I said.

Mr. TILLMAN. With pleasure, always.

Mr. HOAR. Mr. President, I said that Congress had the perfect control over this subject for two reasons, and will have it after this bill shall have been passed: The first is the power of eminent domain and the second is because we reserve the power to alter, amend, or repeal both laws.

I said that the railroad companies had got what legislation they wanted two years ago, and this bill proposes to change it for the public benefit, without any regard to the desires or interests of the railroad companies, not that they have got such rights as they wanted or that they have vested rights that could not be enforced.

The Senator from South Carolina rose and said, as I understood him, that I had said that the railroads had got vested rights which we could not take from them. To that I replied, "I did not say any such thing," but immediately added when I made that statement, "Perhaps I stated that too emphatically."

Mr. TILLMAN. If the Senator makes that assertion or apology, or whatever he may term it, it is perfectly satisfactory to me. I have no desire to get into any contention with him, other than one that is pleasant and respectful, and his disclaimer is therefore entirely satisfactory.

The thing that I do not understand is, why it is that we should defer action in doing a desirable thing. I do not think anybody here will contend seriously that in legislating for a union depot and final settlement of the question of railroad entrance into this city we ought not to safeguard the interests and the rights of any railroad built in the future which may want to have the benefit of this entrance. The amendment of the Senator from Colorado only provides for something that is a very remote contingency, something that is not at all likely to happen, because, as the Senator from Massachusetts well said, no railroad can even get into the District without a charter from Congress; and Congress, when it grants such charter, would necessarily designate the streets and the lines that the railroad should take.

I want to call the attention of the Senator and of the Senate to the fact that the passing through this body of a charter of that character will be much more difficult in the future, when this monopoly which is created by this bill shall once get its grasp upon the transportation facilities here, than it will be if we put into this bill a general provision looking to a possibility or a contingency which may arise, and which when it arises will be met, if we are asked for a new charter, by the united opposition of all these corporations which now have this proposed scheme under way. Therefore, I do not understand why the chairman of the Committee on the District of Columbia and the members of that committee and the Senate in general should object, and, in fact, should not enforce this general provision, which, as I said, is a remote contingency, resting solely upon the possibility, not the probability, that in the future, in the next twenty, fifty, or hundred years, there may be such a condition that it will be desirable that some other railroad should enter the city and enjoy the facilities of this union depot.

We know perfectly well we are never going to have any other union depot in this city but the one now proposed, and I confess that I do not see why Congress should stand here and be called to a halt or be held up, so to speak, by this proposed monopoly with the threat, which was uttered by the chairman of the committee who presented this bill, that if we did not let this bill stay just as it is and not amend it with these great donations of money and of rights of way and other things which, in the language of the Senator from Colorado, amount to several million dollars—I say I do not understand why we should not now fix this general law, dealing with terminal facilities in this District in a way that will safeguard the interests of any future railroads that may want to enter.

With the rapid consolidation now going on in railroading, the absorption of the little roads by the big ones, the constant Morganizing, I may say, of our transportation facilities, it is not probable that there will be a body of capitalists who will have the temerity to undertake to enter into competition with this combination; but if it should come to pass, why should not such a railroad as may be seeking to get into the city, instead of having to come here to get a special act passed for its benefit, be allowed, under the general law, to go to the courts—to the Supreme Court of the United States, if you please, as the Senator found fault with the supreme court of the District, and specified several other bodies that were more desirable in that view as arbitrators of this matter, to settle finally what should be the conditions upon this new putative or expected or anticipated road should enter? I do not see, if it is objectionable to give the jurisdiction to the supreme court of the District, why we should not give it to the Supreme Court of the United States direct, without any intermediary step. Therefore, it appears to me, Mr. President, this amendment is so eminently proper and wise that I can not see for the life of me why any man should object to it.

I hope I have been guilty of no discourtesy to my fellow-Senators who do not agree with me in that. I do not want to tread on anybody's toes here.

Mr. HANSBROUGH. Mr. President, when this bill was reported from the Committee on the District of Columbia the statement was made in the public prints that the Committee on the District of Columbia was unanimous in favor of it. I think I may call on the chairman of the committee to confirm me in the statement I make to the effect that there was at least one member of that committee who was not in favor of the bill, and that member was myself. I speak only for myself.

Mr. President, I am against this bill for reasons entirely apart and altogether different from those stated by the Senator from Colorado [Mr. PATTERSON] yesterday. I am for the amendment presented by the Senator from Colorado for the reasons which he then stated.

If the Pennsylvania Railroad were a young, struggling enterprise and needed the assistance of the Government of the United States, I would willingly give my vote toward a subsidy for the enterprise which is proposed in this bill; but it is a well-known fact that the Pennsylvania Railroad Company is one of the richest corporations in this country. It is also a well-known fact, I believe, that it recently absorbed the Baltimore and Ohio Railroad Company, and that the purpose of this union depot here is simply to fix the railroad facilities for Washington hereafter so that there will be but one road running into the city of Washington, the capital of the United States.

I have said that the Pennsylvania Railroad Company is not a pauper company; that it is not a young and struggling company, or enterprise, or corporation. It is strong and vigorous and wealthy. Its stock to-day on the market is worth $150 for a full share.

Mr. President, my idea of a Government subsidy—and when I speak of a subsidy in connection with this bill I refer to the fact that we are here appropriating practically about $5,000,000 toward this enterprise—my idea of a Government subsidy is that when it is given it should be for the benefit of some struggling enterprise, some enterprise which is going to be beneficial to the country and which needs the subsidy, which needs the help proposed; but in this case the Pennsylvania Railroad Company is far better able to construct this depot and build the approaches to it and build a tunnel through this Capitol Hill to reach it than the Government of the United States is able to give the company $5,000,000, because the securities of this railroad company in proportion are worth more than the securities of the Government of the United States. So that it is not a pauper institution; it is not an institutiou which requires the aid of the Government or of the States. It is far beyond that period and is able to stand alone.

There was something said here yesterday about what other States do in cases of this kind. I do not know what the State of New Hampshire does particularly or what the State of New York does, but we should draw a line, it seems to me, between the city of New York and the city of Washington. Washington is not a commercial city; it is an official city. There is no competition here as there is in New York. The business enterprise of New York and the business men of New York can very well afford doubtless to give great sums of money for additional railway facilities, but why should the city of Washington do it—a city that is almost wholly dependent upon Government appropriations for its support.

In my own section of country in the Northwest I never knew of a railroad company asking the State to build a depot for its purpose. In the city of St. Paul and in the city of Minneapolis the railroad companies, as I understand, have built their own depots.

Mr. GALLINGER. Will the Senator from North Dakota permit me to interrupt him?

The PRESIDENT pro tempore. Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. HANSBROUGH. Certainly.

Mr. GALLINGER. I am sure the Senator, Mr. President, does not want to misrepresent that matter.

Mr. HANSBROUGH. Of course I do not.

Mr. GALLINGER. When he talks about cities building railroad depots, by inference asserting that there is a proposition in the pending bill that the United States Government and the District of Columbia shall contribute something for that purpose, I wish to say that there is absolutely nothing in the bill which authorizes a statement of that kind. The United States Government and the District of Columbia, under the laws passed last year, made donations of $5,000,000 for the purpose of eliminating grade crossings in the city of Washington. That amount is included in this bill. In addition to that there is an appropriation to build a plaza in front of the station for the ornamentation of the city of Washington. Not a single cent is donated for the purpose of constructing the station.

Mr. HANSBROUGH. Mr. President, I am aware of the fact which the Senator states, that there is no specific appropriation in this bill for a depot. We are all aware of that fact, but it is true, nevertheless, that under the legislation of two years ago, which is confirmed by this proposed act, and under the additional sums appropriated by this bill, the railroad company—and I speak now of one company, because there is but one company in Washington—will in the end receive about $5,000,000 from the Government, and from the District a much larger sum—but from the Government of the United States about $5,000,000.

Mr. President, it matters not whether that money is spent for a depot or for grade crossings, or for a tunnel through Capitol Hill. It goes into the coffers of the company, whose stock is much above par. There ought to be enough patriotism in that company, which has fared well at the hands of the American Congress, which has done well in coming to Washington and in now controlling the railroad business of Washington, to build a depot itself and to put in these improvements. I do not hesitate to say that if any other enterprise in this country whose stock is worth a hundred and fifty-one or a hundred and fifty-two dollars a share had the opportunity to come here and receive the benefits which the Pennsylvania Railroad Company is receiving at the hands of the people of Washington and at the hands of the Government of the United States it would gladly put in these improvements.

In the report of the committee I observe an array of figures which it is very difficult to comprehend. The Senator from Michigan, the chairman of the committee, stated this morning that the bill was first submitted to the railroad company. I doubt if any lawyer here can read this bill through and thoroughly understand it. We might find the traditional Philadelphia lawyer able to do it. Indeed, I have no doubt that the bill was drawn by that traditional Philadelphia lawyer. But in the report I see some figures to the effect that the railroad company itself is going to expend about $14,000,000. That might be considered an inducement for the Government of the United States to put its hands in its pocket and give $5,000,000, but who will know whether this railroad company expends that amount of money or not? Who will know anything about it? Only the railroad company, of course.

Mr. McMILLAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. HANSBROUGH. Certainly.

Mr. McMILLAN. I will say to the Senator from North Dakota that the railroad company in every case has presented the figures to the engineer of the District of Columbia, and every one of those figures has been gone over with very great care; and, while they may not be perfectly accurate, I have no doubt the figures are correct to a very close fraction.

Mr. HANSBROUGH. We are obliged to take the statements of the company, as we have been obliged to take the bill which has been presented to or drawn by them.

Mr. McMILLAN. I think I stated very clearly this morning that the bill was drawn and first presented to the railroad company because it is a technical bill. It is a bill which could not be drawn by anybody unless he understood the streets and alleys and avenues of the city. It had to be drawn by engineers. It was then submitted to the Commissioners of the District of Columbia. It was gone over with great care by the Commissioners and by the engineers and then gone over by the committee. It certainly has had the greatest care and attention. We have been at it for months. There was a subcommittee which went over it and gave hearings. Certainly the bill has been drawn with great care.

Mr. HANSBROUGH. I understand that the Senator has given a good deal of attention to this bill. In fact, he has devoted a very large part of this session to it. I give him credit for his industry. So far as I am concerned, I have not had the opportunity to go over the bill as I should like to, but I have read enough of it to warrant me in saying, after an examination of the report and from my knowledge of the general situation in Washington, that I would not be justified in giving my vote to the bill. I so stated in the committee. I so state now. I think I know sufficient of the situation to warrant me in saying that I will vote for the amendment proposed by the junior Senator from Colorado [Mr. PATTERSON], for the reason that while we are now legislating on the subject I do not believe it is proper for us for all time to say that no other line shall be built to this city; and if we are building a union depot, and if the Government of the United States is putting its hand into its pocket to pay for it, I maintain that any company which has the enterprise and the money to put into a railroad to come to Washington ought to be allowed to enter the union depot, which is practically built by the Government. For that reason I will vote for the amendment, and I think if the amendment is adopted I shall then vote against the bill.

I started to say something about the railroads in the Northwestern States when I was interrupted. I referred to the fact that when the Northern Pacific and the Great Northern and the Soo road want facilities of this kind in any of the Northwestern cities they build them themselves out of their own pockets. I referred to the fact that in Minneapolis and St. Paul the three railroad companies which come in there have put up their own depots. All they asked was the ground to put them on. In the capital of my own State, the Northern Pacific road recently constructed a magnificent depot. They did not ask a dollar from the city or the State. They themselves put in the money. Over on the Pacific coast, in the city of Seattle, where two great railroads have their termini, all they ask is sufficient water front for right of way and a depot. They are not asking the city of Seattle, which is a most enterprising place, for a single dollar to help them to build a depot.

Mr. McMILLAN. Will the Senator from North Dakota allow me?

Mr. HANSBROUGH. Certainly.

Mr. McMILLAN. I should like to say to the Senator from North Dakota, that neither the Pennsylvania Railroad Company nor the Baltimore and Ohio is asking for one cent to build the depot. The depot is to be paid for out of the pockets of the railroads. The union depot, costing $5,000,000, is to be paid for entirely by the railroad companies. Not one cent will be paid or contributed toward it by the Government.

Mr. HANSBROUGH. As I said a moment ago, it makes no difference where go our $5,000,000, which is given toward the enterprise, whether they put it into the depot or into the grade crossings or into the tunnel. I say the company itself is amply able to put in this improvement, instead of coming here as if it were in dire need and asking the Government of the United States to help it out. That is my point. Whether the railroad puts it into a depot or wherever it goes, it is a bonus, it is a subsidy, an appropriation by the Government of the United States, and it is that to which I object. I say that the business of the city of Washington, which has been enjoyed by this railroad company, is sufficient to warrant it, and it ought to have patriotism enough to induce it, it seems to me, to put in this improvement. That is the only point I care to make, and this is all I have to say on the subject.

Mr. GALLINGER. Mr. President, the Senator from North Dakota [Mr. HANSBROUGH] surprises me very much in the statements he has just made. He says that if the Pennsylvania Railroad were a poor road he might give his vote for the subsidy proposed in this bill. The Senator did give his vote a little over one year ago for every dollar of subsidy proposed in this bill to the Pennsylvania Railroad and to the Baltimore and Ohio Railroad. The Senator must have seen new light since then, which I can not quite understand. The amount proposed to be given to the consolidated road under this bill for the elimination of grade crossings in Washington is identical with the amount in the two bills that were passed a year and a half ago. The only additional item is for the building of a plaza in front of the station, an improvement belonging to the Government and the District of Columbia which the railroad company has not asked to have made, and I take it the railroad does not care much whether it is made or not.

Mr. PATTERSON. Will the Senator allow me to correct him if I am correctly informed?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. The figures I used yesterday were those I took from the Saturday Evening Star, which contained nearly a page purporting to give the figures by the Commissioners of the District of Columbia. In addition to the money, $3,000,000, and $1,800,000 to be expended by the Government of the United States for other purposes, the article then gave the value of the real estate that was given to each of the roads in the bills in the last Congress. Let me read what it says:

To summarize the above, the value of public property in addition to present occupation with deductions for such as is restored to the public use, is as follows (the prices per square foot being either those used in previous reports and estimates or, where such are not found, being arrived at by careful analogous determination):

Under the act of February 12, 1901, in relation to the Baltimore and

Potomac Railroad, $1,374,000; in relation to the Baltimore and Ohio Railroad, $1,138,610; total, $2,512,610.

Under pending bill there is an occupation in common by both railroads of portions of public space, giving a total of $1,454,521.

It shows that by this bill a million and a half of real estate is given to the joint company that was not given to either of the independent companies by the act of the last Congress.

Mr. GALLINGER. I do not agree with the Senator in the figures he has given. The fact is that under the legislation of two years ago we made a grant of land to these companies. I do not know whether or not the present site, whereon stands the Baltimore and Potomac station, was absolutely granted to that company by the legislation of last year, but it is certain we did not give them a grant to construct an entirely new station on it, and it is not at all probable that we are going to dispossess them, if we have the power to do so, in the near future.

We gave a grant of land to the Baltimore and Ohio Railroad Company. I do not know to what extent. But now, under the present bill, the Baltimore and Potomac Railroad Company are going to vacate the land we gave them, if we did give it to them. We certainly gave them the occupancy of it, which they now propose to vacate, and they agree to construct a union station on land that certainly will not cost more than was granted to them under the law of a year and a half ago.

Mr. HANSBROUGH. The Senator says they are going to vacate the land we gave them last year, but he neglects to state that we are going to give them one million and a half of dollars for the land.

Mr. GALLINGER. I stated that two or three times yesterday, and it is not necessary for me to restate it, and I said yesterday that the land will be approximately worth $3,000,000 the moment it is given back to the Government, and there is no question about it.

The Senator from North Dakota inquired why Washington should make a contribution for the elimination of grade crossings. For ten years the press and the people of Washington have been thundering their anathemas against Congress for not getting rid of the dangerous grade crossings that are in this city, and I know of no reason why the city of Washington should not make a contribution as well as the other cities of this country to the elimination of grade crossings.

Washington is not a poor city. Washington receives an enormous amount of money which goes into ready circulation by the army of those in official employment in the city, and Washington pays less in taxes than any other city in the United States. Some Senator may say that the Star, which has been quoted here to-day, controverts that statement, but the fact is that the people of Washington pay practically nothing by way of a personal tax, and the property holders here pay a rate of one and a half per cent on their real estate, which is valued for taxation purposes at 65 per cent of its real value. There is no other city in the United States which pays so small a tax as that, and I know of no reason why the District of Columbia should not make a contribution to this most important public improvement.

The Senator from North Dakota says he does not know what has been done in other States. I will tell him what has been done in some American cities and by some States to get rid of grade crossings. The city of Philadelphia paid $1,020,000 for the elimination of the grade crossings on the Philadelphia and Trenton Railroad alone, by five separate ordinances which were passed by the city government of Philadelphia—$1,020,000 for the elimination of grade crossings on an inconsequential railroad entering the city of Philadelphia.

The city of New Haven paid one-half of the cost of carrying the steam railroad tracks over East Chapel street.

By special act of the legislature of Massachusetts, providing for a change of grades, etc., on the Providence division of the Pennsylvania Railroad in the city of Boston, 55 per cent was paid by the railroad company and 45 per cent by the Commonwealth, the city of Boston being required to refund the State 30 per cent of the whole cost.

For similar changes in Brockton, Mass., including new stations, yards, tracks, etc., the railroad company paid 65 per cent, the State 25 per cent, and Brockton 10 per cent.

Brockton is a small city in the State of Massachusetts.

The law of the State of Massachusetts now provides that no matter from which side an application is made to abolish grade crossings 65 per cent shall be paid by the railroad company, 25 per cent by the State, and 10 per cent by the municipality.

A recent law of the State of New York divides the cost of abolishing grade crossings as follows: Fifty per cent by the railroad company, 25 per cent by the State, and 25 per cent by the municipality.

In a letter addressed to the chairman of the Committee on the District of Columbia, dated October 16, 1899, Mr. William Jackson, city engineer of Boston, states that in a special case involving an expenditure of $4,000,000, the State and the city of Boston paid 45 per cent (of which the city assumed 13.5 per cent) and the railroad company paid 55 per cent.

In a letter dated October 17, 1899, Mr. G. S. Webster, chief engineer of Philadelphia, states that in the construction of the Pennsylvania avenue subway, whereby 16 grade crossings were abolished, involving an expenditure of $3,000,000, the city paid one-half and the Philadelphia and Reading Railway Company paid the other one-half.

These are sample cases, and many others might be cited.

The Senator from North Dakota says that is not the custom in the West. I do not know how that may be, and yet the Senator gave away his argument when he said that in St. Paul all the railroad company demanded was a site on which to construct its station. I do not know the difference between a contribution of land and a contribution in money. He says that in the city of Seattle, a small city, as we all know, and a city that has not been very prosperous of late years, all the railroad demanded was the privilege of the water front. That may be an enormous privilege. It may be a privilege almost beyond computation. I do not know how valuable it is. But the Senator's illustrations show that in both the city of St. Paul and the city of Seattle subsidies have been given to corporations for making improvements, and those improvements seem to be the construction of stations and not the elimination of grade crossings, and for that reason much less defensible than the provisions of the bill under consideration.

Mr. President, I do not care to detain the Senate more than a few moments longer in discussing this matter.

Mr. HANSBROUGH. The Senator ought not to put that interpretation on what I said. I did not say that the roads had received contributions for the construction of depots. I said just the contrary. They have received no contributions for the construction of depots. The railroad companies themselves built the depots. So far as I know, all they ever have asked is simply a site, and in the capital of my own State they furnished the site themselves. The Senator ought not to say the city of Seattle is not a prosperous city. It is one of the most prosperous cities in the United States. It is one of the most vigorous and go-ahead places I ever visited, I think.

Mr. GALLINGER. I have no disposition to misrepresent the Senator or to underestimate the importance of the city of Seattle, and I am glad to know that that city is prosperous. It is a mere matter of splitting words, if not hairs, when the Senator claims that the contribution of a site to a railroad company on which it shall construct a station is not a gift to the railroad company for constructing that station. It must be so patent to every other Senator that it is a contribution of that kind that I will not stop to discuss it.

The chairman of the Committee on the District of Columbia has given ten years of valuable study to the question of railroad terminal facilities in the city of Washington, and the committee itself has given days, weeks, and months to an investigation of this subject. It has been a long and tedious process. The citizens have demanded that certain improvements shall be made; the press has demanded it; and the committee responded to that demand and thought it a very desirable thing to accomplish, if it was possible of accomplishment.

Mr. PETTUS. I desire, for information only, to be informed by the Senator what ojection has the committee to the amendment proposed by the Senator from Colorado?

Mr. GALLINGER. I will say in reply to the interrogatory of the honorable Senator from Alabama that the committee has never had an opportunity to consider it.

Mr. PETTUS. Then, if the Senator will allow me——

Mr. GALLINGER. Certainly.

Mr. PETTUS. I will ask the Senator what objection he has to the amendment?

Mr. GALLINGER. I will get to that, and possibly I may not state any objection to it before I get through.

Mr. President, the chairman of the Committee on the District of Columbia stated the matter accurately when he said that the railroads, or the railroad, if you choose to call it one corporation, had made no request and had asked for no favors at the hands of Congress at this session. We did have two bills before us during the last Congress dealing with the question of terminal facilities for the two roads, which were enacted into law. As I understand the matter, the railroads are quite content to let it rest where it is. The committee asked the railroads not to proceed under those acts until an attempt was made to secure a union station, which they kindly consented to do, and for that reason no work has been done under the legislation of a year and a half ago.

In reference to the amendment to which the Senator from Alabama kindly called my attention, I will say that no man or corporation appeared before the Committee on the District of Columbia advocating an amendment of that kind. It never was considered by the committee, and the committee were unaware of the fact that any such privilege was desired. The bill under consideration follows the lines of previous legislation. It follows the lines of the legislation of a year and a half ago, against which no protest was uttered, and for which Senators who are now protesting against this bill voted. The committee supposed they were doing their full duty in reporting the bill in the form in which it is.

Mr. President, I confess I was very much surprised yesterday when the amendment was offered in the Senate by the junior

Senator from Colorado, and especially was it a matter of surprise to me that he made such an impassioned speech in which he, I thought, by insinuation at least, attacked the committee, charging that the bill which the committee reported created a monopoly, and making certain suggestions as to fraud committed in other cities in the matter of franchise rights.

I will also venture to say that the Senator from Colorado, doubtless laboring under a misapprehension, gave very extravagant figures as to the appropriations that are made under this bill on the part of the Government and the District of Columbia for securing this very desirable improvement in the city of Washington.

Of course the Senator from Colorado did not impute improper motives to the committee or to Congress in the matter of granting franchise rights. He could not have done that, because the corporations with which we are dealing secured their franchise rights a great many years ago—the Baltimore and Potomac thirty-one years ago and the Baltimore and Ohio Railroad at a time antedating that period. So, of course, no suggestion could be made that there was any danger of anything happening here in the matter of this legislation which would not be proper and honorable and honest.

Mr. President, I wish to devote a few moments of time to a consideration of the rights that the Baltimore and Potomac Railroad Company have to their present site. I said yesterday that, as I understood the matter, they had rights there which were undoubted. I am not so sure, after looking the matter over more carefully, that they have rights which they could assert and maintain in a court. Yet it is a fact that in 1871 Congress did grant them the right to build on the site where their station now is, ratifying an act of the municipal government which gave them that right at a preceding period. It ought to be remembered that prior to granting this company the right in 1871 it had been given a grant to build a station south of Virginia avenue, and that when the grant was made in 1872 the former grant was repealed. A proviso in the law of May 21, 1872, is as follows:

Provided further, That the act of Congress approved March 3, 1871, granting a site for a passenger depot to said railroad company upon Virginia avenue is hereby repealed, to take effect when said company obtains possession of the depot property on Sixth street, as described in this act; and no passenger or other depot shall be constructed by said company on said site.

So, thirty-one years ago Congress did grant the right to the Baltimore and Potomac Railroad Company to construct a depot on Sixth street, where they are now in possession. I do not suppose any Senator will contend that Congress would undertake to dispossess the company if it continues to occupy that site under the statute of March 21, 1872. It has made very heavy outlays of money, including the construction of a station. Congress gave the company the privilege of doing that, and, simply because Congress reserved the right to alter, amend, or repeal the act—which is the usual provision in all acts of this kind—is no valid reason for the belief that Congress would seriously attempt to dispossess that company from the property which it now holds.

But however that may be, Mr. President, in 1901 we gave that company further rights. Under the act which was passed February 12, 1901, we gave the further right to the company to construct a new station on that site. Section 3 provides:

That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the condition hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest, etc.

It will thus be seen that only a year and a half ago we granted to that company the right to occupy the Mall and to construct a new station on the site which is now occupied by the old station. So I think the contention that Congress can dispossess that company at will, while it may be technically right in law, has very little potency as a matter of good business judgment. I do not believe Congress would ever seriously think of doing anything of the kind.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly.

Mr. TILLMAN. I hope the Senator does not understand those of us who are objecting to some features of this bill, or rather trying to incorporate this amendment into it, as being opposed to the proper improvement of the railroad facilities of this city. We are anxious for a union depot. We are anxious for one that will be respectable and decent and even beautiful. We are not opposing this improvement. We are simply trying to guard against a possible contingency which may arise in the future, and we, as wise legislators, ought to take care to see that the provision is placed in the bill. In the development of railroads in the future it may be necessary for some other line to enter this city, and we should provide that it shall have the right to enter the city on the tracks and to use the terminal facilities herein provided; and if such imaginary or putative corporation can not agree with those now in charge or in possession that they shall have the right to appeal to the courts of the District of Columbia. That is all we are asking for. We are not opposing this improvement. We want to see it carried through.

Mr. GALLINGER. I think, Mr. President, I do not misunderstand the position of the Senator from South Carolina at all, and I would not have troubled the Senate by the observations I have made were it not that on yesterday the junior Senator from Colorado made a much broader attack, if I may so call it, upon this bill than the simple proposition involved in his amendment. The Senator from Colorado charged that this bill proposes the creation of a great monopoly. Well, Mr. President, it creates no greater monopoly than exists to-day under the statutes.

The Senator descanted on the value of franchise rights. Why, Mr. President, this does not grant any franchise rights. As a matter of fact, it surrenders franchise rights. We have now two railroads having franchise rights in the District of Columbia by legislative sanction, and we simply propose to put those two railroads in one station instead of two stations, which, under existing laws, they have a right to occupy. That is all there is to that.

There was no suggestion made to the committee that the proposed legislation would create a monopoly, and I feel that I can speak for every member of the committee when I say that there was no thought on their part that they were creating a monopoly that would work to the disadvantage of the people of the District of Columbia or the people of the country.

Now, Mr. President, one or two further observations and I am done. The junior Senator from Colorado, in his earnest and eloquent way, criticised the proposed expenditure of money provided for in this bill by the Government and the District of Columbia for the construction of a plaza in front of the proposed station. The railroad company, I take it, cares very little whether a plaza is constructed or not. If we grant to these corporations the right to build a union station on the site that is proposed in the bill, which is sometimes designated as "Swampoodle," I presume they will build a station there, and the people of the District and of the country will have to get to that station whether there is a beautiful plaza in front of it or not. The railroad company will have just as much business if their patrons are compelled to wend their way through narrow streets and avenues and alleys to get to the road as they will if there is a plaza in front of it.

The only thought the committee had in this respect was that when we are planning to beautify Washington this magnificent monumental railroad station, which will cost four or five million dollars, the finest railroad station in all the world, should have beautiful approaches, and it seems to me that the Government and the District of Columbia can well afford to build agreeable approaches to it. That is all that the bill contemplates. I know that we could not enforce that upon the railroads, and I have very little idea that any railroad corporation would conceive it to be its duty to invest a very considerable sum of money in beautifying the approaches to a railroad station.

Now, Mr. President, the committee has done the best it could in the matter of this proposed legislation, having given a great deal of time to the consideration of the subject, and it rests with the Senate to determine whether in its judgment the work has been wisely done.

As to the proposed amendment, I am not prepared at this moment to say whether I shall vote for it or against it. I hope that some agreement will be reached on the part of the chairman of the committee and those who think that the bill ought to be amended in that particular upon some proposition that will command the votes of the entire Senate. I am not hidebound about it at all. This great public improvement I have at heart very much, because I have chanced to be a member of the subcommittee of the Committee on the District of Columbia having in charge the project to make Washington the most beautiful city in the world. Perhaps I have been indulging in a dream about that, but I have this matter very much at heart, and I do dread to contemplate the possibility of losing this legislation by incorporating anything in it that will result disastrously to the bill. The construction of this magnificent railroad station will be an object lesson, and will have great influence on the character of the public buildings that are in contemplation in this city.

Mr. PATTERSON. If the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. PATTERSON. I want to say that so far as I and my colleague are concerned, we will cooperate heartily and fully with the Committee on the District of Columbia in its very praiseworthy object of making the capital of the United States the most beautiful capital in the world. But I wish to say to the Senator that, actuated by such a motive and hoping that the dream will be realized, I would rather see it all sink into hopeless loss forever than to be a party to giving what I contend is a monopoly, pure and simple, for all practical purposes, to the travel and the freight

coming to and going from the capital of the country. I heartily meet the suggestion of the Senator from New Hampshire that those of us who do not desire this monopoly to exist may be able to reach a satisfactory solution of the difficulty that seems to exist now. I and those of us who think as I do will be very happy indeed to cooperate for that purpose.

Mr. GALLINGER. Mr. President, as I suggested in the beginning, it is unfortunate that this proposition had not been brought to the committee. I understand that there is one particular corporation in which the people of Colorado are greatly interested financially.

Mr. PATTERSON. No; it is two or three of our citizens.

Mr. GALLINGER. Very well.

Mr. PATTERSON. And I want to say——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. I yield to the Senator.

Mr. PATTERSON. So far as the Senators from Colorado are concerned, we have no more interest in that road, directly or indirectly, except friendship for those who are interested, than the honorable Senator has in the Pennsylvania road. Further, I was told that the amendment, or something similar to it, had been suggested to some members of the committee—which of them I do not know—and it was received with no favor. In any event, after it was introduced I had a conversation with the chairman of the committee; and the chairman, for reasons that he gave, said that he could not consent to it. That was before it was brought up upon yesterday. Certainly there was no desire on my part to bring this matter before the Senate without having given the committee ample and full opportunity to consider it.

Mr. GALLINGER. Of course I know the Senator has no interest in the road for which he pleads. He says that the amendment will benefit two or three citizens of his State. He represents his people, and that is proper. The Senator has the same relation to that road that I have to the Pennsylvania Railroad. I never have spoken a word in my life to any official connected with the Pennsylvania Railroad. I do not know Mr. Cassatt, the president. He has never done me the honor to call on me or even to write me a note concerning this or any other legislation. He certainly has not been troublesome to me as a member of the committee, and I think he has not been troublesome to the committee. On the contrary, I have reason to know—I get it from the chairman of the committee—that the corporation is entirely content with the legislation that is on the statute books to-day.

I do not join, Mr. President, with the suggestion made by the junior Senator from Colorado that he would rather see this legislation fail than not to have an amendment in the line suggested by himself incorporated in the bill. If I can be brought to believe that the legislation will fail in the event of an amendment of that kind being adopted I shall feel compelled to vote against the amendment, because I want very much to have this legislation become a reality.

But as I said a moment ago, I hope some common ground may be found, and before we get through with the consideration of the bill, which is not to be to-day, I infer, from the fact that the clock has almost reached the hour when the unfinished business will come up for consideration, that some agreement may be reached whereby every Senator will support this legislation, which to my mind is of the utmost importance not only to the District of Columbia, but to the entire country.

This is all, Mr. President, that I care to say concerning the matter.

Mr. HANNA. Mr. President, the morning hour has about expired, and I simply wish to be recognized. I want to say something on the bill to-morrow.

REPORT ON BEET-SUGAR INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering a report on the progress of the beet-sugar industry in the United States during the year 1901.

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

Mr. PLATT of Connecticut. Before 2 o'clock arrives, I desire to ask for a unanimous-consent agreement, if I may do so at this time.

The PRESIDENT pro tempore. The Chair recognizes the Senator.

Mr. PLATT of Connecticut. The friends of the bill for opening the Rosebud Reservation are very anxious to have consideration of that bill. It has been objected to because it could not be discussed under the five-minute rule. I desire to move an amendment and to discuss the bill. I therefore ask unanimous consent that after the matter which was under consideration this morning shall be disposed of, that bill may be taken up after the routine business in the morning hour, and discussed without limitation as to time.

Mr. WARREN. Does the Senator from Connecticut ask that it be considered to-morrow, or at some later time than to-morrow?

Mr. PLATT of Connecticut. Whenever the matter which is now under discussion in the morning hour shall have been concluded.

Mr. WARREN. I merely call the Senator's attention to the fact that there is an agreement to go into executive session to-morrow immediately after the morning business.

Mr. PLATT of Connecticut. Well, whenever the opportunity shall occur after the consideration of the matter which has been under discussion this morning.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the bill to which he refers may be taken up for consideration in the morning hour after the final disposition of the bill now under consideration in the morning hour, and that there shall be no limitation of the five-minute rule in the debate. Is there objection? The Chair hears none, and the order is made.

Mr. JONES of Arkansas. What is the bill?

Mr. PLATT of Connecticut. It is the bill relative to the opening of the Rosebud Reservation.

The PRESIDENT pro tempore. The number and title of the bill will be stated.

The SECRETARY. Order of Business 675, a bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask unanimous consent that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill was engrossed, read the third time and finally passed be reconsidered, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

RED RIVER BRIDGE AT SHREVEPORT, LA.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask that the same order be made in that case.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill was engrossed and read the third time and finally passed be reconsidered, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 2974) for the relief of J. V. Worley; and

A bill (H. R. 8769) for the relief of S. J. Bayard Schindel.

The bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

OMNIBUS CLAIMS BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments

of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known at the Bowman Act, and asking a conference with the Senate upon the disagreeing votes of the two Housee thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. TELLER, and Mr. MASON were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BERRY. I move that the Senate insist upon its amendments and agree to the conference asked by the House. I make this motion in the absence of the Senator from Michigan [Mr. MCMILLAN].

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. ELKINS, and Mr. BERRY were appointed.

REPORT OF GOVERNOR OF OKLAHOMA FOR 1901.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

BILLIARD AND POOL TABLES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" which were referred to the Committee on the District of Columbia.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS. Mr. President, there are a good many features which have intimate relation to this legislation, and the importance of it, I think, justifies us in an effort to present the facts which will enable those who care to deal with this subject intelligently to do so. That is my justification for detaining the Senate in the remarks which I make.

Last evening I was inviting attention to some considerations relating to the acquisition of lands held by corporations under the authority of the so-called Philippine government and the disposition of such lands to be made after their acquisition. This is, in my judgment, a very important matter relating to the future welfare of the islands, and I intend now to advert still further to that subject by calling attention to the specific language of the bill bearing upon that point.

Section 64 provides:

That the government of the Philippine Islands is hereby authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

Section 65 provides:

That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands.

The Senate will note that there is no fixed limitation as to the quantity of land which will be a sufficient justification for action on the part of the Philippine government under the clause "such large tracts or parcels as in the opinion of the Commission injuriously affect the welfare of the people of the Philippine Islands."

That may mean 100 acres or 100,000 acres. There is, of course, no limitation whatever, but it leaves the authority to be employed by the Commission in its own discretion without limit in respect to any real or personal property, whether held by corporations or individuals, and gives to the government the right to appropriate it in the exercise of the power of eminent domain. To what end, Mr. President, are they thus authorized to appropriate these lands and this property in this manner? After providing for raising the funds with which to pay for the lands we pass to section 66.

That all lands acquired by virtue of section 65 of this act—

That is the section to which I have just alluded—

shall constitute a part and portion of the public property of the government of the Philippine Islands—

Note the language, "the public property of the government of the Philippine Islands," not the public property of the United States—

and may be leased, let, sold, and conveyed by the government of the islands on such terms and conditions as it may prescribe.

That is a very extended authority. Can anyone see the limit upon it?

Provided, That the price to be paid by a purchaser shall in no case be less than the appraised value fixed thereon at the time of acquisition thereof by said government of the Philippines.

That is a possible and very insignificant limitation. Then follows a provision as to the payment of interest upon the bonds.

Thus this authority is to be exercised, not by the Government of the United States, but by the government of the Philippine Islands; the land is to be acquired in exercise of the power of eminent domain, provided that in the opinion of the government of the Philippine Islands it is held in such large quantities as may come within the purview of the power or may justify its exercise.

MAY MORTGAGE THE FUTURE.

Mr. President, as to the method of payment the government of the Philippine Islands does not pay for this land which is to become its property. The government of the Philippine Islands is composed of such "person and persons," who are vested with all civil, judicial, and military power, to be exercised under the direction of the President of the United States without limitation or qualification, even the qualification which originally pertained to the Spooner amendment, which conferred absolute power.

And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippines is hereby empowered to incur indebtedness, to borrow money, and to issue and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of the Philippine Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of the government of the Philippine Islands for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof.

And to charge certain rates of interest, to be payable within certain times, without limitation upon the amount of indebtedness which may be so incurred.

Thus the Philippine government is given power, not only to appropriate all the funds which may now be in the islands and all the moneys which they may derive from taxation of every conceivable description, but to mortgage the entire future of those islands by the issuance of bonds to the ends specified in these sections.

In justification or excuse for conferring these most extraordinary powers it is claimed that there are certain religious orders in the islands who have been or were in possession of large tracts of land and sums of money, and that the possession of such land and money by those orders constituted a disturbance of the peace of the islands and prevented the pacification and continuance of peace throughout the archipelago.

I want to invite attention to the fact that, in the first place, it was claimed that the amount that would be necessary to raise to secure these lands would be $5,000,000, but the limitation, it will be observed, is nowhere noted in this bill which the Senate is now called upon to pass.

The following, from a letter written by Buencomino, gives a general outline of these holdings:

The friars, my dear sir, have at their disposal here 36 religious centers, including churches and chapels, where they have 200 confessionals and 36 pulpits, which are constantly visited by deputies, both male and female.

They are also owners of 14 convents, which are enormous buildings, occupied by some 400 Spanish friars, including Jesuits, Benedictines, Dominicans, Augustines, Franciscans, Recolets, Paulines, and Capuchins of both sexes; and they support a great number of shoemakers, sculptors silversmiths, embroiderers, and other tradespeople.

The friars are bankers, shipowners, merchants, and proprietors of three-fourths of the buildings of the city.

The friars administer the funds of the so-called pious works, which amount to some $18,000,000 Mexican, and the funds, so called, of the miter, which amount to some $6,000,000 Mexican.

The friars manage eight schools founded by private parties, with large endowments, and, lastly, they maintain for the direction, administration, and representation of so many interests, 10 American lawyers and 20 Spanish lawyers, some of whom have recently brought out from Spain five Spanish and two English newspapers, from which are excluded the very important questions of the ownership of wealthy haciendas and administration of wealthy parishes, and, I repeat, they are very important questions because they affect the public order.

FOR THE BENEFIT OF SPECULATORS.

Passing from that question, Mr. President, the lands, which are distributed throughout the archipelago, held by these religious orders, in some thirty different localities, amounting to more than a half million acres, if we are to believe the testimony of Governor Taft, are no longer held by the religious orders referred to. He

says in his testimony that they have been transferred, but that, in his opinion, the transactions are only colorable; that in reality these lands remain the property of the religious orders in question. They are not the property of the apostolic authorities of the Catholic Church. They were the property of the different corporations constituting the five religious orders, and the property was supposed to be dedicated to certain specific charities in the islands; but I alluded to the fact that it was at one time thought that $5,000,000 would be sufficient to cover the purchase price of these lands. More recently the figures have been raised to $17,000,000.

It happens to have been disclosed in regard to some of these tracts, notably one in Mindoro, referred to in the testimony of Governor Taft, amounting to about 60,000 acres of land, that it has been disposed of at least under option to a man, who attained some notoriety as having been indicted for corrupting certain officers and people in the Philippine Islands. Having obtained an option upon this large tract of land at the figures therein mentioned, he was interested in disposing of the tract at a profit to himself and his associates. I have no doubt that the designation of the condition of that tract of land, which is to be appropriated under the authority to which I have referred, will be found to be true with respect to every other of these tracts claimed to belong to religious orders in the Philippine Islands.

The urgency or pressure is brought to bear to confer unusual and unlimited power upon the government of the Philippine Islands is in order that such government will issue bonds, raise the money, and appropriate these lands on terms which will prove profitable to the speculators who have obtained options upon them. • It is, of course, to the interest of these so-called religious orders in the islands to dispose of these lands. The orders have become so obnoxious to the inhabitants throughout the islands that they can not safely remain; they can not operate those large estates with profit; and, as disclosed in the testimony in the case which has been laid before us, they are at present unprofitable, owing partly to the disturbed state of the country; and these orders have been only too willing to make some arrangement, I have no doubt, with speculators to dispose of these lands; and the speculators, of course, have no other interest in this question than to obtain the profit upon the conditional investment made by them. The statement of Governor Taft that these transactions are colorable, when explained, will be found to mean nothing more than that the parties have obtained preferential rights of purchase, and hold those rights subject to the condition that they can dispose of these so-called friar lands to the government of the Philippine Islands.

Mr. President, ought we to confer authority like this to this end? If these lands were to be taken from the friars, who held them, if there was a necessity for this action in order that the people of the islands who want to make and maintain their homes there and are interested in its future and permanent welfare and we might thereby restore peace to that stricken land, I would join with any others in doing what I could to bring about such a desirable result.

It is a most vicious policy, in my opinion, to commit in any country large tracts of God's footstool, designed to be devoted to the use of His creatures, to the monopoly of any sort of corporation, whether it be religious or secular.

As I have pointed out, the authority under this bill given to the Philippine government is to acquire any land, whether belonging to religious orders, corporations, or individuals. That language is industriously employed for a purpose. It would not do to limit it to religious corporations or organizations or to these five orders, because then it could not be employed in the interests of speculators who have obtained options on this land. It would not do to limit it to corporations holding in such large quantities as might be injurious to the welfare of that people, for the individuals who hold these options in some instances are not incorporated.

So we have the designation broad enough to cover the individual, who, without expense to himself, has gone to these religious orders and obtained the option, with the sole purpose of turning over the lands, at a profit to himself, to the government of the Philippine Islands. Hence it is natural that our friends upon the other side do not care to have a discussion of this bill. No explanation of the reasons for these provisions, to which I have now alluded, in relation to the friars' lands, has been vouchsafed to us. Senators whose votes are expected to pass the bill are not interested in the discussion, and they do not care to be advised as to these pernicious features of this measure. When they vote for it they will not know, and do not want to know, the significance of their votes; and those Senators who now claim that nothing which can be said in this debate will change the vote of a single Senator upon this question doubtless would not be able to answer as to the meaning of any one of the most unusual powers conferred under this bill or as to the uses or ends to which these powers are to be employed.

I doubt very much if the Senator who said last night, "We care not what you say; it will not affect our votes upon this measure," could come into this Chamber and give an intelligent explanation of a single feature of this bill, not that he is not capable of doing so, but that he is indifferent as to its provisions or the effect of them. There are features of this bill which no Senator loving his country and fully appreciating their significance can, in my opinion, reasonably vote for, having a due regard to the interests of the people of the islands or of the people of the United States.

I want to refer to a statement in the testimony of Governor Taft. On page 184 of the Hearings before the Committee on the Philippines Governor Taft says:

> What we want to do is to develop the islands; and certainly the attraction of capital, by offering what will return a reasonable profit, is our policy; and the sale of lands in tracts sufficiently large to attract capital is an essential part of that plan.

That is the policy which is to be pursued by the government of the Philippine Islands after the passage of this bill. Its general significance is manifest in other parts of Governor Taft's testimony, when he says that 5,000 acres to a single individual or corporation has not been recommended by the Commission; that 10,000 acres may be inadequate; that one gentleman, desiring to embark in an enterprise in Mindanao, wanted at least 20,000 acres, and the Governor did not seem to be at all of the opinion that that quantity would be excessive. So we may have any number of acres that this government in the Philippine Islands may deem a sufficient inducement to foreign syndicates and capital to come to the islands for purposes of exploitation. That is to be the confirmed and established policy of the government of the Philippine Islands.

PERIL OF EXPLOITATION.

There have been some people in the islands who have not taken the view thus made manifest in the testimony of Governor Taft. Dealing with the question of Chinese immigration, which he deems would be disastrous in the extreme, General MacArthur, on page 111 of his report, says:

> In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquilize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony and at the same time relegate them to a status of social and political inferiority.

We have General MacArthur on one side and the government of the Philippine Islands on the other, and the Senate is now called upon to decide which horn of these two dilemmas it will take. And yet it seems that some of our friends do not care to hear any discussion of that important question. I do not say "all of our friends on the other side of the Chamber," because I can not make that imputation concerning men feeling the responsibilities which pertain to members of this branch of Congress, and I might say of both branches of Congress. We are thus warned by General MacArthur—and in this view he is corroborated by others—of the danger of entering upon a policy of exploitation. General MacArthur testified in still more emphatic terms upon this very question that the greatest evil that could happen to the islands would be to embark upon a policy of exploitation such as is announced by Governor Taft as the predetermined policy of the government of the Philippines, which we are proposing to institute by this bill. Well may every student of history, every lover of his kind, every man who prefers humanity to the demands of avarice, join in the opinion which is thus expressed by the general of our armies in the Philippines.

This whole Philippine government bill clusters about 76,000,000 acres of so-called public lands, constituting the archipelago, and the wealth and the resources which may be derived therefrom. It is not proposed to dispose of these lands for the benefit of the people most interested, the inhabitants of the islands, those people who are indigenous to that soil, and to whom, according to every principle of right and justice, they belong, but the benefit is to go to foreigners seeking enrichment. They are the people who look to this measure; and it matters not to them whether the passage of this bill and the putting of it into operation will inure to the peace of the islands, or to the welfare of their people, or to the interest of the United States, or to save and preserve the lives of our soldiers, so long as through its operation they can replenish their coffers with ill-gotten gains.

We have had within a few days a beautiful illustration of the very thing to which I now invite the attention of the Senate. In the course of our investigation in the Philippine Committee Governor Taft referred to the fact that a gentleman from Chicago had proposed to embark in an industry in the island of Mindanao. It furthermore appeared that he had made an exploration of that island, and it was ascertained there that by the acquisition of a large tract of land it could be devoted to the culture of the rubber tree, to the great profit of those who might engage in the enterprise. Of course, the inhabitants of Mindanao are non-Christian tribes; they are Moros. There are down

there about 300,000 slaves, more or less. They are a brave people; they are a fanatic people.

But it is necessary to subdue those people; it may be necessary to exterminate those people, because probably they can only be subdued by extermination or annihilation. A syndicate of nonresident stockholders can not make a profit out of the enterprise so long as that menace, that cloud, overhangs their operations in the island of Mindanao. What pernicious influence has been brought to bear upon the general commanding our Army or the subordinate commanders in the immediate vicinity of this field of contemplated exploitation I know not. I do not intend to do any injustice to anyone; but, seemingly, if we are to believe the messages emanating from the Administration responsible for this government, we are to understand that these are, substantially, the facts.

Those tribes of Moros never submitted to Spain, never acknowledged allegiance to her, except in a qualified way. At most Spain had but a suzerainty over them. In all their past they have been pursuing their own lines and their own methods of government, subject to their own traditions and forms of religion. Since the date of the Paris treaty there has been little or no disturbance there, and they have been proceeding in peace and quietude until the disturbing hand of the syndicator has thrust itself into their midst, and then what happened? A subordinate officer sends out a message to those people that now they must submit, that now they must submit to exploration, with the incidental and resultant exploitation. They must yield up their guns and ammunition and submit to the dictates of the representatives of the American Government. They must no longer stand as a menace to those who seek to take possession of their lands and devote them to their own uses and carry their wealth away to a foreign country. We invite you to do this in all kindness and benevolence. We do not want to have any bloodshed; but if you will thus submit and thus surrender all that is dear to you, you may have peace, else we will present the other alternative.

So he sends out his expedition, his criers in advance, calling upon the people to acknowledge the beneficence of the edict that he issued for their subjugation. They resist. Thereupon, without consulting Congress—which under the Constitution is supposed alone to have the power to declare war—seemingly without consulting the President of the United States, who, although he has no such power, is at least or ought to be the commander of the armies of the United States (whether he consulted the general commanding the armies in the Philippines we have no very definite information), the Army was sent out and the war was begun. A new declaration of war against between one and two million people, covering an island amounting to something like 30,000,000 acres!

WHAT CARES THE EXPLOITER?

It is said this island is as large as the island of Luzon. It was a large undertaking against a brave people, a fanatic people, ready to fight for what they conceived to be right. It was the beginning of a war which will involve the sacrifice of how many thousands of American soldiers we can only conjecture; involving the expenditure of moneys wrung from the American people by taxation to the extent of how many millions we can only estimate in the roughest possible way; involving all the brutalities and cruelties which seem to be necessarily incident to the waging of war in the Tropics.

What is that to one of these exploiters? What is that to a military satrap? What is that to the governor-general of the Philippine Archipelago? What care they for the welfare of the people in the distant islands? What care they for the welfare of the people of the United States? They (the exploiters) can see within their reach a few paltry dollars to enrich their coffers. What care they how many millions may be extracted from the Treasury of the United States or what treasures of blood are wasted?

The attention of the country will be called to these things, though the other side may remain vacant and silent, and I believe that ultimately the people of the United States will be aroused to the situation and will listen with attentive ears, and that they will be heard in a manner which will be surprising to those who now treat this question with indifference.

Then, we are informed, the President of the United States yesterday advised a suspension, and the word comes back that that will never do. Stop a war? Never. Stop a war never declared by Congress? What is Congress? Stop a war that the American people do not want? What are the American people? Stop a war and prevent the shedding of human blood and the sacrifice and slaughter of people who have given no offense? What care we for them? General Chaffee says it is necessary to do all this in order that we may have the respect of the Moros. Will we have their respect after we have slaughtered their people?

Mr. President, who would have thought, who could have dreamed, that scarcely more than a hundred years from the time our fathers laid the foundation of this Republic a bill like this could have been brought into the legislative body of this nation with any prospect of meeting with favorable consideration? The government of the Philippine Islands is to have all civil, judicial, and military power which it may, in its sweet judgment, believe necessary to govern 10,000,000 people and 76,000,000 acres of territory, coupled with a provision that the land, 76,000,000 acres, for which the American people paid, at least to Spain, the sum of $20,000,000, made as a donation to this oligarchy of absolutism, is to be disposed of for their own benefit and not for the benefit of any man, woman, or child in the United States or, I might add, in the land which is to be oppressed by them.

Are there any limitations upon the power of the government of the Philippine Islands? I should like anyone upon the other side to answer that question. [A pause.] There is no response. Is there any independent judiciary to safeguard the rights of all the people or any of the people or the property of anyone in the archipelago or elsewhere? Is it not absolutely dependent upon the will of the oligarchy known as the Philippine Commission? If anyone thinks there is, I would be glad now to have him make response to the interrogatory I propound. [A pause.] No; there is no independent judiciary. The judges are dependent for the tenure of their office and the amount of their salaries on this oligarchy. The judges are dependent for the jurisdiction they may exercise absolutely upon the will of this oligarchy. The judges are dependent for their existence in any given district upon the caprice and will of this oligarchy.

Any judge who may presume to exercise any jurisdiction derogatory to the wishes of the oligarchy may be supplanted the moment he undertakes to render his decision. When he has decided the question, and it is favorable to them, they may make it final and cut off the right of appeal to any superior tribunal, and if it is unfavorable they can remove him and put in a new judge who will grant to them what they wish.

ARMY NOT RESPONSIBLE FOR USE TO WHICH IT HAS BEEN PUT.

But, Mr. President, I am going to pass now from the questions relating immediately to the provisions of this bill to another subject, and I desire to premise what I say in relation to that by the statement that our Army originally sent to the Philippine Islands did not undertake the service which they have since been compelled to perform. Without undertaking to go into the history of our relation fully, I may state two or three things connected with it.

Men volunteered to achieve a given result in the island of Cuba in a war with Spain. That was achieved to the fullest possible degree. It was perfectly and in every regard finally accomplished on the 12th day of August, 1898, when the protocol with Spain was signed. Torture and cruelty and reconcentration and desolation we supposed had been put an end to, until on the 13th day of August—we did not know it, but it was true—the hand of avarice showed itself and a cablegram was sent to Dewey, "What are the islands worth to the United States if we retain them as colonies? What is their commerce, and what are their mineral resources, etc.?"

That was the question. Then a new policy was outlined. When we had completed the benign purpose which had brought the American people up to the point of making the declaration of war against Spain, we then entered upon a repetition of the history of the very cruelty and barbarism, of torture and oppression, of killing and extermination of which Spain had been guilty; and we did it deliberately, willfully, maliciously, with malice aforethought.

Every nation is endowed with the power of rational volition and must suffer the consequences for the failure to exercise it, and I am not willing to concede that the Executive Mansion is but a madhouse and that its occupant is not responsible for his acts, or that they are the result of incompetence and incapacity for government.

General Otis told us what happened. The Senators can read it in record of the investigation. General Merritt had agreed that while Aguinaldo and the so-called insurgents against Spain, who had cooperated with Anderson, should be shut out from their own city (Manila) and its gates should be barred to them, they might occupy up to a given line, and the Americans inside would occupy the territory inclosed by that line. That will be found in a letter of General Merritt bearing date the 20th day of August. The protocol of the 12th of August gave the United States the right to occupy the city, the bay, and the harbor of Manila, and nothing more. That protocol was communicated to our military commanders in the island and they were, of course, in duty bound to observe its stipulations.

Merritt was recalled. Otis succeeded to the control of the islands. He at once wrote a letter to Aguinaldo commanding him to retire from the lines which it had been agreed on with Merritt should be occupied, under penalty of employing force, and Aguinaldo, to maintain peace, withdrew in accordance with the command. On the 21st day of December, while there was

peace in the archipelago, while you could travel from one end to the other with safety to life and property—if we are to believe the reports of our commanders who visited the archipelago—the President himself issued an order to the Secretary of War, and through him to General Otis, before the treaty of peace with Spain was ratified, to extend the military authority immediately to every part of the islands. That was a declaration of war against the people in all of the islands outside of the city of Manila. But the Filipinos, greatly outraged by what they conceived to be acts of bad faith on the part of the Government of the United States, which had invited them at the beginning of the Spanish war to come to our assistance in waging war against a common enemy, refrained from hostilities.

HOW THE WAR BEGAN.

The investigation of this case shows that on the 4th day of February, just prior to the ratification of the treaty, from blockhouse No. 7, a Filipino patrol at a crossroads were told to halt by an American sentry but twice, while the ordinary rule was to call three times. But when the second call was made upon these men, who probably did not know a word of English, the firing began, and two of the patrol were shot dead upon the spot. The others returned to the blockhouse, and then there was great noise along the whole line, the firing of guns and of cannon. General MacArthur testified that the firing was so tremendous that he heard it in the city of Manila, beginning, as he stated in his testimony, at half past 10 at night, although the reports coming from the War Department fix the hour as at half past 8 in the evening. The next morning they were unable to report that a single soldier of the United States had been killed in that terrific battle. Not a single American officer or soldier was killed or wounded during the continuance of the firing throughout the whole of that night.

The message to the people of the United States announcing the beginning of hostilities, the Senate of the United States then having under consideration the question of the ratification of the Paris treaty, is said to have been put upon the wires two hours and a half before even the American sentries killed the Filipino patrol coming from blockhouse No. 7. In order to get time for the message to arrive here it was necessary to have the hostilities begin at half past 8, whereas according to the testimony of General MacArthur they did not actually begin until half past 10 on Saturday night, the 4th of February.

There was the overwhelming political necessity. There was the war that Congress did not declare. There was the war for which the American people are not responsible. There was the war begun not by any recognized authority emanating from the people of the United States. There was the war either begun by General Otis or begun by the President of the United States without the sanction of the sole repository of that power under the Constitution.

Not only that, but the next day, when the Filipinos had scarcely fired a gun, or at least had fired no effective shots, and they appealed for a suspension of hostilities, the substantial fact is that the message sent back to them was that the war having begun it must continue. General Otis said that those people did not expect that the hostilities would begin so soon and acted upon the defensive.

We have been charged with grave responsibilities in connection with this tragedy. I am going to let the facts speak and let them carry their necessary weight of responsibility and let that weight rest where such facts legitimately place it. It will add nothing to the strength of any argument to impugn motives or to charge consequences growing from facts the responsibility for which is fixed beyond the shadow of a question.

SPANISH GOVERNMENTAL MACHINERY.

Mr. President, what has happened since then? We have here a bill creating departments, subordinate bureaus, officials with perquisites and salaries without limitation, and school-teachers ad libitum, and governors-general, and vice-governors, and viceroyalties, and military satraps—a complication of Spanish machinery the like of which no American ever dreamed of in his life, and which to him, in view of our experiences, is utterly incomprehensible. How vast and how intricate this machinery of extortion and plunder will be when this law shall be passed no human being can adequately make prophecy.

Read the report of the Commission in regard to the character and variety of the taxation which is to be extorted from those people. There are the land tax, the cedula tax, the poll tax, the excise tax, the tariff tax. Who will pay those taxes? They all go into the coffers of the United States Philippine government—a parasite, but a parasite of gigantic proportions, feeding itself and feeding nobody else, feeding upon the body politic and eating out its substance like some slimy worm rioting amid the wreck of the fortunes of the Filipino people. What a benevolent despotism of greed is this! Upon what is this exploitation to operate? Upon a hopeless, despairing people, stricken victims of a policy as cruel as ever history depicted or the tyranny of man could devise and perpetrate.

CHARACTER OF PEOPLE.

We know now, although it has been repeatedly, time and time and time again, officially denied by the Secretary of War, that this war has embraced features of barbarism and cruelty and torture equal to any in the history of the most barbarous peoples in the blackest ages. I am going to tell some of the things that have happened. It is all here in these books. If anyone denies any statement I make, I will take the time to put the conclusive proof in the RECORD. General MacArthur says that these people are a hospitable people, and Governor Taft says the same—that when they invite you into their homes and say it is yours they mean it. They are a sensitive people. Filial affection and parental care are developed as among the most prominent traits.

The parents love their children, and the children respect their parents. Under tremendous difficulties they have made great progress in the mechanic arts. They are artists to the manner born, and they are musicians of a high order of ability. In their households they maintain cleanliness and sobriety, and practice many virtues which are not practiced even by some more civilized people. Such is the testimony of those who have recorded the character of these people before the war and since the war, and it comes from the very people who have been the authors of many of the misfortunes of the Filipinos.

Mr. President, that country was inhabited originally by the Negritos, afterwards by the Malays and Moros, who dwelt there from time immemorial. The Spaniards found them there, and when three hundred years ago the Spaniards went there they found in Luzon a people who had an alphabet and a written language. Those who have more recently gone there declare that almost without exception every person above the requisite age is capable of reading and writing in some language, either in the Spanish or in the native dialect. These are not a barbarous nor a savage people. I refer to the masses of the inhabitants. Of course, like every other people, there will be found among them men of the criminal and degraded and brutal class, the robber and the thief, and the murderer, and the like, but those are sporadic cases. Judging the people by the general character which has been given to them by disinterested and impartial observers who have dwelt among them, they are people who have attained, under the most extraordinary difficulties, a pretty high degree of civilization compared with the races and peoples in that latitude.

BARBARISM AND CRUELTY.

Mr. President, the war was begun in the manner which I have pointed out. Those who came in conflict with the American troops were slaughtered. It finally developed that no wounded were left upon the field. I say no wounded because the official reports of the wounded among the Filipinos do not disclose any wounded to speak of. Whether the marksmanship of the American troops was so unerring that in every instance they struck the fatal spot—a theory which was propounded in the testimony of General MacArthur—I must leave the Senate or those interested in this question to determine. Whether the Filipinos, shot down by hundreds and thousands, were enabled under the pressure and speed of the American troops to carry away their wounded, according to an alternative theory propounded in the testimony of General MacArthur, I submit to the fair consideration of the judgment of those who are to pass upon this question.

Certain it is, Mr. President, that our troops swept those people from the face of the earth in hundreds and in thousands. I commend the official reports of General MacArthur and other generals as to the relative proportion of killed and wounded on the American side, which is normal, to the killed and wounded on the Filipino side, which discloses practically no wounded at all.

That is one phase of this war. As it progressed the policy of those who had control of it, according to the testimony of General Hughes, became stiffer and stiffer, to use his exact language. It became progressively more severe, and when you look back at the earliest stages of that war you wonder what that signifies. But we find out what it signifies.

First, the war was waged against men in arms, and they were slaughtered. Next it became stiffer by waging it against men and women and little children. Next it became stiffer by the burning of the villages and, irrespective of age, sex, or condition, sweeping the land of every vestige of shelter and of food. Next it became still stiffer, following precedents of the Dark Ages, when tyrants resorted to excruciating torture to compel information and inflict punishment against people struggling to be free—tortures devised under the supervision of a Torquemada and the Inquisition; tortures employed by a Phillip the Second in the Netherlands; the water torture, and other hideous tortures so infamous that modern language fails to furnish terms in which to

adequately and properly characterize them were applied to the racking of the nerves of a sensitive people, loving justice, music, and the higher arts of civilization.

But the Secretary of War has denied this, and General Funston, coming back from the midst of its very universal practice, said, "It is an atrocious lie," and proceeded to describe it in a manner which showed his familiarity with the practice as it prevailed in his presence. These denials have been so impudent that it has really been astonishing that they could be made in the face of the overwhelming testimony of the universal and systematic practice of these brutalities everywhere where our soldiers penetrated in the Philippine Islands.

Why, Governor Taft knew about them, sitting as he did in the city of Manila, not out upon the field, not out where they were practiced. What does he say? On page 75 he said:

What I am trying to do is to state what seemed to us to be the explanation of these cruelties——

Mr. JONES of Arkansas. Whose statement is that?

Mr. RAWLINS. Governor Taft in his testimony before the Philippine Committee. He said:

What I am trying to do is to state what seemed to us to be the explanation of these cruelties. That cruelties have been inflicted; that people have been shot when they ought not to have been; that there have been individual instances of water cure, that torture which I believe involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards, I am told—all these things are true. There are some rather amusing instances of Filipinos who came in and said they would not say anything until they were tortured; that they must have an excuse for saying what they proposed to say.

That is Governor Taft. That testimony was given February 4, 1902, when Governor Taft was in attendance before the Philippine Committee. General Hughes testified that they burned the towns, and he testified that the shacks which they burned were not of much consequence. In answer to this question:

If these shacks were of no consequence what was the utility of their destruction?

General Hughes said:

The destruction was as a punishment. They permitted these people to come in there and conceal themselves and they gave no sign. It is always——

Senator RAWLINS. The punishment in that case would fall, not upon the men, who could go elsewhere, but mainly upon the women and little children.

General HUGHES. The women and children are part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than in any other.

Senator RAWLINS. But is that within the ordinary rules of civilized warfare? Of course you could exterminate the family, which would be still worse punishment.

General HUGHES. These people are not civilized.

General MacArthur, Governor Taft, Mr. Foreman, superintendent of schools; Mr. Barrows, and a multitude of witnesses who have lived and been associated with those people say that they have attained quite a high degree of civilization, and in any event they are a sensitive, high-strung people, who maintain the ways of civilized life, and that almost all of them can read and write, and all of them can sing and play upon musical instruments in a manner that stirs the æsthetic soul to delight. General Hughes gives the excuse that they were not civilized.

Senator RAWLINS. Then I understand you to say it is not civilized warfare?

General HUGHES. No; I think it is not.

This warfare, then, was not civilized warfare. We have the testimony of General Hughes given under oath, not a willing or favorable witness, on the theory of questioning the policy of the Administration of the dominant party, as given on page 481 of his testimony:

Senator RAWLINS. You think it is not?

Then somebody suggested that "in order to carry on civilized warfare both sides have to engage in such warfare."

Yes, sir; certainly. That is the point—

General Hughes said, after this suggestion of assistance to him.

That is not all. Farther on he said that he had heard while in the islands more than three years of one case. You will find it in the final report of his testimony. General Hughes during all his experience in the islands had heard of one case of the infliction of the water cure, and General Hughes said that the people who inflicted it were not punished, but they promised never to do so any more.

Mr. MONEY. Mr. President, if the Senator from Utah will permit me to make an inquiry before he passes from that part of his argument, I desire to ask him, moved thereto by the passage he has just read from the testimony, whether the officer who testified, or any member of the committee thought that self-respect and decency and the honor of this nation were not involved in violating the rules of warfare, even against savages, especially the use of tortures, inhuman cruelties, toward inoffensive children and the burning of homes in order that men might be punished?

Mr. RAWLINS. Mr. President, this Philippine policy shows what strange and incredulous things will happen. People who in 1898 would have been shocked beyond measure and would have been moved to tragic indignation have become so familiar with these scenes of blood and torture practiced under the authority of our Government, beneath the shadowy folds of the Stars and Stripes, that some of them seem to have become utterly indifferent to the inflictions of tortures which are so hideous that they would then have moved the Senate to wage war against the most powerful nation on the earth rather than to tolerate their infliction.

The Senator from Mississippi asks me if I am moved. I can say that as I have seen these things developed, and as I have considered them day by day I have been overwhelmed until I have scarcely believed that I could be able to talk about them with patience. I can only speak for myself, and I commend the Senator from Mississippi to read the palliating questions and excuses offered by others upon the committee for the most infamous thing that anyone can conceive of in the way of torture and perfidy.

Why, Mr. President, I have been surprised, and I disclose nothing which is secret, that those who care to do so may read this testimony and find how difficult it was from unwilling witnesses to gain shreds of truth in fragments, dragged out as if it were an act of treason to propound the question, and the constant interruptions interjected, and the interference of members of the committee to prevent the disclosure of the truth and conceal this hideous iniquity from the knowledge of the American people.

Mr. MONEY. Mr. President, if the Senator will again permit me, answering me fully now, I hope I may be permitted to express the hope that if there is a single member of the committee who entertains the idea that this civilized nation is permitted to practice cruelties and barbarities and to violate the rules of civilized warfare in fight even with savages, he will make an explanation on this floor and give his opinion in full, and I shall ask the privilege of replying to that gentleman.

Mr. RAWLINS. Mr. President, most all of you have read the Commentaries of Cæsar, as he dealt with barbaric peoples in Gaul and in Germany, and in the course of those commentaries we have read how severe he waged that war, sometimes in open battle, wiping out nations of people; but, Mr. President, you will search the lids of that work in vain to find an account of any such cruelties as have been practiced, according to the admitted testimony of our soldiers and our armies, in the Philippine Islands.

Mr. President, there was torture in old Rome. After Cæsar was assassinated and some tyrants seized possession of the reins of government, overthrowing the republic, a conscription list was issued, under which Cicero, the great orator, philosopher, and statesman, was beheaded, as according to some modern suggestions some other people ought to be beheaded or hanged. When they sought to carry out their proscription in one instance Quintus Cicero, who had fought bravely in the armies of Rome and upheld the standard of the Roman Republic, was also one of those designated to death. As they were seeking to find him in the city of Rome they seized his son and inflicted upon him this torture, until by his screams reaching the ears of his father he came forth and both were put to the torture and to death. But every one who has read that instance in history has been horrified at it and wondered how in a civilized country such things could possibly be.

Mr. President, we have taken the sovereignty of Spain, it is said, over the Philippine Archipelago, and our friends on the other side have maintained that it is such a rightful sovereignty that when it passed to us under general grant and general cession we possessed it also as inviolably as did Spain, and that we did not acquire it to be administered according to the precepts of our Constitution and the traditions of our history, but that we have acquired it to rule with an iron hand and by the methods of Spanish cruelty and despotism.

Ah, Mr. President, what an awful thing this is! I commend it to the conscience and to the considerations of humanity, if such thing may happen to lurk still in the breast of the American people. But, I have not told all. I am not charging the American soldier in the ranks, sent hither to fight an unhonored battle, to engage in a war which would not and could not commend itself to his sense of propriety and justice. I am making no indictment of the men who have thus, under the commands of superiors, been led against a people struggling to be free. I am making no charges of isolated cruelty for the purpose of arraigning any man who has volunteered in the service of his country.

Mr. President, I would be guilty of arrant cowardice if I should undertake to break my shafts of criticism against those men who have been but the tools of an iniquitous policy, because the evidence has developed until it is overwhelming and incontrovertible that these practices in the islands have been widespread and systematic, and approved by the military superiors, not by the subordinate commanders. I invite Senators to look over one of these reports, a list of about forty charges made against American soldiers for misconduct in the Philippine Islands. The testimony is now uncontroverted and incontrovertible, from Governor Taft and from witnesses whose credibility is beyond dispute, to which

I shall call attention later. In a report of the governor of Tayabas, Major Gardener, who served in the volunteer forces, he reported that in his province American soldiers and officers had so repeatedly inflicted the torture that it rendered it impossible for him to maintain peace under the civil government.

Mr. President, of those 40 charges made in the manner which I have stated you will not find a single instance of a man arraigned upon the charge of inflicting the torture known as the water cure. We find that certain methods of torture there, mild in their character, were not approved—for instance, for hanging a Filipino by the neck for a few minutes. A soldier was convicted upon the trial, and his punishment was a reprimand.

Mr. CARMACK. An officer.
Mr. RAWLINS. An officer.
Mr. CARMACK. Two officers.
Mr. RAWLINS. Two officers.
Mr. CARMACK. Two different cases.

Mr. RAWLINS. Two different cases, and they were subjected to the severe penalty of a reprimand. In the Army (those on the other side who are more familiar with military law than myself can correct me if I am wrong) there is an officer known as the judge-advocate, and I want to know if it be not true that the judge-advocate in the Army is something like the attorney-general or a district attorney or a prosecuting attorney in the practice of civil government, whose duty it is to prosecute persons charged with crime and who has to a very large extent the fate of any man who is arraigned in his own hand, who can present testimony against him and appeal in good earnest for his conviction, or if he chooses can set him free.

General Hughes had a judge-advocate, a prosecuting attorney by the name of Glenn. He was first a captain. Then he was, as the official records show, promoted for faithful and diligent service in the cause of his country. This is a sample piece. Of course they might be multiplied indefinitely.

I want to call attention to one case. We had a report, No. 11, upon this case from the War Department. Before reading it I want to invite the attention of the Senate to what the Secretary of War said a few days ago. He has said it officially in a letter to the chairman of the Committee on the Philippines, dated February 17, 1902. He said:

WAR DEPARTMENT, *Washington, February 17, 1902.*

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents, which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of 13 such inquiries in which the results have been reported.

You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.

Then he alludes to the fact that General Funston, in a letter which accompanies this document, had branded these insinuations as atrocious lies. Among the cases which the Secretary of War gives us in this report No. 11 is the following, found on page 20:

No. 11.

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth United States Volunteer Infantry, which was published in the Northampton, Mass., Herald, about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igbaras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general Department of California, for reference to the commanding officer Twenty-sixth United States Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth United States Volunteer Infantry, dated April 24, 1901, with his report, as follows:

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,
UNITED STATES VOLUNTEERS,
Presidio of California, ——— —, —.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated.

Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves. Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Donehy, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up.

Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniforms. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nueva. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. WICKMAN,
Lieutenant-Colonel Twenty-sixth Infantry,
U. S. Volunteers, Commanding.

Mr. President, I have here in my possession a letter written by the Assistant Adjutant-General of the War Department to a private citizen, which reiterates the statement that this charge, claimed to have been made by Sergeant Riley, had been thoroughly investigated; that it was absolutely untrue, and that Sergeant Riley had denied it. That is a sample of a book full of similar investigations. How much reliance can be put on any one of these will be disclosed by the facts which I shall now lay before the Senate. for I think I am justified in taking sufficient time to lay them before the Senate. Before I refer to the testimony I took before I had this witness summoned I will say that I did not want to do any injustice to the Army of the United States or to any individual associated with that Army, and I caused inquiry to be made as to the credibility and responsibility of the men whom we summoned as witnesses. In regard to Sergeant Riley himself, I read this letter:

132 NORTH ELM STREET, NORTHAMPTON, MASS.,
April 3, 1902.

Mr. HERBERT WELSH.

MY DEAR SIR: Mrs. John Storer Cobb, of Northampton, has requested me to write to you as to the character of Sergt. Charles Riley, of Florence, Mass., for truthfulness. I have known Mr. Riley all his life, and am happy and confident in saying that I should regard his testimony on any matter on which he has had opportunity to inform himself entirely reliable and conclusive.

If you wish other witnesses to his integrity you may write to Mr. George H. Ray, treasurer Nonotuck Silk Company; Mr. Frank N. Look, treasurer of Florence Manufacturing Company, and Mr. George H. Bliss, postmaster, all of Florence, Mass. You may write to all the people in Florence and will get for him (Mr. Riley) substantially the indorsement I have given.

Truly, yours,

E. G. COBB,
(For thirty-five years pastor of Florence Congregational Church).

That is one of the witnesses who is charged particularly by the War Department with having "drawn the long bow," as circulating atrocious lies, to screen culprits in the island, creating the impression that this man was slandering and lying about his fellow-soldiers who were rendering service in the Philippine Islands. What is the story of Sergeant Riley told here? I am not going to read all of it, though I ought to put it all into the RECORD. I shall, however, read a portion of the testimony found on page 1527.

Q. You have given your place of residence, I believe.
A. Northampton, Mass.
Q. When did you arrive in the Philippine Islands?
A. October 30, 1899. That is, we arrived in the harbor of Manila on the 25th ,and we arrived at outstation October 30.
Q. When did you leave?
A. I went aboard the vessel March 4, 1901, and we sailed the next day.
Q. And when did you arrive in San Francisco?
A. April 20, 1901.
Q. During your service in the Philippine Islands, what position in the Army did you hold?
A. I held all the positions from private to first sergeant. I was discharged as the first sergeant of the company.
Q. During your service there did you witness what is generally known as the water cure?
A. I did.
Q. When and where?
A. On November 27, 1900, in the town of Igbaras, Iloilo Province, Panay Island.
Q. You may state, Mr. Riley, what you saw in that regard.
A. The first thing I saw that I thought was anything out of the ordinary, in going into the quarters from downstairs——
Q. Let me premise that, perhaps. Was your company stationed at Igbaras?
A. One detachment of 15 men garrisoned the town.
Q. And what building did you occupy?
A. It was known as the convent—the convent in connection with the church. It was a convent or a school.
Q. Did you occupy the first floor or the second floor?
A. We occupied the entire building.
Q. The entire building?
A. The entire building.
Q. You may state whether there was an upper floor.
A. There was. Downstairs it was a stone building, with stone floors, and then there was a second story; it was two stories, and we occupied the upstairs with our quarters.
Q. How was the second story reached?
A. By stone steps.
Q. You may state whether or not there was a corridor at the head of the stairway.
A. There was a corridor on the right, and then we went through another corridor into the room we called our squad room, known as the quarters of the soldiers.
Q. Did you arrive there the morning of the 27th?
A. Yes, sir; at daylight.
Q. Who were with you at the time you arrived there?
A. There were from 12 to 14 men of Company M, Twenty-sixth Infantry

and about 40 men of the Eighteenth United States Infantry, a mounted detachment, known as the Gordon Scouts.

Q. Did you pass into the upper story of this building?
A. What is that, sir?
Q. Did you pass that morning into the upper floor of this building?
A. Yes, sir.
Q. What soldiers and officers were there?
A. Taking all the men, there must have been about 40 of the Twenty-sixth and about an equal number of the Eighteenth Infantry, regulars, about 40 of each.
Q. About 80 men in all?
A. Yes.
Q. Who commanded your company?
A. Captain McDonald, of the Twenty-sixth Infantry—Capt. Fred McDonald.
Q. What other officers connected with the regulars?
A. Captain Glenn, captain, Twenty-fifth United States Infantry, judge-advocate Department Visayas, commanded the forces, consisting of detachments of Eighteenth United States Infantry and the Twenty-sixth United States Infantry Volunteers.

The judge-advocate, the prosecuting officer upon the staff of General Hughes, the department commander.

Q. Was he judge-advocate under General Hughes?
A. Yes; that was General Hughes's department. Then there was Lieutenant Conger, commanding the scouts, and the contract surgeon, Lyons.
Q. Did you pass up the stairway into the corridor above that morning, into the main hall?
A. Yes.
Q. And as you passed up, you may state what you saw.
A. I saw the presidente standing in the——
Q. Whom do you mean by the presidente?
A. The head official of the town.
Q. The town of Igbarras?
A. Yes, sir.
Q. A Filipino?
A. Yes, sir.
Q. How old was he?
A. I should judge that he was a man of about 40 or 45 years.
Q. When you saw him, what was his condition?
A. He was stripped to the waist; he had nothing on but a pair of white trousers, and his hands were tied behind him.
Q. Do you remember who had charge of him?
A. Captain Glenn stood there beside him and one or two men were tying him.
Q. You may state whether or not there was a water tank in the upper corridor.
A. Just at the head of the stairs on the right there was a large galvanized-iron tank, holding probably 100 gallons, about 2 barrels. That was on a raised platform, about 10 or 12 inches, I should think, and there was a faucet on the tank. It was the tank we used for catching rainwater for drinking purposes.
Q. As you passed up, did you pass through the corridor into the hall?
A. Yes; directly through the hall into the squad room.
Q. Into the squad room?
A. Yes, sir.
Q. And you may state whether or not soldiers were passing up and down.
A. Yes, sir; men were congregated around the door, and they were passing back and forth from downstairs upstairs and from upstairs downstairs.
Q. You first saw the presidente under the condition you describe, with his hands being tied behind him?
A. Yes.
Q. What else did you observe being done with him?
A. He was then taken and placed under the tank, and the faucet was opened and a stream of water was forced down or allowed to run down his throat; his throat was held so he could not prevent swallowing the water, so that he had to allow the water to run into his stomach.
Q. What connection was there between the faucet and his mouth?
A. There was no connection; he was directly under the faucet.
Q. Directly under the faucet?
A. Directly under the faucet and with his mouth held wide open.
Q. Was anything done besides forcing his mouth open and allowing the water to run down?
A. When he was filled with water it was forced out of him by pressing a foot on his stomach or else with their hands.
Q. How was his mouth held open?
A. That I could not state exactly, whether it was by pressing the cheek or throat. Some say that it was the throat, but I could not state positively as to that, as to exactly how they held his mouth open.
Q. About how long was that continued?
A. I should say from five to fifteen minutes.
Q. During the process what officers were present, if anybody?
A. Lieutenant Conger was present practically all the time. Captain Glenn walked back and forth from one room to the other, and went in there two or three times. Lieutenant Conger was in command of water detail—

They had a regular water detail—

it was under his supervision.
Q. You may state whether or not there was any Filipino interpreter present.
A. There was a native interpreter that stood directly over this man—the presidente—as he lay on the floor.
Q. Did you observe whether the interpreter communicated with this presidente?
A. He did, at different times. He practically kept talking to him all the time, kept saying some one word which I should judge meant "confess" or "answer."
Q. Could you understand what was said?
A. No, sir; I could not understand the native tongue at all.
Q. At the conclusion, what then was done?
A. After he was willing to answer he was allowed to partly sit up, and kind of rolled on his side, and then he answered the questions put to him by the officer through the interpreter.
Q. You say they pushed the water out of him. How was that done; what was the process?
A. I did not see the water forced from him. Some said it was forced by the hand, and others by placing the foot on the stomach; I didn't see the water forced from him.
Q. You did not see that?
A. No, sir.
Q. After he got up what did you next see?
A. It was after he gave all the desired information. He was then untied and allowed to dress, and taken downstairs in front of the quarters.
Q. Where did they take him?
A. They took him downstairs outside the building, and he stood in front of the building, waiting for his horse. He was to guide the expedition up into the mountains.
Q. While standing on the sidewalk what took place?
A. More information was sought for; and as he refused to answer, a second treatment was ordered.
Q. Where were you at that time?
A. I was in front of the building at the time, on the sidewalk.
Q. In front?
A. Yes; on the stone walk. They started to take him inside the building and Captain Glenn said, "Don't take him inside. Right here is good enough." One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddlebag, and another man was sent for a can of water, what we call a kerosene can, holding about 5 gallons. He brought this can of water down from upstairs, and then a syringe was inserted, one end in the water and the other end in his mouth. This time he was not bound, but he was held by four or five men and the water was forced into his mouth from the can, through the syringe.

By Senator BURROWS:

Q. Was this another party?
A. No; this was the same man. The syringe did not seem to have the desired effect, and the doctor ordered a second one. The man got a second syringe, and that was inserted in his nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally he gave in and gave the information that they sought, and then he was allowed to rise.
Q. May I ask the name of the doctor?
A. Dr. Lyons, the contract surgeon.
Q. An American?
A. Yes, sir.

By Senator RAWLINS:

Q. Was it Captain Glenn who said not to take him in?
A. Captain Glenn.
Q. Did he make any other command before that at that time?
A. Not that I know of.
Q. Not that you recall?
A. No.

Without taking the time to quote further, when Sergeant Riley arrived at San Francisco he testified that he was summoned before Colonel Dickman, who made the report to the Secretary of War to which I have referred; that Colonel Dickman asked him if members of his regiment or company had taken part in this water cure, and that he said they had not. Colonel Dickman asked him if he had seen the water cure inflicted, and he said that he had. Thereupon it seems that Colonel Dickman made the report to the Secretary of War, to the effect that Sergeant Riley and others had denied that the members of his regiment had taken any part in the infliction of the water cure, but made no reference to the statement which Riley made to him, to the effect that he had seen the water cure administered and that it had actually occurred.

William L. Smith, a corporal in the same company, came and testified substantially to these same facts, and in addition thereto testified to the infliction of the water cure on two policemen on the same day in question by the water detail under the direction of Captain Glenn, the judge-advocate on General Hughes's staff.

H. A. Davis, a man evidently frank and truthful, and manly in every way in his appearance, appeared and testified to these inflictions of the water cure upon the presidente or mayor of Igbarras and the infliction of it upon the policemen by the regular water detail. In addition thereto he testified, that on the same day Dr. Lyon went into the schoolhouse, and presenting a pistol at the head of the schoolmaster or school-teacher, threatened his life unless he made a certain statement which was demanded of him by Dr. Lyon. Thereupon they obtained the statement, whatever of truth there may have been in it.

We pressed this matter, and could have produced witnesses without number in support of these same facts showing that this torture was inflicted in public in the presence of numerous men, and under the direction of the judge-advocate on the staff of General Hughes, until one member of the majority of the committee arose in his place when it was proposed to make further investigation of this matter and declared that he would object to any further testimony upon a fact which was proved conclusively, and concerning which there was no dispute. So that the committee at this point have decided to call no more witnesses in support of the facts which I have now detailed to the Senate, on the ground that they are conclusively proved to be true.

This is not all that those witnesses testified to. This company of the Twenty-sixth Volunteer Infantry were at the town of Igbarras for seven months, the months prior to the 27th of November, 1900, and until the approaching March, 1901. They stated that during that time there were 15 men in that garrison. They also stated that there had been no trouble, no assault committed upon any American soldier; that that community had been peaceable. It was a town of 10,000 inhabitants and was in a district which contained about 25,000 inhabitants. These scouts—the Gordon Scouts—and Captain Glenn appear upon the scene early in the morning of the 27th of November, 1900.

Seemingly, according to this testimony, they desired to establish certain things, namely, that the mayor of the town was in reality disloyal to the United States; that the policemen of the town were not acting in good faith in maintaining the peace; that

in some way or other they were rendering aid, directly or indirectly, to the insurrectos in the field. In the morning officers were sent out, who arrested the mayor of the town. He was dragged in and stripped, and Captain Glenn, the judge-advocate, decided to prove his case, and when he had proved his case he decided to inflict the penalty. How did he prove his case? He took the poor old man and stripped him, brutally laid him down upon his back under a faucet, thrust a stick in his mouth to keep it open, and let the water run in until he was filled. According to the testimony of these witnesses, his eyes became bloodshot, and he shrieked in pain and agony.

While in that situation, the interpreter, doubtless compelled to perform this infamous service, stooped over him and said, "Confess, confess." It makes us think of Copernicus when he was subjected to the torture and thrown down. They wanted him to announce that the world did not revolve upon its axis, and was promised if he would say so that they would let him go, or else they would take his life, and he, refusing to say so, they took his life. So this presidente was tortured until he was compelled to say what these men wanted him to say. If he had not said it, what would have happened to him we can only conjecture; but, being unable to endure that form of torture longer, he said what they desired he should say. He declared that he himself was a traitor and was communicating with the insurrectos in the field.

Not satisfied with that, they wanted to get corroborating testimony. They doubted the credibility of this witness, and the testimony elicited in this way, in this sort of judicial proceeding, by the judge-advocate, a prosecutor of the Army. So they wanted corroboration, and they arrested two policemen, and throwing them down and placing over them the interpreter, tortured them and wracked their nerves until they shrieked with agony and pain, and, to obtain relief, were compelled to give testimony, doubtless in corroboration of the testimony of the mayor.

Still they were not satisfied. They wanted the more credible testimony of the school-teacher of the town, and an Army contract surgeon, under the direction of Captain Glenn, visited the place where the little children were congregated, and, as an example of the beneficence of the administration of the American Government to the rising generation of the Filipinos, branished his weapon, and putting it at the head of the teacher in the presence of the pupils, said: "Confess! Confess that you are a traitor; that your people are traitors;" and under danger of death thus threatened in the presence of the little children, he doubtless confessed, whether to the truth or a falsehood I know not and care not. In that way the testimony of the presidente was corroborated by the policemen, and the policemen were corroborated by the school-teacher, and what was the penalty? They sent the old man to prison. They sent him away to Manila, and he is doubtless now in that infamons Spanish den, languishing away his days, convicted by a judge-advocate representing the authority of the American Republic, based upon testimony extorted thus and corroborated only in the same way.

What were the other penalties? There were 10,000 men, women, and little children in that town. That evening, at 8 o'clock, a most opportune hour, direction was given to the soldiers to proceed to the head of the town with an interpreter and go along the street with all speed and begin the work of destruction, burning the village, beginning at the top; and the only notice of it as they marched up the street was that the crier called out to such people as heard him that they were going to burn the town. They got to the top of the town and they began the work of destruction. The torch was applied to every house, and they were all destroyed with the exception of 15. Ten thousand people who had committed no offense whatsoever against any human being, so far as anything disclosed in this case is concerned, had their homes wiped from the face of the earth. Men, women, and children were turned out to starve; yes, their provisions destroyed, their household effects destroyed, everything except that which they had upon their person, if anything, destroyed.

These men, women, and little children were the victims of this "stiffer" policy of General Hughes, and I have read to you already the excuse General Hughes gave. He said, "Yes; we burned the town. The best way to punish the man is to punish the women and children." The most effectual method of bringing to terms a parent who loves his child is to inflict torture and punishment upon his unoffending offspring. Why? Because the War Department and Colonel Dickman tell us some cruel things had happened, mentioning three or four instances which are named in the report, and when they are made the subject of scrutiny and inquiry what do we find? The nearest one of those that happened was more than 40 miles away. The War Department said the wrong was inflicted by insurgents, but the testimony showed that the cruelty was inflicted by robbers, or common murderers and plunderers, and not by insurrectos. But nobody claims that the people in this town had the slightest connection with any of those things. Still the town was destroyed and their leading men carted away and put into prison, where they are now languishing.

They did not stop with burning the barrios. On the same night they proceeded out to a little hamlet and wiped from the face of the earth the habitation of men, women, and children. They went 12 miles away to another town of 12,000 and burned it to the ground, and not a vestige remained. They went elsewhere and continued this work of death and desolation in order to give those people a benign example of American administration! Oh, that is not all. We have it now plainly upon the official records. This was in the island of Panay, in the province of Iloilo. It was made a howling wilderness, and the people were tortured.

Then they jumped over to Samar. We find in the official reports, and I have not time to read them, but I will verify every statement I make by the official record if anyone desires me to do so, that General Smith took charge in Samar, under command of General Chaffee. We find General Chaffee declaring to him in substance, as shown by his report, "Wage this war vigilantly; yes, relentlessly; yes, wage it according to your own discretion; enjoin upon your subordinate commanders to employ the utmost severity; proceed, and use your own discretion. These are not civilized people." General Hughes said they are not. "This is no longer civilized war." The Articles of War, issued under the high authority of Mr. Lieber, of the War Department, are cast to the winds, although they are sent to us by the War Department as a proof of the humane character of the war. It is no longer civilized war, and he was commanded to do those things.

Among other subordinates was Lieutenant or Captain Waller, and after Waller had gone over the island and dispensed death and desolation General Smith in an official order recommended his promotion. General Smith issues his commands in conformity with the command of General Chaffee. He immediately issued an edict to the effect that all the people are presumed to be traitors and public enemies, and are to be dealt with as if in open arms unless they can conclusively show their loyalty; and there are three methods alone by which they can make that proof. Little children, women, and men must conclusively prove their loyalty.

There were some ladrones, or robbers—say about 200—in an island containing many hundred thousand acres, in the midst of jungles and precipitous mountains—robbers and ladrones and all sorts of people, such as might reasonably be expected to congregate there. They made forays upon the people, inflicting torture and punishment upon the Filipinos as well as the Americans. The Americans said, "Take us out and show us these villains and you will thereby prove your loyalty to the United States. Disclose to us where these people in the hills have hid their arms, and lead us thither in order that we may deprive them of the instruments of destruction, and thereby you will prove your loyalty; or else gird up your loins, take your weapons, and join our forces and do battle against your own people, destroying the lives of your own compatriots and seizing and burning your own villages and inflicting torture upon your own people," because that was the method of warfare which was to be waged. "Take part in this uncivilized warfare"—and that is the third and last method by which these people could conclusively prove their loyalty, to the satisfaction of our military commanders.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. Certainly.

Mr. LODGE. The Senator does not mean to give the impression to the Senate that there has been any testimony as to the island of Samar with respect to what he is stating?

Mr. RAWLINS. No; I am quoting from the official records.

Mr. LODGE. But there has been no testimony at all on those points.

Mr. RAWLINS. If the Senator says that the official reports and orders of General Chaffee and General Smith and the reports of Captain Waller, sent to us, and of General Bell——

Mr. LODGE. I am not questioning them. I meant that we have not examined into that as we have into the island of Panay.

Mr. RAWLINS. I have examined into it, and I am taking for the basis of every statement I make the official records.

Mr. TELLER. You had better read them.

Mr. RAWLINS. I will complete my statement, and then I will read the extracts, because I want to make a continuous statement.

Mr. President, that rule was applied, as I will show, practically not only in Samar at the command of General Smith, but by General Bell and by General Hughes during the latter part of his administration in the island. We come now to something which has not officially appeared, but concerning which we have authentic information.

Captain Waller went to the island. I am not going to discount the severity of the hardships which are ascribed to the men of his expedition. I do not want to say one word in derogation of the men who were performing this service. I would not arraign any of these subordinates. God knows they were performing the most thankless and unhonored task that ever soldiers were called upon to perform. General Smith says of Captain Waller: "I commend him for promotion because he has faithfully and relentlessly carried out the directions which I gave him."

That appears in General Smith's official report, sent to us from the War Department. It appears in the orders, if we are to believe the report, the authenticity of which is recognized in the official documents sent to the Senate Committee on the Philippines by the Secretary of War, that Waller was arraigned and tried before a court-martial, and that his defense was not that he had not been guilty of the offenses which were charged against him (and we know what those were), but that he had performed them under the command of his superior, and in that trial he not only testified himself under oath, but he was corroborated by Captains Porter and Bearas and a corporal whose name I do not recollect just now. Captain Porter and Captain Bearas, as will appear from the official reports, were both recommended by General Smith for promotion and were promoted from captains to majors upon the ground of their gallantry and efficiency in the service.

We have the official record to prove the reliability of these witnesses, who have all testified, if we are to believe the reports of the Associated Press, credit to which is given by the War Department, that these things occurred. The order to Waller and his expedition was to make the island of Samar a howling wilderness, to encumber themselves with no prisoners, to kill everyone over the age of 10, and that they proceeded relentlessly to carry those orders into effect. The records show that men who had submitted to our forces as prisoners, and who were helpless and unarmed, crossing the island and enduring the pain and hardship that at least the men endured during the progress of the journey, finally reaching their destination, were charged with having failed to satisfy the hunger of their captors or with having failed to disclose to the men in whose custody they were the kind of roots that might be beneficial for food.

This was the offense that was charged against them. They were taken out by lot and shot to death. Not only that, but they were tied to trees and under this general authority to spare not, either to end the war or to inflict suffering relentlessly and in cold blood, they shot off an arm or a leg, and they continued the process for hours, if we are to believe the reports, until finally in agony the man perished. This man, upon that charge deliberately made by the officials in Manila and arraigned for trial, seemingly was acquitted because of the command given to him by his superiors, which covered the acts themselves.

But we pass from Samar to Batangas, and what do we find there? The governor of Batangas officially reported in December of last year that of the inhabitants of that province, of whom there were more than 300,000, but 200,000 remained; that the others had perished. We have it in an unofficial statement of General MacArthur that one-sixth of the inhabitants of Luzon had also perished.

But, Mr. President, I do not care to enter into the discussion of this particular phase of the matter this evening, because, in order that I may do no injustice to any man in the presentation of this statement, I desire to be entirely accurate, and I may collate the official documents which bear upon it in a more consistent manner, and make greater progress in the course of this discussion if I am permitted to delay its further continuance until to-morrow.

Mr. PATTERSON. The Senator from Utah is evidently wearied.

Mr. LODGE. I have no desire to press the Senator from Utah, of course, and if he desires to continue to-morrow I will either move an executive session, if any Senator desires one, or I will move that the Senate adjourn.

Mr. RAWLINS. That is agreeable to me.

CENTRAL ARIZONA RAILWAY.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I return without approval Senate bill No. 4363, entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve."

The Secretary of the Interior writes me as follows concerning the attached bill:

"I inclose a copy of the report on the bill by the Commissioner of the General Land Office, dated the 5th instant, for your full information.

"He states therein that it is questionable whether or not this company could be required to supply a bond to protect the Government from damage by reason of occupancy of the right of way provided for by this bill, should it become a law.

"He also states that this company could acquire the right of way under existing laws, as other companies have done, by complying with the usual requirements, one of which is the filing of a bond for the purpose mentioned, and that he knows of no reason why this company should be exempted from such requirements."

In addition thereto I have had the Commissioner of the Land Office before me. He informs me that in its present form it would be impossible to exact the guaranty from the railroad that would insure its making good damages resulting from fire or any carelessness on the part of the railroad company in the forest reserve through which this railroad is to pass. He further informs me that there is at present a law which will permit the railroad, if it chooses to take advantage of it, to go across forest reservations under proper safeguards, and that there is no reason why this railroad should be singled out to be favored beyond all other railroads by being excepted from the necessity of complying with the departmental regulations with which all other railrcads are forced to comply.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LODGE. I move that the message and bill be referred to the Committee on Public Lands and printed.

The motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 24, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 23, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

QUESTION OF PRIVILEGE.

Mr. CREAMER. Mr. Speaker, a question of privilege.

The SPEAKER. The Journal is not approved yet. Without objection, the Journal will be considered as approved.

There was no objection, and the Journal was approved.

The SPEAKER. The gentleman will state his question of privilege.

Mr. CREAMER. An article appears this morning in a metropolitan journal referring to the post-office at New York City, which is located in the district I have the honor to represent, charging the delegation from that city with being "dummies" and derelict in their duties here. I ask the Clerk to read the following article:

The Clerk read as follows:

NEW YORK'S NEW POST-OFFICE.

The House Committee on Public Buildings yesterday agreed upon its omnibus bill calling for appropriations aggregating $30,000,000.

What about the sorely needed uptown post-office for New York?

New York is graciously awarded a commission to come on here and select a site.

Senator PLATT'S bill, which passed the Senate, providing for a commission on which representatives of the great commercial organizations should be members, and appropriating two and one-half millions for the land and building—that bill is ignored.

Three members of the Cabinet are alone authorized to select and contract for the land, and as for an appropriation and the construction of the building, our kind friends in Washington may take the matter under consideration at some future session.

It is not at all surprising to learn from our special Washington dispatch this morning that "the New York members of the House were not consulted." If New York had real Representatives instead of more than a dozen dummies in the House they would not wait to be invited by the committee. They would have to be consulted.

Unless a strenuous effort is made to have the Senate bill taken up and passed our "Representatives" are liable to learn something to their disadvantage.

The SPEAKER. This presents no question of personal privilege.

Mr. CREAMER. It is a question involving the reputation of the Representatives of that city.

The SPEAKER. If the gentleman wants to ask unanimous consent for a personal explanation, the Chair will be glad to submit the request.

Mr. CREAMER. I would like to have about two minutes.

The SPEAKER. The gentleman asks unanimous consent——

Mr. PAYNE. Is there any limit of time? How much time does the gentleman want?

Mr. CREAMER. A few minutes.

The SPEAKER. How much time does the gentleman desire?

Mr. CREAMER. Not over five minutes.

The SPEAKER. Unanimous consent is asked that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CREAMER. The bill referred to in that paper was passed by the Senate in the last week of January. The following week I called at the room of the Committee on Public Buildings and Grounds and informed the chairman of the committee as to the condition of affairs concerning the post-office facilities in the city of New York and urged him to report the bill. No doubt a majority of the members of this House are familiar with the condition

of things there; no doubt you are familiar with the fact that an enormous surplus of revenue is received there which contributes largely toward the postal facilities of other parts of the country. Subsequently there appeared an article in a newspaper interviewing the chairman of the committee, the gentleman from Nebraska [Mr. MERCER], where he stated that if there was any evidence that the New York delegates were united he would report the bill.

Whether that was a genuine interview or not, of course, I am not able to state; but it was never contradicted. The New York delegation then met in a room here in the Capitol, and with our dear friend [Mr. CUMMINGS], now stricken down, at our head, we called upon the chairman of the committee at his room, and asked for a report of the bill. Mr. CUMMINGS urged us subsequently to be patient. This was the latter part of February. He urged us to be patient; that the chairman had assured him that action would be taken in reference to the measure, and that a separate bill would be reported. We acquiesced. While Mr. CUMMINGS was on his feet in this House there was no voice or echo from that committee but that we were to have a separate bill. Now, it seems, when we are bereft of the services of that member, we are informed, true indirectly, that a new commission is to be created, and that the bill will not include an appropriation.

I insist, Mr. Speaker, that the New York delegation, so far as I know, have performed their duty; and this reflection on their want of interest in this public question is not justified. I will not deny, however, that, judging from what I have read in the newspapers concerning what has transpired here, that this editorial printed in the New York Herald is perfectly justified.

Mr. LESSLER. Mr. Speaker, I ask unanimous consent that I may be recognized for five minutes in the line of the gentleman's remarks on the subject of the post-office at New York.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have five minutes to address the House on the subject which has been discussed by the gentleman preceding him. Is there objection? [After a pause.] The Chair hears none, and that gentleman is recognized for five minutes.

Mr. LESSLER. Mr. Speaker, very soon after I came into the House, in January, the matter of the New York post-office was brought to my attention; and while I had not intended to say so before, and have not spoken of it, the meeting that took place with the entire New York City delegation was brought about at my instigation. All of us met, and the new members said to Mr. CUMMINGS and the other older members that their judgment was best as to the method of obtaining what we desired, and that we would follow them and go to the chairman of the Committee on Public Buildings and Grounds. At their instigation we visited the Committee on Public Buildings and Grounds and requested that, with minor changes, the Cummings bill be reported to the House. Since that time I have personally been at that committee all the time, and yesterday afternoon I learned that we were to have in the omnibus bill a commission to investigate the subject, and that our request as a delegation, as a united delegation, irrespective of political lines, knowing what our people needed and wanted, was to be ignored by that committee and they were to bring in their own measure.

However, my judgment of the situation was and is that when that bill comes on the floor of this House we are sufficient in number, knowing what our people want and what they must have for the benefit of the rest of the United States, and not of New York alone, to present to this House sufficient reasons why this Congress should legislate to give us an appropriation so that we can commence at once to build the New York post-office. The delegation, Republicans and Democrats, have not been derelict, but have done the full measure of their duty toward getting what New York needs and what the United States ought to have—an additional and a great post-office in the city of New York.

PRINTING OF NAUTICAL ALMANAC.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to call up House joint resolution 177, providing for the printing of the American Ephemeris and Nautical Almanac.

The Clerk read the resolution, as follows:

Resolved, etc., That hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound 1,100 copies of the same, uniform with the editions printed for the Navy Department, as provided in section 73, paragraph 5, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents, 100 copies for the Senate, 400 for the House, and 600 for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

The SPEAKER. This will require unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading, read the third time, and passed.

PRINTING REPORT OF GOVERNOR OF OKLAHOMA.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the committee to ask unanimous consent for the present consideration of concurrent resolution No. 30.

The Clerk read the concurrent resolution, as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the two votes by which the two foregoing resolutions were agreed to was laid on the table.

HARRY C. MIX.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4446) for the relief of Harry C. Mix.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry C. Mix, of Bibb County, Ga., be, and he is hereby, relieved from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of $1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds: *Provided, however*, That the said Harry C. Mix shall first pay to the Government of the United States all costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair will call the attention of the gentleman from Georgia to line 5, on page 2. The word "court" has been inserted before the word "cost." Is it the intention of the gentleman to move an amendment?

Mr. BARTLETT. Yes, Mr. Speaker; I move an amendment in that particular.

The SPEAKER. The gentleman from Georgia moves to amend by adding the word "court," after the word "all," in line 5, page 2; so that it will read "all court costs."

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 698, REVISED STATUTES.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 698 of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows:

"SEC. 698. Upon the appeal of any cause in equity or of admiralty and maritime jurisdiction, or of prize or no prize, it shall be the duty of the clerk of the court below, upon payment to him of a sum not to exceed $5 as his fees, by the appellant, together with the actual cost of transmitting the same, as hereinafter mentioned, either by mail or express, to attach together the original bill, libel, process, answer, replication, and all other pleadings, processes, motions, notices, orders, and decrees which shall have been filed in said cause, together with all the original minutes of all testimony in the cause, whether taken in open court by commissioner or settled by the court, and also copy of all journal and calendar entries, and all other proceedings of record in the cause not embraced in the original papers hereinbefore mentioned, and transmit the same, together with his certificate of the genuineness of the said original and the correctness of said copies of such journal and calendar entries and records, to the Supreme Court or to the circuit court of appeals, as the case may be, within fifteen days after such appeals shall be perfected; and if an appellant shall neglect to pay to such clerk the fee above provided for making such returns for thirty days after such repeal has been perfected, he shall be deemed to have waived his appeal, and the appellee may at once proceed to enforce his decree the same as if no appeal had been taken; and when an appeal shall have been so heard and determined the records and files sent from the court below, together with the proceedings and decree or order of the Supreme Court or of the circuit court of appeals therein, and all things concerning the same, shall be remitted to the court below from which the appeal was taken, when such further proceedings shall be thereupon had as may be necessary to carry into effect the decree or order of the appellate court. *And be it further enacted*, That whenever by the rules and practice of the Supreme Court or of the circuit court of appeals the record in the cause is required to be printed, the appellant may cause the same to be printed, subject only to the rules of the appellate court as to the style, manner, and time of such printing."

With the following amendments recommended by the committee:

(1) By striking out the word "copy" in line 3, on page 2, and inserting in lieu thereof the words "upon payment to him of 15 cents per 100 words therefor, copies;"

(2) By striking out the word "fee" in line 12, on page 2, and inserting in lieu thereof the word "fees;"

(3) By inserting immediately after the word "returns" in line 12, on page 2, the words "and copies," and

(4) By striking out the word "repeal" in line 13, on page 2, and inserting in lieu thereof the word "appeal," and that when so amended the bill be passed.

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill.

Mr. WARNER. Mr. Speaker, under existing law when a case is taken to an appellate court by appeal or writ of error, it is necessary in carrying the case up to have a transcript of all the files in the case, including the testimony which may be in writing, made and certified by the clerk of the trial court. This often imposes a great expense upon the parties. In some cases it has been known to be as great as $2,000. This bill simply provides that instead of the clerk certifying up a transcript of the files and written evidence, he shall attach together all the original files and testimony and certify to them on the payment to him of $5 and the cost of transmitting the papers to the appellate court.

In addition to that, he is allowed 15 cents for each 100 words for making a transcript of all that part of the record, the originals of which can not be sent up, like the journal and the minutes on the judge's docket, etc. That is the whole effect of the bill, to allow the parties to have the original files certified up, and when the case is finally decided by the appellate court the original files and transcript of the record are sent back to the trial court and remain on file there. It is to expedite the case and to save expense to the litigants and to simplify the whole proceedings. This is the method of proceeding followed in several States of the Union; and it is found to operate very beneficially. It has met with approval wherever it has been tried in our State courts.

Mr. CLAYTON rose.

Mr. WARNER. I will only add that this is a unanimous report of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Speaker, I rose for the purpose of supplementing the statement of the gentlemen from Illinois [Mr. WARNER] by the further statement that this is the unanimous report of the Judiciary Committee, made after full consideration; and the bill ought to pass.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

DONATION OF SPARS OF CAPTURED BATTLE SHIPS.

Mr. WILEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo* was read, as follows:

Be it enacted, etc., That the lower mast taken by Capt. Richmond P. Hobson, of the United States Navy, from the captured Spanish battle ship Don Juan d'Austria, at Manila, and the topmast from the Almirante Oquendo, at Santiago de Cuba, be, and the same are hereby, donated by the United States to the State of Alabama, to be used in the erection of a flagstaff on the capitol grounds of said State as a perpetual memorial to the value of the American Navy.

SEC. 2. That the State of Alabama be reimbursed the expense of transporting said masts from the navy-yard at Brooklyn and Norfolk, respectively, to Montgomery, Ala., out of any money in the Treasury of the United States not otherwise appropriated.

The amendments reported by the Committee on Naval Affairs were read, as follows:

In lines 3 and 4 strike out the words "by Capt. Richard P. Hobson, of the United States Navy."

Strike out all of section 2.

There being no objection, the House proceeded to the consideration of the bill.

Mr. WILEY. Mr. Speaker, this bill was introduced by me at an early day of the present session, authorizing the Secretary of the Navy to donate to the State of Alabama the Spanish masts taken from the sunken battle ships *Oquendo* at Santiago and the *Don Juan d'Austria* at Manila, and brought to the United States through the instrumentality of Naval Constructor Capt. Richmond Pearson Hobson, the hero of the *Merrimac*, and by him presented to the people of Alabama, to be erected on the grounds of the State capitol at Montgomery, from which to display the first American flag hoisted in Cuba—said masts and flag to be the property of the State, and to be kept on exhibition as a perpetual memorial of the valor of the American Navy in the two greatest sea battles of the world and fought more than 8,000 miles apart.

This matter was first brought to my attention last October, at which time I was requested by prominent citizens of Montgomery, my home town, to take the matter in hand as the Representative in Congress from that district. I promptly wrote to the honorable the Secretary of the Navy, stating, in substance, that these masts had been brought to the United States through the efforts of Captain Hobson and presented by him to the State of Alabama; that Gen. Joseph Wheeler, a hero in two wars and under two flags, had given to the State the above-mentioned flag; that said relics were of no military value; that several of the other cities of the State possessed various kinds of mementos of the war, in which both the North and South participated, and in which they bravely vied with one another in generous rivalry in upholding the honor of the old flag.

Under date of October 14, 1901, I received a reply from Hon. John D. Long, Secretary of the Navy, in which he stated that he had authorized the commandants of the navy-yards, New York and Norfolk, to loan to the municipal authorities of the city of Montgomery the articles in question, upon application therefor by the mayor of Montgomery. Under date of October 21, 1901, the authorities at Montgomery received a letter from Capt. W. W. Reisinger, commandant of the navy-yard at Pensacola, Fla., in which he stated that he had been ordered by the honorable Secretary of the Navy to furnish three seamen, with a warrant officer in charge, to report to the mayor of Montgomery for temporary duty in connection with the erection of the above spars.

After some difficulty in the matter of transportation of said masts, on account of their great length, etc., they were finally transported to Montgomery.

The history of the donation of these masts to Alabama by Captain Hobson is familiar to the reading public. He advised the governor of the State that he had shipped the same to America and had arranged to donate them to the State. Upon their arrival in this country it was thought that they, technically speaking, were the property of the Government and could not be donated for any purpose to any particular State or section of the country without a special act of Congress authorizing the same. Finally the Navy Department decided that the masts could be shipped to Alabama and a bill afterwards passed by Congress confirming title in the State to the same.

These masts are now at Montgomery. The Navy Department does not want them. They have absolutely no military value, and to put the matter finally and forever at rest I ask that this bill may become a law.

The report from the Committee on Naval Affairs, accompanying the bill to this House, contains the following words:

These masts of the vessels heretofore mentioned are of no military value, and are now loaned by the Navy Department to the city of Montgomery, which desires to use said masts on the grounds of the State capitol at Montgomery for flag poles to display the first American flag hoisted in Cuba during the Spanish-American war and presented by Gen. Joseph Wheeler to the State of Alabama. The masts are of historic value only, and this bill simply vests the title to the same in the State of Alabama.

I have complied with my promise in introducing this bill. That it meets the approval of the Navy Department is made further manifest by the following communication from Secretary Long to the Speaker of this House, which he has kindly submitted to me and which I will read:

NAVY DEPARTMENT, *Washington, April 16, 1902.*

SIR: Your letter of the 10th instant, inclosing a copy of the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, has been received, and in reply to your request for an expression of the Department's views on the subject I have the honor to state that no objection is perceived to the donation to the State of Alabama of the spars of said vessels, as provided in the bill.

In compliance with the request contained in your communication above mentioned, I return herewith the bill in question with the report thereon.

Very respectfully,

JNO. D. LONG, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I desire to state briefly that it is peculiarly appropriate that these masts be permanently erected in the city of Montgomery, not only the capital of Alabama, but also the first capital of the Southern Confederacy. They are to be utilized as flagstaffs from which to display the starry banner of the Union—the standard of a reunited country—as an emblem of the blended patriotism of the men, and the sons of the men, who wore both the blue and the gray in fratricidal conflict in the long ago between the two great sections of our grand and glorious Republic. It will furnish another evidence of the truth that all sectional lines have been obliterated and that we are banded together once more and forever in the common bonds of union, loyalty, fraternal love, and civil liberty. [Applause.]

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILEY, a motion to reconsider the last vote was laid on the table.

INDIGENT CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, with amendments which I will offer at the proper time.

The bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in

the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots under an act approved June 28, 1898, being "An act for the protection of the people of the Indian Territory, and for other purposes," the said sum to be used for certain destitute Choctaw Indians in the manner hereinafter provided, and charged against the proportionate share of said fund belonging to the Choctaws.

SEC. 2. That Gilbert W. Dukes, principal chief of the Choctaw Nation, George W. Scott, treasurer of the Choctaw Nation, and Green McCurtain, ex-principal chief of the Choctaw Nation, are hereby constituted a commission, with authority to investigate and determine what Choctaw citizens are destitute and in absolute need of help; and they are hereby authorized and empowered to supply to said destitute Choctaws such food as may be necessary for their maintenance as they may determine to be right and proper, the same to be paid for out of the aforesaid $20,000.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of the arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat., 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901, to the credit of the Chickasaw tribe.

SEC. 4. That D. H. Johnson, governor of the Chickasaw Nation, W. T. Ward, treasurer of said nation, and P. S. Mosly, ex-governor of said nation, are hereby constituted a commission with authority to investigate and determine what Chickasaw citizens are destitute and in absolute need of help, and they are hereby authorized and empowered to supply said destitute Chickasaws with such food as may be necessary for their maintenance as they may determine to be right and proper. Said commission is also authorized to reimburse the governor of the Chickasaw Nation for the actual expenses heretofore incurred by him in supplying indigent Chickasaws with necessary food and raiment, payment to be made from said fund: *Provided*, That the members of said Choctaw and Chickasaw commission shall not be allowed any compensation for their services except the actual necessary expenses while engaged in said work.

The Clerk read the following proposed amendments:

In line 7, page 1, strike out "thirty" and insert "twenty."

In line 14, page 1, strike out "belonging to the Choctaws" and insert "due to each Choctaw Indian receiving relief under the provisions hereof."

At the end of section 2, insert the following:

"But not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share."

Insert in line 19, page 2, after the words "Five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents" the words "excluding the incompetent fund."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. Mr. Speaker——

Mr. CURTIS. Mr. Speaker, there are two other amendments which have been suggested by the Department.

The SPEAKER. Committee amendments? None of the amendments just read are in the bill as sent to the desk.

Mr. CURTIS. They are amendments suggested in a letter from the Department——

The SPEAKER. And subsequently adopted by the committee?

Mr. CURTIS. No, sir; but I was authorized to offer amendments suggested by the Department.

The SPEAKER. These amendments can be sent up afterwards.

Mr. CANNON. I think it is probably material that the amendments should be read now. I have had a conversation with the gentleman from Kansas [Mr. CURTIS] about this bill, but I want to ask this question: Whether, after conference with the Department, he is satisfied that under the provisions of this bill no Indian who is relieved will be relieved except from his own funds; in other words, that this relief can not in any event be a charge against the United States Treasury, but will be charged against the funds to which the individual Indian is entitled?

Mr. CURTIS. I am satisfied that that will be the effect of the bill with the adoption of the amendments which I send to the desk. In this connection, I would like to have printed in the RECORD a letter from the Department in reference to this measure.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 21, 1902.*

HON. CHARLES CURTIS,
House of Representatives.

SIR: In accordance with your verbal request for the views of the Department upon H. R. 13819, entitled "A bill for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes," I beg leave to submit the following:

The first section of said bill authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations derived from the sale of town lots under an act approved June 28, 1898, commonly called the "Curtis Act," said sum to be used for the relief of certain destitute Choctaw Indians in the manner hereinafter provided in the following section and charged against the proportionate share of said fund belonging to the Choctaws.

The first amendment suggested is a change of the amount from $30,000 to $20,000, which is the same amount as that heretofore recommended by the Department in its letter dated April 18, 1902.

The second amendment is to strike out in the fourteenth line the word "belonging" and insert in lieu thereof the word "due." Also to strike out the word "the" at the end of the line and insert in lieu thereof the word "each," and change the word "Choctaws" to "Choctaw" in the fifteenth line, and add thereto the words "Indian receiving relief under the provisions hereof." These amendments meet the approval of the Department.

By section 29 of the "Curtis Act" it is provided that "the money paid into the United States Treasury for the sale of town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof."

The Commissioner of Indian Affairs on March 25, 1902, reported to the Department that the amount derived from the sales of town lots under said provision credited to the Choctaw Nation, was $90,718.56.

It is clear that no injustice will be done if the amount advanced for the relief of the indigent Indians be charged up to the share of each Choctaw Indian receiving relief. The effect is only to anticipate the payment provided for in said section of the "Curtis Act," which, without further legislation, would have to be distributed to all the members of said nation as provided therein.

The funds arising from the sale of town lots will continue to increase as the lots of the several towns in the nations are sold and the proceeds paid into the Treasury.

The second section is proposed to be amended by adding after the word "dollars" the following: "but not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share." The Department has no objection to said provision. It will be a wholesome restriction upon the commission and tend to insure a proper distribution of the relief.

Section 3 authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat.. 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901 (31 Stat., 240), to the credit of the Chickasaw tribe.

Inasmuch as there were two funds to which said appropriation was to be credited, it is recommended that after the word "cents" in the nineteenth line of section 3 there be inserted the words "excluding the 'incompetent fund.'" The report of the Commissioner of Indian Affairs shows that there is $55,572.75 of the fund not included in the "incompetent fund," which is still to the credit of the Chickasaw Nation, and which is not required by law to be paid out per capita. The "incompetent fund" is required by law to be paid out per capita to the members of the Chickasaw Nation under the provisions of said Indian appropriation act of March 3, 1901. There is no requirement that the second $10,000 shall be distributed per capita, and hence there does not appear to be any good reason why Congress may not authorize the relief for the Chickasaws as herein indicated.

In section 4, sixteenth line, the word "commission" should be "commissions," there being one for each nation; and it is recommended that there should be a second proviso, as follows: "*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

The Department again urges that the relief requested be furnished as speedily as possible and that the bill do pass.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. CURTIS. Mr. Speaker, this bill was drawn by the Department and sent to the Committee on Indian Affairs, and the committee authorized me to report it. The Department urges its passage because the Indians are destitute, and this money is in the Treasury to the credit of the tribes. The bill makes no appropriation whatever. It simply allows these Indians to use the money now standing to their credit. Under the bill, if amended as suggested by the Department, I am satisfied the members of the Choctaw tribe will simply get their pro rata share of the money now in the Treasury derived from the sale of town lots, and so far as the Chickasaws are concerned they have two funds which may be used for this purpose if Congress so directs.

The SPEAKER. Without objection, the other amendments sent to the desk by the gentleman from Kansas [Mr. CURTIS] will be read for information.

Mr. RICHARDSON of Tennessee. Before those amendments are read allow me a word. I could not catch what the gentleman said in respect to these amendments. I understand that they have not been considered in the committee. Is that correct?

Mr. CURTIS. The amendments were not considered by the committee, but the committee by a unanimous vote authorized me to report the bill prepared by the Department. The Department prepared this bill, and afterwards suggested the amendments. So there can be no question about the funds to be used.

Mr. RICHARDSON of Tennessee. The amendments have not been printed at all, as I understand.

Mr. CURTIS. The amendments were offered just now and are embodied in the letter from the Department to simply make the bill plainer, so that the purpose of the bill will be thoroughly understood.

Mr. LITTLE. The amendments are simply to identify the fund?

Mr. CURTIS. To identify the fund.

Mr. LITTLE. And to make certain the purposes of the bill?

Mr. CURTIS. That is the object of the amendments.

The SPEAKER. The Clerk will read the additional amendments for the information of the House.

The Clerk read as follows:

Insert in line 19, page 2, after the word "cents," the following: "excluding the incompetent fund."

In line 16, page 3, change the word "commission" to "commissions."

Insert after the word "work," in line 18, page 3, the following:

"*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

Mr. RICHARDSON of Tennessee. Mr. Speaker, the difficulty, I may say, is that it is impossible when amendments are not printed for us to understand exactly their purport and effect. Now, I understand the gentleman to say that he has offered the amendments to carry out the recommendations of the Indian Office?

Mr. CURTIS. Of the Department—the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. Now, I am assured by the gentlemen of the minority of that committee that these amendments do that, and if so, why it is all right.

Mr. CURTIS. There is no question about that.

Mr. RICHARDSON of Tennessee. But we are compelled to act purely upon faith, upon the representations made by these gentlemen, because we can not see the amendments and they are not printed, but with these assurances I shall not object.

Mr. CANNON. I am content to take the judgment and word of the gentleman from Kansas [Mr. CURTIS], that when the bill passes with the amendments that each Indian relieved gets that to which he is entitled, and there can be in no event hereafter a charge upon the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of the bill and the proposed amendments? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER IN MARION COUNTY, TENN.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., which I will send to the desk and ask to have read.

The Clerk read the bill at length, together with the amendments recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the last vote was laid on the table.

STATISTICS OF TRADE BETWEEN UNITED STATES AND NONCONTIGUOUS TERRITORY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory.

The Clerk read as follows:

Be it enacted, etc., That the provisions of sections 4197 to 4200, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

GRANTING LANDS TO COLORADO SPRINGS, COLO.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo., and that the similar House bill lie on the table.

The Clerk read as follows:

Be it enacted, etc., That the following-described tracts of land, situate in the county of El Paso and State of Colorado, described as follows: All of south half of south half of section 28; all of south half of section 29 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter of section 31 not included in the grant to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter, all of southwest quarter, and all of north half of southeast quarter of section 32; all of north half, all of north half of southwest quarter, all of southwest quarter of southwest quarter, all of north half of southeast quarter, and all of southeast quarter of southeast quarter of section 33.

All of the above-described land is in township 14 south, range 68 west, of sixth principal meridian. Also, all of east half of northeast quarter and all of north half of south half of section 4, township 15 south, range 68 west, of sixth principal meridian; all of north half of southeast quarter, all of west half of northeast quarter, and all of northwest quarter of section 5, township 15 south, range 68 west, containing 2,181.5 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the similar bill, H. R. 11985, will lie on the table.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, COLUMBUS, GA.

The SPEAKER laid before the House the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., with a Senate amendment thereto.

The Senate amendment was read.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. TAYLOR of Alabama obtained leave of absence indefinitely, on account of important business.

OLEOMARGARINE.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania presents the following privileged report.

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; and said motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the said bill shall continue privileged until the bill and amendments shall have been disposed of.

Mr. DALZELL. Mr. Speaker, the effect of this rule is to make the Senate amendments to the oleomargarine bill a continuing order until disposed of.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield about fifteen minutes to me.

Mr. DALZELL. I yield fifteen minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the rule that brings this bill before the House simply provides that it shall be a continuing order of the House until disposed of. It makes the matter privileged, and I should have no objection to this form of rule if it was not for the fact that I consider it inapplicable to this question.

In my judgment the oleomargarine bill is of no more importance than hundreds of other bills on the Calendar demanding relief at this time, demanding the right of way at this time, that are ignored, and that will continue on that Calendar until they die, because they can not be reached. Now, this bill has not the unanimous report of either party.

Mr. TAWNEY. It is not a party bill.

Mr. UNDERWOOD. It is not a party bill. It has the strong opposition of a large portion of the country. It is purely in the interest of one set of people, and against the interest of another set of people. It is not of universal benefit to the country, and for that reason I do not believe that two rules should be given to put this legislation before the House.

There has been no change in the principle since the bill went to

the Senate. It is true that changes have been made. I think there are some beneficial changes in the bill, but as far as the principle is concerned the bill remains exactly as it did before it went to the Senate.

When the question originally came up before the Rules Committee, the two minority members of that committee opposed the reporting of this rule. The minority members of the committee still oppose the reporting of this rule as unnecessary for this legislation. For that reason, for the reason that we are taking up time that could be better disposed of and better used in the transaction of the great public business that the whole country is interested in, I think this rule should be voted down.

Now, I yield the balance of the time to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I agree with the sentiments expressed by the gentleman from Alabama [Mr. UNDERWOOD]. I do not rise to oppose the particular provisions of this rule, but I do rise to oppose the adoption of any rule for the consideration of the oleomargarine bill at this time. I find, upon looking at the Calendar, that this bill is preceded by 104 or 105 other bills on the Union Calendar. I find upon that Calendar such important measures as the one providing for the civil government of the Philippine Islands, a bill that we all hope will remove what is now a blotch upon the honor of the American people, and in some measure benefit that open sore that we are maintaining in the southern seas.

Yet that great measure must sleep in what the gentleman from Washington has well termed the cemetery of legislation while the Committee on Rules leads the brindle cow again to the bars and lets them down that she may enter into the richness of the Congressional pastures. I find on this Calendar two measures providing for the erection of national homes for the benefit of the disabled veterans of the civil and Spanish wars. I find on this Calendar a bill for the irrigation of arid lands, recommended by the President of the United States and indorsed by every labor organization of the Union, approved by nearly every commercial body in every city in every State in the Union. Yet that bill must sleep upon the shelf while the right of way is given to this measure, that has only one purpose, and that is to destroy one American industry for the benefit of another. [Applause.]

Mr. Speaker, what is the reason that this peculiar measure should for the second time at this session of Congress find such great power and influence in that most influential of all committees, the Committee on Rules, that everything else can be thrown aside and the right of way given to the bill that affects the oleomargarine industry? Why, sir, it has been but two days since I read in the local papers where the poor people of the District of Columbia were fighting for an approach to the stalls in the market that had advertised meat at a reduced price. With meat so high that the poor are almost unable to obtain it for their tables, with all kinds of food products higher probably than they ever were in time of peace, you come here with a special rule to tax a necessary article of diet, the only one of that nature that the poor man is able to place upon his table. Last week, sir, we had a measure up before this House to give relief to the starving people of Cuba. You follow it this week with a measure to tax the poor people of America. Tears and sympathy for the Cuban poor and sneers and taxation for the American poor is the record that the majority are making to go before the people. [Applause.]

But gentlemen said when this measure was up some weeks ago that it was not intended and it would not raise the price of butter. What are the facts? I find the actual fact to be that immediately after the passage of the oleomargarine bill in the Senate butter went up 4 cents on the New York market, 3 cents in the Chicago market, and 3 cents a pound above the current price at Elgin, Ill., the very home of the creamery industry. Yet gentlemen said this was not to increase the price of butter. Mark you, this price went up immediately after the bill had passed the other House of Congress and was thereby sure of ultimate enactment into law.

Mr. TAWNEY. Is it not a fact that the price of meats has also gone up since the passage of the oleomargarine bill?

Mr. COWHERD. But butter is not made from meat, but is made from milk; and the price of milk has gone down while the price of butter has gone up.

Mr. TAWNEY. The particular butter you are favoring is made from meat.

Mr. COWHERD. That has nothing to do with it. The bill as you passed it was to put up cow butter for the benefit of the farmer. The product of the cow is milk, and the milk went down instantly, while the price of butter went up at the instance of your legislation. [Loud applause.]

Mr. TAWNEY. Does the gentleman say that butter is not a product of the farm? If he does, he knows nothing about it.

Mr. COWHERD. I do know as much about it as does the gentleman from Minnesota.

Mr. TAWNEY. Well, then, you are not correctly representing yourself.

Mr. COWHERD. I say that the butter that is to be benefited by this bill is not the product of the farm, and you know it is not. It is the product of the creamery. It is the product of the factory and not the farm; and this bill is to aid the manufacturer and not the farmer, and these facts are proved by what has transpired since the passage of that bill by the Senate. [Loud applause.] Now, let me give you the facts.

Mr. MCCLEARY. Who owns the creameries?

Mr. COWHERD. The creameries in my country are largely owned by a creamery trust—400 of them—and no farmer has a single dollar in those creameries. [Loud applause.]

Mr. TAWNEY. Will you answer this question?

Mr. COWHERD. Let me refer to the facts.

Mr. TAWNEY. One billion seventy-three million pounds of butter are made on the farms and 420,000,000 are made in the creameries.

The SPEAKER. The Chair admonishes gentlemen that before interrupting a speaker they must get permission of the Chair to do so.

Mr. COWHERD. I want to call attention to another fact, to show that these gentlemen were not honest to this House when they said they were trying to prevent a trust in this bill. What is the fact about that amendment which said process butter should be labeled as "process butter?" This committee, which now comes here and asks a special rule to pass their bill, has stricken out that provision and provided that it be "labeled as the Secretary of Agriculture may provide"—and he may provide that it shall be labeled as "refined butter" or "extra fine creamery" or anything else that he chooses.

But just one word further. Now, the gentleman says that this is for the benefit of the farmer. The butter from the farm, as everybody knows, does not go into the trade, it does not go into commerce, it is used at the farm or it is used in the neighborhood of the farm in the small towns. There are 20,000,000 people in the United States living in cities of over 25,000 population, and into those cities goes the butter of the creamery, and the country butter does not compete with it, and only in those cities is oleomargarine sold to any extent, and only in competition with creamery butter. What is the fact? The butter trust, or the creameries, have been putting up the price of butter ever since the passage of this bill, until within the last day or two when they put it down, as I believe, for the purpose of aiding this bill again through the House. They have been putting up the price of butter and putting down the price of milk, which is the farmer's product.

Now, what is the fact as to the amount of butter? Was there any reason for this great advance? I find in the New York market in March of this year, when the butter was higher than for years, on account of the passage of this bill, that there was practically as much butter on the market in New York as in March of last year. I find that in the markets of Chicago there was more butter in March of this year than there was last year, and the price has gone soaring skyward because of this legislation that you have enacted, not for the farmer, but for the creameries.

Mr. BELL. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Colorado?

Mr. COWHERD. I will.

Mr. BELL. I notice that the price of eggs went up to 50 cents some time ago; did this legislation have anything to do with that?

Mr. COWHERD. Does not the gentleman know that when the price of eggs went up they were scarce in the market? I have read you the facts that there was as much butter in the market as there was last year, and therefore the price did not go up because butter was scarce. Can not the gentleman draw the distinction? [Applause.]

Mr. BELL. Other food products have gone up in price with it.

Mr. COWHERD. No food product has gone up in price comparatively as much as butter, not even beef, and that has been put up by the trust, as we are daily told by the press. The price of butter has been put up by this legislation which you are enacting against the table of the poor people of the United States. The only purpose that this bill can serve is to tax the man who to-day must earn his bread in the sweat of his face, and provide that hereafter he must eat that bread unbuttered. When food products were never so high, when butter was never at such a high price, and when butter makers were never so prosperous, there is not only no need of this legislation, but it is a little short of—I almost said infamous, but I will not use that word, but it is certainly an outrage in legislation that a special rule should be enacted to give this measure precedence over hundreds of other bills on the Calendar, many of them of the utmost importance. [Applause.]

Mr. DALZELL. Mr. Speaker, I do not understand that the merits of the oleomargarine bill are properly under discussion

now. The purpose of this rule is to give the House an opportunity to discuss that bill, and I do not propose to be drawn into any argument upon the subject.

Mr. MANN. May I ask the gentleman a question?

Mr. DALZELL. Yes.

Mr. MANN. Is there any other way under the rules by which the House could have an opportunity to consider this bill unless the Committee on Rules reported a special rule?

Mr. DALZELL. A motion to go into Committee of the Whole House for the discussion of the bill would be in order.

Mr. MANN. Then it is not necessary to report the rule.

Mr. DALZELL. I will say, in answer to my friend from Illinois and the gentleman from Missouri, that the justification of the Committee on Rules in bringing in this rule arises out of the fact that this bill has been considered by both Houses, both by the Senate and the House, and we are entitled to have, at some time or other, an end to legislation. In that respect it differs from the other bills on the Calendar referred to by the gentleman from Missouri. Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania asks for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were 101 ayes and 76 noes.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 79, answered "present" 13, not voting 110; as follows:

YEAS—153.

Acheson,	Edwards,	Lloyd,	Russell,
Adams,	Emerson,	McCleary,	Selby,
Alexander,	Esch,	McLachlan,	Shafroth,
Allen, Me.	Fletcher,	Mahon,	Shallenberger,
Aplin,	Foss,	Marshall,	Shattuc,
Ball, Del.	Foster, Vt.	Martin,	Shelden,
Barney,	Gaines, Tenn.	Mercer,	Sibley,
Bartholdt,	Gardner, Mich.	Metcalf,	Skiles,
Bates,	Gibson,	Mickey,	Smith, Ill.
Bingham,	Gilbert,	Miller,	Smith, Iowa
Blackburn,	Gillet, N. Y.	Minor,	Smith, H. C.
Bowersock,	Gillett, Mass.	Moody, N. C.	Smith, S. W.
Bristow,	Gooch,	Moody, Oreg.	Smith, Wm. Alden
Brown,	Gordon,	Moon,	Snook,
Brownlow,	Graff,	Morrell,	Southard,
Burkett,	Greene, Mass.	Morris,	Southwick,
Burleigh,	Grow,	Moss,	Sperry,
Butler, Pa.	Hamilton,	Mudd,	Stark,
Calderhead,	Haskins,	Mutchler,	Stevens, Minn.
Caldwell,	Haugen,	Naphen,	Stewart, N. J.
Cassingham,	Heatwole,	Needham,	Stewart, N. Y.
Conner,	Hemenway,	Neville,	Storm,
Coombs,	Henry, Conn.	Olmsted,	Sulloway,
Cooney,	Hepburn,	Otey,	Tate,
Cooper, Wis.	Hitt,	Otjen,	Tawney,
Cousins,	Howell,	Padgett,	Thomas, Iowa
Currier,	Hull,	Payne,	Tompkins, N. Y.
Curtis,	Irwin,	Pearre,	Tongue,
Cushman,	Jack,	Perkins,	Van Voorhis,
Dahle,	Jenkins,	Pou,	Vreeland,
Dalzell,	Jones, Va.	Powers, Me.	Wanger,
Darragh,	Jones, Wash.	Powers, Mass.	Warner,
Davidson,	Ketchum,	Prince,	Warnock,
De Armond,	Kluttz,	Ray, N. Y.	Williams, Ill.
Dick,	Knapp,	Reeves,	Woods,
Dougherty,	Lamb,	Rixey,	Zenor.
Douglas,	Lawrence,	Robb,	
Draper,	Lewis, Pa.	Robinson, Nebr.	
Driscoll,	Littlefield,	Rucker,	

NAYS—79.

Adamson,	Davis, Fla.	Lewis, Ga.	Roberts,
Allen, Ky.	Dinsmore,	Lindsay,	Ryan,
Ball, Tex.	Elliott,	Little,	Scarborough,
Bankhead,	Feely,	Livingston,	Scott,
Bartlett,	Foster, Ill.	Long,	Sims,
Bellamy,	Gaines, W. Va.	Loud,	Small,
Belmont,	Goldfogle,	McAndrews,	Smith, Ky.
Brantley,	Hedge,	McClellan,	Snodgrass,
Breazeale,	Henry, Miss.	McCulloch,	Spight,
Bromwell,	Hooker,	McDermott,	Stephens, Tex.
Brundidge,	Howard,	McLain,	Thompson,
Burgess,	Kahn,	McRae,	Tompkins, Ohio
Burleson,	Kehoe,	Maddox,	Underwood,
Butler, Mo.	Kitchin, Claude	Mann,	Wadsworth,
Candler,	Kitchin, Wm. W.	Meyer, La.	Wheeler,
Clayton,	Kleberg,	Miers, Ind.	Wiley,
Connell,	Lanham,	Pierce,	Williams, Miss.
Cowherd,	Lessler,	Pugsley,	Wilson,
Creamer,	Lester,	Ransdell, La.	Wooten.
Davey, La.	Lever,	Richardson, Tenn.	

ANSWERED "PRESENT"—13.

Bell,	Clark,	Rhea, Va.	Trimble.
Benton,	Graham,	Richardson, Ala.	
Bull,	Hay,	Robinson, Ind.	
Capron,	Johnson,	Shackleford,	

NOT VOTING—110.

Babcock,	Blakeney,	Bowie,	Burk, Pa.
Beidler,	Boreing,	Brick,	Burke, S. Dak.
Bishop,	Boutell,	Broussard,	Burnett,
Burton,	Gardner, N. J.	Latimer,	Schirm,
Cannon,	Gill,	Littauer,	Sheppard,
Cassel,	Glenn,	Loudenslager,	Sherman,
Cochran,	Green, Pa.	Lovering,	Showalter,
Conry,	Griffith,	McCall,	Slayden,
Cooper, Tex.	Griggs,	Mahoney,	Sparkman,
Corliss,	Grosvenor,	Maynard,	Steele,
Cromer,	Hall,	Mondell,	Sulzer,
Crowley,	Hanbury,	Moody, Mass.	Sutherland,
Crumpacker,	Henry, Tex.	Morgan,	Swanson,
Cummings,	Hildebrant,	Nevin,	Talbert,
Dayton,	Hill,	Newlands,	Tayler, Ohio
De Graffenreid,	Holliday,	Norton,	Taylor, Ala.
Deemer,	Hopkins,	Overstreet,	Thayer,
Dovener,	Hughes,	Palmer,	Thomas, N. C.
Eddy,	Jackson, Kans.	Parker,	Tirrell,
Evans,	Jackson, Md.	Patterson, Pa.	Vandiver,
Finley,	Jett,	Patterson, Tenn.	Wachter,
Fitzgerald,	Joy,	Randell, Tex.	Watson,
Fleming,	Kern,	Reeder,	Weeks,
Flood,	Knox,	Reid,	White,
Foerderer,	Kyle,	Robertson, La.	Wright,
Fordney,	Lacey,	Rumple,	Young.
Fowler,	Landis,	Ruppert,	
Fox,	Lassiter,	Salmon,	

So the resolution reported by the Committee on Rules was adopted.

Mr. GRAHAM. I voted in the negative, but as I am paired with the gentleman from Illinois [Mr. HOPKINS], who, if present, would vote "aye," I desire to withdraw my vote and be recorded as "present."

The following pairs were announced:

For this session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. BULL with Mr. CROWLEY.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. OVERSTREET with Mr. GRIFFITH.

Mr. MOODY of Massachusetts with Mr. THAYER.

Mr. BABCOCK with Mr. CUMMINGS.

Mr. EDDY with Mr. SHEPPARD.

Mr. CAPRON with Mr. JETT.

Mr. STEELE with Mr. COOPER of Texas, except revenue cutter.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. RUMPLE with Mr. FOX.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LANDIS with Mr. CLARK of Missouri.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. JOY with Mr. NORTON.

Mr. HEMENWAY with Mr. TAYLOR of Alabama.

For one week:

Mr. WATSON with Mr. BURNETT.

Mr. CROMER with Mr. ROBINSON of Indiana.

For balance of week:

Mr. MCCALL with Mr. BELL.

For this day:

Mr. REEDER with Mr. HENRY of Texas.

Mr. EVANS with Mr. HAY.

Mr. BURK of Pennsylvania with Mr. MAHONEY.

Mr. LACEY with Mr. FITZGERALD of New York.

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. BURTON with Mr. COCHRAN.

Mr. TIRRELL with Mr. CONRY.

Mr. CANNON with Mr. NEWLANDS.

Mr. DOVENER with Mr. FLEMING.

Mr. FORDNEY with Mr. GLENN.

Mr. FOWLER with Mr. KERN.

Mr. GILL with Mr. LATIMER.

Mr. GROSVENOR with Mr. PATTERSON of Tennessee.

Mr. HANBURY with Mr. RANDELL of Texas.

Mr. KYLE with Mr. REID.

Mr. LITTAUER with Mr. SALMON.

Mr. LOVERING with Mr. SPARKMAN.

Mr. MORGAN with Mr. SULZER.

Mr. SCHIRM with Mr. SWANSON.

Mr. TAYLER of Ohio with Mr. TALBERT.

On this vote:

Mr. CRUMPACKER with Mr. FLOOD.

Mr. DAYTON with Mr. BREAZEALE.

Mr. CONNELL with Mr. SHACKLEFORD.

Mr. BURKE of South Dakota with Mr. VANDIVER.

Mr. WACHTER with Mr. RHEA of Virginia.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. BEIDLER (against the bill) with Mr. HALL (for the bill).

Mr. WRIGHT (for the bill) with Mr. THOMAS of North Carolina (against the bill).

Mr. PATTERSON of Pennsylvania (for the bill) with Mr. RICHARDSON of Alabama (against the bill).

Mr. BRICK (for the bill) with Mr. FINLEY (against the bill).

Mr. DEEMER (for the bill) with Mr. LASSITER (against the bill).
Mr. HILL (for the bill) with Mr. ROBERTSON of Louisiana (against the bill).
Mr. BISHOP (for the bill) with Mr. CORLISS (against the bill).
Mr. HOPKINS (for the bill) with Mr. GRAHAM (against the bill).
Mr. BLAKENEY with Mr. GREEN of Pennsylvania until 2.30.
Mr. WEEKS (for the bill) with Mr. BOWIE (against the bill).
Mr. FOERDERER (for the bill) with Mr. JOHNSON (against the bill).
Mr. CROMER (for the bill) with Mr. WHITE (against the bill).
The result of the vote was announced as above stated.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with sundry amendments, and pending that motion I would say that both the majority and minority members of the committee have agreed on a general debate of one hour, half an hour a side, to be equally divided, and I ask unanimous consent that general debate be closed in one hour.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) and the amendments thereto, in pursuance of the rule just adopted, and pending that motion asks unanimous consent that general debate be limited to one hour, thirty minutes on a side. Is there objection to the request?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Connecticut.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Does not the rule itself resolve the House into the Committee of the Whole?

The SPEAKER. The Chair will state that, in his opinion, it requires a motion.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Would it be in order to move that general debate close in one hour?

The SPEAKER. Not at present; not until after some debate had taken place. The question is on the motion of the gentleman from Connecticut.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with Mr. OLMSTED in the chair.

Mr. HENRY of Connecticut. Mr. Chairman, this bill has been considered in the Committee of the Whole as a whole, with the exception of two sections, comprising Senate amendment No. 9. I would like a ruling of the Chair as to whether the entire bill is to be considered or simply the two sections embraced in the amendment No. 9.

The CHAIRMAN. The Chair understands the gentleman's inquiry to be whether all the amendments are to be considered in the Committee of the Whole House on the state of the Union.

Mr. HENRY of Connecticut. That is it, whether the entire bill is to be considered.

Mr. TAWNEY. I understood the inquiry to be as to whether the entire bill should be read or only the amendments of the Senate and the amendment to the amendments proposed by the Committee on Agriculture.

The CHAIRMAN. The Chair would like distinctly to understand the inquiry. Is it as to the reading of the bill or as to its consideration?

Mr. HENRY of Connecticut. The bill, I suppose, will be read, unless unanimous consent is given to dispense the first reading. The inquiry was as to whether we should consider in the Committee of the Whole the entire bill or simply the amendment No. 9; that is, sections 4 and 5 of the bill.

The CHAIRMAN. The Chair understands that there are ten Senate amendments to the bill as passed by the House. There is a rule—Rule XXIII, section 3—requiring that all propositions involving a tax or involving the expenditure of money must be considered in a committee of the whole House, and the Chair understands the gentleman's inquiry to be whether consideration now is to be limited to such Senate amendments as do either involve a tax or the expenditure of money. Upon that inquiry the Chair would state that while the rule referred to does require absolutely that all propositions of a certain character shall be considered in a committee of the whole House it does not prevent the House from ordering other questions to be considered in Committee of the Whole. There is also another rule—No. XIII—which requires that all bills which involve a tax shall be referred to the Committee of the Whole House on the state of the Union—not only the part imposing the tax, but the whole bill. This bill was originally referred to that committee and was considered by that committee before it was passed by the House.

Now, it has been returned by the Senate with sundry amendments. Those amendments have been referred to the Committee of the Whole House on the state of the Union, and the House has to-day adopted a rule and an order requiring, as the Chair understands it, the consideration of all the Senate amendments, which the Chair thinks it is quite within the province of the House to do. The Chair thinks that therefore all of the Senate amendments are to be considered in this Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Chairman, a parliamentary inquiry. As I understand the rule, the rule itself brings up the bill as well as the amendments. I agree with the Chair as to the ruling if it were not for the rule, but my recollection of the reading of the rule is that it brings the original bill, as well as the amendment, before the Committee of the Whole.

Mr. TAWNEY. I think the gentleman from Alabama is mistaken. The rule refers specifically to the Senate amendments and it is the amendments of the Senate.

Mr. UNDERWOOD. Mr. Chairman, I will ask that the Clerk read the rule again.

The CHAIRMAN. If there is no objection, the Clerk will read the rule.

There was no objection, and the rule was again read.

Mr. UNDERWOOD. Mr. Chairman, my position is that that rule not only brings the Senate amendments which were specifically named before the committee, but it also refers to the bill, and therefore brings the bill for the reconsideration of the Committee of the Whole under the terms of the rule as well as the Senate amendments.

The CHAIRMAN. The Chair will state that in his judgment it would not be within the province of the House itself to consider those portions of the bill which have been agreed upon by both House and Senate, but only the Senate amendments. Therefore it would not be within the province or authority of the House to direct the Committee of the Whole to consider anything more than the Senate amendments. The Chair does not understand the rule as requiring or intending that the Committee of the Whole House on the state of the Union shall consider more than the Senate amendments to the House bill.

Mr. UNDERWOOD. Mr. Chairman, if the Chair will allow me, I do not think there are many precedents on this question, and I think it ought to be determined at this time. The House can agree, with or without an amendment, to a bill that is returned from the Senate with amendments. Therefore it must be within the province of the House to amend the original proposition, because it must all be germane; and if it is within the province of the House to amend the original proposition, to make it suit the Senate amendments by adding an amendment, why, then, if the House determines, by its own motion, as it has done in this rule, to take up the whole proposition, then the whole proposition, the original bill and the Senate amendments, must be before the House for its consideration.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as I understand the situation, it is this——

Mr. PAYNE. Mr. Chairman, I submit that gentlemen can not raise this question now until some amendment is offered.

The CHAIRMAN. The point is well taken.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am talking to the point of order.

The CHAIRMAN. The Chair will state that no point of order has been made.

Mr. WILLIAMS of Mississippi. I make the point of order, then, that this bill must be considered in Committee of the Whole, and I will state why I make that point. It is required by the rules that bills raising revenue shall be considered in Committee of the Whole. No rule of the House can change that constitutional rule. Now, it may be attempted to be answered that this bill has been considered in Committee of the Whole; but the Chair will apprise himself of the actual status of this legislation. This bill was not sent to conference. Objection was made to that course, and this bill was sent back to the Committee on Agriculture. It is not a case where an agreement has been made between the two Houses, and only a matter not agreed to in conference is left to be considered; but this bill was sent back to the Committee on Agriculture, which considered it again ab initio, you might say, and it is brought back now from the Committee on Agriculture. It is not a conference report.

The CHAIRMAN. The Chair will call the attention of the gentleman from Mississippi to a ruling apparently upon this precise point made by Speaker Carlisle in 1895:

An amendment having been proposed by Mr. HERNANDO D. MONEY, of Mississippi, relating to the transmission of certain publications of the second

class through the mails, Mr. William S. Holman of Indiana made the point of order that the amendment related to a portion of the bill that had been agreed to by both Houses, and therefore was not in order.

The Speaker (Mr. Carlisle) sustained the point of order, holding that it was not in order to change the original text of a bill which had been passed by both Houses.

Mr. UNDERWOOD. Mr. Chairman, that was evidently a bill that was coming before the House on a conference report, and I admit that if the House had not ordered the whole proposition before the committee, only the amendments would be under consideration; but the point that I make is that it is within the power of the House to order the entire consideration of the whole measure, and that this rule has done so.

The CHAIRMAN. The Chair will state that in his judgment the position of the gentleman from Alabama is in direct opposition to the ruling of Speaker Carlisle. In that case the House itself was considering the Post-Office appropriation bill, which had passed the House and had been passed by the Senate with amendments. It had not been sent to conference. It simply came back as this bill has, with certain Senate amendments, and the Chair ruled that it was not in order for the House itself to consider anything but the Senate amendments. The House itself not having that power, it certainly can not be construed to have power to direct the Committee of the Whole House on the state of the Union to do something which the House itself can not do.

Mr. UNDERWOOD. Did the Speaker there rule that the House itself had not the power to amend its own bill in committee?

The CHAIRMAN. That it could not even consider a motion to that effect—that is to say, a motion to amend that portion of the House bill to which the Senate had agreed.

Mr. UNDERWOOD. Well, Mr. Chairman, Speaker Carlisle is a very high authority.

The CHAIRMAN. The Clerk will read the Senate amendments.

Mr. HENRY of Connecticut. I ask unanimous consent that the first reading of the Senate amendments be dispensed with.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the Senate amendments be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Connecticut. Mr. Chairman, the oleomargarine bill as passed by the Senate is so satisfactory in most respects that a majority of the House Committee on Agriculture are agreed in recommending the acceptance of all the Senate amendments but one, and with a few changes necessary to perfect the measure, recommend the House to concur with the Senate and pass the bill as amended.

The original bill as reported in the House is but slightly affected by the Senate amendments; in fact, most of the changes are merely verbal corrections made necessary by the addition in the Senate of sections regulating and restricting the manufacture and sale of process or renovated and adulterated butter.

Only three or four of the Senate amendments are of importance sufficient to require explanation.

Amendment No. 2 strikes out the proviso inserted in the House as an amendment to section 1 of the original bill. It is held by eminent legal authority that this provision would be a violation of the rule of uniformity in taxation imposed by the Constitution of the United States, and if allowed to remain in the bill will invalidate the provisions relating to taxation.

Amendment No. 3 is intended to exempt the family table from any possible harsh construction of the law, and is altogether commendable.

Amendment No. 5 reduces the license tax upon wholesale and retail dealers who shall sell only uncolored oleomargarine, and may be regarded as equitable and fair.

Amendments Nos. 7 and 8 strike out the words "or ingredients" and insert the word "artificial," making this provision read as follows:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, the tax shall be one-fourth of 1 cent per pound.

This is, perhaps, the most important change made by the Senate to the bill as reported in the House, and is a concession to the manufacturers of uncolored oleomargarine, who claim that the original provision would embarass the manufacturer of the uncolored article.

Inasmuch as it is not the purpose of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It is sometimes claimed that cream or butter may be successfully used, but this is manifestly impracticable, although it is barely possible that June butter, made when grasses are fresh and sweet, might, if a sufficient quantity is used, give the mixed product a slight yellow shade; but the high cost of this ingredient will prevent its use, except perhaps to a very limited extent in a high-grade article, too expensive for general consumption when sold as oleomargarine.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

Amendment No. 9 strikes out the imperfect House provisions for regulating the manufacture of process or renovated butter, and substitutes a full and comprehensive law for the regulation, restriction, and taxation of this product under the supervision of the Treasury Department for identification and taxation purposes, and of the Department of Agriculture for inspection and sanitary control.

Investigations have demonstrated that the interests of the great dairy industry will be protected and the welfare of all honest dairymen promoted by the safeguards provided in the proposed law. It is not the intention to unreasonably restrict the packing and sale of properly prepared process or renovated butter, but fraudulent adulteration should be prevented or made unprofitable. Disreputable manufacturers and manipulators are now imposing upon a confiding public an unwholesome product composed of vile and rancid butter deodorized and mixed with glucose and other ingredients designed to cheapen the article and also enable the absorption of a large quantity of water, with the result that the finished product often contains less than 60 per cent butter fat. This fraudulent and disgusting compound is now sold to domestic consumers and exported to foreign countries as dairy butter.

Dairy Commissioner Wells, of Pennsylvania, in a recent report gives this graphic description of the process of manufacturing adulterated butter:

It may be of interest to many to know what renovated butter is. It is also known under several aliases, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere. It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

We have in our State two extensive plants using large quantities of this original stock, and converting the same into what is often branded and sold for creamery butter. It is first dumped into large tanks surrounded with jackets containing hot water, and melted at a temperature ranging from 100 to 110° Fahrenheit. After being thoroughly melted the heavier solids sink to the bottom and the lighter particles rise to the top, which, when skimmed off, leaves the clear butter fat, with the heavier sediment at the bottom.

This butter fat is then removed to other tanks, jacketed and surrounded with hot water like the first. The odor of the fat at this stage is anything but agreeable, and the main object of the next manipulation is to remove this stench from it. This is supposed to be accomplished by aeration, the fat passing out of a pipe at the bottom of the tank, and with a rotary pump it is again elevated in a pipe over the top of the tank, and discharged through a strainer into the same, thus to remove the disagreeable odors, keeping up a continuous circuit and agitation of this liquid butter fat.

It is claimed by some that chemicals are also used for this purpose, but I have been assured by parties who are engaged in the business that this is not true. When the fat is sufficiently aerated the machinery is changed by removing the funnel-shaped strainer, and large quantities of skim milk are added; in just what proportion I am unable to state, but can approximate very nearly the amount. An analysis of the finished product showed only 75 per cent of butter fat, and as it contained nothing but the fat and milk and a small amount of salt, there must have been about 25 per cent of milk added. A perfect emulsion of the milk and butter fat is obtained by the same machinery that did the aerating, excepting the strainer, and it is accomplished in a very short time. When the milk has all disappeared the melted mass looks much as it did before the milk was added.

It is next run off in pipes to a vat of ice and water, where it is quickly chilled, taking the granular form and looking like ordinary butter when in the granular form before being worked,. It is then worked, salted, if necessary, and printed or packed in tubs for shipment, often as fresh creamery butter.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer usually "its last estate is worse than its first."

With these facts before us, who shall say that restrictive legislation is unnecessary?

With the intent of protecting the manufacture as well as of maintaining the reputation of pure butter and of prohibiting adulteration by unscrupulous manipulators, two grades are established under the provisions of the Senate amendment intended to include all manipulated or process butter.

Fraudulent butter in which chemicals have been used for deodorization and which is adulterated with any foreign substance is treated in the same manner and taxed 10 cents per pound alike with oleomargarine containing artificial coloring, and is placed under the supervision of the Bureau of Internal Revenue, while process or renovated butter, when pure, is taxed one-fourth of 1 cent per pound alike with oleomargarine without artificial coloring.

It is anticipated that this legislation will prevent fraud, protect the public from an article of food of unknown or doubtful origin, and insure to purchasers of butter the pure product of the churn and dairy.

The amendments recommended to certain provisions of the bill as passed by the Senate are designed to perfect the measure, and, I might add for the information of the House, that all of these amendments have been submitted to the chairman of the Senate Committee on Agriculture and Forestry and met his approval. Should the bill be passed as now, without further amendment, it is confidently hoped that the Senate will promptly concur with the House, and that Congress will not soon be asked for further legislation of this character.

As an indication of the views of the manufacturers of pure and legitimate process or renovated butter, I read for the information of the House a communication received from C. H. Weaver & Co., of Chicago, Elgin, Omaha, Minneapolis, New York, Boston, etc., a most reputable firm, represented to be the largest producers of renovated butter in the United States:

CHICAGO, *April 19, 1902.*

HON. E. STEVENS HENRY,
Washington, D. C.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000; and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the 30 manufacturers to be, because it will save our business from a number of evils which threaten it—namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be—a product of rancid, dirty butter, worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206, will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further, that in the end the farmer, from whom we buy our raw material, will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete. They provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power, and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

The Committee on Agriculture have unanimously agreed to recommend an amendment to section 4 of the bill, drawn by Prof. Henry C. Alvord, Chief of the Dairy Division of the Department of Agriculture, and approved by Secretary Wilson. This amendment I send to the Clerk's desk.

The Clerk read as follows:

On page 6, strike out the lines from 6 to 16, inclusive, and after the word "cream," in line 1, insert a semicolon and these words: "that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter,' as defined by this act."

Mr. HENRY of Connecticut. The definition suggested by the Department of Agriculture for process or renovated butter modifies the terms of the Senate amendment and classifies as process or renovated butter only such as has been melted, clarified, and rechurned in milk or cream, and can not possibly interfere with any process employed upon the farm or in the country store in the harmless manipulation of butter bought or taken in exchange for merchandise.

Mr. MANN. Would the gentleman, before he takes his seat, answer a question or two?

Mr. HENRY of Connecticut. Certainly.

Mr. MANN. On this question of artificial coloration—I suppose the committee have given consideration to that question—am I right in understanding that the manufacturer of high-grade oleomargarine does not have the right to continue the use of creamery butter?

Mr. HENRY of Connecticut. Yes, sir; he still has that right, and he sometimes uses creamery butter, but more often cream itself.

Mr. MANN. Well, as I understand, creamery butter is not used in the manufacture of any kind of oleomargarine except the high grade. Only in the manufacture of a high class of oleomargarine do they use butter——

Mr. HENRY of Connecticut. Sometimes butter is used, but more often milk and cream.

Mr. MANN. As one of the ordinary ingredients?

Mr. HENRY of Connecticut. Where milk and cream are not available, they do use butter.

Mr. MANN. Now, would it be, in the opinion of the gentleman or of the committee, permissible to continue the use of creamery butter as one of the ingredients in the manufacture of oleomargarine under the provisions of this bill?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. MANN. Would it be necessary in order to do that that the oleomargarine manufacturer first analyze the creamery butter, and see whether there was any articial coloration or color in the creamery butter, or could he use it as he purchased it in the market?

Mr. HENRY of Connecticut. In answer to that, I would refer to a conversation which I recently had with a representative of one of the largest oleomargarine manufactories in the country, and he says it is an absolute fact that they could not use, under the terms of this bill, butter that had been artificially colored; that legal proceedings already made covered that point.

Mr. MANN. The gentleman will pardon me; there has been no law of this kind in effect. I do not wish to get the opinion of an oleomargarine manufacturer, but the gentleman's opinion in that matter.

Mr. HENRY of Connecticut. I do not regard my opinion as valuable as that of an expert.

Mr. MANN. There could have been no expert opinion in this matter, because that is a question that has never arisen up to this time.

Mr. WADSWORTH. It rose in a State court, and the State court decided that the manufacturer of oleomargarine could not use colored butter, or coloring that affects the color as to oleomargarine.

Mr. MANN. That would depend upon the State, and how the local judges were influenced. I object to taking the opinion of a local judge of an ordinary State upon that question.

Mr. SHACKLEFORD. Do you mean to say that State judges can be influenced?

Mr. MANN. Oh, yes; by local opinion.

Mr. TOMPKINS of New York. What State? Not New York.

Mr. MANN. Oh, I understand; not New York! The judges in New York are selected with that use of political influence that public opinion has no influence on them whatever.

Mr. TOMPKINS of New York. It never influences them.

Mr. MANN. No. Will the gentleman from Connecticut pardon me another question with reference to section 4 of the bill? That is that provision of the act referring to what is the definition of butter on page 5 of the bill:

SEC. 4. That for the purpose of this act "butter" is hereby defined to mean an article of food as defined in "An act defining butter."

What is the definition in the bill that you refer to?

Mr. HENRY of Connecticut. This language on page 5 in section 4 is the definition of what is termed in this bill adulterated butter.

Mr. GRAFF. But it starts out with adopting a definition of butter itself as to pure butter. That is already in existing law. In section 4 the bill reads: "That for the purpose of this act 'butter' is hereby defined to mean an article of food, as defined in 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.'" That is practically the definition, and defines butter as being made with pure milk and cream, with or without salt and with or without coloring matter. That is the definition of butter. Then section 4 follows by defining adulterated butter.

Mr. MANN. That defines itself.

Mr. GRAFF. In substance that definition defines adulterated butter as being butter which contains some deleterious drug or substance which has entered into the butter for the purpose of curing rancidity, and which, of course, is an unhealthful substance; and in that respect there is a line of demarcation between that butter, which, of course, no one would object to have weighted down with proper regulations and notification to the consumer as to what it was—there is a line of demarcation between that and renovated butter which is acknowledged to be a healthful article.

Renovated butter is defined in this section as butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter. The Committee on Agriculture of the House, when they had the consideration of the Senate amendments, concluded there was an element of doubt about the certainty of that definition, that it might comprehend a great deal more than anybody would desire to have it comprehend, especially in the use of the words "melted" or "unmelted." It might include storekeepers in the country, where butter that they receive from their customers, absolutely healthful, is put together in tubs and labeled. There is no reason whatever why there should be any regulation of that product, because it is absolutely healthful, and so the committee proposed to amend this Senate definition of renovated butter by adopting the following in place of the words on page 6 of the bill, after the word "cream" and down to and including line 16 of the bill, by striking all that out and substituting the following——

Mr. HENRY of Connecticut. If my friend from Illinois will allow me to interrupt, and then I will yield to him, the committee have unanimously agreed to offer one amendment to the bill making the definition of process butter more satisfactory, and also to make it clearer that the country grocer will not be subject to the provisions of this law when packing butter known in the market as labeled butter. Now I will yield to the gentleman from Illinois.

Mr. MANN. Will the gentleman from Connecticut permit me to get a little further information before he yields to the gentleman from Illinois?

Mr. HENRY of Connecticut. I will.

Mr. GRAFF. Will the gentleman from Illinois permit me to complete my statement?

Mr. MANN. Certainly.

Mr. GRAFF. As I was saying, the Committee on Agriculture of the House propose to amend the Senate amendment by striking out, after the word "cream," all down to and including line 16, on page 6, and substitute the following:

That process butter or renovated butter is hereby designed to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting adulterated butter as defined by this act.

Renovated or process butter is a legitimate subject of commerce, as any healthful product should be, and this regulation which is sought by this bill is approved by the manufacturers of renovated or process butter themselves in the country. We did not wish to include the innocent and perfectly proper process of the country grocers from engaging in mixing different butters which they purchase from the farmer and put them in such a position that they might not market them together by mixing them unmelted.

I have a letter from C. H. Weaver & Co., dealers in butter, eggs, and poultry, 129 South Water street, Chicago, dated April 19, 1902, which I will read. It is as follows:

C. H. WEAVER & CO.,
BUTTER, EGGS, AND POULTRY,
129 South Water Street, Chicago, April 19, 1902.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000, and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the thirty manufacturers to be, because it will save our business from a number of evils which threaten it, namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be, a product of rancid, dirty butter worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206 will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further that in the end the farmer from whom we buy our raw material will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process-butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete; they provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for the farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter, from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

Now, these dealers say that they are willing to be taxed $50 or $100, or $600 even, but the Committee on Agriculture thought that the thirty manufacturers engaged in manufacturing process or renovated butter might find it easier to form themselves into a monopoly in their business if they were taxed $600, the same amount of tax fixed by the bill for manufacturers of adulterated butter, and therefore the committee concluded to strike out the provision of $600 imposed upon the manufacturers of renovated and process butter and place instead simply a tax of $50, and yet sufficient to enable the Government to inspect and regulate the business and see what ingredients went into the manufacture of the renovated butter, and at the same time permit small dealers who desired to engage in the manufacture of renovated and process butter without laying upon them a heavier burden of taxation than they could bear.

In addition to this, the Senate committee imposed the tax, and a majority of the House committee concur, that we would lay a tax of one-quarter of a cent a pound upon renovated or process butter. It is necessary for the taxing power of the Government to be exercised in order to follow it up with proper regulation and inspection. And as to this imposition of a quarter of a cent per pound of taxation upon renovated or process butter, there is no objection from any source.

In addition to this, we found from investigation that the process through which renovated butter goes is clarification or refinement. It becomes regranulated when refined, and to clarify it it must necessarily be melted; so that the confining of the definition of renovated or process butter to that of melted by the House committee in the amendment to the Senate definition is all right, because there can be no clarification, there can be no refining of butter, except by going through the process of melting.

This House passed the oleomargarine bill under protest by many because it was claimed by those who voted against it that we selected our oleomargarine for inspection and regulation; that we threw the burden of these regulations around the manufacture and sale of oleomargarine while we left the field entirely unrestrained so far as the adulteration of butter itself was concerned; that the consumer, whom it is supposed we are to consult, to some extent at least, in this legislation, was not consulted, so far as his being protected in the matter of the purchase of butter and the guaranty to him that he should know what class of butter he purchased.

First, it must be understood that we propose to impose no restriction or tax upon pure butter under the law, and the only pure butter that does exist is butter that is made entirely and solely of pure milk and cream, with the necessary salt, and some coloration, if desired. We have classified the only two objectionable classes of butter which threaten the consumer's health and perhaps his palate.

This legislation, as we propose to amend it, does not interfere with the country storekeeper who does not have facilities for engaging, and, in fact, does not engage, in the business of clarifying or renovating butter through the process of melting. The bill does not include, as I have said, the processes of ladeling or mixing it without melting, for the market by the country grocer. So that we have treated the subject fairly and from all its bearings; and in addition to the taxation of one-quarter of a cent on renovated and process butter and 10 cents on adulterated butter, there goes with it the application of the Government stamp upon the article itself—the stamping of the renovated butter as renovated butter and the stamping of adulterated butter as adulterated butter.

Mr. MADDOX. Is that the provision of the Senate amendment,

that the adulterated butter is to bear a Government stamp and is to be taxed 10 cents a pound?

Mr. GRAFF. Yes, sir; but the adulterated butter is of such a character that no one ought to purchase it. No one ought to purchase it unless he purchases it coupled with the conditions of this bill. It is not fit for consumption.

The provisions of this bill give the officers of the Government authority to ascertain where adulterated butter is made. Manufacturers of adulterated butter are subjected to a heavier burden of tax than that which is levied upon the manufacture of oleomargarine. Six hundred dollars per year is fixed in the bill as the tax upon the manufacturer of adulterated butter. In addition to this, he must place a sign on the front of his manufactory—"Manufactory of adulterated butter." In addition to this, there are provisions in the bill for the inspection of renovated and process butter, and also of adulterated butter; and these articles, if intended for export, must be branded with the name of the class of butter which they in fact are; and they are subject to the inspection of governmental authority for export.

Of course the House is aware that no tax exists under the present law, nor is any sought to be levied by this legislation, upon oleomargarine or any class of butter which is exported, because that would not be constitutional, in my judgment. The only tax that Congress ever did levy upon any food product for export was, I believe, upon filled cheese, and litigation is now pending in which those interested in the exportation of filled cheese are seeking to recover back the tax paid by them upon the filled cheese which they did export.

Mr. WADSWORTH. Will the gentleman allow me a question? Where does this bill provide for the inspection of adulterated butter destined for export? I think the Secretary of Agriculture is empowered to inspect only process or renovated butter.

Mr. HENRY of Connecticut. As I understand, all the provisions of the original oleomargarine law are applied to adulterated butter, and that law provides for exportation without the imposition of any tax.

Mr. WADSWORTH. Then the two are mixed up in that way?

Mr. GRAFF. I call the attention of the gentleman from New York [Mr. WADSWORTH] to pages 10 and 11 of the bill—that portion of page 10 contained in lines 24 and 25 and that portion of page 11 extending from line 1 to line 8. These parts of the bill extend the provisions of the existing oleomargarine law, with reference to export, to adulterated butter.

Mr. WADSWORTH. I am much obliged to the gentleman for the explanation.

Mr. GRAFF. Mr. Chairman, there has been running through the debate, when this bill was heretofore before the House and in the remarks of the gentleman from Missouri, the idea that the greater portion of the butter of the United States is made by the creameries. But all that argument falls to the ground if it should turn out that comparatively a small portion of the aggregate amount of butter made in the United States is made by the creameries, while the major portion of it is made upon the farms of the United States. I have before me a document from the Agricultural Department, from which I desire to read.

Mr. GILBERT. What is the number?

Mr. GRAFF. It is Circular No. 36 from the Bureau of Animal Industry, and under the heading "Numbers and products of dairy farms" I find the following:

Farms: Total number in the country, 5,739,657. Reported as dairy farms—and under this report of dairy farms are farms deriving at least 40 per cent of their total income from the dairy—357,578. Reporting dairy cows, 4,514,210; number of cows in the country kept for milk on farms, 17,139,674; not on farm, or town cows, 973,033; total dairy cows, 18,112,707. Milk produced on farms, 7,266,392,674 gallons; from cows not on farms, 462,190,676; total amount of milk produced in the United States, 7,728,583,350 gallons. Under the head of "butter," butter made on farms, 1,071,745,127 pounds.

Mind you, this is the number of pounds of butter made, not simply from the milk of the farm, but made on the farm—1,071,745,127 pounds. Now, let us see how many pounds of butter are made in creameries as in comparison with that. It is 420,954,016 pounds. Total production, 1,492,699,143; so that less than one-third of the total amount of butter made in the United States is made in creameries, and more than two-thirds of the butter made in the United States is made, not simply from the milk of the farm, but on the farm itself.

Mr. FEELY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. GRAFF. I will.

Mr. FEELY. I wish to inquire for information if the purpose of this bill is not and its effect will not be to increase the number of pounds of butter made by creameries and sold to consumers and to decrease the number of pounds of butter made by farmers, as the gentleman speaks of.

Mr. GRAFF. It will not, for the reason that the bill only imposes a tax upon classes of butter which are not made by the farmer, but which are manipulated by manufacturers of renovated and process butter or adulterated butter.

Mr. FEELY. One other question. Will not the restrictions placed here on the manufacture of process or renovated butter operate throughout the country to the building of creameries and necessarily place them under a unified creamery control and the shutting out of the farmer in the ordinary store of butter?

Mr. GRAFF. I do not think so.

Mr. GAINES of Tennessee. Will the gentleman yield to a question?

Mr. GRAFF. Certainly.

Mr. GAINES of Tennessee. This morning the gentleman from Missouri [Mr. COWHERD] regaled the House on the great rise in the cost of butter now and said that it was because of this proposed legislation, I believe. I would like to inquire if the gentleman has anything there which will give the House the value of butter previous to this general use of oleo of last year or the year before last. Let us get a comparison, if we can, of that kind.

Mr. GRAFF. I have. I have a list here of the prices of the best creamery butter for sixteen years: 1886, 25 cents and a fraction; 1887, 25 cents and a fraction; 1888, 26 cents and a fraction; 1889, 22 cents and a fraction; 1890, 22 cents; 1891, 25 cents; 1892, 25½ cents; 1893, 25.7 cents; 1894, 22 cents; 1895, 20.6 cents; 1896, 17.8 cents; 1897, 18.4 cents; 1898, 18.8 cents; 1899, 20.6 cents; 1900, 20.7 cents; 1901, 21.7 cents.

Mr. MANN. For what time of the year is that?

Mr. GRAFF. Oh, this is the average of price of the best creamery butter on the Elgin market for the past sixteen years.

Mr. MANN. The average for the year is not any good. Have you the price for a specific month?

Mr. BURLESON. If the gentleman will permit me I will give the price for the specific month. I read from the Crop Reporter, issued by the Agricultural Department. In April, 1896, butter sold—the best creamery extra butter—for 14 cents; in 1897, 17 cents; 1898, 17 cents; 1899, 17 cents; 1900, 17.5; 1901, 18 cents; 1902, 29 cents.

Mr. GRAFF. What does the gentleman mean by 1902?

Mr. BURLESON. April.

Mr. GRAFF. Oh, the month of April.

Mr. BURLESON. The same period of time during each year.

Mr. GRAFF. But the month of April would be the very poorest month in the entire year for the purpose of measuring the true price of butter or the average price which the consumer would have to pay.

Mr. MANN and Mr. SCOTT rose.

Mr. GRAFF. I desire to have the opportunity to reply to the questions which have been asked me, gentlemen. Right at this time we are between hay and grass. In the course of three weeks we will be right in the middle of grass butter. Anyone who would invest in butter at this time, produced at the most unfavorable period in the year, would have to compete with the grass butter which will come in less than three weeks. He would not have a fair opportunity.

Mr. WILLIAMS of Mississippi. But if the gentleman will excuse me, were you not in exactly the same position in April of last year and in April the year before that?

Mr. GRAFF. It is not a fair comparison.

Mr. WILLIAMS of Mississippi. But the comparison is fair between the same months in different years.

Mr. GRAFF. This is the time of the transition period from hay butter to grass butter. It is a time when no one can place any credence on the permanency of the price of butter, and it is not a fair index.

Mr. MANN. Mr. Chairman——

Mr. GRAFF. Oh, I want to conclude my speech to-day.

Mr. MANN. We will give you plenty of time.

Mr. GRAFF. I want to read an interesting telegram just received for the benefit of the gentleman who just asked me the question:

Butter market has declined to 27½, a fall of 5½ cents in four days, due to increased supply.

That is due to the increased supply coming upon the market, which will soon be face to face with the competition of the grass butter.

Mr. MANN. Does the gentleman claim that grass butter does not come in, in his part of the country, earlier than now?

Mr. GRAFF. It comes in whenever the grass is up so that the cows can eat it.

Mr. MANN. The grass has been up in central Illinois, where the gentleman comes from, for nearly a month.

Mr. WILLIAMS of Mississippi. Did not grass butter come in

just as soon last year, and the year before, and the year before that, as it does this year?

Mr. GRAFF. I suppose it did.

Mr. MANN. It has been on the market in Chicago for three or four weeks.

Mr. WILLIAMS of Mississippi. If you object to taking April because it is the transition period between hay and grass, why do you object to taking April of last year and the year before that and the year before that, and comparing those April prices with the April prices of this year? April was as much a transition period then as now.

Mr. GRAFF. The price of butter will usually be high in April, because usually it is scarce in that month; because manufacturers of butter do not seek to flood the market with butter during that period of the year.

Mr. WILLIAMS of Mississippi. But they did not seek it last year either.

Mr. GRAFF. But you gentlemen try to produce statistics, selecting what you believe to be the highest period of the year for butter.

Mr. BURLESON. This is the crop report for this month.

Mr. GRAFF. If you propose to find out whether there is an excessive price or not, the more logical course would be to take the average price of the product for the entire year, taking the favorable periods and the unfavorable periods.

Mr. COONEY. I should like to make a suggestion along that line to my colleague, that the question of the high price of feed comes in at this time, when a great many cows are being fed on the feed of last year.

Mr. WILLIAMS of Mississippi. But it was the same last year, though.

Mr. COONEY. No; we are passing through a different condition from what we have passed through at this time for several years. The winter fodder has been pretty well eaten up, and a great many cows have gone dry. Is there not something in that?

Mr. GRAFF. I think that is a very important element in the case.

Mr. BURLESON. But it does not consist with that telegram, which says that the supply of butter has increased.

Mr. GRAFF. Certainly; there happens to be an oversupply of butter at the New York market.

Mr. GAINES of Tennessee. If this bill passes will not the farmers and butter makers increase their stock of cattle and invest more money in the dairy business?

Mr. GRAFF. That is true.

Mr. GAINES of Tennessee. And is not that business now being discouraged and broken down in the country by reason of this fraudulent stuff that is put on the market?

Mr. GRAFF. That is true.

Mr. HASKINS. What fraudulent stuff?

Mr. GAINES of Tennessee. Oleomargarine.

Mr. MANN. And colored butter!

Mr. GRAFF. I have some interesting statistics in connection with the subject to which the gentleman from Tennessee alluded, and that is the connection between the live-stock interest and the butter interest. As a matter of fact they go hand in hand.

Last year Hoard's Dairyman made an investigation of the profits derived by owners of cows who produce milk for the creameries. Dunn County, Wis., was selected, and the owners of 52 dairies were visited. This representative found the 52 farmers kept 647 cows. The following statement gives the result:

Average pounds of butter per cow	220
Average returns from creamery per cow	$39.51
Average cost of feed per cow	$27.00
Average net price of butter per pound, after deducting cost of making and marketing (about 4 cents per pound)	$0.1709
Value of butter, over and above cost of feed, per cow	$12.51
Cost of hauling milk to creamery, per cow	4.50
Net income to farmer for time and labor in caring for a cow 365 days	8.01

Or, reducing to further details, with 21½ cents average wholesale price for his butter, the farmer received 1½ cents net for his labor each milking, or 2¾ cents a day for taking care of a dairy cow, after paying for her feed and hauling of milk.

The record shows during the period up to 1898 and 1899 a decreased amount in the manufacture of butter. The shipments to the cities show that. The statistics of the Agricultural Department show that and the statistics also show that the milch cows are being shipped to the cities for the purpose of being killed for beef.

Mr. GAINES of Tennessee. Can the gentleman state how the number of milch cows has diminished?

Mr. GRAFF. I have no statistics on that.

Mr. BURLESON. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes, sir.

Mr. BURLESON. I submit very rightly the suggestion made by the gentleman from Missouri the high price of butter might have been explained by the increased price of food stuff, like hay, etc.

Mr. GRAFF. Yes, sir.

Mr. BURLESON. Then how do you account for the decreased price of milk at the same time?

Mr. GRAFF. I do not know. Where do you get the statistics on that?

Mr. BURLESON. It is unquestioned. The market reports show that.

Mr. GRAFF. If the price of milk goes down under the manipulation of the creameries, what will be the result? The result will be that the farmer will retain the milk and make his own butter. That is the solution of that problem. It needs no aid of legislation to correct that problem. It will correct itself.

Mr. BURLESON. I was not asking you the results, but for an explanation.

Mr. GRAFF. I do not know of any man who can explain the reason for all prices in the country, and you can not put the philosophy of all economy in a nut shell.

Mr. HENRY of Connecticut. The price of milk always falls in the spring of the year.

Mr. WILLIAMS of Mississippi. But the price of butter has also gone up, and the price of milk has gone down. That is the proposition you are faced with.

Mr. MANN. For the first time, ever.

Mr. BURLESON. And that is shown by statistics.

Mr. HENRY of Connecticut. I think it is owing to the beef trust.

Mr. MANN. It is a popular thing to put everything on the beef trust now.

Mr. GRAFF. Right in connection with the discussing of the milch cows and the shipping of them by the farmers, he goes out of milk business when he ships them to the cities to have them killed for beef. I may say that that bears very immediately upon the question of the cattle interests, and when the farmer is enabled to add to the profit by the sale of his milk from the cow raising the calf, these two elements enter into the consideration of his business in that connection, and the raising of the calves and the keeping of the milch cows are coupled together irresistibly on the basis of the beef interests and coupled with the number of cattle in the country are determined by the farmer being enabled to profitably retain his milch cows.

Mr. MANN. Will the gentleman answer a question?

Mr. GRAFF. I will answer it, if I can.

Mr. MANN. The gentleman makes an argument in favor of this bill in order to produce a greater number of cattle. I may be mistaken, but I had an impression that it was the custom in the creamery districts to knock the bull calves in the head, that it never paid in the creamery districts to feed milk to a bull calf, and that it was not the custom, and that all they raised was the heifer calves.

Mr. GRAFF. That may be true as to those farmers who derive 40 per cent of their profits from the sale of milk, but I say here that the other two-thirds or three-fourths or at least a larger proportion is produced by the farmer who does not rely upon the making of butter alone and does not maintain the milch cow for that purpose alone, but it is an incident to his business and a profitable incident; and the fact that the amount of butter produced in this country was lessened during the period of years preceding 1901 shows that we can legitimately say that the cause of that was the unjust competition in the sale of oleomargarine with the cow butter.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Illinois has kindly yielded to me to ask of the committee unanimous consent to print some remarks on this bill at some point of time after the close of the debate. I intended to have spoken on this question along the line of my former speech, but I find that I must leave for several days, and the time is about up, and therefore I ask this consent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Illinois. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes.

Mr. FOSTER of Illinois. The gentleman says that the general purpose of this bill is to prevent the fraudulent sale of oleomargarine under the guise of butter. Is there anything in this bill which would prevent the imposition on the public of adulterated or renovated or process butter in the guise of butter?

Mr. GRAFF. Certainly there is.

Mr. FOSTER of Illinois. The gentleman refers to the provision on page 9 of this bill?

Mr. GRAFF. Perhaps the gentleman has got the wrong bill. There are extensive provisions covering the taxation of the manufacture and the article itself and the inspection of both renovated

and adulterated butter at the factory, and the consumer is protected in the purchase of it and it is subject to inspection for export.

Mr. FOSTER of Illinois. On page 9 of this bill it says that the "dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from the same shall be placed in suitable wooden or paper packages," etc. Does the gentleman think that will prevent fraud?

Mr. GRAFF. Oh, I see the object of the gentleman is to renew the discussion which occurred at the time the original bill passed the House.

Mr. FOSTER of Illinois. I was about to call the attention of the gentleman to the fact that it has been the contention of gentlemen on the other side of this question that such a provision, the identical provision here contained in the present law, does not prevent the imposition of fraud on the part of dealers.

Mr. GRAFF. I think the House passed upon that question. Adulterated butter is coupled with a tax of the same amount as that which is made upon colored oleomargarine, and renovated-process butter is placed upon exactly the same level as uncolored oleomargarine.

Mr. FOSTER of Illinois. I understand the bill provides for a tax of one-quarter a cent a pound.

Mr. GRAFF. Upon renovated or process butter, and 10 cents a pound on adulterated butter.

Mr. FOSTER of Illinois. If you intend to prevent the imposition of fraud on the public, why do not you impose a tax of 10 cents on renovated or process butter?

Mr. GRAFF. Because we desire to draw a distinction between the two classes of butter. Because there is a distinction as regards healthfulness as a food product.

Mr. FOSTER of Illinois. Will this provision prevent the public from being deceived in buying adulterated or renovated butter for pure creamery butter?

Mr. GRAFF. In my judgment, it will amply protect them.

Mr. FOSTER of Illinois. Then why will it not protect them in buying oleomargarine for pure creamery butter?

Mr. GRAFF. Because while adulterated butter is objectionable, it is still butter, and the laying of a heavy tax upon it would seem adequate to any reasonable person, and perhaps throw it out of the market altogether. It might be questionable whether it ought to go into the market. The attitude of oleomargarine is that it is sought to sell it as another article; it is sought to be sold as butter. I do not care to renew the argument, which it seems was complete enough to satisfy most anybody when the original bill was discussed in this House.

Now, Mr. Chairman, I want to say in conclusion that we have attempted to follow the majority in this House, and even the indications or the desire of the minority, when they claimed that it was unfair that we did not deal with both articles. We have done so. We have attempted to draw the bill so as to be fair, so as to protect the men engaged in the business. I believe that if uncolored oleomargarine can be sold upon its merits, if it meets with the demand when it is known upon its merits, it will result in the increased sale of the production of uncolored oleomargarine. If in the fair trade in oleomargarine it is coming, then it ought to come, and if it is desired by the public, the fact that it is labeled, and identified, and inspected will give the consumer double the assurance of what he is getting. [Applause.]

Mr. WADSWORTH. I now yield thirty minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, the minority of the Committee on Agriculture have no disposition to delay the House by a protracted and profitless discussion on the merits of this measure. In regard to the amendments to the Senate amendments, which are now properly before this committee, which will be offered by the majority of the Committee on Agriculture, I wish to say the minority will, for the most part, concur. The minority, however, will have some additional amendments to offer at the proper time in order, as they believe, to make this bill consistent with itself and more adequately to guard the interests of the consumers of butter.

In a general way I may say that the Senate amendments assume to treat adulterated butter in substantially the same way that the original bill proposed to treat oleomargarine. The Senate amendments make a distinction between adulterated butter and process or renovated butter. It is the belief of the minority of the Committee on Agriculture that in practice, after this bill goes into effect, there will be no adulterated butter on the market. It would seem to go without saying that there will be no demand for a product which admits itself on its face to be impure, unwholesome, and deleterious to the public health. It is the opinion of the minority, therefore, that the firms and factories which have heretofore been engaged in the manufacture of adulterated butter will, after the passage of this bill, endeavor to continue the manufacture of the same product under the designation of process or renovated butter. Hence we believe that it is absolutely essential for the proper protection of the consumer that the same safeguards should be thrown around the manufacture and sale of process and renovated butter as the Senate amendment assumes to throw around adulterated butter, and the amendments which we shall offer will be aimed in that direction.

While, as I stated in the beginning, we have no wish to protract the discussion on this bill, I do desire to call the attention of the House very briefly to certain facts and certain expressions of sentiment which seem to me to confirm with great emphasis the position of those of us who opposed this bill when it was formerly before the House for consideration. It was our contention at that time that the legislation proposed in what has become so widely advertised as "the Grout bill" was brought forward here at the behest and for the benefit of a selfish and powerful interest. We believed (to state the matter frankly) that that bill was the result of an agitation carried on by a combination of the great creamery interests of this country, having in view the breaking down of the competition of another product which went into the same markets. It was our contention at that time that the interest which was behind that legislation had no regard for the consumer, was not influenced by any desire to protect the health or the pockets of the purchasers of butter, but was governed solely by selfish considerations.

In confirmation of the view then expressed, I desire to call the attention of the House to a condition of facts very clearly set forth in a newspaper article which is brief and which I will read. It is from the Sussex (N. J.) Independent, a newspaper published in the center of one of the greatest dairy sections of this country. The article reads as follows:

THE DAIRY SITUATION—THE RECENT DROP IN THE PRICE OF MILK UNWARRANTED BY CONDITIONS—MILK GOES DOWN IN FACE OF THE FACT THAT IT IS SCARCE AND BUTTER IS HIGHER THAN IT HAS BEEN IN MANY YEARS.

In previous years during the second week in April butter has always taken a drop in price.

Milk has correspondingly dropped in price.

Who can explain the conditions to-day? Last week the price of creamery butter jumped to 31 cents per pound, and it is an acknowledged fact that milk is scarcer at this time in April than it has been at the same time in many years, for several reasons. First, the cows in commission are giving less than their average quantity of milk. Many farmers are out of hay and there is no grass. Feed is just as high in price as it was at any time last month. Farms that have been overstocked beyond their feed-growing capacity have reduced their herd, and no particular new milk territory has been opened, and ten cooperative creameries are in operation now where one was going five years ago.

Naturally, this explains the shortage of milk, but in the face of this, what explains the action of the milk exchange on Monday?

If the oleomargarine bill pending in Congress becomes a law it will reduce the sale of that article from 100,000,000 pounds a year to practically nothing.

With 100,000,000 pounds of oleo and large quantities of process and renovated butter also withdrawn from the butter market there will be room for 100,000,000 pounds of real butter in addition to the present supply.

At 10 quarts of milk per pound of butter it will require 1,000,000,000 quarts more of milk per year to supply the extra butter. This means that to the present number of milch cows in the country there must be added 363,300 cows that yield 3,000 quarts of milk per head per year, or 436,000 cows that yield 2,500 quarts each, or 545,000 cows that yield 2,000 quarts each, or 725,000 cows that yield 1,500 quarts each, or over 900,000 cows that yield the 1,200 quarts estimated to be the average yearly production of the cows of the country as a whole.

Can there be any surplus of milk, butter, and cheese until this very large addition to dairy cows is made?

The substance of that article is condensed in another statement, which I will give to the House, showing that the price of milk in New York April 1, 1901, was 2¼ cents per quart; that butter in the same market on the same day of last year was 21 cents per pound; that milk in April of this year is 2¾ cents per quart, while butter is 28 cents per pound. In other words, we find, comparing the prices of milk and butter in April of last year with the prices of the same articles in April of this year, an addition of one-tenth of 1 per cent in the price of milk, as against a gain of 33⅓ per cent in the price of butter. Is not that conclusive evidence that the price of these products is absolutely under the control of a combination, and that this combination has put down the price of milk at the same time that it has arbitrarily advanced the price of butter?

Mr. COONEY. Has the gentleman the figures showing the comparative amount of milk produced at the given period in each year, and also comparatively the number of pounds of butter produced at the same periods?

Mr. SCOTT. I have not that information.

Mr. COONEY. Suppose that there had been an increased production of milk and not a corresponding decrease in the production of butter, might not that fact produce such an effect as the gentleman mentions?

Mr. SCOTT. I have assumed that the conditions in April, 1901, were substantially the same as the conditions in April, 1902. I can not conceive of conditions being such at to result in an increased production of milk without a corresponding increase in the production of butter. As a matter of fact, it is known to all of us that the conditions for the production of milk and butter

are much worse this year than they were last year. It is reasonable to assume, and it is a matter of common knowledge, that there is less milk produced and consequently a scarcity of butter. I admit at once that there is a good reason for the advance in the price of butter, but I insist that the price of milk should keep pace with the advance in the price of butter, and that there is no reason for a depreciation in the price of milk at the very time when there is an advance in the price of butter.

I remember that the gentleman from Illinois [Mr. GRAFF], in the remarks which he had occasion to submit a few minutes ago to the House, objected very strenuously to a comparison which attempted to show the price of butter in April of last year and April of this year. He insisted that April is a season when we are between hay and grass, when the conditions are bad for the production of butter, and that it is unfair and inconsistent to attempt to draw such a comparison; but I submit that the conditions in one year in April are substantially the conditions of another year in the same month, and that the comparison drawn by the gentleman from Texas [Mr. BURLESON] was absolutely justified.

Now, in further substantiation of the remark I made in the beginning touching the attitude taken by those who opposed this measure when it was first before the House, and in confirmation and emphasis of the correctness of that position, I desire to read a paragraph from a letter which I received recently from the manager of the Continental Creamery Company, at Topeka, Kans. The writer of this letter says:

> In regard to the $600 license tax imposed by the Harris amendment upon manufacturers of process butter, I assure you it will not interfere with the business of the creameries in Kansas. My concern is doing a very large process-butter business, more, perhaps, than any other plant in the United States, and I assure you that the Harris amendment, as covering process butter and adulterated butter, gives great credit to Senator HARRIS. It is just and equitable in every way, and we would be very much pleased indeed if these amendments would be concurred in by the House and the bill passed just as it passed the Senate.

Now, bearing that in mind, I wish to read a single sentence from a letter addressed to me by the manager of a creamery, an independent concern running with a small capital in my own town, an institution which is not included in the creamery trust. This gentleman says:

> We are willing to pay the one-quarter cent per pound revenue if necessary, but the manufacturers, wholesalers, and retailers' license will put dairy butter out of existence.

Now, I call your attention to the point which I think is clearly made by the extracts which I have read from these two letters. The first is from the manager of a great combination of interests, a combination which controls 400 creameries in a single State, a combination which produces a million pounds a year of process or renovated butter.

The second extract which I read in your hearing was from a man who is managing his own little creamery in a small town, outside of and independent of the trust. The manager of the trust gives the glad hand to this amendment, which imposes a tax of $600 a year on the manufacturers of renovated or adulterated or process butter. Why? Because he knows just exactly what my friend from my own town says—that the imposition of that tax will drive out of existence the small creameries. It seems to me there can be no other reason why this great interest should welcome such heavy taxation. That it does so is assuredly "confirmation strong as proofs of holy writ" that the declarations made upon the floor of this House to the effect that this legislation was demanded by the great butter factories for the benefit of their own selfish interests is more than justified. Why, otherwise, should the manager of this great combination come here and ask that this House impose what he knows will be a prohibitory tax upon the men engaged in a small way in his own business?

In addition to what has already been said, and referring in this respect but very briefly to what might be regarded as the general merits of this measure, the minority of your Committee on Agriculture are of the opinion that the bill as now before this House, carrying with it the Senate amendments, does not give adequate protection to the consumer of butter, for the reason, as suggested a few moments ago by the gentleman from Illinois, Mr. FOSTER, that there is no safeguard drawn about the sale of adulterated butter further than that which is now thrown about the sale of oleomargarine. I was amazed that the gentleman from Illinois, Mr. GRAFF, fell into the trap which his colleague evidently laid for him, by admitting or by asserting it as his opinion that the provisions of the Senate amendment would give ample protection to the consumers of adulterated butter.

Why, the gentleman—I regret he is not in his seat—certainly knows that the provisions of the Senate amendments guarding the sale of adulterated butter are precisely the provisions of the present oleomargarine law, passed in 1886, regulating the sale of that product. Therefore, when he admits that the provisions safeguarding the sale of adulterated butter as laid down in this bill are sufficient and ample he admits that the provisions safeguarding the sale of oleomargarine are ample, and therefore that there is no reason whatever for the passage of this original bill. Upon his own confession I submit that no other conclusion can be reached.

The gentleman from Illinois [Mr. GRAFF] read statistics here from a public document to the effect that less than one-third of the butter produced in the United States is made in creameries, while more than two-thirds is manufactured on the farms. It is not necessary for the purpose of this argument to dispute the correctness of those figures; and yet the gentleman himself would be the first to admit that it is the organized corporations who produce the one-third of the butter of the United States, brought together by a community of interests, who are able absolutely to control the price of butter. There is not a man on the floor of this House who will claim that the price of butter in any city market is controlled in the slightest degree by the butter produced by the farmers in their own homes. The contention that the creameries have nothing to do with regulating the price of butter, or, indeed, that the farmers realize their proper proportion of the present high prices, can not be maintained.

As I stated in the beginning, Mr. Chairman, I do not desire to delay the House, and I shall not at this time ask for further indulgence. At the proper time the members of the minority of the Committee on Agriculture will ask leave to offer certain amendments. These amendments will be offered seriously and in good faith, because it is our belief, after a careful and thoughtful study of this measure, that the amendments which we offer will be in the direction of consistency, will be in the interest of the consumers of butter in the United States, and will at the same time in no manner militate against the interest of the honest manufacturers of and dealers in pure butter.

Mr. MANN. Mr. Chairman, it is not my intention to detain the House at any length.

The CHAIRMAN. One moment. The gentleman from New York [Mr. WADSWORTH] is entitled to the floor. He yielded a portion of his time to the gentleman from Iowa.

Mr. MANN. I will take the floor in my own right.

The CHAIRMAN. But the gentleman can not take the floor in his own right in the time of the gentleman from New York.

Mr. MANN. Let the gentleman from New York finish his time then.

Mr. WADSWORTH. I reserve the balance of my time.

The CHAIRMAN. Then the gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, this bill has been changed somewhat since it went through the House, but it does not seem to me that it has been improved any. I was not one of those in the House who voted, when the bill was previously before the committee, for the amendment in regard to process or renovated butter. I did not join with those of my friends upon this floor who were opposed to the passage of this bill in putting that amendment into the bill, because it seemed to me that the same objections to the oleomargarine bill itself applied equally as well to the bill in relation to the manufacture of process or renovated butter. I do not believe, Mr. Chairman, that it is the province of Congress to determine, through the internal taxing power, what shall be eaten or how it shall be manufactured.

I know very well that this bill is before this Congress because some genius originated a plan by which he could make two blades of grass grow where only one grew before. In the history of mankind, up to this time, we have flattered and praised the man who was able to make two blades of grass grow where only one grew before; but now we are engaged in the business of attempting to blot out the second blade of grass in order to prevent rivalry with the first blade.

Mr. Chairman, gentlemen in opposition to the bill on the floor to-day have called attention to the rise in the price of butter, while milk is decreasing in value, and the gentlemen in favor of the bill have indignantly denied that it was the result of this bill. I confess, Mr. Chairman, I do not believe that the passage of this bill, so far as it has progressed to the present time, has had a great effect upon the rise in the price of butter; but if it were not the belief of the gentleman from Connecticut [Mr. HENRY] and the other gentlemen who are advocating this bill that it would increase the price of butter, the bill would not receive a single moment's consideration upon the floor of this House. They would be the ones who would be disappointed. This bill is brought before Congress for the purpose of taking money out of the pocket of the consumer and placing it in the pocket of the producer of butter, and if that were not the fact no one here would be so mean and lowly that he would vote for the bill.

And now having, as they think, accomplished the purpose as to oleomargarine, they go further and say to the man who has made butter that if his butter becomes rancid he shall not cleanse it.

Mr. Chairman, when this bill was considered by the House

before, and the process-butter amendment was adopted by the votes of gentlemen opposed to the bill in part, I said then that the creamery men would be the ones most earnestly in favor of that amendment when they discovered what it was, because they have had to meet the opposition of the process and renovated butter in the past and in the present as well as oleomargarine. Why, Mr. Chairman, to-day in the markets of New York City renovated butter is quoted within 2 cents of the highest price of the best creamery butter. No objection to it, perfectly good and wholesome; but it comes in competition with the creamery butter, and therefore the creamery men wish to crush it out.

Mr. Chairman, I do not wish to make any pretense or claim that I have better knowledge or as good knowledge as the gentlemen who are especially interested in this bill. There is in the district which I happen to have the honor to represent no single oleomargarine manufactory, not one, so far as I know, concerned in any way whatever in the manufacture of oleomargarine or in the manufacture of process or renovated or adulterated butter, and no one in my district who has a special interest in this bill except as a consumer of butter. The question of oleomargarine has been discussed before the House. I do not propose to detain the House with any discussion in reference to that subject. The few words that I say upon the subject of adulterated or process butter is from no personal interest of my own or any personal interest of my constituents, but solely because I believe that the theory of such a bill is adverse to the principles of our form of government.

What does the amendment in this bill propose? It proposes that wherever butter has become rancid it shall not be cleansed, and no one in favor of the bill explains or can explain or deny that proposition. The provision in this bill is absolutely that if dairy butter or creamery butter becomes rancid—and we all know that a large portion of the dairy butter made on the farm does become rancid—then no one can use any substance whatever for the purpose of deodorizing it or removing the rancidity from it without paying a tax of 10 cents a pound. Other people, and at other times, would urge that there be an opportunity given to make good, to make over a spoiled article of commerce. But here is a provision for what they call adulterated butter; it is easy to say adulterated.

I would better say that the statesmanship that brought in this bill was adulterated statesmanship; it would be easy to so characterize, but that would not be proof. This bill defines as adulterated butter that which contains any substance except the butter itself. It requires the aid of no ingredient to make adulterated butter. The manufacturer of process butter who takes a barrel of butter, some of which is rancid, melts it, and uses air, pure air, and water, for the purpose of removing the rancidity, under this bill is a manufacturer of adulterated butter and is liable to a tax of 10 cents a pound in addition to the annual license.

I know very well that is not the intention of the Agricultural Committee, which has framed or agreed to this amendment; but that is the result of the language of the amendment.

Adulterated butter—

In one of the definitions of it in this bill is—

any butter or butter fat with which is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream—

Or—

in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom.

Now, of course, under this definition of process butter, melted butter, which is thoroughly cleansed by the use of air or water, would under the terms of this bill become adulterated butter.

Mr. DAVIDSON. No.

Mr. MANN. Ah, the gentleman from Wisconsin says "no." I asked the distinguished gentleman from Wisconsin, when this bill was considered in this House before, whether it would have the effect of increasing the price of butter, and he said "no," but he left his answer out of his printed speech. He would not be so strongly in favor of this bill if his constituents were not, and they would not be in favor of the bill if they did not believe it would increase the price of creamery butter. This plainly provides that any butter which is refined, melted, or in which any other manufacturing process is used in it which uses water or air, shall be called adulterated butter and pay a tax of 10 cents a pound.

Now, process and renovated butter is defined to be butter where—

no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing the rancidity therefrom, and to which no substance or substances foreign to pure butter have been added with intent or effect of cheapening cost.

That is the trouble with this bill in another respect. The whole theory of the bill is to prevent anything which will cheapen the cost. Who would have supposed that in the American Congress, in the twentieth century, they would actually propose a bill in which they proposed to make it a finable offense to cheapen the cost of an edible article?

Mr. Chairman, a good deal of complaint has been made in the papers in the last few days and weeks in reference to the beef trust. I do not propose to discuss that subject at this time, but, Mr. Chairman, who in this Hall would rise and advocate a bill to increase the power of the beef trust? If beef products have risen in value because of the trust, because of the agreement between the producers of dressed meat, then why has butter increased in value as milk went down in price? Who here would rise and vote to increase the price of beef? But you gentlemen who propose to pass this bill propose to increase the price of butter, which is just as essential to the table of the American citizen as is beef, and I warn you that when legislation of this kind is commenced and enacted into law, the end of fair government can not be long delayed unless statesmen with a higher idea of devotion to their country and less devotion merely to the selfish interests of their constituents shall prevail. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. CROOK, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On April 22, 1902:

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

OLEOMARGARINE BILL.

The committee resumed its session.

Mr. HENRY of Connecticut. Mr. Chairman, I now ask that general debate may be closed and that the Senate amendments be taken up in order for consideration.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that general debate be now closed and the Senate amendments be taken up in their order for amendment or concurrence? Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Senate amendments be read, subject to amendment, by paragraph instead of by section. Some of the sections are long, and it would be much better to amend the paragraphs as we go along.

The CHAIRMAN. Does the Chair understand the gentleman from New York to ask unanimous consent that the entire Senate amendments be first read?

Mr. WADSWORTH. Oh, no; I ask that we read the amendments by paragraph instead of by section.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the Senate amendments be read by paragraph if there be more than one paragraph in an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read Senate amendment No. 1, as follows:

In line 4, page 1, after the word "imitation," insert "process, renovated, or adulterated."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 2, as follows:

On page 2, lines 10 to 14, strike out "*Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend to the House concurrence with that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 3, as follows:

In line 24, page 2, after the word "family," strike out the words "and guests thereof" and insert the word "table."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in the Senate amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 4, as follows:

In line 25, page 2, and line 1, page 3, strike out the words "ingredient or" and insert the word "artificial."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment.

Mr. WADSWORTH. I think this perhaps is a separate amendment. I want to insert on page 3, after the word "coloration," the words "except colored butter."

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the committee recommend that the House concur in the Senate amendment No. 4.

The question was considered, and the motion was agreed to.

Mr. WADSWORTH. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 1, page 3, after the word "coloration," the words "except colored butter."

Mr. HENRY of Connecticut. A point of order, Mr. Chairman. The Senate amendments should first be considered.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HENRY of Connecticut. That we should first consider the Senate amendments.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Can any amendment be offered to the bill passed by the Senate where the same has passed the House except to concur in the Senate amendment with an amendment?

The CHAIRMAN. The Chair is of the opinion that such an amendment as is offered by the gentleman from New York is not in order, and therefore declines to entertain the amendment.

Mr. MANN. Now, Mr. Chairman, I move to reconsider the vote by which the last amendment was concurred in.

Mr. HENRY of Connecticut. Against that I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that it is not in order to reconsider a vote in the Committee of the Whole, and the Chair sustains the point. It can be done only by unanimous consent.

Mr. MANN. I ask unanimous consent, because the amendment was sent up by the gentleman from New York as an original amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent——

Mr. HENRY of Connecticut. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. WADSWORTH. Now, Mr. Chairman, I offer the following as a substitute to the paragraph so that it will read:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration, except colored butter, that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

Mr. TAWNEY. I make the point of order that that is a substitute entirely changing the text of the bill which the House and Senate have agreed to.

The CHAIRMAN. The Chair does not understand what the paragraph is that the gentleman wishes to amend. In place of what paragraph is the substitute offered?

Mr. TAWNEY. He offers the paragraph in the original bill, beginning at line 22, page 2, and ending at the end of line 4, on page 3, and I make the point of order that it entirely changes the text of the bill, to which the House and Senate have agreed.

Mr. WADSWORTH. My proposition is to substitute for the paragraph beginning line 22, page 2, and ending with line 4, page 3——

The CHAIRMAN. Does the gentleman from New York [Mr. WADSWORTH] desire to be heard on the point of order made by the gentleman from Minnesota.

Mr. WADSWORTH. I simply submit that the substitute is absolutely in order and that my amendment is germane.

The CHAIRMAN. The Chair is of the opinion that if this matter were before the House for the first time the substitute amendment might be in order; but this bill has been passed by this House, and the portion of it to which the gentleman from New York offers a substitute has been passed also by the Senate. It is not in order for the House to amend that portion of the bill. The Chair therefore sustains the point of order.

Mr. WADSWORTH. Do I understand by that ruling that no amendments to the Senate amendments are in order?

The CHAIRMAN. The Chair is of the opinion that amendments to the Senate amendments are in order, but not to the text of the bill which has been agreed to by both Houses.

Mr. WADSWORTH. My proposition is an amendment to the Senate amendment.

The CHAIRMAN. But the proposition is to substitute new matter for a portion of the text of the House bill which has been agreed to by the Senate.

Mr. WADSWORTH. I put my proposition in that form because the Chair had decided that I could not offer it as a simple amendment.

The CHAIRMAN. The Chair will state that the first amendment offered by the gentleman from New York was to amend the text of the House bill which has been agreed to by the Senate, and was not an amendment to the Senate amendment. It was on that ground alone that the Chair ruled it out of order.

Mr. MANN. I rise to a parliamentary inquiry. Certainly I suppose it was in order to move to concur in the Senate amendment with an amendment. Now, the gentleman from Connecticut moved to concur in the Senate amendment, and the gentleman from New York offered an amendment to that motion, which certainly was in order, as a motion to concur in the Senate amendment with an amendment.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois that he is wrong in his premises. The amendment offered by the gentleman from New York was not an amendment to the Senate amendment nor a proposition to concur with an amendment, but was an amendment to the text of the bill which had been agreed to by both Houses.

Mr. MANN. If the Chair will permit me further, the gentleman from Connecticut moved to concur in the Senate amendment, which of course was in order. The gentleman from New York offered an amendment as an amendment to the motion of the gentleman from Connecticut. Thereupon the amendment of the gentleman from New York was ruled out of order.

The CHAIRMAN. If the Chair may be permitted to state the parliamentary situation, it is this: The gentleman from Connecticut made a motion to concur in Senate amendment No. 4, which simply strikes out the words "ingredient or" and inserts in place thereof the word "artificial." Then the gentleman from New York rose to offer an amendment which the Chair understood to be an amendment to the Senate amendment, and therefore ruled that it had precedence of the motion of the gentleman from Connecticut; but when the amendment of the gentleman from New York came to be read it was found to be a proposition to insert in the text of the bill, as agreed to by both Houses, after the word "coloration," line 1, page 3, being a part of the text of the bill not amended by the Senate—to insert at that point certain other matter, which the Chair thereupon ruled out of order.

Mr. MANN. If the Chair will permit me further, is it not in order to concur in the Senate amendment inserting the word "artificial" before the word "coloration," with an amendment, inserting another word after the word "coloration?" And if that can not be done in Committee of the Whole or in the House, how can it be done in conference?

The CHAIRMAN. The word "coloration" is not a part of the Senate amendment, but a part of the text of the bill. It would be in order to offer an amendment to the word "artificial"—adding another word, possibly, thereto.

Mr. WILLIAMS of Mississippi. The reasoning of the Chair is perfectly correct, but as stated it discloses that the Chair is ignorant of the fact which is at the basis of all the reasoning that can be had upon this subject. This bill went to the Senate with this language: "Coloration or ingredient that causes it to look like butter." Now, if the Chair will keep that in mind, then this is the second fact upon which the Chair has to act: The Senate struck out the words "or ingredient" and substituted the word "artificial."

Therefore the amendment offered by the gentleman from New York is not an amendment to the original text of the bill as agreed upon by both Houses, but is an amendment to the amendment which the Senate made for the purpose of further defining what artificial coloration means. The original language was "coloration or ingredient." The new language as effected by the Senate amendment is "artificial coloration."

Then the question arises as to what is or is not "artificial coloration;" and certainly any amendment that goes to define what is or is not artificial coloration is an amendment to the Senate amendment, which put in the word "artificial" before "coloration" and struck out the words "or ingredient."

Now, two divergent ideas arise immediately. Suppose that butter which has been colored artificially is used as an ingredient in oleomargarine, then shall the oleomargarine be pronounced to be artificially colored oleomargarine or not? In order to obviate all uncertainty about that the gentleman from New York offers an amendment to the Senate amendment to define what artificial coloration is, and in limiting what that shall be construed to mean, he uses the language "not from butter." That is what? Coloration not from butter? No artificial coloration not from butter.

In other words, if the artificiality of the coloration proceeds not from the manufactured oleomargarine but from the fact that butter was put into it which itself had been artificially colored, then undoubtedly the amendment is an amendment to the artificiality of the process and the word "artificiality" was inserted

by the Senate; therefore, it is an amendment to the Senate amendment and not an amendment to the original text of the bill.

The CHAIRMAN. The Chair has listened with interest to the remarks of the gentleman from Mississippi——

Mr. WILLIAMS of Mississippi. In other words, it limits the meaning of the word "artificial."

The CHAIRMAN. But the Chair is still of opinion that the amendment, coming as it does in the text of the bill after the word "coloration," although it is only one word beyond the Senate amendment, the effect is just the same as if it were ten words or ten lines, and the Chair therefore adheres to the ruling that the text of the bill, which has been agreed to by both Houses, is sacred and can not be amended in Committee of the Whole.

Mr. WILLIAMS of Mississippi. Will the Chair hear this suggestion just one moment? Suppose the gentleman from New York were to offer his amendment coming after the word "artificial;" then the Chair would rule it would be in order, but it would not make good sense.

The CHAIRMAN. It would be in order. Its good sense would be for the committee and not for the Chair to determine.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the inquiry.

Mr. SCOTT. I understand the Chair to hold that the text of the original bill, which has passed both Houses, is sacred and can not be touched in this committee.

The CHAIRMAN. That is the opinion and ruling of the Chair.

Mr. SCOTT. My inquiry is this: When the meaning and context have been materially changed by a Senate amendment, can it be properly claimed that the text has been passed by both Houses? This House has never passed upon it, and the inquiry I make is whether or not the amendment which the Senate put into this section did not so change the entire meaning of the paragraph as to make proper a ruling that the text had not been passed upon by this House?

The CHAIRMAN. It is not within the province of the Chair to construe the meaning of words which have been agreed to by both branches of Congress.

Mr. TAWNEY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. This Senate amendment has already been concurred in by the Committee of the Whole, has it not—that is, Senate amendment No. 4?

The CHAIRMAN. It has.

Mr. TAWNEY. Then I make the point of order that the amendment comes too late.

Mr. WADSWORTH. Mr. Chairman, while I dislike very much to disagree with the ruling of the Chair——

The CHAIRMAN. For what purpose does the gentleman rise.

Mr. WADSWORTH. With all due respect, I appeal from the decision of the Chair on the point of order ruling the amendment I offer to the paragraph out of order.

Mr. TAWNEY. Mr. Chairman, before the question is put I want to call the attention of the committee to the fact that this amendment has already been concurred in by the Committee of the Whole, and that therefore the ruling of the Chair, independent of any other question, is perfectly proper, because an amendment would not be in order after an amendment has been concurred in.

The CHAIRMAN. The Chair will state that no appeal was taken from the ruling of the Chair sustaining the point of order against the gentleman from New York. Subsequently various parliamentary inquiries were made, to which the Chair replied. Replies to parliamentary inquiries are not subject to appeal.

Mr. WADSWORTH. Very well. Does the Chair hold that we can insert immediately after the word "artificial" the words "except other butter?"

The CHAIRMAN. The Chair is of opinion that it would have been in order had not the committee already concurred in the Senate amendment.

Mr. WILLIAMS of Mississippi. The House has not concurred in the Senate amendment.

The CHAIRMAN. It can now be done by unanimous consent.

Mr. WADSWORTH. I do not suppose the gentleman from Minnesota [Mr. TAWNEY] would permit me to do it by unanimous consent.

Mr. TAWNEY. No; we would not. That would be carrying generosity too far. [Laughter.]

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SCOTT. I rise to make a statement upon which to base a parliamentary request, upon which I intend to base a demand for a ruling from the Chair.

My contention, Mr. Chairman, is that the entire sentence which is now under consideration, beginning with line 22, page 2, has been so materially changed by the amendment of the Senate that it is no longer a part of the text, and no words in it are any longer a part of the text agreed upon by both Houses; and therefore, regardless of the fact that the Senate amendment has been concurred in by the committee, the amendment offered by the gentleman from New York [Mr. WADSWORTH] is germane and in order, and I would like a ruling of the Chair on that point.

The CHAIRMAN. That question has already been ruled upon. The point of order was sustained, and the committee has concurred in the Senate amendment. There is therefore nothing before the committee, unless the gentleman from New York asks unanimous consent to open that question again.

Mr. SCOTT. Would an appeal from the decision of the Chair on that point be in order?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12346) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

OLEOMARGARINE BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Section 3 of said act is hereby amended by adding thereto the following: "*Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 cent per pound is imposed by this act, as amended, shall pay $200; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act, as amended, a tax of one-fourth of 1 cent per pound shall pay $6."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the House concur in the Senate amendment.

Mr. ALLEN of Kentucky. Mr. Chairman, I move to concur with an amendment.

The CHAIRMAN. The gentleman from Kentucky moves to concur with an amendment, which takes precedence of the motion of the gentleman from Connecticut. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "two hundred" in line 9, page 3, and insert "fifty."

Mr. ALLEN of Kentucky. Now, Mr. Chairman, it seems to me that the license tax of $200 here put upon this product is burdensome; that it is out of proportion to the purposes of the bill as it applies to the license upon colored oleomargarine. The bill provides that there shall be a tax of 10 cents a pound on colored oleomargarine. The contention for that tax, or rather the argument for it, was to increase the price of the oleomargarine to something near the price of butter in order that it might not come in competition with it. The tax of one-quarter of 1 cent per pound was placed upon the uncolored oleomargarine simply for the purpose of using the governmental agency in regulation of the manufacture.

Now, it occurs to me that to follow that up with the additional tax of $200 upon the wholesale dealer is unnecessary and burdensome, and will result in the fact that the consumer will have to pay it. It is unnecessary to the proper policing this article, nor is it necessary to the proper protection of the manufacture of the article that this tax should be so heavy, and I believe it ought to be the same as that upon renovated butter. I understand there will be an amendment offered to place the tax at $50 upon the wholesale dealer in renovated butter. I ask, Mr. Chairman, that the amendment be adopted, and I hope that gentlemen in charge of the bill will not object to it.

Mr. HENRY of Connecticut. Mr. Chairman, just a few words, and then I shall be ready for a vote. This section of the bill was framed by the oleo manufacturers themselves. It is all they ask for. It was inserted in the Senate with the assurance of members of the Agricultural Committee in the House that there would be no objection offered to it. There is no special reason why the United States Government should concede $150 a year to these dealers, when nobody has asked for it except my benevolent friend from Kentucky.

Mr. ALLEN of Kentucky. Will the gentleman permit a question? You do not contend that this is necessary for revenue, do you? It is not the purpose of it to raise revenue?

Mr. HENRY of Connecticut. It is certainly a revenue bill.

Mr. ALLEN of Kentucky. But the purpose of this act is to police the manufacturer and dealer in this article. Is not that the prime purpose?

Mr. HENRY of Connecticut. There can be no considerable revenue made from uncolored oleomargarine, and the contention is that it is not burdensome. We have reduced the retail tax to a nominal figure of $6 a year, or 50 cents a month, and that was where the real burden would come.

Mr. ALLEN of Kentucky. How does the gentleman know this was prepared by the oleomargarine people?

Mr. HENRY of Connecticut. Because one of them told us so.

Mr. ALLEN of Kentucky. Who?

Mr. HENRY of Connecticut. A prominent manufacturer.

Mr. ALLEN of Kentucky. Told you so?

Mr. HENRY of Connecticut. Yes.

Mr. ALLEN of Kentucky. That does not appear from any record in the case, and I had no such information.

Mr. HENRY of Connecticut. I think my authority is good.

Mr. TAWNEY. Now, Mr. Chairman, I will ask my colleague, the gentleman from Connecticut, if it is not a fact that in this provision the tax on the wholesale dealer in oleomargarine is reduced from $400 to $200?

Mr. HENRY of Connecticut. Certainly; and all the reduction was made that the dealers themselves asked for.

Mr. WILLIAMS of Mississippi. Do you put the same tax on renovated butter that you do on oleomargarine?

Mr. ALLEN of Kentucky. Why do you charge the wholesale merchant for selling unobjectionable oleo?

Mr. HENRY of Connecticut. In order to preserve the police supervision. The dealers themselves do not wish to have this license tax entirely removed.

Mr. GAINES of Tennessee. I move to strike out the last word. Here is a merchant who is selling the real oleomargarine as "oleo," and not as "butter." No one objects to that. He is dealing in an honest article, and he is dealing honestly with his fellows and honestly with the Government, and yet you want to impose a tax of $200 upon him.

Mr. HENRY of Connecticut. They wish to have it themselves.

Mr. TOMPKINS of New York. And it was $400 when the bill left the House.

Mr. GAINES of Tennessee. Does the gentleman say the merchants are asking to be taxed $200 to carry on this business?

Mr. TAWNEY. Did the gentleman vote for the bill when it was before the House?

Mr. GAINES of Tennessee. Yes; I voted to recommit the bill in the hopes the House bill would be improved by amendment. The House did not recommit, and then I voted to pass it as it was, believing the Senate would improve it, which I hope has been done, and as this is about the best that can now be done, I shall vote for it as amended. I am for the farmer.

Mr. TAWNEY. Then, when you did that, you voted to put a tax of $400 instead of $200 on the merchant.

Mr. GAINES of Tennessee. That shows that your bill was wrong, and that the House was in error in not recommitting and changing this item, but I voted for it believing the Senate would amend and rectify; still I am ready to make the provision entirely right. I am glad that you now say you were wrong in your bill when it was here before. Now here is the proposition——

The CHAIRMAN. The gentleman from Connecticut has not yielded the floor.

Mr. GAINES of Tennessee. The gentleman had resumed his seat and I moved to strike out the last word and proceeded.

Mr. HENRY of Connecticut. I am willing to yield to the gentleman.

The CHAIRMAN. The gentleman must first obtain the recognition of the Chair.

Mr. HENRY of Connecticut. I call for a vote.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut.

Mr. GAINES of Tennessee. I rise to a parliamentary inquiry, Mr. Chairman. The gentleman from Connecticut had resumed his seat and I rose and asked him a question.

Mr. HENRY of Connecticut. I think I have been on my feet all the time.

Mr. GAINES of Tennessee. The gentleman is certainly mistaken.

The CHAIRMAN. Does the gentleman think he has the floor now?

Mr. GAINES of Tennessee. Certainly.

The CHAIRMAN. The gentleman desiring the floor will address the Chair.

Mr. GAINES of Tennessee. Well, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire the floor?

Mr. GAINES of Tennessee. Has the gentleman the floor now?

The CHAIRMAN. He has not.

Mr. GAINES of Tennessee. Then I move to strike out the last word, and I want to be heard.

The CHAIRMAN. The gentleman from Tennessee.

Mr. GAINES of Tennessee. Now, I voted to take up this measure to-day. This is the only means now we can employ as new legislation to curb this oleo butter fraud. Something must be done to do this, and at once. I am for the farmer, first, last, and all the time. I am against dishonest butter, and I am against encouraging anything that breaks down the prices of the farmer, because the farmer is the cornerstone of society.

We need the farmer from the time we come into the world until we go out, and I would do nothing nor permit anything that wrongfully destroys his business. Though unsatisfactory, I am going to vote for the bill as amended; but I say this part of the bill is wrong in imposing a tax of $200 on the merchant who is selling the real oleo as oleo to his neighbors and customers. He is dealing honestly with the Government, and dealing fair with his customers. Why tax, why burden an honest merchant for doing the honest thing? I say, gentlemen, such an act is palpably wrong.

Mr. FEELY. Mr. Chairman, I move to strike out the last two words. I desire to favor the amendment proposed by the gentleman from Kentucky. I do not think the gentleman in charge of this bill, the gentleman from Connecticut, has stated fairly what the people desire and what the manufacturer of oleomargarine desires. I take it that we are not called here to do what the farmer desires or what particular oleomargarine manufacturers desire. It is a creditable thing in the committee and in the Senate that they have reduced the tax from $650 to $200. It will be more creditable to them, and it will be more creditable to this House, if it further reduces that tax on an honest occupation, in order to allow all men to enter upon it who desire to do so without payment of an exorbitant tax.

In reference to the necessity of policing, it must be admitted, and it is admitted by the opponents of this bill, that some tax is necessary to police and supervise the manufacture of this article; but it can not be held, and I shall wait to see it held here this afternoon, that a tax of $200 is necessary for the purpose of policing and supervising its manufacture. The great trouble is that there is to-day centralization in the manufacture of oleomargarine, and I do not doubt that some representatives have stated to the gentleman from Connecticut that this $200 tax was satisfactory; but for the consumer, for the people who desire to eat a cheap product, a wholesome product, even if the ban is placed upon it, and if they are not accorded the advantage of eating it colored, there ought to be some consideration. At least latitude ought to be allowed for general manufacture of an honest food product now monopolized. If the amendment of the gentleman from Kentucky is adopted here, a field for honest competition will be opened all over this country, and it will not be so easy to centralize the control of the manufacture of oleomargarine. It is but fair, and I hope it will be adopted.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to the motion to concur with an amendment by adding a further amendment.

The CHAIRMAN. Do the gentleman from Illinois and the gentleman from Tennessee withdraw the pro forma amendment?

Mr. GAINES of Tennessee. Why, certainly.

The CHAIRMAN. Then an amendment to the amendment offered by the gentleman from Kentucky is offered by the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Concur with the further amendment by inserting at the end of line 13 the following: "*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. I make the point of order that it is not an amendment to the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Chair is of the opinion that the amendment is a separate amendment and not an amendment to the amendment offered by the gentleman from Kentucky. It will be in order after the amendment of the gentleman from Kentucky has been disposed of.

Mr. MANN. It would not be in order, Mr. Chairman, after the amendment of the gentleman from Kentucky has been adopted, because his motion is to concur in the Senate amendment with an amendment, and if that motion is adopted the amendment is concurred in, and it is beyond the control of the committee. I take it that it is within the power of the committee to concur in a Senate amendment with one amendment, and that amendment be subject, under the rules, to an additional amendment, and so to concur with two amendments.

The CHAIRMAN. The Chair will state that the gentleman

from Illinois is mistaken in his premises. The motion of the gentleman from Kentucky is to amend the Senate amendment.

Mr. MANN. If that is its standing before the committee, very well. The motion of the gentleman was to concur with an amendment, as stated.

The CHAIRMAN. The Chair understands differently. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

Mr. RICHARDSON of Tennessee. Mr. Chairman, without expressing any opinion as to the merits of the amendment proposed by the gentleman from Illinois, I submit that it would not be in order anyway, because it is an amendment in the third degree. The Senate amendment is pending, and the gentleman from Kentucky moves an amendment to that amendment. Now, the proposition of the gentleman from Illinois is to amend an amendment to an amendment, which can not be done, and therefore the Chair must be right in his statement. There is no difficulty about it. If the Chair holds the proposition of the gentleman is first to amend the Senate amendment, if that is voted down or up, it would be in order for the gentleman from Illinois to offer his amendment to the Senate amendment, as the Chair has stated.

Mr. MANN. Do I understand the ruling of the Chair to be that the committee can amend the Senate amendment without a motion to concur?

The CHAIRMAN. That is the opinion of the Chair. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ALLEN of Kentucky) there were—ayes 53, noes 85.

So the amendment was rejected.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I renew my motion to concur.

Mr. MANN. I believe, Mr. Chairman, my amendment has precedence.

The CHAIRMAN. The gentleman from Illinois offers an amendment which has precedence over the motion to concur. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "dollars," in line 13, the following:
"*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. A point of order, Mr. Chairman. The amendment is not germane to the paragraph to which it is offered as an amendment.

Mr. MANN. It is all one section, as the gentleman will discover if he will read it.

The CHAIRMAN. The Chair will hear the gentlemen from Illinois upon the point of order.

Mr. MANN. Mr. Chairman, the section we are reading is all one section. If it is not the same subject-matter, it is not the fault of this House or this committee, which includes two different subject-matters in one section. It certainly is within the province of the House to amend a section upon a particular subject by inserting a provision in reference to one subject-matter in that section anywhere it pleases in the section. That ought to be a matter within the discretion of the committee.

Mr. TAWNEY. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. TAWNEY. Do you think if we have passed a provision even in the same section relating to a certain subject and the committee declines to entertain an amendment, you can pass on to another subject in the same section and offer the same amendment to it?

Mr. MANN. We have not passed upon any other subject; we have only passed upon a Senate amendment, and merely because the Senate amendment occurs at a particular place has nothing to do with this question. We did not pass upon the bill. The Chair expressly held that we could not amend the original bill. We passed upon the Senate amendment. Now, I take it, it is within the province of the House to agree to an amendment cutting down the amount of the license tax, with a provision governing the action of the people who operate under that tax. There might very well be added to this amendment of the Senate a provision that the $200 license tax should only apply to people who made a particular kind of butter.

Now, that is the subject-matter. The very question before the House in this amendment is the tax upon oleomargarine, which is taxed only one-fourth of a cent per pound; and the question as to what that tax shall be is within the province of the House to determine. We may say that this tax of one-fourth a cent a pound shall apply only to one kind of oleomargarine or to another, but when we limit the tax, we certainly have the right to decide what that tax shall apply to.

Mr. TAWNEY. Just one word. The paragraph which the gentleman from Illinois proposes to amend is an amendment to section 3 of the existing oleomargarine law, relating entirely to the license taxes paid by wholesale and retail dealers in oleomargarine. Now, the proposition which he offers as an amendment to this paragraph relates entirely to another subject-matter. It relates to the use of coloring matter in the manufacture of the article which these men are likely to sell. I do not think it can be held for a moment that it is germane to the proposed amendment of the Senate.

The CHAIRMAN. Senate amendment No. 5 reads thus:

Section 3 of said act is hereby amended by adding thereto the following:

And then follows a certain proviso. The amendment offered by the gentleman from Illinois is to add at the end of that proviso these words:

And provided further, That the artificial coloration provided for in the preceding paragraph shall not include colored butter.

The "preceding paragraph" referred to, as the Chair understands, is section 3 of a former act of Congress, which is not now before the Committee of the Whole.

On page 323 of the Manual the Chair finds this language:

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane.

That ruling was made by Speaker Reed. The Chair thinks that it covers this case. The amendment of the gentleman from Illinois, while it may be germane to the preceding paragraph of section 3 of the earlier act of Congress to which it refers, is not germane to the proviso which constitutes the Senate amendment, and therefore the Chair sustains the point of order.

Mr. HENRY of Connecticut. I now renew my motion to concur in the Senate amendment.

The motion was agreed to.

Senate amendment No. 6 was read, as follows:

After the word "consumption," in line 21, page 3, strike out "and" and insert "or."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend concurrence in this amendment.

The motion was agreed to.

Senate amendment No. 7 was read, as follows:

Before the word "coloration," in line 25, page 3, insert "artificial."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend that the House concur in this amendment.

The motion was agreed to.

Senate amendment No. 8 was read, as follows:

In line 1, page 4, strike out before the word "that," the words "or ingredient."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend to the House concurrence in this amendment.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] makes a motion to amend which takes precedence of the motion of the gentleman from Connecticut. The amendment of the gentleman from New York will be read.

The Clerk read as follows:

Amend Senate amendment No. 8 by inserting, after the word "ingredient," line 1, page 4, the words "but colored butter shall not be construed as artificial coloration."

Mr. TAWNEY. I make the point of order that this amendment is not in order, as it proposes to change the text of the bill as agreed to between the two Houses.

The CHAIRMAN. If the Chair correctly understands the motion of the gentleman from New York, it is to insert at the place where the Senate strikes out the words "or ingredient" the words which the Clerk has read. The Chair thinks the amendment is in order and overrules the point of order.

Mr. WADSWORTH. Mr. Chairman, the point of my amendment is simply this: Under the law of 1886, the original oleomargarine law, manufacturers of oleomargarine were required to file with the Secretary of the Treasury a statement of the ingredients of the commodity which they manufacture; and among those ingredients is butter. Now, when they go on the market to buy their butter they can not tell whether it is colored or not (although I know that all butter is colored). Why should they not have the privilege of buying butter (which is an honest ingredient used in the manufacture of oleomargarine) on the market just as anybody else can buy it? That is all there is of it.

Mr. TAWNEY. Will the gentleman from New York explain the effect of this amendment in using colored butter in the manufacture of oleomargarine?

Mr. WADSWORTH. Under the law there they must not add any colored butter, if it even gave a straw shade to oleomargarine.

Mr. TAWNEY. I mean the effect upon the business of the manufacturer.

Mr. WADSWORTH. It would simply compel the oleomargarine manufacturers, probably, to have their butter made absolutely without coloring matter. I offer it because there has been a case in one of the State courts where the question has been decided that coloring coming through colored butter was contrary to the State law.

Mr. TAWNEY. And the manufacturer of oleomargarine, then, by the use of butter, no matter how much of a shade of yellow it might give that yellow oleomargarine, would be exempt from the 10-cent tax under this provision.

Mr. WADSWORTH. That is it exactly.

Mr. TAWNEY. Then the purpose of it is to destroy the entire effect of this bill?

Mr. WADSWORTH. The purpose of it, frankly and openly stated, is to allow the oleomargarine people to color their oleomargarine in an honest and legal way, as provided in this bill, because butter is an ingredient of oleomargarine and has been since 1886, when the law compelled manufacturers to file with the Secretary of the Treasury the list of ingredients.

Mr. HENRY of Connecticut. Just a word, Mr. Chairman. If this amendment is adopted we might as well strike out the enacting clause of the bill and let our work go for nothing. It means that oleomargarine may be colored as it is colored now. Butter will be colored expressly for use in oleomargarine, to be expressly used as an ingredient, and it will color the oleomargarine for all practical purposes—avoid the tax and kill the bill.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

The question was taken; and on a division, demanded by Mr. WILLIAMS of Mississippi, there were—ayes 51, noes 88.

So the amendment was rejected.

Mr. HENRY of Connecticut. Mr. Chairman, I move to concur in the Senate amendment.

The CHAIRMAN. The gentleman from Connecticut moves that the committee recommend the House to concur in the Senate amendment No. 8.

The motion was agreed to.

The Clerk read as follows:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorbtion of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

The committee amendments were read, as follows:

In lines 5 and 6 strike out the words "shall be understood" and insert the words "is hereby defined."

In lines 10 and 11 strike out the words "shall be understood" and insert the words "is hereby defined."

In line 15 after the word "butter" insert the words "or butter fat."

In lines 18 and 19 strike out the word "and" and insert the word "or," and after the word "butter" insert the words "butter fat."

In line 20 strike out the words "recognized or understood" and insert the word "defined."

After the word "product," in line 21, strike out the word "in" and insert the word "or."

After the word "any," in line 22, strike out the words "way, either through cheaper or inferior ingredients, or," and insert the words "butter, in the manufacture or manipulation of which any process or material is used."

On page 6 strike out the proviso.

Mr. PARKER. Mr. Chairman, I offer the following amendment which I send to the desk.

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee concur in the amendments with the committee amendment, which I send to the desk.

Mr. PARKER. Mr. Chairman, I suppose the motion would first be on the adoption of the committee amendments to which I have no objection, but immediately after that I wish to offer an amendment.

The CHAIRMAN. The question will be first upon the adoption of the committee amendments, unless some one offers an amendment to one or all of them.

Mr. TAWNEY. Mr. Chairman, the gentleman from Connecticut has sent up a committee amendment in addition to the committee amendments which are incorporated in the bill, and, as I understand, he wishes to have them considered and adopted at the same time.

The CHAIRMAN. The Chair will state that the motion of the gentleman from Connecticut [Mr. HENRY] proposes to insert certain words on page 6 in lieu of those which have been stricken out, and then strike out the succeeding paragraph, which has not yet been read, and it is not in order at this time to strike out that paragraph.

Mr. HENRY of Connecticut. Mr. Chairman, I thought that paragraph had been read. I withdraw the amendment for the present. I move concurrence in the committee amendments.

The CHAIRMAN. The question is first on the adoption of the amendments offered by the Committee on Agriculture. If there is no objection, they will be considered together. [After a pause.] Hearing none, it is so ordered. The question now is on the adoption of the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question now is upon the adoption of the committee amendments offered by the gentleman from Connecticut, which the Clerk will report.

The Clerk read as follows:

On page 6, after the word "cream," in line 1, insert a semicolon in place of the colon, and these words, "that process butter or renovated butter is hereby defined to mean butter which has been subjected to no process by which it is melted, clarified, or refined, and made to resemble genuine butter, always excepting adulterated butter as defined by this act."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. PARKER. That will not prevent my going back to the definition of adulteration.

Mr. CANNON. I should like to know what it means. Does it mean that the butter that is made by the farmer and sold and is not consumed in a few days can not be sold to the manufacturer, who washes it and makes it sweet, without his paying a tax of 10 cents a pound for the privilege of washing it?

Mr. TAWNEY. The definition of a manufacturer of process butter meets your objection. The people you have been speaking of will not be included in that definition, and therefore will not be subject to this.

Mr. HENRY of Connecticut. The very object of the amendment is to exclude those people.

Mr. CANNON. Let us read it again. I do not understand it. I thought you were going to strike out——

Mr. HENRY of Connecticut. It does strike out and insert the definition prepared by the Department of Agriculture to cover the very point the gentleman makes—to exempt the farmer and the country grocer who wishes to pack his butter. It was not believed that the bill as passed by the Senate would affect those people, but the Secretary of Agriculture was of the opinion that the definition should be more definite.

Mr. BUTLER of Pennsylvania. Mr. Chairman, can we have the amendment read again? I should like to hear it. It may not be necessary to hear it, but it might be a good thing.

Mr. CANNON. Let me ask again. Suppose 50 farmers in my township sell their 10 pounds of butter each at the place where they trade. The local demand does not consume it until it becomes strong, which it will in two or three days. Then that butter is of no account except as it may be shipped and washed and aerated and colored, and then it is good butter, without the use of acids. Can that be done under this bill without penalty?

Mr. HENRY of Connecticut. The butter that the gentleman refers to, rancid butter, comes under the provisions of process or renovated butter. To be frank with the gentleman, it would not be exempt; but butter that the country grocer takes in over his counter and packs down in an unmelted condition, without the use of any process or acid, is exempt under this amendment.

Mr. CANNON. Well, then, what tax will such butter be subject to, the kind I speak of?

Mr. HAUGEN. None whatever. The ladlers are exempt.

Mr. HENRY of Connecticut. If that butter is treated as adulterated butter, it would be subject to the tax of 10 cents a pound. If it is sold to the process man to be renovated, it is subject to a tax of one-quarter of 1 cent per pound.

Mr. CANNON. Then the process man can take this butter, whether it be 10 pounds or 10 tons, and he can treat it, as long as he does not treat it with acids.

Mr. WILLIAMS of Mississippi. Or remelt it.

Mr. CANNON. He can wash it and mix it and remelt it, if he chooses, provided it is butter all the time, and color it; and when he has cleansed it, and by cleaning it has become sweet, then how much tax does he pay on that butter?

Mr. HENRY of Connecticut. One-fourth of a cent a pound.

Mr. CANNON. One-quarter of a cent a pound?

Mr. HAUGEN. That is, provided he melts it.

Mr. GRAFF. He can not clarify it nor regranulate it unless he does melt it, because that is the only process by which there can be a refining.

Mr. HAUGEN. The Senate bill proposed to tax ladlers as well as those who remelt the butter, but the bill has been amended so as to exempt the ladlers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, we should like to hear this debate; or is it a private conversation?

Mr. CANNON. I do not want it to be private, because I want to know about it. I have been busy with my work that has been committed to me, as other gentlemen have been busy with theirs, and I want to know about it, because my constituency and the people at large are interested in it, both the consumer of butter on the one hand and the maker on the other, outside of the creamery. Now, I want to know if thers is anything in this bill that will subject the butter of my constituents, made in the farmer's home, which butter has become strong, when it is made sweet by washing, by melting, by mixing different kinds of butter together, and by coloring it with annotto—I want to know if there is anything in this bill that will subject that to a tax?

Mr. HENRY of Connecticut. One-fourth of a cent per pound.

Mr. TAWNEY. Not if the farmer does it himself.

Mr. MANN. Ten cents a pound, as plainly as the English language can state anything.

Mr. HENRY of Connecticut. Not unless adulteration is used.

Mr. CANNON. What does my friend mean by adulteration?

Mr. HENRY of Connecticut. By putting in a portion of glucose or any other foreign material.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CANNON. I would be glad to move to strike out the last word. I just want to know about it.

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. CANNON. Certainly.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered a manufacturer thereof.

And subject to this taxation.

Mr. CANNON. Subject to a taxation—license tax?

Mr. TAWNEY. License tax; and the product is subject to a quarter of a cent a pound.

Mr. CANNON. Not 10 cents a pound?

Mr. TAWNEY. Not unless he is engaged in the business of adulterating butter, and is a manufacturer of it, by the use of acid or other chemicals described in this act.

Mr. CANNON. Well, I merely want to say in my five minutes that the farmers of this country by and by, when forced to give attention to matters which affect their interests, and I think that nine out of ten of them never saw the inside of a creamery, perhaps never will, somehow or other they have a notion that this legislation touching oleomargarine will protect them in the real butter industry. Maybe it will. I do not know whether it will or not.

But I want to say to gentlemen in charge of this bill if it should turn out now by virtue of a provision of the legislation that you enact here that the product of the farmer, the farmer's wife now making butter—and there is 9 pounds of it made where there is 1 pound of dairy butter made—if by virtue of the operation of this act is discriminated against and depreciated in value, then you will find that somebody a little later on will tramp on you. That is all. [Loud applause.]

Mr. WADSWORTH. What is the pending motion?

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut. If there be no objection, the amendment will again be reported.

The amendment was again reported.

Mr. WADSWORTH. Now, Mr. Chairman, that is the definition of process or renovated butter, is it not?

Mr. TAWNEY. It is.

Mr. WADSWORTH. Now I want to read to the House what Mr. Levi Wells, dairy and food commissioner of the State of Pennsylvania, says upon the subject:

It may be of interest to many to know what renovated butter is. It is also known under several alias, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast, or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature, it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer, usually, "its last estate is worse than its first."

Mr. BUTLER of Pennsylvania. When did he say that?

Mr. WADSWORTH. In 1898.

Mr. TAWNEY. Is not that an argument for the passage of this bill?

Mr. WADSWORTH. I would like to ask the gentleman from Connecticut if there is anything in that definition of renovated butter that prevents it from being colored in imitation of June butter?

Mr. HENRY of Connecticut. I have already put that into the RECORD.

Mr. WADSWORTH. I merely want to call the attention of the committee to it. Is there anything contained in this definition which prevents the manufacturer of this renovated butter from coloring it in imitation of June butter? I would like an answer to that question.

Mr. HENRY of Connecticut. I think that covers the definition—adulterated butter.

Mr. WADSWORTH. I want an answer to this question. Is there anything in that definition which prevents the manufacturer of this stuff from coloring it in imitation of June butter?

Mr. HENRY of Connecticut. It is adulterated butter.

Mr. WADSWORTH. I am speaking of this renovated butter described by Mr. Levi Wells.

Mr. HENRY of Connecticut. I have the same thing, and it will be found in the RECORD to-morrow. It is adulterated butter—process butter.

Mr. WADSWORTH. It is renovated butter.

Mr. HENRY of Connecticut. There is just a difference in the use of the terms.

Mr. WADSWORTH. I would like a straight answer to the question.

Mr. HENRY of Connecticut. I regard it as a straight answer. It is adulterated butter.

Mr. WADSWORTH. Can they color this butter?

Mr. HENRY of Connecticut. It is adulterated with milk. [Laughter. Cries of "Vote!"]

Mr. WADSWORTH. Mr. Chairman, is there any other gentleman on the floor of this House who can answer this question? I would like an answer for the information of the House and the country.

Mr. SIBLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] is recognized.

Mr. COWHERD. I do not wish to interrupt the gentleman while he has the floor.

Mr. WADSWORTH. I would like to hear any gentleman on the floor answer that question, as the gentleman from Connecticut has not answered it.

Mr. SIBLEY. I would like to say to the gentleman that the farmers of Pennsylvania rose up practically en masse in a demand for the resignation of that man, and he had to tender it.

Mr. TAWNEY. Because of his connection with the oleomargarine manufacturers?

Mr. SIBLEY. That was four years ago.

Mr. COWHERD. Mr. Chairman, I desire to call the attention of the gentleman from Connecticut and the committee to what appears to be in the amendment. As I understand the amendment it is not materially different from the Senate amendment, excepting this: It strikes out words in the Senate amendment which prohibited the using of alkali or chemicals in the butter, and strikes out the use of the words "foreign substance added to butter, adulterating, cheapening, or increasing the weight." In the gentleman's amendment all that is stricken out.

Mr. HENRY of Connecticut. If the gentleman will allow me an interruption, the definition of adulterated butter is on pages 5 and 6, and is a definition prepared by the Department of Agriculture for renovated butter, that the Department under the terms of this bill will control and supervise.

Mr. COWHERD. If your amendment is adopted, then in the making of process or renovated butter they can use, under the terms of it, alkalies and chemicals——

Mr. HENRY of Connecticut. They can not, for then it becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill?

Mr. TAWNEY. It becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill, if your amendment is adopted, when alkalis and chemicals are used, it will become adulterated butter?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. COWHERD. Then, I have no objection to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman a question?

Mr. HENRY of Connecticut. Mr. Chairman, I ask for a vote, and will answer the gentleman's question after it is taken.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. HENRY of Connecticut. Let us pass upon this amendment.

The CHAIRMAN. The Chair sees two gentlemen on the floor and hears nothing from either [laughter], doubtless owing to their distance from the Chair and the conversation which was going on around them.

Mr. MANN. Neither gentleman has been able to learn who has the floor. [Laughter.]

The CHAIRMAN. Does the gentleman from Illinois rise for any purpose; and if so, what?

Mr. MANN. I rose and addressed the Chair.

The CHAIRMAN. The Chair asked the gentleman from Illinois for what purpose he rose and heard no response.

Mr. MANN. The gentleman from Illinois could not ascertain whether the gentleman from Connecticut has the floor.

The CHAIRMAN. The Chair will again ask for what purpose the gentleman from Illinois rises?

Mr. MANN. I rise to take the floor.

The CHAIRMAN. Upon this amendment?

Mr. MANN. Upon this amendment, or to offer an amendment to the amendment.

Mr. HENRY of Connecticut. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois is entitled to speak to the amendment if he so desires. The gentleman from Illinois is recognized.

Mr. MANN. May I ask the gentleman from Connecticut for a construction of this definition of process butter?

Mr. HENRY of Connecticut. I have not the floor at this time. [Laughter.]

Mr. MANN. If the gentleman declines to give information, I know of no process by which he can be forced to. I want to call his attention to the fact that there is absolutely no way, as suggested by my colleague from Illinois, of doing anything whatever with rancid butter, except to make it into axle grease, under the provisions of this bill.

Mr. TAWNEY. That is all it is fit for.

Mr. MANN. The gentleman from Minnesota, who represents the creamery interests, says that is all it is good for. We want to know if that is the intention of the bill. The bill says if they use any substance whatever, not if they mix it with the butter, but if they use any substance whatever for taking out the rancidity, it shall be called adulterated butter. If they boil it or use heat, it becomes adulterated butter; if they sprinkle it with water, it becomes adulterated butter.

Mr. GRAFF. Oh, no.

Mr. MANN. The gentleman from Illinois says, "Oh, no;" but he has not read the section with care. If they said that it shall not be mixed with the butter, that would mean one thing, but when they say use any substance for taking out the rancidity it does not apply to any substance put into the butter, but it applies to anything and forbids the use of salt, it forbids the use of water, or anything except milk.

Mr. TAWNEY. That provision of the bill is stricken out and this is offered as a substitute.

Mr. MANN. I have not heard any amendment striking it out; it is the same section as that in regard to adulterated butter. They did not strike out the definition of adulterated butter, and precisely the same definition is there. If they did, they ought to change it in reference to adulterated butter, or else we have the definition of adulterated butter with a tax of 10 cents a pound and the definition of renovated butter, covering the same thing, with a quarter-of-a-cent tax. The gentleman will find out when this bill becomes a law that the men who are struck down by this bill will undertake to enforce the provisions of the letter of this law against these people. If the gentleman imagines they can strike down an industry on one hand and then beg the question under the working of the law on his part, he will find himself mistaken.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I have sent to the desk an amendment.

The amendment was read, as follows:

On page 5 of the bill strike out, in lines 12 to 15, the following: "Produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, or butter fat."

Mr. PARKER. The committee may well be careful about definitions, for they are the pith of the bill—the definition of butter, the definition of adulterated butter, and the definition of renovated butter. Under the law of 1886 butter was defined carefully as a product made with milk or cream by churning, with the addition of salt and proper coloring matter. By the act of August 2, 1886, Supplement to Revised Statutes, page 505—

The word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter.

Any such product is by that act not to be an adulteration. This bill is intended to guard against adulterations. We know that formaldehyde was said to be used to embalm beef. We hear from time to time as to milk that borax is put in, and the physicians of our various great cities testify that children are dying because what is put into milk for its preservation tends to make it unhealthy and indigestible. We know, too—I think we all know—that when butter gets sour or rancid, soda is used to wash it and to take out that sourness and rancidity, and that when the butter is reworked and the soda all washed out, sweet butter is left for the market. I think the gentleman from Illinois will confirm me in this statement—that a little soda takes away the sourness and leaves the butter good.

Now, if it be intended to declare, when butter is so worked over and soda is used in washing it, that the butter shall be called adulterated, I think it should also be regarded as adulterated if such articles as acids or alkalies, or whatever they may be, are added to the butter in the first place.

The gentleman from New York has called attention to an old definition of renovated butter. I stand by this bill, but let me say at the same time that there are firms who ship from this country enormous quantities of the very best sort of butter for tropical use, which they manufacture by reworking ordinary butter, adding to it large quantities of salt and getting rid of any sourness whatever by the soda process, to which I have referred. That would be under this bill called adulterated butter.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. It would, by reason of the addition of the soda.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. Necessarily it must be regarded as adulterated under this bill, although the same construction would not be adopted with reference to creamery butter, though subjected to the same adulteration.

Let us in our definition consider carefully what is to be defined as butter. If butter is to be regarded as adulterated because it contains certain ingredients, then it is adulterated whether those ingredients are put into it in reworking or in the original manufacture. Let us strike out everything in this bill that has to do with the reworking, and provide in effect (for that is what I presume is meant) that adulterated butter is hereby defined to mean a grade of butter in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity.

What difference does it make whether the butter is reworked? The butter should be regarded by the law as adulterated, not only if it has been reworked and certain substances added, but also it is just as much adulterated if those substances or ingredients are used in the beginning. I am one of many who believe that the addition of borax or salicylic acid or anything that prevents decay likewise prevents digestion and spoils the article. If this bill is passed we want the people to have real creamery butter—butter as defined in 1886.

Mr. TOMPKINS of New York. Does not the gentleman think that the word "mixing," in line 12, makes the definition apply to the original manufacture of the article as well as to the reworking?

Mr. PARKER. No; that referred to mixing different lots of butter.

Mr. TOMPKINS of New York. It does not say so.

Mr. PARKER. Oh, yes; it says:

Butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels.

It refers to the mixture of different lots. If the process is applied to a single lot the product is exempt.

May I add that immediately after this amendment is disposed of I shall move to strike out, in lines 20 and 21, the words:

With intent or effect of cheapening in cost the product.

The question of adulteration does not depend upon whether it is done with any particular intent. If there is mixed with the article any substance foreign to butter, as herein defined—if any foreign substances are put in—the article is not butter as defined in this bill.

If the substances are added, it is not such butter as defined, but whether it is with the intent to cheapen in the process of reworking, or whether the product is taken from different lots or in single lots is beside the purpose of this bill. Let us have a bill that means something instead of one that means nothing, and with that purpose I offer likewise this other amendment. I think they

are so much to the same purpose and effect that I shall ask unanimous consent to have them considered together.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the amendment he has offered and the one which he desires to offer may be considered together. If there is no objection, it will be so ordered.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. HENRY of Connecticut. Mr. Chairman, I admire the sincerity and good intentions of the gentleman from New Jersey [Mr. PARKER], but we can not reform the whole moral law in one little bill. I suggest that any amendment of this character will simply complicate the bill. The bill has been carefully considered, and I trust the amendment will be voted down. I call for a vote.

The CHAIRMAN. Has the gentleman from Connecticut concluded his remarks?

Mr. HENRY of Connecticut. I have.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. PARKER. Then I offer the following amendment.

The Clerk read as follows:

Amend lines 21 and 22, page 5, by striking out the words "with intent or effect of cheapening in cost the product."

Several MEMBERS. Vote! Vote!

Mr. PARKER. Mr. Chairman, I take the floor for a moment. I want to ask the gentleman from Connecticut what is the good of the words "with the intent or effect of cheapening in cost the product?" What do they add to the bill? What help do they give? The clause provides for adulteration by mixing foreign materials.

Mr. HENRY of Connecticut. I would say that the committee has considered this bill carefully, and they believe it to be as near correct as it can be, and they object to further amendments.

Mr. PARKER. Has the gentleman any reason to give me why those words should be there?

Several MEMBERS. Vote! Vote!

Mr. PARKER. Well, I would really like an answer. [Laughter.] Does the gentleman decline to give an answer?

Mr. HENRY of Connecticut. I do not think it requires an answer. The committee objects to any further amendments.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER) there were—ayes 27, noes 81.

So the amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I notice it is 5 o'clock, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker pro tempore (Mr. DALZELL) having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to the bill H. R. 9206, and had come to no resolution thereon.

ALASKAN BOUNDARY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, in response to the resolution of the House of Representatives of April 10, 1902, requesting him "to inform the House of Representatives whether the State Department has received from official or other sources information as to the reliability of reports which have recently appeared in the public prints to the effect that in American territory, near the border of Alaska, British and Canadian officials (exercising authority by an agreement entered into by the Government of the United States and the British Government) are making surveys and encroachments upon territory not included in said agreement, and are removing and destroying ancient landmarks and monuments long ago erected by the Russian Government to mark the Alaskan boundary."

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 23, 1902.

The message, with accompanying documents, was referred to the Committee on Foreign Affairs.

BEET-SUGAR INDUSTRY IN THE UNITED STATES.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering a report on the progress of the beet-sugar industry in the United States during the year 1901.

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The message was ordered to be printed, and, with the accompanying documents, was referred to the Committee on Printing.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4506) granting an increase of pension to Ann E. Collier, and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER for the remainder of the week, on account of important business.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. RUSSELL, from the Committee on Ways and Means, reported the bill (H. R. 179) to amend the internal-revenue laws; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the the United States, for his approval, bills of the following titles:

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 2981. An act granting an increase of pension to Thomas Findley;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 5695. An act granting an increase of pension to John M. Seydel;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 6895. An act granting an increase of pension to Richard P. Nichauls;

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 11578. An act granting an increase of pension to John Gaston;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 2919. An act granting a pension to Christiana Steiger;

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College;

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes;

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 8553. An act granting a pension to Joseph Tusinski;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 12101. An act granting a pension to William E. Gray; and

H. R. 12697. An act granting a pension to M. C. Rogers.

LONDON DOCK CHARGES.

Mr. TOMPKINS of Ohio. Mr. Speaker, at a very late hour yesterday afternoon there was a discussion in the House of a very important question. I refer to the bill relating to the London dock clause. It is a subject in which the shipping people of this country are very much interested, and the committee to which that bill was referred have differed in their opinion as to the merits of the bill. I therefore ask unanimous consent for leave to have the views of the minority printed in the RECORD, in order that the members of the House may avail themselves of the information on this important question.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TOMPKINS] asks unanimous consent to print in the RECORD the views of the minority upon the bill H. R. 9059. Is there objection?

Mr. McRAE. Mr. Speaker, have these views been filed, and are they already in print?

Mr. TOMPKINS of Ohio. Yes; they are in print.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The document referred to is as follows:

VIEWS OF THE MINORITY.

[To accompany H. R. 9059.]

The undersigned members of the Committee on Interstate and Foreign Commerce, being unable to agree to a favorable report of this bill, beg leave to state their views, as follows:

Several strange features appear in this bill for which no explanation was offered in the committee. While nominally intended to apply to the port of London only, as has been repeatedly stated by the advocates of the measure (millers and lumbermen), and aimed solely at shipowners, the phraseology of the bill is so broad and sweeping that it applies to property transported to a great number of foreign ports. The bill deprives not only shipowners in this country, but "any persons or agencies other than the consignee or consignees" of the right or privilege of entering into any form of contract to protect even our American shippers or shipowners from unjust or even iniquitous laws, statutes, or customs of any country or countries, whether civilized or uncivilized, friendly or hostile to the American people.

The bill is drawn so as to protect the consignee in every foreign country; yet it is a prohibition of freedom of contract on all those interested in developing the export trade of the United States.

No two foreign ports in the world are exactly alike in their natural surroundings and consequent conditions. It has been the practice from time immemorial that the shipowner and shipper the world over, not alone in the United States, should clearly provide in the contract for the carriage of property to a foreign port that their responsibility ceases when the same is delivered over ship's rail. In ports of many foreign countries there may be customs or laws which would be absolutely injurious to American shippers and shipowners if they were unable when shipping to limit their liability for costs and all else up to the point when the property is delivered over ship's rail at the port of destination. The character and effect of some of these customs and laws we do not know.

Should this bill pass, it is well to consider the effect in respect to business to a foreign country where citizens of the United States and citizens of another country were endeavoring to do an export business. The freedom of contract being taken from the American, his foreign competitor in that particular business would be at a decided advantage.

No reason has been assigned by those advocating this bill why American exporters or shipowners should be denied the privilege of protecting themselves in this manner. Therefore, although it has been so frequently stated by the advocates of the bill (the millers and lumbermen) that it aimed at London, it would seriously prejudice and injure the methods of conducting trade to foreign countries and would prevent the shipper and shipowner in the export trade of the United States having a right to contract themselves into the same necessary position as are the shippers and shipowners of other countries.

The arguments submitted in support of the bill are all based on London, and consequently it seems well to develop facts with respect to the actual conditions prevailing there. By an ancient custom of that port, dating as far back as 1512, the Watermen's Company, by permission of the Crown, issued licenses to certain persons to work on the River Thames about the city of London as lightermen or bargemen, in consideration of their supplying men for the King's barges and for the royal navy. Under this license the bargemen had the privilege of going alongside of the vessels anchored in the river and removing the cargo from ship's rail free of any tax or charge.

When the first of the London docks were constructed, one hundred and twenty-five years ago, these bargemen had sufficient influence in the British Parliament to have this privilege continued to them, provided their barges were alongside of the ship in the dock and prepared to take any cargo within twenty-four hours after the ship entered. During all this period the goods that were taken from the dock by land instead of water were obliged to pay certain regular charges to the dock companies, which now and for some time past have amounted to 4 shillings per ton minimum. These barges were then and are still propelled by no power of their own, either steam or sail, but depend entirely upon the ebb and flow of the tide in the river.

This discrimination in favor of the bargemen was not founded on any principle of justice, for no reason has been assigned or attempted to be assigned showing why the delivery by barge should have any peculiar advantage over delivery by land, nor why one consignee of goods should be given a preference over another receiving goods from the same vessel. This, however, was not of special importance so long as the vessels entering the port of London were of comparatively small capacity, carrying a few varieties of cargo from a small number of shippers to a limited number of consignees; but as years went on and the size of ships increased, and with the development of commerce the number of shippers and consignees multiplied as did the diversity of the cargo; then the injustice of permitting these bargemen longer to enjoy this special privilege to the disadvantage of all other persons became manifest.

In the development of modern commerce vessels now carrying the American exports to London are of such great size that they are obliged to enter large locked-in tidal docks 8 to 14 miles distant from the center of the city of London. This increased distance required, of course, longer time, and the ebb and flow of a greater number of tides for the barges to float on their journeys and to get in and out of the docks, as they could only enter and leave at high water, and made more evident the impossibility of conducting business by the means and in the mode inaugurated four hundred years ago.

So when the shipowners engaged in the American trade some years since determined to construct large freight-carrying steamers, as large as any in the world—which have become so large that at present steamers now in service have a carrying capacity of eleven to twelve thousand tons of freight—they found it necessary to arrange with the London Dock Company, and did arrange, after considerable effort, that in order to expedite and cheapen the handling of the miscellaneous American exports the shipowners themselves, in addition to the ordinary duty of carriers of cargo, would undertake, after unloading, to assort, shelter, and deliver all goods transported by them from ports in America to the port of London. And in fulfillment of the purpose the so-called "London landing clause" was framed and inserted in bills of lading as long ago as 1888.

Among the many advantages the clause gives consignees seventy-two hours instead of twenty-four hours, as on cargo from other countries, after the steamer was reported at the custom-house, within which time their goods would be delivered without charge on American goods on the part of the dock company. The items of the expense for this service and the privileges accorded the American export movement are all set forth in the clause. The arrangement which resulted in this operation was only agreed to by the dock companies upon the assurances of the shipowners in the American trade that the speedy handling and delivery of cargo at a moderate charge would greatly enlarge the American business at the port of London.

This has been amply justified by the result. For instance, the American flour shippers in 1890 sent from the United States to London 10,000,000 hundredweight, which ten years later, in 1900, had increased to the enormous sum of 17,000,000 hundredweight of flour, while in the same year, 1900, the receipts of flour from all other countries in the world at London was only 178,000 hundredweight.

The result of this arrangement is that the bargemen at the port of London no longer enjoy the unreasonable discrimination in their favor allowed by the ancient custom of that port, but all American exports are subject to a definite charge, covering speedy assortment by responsible parties, care, shelter, and prompt delivery.

In view of this arrangement the shipowners in the American trade have provided themselves no only with the most modern and enormous steamers, but they themselves, without any increase in ocean freights, have at great expense hired quay space, installed modern apparatus for unloading, and pay dues for other facilities, by which working with a force of hundreds of men, day and night, they are enabled to unload a steamer with 10,000 to 12,000 tons of cargo in two or three days, load their west-bound cargo, turn their steamers about, and return to American ports on regular schedule, while vessels from other countries, not working under these modern methods, often occupy two or three weeks in unloading a much smaller cargo and at a greater cost to the receivers thereof, who are in the hands of the dock companies and must pay the dock company's charges for work equivalent to that performed under the so-called "London landing clause."

The rate of freight on the North Atlantic to London has steadily decreased year by year as the steamers have become larger, faster, and are consequently able to carry more cargo and make more trips.

The benefit to all of the shippers of the United States is apparent. They have regularity of service, the cheapest rates of freight ever known, and goods are delivered quickly and are not subject to any charges by the London dock companies, so that the American exports by sea to London are handled with as much certainty as will be found on land.

There can certainly be no discrimination against American exports at London in regard to handling after delivery from ship's rail as compared with the cost of handling exports of other countries to London through the dock companies, when it is shown that the "London landing-clause" rate is less than one-half of the minimum charge of the dock companies for the identical service.

The effect of the bill, as is stated by its friends, is to take from the shipowners the power to make a contract for assorting, caring for, sheltering, and delivering cargo after it leaves ship's rail, at 1 shilling 9 pence per ton, or any other charge, and to restore the ancient and actual discrimination in favor of the bargemen of London, who may choose to float in and out upon the tides of the waters of the Thames.

The services for which the charges in the "London landing clause" are made are entirely different and distinct from the simple carrying of cargo on the ocean. They have grown out of the requirements of modern business methods and the necessity for speedy dispatch of the cargo and the vessels, that the enormous exports of the United States may be moved economically in all departments.

Ambassador Choate in his report, page 6, says:

"The 1 shilling 9 pence charge, which is the subject of the present contention, is made, not for discharging the goods from the ship onto the quay, which is still borne by these steamship companies and is a heavy cost, but for the accommodation, shelter, and care of the goods upon the quay, and for all the labor done upon them from the moment they touch the quay until

they are delivered to the barges, including sorting, piling, and removing, i. e., delivery to craft, car, wagon, or other conveyance."

The agents and attorneys for the millers and lumbermen, who alone advocated this bill before the committee, stated several times that they did not object to the amount of the charges embraced in the clause, but insisted that they should be included in the ocean freight rate with the expectation and object, as alleged, that they would be finally absorbed by competition, that is to say, the ocean rate varies according to supply and demand, as was admitted by all at the hearings given. The charges for assorting, etc., after delivery from ship's rail are not so regulated. From this, as we understand it, it is meant that the millers and lumbermen want the work for their benefit to continue at the port of London as it is now done, but they do not want to pay for it.

The services for which the charges in the "London clause" are made, as shown above, are for totally different work from that of ocean carriage and delivery over ship's rail. They cover the equivalent work that is performed at Liverpool, Glasgow, and other ports in Great Britain and on the continent of Europe, and became necessary in the present form at the port of London because of the special favors that were granted to the bargemen so many years ago, and from the necessity for the speedy handling of cargo by responsible parties. If this bill is passed it will be entirely within the power of the dock companies at London to charge a minimum of 4 shillings for every ton of cargo upon their docks instead of the lesser charges under the "London clause."

Ambassador Choate, in a note on page 11 of his report, records that the dock companies at London are "afraid of the shipowners, who are well organized; but if the shipowner was allowed to complete his obligation when goods were delivered over the vessel's side, the cargo would be in the hands of the dock companies, who are in a position of absolute autocracy toward cargo interests."

The large steamers with American exports carry to London on one voyage ten to twelve thousand tons of cargo from as many as 800 or 1,000 shippers and intended for a thousand or more consignees. After delivery the cargo must be assorted, cared for, sheltered, and delivered in a systematic way, as only modern methods and energy can bring about.

If each of the great number of consignees sent his own men to attend to his own consignment, the docks would be overcrowded with men all searching for their own particular property, and causing not only delay to themselves but to everyone else, the result of which would be chaos. It seems useless to say that the modern methods must be overthrown by preventing the shipowners from making a reasonable contract because of the absurd privileges claimed by the bargemen of the port of London.

The question of the right to make the charges stipulated in the "London landing clause" for the services rendered by the shipowners was contested in the royal courts of justice, England, about three years after the clause was put in force, and Justice Day, in rendering decision April 7, 1891, held that the contract growing out of the clause was perfectly legal. He made the following, among other observations, in respect to it:

"The 'London clause' has been entered into, it is stated, by shipowners and merchants in London for the purpose of expediting business. It contains most reasonable provisions, which are almost necessary for the conduct of commercial business in these times, and when one finds immense vessels, such as the *Lydian Monarch* and other vessels, coming into the port of London, it is ridiculous to have applicable to such vessels and to such cargoes the old custom of the port of London, which was no doubt very applicable to small vessels containing very limited cargoes indeed.

"If the shipowner had entered into this contract for the purpose merely of pecuniary benefit, he would have been entitled to the benefit of the contract. It was quite clear, however, that it is not merely for pecuniary benefit, but that it is to the interest of all parties concerned that their goods should be delivered in the most convenient manner, and should be delivered in such manner as to enable them always to get their goods within the shortest possible time."

The *Lydian Monarch*, the immense vessel referred to in the decision which is given on page 42 of Senate Document No. 96, was a large steamer for her day, but there are now steamers in the London trade three and four times her size.

It is pertinent at this point to refer to page 10 of Senate Document No. 96, Appendix 2, giving an extract from a portion of section 493 of the merchant shipping act, 1894. From the reading of this it would appear that the shipowner is obliged to do certain things which, from a reading of all of the portion of the act referred to relating to the disposal of cargo—Part VII, sections 422 and 501, inclusive—is not found to be invariably incumbent upon him. Section 501 is short and to the point, nullifying, as far as established local port conditions are concerned, all of the preceding sections under Part VII.

Section 501 reads:

"Nothing in this part of this act shall 'take away or abridge any powers given by any local act to any harbor authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local act.'"

The statement has been frequently made that London is a "free port." Ambassador Choate's comments on this point will be found in Senate Document No. 96, page 3, fourth paragraph, as follows:

"In harmony with these enactments, which thus secured to the bargemen and to the cargo exemption from dock charges for unlading, it was and still is, unless otherwise agreed, the custom of the port of London that a consignee of goods has the right to the delivery of his goods overside, and therefore free from landing charges if he is ready and willing to take delivery of the same within twenty-four hours after the arrival at her place of discharge of the vessel in which the goods are borne. This, I take it, is what is meant—and all that is meant—by London being a "free port" by act of Parliament."

And page 14, second paragraph, as follows:

"It should be mentioned that if the merchant's barge is not alongside the ship within twenty-four hours from the date of the vessel's report the right of obtaining free delivery is forfeited, and the dock company have the right to levy their quay dues upon the scale charged to the merchant, a right which in all circumstances is rigidly enforced."

One result of the passage of this bill must be to put the shippers of this country at the mercy of the London dock companies, whose minimum charge is 4s. per ton of freight, as against the average of 1s. 9d., now being paid under the "London clause," with the possible privilege to a few shippers to receive their goods over the side of the ships free of charge, provided the barge floating down the river upon the tide can be alongside the ship within twenty-four hours after the vessel reports.

A barge floating down the river, as a matter of practical knowledge, can not once in twenty times be alongside the ship in the dock within twenty-four hours after her entry.

The barges are small and open, and enough to remove the cargo of a modern steamer from the United States could not be floated in the docks at one time.

If this bill is passed and the existing agreement between American shipowners and the London dock companies is abrogated, the effect on the American trade at the port of London may be most disastrous. Without the "London clause" as it now exists in the bill of lading, which is based upon the contract between the shipowners and the dock companies, the full duty of the shipowners, both by law and custom, will be completed when they deliver the goods over the side of the ship onto the docks. Formerly the dock companies took charge of the goods as soon as landed on the dock for the purpose of delivering them. It will be seen, however, from page 6 of Mr. Choate's report, that—

"In the year 1890, after a very serious strike among the dock laborers, the dock companies declined to have anything more to do with the cargoes discharged upon the docks for transfer to barges or to perform any labor thereon, which they had theretofore done under a claim of right, and since that time such labor has all been done by the steamship companies."

And, on page 14, Mr. Choate says:

"The delay that merchants suffer arise in part from the inadequacy of the dock quays, and also from the unwillingness of the dock officials to assist the lighterage traffic in any way whatever."

If Congress wishes to revive this ancient privilege at London and attach it to modern methods of doing business, the bill should be so drawn as to express that purpose.

There is certainly no need of a bill which takes from every shipowner and shipper in the United States the ordinary rights of contract and expressly protects the consignees of every foreign country to the disadvantage of our own citizens.

Some effort has been made before the committee to justify the enactment of such a law as this by comparing American shipping business with that of other countries whose ships enter the port of London. The circumstances surrounding these two different lines of business are so dissimilar that no just comparison can be made. The business of other countries is conducted in an old-time, easy-going method. Their ships are comparatively small and can enter the docks higher up the river, nearer the center of the city of London and its warehouses. The cargo often consists of one or two classes of freight, consigned to a limited number of persons. Freight entering from the American ports is carried in the largest vessels afloat. By reason of their size they are confined to a couple of docks, located from 10 to 14 miles from the center of the city of London.

Their cargo consists of every kind of farm products and manufactured goods produced in this country. They carry goods in the same vessels from as many as 800 to 1,000 consignors to an equal or greater number of consignees, and it is physically impossible to unload and handle this enormous quantity of freight of such varied character in a mode that is entirely suitable to the business from other countries. The difference in the two kinds of business can not be better compared than by the difference in the one article of flour shipped from the United States and that of other countries. As shown above, in 1900 the United States shipped 17,000,000 hundredweight of flour to London, while all other countries only shipped 178,000 hundredweight. One steamer from the United States carried on one voyage 74,000 sacks of flour.

It must be apparent that the mode of handling this great and increasing business is bound to be different from that of handling the business from all other of the world's ports, and no greater injustice could be done to the American shipping business than to overthrow the modern method of handling it at London, which has proven so beneficent in its results.

J. S. SHERMAN.
W. P. HEPBURN.
EMMETT TOMPKINS.
W. C. ADAMSON.

Mr. HENRY of Connecticut. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, relating to a supplemental appropriation in payment of claim of H. H. Thornton et al.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SWANSON, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3351) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C., reported the same without amendment, accompanied by a report (No. 1737); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 7691) for payment of $54 to V. Baldwin Johnson for 15 tons of coal, reported the same without amendment, accompanied by a report (No. 1736); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13534) granting an increase of pension to James Evans, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McDERMOTT: A bill (H. R. 13941) to abolish all duties upon meat or poultry imported from foreign countries—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 13963) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Joint resolution (H. J. Res. 184) requesting State authorities to cooperate with the Census Office in securing a uniform system of death registration—to the Select Committee on the Census.

By Mr. HEATWOLE: Concurrent resolution (H. C. Res. 50) providing for the printing of 25,000 copies of First Assistant Postmaster-General's Report for 1900-1901, relating to free-delivery service—to the Committee on Printing.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 221) instructing the Ways and Means Committee to investigate the question of the recent increase of the price of meats—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13942) granting an increase of pension to James Hunter—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 13944) granting a pension to Margaret Ann West, a nurse of United States Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting an increase of pension to Edward T. Durant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13946) granting an increase of pension to Capt. Stephen B. Todd—to the Committee on Invalid pensions.

Also, a bill (H. R. 13947) to increase the rate of pension for total blindness in certain cases—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13948) for the relief of Mrs. R. D. Smith—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 13949) granting a pension to David Kimball—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13950) for the relief of Omenzo G. Dodge—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 13951) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13952) exempting the property of the Linthicum Institute from taxation—to the Committee on the District of Columbia.

By Mr. KERN: A bill (H. R. 13953) granting a pension to Oscar C. Lasley—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13954) for the relief of retired colonels, United States Army—to the Committee on Military Affairs.

By Mr. MOODY of Oregon: A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13956) granting an extension of Letters Patent No. 244898—to the Committee on Patents.

By Mr. RAY of New York: A bill (H. R. 13957) granting an increase of pension to Charles Holmes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13958) granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13959) granting an increase of pension to Wyman J. Crow—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13960) to remove the charge of desertion from the record of William Ridge—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 13961) granting an increase of pension to Jeremiah Skelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13962) granting an increase of pension to James M. Youmans—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13964) for the relief of Jesse Cobb (colored)—to the Committee on War Claims.

Also, a bill (H. R. 13965) for the relief of the legal representatives of James Smith, deceased—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 13966) granting an increase of pension to John W. Winkler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of R. C. Christy, Bunola, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. ADAMS: Resolution of General Hector Tyndale Circle, No. 65, Ladies of the Grand Army of the Republic, Philadelphia, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the Board of Trade of Newark, N. J.; Boston Merchants' Association, Boston, Mass.; the Chamber of Commerce of San Francisco, and Los Angeles Board of Trade, Los Angeles, Cal., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Resolutions of the Credit Men's Association of Atlanta, Ga., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. BROWN: Petition of St. Michael's Society, of Ashland, Wis., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BELLAMY: Resolutions of Central Labor Union of Charlotte, N. C., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of Raleigh, N. C., for an appropriation for macadamizing road to national cemetery—to the Committee on Military Affairs.

Also, petition of heir of John C. Swain, of Brunswick County, N. C., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, resolutions of Central Labor Union and Textile Workers' Union No. 224, of Charlotte, N. C., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the North Carolina Pine Association favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of citizens of Foreman, Ind. T., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. CALDERHEAD: Petitions of H. Bergman, C. A. Morley, and Owen Smith, of Clyde, Kans., in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill 13472, granting an increase of pension to Lewis E. Wilcox—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolutions of Rock River Lodge, No. 210, Brotherhood of Railroad Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolution of the Retail Clerks' Union of Atchison, Kans., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Retail Clerks' Union of Leavenworth, Kans., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Resolution of Central Trades and Labor Council of New Orleans, La., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

By Mr. GILLETT of Massachusetts: Petitions of S. T. Maynard and 36 others of Amherst, and Frank B. Spalter and 29 others of Winchendon, Mass., for the protection of game and fish—to the Committee on the Public Lands.

By Mr. GRAHAM: Resolutions of the Chamber of Commerce of Pittsburg, Pa., urging an amendment to the river and harbor bill so as to include the Pittsburg Harbor in the investigation of bridges—to the Committee on Rivers and Harbors.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

By Mr. KERN: Resolutions of W. H. Wallace Post, No. 55, Grand Army of the Republic, Centralia, Ill., favoring the Quay bill for the relief of the soldiers of the civil war—to the Committee on Invalid Pensions.

Also, petitions of Joseph E. Miller, of Belleville; Rutter Brothers, Fayetteville; J. E. Foraker, of Salem; Wesley Gant, of Fort Gage; Jamestown Creamery, Wehrheim Mercantile Company, of

Baldwin, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. LINDSAY: Resolutions of Republican Union of the Eighteenth assembly district, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of Mena Lodge, No. 529, Brotherhood of Railroad Firemen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Resolutions of Mine Workers' Union, Bevier and Novinger, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 43 citizens of Macon County, Mo., in favor of giving the Missouri Enrolled Militia a pensionable status—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of W. M. Hobbs Lodge, No. 4, of Chicago, and W. C. Pearce Lodge, No. 271, of Champaign, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, urging the passsage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petition of G. F. Carl and other citizens of Sanborn, N. Dak., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolution of Minnesota State Forestry Association, favoring the construction of forest areas—to the Committee on Indian Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Bricklayers and Masons' Union No. 21, and Fish Skinners, Cutters, and Handlers' Union No. 9582, of Gloucester, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of Onoko Lodge, No. 211, Brotherhood of Railroad Firemen, and Lehigh Lodge, No. 403, Association of Machinists, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lodge No. 259, of Easton, Pa., Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. NAPHEN: Resolutions of Bay State Lodge No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Lodge No. 388, Locomotive Firemen, Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Mine Workers' Union No. 961, Jeanesville, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of a Polish society, favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PUGSLEY: Resolutions of Coopers' Union No. 2, of New York; Plumbers and Gasfitters' Union No. 86, of Mount Vernon, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Iroquois Club of California, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of New York City, urging appropriation for dredging and deepening Buttermilk Channel, N. Y.—to the Committee on Rivers and Harbors.

Also, resolutions of the Trades League of Philadelphia, urging law authorizing communities, corporations, or individuals to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of board of directors of the Chicago Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Credit Men's Association of Rochester, N. Y., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of common council of Mount Vernon, N. Y., asking for an appropriation for dredging the Hutchinson River, New York—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 454, and Electric Lodge, No. 313, of Bronx Borough, New York City, Painters' Union No. 52 of Mount Vernon, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Core Makers' Union No. 27, of Ossining, N. Y., and petition of citizens of New York City, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11077, to amend the military record of Peter Coyle—to the Committee on Military Affairs.

Also, papers to accompany House bill 13958, granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Clothing Clerks' Union, No. 10, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Davenport, Iowa, in favor of the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of Branch No. 538, Polish National Society, of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Kentucky: Papers in support of House bill 7335, granting a pension to Elsy Pinter—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolutions of L. S. Holmes Post, No. 87, of Deshler, Department of Ohio, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Resolutions of Order of Railway Conductors and Bricklayers' Union, of El Paso, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Union, of Jacksboro and Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Order of Railway Conductors of Laredo, Tex., asking for the recall of Ambassador Powell Clayton, of Mexico—to the Committee on Foreign Affairs.

By Mr. TOMPKINS of New York: Resolutions of Laborers' Protective Union No. 8856, of Middletown, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Petition of J. S. Neighbor, to accompany House bill to amend the military record of William Ridge—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Monroe Brothers, Fleisher Brothers, Joel Baily Davis Company, George H. West Shoe Company, The S. S. White Dental Manufacturing Company, Fourth Street National Bank, Bickel & Miller, Felton, Sibley & Co., E. R. Hawkins & Co., G. W. Bernstein, and J. L. Shoemaker & Co., all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 24, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

HERRERA'S NEPHEWS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to the claim of Herrera's Nephews for the detention and use of their steamship *San Juan*, and of Gallego, Messa & Co., for the use and detention of their steamship *Tomas Brooks*, and the occupation and use of their wharves and warehouse by the military authorities of the United States at Santiago de Cuba in 1898 and 1899; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

AUTHORITIES ON RECIPROCITY.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a list of authorities on reciprocity; which, on motion of Mr. CULLOM,

was, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Republican County Committee of New York County, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented sundry papers in support of the joint resolution (S. R. 60) giving the thanks of Congress to Capt. Charles A. De Arnaud, on the staff of General Frémont, Missouri Volunteers, for very important and meritorious services rendered to the country in 1861; which were referred to the Committee on Military Affairs.

Mr. DILLINGHAM presented a petition of H. H. Smith Post, No. 19, Department of Vermont, Grand Army of the Republic, of Stowe, Vt., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. WARREN presented petitions of Typographical Union No. 184, of Cheyenne; of Carpenters' Local Union No. 469, of Cheyenne; and of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers' Local Union No. 224, of Cheyenne, all of the American Federation of Labor, in the State of Wyoming, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. WETMORE presented petitions of Typographical Union No. 33, of Providence; of the Lace Weavers' Local Union of Pawtucket; of the Amalgamated Society of Carpenters and Joiners of Providence; of Journeymen Barbers' Local Union No. 224, of Providence; of Journeymen Plumbers' Local Union No. 28, of Providence; of Iron Molders' Local Union No. 41, of Providence, all of the American Federation of Labor, and of Local Division No. 478, Brotherhood of Locomotive Firemen, of Narragansett, all in the State of Rhode Island, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DEPEW presented petitions of Local Union No. 14, of Kingston; of Local Union No. 75, of White Plains; of Local Union No. 73, of Clayton; of Local Union No. 58, of Little Falls; of Local Union No. 68, of Middletown; of Local Union No. 71, of Hudson; of Local Union No. 69, of Canandaigua; of Local Union No. 57 of Oneonta; of Local Union No. 62, of Mount Vernon, all of the Bricklayers and Masons' International Union; of Local Union No. 711, of Buffalo; of the Sixth Branch of the Local Union, of New York City; of the Yonkers Branch, of Yonkers; of the Local Union, of Clayton; of the Buffalo District, of Buffalo; of Local Union No. 15, of Syracuse; of Local Union No. 26, of Syracuse; of Local Union No. 42, of New Rochelle; of Local Union No. 476, of New York City; of Local Union No. 478, of New York City; of Local Union No. 499, of New York City; of Local Union No. 147, of New York City; of Local Union No. 175, of Brooklyn; of Local Union No. 192, of Syracuse; of Local Union No. 203, of Poughkeepsie; of Local Union No. 229, of Glens Falls; of Local Union No. 240, of New York City; of Local Union No. 251, of Kingston; of Local Union No. 270, of Alexandria Bay; of Local Union No. 282, of Hudson County; of Local Union No. 285, of New York City; of Local Union No. 289, of Lockport; of Local Union No. 301, of Newburg; of Local Union No. 310, of Norwich; of Local Union No. 322, of Niagara Falls; of Local Union No. 357, of Bay Shore, all of the Brotherhood of Carpenters and Joiners of America; of Local Union No. 386, of Jamestown; of Local Union No. 212, of Buffalo; of Local Union No. 489, of North Tonawanda; of Local Union No. 146, of Lockport; of Local Union No. 280, of Niagara Falls; of the Local Union of Corning, all of the Retail Clerks' Association; of Local Union No. 227, of Tonawanda; of Local Union No. 156, of Binghamton; of Local Union No. 141, of Buffalo; of Local Union No. 29, of Olean, all of the Journeymen Barbers' Union; of Local Union No. 289, of Elmira; of Local Union No. 130, of Sandy Hill; of Local Union No. 109, of Geneva; of Local Union No. 80, of Syracuse, all of the Iron Molders' Union; of the Local Union of Corning; of the Local Union of Green Island; of Local Union No. 223, of Utica, all of the Boiler Makers' Union; of the Local Union of Saratoga Springs; of the Local Union of Tarrytown; of Local Union No. 2, of New York City; of Local Union No. 13, of Rochester; of Local Union No. 74, of Geneva, all of the Plumbers and Steam Fitters' Union of America; of Local Union No. 211, of Syracuse; of Local Union No. 13, of Troy; of Local Union No. 155, of Rochester, all of the National Union of the United Brewery Workmen of the United States; of Local Union No. 144, of Elmira; of Local Union No. 114, of Binghamton; of the Switchmen's Union of North America; of Hat Makers' Local Union No. 7, of Brooklyn; of Tile Layers' Local Union No. 5, of Buffalo; of Lake Seamen's Union No. 73, of Buffalo; of Watch-case Jointers' Local Union No. 1, of Brooklyn; of the New York Plate Printers' Local Union of New York City; of Local Division No. 152, Locomotive Engineers' Local Union, of Oswego; of Laborers' Protective Union No. 8856, of Middletown; of H. G. Brooks Lodge, No. 169, Brotherhood of Locomotive Firemen, of Hornellsville; of Journeymen Bakers' Local Union No. 10, of Albany; of Eureka Lodge, No. 434, International Association of Machinists; of the Printing Press Assistants' Local Union of Buffalo; of Electric Lodge, No. 313, International Association of Machinists, of New York City; of the Trade and Labor Council of Poughkeepsie; of the Central Federation of Labor of Troy; of Steuben Division, No. 225, Order of Railway Conductors, of Hornellsville; of the Meat Cutters and Butchers' Local Union of Rome; of Leather Workers' Local Union No. 10, of Little Falls, and of Brewery Firemen's Local Union No. 30, of New York City, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Manufacturers' Association of St. Louis, Mo., praying for the enactment of legislation to provide for the reorganization of the consular service; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. LODGE on the 23d instant, proposing to appropriate $25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies, intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 111) for the relief of William J. Smith and D. M. Wisdom, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 4408) to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 10449) granting an increase of pension to Sarah H. Lake;

A bill (H. R. 9777) granting a pension to Helen F. Lasher; and

A bill (H. R. 11325) granting an increase of pension to James Merrick.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7982) granting an increase of pension to William T. Peterson;

A bill (H. R. 7507) granting an increase of pension to James M. Ashley; and

A bill (H. R. 11894) granting a pension to Hannah A. Timmons.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 12148) granting an increase of pension to Frederick O. Clark, reported it with an amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 9037) to allow the commutation of homestead entries in certain cases, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE. I am directed by the Committee on Claims, to whom was referred the bill (S. 3209) for the relief of the heirs of William Tinder, deceased, to submit an adverse report thereon. At the request of the senior Senator from Tennessee [Mr. BATE], who introduced the bill, I ask that it be placed on the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

TRANSPORTATION AND SALE OF MEAT PRODUCTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr.

HARRIS on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] February 12, 1902, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 4,000 copies for the use of the Senate and 6,000 copies for the use of the House of Representatives.

The amendments of the Committee on Printing were, at the end of line 2, before "thousand," to strike out "ten" and insert "six;" in line 6, before "thousand," to strike out "four" and insert "two," and at the beginning of line 7, before "thousand," to strike out "six" and insert "four;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

DECAY OF TIMBER.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry, and I ask for its present consideration.

The joint resolution (S. R. 88) providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry—The Decay of Timber and Methods of Preventing it—was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry, United States Department of Agriculture, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF GOVERNOR OF OKLAHOMA FOR 1901.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. TELLER. Mr. President, yesterday the Presiding Officer of the Senate laid before the Senate a message from the President, transmitting a report from the Secretary of Agriculture covering the progress of the beet-sugar industry during the year 1901. I find that it was referred to the Committee on Agriculture and Forestry. The President in his message says:

> Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

It seems to me that the message belongs to the Committee on Printing, if we are to comply with the suggestion of the Secretary of Agriculture, which I think we all want to do.

The PRESIDENT pro tempore. It must go to the Committee on Printing if any objection is made to the reference to the Committee on Agriculture and Forestry.

Mr. TELLER. Then I ask unanimous consent to reconsider the reference and let the message be referred to the Committee on Printing.

The PRESIDENT pro tempore. Without objection, the reference will be reconsidered and the message will be referred to the Committee on Printing.

CORRECTION OF RECORD OF CITIZENSHIP.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5314) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, to report it without amendment.

Mr. McCUMBER. I ask for the immediate consideration of the bill just reported by the Senator from Massachusetts.

The PRESIDENT pro tempore. It will be read to the Senate for its information.

Mr. HOAR. Perhaps before the bill is read Senators may catch the purport of it better if I make a simple statement. A considerable number of persons were naturalized by Territorial courts where all the necessary requisites for naturalization were complied with, but the certificates of the clerk of the court are defective in form. The court has gone out of existence, so that it now can not amend its record or make a certificate nunc pro tunc. Of those thus naturalized a few have taken up land, which they could only do if they were citizens, and all are entitled to vote. This bill, which was drawn by direction of my honorable friend from North Dakota, provides that there may be a hearing before a United States court, and if the judge finds that the requisites were in fact complied with, notwithstanding the defect of the certificate, he may so adjudge. It makes a general bill for all like cases.

The PRESIDENT pro tempore. The bill will be read to the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5332) to confirm divers records and judgments admitting certain persons to be citizens of the United States and to confirm the filing, entry upon, final proof of, and title obtained to public lands, to report adversely thereon. It is merely another bill providing for the same thing. I move that it be indefinitely postponed.

The motion was agreed to.

WARRIOR SOUTHERN RAILWAY.

Mr. BERRY. I am directed by the Committee on Commerce to report back favorably, without amendment, the bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River, and known as Lock 4.

Mr. PETTUS. I ask for the present consideration of the bill just reported by the Senator from Arkansas. It is a very short bill, giving the railroad company a right to cross the lands of the United States at a lock on the Warrior River.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN Q. A. MOORE, E. D. SWEENEY, AND W. D. CADDELL.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 174) for the relief of John Q. A. Moore;

A bill (S. 175) for the relief of E. D. Sweeney; and

A bill (S. 1045) for the relief of W. D. Caddell—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills entitled (S. 174) for the relief of John Q. A. Moore, (S. 175) for the relief of E. D. Sweeney, and (S. 1045) for the relief of W. D. Caddell, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. McMILLAN introduced a bill (S. 5409) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS introduced a bill (S. 5410) granting a pension to Hugh Carver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5411) to amend an act, approved February 28, 1899, entitled "An act providing for the sale of the

surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FORAKER introduced a bill (S. 5412) granting an increase of pension to Henry E. Spring; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5413) granting a pension to Frank V. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5414) for the relief of Hillis Rees; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5415) to remove the charge of desertion from the military record of R. Severn;

A bill (S. 5416) to remove the charge of desertion from the military record of Jesse P. Brown;

A bill (S. 5417) to remove the charge of desertion from the military record of William Behymer; and

A bill (S. 5418) to remove the charge of desertion from the military record of William H. Taylor.

Mr. PETTUS introduced a bill (S. 5419) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy; which was read twice by its title.

Mr. PETTUS. I move the reference of the bill to the Committee on Naval Affairs, and make a request of that committee that the bill be referred to the Navy Department for its opinion on it.

The motion was agreed to.

Mr. PETTUS introduced a bill (S. 5420) to reorganize the corps of dental surgeons attached to the Medical Department of the Army; which was read twice by its title.

Mr. PETTUS. I move that the bill be referred to the Committee on Military Affairs. I ask also that that committee be requested to refer the bill to the Secretary of War.

The motion was agreed to.

Mr. PROCTOR introduced a bill (S. 5421) granting a pension to William H. H. Avery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS. By request of my colleague [Mr. BARD], who is unavoidably absent, I desire to introduce a bill.

The bill (S. 5422) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes, was read twice by its title, and referred to the Committee on Territories.

Mr. MCCUMBER introduced a bill (S. 5423) to prevent the sale of intoxicating liquors in Government buildings; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5425) for the relief of honorably discharged officers and privates, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCLAURIN of South Carolina introduced a bill (S. 5426) to repeal the import duties upon pork, veal, mutton, and beef imported from foreign countries; which was read twice by its title, and referred to the Committee on Finance.

Mr. MONEY. On the 4th of this month I introduced a bill (S. 4956) for the relief of the estate of W. R. Butler, deceased, which was referred to the Committee on Claims. In order to correct an error in the bill, I move that the Committee on Claims be discharged from the further consideration of the same and that it be postponed indefinitely, and I will introduce a new bill.

The motion was agreed to.

Mr. MONEY introduced a bill (S. 5427) for the relief of W. R. Butler; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 5428) to amend the internal-revenue laws; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. MCLAURIN of Mississippi introduced a bill (S. 5429) for the relief of the heirs of Moses Meyer, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5430) for the relief of the estate of William Parks, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5431) granting a pension to Daniel Dougherty;

A bill (S. 5432) granting a pension to Joseph Tusinski; and

A bill (S. 5433) granting a pension to Anna E. Harman.

Mr. MCMILLAN introduced a joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902; which was read twice by its title, and referred to the Committee on the District of Columbia.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; which, together with the memorial of the full-blood Mississippi Choctaws relative to their rights in the Choctaw Nation, was ordered to be printed, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HANSBROUGH submitted an amendment authorizing the Secretary of War to procure a suitable medal to be presented to those members of what was known as "Young's Scouts" who participated in the engagement at the burning bridge over the Cabon River, Philippine Islands, May 16, 1899, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment providing that the number of cadets authorized to be appointed by the President from the United States at large shall be 10 per annum, but the total number of cadets at large at the Military Academy at any one time shall not exceed 40, intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

BUFFINGTON-CROZIER GUN CARRIAGE.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official reports from artillery officers in regard to the Buffington-Crozier disappearing gun carriage, made either to the War Department or to the Board of Ordnance and Fortification.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 400 copies of the report of the Secretary of Agriculture relative to the progress of the beet-sugar industry in the United States, and transmitted to the Senate on the 23d instant, omitting for the present any process plates that might otherwise delay the printing of said reports.

UNION RAILROAD STATION.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. MCMILLAN. I understood that the Senate was to go into executive session this morning, and I made arrangements to have a meeting of the Committee on the District of Columbia to discuss the amendment which was proposed by the Senator from Colorado [Mr. PATTERSON]. I therefore should like to have Senate bill 4825, which was under consideration in the morning hour yesterday, go over until to-morrow morning, and I give notice that to-morrow morning I shall again call up the bill.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect was announced as first in order on the Calendar.

The PRESIDENT pro tempore. There has been an arrangement made in relation to this bill. It goes over without prejudice.

BILLS PASSED OVER.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," was announced as next in order.

Mr. NELSON. Let the bill go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

COURTS IN WYOMING.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming" was announced

as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. This bill has been heretofore read as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LABELING OF WINE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. McCUMBER. Retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over without prejudice.

FOOD ADULTERATION, ETC.

The bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced was announced as next in order.

Mr. GALLINGER. Let the bill go over without prejudice.

Mr. PLATT of Connecticut. I do not know but that the Senator from North Dakota [Mr. McCUMBER] is ready to take it up.

Mr. McCUMBER. I am ready to take it up, and I have an amendment to suggest to which I think there will be no objection.

Mr. GALLINGER. I withdraw my request that it go over.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Manufactures with an amendment, in section 2, line 4, before the words "more than $2,000," to strike out the words "less than 500 nor;" so as to make the section read:

SEC. 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not more than $2,000; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

The amendment was agreed to.

Mr. McCUMBER. I submit an amendment as a substitute for section 1.

The PRESIDENT pro tempore. The Senator from North Dakota, in behalf of the committee, offers an amendment; which will be read.

The SECRETARY. Strike out section 1 and insert in lieu thereof the following:

That no person or persons, company, or corporation shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HOAR. I sympathize with the object of the bill, but I would like to have it so framed as to escape any possible trouble. Does the provision make the sale of the article an offense if the person who sells it does not know that it is falsely or fraudulently labeled?

Mr. McCUMBER. I will state in reply to the inquiry of the Senator that the bill deals with the article only as interstate commerce. It simply prohibits its transportation when it is labeled falsely as to the State or country in which it is made.

Mr. HOAR. My question is not answered by that suggestion. Suppose a man sell in a grocery store something which he bought innocently of a wholesale dealer in a neighboring city that is marked as having been produced in Massachusetts when in fact it was produced in Iowa. This provision does not say that it must be knowingly done. So in regard to transporting the article by a common carrier. An expressman has a bundle put in his cart. It is covered with a wrapper, and it turns out that it was falsely labeled. He does not know anything about it and can not know anything about it. Should not the amendment contain some words which would imply guilt on his part likewise?

Mr. McCUMBER. I think not. That suggestion might be made in regard to nearly every criminal law on our statute books. It might be said with reference to the sale of intoxicating liquors in prohibition States. The moment that you make such a provision as that a part of the law you open wide the door for the escape of almost every person against whom any complaint is made.

Mr. MITCHELL. Mr. President, it is now proposed by the Senator from North Dakota to amend the bill, and I think it should go over, in order that we may know exactly what is proposed. I object, therefore, to the present consideration of the bill.

Mr. McCUMBER. It has been read, and I hope the Senator will not object to its further consideration.

Mr. MITCHELL. In order that the amendment proposed by the Senator from North Dakota may be printed and that we may know precisely what legislation is intended, I object to the present consideration of the bill.

Mr. HOAR. Before the Senator makes his objection, I wish he would allow me to say a word, as I can not be here to-morrow, when I suppose the bill will again come up.

Mr. MITCHELL. Certainly.

Mr. HOAR. There is a very wide distinction between this case and the cases alluded to by the Senator who proposed the amendment. Undoubtedly the man who sells liquor knows what he is selling, and he may be fairly compelled to do it at his peril; but where the act is one which of itself is guilty or innocent according to circumstances which the man can ascertain, we do not require knowledge, but the man does it at his peril. But here is a case where there is to be a transportation of ordinary food products which are sold in every grocery, wholesale or retail, which are carried by express companies from cities, not merely on the railroads, but by the little expressmen, by truckmen, from a depot to a store. They can not know what the thing is, and could not do their business if they did know. Now, this bill says that a truckman who takes a package wrapped in any kind of a wrapper, and which on the inside is branded that it was made in Massachusetts, when, in fact, it was made in North Dakota, is a criminal, whether he knows anything about it or not.

I do not see how we can reasonably pass such a proposition as that on the ground that the cases where we do not require guilty knowledge are a class of their own, where it is reasonable to put the man on inquiry as to what the fact is. If he is required to have a license, he must know that he has got the license; if he is required not to sell to a child under 7 years old or under 15 years old, it is reasonable to put on inquiry a liquor seller who sells liquor to a boy, whether a boy of 15 or 14 years old, but to make criminal the transportation of an ordinary product seems to me to be a very harsh rule indeed.

Mr. McCUMBER. I wish to say, Mr. President, that this bill is not intended to affect common carriers at all; and, on the other hand, it is not intended to affect sales in the States, as it necessarily could not affect them under the Constitution, but it does affect sales in the Territories and in the District of Columbia, and in those only. I shall, however, consider this matter further when the bill again comes before the Senate.

The PRESIDENT pro tempore. The bill goes over on the objection of the Senator from Oregon [Mr. MITCHELL].

Mr. COCKRELL. I hope the amendment proposed by the Senator from North Dakota [Mr. McCUMBER] will be printed with the bill.

The PRESIDENT pro tempore. The amendment will be ordered to be printed, in the absence of objection.

Mr. MITCHELL. Mr. President——

The PRESIDENT pro tempore. The bill has gone over under the objection of the Senator.

Mr. MITCHELL. I know it has, but I should like to make a single remark regarding it.

The PRESIDENT pro tempore. If there be no objection, the Chair will hear the Senator.

Mr. MITCHELL. I do not know that I have any objection to the amendment of the Senator from North Dakota, but I should like to know what I am voting on, and for that reason I desire to see the amendment in print.

The PRESIDENT pro tempore. The amendment has been ordered to be printed.

BILLS PASSED OVER.

The bill (S. 1908) to authorize the establishment of a biological station on the Great Lakes under the control of the United States Commission of Fish and Fisheries was announced as next in order.

Mr. PERKINS. At the request of my colleague [Mr. BARD], I desire that that bill may go over without prejudice.

The PRESIDENT pro tempore. Without objection, the bill will go over, retaining its place on the Calendar.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. LODGE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. That bill will go over under the arrangement made that it will be taken up to-morrow morning.

The bill (H. R. 6847) to correct the military record of Michael Hayes was announced as next in order.

Mr. PLATT of Connecticut. That bill has been reported adversely.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. MARTIN] desired to be present when action should be taken on that bill. If there be no objection, it will go over, retaining its place on the Calendar.

The joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries was announced as next in order.

Mr. LODGE. As the provisions of that joint resolution have been incorporated in the river and harbor bill, I would suggest to the Senator from Alabama [Mr. MORGAN], who reported the joint resolution, that it may as well be indefinitely postponed.

Mr. MORGAN. I think it may as well remain on the Calendar for the present.

Mr. LODGE. Very well. It may as well remain on the Calendar, as the conferees have not yet agreed upon the general bill.

The PRESIDENT pro tempore. The joint resolution will be passed over, retaining its place on the Calendar.

The bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia was announced as next in order.

Mr. McMILLAN. Let that bill go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

HALL OF RECORDS.

The bill (S. 5113) to provide for the purchase of a site and the erection of a public building thereon to be used for a hall of records was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. The Senator from Indiana [Mr. FAIRBANKS], who reported that bill, is not present, and I understand when the bill was heretofore before the Senate that the Senator from Maine [Mr. HALE], who is also absent, objected to its consideration. I think the bill had better go over under the circumstances, retaining its place on the Calendar.

Mr. VEST. I do not understand that the Senator from Maine objected to this bill. There never has been any objection to this bill. It has passed the Senate three times. When the bill has gone to the other House, on the proposition to select a site a general scramble commences, with the result that we thus far have got no hall of records.

This bill has been before Congress for twenty years. Every department of the Government, and especially the Treasury Department, I had almost said begged that it might be passed; but at any rate has suggested again and again the necessity for a hall of records. If a fire should take place to-morrow, as it has occurred twice in the Quartermaster-General's Bureau, the papers destroyed would involve the Government in the loss of millions of dollars. Three Presidents have recommended the erection of this building, as have half a dozen Cabinet officers, and yet it seems impossible to get any legislation upon the subject.

Mr. COCKRELL. If my colleague will permit me, I desire to say that I think the Senator from Maine, who is absent, did not object to this bill, but to the Senate bill 2532, which is Order of Business No. 1091 on the Calendar, in regard to the purchase of an entire block beyond Lafayette Square.

Mr. PLATT of Connecticut. I will not make any objection, and I have no objection to the bill; but it was my impression that the Senator from Maine had objected to it, and therefore I thought it ought not to be taken up in his absence.

Mr. COCKRELL. My recollection is that the Senator from Maine did not object to this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE.

The bill (S. 944) to provide for the appointment of an additional circuit judge for the ninth judicial circuit was announced as next in order.

Mr. PERKINS. In the absence of my colleague [Mr. BARD], I request that this bill go over and take its place under Rule IX.

The PRESIDENT pro tempore. Objection being made, the bill goes over under Rule IX.

LOUDON PARK NATIONAL CEMETERY.

The bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., was considered as in Committee of the Whole. It directs the Secretary of War to purchase such additional land as may be necessary for the extension of the Loudon Park National Cemetery, near Baltimore, Md., to provide burial for such soldiers, sailors, and marines as are by law entitled to interment in that cemetery, and appropriates $15,000 to provide for the purchase of the land and for its necessary improvement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASED PENSION FOR TOTAL DEAFNESS.

The bill (S. 1359) authorizing an increase of pension in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of $40 per month: *Provided*, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BATE. I should like to ask the Senator who has the bill in charge what is the present rate of pension for such disability as this bill proposes to increase the rate to $40 per month?

Mr. COCKRELL. Thirty dollars per month is the present rating.

Mr. GALLINGER. I will say to the Senator that the present rate is $30 per month. The bill as introduced provided that the rate should be $50 per month, and the committee on pensions of the Grand Army of the Republic urged on the Committee on Pensions of the Senate the propriety of increasing it to that amount. After giving the matter very careful consideration, the Committee on Pensions thought an increase to $40 per month was an adequate increase, and that it was but justice to the few soldiers who are afflicted in this way. There are only 239 of them on the pension roll.

Mr. BATE. Do I understand that the pension is for entire deafness?

Mr. GALLINGER. Yes; for total deafness.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase pension for total deafness."

NATIONAL APPALACHIAN FOREST RESERVE.

The bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," was announced as next in order.

Mr. PRITCHARD. Mr. President, owing to the absence of my colleague [Mr. SIMMONS], I ask that that bill may be passed over for the present, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

PROTECTION OF GAME IN ALASKA.

The bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, was announced as next in order.

Mr. PLATT of Connecticut. I ask that that bill may go over this morning, for this reason: I supposed it was pending before the Committee on Territories, and I submitted to the chairman of the Committee on Territories an amendment to the bill, which I hoped would be adopted when the bill was reported. I have not that amendment with me at present. I shall be ready to have the bill taken up when we meet again.

Mr. BATE. I have no objection to the bill going over, but the committee having charge of it have reported it favorably, and there is an earnest desire for early action upon it.

Mr. PERKINS. I will state to the Senator from Connecticut that this is the same as the bill which is now pending before the Committee on Territories.

Mr. PLATT of Connecticut. That is what I supposed.

Mr. PERKINS. I introduced this bill early in the session, but the Committee on Territories has not had an opportunity to consider it. This bill has passed the House of Representatives and was referred to our Committee on Forest Reservations and the Protection of Game. It is believed by the people in Alaska that such legislation is necessary to save and prevent the destruction of the few deer and birds remaining there. I think it a wise bill and that it should become a law. Unless the Senator from Connecticut has some objection to offer to it, other than that there is a similar bill now pending in the Committee on Territories, I hope the bill may be considered at this time.

Mr. BATE. I wish to say that a bill similar to this has been introduced and referred to the Committee on Territories, where

it has been under consideration. The junior Senator from California [Mr. BARD] and myself have had it in charge as a subcommittee. We have acted favorably upon it, though we have not yet reported it back to the Senate. I think it is the same as the pending bill.

Mr. PERKINS. It is the same as the pending bill.

Mr. BATE. There is no objection, so far as I know, to the bill pending before the Committee on Territories.

Mr. PERKINS. The bill has the approval of my colleague, who has been endeavoring to collect data and make a report on the bill pending before the Committee on Territories; but while gathering that data the pending bill passed the House of Representatives, and it has been considered by another committee of the Senate and favorably reported.

Mr. BATE. Do I understand that this is a House bill, Mr. President?

The PRESIDENT pro tempore. This is a House bill.

Mr. BATE. There is some urgency in regard to the passage of this bill. Those interested in affairs in Alaska are very desirous that action should be taken on the bill at an early day.

Mr. PLATT of Connecticut. I doubt whether the Senator from California [Mr. PERKINS] heard what I said. I said that, as I understood, this bill or a similar one was pending before the Committee on Territories, that I had presented to the chairman of that committee an amendment which I desire to have adopted to the bill, and supposed that it would be considered by that committee. I have not the amendment here now. If I had, I should be willing to proceed with the consideration of this bill. When I can get the amendment which I desire to propose, I shall be ready for the consideration of this bill.

Mr. PERKINS. I beg pardon. I did not understand the statement of the Senator, and therefore I withdraw my request for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill goes over, retaining its place on the Calendar.

CHARLES F. SMITH.

The bill (S. 5214) granting an increase of pension to Charles F. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Smith, late first lieutenant Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE R. BOYD.

The bill (H. R. 11545) granting an increase of pension to Caroline R. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline R. Boyd, widow of Augustus Boyd, late captain and assistant quartermaster, United States Army, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF CITIES AND TOWNS IN INDIAN TERRITORY.

The bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That any incorporated city or town in the Indian Territory having a population of 2,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses, such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *Provided*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: *Provided, however*, That before any election shall be held for the purposes herein named a census shall be taken and the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds.

SEC. 2. That such bonds shall contain all necessary and usual provisions expressing the contract, shall be signed by the mayor, and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent per annum, payable semiannually, and none of said bonds shall be sold at less than their par value.

SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrepealable, provide for the collection of an annual tax sufficient to pay the interest on such bonds, as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act.

Mr. BATE. May I inquire by whom that bill was reported?

Mr. JONES of Arkansas. The bill was reported by the Senator from Wisconsin [Mr. QUARLES], from the Committee on Indian Affairs.

Mr. BATE. I thought that it had been reported by the Committee on Territories.

The PRESIDENT pro tempore. The Committee on Indian Affairs reported the bill.

Mr. JONES of Arkansas. I inquire what is the size of the towns authorized to issue the bonds provided for in the bill?

The PRESIDENT pro tempore. Cities or towns having a population of 2,000 or more.

The question is on the amendment reported by the Committee on Indian Affairs, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES M. SHACKELFORD.

The bill (S. 3296) to pay certain Choctaw (Indian) warrants held by James M. Shackelford was considered as in Committee of the Whole. It proposes to pay, from the funds in the Treasury belonging to the Choctaw Nation of Indians, two Choctaw warrants for $1,250 each and issued to James M. Shackelford, the owner, for legal services he rendered as the attorney of the Choctaw Nation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DE WITT C. BENNETT.

The bill (S. 288) granting an increase of pension to De Witt C. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of De Witt C. Bennett, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LONSON R. BURR.

The bill (H. R. 4129) granting an increase of pension to Lonson R. Burr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lonson R. Burr, late of Company G, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOK.

The bill (S. 4141) granting an increase of pension to John Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "United States," to strike out "Volunteer Infantry" and insert "Volunteers," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

CHARLES D. PALMER.

The bill (H. R. 13371) granting an increase of pension to Charles D. Palmer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Palmer, late of Company F, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. COCKRELL. Let us have the report in the case read. I call the attention of the chairman of the committee to the language of the bill—"Fifty-ninth Regiment Ohio National Guard Infantry"—and to the language of the report. They do not seem to me to agree at all. Let the report be read.

The Secretary read the report submitted by Mr. GALLINGER on the 19th instant, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

"Charles D. Palmer, the beneficiary named in this bill, and now 57 years of age, served as a private in Company F, One hundred and fifty-ninth Ohio Volunteers, from May 2 to August 22, 1864, when honorably discharged; and again served as corporal and private in Company F of the Thirty-sixth United States Infantry from February 10, 1866, to February 10, 1869; in Company B, Sixth United States Infantry, from April 12, 1873, to June 1, 1877, when honorably discharged; and again in Company D, Fourth United States Infantry, from March 2, 1878, to May 14, 1881, when he was discharged by way of favor to support his mother.

"He is now and has been since August 4, 1890, a pensioner under the act of June 27, 1890, at the maximum rating, namely, $12 per month, for total inability to earn a support by manual labor, the result of disease of heart, feet, and urinary organs.

"A claim to pension under the general law, filed in June, 1897, and based upon rheumatism and resulting disease of the heart, alleged to have been contracted by him while at Maryland Heights in the summer of 1864, was rejected April 2, 1902, upon the ground of no record in the War Department of the existence of said disabilities, the absence of medical treatment for the same in the service or at discharge, and claimant's inability to furnish competent and satisfactory evidence to connect his disability with his military service.

"The soldier filed the testimony of two comrades of the One hundred and fifty-ninth Ohio, to the effect that they were exposed to a severe rain storm at Maryland Heights in the summer of 1864, and that the beneficiary took a cold, which resulted in rheumatism, as a result of such exposure.

"The captain under whom he served during his first enlistment in the Regular Army also testified that it was his conviction that the beneficiary was a great sufferer from rheumatism, owing to exposure while serving in Wyoming, and that this disability was contracted in line of duty.

"Several acquaintances who knew the soldier between his discharge in 1869 and his reenlistment in 1873 testified that he was then suffering from rheumatism, and medical evidence filed by him showed treatment for the same in 1872 and perhaps earlier.

"The continued existence of rheumatism since the soldier's final discharge from the Army, in 1881, is shown by the testimony of several acquaintances, these witnesses testifying that the soldier complained of pain and aching of his legs, that he limped when walking, and that he also complained of his heart troubling him; and medical testimony as to the treatment of the soldier between 1884 and 1892 and 1897 and 1898 has also been filed, such treatment having been given for rheumatism of the shoulders, back, and hips, disease of the heart, kidneys, and disease of eyes.

"The soldier alleged that he had become totally blind in August, 1896, and proof shows that he has been totally blind since 1899; that he requires the aid and attendance of another person, and that he is in a destitute condition, having no means of support except the pension of $12 per month.

"The certificate of medical examination made in August, 1898, rated him $14 for rheumatism, $17 for disease of heart, and $6 for disease of legs, and also found him to be totally blind in both eyes.

"The rheumatism in this case is no doubt due to the long service of this soldier, and inasmuch as in addition to these disabilities he is also suffering from total blindness and is in destitute circumstances, your committee believes that, following established precedents, an increase of pension to $40 per month is warranted, and therefore report the bill back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill, when amended by striking out in line 8 the word "forty" and inserting in lieu thereof the word "thirty," it being the policy of your committee not to increase beyond $30 per month the pension of any soldier who is pensioned under the act of June 27, 1890.

Mr. GALLINGER. If the only matter to which the Senator from Missouri desires to call attention is the service, I believe the bill ought to be amended by striking out the words "National Guard" and inserting "Volunteer."

Mr. COCKRELL. That certainly ought to be, for I do not think the National Guard was in existence from 1862 to 1864.

Mr. GALLINGER. Evidently it is a mistake.

Mr. COCKRELL. I never heard of the National Guard until in recent years.

The PRESIDENT pro tempore. The amendment proposed will be stated.

The SECRETARY. In line 7 strike out "National Guard" and insert "Volunteer."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT CROOKSTON, MINN.

The bill (S. 4975) for the erection of a public building at Crookston, Minn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Crookston and State of Minnesota, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Crookston, in the State of Minnesota."

PUBLIC BUILDING AT KINGSTON, N. Y.

The bill (S. 1463) for the erection of a public building at Kingston, N. Y., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Kingston, N. Y., the cost of the site and building, complete, not to exceed the sum of $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES WELCH.

The bill (S. 4862) granting an increase of pension to James Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Welch, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS W. POOL.

The bill (H. R. 1086) granting an increase of pension to Francis W. Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Pool, late of Company G, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MORAN.

The bill (H. R. 1012) granting an increase of pension to Patrick Moran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Moran,

late of Company M, Third Regiment United States Artillery, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. BURRILL.

The bill (H. R. 12054) granting a pension to Elizabeth A. Burrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Burrill, widow of Orrin A. Burrill, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and to pay her a pension of $12 per month.

Mr. COCKRELL. I beg to call the attention of the Senator from New Hampshire to the word "Engineers" in the bill. It reads "Fiftieth Regiment New York Volunteer Engineers."

Mr. GALLINGER. It is manifestly a mistake.

Mr. COCKRELL. The report shows that it was volunteer infantry.

Mr. GALLINGER. That is what it ought to be.

Mr. COCKRELL. I move to strike out "Engineers" and insert "Infantry."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 7 strike out "Engineers" and insert "Infantry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. CAMPBELL.

The bill (H. R. 10795) granting an increase of pension to William A. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Campbell, late of Company G, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIETTA L. ADAMS.

The bill (S. 5337) granting an increase of pension to Marietta L. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marietta L. Adams, widow of Edgar A. Adams, late of Company A, Sixth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. HORN.

The bill (S. 5294) granting an increase of pension to William F. Horn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Horn, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. TRASK.

The bill (H. R. 5150) granting a pension to Mary C. Trask was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Trask, widow of Amos B. Trask, late of Company G, Twenty-third Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN UTAH FOR EDUCATIONAL PURPOSES.

The bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796) applicable to the State of Utah, was considered as in Committee of the Whole. It proposes that all the provisions of an act of Congress referred to, which provides for the selection of lands for educational purposes in lieu of those appropriated for other purposes, shall be made applicable to the State of Utah.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN RUSSELL.

The bill (S. 1797) granting an increase of pension to Benjamin Russell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Regiment," to strike out "Third" and insert "Fifth," and in line 7, before the word "and," to strike out "Infantry" and insert "Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Russell, late of Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY HOLMES.

The bill (H. R. 7678) granting a pension to Mary Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Holmes, widow of John O. Holmes, late of Company F, Forty-seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD TRIST.

The bill (H. R. 10173) granting an increase of pension to Richard Trist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Trist, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERON R. MACK.

The bill (H. R. 10179) granting an increase of pension to Theron R. Mack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theron R. Mack, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA M. BRIGGS.

The bill (H. R. 12370) granting a pension to Ida M. Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida M. Briggs, widow of Fred T. Briggs, late first lieutenant Company E, First Regiment Washington Volunteer Infantry, war with Spain, and to pay her a pension of $17 per month, and $2 per month additional on account of each of the minor children of said Fred T. Briggs until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLE STEENSLAND.

The bill (H. R. 10782) granting a pension to Ole Steensland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Steensland, late of Company E, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL E. EWING.

The bill (S. 2084) granting an increase of pension to Samuel E. Ewing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Ewing, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA CLARK.

The bill (S. 4759) granting an increase of pension to Martha Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Clark, widow of James P. Clark, late of Company I, Second Regiment Illinois Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmo J. Clark, helpless and dependent son of said James P. Clark, the additional pension herein granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTION ISLAND.

The bill (S. 3676) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, in section 1, page 1, line 4, before the words "to purchase," to strike out "and directed" and insert "in his discretion," and after the words "to purchase" to strike out "or acquire by condemnation;" in line 11, after the word "Reservation," to strike out "and the sum of $150,000, or so much thereof as may be necessary," and insert "at and for such sum as he may deem reasonable, and the said sum so agreed upon;" so as to make the section read:

That the Secretary of War be, and he hereby is, authorized, in his discretion, to purchase, for the use of the United States, all that tract of land lying east of the easterly bank of the Hudson River and west of the westerly line or side of the New York Central and Hudson River Railroad Company land, situate in the State of New York, formerly known as East Point and now commonly known as Constitution Island, lying opposite to the West Point Military Reservation, at and for such sum as he may deem reasonable; and the said sum so agreed upon is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of said land.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW ORLEANS AND MISSISSIPPI MIDLAND RAILROAD.

The bill (H. H. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT H. BUSTEED.

The bill (S. 3341) granting an increase of pension to Robert H. Busteed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. Busteed, late of Company C, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR W. LOWERY.

The bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Oscar W. Lowery, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LYDIA CARR.

The bill (H. R. 4994) granting a pension to Lydia Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia Carr, the dependent and helpless daughter of Gorrin H. Carr, late of Company C, Thirty-seventh Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA COPPINGER.

The bill (S. 2336) granting a pension to Rebecca Coppinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "First," to insert "Regiment;" and in the same line, after the word "Dragoons," to insert "Sabine Indian disturbance;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Coppinger, widow of William H. Coppinger, late of Company K, First Regiment United States Dragoons, Sabine Indian disturbance, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK WRIGHT.

The bill (H. R. 5170) granting an increase of pension to Frederick Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Wright, late of the United States steamship *Minnesota*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO LEWIS.

The bill (H. R. 1742) granting an increase of pension to Alonzo Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Lewis, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHADRACK I. CORBETT.

The bill (H. R. 4945) granting a pension to Shadrack I. Corbett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Shadrack I. Corbett, late of Company D, Third Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM D. DORMAN.

The bill (H. R. 7149) granting an increase of pension to Ephraim D. Dorman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim D. Dorman, late of Company G, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WATTS.

The bill (H. R. 8349) granting a pension to John Watts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Watts, dependent and helpless son of Little B. Watts, late of Company G, First Regiment Alabama and Tennessee Vidette Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

Mr. GALLINGER. Let the amendment be rejected. It is unimportant.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHREVEPORT BRIDGE AND TERMINAL COMPANY.

The bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States;

A bill (H. R. 4446) for the relief of Harry C. Mix;

A bill (H. R. 10144) to donate to the State of Alabama the spars

of the captured battle ships Don Juan d'Austria and Almirante Oquendo;

A bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River, in Marion County, Tenn.;

A bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory; and

A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

INDIGENT CHOCTAW AND CHICKASAW INDIANS.

Mr. JONES of Arkansas. A bill has just come from the House relative to indigent Choctaw and Chickasaw Indians which I should like to have laid before the Senate.

The bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, was read twice by its title.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs to ask unanimous consent of the Senate for the immediate consideration of the bill. It provides for putting $30,000 of the funds of the Choctaw Nation and $20,000 of the funds of the Chickasaw Nation in the hands of a commission consisting of the governor, treasurer, and an ex-chief of each of the nations, to be distributed among indigent members of the nation, the funds distributed among the nation to be charged against each individual and reported to the Government and taken out of his distributive share of the funds of the nation when the funds are divided by the Dawes Commission. There can be certainly no objection to the bill. It is earnestly asked by the authorities of the nation. The statement is made that there is great suffering among those people on account of the failure of crops last year, and it is earnestly urged by the Secretary of the Interior in a letter addressed by him to Mr. CURTIS, of the House of Representatives. In the conclusion of his letter he says:

> The Department again urges that the relief requested be furnished as speedily as possible and that the bill be passed.

I ask unanimous consent to have the bill taken up by the Senate at this time for consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States; and

A bill (H. R. 4446) for the relief of Harry C. Mix.

The bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac was read twice by its title, and referred to the Committee on Printing.

HELENA SUDSBURG.

The bill (S. 4638) granting a pension to Mrs. Joseph M. Sudsberg was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helena Sudsburg, widow of Joseph M. Sudsburg, late colonel Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Helena Sudsburg."

HATTIE M. WHITNEY.

The bill (S. 4927) granting a pension to Hattie M. Whitney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie M. Whitney, widow of Folliot A. Whitney, late major, Sixth Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Folliot A. Whitney until he reaches the age of 16 years.

Mr. WARREN. I should like to amend the committee amendment by striking out "thirty-five," before "dollars," making the pension stand at fifty, as introduced, so that the pensioner may draw $50. I move to strike out "thirty-five" and insert "fifty."

Mr. GALLINGER. I will simply say in regard to the amendment to the amendment that under the rules of the committee $35 is the rate the committee allows. Of course it is in the discretion of the Senate to determine otherwise, if the Senate chooses.

Mr. WARREN. Mr. President, I will take only a moment's time. It is said "the exception proves the rule," and I would like this bill to be an exception. This pension is for the widow of a gallant officer, who served both as a volunteer and a regular. He was wounded at Bull Run, and afterwards served long, faithfully, and brilliantly in the Regular Army.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 3, strike out "thirty-five" and insert "fifty" before "dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hattie M. Whitney."

SARAH H. LAKE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10449) granting an increase of pension to Sarah H. Lake, a bill that I reported this morning. There are special reasons why it should be acted on.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Sarah H. Lake, widow of Charles R. Lake, late of Company F, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHINEAS CURRAN.

Mr. KEAN. There are two pension bills on the Calendar that I should like very much to have passed. The first is the bill (H. R. 12468) granting an increase of pension to Phineas Curran.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Phineas Curran, late of Company G, Thirty-eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HOLLOWAY.

Mr. KEAN. I ask the Senate to place on its passage the bill (H. R. 11895) granting a pension to Thomas Holloway.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Thomas Holloway, late of Company K, Twentieth Regiment Pennsylvania Volunteer Emergency Militia, and to pay him a pension of $12 per month.

Mr. COCKRELL. Let the report be read in that case, so that we may see what kind of a case it is.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. SCOTT on the 22d instant, as follows:

> The Committee on Pensions, to whom was referred the bill (H. R. 11895) granting a pension to Thomas Holloway, have examined the same and report:
>
> The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.
>
> The House report is as follows:
>
> "Records of the War Department show that Thomas Holloway, now 59 years of age, served as a private in Company K, Twentieth Pennsylvania Emergency Militia, from June 18, 1863, to August 1, 1863, when honorably discharged with his company.
>
> "The claim of the soldier, filed under the general law on November 29, 1893, and based upon dislocation of the left kneejoint while guarding the Northern Central Railroad bridges on the line between York and Harrisburg, Pa., in June, 1863, was rejected September 25, 1897, upon the ground of no record

in the War Department of the alleged injury and claimant's inability to furnish satisfactory evidence of the incurrence of such injury in the military service and line of duty.

"In support of his claim the soldier filed the testimony of one of the members of his company to the effect that while returning from a scout one day in July, 1863, the members of the company informed him that the claimant had been injured and sent home; the testimony of another one shows that upon missing the claimant from the company he was, upon inquiry, informed that he met with some injury and was sent home; that thereafter he saw him about the camp limping; that he was lame, but was unable to say in which leg the lameness was; and the testimony of another comrade shows that on or about June 25, 1863, while in camp on the Northern Central Railroad, opposite Bainbridge, Pa., affiant visited the quarters of their captain for the purpose of securing a pass to leave camp, and upon arrival at the captain's tent he found the claimant in conversation with the captain, noticed that he was then in distress, and heard the captain say, 'You can not march with that leg, and I will have to send you home,' and that thereafter he saw the claimant go about limping.

"Another member of the soldier's regiment also testified that when the regiment was discharged he heard some one say that claimant had his leg fractured in the Army, but was unable to state under what circumstances he got hurt.

"A shopmate of the soldier testified that upon his return from the Army the claimant worked in the same shop with him; that at that time he was lame in one of his legs, and informed the affiant that he met with some accident or injury to that leg while in the Army, and continuously thereafter he continued to limp and appeared to be lame in one of his legs.

"Certificates of medical examination of the soldier made in 1891 and 1896 rated him $10 for dislocation of the left knee, and described the disability as follows:

"'There is evidence of a former forward dislocation of the left knee with patella firmly fixed and knee joint firmly anchylosed, causing 1½ inches shortening. The leg is tender on pressure and painful on walking. He walks with a limp.'

"A claim of the soldier under the act of June 27, 1890, was rejected upon the ground that he did not serve ninety days during the war of the rebellion.

"The evidence in this case filed by the soldier indicates that he was injured as alleged by him, and while the proof is not as specific as it might be, yet your committee are willing to resolve any doubts that may be in the case in his favor, and recommend that the relief sought for in the bill be granted.

"The bill is reported back with the recommendation that it pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. JONES of Arkansas. Mr. President, I ask if there is a quorum present?

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Foraker,	Lodge,	Quarles,
Bate,	Foster, La.	McLaurin, S. C.	Rawlins,
Berry,	Foster, Wash.	McMillan,	Scott,
Burnham,	Frye,	Martin,	Simon,
Burrows,	Gallinger,	Mitchell,	Stewart,
Burton,	Gamble,	Morgan,	Taliaferro,
Carmack,	Harris,	Nelson,	Teller,
Clapp,	Heitfeld,	Perkins,	Vest,
Clark, Wyo.	Hoar,	Pettus,	Warren,
Clay,	Jones, Ark.	Platt, Conn.	Wellington,
Cockrell,	Kean,	Platt, N. Y.	Wetmore.
Dietrich,	Kearns,	Pritchard,	
Dolliver,	Kittredge,	Proctor,	

The PRESIDING OFFICER (Mr. KEAN in the chair). Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah [Mr. RAWLINS] is entitled to the floor.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. RAWLINS. I yield to the Senator.

CHRISTOPHER COLUMBUS SHEETS.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 4008) granting a pension to Christopher Columbus Sheets. It is a short bill. The beneficiary is a very old man. The bill was almost reached on the Calendar this morning.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Christopher Columbus Sheets, late an acting recruiting officer of the United States in the civil war, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. RAWLINS. Mr. President, the facts which I called to the attention of the Senate on yesterday related mainly to that part of the Philippine Islands known as the Visayan district and covered the period during which General Hughes was in command. General Hughes was succeeded by General Smith. During a portion of this time General MacArthur was the general in command of our armies in the Philippine Islands. In order that I may do no injustice to any of these officers I prefer to let them speak for themselves.

There are a few more facts to which I wish to allude in relation to the Visayan district and which appears in the testimony of General MacArthur taken before the Committee on the Philippines. I invited General MacArthur's attention to that part of his official report which was made to him by General Hughes. I have already called attention to the testimony of General Hughes, in which he stated that the methods of warfare conducted in that district were not civilized because they were an uncivilized people against whom the war was waged. I read from page 894 of the hearings:

Senator RAWLINS. There is a summary of the killed and wounded on each side on page 239 of your report.

General MACARTHUR. What report?

Senator RAWLINS. I think it was made by General Hughes. This question could have been appropriately put to him, but I will ask your explanation of it. A summary is given of the killed and wounded on each side. This is page 239:

"Enemy's loss: Killed, 95; wounded, 6; captured, 4; rifles," etc. "Our loss: Killed, 5; wounded, 31."

Again, I find on page 243 a summary for December:

"Enemy's loss: Killed, 88. Our loss: Killed, 1; wounded, 3."

And again, on page 247, summary for March:

"Enemy's loss: Killed, 29; wounded and captured, 5. Our loss: Killed, 2; wounded, 1."

On page 249, summary for April:

"Enemy's loss: Killed, 19; wounded, 5."

On page 250, summary for May:

"Enemy's loss: Killed, 134; wounded, 21. Our loss: Killed, 2; wounded, 8."

On page 251, summary for June:

"Enemy's loss: Killed, 141; wounded, 1; prisoners, 54. Our loss: Killed, 1; wounded, 9."

Summary for the year, on this same page:

"Enemy's loss: Killed, 801; wounded, 38; captured, 100. Our loss: Killed, 40; drowned, 3; wounded, 72."

Then I put this question:

What I wanted, if you could, is to give an explanation as to the disproportion of the killed and wounded of the enemy as compared with the killed and wounded of our own troops.

General MACARTHUR. It arises from the fact—

I invite attention to his explanation—

that our soldiers are trained in what we call "fire discipline." That is, target practice. In other words, they know how to shoot.

That, in substance, is one explanation that he gives of the circumstance to which I have alluded. Then I presented this phase of the question to General MacArthur in the following language:

Senator RAWLINS. I have recently, with reference to these figures, examined to a certain extent the proportion of killed and wounded in the civil war; also in the war with Mexico, and we have had frequent reports as to the proportion of killed and wounded in the South African war, and I find that in all those wars the proportion of killed and wounded seems to be about the same as that shown in our loss—taking the summary for a year, killed, 40; wounded, 72. It is usually about 3 wounded to 1 killed. Now, I suppose our troops in the civil war on both sides were as accurate in their aim as our troops in the Philippines. I suppose our troops in Mexico were as skilled marksmen as the troops in the Philippines. I appreciate that the general fatality of the enemy in our troops would be much greater; but I can not quite understand the explanation you give as to the fatality resulting from wounds actually inflicted.

General MACARTHUR. There is a point there I will try to make plain.

Senator PATTERSON. What is the proportion of the killed to the wounded?

Senator RAWLINS. You mean here?

Senator PATTERSON. Yes.

Senator RAWLINS. In the summary?

Senator PATTERSON. Yes.

Senator RAWLINS. The summary of the enemy's loss, 800 killed and 30 wounded; while the summary of our loss is, killed, 40; wounded, 72.

Senator PATTERSON. That shows there are about 25 killed to 1 wounded.

General MACARTHUR. It shows that is what we have tabulated as reports, Senator; it does not show all the facts, because we did not get hold of their wounded.

It occurred then to Senator PROCTOR that the explanation which General MacArthur had given of the disproportion between the killed and the wounded in the enemy's loss was not quite tenable; and after the statement which was thus presented by General MacArthur for his explanation, the military men upon the committee, including the distinguished member of the Committee on Military Affairs and a man of military experience, Senator PROCTOR, made this suggestion to relieve that situation:

Senator PROCTOR. They carried off their wounded, I suppose?

General MACARTHUR. Yes. I was going to explain how that occurred, especially in the early operations, where the tactical operation was normal; that is, where we fought in line and observed the usual method of tactical action. In the first instance the insurrection had an abundance of men, but a limited number of arms. I have a memorandum on that subject I can introduce at the proper time.

Senator BEVERIDGE. So that the reason the proportion of the wounded to the killed is so small is because the wounded were removed and you have no data from which to give figures?

These figures relate not to the early operations of the Army in the Philippines, but cover a later period, when it is not claimed that there were any surplus men, and the men who then existed in small bands under the direction of the commanding officers of our Army were men who were directed to pursue the Filipinos swiftly, continually, and unrelentingly, to give them no rest. It was in

the execution of those commands that we find in these official reports the number of the enemy killed and wounded and our loss in respect of the killed and wounded. I submit for the consideration of fair and reasonable men whether we have any explanation which is satisfactory of the disproportion in killed and wounded of the enemy as compared with the killed and wounded of the American troops. Whenever our men came in contact, within gunshot of the enemy, they pursued them swiftly, and they would have no time to gather up and carry away the men who fell and were disabled and to make their escape.

The fact is, as appears from the official reports in relation to the campaign in the district of the Visayas, that our troops were directed not to encumber themselves with prisoners; and a fortiori were directed not to encumber themselves with the burden and care of the wounded, and when small bands of Filipinos were encountered by our soldiers they were swept from the face of the earth. It was in execution of the programme and policy to make that district a howling wilderness and to exterminate all the people who might be above the age of 10 years.

Mr. HOAR. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. With pleasure.

Mr. HOAR. I suppose there are a great many Senators in this body who can answer the question, but in the ordinary reports of battles, in ordinary wars, whether with foreign nations or in a war like our late civil war, do not the reports from the field of battle of the victorious army always contain, within the bounds of reason, a pretty fair estimate of the enemy's wounded, whether carried off or not? For instance, it seems to me the reports we have been in the habit of getting in such cases contain a fair approximate estimate of the wounded, which generally turns out to be nearly correct.

Mr. RAWLINS. Mr. President, as I have stated, in the course of this examination, as the attention of General MacArthur was called to this very matter, the reports of the different wars waged do show the number of killed and wounded. In such official reports is shown substantially the same relative proportion of wounded to killed of the enemy as of the army from which the report emanates.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. RAWLINS. With pleasure.

Mr. PATTERSON. I wish to ask the Senator from Utah whether, in all the reports which have been made to the War Department by our officers in the Philippines of the killed and wounded, any attempt of any kind has been made to account for the enormous disproportion between the killed and wounded, or whether there is any suggestion that the reason the number of wounded was not found to be greater was that the Filipinos had been able to carry off their wounded?

Mr. RAWLINS. Mr. President, I have been able to find no official report on that subject. I made an examination of the official reports, and finding that for the year 1901 the number of killed in the Visayan district, of the enemy, was 800, I think, and only 30 wounded, I had the curiosity to endeavor to ascertain whether that condition of things prevailed, and I could find nothing to show it in the official report. So I called the matter to the attention of General MacArthur when he was upon the stand. His first reason, as I have already read it to the Senate, was that the aim of our soldiers was so unerring that, in spite of the changing vicissitudes of the field and of the enemy, their shot struck a vital spot, and every wound therefore carried death to the victim.

But that was so untenable a proposition when the matter was presented to him that it was immediately abandoned. Resort was then had to another equally untenable theory, that while the Filipinos were being swiftly pursued by our troops with messengers of death, they were able to stop and pick up and carry away their wounded. That, however, is too absurd to appeal strongly to the reason of intelligent men, and we have the only explanation remaining, which is that contained in reports not entirely official which came out in the course of the court-martial of Captain Waller, to the effect that his direction from his superior commander was to encumber himself with no prisoners, that he should not encumber himself with the embarrassment and care of wounded, that he should make of that land a howling wilderness and exterminate all who should be over the age of 10 years.

Mr. President, let me invite attention to some of this language, and I first read from an official report bearing date December 24, 1901, Headquarters Sixth Separate Brigade:

CIRCULAR } HEADQUARTERS SIXTH SEPARATE BRIGADE,
No. 6. } *Tacloban, Leyte, P. I., December 24, 1901.*

To all station commanders:

The brigade commander has become thoroughly convinced from the great mass of evidence at hand that the insurrection for some time past and still in force in the island of Samar has been supported solely by the people who live in the pueblos ostensibly pursuing their peaceful pursuits and enjoying American protection, and that this is especially true in regard to the "pudientes" or wealthy class.

He is and for some time past has been satisfied that the people themselves, and especially this wealthy and influential class, can stop this insurrection at any time they make up their minds to do so; that up to the present time they do not want peace; that they are working in every way and to the utmost of their ability to prevent peace. He is satisfied that this class, while openly talking peace, is doing so simply to gain the confidence of our officers and soldiers, only to betray them to the insurrectos, or, in short, that while ostensibly aiding the Americans they are in reality secretly doing everything in their power to support and maintain this insurrection.

Under such conditions there can be but one course to pursue, which is to adopt the policy that will create in the minds of all the people a burning desire for the war to cease; a desire or longing so intense, so personal, especially to every individual of the class mentioned, and so real that it will impel them to devote themselves in earnest to bringing about a state of real peace—that will impel them to join hands with the Americans in the accomplishment of this end.

The policy to be pursued in this brigade, from this time on, will be to wage war in the sharpest and most decisive manner possible. This policy will apply to the island of Samar and such other portions of the brigade to which it may become necessary to apply it, even though such territory is supposedly peaceful or is under civil government.

Further on in this same report this occurs:

In dealing with the natives of all classes, officers will be guided by the following principles:

First. Every native, whether in arms or living in the pueblos or barrios, will be regarded and treated as an enemy until he has conclusively shown that he is a friend. This he can not do by mere words or promises, nor by imparting information which, while true, is old or stale and of no value; nor can it be done by aiding us in ways that do no material harm to the insurgents. In short, the only manner in which the native can demonstrate his loyalty is by some positive act or acts that actually and positively commit him to us, thereby severing his relations with the insurrectos and producing or tending to produce distinctively unfriendly relations with the insurgents.

Not only the ordinary natives but especially those of influence and position in the pueblos who manifestly and openly cultivate friendly relations with the Americans will be regarded with particular suspicion, since by the announced policy of the insurgent government their ablest and most staunch friends or those who are capable of most skillfully practicing duplicity are selected and directed to cultivate the friendship of American officers, so as to obtain their confidence.

* * * * * * *

Neutrality must not be tolerated on the part of any native. The time has now arrived when all natives in this brigade who are not openly for us must be regarded as against us. In short, if not an active friend he is an open enemy.

Mr. President, turning to a report made February 13, 1902, from the headquarters of Sixth Separate Brigade at Tacloban, Leyte, in the Visayan district, we have this language:

This, in outline, is "the policy" to be pursued henceforth. A few details are worked out in the following paragraphs, but all concerned are informed that any actions on their part conceived and executed in the general spirit of "the policy" outlined above will be approved and commended by the brigade commander.

Mr. BURROWS. On what page is that?

Mr. RAWLINS. I read from page 1578.

Mr. HOAR. Did the Senator state at what time that reached Washington?

Mr. RAWLINS. I am unable to state what time it reached Washington. There is a date at the end of it, "War Department, Adjutant-General's Office, April 15, 1902." That may be the date; I do not know.

Commanding officers of all stations will notify all natives living near them that for their protection they will move to within certain prescribed limits, and that so long as they remain peaceful will be afforded all opportunities to obtain food and other necessities. They will in general be paid for all labor and any assistance they are called upon to render the United States forces, and will not be disturbed in their affairs so long as they observe the requirements of loyalty to the United States Government.

Continuing:

As long as the war still actively exists, it is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to its termination. It is desired that all battalion commanders give their subordinate officers a degree of confidence and latitude in operation such as is accorded to them by the brigade commander. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and cooperation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reasons, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found.

The only point of that is to show the latitude that was allowed, and the virtual direction therein contained that civilized rules of warfare were no longer to prevail without expressly so directing. There you read between the lines of these clauses the policy that civilized warfare, as expressed in the testimony of General Hughes, would be abandoned against these people, because he claims they were uncivilized people many things could be done; villages, innocent so far as any proof against them was concerned, were to be destroyed in order that, if possible, some insurrecto might thereby be punished; and by punishing the women and children, they might reach more effectively the sensitive regard for them of their husbands and parents.

On December 13, 1901, this official report was made, dated Batangas, P. I., and addressed "To all station commanders:"

The brigade commander therefore announces for the information of all concerned that wherever prisoners or unarmed or defenseless Americans or

natives friendly to the United States Government are murdered or assassinated for political reasons, and this fact can be established, it is his purpose to execute a prisoner of war under the authority contained in sections 59 and 148. This prisoner of war will be selected by lot from among the officers or prominent citizens held as prisoners of war, and will be chosen when practicable from those who belong to the town where the murder or assassination occurred.

Mr. President, just analyze that for a moment, and think of it. If in any town anywhere anybody commits one of the crimes there designated, it is made the excuse for selecting, if they have any such in custody, a person from the town where the crime has been committed, whether he had any connection, even the remotest, or any relationship in the slightest degree with the culprit who committed the crime, he was to be taken out by some method of chance and shot to death as an evidence of the justice and the benignity of the government of occupation under the American flag! That is the proclamation issued by General Smith. If they do not at the time happen to have a prisoner in custody—and I suppose prisoners were scarce among them, although we have a report that in the year 1901 50 were taken in this district—if they did not happen to have in their custody at the time they desired to apply this law of retaliation some native from the village or the town where the offense was committed, they went to some other town or to some other village and by a death raffle selected some other person to be taken out and to be shot. Strange that these things could appear upon the official records, as they do.

But I read from the same directions, given by General Chaffee, dated Manila, Headquarters Division of the Philippine Islands, September 30, 1901:

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 30, 1901.

MY DEAR GENERAL HUGHES: I inclose to you a copy of the indorsement made by me on your letter of September 10, in which you refer to discharges from the First and Ninth Infantry.

Then he refers to certain things which are not material to my purpose. At the bottom of page 1591 I read this language from these instructions:

The condition of mind of officers and men in these islands is largely in error, and they must be given to understand that they are in error; by which I mean their opinion is that the people are far more friendly than they really are, and that they are satisfied with our presence among them. In a considerable sense this may be true; women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population and they must not be trusted. It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action, which can not be misunderstood.

I reiterate:

It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action, which can not be misunderstood.

This order was dated September 30, 1901. The commanding general of our Army thus—whether based upon correct or incorrect information it is not for me to presume to say—sets up a new standard, new at least to the Anglo-Saxon mind, accustomed to the beneficent presumption of the common law, that every man, without exception, in the Philippine Islands is presumed to be under suspicion, and that word "suspicion" ought perhaps to receive some analysis until it is proven by the party suspected by acts and not by words that the suspicion should not attach to him.

We read something about the law of suspects enacted during the bloody reign of the French Revolution and the long category of things which constituted a person a suspect under the law of suspects, with consequences fatal to the persons who were thus under suspicion, and the bloody code thus enacted, known as the law of suspects, bears a very striking resemblance to this law of suspects as announced by the commanding general of our Army in the Philippines. I will read a little further at the top of page 1592 of General Chaffee's instructions to General Hughes:

While I do not urge inhuman treatment of any person in these islands, it is necessary that we be stern and inflexible, and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary, and that is the wholesome fear by these people of the Army, and that every hostile motion of any inhabitant toward the troops will be quickly and severely punished. This does not interfere at all with our cordial support of the civil authority in these islands; on the contrary, it is the very best aid that we can afford for the establishment of civil government.

I have all the time thought that we do not appreciate the fact that we are dealing with a class of people whose character is deceitful, who are absolutely hostile to the white race, and who regard life as of little value, and, finally, who will not submit to our control until absolutely defeated and whipped into such a condition. It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable. It will probably cost us a hundred lives to get back the guns lost at Balangiga.

"Any means to that end is advisable."

What becomes of your rules of civilized warfare? Why does the Secretary of War send to us that catalogue of direction in regard to methods of civilized warfare when the commanding general of our armies in his instructions to his subordinates says they must be disregarded and any means looking to the end stated here are to be approved and commended; and, as I have already read, that absolute and unqualified discretion was remitted to these subordinate commanders and that that authorization emanated from the highest source of military command in the islands?

Mr. CARMACK. If the Senator will permit me, I wish to call attention to the peculiarity of the langage used in the order, where the General says, "I do not urge inhuman conduct." It struck me as a very peculiar expression to be used. It seems to me he ought to have said, "I forbid inhuman conduct." It struck me, when the Senator read it, as a very peculiar expression—"I do not urge inhuman conduct."

Mr. RAWLINS. That is to be interpreted in accordance with the rule of grammar that two negatives make an affirmative. It was intended to convey to those to whom the instructions were issued that they were left to practice with impunity, without disapproval, inhuman conduct in the districts over which they presided. That is the only intelligent and reasonable interpretation which can be put upon it.

Mr. CARMACK. Undoubtedly.

Mr. RAWLINS. And, of course, the facts which I have already presented and which may still further be presented afford ample warrant for the belief that those subordinate commanders put that very interpretation upon it, and for that reason, with the direct approval of the highest military officer in the islands, practiced the most inhuman conduct of which the mind can conceive.

Mr. President, I read briefly from a report made by Maj. L. W. T. Waller, major, United States Marine Corps, commanding, dated Basey, Samar, P. I., November 23, 1901, in which he says:

I wish to recommend especially Capts. D. D. Porter and H. I. Bearss, either a medal of honor or a brevet. These officers carried out their instructions in the face of hardships, dangers, and incredible obstacles. Not only was personal courage of a high order displayed, but intelligence, determination, and zeal. Each footstep in the advance up the cliffs carried its own dangers.

And continuing in his work of commendation.

I read next from headquarters Sixth Brigade, Tacloban, November 29, 1901. This memorandum respectfully forwards to the adjutant-general Division of the Philippines the communication of Major Waller. Referring to the same matter, that part of it, this is forwarded by Jacob H. Smith, brigadier-general, United States Army, commanding, with this recommendation:

Maj. L. W. T. Waller, United States Marine Corps, now brevet lieutenant-colonel, has proven himself to be an officer of exceptional merit and carries out my wishes and instructions loyally and gallantly. He deserves another brevet for his services thus far, and I urge this recognition; also a general order from division commander congratulating him and the Marine Corps of his command.

I concur in his recommendations of following officers and men:

For brevets of major, United States Marine Corps: Capt. D. D. Porter; Capt. H. I. Bearss.

What had Waller and these men done? Waller makes a detailed report of his proceedings. Subsequently he was arrested and tried. He said that Smith had given him certain directions, to make of Samar a howling wilderness and to spare no one above the age of 10 years. He shot his prisoners with methods of extreme torture and cruelty. They were selected by lot. The defense of Major Waller was that he had complied with the orders of his superior commander, and he was promoted for complying with the orders of his superior commander; and the reason for such promotion was that with "exceptional merit he carries out my wishes and instructions loyally and gallantly." You will notice he carries out even his wishes and not merely his instructions. In the same court-martial the same Major Waller, thus commended, testified as to the character of his instructions, and in that testimony he was corroborated, as the official report of the War Department shows, by Captain Porter and Captain Bearss, who were also commended for promotion and received promotion for meritorious conduct.

Mr. President, I have been dealing with what is known as the Visayan district. If we had a map before us we would find it intermediate, practically, between Luzon and Mindanao. It is not upon the island of Luzon. It is to the south of it. It covers that part of the Philippine Archipelago occupied by what are known as the Visayans, of whom there are about 3,000,000. If I may be permitted to sum up the situation of affairs there, we have seen the villages burned without excuse; we have found methods of torture employed for the purpose of compelling the giving of information. The witnesses who thus testified not only gave the facts coming within their immediate knowledge and observation, but stated the repute that those things were equally prevalent in places elsewhere to which their observations did not extend.

We know it was reputed to have been done not only in this part of the islands, but throughout the archipelago wherever our army penetrated, and we can imagine the result of this kind of operation in those islands. Of course the people there could not love the hand that smote them, and I think General Chaffee was right when he said that every man capable of feeling the sentiments of indignation could not but be an enemy of the United States. It was the inevitable and necessary logic of the situation.

What race of people under the sun would love a government

that would inflict upon them such cruelties, such injustice, such death and desolation? What man fit to exist upon the face of the earth would not feel to the depths of his soul that if he had the power he would wreak vengeance upon the heads of those who had practiced cruelties and barbarism as if their reason had fled to brutish beasts, nothing surpassing it in all the history of darkness and barbarism of which we have any accounts? Of course Chaffee was right—that those people were universally, without exception, enemies to American rule; and those who think otherwise are grievously mistaken. This commander, General Chaffee, knew that not only as to the Visayan district, but as to every other district in the islands.

I know not whether this policy which he outlines was conceived by him. I am unable to fix the responsible head from whom emanated these barbarities, which would disgrace the annals of even a semicivilized country, not to speak of the nation which claims to hold aloft the escutcheon of honor and justice and fair dealing.

Mr. President, having there a people who, by reason of our injustice and wrong, feel in their souls an undying enmity and hostility to our rule, they will never submit. They will struggle to the point of their own extermination. If our dominion is to be established there, General Chaffee doubtless knows that the only logical theory which would be effectual in its execution would be the extermination of the people, making the land a howling wilderness, and taking the lives of all who would retain a memory of the wrongs which were inflicted upon their race of people. Hence the fixed limit of ten years. Those beneath that age would forget the wrong and in the end might possibly be schooled into some measure of respect for the cruel practice which had destroyed the lives of their people.

Oh, my God! that is the logic upon which Chaffee based the brutal orders and instructions which he issued to his subordinate commanders. Did Chaffee, alone, unaided, in coldness, and in brutality and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence, from what diabolical source was it derived? The American people ought to know. Is there any penalty beneath the sun adequate to be meted out to the merciless wretch who has thus brought such dishonor upon the American name and the American people?

But, Mr. President, this is but one phase of the tragedy. The Visayan district is a little more remote from the headquarters of the Army of the Philippine Islands. The magnanimity of our dealings with those people seems to be augmented in direct ratio as we depart from that center, and as we converge to it we find things more unspeakable than even those to which I have been able thus far to make allusion. I refer to the territory immediately around the city of Manila, almost within gunshot of it, extending into Batangas and Laguna and Tayabas. In Luzon what do we find? I invite the attention of the Senate to a report dated December 16, 1901, to the civil governor of the Philippine Islands from Cornelius Gardener, who was made major of the Third Infantry United States Army and provincial governor of Tayabas. On page 884 of the hearings he uses this language:

Since I have been governor I have traveled all over this province with no other escort than natives. Secondly, as civil governor I feel it my duty to say that it is my firm conviction that the United States troops should, at the earliest opportunity, be concentrated in one or two garrisons, if it is thought desirable that the good sentiment and loyalty which formerly existed to the United States Government among the people of this province should be conserved and encouraged.

Being in close touch with the people, having visited all the pueblos one or more times, having lived with them in their homes, I know that such a sentiment once existed. Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called "water cure" and other methods in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done, they had best be done by native troops, so that the people of the United States will not be credited therewith.

Almost without exception soldiers, and also many officers refer to the natives in their presence as "niggers," and the natives are beginning to understand what the word "nigger" means.

Note the words:

If these things need to be done, they had best be done by native troops, so that the people of the United States will not be credited therewith.

This officer still has some regard for the honor and good name of his country. Continuing, on page 885 he says:

The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed, even in presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years.

Note this:

Outrages committed by officers and soldiers against natives in an organized municipality and province, when reported by the presidente or governor to the military authorities, are often not punished. This, in my opinion, is unfortunate, because loyal natives begin to fear that local self-government promised them will not last long, and that any slight disturbance in a province may at any time be made the pretext to again place it under military rule, and this is just the thing the insurgents at heart most desire.

Mr. President, in this connection I ought to allude to the fact that this report was in the hands of Governor Taft when he testified before the Philippines Committee that Tayabas was one of the provinces included in the list of what are known as pacified provinces. Governor Taft said that he would lay before the committee all the reports which he had received from the provincial governments of such provinces, but he did not lay before the committee this one report. He carried it to the Secretary of War. He continued to testify for some ten days after the 7th of February, when he thus carried this report away and lodged it with the Secretary.

The Senator from Connecticut [Mr. PLATT] was enabled to rise and point to the reports of the governors—all the reports from the governors that we then had—in proof of the proposition he made that the islands were indeed pacified and were content with American rule. We finally got this. How? General Miles made a request that he be permitted to go to the islands to see if he could not bring order out of chaos, and when his proposition failed to receive the approval of the Administration, and the correspondence in relation to that subject having been directed to be sent to Congress, it became necessary to lay it before Congress, and the Secretary of War, in explanation of the refusal to adopt Miles's plan, said it was spectacular. That made it necessary for Miles, in honor, to disclose the basis upon which he had made the suggestions he did to the President and the Secretary of War. He incidentally alluded to this report of the governor of Tayabas, which had come under his observation, giving the date of it.

Thereupon my colleague upon the committee, the Senator from Texas [Mr. CULBERSON], invited attention to the fact that one of the reports had been withheld and insisted that the Secretary of War furnish it to the committee in order that we might have complete information. Then only was this dragged forth from the seclusion which it had occupied from the time Governor Taft had received it, and when it should have been laid before the committee seeking to ascertain the whole truth about this matter. Why was this information, officially given and important to the Congress and to the American people in order that they might appreciate the real situation in the island, thus withheld?

The excuse was that it should be sent to General Chaffee in order that they might investigate it. What kind of an investigation would the very men who are the subjects of the accusations contained in the report make of their own conduct, and what kind of a report would they necessarily make to the Secretary of War and to the American people? You might as well convert the culprit arraigned at the bar of justice into the jury and judge to try himself, with the expectation of getting any result in the way of ascertaining the truth, as to refer this report, making charges against the army in the Philippines, to the determination of the army itself. I have no doubt that in due time we will receive the result of this investigation, and that the charges made by Governor Gardener will be denounced as untrue, just as we find the report in the case of Sergeant Reilly and others in regard to the water cure.

Mr. President, I next invite attention to another report, dated December 18, 1901, which was not laid before the Committee on the Philippines until long subsequent, and it was dragged out also before us at the same time that the report from the province of Tayabas was. The only difference between these two reports is that the one from Batangas was not specifically promised in his testimony by Governor Taft, while the other was. Why was it withheld? Not that it contained any facts that the American people should not know; not that there is anything which could not safely be intrusted to the American Congress, undertaking to deal by legislation with every interest in the islands; not that there is any reason on earth why we should not be possessed of the facts therein reported. Mr. President, no such excuse as that can prevail with those who are desirous of knowing fully and fairly what pertains to this archipelago. Let us see what it says.

Mr. BURROWS. What page?

Mr. RAWLINS. Page 887.

OFFICE OF THE PROVINCIAL SECRETARY,
Batdngas, P. I., December 18, 1901.

HON. CIVIL GOVERNOR,
Manila, P. I.

SIR: Pursuant to section 7, last paragraph, of the provincial government act No. 83, and in compliance with your excellency's telegram dated day before yesterday, I have the honor to report to your excellency that the conditions of the province during the present year can not be more deplorable.

The mortality, caused no longer by the war, but by disease, such as malaria and dysentery, has reduced to a little over 200,000 the more than 300,000 inhabitants which in former years the province had.

All the highways and wagon roads and bridle paths are almost impassable, even for cavalry, in the wet season, except in a few places where they have been repaired by the military.

Working animals have been decimated by the epizootic (rinderpest); agriculture, the province's only source of wealth, is entirely prostrated, and as a climax to all these events, the war, with all its fatal results.

Continuing, on page 888, after alluding to some incidental matters which I will not take the time to read, the governor says:

After all, I foresee the coming of famine with all its horrible consequences. It is true that during the coming year, in so far as the resources of the province will permit, the famine referred to may be partly remedied by giving work to the poor in the repair of roads, construction of bridges, and opening of means of communication between the pueblos. These resources shall become exhausted—as they will undoubtedly—since agriculture is dead, owing to the lack of working animals, which has been general throughout the archipelago. Famine must reign in this province in the coming years, and God grant that it may not be for a long time.

This is all I can report to your excellency.

Very respectfully, your obedient servant,

FLORENCIO R. CAEDO,
Provincial Secretary.

That is dated the 18th day of December, 1901; and I want the vision of Senators to rest upon the picture thus presented, because it is to be the field in relation to which I am about to present some observations which I think ought to interest and concern at least humane and justice-loving men and women.

More than 300,000 people, for the reasons given, were reduced to about 200,000. One-third of the population of Batangas had thus perished from the face of the earth. Their draft animals, the means by which they carry on agriculture, have been swept away by disease. Their land has been swept by war and by pestilence. No such calamity, perhaps, ever befell a people as is disclosed in this report as having befallen the people of Batangas.

Mr. President, if we are to take this one province as an example it looks as if things most pernicious and evil followed in the trail of the occupation of that land by the American troops. When we appeared it was as if a tornado swept the land. Even the winds were venomous. The vapors became the poisoned vehicle of the wrath of the Almighty. Death lived and Life died.

Mr. President, we leave these people for the time being, on the 18th day of December, confronted with every prospect of famine. I have already read the direction of General Chaffee. I invite attention to an order issued on the 9th day of December, 1901, to all station commanders by Gen. John F. Bell, brigadier-general, commanding the province of Batangas:

Commanding officers are urged and enjoined—

Says this officer—

to use their discretion freely in adopting any or all measures of warfare authorized by this order, which will contribute in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

Further on, at page 1609:

No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops to the camps of the enemy, who publicly identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers—those, in fact, who publicly array themselves against the insurgents, and for Americans, should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated. Every inhabitant of this brigade should either be an active friend or be classed as an enemy.

Presidentes and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way—

In any way—

should be arrested and confined, and should ordinarily be tried by military commission.

That order was to apply to a people one-third of whose inhabitants had perished from the face of the earth, and the remainder of whom were confronted by starvation and probably all by extinction.

I next read an order by General Bell to all station commanders, dated Batangas, December 23, 1901.

Mr. BURROWS. On what page?

Mr. RAWLINS. On page 1621. Note this language:

All commanding officers in the provinces of Batangas and Laguna are warned against beginning to issue food gratuitously until want and privation absolutely necessitate it. Whenever Government stores of rice are held it is best to preserve the same until the current supply in the town has been used up at regulated prices; then the Government rice may be sold at the same regulated prices to those who are able to buy it. Many of the very poor people who have no food nevertheless have money with which they can buy it, and none should be issued gratuitously until it has been thoroughly determined by a searching investigation that the individuals applying for charity have no means with which to purchase food.

The governor's report was on the 16th. This was on the 23d, seven days afterwards. Put those two statements in juxtaposition. But that is not the worst of it, because under these orders the food which remained to these starving people in Batangas was taken and seized by the Army, and the people were to buy the food which had thus been seized, and the very poor were not to receive a morsel, unless they paid for it, until after a most rigid investigation it was ascertained that they were starving and that they could not pay for it. How long in the red tape of the Army a man would have to starve while waiting upon the investigation which decided his fate (all that he possessed had been seized by the military power, and it was but a pittance), we are not informed by any of these official reports concerning the military occupation in these islands. On the same date another——

Mr. BURROWS. If the Senator will allow me, does he not think that he ought to read a little further on page 1621, as showing the reason why food should not be liberally issued?

Mr. RAWLINS. I will read the whole of it:

Such persons, with the membership of their families, will be carefully registered and will be issued very limited supplies of food at frequent periods, preferably daily. In issuing rice each adult member of a family will be allowed one chupa per day, and the same amount to each two children. A chupa measure can be found in any retail shop. Great pains will be taken not to unduly pauperize the people, for if the people discover any unwise or excessive liberality in the free issue of food the entire population (excepting the rich and well-to-do) will certainly flock around and claim to be paupers in order to obtain free issues of food. All officers should carefully husband their supplies in anticipation of a period of real want and suffering.

Wherever there are standing crops still ungathered, it is desired that commanding officers give protection to peaceful people in order to enable them to gather their palay. It is also desired that whenever conditions become favorable for the planting of new food crops commanding officers likewise give protection and such assistance as may be practicable to those who have gathered at towns seeking our protection, in order that they may replant their land.

What he means by peaceful people we have already understood. The presumption is that every person in the islands is an enemy and is against peace until the contrary is shown, according to the methods of General Bell. What the General means when he says "all officers should carefully husband their supplies in anticipation of a period of real want and suffering" is past all comprehension, when nine days before we have a report from that island to the effect that in the past short period one-third of the population had perished by starvation and malaria, that they were then confronted with a condition of starvation, and that he did not know what was going to happen to them on account of the scarcity of food. Here we have the military commander taking control of everything and enjoining care that no excessive issues be made to these people lest it might encourage pauperism.

But, Mr. President, let me proceed to read an order issued by this same commander, dated at Batangas, December 24, to all station commanders.

Mr. BURROWS. On what page?

Mr. RAWLINS. On page 623. I read at the top of the page, from an order by this same commander, the following language:

It is not intended by this circular to deprive station commanders of discretion, but it is desired that under its provisions they assume an advanced and stringent policy and maintain it relentlessly.

Think of the significance of that and what it implies! Rules relating to civilized warfare are obsolete. Unlimited discretion is given to station commanders to carry out their own judgment and to carry it out relentlessly. With everything in the province already facing starvation, already decimated to the extent of one-third of its number, with all its draft animals perished from the face of the earth, they are now to be made to understand the beneficence of American rule.

The next day did the general relent? This was on the 23d. On the following day, December 24, from the same station he conceived something else. What is it? Omitting the premise, he says:

First. Until the reestablishment of civil government and the making of provisions thereby for the repair of roads and performance of other public work, the old Spanish law requiring either fifteen days' free labor or three pesos tax in lieu thereof may be enforced and road work be begun as soon as it is practicable or safe to do so. Station commanders will see that engineer officers in charge of road construction are furnished free labor, and the money collected pursuant to this provision will be used to purchase rice for those who labor. Wherever no engineer officer is at work and there is a piece of road needing repair, station commanders will, when practicable, detail an officer to supervise the repairs and put the people to work, and will furnish the officer so detailed with sufficient assistance of soldiers and noncommissioned officers to give protection to and require those working to labor faithfully and intelligently.

These starving people, with their emaciated forms, unable to lift up their heads, were to have their little pittance wrested from them; and they were to be dragged out, without any reason on earth, on the high roads and made to work, and to work faithfully and intelligently. They were to work until they starved. They were to make bricks without straw. They were to be the victims of an inhuman policy that would startle even an Alaric or an Attila.

But he had not conceived everything of iniquity and cruelty yet to be applied. The same day, but a little later, I suppose, he thinks of something else. Those people, already on the road to perdition, were to be sent into a condition where the tortures of the damned would be supreme and superlative happiness compared with what they would be called upon to endure. On the same date, the 24th of December, 1901, ten days after, we are informed officially of the state of starvation of these people. We find the following:

First. Presidentes and cabezas will be required to notify the nearest military commander at once whenever insurgents are discovered to be within the limits of their jurisdiction. For any failure in this regard they will be

tried and punished by provost court. In addition to this punishment, any presidente or cabeza discovered to be concealing or protecting the enemy or furnishing false information or guides may be impressed as guides themselves and may be marched on foot daily at the head of columns or detachments until they have had a drastic lesson.

Second. Should the inhabitants of any town fail or refuse to furnish sacati or wood, and there being no assignable reason for said failure or refusal apparent to commanding officers, said failure or refusal may, without great danger of error, be attributed to the influence or threats of disloyal principales or officials. In such a contingency commanding officers may arrest principales and officials believed to be disloyal and, joining them with insurgent officers and prominent and influential persons held as prisoners of war, march them out under guard and require them to cut and deliver sacati until they are willing to induce the poor people to furnish it for compensation, as usual.

The presumption is against every presidente and every cabeza by these station commanders. They are all enemies and insurgents and traitors to the United States. They must be given a drastic lesson. Why are the principal men of the town, the leading officials, who have done no overt act, to be seized? Then what is to become of them? They are to be dragged out and put in front of the expeditions of the soldiers of the United States, and they are to be marched on daily at the head of the columns or detachments until they have had a drastic lesson.

The query arose in my mind, Why thus put these principal men of these barrios and towns out in front of the marching soldiers of the United States, on foot, to trudge along day after day—these starving people—to be marching every day until they had a drastic lesson or until they fell down and were relieved by death of the torture? This was not, perhaps, a vicarious punishment, for whenever an offense was committed anywhere by any man who was so unfortunate as to have become a prisoner of the American troops he was to be taken out and shot to death in Batangas; and now we find that people who had not offended, whose only offense at least was neutrality and inaction—that they did not go out to aid their compatriots and people of their own race—were to be seized and placed at the head of the expedition of the soldiers of the United States, perhaps as a shield to receive the shot and fire of their compatriots, and thus screen the American soldiers from the peril with which otherwise they might be confronted.

My God, Senators, will anyone rise and tell me when and where among the most barbaric peoples you ever read such an act of brutality as that? When was anything like that disclosed elsewhere upon the face of the earth? Just think of General Grant taking people in the South who remained neutral, in so far as they did not engage in actual hostilities against the American troops, and seizing them and placing them in front of the armies of the United States as a shield to protect them and to receive the shots of those who were seeking to defend what they conceived to be the right! But there in the Philippine Islands, great God, what right have we to practice these brutalities against those people? What crime have they ever committed against us that they should be afflicted with the tortures of the fiend incarnate?

Why, Mr. President, such wrongs to those people whom we had called to our side, with weapons furnished to them by us, and who had marched against the common enemy, whom they had learned to believe was the enemy to the human race by reason of its ancient practice of cruelty and oppression, when they had assisted us and had brought about a glorious victory to the American arms and to the American people for the sake of humanity and liberty—we turned traitor to them; we demanded their unconditional surrender; we shut the gates of their own city against them; we turned our arms against them without any pretense or excuse or justification; we mowed them down with horrible slaughter; we swept them away as with the besom of destruction; we paralyzed them and rendered them helpless. They had nothing in their possession with which longer to indulge in the luxury of protection to their homes, their lives, and their fortunes. We decimated them until one-third of them had fallen and gone into the dust, and over whom we still trample without mercy and without humanity.

Now these people are to be subjected to tortures, to cruelties unspeakable and beyond the power of human tongue to describe, and all in the name of civilization, all in the name of justice, all to uphold the glory and the prestige of American arms and to strike terror to all the helpless peoples in the world and make them believe that the American people are in reality a great and honorable nation. If there is a God in heaven, dispensing justice and right, what penalties must come to us by reason of these infractions of all rules both human and divine.

Mr. BURROWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. RAWLINS. Certainly.

Mr. BURROWS. The Senator omitted, on page 1623, to read that portion of the order requiring these parties to work on the highways, which reads as follows:

The object of this provision is to give beneficial occupation to the able-bodied men concentrated in towns and to compel them to earn food for themselves and their families.

I suppose it was an inadvertence on the part of the Senator that he did not read this portion of the order, but it ought to go into the RECORD to make the story complete.

Mr. RAWLINS. I am very glad to have the Senator read that or anything else which he wishes to read in that connection.

Mr. BURROWS. With the permission of the Senator, then, I want to call his attention to an omission in another instance. I ask the Senator on what page it was that he was reading the statement in regard to the population being reduced from 300,000 to 200,000.

Mr. RAWLINS. Is that some other horrible detail which the Senator has discovered?

Mr. BURROWS. No; the same one to which the Senator alluded.

Mr. RAWLINS. That was on page 1571.

Mr. BURROWS. The Senator omitted a little thing that ought to go in on page 1571.

Mr. PETTUS. Mr. President, I ask permission of the Chair to be allowed to address the Senator a question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. BURROWS. Certainly.

Mr. PETTUS. I want to know if the Senator from Michigan, in what he has just read, is proposing to justify or excuse the order in question?

Mr. BURROWS. I propose only to give the reasons assigned by the officer for this order. As to the picture of the wiping out of the 100,000 people, the Senator will notice that it was all occasioned by disease and not by war. But further on in that report from the governor, I think the Senator ought to have read—of course he did not have time to read the whole of it—this statement:

The committees of the Federal party having been created in the pueblos of the province since February last, civil rule having been inaugurated and established since the May following, and the pueblos having been organized into municipalities pursuant to the existing municipal code, with the exception of Cuenta, Taysan, and Rosario, all of us who were lovers of peace and order hoped that those who were still in arms would surrender and recognize American sovereignty, in order to enjoy the benefits of that rule with us. But the revolutionary leaders, miserably deceived by the revolutionary committee of Hongkong, and all of them, down to the last private, being the rulers over the life and property of the poor farmers who live outside the immediate protection of the American forces, have wished to remain in arms, for if they surrender the greater part will become vagrants, accustomed as they are to living at the expense of others.

Nevertheless, through the efficient measures which the illustrious General Bell is beginning to take, such as the blockade of the ports of this province and the prohibition of all trade, it is to be hoped that within a short time the desired peace may be secured; all the more since all the pueblos are clamoring for it and willing to lend their valuable assistance to its securement.

I think that, perhaps, should go in with the picture which the Senator gave to us.

Mr. RAWLINS. Mr. President, that which has just been read by the Senator from Michigan, entirely agreeably to me, did not very pertinently pertain to the point which I was discussing; but as I shall have occasion to allude to it for another purpose presently, I am very much obliged to the Senator for putting it in the RECORD and relieving me from the necessity of doing so.

But I might as well allude to the purpose which I had to refer again to that matter in logical connection, which was that that governor reported that in many of the barrios among many of the people of this province of Batangas there was a disposition and a desire on their part to be subordinate to American rule and to conform in every way to the requirements of the civil government throughout the islands; and that, notwithstanding such appeared to be the condition as reported in this document which the Senator has read, as soon as the distinguished general, whom he has referred to, appeared upon the field he issued an order, under the direction of the commanding general of the islands, that every one of those people, including perhaps the very man who made this report, was to be presumed conclusively as a traitor to the United States until he had, by the methods pointed out, proved his loyalty by engaging in the destruction of his own people, by turning spy and informer against them, and cooperating with the American troops in carrying out the methods of warfare which were outlined in those orders to which I have invited the attention of the Senate.

But, Mr. President, some of the people did not conform to what this particular civil officer, in the pay of the United States, thought would be the proper policy for them to pursue. They could not see it in the light that they should go out and shoot down their brethren, their relatives, and their friends; they could not see it as a criterion of fitness to occupy any position as a civilized people if they thus tamely submitted to the requirements of these orders issued by our military commanders. I think there is not a Senator upon the other side of the Chamber who in his heart can not but feel more respect for them than he would feel for the men who would, under the drastic penalties denounced

against those who acted to the contrary, submit to them and go out and fight against their own people and shoot down their own relatives and their own friends.

Mr. President, I was diverted somewhat from the line of argument I was pursuing. I was reading, I believe, from page 1625 of the hearings before the Committee on the Philippines. I will read further from the same order on page 1626, and I want the attention of Senators to this, because we all will be interested in it, and it is pertinent to the suggestion made by the Senator from Michigan [Mr. BURROWS] in that part of the report which he read for my convenience. This is an order of General Bell, dated December 24, 1901:

Fifth. All officers will exact respect for the American flag and for officers and bodies of troops as representatives of the great nation to which they pertain. It has resulted from the lenient policy which the Government has heretofore pursued that the people of these islands look down upon the representatives of the Government to such an extent as to pass by them and their flag with sullen disdain. Hereafter all natives of this brigade, irrespective of standing, will be required to show that respect which is due from the people to the Government of occupation.

We had the testimony of Governor Taft and Major Gardener and other witnesses before the Philippine Committee, to which the Senator from Michigan alluded, as to how Macabebe scouts, under the direction of American officers, spent their nights and days seizing unoffending people, throwing them down upon their backs, prying open their mouths, filling them with water, and torturing many of them to the death. We have seen how Bell had commanded these people to be marched at the head of the expedition on foot day after day to give them a drastic lesson. We know that by reason of our occupation, and the pestilence which ensued as an incident of it, one out of three of their number had perished from the face of the earth, and that, as a necessary consequence, starvation threatened the lives of the rest. This military commander was surprised and indignant that these people should pass by with sullen silence the men who were the authors of their misfortunes and not pay to the army of occupation that respect which they in their character felt themselves entitled to. He says:

Hereafter all natives of this brigade, irrespective of standing, will be required to show that respect which is due from the people to the government of occupation.

The poor, hungry little child, trudging along, if it were able to walk, and the mother seeing her offspring perishing of pestilence and disease and starvation, and looking into the face of the cruel author of her misfortune, the father dragged away from those he loved and put in front of the expedition to march day after day till he had received the drastic lesson, and to operate as a shield for the protection of the American troops and to receive the bullets from his compatriots in arms—those people who were enslaved by the order of this commander and made to work upon the roads in order that they might earn a pittance of food, such as is specified, but that food not to be in excess—this military commander says that these people, now having drunk the bitter dregs to the utmost, are to be compelled to pay respect to the cruel authors of it all.

Mr. CARMACK. Who is that?

Mr. RAWLINS. J. F. Bell. Mr. President, I do not believe that Bell himself ever conceived this iniquity; this outline of policy. Perhaps it may have been Chaffee, who received his education in savagery and in cruelty and in barbarity over in China, where we are informed the allied forces took little children and brained them upon posts, threw them into rivers, and slaughtered and persecuted without mercy and without limit helpless women. After he had received that training, he superseded the more humane officer, General MacArthur. Then it was that this diabolical programme seems to have been adopted and carried out in all its hideousness and rigor.

I fear, Mr. President, that there has grown up in our midst a little cabal, a coterie of military upstarts and parvenues, all unconsciously to the great, broad-minded, humane people constituting the American Republic, within gunshot almost of where I now speak, who are the authors of all these things, and upon whom the responsibility of these iniquities ought justly to be made to rest. I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor; I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

No, Mr. President, it is those who remain secluded, those who practice in insolence, who devise in iniquity, who cabal and scheme to overthrow honorable men, who would deny to Schley the rewards which properly come to a man when he goes out to fight in honesty and in heroism the battles of the Republic—the men who would drag down General Miles, humane and honorable in all his military career, and would place above him some military upstart, who would not by reason of his services ever be commended to the people who love justice and fair dealing—I fear that it must be people of this kind who, for the time being, have seized the reins of military control of our armies in the Philippine Islands, who are the real authors of these infamies which have been there perpetrated.

I commend Senators to read the testimony relating to the various kinds of torture which have been inflicted, but which the time I ought to occupy will not permit me to go into to any great extent. I have already laid before the Senate, in my judgment, sufficient to invite attention to what still remains undisclosed. This is but the premise, the prelude, as to what ought to follow in the course of this discussion. I say to Senators upon the other side that this bill can not pass so long as there is any man who, having looked into these facts, and who has anything to say and desires to say it, will make such a presentation to the American people that they may be advised as to what we are about to do.

It may be that the minds of Senators upon the other side are irrevocably made up; that they are determined to set up a despotism and monarchy, without limit or without qualification; that they propose to turn over to these nine men constituting the Philippine Commission, under the sole supervision of whoever may be the President of the United States, without any sort of qualification or restriction of the absolute power which is conferred upon them as to everything civil, military, and judicial; turning over to them the fate of all the people in that distant land, who are helpless.

It may be, Mr. President, that Senators on the other side have made up their minds to do that, with no effectual relief from any independent judiciary held up to them as a possibility, with no definition of the fate which is to ensue to them in all the years of the future.

Mr. President, notes of warning have been given to us by people who have had opportunities of observation, who have occupied responsible official positions in the islands, members of the first Philippine Commission, and I commend to the attention of the Senate, in conclusion, a few expressions of their opinion. I read from a recent article by Jacob Gould Schurman, in which he uses this language:

The future of the Philippines is an open question. The American people have never passed upon the ultimate destiny of the archipelago. By the terms of the treaty of Paris the Congress of the United States was required to determine the civil rights and political status of the inhabitants; but this obligation Congress has not yet discharged.

* * * * * * *

We are free to stay in the archipelago or to withdraw from it; to incorporate it into the United States of America or to set it up as a sister republic in Asia; to grant independence to the inhabitants or to retain them in forcible subjection.

He further says:

Now, the Filipinos, like other nations, desire good government; but there is something they desire more ardently. A good government imposed upon them by a foreign nation—especially of alien race and different color—is not at all to their taste. They desire to conduct their own government, even if the result seems to us far inferior. In short, they think they have a right to their own country, a right to govern themselves, a right to determine their own destiny. They want, in a word, liberty and independence. You could not find in all the islands a single Filipino who favors colonial dependence on the United States. If the Filipinos come to believe that our jingoes and imperialists represent the mind of the American people, they will, like the Boers, fight till they are annihilated. Our crowning victory would be their utter extinction.

Our assertion of sovereignty is supported at the present time only by the Federal party, who are numerically small, who are held together by the cohesive force of public office, and who, worst of all, are animated by the delusion (which is the foremost plank of their platform) that the Philippine Islands will be admitted, first as a Territory and then as a State, into the American Union. Apart from this exception, which rests on a misapprehension, the Filipinos are opposed to us and unanimously demand independence. Here most of those who talk about Philippine affairs have in the past assumed the colonial policy as a matter of course; but this no Filipino will endure. There some Filipinos support our sovereignty on the understanding that the Philippine Islands are to be a State of the American Union; but this no American will endure. The final resultant of these psychological forces must be Philippine independence.

Again he says:

But whatever be done with them, the civilized and Christianized democracy of Luzon and the Visayas desire independence. They are fairly entitled to it, and, united as they now are, I think they might very soon be safely intrusted with it. In their educated men, as thorough gentlemen as one meets in Europe or America, this democracy of 6,500,000 Christians has its foreordained leaders.'

Such are the intelligent and self-convincing words of the man who was selected by President McKinley to go to the Philippine Islands and deal in the first instance with those people; and in that statement he is confirmed by another member of the commission, Mr. Denby, an ex-minister to China, who uses this language:

No man who knows anything about the Philippines doubts that if Congress were to declare to-day that the Philippines shall be independent as soon as their people are fit to maintain and carry on an independent government

the troubles in that distracted region would cease to-morrow. If, therefore, our real and honest purpose is to give autonomy to the islands as soon as the people develop sufficient capacity to govern themselves, the declaration of that purpose should be immediately made. There can be no object in holding it back which is conducive to the general welfare of our country. Congress has forborne to express any opinion on the subject, but many of its members, Republicans and Democrats, have openly declared that we should not hold the islands permanently.

Further on he says:

The minute that we agree that they shall at any period hereafter be independent, that instant we shall institute proceedings to let them go. All this talk about the capacity of the people for self-government is mostly without foundation. They are as capable of self-government as the Cubans are. After having been four years in contact with Americans they will be able to organize and maintain a republican government. But whether they are fully equipped for self-government or not, is no business of ours if they are to be independent.

Mr. President, I read from a man who is commended for his sagacity and his wisdom and intelligence—a Filipino—in regard to what they want. Señor Buencamino, who is the civil-service commissioner of the United States in the Philippine Islands, says:

We hope that the civil governor, Mr. Taft, after having organized the municipalities, provinces, judicial district, supreme court, and everything connected with the judicial power, the public schools, public order, and what refers to revenue and taxation, to have a starting point for the future politics of the country. We hope, we will repeat, that he will give his attention to the organization of the general control of the country, unless he confines himself to waiting for the Congress to resolve what the definitive form of government for the Philippines shall be.

Such is the general anxiety at the present time.

The people are suffering from a great paralysis of their activities—it seems that they exhaust all their strength in making war and afterwards in making peace; they desire a rest.

Now their actual occupation is to work in order to earn money wherewith to recuperate their lost strength. Therefore agriculture, industry, and commerce are recovering life and animation.

Politics seems to even horrify them, and it appears that, Musselman-like, they expect from Congress either the kindness or the rigor of destiny as regards their future fate.

You Senators who are responsible for the character of legislation which will be enacted in regard to the islands ought to pay attention to these words, that they expect from Congress either the kindness or the rigor of destiny as regards their future fate. He says:

Such is the situation of the Philippine people; a very dangerous situation, because its present inertness might be interpreted as a consent to a colonial policy, in which case new insurrections are to be feared, because the people hold in horror the colonial system. I have said this very plainly to the American authorities, in order to be irresponsible for the calamities with which such an uncertain future as that of a colony is pregnant.

In this critical situation I turn my eyes to the America of 1787, to the legitimate heirs of those who drew up the famous Declaration of Independence, the source of your present happiness, greatness, and welfare.

Ah, Mr. President, what do you propose to do? Do you propose to fly in the face of these assertions made by men who are undoubtedly patriotic and who are competent, by reason of having come in contact with that situation, to speak intelligently and wisely?

This bill inaugurates a colonial policy. It sets up a despotism. It provides for exploitations, for spoliations and plunder. It is to be the foundation of new insurrections, new deaths. It means, in all probability, if we are to follow it out in all its consequences, what is implied in the declaration of the former chairman of the Philippine Commission—the extinction of that race of people.

When you have followed to the end the road upon which you are now about to enter, after you have achieved the results which knowingly you thus set out to accomplish, what will they be? An extinct race, who will remain, like the Huron tribe of Indians, as a tradition of history; a race of people who have not wronged us; a race of people indigenous to the soil and the climate in which they live, a climate to which we can not be inured, a land which can not be made the home of our people. You want to exterminate those people—in order to supplant them? No; you never can supplant them. You never will go there for the sake of a home, for the sake of the establishment of a permanent abode. You annihilate those people for revenge, because you do not like them, because their color is different from yours, because they are an alien race, because they have a different religion, because their habits and customs are not your habits and customs.

You want to go there as if you were carrying out the edict of some inscrutable fate, to annihilate a race of men who never have injured us, while we have gone and ruthlessly assaulted them and their institutions. After you have annihilated them, after you have made Samar a howling wilderness, how many will still live in Batangas, one-third of whom had perished in December last? How many will remain in Tayabas or the rest of Luzon? God only knows. We have taken no census upon that subject, and it is not proposed to take any.

But all this is to secure some munificent end. This is in order to advance civilization. This is in order to uplift races of mankind. This is a humane policy. This drastic policy, this severe and uncivilized war is the most humane in the end. Aye, its humanity consists in the extermination of a people, and when they are dead they cease suffering. But some of our people, I think, would follow them into the realms of perdition and keep them there dancing forevermore upon the burning marl of hell. What vengeance do we want to wreak upon them? What benign end do we want to accomplish? Tell me, tell me, you upon the other side, you who say you will not speak on this subject, say who struck you dumb? Why will you not utter a word in the face of this great epoch in the history of our country? Why do you remain silent?

I ask you to speak and tell me what useful and humane purpose you have in now embarking upon this policy. Speak and tell us. Tell the American people. Tell the American people who are moved upon this question in a manner you little dream of. Tell the people who will be called upon to pass on the question whether you are acting upon some principle which is justifiable to your conscience and your God. You will not speak. Then I infer, sir, that this is the inauguration of a scheme of loot and of plunder and of exploitation—another plowing of a ruined Carthage. You have garnered the harvest of death, and now propose to rake the stubblefield of a slaughtered people. If this be not true, disclose what is true, if your motive be not sordid; and if you can justify yourselves, for God's sake do it quickly, because it seems to me we are standing in the presence of an awful tragedy, and that we will reap the whirlwind of misfortune if we do not retrace our steps.

Mr. LODGE. I had intended to move an executive session, but the Senator from New Hampshire [Mr. GALLINGER] informs me that he is obliged to leave the city on public business on Monday, and he would like, as it is still early, to take advantage of this time to complete the unobjected pension cases on the Calendar. I therefore will not make the motion at this time, but will yield the floor to the Senator from New Hampshire.

CONSIDERATION OF UNOBJECTED PENSION CASES.

Mr. GALLINGER. I ask unanimous consent that we may now proceed to the consideration of unobjected pension cases on the Calendar.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases on the Calendar. Is there objection? The Chair hears none, and the first case on the Calendar will be stated.

JOSEPH SEITHEN.

The bill (H. R. 5789) granting an increase of pension to Joseph Seithen was announced as the first case in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of Joseph Seithen, late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. BROCKETT.

The bill (H. R. 5711) granting an increase of pension to James R. Brockett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Brockett, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OBED D. JASPER.

The bill (H. R. 13066) granting an increase of pension to Obed D. Jasper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Obed D. Jasper, late unassigned recruit, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. EDMONDS.

The bill (S. 3661) granting an increase of pension to George W. Edmunds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 6, before the word "late," to strike out the name "Edmunds" and insert "Edmonds;" and in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Edmonds, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Edmonds."

JONAS OLMSTEAD.

The bill (S. 3730) granting an increase of pension to Jonas Olmstead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "second lieutenant;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Olmstead, late second lieutenant Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. BOWLAND.

The bill (H. R. 5111) granting an increase of pension to James G. Bowland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Bowland," to strike out the letter "G" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Bowland, late of Company G, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James D. Bowland."

JAMES B. HASHBARGAR.

The bill (H. R. 12504) granting a pension to James B. Hashbargar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Hashbargar, dependent and helpless son of Zachariah S. Hashbargar, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

Mr. GALLINGER. Let the proposed amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. WOLFE.

The bill (H. R. 9370) granting an increase of pension to John J. Wolfe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Wolfe, late first lieutenant Company A, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC PHIPPS.

The bill (H. R. 11168) granting an increase of pension to Isaac Phipps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Phipps, late of Captain Gregg's company, Tennessee Volunteers, Cherokee Indian disturbances, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE TUCKER.

The bill (H. R. 4927) granting a pension to George Tucker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Tucker, late of Company K, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REBECCA H. GEYER.

The bill (S. 5321) granting a pension to Rebecca H. Geyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of" and insert "first lieutenant," and in line 9, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca H. Geyer, widow of Harvey Geyer, late first lieutenant Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay her a pension at the rate of $17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA V. PARK.

The bill (S. 3331) granting a pension to Ada V. Park was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to insert "twelve," and in the same line, after the word "month," to insert "and $2 per month additional on account of the minor child of said Andrew G. Park until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada V. Park, widow of Andrew G. Park, late of Company A, First Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Andrew G. Park until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

WILLIAM HARRINGTON.

The bill (S. 4706) granting a pension to William Harrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Harrington, late of Company I, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Harrington."

CHARLES H. HAZZARD.

The bill (S. 4732) granting an increase of pension to Charles H. Hazzard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Hazzard, late of Company

G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and paymaster's clerk, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN O'ROURKE.

The bill (H. R. 282) granting an increase of pension to John O'Rourke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O'Rourke, late of Company B, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOS G. BUDD.

The bill (H. R. 5254) granting an increase of pension to Enos G. Budd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enos G. Budd, late of Company F, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL SIMS.

The bill (H. R. 4426) granting an increase of pension to Daniel Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Sims, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. TAYLOR.

The bill (H. R. 6356) granting an increase of pension to William G. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Taylor, late of Company H, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER SCOTT.

The bill (H. R. 10361) granting an increase of pension to Alexander Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Scott, late of the Sixth Independent Battery Ohio Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER F. M'CONNELL.

The bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander F. McConnell, late of Company K, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PARKER.

The bill (H. R. 4543) granting an increase of pension to George W. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Parker, late major Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. FEATHERSTONE.

The bill (H. R. 9952) granting a pension to William P. Featherstone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Featherstone, late of Company F, First Regiment United States Mounted Rifles, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. AGNES YOUNG.

The bill (H. R. 11112) granting an increase of pension to S. Agnes Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of S. Agnes Young, widow of Thomas L. Young, late lieutenant-colonel One hundred and eighteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES COOLEY.

The bill (H. R. 11091) granting an increase of pension to James Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Cooley, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY CABLE.

The bill (H. R. 11977) granting a pension to Sidney Cable was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney Cable, widow of Coonrod Cable, late of Company K, Fourteenth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. ZOLLINGER.

The bill (S. 182) granting a pension to Mary F. Zollinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a;" in line 7, after the word "colonel," to strike out "of the;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Zollinger, widow of Charles A. Zollinger, late colonel One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES S. MYERS.

The bill (S. 2703) granting an increase of pension to James S. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Myers, late of Company F, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HULDA MILLIGAN.

The bill (S. 3668) granting a pension to Hulda Milligan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 9, after the word "month," to strike out "for each of her children until they shall have reached the age of 16, respectively," and insert "additional on account of each of the minor children of the said William Milligan until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hulda Milligan, widow of William Milligan, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said William Milligan until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTIS A. BARLOW.

The bill (S. 3997) granting an increase of pension to Otis A. Barlow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otis A. Barlow,

late of Company B, Thirty-fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY W. EDENS.

The bill (S. 4256) granting an increase of pension to Henry W. Edens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Edens, late of Company D, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NIMROD HEADINGTON.

The bill (S. 4829) granting an increase of pension to Nimrod Headington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a lieutenant-colonel" and insert "major;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nimrod Headington, late major, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WINFIELD S. PIETY.

The bill (S. 3250) granting an increase of pension to Winfield S. Piety was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Piety, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY JENNINGS.

The bill (S. 4088) granting an increase of pension to Henry Jennings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Jennings, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HALL.

The bill (H. R. 2599) granting an increase of pension to John Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hall, late of Company H, Fourth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. WILSON.

The bill (H. R. 9144) granting an increase of pension to James R. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Wilson, late of Captain Blackman's company, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHMOND M. CURTIS.

The bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richmond M. Curtis, late of Company A, Eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY RUNNEBAUM.

The bill (H. R. 2660) granting an increase of pension to Henry Runnebaum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Runnebaum, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. HORTON.

The bill (H. R. 12550) granting an increase of pension to James E. Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Horton, late of Company A, Sixteenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH CIPLES.

The bill (H. R. 8562) granting an increase of pension to Sarah Ciples, now Vandemark, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ciples, now Vandemark, dependent mother of Albert P. Ciples, late of Company I, One hundred and ninth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. The Pension Calendar has been finished.

EMMA MORRIS.

Mr. WARREN. I ask the Senate to proceed to the consideration of the next bill on the Calendar, the bill (S. 4903) for the relief of Emma Morris.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Emma Morris, widow of Frank H. Morris, late Auditor for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, $2,097.83, the balance of the salary which would have been due him June 30, 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I am about to renew my motion to go into executive session, but I understand the Senator from Tennessee [Mr. CARMACK] desires to give a notice.

Mr. CARMACK. Yes; I give notice that I will go on to-morrow at 2 o'clock upon the Philippine civil-government bill. I shall ask to be recognized at that time.

The PRESIDENT pro tempore. At 2 o'clock?

Mr. CARMACK. Yes, sir.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 25, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1902.

UNITED STATES ATTORNEY.

Joseph Lippman, of Utah, to be United States attorney for the district of Utah, vice Charles O. Whittemore, whose term expires June 7, 1902.

MARSHALS.

Henry Z. Osborne, of California, to be United States marshal for the southern district of California. A reappointment, his term expiring May 15, 1902.

John H. Shine, of California, to be United States marshal for the northern district of California. A reappointment, his term expiring May 28, 1902.

CHIEF OF BUREAU OF NAVIGATION.

Rear-Admiral Henry C. Taylor, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, from the 29th day of April, 1902.

INDIAN INSPECTOR.

John E. Edwards, of Junction, Mont., to be an Indian inspector, vice Andrew J. Duncan, resigned.

INDIAN AGENTS.

S. G. Reynolds, of Billings, Mont., to be agent for the Indians of the Crow Agency in Montana, vice John E. Edwards, resigned.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin, to take effect May 28, 1902, at expiration of his present term. (Reappointment.)

REGISTERS OF LAND OFFICES.

Joseph H. Battenfield, of Arkansas, to be register of the land office at Dardanelle, Ark., his term having expired. (Reappointment.)

John I. Worthington, of Arkansas, to be register of the land office at Harrison, Ark., his term having expired. (Reappointment.)

Andrew W. Swaney, of Kalispell, Mont., to be register of the land office at Kalispell, Mont., vice Frank H. Nash, term expired.

Samuel Gordon, of Montana, to be register of the land office at Miles City, Mont., his term having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Edward A. Schicker, of Arkansas, to be receiver of public moneys at Camden, Ark., his term having expired, (Reappointment.)

John G. Chitwood, of Arkansas, to be receiver of public moneys at Dardanelle, Ark., his term having expired. (Reappointment.)

Charles M. Greene, of Harrison, Ark., to be receiver of public moneys at Harrison, Ark., vice Felix S. Baker, term expired.

John E. Lewis, of Columbia Falls, Mont., to be receiver of public moneys at Kalispell, Mont., vice William C. Whipps, term expired.

James M. Rhoades, of Montana, to be receiver of public moneys at Miles City, Mont., his term having expired. (Reappointment.)

Jay M. Smith, of Minnesota, to be receiver of public moneys at Duluth, Minn., his term having expired. (Reappointment.)

John E. Bush, of Arkansas, to be received of public moneys at Little Rock, Ark., his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Pierce M. B. Travis, Eleventh Infantry, to be major, April 14, 1902, vice Buchanan, Twenty-eighth Infantry, promoted.

First Lieut. George W. Helms, Nineteenth Infantry, to be captain, March 21, 1902, vice Blauvelt, Fifteenth Infantry, detailed as paymaster.

First Lieut. Rufus E. Longan, Eleventh Infantry, to be captain, March 28, 1902, vice Browne, First Infantry, promoted.

First Lieut. Frank M. Savage, Fourteenth Infantry, to be captain, April 2, 1902, vice Merchant, Fifteenth Infantry, deceased.

First Lieut. Thomas T. Frissell, Third Infantry, to be captain, April 5, 1902, vice Dodds, Twenty-sixth Infantry, who resigns his line commission only.

POSTMASTERS.

Stephen F. Kelley, to be postmaster at San Bernardino, in the county of San Bernardino and State of California, in place of Stephen F. Kelley. Incumbent's commission expired March 22, 1902.

Moses P. Stiles, to be postmaster at Norway, in the county of Oxford and State of Maine, in place of Moses P. Stiles. Incumbent's commission expires April 26, 1902.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in place of Peter A. Peterson. Incumbent's commission expired January 28, 1901.

Joseph D. Senn, to be postmaster at Morrisville, in the county of Madison and State of New York, in place of John H. Broad. Incumbent's commission expired March 22, 1902.

Frank Foggin, to be postmaster at Port Richmond, in the county of Richmond and State of New York, in place of Frank Foggin. Incumbent's commission expires May 16, 1902.

Dwight A. Dawson, to be postmaster at Reno, in the county of Washoe and State of Nevada, in place of Henry P. Kraus, deceased.

Frederick L. Scott, to be postmaster at Farmington, in the county of Hartford and State of Connecticut, in place of Edward H. Deming, resigned.

Roswell A. Moore, to be postmaster at Kensington, in the county of Hartford and State of Connecticut. Office became Presidential April 1, 1902.

William A. Stotlar, to be postmaster at Herrin, in the county of Williamson and State of Illinois. Office became Presidential April 1, 1902.

George Manville, to be postmaster at Wathena, in the county of Doniphan and State of Kansas. Office became Presidential April 1, 1902.

William P. Giessing, to be postmaster at Desloge, in the county of St. Francois and State of Missouri. Office became Presidential April 1, 1902.

Joseph L. Sanders, to be postmaster at Auburn, in the county of Providence and State of Rhode Island. Office became Presidential April 1, 1902.

Henry H. Hartson, to be postmaster at Greenwood, in the county of Clark and State of Wisconsin. Office became Presidential April 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn April 24, 1902.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the State of Michigan.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 12, 1902.

PROMOTION IN THE ARMY.

ARTILLERY CORPS.

To be second lieutenant.

Sergt. Maj. Francis J. Behr, Twelfth Infantry, February 2, 1901.

Executive nomination confirmed by the Senate April 21, 1902.

POSTMASTER.

L. V. Fulghum, to be postmaster at Fredonia, in the county of Wilson and State of Kansas.

Executive nominations confirmed by the Senate April 24, 1902.

UNITED STATES ATTORNEY.

Joseph Lippman, of Utah, to be United States attorney for the district of Utah.

DISTRICT JUDGE.

Waller T. Burns, of Texas, to be United States district judge for the southern district of Texas, commencing July 1, 1902.

INDIAN AGENT.

George W. Saunders, of Bazile Mills, Nebr., to be agent for the Indians of the Santee Agency in Nebraska.

MARSHAL.

Charles J. Haubert, of New York, to be United States marshal for the eastern district of New York.

UNITED STATES ATTORNEY,

James W. Ownby, of Texas, to be United States attorney for the eastern district of Texas, commencing July 1, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. William G. Blasdel, of California, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Godfrey L. Carden, of California, to be a first lieutenant in the Revenue-Cutter Service of the United States.

First Lieut. Charles H. McLellan, of Maine, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Frank H. Newcomb, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

First Asst. Engineer Henry O. Slayton, of Maine, to be a chief engineer in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Wesley L. Booton, to be postmaster at Greene, in the county of Butler and State of Iowa.

Romie P. Dryer, to be postmaster at Lagrange, in the county of Lagrange and State of Indiana.

B. F. Campbell, to be postmaster at Fayetteville, in the county of Washington and State of Arkansas.

Andrew Sutherland, second, to be postmaster at Oxford, in the county of Oakland and State of Michigan.

Richard M. Johnson, to be postmaster at Middleville, in the county of Barry and State of Michigan.

J. Mark Harvey, jr., to be postmaster at Constantine, in the county of St. Joseph and State of Michigan.

Fred C. Nagle, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York.

Alexander C. Yard, to be postmaster at Trenton, in the county of Mercer and State of New Jersey.

Ogden H. Mattis, to be postmaster at Riverton, in the county of Burlington and State of New Jersey.

Frank B. Dodge, to be postmaster at Mount Morris, in the county of Livingston and State of New York.

Robert W. Warner, to be postmaster at Ilion, in the county of Herkimer and State of New York.

Amos Youmans, to be postmaster at Fulton, in the county of Oswego and State of New York.

Marshall F. Aspy, to be postmaster at Geneva, in the county of Adams and State of Indiana.

William E. Johnston, to be postmaster at Tecumseh, in the county of Pottawatomie and Territory of Oklahoma.

George E. Call, to be postmaster at Northport, in the county of Suffolk and State of New York.

John W. Henderson, to be postmaster at Greenwood, in the county of Johnson and State of Indiana.

Ralph S. Tompkins, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York.

William S. Ostrander, to be postmaster at Schuylersville, in the county of Saratoga and State of New York.

Samuel J. Wall, to be postmaster at Cadillac, in the county of Wexford and State of Michigan.

Luther Wait, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts.

Joseph H. Miller, to be postmaster at Syracuse, in the county of Kosciusko and State of Indiana.

Harrison Brown, to be postmaster at Watonga, in the county of Blaine and Territory of Oklahoma.

George B. Harwood, to be postmaster at Skaneateles, in the county of Onondaga and State of New York.

George E. Voos, to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

Herbert C. Hurd, to be postmaster at Rugby, in the county of Pierce and State of North Dakota.

Richard Daeley, to be postmaster at Devils Lake, in the county of Ramsey and State of North Dakota.

U. S. Sartin, to be postmaster at Kansas City, in the county of Wyandotte and State of Kansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 24, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. GOLDFOGLE. Mr. Speaker, a question of privilege. While I was absent yesterday, my distinguished colleague from New York [Mr. CREAMER]——

The SPEAKER. Does the gentleman desire to address the House upon any subject?

Mr. GOLDFOGLE. On a matter of personal explanation.

The SPEAKER. The gentleman from New York asks how many minutes?

Mr. GOLDFOGLE. Say three minutes.

The SPEAKER. The gentleman from New York asks three minutes for a personal explanation. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, while I was absent for a moment yesterday, my distinguished colleague from New York [Mr. CREAMER], rising to a personal explanation, called the attention of this House to an article recently published in one of the prominent New York dailies which referred to the failure of Congress to consider the bill for a new post-office in New York City, and in substance charged the Representatives with dereliction of duty in failing to secure a favorable report from the committee on the passage of the bill. In February last the entire delegation waited upon the chairman of the Committee on Public Buildings and Grounds and urged in every possible and conceivable way the speedy action of the bill, and the immediate necessity for increased postal facilities, and adequate quarters for our office in New York. To my knowledge the chairman as well as other members of the committee have again and again been appealed to and implored to act upon the bill, but no heed seems to have been given to their request.

The Representatives from New York have not been lacking in interest in this matter. In every way known to the rules, the usages and practice of the House, have they labored to secure the passage of the measure to give New York a post-office commensurate with the needs and demands of this great commercial city. Speaking for myself personally, let me say I attended the conference spoken of by Mr. CREAMER, waited on the chairman of the committee, and urged him to act promptly on the bill.

On March 13, as appears by the CONGRESSIONAL RECORD of that date, when in Committee of the Whole we were considering the post-office appropriation bill, I took occasion to address the committee on this subject, and pointed out at length the necessity for a new post-office in the metropolis. I insisted that the post-office there was not a local but a national institute, and read the figures and statistics supplied on my request by the Post-Office Department demonstrating the vastness of the postal business in New York. Those statistics appear in the RECORD.

I find no fault with the impatience of our constituents in New York to obtain a much-needed improvement which will inure to the benefit of the whole country; but it seems to me that after all that has been done and after all the efforts that have been made by the Representatives from New York we have neither been lax nor derelict. I cheerfully join my colleague from New York in insisting that we should not be charged with neglect to secure what so far has been, despite our labors and our protests, unjustly withheld. [Applause.]

The SPEAKER. The time of the gentleman has expired.

ANNIE L. EVENS.

The SPEAKER laid before the House the bill (H. R. 5560) granting an increase of pension to Annie L. Evens, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY A. ANDRESS.

The SPEAKER also laid before the House the bill (H. R. 9494) granting an increase of pension to Mary A. Andress, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARGARET M. GRANT.

The SPEAKER also laid before the House the bill (H. R. 7994) granting an increase of pension to Margaret M. Grant, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ELIZABETH L. BECKETT.

The SPEAKER also laid before the House the bill (H. R. 9625) granting a pension to Elizabeth L. Beckett, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

BRIDGE ACROSS NEUSE RIVER AT OR NEAR KINSTON, N. C.

The SPEAKER also laid before the House the bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., with Senate amendments, which were read.

Mr. CLAUDE KITCHIN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CALVIN A. RICE.

The SPEAKER also laid before the House the bill (H. R. 3379) to correct the military record of Calvin A. Rice, with a Senate amendment, which was read.

Mr. PARKER. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9206 and the Senate amendments thereto.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into Committee of the Whole House on the state of the Union on the bill H. R. 9206, the oleomargarine bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9206. Unless there are other amendments to be offered to the amendment in the last paragraph that was read, the Clerk will resume the reading of the bill.

Mr. HENRY of Connecticut. Mr. Chairman, there is a printing error on page 5, line 15. There is a comma inserted after the word "butter." It should be inserted after the words "butter fat."

The CHAIRMAN. Without objection the change suggested by the gentleman will be made. The Chair hears no objection.

The Clerk read as follows:

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

Mr. HENRY of Connecticut. Mr. Chairman, I move that line 6 to line 16 be stricken out, as we have already adopted a substitute to that section of the bill.

The CHAIRMAN. The gentleman moves to strike out the paragraph just read.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

That special taxes are imposed as follows:
Manufacturers of process or renovated butter and of adulterated butter shall pay $600 per year, the payment of which shall cover the tax upon the manufacture of both articles. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

The amendments of the committee were read, as follows:

Line 18, after the word "butter," insert "shall pay $50 per year;" and after the word "and" insert the word "manufacturers;" and strike out all after the word "year," line 20, to and including the word "articles," in line 22.

Mr. HENRY of Connecticut. I move that the Committee recommend that the House concur.

The CHAIRMAN. The question is upon the adoption of the amendments offered by the Committee on Agriculture. If there be no objection, the amendments will be considered together. The Chair hears no objection, and it is so ordered. The question is on agreeing to the amendment.

Mr. TAWNEY. One moment. This is an amendment of the Committee on Agriculture to the Senate amendment, and I suppose it ought to be adopted separately, should it not?

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that this is the question as now put: Whether the amendments proposed by the Committee on Agriculture to the Senate amendment shall be adopted?

Mr. TAWNEY. I did not understand.

The question was taken, and the amendments were agreed to.

Mr. HENRY of Connecticut. Now it will be in order to move to concur.

The CHAIRMAN. The Chair is of the opinion that the motion to concur in the entire amendment of the Senate can be considered.

The Clerk read as follows:

Wholesale dealers in adulterated butter shall pay a tax of $480 per annum, and retail dealers in adulterated butter shall pay a tax of $48 per annum.

Mr. SCOTT. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the Clerk will read.

The Clerk read as follows:

Insert in line 3, page 7, after the word "annum," the following:
"Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter.
"Wholesale dealers in process or renovated butter shall pay a tax of $50 per annum, and retail dealers in process or renovated butter shall pay a tax of $6 per annum. Every person who sells or offers for sale renovated or process butter in the original manufacturer's package shall be deemed a wholesale dealer in process or renovated butter. but any manufacturer of renovated or process butter who has given the required bond and paid the required tax and who sells only renovated or process butter of his own production at his place of manufacture in the original packages to which the tax-paid stamps are affixed shall not be required to pay the special tax of the wholesale dealer in renovated or process butter on account of such sale. Every person who sells renovated or process butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in process or renovated butter."

Mr. TAWNEY. Mr. Chairman, I desire to ask the Chair if the question is not divisible on the amendment offered by the gentleman from Kansas? I observe that it relates to wholesale and retail dealers of adulterated butter and also to renovated and process butter.

Mr. SCOTT. If the gentleman will wait until I get through. Mr. Chairman, I desire to state that it seems to me the gentleman in charge of this bill upon consideration will agree with me that this amendment is presented to supply an omission in the Senate amendment.

There are three propositions in the amendment I have offered. The first is a definition of a retail dealer of adulterated butter. I do not see what objection there can be to inserting that definition in the bill.

The second proposition is to impose upon dealers in process and renovated butter the same tax that is imposed upon dealers in uncolored oleomargarine. I understand it to be the theory of the proponents of this measure that the sale of oleomargarine, uncolored, is not prejudicial to the public interests in any way, and therefore they do not desire to tax it further than is necessary to exercise the proper police power. It is certainly the theory of those supporting this measure that renovated and process butter stands on the same footing as uncolored oleomargarine. Now, if it is necessary, in order to properly police uncolored oleomargarine, to tax the wholesale and retail dealers in the article, it seems to me to be equally necessary that the wholesale and retail dealers in renovated and process butter should be taxed in order that their product should be properly policed.

Mr. GRAFF. Will the gentleman permit me to ask a question?

Mr. SCOTT. Why, certainly.

Mr. GRAFF. Would the gentleman be willing to submit as a separate provision the one he proposes, defining retail dealers of adulterated butter?

Mr. SCOTT. I was going to say, when I had got to the proper place in my remarks, that I regarded the amendment I have presented as clearly divisible from a parliamentary standpoint.

Mr. GRAFF. It involves two or three distinct questions about which the House might well differ. That is, they might be in favor of one portion of the amendment, particularly the first portion defining retail dealers of adulterated butter, to which, by the way, I see no objection, but my position is that to adopt the balance of the amendment would be to defeat the bill.

Mr. SCOTT. Mr. Chairman, I stated in the beginning that this amendment contained three distinct propositions. As a parliamentary proposition I have no question that it is divisible, and have no objection to taking a separate vote on each one of the propositions. I trust that meets the objection of the gentleman from Illinois.

Mr. GRAFF. Then, will the gentleman offer as a separate amendment the first provision in regard to dealers in adulterated butter?

Mr. SCOTT. I have stated already that I regard the amendment as divisible. I presented it in its present form because it seemed to me it could not be logically complete in any other form.

Mr. TAWNEY. Let me ask this question: The gentleman proposes to amend, in the first instance, by attempting to define the wholesale dealer and retail dealer in adulterated butter?

Mr. SCOTT. The retail dealer, because the bill defines the wholesale dealer.

Mr. TAWNEY. The remainder of the amendment is to impose a tax on the wholesale and retail dealer of renovated or process butter.

Mr. SCOTT. Exactly; and it goes further and closes by defining the retail dealer in renovated butter.

Mr. TAWNEY. The definition of a dealer in adulterated butter and the proposition defining the retail dealer have no relation whatever to the proposition to tax the wholesaler and the retailer in process or renovated butter.

Mr. SCOTT. In a parliamentary sense they have not, but they are all in the same section, and I thought this was a proper place to offer the amendment.

Now, I want to state the reasons that influenced me in presenting the proposition that imposes a tax on the wholesale and retail dealers in renovated butter. I understand it to be proposed in the bill before the House to protect the interests of legitimate dealers in pure butter and also to protect consumers of butter in order that the latter may not be imposed upon by the fraudulent sale of an impure or spurious product in place of the genuine article. Now, if that is the purpose of this bill, it certainly is as much to the interest of manufacturers of genuine butter to be protected against the fraudulent sale of imitation butter as it is to be protected against the fraudulent sale of oleomargarine. And if it is necessary to tax the wholesale dealers of uncolored oleomargarine in order to guard against the fraudulent sale of that article, it is equally necessary to tax the wholesale dealers in renovated butter in order to guard against the fraudulent sale of that article. Now, to show the extent to which the fraudulent sale of renovated and process butter interferes with the sale of the legitimate article, the genuine fresh article, I desire to offer the evidence of a gentleman who was for many years inspector of the State board of agriculture for the enforcement of the oleomargarine legislation in the State of Missouri.

This gentleman believes that the 10 cents tax on colored oleomargarine is right, and he can not therefore be discredited as the enemy of this legislation. In a private letter addressed to myself he says:

I have found during my experience last year, while inspector for the State board of agriculture for the enforcement of the oleo legislation of this State, that vast amounts of process and adulterated and renovated butters were put up in attractive packages and sold as creamery butter, which, of course, is a fraud upon the purchaser as well as a disadvantage to the producer of pure butter. The sale of this imitation creamery keeps down the price of pure creamery and milk throughout the district in which it is sold. The imitation creameries have a nice odor and last well for two or three days, when they become rancid and offensive, while the housewife, thinking that she has bought pure creamery butter, becomes dissatisfied with all creamery butter.

I emphasize this last sentence because it confirms what I said a moment ago—that the sale of imitation creamery butter inflicts

an injury upon the manufacturers of all creamery butter, discrediting their product in the market and depreciating its value. The letter continues:

It is undoubtedly a fact that the fraudulent sale of this so-called creamery is a detriment to the patrons of every skimming station and creamery in this country, and so long as legislation along these lines is now being considered I think it would be perfectly proper to suggest to you that a tax of at least 4 cents per pound should be placed upon all imitation butters, whether adulterated or process.

Now, I do not go to the length this gentleman does, of asking that a tax of 4 cents a pound be put upon process or renovated butter, because personally I do not think this is a product which should be penalized to that extent. I do agree with him, however, that safeguards should be thrown around the sale of this article, so that the public may not be imposed upon—may not be led to believe that they are buying butter made from fresh milk or cream, when, as a matter of fact, they are buying a renovated and rejuvenated and resurrected product.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask that my time be extended for five minutes.

There was no objection.

Mr. SCOTT. Mr. Chairman, I desire to read one more paragraph from the letter which I have already quoted. This gentleman, as I have said, was State inspector for the enforcement of oleomargarine legislation in Missouri, and is now engaged in the creamery brokerage business at Kansas City, Mo. He adds:

I have been in the creamery brokerage for some time, but the sale of this fraudulent and imitation creamery has about ruined my business.

I take the liberty of sending you to-day by mail a small sample of this imitation butter bought by me to-day for 25 cents per pound on the open market, and I also inclose you herein the label, which I removed from the package, showing the fraudulent method of the sale of such goods. You can readily verify the fact that this is process goods and not pure creamery goods by asking any chemist in any of the departments there to put a piece of the goods under the microscope.

I sincerely trust that you may see your way clear to include all bogus and imitation butters in the legislation now pending, as the pure creamery people of the country are certainly deserving of some protection against the bogus butter people of the country.

Now, the package which this gentleman sent me was originally put upon the market with this wrapper about it which I hold in my hand. Upon it is printed "White House Butter." I assume that this brand was not imprinted upon this wrapper with the consent or by the authority of the present occupant of the White House, because I am sure he would not give his indorsement to so palpable and so wicked a fraud. But this wrapper is in itself evidence enough that there is no mark whatever about this imitation butter to brand it as an imitation product. And the fact that it was sold on the market at Kansas City at the price demanded and received for the best grades of pure, fresh, creamery butter is an evidence that the fraud has been committed.

It is for the purpose of preventing such frauds in the future that I have offered the pending amendment. It seems to me that no reasonable objection can be made to it, for the reason that it does not impose an onerous burden upon the dealers in this product. It imposes a tax of only $50 upon the wholesale dealer and $6 upon the retail dealer—merely a nominal tax—imposed for the purpose of continuing police control of this article.

The third proposition of my amendment simply defines a retail dealer in renovated and process butter. It is necessary if the preceding propositions of the amendment are adopted.

Now, as I said, Mr. Chairman, I recognize the fact that in a parliamentary sense this question is divisible, but I hope, in view of what I have said and the evidence I have presented here in support of my position, that the gentleman in control of this bill will think best to accept the amendment for the completion of the measure.

Mr. GRAFF. Mr. Chairman, we always want to be a little suspicious when the Greeks come bearing gifts, and we must remember that the gentleman from Kansas [Mr. SCOTT], who seeks to perfect this bill, as he said, is an opponent of the bill itself; that he is not in sympathy with it—is not in sympathy with its objects and purposes. I am informed that the Kansas City Star a short time ago published an interview with the gentleman from Missouri [Mr. COWHERD], in which he is reported to have said that they welcomed the amendments in the Senate for the regulation of renovated and adulterated butter, and they proposed to use those amendments for the purpose of defeating the oleomargarine bill.

Now, when this letter of this commissioner from Missouri is read regarding renovated butter, you must remember that he does not speak of renovated butter, having before him the definition of renovated butter which is drawn in this bill. The renovated butter described in the bill as we have amended it now excludes all rancid butter, excludes all butter which must necessarily have some drug or ingredient interjected into it for the purpose of making it palatable and a food product, but all that sort of butter belongs under the class of adulterated butter; so that we have what in renovated butter? We have simply a butter which needs to be refined and cleansed—clarified.

Mr. WADSWORTH. Will the gentleman permit a question?

Mr. GRAFF. Certainly.

Mr. WADSWORTH. Would you consider artificial coloring in process butter an adulteration?

Mr. GRAFF. No; I would not.

Mr. WADSWORTH. Not artificial coloring?

Mr. GRAFF. No.

Mr. WADSWORTH. I am glad to know it.

Mr. GRAFF. Now, in addition to that there is a benefit to the farmers of the country, and not the creameries, in having so closely defined and hedged about the definition of renovated butter. Why? We have a market here for the farmer in the sale of butter before it becomes rancid, and the renovated-butter man, operating only under the provisions of this bill as a manufacturer, and as a dealer is handling an article which has never been rancid, never been impure in that sense, and after it comes through the process of clarification and regranulation by melting, it becomes even a cleaner product, if anything, than the creamery butter itself.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GRAFF. Wait until I finish my argument in this direction. Now, then, if you propose to injure the farmer by hedging about the sale of this absolutely objectionless article by fixing a needless tax not only upon the manufacturer, which we have consented to, but upon the wholesale dealer and upon the retail dealer, you simply strike a blow at the farmer. The creameries, about which so much is said and which are stated to be the especial beneficiaries under this bill, have no interest in the renovated-butter men except as they become dangerous rivals and proper rivals, and so I say that there is no need for the fixing of a tax upon the retail dealer or the wholesale dealer in renovated butter, because there is already a tax upon the manufacturer. He must conduct his business distinct and separate from that of the manufacturer of adulterated butter under the regulations of the bill. There are provisions surrounding this inspection and marking in the sale of it, so that it is kept entirely separate in its manufacture and sale and handling from adulterated butter.

Mr. WADSWORTH. May I ask the gentleman a question?

Mr. GRAFF. Yes.

Mr. WADSWORTH. Notwithstanding what you just stated, you still insist that the wholesale dealer and the retail dealer in oleomargarine, which is conceded to be a wholesome and nutritious food, shall pay that tax, and for what purpose? For police purposes, and you refuse it to this.

Mr. GRAFF. But the gentleman seeks to go over the argument upon which the House has passed. Adulterated butter, renovated butter, pure butter are all sold for nothing else except butter. They are never sought to be sold for another article. The contention about the regulation necessary by taxation and inspection of oleomargarine was founded upon the argument that no other means would be adequate for the purpose of securing to the consumer the opportunity to purchase, when he knew it, the article which he desired to buy, and to save the farmer from the fraudulent competition brought about by the fraudulent sale of oleomargarine as some other article.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. Mr. Chairman, with just a word more I will ask for a vote.

Mr. COWHERD. Mr. Chairman, I hope the gentleman will not close the debate until he permits me a reply.

Mr. HENRY of Connecticut. We have had the usual debate.

Mr. COWHERD. But the gentleman from Illinois [Mr. GRAFF] made a personal allusion to me.

Mr. HENRY of Connecticut. Oh, I beg pardon.

Mr. GRAFF. I hope the gentleman will be permitted to reply.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois may be extended for a minute in order that I may ask a question. He declined to yield when I first rose for that purpose.

Mr. GRAFF. The gentleman is unkind when he says that I declined to yield. I am not alarmed at the gentleman from Kansas.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Illinois be extended one minute for the purpose of asking a question. Is there objection?

There was no objection.

Mr. SCOTT. I desire to ask the gentleman from Illinois whether he believes it is improper and should be made illegal to sell process butter when the purchaser expects and desires to buy pure creamery butter?

Mr. GRAFF. Certainly not.

Mr. SCOTT. You think it is not a fraud, then, to sell process or renovated butter——

Mr. GRAFF. Oh, I think it is a fraud.

Mr. SCOTT. For what it is not?

Mr. GRAFF. I think that is a fraud.

Mr. SCOTT. That is the question I desired to ask. Now, if the same kind of a fraud is committed by the sale of process or renovated butter for what it is not as is committed by the sale of oleomargarine for what it is not, then what is the gentleman's objection to extending the same police regulations over both products?

Mr. GRAFF. I do not think that the frauds are of the same degree.

Mr. SCOTT. They may not be, in the gentleman's mind, but they are of the same general nature.

Mr. GRAFF. They are both immoral, but not equally dangerous.

Mr. SCOTT. And I desire to have the gentleman answer this question, which he did not in his first argument: In what way can he justify the imposition of the tax upon the wholesale and retail dealer in uncolored oleomargarine and not require the same tax to be put upon men who deal in renovated or process butter?

Mr. GRAFF. Let me answer that by asking the gentleman a question: What has aroused the gentleman's interest in the creameries of the country in proposing this amendment? Is he afraid that the creameries are going to be exposed to unjust competition with the farmers' butter which is afterwards renovated?

Mr. SCOTT. I think that it hardly lies in the mouth of the gentleman from Illinois to question the sincerity or the good faith with which this amendment is offered. If he has any doubt about it, I desire to assure him that the amendment is offered in the best of faith, and that it is offered because I believe that while, as the gentleman properly says, I was not in sympathy with the methods proposed by this bill, yet I am in sympathy with the object proposed to be accomplished by it. I desire as earnestly as the gentleman possibly can to prevent the fraudulent sale of any food product upon the markets of the United States.

Mr. GRAFF. So that the gentleman proposes to use the same methods that we have adopted, which he condemns, against another article in which he is not particularly interested.

Mr. SCOTT. I am no more interested personally in creamery butter or in renovated butter than I am in oleomargarine; but I do make this contention: that the fraudulent sale of renovated butter is just as much a wrong, and ought to be made just as much a crime, as the fraudulent sale of any other product; and I insist that when you are throwing no safeguards whatever around the retail or wholesale sale of renovated butter you are opening the gate wide to fraud.

Mr. GRAFF. We think we have thrown sufficient safeguards around it by the bill now.

[Here the hammer fell.]

Mr. COWHERD. Mr. Chairman, the gentleman from Illinois [Mr. GRAFF] has seen fit to call the attention of the House to an interview purported to be given by me, and which he says was published in the Kansas City Star.

Mr. GRAFF. I said I was informed that that was true.

Mr. COWHERD. Whether that interview was published or not I am unable to say, as it was not called to my attention. I am willing to state that I did have an interview with a representative of that paper immediately after the passage of the bill in the House, and what I then said referred to the action of this House in putting into the bill an amendment which was adopted by a vote, as I remember it, of two-thirds of the members voting, providing that renovated butter should be marked and sold as renovated butter.

Mr. WACHTER. And should be inspected.

Mr. COWHERD. I approved that, and the gentleman's criticism is a criticism upon the majority of this House. I said I approved it also because in my own district the only men that were favoring this bill, and the men that came threatening to beat me for this House because I did not favor it, were the men that were then engaged in renovating butter and marketing it as creamery butter and selling it as a fraud upon the market in Kansas City and the country. [Applause.] And I said that this action would drive those men out of business, or force them to do a legitimate business, and I hope that the majority of this House that stood then so strongly by that amendment will not brand themselves as hypocrites by coming up now and saying that this bill, which its supporters say is enacted to prevent the sale of oleomargarine in fraud of butter, can not be so amended as to prevent the sale of renovated butter in fraud of creamery butter. I hoped then and I hope now that the majority of this House will stand by their own action, and when they go out to prevent fraud, will prevent fraud in renovated butter just as they attempt to prevent fraud in oleomargarine. Let me say one thing further.

Mr. GRAFF. Will the gentleman allow me?

Mr. COWHERD. Just a moment. I personally know the man who wrote the letter that has been read by the gentleman from Kansas [Mr. SCOTT]. That man is engaged in the dairy business in and near Kansas City. He has been an officer of the Missouri Dairy Association. His business is the sale of milk and butter from dairies and creameries, and his protest is made because of the fact that we have in Kansas City several large firms engaged in buying up butter all over the country—dirty, rancid, unsalable butter—taking it there and renovating it and putting it on the market in opposition to the good wholesome creamery butter. I hope that the amendment of the gentleman will be adopted, and that the House will stand by its former action.

Mr. GRAFF. Does not the gentleman know that renovated butter would fall under the head of adulterated butter and would fall under the tax of 10 cents a pound?

Mr. COWHERD. Most assuredly I do not. Under the provisions of this bill it does not become adulterated unless chemicals are used, and you can put butter into a renovator and by the system they have of renovating that butter and washing it and proceeding to cool it and rechurn it with milk, they send it out with a fresh odor that lasts a few hours or a few days, and it goes out in the market as a fraud on the purchaser.

Mr. GRAFF. The gentleman is misrepresenting me when he states that I criticised him because he advocated a bill introduced in the House, but the point on which I wanted to criticise the gentleman was that it was charged that he advocated the measure for the purpose of defeating the legislation itself.

Mr. COWHERD. No; I said I welcomed it. I thought the legislation was bad, and I welcomed the amendment and thought it would tend to defeat the bill, because I believed that at least one-half of the force behind this bill are the renovators of the country, who are carrying on a business as fraudulent as is charged against oleomargarine makers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to strike out the last word, provided such motion is necessary to enable me to have two or three minutes in answer to the remarks of the gentleman who has just taken his seat, the gentleman from Missouri [Mr. COWHERD]. He states to us that he believes a great deal of the mischief this proposed amendment seeks to prevent (occasioned by the supposed adulteration and sale of renovated butter) arises in a constituency engaged in the manufacture and sale of that product. I know not how this remark may affect constituencies of other gentlemen sitting in this committee, but I want to make it plain to him that I know of no one in my district who meddles in this stuff, who sells it, or who eats it, or who manufactures it, but there are many amongst us who claim to have the right to know when they buy a product that it is what they bought it for and not something else.

Mr. COWHERD. Then, if the gentleman will permit me, he would favor an amendment that would compel renovated butter being marked as renovated butter?

Mr. BUTLER of Pennsylvania. I do not propose at this time, without knowing the real object intended by this proposed amendment—it being brought here without the friends of the pending bill having been forewarned, without its purpose being fully understood by this committee, without being told in advance what was sought to be saddled upon this bill—to contribute to its defeat by voting for the amendment. I will not be dragged into voting for an amendment which might compel the courts to hereafter hold the purpose and intention of this body to be that which was not intended.

The gentleman from Missouri no doubt is well acquainted with the legislative propositions of this House, because I have heard him several times on the same subject—that of preventing frauds, such as this bill is intended to prevent and will prevent. When did the vigilance of gentlemen in this House first show itself in the way it is manifesting itself now? When did you first make an attempt to prevent the perpetration of this fraud that you are so desirous of preventing now?

Mr. WADSWORTH. We attempted that line of legislation when the gentleman from Kentucky [Mr. ALLEN] introduced an amendment on the floor of this House and which you voted against.

Mr. BUTLER of Pennsylvania. When was that?

Mr. WADSWORTH. That was a clause that was put in when the original bill was passed. [Loud applause.]

Mr. BUTLER of Pennsylvania. That is all right. I voted against it then and will vote against it now.

Mr. WADSWORTH. Of course you will.

Mr. BUTLER of Pennsylvania. Every member is entitled to his views on the pending question, and we need not lose our temper because we differ. When was it that this vigilance first manifested itself? Now, the very purpose of this amendment is first stated by the gentleman from Missouri. I will say for him that while I have sat with him in this House during the past five years I have always known him to be candid and to speak the truth. The purpose of this amendment is to defeat the bill. The gentleman from Missouri admits it. If the members here are in favor of the bill as originally reported; if this House is in favor of passing it as prepared by its promoters; then it is too late to accept

as genuine the proposition that is made in this amendment. Now, if I might have the time—and I think about seven minutes is all the time I have occupied in five years—[laughter]——

The CHAIRMAN. The gentleman has two minutes.

Mr. BUTLER of Pennsylvania. I have seen enough crocodile tears shed over this bill by its adversaries on account of those they term "the poor man." I have seen them flow and flow time and time again. The attempt to defeat this bill is made because its provisions are said to be inimical to the privileges of the poor man. I have a letter in my hand from the agent of the dairy and food commission in Pennsylvania, whose name I do not hesitate to give. His testimony will dissolve the argument made for effect. Does the gentleman from Missouri desire to hear what he has to say?

Mr. COWHERD. I am listening to the gentleman.

Mr. BUTLER of Pennsylvania. The writer of this letter is Robert M. Simmers, who for six years has been running down and hunting out and fining and punishing every man where he could find him who had been practicing this fraud.

Mr. WACHTER. I would like to ask the gentleman, Who is this man?

Mr. BUTLER of Pennsylvania. I have said he is the agent of the dairy and food commission of Pennsylvania.

Mr. WACHTER. He gets paid for that business, does he not?

Mr. BUTLER of Pennsylvania. The same as you do, and I say you are honest.

Mr. WACHTER. Then he does not deserve any credit, as he gets paid for it, and it is his business.

Mr. BUTLER of Pennsylvania. That may be said by the gentleman, who is a stranger to the writer; but if I have time I will read the letter. The gentleman says he is unworthy.

Mr. WACHTER. I did not say that.

Mr. BUTLER of Pennsylvania. I leave it to the members, but I know the gentleman meant to say the writer, being employed to detect fraud, may have been overzealous.

In an experience of five years he says he has never been able to buy oleomargarine in the State of Pennsylvania for less than the butter price. Hundreds of cases he has given where he has always paid the price of butter. In this letter he states many cases where he has seen miners march into stores and buy that which they supposed to be butter, but which turned out to be oleomargarine, with only 2 per cent of butter fat found therein.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask unanimous consent that the gentleman have his time extended ten minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER of Pennsylvania. The letter is dated January 20, 1902, and is written, as I have already said, by Robert M. Simmers, special agent for the Department of Agriculture. Before reading the letter I wish to say that I have known him twenty-five years, and even the people who think that he is too vigilant say that he always tells the truth. He is the agent who was discharged by the former food and dairy commission of Pennsylvania, but was soon afterwards restored. The letter is as follows:

SPECIAL AGENT DEPARTMENT OF AGRICULTURE,
Phoenixville, Pa., January 20, 1902.

Hon. THOMAS S. BUTLER,
Washington, D. C.

DEAR SIR AND FRIEND: In answer to yours of January 17, will say that in 1896 I found 10 barrels shipped by an oleo manufacturer to the Avondale Coal Company, below Wilkesbarre, Pa., which contained 2 60-pound tubs each of oleo, and billed as other goods, and was after being sold as pure butter when I found it in the store; and many times have I found it being shipped in soap, orange, and cracker boxes, and without any stamps on at all.

In 1898 I found a party at Williamsport that was shipping it in regular butter boxes in prints and 2-pound rolls to different stores in Sunbury, Shamokin, McAdoo, Yorktown, Lansford, Tamaqua, and several other towns, as and for pure butter, and I had 38 stores at one time arrested for selling this goods. The man Dorman, who was the shipper, was convicted and served two years for it, and several of the stores were fined. None of this goods had any stamps on.

I have taken hundreds of samples of the stuff, and I have never (with two exceptions) bought it for anything else but pure butter, paying from 20 to 35 cents per pound for it, and as butter. One man in Pottsville had in his store creamery prints, at 32 cents, farmers' roll, at 28 cents, and oleo prints, at 35 cents, and all in the same refrigerator. I of course took the 35-cent stuff and he paid for it in a heavy fine.

Mr. COWHERD (interrupting the reading). Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. BUTLER of Pennsylvania. I will.

Mr. COWHERD. I want to ask the gentleman whether that officer had ever made any attempt to discover whether renovated or adulterated butter was sold, and whether it be not a fact that your farmers and creamery men are as much opposed to that fraud as to the sale of oleomargarine?

Mr. BUTLER of Pennsylvania. They are in favor of preventing all kinds of fraud, and I hope to represent my district in such a manner that I may aid them in preventing a fraud.

Mr. COWHERD. Then the gentleman, as I thought I gathered from his remarks, will join us in the motion of the gentleman from Kansas to put a small police tax upon these people and make them mark their product.

Mr. BUTLER of Pennsylvania. I understand where the gentleman's question will lead me; but I will say that if he and his people had been fair, if they had submitted this proposition to us so that we could understand it and had time to digest it, we might support it. Take this proposition off the bill, if you please, and I will vote for it, but do not mix it up with this measure to encompass its defeat.

Mr. COWHERD. The gentleman means to separate the proposition from this bill?

Mr. BUTLER of Pennsylvania. Yes.

Mr. COWHERD. We could not get it before the House. The only way to get good legislation is to amend legislation when it is before the House.

Mr. BUTLER of Pennsylvania. That is the ordinary way; but do not introduce one measure for the mere purpose of killing another. I will accept the gentleman's statement, as quoted by the gentleman from Illinois [Mr. GRAFF], that it is his intention to defeat the bill with this proposition.

Mr. COWHERD. Oh, no.

Mr. WADSWORTH. May I ask the gentleman a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. WADSWORTH. Would the gentleman vote for an independent proposition to prevent the artificial coloring of creamery butter?

Mr. BUTLER of Pennsylvania. Of course I would not. [Laughter.]

Mr. ALLEN of Kentucky. I would like to know if the gentleman is acquainted with Levi Wells, the dairy product commissioner of Pennsylvania in 1898?

Mr. BUTLER of Pennsylvania. I know of him, and I know he was discredited by some people and was displaced.

Mr. ALLEN of Kentucky. Discredited by whom?

Mr. BUTLER of Pennsylvania. By every farmer in the State of Pennsylvania, and by every creamery man in the same State with whom I talked. He was displaced and another man named in his stead.

Mr. WACHTER. What was the reason?

Mr. BUTLER of Pennsylvania. Because it was said that he had not sufficient anxiety to prosecute your people. I do not know that such a charge was justifiable. I only state the report as I heard it.

Mr. WADSWORTH. My people? [Laughter.]

Mr. BUTLER of Pennsylvania. The oleomargarine people. I say further that the man from whom this letter comes, which I have tried hard, Mr. Chairman, to read, was discharged by Levi Wells. Do you know why?

Mr. ALLEN of Kentucky. No; I do not know.

Mr. BUTLER of Pennsylvania. Because it is said he found too many men selling oleomargarine for butter. I know that the governor of Pennsylvania required Mr. Wells to surrender his portfolio. The reason I can not give, except from reports made by people I know.

Mr. WADSWORTH. Was he discharged at the instigation of John Wanamaker? [Laughter.]

Mr. BUTLER of Pennsylvania. Respectfully referred to Senator QUAY. [Laughter.]

Mr. SCOTT. The gentleman from Pennsylvania understands that this bill imposes one-quarter of a cent tax on uncolored oleomargarine and also on renovated or process butter. Now, why should the bill——

Mr. BUTLER of Pennsylvania. I do not know how it is, and I do not care. [Laughter.] Mr. Chairman, I do not want to attempt to answer this question, because I do not fully comprehend the purpose of the amendment proposed. I know the purpose of this bill is to prevent fraud, and I propose to be honest enough to state to my friend from Kansas that if colored oleo and butter can not exist together after the passage of the bill, colored oleo shall go and butter remain. That is my position.

If either shall survive, it shall be butter. But if they can honestly, let them exist together. I do not believe they can. I do not believe you can sell your oleomargarine colored and make a profit if this bill passes. But that is nothing to me. I simply want it said by this law that you shall not commit a fraud. You have stuck a stick into the body politic, thereby creating a festering sore. Now, I propose that it shall be withdrawn by operation of law.

I do not care what the result is, so that we succeed in preventing the fraud and secure the farmer and the dairyman in his rights. It is his right to sell his butter as butter, and it is also his privilege to prevent, if possible, the product of the district of

my friend from Chicago [Mr. MANN] and that of other districts to come into my district and be sold for butter. It shall not be done if I can prevent it.

Mr. MANN. You want to compel our people to buy the higher priced product which they do not want, rather than the lower priced product which they do want?

Mr. BUTLER of Pennsylvania. That is not the purpose of the bill. I want your people to be required to obey the law.

Mr. MANN. Having had the benefit of protection all your life, you want to protect your State against the competition of another part of the country. You are not willing to stop with the protection you have had.

Mr. BUTLER of Pennsylvania. The gentleman may construe my action as he pleases. It is not a question of protection, but one of obedience, that is before us. I desire the people of Illinois who are represented by my friend, and who now violate the law, to obey it, and I shall vote to continue the struggle to this end until the end comes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER of Pennsylvania. May I be allowed to finish reading this letter? [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended long enough to permit him to read the letter to which he has referred.

There was no objection.

Mr. BUTLER of Pennsylvania. I am now coming to a point which should interest my friend from Missouri. From his standpoint he made a good speech the other day; it was cleverly and well made, but we would have enjoyed it more if it had only been based on facts. Here is where the poor man obtains his benefits from oleo frauds:

> Down in Chester last year I found several places where the stores were selling as pure creamery butter, at 30 cents per pound, and told their customers that it was the very best quality, and that they, in some cases, controlled the creameries that made it; and in other cases, when they had given their customers inferior butter at 28 cents and they complained, said that they had a better goods at 32 cents, and when they bought it it turned out to be oleo in prints, with 2½ per cent of butter fat in it instead of 89 per cent.

Mr. WADSWORTH. Who was it that committed that fraud; a butter dealer or an oleomargarine manufacturer?

Mr. BUTLER of Pennsylvania. He was a butter dealer, I suppose.

Mr. MANN. And a Pennsylvanian!

Mr. BUTLER of Pennsylvania. Yes; of course all men in Pennsylvania are not good men.

Mr. MANN. One of the gentleman's constituents?

Mr. BUTLER of Pennsylvania. We have six millions and a half of people in our State, and they can not all be irreproachable.

Now I will give some more names and facts:

> Russell Uhl, of Wilkesbarre, is now having agents over the territory up there selling tea and coffee at certain prices and giving them oleo as a premium for pure butter—

[Laughter.]

Mr. WADSWORTH. That is a way of advertising.

Mr. BUTLER of Pennsylvania (continuing the reading)—

> and this last week I arrested four parties for selling the goods as butter at 28 and 30 cents per pound for butter and one of them is in jail, and the stuff had been shipped in boxes, covered up with heavy paper to conceal the article from the public, and it was transferred to other boxes and the empty ones thrown into the Lehigh River. All of this goods is colored just like pure butter, and put up in imitation of the same, in rolls, prints, and tubs. If the Government would not allow the coloring it would be almost impossible to sell it under a false name, and should not be allowed under any consideration. In using the argument that it is the friend of the poor man, I will state that I have stood in stores and seen the goods sold to miners and other laborers at 30 cents per pound as and for pure butter. The miner, as a rule, wants good food, and is willing to pay for it, but at the same time he wants to buy as cheap as he can, and wants butter when he asks for it and pays butter prices, and I have got the first time in my work for five years to see the stuff sold at its value and for oleo at the same time, and that is where the great fraud comes in the sale of oleo, not that it is so detrimental to health—

We have changed our views somewhat on that point.

A MEMBER. I am glad of it.

Mr. BUTLER of Pennsylvania (continuing the reading)—

> but in the deception and fraudulent way that it is disposed of when it is colored like butter, and it always will be so long as it is allowed to be made as it is at this time, for the Government is defrauded, as well as the State and the consumer; for at least three-fourths of the parties that I have found have no license to sell it from anyone and run the risk of selling it and not be detected when they can take it from the original package and put it in butter boxes and dispose of it that way. I have not time to make out a detailed number of cases, but have given you some information in a general way, but if you desire to have them will be glad to do so. Inclosed find copy of present State law.
>
> Very respectfully, ROBT. M. SIMMERS.

Mr. WADSWORTH rose.

Mr. HENRY of Connecticut. I make the point of order that debate on the amendment is exhausted.

Mr. WADSWORTH. I hope the gentleman will withdraw that point for a moment.

Mr. HENRY of Connecticut. Very well; I withdraw it in order to allow the gentleman from New York to go on with his remarks.

Mr. WADSWORTH. I am extremely sorry that the gentleman from Illinois [Mr. GRAFF] should feel himself so weak in his position as to resort to the argument that "we must fear the Greeks bearing gifts." I suppose, Mr. Chairman, I am one of the Greeks.

Mr. GRAFF. Undoubtedly that is true.

Mr. WADSWORTH. I want to say in all honesty and in all sincerity that the minority of the Agricultural Committee has interposed no objection to this bill in the way of delay. We have agreed to all the Senate amendments, and we are offering amendments to the Senate amendments simply to put process butter and adulterated butter and oleomargarine on the same plane. As far as governmental supervision is concerned——

Mr. DAVIDSON. Will the gentleman permit an interruption?

Mr. WADSWORTH. No. Exactly as far as taxation per pound is concerned and exactly as far as license fee is concerned and for process butter, we reduce the manufacturer's license from $200 to $50. We have done that in all sincerity, and we do not want to impede this bill in any way.

Mr. HENRY of Connecticut. Mr. Chairman, I renew the point of order.

Mr. DAVIDSON. Will the gentleman permit a question?

Mr. WADSWORTH. I will.

The CHAIRMAN. The gentleman from Connecticut renews his point of order.

Mr. WADSWORTH. Oh, let him ask his question.

Mr. HENRY of Connecticut. I withdraw the point of order for the present.

Mr. DAVIDSON. Didn't you propose an amendment yesterday which would permit colored butter to be mixed with oleomargarine?

Mr. WADSWORTH. I did.

Mr. DAVIDSON. For the very purpose of killing the bill?

Mr. WADSWORTH. No; I did not. That is an assumption by the gentleman that he has no right to make. It would not kill the bill. Butter is in itself an ingredient of oleomargarine, and you know that every pound of butter, or 95 per cent, at least, of the butter sold on the market is colored. Now, if the oleomargarine manufacturers go on the market to buy their butter they can not procure it uncolored.

Mr. DAVIDSON. The gentleman knows they put in the cream, and they can buy the cream without the color.

Mr. WADSWORTH. That may be so; but one of the ingredients of oleomargarine, as shown by the list of ingredients filed with the Secretary of the Treasury, is butter. Now, I claim they can not buy uncolored butter, and the gentleman from Wisconsin knows it.

Mr. MANN. And the gentleman is not willing to depart from the fraud of coloring butter.

Mr. DAVIDSON. It is not a fraud.

Mr. WADSWORTH. It is.

Mr. PEARRE. Did not the gentleman from New York [Mr. WADSWORTH] say yesterday that his amendment to the Senate amendment No. 7 was designed to permit the coloration of oleomargarine?

Mr. WADSWORTH. I did.

Mr. PEARRE. And does not the gentleman know, and will he not admit to this House, that such permission would destroy the effect of this bill?

Mr. WADSWORTH. I have held from the first——

Mr. PEARRE. Answer the question.

Mr. WADSWORTH. I beg your pardon, but I will answer it in my own way. I have held from the first that the oleomargarine manufacturers had the right to color their product—just as much a right as the butter manufacturers have to color theirs.

Mr. PEARRE. Then answer the question. Would not that amendment defeat the purpose of this bill?

Mr. WADSWORTH. No; because the Senate has put in an amendment which the majority of the committee have accepted, striking out the words "ingredients or" and inserting the word "artificial" before the word "coloration."

Mr. PEARRE. And when you add to that the exception that you made in the amendment numbered 4, after the word "coloration," "excepting colored butter" or "yellow butter," would not that have——

Mr. WADSWORTH. No; it says "artificial."

Mr. PEARRE. After the word "coloration," would not that have permitted the coloring of butter?

Mr. WADSWORTH. I want to answer the question frankly and openly. I say it would enable them to color their own oleomargarine, and color it in an honest way and under the provisions of this law, because butter is an ingredient of oleomargarine——

Mr. PEARRE. Does not the gentleman know——

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Connecticut makes

the point of order that the debate on this amendment is exhausted. The Chair sustains the point.

Mr. HENRY of Connecticut. Just one word, and I will ask for a vote on the amendment.

The CHAIRMAN. The gentleman has himself made the point of order. [Laughter.]

Mr. HENRY of Connecticut. Then I ask unanimous consent to withdraw the request. I would make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to speak further on the amendment. Is there objection?

Mr. MANN. I do not wish to object, but I take it the gentleman is not very courteous to the rest of the House in undertaking to shut off everybody else except himself. [Laughter.] I hope in the future he will not be so particular.

The CHAIRMAN. The gentleman from Connecticut.

Mr. HENRY of Connecticut. Mr. Chairman, the gentleman from Kansas [Mr. SCOTT], with the gentleman from New York [Mr. WADSWORTH], have all along been able and consistent opponents of this legislation, both in committee and in the House. The gentleman from Kansas now offers an amendment that contains a little that is meritorious, more that is objectionable, and objects to a division. Now I would ask, as a parliamentary inquiry, if the amendment of the gentleman from Kansas [Mr. SCOTT] is divisible?

Mr. SCOTT. I hope the gentleman will not put me in a false position. I repeatedly stated that I would not object to a division, if it was requested as a parliamentary right.

The CHAIRMAN. Has the gentleman from Connecticut [Mr. HENRY] concluded his remarks?

Mr. HENRY of Connecticut. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas.

Mr. TAWNEY. I ask for a division of the amendment.

The CHAIRMAN. The gentleman from Minnesota asks for a division of the amendment.

Mr. TAWNEY. I ask for a separate vote on that part of the amendment defining a retail dealer in adulterated butter. I think that part of the amendment should be adopted.

The CHAIRMAN. The Chair will state that this, not being a motion to strike out and insert but a motion to amend by adding new matter, it is properly divisible provided it contains more than one substantive proposition. The Chair is of the opinion that it does contain at least two, and therefore sustains the demand of the gentleman from Minnesota, and will put the question upon the first proposition.

Mr. BUTLER of Pennsylvania. Let us have it read.

Mr. TAWNEY. I would like to have that proposition read.

The Clerk read as follows:

Insert in line 3, page 7, after the word "annum," the following:
"Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter."

Mr. TAWNEY. That is the proposition for which I ask a separate vote. I think it ought to be adopted.

The CHAIRMAN. The question is on the adoption of that portion of the amendment which the Clerk has just read.

The amendment was agreed to.

The CHAIRMAN. The question now is upon the adoption of the remainder of the amendment offered by the gentleman from Kansas [Mr. SCOTT], which the Clerk will report.

Mr. HENRY of Connecticut. I trust that will be voted down.

The Clerk read as follows:

Wholesale dealers in process or renovated butter shall pay a tax of $50 per annum, and retail dealers in process or renovated butter shall pay a tax of $6 per annum. Every person who sells or offers for sale renovated or process butter in the original manufacturer's package shall be deemed a wholesale dealer in process or renovated butter; but any manufacturer of renovated or process butter who has given the required bond and paid the required tax, and who sells only renovated or process butter of his own production at his place of manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of the wholesale dealer in renovated or process butter on account of such sale. Every person who sells renovated or process butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in process or renovated butter.

The CHAIRMAN. The question is upon the adoption of this amendment.

The question being taken, on a division (demanded by Mr. WACHTER and others) there were—ayes 37, noes 70.

Accordingly the amendment was rejected.

The Clerk read as follows:

Dealers in adulterated butter shall pay $48 per year. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

The following committee amendment was read:

In lines 4 and 5 strike out the words "dealers in adulterated butter shall pay $48 per year."

The amendment was agreed to.

The Clerk read as follows:

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Mr. BURLESON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 18, page 8, after the word "butter," insert "and process or renovated butter."

Mr. BURLESON. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to make the provisions of this particular paragraph applicable to process or renovated butter. It does not increase the tax upon process or renovated butter. It does not increase the license fee for the sale of process or renovated butter. The sole purpose of the amendment is to protect the honest retail dealer and the consumer from being imposed upon by having renovated or process butter sold to him as high-grade creamery butter. Now, I will not say that the gentlemen who voted for substantially this amendment when this bill was pending in the House before will stultify themselves if they vote against it now, but I will state that if they vote against this amendment they are thoroughly inconsistent.

The gentleman from New York [Mr. WADSWORTH] on yesterday read what the dairy commissioner of Pennsylvania said about renovated butter.

Mr. TAWNEY. One moment, before the gentleman leaves that will he permit me to interrupt him?

Mr. BURLESON. Yes, certainly.

Mr. TAWNEY. Do you not think that section 5 of the Senate amendment covers fully the purpose you have in view by the amendment you offer?

Mr. BURLESON. On the contrary, I know that it does not, as amended by the House Committee on Agriculture.

Mr. TAWNEY. That is where you and I differ.

Mr. BURLESON. The gentleman from New York read you on yesterday what the dairy commissioner of Pennsylvania, Mr. Wells, had to say about renovated butter. It seems that Mr. Wells has been discredited. It has been said that he has been sent to the penitentiary. In fact, my quondam Democratic colleague [Mr. SIBLEY] said that the people of Pennsylvania—the indignant people of Pennsylvania—have driven him from office. But that does not answer the question as to what the dairy commissioner of Pennsylvania stated as a matter of fact about renovated butter. Time and again the North American, the best-conducted and most ably edited newspaper published in Pennsylvania, has charged that other State officers of that great State ought to be driven from office.

In fact, it has repeatedly stated that some Federal officers, some of them in the legislative department of our Government, notably at the other end, ought never to have been elected to office, and further, that they ought to now be driven from office. But that has no particular bearing. I will not take issue with Brother Wanamaker on this point. What did Mr. Wells, their dairy commissioner, selected by the Republican party for this important position, describe renovated butter to be? Every man here knows what renovated butter is. When this bill was pending in the House before, by two-thirds majority of the members voting, this House voted that renovated butter should only be sold as renovated butter—that is, when marked renovated butter. Now, gentlemen, I submit it to you, you who voted for the Allen amendment when this bill was pending in the House before, how can you consistently vote against this amendment now offered by me?

I earnestly submit to the proponents of this measure, How can you consistently vote against it? I assert that no substantial reason can be given why this amendment should not be adopted. It simply puts renovated or process butter on the same plane as oleomargarine, and requires it to be sold for what it is—renovated butter. I defy my ingenious and oleaginous friend from Minnesota, who in the recent past so ably pleaded for the beet-sugar industry, begging that it be not destroyed, but who is willing now to destroy one industry, to club it to death, and thereby line the pockets of the owners of creameries in his section of the country, to state one good reason why this amendment should not be adopted. Now, gentlemen, what does the amendment propose to do?

My friend from Illinois, the distinguished chairman of the Committee on Appropriations, the other day said when this bill was thoroughly understood by the people—by the farmers in whose interest it is being claimed it is being enacted—that somebody was going to be trampled on. I say to the members who voted for the Allen amendment when this bill was before the House, you will trample upon yourselves if you now vote against the amendment I offer. What does it propose to do? It proposes that renovated butter shall be marked as renovated butter, and

when sold shall be sold for what it is. That is all it does. What is renovated butter?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the time of the gentleman from Texas may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. I thank the gentleman from Connecticut. Now, what is renovated butter? How is it made? The gentleman from Illinois [Mr. CANNON] seemed to labor under the impression that all butter which was subsequently made renovated butter was butter sold by the farmer to the country storekeeper; but I tell you that a great deal of the butter that finally reaches the manufacturer of renovated butter is made in creameries; not the first-class creameries, but in such creameries as the one I now describe.

Mr. BUTLER of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. BURLESON. With great pleasure.

Mr. BUTLER of Pennsylvania. Will the gentleman please name some of the creameries in which this renovated butter is made?

Mr. BURLESON. I will read now to the gentleman from a reported interview with the assistant State food commissioner of Illinois, describing certain creameries where low-grade creamery butter is made, and this low-grade butter in a very short time becomes rancid, and then must be renovated; must go to the factory of the manufacturer of renovated or process butter. High-grade creameries do not make such butter. Now, let me read:

"Filthy and absolutely unfit for the purposes used and a menace to the public health," is the indictment returned by Assistant State Food Commissioner R. M. Patterson against many dairies and creameries supplying Chicago with milk and butter.

"A majority of them are in bad sanitary condition and without proper drainage facilities," continued Mr. Patterson. "They should either be rebuilt and thoroughly cleansed, or closed to prevent a further spread of disease."

Commissioner Patterson made these startling statements yesterday on his return from a three days' inspection tour among the creameries and dairies near Galena, Freeport, and Rockford.

"I inspected fourteen dairies and creameries, and of this number I found but one which came anywhere near the standard provided by law," continued the commissioner. "I was utterly amazed at the conditions found. The owners pleaded ignorance of the law, and said the conditions were no worse than they have been for years. I did not want to be too hard, so I warned them to rebuild their plants immediately and keep their premises scrupulously clean in the future. If they fail to obey this warning we will prosecute them to the full extent of the law."

I stand here to tell you that the butter manufactured in creameries of this kind is certain to go to the factory engaged in manufacturing renovated or process butter within a very short time.

SAMPLE OF A REPORT.

Here is a sample of the conditions met with on our tour of inspection. It is a report on a large creamery near Freeport, and reads as follows:

"Output of plant last year, 74,880 pounds of butter, all of which was shipped to Chicago. The creamery handled 1,872,000 pounds of milk. It is located in a two-story frame structure, on the first floor, and the owner and his family live upstairs. The interior is walled and ceiled with common matched flooring, which is soaked with grease and is in a state of decay. It was whitewashed many years ago, but has not been cleaned since. The boards in the floor are loose, and dirty water spurts between the cracks every time a person walks across the room.

"'Escaping steam fills the room, and this, together with the smell of stale milk, makes the atmosphere almost unbearable. The weigh-can cover was covered with a black grease, due to the accumulation of months. Directly over the receiving vat was a window covered with dust and soot and cobwebs. We found the outside of the separator covered with a black grease, half an inch thick.

"'The woodwork of the cream vat was moldy and foul smelling. The churn was filthy and the valve through which the cream flowed was partially clogged with a black grease. The escaping steam in the place kept the ceiling wet all the time and dirty water dripped into the vats. The skimmed milk and buttermilk tanks are located directly over a coal pile, and every time fuel is removed the dust rises and settles in the tanks. In an adjoining room we saw them working and packing butter amid filthy surroundings.'

"This is a fair sample of the average creameries we inspected. These are the places where a large part of the butter used in Chicago is made. The State food commission will devote its attention to these places immediately, and either improve the sanitary conditions or close the establishments."

HEALTH OFFICER SURPRISED.

Secretary Pritchard, of the health department, when informed of the statements made by Commissioner Patterson, said:

"If the conditions are as bad as reported, there is need of vigorous action without delay. In the past these people have practically been running without supervision from either the local or State authorities. We have no control of them. We knew they were not kept as clean as they should be, but had no idea that the conditions were anything like those pictured by the State food commission."

Yet the gentleman from Pennsylvania and the gentleman from Minnesota want this butter, which will soon be sent to the factory of the renovator, after same has been renovated, to be sold as pure creamery butter. That could be done under the terms of this bill as reported by the House Committee on Agriculture, because they strike out the Senate amendment requiring process butter or renovated butter to be marked "Process butter."

How is renovated butter made? I read from the annual report of the Department of Agriculture a description of the method. Its publication in this report is a guaranty of its accuracy.

It is first dumped into large tanks surrounded with jackets containing hot water, and melted at a temperature ranging from 100° to 110° F. After being thoroughly melted, the heavier solids sink to the bottom and the lighter particles rise to the top, which, when skimmed off, leaves the clear butter fat with the heavier sediment at the bottom.

This butter fat is then removed to other tanks, jacketed and surrounded with hot water like the first. The odor of the fat at this stage is anything but agreeable, and the main object of the next manipulation is to remove this stench from it. This is supposed to be accomplished by aeration, the fat passing out of a pipe at the bottom of the tank and with a rotary pump again elevated in a pipe over the top of the tank and discharged through a strainer into the same, thus to remove the disagreeable odors, keeping up a continuous circuit and agitation of this liquid butter fat.

It is claimed by some that chemicals are also used for this purpose, but assurance has been given by those engaged in the business that this is not true. When the fat is sufficiently aerated the machinery is changed by removing the funnel-shaped strainer, and large quantities of skim milk are added; in just what proportion is not known, but can approximately be stated. An analysis of the finished product showed only 75 per cent of butter fat, and as it contained nothing but the fat and milk and a small amount of salt, there must have been about 25 per cent of milk added. A perfect emulsion of the milk and butter fat is obtained by the same machinery that did the aerating excepting the strainer, and it is accomplished in a very short time. When the milk has all disappeared the melted mass looks much as it did before the milk was added.

It is next run off in pipes to a vat of ice and water, where it is quickly chilled, taking the granular form and looking like ordinary butter when in the granular form before being worked. It is then worked, salted if necessary, and printed or packed in tubs for shipment, often as fresh creamery butter.

How can the proponents of this measure contend in one breath that oleomargarine should be branded and marked so that the purchaser may be not deceived and then be consistent and contend that renovated or process butter be not marked and branded? If you are right in your first contention, then by the irrefutable force of logic you are wrong in your second position.

Now, gentlemen, why not adopt this amendment? It is not a case of the Greeks bearing gifts now, because a majority of the members of this House voting voted for this amendment during the consideration of this bill before it was sent to the Senate. I appeal to gentlemen who voted for this amendment before, be just to yourselves, be honest intellectually with yourselves, be consistent and vote yea—especially to the proponents of this measure do I appeal—vote now to protect the retail merchant, protect the consumer, by preventing this horrible stuff that is termed "renovated butter" from being sold as pure creamery butter. [Applause.]

Mr. TAWNEY. Mr. Chairman, the gentleman from Texas [Mr. BURLESON] has represented to the committee that this amendment is one that two-thirds of the members voting voted for when the bill was under consideration originally in this House.

Mr. BURLESON. Two-thirds of those present and voting.

Mr. TAWNEY. Two-thirds of those voting is the exact language. I have reread the amendment offered by the gentleman from Kentucky [Mr. ALLEN] and I will defy the gentleman from Texas to show me a word in the amendment to which he has referred that relates at all to the proposition which he now presents to this committee. He has talked and other gentlemen have talked about renovated butter——

Mr. BURLESON. Let me answer the gentleman's assertion.

Mr. TAWNEY. I will read the amendment.

Mr. BURLESON. I will read it.

Mr. TAWNEY. The gentleman must read it in his own time; he can not read it in mine. They have referred frequently to the renovated-butter amendment which was put in by the House, which the gentleman must now know, if he did not know it before, would have been an absolute nullity had it ever become a law. The gentleman knows, as well as other men in this House, that the Federal Government has no power to go into a State and supervise or inspect the manufacture of an article intended for sale within that State. But that is what you proposed in your renovated-butter amendment. It would, therefore, have been absolutely worthless. It would have absolutely failed in the accomplishment of the purpose for which you said it was intended.

Now, you are applauding yourselves because you have voted for something that would not accomplish what you intended to, and are criticising us because we have gone on and perfected the proposed plan of regulating the manufacture and sale not only of renovated butter, but of adulterated butter. Mr. Chairman, before I speak to the amendment I want to read the renovated-butter amendment which the gentleman from Texas [Mr. BURLESON] has commended so highly. It is as follows:

That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated Butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any

person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500, and imprisoned not less than one month nor more than six months.

Now, the gentleman's amendment does not relate at all to the marking or branding of the butter, but it relates to the packing. There is nothing in the renovated amendment adopted by this House that requires the manufacturer of renovated butter to pack that butter——

Mr. ALLEN of Kentucky. The gentleman does not mean that.

Mr. TAWNEY (continuing). The proposed amendment is that process or renovated butter shall be packed by the manufacturer thereof in firkins or tubs or other wooden packages not before used for that purpose.

Mr. BURLESON. Go on, go on.

Mr. TAWNEY. If the gentleman will keep quiet I will go on, but I will go on in my own way. Or other wooden packages not before used for that purpose. I say there is nothing in the renovated-butter amendment proposed by the gentleman from Kentucky and adopted by the House in regard to the character of the packages in which the renovated butter was to be packed. "Each containing not less than 10 pounds." There was nothing of that kind in the renovated-butter amendment which the gentleman from Kentucky [Mr. ALLEN] offered when this bill was originally before this House. "And marked and stamped and branded as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall prescribe, and all sales made by the manufacturers of adulterated butter shall be in original stamped packages." In the Senate amendment to this bill I find this provision on page 12:

All process or renovated butter and packages containing the same shall be marked with the words "Process butter," by mark, label, or brand, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia or to any foreign country until it has been marked as provided in this section.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I would like five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COWHERD. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. COWHERD. Is it not a fact, however, that the committee has recommended the striking out of the words "process butter?"

Mr. TAWNEY. The Committee on Agriculture does propose an amendment striking out the words "process butter," but I do not agree with the committee, and I shall propose a substitute for that amendment, and will do it with the consent of the gentleman in charge of the bill, and restore the words "process butter" and otherwise amend it so that the provision as it will read, if the amendment is adopted, will be as follows:

And all process or renovated butter and the packages containing the same shall be marked with the words "process butter" and by such other marks, labels, or brands as may be prescribed by the Secretary of Agriculture.

That would be the proposition as it would read if the amendment which I shall propose is adopted. With that amendment adopted, with the language in the bill as it is now, it is infinitely better than it would be with the much-exalted process-butter amendment which originated in the camp of the enemies of this bill.

Mr. BURLESON. If the gentleman will secure the assent of the Chairman of this committee or the gentleman having this bill in charge to the amendment he proposes, I will withdraw mine.

Mr. TAWNEY. I have that consent.

Mr. BURLESON. Then I withdraw my amendment.

The CHAIRMAN. If there is no objection, the amendment of the gentleman from Texas will be considered as withdrawn.

There was no objection.

Mr. FOSTER of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of lines 18 to 25, inclusive, on page 8, and all of lines 1 to 15, inclusive, on page 9, and insert in lieu thereof the following:

"That all adulterated butter, process butter, or renovated butter shall be put up by the manufacturer for sale in packages of one and two pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of adulterated butter, process butter, or renovated butter, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the words 'adulterated butter,' 'process butter,' or 'renovated butter' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of adulterated butter, process butter, or renovated butter shall first be wrapped with paper wrapper with the words 'adulterated butter,' 'process butter,' or 'renovated butter' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the words 'adulterated butter,' 'process butter,' or 'renovated butter' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each one and two pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the words 'adulterated butter,' 'process butter,' or 'renovated butter,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in adulterated butter, process butter, or renovated butter shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or two pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter, process butter, or renovated butter otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any adulterated butter, process butter, or renovated butter in any manner contrary to law, or who shall sell or offer for sale, as creamery butter, any adulterated butter, process butter, or renovated butter, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

Mr. FOSTER of Illinois. Mr. Chairman——

The CHAIRMAN. One moment.

Mr. FOSTER of Illinois. I anticipate, I think, the point which the Chair is going to make. I understand that, strictly speaking, this amendment is out of order until the first fifteen lines of the next page have been read.

The CHAIRMAN. The Chair will state that that portion of the gentleman's amendment which proposes to strike out a part of page 9 is not yet in order, but the gentleman may consider his amendment as so modified that it shall merely strike out a part of page 8, inserting in lieu thereof the matter which has been read; and the gentleman will be considered as giving notice that when page 9 has been read he will move to strike out the first fifteen lines.

Mr. FOSTER of Illinois. Mr. Chairman, the purpose of this proposed legislation, as we have been asked to understand it, is to prevent the perpetration of a fraud upon the public. The Senate amendment, as it appears in this bill, is copied almost verbatim from the present oleomargarine law which was passed in 1886.

When we considered this bill in the House before it went to the Senate, it was contended by the friends of the bill that the provisions of the present law did not sufficiently protect the public against fraud in the sale of oleomargarine. Complaint was made that the people were being constantly defrauded by dishonest retail dealers who fraudulently sold oleomargarine under the guise of butter, and that more drastic legislation was needed in order to stop the evil.

Now, if the provision of the present law does not protect the public against the fraudulent sale of oleomargarine under the guise of butter, let me ask the gentlemen who favor this bill, and who exhibit such intense concern for the public, and such feverish desire that the people be protected against fraud, how that same provision, which has been incorporated in this bill as a Senate amendment, is going to protect the public against the fraudulent and dishonest sale of adulterated butter, process butter, or renovated butter, under the guise of pure creamery butter? At least, try to be consistent when legislating to protect the public against fraud in the matter of adulterated, process, or renovated butter; do not foist upon them for their protection the same provision which you yourselves have rejected as insufficient to protect them in the matter of oleomargarine. The same condition obtains. The same question is involved.

The amendment which I offer will accomplish the desired end of preventing fraud in the sale of adulterated, process, or renovated butter, and in offering it I am entirely consistent, because it is practically section 6 of the substitute bill, offered by the minority of the Committee on Agriculture before this bill went to the Senate, and which had for its object the preventing of fraud in the manufacture and sale of oleomargarine, the only difference being that the words "adulterated butter," "process butter," or "renovated butter" are substituted for the word "oleomargarine."

You will notice the amendment that I have offered provides that all adulterated butter, process butter, or renovated butter shall be put up in packages not larger than 1 and 2 pounds, respectively, and to each package shall be affixed the tax-paid revenue stamp, and the wrapper shall have printed thereon the words "adulterated butter, "process butter," or "renovated butter," as the case may be, and that those words shall be impressed in sunken letters on each and every print, roll, or brick of adulterated butter, process butter, or renovated butter.

As I have said, Mr. Chairman, the object is to prevent the commission of fraud, and my amendment will absolutely prevent

its commission. We are told that under the present law, under present conditions, when a consumer presents himself and asks for 1 pound or 2 pounds of creamery butter, it is very easy for a dishonest dealer to put up 1 pound or 2 pounds of oleomargarine and hand it out to the customer as creamery butter. The same conditions will obtain in relation to adulterated, process, or renovated butter, if the Senate amendment is adopted. The dishonest dealer can still give out renovated butter, adulterated butter, or process butter in the guise of pure creamery butter. On the other hand, this will be impossible if my amendment is adopted, because under it a retail dealer can sell only in original packages.

Now, if gentlemen in this House who claim that their object is to prevent fraud are sincere in their contention, they can have no serious objection to the amendment which I have offered. I sincerely hope that all gentlemen will vote for this amendment, and I especially commend it to the consideration of the gentleman from Pennsylvania [Mr. BUTLER], who has expressed such an intense desire to prevent fraud.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I desire to prevent fraud, but, at the same time, to prevent fraud in a way that I may understand how the prevention is to be brought about. The gentleman from Illinois [Mr. FOSTER], who offers this amendment, brings it in at the eleventh hour, when it is too long to remember and almost too long to read. I do not propose that either he or the gentleman from Texas [Mr. BURLESON] shall single out the gentleman from Minnesota [Mr. TAWNEY] and myself as the two original sinful men of this House.

Mr. WADSWORTH. Well, you are under suspicion. [Laughter.]

Mr. MANN. You might easily lead the procession.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I can not stop to blow feathers with these gentlemen. We can not play all the time; we will play after a while.

I do not propose that we shall be understood here as standing in the way of legislation which has for its object the prevention of fraud. I want you to understand, now, that as soon as you come here with a proposition that will prevent in itself the adulteration, the renovation, the making over of butter that is to be sold upon the market as original butter (that is the term I use), I will cheerfully vote for your proposition. Bring it in, as this bill has been brought in here to prevent the sale of oleomargarine, as butter, making your proposition a single one. It is true, as the gentleman from Missouri [Mr. COWHERD] says, that this may be the way to legislate, but it is not the way to legislate understandingly. If you desire to accomplish the object that you evidently assume to seek, give us a bill and we will all vote for it, I have no doubt.

Mr. UNDERWOOD. Will the gentleman permit a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. UNDERWOOD. Did not the Agricultural Committee bring in this proposition of the Senate amendment to regulate process and renovated butter?

Mr. BUTLER of Pennsylvania. Yes.

Mr. UNDERWOOD. Has not that committee brought it before the House in the regular way?

Mr. BUTLER of Pennsylvania. Yes; but the gentleman from Missouri [Mr. COWHERD] says he hopes to defeat the bill by the use of the amendment.

Mr. WADSWORTH. The majority brought it in.

Mr. BUTLER of Pennsylvania. That is all right. I will take his word, because, as I said this morning, he is known on this side of the House for his perfect candor. It is not a scheme on the part of the dairymen alone, those who put their products through what is known as creameries, to pass this bill. I do not know what may be the character of the business of the people living in the district represented by the gentleman from Texas [Mr. BURLESON], but I am proud to remind him that I live in a county which stands third in the United States for agricultural and dairy products, according to the statistics in the Agricultural Department. There the farmers own their own creameries, and they demand the passage of this bill.

Let me remind those who argue the fact that because butter has gone up in price and milk has not, and therefore there is a conspiracy against the farmer by the creamery men, that in Pennsylvania, where creameries abound and where nearly every farmer has a direct interest in the creamery, at the end of each month there is made out an account of the sales of butter, and the moneys are divided accordingly among the farmers who produce and send the milk to the creameries. At most creameries the price of milk depends upon that of butter. Therefore, you can not properly state, or perhaps I ought to say you can not accurately state at this time, that because butter has gone up in price and milk has not advanced that there is a conspiracy against the producer of milk. At the end of the month he will discover whether or not he gets his profit. Let us wait for the fact.

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order that debate is exhausted.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment, if that is in order.

The CHAIRMAN. The gentleman from Illinois.

Mr. HENRY of Connecticut. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, it is an old saying, I believe, that it depends upon whose ox is gored, but that saying is now reversed; it depends upon whose cow is gored.

Mr. BUTLER of Pennsylvania. That is right.

Mr. MANN. The gentleman from Pennsylvania, my esteemed friend who represents a district filled with creameries—so full of creameries that on the byways it is almost impossible to lay out new roads or obtain pasture for the cattle—wishes to take care of the creameries; but the gentleman from Illinois, my distinguished colleague [Mr. GRAFF], who represents a district where farmers live who make their own butter and produce it, wants to take care of the renovated and process butter. He is willing to stifle the industry of oleomargarine, but he is not willing to apply the same test to renovated or process butter.

Mr. GRAFF. Will the gentleman permit a question at this time?

Mr. MANN. I am always delighted to hear the voice of my friend.

Mr. GRAFF. Who is it that the gentleman from Illinois wishes to take care of—the manufacturers of oleomargarine?

Mr. MANN. If the gentleman, my distinguished colleague, refers to me, I will state that I wish to take care of the people who eat butter and who eat oleomargarine. [Applause.] And to see that whoever they are, they have the same right of eating one that they have of the other. The gentleman, my colleague, wishes to see to it that the man can not buy oleomargarine unless he pays a tax of 10 cents a pound, but he can buy process or renovated butter, which is not nearly so good, without paying any tax at all. If the gentleman, as he claims, is interested only in preventing fraud, then prevent fraud on all sides and do not merely prevent fraud committed by one party. He is willing to prevent fraud committed by the right hand and to sustain fraud committed by the left hand.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will my friend answer a question?

Mr. MANN. Why, if I am able to.

Mr. BUTLER of Pennsylvania. If this amendment should go into the bill, will you vote for it?

Mr. MANN. Mr. Chairman, I shall not vote for any of the amendments to tax renovated or process butter. I shall not vote for the bill to tax oleomargarine. My record is clear. You want to vote for an amendment to tax oleomargarine, and you are afraid to vote for an amendment to tax the renovated or process butter. You can not accuse me of inconsistency, nor can you claim consistency on your own part.

Mr. WADSWORTH. Now, how does the gentleman from Pennsylvania feel?

Mr. BUTLER of Pennsylvania. Oh, I feel terribly bad. [Laughter.]

Mr. MANN. Mr. Chairman, I have no word to say against the people who make renovated or process butter or the people who eat renovated or process butter. It is made by a system which, it is said, absolutely leaves no taste, flavor, or odor of butter in it within a week from the time it is manufactured. When process butter is made all of the butyric acid and the butyric ether which give to butter the flavor and the odor are taken from it, and the only way they are put back is by rechurning the melted butter in milk, which puts in a small quantity of butyric ether and butyric acid, which leave the butter within a week's time, as testified by the experts; so that when the renovated or process butter is submitted to the consumer of butter it is submitted and sold only on its color. It is colored grease, pure and simple; nothing more.

Mr. WADSWORTH. And artificially colored.

Mr. MANN. And artificially colored, as my friend from New York suggests. So far as I am concerned, I am willing to take my chances. If I can not tell, when I buy process or renovated butter and put it upon the bread before me, whether I like it or not, I think it makes but little difference. I am willing to take my chances on knowing, when I eat a product of that kind, whether it tastes good or not. But I say that the gentleman who wishes to strike down one industry because it does not live in his district, and who wishes to sustain another industry which lives in somebody else's district, violates every principle of respectable or representative government. [Applause.]

[Here the hammer fell.]

Mr. HENRY of Connecticut. I ask for a vote on this amendment.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be considered as withdrawn. The question is on the adoption of the amendment offered by his colleague, the gentleman from Illinois.

The amendment was rejected.

The Clerk read as follows:

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

Mr. COWHERD. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert in line 16, page 10, afer the words "tax of," the following: "10 cents per pound to be paid by the manufacturers thereof; *Provided*, That when process or renovated butter is free from artificial coloration said tax shall be."

Mr. COWHERD. Mr. Chairman, I suppose it is utterly useless to offer any kind of an amendment to this bill; and, after the remarks of the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. GRAFF], that this bill should be allowed to be amended only by its friends—and I may say that expression sounds strangely familiar—I suppose it is exceptionally useless for any amendment to be offered by one who has at any time opposed the bill. But it seems to me that the good judgment of this House should control, and not simply the question as to whether an amendment is offered by any particular person. If I can offer to the House any good reason for supporting the amendment I propose, I submit to the gentlemen on the floor that that reason should not be set aside because of the source from which it comes.

Mr. MANN. May I ask the gentleman a question? Does the gentleman think he can appeal to the reason, or any reason, on the part of gentlemen who have been supporting this bill?

Mr. COWHERD. Well, I am very much afraid——

Mr. TAWNEY. If the gentleman will permit me——

Mr. COWHERD. Just let me answer that question first. I am very much afraid I can not. I have noticed during the discussion of this bill that the gentleman from Connecticut [Mr. HENRY], who is the Roderick Dhu of this occasion, arises at the end of each discussion and sounds a blast upon his bugle horn and the note is promptly reiterated by the chorus sitting at his right; and though the blast may not be "worth a thousand men," it is good for a majority of the Chamber, so I have but little hope of the passage of this amendment.

We have seen the same purpose manifested before, but never, I think, was it so frankly admitted as by the gentleman from Pennsylvania [Mr. BUTLER], my genial friend who spoke a few moments ago, who said that he "did not know what was in the bill and he did not care what was in the bill," but promptly announced that he was going to support it anyhow and was opposed to any amendment. Of course, if that is the temper of the House, if that is the disposition and the intention, to rush and ride this legislation through regardless of what may be in the bill, and to oppose all amendments, of course it is utterly unnecessary and wholly useless to appeal to the reason of the House.

Now let me state what my amendment is. I propose to put identically the words of the bill as applied to oleomargarine in the bill as applied to process or renovated butter—nothing more and nothing less. That this process or renovated butter shall come to the market in such a condition that the people may know what it is, that it shall be only taxed one-fourth of 1 cent a pound, just as oleomargarine is, and then, when it comes in imitation of pure farmers' butter or creamery butter, that it shall pay a tax of 10 cents a pound, just as colored oleomargarine does.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. TAWNEY. How would you administer a law of that kind? Could you ascertain whether coloring matter had been injected into the butter for the purpose of giving it an even more yellow color than it had?

Mr. COWHERD. There will be no trouble about that, Mr. Chairman. Every man knows that for practically ten months of the year coloring matter has to be put into pure butter. Every gentleman knows that.

Mr. MANN. And all of this has to be made under Federal supervision.

Mr. COWHERD. All of this has to be made under Federal supervision, and not only that, but this renovated butter is washed, and all the color has been taken out.

Mr. TAWNEY. Can you take color from butter by washing it?

Mr. COWHERD. You can wash out the artificial color in butter. The gentleman knows that the butter that goes into the market is artificially colored. Now, the gentleman says he thinks it can not be enforced. If it can not be enforced, then it will not hurt anybody. If it can be enforced, then the gentleman has aided us to stop another fraud. This entire bill attempts to draw a distinction between adulterated and renovated butter, and the idea that I gathered from the gentleman from Illinois [Mr. CANNON] as to the renovated butter is that it is the butter of the farmer. I deny it. I distinctly state that this renovated butter is gathered up from the scrap heaps of the country store and is not as it came from the farmers' kitchen. I understand that it is gathered also from the wholesale dealer, and from the retail dealer, and from the hotels and restaurants where it has grown rancid.

One of the objections that is made against oleomargarine is that when it is colored and sold that you can make a great profit out of it. What does the farmer get for his butter that has got old or rancid, so that it can not be sold until renovated? It sells at from 4 to 5, 6, and 7 cents a pound, and never practically more than 10 cents; and then when the renovator gets it it is marked and branded as pure creamery butter, and it goes into the market in competition with good butter from the farmer's kitchen and from the creamery at 30 and 35 cents a pound. If you are in favor of stopping frauds, if you are earnest in your arguments, join me in this proposed tax on renovated butter when artificially colored.

Mr. HENRY of Connecticut. Mr. Chairman, we all of us have unpleasant duties to perform, and it is exceedingly unpleasant, after listening to the eloquent remarks of the gentleman from Missouri to ask that his amendment be rejected. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COWHERD. I would like to have a division, Mr. Chairman.

The committee divided; and there were—ayes 61, noes 63.

Mr. COWHERD. I ask for tellers, it is so close.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri and the gentleman from Connecticut will kindly take their places as tellers.

The committee again divided; and the tellers reported—ayes 80, noes 101.

So the amendment was rejected.

The Clerk read as follows:

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

Mr. TAWNEY. Mr. Chairman, I think that in section 4 the amendment that has been adopted to the section ought to be concurred in before we proceed to section 5.

Mr. HENRY of Connecticut. They are both one amendment.

Mr. TAWNEY. The amendments to section 4 by the committee, I think, ought to be concurred in, and I make that motion.

The CHAIRMAN. The Chair will suggest that this is all one Senate amendment, numbered 9, and that the vote upon the entire amendment will be in order when the amendment is read.

The Clerk proceeded with the reading of the amendment, as follows:

All parts of an act providing for an inspection of meat for exportation, approved August 30, 1890, and of an act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, and of amendment thereto approved March 2, 1895, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same for exportation or transmission from one State to another.

All process butter and the packages containing the same shall be marked with the words "Process butter" by marks, label, or brands, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health and

unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than $50 nor more than $500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

The committee amendments to the Senate amendment were read, as follows:

On page 11, line 5, insert at the beginning of the line, "SEC. 5."

Same page, line 10, strike out the word "meat" and insert the word "meats."

Same page, line 24, after the word "same," strike out "for exportation or transmission from one State to another."

On page 12, line 1, after the word "process," insert the words "or renovated."

Same page, line 3, strike out the words "the words 'Process butter' by" and insert the word "such."

Same page and in the same line, after the word "marks," strike out the word "label" and insert the word "labels."

Same page, in lines 20 and 21, insert after the word "States," the words "or in course of exportation or shipment."

Mr. TAWNEY. Mr. Chairman, I have an amendment I wish to offer.

The CHAIRMAN. The Chair would suggest that the question is on the amendments offered by the Committee on Agriculture.

Mr. TAWNEY. I want to offer a substitute for one of the amendments to restore in line 3, page 12, the words, "Process butter," and I want to offer it in this way, so that it will read at the beginning of line 3:

Renovated and process butter, and by such other marks, labels, and brands and in such manner as may be prescribed by the Secretary of Agriculture.

It substitutes after the words "process butter" the words "renovated or," and after the word butter the word "and," and after the word "such" the word "other," and after the word "brands," in line 4, the word "and."

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

In line 3, after the word "words," insert the words "renovated or." After the word "butter" insert the word "and."

The CHAIRMAN. The Chair would suggest that it would be more in order to first vote down the committee amendment and then vote upon the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. I offer this as a substitute for the committee amendment.

The CHAIRMAN. The gentleman's amendment is hardly in parliamentary condition, for he first moves to strike out and then insert.

Mr. TAWNEY. Well, I will ask the gentleman from Connecticut to withdraw the committee amendment.

The CHAIRMAN. The Chair will put the question first on the adoption of the committee amendment to strike out "the words process butter by."

Mr. COWHERD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COWHERD. Do I understand the Chair is going to put first the motion to strike out "the words process butter by?"

The CHAIRMAN. The question is on striking out "the words process butter by." That is the amendment recommended by the Committee on Agriculture.

Mr. COWHERD. Will the amendment offered by the gentleman from Minnesota then be in order?

The CHAIRMAN. Certainly. The question is on the adoption of the amendment offered by the Committee on Agriculture.

The question was taken, and the committee amendment was rejected.

The CHAIRMAN. Now, the gentleman from Minnesota moves to insert, after "the words," in line 3, the words "renovated or;" and after the word "butter" the word "and."

Mr. WANGER. Mr. Chairman, I would like to ask the gentleman from Minnesota if he does not think a better amendment would be to put in the words renovated butter or process butter. I do not think he wants the words renovated or process butter on each particular package, he wants one or the other.

Mr. TAWNEY. I agree with the gentleman, although I did not think it would be so construed.

The CHAIRMAN. Does the gentleman from Minnesota modify his amendment?

Mr. TAWNEY. So as to insert "renovated butter or;" so it will read "renovated butter or process butter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert before the word "process," in line 3, the words "renovated butter or," and after the word "butter" the word "and."

The CHAIRMAN. If there is no objection the two amendments will be considered together.

Mr. WADSWORTH. Mr. Chairman, I would like to have the amendment read from the desk.

The CHAIRMAN. Without objection the Clerk will report the amendment.

The Clerk read as follows:

In line 3, before the word "process," insert the words "renovated butter or," and insert after the word "butter" the word "and," so it will read "renovated butter or process butter and by."

Mr. TAWNEY. I also wish to add the word "other" after the word "such."

The CHAIRMAN. That would be an amendment to a committee amendment which has not been voted upon. The first question is on the first amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now, the question is on the committee amendment to insert the word "such" in line 3, and the gentleman from Minnesota offers an amendment to that amendment to insert the word "other" after the word "such." The question is on the adoption of the amendment to the amendment.

The question was considered, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the adoption of the committee amendment as amended.

The question was considered and the amendment as amended was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, I offer a further amendment, to insert after the word "brands," in line 4, the word "and."

The CHAIRMAN. The first question is on the committee amendment to strike out the word "label" and insert "labels."

The question was considered, and the amendment was agreed to.

Mr. TAWNEY. I now offer the amendment to the Senate amendment by inserting the word "and" after the word "brands," in line 4.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I move that the committee recommend concurrence of the House to the amendments in this section.

Mr. CLARK. Mr. Chairman, I want to ask these gentlemen a question or two that goes to the very heart of the bill.

The CHAIRMAN. The Chair will state that there is nothing before the committee.

Mr. CLARK. I move to strike out the last two words. Is there anything in this process-butter legislation that you are getting up here that permits farmers to renovate or recast or rework over their own butter?

Mr. TAWNEY. There is nothing to prevent them from doing it.

Mr. CLARK. Is there anything to permit them?

Mr. TAWNEY. There is nothing to prevent. Of course they are permitted to do it.

Mr. CLARK. Where is the part of the bill that permits them to do it?

Mr. TAWNEY. There is no provision of the bill whatever in regard to that point, so far as the farmer is concerned.

Mr. CLARK. Is there any provision in this bill which confines to wholesale dealers or manufacturers these prohibitive clauses or sections, or does the bill take all creation into its sweep?

Mr. TAWNEY. The bill relates exclusively to retailers, wholesalers, and manufacturers.

Mr. WADSWORTH. Does not the tax of a quarter of a cent a pound apply to the farmer who makes this product in his own cellar?

Mr. TAWNEY. No; it does not.

Mr. WADSWORTH. I thought it did. I thought it applied to all process butter.

Mr. TAWNEY. Oh, no. There is no provision that can be construed as imposing a tax upon butter that has been worked over by the farmer on his own premises.

Mr. WADSWORTH. Then, within the meaning of the bill, the farmer who works the butter over in his own cellar is not a manufacturer of process butter?

Mr. TAWNEY. In answer to the gentleman I will read the language of the bill:

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Mr. WADSWORTH. Would not the man be doing it "as a business" if he worked the butter over in his own cellar?

Mr. TAWNEY. No; certainly not.

Mr. WADSWORTH. Suppose he buys butter from his neighbors and works it over?

Mr. TAWNEY. If he goes out among his neighbor farmers

and buys up their rancid butter and works it over and sells it he is making a business of it, and is a manufacturer.

Mr. WADSWORTH. Have you provided in this bill any precautions against that thing being done?

Mr. TAWNEY. The provisions of the bill in regard to manufacturers would apply to such a man.

Mr. WADSWORTH. Who is to look after him under the provisions of this bill?

Mr. TAWNEY. The Agricultural Department.

Mr. WADSWORTH. He does not pay any license fee, does he?

Mr. TAWNEY. Certainly he does.

Mr. CLARK. Does this tax of one-fourth of a cent a pound apply to the farmer?

Mr. TAWNEY. It does not.

Mr. CLARK. But the very minute he commences selling this stuff he becomes a retailer, does he not?

Mr. TAWNEY. The farmers are not making renovated butter.

Mr. CLARK. Suppose the farmer does do this?

Mr. TAWNEY. As a business?

Mr. CLARK. It may be part of his business to take the butter he has on hand and put it through some kind of a process—to renovate it or refresh it—I do not care a straw what you call it. Now, the very minute he undertakes to sell a pound of that butter, does he not become a retail dealer under the language of this bill?

Mr. TAWNEY. I do not think he does. The farmer, when he has manufactured his butter, generally wants to get it to market as soon as possible. He does not want to hold it.

Mr. CLARK. I understand that perfectly well; but if this bill interferes with the farmer working over his own butter and selling it, the man who votes for it will never get back to this House.

Mr. TAWNEY. Well, we are just as anxious about that as the gentleman from Missouri. [Laughter.]

Mr. MANN. That is what they are bringing in this bill for; that is the only object.

Mr. CLARK. If they put in anything of that kind, they are missing their cue.

Mr. BURLESON. I have an amendment which should have been offered on page 7, and which perhaps I may not be permitted to offer after the next section has been read. Therefore I will offer it now:

Insert after "court," line 4, page 13, the following: "Every person who sells or offers for sale adulterated butter in the original manufacturer's packages shall be deemed a wholesale dealer in adulterated butter. But any manufacturer of adulterated butter who has given the required bond and paid the required special tax and who sells only adulterated butter of his own production at the place of manufacture in the original packages to which the tax-paid stamps are affixed shall not be required to pay the special tax of a wholesale dealer in adulterated butter on account of such sales."

The CHAIRMAN. The gentleman will suspend for a moment. The Chair will state that the consideration of that amendment will be in order immediately after the consideration of the remaining committee amendments which have not yet been passed upon. If there be no objection, the remaining committee amendments will be considered together.

Mr. MANN. As to this section, or all through?

The CHAIRMAN. As to the paragraph which has just been read, section 5. The Chair hearing no objection, will put the question on all the remaining amendments as to the paragraph last read.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] offers the following amendment, which the Clerk will report.

The Clerk again read the amendment.

Mr. BURLESON. Mr. Chairman, I would like to state to the gentleman that the only purpose of this amendment is to deal justly and fairly with the manufacturer of adulterated butter. There is not a manufacturer of adulterated butter in my district, or in the State of Texas, for that matter, but under the provisions of this bill—and it will not be denied—the manufacturer of adulterated butter who manufactures for the purpose of exportation will be required to pay a $600 tax as a manufacturer, and after he has complied with the requirements of this law by executing a bond and the additional requirements he will then be called upon to pay an additional tax of $480 as a wholesale dealer for disposing of his own product.

The sole purpose of this amendment is to provide that when the manufacturer of adulterated butter has complied with the requirements of this law, by executing a bond, etc., and disposes alone of the product of his own factory, he shall not be required to pay the tax of a wholesale dealer. That is the purpose of the amendment.

Mr. WANGER. How is the manufacturer of oleomargarine treated in that respect?

Mr. BURLESON. Just exactly as I propose to treat the manufacturer of adulterated butter by the terms of this amendment. It puts him upon all fours with the manufacturer of oleomargarine.

Mr. TAWNEY. I will ask, Mr. Chairman, that the amendment be reported again.

The CHAIRMAN. Without objection the amendment will be again read.

The Clerk again read the amendment.

Mr. TAWNEY. Mr. Chairman, that is simply an additional definition of a wholesale dealer in adulterated butter, and provides that the manufacturer of adulterated butter, whose product is sold on his own premises, or at his own place of manufacture, on which the special-stamp taxes have been paid, shall be exempt from the payment of the license taxes. To my mind that amendment would very likely lead to fraud in the manufacture and sale of adulterated butter.

Mr. BURLESON. Why, it is impossible.

Mr. TAWNEY. There would be no license. He would take out no license. The Government would have no record at all of the location of his place of business. The Government would not know whether or not he was paying the tax upon his product, because it would have no notice, and the only way the Government officials could ascertain would be by ferreting out or constantly looking out for men engaged in the manufacture of process butter without having first paid the license tax.

Now, in the application of that to oleomargarine, it is entirely different. The manufacturer of oleomargarine does not manufacture for sale in his immediate community. He manufactures for sale elsewhere. Hence he is obliged to take out the special license tax whether he wants to or not. But this would enable any number of men to engage in the business of manufacturing adulterated butter for sale ostensibly right at their own place of manufacture and pay, if they wanted to, the taxes or stamp tax. But how would the Government know, how would the internal-revenue officials be able to protect the Government against fraud in the event that they manufactured adulterated butter and did not pay the tax, except that they might accidentally run across the fact that they were manufacturing adulterated butter in violation of law. I do not think, Mr. Chairman, that the amendment ought to be adopted, and so far as it defines retail or wholesale dealers it is unnecessary, as that is sufficiently covered now in the Senate amendment.

Mr. BURLESON. Mr. Chairman, the gentleman from Minnesota is wholly mistaken. This amendment of mine does not attempt to define a wholesale dealer in adulterated butter. It does not attempt to define a retail dealer. It does not destroy a single provision or stipulation in this measure regulating the manufacture or sale of adulterated butter. The sole purpose of the amendment is to relieve the manufacturer of adulterated butter from paying the $480 tax as a wholesale dealer where he disposes of the product of his own factory and none other. It does not affect a single stipulation or provision or safeguard in this bill that is thrown around the manufacture or sale of adulterated butter.

As a matter of fact—and we all know it—after the passage of this bill every adulterated-butter factory, every factory engaged in the manufacture of adultered butter, will immediately become a factory for the manufacture of process or renovated butter, and we will have no adulterated-butter factory in this country; but we should throw this protection around the manufacturer of adulterated butter if one should continue in the business. It is just; it is fair. It simply places him upon all fours with others similarly engaged, and I challenge a denial of the proposition. It simply places him upon all fours with the manufacturer of oleomargarine.

Talk about no governmental supervision! Why, every package that he manufactures is required to be put up in a certain character of box, tub, or bucket and stamped before it can be removed from his factory. The only effect of this amendment is to save him from paying double taxes; that is, taxes as a manufacturer and taxes as a wholesale dealer. This amendment is a fair one—it is founded upon justice and fairness; but of course it will be rejected unless the gentleman from Minnesota, who seems to have taken charge of this bill, can be made to understand it and agree to accept it. The word has gone forth—no amendments unless they come from friends of the measure.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Texas.

The question being taken, on a division (demanded by Mr. BURLESON) there were—ayes 40, noes 54.

Accordingly the amendment was rejected.

Mr. HENRY of Connecticut. Mr. Chairman. I move that the committee recommend concurrence in the Senate amendment as amended.

The CHAIRMAN. The gentleman from Connecticut now moves that the committee recommend concurrence in Senate amendment No. 9, with the amendments which have been made thereto.

The motion was agreed to.

The Clerk read as follows:

In line 5, after the word "oleomargarine," insert "process, renovated, or adulterated butter"

Mr. HENRY of Connecticut. I move concurrence.

The CHAIRMAN. The gentleman from Connecticut moves to concur in Senate amendment No. 10.

Mr. MANN. Mr. Chairman, I just want to submit one observation to the committee in the final moments of the passage of this bill, so far as this House is concerned, and that is that the gentlemen who have prepared this bill have overreached themselves. I do not think I would say this if I thought they would pay any attention whatever to any suggestion made by one outside of their own coterie and acting under the orders of their own captain. This bill is unconstitutional so far as it applies to oleomargarine. I am rather inclined to think it will be held constitutional in so far as it applies to process or renovated butter, but it will be held by the court that it is beyond the province of Congress to say that in the use of the taxing power we can tax oleomargarine which contains beef fat a higher rate than we tax oleomargarine which contains cotton-seed oil or hog fat.

They will say that it is beyond the power of Congress to levy a higher tax upon oleomargarine that is green than oleomargarine which is yellow, and that it is beyond the province of Congess to levy a higher tax upon oleomargarine which contains an additional harmless element, giving it color. It is within the constitutional power of Congress to levy a tax of one-half cent or 10 cents or 50 cents per pound on oleomargarine. I do not question that the Supreme Court will hold that it is within the province of Congress to apply the taxing power upon any of the products of manufacture; but I say that the Supreme Court will hold that Congress can not make a distinction between two products identically the same, because one contains an additional coloring ingredient, harmless, so far as health is concerned; and the gentlemen who are priding themselves upon the passage of this bill will find in the end that it will be a slap at the men who make butter at the farmside and in the creamery, and who afterwards want it churned into renovated or process butter, but that it will not injuriously affect the manufacture of oleomargarine.

Mr. RAY of New York. Mr. Chairman, I desire to say a word in regard to this bill in the closing hours of the debate. The gentleman from Illinois [Mr. MANN] representing the hog, and representing the beef interests——

Mr. MANN. Mr. Chairman, I do not know what the gentleman represents, but there are no hogs in my district, not even two-legged ones.

Mr. RAY of New York. Well, then, I am mistaken as to the residence of a great many. [Laughter.]

Mr. MANN. The wonder is not that the gentleman is mistaken. That is no wonder.

Mr. RAY of New York. Well, the gentleman's interruption and the speech that he made before I took the floor are in perfect accord with the opposition that he has made to the enactment of this bill. He predicts, and even asserts, that if it becomes a law it will be pronounced unconstitutional by the Supreme Court of the United States. He speaks for the court, and we would naturally think that there was combined in him all knowledge as to the law.

Now, I venture a prediction, and that is that when this law is put upon the statute book that it will be, if contested in the courts, pronounced constitutional in every respect. It would have stood the test better had it not been interfered with and mangled in some of its good features by those who pretend to be favorable to the farmer, to be representing him and his interests. While claiming to be in the interest of the farmer, they have really been attempting to make this bill unpopular, to create feeling against it, to inject unconstitutional provisions into it.

Now, I come, Mr. Chairman, from a dairy district. I represent thousands of farmers. The farmers and business men of the State of New York are interested in and favor this bill. I live also near the borders of the great State of Pennsylvania, which is interested in and favors this bill. The farmers in those dairy States and in all the dairy States of this great nation understand this legislation. They understand what is and what is not in their interest. They know what they want and almost to a man the farmers of this great country interested in honest dealing have been clamoring for the enactment of this bill through the months and even the years. They are not fearful of its operations; they will reap the just rewards of their labor when in operation.

This has been a fight between the dairymen of the United States—the friends of the cow, if you desire to so put it—and those who want to force upon those laboring men and poor people who do not know the difference between good butter and poor butter a compound composed of refuse lard or hog fat, refuse beef fat, and cotton-seed oil mixed with a little cream and butter, thus forming an offensive substance really, an indigestible substance really, something that is not fit for food, something that not one man on the other side of the House or on this side of the House, who has been standing as the representative of oleomargarine, would eat if he had it placed before him, and knew it.

Mr. BURLESON. Do you say the laboring man does not know the difference between bad and good butter?

Mr. RAY of New York. Mr. Chairman, the laboring man by looking at it does not know it; chemists in some cases by looking at it are mistaken in identifying it. But when they take it into their stomachs, when they undertake to use it as food, then they do know it. This bill is to protect the people, the farmers, and the consumers of these two articles of food, and it will prove a boon and a blessing to the farmer; it will prove a boon and a blessing to the laboring man, to all poor people, for it will prevent their being imposed upon, and throughout the length and breadth of this land the farmers will rejoice when this bill becomes a law. [Applause.]

Mr. MANN. Mr. Chairman——

Mr. TAWNEY. I make the point of order that debate upon this amendment is exhausted.

Mr. MANN. I move to strike out the last word of the amendment. That is a point of order that was unnecessary for the gentleman to make.

The distinguished gentleman from New York [Mr. RAY] took occasion in his remarks to make a fling at me for the suggestion which I made in reference to the law, that it might be unconstitutional. Of course if I had had the distinguished gentleman's opinion upon the constitutionality of this law before I spoke I would have remained silent; because everybody in the country—aye, in the world—knows that when the distinguished chairman of the Committee on the Judiciary of the House passes his opinion upon a question of law or the Constitution, the courts stand aside and wait in awe. [Laughter and applause.]

Mr. RAY of New York. Mr. Chairman, just a moment. I want to say this. The courts do not stand aside in awe, but view what I assert with respect. I have never yet expressed an opinion on the constitutionality of a question, in a brief or otherwise, and had it overruled by any court.

Mr. WILLIAMS of Mississippi. That is what the gentleman said.

Mr. MANN. That confirms my statement.

Mr. HENRY of Connecticut. I renew my motion.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be considered as withdrawn. The question is on the motion of the gentleman from Connecticut, that the committee do recommend concurrence in the tenth Senate amendment.

Mr. McRAE. Mr. Chairman——

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it, and it is concurred in.

Mr. McRAE. I desire to offer an amendment.

The CHAIRMAN. The Chair will state that the committee has agreed to a motion to concur.

Mr. McRAE. But I was on my feet and was trying to get the attention of the Chair.

The CHAIRMAN. The Chair did not hear the gentleman, and the Chair had at least put one side of the question.

Mr. McRAE. That is not my fault.

The CHAIRMAN. It will require unanimous consent. But the Chair will be very glad to submit that to the committee.

A MEMBER. I object.

Mr. McRAE. I suggest that it is not a matter that requires unanimous consent.

The CHAIRMAN. The question having been put, and concurrence having been agreed to, unanimous consent is required to vacate the vote by which the committee concurred.

Mr. McRAE. But I submit that the Chair can not afford to say that, being on my feet and doing all that I could to attract the attention of the Chair, that he can not entertain my motion.

The CHAIRMAN. The Chair did not know that the gentleman proposed to make a motion, and did not see him on his feet until after the question had been put—at least one side of it.

Mr. WANGER. I ask unanimous consent that the vote be vacated, in order that the gentleman may make his motion.

The CHAIRMAN. Unanimous consent is asked that the committee vacate the action of concurrence.

Mr. SHATTUC. I object.

The CHAIRMAN. Objection is heard.

Mr. WILLIAMS of Illinois. I suggest, Mr. Chairman, that no one has addressed the Chair.

The CHAIRMAN. The point of order is sustained. No gentleman rose and objected, and no objection being heard, the gentleman from Arkansas will be recognized.

Mr. McRAE. I offer this, Mr. Chairman, as an independent section at the end of the Senate amendments to the bill.

Mr. TAWNEY. If it is not offered as an amendment to the

Senate amendment, I make the point of order that it is not in order.

Mr. McRAE. It is a proposition to lay a tax of 10 per cent upon any persons or corporations who make a butter trust.

The CHAIRMAN. The Chair would like to inquire where it is proposed to insert this amendment.

Mr. McRAE. At the end of the bill as an independent section.

Mr. TAWNEY. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. McRAE. I would like to have the amendment read.

Mr. WADSWORTH. Let us have the amendment read, Mr. Chairman.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter or which tends to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for exports. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

The CHAIRMAN. The gentleman from Minnesota will state his point of order.

Mr. TAWNEY. The point of order is that it is not an amendment to any Senate amendment. The preceding section has been concurred in. And I make the further point of order that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Arkansas desire to be heard?

Mr. McRAE. Mr. Chairman, I propose this as a new section, to be added to and to follow after what is amended as section 7. Originally it was section 5, but the Senate has proposed to change the numbers so as to make it 7.

Now, Mr. Chairman, this bill has once been decided to be a revenue bill. It does lay a tax upon certain persons who are engaged in the business of selling imitation butter. Now, in order to protect the people of this country against a monopoly in this food product that is sought to be aided by the passage of this bill, I propose, by this amendment, to tax the products of all concerns that engage in a combination for the purpose of enhancing the price or monopolizing the market of butter the same per cent that is laid on oleomargarine and colored butter. It seems to me that if the bill itself is a revenue bill and its provisions are to be enforced by the Internal Revenue Commissioner, then it is in order to lay a tax on a trust if the article protected by this bill becomes the subject of that trust. It is germane, and that is the only question, I think.

The CHAIRMAN. Upon a motion made yesterday to amend a portion of the text of the bill, the Chair ruled, following a decision made by Speaker Carlisle, that it was not within the power of the House, and consequently not within its power while in Committee of the Whole House, to amend any portion of the bill which had been agreed upon by both the House and Senate. This amendment proposes to amend the text of the bill which has so been agreed upon by both Houses by adding entirely new matter thereto. The Chair sustains the point of order.

Mr. McRAE. I would like to make a statement in that connection. It is this: That there is not a single section of this bill which has been agreed to by both Houses; the whole thing is carried into conference.

The CHAIRMAN. The Chair will state that in addition to the decision of Speaker Carlisle the attention of the Chair has been called to a ruling by Speaker Randall on June 9, 1880, to the same effect, that no new matter can be put into the text of the bill which has been agreed upon by both Houses. All that is before the House is the consideration of the Senate amendments, and the Chair sustains the point of order.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. Has the Chair's attention been called to the ruling by the gentleman from Minnesota that the House can put anything in the bill it pleased without regard to the germaneness of it? [Laughter.]

Mr. TAWNEY. It is not a question of germaneness.

The CHAIRMAN. The Chair has not had its attention called by the gentleman from Minnesota to any such ruling. The Clerk will read the next amendment.

The Clerk read as follows:

Amend the title so as to read: "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886."

Mr. HENRY of Connecticut. Now, Mr. Chairman, I move that the committee recommend concurrence in this amendment.

The motion was agreed to.

Mr. HENRY of Connecticut. I believe, Mr. Chairman, that completes the consideration of the Senate amendments, and I now move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to House bill 9206, and had instructed him to report that the committee recommends concurrence with Senate amendments 1 to 8, inclusive, and that it recommends concurrence with Senate amendment 9 with an amendment, and that it recommends concurrence in Senate amendments 10 and 11.

The SPEAKER. The gentleman from Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration Senate amendments to House bill 9206, and instructs him to report the same back to the House recommending concurrence in all amendments from 1 to 8, inclusive, and concurrence in amendment No. 9 with an amendment, and concurrence in amendments 10 and 11. Is a separate vote demanded upon any one?

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House concur with the recommendation of the committee, and upon that I demand the previous question.

The SPEAKER. The gentleman from Connecticut moves that the House agree with the recommendation of the Committee of the Whole House and demands the previous question.

The previous question was ordered.

The SPEAKER. The first question will be on concurring in amendments 1 to 8, inclusive, and amendments 10 and 11.

The question was taken, and the amendments were concurred in.

The SPEAKER. The question now is on concurring in Senate amendment No. 9, with the sundry amendments recommended by the committee.

The question was taken, and the recommendation was agreed to.

On motion of Mr. HENRY of Connecticut, a motion to reconsider the several votes was laid on the table.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 10847. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

LEAVE TO PRINT.

Mr. UNDERWOOD. I ask unanimous consent to extend in the RECORD my remarks made the other day on the "omnibus bill" by inserting some extracts from the CONGRESSIONAL RECORD.

There being no objection, leave was granted.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903. Pending this motion, I would like to arrive at an agreement in regard to time to be occupied in general debate.

Mr. WILLIAMS of Mississippi. I suggest three hours on a side.

Mr. WADSWORTH. I trust we shall not require that much time. I ask unanimous consent that general debate be limited to four hours—two hours on each side.

Mr. WILLIAMS of Mississippi. I shall be compelled to object to that proposition. I have consulted as well as I could members on this side of the House, including my colleagues on the committee, and I am satisfied that three hours will be required on this side. If we fix six hours as the aggregate time, we shall have till five o'clock to-day, and can probably finish to-morrow the general debate and dispose of the bill before the House adjourns.

Mr. WADSWORTH. I do not wish to curtail unnecessarily the general debate, but I do not think that six hours will be consumed.

Mr. WILLIAMS of Mississippi. If the gentleman thinks that three hours will not be required on his side, then I suggest that we proceed without any agreement. If, after this side has occupied three hours, an equal amount of time is not desired on the other side, of course it need not be used.

Mr. WADSWORTH. Very well; I will accept the gentleman's proposition, with the understanding that, if six hours' debate should not be required, we can, whenever the general debate appears to be exhausted, go on with the debate under the five-minute rule.

Mr. WILLIAMS of Mississippi. Then, as I understand, the request is that six hours of general debate be permitted, three hours on each side, the time on one side to be controlled by the gentleman from New York [Mr. WADSWORTH] and on the other side by myself, and that if so much time should not be required for the general debate, we may proceed at once to the consideration of the bill under the five-minute rule.

The SPEAKER. The Chair will restate the request. It is that general debate be limited to six hours—three hours on a side; the time on one side to be controlled by the gentleman from New York, the chairman of the Committee on Agriculture, and on the other side by the gentleman from Mississippi [Mr. WILLIAMS]; and if it be found that six hours are not required, the remainder of the time be occupied under the five-minute rule. Is there objection to this request? The Chair hears none, and it is so ordered.

The motion of Mr. WADSWORTH, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill, was then agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. POWERS of Maine in the chair) and proceeded to the consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

Mr. WADSWORTH. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection; and it was ordered accordingly.

Mr. WADSWORTH. Mr. Chairman, I will detain the House for only a few minutes in stating the main appropriations carried by this bill. The total amount appropriated by the bill for the Department of Agriculture is $5,115,570. The amount carried by the bill for the fiscal year 1901–2 was $4,577,420, there thus being a net increase of $576,150 for the coming fiscal year. This is a very liberal increase, particularly when considered in connection with the increases allowed in recent years, according to the following statement:

For 1897-98 the appropriation was $3,182,902.
For 1898-99 it was $3,509,202, an increase of $326,300.
For 1899-1900 it was $3,726,022, an increase of $216,820.
For 1900-1901 it was $4,023,500, an increase of $297,478.
For 1901-2 it was $4,582,420, an increase of $558,920.

It will thus be seen that the increase for the last fiscal year, together with that proposed by the bill for the ensuing fiscal year, is, in round numbers, $1,135,000.

The following is a comparative exhibit of the appropriations for the different bureaus and divisions of the Agricultural Department for the current fiscal year and for the coming fiscal year:

	Current fiscal year.	1902-3.	Increase.
Office of Secretary	$71,670	$73,690	$2,020
Weather Bureau	1,148,320	1,251,760	103,440
Animal Industry	1,154,030	1,247,180	93,150
Plant Industry	496,680	601,780	105,100
Forestry	185,440	282,860	97,428
Chemistry	35,800	73,200	37,400
Soils	109,140	168,960	59,820
Entomology	36,200	57,200	21,000
Biology	32,800	45,600	12,800
Accounts	18,900	24,100	5,200
Publications	198,020	228,820	30,800
Experiment stations	789,000	792,000	3,000
Silk investigations	Nothing.	10,000	10,000
Total increase			581,150
But deducting $5,000 carried in last year's bill for preparing plans of new building for Department of Agriculture			5,000
Leaves a total net increase for administration purposes of			576,150

It will be observed that there is in the present bill a new item of appropriation—$10,000 for silk investigation.

We have also recommended, Mr. Chairman, an increase in the salaries of certain scientists at the head of certain bureaus in the Department, as follows: Chiefs of the Bureaus of Animal Industry, Plant Industry, Forestry, Chemistry, and Soils, $500; $250 to the zoologist of the Bureau of Animal Industry, and $200 to one engineer of the Weather Bureau, who has charge of the engine room and also the electrical plant; a total actual increase in salaries of $2,950.

The apparent increase in the salary rolls, Mr. Chairman, of the several bureaus and divisions is not an actual increase either of salary or clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls and who were then, as now, part of the permanent force of the Department. These transfers were made on the recommendations of the Agricultural Committees of both the Senate and the House. The increase in the salaries recommended of the scientists at the head of the several bureaus has been granted, because the committee is convinced that the salaries now paid to them are much below those paid by the higher class educational institutions of this and foreign countries for the same class of service.

After a careful consideration and numerous extended hearings and investigations, the judgment of the committee is that the amount recommended by the committee will be ample to keep all branches of the Department of Agriculture well in advance of the needs of the country for the coming fiscal year, where it is the wish and intention of the committee to keep it. Now, with that brief statement and outline of the bill, I will say no more at present, but will be glad, under the five-minute rule, when we take up the bill by paragraphs, to answer all questions.

Mr. MANN. I would like to ask a question in reference to this increased appropriation. Last year or this current fiscal year, as the gentleman will remember, there was quite a shortage in the appropriation for the Bureau of Animal Industry.

Mr. WADSWORTH. There was a shortage of $40,000, which was made good in the urgent deficiency bill. That was caused by the increased export demand for beef and pork and therefore the increased demand for the inspection of those articles by the department. This year we have allowed an increase of $93,000, which I believe, in the face of the increased price of beef and pork, will be ample, because with the increased price of beef and pork the exports must fall off. I will say to the gentleman that should this amount not be sufficient we will make it good in the urgent deficiency bill at the beginning of the next session.

Mr. MANN. If the gentleman will permit me, he can not make it good in the deficiency bill. This year the Department of Agriculture notified the packers that the appropriation would be exhausted and that inspection would cease, and it caused a considerable flurry in the trade, which the gentleman will agree ought not to occur if it could be prevented.

Mr. WADSWORTH. I think the Department made a mistake in giving that notice to exporters before consulting with Congress, because Congress has never denied to that Bureau ample appropriations. It is one of the most important in the Department. It deals with one of the most important branches of our export trade.

Mr. ROBINSON of Indiana. Will the gentleman permit a question?

Mr. WADSWORTH. Yes.

Mr. ROBINSON of Indiana. In the dim past somewhere the agricultural bill of this kind presented by the gentleman had some provision with reference to object-lesson roads, with large expenditures. Is there anything like that in this bill?

Mr. WADSWORTH. The same appropriation carried last year will be carried this year. The gentleman will find it on page 47 of the bill. I will read it:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $20,000.

Mr. ROBINSON of Indiana. What is the amount of the appropriation?

Mr. WADSWORTH. Twenty thousand dollars; the same as last year.

Mr. ROBINSON of Indiana. That does not embrace this large expenditure of a year or two ago on the subject of object-lesson roads?

Mr. WADSWORTH. The Bureau has never carried a larger appropriation than that.

Mr. ROBINSON of Indiana. I understood the appropriation bill one or two years ago provided something like $50,000 for the purpose of constructing roads of a mile in length in different States. There is nothing of that kind in the bill, I understand the gentleman.

Mr. WADSWORTH. I think there was an effort on the floor to amend it in that particular, but the amendment did not carry.

Mr. ROBINSON of Indiana. Is there anything in this bill with reference to a retirement fund or pension list?

Mr. WADSWORTH. Nothing at all.

Mr. WM. ALDEN SMITH. I would like to ask with reference to the scientific work provided for in this bill, in the Department of Agriculture, has it been increased or diminished?

Mr. WADSWORTH. It has been very largely increased, as the gentleman will see by the report I have just read.

Mr. WM. ALDEN SMITH. I desire to ask especially with reference to the Division of Pomology and Plant Industry.

Mr. WADSWORTH. That comes under the Bureau of Plant Industry. That appropriation has been increased $105,000. The Plant Industry consists of five or six scientific divisions—the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, and the Division of Agrostology and Experimental Gardens and Grounds, tea culture investigation, purchase and distribution of valuable seeds, etc.—and the appropriations for these several divisions have been made interchangeably.

Mr. WM. ALDEN SMITH. How do the appropriations in this bill correspond with the recommendations of the Secretary of Agriculture?

Mr. WADSWORTH. They are not equal to the recommendations of the Secretary of Agriculture, and yet all along the line we have made very liberal increases over last year, the increase in some cases amounting to from 10 to 50 per cent.

Mr. WM. ALDEN SMITH. I understand that in perfecting this bill you have in the main disregarded the recommendations of the Secretary of Agriculture as to the amounts needed for experimental work.

Mr. WADSWORTH. No; I will not admit that. We have not followed his estimates in all cases, but we have increased liberally the amounts over those appropriated for the current year.

Mr. WM. ALDEN SMITH. As I understand, you have taken the estimates of the Secretary of Agriculture as to the pomological and scientific investigations.

Mr. WADSWORTH. Yes.

Mr. WM. ALDEN SMITH. How about the horticultural work?

Mr. WADSWORTH. Do you mean the pathological work?

Mr. WM. ALDEN SMITH. Yes.

Mr. WADSWORTH. In the pathological work he asked for $118,000 and we granted him $100,000, an increase over last year of $40,000.

Mr. WM. ALDEN SMITH. Is it the opinion of the gentleman from New York in charge of this bill that the scientific work being pursued by the Secretary of Agriculture is of value to the country?

Mr. WADSWORTH. It is of immense value.

Mr. WM. ALDEN SMITH. And that it ought to be kept up?

Mr. WADSWORTH. Yes.

Mr. WM. ALDEN SMITH. To the maximum demand for it?

Mr. WADSWORTH. No; not to the maximum demand, but to meet the honest needs of the country.

Mr. WM. ALDEN SMITH. Now, I understand that in the State of Michigan alone the investigations of what is known as the disease of "little peach" has saved the farmers of Michigan more than $250,000 in one year.

Mr. WADSWORTH. That subject, I will say to the gentleman, has been investigated for several years.

Mr. WM. ALDEN SMITH. The saving is very great——

Mr. WADSWORTH. No doubt about it.

Mr. WM. ALDEN SMITH. According to the estimate of one of the leading authorities in our State.

Mr. WADSWORTH. I want to say to the gentleman from Michigan that the work of the Agricultural Department has been magnificent. I use the word advisedly.

Mr. WM. ALDEN SMITH. In the provision for sugar-beet culture I understand that the estimate of $5,000 has been allowed.

Mr. WADSWORTH. Just what was recommended.

Mr. WM. ALDEN SMITH. And the prevention of fruit-tree diseases——

Mr. WADSWORTH. That comes under the head of pathology. I want to say to the gentleman that he must remember that these scientific investigations have been going on for years.

Mr. SCOTT. And they are going to continue.

Mr. WADSWORTH. They are not going to stop with this year. The committee have simply used their judgment as to the amounts which can be judiciously expended in the coming fiscal year. We do not stop the work with the exhaustion of the present appropriation.

Mr. WM. ALDEN SMITH. Then it is a mere question of the judgment of the committee as to the amount of work that can be done.

Mr. WADSWORTH. As to the amount of money that can be judiciously expended during the coming fiscal year.

Mr. MOODY of Massachusetts. That is the fact with reference to every appropriation bill from every committee.

Mr. WADSWORTH. The increase in this small bill during the last fiscal year and the present year will amount to $1,300,000. The bill has grown since 1897, when it was $3,183,000, to $5,158,570, an increase of $2,000,000 in four or five years.

Mr. WM. ALDEN SMITH. The gentleman from Massachusetts suggests that that is the usual custom in perfecting appropriation bills.

Mr. MOODY of Massachusetts. No; not the increase. I mean that the cutting down of the estimates is almost invariably followed by every member of the Committee on Appropriations. The result is that the estimates are always made a little larger than they expect to get.

Mr. WM. ALDEN SMITH. If that has grown to be the custom, I think it rather a bad custom.

Mr. MOODY of Massachusetts. So do I.

Mr. WM. ALDEN SMITH. In other words, the Secretary of Agriculture is supposed to be specially posted on that subject, and the Secretary of the Navy has given his branch of the Government special care and investigation, and we ought to take them at their word; and I am not in favor of crippling this branch of the Agricultural Department in the great work which it is doing.

Mr. WADSWORTH. Neither am I, and neither are the committee.

Mr. WM. ALDEN SMITH. Our constituents would feel that we were recreant to our trust if we did not pursue these investigations as rapidly and as far as the Secretary of Agriculture thinks it prudent and necessary to go.

Mr. WADSWORTH. It is simply a question as to how much can be profitably done during the coming fiscal year. You can only do about so much scientific work in a year and do it properly. A great many of these investigations are in the nature of gropings in the dark. You start in one direction and you find you have come to nothing, and you have got to come back and begin again. You have used up without profit a certain amount of money. You can not use it judiciously beyond a certain limit. The committee have always borne that in mind and have always been liberal in their appropriations.

Mr. GAINES of Tennessee. I would like to ask the gentleman if he is through with his colloquy on the other side of the House?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee for a question?

Mr. WADSWORTH. Certainly.

Mr. GAINES of Tennessee. I would like to ask what this bill carries for what is known as the "Bureau of Soils," and also what are the results of the labors of that Bureau?

Mr. WADSWORTH. The bill carries for the Bureau of Soils $168,960. Last year it carried $109,140, being an increase of $59,820.

Mr. GAINES of Tennessee. Will the gentleman be so kind as to tell the committee what this Bureau has done?

Mr. WADSWORTH. If the gentleman will turn to page 50 of the report of the Secretary of Agriculture he will see very briefly stated the result of the work of that Bureau.

Mr. GAINES of Tennessee. Will the gentleman state in substance what that report says in reference to that subject?

Mr. WADSWORTH. It will take me a long time to do so, and I am sure I could not explain it in a shorter way than it has been put in print by the Secretary of Agriculture.

Mr. GAINES of Tennessee. Will the gentleman tell us where this Bureau has had its officers at work—in what part of the country?

Mr. WADSWORTH. It has had its force in different parts of the country—Connecticut, Pennsylvania, and other States of the Union.

Mr. GAINES of Tennessee. Does the report state where they have been operating?

Mr. WADSWORTH. Yes.

Mr. GAINES of Tennessee. Will the gentleman be so kind as to state——

Mr. WADSWORTH. Virginia, North Carolina, Tennessee, Kentucky, Pennsylvania, Connecticut; and they have applications for New York, Ohio, Wisconsin, Texas, and Florida.

Mr. GAINES of Tennessee. Does the report state in what portion of Tennessee they operated?

Mr. WADSWORTH. No; it does not.

Mr. GAINES of Tennessee. Does it state at what work they were engaged in Tennessee?

Mr. WADSWORTH. Soil analysis and tobacco investigation.

Mr. GAINES of Tennessee. Well, that is what I was trying to ascertain. I very cordially supported the measure when it was pending here for the purpose of investigating the tobacco soil of the State of Tennessee and the other tobacco States. Tennessee furnishes so large an amount of tobacco for home consumption as well as foreign trade, and the tobacco people were very anxious to have the Bureau take charge and analyze their soil.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12468. An act granting an increase of pension to Phineas Curran;

H. R. 12370. An act granting a pension to Ida M. Briggs;

H. R. 11895. An act granting a pension to Thomas Holloway;
H. R. 11545. An act granting an increase of pension to Caroline R. Boyd;
H. R. 10795. An act granting an increase of pension to William A. Campbell;
H. R. 10449. An act granting an increase of pension to Sarah H. Lake;
H. R. 10179. An act granting an increase of pension to Theron R. Mack;
H. R. 10173. An act granting an increase of pension to Richard Trist;
H. R. 8349. An act granting a pension to John Watts;
H. R. 7678. An act granting a pension to Mary Holmes;
H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;
H. R. 5170. An act granting an increase of pension to Frederick Wright;
H. R. 5150. An act granting a pension to Mary C. Trask;
H. R. 4994. An act granting a pension to Lydia Carr;
H. R. 4945. An act granting a pension to Shadrack I. Corbett;
H. R. 4129. An act granting an increase of pension to Lonson R. Burr;
H. R. 4008. An act granting a pension Christopher Columbus Sheets;
H. R. 1742. An act granting an increase of pension to Alonzo Lewis;
H. R. 1086. An act granting an increase of pension Francis W. Pool;
H. R. 1012. An act granting an increase of pension to Patrick Moran;
H. R. 13575. An act to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4;
H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;
H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River;
H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport; and
H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 30.

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of the Senate Report No. 829, Fifty-first Congress, first session, with testimony, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session,

Mr. WADSWORTH. Now, Mr. Chairman, I propose to yield to the gentleman from Oregon [Mr. TONGUE].

Mr. MOODY of Massachusetts. Before you do that, I do not see the provision for seeds.

Mr. WADSWORTH. The provision for seeds is there.

Mr. MOODY of Massachusetts. No provision for the distribution of shovels.

Mr. WADSWORTH. No; nor pickaxes. [Laughter.]

Mr. MOODY of Massachusetts. Only the free distribution of seeds.

Mr. WADSWORTH. Provision is made for the free distribution of seeds. Now I yield fifteen minutes to the gentleman from Oregon [Mr. TONGUE].

Mr. CANDLER. Will the gentleman from New York permit me just a question before he does that?

Mr. WADSWORTH. Certainly.

Mr. CANDLER. I see the appropriation for seed distribution is $180,000. I want to ask the gentleman if that is the same as last year?

Mr. WADSWORTH. Exactly the same as last year.

Mr. CANDLER. And $107,000 for farmers' bulletins. Is that the same as last year?

Mr. WADSWORTH. There is an increase of $30,000 for the Bureau of Publication. Last year there was a deficiency of $14,000. That was caused by ourselves, in ordering a lot of labor, and we did not make provision to pay for it; so we provided $14,000 on the urgent deficiency bill, and we have that $14,000 and $16,000, which makes an increase of $30,000.

Mr. CANDLER. And it is the same for seeds?

Mr. WADSWORTH. It is the same for seeds.

Mr. BARNEY. Will the gentleman allow me to ask him a question?

Mr. WADSWORTH. Certainly.

Mr. BARNEY. Does this bill carry any appropriation for the publication of the horse book?

Mr. WADSWORTH. That comes under the Committee on Printing.

Mr. BARNEY. Has not this bill sometimes carried an appropriation of that kind?

Mr. WADSWORTH. It carried it some six or seven years ago, and it was very questionable whether it ought to be on this bill.

Mr. BARNEY. The gentleman knows that there is a greater demand for that book than for any other.

Mr. WADSWORTH. Let me say to the gentleman that Dr. Salmon, the head of the Bureau, advises that that book be reedited before another issue be printed, because there are many new things that they want embodied in it.

Mr. GAINES of Tennessee. What has been done as to "road building?" That is something very material for the improvement of the farmers of the country generally. What has been done in the Bureau? "Road building."

Mr. WADSWORTH. It is set out very clearly in the report, and the gentleman can read it for himself.

Now, Mr. Chairman, I yield to the gentleman from Oregon fifteen minutes.

Mr. TONGUE. Mr. Chairman, I ask the indulgence of the committee for the purpose of giving notice that at the proper time I shall endeavor to secure the adoption of the amendment which I send to the Clerk's desk and ask to be read.

The Clerk read as follows:

Strike out "twenty," in line 11, page 48, after the word "subject," and insert the word "forty" in lieu thereof.

The amendment, if adopted, will increase the appropriation for "public road inquiries" from twenty to forty thousand dollars, the amount recommended and requested by the Secretary of Agriculture.

Mr. Chairman, the present bill contains many items where the appropriation exceeds the amount carried in any previous bill. The total of these several increases aggregate $576,150.

The following table shows the appropriations made for the current fiscal year, and also those made by this bill for the coming fiscal year, for the different bureaus, divisions, and sections of the Department of Agriculture, and indicates specifically the increases contemplated by this bill:

	Current fiscal year.	1902-3.	Increase.
Office of Secretary	$71,670	$73,690	$2,020
Weather Bureau	1,148,320	1,251,760	103,440
Animal Industry	1,154,030	1,247,180	93,150
Plant Industry	496,680	601,780	105,100
Forestry	185,440	282,860	97,428
Chemistry	35,800	73,200	37,400
Soils	109,140	168,960	59,820
Entomology	36,200	57,200	21,000
Biology	32,800	45,600	12,800
Accounts	18,900	24,100	5,200
Publications	198,020	228,820	30,800
Experiment stations	789,000	792,000	3,000
Silk investigations	Nothing.	10,000	10,000
Total increase			581,150
But deducting $5,000 carried in last year's bill for preparing plans of new building for Department of Agriculture			5,000
Leaves a total net increase for administration purposes of			576,150

I have no intention of criticising a single increase. So far as a brief examination discloses, they are all worthy of careful and favorable consideration. There are no expenditures being made by the General Government from which the benefits are so valuable or universal as those made under the direction of the Secretary of Agriculture. Certainly none are made where there is

a more conscientious effort to secure the greatest amount of public good, and the public good alone, for every dollar of expenditure. But, Mr. Chairman, there is no object which this bill attempts to secure which is more important, or from which the benefits would be so great or so universal or would reach so many people—and people so much needing them—as the improvement of our common roads, the common property of all the people.

There is no greater subject with which we are called upon to deal than improving the means, extending the facilities, and reducing the cost of transportation. There is no branch of transportation where improvement has been so retarded, or is so imperatively needed, and is yet so universally neglected as transportation on our common roads. In the agricultural appropriation bill passed last year, and carrying $4,577,420, no appropriation proportionally to this amount produced so much good as the $20,000 for "public-road inquiries."

The movement for good roads is important in many ways. It concerns not only the pockets, but the health, the tastes, and even the morals of the people. Problems of transportation have always been, are now, and will continue to be of pressing and exceptional importance. They have engaged the attention of governments, ancient and modern—European, Asiatic, African, and American. They are attracting the attention of private enterprises, and the greatest combinations of capital in the world are endeavoring to control and monopolize the avenues and means of transportation.

Our own Government, in its efforts to furnish increased facilities for water transportation, has expended for the improvement of its rivers and harbors alone the sum of $396,600,720.50, and yet it has only fairly begun this important work. In 1862 the total cash appropriated for the improvement of rivers and harbors was $20,000. In 1899 this had increased to the sum of $40,307,779.48. The House of Representatives a short time ago passed a bill which in the cash appropriated and the amount which the Secretary of War is authorized to expend under contracts exceeds $60,000,000. As attesting the interest of the nation in the class of transportation that this expenditure is intended to improve is the fact that the bill passed the House with scarcely a dissenting vote. Last week the Senate added to this $10,000,000, and then in two hours passed it without a single dissenting vote. In aid of railroad transportation and to assist in the building of Pacific railroads the Federal Government has paid, principal and interest, upon guaranteed debts, $138,102,919.88.

In addition to this, it has granted, as an inducement for the construction of these railroads, an enormous amount of land, aggregating 196,569,372 acres. It is true the money advanced has been largely repaid, but the lands granted as a gift to induce railroad construction equals a vast empire. It equals in area all of the States of New England, New Jersey, New York, Pennsylvania, both of the Virginias, and the State of Ohio. While the Government has dealt so liberally, expending hundreds of millions of dollars, and granting a wealth of land beyond computation for the improvement of water and railroad transportation, it has been painfully parsimonious in its appropriation for the improvement of common highways. Over these highways a large proportion of this vast commerce that goes to form the great railroad and steamboat tonnage must first pass.

In addition to this, millions upon millions of tons of local traffic constantly pass over these roads, and to which no other transportation is available. It is believed that the tonnage of freight and the number of persons carried over common highways equals, if it does not exceed, the tonnage and passengers carried by every railroad train and steamboat in the land. Yet during the last forty years the Federal Government has expended for the improvement of these roads the small sum of $100,000. What has been the result? Just such as might have been expected.

Encouraged by the liberal aid extended by the Federal Government private corporations have expended for the construction, the improvement, and equipment of American railroads the sum of $11,491,054,960. They have constructed, equipped, and are operating within the United States 192,940.67 miles of railroad, or enough to encircle the earth eight times at the equator. Millions of money have been expended in building and equipping the finest vessels in the world, engaged in the lake, river, and coastwise transportation, and which in quality, speed, and beauty are unsurpassed by those of any other nation. In railroad and water transportation we have bounded forward with a speed and rapidity beyond the wildest hopes, while in wagon transportation we have remained stationary or are moving backward. In railroad and water transportation we excel all competitors. In the condition of our common roads we are behind the least civilized nations of the Old World.

In 1870 it cost to ship wheat from Chicago to New York by an all-rail route 33.3 cents per bushel. Now, over the same route, it costs 9.96 cents per bushel, less than one-third of what it cost then. In 1870 it cost to ship a bushel of wheat between the same points on the lake and canal route 17.11 cents. For the same freight over the same route now it costs 4.42 cents, practically one-fourth of the former cost. A short time ago the secretary of the Boston Chamber of Commerce wrote me that fifteen or twenty years ago it cost to ship a ton of provisions from Boston to Liverpool $10. It costs now $1.75; to ship a ton of flour then $7.50, now $1.25. To ship a bushel of grain then 16 cents, against 2 cents now. To ship a bale of cotton then 2½ cents per pound; it costs 50 cents per bale now; $30 per head for cattle then, $6.25 now.

Thirty years ago it cost the Western farmer to ship a bushel of wheat from Chicago to Liverpool by an all-water route 33.11 cents. It costs to ship a bushel of wheat over the same route now 6.42 cents. The struggle with foreign competitors, in order to preserve our markets, maintain our trade and commerce, has forced us to rapid and unusual improvements in this class of transportation. During the same period there has been no improvement or reduction of cost, but rather, with increase of wages, an increased cost in wagon transportation. It costs the Western farmer as much to transport a ton of wheat from his granary to the railroad station or steamboat, 5 miles distant, as it does to ship the same freight from Boston, New York, or any great Atlantic port to the city of Liverpool. It costs the farmer along the line of the Northern Pacific or Great Northern Railroad, in the Northwest States and Territories, as much to transport the wheat from his farm to the railroad station, 20 or 25 miles distant, as it does to ship it from Duluth to Queenstown.

Rates of transportation concern every human being in the land. If a purchaser, they affect the value of his product; if a consumer, the price of his purchase. They determine the rise or fall, the prosperity or decay, the wealth or poverty of communities, great centers of trade and commerce, and even of nations themselves. Magnificent cities spring up in a night, the growth of long years sinks to speedy decay, with a change in the lines and rates of transportation. The conquest of markets, foreign and domestic, the balances of trade, frequently depend upon rates of transportation.

The most important problems that now concern the great West from which I come, and which produces in such abundance the healthful, nourishing, and luscious foods needed to feed the workmen in your factories and the crowded inhabitants of your cities, are problems of transportation. This explains why fruits of unsurpassed flavor and healthfulness, so needed in the East, rot under the trees of Western orchards. It explains why timber of unexcelled quality, which could be made into homes for the homeless in the East, on the Pacific coast is cut down and destroyed as something that encumbers the ground.

A few years ago our fields and farms and orchards and flocks were neglected, while in the East men, women, and children cried for bread upon which they were unable to pay the transportation charges. You are now paying 30 cents per pound for beef bought from the Western farmer for 6 to 7 cents per pound. It is because of these things that so many of us are praying with all the fervor of our souls that the Senate of the United States will deliberate less and act more and will cease talking long enough to do business and pass the bill for the construction of an isthmian canal. During the fiscal year ending June 30, 1900, the American people paid for railroad transportation $1,579,570,830. We are said to pay to foreign ships alone for carrying our commerce to and from the United States $200,000,000 annually. The amount paid for ocean transportation upon American vessels, for water transportation upon the rivers, lakes, and in the coastwise trade is beyond computation.

It is safe to say that every dollar of money in the United States—gold and silver and paper, large denominations and subsidiary—is paid out every year of our existence for railroad and water transportation alone, and yet by far the greater part of the runs and rivulets that feed and swell these great streams of commerce run along our public roads, the common highways and common property of all the people. This probably is true, in a smaller degree, regarding the products of mines, but it is almost wholly true as regards the products of agriculture. In order to realize the full benefits of the sums we have expended and the improvements we have achieved by rail and steamboat, there should be a corresponding improvement in our common roads.

The common road leads to the railroad station and to the wharf upon the bank of lake or river. The stream can not rise higher than the fountain. Without the common highway and the farm wagon iron rails would rust upon the track and steamboats rot at the wharf. While great combinations of capital are seeking to monopolize and control the water and railroad routes, for the improvement of which the Government has expended so much, the common highways belong to all of the people of the United States. No combination of capital can monopolize or control them. Their benefits, like the dews of heaven, descend alike upon the just and the unjust, the millionaire and the pauper, the child of the poor as well as the child of the rich.

The people's money expended for their improvement will bless all the people. There will be no percentage deducted to increase the full coffers of those already rich. The cost of transportation constitutes the largest item of the expenditures of the American people. An annual saving of 5 per cent of this would represent an amount exceeding the output of every gold mine in the land. A saving for transportation of persons and property over the common roads would be more widely diffused, would inure to the benefit of more people, and to more people who need it, than a decrease on any other expenditure.

I need not dwell upon the importance of good roads as they affect the transportation of persons. They give us increased time and increase of pleasure. We accomplish more, see more of life, live more and longer in one year than our ancestors in ten. Time is becoming of supreme importance. Quickness of change from place to place, speed with which the powers of man can be transferred from one point to another, was never so much desired as now. Speed in transportation is economy of time, and the adage that "time is money" was never truer than now. But I shall not stop to dwell upon this phase of the subject.

Good roads do not only concern our pockets. They may become the instrumentalities for improved health, increased happiness, and pleasure, for refining tastes, strengthening, broadening, and elevating the character. The toiler in the great city must have rest and recreation. Old and young, and especially the young, with character unformed, must and will sweeten the daily labor with some pleasure. It is not the hours of industry, but the hours devoted to pleasure that furnish the devil his opportunity. It is not while we are at work, but while we are at play, that temptations steal over the senses, put conscience to sleep, despoil manhood, and destroy character.

Healthful and innocent recreations and pleasures are national needs and national blessings. They are among the most important instrumentalities of moral reform. They are as essential to purity of mind and soul as to healthfulness of body. Out beyond the confines of the city, with its dust and dirt and filth, morally and physically, these are to be found, and good roads help to find them. What peace and inspiration with flowers and music, brooks and waterfalls! How the mountains, pointing heavenward, yesterday battling with storms, to-day bathed with sunshine, bid you to stand firm, walk erect, look upward, cherish hope, and for light and guidance to call upon the Creator of all light and of all wisdom.

How such scenes as those kindle the imagination of the poet, quicken and enlarge the conception of the artist, fire the soul of the orator, purify and elevate us all. But if love of action rather than contemplation and reflection tempts you, how the blood thrills and the spirits rise as one springs lightly into the saddle, caresses the slender neck of an equine beauty, grasps firmly the reins, bids farewell to the impurities of the city, and dashes into the hills and the valleys and the mountains to commune with nature and nature's God.

Or what joy more exquisite than when with pleasant companionship you dash along the smooth highway, while that king of the animal creation, next to woman, man's most cherished friend, an American trotter, with swelling muscles, arched neck, flashing eye, and nostrils aflame, answers every touch of the line, every tone of the voice, with a fresh burst of speed, carrying you along green fields, by murmuring brooks, blushing flowers, while the winds whisper through the leaves and the birds cheer you with their song. Beauty, fragrance, and music all around you; the blue dome of heaven above you, and the mountains the witnesses of your ecstatic pleasure. What poor city scene can so inspire poetic feeling, can so increase the love of the beautiful, can so elevate and broaden and strengthen the character, and so inspire us with reverence for the great Father of us all? But for the full enjoyment of such pleasures good roads are indispensable.

Another blessing to come with good roads will be the stimulus and encouragements to rural life, country life, if you will, farm life. The present tendency of population to rush into the great cities makes neither for the health, the character, the intelligence, nor the morals of the nation. It has been said that no living man can trace his ancestry on both sides to four generations of city residents. The brain and the brawn and the morals of the city are constantly replenished from the farm homes. The best home life is upon the farm, and the most sacred thing in America is the American home.

It lies at the foundation of our institutions, of our health, of our character, our prosperity, our happiness, here and hereafter. The snares and pitfalls set for our feet are not near the home. The pathways upon which stones are hardest and thorns sharpest are not those that lead to the sacred spot hallowed by a father's love and a mother's prayer. The bravest and best men, the purest and holiest women are those who best love, cherish, and protect the home. God guard well the American home, and this done, come all the powers of darkness and they shall not prevail against us.

Fatherhood and motherhood are nowhere more sacred, more holy, or better beloved than upon the farm. The ties of brotherhood and sisterhood are nowhere more sweet or tender. The fair flower of patriotism there reaches its greatest perfection. Every battlefield that marks the world's progress, or the victory of liberty over tyranny, right over wrong, has been deluged with the blood of farmers. In the hour of its greatest needs our country never called for help upon its stalwart yeomen when the cry was unheeded. The American farmer hides neither from the recruiting officer nor the taxgatherer.

The sons and daughters of American farmers are filling the seminaries and colleges and universities of the land. From the American home have gone in the past, as they are going now, leaders in literature, the arts and sciences, presidents of great universities, the heads of great industrial enterprises, governors of States, members of Congress in House and Senate. They have filled the benches of the Supreme Court, the chairs of the Cabinet, and the greatest executive office in the civilized world. Our greatest jurist was a Virginia farmer; our greatest soldier, our greatest orators, the godlike Webster and the "Mill Boy of the Slashes," our three greatest Presidents—Washington, Lincoln, and McKinley, whose fame is immortal—drew life and inspiration from rural homes.

The typical American to-day is the American farmer. The city life, with its bustle and stir, its hurry and rush, its feverish anxiety for wealth, position, and rank in society, its fretting over ceremonies and precedents, is breaking down the health and intellect and the morals of its inhabitants. These must be replenished from the rural home. Whatever shall tend to create a love for country life, to decrease the rush for the city, instill a desire to dwell in the society of nature, will make for the health, the happiness, the refinement, the moral and intellectual improvement of the people. Nothing will contribute more to this than the improvement of our common roads to facilitate the means of communication between one section of the country and the other, and between all and the city.

I commend the work now being carried on by the Department of Agriculture under the superintendency and control and management of Director Dodge. In proportion to the expenditure of public money no work is now being carried on by the General Government that will bring so much good to so many people, and particularly to so many of those whom we call the common people, and whom Lincoln said God must love because he created so many of them. This work merits the most considerate and liberal treatment from American statesmen. The work should be carried on in every State of the Union. I would like to have the appropriation large enough to enable Director Dodge and his able assistants to come and bring their machinery to the great West.

It has been our good fortune to receive a visit from his great chieftain, who inherits the patriotism of a Wallace, the courage of a Bruce, and the chivalry of a Douglas—that member of the Cabinet who, more than all others, has the warmest place in the hearts of the Western farmer. We will give them a genuine Western welcome, than which none is more sincere or comes more direct from the heart. We promise them such a country and such scenery as their eyes have never beheld, a climate of unsurpassed healthfulness, a land more beautiful than the garden of Eden, richer than the valleys of the Nile, and grander than the Alps of Switzerland.

At noonday they can recline beneath the shades of forest giants, towering 260 feet above them, through whose branches sigh the spirit of ages, and upon which linger longest the last rays of the setting sun, as it leaves the Western continent on its journey around the world. They can refresh themselves with fruits fit for the gods, and gladden their eyes with flowers that never fade. They may look out upon rich prairies bearing upon their bosoms magnificent crops, orchards burdened with fruits rich with imprisoned sunshine, and pastures upon which graze the choicest of flocks and herds.

Under the July sun they may gaze upon the whitened summits of our snow-capped mountains, the majestic Hood, the beautiful St. Helens, Mount Adams, the Three Sisters, Mount Rainier, Mount Shasta, and Mount Jefferson. They can witness a combination of beauty and grandeur not equaled in any other land, and when their day's work is done they may sink to rest to the murmur of the ocean, the music of the waterfall, and the sound of the many waters, no longer lost "in the continuous woods where rolls the Oregon," but surrounded by a happy and prosperous people, while the mountains, like armed sentinels, keep watch and guard over their peaceful slumbers.

Mr. FOX. Mr. Chairman, I want to avail myself of the time accorded me to discuss the question of suffrage and the right of Congressional representation in the State of Mississippi. Mr. Chairman, this discussion is not of my seeking, and I regret for some reasons that it has been precipitated in this House, but there is on this question so much of ignorance, so much of prejudice,

and, I am sorry to say, in some quarters so much of bitterness, that I hope a calm and dispassionate consideration of the question may contribute somewhat to a better understanding of the situation in Mississippi.

Mr. Chairman, let me say at the outset that the Mississippi constitution is the product of great lawyers and of a wise, sincere Christian statesmanship, and that, as a Mississippian, I am not here to apologize for it. I am not here to appeal to the generosity of this Congress. I am here to say that if the status quo to-day in Mississippi is right, if it is constitutional, if it is just, if it contributes to the promotion of the civilization of our people, then it ought to have the approbation and not the condemnation of all good citizens. If that constitution has incurred in any way the displeasure of the petty, two-by-four, politicians, it ought to have the support of every patriotic citizen in this country who wants to promote a Christian civilization.

Mr. Chairman, as I have said, we do not ask you to be generous; we only ask you to be just, and if, in order to protect our civilization, in order to secure the rule of virtue, of intelligence, we have justly incurred the penalty of the reduction of our representation in Congress, then we will take our medicine rather than surrender our civilization.

I contend, Mr. Chairman, that there is no feature of the suffrage provision of the constitution of Mississippi that denies to any citizen the right to vote or abridges that right, within the meaning of the fourteenth amendment, in such a way as to incur the penalty of a reduction of our representation in Congress, which is based upon the entire population of the States, without regard to illiteracy, pauperism, nationality, or citizenship.

In order that we may fully understand this question and determine whether or not Mississippi has denied the right to vote to any of its citizens so as to incur the penalty of a reduction of representation, it is proper to determine in the first place who has the right to vote in Mississippi or in any other State.

Whence does the right to vote arise? What is the right to vote which you can not deny to a citizen without incurring this penalty? There are two opinions about the right of suffrage, Mr. Chairman. One is the opinion expressed by the politician, and the other is the opinion maintained by the courts of the country and the great lawyers of the country. The last State platform of the Republican party in the State of Ohio declares that "the right of franchise is vouchsafed to every American citizen under the Federal Constitution." Mr. Chairman, if that is true, then there is not a State in this Union that is entitled to the representation in Congress that it now has.

In this country every woman is a citizen of the United States; every child born of American citizens is a citizen of the United States. There was a time when some lawyers had the same opinion which the gentleman who drew this platform entertained with respect to woman suffrage. They believed that the right to vote was an attribute of citizenship and was guaranteed to every citizen of the United States by the Federal Constitution. Believing this they began a proceeding in the courts of the State of Kentucky on behalf of Mrs. Virginia Minor to establish the right to vote. In that proceeding they made the same contention that was declared by the Republican party in the State of Ohio. They contended that because Mrs. Minor was an American citizen, and because the right of suffrage was an attribute of citizenship and guaranteed to every citizen by the Federal Constitution, therefore she had the right to vote.

That case went to the Supreme Court of the United States, and the opinion of that court is to be found in 21 Wallace, page 162. After an exhaustive review of the whole question the court concluded their opinion by saying that the Constitution of the United States does not confer the right of suffrage upon anyone. So that then the principle was forever established that the right to vote was not a right of citizenship; that no one in these United States—no citizen—receives his right to vote, if he has it, from the Constitution of the United States.

There is no word written in the statutes or in the organic law of these United States that confers the right to vote upon anybody. In the case of the United States against Reese, reported in 102 U. S., page 514, the defendants were indicted for refusing to receive and count the vote of a negro on the theory that as the fourteenth amendment made citizens of negroes, therefore it conferred upon that race the right to vote.

The Supreme Court of the United States in that case said:

> Before the adoption of the fifteenth amendment it was as much within the power of the State to exclude citizens of the United States from voting on account of race as it was on account of age, property, or education; that the fifteenth amendment does not confer the right of suffrage upon anyone, but simply prevents discrimination on account of race, color, or previous condition of servitude.

It further declared that if citizens of one race having certain qualifications are permitted to vote, then those of another having the same qualifications must also be permitted to vote. That is the only right conferred by the fifteenth amendment. It is the right not to be discriminated against on account of race, color, or previous condition.

Mr. Chairman, I call the attention of the House and the country to that statement of the court in this case, which clearly holds that it is at any time now within the power of any State to exclude citizens of the United States from voting on account of age, property, or education. There is nothing now in the organic law, or in any law, that prevents wholesale disfranchisement by any State of its citizens who do not possess the requisite educational qualification or such property qualification as the makers of the law may think they should have. It is now perfectly competent for a legislature to prescribe property and educational qualifications for the voters of the State, unless its own constitution prohibits it; and it is perfectly competent for a State to exclude from the right of voting any number of its citizens, provided that it is not done on account of race, color, or previous condition of servitude.

I say there is no reason for which a State may not disfranchise any citizen of the United States except the one reason—race, color, or previous condition of servitude. You can not disfranchise on that ground, because the fifteenth amendment to the Constitution says that you shall not discriminate in that way. But it does not say that you may not disfranchise any number of both races who belong to the same class—for instance, who are criminals, or who are paupers, or who fail to pay a capitation tax, or who do not possess the required educational qualification.

Mr. HENRY C. SMITH. Will the gentleman permit an interruption?

Mr. FOX. Certainly.

Mr. HENRY C. SMITH. Under what clause of this agricultural bill is the gentleman discussing this proposition of colored suffrage? Perhaps it is under the provision with regard to "raising cane." [Laughter.]

Mr. FOX. We are trying to prevent you from "raising hell" among the agricultural population of Mississippi. [Laughter.] We are doing our best there to promote the industrial development of the State, to promote its moral elevation, and to promote education among its citizens.

Mr. HENRY C. SMITH. Does not the gentleman think that the state or condition which he mentions—that of raising cane or of "raising hell"—is now in existence down in his locality?

Mr. FOX. I did not understand the gentleman.

Mr. HENRY C. SMITH. The gentleman is familiar, I suppose, with the language he used about "raising hell"——

Mr. FOX. What is the question?

Mr. HENRY C. SMITH. I say the condition which the gentleman mentions exists down in his State, does it not?

Mr. FOX. What condition?

Mr. HENRY C. SMITH. The condition the gentleman spoke of—"raising hell."

Mr. FOX. Yes, sir. You created it very many years ago. We are trying to get out of it.

Mr. HENRY C. SMITH. Under the Constitution?

Mr. FOX. Mr. Chairman, I had hoped to appeal to the reason and patriotism of gentlemen like my friend from Michigan. Is it possible that we are not to be heard in making a fair presentation of the legal phases of this great question without its being sneered at by gentlemen who come here as Representatives of great districts of this Union and who ought to be in sympathy with us when we are trying to promote the elevation and the civilization of our people?

And it is purely the legal phase of this question that I am presenting now. I am not asking any favors from the gentleman from Michigan or from anybody else. I appeal to your sense of justice and your sense of right and your feeling of patriotism and your love of Christian civilization. And I would say another thing to the gentleman. I would commend to him the statement of the President of the United States after he had returned the other day from his little trip to Charleston—that before he went down there he was a good American citizen, but that he was a better one after having gone down there and learned something about our people and the situation there. [Applause on the Democratic side.]

Mr. HENRY C. SMITH. Will the gentleman permit another suggestion?

Mr. FOX. Yes; if you are sincere in it.

Mr. HENRY C. SMITH. Certainly; I am always sincere, though perhaps I do not look sincere. [Laughter.]

Mr. FOX. I agree with you in the latter statement.

Mr. HENRY C. SMITH. Well, I am glad we are in harmony on that proposition. But I was going to suggest that you also include in your remarks in regard to the President the estimate that you and other gentlemen have put upon him because he had the courage to invite the whitest black man of this nation, against the protest of the blackest white men of this nation, to eat at his table.

Mr. FOX. Mr. Chairman, I do not think it is fair for the gentleman to divert me from a legal argument and try to induce me to discuss the social phases of this question. I want to say now that I have never had any quarrel with the President or with anybody else who saw proper to invite a black man to his table. Nobody ever heard me say anything about it or make any criticism of it. I say that it is a man's perfect right to fix, so far as he can, his own social status. [Applause on the Democratic side.] It is none of my business what the gentleman from Michigan [Mr. HENRY C. SMITH] may see proper to do as to his table. He can extend the privilege of his home and he can extend the privilege of his family circle to anyone that he pleases to extend them to. It is nothing to me; it is none of my business.

He is the best judge of that, but I have only to say this, Mr. Chairman, that, so far as the colored people in the State of Mississippi are concerned, they are not seeking social equality, and the great leader of that race, to whom the gentleman alludes, is preaching a better doctrine to his race than is the gentleman from Michigan. He is trying to teach the people of his race to have respect enough for their own race and to have respect enough for themselves to be satisfied with the association of their own race and not seek to add to their importance by endeavoring to associate with others, and that doctrine has so thoroughly impregnated the minds of the race in Mississippi that they not only do not seek social equality with the whites but they have little respect for the white man who would put himself on a perfect social equality with them. [Applause on the Democratic side.]

When this question was discussed here in the House the other day I was annoyed that some of our friends on this side from the South expressed so much annoyance that the gentleman from Massachusetts [Mr. GILLETT] would preach the doctrine of social equality between the two races, and I said that there is nothing in that that ought to annoy you or me, that every man has a right to select his associates in society so far as he can, but not to force it on us. You must allow us the same privilege you claim for yourselves. But, Mr. Chairman, I am sorry to have been diverted from a legal argument. I am here to discuss the legal phases of the question of suffrage. and what I do object to most seriously is an endeavor to force Mississippi to submit to a rule that is not equally applicable to Massachusetts and Connecticut and Vermont.

Mr. HENRY C. SMITH. In that connection, Mr. Chairman——

Mr. FOX. Now, if you are going to ask me anything about the legal phase of this question I will yield, but not otherwise.

Mr. HENRY C. SMITH. It is right along your line.

Mr. FOX. Does the gentleman want to ask me a question about the law of this case? If so, I would be glad to enlighten him.

Mr. HENRY C. SMITH. That is my idea of it. Now, there has been a resolution introduced into this Congress by myself, providing that Congress shall fix the qualification of voters who vote for electors and members of Congress, an amendment to the Constitution to that effect, and that that qualification shall be uniform throughout the States of the Union.

Mr. FOX. Very well, we will discuss that question when it comes up, but that is not the question presented now. You admit yourself——

Mr. HENRY C. SMITH. Does not that meet the proposition that you now make?

Mr. FOX. No, sir. You admit yourself the correctness of my proposition by coming here and introducing an amendment to the Constitution authorizing Congress to fix the qualification of voters, which the Constitution does not now authorize and which this Congress does not now have the power to do; so we are agreed about that. It is the thing that I am contending, Mr. Chairman, that the right of suffrage comes not from Congress, comes not from any provision of the Constitution of the United States, but at present must come from the States which alone have the right to fix the qualifications of their voters.

Mr. HENRY C. SMITH. Just another question. Are you not willing that the same qualification to vote shall exist in your State that exists in the other States of the Union?

Mr. FOX. You bet I am, and that is just exactly what we have done. We have fixed the qualifications of voters in Mississippi, following the example of the State of Massachusetts, except that they are not as restricted. I would not be willing to vote for the gentleman's bill, so far as that is concerned, if that is what he means, because I believe in the wisdom of our fathers; I believe that there was nothing wiser that characterized the work of the framers of the Constitution than to leave to the States the power to fix the qualifications of their own voters, because each State knows better the conditions within its borders and knows better what is best to promote civilization in that particular State than any other State or body does. I am not willing to have you fix the qualification of voters in Mississippi

Mr. HENRY C. SMITH. In other words, by the wisdom of the fathers the gentleman means the wisdom of State rights.

Mr. FOX. Well, yes, if you say they were States-right men who made the Constitution. [Applause on the Democratic side.] And let me say to the gentleman that when that Constitution was framed every one of the 13 colonies except two or three already had State constitutions fixing the qualifications of their own voters, each one to suit itself, and there was no disposition upon the part of the framers of the Constitution to interfere with the status of each State.

Mr. GAINES of Tennessee. Will my friend yield for a question on a proposition of law?

Mr. FOX. Yes.

Mr. GAINES of Tennessee. Just now you stated the proposition very clearly that the right of suffrage comes from the State.

Mr. FOX. I was proceeding with that when I was interrupted by the gentleman from Michigan.

Mr. GAINES of Tennessee. I want to state to the gentleman from Michigan that the Supreme Court of the United States decided that in a case coming from his own State of Michigan, where the question of the electors of that State was raised in the case of McPherson *v.* Blacker.

Mr. FOX. Now, Mr. Chairman, I have said that it was the doctrine of the Republicans of Ohio—or whether so or not, it is declared in their last State platform—that the right of franchise is vouchsafed to every American citizen by the Federal Constitution. As against that the Supreme Court of the United States, in the case of The United States *v.* Cruikshanks (92 U. S., 542), declared that the United States have no voters of their own in the States; that the right of suffrage is not an attribute of national citizenship; that the right to vote comes from the States.

Now, those are the two leading cases in the Supreme Court of the United States, and they have been followed up to this date by a number of decisions. Included among them is the case referred to by the gentleman from Tennessee [Mr. GAINES] that came up from the State of Michigan the case of McPherson *v.* Blacker (reported in 146 U. S. Reports, p. 1). They declare in that case that the right to vote comes from the State, but that the right of exemption from the prohibitive discrimination comes from the United States. That is the right that is protected by the fifteenth amendment.

Now, Mr. Chairman, in the Michigan case the Supreme Court asked the question that I have asked, "What is the right to vote which the fourteenth amendment to the Constitution says you can not deny to any citizen without incurring the penalty of a reduction in representation in Congress?" And they answer that question and say that "the right to vote intended to be protected by the fourteenth amendment refers to the right to vote as established by the laws and constitutions of the States."

Now, Mr. Chairman, that is the thing to fix clearly in our minds at the very threshold of this discussion. What is the right to vote, and whence does it arise? The right to vote is not a natural right, as said by Mr. Cooley and other writers on constitutional law. It is not a right of citizenship, as said by the Supreme Court of the United States, and every lawyer and every judge in the United States that has ever delivered an opinion on the question that was not a purely political opinion. It is not a natural right. We are not born with it. We do not get it by reason of our citizenship. It does not come to us by reason of any provision in the Constitution of the United States.

It does not come to us by virtue of any statutes of the United States, as the gentleman from Michigan [Mr. HENRY C. SMITH] is forced to acknowledge, by introducing his resolution to amend the Constitution of the United States. It comes from the State that confers it, and from the State alone. No citizen of a State has a right to go to the legislature of the State and say, "I have a right to vote which you can not deny or abridge." The man who can not read has no right to say to the legislature of his State, "I have a right to vote notwithstanding my illiteracy, and you can not disfranchise me."

Mr. CALDERHEAD. Will the gentleman permit a question?

Mr. FOX. Certainly.

Mr. CALDERHEAD. Who conferred the right to vote upon the men who made the original thirteen States?

Mr. FOX. I have answered that question; that before the adoption of the Constitution of the United States each State had its own constitution. If the gentleman will read the history of the formation of the Constitution——

Mr. CALDERHEAD. I have read that.

Mr. FOX. Well, that is a complete answer.

Mr. CALDERHEAD. But the question I asked is, Who conferred the right to vote upon the men who made the State? Who conferred the right to vote upon the men who elected the first legislature? Before the States were made, who conferred the right upon anybody to vote?

Mr. FOX. I do not understand the gentleman's question.

Mr. CALDERHEAD. You say that the right to vote was conferred by the thirteen States——

Mr. FOX. The gentleman must know that in the formation of every State there must be a beginning, if you want to discuss the abstract question, that the citizens of a new State get together and originate a constitution.

Mr. CALDERHEAD. Do not overlook the question.

Mr. FOX. I can not run a kindergarten school here, so far as that is concerned.

Mr. CALDERHEAD. Before the thirteen original States were created, was not that a right of the citizen?

Mr. FOX. The thirteen original States had constitutions before the adoption of the Constitution of the United States. What I am now arguing is that we do not get the right to vote from the Constitution of the United States—that it existed before that time, and the gentleman must know that.

Mr. CALDERHEAD. I am asking you who gave it to them.

Mr. FOX. I have answered you in perfect good faith, and I can not consume all of my time in a discussion of this simple proposition.

Mr. CALDERHEAD. I am seeking in perfect good faith to get you to state who voted when the constitutions were made in the original thirteen States?

Mr. FOX. The people.

Mr. CALDERHEAD. And where did they get the right to vote?

Mr. FOX. They did something then as they do in the House occasionally, by unanimous consent. [Laughter.]

Mr. WILLIAMS of Mississippi. Their rights were conferred by the Crown. Such as they first had in England they first got by the right of the sword itself, the inherent right to govern.

Mr. FOX. The gentleman must know, so far as that is concerned, that certain rights were granted by Magna Charta.

Mr. CALDERHEAD. Then how is the right to vote conferred on you and me?

Mr. FOX. I must be permitted to answer the gentleman myself. I will read for your enlightenment. I am satisfied that you have not studied the legal phases of this question. Read what the great constitutional lawyers like Mr. Cooley and others, who have given a lifetime to the study of all the provisions of the Constitution of the United States, have said. They certainly knew something about it. Listen to what one of these great constitutional lawyers says. I suppose it will be admitted that there is no greater authority on the Constitution than Mr. Cooley, who has written three separate works on the Constitution, and he says that—

> Suffrage can not be the right of an individual, and why? For the simple reason that it does not exist for the benefit of the individual but for the benefit of the State itself. Suffrage must go to the individual, not as a right, but as a regulation which the State establishes as a means to perpetuate its own existence and of assuring to the people the blessings it was intended to secure.

So, Mr. Chairman, that is the whole philosophy of the right of suffrage. I must be permitted to give my own views.

Mr. CALDERHEAD. How can you make that consistent with the declaration of the gentleman from Mississippi, that it was won by the sword?

Mr. FOX. I can not enlighten a man like my friend, who will not listen.

Mr. CALDERHEAD. I admit that the gentleman has been making a very fair statement——

Mr. FOX. You interrupt me before I get through with one statement.

Mr. CALDERHEAD. I admit that the gentleman has been making a fair statement of the legal situation of the question and a very able one.

Mr. FOX. I decline to be interrupted further.

Mr. CALDERHEAD. If you really would like to enlighten me, I would like to go back to the original question. Have you any light on that subject?

Mr. FOX. If you will just sit still, I will give it to you. I may not be entirely competent to do so, but I am competent to tell you what the great lawyers of the country have said about it, and that ought to settle the case.

Mr. WM. ALDEN SMITH. From what are you reading?

Mr. FOX. From Cooley. From an article in the Washington Post, in this city. It is a paper that I prepared at the request of the press, and was published several weeks ago in the Washington Post. As a matter of convenience, instead of having the law books piled up around me, I am reading from it.

Mr. WM. ALDEN SMITH. I did not recognize it as an official document.

Mr. FOX. Well, it is official, though it may not have the blue ribbons about it. It is all right.

Now, Mr. Chairman, it is perfectly clear that a State can deny to any citizen the right which it alone confers. There is no doubt about that, and the only limitation in the world on the right is that fixed by the fifteenth amendment to the Constitution of the United States, which says that you shall not deny the right to vote to any man because he is white, because he is black, or because he is colored.

Mr. WM. ALDEN SMITH. In other words, if it is not planted upon either one of these grounds, the State has the right.

Mr. FOX. I do say that. I do say, further, that if it does deny the right to vote to any of its citizens in the sense contemplated by the fourteenth amendment of the Constitution, and it does abridge that right, then the citizen of the State can not complain, but that we do incur the penalty in the reduction of our representation. Why, there is no quarrel between us. We have got the right in Mississippi to say who of our citizens shall vote and who shall not vote, save only we can not say "you can not vote because you have been a slave, or because you are black, or because you are white."

We have the right to disfranchise any number of our citizens on any ground that the wisdom of the lawmakers think is proper if we are willing to incur the penalty of the reduction of representation in Congress. No lawyers ought to differ about the legal question, and it is purely a legal question. There is no use for any resolutions of investigation of the conditions to ascertain what the truth is as to any particular State. It is a legal question that any lawyer can determine for himself if he is willing to do it.

Mr. SMITH of Iowa. Will the gentleman allow me to ask this buestion?

Mr. FOX. Yes.

Mr. SMITH of Iowa. What objection is there to a committee compiling the statutes and regulations with reference to the voters of the various States of the Union, including Massachusetts and Mississippi, and furnishing them in accessible form to this House, to the end that members of this House may pass upon the legal questions which the gentleman refers to?

Mr. FOX. I have made no objection to that.

Mr. SMITH of Iowa. But the gentleman said there was no necessity for any investigation, and the Crumpacker resolution simply provides for an investigation for the presentation of the various statutes of the States, the various laws of the States, and the various regulations of the States, with information of a like character which will enable the membership of this House to determine whether or not any State has forfeited its right to any part of its representation under the fourteenth amendment.

Mr. FOX. I am not discussing the Crumpacker resolution.

Mr. SMITH of Iowa. But I want to say, if the gentleman will permit——

Mr. FOX. I do not want the Crumpacker resolution injected into this speech, for I am making a legal argument. But if the gentleman from Iowa insists upon it, I want to say that the Crumpacker resolution does propose to investigate not only the law of the case, but the methods of the election in Mississippi.

Mr. SMITH of Iowa. The legal methods?

Mr. FOX. No, not the legal methods alone, but all the methods. I want to say——

Mr. WILLIAMS of Mississippi. If it was to investigate only the law, we could investigate that right here, because we have the law books here.

Mr. FOX. I want to say to my friend from Iowa—and he is my friend—that the reason we object to the investigation of the methods—the reason we do not assent to that—is that it is an imputation on our State as to our methods of conducting the elections in Mississippi, an imputation that it is not honest, and the Crumpacker resolution was gotten up purely and solely for political purposes, and the gentleman knows it.

Mr. SMITH of Iowa. I do not know that.

Mr. FOX. It has been charged in the press, in a great paper in Philadelphia conducted by a gentleman who has been a member of the Cabinet under this and a former Administration, that there have been tens of thousands of fraudulent votes cast in the city of Philadelphia, and there has been no movement on the part of this House to investigate that.

Mr. SMITH of Iowa. Does not the Crumpacker resolution provide for investigating Pennsylvania and Massachusetts as much as any other State?

Mr. RICHARDSON of Alabama. But the gentleman must admit that the purpose, spirit, and intention of the resolution is to look into three or four of the Southern States.

Mr. SMITH of Iowa. I do not think that is true. It is to investigate these other States as much as it is to investigate Mississippi.

Mr. FOX. Now, Mr. Chairman, I want to say that the constitution of Mississippi was framed by great lawyers and by wise and patriotic statesmen, who were anxious to relieve the State of the horrible state of affairs existing during the period of reconstruction, and which it is not necessary for me here to recite. They

are matters of history. The gentleman knows that, and it became necessary in order to save her civilization to disfranchise ignorance and crime and vice, and to secure the rule of virtue and intelligence. In undertaking to do that we looked to a part of the country that I am willing to say here has, perhaps in many respects the highest and best, civilization of any section in the United States; we went to New England, which is older in its history and has had the benefit of more experience than other sections of the country.

In Massachusetts they were confronted with the same condition of things when they framed their constitution. They were flooded with a great influx of ignorant foreigners, and they knew that they could not turn over the government to them, and so they disfranchised all illiterate voters. They have a grandfather clause in their constitution, as you will see, if you gentlemen will read it. They excepted from that provision everybody 60 years of age, and if a man is 60 years of age and isn't a grandfather, he ought to be. [Laughter.]

Mr. SMITH of Iowa. We all agree to that.

Mr. FOX. They went further than we did. They disfranchised all paupers, and we have no pauper qualification. We followed the illustrious example of Massachusetts, and the politicians in Congress have never complained of the State of Massachusetts, or of Connecticut, or of Vermont, in which State I had the delightful pleasure of spending three months last summer, and I want to say here that the wisdom of the constitution of that State is illustrated by the high character and reverence for law and order that exists among the people of Vermont. They provided in their constitution that a man must be of good behavior and of good moral character.

I insert here the franchise clauses of the constitutions of several States, including those of Mississippi:

MISSISSIPPI.

SEC. 240. All elections by the people shall be by ballot.

SEC. 241. Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in this State two years and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid, on or before the 1st of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified.

SEC. 244. On and after the 1st day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the 1st, A. D. 1892.

MASSACHUSETTS.

ART. III. Every male citizen of 21 years of age and upwards (except paupers and persons under guardianship), who shall have resided within the Commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, Senators or Representatives, and who shall have paid by himself or his parent, master, or guardian, any State or county tax which shall, within two years next preceding such election, have been assessed upon him in any town or district of this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have the right to vote in such election of governor, lieutenant-governor, Senators, and Representatives, and no other person shall be entitled to vote in such elections. Ratified by the people April 9, 1822, and still in force.

In 1857 the following amendment was added to the above provision of the constitution of Massachusetts:

"ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect."

In 1881 another amendment was added:

"ART. XXVIII. No person having served in the Army or Navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or if a pauper, because of the nonpayment of a poll tax."

VERMONT.

"ART. 8. That all elections ought to be free and without corruption, and that all freemen having a sufficient, evident, common interest with and attachment to the community have a right to elect officers and to be elected into office, agreeably to the regulations made in this constitution."

By the plan or frame of government contained in the second chapter it is ordained that—

"SEC. 21. Every man of the full age of 21 years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State."

CONNECTICUT.

In Connecticut the constitution of 1818, as amended in 1845 and 1876, fixed the qualifications of electors thus:

"SEC. 2. Every (white) male citizen of the United States who shall have attained the age of 21 years, who shall have resided in this State for a term of one year next preceding and in the town in which he may offer himself to be admitted to the privileges of an elector at least six months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector."

By the eleventh amendment, adopted in October, 1855:

"Every person shall be able to read any article of the constitution or any section of the statutes of this State before being admitted an elector."

Now, such has been the organic law of these other States for years and years. You never heard any complaint made here in Congress about their action. But as soon as Mississippi sees proper to follow the example of those States in order to protect her civilization you come in here and because it is imagined that the persons disfranchised will vote the Republican ticket you undertake to raise a howl about it. [Applause.]

Mr. SMITH of Iowa. I would not support any measure with reference to Mississippi which I would not support with reference to Massachusetts. I want that distinctly understood.

Mr. FOX. I know you would not. When I said "you," I did not mean it personally. If the gentleman thinks I did, I take it back.

Mr. BREAZEALE. I would like to ask the gentleman this question, whether one of the chief objections to the Crumpacker resolution is not predicated upon the fact that the investigation proposed and the testimony to be adduced must necessarily be ex parte and partisan, and therefore unsafe as the basis of any conclusion? Is not that one of the chief objections?

Mr. FOX. Certainly; that is what I have stated. The investigation is for partisan purposes.

I do not wish to discuss that resolution in itself especially, but it will be remembered that when it was introduced here during the last Congress in the form of a bill by the gentleman from Indiana, it was made applicable to only four States which the gentleman named. And everybody knows that the pending resolution was intended to apply to a few Southern States. In fact a distinguished lawyer in that caucus in which the Crumpacker resolution was considered urged that this is not an indestructible Union of indestructible States, but that Mississippi having gone out of the Union and having been readmitted by an act of Congress stipulating that the right of suffrage should not be restricted in that State, therefore Mississippi does not have the same rights that Massachusetts has to fix the qualifications of its own voters.

Mr. WM. ALDEN SMITH. Well, we are not bound by that.

Mr. FOX. I am discussing now the general sentiment about this matter. The unfortunate condition of things is that he is not bound by your proposition either. I wish he were.

In reference to this, Mr. Cooley says:

> When a State comes into the Union it is received on an equal footing with the original States and with all their rights and privileges. It must, therefore, have the same power to amend its constitution which is possessed by the other States, and a condition which should undertake to limit its power in this regard must, in a legal sense, be wholly inoperative.

Mr. Cooley cites in support of his position 3 Howard, 212; 10 Howard, 82; 18 Wall., 57; 125 United States, 1. This writer also cites the case of Williams *v.* Mississippi (170 United States, 213), in which the court, ignoring the act of Congress above referred to, holds that there is no provision in the present constitution of Mississippi which is in violation of any Federal law.

We may add that in the case of Texas *v.* White, the United States Supreme Court held that Mississippi and the other reconstructed States were never out of the Union, but that this was an indestructible Union of indestructible States.

Mr. WM. ALDEN SMITH. Any man who would undertake to say that Mississippi is not loyal to the Union would be written down as a jackass, full fledged. [Applause.]

Mr. FOX. I thank the gentleman for that statement. I gladly yield for the applause. [Renewed applause.]

I will say sincerely that my heart goes out to the gentleman for that statement; and I am glad that the time has come when a citizen of the South or a member representing a Southern Congressional district does not have to get up on this floor and assert the loyalty of his people and undertake to prove it.

I have always had too much respect for my people, in view of the proof they have given of their loyalty to the Union, to get up here and assert that they are loyal, and that the war is over. You have never heard me do it. And for that very reason I say that the time has come when a Southern representative in Congress ought to be able to get up here and state his honest views on a question of governmental policy without looking around the corner and without apologizing.

This is purely a legal question that presents itself to us as lawyers; and in addition to that, it is a question that presents itself to us as Christians, if not as statesmen—as citizens anxious to promote the welfare and peace, the law and order, and the increased prosperity of every section of the Union, whether Democratic or Republican in political sentiment. And if, as I assert, there is no race question in Mississippi; if this constitution of Mississippi which we now have is satisfactory to both races; if it has had a tendency to elevate both; if it has had a tendency to

promote law and order in the State and to promote harmony between the two races; to promote, I will say, the mutual love of both races as it exists there now, then nobody except a petty politician who cares nothing for the welfare of this country will seek to destroy the fabric which we have built up.

But I was proceeding to say that there is nothing in the constitution of Mississippi that denies the right to vote to anybody except for crime. Do you say that we have an educational qualification, and this denies the right to vote to anybody? It does not; it can not. Education is a qualification that any man can attain. It is not impossible; it is easy of attainment; and it is for the good of the citizen that he be required to attain it.

It takes no longer for a man to learn to read and write than the term of residence required by the constitution of every State in the Union to make a man a citizen. For instance, the State of Mississippi requires one year's residence before a man can vote. Every State of the Union prescribes some term of residence as a prerequisite for citizenship; and it is no greater hardship to require a man to learn to read before he can be allowed to vote than it is to require him to reside within the State for a certain length of time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY C. SMITH. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended twelve minutes.

Mr. WILLIAMS of Mississippi. One moment. Mr. Chairman, I yield twelve minutes more to the gentleman from Mississippi.

Mr. FOX. That is the view that Mr. Cooley takes of this question. Let me read:

> To require the payment of a capitation tax is no denial of suffrage; it is demanding only a performance of a public duty. Nor can it be said that ability to read is any denial of suffrage. To refuse to receive one's vote because of his color or because of natural equality or peculiarities, which it would be impossible for him to overcome, is plainly a denial of suffrage, but ability to read is something within the power of any man. It is not difficult to obtain it, and it is no hardship to require it. On the contrary, the requirement by indirection compels one to appropriate a personal benefit that he might otherwise neglect. It denies to no man the suffrage but the privileges tendered to all, subjected only to a condition that is beneficial in its performance, light in its burdens.

An educational qualification is not a denial, but only a regulation, of the right of suffrage, just as a law prohibiting the carrying of concealed weapons is not a denial of the constitutional right to bear arms, but only a regulation restricting that right to those who carry them unconcealed.

Now, I want to call the attention of the House to another provision in the franchise clause of our constitution, which requires the payment of a capitation tax. The payment of that tax is voluntary in Mississippi, but the payment of the tax for two years preceding the election is a requisite qualification of all voters.

Mr. WILLIAMS of Mississippi. I would suggest to the gentleman that it is the payment of all taxes as well as the poll tax; so that the rich must pay all the taxes.

Mr. FOX. Yes; but I am discussing now the poll tax. It will not be contended that any man who voluntarily disfranchises himself by the nonpayment of a capitation tax is denied the right of suffrage.

Mr. BREAZEALE. Has the right of the poll-tax requirement been recognized by Congress?

Mr. FOX. I would say to my friend that so far as that is concerned the franchise clause of the Mississippi constitution in toto has been recognized by the Supreme Court of the United States and passed upon in the case of the State of Mississippi *v.* Williams, in which there was no other question raised than the single question as to whether the suffrage clauses of the constitution of Mississippi were in violation of any provision of the Constitution of the United States. There was no other question in the case, and it was decided that there was no citizen of Mississippi disfranchised on account of race or color.

Now then, as to the payment of a poll tax as a qualification. The law of Mississippi requires that all poll-tax delinquents in each county shall be published in some newspaper, and I have here several county papers from Mississippi to which I wish to call attention. There are 3,000 in one county—nearly 3,000; I counted them; and I will submit it to the inspection of any gentleman—who voluntarily disfranchised themselves; that is, those of them who possess the other requisite qualification. Here is another paper.

I will call the attention of my friend from Michigan to the list in this paper, which shows which are colored and which are white who disfranchised themselves voluntarily by the nonpayment of the poll tax, and there are more white men in that list than colored men. There is no race question in it. Those marked with a "C" are colored; those not so marked are white. Some of them do it by carelessness and some of them do it designedly, because they would rather keep the $2 than to vote.

Now, I want to say to the House that so far as the effect of this constitution is concerned on the colored race, the wisdom of Mr. Isham T. Montgomery, a leading negro, who was a member of the constitutional convention which framed that constitution, and who voted for the franchise clause, has been fully vindicated. He voted for the franchise clause and argued that it would be for the elevation of his own race.

That man to-day is an appointee of President Roosevelt, holding a prominent Federal office, and living at the capital of Mississippi. He is a man of high character, a former servant of Jefferson Davis, and a stalwart Republican; and if any man in this House will take the pains to consult him he will learn something about the conditions there and learn that the result of the adoption of this constitution is not only satisfactory to the colored people in Mississippi, but it is also highly advantageous to them.

Mr. Chairman, the last census shows that out of about 200,000 negro men in Mississippi of voting age, 97,000 of those can read and write. Think of it—50 per cent of the negroes of the State have qualified themselves to vote, so far as the educational clause of the constitution of Mississippi is concerned, and they have done it by the generosity of their former masters. They pay no taxes.

Even the capitation tax which goes to the support of the school system of the State is voluntary, and I will say—and if I make a mistake about it, I hope some of my colleagues will correct me—that at least 95 per cent of the taxes paid for the support of the public schools, of which the negro race has all the advantages of the white, are paid by the white people of the State. And I want to say another thing, that Mississippi, without exception, pays more per capita to the support of public education, according to her wealth, than any State of the Union, Massachusetts not excepted.

Do not take my word for it. I telegraphed the superintendent of public education in the State of Mississippi the other day to send me the appropriations made for public education in the State of Mississippi, shared alike by white and black, and he sent me these figures:

Appropriations by the State of Mississippi for educational purposes, 1902 and 1903.

Summer normals	$10,000.00
Interest on Chickasaw school fund	111,146.10
Common schools	2,500,000.00
University of Mississippi	93,700.00
University of Mississippi, on land fund, 1900 and 1901	12,961.35
University of Mississippi, interest on land fund and seminary fund, both 1902 and 1903	81,446.19
Agricultural and Mechanical College	181,374.82
Agricultural and Mechanical College, interest account	37,132.50
Agricultural and Mechanical College, deficit on textile school	26,320.14
Alcorn Agricultural and Mechanical College	43,250.00
Alcorn Agricultural and Mechanical College, interest account	25,184.54
I. I. and C.	114,020.00
State Normal, Holly Springs	4,500.00
Total	3,241,035.63

And I will say that many more negro children attend the common schools than white. The census report will show that very many more negro children attend the public schools than white children.

Now, under our system each town of over 1,000 inhabitants has what we call a separate school district, in which we raise our own funds, levy our own taxes, and retain the money for the support of the school in that town. I wired the superintendent for information as to the amount expended in the separate school districts which are not included in this statement here, and he wires me that the total receipts are $412,449 and the disbursements $383,000 for last year. So it aggregates nearly $4,000,000, equally shared by both races.

Another thing. Much has been said about the "understanding clause" of the constitution of Mississippi. I hold here a contribution to the Mississippi Historical Society by a great lawyer who was a member of the convention that framed the constitution, and who voted against what is called the understanding clause; that is, the clause providing that if anyone is not able to read and write, but shows that he understands the constitution of Mississippi, he may register and vote, notwithstanding his illiteracy.

That has been attacked as a subterfuge. Here is a paper which I shall be glad to submit to any gentleman who would like to read it, entitled "Suffrage in Mississippi," in which he says that although he voted against that provision of the constitution, its wisdom has been vindicated by experience, and that there were more negroes in the State of Mississippi who had qualified under the understanding clause and who had registered and were now voting than whites.

I live in a county containing a large majority of negroes. I telegraphed the circuit clerk of that county, who is ex officio the registrar of voters in the county, for information as to how many whites and how many blacks had qualified under the understanding clause, and he wired me that since the adoption of the constitution in 1892, there had been in this county 5 white and 14 colored men registered under the understanding clause.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that

my colleague may have the privilege of extending in the RECORD and of inserting certain documents and papers.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his colleague may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. I yield five minutes more to my colleague.

Mr. FOX. It should be remembered that under the Constitution representation in Congress is based on the entire population, without regard to age, sex, nativity, color, crime, pauperism, or citizenship. If it is important that those who vote should be entitled to representation in Congress, it is still more important that those who do not vote should have such representation, because in no other way do they have any voice in the Government.

In the State of Massachusetts, according to the last census, there are 843,465 males over 21 years of age. Of these only 367,283 voted in the last Congressional election. There are 347,000 foreign-born males over 21 years of age in that State. Of these only 146,000 are naturalized; so that there are over 200,000 men of voting age in that State who are not citizens and can not vote. Yet they are all included in the estimate of population made in order to determine the number of Representatives to which Massachusetts is entitled.

According to the last census there are 53,000 males over 21 years of age in that State that are illiterate and therefore disfranchised. There is no way of determining the number of paupers or of foreigners who can read and write their own language and can not read and write the English language, and who therefore can not vote under the Massachusetts constitution. From these figures it is evident that Massachusetts would suffer a loss of several Congressmen if her representation should be reduced in proportion to the number of her population who are disfranchised.

The committee have listened very patiently to me, and I do not care to occupy much further time. The other day in this House, after great discussion and deliberation, without a single dissenting vote, in order to protect the civilization of the Pacific slope, we passed a bill excluding from our shores and our ships the Chinese, a people who in many respects possess the highest and the oldest civilization on earth.

The representative of that country at this capital to-day is the peer of the representative of any nation on earth, so far as intelligence and high character are concerned, and he is a prime favorite with everybody in Washington, so far as I know. I do not exaggerate when I say that there are 10,000 Chinese and more who are in every respect the peers of Minister Wu. I voted for that bill because I thought the gentlemen of the Pacific slope understood conditions there better than I, and I was willing that they should solve their own local problems.

Now, what I want to ask in all fairness is, that if it is right to exclude not only from citizenship, but even from temporary residence in this country, these Chinese, in order to protect the civilization of California and Oregon, how much more justifiable is it to exclude from the right to vote, from the mighty and I might almost say the almighty power of the ballot, the governing power, those who have no qualifications for it, the ignorant and the criminal, in order to protect the civilization of Massachusetts and Mississippi? [Applause on the Democratic side.]

On motion of Mr. WADSWORTH, the committee rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, and had come to no resolution thereon.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred to the Committee on Printing:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

REPRINT OF OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I send to the Clerk's desk a resolution providing for a reprint of the oleomargarine bill as it passed the House to-day—the usual number.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent for a reprint of the oleomargarine bill as passed by the House to-day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2207. An act granting an increase of pension to Louis Hahn;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 2619. An act granting an increase of pension to William Holgate;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 4821. An act granting an increase of pension to Herbert A. Boomhower;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 7782. An act granting an increase of pension to Thomas P. Smith;

H. R. 7903. An act granting an increase of pension to Ernest Wagner;

H. R. 9140. An act granting an increase of pension to Mary Ann E. Sperry;

H. R. 10532. An act granting an increase of pension to John L. Bowman;

H. R. 10951. An act granting an increase of pension to Pauline M. Roberts;

H. R. 11550. An act granting an increase of pension to William G. Gray;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 3592. An act for the relief of Henry Lane; and

H. R. 11839. An act authorizing the Secretary of War to loan tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SCOTT obtained leave of absence for four days, on account of important business.

Mr. WADSWORTH. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Doorkeeper of the House of Representatives, transmitting, with a letter from the superintendent of the document room reporting conditions and needs of the same, a report of the superintendent of the Capitol in response to the reference of the Speaker—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for sea wall at Fort Morgan, Ala.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of additional appropriation for buildings at Forts Myer and Ethan Allen—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to

which was referred the bill of the House (H. R. 12648) establishing a regular term of United States district court in Roanoke City, reported the same without amendment, accompanied by a report (No. 1740); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13027) extending the time for making final proof in desert-land entries in Yakima County, State of Washington, reported the same without amendment, accompanied by a report (No. 1741); which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature, reported the same without amendment, accompanied by a report (No. 1769); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 103) to open for settlement 480,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, reported the same without amendment, accompanied by a report (No. 1774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11285) for the relief of William Sheldon, reported the same with amendments, accompanied by a report (No. 1739); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy, reported the same without amendment, accompanied by a report (No. 1742); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4619) granting an increase of pension to Clifford Neff Fyffe, reported the same without amendment, accompanied by a report (No. 1743); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow, reported the same without amendment, accompanied by a report (No. 1744); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4650) granting an increase of pension to Delania Ferguson, reported the same without amendment, accompanied by a report (No. 1745); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2346) granting a pension to Amanda C. Bayliss, reported the same without amendment, accompanied by a report (No. 1746); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1638) granting a pension to John R. Homer Scott, reported the same without amendment, accompanied by a report (No. 1747); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3991) granting an increase of pension to Waity West, reported the same without amendment, accompanied by a report (No. 1748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4868) granting an increase of pension to James H. Walker, reported the same with amendment, accompanied by a report (No. 1749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3321) granting a pension to Patrick J. Murphy, reported the same with amendment, accompanied by a report (No. 1750); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13822) granting a pension to Hannah T. Knowles, reported the same without amendment, accompanied by a report (No. 1751); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13503) granting an increase of pension to Charles Haltenhof, reported the same with amendment, accompanied by a report (No. 1752); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9226) granting a pension to Elizabeth I. Ogden, reported the same with amendments, accompanied by a report (No. 1753); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11196) granting a pension to Abbie Bourke, reported the same with amendment, accompanied by a report (No. 1754); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13083) granting a pension to Lockie W. Reeves, reported the same with amendment, accompanied by a report (No. 1755); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4204) for the relief of Mrs. Hester A. Furn, reported the same with amendments, accompanied by a report (No. 1756); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6663) granting a pension to John York, reported the same with amendment, accompanied by a report (No. 1757); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3207) granting a pension to Johanna Buse, reported the same with amendment, accompanied by a report (No. 1758); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10767) granting an increase of pension to Louisa N. Grinstead, reported the same with amendments, accompanied by a report (No. 1759); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7918) granting arrears of pension and increase of pension to James C. Pettee, Company A, Twenty-second United States Infantry, reported the same with amendments, accompanied by a report (No. 17601); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9496) for the relief of Forrest E. Andrews, late a private in Company I, Sixth United States Artillery, in the war with Spain, reported the same with amendments, accompanied by a report (No. 1761); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11288) granting an increase of pension to William E. Ball, reported the same with amendment, accompanied by a report (No. 1762); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6330) granting an increase of pension to William D. Tanner, reported the same with amendments, accompanied by a report (No. 1763); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12778) granting an increase of pension to Edward R. Blain, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8351) granting a pension to Matthew V. Ellis, reported the same with amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13350) granting a pension to Presley P. Medlin, reported the same with amendments, accompanied by a report (No. 1766); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10761) granting a pension to Anne Bronson, reported the same with amendment, accompanied by a report (No. 1767); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13093) granting a pension to Eliza A. Brownlow, reported the same with amendment, accompanied by a report (No. 1768); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on tho table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1739) to correct the military record of Harrison Wagner, reported the same adversely, accompanied by a report (No. 1770); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9702) to correct the military record of James Addy, reported the same adversely, accompanied by a report (No. 1771); which said bill and report were laid on the table.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9701) to correct the military record of Samuel Savits, reported the same adversely, accompanied by a report (No. 1772); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the (House H. R. 5880) to correct the military record of Henry Stufflebam, reported the same adversely, accompanied by a report (No. 1773); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 7745) for the relief of Lizzie T. Perry, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLEFIELD: A bill (H. R. 13967) to change the terms of the United States circuit courts within the first circuit—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 13968) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy—to the Committee on Naval Affairs.

By Mr. BALL of Texas: A bill (H. R. 13969) for acquiring a site for a public building at Houston, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 13970) requiring places of business in the District of Columbia to be closed on Sunday—to the Committee on the District of Columbia.

By Mr. JOY: A bill (H. R. 13971) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy—to the Committee on Naval Affairs.

By Mr. LIVINGSTON: A bill (H. R. 13985) to repeal the tariff duties on meat and meat products—to the Committee on Ways and Means.

By Mr. BALL of Delaware: A bill (H. R. 13986) to modify and simplify the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. MONDELL: A resolution (H. Res. 222) for the consideration of Senate bill 3057, concerning sale and disposal of public lands, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 13972) granting a pension to Rebecca Prichard—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 13973) for the relief of Thomas M. Steep—to the Committee on Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 13974) granting a pension to Sarah F. Joslyn—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13975) granting permission to Maj. Rogers Birnie, of the United States Army, to accept a decoration from the President of the French Republic—to the Committee on Foreign Affairs.

By Mr. KEHOE: A bill (H. R. 13976) granting a pension to D. J. Casey—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13977) granting an increase of pension to John Dewire—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 13978) for the relief of Jesse T. Huffaker—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13979) granting an increase of pension to Charles A. Ward—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 13980) granting an increase of pension to William S. Hall—to the Committee on Invalid Pensions.

By Mr. SHELDEN: A bill (H. R. 13981) for the relief of Hector Morren—to the Committee on Military Affairs.

By Mr. TOMPKINS of New York: A bill (H. R. 13982) for the relief of David W. Robbins—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 13983) granting an increase of pension to Mary H. Walker, widow of Moses B. Walker—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 13984) granting an increase of pension to Henry Terrell, alias Pearce—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 13987) granting a pension Mary J. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13988) granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13989) granting an increase of pension to Marion H. Motsinger—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 13990) for the relief of the owners of the Norwegian steamship Nicaragua—to the Committee on Claims.

By Mr. MOODY of Oregon: A bill (H. R. 13991) for the relief of Augustus Fellows—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13992) granting a pension to Anna M. Hawes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of J. W. Melone, Canonsburg, Pa., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. BARTLETT: Petition of 2,240 citizens of Macon, Ga., for the erection of a public building in Macon for United States court-house and post-office—to the Committee on Public Buildings and Grounds.

By Mr. BOWERSOCK: Resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Barbers' Union No. 185, of Kansas City, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. BURK of Pennsylvania: Resolutions of the Maritime Association of the State of New York relative to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURKETT: Resolutions of Lenington Post, Grand Army of the Republic, of Chadron, Nebr., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. BURLEIGH: Resolutions of Merchants' Exchange and Board of Trade, Portland, Me., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania (by request): Resolution of War Veterans' Association of Spring City, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also (by request), resolution of Carpenters' Union No. 833, of Berwyn, Pa., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DOUGHERTY: Papers to accompany House bill granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mary J. Allen—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Marion H. Motsinger—to the Committee on Invalid Pensions.

Also, petitions of Mine Workers' Union No. 104, of Camden, Mo., and Locomotive Engineers' Lodge No. 17, of Stanberry, Mo., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FEELY: Petitions of officers of the Commercial Club and business men of Chicago, Ill., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, petitions of sundry citizens of Chicago, protesting against unnecessary hardship and brutality in the British South African war—to the Committee on Foreign Affairs.

By Mr. GILBERT: Petition of W. H. Traylor and other citizens of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GILLETT of Massachnsetts: Petition of Elmer H. Copeland and others of Northampton, Mass., for the protection of game and fish—to the Committee on the Public Lands.

By Mr. GRIFFITH: Resolutions of North Vernon, Ind., Division, No. 9, Order of Railroad Telegraphers, favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. HANBURY: Resolutions of Republican Union of the Eighteenth assembly district, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Eureka Lodge, No. 434; Swedish Lodge, No. 323; Columbus Lodge, No. 401, Association of Machinists; Coopers' Union No. 60, Piano and Organ Workers Union No. 27, Upholsterers' Union No. 33, and Watchcase Makers' Union, all of Brooklyn, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Kansas: Resolutions of Mine Workers' Unions of Frontenac, Fleming, and Pittsburg, Kans.; Lodge No. 221 of Boiler Makers' Union, Federation of Labor; Bricklayers and Masons' Union, of Parsons; Lodge No. 255, Locomotive Firemen, of Arkansas City, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KERN: Resolution of Commercial Club of Belleville, Ill., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Henry Fischer and W. H. Meisenbach, of New Hanover; Clover Creamery Company, of New Palestine; Eli Beckley, of Coulterville; A. F. Hays, of Houston; H. Jasper, of Stone Church, and Charles Hacke, of Nashville, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. KNOX: Resolutions of North Shore Lodge, No. 468, Salem, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Resolutions of Republican County Committee of New York County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petitions of sundry farmers and dairymen in the State of Maine, favoring House bill 9206—to the Committee on Agriculture.

Also, petition of the justice and judges of the Federal courts within the first circuit to Congress, for changes of the terms of the circuit courts within that circuit in Maine, New Hampshire, Massachusetts, and Rhode Island—to the Committee on the Judiciary.

By Mr. MOODY of Massachusetts: Petition of J. W. Huntington and others of Amesbury, Mass., favoring the passage of House bills 1135 and 11536, for the protection of game, etc.—to the Committee on the Public Lands.

By Mr. MOODY of Oregon: Resolutions of the Credit Men's Association of Portland, Oreg., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Commercial Club of Vancouver, Wash., relating to permanent improvement of Vancouver Barracks—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of Portland, Oreg., protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. MOON: Paper to accompany House bill granting a pension to Jesse T. Huffaker—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Petitions of W. Vroman Lodge, No. 88, Locomotive Engineers, and Lodge No. 28, Locomotive Firemen, of North Platte, Nebr., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, papers in support of House bill granting a pension to W. H. Covert—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Resolutions of Harrisburg Lodge, No. 174, Brotherhood of Railroad Firemen, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Coleman Post, No. 467, of Annville, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. OTJEN; Resolutions of Glove Workers' Union No. 9632, of Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Resolutions of Wayne Lodge, No. 291, of Newark, Brotherhood of Railroad Trainmen, and Bakers' Union No. 105, of Geneva, N. Y., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. RUCKER: Resolutions of Milan Lodge, No. 595, Locomotive Firemen, and citizens of Sullivan County, Mo., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUSSELL: Resolutions of Central Labor Union of New London, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. WILSON: Resolutions of Republican Union of the Eighteenth assembly district of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Resolutions of Barbers' Union of Susquehanna, Pa., and Locomotive Engineers of Great Bend, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petition of J. E. Rhoads & Sons, Philadelphia, Pa., approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petitions of F. C. Rollman & Co., Hance Bros. & White, Shoemaker & Busch, Smith, Kline & French Company, Frank D. La Lanue & Co., Stevenson Brothers, Jones, Sheibley & Hetrich, all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 25, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

TARIFF ON SUGAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a telegram received at the War Department from the president of the Assembly of the Presidentes of Occidental Negros, P. I., asking a reduction of 75 per cent of the duty on sugar; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

AFFAIRS IN PORTO RICO.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from Luis Muñoz Rivera, leader of the Federal party of Porto Rico, transmitting memorials of twenty municipalities of that place, remonstrating against the act of the legislative assembly of Porto Rico, suppressing them, and praying that the act of suppression be annulled. The Chair suggests that the paper in English be printed, and, with the accompanying documents, be referred to the Committee on Pacific Islands and Porto Rico. Without objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of sundry citizens of New Jersey, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of John Franks Lodge, No. 329, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called Foraker-Corliss safety appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of John Franks Lodge, No. 329, Brotherhood of Railway Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of a substitute therefor; which was ordered to lie on the table.

He also presented petitions of Typographical Union No. 424, of Orange; of Lodge No. 253, Brotherhood of Locomotive Firemen, of Trenton, and of Boiler Makers' Local Union No. 33, of Bayonne, all in the State of New Jersey, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Bradley Beach, Union, and Weehawken, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Iron Molders' Local Union No. 91, of Newark; of Bricklayers' Local Union No. 34, of Westfield; of Typographical Union No. 433, of Dover; of Bricklayers' Local Union No. 29, of West Hoboken; of Bricklayers' Local Union

No. 37, of Dover; of Journeymen Tailors' Local Union No. 77, of New Brunswick; of Bricklayers' Local Union No. 2, of Paterson; of Bricklayers' Local Union No. 5, of Orange; of Bricklayers' Local Union No. 10, of Jersey City; of Bricklayers' Local Union No. 11, of Montclair; of Boiler Makers and Iron Ship Builders' Local Union No. 16, of Jersey City; of Bricklayers' Local Union No. 22, of Long Branch; of International Jewelry Workers' Local Union No. 2, of Newark; of the New Jersey Division, American Wire Weavers' Protective Association; of the Executive Board of the American Wire Weavers' Protective Association, of Belleville; of Retail Clerks' Local Union No. 60, of Perth Amboy; of Carpenters and Joiners' Local Union No. 349, of Orange; of Carpenters and Joiners' Local Union No. 306, of Newark; of Carpenters and Joiners' Local Union No. 490, of Passaic; of Carpenters and Joiners' Local Union No. 620, of Vineland; of Carpenters and Joiners' Local Union No. 594, of Dover; of Carpenters and Joiners' Local Union No. 842, of Pleasantville; of Carpenters and Joiners' Local Union No. 121, of Bridgeton; of Carpenters and Joiners' Local Union No. 57, of Irvington; of Carpenters and Joiners' Local Union No. 20, of Camden; of Carpenters and Joiners' Local Union, of Montclair; of Carpenters and Joiners' Local Union, of Jersey City; of Journeymen Barbers' Local Union No. 318, of Elizabeth; of Plumbers' Local Union No. 181, of Bayonne; of Lehigh Valley Lodge, No. 33, Brotherhood of Railroad Trainmen, of Jersey City; of Plumbers' Local Union No. 226, of Trenton; of Plumbers' Local Union No. 270, of Perth Amboy; of Operative Potters' Local Union No. 35, of Trenton; of Operative Potters' Local Union No. 50, of Camden; of Flint Glass Workers' Local Union No. 7, of Millville; of Typographical Union No. 323, of Hoboken; of Locomotive Firemen's Local Union No. 271, of Port Morris; of Locomotive Firemen's Local Union No. 253, of Trenton, and of Boiler Makers' Local Union No. 33, of Bayonne, all in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Lodge No. 13, Brotherhood of Railroad Trainmen, of McMechen, W. Va., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of the proposed substitute therefor; which was ordered to lie on the table.

Mr. DRYDEN presented a petition of sundry citizens of Jersey City, N. J., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Metal Polishers, Buffers, and Platers' Local Union No. 44, of Newark; of Typographical Union No. 307, of New Brunswick; and of Carpenters and Joiners' Local Union No. 750, of Asbury Park, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Lodge No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of Lodge No. 11, Brotherhood of Locomotive Firemen, of Phillipsburg, N. J., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation providing for the reclamation and sale of the arid lands of the West; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Maritime Association of the Port of New York, praying for the enactment of legislation allowing all American sailing vessels under 1,000 tons gross register and of rating not inferior to A1½ to participate in all the general provisions of the ship-subsidy bills now pending in Congress; which was referred to the Committee on Commerce.

Mr. MILLARD presented petitions of Lodge No. 28, Brotherhood of Locomotive Firemen, of North Platte; of Local Division No. 88, Brotherhood of Locomotive Engineers, of North Platte; of Lodge No. 254, Brotherhood of Locomotive Firemen, of Norfolk; of Lodge No. 101, Brotherhood of Railroad Trainmen, of Norfolk; of Plumbers, Gas and Steam Fitters' Local Union No. 16, of Omaha; of Carpenters' Local Union No. 427, of Omaha; of Bricklayers' Local Union No. 1, of Omaha; of Boiler Makers and Iron Shipbuilders' Local Union No. 38, of Omaha; of Journeymen Barbers' Local Union No. 64, of South Omaha; of Carpenters and Joiners' Local Union No. 279, of South Omaha; of Local Union No. 44, of South Omaha; of Beef Butchers' Local Union No. 28, of South Omaha; of Leather Workers' Local Union No. 32, of Fremont; of Boiler Makers' Local Union No. 119, of Havelock; of Plumbers' Local Union No. 88, of Lincoln; of Journeymen Barbers' Local Union No. 164, of Lincoln, and of Bricklayers and Masons' Local Union No. 2, of Lincoln, all of the American Federation of Labor, in the State of Nebraska, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BURROWS presented petitions of Federal Labor Union No. 8378, of Battle Creek; of Iron Workers' Local Union No. 8903, of Saginaw; of the Detroit Council of Trades and Labor, of Detroit; of the Central Labor Union of Flint; of Bolt and Nut Workers' Local Union No. 7375, of Detroit; of Railroad Trainmen's Local Union No. 103, of Gladstone; of Carpenters and Joiners' Local Union No. 797, of Charlevoix; of Carpenters and Joiners' Local Union No. 116, of Bay City; of Carpenters and Joiners' Local Union No. 100, of Muskegon; of Carpenters and Joiners' Local Union No. 59, of Saginaw; of Barbers' Local Union No. 8, of Grand Rapids; of Barbers' Local Union No. 13, of Bay City; of Barbers' Local Union No. 202, of Sault Ste. Marie; of Iron Molders' Local Union No. 360, of Port Huron; of Plumbers' Local Union No. 70, of Grand Rapids; of Plumbers' Local Union No. 85, of Saginaw; of Plumbers' Local Union No. 106, of Port Huron; of Plumbers' Local Union No. 241, of Flint; of Journeymen Tailors' Local Union No. 229, of Detroit; of the Wood Workers' Council of Detroit; of Cigar Makers' Local Union No. 314, of Jackson; of Cigar Makers' Local Union No. 457, of Benton Harbor; of Valley City Typographical Union, No. 50, of Saginaw; of Boilermakers' Local Union No. 27, of Owosso; of Carpenters and Joiners' Local Union No. 341, of Marine City; of Iron Molders' Local Union No. 317, of Detroit; of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet; of Lodge No. 568, Brotherhood of Railroad Trainmen, of Alpena; of Lodge No. 494, Brotherhood of Locomotive Firemen, of Gladstone; of the United Mine Workers' Local Union of Jackson, and of the Twin City Trades and Labor Assembly, of St. Joseph and Benton Harbor, all in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FORAKER presented petitions of Lake Erie Lodge, No. 57, Switchmen's Union, of Sandusky; of Journeymen Tailors' Local Union No. 162, of Cleveland; of Bricklayers' Local Union No. 5, of Cleveland; of Bricklayers' Local Union No. 6, of Canton; of Bricklayers' Local Union No. 7, of Akron; of Bricklayers' Local Union No. 9, of Bellaire; of Bricklayers' Local Union No. 10, of East Liverpool; of Bricklayers' Local Union No. 11, of Hamilton; of Retail Clerks' Local Union No. 163, of Dayton; of Retail Clerks' Local Union No. 179, of Newark; of Retail Clerks' Local Union No. 430, of Niles; of Retail Clerks' Local Union No. 403, of Mount Vernon; of Carpenters and Joiners' Local Union No. 356, of Marietta; of Carpenters and Joiners' Local Union No. 328, of East Liverpool; of Mill Hands' Local Union No. 327, of Cincinnati; of Lake Seamen's Local Union of Cleveland; of Carpenters and Joiners' Local Union No. 494, of Columbus; of Carpenters and Joiners' Local Union No. 485, of Byersville; of Carpenters and Joiners' Local Union No. 404, of Painesville; of Carpenters and Joiners' Local Union No. 749, of Mount Vernon; of Carpenters and Joiners' Local Union No. 716, of Zanesville; of Carpenters and Joiners' Local Union No. 692, of Cincinnati; of Carpenters and Joiners' Local Union No. 676, of Cincinnati; of Carpenters and Joiners' Local Union No. 650, of Pomeroy; of Carpenters' and Joiners' Local Union No. 687, of Hamilton; of Carpenters and Joiners' Local Union No. 628, of Cincinnati; of Carpenters and Joiners' Local Union No. 569, of Barberton; of Carpenters and Joiners' Local Union No. 557, of Toledo; of Carpenters and Joiners' Local Union No. 940, of Sandusky; of Carpenters and Joiners' Local Union No. 39, of Cleveland; of Carpenters and Joiners' Local Union No. 17, of Bellaire; of Carpenters and Joiners' Local Union No. 11, of Cleveland; of the Carpenters and Joiners' Local Union of Madisonville; of the Carpenters and Joiners' Local Union of Findlay; of Carpenters' District Council, of Cincinnati; of Local Union No. 55, Brotherhood of Leather Workers on Horse Goods, of Marietta; of Carpenters and Joiners' Local Union No. 725, of Glennville; of Local Union No. 22, of Dayton; of Journeymen Barbers' Local Union No. 26, of Springfield; of Federal Labor Union No. 9658, of Roscville; of Local Union No. 9014, of Cincinnati; of Local Union No. 49, of Cincinnati; of Local Union No. 20, of Hamilton; of Iron Molders' Local Union No. 383, of Elyria; of Local Union No. 632, of Rush Run; of United Mine Workers' Local Union No. 435, of Salem; of the Trades and Labor Assembly of Columbus; of the Central Trades and Labor Assembly of Coshocton; of United

Mine Workers' Local Union No. 153, of East Palestine; of Local Union No. 4, of West Lebanon; of Local Union No. 1922, of Crystal Springs; of Local Union No. 1087, of Bergholz; of Blacksmiths' Local Union No. 228, of Galion; of Bricklayers and Masons' Local Union No. 29, of Lorain; of Stonemasons' Local Union of Akron; of Boiler Makers and Iron-ship Builders' Local Union No. 5, of Cleveland; of the Retail Clerks' Local Union of Massillon; of Local Union No. 43, of North Baltimore; of the Oil and Gas Workers' Local Union No. 52, of St. Marys; of Local Union No. 2, of Akron; of Local Union No. 9, of Cincinnati; of Chain Makers' Local Union No. 14, of Zanesville, and of Car Workers' Local Union No. 26, of Chillicothe, all of the American Federation of Labor; of Eastern Division No. 42; Brotherhood of Locomotive Engineers, of Cleveland; of Taylor Lodge, No. 175, Brotherhood of Locomotive Firemen, of Newark; of Portsmouth Lodge, No. 591, Brotherhood of Locomotive Firemen, of Portsmouth, and of Lodge No. 545, Brotherhood of Locomotive Firemen, of Columbus, all in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Commercial Club, of Muscatine, Iowa, praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of James Selden Cowdon, of Washington, D. C., praying for the adoption of certain reforms in the street-car service of the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF A COMMITTEE.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 9656) granting an increase of pension to Lunsford Y. Bailey, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11051) granting an increase of pension to Henry E. Williams, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; which was read twice by its title and referred to the Committee on Commerce.

Mr. PRITCHARD (by request) introduced a bill (S. 5435) for the relief of Susanna C. Cocke; which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5436) to reimburse Henry W. Spray for moneys expended by him for the support and conduct of the Indian school at Cherokee, in State of North Carolina; which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. HAWLEY introduced a bill (S. 5437) to authorize the settlement of the accounts of officers of the Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 5438) for the relief of the estate of Mrs. E. J. Brunson, deceased; which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5439) granting an increase of pension to George W. Rymell;

A bill (S. 5440) granting a pension to Patrick Fleming;

A bill (S. 5441) granting an increase of pension to Calvin Arwine;

A bill (S. 5442) granting a pension to Henry Klockenbrink;

A bill (S. 5443) granting an increase of pension to Addison M. Mansfield;

A bill (S. 5444) granting an increase of pension to James E. McBride;

A bill (S. 5445) granting a pension to Charles M. Brookover;

A bill (S. 5446) granting an increase of pension to William H. Few; and

A bill (S. 5447) granting an increase of pension to Joseph L. Knorr.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5448) for the relief of the estate of C. H. Kinnard, deceased;

A bill (S. 5449) for the relief of the estate of James L. Paul, deceased; and

A bill (S. 5450) for the relief of B. J. Young.

Mr. McCOMAS introduced a bill (S. 5451) for the relief of the heirs of John Hamilton, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5452) to quitclaim all interest of the United States of America in and to lot 4, square 1103, in the city of Washington, D. C., to William H. Dix; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5453) creating a commission to inquire into the condition of the colored people of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

RECIPROCAL TRADE RELATIONS WITH CUBA.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (S. 5353) to authorize the President for and on behalf of the United States to enter into a reciprocal agreement with the permanent government of Cuba respecting trade between the United States and Cuba and to carry out the terms of such agreement; which was referred to the Committee on Relations with Cuba, and ordered to be printed.

SCHOOLS OF MINING AND METALLURGY.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (H. R. 8735) to apply a portion of proceeds of sale of public lands to the endowment of schools or departments of mining and metallurgy, *etc.*; which was referred to the Committee on Mines and Mining, and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. McCOMAS submitted an amendment proposing to appropriate $30,000 to authorize the Secretary of the Treasury to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FOOD ADULTERATION, ETC.

Mr. McCUMBER. Mr. President, I desire for a few moments to consider a bill which I believe is one of very great importance to the American people, hoping to make some remarks upon it that will show to the Senate the importance of the measure and with a hope that I may bring it up and get the matter under consideration during the present session of Congress.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

Mr. McCUMBER. Mr. President, for the last quarter of a century nearly all the States of the Union have been *struggling* by their laws to purify the commercial atmosphere in food products in the several States. On account of the dual form of government, on account of the interstate-commerce clause of the Constitution, it has been impossible to make these laws wholly effective throughout the States. It has been determined that failure on the part of Congress to act under that interstate clause is an expression of its will that all goods of any character shall have free access from one State to the other, and it has been further determined that the commerce clause affects the goods not only while in actual conveyance from one State to the other, but that in addition thereto it takes and carries with it the right to sell in the original packages in the State into which they are imported.

The effect of these decisions, Mr. President, has been to make every State the dumping ground of the offal of misbranded and deleterious and adulterated goods of every other State in the Union; and for the last ten years every one of these States has been appealing to Congress asking for supplemental legislation on the part of this body whereby it may be enabled to close up this great gap against which it has been exercising its utmost endeavors in the past few years to prevent the importation of adulterous foods into its territory.

Not only this, but we have been flooded for the last ten years with petitions from the food commissioners of these States and agricultural societies all over the agricultural States asking for legislation on this subject.

In addition to that, Mr. President, the Secretary of Agriculture

has been unfailing in his endeavors to secure proper consideration of this great subject for the benefit of the agricultural class.

I desire, therefore, believing that it affects the agriculturist more than any other class of people, and representing that class in particular, to consider this subject from the agriculturist standpoint rather than from the standpoint of the manufacturer.

We have recommended from the Committee on Manufactures a substitute for the Hepburn bill introduced in the House and the Hansbrough bill introduced in the Senate, a substitute which we believe will meet all the requirements of these States, will assist them in making their laws effective, and which will produce no hardship against any dealer whatever. This legislation which we have recommended is not as drastic as that in those bills, and we believe that no legitimate objection whatever can be made to it.

The object of the State legislation in the last few years has been directed not so much toward the prohibition of the sale of adulterated or misbranded articles in its borders as to the matter of compelling those articles to unmask and to sell in their markets exactly for what they are. Therefore the bill which we have recommended is one, first, which deals only with interstate commerce and nothing else. It does not touch an article of food until it becomes a matter of interstate commerce. It lets go of that article of food the moment that it ceases to become interstate and is mingled in the general mass of property of any State. Not only this, but it does not prevent the transportation of deleterious, or misbranded, or adulterated articles of food, but simply compels them to be transported from one State to the other under their true name and under a proper label and nothing more, so that they are compelled to compete with other articles under their own banner.

Mr. President, there is another feature, and an important feature, in the matter of this pure-food legislation.

Most evil in its potency is this growing tendency of the public to look upon commercial fraud as a legitimate means to business success. And as this bill, if enacted into a law, will be the first great step the Government has ever taken to establish and insure a standard of national honor, and integrity, and truthfulness in the commercial relations of its people, I may be excused a brief reference to that feature of this subject which affects the character of every State in the Union.

Mr. President, rigid adherence to the rules of social, moral, and business integrity has always been the forerunner and marked the beginning of the rise of any country toward greatness. On the other hand, laxity in these lofty qualities has always been prophetic of and pointed to a country's decadence.

Dishonesty is an unnatural product of the human mind, and deceit is developed only as the offspring of necessity, which was itself necessitated by falsehood.

Destroy the first cause and you eliminate the effect—the necessity—for the second cause. The introduction of a drug or intoxicant into the physical body as a stimulant has produced the crises of danger and dissolution, when the system has adapted itself and changed to a certain extent every natural function of its organs to meet the unnatural invasion.

So, too, Mr. President, a most dire and critical period of danger to our body politic—of national danger—is reached when the public becomes inured to and looks with unconcern upon the wholesale fraud and falsehood in every character of business and commerce; and its natural inherent high standard of right is distorted or destroyed to adapt itself to this vice, to put its conscience to sleep and its sense of repugnance to death. Such sowing must by the inevitable law of unerring and unrelenting nature reap a harvest of blight and leave a scar upon our national character.

Mr. President, this is not a question which affects alone the health and purse of the people. It is a thousandfold greater than this. It affects the manhood of the American people—their honesty, their truthfulness, their sincerity, their ideals. It affects all that makes or tends to make a nation great and powerful, and which blesses it with longevity if not perpetuity.

The question is now raised whether this Government shall determine that its people shall be schooled in honesty or trickery, in candor or sophistry; and having determined that, whether it will force its determination on that question with a strong and unerring hand.

I know it is said you can not make people moral and honest by law; but no man will deny that you can make them immoral and dishonest by laxity of law—by surrounding them, schooling them, familiarizing them, or allowing them to be surrounded and familiarized, with every character of deceit. No thoughtful man will deny that.

I confess, Mr. President, that this feature of the proposed legislation has a deep and strong influence upon me—possibly more than that which deals with the health and pocketbook.

Dishonesty and decadence are inseparable companions. Integrity and progress are never strictly divorced. The traveler on any European tour is cautioned, while traveling through certain countries and making purchases, to always look after his change. No such caution is deemed necessary in other countries. One can not but be impressed with the truth that this caution is always directed against the dead and dying nations. In our science and philosophy we take cognizance of the fact that man is a product of his environment; that evolution is toward the betterment of an individual, is slow and tedious, but that dissolution is rapid and easy; that history shows us that the character of every nation is of slow, persistent, and steady growth, and the development of that character requires hundreds upon hundreds of years. On the other hand, history also shows us that the decadence of the character of any nationality requires but a few years for its completion.

The influence, Mr. President, of fraud is a continuing influence that permeates and colors the mind as certain as the sun does the skin. Long continued, it develops into a hereditary trait. When one sees unchecked deceit and dishonesty all around him, it tends to breed the same quality in him.

But I will confine myself to the immediate condition, which, I believe, calls, and calls loudly, for legislative action.

The extent of adulterations and misbranding of food products is appalling. Because these frauds for the most part have been against the purse and not the stomach, because for the most part the adulterated articles have not shown immediate deleterious results, the average citizen has been too much engrossed in securing sustenance for to-morrow to stop to avenge himself on account of a spurious food of to-day. This and the fact that the real aggressor, the manufacturer, is generally hundreds of miles away in another jurisdiction are two of the reasons why this growing wrong has not been met many years ago.

Mr. President, the man who would advocate the repeal of the laws of the country against counterfeiting money would be called insane. Why? Because we have been educated that the article which is to measure the value of all other articles of trade should be as near perfection as possible, and yet it is in itself but a production subject to increased or decreased volume, and has a greater or lesser purchasing power according to the demand. It is, however, more than a measure of value. It is a commodity of trade and exchange. It is personal property used enormously for barter or trade in other personal property.

Is, therefore, the proposition to withdraw all prohibitory laws and allow free counterfeiting of money much less sane than that counter proposition to make no law and to allow free counterfeiting of that which is to be traded for money? Is it less a crime to stamp dust or mud "flour" than to stamp lead as a silver dollar?

You punish a person because he purchases supposedly $25 worth of goods and pays for it in lead dollars. We consider that an enormous crime simply because he has given that which is valueless. And yet we make no attempt whatever to correct it, and we allow it to go without even a comment, when the other person has traded to him 20 cents worth of glucose for $25 worth of money.

But some objectors say if food is not deleterious no harm can be done. And we answer, Mr. President, that for all practical purposes copper is as good as gold, and if 90 per cent of copper were alloyed with gold it would be just as handy or convenient as a medium of exchange.

Another class of opposition go a step further and say it is unreasoning public prejudice that compels them to brand an article falsely; that glucose is more healthy than many fruit jellies; and because the public is so prejudiced that it will not see and acknowledge this truth, and that such prejudice ought not to destroy the manufacture of a perfectly wholesome article, prohibiting the manufacturer from selling it for an article against which there is no such unreasoning prejudice. But again, Mr. President, that same prejudice is what makes gold worth more than other metals. That same prejudice is what makes diamonds worth more than rhinestones.

Around this proposition of prejudice—unreasoning prejudice—crystallizes nearly all the objections to this legislation. The proposition of those who appeared before the committee, when boiled down, was a cold-blooded one. It was simply this: If the public does not know enough to appreciate a good, wholesome article, manufactured for its benefit in pure philanthropy and 90 per cent profit, the maker is justified in deceiving the public into purchasing it for another article which has not fallen under the ban of public prejudice.

Mr. President, nearly every human taste is an acquired one, and most business consists in catering to that taste; and any business which does not take that into consideration must suffer the consequences. Every year brings some new fad which enriches the lucky promoter. The honest wholesale milliner, however, who

has half of a last year's antiquated stock on hand does not ask the privilege of selling it this year as the latest thing out.

The objectors to this legislation, who base their objection upon the ground that the sale of a good article should not be prohibited from sailing commercially under any banner, could as reasonably declare that the hat of four years ago is just as good and comfortable as one just made, and therefore the wholesale dealer has a right to send a shipment to a retail merchant advertised as "the latest Parisian style," and the retailer at some little country town or village should perpetuate that lie; that it is a mere matter of overcoming a fantastic and unreasoning feminine prejudice. This is a double crime against one class of our citizens, for whom I intend to speak.

Mr. President, the population of this country is divided into two nearly equal parts. The farmer and farm laborer on the one hand and the manufacturer and factory laborer on the other.

The whole attention of the Government for the past forty years has been absorbed in devising means to better and to increase our manufactures and our commerce, and for forty years the whole farming half of the country has peen paying tribute to this policy. That it has been a paying investment to them the greatness and universal prosperity of the country to-day will testify. But for forty years the farmer—the food producer—has voted in favor of giving the manufacturing population the benefit of his market, free from equal competition. He is the most patriotic and the least selfish person on the face of the earth. He has watched labor strike again and again. He has seen the manufacturers raise the scale of wages again and again to meet labor's demand, and then charge the difference to him—the farmer—in an advanced price on the manufactured article which he must purchase. And he has beheld this with perfect equanimity, because he wants to uplift the laborer and make for the American workman a happy home, forgetting in his philanthropy that for the number of hours work done the agricultural laborer—the farm laborer—is the poorest paid laborer in the United States.

Now, this farmer asks but very little in the line of reciprocity. For forty years, by his vote, he has given the market of the agricultural population to the American manufacturer. To-day he is asking of the manufacturing population just an open market for his productions, protected against fraud and falsehood, against spurious imitators and frauds, nothing more. The farmer asks this of the coal miner and the iron and woolen and cotton manufacturer. He asks only fair treatment. North Dakota asks this of Pennsylvania. South Dakota asks it of West Virginia. Minnesota asks it of Massachusetts, Nebraska of New York, and Omaha appeals to Pittsburg. And in this he asks for nothing that in the end will not be a blessing to every one of these States.

There are many Senators who can still remember the days of "wild-cat" money—of State bank issues. They know to what extent trade was demoralized and commerce crippled by the uncertainty in the value, or comparative values, of different moneys; they know the frauds that were perpetrated in the exchanges; they know that in the country towns this condition brought people to the old elementary methods of barter—so many dozen eggs for so many yards of cloth. They know the revival consequent upon the adoption of an exclusive national currency in all lines of business.

And as the evidence of the stability of our currency is a condition precedent for commercial success and commercial prosperity, so to a certain extent is confidence in the integrity of the goods which are purchased with that money a forerunner of commercial prosperity between our States.

Mr. President, great as is our trade to-day, still many a goodly industry has been driven to earth by spurious imitators. Surround these industries with an atmosphere of commercial honesty, give them the sunlight of truth, and a thousand buds will bloom afresh, and by their homely fragrance awaken a natural, healthful condition. All they need is a fair opportunity. A good, wholesome, pure article, known to be just what it is, has never yet gone begging for a market in the United States.

The greatest demoralizing influence on trade is to have the country flooded with counterfeit money to purchase good goods. The second greatest is to have the country flooded with counterfeit goods to trade for good money. The farmer no longer makes or sells his own pickles, although he can make better and healthier ones than any copperas-colored product in the world.

In the little cities and towns scattered like gems all over the agricultural States—cities of from two to ten thousand population in every county, the time is not far gone when the farmer could at least find a market for his garden, orchard, or dairy products. He could trade a gallon of good pickles, say, for a couple of pounds of good honey. He could trade everything he raised—butter, eggs, poultry, fruit, and jellies, for groceries. To-day he can take his gallon of pickles, worth 40 cents, and if he is able to sell it at all he may then purchase his two pounds of glucose honey, worth 6 cents.

The housewife takes her butter to town, worth every penny of 20 cents per pound. She is entitled to that. She is then only receiving a meager profit for her labor and her skill. She brings that to the merchant and the latter shows her a tub of butter which he has just purchased in the market for 12 cents per pound—fine-looking butter, butter yellow as gold, and which makes her own look inferior, and pale, and sickly—butter with a beautiful four-leaf clover stamp on it, each pound inclosed in a wrapper on which is a fairy landscape, a green verdant pasture, and a mild-eyed Jersey, one of those kind that appeals to the poetic fancy of certain Senators who are well acquainted with the poetic but never with the practical end of the cow.

The good wife is dazed. She does not understand how it can be done. At that price she could not make enough butter all summer to pay for the feed the cow consumed while she was dry in the winter, counting nothing for her labor. She does not know that this fine butter is made of lard from the entrails of a pig, the manner of whose death is a mystery; a little beef suet, a little milk, a little oil, some deodorizing agent, a little flavoring, all emulsified to produce this grand article, and which cost not to exceed 8 cents and worth not to exceed 3 cents per pound. She does not know that while her cow was dry four or five months of the year and very meager in her allowance half of the balance of the time this oleomargarine beast never goes dry, but her flow is constant and unfailing and will continue so to be so long as slaughter-houses exist. She can not compete against this conglomerate brute, and so she must sell her honest, wholesome product for a less price than this colored imitator.

In the spring of the year the farmer of North Dakota, who, perhaps, came from the eastern or middle section of the country, experiences a craving for some old-fashioned maple sirup. He wishes to give his family a treat, and he saves up some butter, worth in the markets 15 cents per pound, and he takes 10 pounds of that butter and buys a gallon of pure Vermont or Ohio maple sirup. It comes in a sealed can, and he knows it is pure maple sirup, not only because it says so on the can, but the wrapper has on it a colored picture of a sugar camp which would challenge the attention of the greatest art connoisseur in the country—a picture which depicts to him just the scenery around, with its woodland dells, and the manner in which this sirup is manufactured, and it is marked "Pure Vermont maple sirup." And he takes that home, as I myself have done many times, hoping against hope that I might just once find the true article; and you can imagine his disappointment when he pours out some dark, glutinous substance, colored with burnt sugar and flavored to taste—well, almost like anything in the world; there is no taste on earth that it does not resemble—only there is not one drop of maple or any other decent sirup in it.

"But," say some dealers who see in this a bill aimed at their business, "it is perhaps just as healthy, or better, than real maple sirup."

Mr. President, it does not injure a man's health to steal from him; but most men would rather take the chance of deleterious foods, of a little copperas in their peas, rather than have a 15-cent cheap concoction passed off on them for a $1.50 genuine article.

If I must give an honest dollar instead of a counterfeit, what right has the man who deals with me to give me bogus goods? Not only that. If the Government binds me by a law to use genuine money, what right has it to allow a condition which admits of a fraud like that on me by the use of a counterfeit article which is traded for that money?

And yet, Mr. President, by our silence we are educating people into the belief that this fraud and dishonesty is all right in business—asking them to look with placid unconcern on most rank deceit and robbery under the name of commerce and under the sanction of law. It is time to act, Mr. President.

This is not alone a crime against the purchaser. It is an equal crime against the honest merchant. He can not compete with this pictured fraud. He must lie or go out of many lines of business. It is unfair competition. That man—that merchant—is also entitled to protection.

In many of the Southern States they used to make what was called "open-kettle molasses." Every farmer made it. It found a good market. It was made from the very best ribbon cane. It gave quite an income at one time to the makers. The agricultural chemists declare that this is the very finest sirup known. To-day it is practically driven out of the market. It can not compete with colored and flavored glucose.

Take the case of sorghum. There is not a State in this Union that does not make sorghum molasses. Every farmer can raise it. Every farmer can make his own sorghum molasses. He is interested in this bill. He is interested, Mr. President, in this

matter of legislation. It would mean to him millions of dollars a year. His business, however, in this line has been ruined because glucose is sold as molasses. It would mean millions of dollars a year to the farmers of the Northwest if they could get a good honest market for their product in sorghum.

Now, Mr. President, we can not always raise cereals on our Western farms. The example of the East to-day will be the example of the West in twenty or thirty years, if not in less time than that. If we look over the advertisements in our papers to-day we will find in Maine, in Vermont, in New Hampshire, and in Connecticut, abandoned farms advertised for summer homes. Why? Simply because they can not compete with the cereal raising of the Northwest, and they can not compete with the other articles of farm produce simply because of the adulterants which have come in conflict with their production, and thus the farms are compelled to be abandoned. That condition will sooner or later reach our Western States unless some character of relief is found.

All the sorghum now that is made is just enough for their own personal use. Then, also, take the case of jellies—pure fruit jellies. In nearly all the eastern or middle States every farmer has a good orchard. Time was when he could make and sell jellies from the fruits of that orchard at a reasonable profit. In Minnesota and Wisconsin there are thousands of acres of all character of wild fruit—plums, grapes, cranberries. These were made into jellies by the thrifty housewife. They found a ready market. They, too, have had to succumb to the onslaught of glucose.

A market for pure cider vinegar assisted the owner of every orchard in disposing of his apples of low grade which would not find ready purchasers in the market. It is perhaps true that not one-twentieth of the vinegar sold as "pure cider vinegar" has ever seen an apple.

Mr. President, a brief epitomized statement of some of the most common adulterants and misbranding might be in place here.

It is stated that it is almost impossible to get New Orleans molasses unless it is purchased direct at the plantation. After the New Orleans molasses reaches Chicago, New York, Philadelphia, or Baltimore you seldom get it pure. It is adulterated with glucose.

Apropos of maple sirup, Mr. Magruder, who is a merchant here in this city, said:

> Over ten years ago a man came up to me with a small vial and asked me what it was. "Why," I said, after tasting it, "that is maple sirup, but it is not as good as I have tasted." "Well," he said, "that is just what I came to see you about. There is not a bit of maple sirup or maple sugar in it. I am getting out a patent on it."

So, Mr. President, even codfish comes in for its share. Hake or any other cheap fish is cured like codfish, put up in small packages, and sold for that fish.

The market is full of vanilla beans from which the vanilla has first been extracted.

The oil from the nutmegs is extracted by a process known to the profession, the punctures filled with lime solution, and the nutmegs then go upon the market again. Apple peelings, cores, rotten and wormy apples are thrown in a vat together, and from the jelly product every kind of fruit jelly known to the trade is manufactured. Turnips go into our horse-radish and pumpkins into our apple butter.

Every character of liquor is made by using the cheapest wine bases and coloring and flavoring to imitate the genuine article. A quarter of a hundred different kinds of liquors, with that many different prices, come from the same vat. The preparation is given in the following recipe. Take brandy, for instance:

> To 40 gallons colored French spirits add 2 ounces of brandy oil, mix well, and add 1 quart of white sirup or glycerin. To imitate any particular brand, add a small quantity of the kind to be imitated. About 3 gallons to 40 will answer the purpose.

The country is flooded with this kind of brandy. That may be all right for the person who is addicted to its use; it may kill him a little quicker, but where it is prescribed by the doctor who knows the effect of pure brandy upon the system, and he gives a prescription for pure brandy and an adulterated article is furnished, he may be amazed and wonder at the opposite effect produced from a prescription which he supposed to be one adapted to the case.

Let us take stomach bitters. Here is a prescription:

> STOMACH BITTERS.
>
> Add 1 pound of stomach-bitter essence to half a gallon of alcohol or spirits, 188°; mix with 30 gallons proof spirits, and then add 10 gallons of water and 1 gallon of white sirup. Color with whisky coloring or German cherry juice. This will make a good, strong bitters that may be further reduced with water if a cheaper article is required.

I may say that most of the stomach bitters are a conglomerate mess of this kind.

Let us take the Rhine wine that is used here in the United States.

> Mix 1 pound of essence in 3 gallons of proof spirits and add to 37 gallons of rectified cider; then dissolve a pound of tartaric acid in half a gallon of hot water and add to suit the taste.

There we have got about one-half of the Rhine wine that is used in the United States.

The testimony of Dr. Bigelow, of the Bureau of Chemistry in the Department of Agriculture, is of special interest as bearing upon the misbranding of all oils as olive oil. The idea is quite prevalent that ordinary cotton-seed oil, which is sold extensively in France, comes back to this country bottled as olive oil. The researches of the Agricultural Department, however, do not seem to support this claim. There are strong reasons, however, for the supposition, based upon the fact that so great a proportion of the oil sold in this country as olive oil bears a foreign stamp.

The testimony shows, however, that most of these stamps are made wholly in this country, and that neither stamp, bottle, nor oil ever saw France. A large number of these labels were presented to the committee—labels that were taken from bottles especially purchased by the Agricultural Department, and each indicating that the material was manufactured in France. The product sold as olive oil consisted of corn oil, cotton-seed oil, peanut oil, and other oils. I quote from the examination of Dr. Bigelow:

> The CHAIRMAN. I have heard that there are some cotton-seed oils sold in the French market which are there mixed with a little olive oil and imported into this country as olive oil.
>
> Dr. BIGELOW. That statement is often made, and there is certainly a great deal of cotton-seed oil exported to France. During the last few years, however, we have examined a great many olive oils that were imported into this country, obtaining them through the customs officers, and we have not yet found any of them that contained cotton-seed oil. I do not mean to say that there are none imported, but we have no reason to think there are, although the statement is often made. I do not know that they are not.
>
> The oils marked "Olive oil" that are brought into this country are very frequently adulterated with peanut and sesame oils. They are also said to add, in foreign countries, sunflower and mustard oils, but we have not found them. We have only found peanut and sesame oils in our investigations of these "olive oils."
>
> Here is another label which recalls a very interesting interview I had with a clerk in Buffalo. They had two brands of "olive oil," as they were marked. One was American, they said; the other was imported. They looked very much alike. I asked the clerk if he could give me a quart bottle of the imported oil. He said he could bottle me one. I asked if his firm bottled it themselves. He said yes; and he finally admitted that those two samples of oil were bottled from the same barrel, and that they were both cotton-seed oil. The bottle he sold me is labeled "Olive oil, put up by Frères Du Peaux, Bordeaux, France."

Many samples of peanut and other oils were introduced in evidence, and the testimony shows upon the whole that the peanut and cotton-seed oil displaces, to a great extent, the pure olive oil in this country.

The olive-grower of California is entitled to protection against this counterfeit. In reference to olive oils, and as bearing upon the protection that is due the olive-growers of California, I quote this statement from Dr. Bigelow:

> There is one interesting point that might be mentioned in regard to olive oil. It is not generally known, I think, that it is possible to import European oils into this country, ship them across the country by rail, and put them on the market at San Francisco at a lower price than that for which the first-grade California olive oils can be made.
>
> The CHAIRMAN. Do you mean pure oils?
>
> Dr. BIGELOW. Well, we are not able to state definitely that they are not in some cases pure. Many of them are not.

The testimony of this same investigator shows that our wines of the cheapest character come into competition with the carefully manufactured and preserved product under a false coloring, flavor, and false pretenses.

Mr. President, I have an idea myself—possibly not founded upon expert knowledge—that, as a rule, vegetable oils are superior to animal fats; that cotton-seed oil is more healthy than lard. What I insist upon, and what I believe the public insists upon, is that they shall know when they are buying lard and when they are purchasing cotton-seed oil, when they are buying olive oil and when they are purchasing peanut oil. These may not be deemed injurious adulterations, so far as they relate to health. They are injurious so far as they relate to the morals and to the purse of the people of the country.

The deleteriously adulterated foods, however, form no inconsiderable percentage of the food products of the United States. The report of the Agricultural Department estimates that the amount of fraudulent adulterations reaches 15 per cent and injurious adulterations 2 per cent of the products consumed.

These estimates, however, were based upon figures obtained by the food commissioners of the several States, and then, to be conservative, by dividing such estimate by two. I believe, however, that the machinery for investigating matters of this kind has not been sufficiently perfected to ferret out but a small proportion of the real frauds practiced, and that we might safely increase, if not more than double, the estimate made by the Agricultural Department. But even taking the Department's estimate, the

adulterated article amounts to $1,170,000,000 every year, and the deleterious adulterations to $156,000,000 per year. As I say, we can fully double this, and we would have almost $4,000,000,000 worth of commerce in adulterated articles. There is nothing that is not adulterated, unless it be potatoes, flour, and, to some extent, the ordinary uncanned meats.

No fair estimate can be placed upon the wholesale murder of our citizens by reason of both deleterious and misbranded articles being sold as genuine.

There is not one article, however wholesome, which is adapted to every individual. There is no individual, however healthy, who may with impunity use any article of food in these days of overtaxed nerves and weakened digestion. It is, perhaps, not going too far to say that the vast majority of the people must conform to some more or less rigid rule in reference to diet. No physician can prescribe or determine the results of any article of food upon the system of his patient unless he knows that the article prescribed and the article secured in conformity to the prescription is the genuine article.

Take the case of an infant. It comes into this world endowed with certain inheritances and legacies, one of which is the right to live, to grow up and develop, and reach the highest plane within the scope of its possibilities. It is perfectly helpless. It neither knows its requirements nor is capable of insisting upon them. In its sickness a physician is called in and prescribes a preparation for food. The life of that child may depend entirely on the character of the food purchased on that prescription. The prescription calls for milk and other materials. Now, the milk may be 30 per cent water. Water is healthful, but it is not the food the doctor prescribes. His skill and learning are rendered unavailable by a simple fraud, and the child dies. It may be only one life out of many, but it is an important life to those whose love gave it existence, surrounded it in its brief stay, and mourn its untimely end. And a government which has allowed that condition is derelict of a sacred duty, if not criminally negligent.

Again, a doctor may prescribe for either infant or adult condensed milk, a kind of malt milk which is presumed to be easily digested. Pursuant to his prescription, a can of condensed substance, marked "pure condensed" or "malted milk" is obtained. It is used as directed and with fatal results. An examination of this malted milk, or this condensed milk, shows that the milk from which it was made had first extracted from it, by an ordinary separator, the cream and butter substances in a proportion of 4 pounds to the hundred, and substituted in its place was deodorized lard, 4 pounds to the hundred, emulsified and sold as condensed milk. One of the most common cases of disease requiring a person to abstain from the most common article of food is that of diabetes. These patients must refrain from any character of starchy foods. Their lives depend upon it. They can use only the purely glutinous flour.

Now, take the markets here in the city of Washington. Dr. Bigelow, referring to a case like this, says:

> A number of years ago we examined about twelve or fifteen gluten flours obtained at random in the grocery stores of Washington, and of that number not more than two or three were really gluten flours.

Just think of the percentage of fraud there! More than 400 per cent of the entire amount was simply a fraudulent production of that which is prescribed for a certain class of patients, who necessarily must have the pure article.

Dr. Bigelow continues:

> The rest consisted of ordinary wheat flour—a perfectly wholesome product, one of the most wholesome on the market, but not what was required. The same is true of such nitrogenous foods as sausage, for instance, which is sometimes adulterated with 20 per cent or more of starch—a perfectly wholesome product, and yet not what is desired in certain cases.

Further on this line he says:

> We might go to exactly the opposite extreme and find illustrations of the same thing with carbohydrate foods that are mixed with proteids. For instance, there is on the market a prepared food which is sold for infants and invalids and contains an admixture of meat fiber. If this were fed to a patient who was being treated for nephritis or some kindred disease, we would have another illustration of the same general principle of which I was speaking.

Returning to the case of infants, he says:

> We know that very often in case of constipation the amount of cream in the mixtures that are fed to infants is increased, and if that is not sufficient it is often customary to add a little olive oil. Where that is prescribed it is olive oil that is desired. It is not cotton-seed oil, which is perhaps equally wholesome, but is not the same thing. It may not give the same results. It is not peanut oil that is desired. Olive oil is prescribed by the physician, and the information on which these prescriptions are based has been obtained with olive oil.

Now, in case of death as a result of this deception practiced upon the public, who is to be held responsible? The retail merchant, who buys but does not know that the article is not what it is represented to be; the manufacturer, who does not consider the special use for which the food may be prescribed; or the Government, which takes no steps to protect the lives of its citizens? I might not be injured in consuming that which comes to me under a false pretense, but I maintain that I should be protected against being misled into taking that which I do not want.

Mr. President, we have done much to eliminate filled cheese from our commerce. This filled cheese is manufactured by removing the butter fat from fresh milk by means of separators. The butter fat is made into butter in the same factories where the cheese is made. Then for every pound of butter fat which is removed a pound of neutral lard is substituted. The whole is emulsified and made back into cheese, just as the milk would be. Mr. Knight, of the National Dairy Union, referring to this subject, says:

> I can also say that the same thing is used in the manufacture of condensed milk. It is practically a filled milk. * * * They take milk and extract the fats from it, put this oleo oil into it, emulsify it, put it up in cans, and call it "condensed milk."

Mr. President, I have had some experience of that kind myself. In going into some three different stores and purchasing three brands every one of them was of the character described, having lard in them instead of pure cream.

> All the butter fat is gone out of it, you know. There are so many of these things being done that I could stand here almost all day and tell you of them; but I thought everything of the kind had already been covered.
>
> The CHAIRMAN. Q. You can see the importance of that matter where a doctor prescribes condensed milk for a child which is brought up on a bottle.
>
> Mr. KNIGHT. A. The difficulty in connection with those things is this: If there were only one grade of oleo oil it would be all right. But suppose they take this oleo oil that melts only at a temperature of 165, put it into milk, condense it, and it goes into a child's stomach. It is as indigestible as paraffin. You can not digest it; you can not melt it. I have some of this stearin in my possession now. You can bite it off and it will no more dissolve in your mouth than a piece of marble. They make tallow candles of it.

Speaking of the ice cream that is used, Mr. Knight says:

> To-day in making ice cream, instead of using real cream, as they used to do, the manufacturers will use condensed skim milk. They will take milk from which all the fat has been drawn and condense it until the liquid is as thick as cream; but it contains no fat whatever. The fat, of course, is the part that is valuable. That makes a very thick, white article like condensed milk, and they use that and neutral lard to make ice cream in place of real cream. Cream itself is now made in the city of Chicago from milk to which this condensed skimmed milk is added to make it thick. What is added is simply casein. All the fat that that cream will contain will be the 4 per cent that is in natural milk; but it will look thick and is thick and has all the consistency of cream. It is really the condensed product of the solids of the skimmed milk.

Mr. President, the oleomargarine bill that passed the Senate some time ago has failed to reach another insidious attack upon the product of the farmer's cow. It might be that an investigation would show that about as large a percentage of cream is fraudulent as the percentage of colored oleomargarine to butter.

This oleo oil is not alone used in the manufacture of butter and condensed milk, but to some extent forms the basis of caramel candies. Instead of using milk and cream they use beef fat, our oleo oil.

As I have stated, Mr. President, the principal objection to this bill has been made by those who wish to sell an article, not deleterious, possibly, to the ordinary individual, as something other than it is because of public prejudice. I beg to take the time to quote some of their testimony, in order that Senators may understand the character of the objections. I wish to say, however, in the outset, that but very few of these business houses in the United States are opposed to this bill. There are probably a half dozen or more of them that are; but the great majority are especially in favor of it, and they have signified their adhesion to the bill as it now stands by many letters and otherwise.

Mr. Miller, who represents the interests of Sprague, Warner & Co., dealers in food products, says:

> The CHAIRMAN. How do the provisions of the Hepburn bill injure the interests of any of these associations which you represent?
>
> A. Well, the Hepburn bill takes up the question of branding of articles. Now, for instance, you take glucose; that is an article with which the public is not familiar——
>
> The CHAIRMAN. The Hepburn bill requires that if glucose be sold in the market, it shall be as glucose and not as honey or maple sirup or any other kind of sirup. Now, how does that feature of the Hepburn bill become detrimental to the interest of your people?
>
> A. Whenever they are required to place that kind of label upon the product, a product which is admitted to be healthful, it destroys its sale.
>
> The CHAIRMAN. Don't you think the public might be educated to believe that such an article is healthy in some other manner than by denominating it maple sirup when it is not, than denominating it honey when it is not, even though equally healthy?
>
> A. Well, I would suggest this: If we want that kind of legislation, if we want things to be called by their right names, if we want true labels on articles of merchandise, that a bill be framed for that purpose and that all articles of merchandise be included.
>
> The CHAIRMAN. Other than food products?
>
> A. Certainly. My position is this: If we want such a law we should be frank enough to say so, and legislate for that purpose specifically and not do it under the cover of seeking to protect the public health. If we want legislation of that kind, let us frame a bill and include everything.
>
> The CHAIRMAN. Can not you see a clear distinction between eating glucose for honey and sleeping upon a basswood bed which is denominated mahogany?
>
> A. If glucose were admitted equally valuable as a food product, I say no.

I quote this testimony that you may see the character of the objections.

Mr. F. H. Madden, representative of the firm of Reid, Murdoch & Co., and others, states:

The CHAIRMAN. How are you going to protect the honest against the dishonest and unscrupulous manufacturer? How are you going to protect under that law the honest dealer who brands his goods, whatever they are, against the dishonest one?

That question referred to the law which made it simply an offense to sell deleterious articles or those of a poisonous character.

A. I do not quite get the intent of the question.

The CHAIRMAN. How are you going to protect the man who brands his goods honestly against the man who brands them dishonestly?

A. The only remedy, in my mind, would be to specifically legislate on each subject. I believe that once the question of deleteriousness or healthfulness of food is eliminated, that when the article is admitted to be pure and wholesome, it then becomes an article of merchandise, the same as any other article of merchandise. I think the consumer should have the same protection that he has in any other article of merchandise—no more, no less. We would be glad to sell every article under its true name, but we can not do it; we have tried it. It would compel us to sacrifice our profits, destroy our business, and disrupt our business almost entirely."

Mr. E. M. Newton, of Chicago, representative of the Commercial Exchange of that city, and connected with wholesale grocers and manufacturers, says:

There is but one point that I desire to make. There is a condition existing in this country which none of us are responsible for. Going back to the glucose proposition, sir, we are not responsible for the fact that probably ninety-nine out of every hundred mortals deem glucose injurious to health and to be a filthy product and not fit for human consumption, whereas as a matter of fact it is a clean, wholesome product, and is used to an extent—and must necessarily be used to an extent—that to prohibit its use would deprive a certain class of people of luxuries.

The CHAIRMAN. Is it not better to educate the people to a just idea or conception of the healthful qualities of glucose by advertising it as healthy, by having the Secretary of Agriculture, for instance, with a number of intelligent chemists he has under him, and these especially educated people to declare that it is a healthy article, rather than to mix it in an insidious form and attempt to sell it for something it is not, thereby inducing the people to believe, and educating them to believe, that it is a deleterious substance?

A. That is a question which would impose upon the merchants the burden of bringing about an educational feature which would take years and years of time. In the meantime what becomes of our business?

Senator HARRIS. Should the merchant not be the very man to do that, if he is selling that article?

The CHAIRMAN. It would seem that the glucose man would be interested in having the glucose sold for a healthy article?

A. Sir, it would take all of our profits and all of our time, and I think it would go beyond that, take more than our profits. We simply would have to adjust ourselves to an absolutely different condition of affairs.

That seemed, Mr. President, to be the only serious objection to this bill. To the same effect is the testimony of Mr. Walter H. Williams, representing the Association of Manufacturers and Distributers of Food Products, of Detroit, Mich.

He is supported by Mr. George A. Scherer, of Peoria, Ill., representing the National Retail Grocers' Association. This gentleman says:

The CHAIRMAN. Don't you believe all commercial business would be just as well and just as profitable if all the commerce were conducted upon an honest basis, selling just exactly what one has for sale for just exactly what it is, rather than to continue to insidiously introduce and sell a thing for other than what it actually is? If we adjust ourselves to those conditions, don't you believe it would result in benefit to every line of commerce?

A. I believe when you undertake by law to make all people perfectly honest in their dealings that you have got a very large job on hand.

The CHAIRMAN. You would not cease attempting, would you?

A. I want to say that I agree with you perfectly in theory, to the letter, and I should be glad to give you my full influence among my constituents, so far as that may go, and if you can establish the millenium right here, I am with you.

For an exposition of the other side of the question by the representatives of retail merchants, I call attention to the testimony of Mr. Albert Kaiser, representing the Retail Merchants' Association of Pennsylvania, and others, found on page 51, Senate Report 972.

Most of these merchants, and I may say 99 per cent of them, favor this bill. They wish to deal honestly, but they wish others to do the same thing, so that they may be able to compete with them upon an honest basis. The honest merchant and the producer are forced to come into competition with this character of commerce. There is scarcely an article in the grocery line, except a few of the staples, that is not forced to compete with these counterfeits. So the honest retailer is also entitled to protection. It is not competition that he is compelled to meet. Competition is one thing; insidious fraud is another.

But, Mr. President, it has been suggested that the introduction of all of these spurious articles is a benefit to the laborer; that by striking down the better article, or at least the real article, it makes it cheaper and brings it to the reduced scale of the selling price of its imitator; that thereby the laborer gets cheaper sirup and cheaper butter, even where he purchases the real article.

This argument, Mr. President, is as deceitful as the interest it purposes to support. If these counterfeit articles are just as good as the others, the result will be, if this legislation goes into effect, that by being compelled to disclose their character they can be purchased for perhaps half or a quarter of what they are now bringing, and the laborer will therefore be benefited and the manufacturer receive an honest profit, while the real article—the good butter, the good sirup, the pure jellies, the real cream—will bring in the market a price fixed by the demand for such genuine articles, and no more.

This bill purposes to protect the producers of genuine articles. It is throwing around a certain class of manufacturers or producers—the agricultural class, for the most part—the protection policy of the Government, which has heretofore been protecting the interest, and still continues to protect the interest, of the laborer; and it is a poor example of gratitude, a poor example of reciprocity, for the laborer, who has received the vote of the farmer to protect him, so that the articles which he produces would bring a higher price and he could receive better wages, to say, "We oppose this legislation because it will enhance the value of the products of those who have so generously voted us this favor."

To-day we talk of Cuban reciprocity. We talk of a charity that is due to Cuba. We have simply given Cuba her liberty. We have expended our blood and our treasure to the amount of about $300,000,000, and they say that now we owe them the duty of reciprocity. If that be true, I will ask you if we do not owe a greater duty of reciprocity to the agricultural class of our own country, consisting of more than 35,000,000 people; if they are not entitled to reciprocal relations with the other parts of the United States so that they may sell their products without coming into competition with any character of fraud which may be imposed upon the public?

Mr. President, two industries make the sum total of the business of my State—farming and stock raising—the former including the dairy interest. The prosperity of our State depends upon the prosperity in those two branches of industry. All commercial and mercantile interests are bottomed on those two industries.

Every article which our farmer and stockman requires and must have is by this Government protected. The plows and the reapers, the saddles and harness, every hammer and nail, every saw and ax, every hoe and spade and fork, every pound of wire, and every article of hardware, his knives and dishes, every article of clothing from his hat to his shoes, the very books his children read and the songs they sing are protected by law.

And when these people come to Congress and ask that their products be protected against sophistry and falsehood, against deceit and counterfeit, against imitated adulterants and lying brands, they are not blind to the fact that they are asking the payment of a just debt long past due. They know that, in balancing up the benefits derived from national legislation, there is a good, big balance to their credit. They ask that this debt be partially satisfied by the removal of these bogus obstacles which block the progress and destroy the profitableness of their own sales.

Mr. President, do we want any stronger evidence of the widespread demand for legislation than the fact that nearly all of our States have passed pure-food laws—stringent laws—to check this evergrowing evil? Do the many societies organized all over this country, State and national, to further the interest of pure food signify nothing of the importance of this subject?

Does not the hearty approval of this legislation by the Secretary of Agriculture, the earnest and zealous efforts of one who represents the agricultural people of the country, whose every want he knows and whose every interest he sacredly guards, carry a conviction as to the propriety and necessity for this legislation?

But the States' legislation has not proved a success. They have attempted to fence against this forbidden trespasser; they have builded well, but there is a dividing line where their jurisdiction comes in juxtaposition with that of the Federal Government, and right here is a gap wide enough to render almost useless the other precautions. It is the interstate-commerce clause of the Constitution which forbids the State from closing that gap—forbids it from prohibiting the importation and sale of any articles in original packages condemned by it.

The great bulk of imitated and adulterated food products become articles of interstate commerce before reaching the consumer. This has crippled the power of the State, and to a great extent rendered its police powers unavailing. And here, Mr. President, arises the necessity for Federal legislation supporting the efforts of the States in closing up this aperture and making one complete whole of the pure-food legislation.

The substitute bill, which has been reported by the committee, carefully avoids trespassing upon, or interfering with, the police power of the several States.

It avoids the field of conflicting opinions as to whether the Federal Government, under the interstate-commerce clause of the Constitution, or the State, under its police power, has the right to determine what is deleterious or a proper subject of commerce. It allows all to enter into commerce, but compels adulterants to unmask.

It lays its hands only upon articles while they are subjects of interstate commerce, and leaves them to the States the moment they cease to be such. It regulates commerce in all foods. It prohibits it in none, except known poisonous ingredients.

The framers of this bill have tried to so avoid all dangers of encroachment by the Federal authority upon police power that all Senators, whether schooled in the principles of liberal construction of the Constitution or taught by education and environment to guard the right of the State against Federal aggression, might lay aside all partisanship differences and meet and join their mutual efforts against fraud and deceit which affects the health and the purse of every family in every State in the Union.

Mr. President, before proceeding with the several provisions of the bill, the law under which the Federal power is to be exercised may aptly require brief consideration.

I have prepared a short and concise statement of the decisions of the Supreme Court of the United States bearing upon the construction of the interstate-commerce clause in the Constitution, showing the evolution which we have passed through in arriving at the present judicially established doctrine. I will ask that this be printed as a part of my remarks.

LEADING CASES CONSTRUING THE INTERSTATE-COMMERCE CLAUSE OF THE CONSTITUTION.

Section 8 of Article I of the Constitution of the United States provides:

Congress shall have power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The framers of the Constitution, in adopting this provision, undoubtedly had in mind only the prevention of discriminating rates or laws between the different States, so that one State might not prevent free access of goods of one State into or through another. This power, however, is in late years exercised for a totally different purpose. The provision does not merely place it in the hands of Congress to prevent the States from interfering with the free introduction of the commerce of one State into another, but gives to Congress the power to regulate.

GIBBONS V. OGDEN (19 WHEATON, 1).

A law of the State of New York gave to certain persons the exclusive right to navigate the waters of that State by steamboat.

It was claimed on the one side that this law was an attempt by the State to regulate commerce and in conflict with the exclusive right of the Federal Government to make such regulations.

On the other hand it was claimed that in the absence of Federal legislation the State might act.

It was held that the commercial power is, as a whole, incapable of division, and therefore exclusive in the Federal Government. The word to "regulate" implies full power over the thing to be regulated, and necessarily excludes the action of all others that would perform the same operation on the same thing.

That it would produce an arrangement by changing what the regulating power designs to leave untouched as to that on which it is operated.

BROWN V. MARYLAND (12 WHEATON, 419).

This case involved the validity of a law in Maryland, imposing a license tax upon importers for the privilege of selling imported goods. The court held that the power of Congress upon the subject was not dormant; that it was not necessary to decide whether the mere existence of the power in Congress excluded action by the State, as Congress had expressly authorized importation by imposing a duty.

WILSON V. BLACKBIRD, ETC. (2 PETERS, 245).

This case involved the validity of a law of Delaware, authorizing a dam in a small but navigable creek. Congress had passed no act concerning interstate commerce, and the court says: "We do not think the act empowering the company to place a dam across the creek can be considered as repugnant to the power to regulate commerce in its dormant state." This opinion has been considered inconsistent with Gibbons *v.* Ogden and Brown *v.* Maryland.

NEW YORK V. MILN (11 PETERS, 102).

A New York law required masters of vessels from other States or countries to make a report to the State authorities in giving information as to the passengers. The court held that the act was valid as an exercise of the police power, and not a regulation.

PIERCE V. NEW HAMPSHIRE (5 HOWARD, 504).

New Hampshire required a license for selling spirituous liquors. A barrel of gin being bought in Boston was transported and sold without this license in New Hampshire. The seller was indicted. It was held that the New Hampshire law was a valid exercise of the authority of the State.

THE PASSENGER CASES (7 HOWARD, 282).

Both New York and Massachusetts passed laws imposing a tax on all passengers arriving from other States or foreign countries. The decision of the court (four justices dissenting) was against the constitutionality of the laws.

BOWMAN V. NORTHWESTERN RAILWAY COMPANY (125 U. S., 465).

The laws of Iowa forbid a common carrier to bring within the State of Iowa any intoxicating liquors without having been furnished with a certificate by the county auditor of the county to which said liquor is being transported showing that the consignee is authorized to sell intoxicating liquors. The court held: First, the question whether the failure of Congress to act is conclusive evidence of its intention that the subject of commerce shall be free from positive regulation or whether it shall be left to be dealt with by the States is to be determined from the circumstances of each case; second, it held, however, that Revised Statutes 5258 are indications of an intention that the transportation shall be free except when restricted by Congress or by a State with permission of Congress; third, that the Iowa law is neither an inspection law nor a quarantine law, but a regulation of commerce, and repugnant to the Constitution.

It does not decide whether the right of transportation includes the right to sell.

IN RE RAHRER (140 U. S., 545).

This is a well-considered case. By a Congressional act of August 8, 1890 (26 Stat., 313), it was provided that intoxicating liquors transported to a State for consumption, sale, or storage therein shall, upon arrival, be subject to the operation of the laws of such State * * * and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. It was held that this is a valid and constitutional exercise of the legislative power conferred upon Congress. The court makes the following remarks:

The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint. Therefore, it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject should be free from restrictions or impositions upon it by the several States. (Robbins *v.* Shelby, etc., 120 U. S., 489.)

Second. The right of a State to prohibit the manufacture or sale of liquors therein does not necessarily infringe any right secured by the Constitution. (Bugler *v.* Kansas, 123 U. S., 623.)

Third. These cases rest upon the acknowledged right of States to control their purely internal affairs, and in so doing to protect the public health, morals, and safety of the people.

Fourth. Whenever a thing, from character or condition, is of a description to be regulated by the power in the State, then the regulation may be made by the State, and Congress can not interfere, but this must depend on facts.

Fifth. The case involves the distinction which exists between commercial power and police power.

Sixth. And the fact must find its support in this, whether the prohibited article belongs to and is subject to be regulated as a part of foreign commerce or of commerce among the States.

Seventh. If, from its nature, it does not belong to commerce, or if its condition, from putrescence or other cause, is such when it is about to enter the State that it no longer belongs to commerce, or, in other words, is not a commercial article, then the State may exclude its introduction. And here is the limit between the sovereign power of the State and the Federal power. That is to say, that which does not belong to commerce is within the jurisdiction of the police power of the State; and that which does belong to commerce is within the jurisdiction of the United States.

Eighth. The State can not determine the question whether spirituous liquors which shall pass by sale from hand to hand shall be excluded from commerce. If it could do this, then the paramount power of Congress to regulate commerce is subject to the State.

Ninth. But Congress has now spoken and declared that imported liquors or liquids shall, upon arrival in the State, fall within the category of domestic articles of a similar nature. Is the law open to constitutional objection?

Tenth. Congress can not transfer legislative power nor sanction a State law in violation of the Constitution; and if it can adopt a State law as its own, it must be one that it would be competent for it to enact itself, and not a law passed in the exercise of police power. Congress can neither delegate its own powers nor enlarge those of a State.

Eleventh. By adoption of the Constitution the ability of the several States to act upon matters of commerce was extinguished and the legislative will of the Government substituted.

Thirteenth. While the object was undoubtedly that of preventing commercial regulations partial in their character and contrary to common interest, still this furnishes no support to the position that Congress could not, in the exercise of discretion reposed in it, concluding that common interests did not require entire freedom in the traffic in ardent spirits, enact the law in question.

Fourteenth. In doing so Congress has not delegated its power. It has made its own regulation, applying to those subjects of interstate commerce one common rule.

Fifteenth. Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

PLUMLEY V. MASSACHUSETTS (155 U. S., 451).

A statute of Massachusetts prohibited the manufacture or sale of oleomargarine which should be an imitation of yellow butter. The defendant was found guilty and sued out a writ of habeas corpus.

By an act of Congress a tax was imposed for carrying on a trade in oleomargarine. The court held—

First. The act of Congress relating to oleomargarine was not intended as a regulation of commerce.

Second. The act of Massachusetts did not prohibit the sale of

oleomargarine, but only such as is colored in imitation of yellow butter.

Third. If free from coloration the right to sell it in a separate and distinct character is not prohibited.

Fourth. The real object of coloring oleomargarine is to make it look like genuine butter and to secure its sale for butter.

Fifth. A person is only forbidden to practice a fraud upon the public. The statute seeks to suppress false pretensions and promote fair dealing in the sale of an article of food.

Sixth. This is merely a police power. If the article had been only against imported oleomargarine, it would have been different.

Seventh. The Constitution of the United States does not take from the States the power of preventing deception and fraud.

Eighth. In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the life, health, and safety of their citizens, though the legislation might indirectly affect the commerce of the country.

The court considered the case of Leisy *v.* Hardin, 125 U. S., 100, in which it was held that parties who ship beer into Iowa had the right to sell it in original packages, and then says: "So far as the record disclosed in that case, and so far as the contentions of the parties were concerned, the article there in question was what it appeared to be, namely, genuine beer, and not a liquid or drink colored artificially so as to cause it to look like beer." The language quoted from Leisy *v.* Hardin must be restrained to that case, and does not justify the contention that a State is powerless to prevent the sale of articles manufactured in or brought from another State and subjects of traffic and commerce, if their sale may cheat the people into purchasing something they do not intend to buy, and which is wholly different from what its condition and appearances import. This law was sustained, though not without dissenting opinions.

SCHOLLENBERGER V. PENNSYLVANIA (171 U. S., 1).

This case reviews the many other cases, and held that a law of the State of Pennsylvania prohibiting the importation of oleomargarine was unconstitutional. This was based upon the fact, first, that oleomargarine is a usual subject of commerce not deleterious to health; second, that providing for its manufacture and imposing a tax upon it, and regulating its manufacture, sale, importation, and exportation, Congress had recognized it as a proper subject of traffic. These decisions have at last, by a somewhat circuitous route, succeeded fairly well in defining the limit and extent of both the Federal and State authority over articles of interstate commerce and the line of demarcation between Federal interstate-commerce authority and State police power.

The law may now, with much confidence, be laid down about as follows:

1. The right to regulate interstate commerce is exclusively a Federal right and attaches not only to the transportation of an article, but to the thing transported.

2. Failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject should be free from restrictions or impositions by the State.

3. That a State can not prohibit the importation or sale, in original packages, of any article in its nature wholesome and free from fraud, or which Congress has by its laws acknowledged a proper subject of commerce.

4. The police power of a State extends to the prohibition of the sale, even in original packages, of imported articles if their sale may cheat or defraud, or if the article, from putrescence or other cause, is such that it is not a commercial article. In these cases the State may exclude its introduction.

5. But the paramount power to determine whether an article is a proper subject of commerce is in Congress, and not the State.

6. Under its power to regulate, Congress may determine that an article of commerce, upon its arrival within the borders of a State shall become immediately subject to all police regulations of such State.

We believe the proposed legislation is not subject to attack as going beyond the clearly defined and determined Federal authority. It strikes at frauds and sophistries of every character in food products. On the other hand it imposes no hardship on any dealer or on commerce, but rather facilitates the latter by requiring goods to be transported and sold for what they are.

Section 1 of the bill provides for the organization, in the Bureau of Chemistry of the Department of Agriculture. of a food and drug division. It creates no new power, but utilizes one already established and existing in this Department.

This division is charged with the inspection of food and drug products as provided for in other sections of the act. It provides for the analysis and examination—chemically, microscopically, or otherwise—of foods and drugs which are subjects of foreign or interstate commerce.

Section 2 prohibits the introduction into any State or Territory or the District of Columbia from any other State, Territory, or foreign country, adulterated or misbranded foods or drugs, and provides for the punishment therefor.

Under section 3 the Chief of the Bureau of Chemistry is required to make rules and regulations for examinations of specimens of foods and drugs offered for sale or intended for shipment, and if it shall appear from such examination that the provisions of this act are violated, to certify the facts to the proper United States district attorney, with a copy of the results of the analysis duly authenticated.

Section 4 makes it the duty of every district attorney, upon receiving such report, to cause proceedings to be commenced for the prosecution of the person violating the act.

Section 5 defines the terms "drug" and "food," as used in said act, the first to include all medicines and preparations recognized in the United States Pharmacopœia for internal or external use, and the latter to include all articles used for food, drink, confectionery, or condiment by man or domestic animals.

Section 6 defines what shall be construed as adulterations and misbranding, and provides that drugs shall be deemed adulterated:

1. If, when sold by a name recognized in the United States Pharmacopœia, it differs from the standard or strength of quality or purity as laid down in said pharmacopœia official.

2. If the strength or purity fall below the professed standard under which it is sold.

That such drug is misbranded:

1. If it is an imitation of or offered for sale under the name of another article.

2. If the package containing it, or its label, shall falsely state its ingredients or substances, or falsely state the place of its manufacture.

That confectionery shall be deemed to be adulterated if it contain certain poisonous substances as therein stated.

That an article of food shall be deemed to be adulterated:

1. If other substances have been mixed with it so as to reduce or injuriously affect its quality, so that when offered for sale it shall tend to deceive the purchaser.

2. If any substances have been substituted, wholly or in part, for the article so that it shall deceive or tend to deceive the purchaser.

3. If any valuable constituent of the article has been partially or wholly abstracted, so that it shall deceive or tend to deceive the purchaser.

4. If it contain any added poisonous ingredients.

5. If it consists of a filthy, decomposed, or putrid animal or vegetable substance unfit for food, or the product of a diseased animal, or one that has died otherwise than by slaughter.

We have made a clear distinction between misbranding and adulterated food, so that one may not misjudge the character of a food by denominating it adulterated when it is simply misbranded.

That an article of food shall be deemed to be misbranded:

1. If it is an imitation of or offered for sale under the distinctive name of another article,

2. If it be mixed or colored in a manner whereby damage is concealed so as to deceive a purchaser.

3. If it be branded so as to deceive or purport to be a foreign product when it is not.

4. If its package or label bears any false statement as to its ingredients or substances, or if it is misbranded as to the State or Territory in which it is manufactured.

This section also provides that compounds of foods under their own distinctive names which do not contain added poisonous or deleterious ingredients, or articles labeled or branded so as to plainly indicate that they are mixtures or combinations or imitations, shall not be deemed to be adulterated or misbranded, provided they are labeled or branded so as to show the character of their constituents.

This section also provides that no dealer shall be convicted under the provisions of the act when he is able to prove a written guaranty of purity in a form approved by the Secretary of Agriculture, signed by the manufacturer or party from whom he purchases the article. In such case the manufacturer or party from whom the purchase is made shall be amenable to the prosecutions and fines.

Section 7 requires the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which may be added to foods, and to assist him in this he is authorized to call upon the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and not less than five eminent physicians, to be selected by the President, three of whom shall be from the Medical Departments of the Army, Navy, and Marine-Hospital Service, and not less than five experts to be

selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products, and to study the effect of preservatives and other substances added to food products on the health of the consumer. This provision alone will be of incalculable benefit to the people.

This section has been to a great extent misunderstood. There seems to be a general understanding that when the Secretary of Agriculture has fixed a standard of foods all foods which are sold or which may become subjects of interstate commerce must correspond with that standard. There is nothing of that character in the bill. The only object whatever of section 7 is that the public may be enlightened as to what is a proper standard, of what is deleterious and what is not, and no one is bound to accede to the rules and regulations laid down by the Secretary of Agriculture in relation to pure foods.

This section also provides that these officers and experts shall confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established.

This section, while it in no way affects or interferes with commerce in adulterated or misbranded goods, is, nevertheless, a most beneficial provision. We here create a commission of the most eminent chemists and food specialists in the country, to determine not only what is the highest standard of food, but also what is deleterious or injurious. The publication of the decisions and findings of this high court, while it will be binding upon no person, will at the same time acquaint the public with the quality and character of all food products, and become in time the bureau of food information to which the American people will look for all matters pertaining to its health and physical welfare. It will be one of the greatest incentives in the world to every manufacturer of food products to bring his productions up to as near perfection as possible. Not only this, but it will tend to eliminate the very objections which are urged against this bill—the unreasoning prejudice of the public against any article of food. When the maker of an imitation—glucose jelly, for instance—has the certificate, the finding, of this high and intelligent tribunal to the effect that glucose manufactured from corn is one of the most easily digestible and wholesome articles of food, he can take that certificate, publish it in every paper in the United States, and it will no longer be necessary for him to sell that glucose as apple or currant or raspberry jelly. Ascertaining that it is equally healthful, that it is equally nutritious, and its flavor equally pleasant, the man who can not afford to pay a higher price for pure fruit jelly will, without fear of deception, purchase this article, and its sale will be increased.

The original Brosius and the Hepburn bill, as introduced in the House, provided—

> That such standards and determinations, when so fixed by the Secretary of Agriculture for the use of the chemists of the Department, might be read in evidence in the United States courts, but should not be considered as determining the adulteration of any articles under section 6 of the act, unless such standards and determinations should be approved by the court.

This provision does not appear in the bill reported by our committee, and we can see no place for it in the proposed legislation. These standards fixed by the Secretary of Agriculture are not binding obligations of law. The failure to comply with them is not anywhere made an offense, nor do we consider it necessary to pass such stringent legislation at this time. I do not believe that this provision in the bill has had due consideration from a legal standpoint.

No mere certificate could receive the sanction of any court as proper evidence in a criminal case where the defendant is entitled to have his accusers brought face to face with the accused, and I know of no procedure by which a court could either approve or disapprove of a standard fixed by the Secretary of Agriculture or determined by him as being of the highest character. And even admitting that courts could so do, anyone can see that a standard might be approved by one court and disapproved by another. Different persons require different foods, and, as we have stated, almost every ailment requires as its antidote some special character of food, and we think we have done all that is required when we have enabled every person, after determining what is most healthful for him, or what he wishes, to purchase it without danger of fraudulent deceit.

Section 8 makes it the duty of every person manufacturing or shipping articles of food, upon being tendered the price, to deliver to the representative of the Department of Agriculture a sufficient amount of such article of food for analysis.

Section 9 provides for punishment upon failure so to do.

Section 10 provides for the confiscation of such articles by the several United States courts.

By section 11 it is provided that this act shall not be construed to interfere with commerce wholly internal in any State nor with the exercise of their police powers by the several States, and that nothing in the act shall be construed to interfere with legislation now in force, either in the District of Columbia or the Territories, regulating commerce in adulterated foods or drugs, except wherein such legislation conflicts with the provisions herein.

Mr. President, an objection was made to that feature of the bill by the commissioner of food products, I believe he is called, or the commissioner, in the District of Columbia. It was referred to the Committee on the District of Columbia. The objection is that the proposed law interferes with and practically sets aside all of the other laws of the District of Columbia relative to the control over adulterated and misbranded foods. I wish to say now that that is an error. This bill does not touch nor attempt to touch, in any manner, foods or the selling of foods after they have ceased to be articles of interstate commerce, except in the District of Columbia and in the Territories, and in those it does not interfere with the local laws of the Territory or the District. If those who make this objection will read over the bill and see that it pertains only to the sale of these adulterated articles in the first instance, they will see that their objection is not well founded, whereas if we should allow the amendment which they request the bill would be entirely a nullity in the District of Columbia and in the Territories.

Mr. President, the object of this section is to make it doubly certain that it is not intended to interfere with the police power of a State, and also that it does not intend to cover mere local legislation in the District of Columbia and the Territories regulating such things as selling adulterated milk, etc.

We believe, Mr. President, that the enactment of this proposed legislation into a law would do very much to strengthen the credit of our food products abroad and to remove from them the stigma of adulterations both abroad and in our own country.

These spurious articles are sold at enormous profits, and hence the incentive to continue the business. By them the unscrupulous and dishonest are enriched, while the fair and the honest are forced by this competition to suspend business. The fair, honest goods are compelled to go begging for meager profits, and in many instances are forced out of the market. As we have said before, both the producer and the consumer suffer. The producers of food products suffer immeasurable hardship and wrongs when their products come into competition with these bogus articles. The consumers suffer the imposition of this continuous stream of spurious frauds upon their stomachs and purses.

We state again that Congress owes to her producers the duty of protection against counterfeit articles of production, and owes our consumers a protection against fraudulent and deceptive articles of consumption. No one will be injured by this. Whenever we readjust our commerce upon a plane of absolute honesty and integrity, whenever we require that every article of food shall be sold under its own proper name, shall be sold for what it is, every commercial article will find its place. If it is healthful it will never be despoiled of an honest market. It will find ready consumption on its own merits. It will reap a legitimate, and not an illegitimate, profit when it comes into the field of competition under its own true name.

The only serious objection which was made was from the Preservers and Picklers' Association, and they made it upon the ground that there would be other dealers in adulterated articles, and, therefore, if they were compelled to brand theirs for just exactly what they were the objection against glucose in place of sugar would be such as practically to drive them out of business. After considering the bill, however, as amended they had another meeting, and I have the following letter:

PRESERVERS AND PICKLERS' ASSOCIATION,
Philadelphia, Pa., April 17, 1902.

Hon. P. J. MCCUMBER,
Senate Chamber, Capitol, Washington, D. C.

DEAR SIR: By request of the president of the Preservers' and Picklers' Association I wish to inform you that at a meeting of our association held April 12 a resolution was passed to the effect that, as far as this organization is concerned, they have withdrawn the preamble and resolution presented to the Senate and House of Representatives committees having charge of the Hepburn bill, and which reads as follows:

"In the case of fruit preserves, jams, fruit butters, jellies, sauces, condiments, fruit juices, and sirups, if they contain salicylic acid and its salts, boracic acid, alum, beta naphthol, or any substance which is poisonous or injurious to health in the quantity used, or if they contain less than 25 per cent of the substance which gives the product its name, as indicated by the label on the package."

This was the resolution which they sent and which they now withdraw. He states:

> Our organization has also decided to make no further opposition to the passage of the Hepburn bill.

Talking with the gentleman who sent this letter and who represents this association, he gave me as his reasons that their company was ready, and so far as he knew all other companies were ready, to go into the commerce of the United States upon an honest basis; that all they required was that all other dealers should go into competition with them upon the same basis, believing

that this bill would have that result; that it would cooperate and conform with the several laws of the States and would be taken practically as a basis for their laws, so that they would escape many of the restrictions which hampered them in the several States.

Mr. President, I will consider other objections to this bill at the time that it shall come up for final consideration.

SOUTHERN APPALACHIAN FOREST RESERVE.

Mr. PRITCHARD. Mr. President, I desire to give notice that at the conclusion of the morning business to-morrow I shall discuss the provisions of the bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachian Mountains.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State, or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; agrees to the amendment of the Senate numbered 9, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory;

A bill (S. 2966) for the relief of George W. King;

A bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia;

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 11096) to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor;

A bill (H. R. 12498) extending the time for completing bridge across the Missouri River at St. Charles, Mo.;

A joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903, from November, 1902, to May, 1903, and for other purposes;

A joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic; and

A joint resolution (H. J. Res. 180) authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

CUBAN SUGAR INVESTIGATION.

Mr. PLATT of Connecticut. From the Committee on Relations with Cuba, I report a substitute for Senate resolution 195, submitted by the Senator from Colorado [Mr. TELLER], which was referred to that committee. The substitute should be read, perhaps, and then I ask that it may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas it has been currently reported that nearly the entire crop of Cuban sugar has been purchased and is now held by what is generally known as the sugar trust, which is the principal consumer of raw sugar in the United States, and that any concessions given to the raisers of cane sugar in the island of Cuba, or any measures intended for their relief by admitting their sugar at reduced rates of duty into the United States will only benefit the said sugar trust, and that the Cubans will receive no real benefit from said concession;

And whereas it is alleged that a large number of citizens of the United States have acquired large holdings of cane-producing lands in Cuba, and are now especially urging the reduction of duty on sugar, under the claim that such reduction will benefit the people of Cuba: Therefore, be it

Resolved, That the Committee on Relations with Cuba be, and is hereby, directed to make an investigation as to the truth of such charges and to report to the Senate.

That for the purpose of carrying out the above resolution the committee be, and hereby is, authorized to send for persons and papers, administer oaths, take testimony, employ a stenographer, and that the expenses of the investigation be paid from the contingent fund of the Senate upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee is authorized to sit during the sessions of the Senate, and also to print from time to time its hearings.

PROTECTION OF GAME IN ALASKA.

Mr. PLATT of Connecticut. Mr. President, yesterday I objected to the consideration of the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, saying that I would present an amendment. I have the amendment now, and I should like to have the bill taken up.

Mr. BURTON. If the Senator will allow me, I will ask unanimous consent that the bill be put upon its passage now.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. I move to add at the end of the bill the following additional proviso:

Provided further, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the District of Alaska animals or birds for the use of the Zoological Park in Washington, D. C.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HAWLEY. Mr. President, the Committee on Military Affairs asks me to request permission for that committee to sit during the sessions of the Senate.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the Committee on Military Affairs shall have leave to sit during the sessions of the Senate. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on the 23d instant approved and signed the following act and joint resolution:

An act (S. 2371) granting a pension to Andrew J. Felt; and

A joint resolution (S. R. 56) providing for a modification in the adopted project for the improvement of Everett Harbor, Washington.

The message also announced that the President of the United States had on the 24th instant approved and signed the act (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill.

The message further announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 1512) granting an increase of pension to Mary Jane Faulkner;

An act (S. 2082) granting an increase of pension to Louise Ward; and

An act (S. 4072) granting an increase of pension to Samuel J. Lambden.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. CARMACK. Mr. President, it seems to me that the eagerness of Senators to press this bill to an early passage might be expended with more honor to themselves and more profit to the country upon the investigation which is now dragging its slow length along before the Committee on the Philippines; an investigation which, without any reason whatever, or, at least, without any good and sufficient reason, is suspended for eight days, with a witness on the stand and other witnesses here in the city of Washington ready and willing to testify. It is an investigation which seems to be haunted by a constant dread that it may find out something, and its present condition may be properly described as that of a fugitive from information.

I had hoped that some Senator upon the other side of the Chamber would be ready to proceed with this debate. While I know that the measure now before the Senate is utterly indefensible, I had supposed that some of those who had the hardihood to present it to the American Congress would have the hardihood to uphold and defend it.

I know, sir, that it requires a great deal of effrontery for any man to openly champion a measure so utterly bad, so utterly destitute of any virtue or of a single redeeming quality, as the bill

now before the Senate. But I am not sure but that the cold-blooded, studied contempt displayed by Senators upon the other side of the Chamber for the pitiless exposure of its iniquities, and their stony-faced indifference to the story of all the horrors and barbarities being perpetrated in the Philippine Islands, exhibit even more impudence and effrontery.

Mr. President, we have under consideration a bill which is a confessed departure from the principles and traditions of our own country, a bill which deals in the most drastic fashion with the lives and liberties of 10,000,000 people, a bill which enacts despotism into law, and as surely enacts hatred and war and bloodshed and desolation. Yet, sir, a majority of the Senators upon the other side of the Chamber are ready to vote for it without debate, without asking a single question, without having read a single line of its contents, without knowing or caring to know the meaning of a single provision that it contains.

Senators seem to assume that the American conscience is so dead that no shock can awaken it to signs of life and activity. Sir, if the American conscience has slept, it will awake, strengthened and invigorated, like a giant refreshed from slumber, and woe then to those who have sinned against it. There will be a day of reckoning. Those who are proceeding in this reckless and criminal course are sowing the wind, and the whirlwind will be their harvest.

Mr. President, the Philippine tariff bill which we considered a short time ago presented one aspect of imperialism. This bill simply presents another. Now, as then, the the real question is of far deeper significance than anything written in the mere words and phrases of the law. As the former bill did something more than provide revenue, this bill does something more than provide government for the Philippine Islands. It asserts a policy for the United States of America; and whenever that policy, in any form whatever, approaches the halls of an American Congress, I trust there will be some man brave enough and patriotic enough to challenge it at the threshold.

When the Philippine tariff bill was under debate I said the question was not simply whether you had properly selected the subjects and properly adjusted the rates of taxation; the question was, "What right have you to impose any taxes whatever upon the people of the Philippine Islands?" The question now is not simply and alone whether you have framed just laws for the government of the people, but what right have you to frame laws and devise a system of government for an alien and unwilling people?

Your answer is that we have won that right with the sword and bayonet. You say that we have burned enough towns, we have wasted enough country, we have butchered enough people, to make good our right to tax and govern; that the land is ours because we have strewed it with the ashes of its homes and drenched it with the blood of its people. What wolf ever had a better right to eat his mutton in peace than we have to possess and enjoy the Philippine Islands?

That, stripped of all rags of rhetoric, is your answer, and we meet it with a simple denial that you have derived any just powers of government from the subjugation of the governed. That, sir, is the issue in this debate, as it will be, I trust, of every debate where the purpose is asserted upon this floor to govern a people by right of the sword.

Mr. President, while the occasion of this debate is different, to my view it simply reopens and continues the debate that was suspended by the passage of the Philippine tariff bill. The question of right, the question of just power is precisely the same. There are many enormities and iniquities in this particular measure to which I shall advert in the course of my remarks, although it seems almost presumptuous for any man to do that after the exhaustive and pitiless analysis made by the distinguished Senator from Utah [Mr. RAWLINS].

But I say, Mr. President, after all, the real issue is not the bill you are about to enact, but the policy you thereby proclaim. That policy I have discussed heretofore somewhat at length. For the present I wish to recur to certain passages, to gather up certain odds and ends of the former debate, to reply to certain charges repeated with damnable iteration against the opponents of this policy, and to deal with certain arguments, not very weighty in themselves, but repeated with such insistence as to make them worthy of attention.

The distinguished Senator from Wisconsin [Mr. SPOONER], in his brilliant apology for the course of his party, seemed to charge that we were moving in pursuance of some hellish design, that we were actuated by pure sin and devilishness in presenting our view as to what should be the course and policy of this Government in dealing with the Philippine Islands. He said that we had prostituted this question to base and wicked partisan purposes.

Mr. President, when one looks over the list of great and honored Republicans who have opposed themselves with all their zeal and energy to the policy of this and the preceding Administration, and when he sees that it includes every survivor of those who bore a conspicuous part in the formation and foundation of the Republican party, it ought to occur to him that there is something more in this opposition than Democratic wickedness and depravity; that there is something more in it than treason to the Republic.

The Senator from Wisconsin said that Mr. Bryan had seized upon this question in order to force an issue with the Administration. Unfortunately for that Senator, the facts of history are against him. It is well known that for a long time the Administration was in serious doubt and perplexity as to whether or not it should demand a cession of the Philippine Islands. It was known that many leading Republicans, including members of the President's own Cabinet, were opposed to that policy. Every public utterance of Mr. McKinley himself had indicated a contrary intention.

Now, sir, long before the treaty of peace was negotiated, long before the Administration had resolved its own doubts and perplexities, long before a single man in the United States knew or could possibly have known what would be the policy of the Administration, before the Administration itself knew, Mr. Bryan had openly declared against the annexation of the Philippine Islands, or the annexation, by force or otherwise, of distant territory or of territory inhabited by a people who could not be assimilated with our own.

At that time the public utterances of Mr. McKinley and the public utterances of Mr. Bryan upon this question were in absolute and exact accord. They both believed and had declared that the forcible annexation of a country without the consent of its people would be a crime; and if the Administration had adhered to that noble sentiment as faithfully as Mr. Bryan adhered to it there would have been no issue, no conflict of opinion between them. Mr. Bryan did not seek to make, and he did not make, an issue with the Administration. It was not until the Administration had abandoned the position which they had occupied in common that he found himself in conflict with its views. The only basis for the charge that Mr. Bryan seized upon this question for an issue rests upon the fact, and upon that fact alone, that he refused to abandon his own declared convictions simply because a Republican Administration had reversed its own.

Mr. President, I wish to read here an extract from an address delivered by Mr. Bryan at Omaha on the 14th of June, 1898. In that address he said:

> To inflict upon the enemy all possible harm is legitimate warfare, but shall we contemplate a scheme for the colonization of the Orient merely because our ships won a remarkable victory in the harbor of Manila?
>
> * * * * * * *
>
> If others turn to thoughts of aggrandizement and yield allegiance to those who clothe land covetousness in the attractive garb of "national destiny," the people of Nebraska will, if I mistake not their sentiments, plant themselves upon the disclaimer entered by Congress and insist that good faith shall characterize the making of peace as it did the beginning of war. Goldsmith calls upon statesmen
>
> "* * * To judge how wide the limits stand
> Betwixt a splendid and a happy land."
>
> If some dream of the splendors of a heterogeneous empire encircling the globe, we shall be content to aid in bringing enduring happiness to a homogeneous people, consecrated to the purpose of maintaining a government of the people, by the people, and for the people.

That address, sir, was delivered on the 14th day of June, 1898, in the very same month and within a very few days of the time when Admiral Dewey sent his famous cable dispatch testifying to the capacity of the Filipinos for independence and self-government. No man at that time knew, or could have known, that the Administration would adopt the very opposite policy from that which it had itself declared. What is true with respect to Mr. Bryan is true with reference to the Democrats in both branches of Congress.

It is not true that the Democrats in the Senate sought to make this a party question. The records of the Senate disclose the very opposite to be the truth. They show that the Democrats made every effort to remove it from party politics. If the Vest amendment to the treaty had been adopted, or if the Bacon resolution, which was defeated only by the casting vote of the Vice-President, had been adopted, the question of annexation as a party issue would have died with the ratification of that treaty, would never have been named in a party platform, or heard of in a political campaign.

The plain truth of the matter is that the Republicans themselves seized upon this question and made it an issue. They believed that the people had gone mad with the rage for conquest. They believed, in the language of one of their ablest newspaper supporters, that the "taste of empire was in the mouth of the people, even as the taste of blood in the jungle."

You sought to reap party profit and advantage from the passions of the hour, and it does not lie in your mouths to challenge the motives or the sincerity of men who, when you weakly and

pusillanimously yielded, manfully and heroically breasted the storm.

Another argument put forward by the Senator is that we are actually estopped from debating this question at all. He dwells with unction upon the fact that Mr. Bryan urged the ratification of the treaty and that a number of Democratic Senators voted for its ratification, and he seeks to deduce from this fact the conclusion that we are logically precluded from any further agitation of the question; that we are bound by any policy the Republican party may elect to pursue. I want to ask, Mr. President, whether a single Senator upon that side of the Chamber attributed any such signification to a vote for ratification when that question was in debate? Was there a single leader of the Republican party at that time, from the President down, who professed to believe that the ratification of the treaty was intended to express any definite purpose whatever with reference to our policy in the Philippine Islands? Not one.

The President of the United States, in his message transmitting that treaty, expressly declared that that was not a time to debate or consider that question; such discussion, he said, would be appropriate after the treaty had been ratified. "Do not talk about it now," said he, "but after you have ratified the treaty, then it will be in order to consider whether or not we shall permanently hold the Philippine Islands." Such, in substance, was the position of President McKinley.

What then was the attitude of the Senator from Wisconsin himself? He was strongly opposed to the permanent annexation of the islands. It was only after a period of doubt and hesitation that he voted for the treaty, and then with the distinct declaration that he would not vote for it if he thought it meant permanent annexation.

Without stopping to read, I shall ask to put into the RECORD an extract from the speech then made by the Senator from Wisconsin, and to follow that extract with an interview by Mr. William J. Bryan, both on the same line, using the same argument, and outlining the same policy:

> I am not able to forget that it is a treaty of peace, and that its ratification is to bring peace between the United States and the Kingdom of Spain. A rejection of it continues the status of war. Senators say that Spain is exhausted, and that active hostilities would not be renewed. Possibly this is true. Possibly it is not true. One can never safely prophesy what complications will come from a long-continued status of war.
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> If the status of war is to continue, we could not well reduce our expenses to the basis of peace. We should be obliged inevitably to maintain our country and our expenditures upon the basis of war, and the cost would be great and in the end probably useless. The situation, Mr. President, could not fail to be filled with unpleasant possibilities, indefinite public burden, uncertainties, and trouble.

This is the extract from Mr. Bryan's interview to which reference was made:

> Some think that the fight should be made against ratification of the treaty, but I would prefer another plan. If the treaty is rejected, negotiations must be renewed, and instead of settling the question according to our ideas we must settle it by diplomacy, with a possibility of international complications. It will be easier, I think, to end the war at once by ratifying the treaty and then deal with the subject in our own way.

Mr. Bryan urged the ratification of the treaty, expressly reserving his right and declaring his purpose to oppose the permanent retention of the Philippine Islands under the sovereignty of the United States. The Senator from Wisconsin urged the ratification of the treaty, expressly reserving his right and declaring his purpose to oppose the permanent retention of the Philippine Islands under the sovereignty of the United States. The Senator from Wisconsin and Mr. Bryan fought side by side. They were Damon and Pythias, Jonathan and David, Castor and Pollux in that great battle—

> Two souls with but a single thought,
> Two hearts that beat as one.

Mr. President, if I had then been a member of the Senate, I do not believe I should have voted to ratify the treaty; yet I can see the force of the arguments that were presented upon the other side; I can see the strength of Mr. Bryan's position, as so ably expounded by the Senator from Wisconsin. If I had been here, with the responsibility resting upon me, I might have been persuaded to vote for the ratification of the treaty by the argument that it was necessary for us to bring about a state of peace to remove the danger of a reopening of hostilities, or at least to put an end to a condition that was disturbing the business and commerce of the country. I might have been moved by the argument that in a few weeks there would be a change in the membership of the Senate that would give an increased Republican majority, and that to then defeat the treaty would simply delay it to no purpose. I believe I should have been almost persuaded by the belief that the distinguished Senator from Wisconsin would use his influence after the treaty had been ratified to secure peace and independence to the people of the Philippines.

But, Mr. President, after arguing that we are too late, the Senator proceeded to argue that we are too early. His first objection is that we have waited too long. His second objection is that we have not waited long enough. He says that we are making trouble by a premature discussion of this question; that it is too early to talk about it now. We were asked to wait until the treaty was ratified. We waited for that, and then we were told that we should wait until the insurrection had been suppressed and the civil authority of the United States established. Well, they tell us that the insurrection has been suppressed; that the civil authority of the United States has been established; that with a few trifling exceptions a peace, as deep as that which reigned at Warsaw, prevails throughout the length and breadth of the archipelago; and yet we are still commanded to wait, and it is still treason for a Democrat to express an opinion.

When Governor Taft was before the committee he protested with some show of indignation against any consideration whatever of a question that would not be ripe for consideration, he said, for twenty-five, or fifty, or perhaps a hundred years. Wait, wait, wait—mañana, mañana, mañana—that Spanish word of procrastination, which the Senator spoke so trippingly on the tongue, has become the very motto of the Republican party. Among the other things you have learned from Spain is the Spanish conception of to-morrow. Your promises to the people of the Philippine Islands are for a day that will never come.

I should be glad to know what the Senator means when he asks us to refrain from a discussion of this question? Does he mean that both the advocates and the opponents of the colonial policy should postpone the discussion to a more convenient season, or does he simply mean that the opponents of this policy shall be silent and give its advocates the floor? If the Senator means that there is a mutual obligation on both parties to the controversy, I can see some small show of reason and plausibility in the argument; but even then it would not be sound. But has the Republican party, have its leaders, its newspapers, and its public men, refrained for a single day, or for a single hour, from pressing their argument in favor of colonialism?

Why, Mr. President, from the very day when the thunder of Dewey's guns was heard across the sea a clamor went up from one end of the land to the other that this country should abandon its historic traditions and join the robber nations of the world in their bloody hunt for empire and dominion. A demand was made that we should seize and hold the Philippines, not from any regard for the welfare of their people, but solely for our own profit and advantage; and that, sir, was the first thought that turned the mind of the Administration toward the annexation of the Philippine Islands.

The Senator seems to assume that we are beating the air with a vain and silly protest against a policy which no man has proposed; that no single voice has been raised in favor of a colonial policy or the permanent acquisition of the Philippine Islands. Yet we know that the policy of permanent annexation was declared again and again by President McKinley; we know that he declared again and again that the Philippine Islands, which we had raped by force and violence from their rightful possessors, were as justly ours as any part other of our territory; that our flag was up there and that it should never come down; that those islands should be retained under our sovereignty, and were to be a priceless and invaluable heritage to the American people. We know that he referred with scorn to those who wanted to give independence to the Filipinos as "contractionists," and scornfully asked, "Who would be a contractionist?"

We know that his distinguished successor in the White House has not only advocated the permanent annexation of the Philippine Islands, but that he has defended and glorified the bloody colonialism of the Old World powers. We know that his conception of the true grandeur of nations is strife and war and bloodshed for the sake of empire and dominion. We know that he has held up England's subjugation and rule of India, an absolutely despotic government over an absolutely dependent people, as a model for our imitation in the Philippines and as an evidence of the blessings that will flow from the despotic government of a vassal province and a subject race.

We know, sir, that distinguished leaders of the Republican party upon the floors of Congress have dwelt with rapture and enthusiasm upon the profit to be made by holding and exploiting the Philippine Islands as a conquered province. We know that it has been proclaimed upon the floor of the Senate that we are to hold them fast and hold them forever. We know that it has been proclaimed by a distinguished Republican leader upon this floor that the question of religion or of sentiment or any such consideration had nothing to do with it; that we are to hold and govern the Philippines simply because there is money in the business.

Mr. President, the argument was made by Mr. McKinley, it was made by distinguished members of the Peace Commission and by members of the Philippine Commission, that we must hold the Philippines in order to establish our power and to extend our

commerce in the Orient. We know that this cry was taken up by Republican organizations from one end of the country to the other. Right here I will stop long enough to read an extract from a leaflet issued by the Republican Club of the city of New York, whose president at that time was the junior Senator from New York [Mr. DEPEW]. In that pamphlet it is declared:

The policy of territorial acquisition beyond the seas has been adopted by boldly acquiring such territory, and the only question left is how shall we best govern and protect our insular acquisitions, and what is right and expedient in respect to territory our title to which has not yet been acknowledged by Spain.

* * * * * * *

But there are a few broad facts and considerations affecting the question which must be apparent to all, and which, it is submitted, of themselves justify the demand of the United States for the cession of the whole of the Philippine territory.

Again:

The world has entered upon a struggle in industrial and commercial competition under which the partition of the earth is swiftly proceeding. No nation can hold its own in that struggle unless it has an adequate share in the markets of the world, either by controlling those of its own colonies or countries under its protection or by virtue of trading facilities with countries under the dominion of foreign powers.

They say:

We need the Philippines, then, not only for the benefit arising from the development of their native riches and the opening they afford for extended American enterprise and trade, but they are also a necessary outpost for us in the world-wide struggle for commercial equality. To take them from Spain, if it be called conquest, is a just one. *It is merely collecting the judgment in our favor rendered after trial by battle, a judgment from which there is no appeal.*

This, Mr. President, was issued in November, 1898. The president of the club was, as I stated, the distinguished Senator from New York, the same Senator who but a few months before had declared that this very policy was revolutionary and destructive of our form of government; the very same Senator who but a few days ago delivered a humorous address upon this floor with respect to the elasticity of the Democratic conscience. [Laughter.]

Mr. President, your campaign literature in the contest of 1900 was filled with these arguments. You deluged the country with arguments not only in favor of permanently holding the Philippines, but in favor of a general policy of conquest and colonizing throughout the world. I have here the Republican campaign text-book of 1900, and page after page is filled with arguments, not only in favor of permanently holding the Philippines, but in favor of going out and seizing any other territory that might be considered profitable for us to seize and hold. If the Senate will bear with me, I will read just a few of the headings and subheadings from this campaign text-book, beginning on page 132.

COLONIES AND COLONIZATION.

Some lessons from the experiences of other peoples and other nations. A plain statement of the effect of colonization upon the people affected and upon the governing nation.

Effect of colonization upon the people of the countries colonized.

Are colonies advantageous to the commerce or people of the governing country?

COST OF COLONIZATION.

Are colonies a burden to the country establishing them? Some practical facts from the practical experience of the most successful colonizing countries of the world.

COST OF COLONIAL CONTROL.

It then goes on with a lot of doctored figures to show that colonies are very profitable both to the nation controlling the colonies and to the colonists themselves.

TRADE OF EUROPEAN COUNTRIES WITH THEIR COLONIES.

Showing, or attempting to show, that but for their colonies they would have no trade at all, all of which is about as false as anything that was ever imagined in the brain of man.

Commerce of the United States with Cuba, Porto Rico, and the Hawaiian, Philippine, and Samoan Islands.

And so on, and so on.

Thus, Mr. President, it appears from the political campaign literature of the Republican party that they were deliberately seeking to lure our people, not simply into holding the Philippines, but into a general policy of territorial conquest throughout the world. All this, sir, is utterly hateful; it is utterly abhorrent to the distinguished Senator from Wisconsin. He believes that such a policy would be ruinous to the United States; but has he ever uttered one word of protest against such arguments from his own associates?

Has he ever demanded that they should refrain from a discussion of the question? Oh, no, the Senator only demands that we shall remain dumb and silent and unprotesting; that the opponents of colonialism shall say nothing and allow its advocates by one-sided debate to fill the minds of the people with falsehood and sophistry and misinformation, to fix and harden public opinion in favor of a colonial policy. While every stump is crowned with a "spellbinder" howling for colonialism, while hundreds of newspapers are filling their columns with false arguments and false statements to support that policy, it is treason for any man to refute their sophistries or deny their falsehoods!

But, Mr. President, we are told that we must wait until we can educate the Filipino people and instruct them in the art of self-government. But how much time do you propose to consume in your ridiculous experiment? What is the course in your political kindergarten? How many ages of spelling and parsing, how many centuries of wrestling with the parts of speech, before your pedagogue statesmanship will have done its perfect work? The President of the United States says it is a long and painful task; he says that it has taken our race, starting far in advance of the Filipinos, a thousand years to master the lesson of self-government, and the implication is that it will take the Filipinos a great deal longer than that. We are not to hold them permanently. We want to experiment with them for only a thousand years or so. [Laughter.]

The argument of the President seems to be that because it has taken a thousand years of experience for us to learn the lesson of self-government it will take at least a thousand years of servitude to prepare the Filipinos for the same blessing. It does not require a logician to see the hiatus, as wide as the globe, between the premises and the conclusion of this argument. Experimenting for a thousand years! The President of the United States is a large-minded, broad-visioned man. He comprehends endless cycles in the sweep of his glance. A thousand years in his sight are but as yesterday when it is passed, and the duration of a geological epoch is like waiting for a car. [Laughter.] To a man of such serene and composed and restful temper an æon or two, more or less, is a matter of small consequence. But unfortunately there are some people who have hearkened to the doctrine of the strenuous life and to whom ten centuries seem a long time to wait. Mr. President, we ought to have some better argument than that given in the President's misreading and misinterpretation of history before we consent to do so.

The truth is that the experience of our race is the strongest argument in all history against the very experiment we are now attempting in the Philippine Islands. The truth is that long before our Teutonic ancestors had reached the stage of culture now possessed by every Christian Filipino community they were a free, democratic, self-governing people. The truth is that all this vast superstructure of free government under which we live was but reared upon the foundations laid by our rude forefathers in the German wilderness before their recorded history begins.

At that time the all-conquering race of Rome was extending its dominion throughout the world. It represented the highest state of culture and civilization as well as of power. Who could then have supposed that the great Roman Empire would crumble and dissolve, while the conception of representative free government, which had its birth in the German wilderness, would become the hope and the heritage of mankind?

What a calamity it would have been if these rude, unlettered Northmen had fallen under the benevolent subjugation of a more enlightened nation. What a vast change it would have made in the history of free institutions if their simple system had been supplanted by that of some supercilious alien power, boasting a higher civilization and a higher culture. They might indeed have got a smattering of Roman learning; they might have been smeared with a thin varnish of Roman manners, but they would have lost their freedom, and mankind would have lost that grand political conception which it is their peculiar glory to have preserved and perpetuated for the political regeneration of the world.

Mr. President, the great fact that stands out in the history of our race is that it did not learn free government from a master. It trampled out the last vestige of Roman law and Roman civilization in the island of Britain and built up a higher and nobler civilization of its own. The President ought to have learned from the very history to which he appealed that freedom is the only schoolmaster that can teach the lessons of freedom. No people ever learned self-government under a tutor. No peoplo ever learned to govern themselves by being held in subjection by a higher and a stronger race. If the rule of the master is harsh and despotic and too powerful to be overthrown they will become base and servile and treacherous. If it is mild and benevolent they will become weak and dependent, and the milder and the more benevolent it is the more dependent and the more distrustful of themselves they will become.

The idea that you are going to transform the character of a whole people simply by teaching them to read in English "This is a horse," or to parse "The bird flies swiftly;" that you are going to give them practical instruction in American institutions by setting up a carpetbag government for them to look at and pay taxes to; the idea that you will teach them to govern themselves by making them bear the burdens of a foreign government is the wildest, the craziest, the most fantastic dream that ever

flitted through a lunatic's brain. You might as well suppose that a horse can learn to think by bearing a philosopher upon his back.

We have had some very moving eloquence with respect to the great work we are doing by conferring upon the people there the blessings of education. One would imagine to hear some of the speeches made on this floor that we are doing all this at our own expense; that we are performing some act of heroic and supreme self-sacrifice. As a matter of fact we are simply levying a tax of $2,000,000 per annum upon the Filipinos themselves in order that we may pay high salaries to American school-teachers and provide profitable contracts for American book publishers.

I can not see that there is any great amount of charity involved in the act of forcibly taking money out of another man's pocket and putting it into your own. Not only, sir, is there no charity in this business, but, in my opinion, it is and will prove to be an utter and ridiculous farce.

Senators seem to assume that no ray of learning ever penetrated the Plutonian shadows of that far-distant country until it was borne there on the shimmering wings of a Yankee schoolteacher. As a matter of fact, nine-tenths of the Christian Filipinos, or at least a large majority of them, as proved by the witnesses before our committee, by General Hughes and Professor Barrows and others, can read and write their own language and have a knowledge of arithmetic. Now, you are proposing to displace this learning and this education by sending there a lot of school-teachers from the United States who can not speak one word of the native language to teach the natives how to read the language of the United States.

What will be the result of this education? Does any man suppose that English will ever become the familiar spoken language of the people there? Professor Barrows before our committee admitted that it was neither possible nor desirable that it should be so. The children will continue to speak the language of their parents, and as they will have little or no contact with English-speaking people after quitting school the little smattering of learning they have received will soon fade from their memories and leave no impression whatever upon their minds.

Mr. President, it is human nature for men to magnify their own work and their own importance, and it was to be expected that we should have some very tall stories in regard to the great transformation that had been wrought by a few months' contact with English spelling books and English grammars. But already, sir, we are beginning to have another side of the story. I shall be glad to have the Secretary read at this point an extract from an article by Mr. Bradford K. Daniels of the department of education in the Philippine Islands.

The Secretary read as follows:

> If the Americans really wish to benefit the Filipinos let the teachers learn the language of the people and conduct the school in Filipino instead of English. The better classes realize that they are far behind the march of civilization, and would take a keen interest in the schools, provided it did not involve the hopeless task of changing the language of the people. "But the Filipino has no national language," the advocate of the English will say, and to a certain extent this is true. There is, however, a great similarity between the different dialects, and an Ilocano can converse with a Tagalog or a Macabebe and always make himself understood. If the different tribes were brought into closer contact through the medium of roads and inter-island navigation, a national language would be evolved by a natural and unconscious process. The Spanish language outside of Manila could be ignored both in the schools and in all official documents, as less than 20,000 people speak Spanish in the whole archipelago.
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> Indeed, the fact that after three hundred years of occupation by Spain only this small proportion of the population have learned to use a foreign tongue should be an object lesson to the Americans. For language is the outgrowth of the life of a people, and certainly the conditions which produced the English language are as different from those which produced the Filipino dialects as they well could be. To the Filipino the great body of the English language is useless, and if it were ever forced upon him he would mutilate it into an unlovely sort of pigeon English that would scarcely be recognized by Americans, and that would be much inferior to his own tongue. As the money (more than $2,000,000 a year) necessary to conduct this experiment comes out of the pockets of the Filipinos, the American people are looking on complacently to see what the result will be. If the money came from the United States Treasury the experiment would be short-lived indeed.

Mr. CARMACK. Mr. President, Professor Daniels also tells us that the native presidentes are taking no interest whatever in this scheme of education, which is very different from some of the stories we have heard of the wild and tumultuous rush of the whole people, including old men and old women, as well as children at the breast, to unlearn the language of their country. Professor Daniels tells us that it is a hopeless task to change the language of the people, and in so far as it can succeed at all, it will simply result in a barbarous mixture and corruption of the two languages, forming a new language infinitely inferior to either.

Now, sir, if all this be true—and what man with a grain of common sense in his head does not know it to be true—then our scheme of so-called education in the Philippine Islands is not only useless and idle and futile, but it will be absolutely mischievous in its effects. The only good it will do to anybody will be to the school teachers who are getting their salaries and to the American book publishers who are selling the books.

Mr. President, Dr. Schurman, president of the first Philippine Commission, tells the truth when he says that the Filipinos must develop along their own racial lines, not ours. We can not recreate them in our own image. Left to themselves, free to adopt whatever they can assimilate and to reject what they can not, they will be profoundly and beneficially affected by our civilization, just as Japan has been; but any attempt arbitrarily to impose our own system, our own ideas, our own type and standard of civilization upon a people with such deeply fixed traits of racial character, a people so different from our own, is doomed to certain and inevitable failure. You can not modify the character of an oriental race by forcibly cramming them with your own ideas any more than you can change the character of a carnivorous animal by stuffing him with grass.

When we are asked, sir, to give you time, a thousand years or so, in which to elevate the character of the people and teach them the lesson of self-government, we say the course you are now pursuing will not elevate, it will degrade the character of the people and will utterly unfit them for self-government. The mistakes, the errors, the blunders you are making at this very moment are not questions to be considered ten centuries hence. They demand the present consideration of the American people. And because we will not be silent while you go on in your blundering and criminal career, making wreck of your own Constitution and the liberties of a people who have never offended you except by asking you to let them alone, we are to be held up to execration and charged with responsibility for every drop of blood that has been shed in the Philippine Islands.

That question I propose to deal with a little this evening. The question of responsibility for present conditions will not be determined by mere denunciation or abuse. It must be determined by the facts of history, and I shall appeal to that history as you yourselves have made it and as you yourselves have written it. It has been said that we are responsible because we have held out to the people the hope of independence. You not only filled them full of the hope of independence, but you armed them in the cause of independence, and now you have the devilish impudence to rail at us because they fight for independence.

The Senator from Wisconsin read certain notes of the secret proceedings of the Philippine junta to prove that no promises were made to Aguinaldo in his conference with Consul-General Pratt. What he read not only failed to sustain his contention, but it utterly disproves and falsifies an important statement put forward by the Philippine Commission and circulated broadcast for the purpose of affecting the Ohio election in 1899. That report of the Commission, after referring to the fact that Dewey had ordered Aguinaldo to remove his camp from Cavite to Bacoor in July, 1898, says, "then for the first time arose the idea of independence."

The extracts which the Senator from Wisconsin paraded before the Senate establish beyond controversy that at the very beginning of this business—at the very beginning of the negotiations—Aguinaldo and his associates were determined to achieve the independence of their country, and had even resolved to turn their arms against the United States in the event that this Government should attempt to extend its sovereignty over them. I say it proves that, and it does not prove his other contention. These extracts simply refer to a *written* agreement which they demanded and to an authoritative agreement *with the Government of the United States.*

But, Mr. President, what occurred between Aguinaldo and Consul-General Pratt is not a mystery, to be searched for among the secret proceedings of the Philippine junta. It is spread broadcast upon the records of your own Government, transmitted in the official report of Consul-General Pratt himself over his own signature. Now, I desire to refer briefly to that. Mr. Pratt transmitted to the Department of State a newspaper account of the interview between himself and Aguinaldo, which he said in his letter of transmission was a "substantially correct" report of the proceedings. Now, sir, this statement says:

> During this conference, at which Mr. Bray acted as interpreter, General Aguinaldo explained to the American consul-general, Mr. Pratt, the incidents and objects of the late rebellion, and described the present disturbed state of the country. General Aguinaldo then proceeded to detail the nature of the cooperation he could give, in which he, in the event of the American forces from the squadron landing and taking possession of Manila, would guarantee to maintain order and discipline among the native troops and inhabitants. * * *
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> He further declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the *same terms for the country as the United States intend giving Cuba.*
>
> The consul-general of the United States, *coinciding with the general views expressed* during the discussion, placed himself at once in telegraphic communication with Admiral Dewey at Hongkong.

That paper goes on to explain exactly what was meant by "the

same terms for the country as the United States intend giving Cuba."

General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisers. American protection would be desirable temporarily on the same lines as that which might be instituted hereafter in Cuba.

Mr. President, this is no lie invented by the wily Aguinaldo long after the event to cast dishonor and discredit upon the Government of the United States. It is Mr. Pratt's own statement, transmitted to his own Government over his own signature.

In the meanwhile Aguinaldo had gone to the Philippines on an American vesssel, and he proceeded to issue proclamations to his people, calling upon them to rally to his standard, and declaring that the Americans were there to help them achieve their independence. That fact and the proclamation itself were promptly transmitted to the American Government at Washington, and no word of protest was ever heard.

Now, sir, what was the effect of those proclamations? What was the effect of this appeal to the people in the name of independence? I have here a statement from ex-Minister John Barrett, the swiftest and most willing witness for imperialism in the United States:

The impression went abroad among the masses of the people that Aguinaldo had arrived to establish an independent government and that the Americans would assist him. The actual workings of his government under the guns of our ships was sufficient evidence to them of our approval. From one end of Luzon to the other spread the report that Gen. Emilio Aguinaldo, the exiled leader of the former revolution, had returned to his home under the protection of the ships of a nation called America, which had gone to war with Spain, and would give them their freedom and independence at once. These influences had a tremendous effect. Before Aguinaldo had been in Cavite a month he not only had more soldiers than he could arm, but contributions of large sums of money, with unlimited amounts of rice and other raw food supplies, brought in by the people for the support of his army.

Thus, sir, it is shown that the people rose in arms not simply to fight Spain, not with the hope of being transferred from the dominion of one country to that of another, but that they were burning with a desire and enthusiasm for independence.

Mr. President, here is the record. It shows that the Government of the United States knew that we had sought and obtained the military assistance of Aguinaldo and his associates, with a full knowledge that they were determined to achieve the independence of their country, and had sent him on an American vessel to the Philippines to organize an army to fight for independence.

I put the question: When, with a full knowledge of their purpose, you besought the aid and assistance of the avowed champions of Philippine independence, when you helped them to organize an army to fight for independence, what did you expect that army to do when you undertook to overthrow their independence?

Here were a people—a whole people—ablaze with enthusiasm for an independent government; a people with guns in their hands; a people with an army, organized, officered, and equipped, and flushed with victory, and you expect people to believe that if we had only kept our mouths shut that army would have surrendered the hope that was dearest to its heart and embraced the form of government it most loathed and detested and that it would have done this without a murmur and without a blow.

Sir, there may be men glaring through barred windows or beating their addled brains against padded walls to whom such a statement may seem credible, but for the honor of this Republic I am glad to believe that there is no such fool in the Senate of the United States.

If you intended to seize and hold the Philippine Islands, what an act of monumental folly and stupidity it was to put guns into the hands of the very men who had openly warned you that they intended to resist you to the very last if you attempted it. Put aside all question of promises, put aside the question even of good faith, of the obligation of conscience, why did you arm or help to arm a people ablaze with enthusiasm for independence, to arm them with rifles and cannon, if you did not expect them to fight for their independence? When you saw the people rallying to the standard of Aguinaldo and to the battle cry of independence you must have known and you did know that you would have to slaughter that army with your guns as soon as you had used it to serve your purpose. Deliberately and with a full understanding you have pursued a course whose known and inevitable effect was a bloody and desolating war against a people who but lately had been your allies and your brothers in arms.

You may rail at the Democratic party, but you can not rail the blood spots from off your own history. The responsibility for every drop of blood that has been shed in the Philippine Islands is with you, and it will remain with you though you wash your criminal hands in the bowl of Pontius Pilate forever.

Treason and traitor! A Senator on the other side of the Chamber imagines that he can hear soldiers in the Philippines singing:

Tell the traitors all around you,
Their cruel words we know.

I can not imagine any soldier singing any such song. I can only imagine a lot of Republican demagogues singing it, and I am sorry that one of them has sung it on the floor of the Senate.

So far as I am concerned I have never permitted myself to be disturbed by this cry of treason. We have got used to it down in my part of the country. There is hardly a man of distinction in my section of the United States who has not at some time or other been denounced as a public traitor by some public thief. Men have been denounced as traitors because they opposed the protective tariff. They have been denounced as traitors because they opposed extravagant pension legislation. So long as men have the courage to oppose wrong and denounce it there will be knaves to raise the cry of treason and fools to repeat the cry.

For the most part, sir, such abuse comes from brawling demagogues and may be passed with patient and serene contempt. But I regret to say that there have been men whose utterances usually command and usually deserve respect who have used language that will give countenance and encouragement to crawling slanderers who are not worthy to lick the dust at their feet.

I believe, sir, that I have as high respect for the office of President as any man in the country. I have much admiration for some of the strong and splendid qualities of the distinguished gentleman who now occupies that office, and because I have I very greatly regret that he has uttered language which for his honor I am glad to believe he will some time be ashamed of. In his address glorifying the strenuous life he says:

No small share of the responsibility for the blood shed in the Philippines—the blood of our brothers and the blood of their wild and ignorant foes—lies at the thresholds of those who so long delayed the adoption of the treaty of peace, and of those who by their worse than foolish words deliberately invited a savage people to plunge into a war fraught with sure disaster for them.

And again:

It must be remembered that their utterances are saved from being treasonable merely from the fact that they are despicable.

Mr. President, I have not quoted that language for the purpose of expressing resentment. I do not feel any. I know, sir, that we must make many allowances for that remarkable man, and especially must we not expect from him the language of moderation when dealing with the character and the motives of his political opponents. We must not judge the President in his moments of oratorical ferocity or by the way he ejaculates his parts of speech when the maniac frenzy of battle is in his blood.

The President is not vindictive, he is simply strenuous; and these outbursts are due to that abounding animal energy which makes it impossible for him to move except with a bound, to speak except at the top of his voice, or to express his disapproval except with the full strenght of his vocabulary. He is the strong man Kwasind, and rends and tears not from fury but from sheer excess of strength and energy. He resembles, in his habits of speech, my friend Joe Ballanfant's horse, of which remarkable animal it was said that running away was his natural gait. [Laughter.]

Now, I say that the President is not vindictive. I do not believe that he hates Democrats any more than he hates grizzly bears or mountain lions. He just loves to shoot them. He is an always loaded gun, and can only go off with the full force of the powder that is in him. In his talk about the "treasonable" and "despicable" utterances of men whose motives and opinions are as honest as his own, just as when he described Mr. Bryan as a red-handed anarchist in the last campaign, the President was simply "going off."

Mr. President, we are no more responsible for the resistance of the Filipinos than any man who anywhere or at any time has spoken the language of liberty and left his words upon the page of history as an inspiration to mankind. We are no more responsible than the author of that great document now being reviled by some of our military heroes as a "damned incendiary document."

I wish to suggest to our friends on the other side that when they get out a special Philippine edition of the Declaration of Independence they ought to edit it after the fashion of the distinguished junior Senator from Massachusetts [Mr. LODGE], who in a recent address paraphrased one of its immortal sentiments so as to make it read, "All civilized governments ultimately derive their power from the whole body of the people." Diluted with this word "ultimately" it is not half so incendiary, and I doubt whether in this form it would have ever set the American colonists on fire.

But, Mr. President, if we are to be held responsible because we are said to have held out words of hope and encouragement to the Filipinos, what shall be said of the responsibility of those who have habitually maddened them with words of insult and opprobrium, whose every utterance has been made as though with a deliberate purpose to destroy every hope of a just and liberal government at our hands and to plant in their bosoms an inextinguishable hatred of American rule?

Sir, we are not left to inference. Governor Taft in his testimony

before the committee declared that the Filipinos are a proud and a sensitive people; that any words of contempt or disparagement, any words reflecting upon their character as a people, imputing to them savagery or barbarism—all such words he said quickly find their way to the Philippines and are used by the insurgent leaders with great effect to excite the animosity and hatred of the people and drive them into insurrection.

Now, sir, the first and worst offender in this respect is the President of the United States. "Savages," "barbarians," "a savage people," "a wild and ignorant people," "Apaches," "Sioux," "Chinese Boxers," these are the words habitually employed by him to describe a people nine-tenths of whom are sufficiently educated to read his bitter and scornful and contemptuous words!

What, sir, must have been the effect? We know that one of the leaders of the Filipinos made an indignant protest against such language on the part of the President. What must have been the effect when this language was spread broadcast before the people? At the very time when the Philippine Commission was seeking to conciliate the people, when it was holding out to them the alluring promise of a just and liberal government in which they should have a large and ever-increasing share of political power, Mr. Roosevelt was telling them that they were to be held and ruled and governed as mere savages and barbarians.

Mr. LODGE. Will the Senator from Tennessee kindly refer me to the document in which the President used those words?

Mr. CARMACK. I have just read it. It is page 1003, beginning at the top of the page. I will say that is not all by any means. It is all I happen to have right here. I can furnish the other to the Senator later.

How many thousands and tens of thousands of people were driven by these opprobrious and scornful words into insurrection against the United States? Why, Mr. President, Governor Taft the other day, in defending the action of the Philippine Commission in arresting and prosecuting Manila editors, said that their scornful and contemptuous words toward the Filipinos were destroying their confidence in the Philippine government and in the United States, and that it was necessary to stop such talk in order to keep these editors from stirring up insurrection.

Why, if the President of the United States were to go to Manila and utter and publish the very words he has uttered again and again in the United States he would be guilty of violating the sedition law as made and construed by his own Commission. His words would be classed as incendiary, as tending to inflame the people and stir them up to insurrection.

Ah, Mr. President, assume that we are responsible to the full measure that you charge, I say the fact will still remain that in this matter—responsibility for bloodshed in the Philippines—President Roosevelt is as much greater than William J. Bryan as David was greater than Saul.

And, Mr. President, some of our military heroes must bear their share of responsibility also. I want to say right here that I have become a trifle weary of the licentious insolence of some of these heroes. I have seen some real heroes from the Philippines, men who bear scars of battle to attest their bravery on the field; men who in the freedom of private conversation do not hesitate to tell you that they despise this whole Philippine business. But, sir, the idea seems to have gone abroad that the swiftest and surest way to the favor of the powers that be is to indulge in denunciation of the political opponents of this Administration, and if one has too much self-respect to do that then he had better keep his mouth shut.

Some time ago, when Dr. Schurman, a man who had been thought worthy by President McKinley to be the president of the Philippine Commission, declared that he had changed his views on this question and thought that the Filipinos should be given their independence, one of these military heroes in the Philippines expressed himself to the effect that if the Doctor would only come to the Philippines and say that he would land him in the penitentiary.

Mr. MONEY. He would, too.

Mr. CARMACK. He would be guilty, under the law, of a penitentiary offense. But, sir, that was nothing to what was to come.

Hardly had we comforted ourselves with the thought that we had only to remain within the shadow of our own Constitution to be secure against such vengeance when a new war whoop larumed our ear; and now there rushes red on our sight the jayhawker brigadier from the wind-swept plains, the renowned and immortal Funston. He is the most valiant captain that ever marshaled a dictionary in battle array, the mightiest Samson that ever wielded the jawbone of an ass as a weapon of war.

Funston achieved his title of hero by a violation of the rules of honorable warfare, by an act for which Aguinaldo would have been hanged in ten minutes if he had attempted it on an American officer.

But, sir, it is vain to go behind a hero's title. Funston is a hero officially acknowledged and proclaimed, and with all the rights, privileges, and immunities that go with the title. There have been heroes, sir, who were modest and unassuming. There have been heroes who were something more than licensed swaggerers and braggarts. But Funston is not of these. As a hero it is his business to heroize. What is the use of being a hero if you can not jar the sure and firm-set earth with your tread and shake the everlasting hills with your frequent vociferations? What is a hero for except to awe the world with his wide and majestic strut?

Funston is the lion of the Philippines, and because it is the nature of a lion to do that way, he shakes his tawny mane and swings his tufted tail 10 feet in the air while terror deep hushes the wilderness as his awful roar goes forth upon the trembling and affrighted breeze.

Mr. President, I read of a lion once that performed a part in the play of Pyramus and Thisbe. He was a stage-play lion, just like this fellow. [Laughter.] He knew as well as Funston that there is "not a more terrible wild fowl than your lion living." He knew that a "lion among ladies is a most dreadful thing." But he was a tender and a considerate lion, and lest his very presence should strike terror to the hearts of all beholders he prepared and recited a prologue in which he frankly assured the audience that he was not a lion truly; he was simply Snug, the joiner.

Now, Mr. President, I will take it upon myself to recite the prologue for this performer and tell the audience that it is not a real lion; it is nobody but Funston. [Laughter.] The performances of this doughty warrior illustrate the danger of a small man becoming a hero too suddenly. There is always danger of his overacting the part, and that is what Funston is doing seven days in the week. In his efforts to bestride the world like a Colossus he has put a strain upon his military trousers with results too shocking for modesty to contemplate or parliamentary language to mention. [Laughter.]

As soon as Funston had achieved his title of hero his ambition swelled beyond the measure of his environment. No pent-up archipelago could contract his powers—a whole boundless continent must be his.

So having quelled the insurrection in the Philippines, he comes with one stride across the shuddering deep to deal with the insurgents at home. For this purpose he has laid aside his "blameful, bloody sword," and armed himself with a hangman's noose—"to wield in judgment and at length to wear." His plan of campaign is simplicity itself. He proposes simply to hang all the traitors, all who oppose the policy of this Administration. Yet, there are men in this list of doomed criminals who had proved their devotion to their country when Funston was mewling and puking in his nurse's arms—men whose white hairs are a crown of glory, men whose lives are without a stain of dishonor, men who stand so high above this hangman brigadier that it is almost an insult to decency to mention their names and his on the same day of the week.

There are some disappointments in store for our hero. Age and care and the burden of noble tasks have robbed his gallows of some of its most illustrious victims. The late Senator Morrill, of Vermont, died breathing treason to the last. The late John Sherman, of Ohio, denounced this war in the bitterest and most unmeasured terms. What a pity they could not have got old John and hung him before he died a natural death. There was ex-President Harrison. His pen was busy with treason when death claimed him. But still there are enough to hold Funston for a while. There are ex-Senator Edmunds, of Vermont, and ex-Governor Boutwell, and Carl Schurz, and Tom Reed. I can easily recall the time when I should like to have seen Tom hung. [Laughter.] Last, but by no means least, there is the distinguished senior Senator from Massachusetts [Mr. HOAR]; and if that Senator is disposed to murmur at his fate, I can tell him that it will not be the first time in history that men as great as he, as patriotic as he, as brave and as high-minded as he, have been hung by just such fellows as Funston.

I noticed in the papers the other day that Funston said the President had entirely approved of his gallows diatribe and was very anxious for him to accept the invitation of the junior Senator from Massachusetts to go to Boston and help him organize a movement there for hanging the senior senator from Massachusetts. [Laughter.] Unfortunately, Funston was previously engaged elsewhere for a similar function, and so the junior Senator from Massachusetts was not able to pull off the little lynching bee he had arranged for his colleague. [Laughter.] I suppose it will come off later, and that this is just a reprieve.

But, Mr. President, the plain truth of the matter is that Funston can not hang anybody. The Constitution still stands, and it is by the language of that instrument, and not by the words of a blatherskite brigadier, that the crime of treason is defined. Trial by jury is still the right of every American citizen. Funston

should go back to the Philippines, to a land where there is plenty of hemp and no constitution. [Laughter.]

Mr. President, I introduced Funston into this debate in pursuance of my inquiry as to who was most responsible by words for the prolongation of the war in the Philippines. I say that if we are to hang men without regard to the Constitution or the law, without judge or jury, for provoking the Filipinos to war and insurrection, then the very first neck to feel the strangling clutch of the soaped rope should be the heroic gullet of Brig. Gen. Fred A. Funston. Every word he has uttered since he has been in the Philippine Islands has been uttered as though with a deliberate purpose to inflame, to incite, and to arouse the people and drive them to hostility against the United States.

Two or three years ago, in a letter written over his own signature, which was published in the newspapers of the United States, he said that as soon as this insurrection was over he wanted to see the people over there put and kept under a military government, the only kind of government they were fit for, and ruled with a rod of iron. Yet, Mr. President, Governor Taft tells us that it was the fear of that very thing, which he said was instilled into them by their leaders, that kept the people in insurrection.

Yet Funston was saying the very same thing. The Filipino leaders could go to their people and tell them this and then prove it by Funston. And some time ago, when the Philippine Commission, in order to pacify the people and induce them to submit, arranged a plan of government, including a legislature, of which one chamber was to be elected by a small body of the people, Funston rushed forward and entered his indignant protest against it, and said, "If you give the people over here any liberty at all, they will ask for more." He protested against the policy proclaimed by the Commission for the very purpose of pacifying the people. What was this but the act of a meddlesome marplot, trying to defeat the work of the Commission and to make trouble for his own Government?

The very speech in which he proposes the gallows is filled with the most indiscriminate abuse of the whole Philippine people, leaders and followers, all of whom are pictured by Funston as the vilest brood of vermin that ever crawled upon the face of the earth. He dismisses with contempt the testimony of Dewey and of MacArthur and of Schurman and of Taft. He says, "I never knew but two people of ability and patriotism in the whole Philippine Islands, and one of these is dead." Thus the very people relied upon by our Commission to aid them in the work of pacifying the Filipinos, and who, as Governor Taft said, have done more to that end than the armies have done, are outrageously and deliberately insulted by Funston for no other purpose that I can see except to excite their rage and animosity and drive them back into insurrection so that he can catch them again. [Laughter.]

I do not say that was his purpose; I would not attribute any purpose whatever to so reckless an egotist as this fellow Funston. But I do say that I have no doubt whatever that he has made ten times as much trouble with his mouth as he has ever cured with his sword. [Laughter.]

I could fill pages of the RECORD with such things as this. There is my distinguished friend from Indiana [Mr. BEVERIDGE]—I am sorry he is not here, and I am always sorry when he is not here—but I have it from the highest authority that the speech made by that distinguished Senator in which he reviled and abused the people in the Philippines and held them up to scorn and contempt was circulated broadcast throughout the Philippines, and that it did more than almost any other cause to drive the people into insurrection. I say that with a good deal of respect for that speech, for it was an able speech and an honest one. It was a speech that truly interpreted the thoughts and wishes of his party. The Senator simply said boldly and bravely what other Senators mean, but dare not say.

And your acts have been in harmony with your utterances. The inevitable effect of the legislation enacted in this very Congress, of the very bill now before the Senate, must be to disappoint the just expectations of the Philippine people and to petrify their hatred and their opposition to American rule. The Philippine Commission made an earnest appeal to this Congress for a large reduction in the rates of duty on Philippine goods. This appeal was made not simply for economic reasons, but in the interest of peace, for the purpose of removing the distrust and hostility of the people. That appeal was treated with utter contempt. The bill which came here from the other House bore the full rates of the Dingley law, and this Senate made only a nominal reduction.

Governor Wright, the acting president of the Commission, cabled a message appealing to us to make a reduction of 75 per cent, and giving it as the opinion of the business interests there that a reduction of even 50 per cent would be absolutely prohibitive and do no good whatever. He based that appeal largely on political grounds—on the ground that it would have a happy and pacifying effect on the temper and disposition of the people. I say you dismissed that appeal with contempt; you served notice on those people that you would show no consideration whatever for their interests, where there was involved even the possibility of competition, no matter how trifling and inconsequential, with American products.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Does the Senator from Tennessee yield to the Senator from New Hampshire?

Mr. CARMACK. Certainly.

Mr. GALLINGER. I voted, I think, for the amendment offered by the Senator from Ohio [Mr. FORAKER] proposing a 50 per cent reduction.

Mr. CARMACK. I did not.

Mr. GALLINGER. Does the Senator remember how many Democrats voted for and against that proposition?

Mr. CARMACK. There were a great many who voted against it. I know that. I know, furthermore, that every Democrat in this Chamber who cast his vote voted for absolute free trade with the people of the Philippine Islands. We believe that a duty of one single cent upon the products of the Philippine Islands is a flagrant violation of the Constitution. That is what we think about it. So far as I am concerned, I am not sure that I would have voted for the amendment of the Senator from Ohio even if I had thought it constitutional, because it was not worth the paper on which it was written.

Mr. GALLINGER. Just a word more, if the Senator will permit me.

Mr. CARMACK. Certainly.

Mr. GALLINGER. We recognize the fact that the Senator regarded any rate of duty as unconstitutional, but of course the Senator will admit that those of us who do not take that view of the matter are equally as sincere as is the Senator.

Mr. CARMACK. Of course; I have never questioned that in the least.

Believing that such a duty was unconstitutional, we could not consistently vote for it. I think that the amendment proposed by the Senator from Ohio would have been worthless, anyway. That very message sent here by Governor Wright declared that a duty of 50 per cent would be absolutely prohibitory and do no good whatever. It was a reduction in form, but not a reduction in effect. It was like the witches' prophecy, which keeps the word of promise to the ear but breaks it to the hope.

The people of the Philippine Islands had asked for bread and the committee offered them a stone. The Senator from Ohio moved to amend by striking out "stone" and inserting "brickbat." [Laughter.] They had asked for a fish and the committee gave them a serpent. The Senator from Ohio was not willing to concede the fish, but, in the abounding generosity of his nature, he offered to compromise on a water dog. [Laughter.] That is just about the meaning of that amendment.

Mr. President, there is one other influence that has been a powerful obstacle to peace in the Philippine Islands, and that has been the eagerness to enter upon the exploitation of the country, the gluttonous hunger to devour the prey and divide the spoils. General MacArthur, in his report, shows us something of the exasperating effect upon the people, of the effect in prolonging their hostility and prolonging this war, of this indecent haste to treat those islands and the whole people as the spoils of war. The entire archipelago is swarming with needy and desperate adventurers, seeking to reap their inhuman harvest from the calamities of the people. American Congressmen and American officials have been forming syndicates and prowling over that country, seeking to make off with something that could be turned into a dollar. The whole pack of lean and famished carpetbaggers that once feasted upon the South seem to be howling upon the scent of another victim.

Why, Mr. President, when General Hughes was before our committee he presented at the conclusion of his testimony a newspaper article, written by one A. Burlingame Johnson, which he desired to have made part of his testimony. There was nothing in the article particularly, except a charge that the Democrats were responsible for all the trouble over there. I suppose that some Republican member of the committee had handed it to General Hughes and asked him to insert it as a part of his testimony. I questioned General Hughes about this A. Burlingame Johnson, and the fact was developed that he had been prowling around over the islands representing a syndicate seeking for something that could be made the basis of profit and speculation, and that he had been importuning General Hughes to grant him all manner of franchises and concessions, which he must have known General Hughes had no authority to do.

I want to say that I believe if the Philippine Commission would exercise some of its arbitrary power by taking every such fellow as A. Burlingame Johnson, and leading him to the uttermost

verge of the archipelago, and kicking him thence into the midst of the sea, it would earn a year's salary for every kick. [Laughter.]

I will not stop to read, but I will insert in my remarks an extract from General MacArthur's testimony, telling of the trouble that is being made by this rush to exploit the country.

The matter referred to is as follows:

In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquilize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony, and at the same time relegate them to a status of social and political inferiority.

Again, he says:

If a spirit of Philippine speculation should seize the public mind in the United States and be emphasized by means of grants, concessions, and special franchises for the purpose of quick exploitation, the political situation and permanent interests of all concerned might be seriously jeopardized.

Mr. President, the whole spirit and purpose, the dominant idea of this whole Philippine policy, the dominant idea that has been proclaimed by Republican Senators again and again upon the floor of this Senate, the dominant idea of this very bill, is the very thing that General MacArthur condemns as the cause of so much trouble and so much strife and bloodshed in the Philippine Islands. It is proposed here to make a wholesale grant of franchises and concessions, a wholesale distribution of tracts of thousands and tens of thousands, and God only knows how many more, acres of the land of the Philippine people without giving the people themselves any voice whatever in the business.

You have stricken out of the bill that provision recommended by the Philippine Commission, and urgently recommended by General MacArthur, which provided for a legislative assembly, one branch of which should be elected by a limited number of the people—those educated to speak and write the Spanish language. You have provided in place of that for a census report upon the capacity of the people for self-government. The Commission had already reported that those at least who could read and write the Spanish language were a highly intelligent people; that they were entirely capable of such government as that proposed by the Commission. You knew that already without any census. Why not give to those people some power in the government before you proceed to give away the whole country?

Mr. President, I will now ask for the reading of an extract from the book written by Dr. Schurman, Philippine Affairs, beginning where I have marked on page 67 and ending on page 72.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The Taft Commission has asked that authority be conferred upon it by Congress to issue bonds, to grant municipal franchises, to pass a general public-land law, to make laws and regulations in regard to mines and forests, to pass a general incorporation law, and to "issue charters to commercial railroads, with power to make donations of lands or guarantee the interest on the investments, or both." These objects are all desirable, and some of them indispensable, to the prosperity of the Filipinos. Whether any of them should be handled by Congress directly I shall not venture to discuss. But if they are turned over by Congress to the discretion of the Philippine government I submit that the delegation of power should be accompanied by a restriction, which, to my way of thinking, is all essential. Let me briefly explain.

The Taft Commission, as I have already said, concurs with the first Philippine Commission in recommending the establishment of a central government for the Philippine Islands, in which there shall be a legislature consisting of an upper house, in which the members (who are to be both Filipinos and Americans) shall be partly or wholly appointed by the President of the United States, and a lower house, whose members shall be elected by the Filipinos themselves. But in recommending Congress to enact a law for the establishment of this central government they request that it go into operation on January 1, 1904. Now, as the several grants of power for which the Commission petitions Congress, taken collectively, have to do with the weightiest and most far-reaching subjects which for many years to come can engage the attention of any government at Manila, I submit that these powers, if now delegated by Congress, should not be exercised till the Filipinos themselves enjoy through their popular assembly an equal share in the legislative deliberations and an equal voice in the legislative decisions.

I should indeed greatly regret the postponement of these beneficent economic measures till 1904; but, however grievously the delay, it would be infinitely better than to ignore, and by ignoring to belittle, the popular assembly of Filipinos, who, in 1904, are to become coordinate and coequal legislators with the members of the Commission. But another solution is at hand. Why not have the central government for the archipelago, which the first and second Philippine Commission agree in recommending, begin at an earlier date, say in 1902? As to the exact time, it might be on July 4; or, if the Filipinos prefer, on December 30, the anniversary of the martyrdom of their scholar patriot, Rizal.

At any rate, I am perfectly clear on the main point. Either the powers requested by the Commission should not (if granted) be exercised before January 1, 1904, when the Filipinos will be represented in a popular assembly, which is to be an organic part of the government, or if the powers are to be exercised earlier, the inauguration of the new government should be moved forward to the same date. The Philippines are for the Filipinos. We have no right to vote away their public property and franchises without their joint consent. If Filipinos, as legislators and administrators, are to join us in the government of the archipelago, why should the weightiest and most important business be disposed of before their admittance? And if we are to train them up in the ways of self-government, where shall we find more stimulating and more sobering tasks to set them for their first lessons?

There is still another reason why Americans should have the cooperation of Philippine legislators and administrators in dealing with Philippine public property and franchises. They would in this way avail themselves of popular sentiment, of local knowledge and circumstances, which it is impossible for Americans otherwise to ascertain. Take, for example, the subject of railroads. The Commission recommends the construction of 1,000 miles in Luzon and probably 500 in Mindanao. Yet, in that connection, they state, very truly, that "the island of Mindanao, with an area of something more than 36,000 square miles, except along its littoral, is practically terra incognita."

Now, the Christian Filipinos who live on the seacoast are likely to know more of the conditions which prevail among the Mohammedan and heathen tribes in the vast interior than anybody else. They, with the Jesuit missionaries, must instruct the Philippine government in regard to that "practically terra incognita." But, until they have been heard, until the subject has been thoroughly discussed by Filipinos in their popular assembly, who can tell whether 500 miles of railway in Mindanao would pay operating expenses in the next five or fifty years?

Now, can the American authorities afford to neglect the wisdom and the sentiment of the duly elected representatives of the Filipinos in the fields better known than Mindanao. The Commission recommends 1,000 miles of railway for the island of Luzon, which at present has one railway about 100 miles in length, extending northward from Manila to Dagupan. Now, in the great multiplication of railways contemplated by the Commission there is a line from Dagupan on the coast to Benguet in the mountains which, though only 55 miles in length, will, of necessity, be very difficult and expensive to construct.

Are there any communities of Filipinos who desire this railroad? So far as appears, it is for the sole benefit of Americans. This road would afford convenient access "to the highlands of Benguet, in which," says the Commission, "it is hoped and believed ultimately the sanitarium of the Philippines will be located." Sanitarium for whom? Of course for American officials, who find the climate of Manila and other Philippine towns oppressive and intolerable for certain portions of the year. And as a railroad can not be constructed in a day, the Commission has already started a highway.

"The only road," according to the report, "which has been put in course of construction under the immediate direction of the Commission is that extending from the town of Pozorubio to the town of Baguio, in the province of Benguet." Now a sanitarium for American officials in the mountains of Benguet is a very desirable object; if their stay is to be prolonged in the Philippines such a sanitarium might even be described as a hygienic necessity. And in that case who can doubt the expediency of railway extension to Benguet? But when all that is conceded—and I concede it fully—I hold that American authorities have no right to vote Philippine money or credit for this object without the consent of the representatives of the Philippine people.

Mr. BATE. Mr. President, I will suggest that my colleague [Mr. CARMACK] has spoken for two hours, and as it is now after 4 o'clock, I should like to know if it would be agreeable to him that we should now adjourn or whether he would rather proceed with his remarks?

Mr. CARMACK. I will say to my colleague that I believe I would prefer to go on to-morrow.

Mr. BATE. Then I suggest to the junior Senator from Massachusetts [Mr. LODGE], if it be agreeable to him, that we take an adjournment.

Mr. LODGE. I am glad to accommodate the Senator from Tennessee in any way I can, and I will move an executive session immediately after I present a conference report, which I ask permission to present at this time.

ROBERT J. SPOTTSWOOD ET AL.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the words stricken out by the said amendment insert "twelve thousand five hundred;" and the Senate agree to the same.

BOIES PENROSE,
H. C. LODGE,
A. S. CLAY,
Managers on the part of the Senate.

JOSEPH V. GRAFF,
D. J. FOSTER,
PETER J. OTEY,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 26, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1902.

PROMOTIONS IN THE NAVY.

Commander Albert Ross, to be a captain in the Navy, from the 11th day of April, 1902, vice Capt. Joseph B. Coghlan, promoted.

Paymaster Charles W. Littlefield, to be a pay inspector in the Navy, from the 29th day of March, 1902, vice Pay Inspector William J. Thomson, promoted.

Passed Assistant Paymaster John Irwin, jr., to be a paymaster in the Navy, from the 29th day of March, 1902, vice Paymaster Charles W. Littlefield, promoted.

Assistant Paymaster Hugh R. Insley, to be a passed assistant paymaster in the Navy, from the 29th day of March, 1902, vice Passed Assistant Paymaster John Irwin, jr., promoted.

Paymaster William W. Galt, to be a pay inspector in the Navy, from the 10th day of April, 1902, vice Pay Inspector John B. Redfield, promoted.

Paymaster Arthur Peterson, to be a pay inspector in the Navy, from the 10th day of April, 1902, vice Pay Inspector William W. Galt, an additional number in grade.

Passed Assistant Paymaster John H. Merriam, to be a paymaster in the Navy, from the 10th day of April, 1902, vice paymaster William W. Galt, promoted.

ASSISTANT PAYMASTER IN THE NAVY.

Mr. Cecil S. Baker, a citizen of Maryland, to be an assistant paymaster in the Navy, to fill a vacancy existing in that corps.

TO BE PASSED ASSISTANT SURGEONS IN THE NAVY.

William M. Wheeler.
Robert S. Blakeman.

CONSULS.

Rufus Waterman, of Rhode Island, to be consul of the United States at Dublin, Ireland, vice Joshua Wilbour, deceased.

Alfred L. M. Gottschalk, of New York, to be consul of the United States at San Juan del Norte, Nicaragua, vice Charles V. Herdliska, appointed consul at Callao, Peru.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Frederick G. Dodge, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Charles H. McLellan, promoted.

COLLECTORS OF CUSTOMS.

John Peterson, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota. (Reappointment.)

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1902.

POSTMASTERS.

J. Fenton Olive, to be postmaster at Cuba, in the county of Allegany and State of New York.

Benjamin F. S. Brown, to be postmaster at Matawan, in the county of Monmouth and State of New Jersey.

Executive nominations confirmed by the Senate April 25, 1902.

CONSUL.

Alfred L. M. Gottschalk, of New York, to be consul of the United States at San Juan del Norte, Nicaragua.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Percy H. Brereton, of New Jersey, to be a first lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

La Fevre Webster, to be postmaster at Ventura, in the county of Ventura and State of California.

Max Geldner, to be postmaster at New Dorp, in the county of Richmond and State of New York.

Zenas R. Detwiler, to be postmaster at Wamego, in the county of Pottawatomie and State of Kansas.

Albert L. Smith, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona.

M. M. Campbell, to be postmaster at Albany, in the county of Gentry and State of Missouri.

Sidney H. Knapp, to be postmaster at Clyde, in the county of Cloud and State of Kansas.

Elizabeth S. Newcomb, to be postmaster at Coronado, in the county of San Diego and State of California.

Forest W. France, to be postmaster at Buckley, in the county of Pierce and State of Washington.

Thomas J. Davies, to be postmaster at Barberton, in the county of Summit and State of Ohio.

Daniel D. Hurst, to be postmaster at Jackson, in the county of Breathitt and State of Kentucky.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 25, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PROTECTION OF AMERICAN LABOR.

Mr. SHATTUC. Mr. Speaker, I move that the Committee on Labor be discharged from the further consideration of the bill (H. R. 9053) for the necessary and better protection of American labor and enforcement of the law of domicile and the restriction of immigration, and that it be referred to the Committee on Immigration and Naturalization.

The SPEAKER. The gentleman from Ohio moves the change of reference of the bill which the Clerk will report by its title.

The Clerk read as follows:

A bill (H. R. 9053) for the necessary and better protection of American labor and enforcement of the law of domicile and the restriction of immigration.

The SPEAKER. This is a matter that is not debatable. The question is upon the motion of the gentleman from Ohio.

The question was taken, and the motion was agreed to.

ADDITIONAL ASSISTANT DRIVER.

Mr. BULL. Mr. Speaker, I am directed by the Committee on Accounts to report and ask for the consideration of the resolutions which I send to the desk.

The Clerk read as follows:

House resolution 173.

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ an assistant driver for the folding-room team, at a compensation at the rate of $50 per month, to be paid out of the contingent fund of the House until otherwise provided for.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if this is a unanimous report from the Committee on Accounts?

Mr. BULL. I will say to the gentleman that it is a unanimous report from the Committee on Accounts. It is reported to the committee that it is absolutely necessary that there should be this additional assistant driver on account of the large amount of documents and speeches.

The question was taken, and the resolution was agreed to.

PROVISION FOR FOLDING SPEECHES AND PAMPHLETS.

Mr. BULL. I now ask for the consideration of the other resolution.

The Clerk read as follows:

House resolution No. 208.

Resolved, That the sum of not exceeding $3,000 is hereby authorized to be expended, under the direction of the Doorkeeper of the House, for the purpose of folding speeches and pamphlets, at a rate not exceeding $1 per thousand; and the Clerk of the House is authorized to make payment hereunder out of the contingent fund of the House upon vouchers approved by the Committee on Accounts.

The report (by Mr. BULL) was read, as follows:

The Committee on Accounts, to whom was referred House resolution No. 208, authorizing the expenditure of not exceeding $3,000 for the purpose of folding speeches and pamphlets under the direction of the Doorkeeper of the House, have had the same under consideration and recommend its adoption.

This proposed expenditure is made necessary by reason of the large number of speeches to be delivered to the folding room during the coming summer. Already orders have been given for the printing of millions of copies of speeches recently delivered in the House, and with the speeches hereafter to be made and printed, the aggregate number of speeches to be folded will reach an exceedingly large figure. The regular force of the folding room is inadequate to handle this immense increase of work.

It has been the custom in the past in what are known as "Presidential" and "Congressional" years to employ an additional number of folders, but your committee believe the work can be done at much less expense than formerly, by the adoption of the accompanying resolution, providing for the folding of speeches at a sum not exceeding $1 per thousand, and by limiting the amount of the total expenditure for this purpose to not exceeding $3,000. In the long session of the Fifty-sixth Congress $7,000 was appropriated for the use of the Senate for the folding of speeches and pamphlets, in addition to the regular appropriation for the usual number of folders. It will be seen, therefore, that the expenditure of $3,000 for this purpose, contemplated by the resolution reported herewith, is a reasonable allowance and will effect a great saving by removing the necessity for the appointment of additional folders, as was the custom in past Congresses.

The question was taken, and the resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 11096. An act to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor;

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same;

H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington, D. C., in honor of the late Benjamin F. Stevenson, founder of the Grand Army of the Republic; and

H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5046. An act for the promotion of anatomical science and to prevent the desecration of the graves in the District of Columbia;

S. 2479. An act to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory;

S. 2966. An act for the relief of George W. King;

S. 4148. An act to grant certain lands to the city of Colorado Springs, Colo.; and

S. R. 80. Joint resolution postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the order for to-day.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the special rule of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of sundry private claims under the rule, and the Clerk will report the first bill.

FREDERICK SCHULTE OR SCHULDT.

The first business on the Private Calendar was the bill (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the Navy Department against Frederick Schulte or Schuldt, formerly a seaman on the United States steamships Anotonia and Hartford, and to grant the said Schulte a discharge from the service of the Government.

The bill was ordered to be laid aside with a favorable recommendation.

EUNICE A. SMITH.

The next business on the Private Calendar was the bill (S. 4749) granting an increase of pension to Eunice A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eunice A. Smith, widow of Frederick R. Smith, late commander, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of the said Frederick R. Smith until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

HELEN A. B. DU BARRY.

The next business on the Private Calandar was the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen A. B. Du Barry, widow of Beekman Du Barry, late brigadier-general and Commissary-General of Subsistence, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. HUMPHREY.

The next business on the Private Calendar was the bill (S. 1629) granting an increase of pension to James W. Humphrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Humphrey, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. MUNSON.

The next business on the Private Calendar was the bill (H. R. 10462) granting a pension to Mary A. Munson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Munson, widow of Morrison B. Munson, late lieutenant Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert "first."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary A. Munson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. WELLS.

The next business on the Private Calendar was the bill (H. R. 12107) granting a pension to Benjamin T. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Wells, late of Company H, Fifteenth Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T" and insert in lieu thereof the letter "F."

In the same line, before the word "Illinois," insert the word "Regiment."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Wells."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE COTTER.

The next business on the Private Calendar was the bill (H. R. 13132) granting an increase of pension to Annie Cotter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Cotter, widow of Thomas Cotter, late of Company F, Thirteenth Regiment New York State Militia, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Militia," insert the words "Volunteer Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. SMITH.

The next business on the Private Calendar was the bill (H. R. 12978) granting an increase of pension to Charles F. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Smith, late a first lieutenant in Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension of $15 he is now receiving, to take effect from and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Charles F. Smith, late second lieutenant Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES DIXON.

The next business on the Private Calendar was the bill (H. R. 3217) granting an increase of pension to Charles Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Dixon, late of Company K, Eighth Regiment Connecticut Volunteer Infantry, and chaplain

Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SILAS D. STRONG.

The next business on the Private Calendar was the bill (S. 2971) granting an increase of pension to Silas D. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas D. Strong, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WARREN B. NUDD.

The next business on the Private Calendar was the bill (S. 3820) granting an increase of pension to Warren B. Nudd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren B. Nudd, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARIA L. GODFREY.

The next business on the Private Calendar was the bill (H. R. 4740) granting an increase of pension to Maria L. Godfrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria L. Godfrey, widow of Alfred C. Godfrey, late chaplain Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES F. RAND.

The next business on the Private Calendar was the bill (S. 4658) granting an increase of pension to Charles F. Rand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Rand, late of Company K, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MINERVA MELTON.

The next business on the Private Calendar was the bill (S. 4056) granting an increase of pension to Minerva Melton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Melton, widow of Newton Melton, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Decota Melton, helpless and dependent daughter of said Newton Melton, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

EDGAR T. DANIELS.

The next business on the Private Calendar was the bill (H. R. 12015) granting an increase of pension to E. T. Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. T. Daniels, of Burlington, Vt., late of Company C, Twelfth Vermont Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Edgar T. Daniels, late of Company C, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edgar T. Daniels."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES AUSTIN.

The next business was the bill (H. R. 13017) granting an increase of pension to James Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Austin, late of Company B, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTIN M. ADAMS.

The next business was the bill (H. R. 13162) granting an increase of pension to Augustin M. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustin M. Adams, late of Company H, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Light Artillery."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES E. BROWN.

The next business on the Private Calendar was the bill (H. R. 13352) granting an increase of pension to Charles E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to place upon the pension roll the name of Charles E. Brown, Company G, First Massachusetts Heavy Artillery, and pay him a pension of $45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Brown, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BELK.

The next business on the Private Calendar was the bill (H. R. 7779) granting a pension to William Belk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William Belk, late of Company I, Sixteenth Regiment Indiana Volunteers, and pay him a pension of $24 per month from and after the passage of this act in lieu of the pension he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Belk, late of Company I, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WASHBURN.

The next business on the Private Calendar was the bill (H. R. 3678) granting an increase of pension to John Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company D, Second Massachusetts Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "D" and insert in lieu thereof the letter "E."

In the same line, after the word "Second," insert the word "Regiment."

In line 8, before the word "Heavy," insert the word "Volunteer."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN J. CLARK.

The next business on the Private Calendar was the bill (S. 1643) granting an increase of pension to Ellen J. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Clark, widow of Henry W. Clark, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Henry W. Clark until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

INEZ E. PERRINE.

The next business was the bill (S. 3108) granting an increase of pension to Inez E. Perrine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez E. Perrine, widow of Thomas A. Perrine, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Thomas A. Perrine until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

MARY BEALS.

The next business on the Private Calendar was the bill (S. 4514) granting an increase of pension to Mary Beals.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Beals, widow of Jerome Beals, late second lieutenant Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JETHRO M. GETMAN.

The next business was the bill (S. 1625) granting an increase of pension to Jethro M. Getman, alias James M. Getman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jethro M. Getman, alias James M. Getman, late first lieutenant Company G, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ZENO T. GRIFFEN.

The next business was the bill (S. 3472) granting an increase of pension to Zeno T. Griffen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zeno T. Griffen, late of Company E, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES L. CUMMINGS.

The next business was the bill (S. 3519) granting an increase of pension to Charles L. Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Cummings, late of Company E, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rateof $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS S. ROWAN.

The next business on the Private Calendar was the bill (S. 2943) granting an increase of pension to Thomas S. Rowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Rowan, late of Company I, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW E. HICKS.

The next business on the Private Calendar was the bill (H. R. 13554) granting an increase of pension to Edward E. Hicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward E. Hicks, late of Company D, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 5 strike out the word "Edward" and insert in lieu thereof the word "Andrew."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

Amend the title so as to read: "A bill granting an increase of pension to Andrew E. Hicks."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES D. COYLE.

The next business on the Private Calendar was the bill (H. R. 12008) granting an increase of pension to Charles D. Coyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Coyle, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL ASHMORE.

The next business on the Private Calendar was the bill (H. R. 11748) granting an increase of pension to Samuel Ashmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ashmore, late of Company F, Fifteenth Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "Kansas," insert the word "Regiment."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT DEITS.

The next business on the Private Calendar was the bill (H. R. 9569) granting an increase of pension to Albert Deits.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Deits, late of Company B, Seventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER KERR.

The next business on the Private Calendar was the bill (H. R. 7840) granting an increase of pension to Oliver Kerr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Kerr, late of Company M, Ninth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that which he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELLIE LOUCKS.

The next business on the Private Calendar was the bill (S. 324) granting an increase of pension to Nellie Loucks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Loucks, widow of Jerome B. Loucks, late of Battery G, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL L. LEFFINGWELL.

The next business on the Private Calendar was the bill (S. 3633) granting an increase of pension to Samuel L. Leffingwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Leffingwell, late

of Company L, Second Regiment Ohio Volunteer Infantry, war with Mexico, and major Thirty-first and Eighty-seventh Regiments Ohio Volunteer Infantry, and private, Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA E. LUKE.

The next business on the Private Calendar was the bill (S. 1814) granting an increase of pension to Anna E. Luke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Luke, widow of Andrew M. Luke, late captain Company B, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA NEWMAN.

The next business on the Private Calendar was the bill (H. R. 665) granting a pension to Laura Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Newman (formerly Laura Mount), late a nurse in the Medical Department, United States Volunteers, and pay her a pension at the rate of $12 a month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Laura Newman, formerly Laura Mount, late a nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Laura Newman, formerly Laura Mount."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA LEVENSELER.

The next business on the Private Calendar was the bill (H. R. 1014) granting a pension to Laura Levensaler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Levensaler, daughter of Henry Levensaler, late of Company A, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Laura Levenseler, the dependent and helpless daughter of Henry Levenseler, late of Company A, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Laura Levenseler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI H. COLLINS.

The next business on the Private Calendar was the bill (H. R. 13278) granting an increase of pension to Levi H. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Collins, late of Company A, Eighth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS SCOTT.

The next business on the Private Calendar was the bill (H. R. 13296) granting an increase of pension to Francis Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Scott, late of Company E, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA KNIGHT.

The next business on the Private Calendar was the bill (H. R. 4509) granting an increase of pension to Eliza Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Knight, widow of James F. Knight, late captain of Company F, Twenty-eighth Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of."

In line 7, before the word "Pennsylvania," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. MILLER.

The next business on the Private Calendar was the bill (H. R. 5159) granting a pension to W. A. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. A. Miller, late of Company C, Third Regiment Ohio Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of William A. Miller, late of Company C, Third Regiment Ohio State Militia, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to William A. Miller."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEMUEL GROVE.

The next business on the Private Calendar was the bill (S. 2305) granting an increase of pension to Lemuel Grove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Grove, late captain Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW R. JONES.

The next business on the Private Calendar was the bill (H. R. 6718) granting an increase of pension to Andrew R. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew R. Jones, late of Company D, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

COL. JOHN C. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 5865) granting an increase of pension to Col. James C. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Campbell, late colonel Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "James" and insert in lieu thereof the word "John."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John C. Campbell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS SHERIDAN.

The next business on the Private Calendar was the bill (H. R. 7618) granting an increase of pension to Thomas Sheridan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Thomas Sheridan, late captain of Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, to $30 per month, subject to the conditions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized

and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Sheridan, late captain Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA L. CORY.

The next business on the Private Calendar was the bill (S. 2805) granting an increase of pension to Anna L. Cory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna L. Cory, widow of John Cory, late of Company G, First Regiment Wisconsin Volunteer Infantry, and second lieutenant Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Ella Cory and Edwin Lewis Cory, helpless and dependent children of said John Cory, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

IDA M. WARREN.

The next business on the Private Calendar was the bill (S. 319) granting a pension to Ida M. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Warren, widow of Charles Warren, late second lieutenant Company H, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN COMPTON.

The next business on the Private Calendar was the bill (H. R. 325) granting an increase of pension to John Compton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the conditions and limitations of the pension laws, the name of John Compton, of Ottawa, Kans., late Company I, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Compton, late of Company I, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. M'CARTER.

The next business on the Private Calendar was the bill (H. R. 8109) granting a pension to William H. McCarter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McCarter, late private Company D, Third New York Volunteers, and pay him a pension of $30 per month from the passage of this act, the amount to be paid and receivd in lieu of any other pension he may now receive.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McCarter, late of Company D, Third Regiment New Jersey Volunteer Infantry, and Company A, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. CAPEHART.

The next business on the Private Calendar was the bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Capehart, widow of Henry Capehart, late colonel First Regiment West Virginia Volunteer Cavalry and brevet major-general United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MRS. NANNIE C. TRAMEL.

The next business on the Private Calendar was the bill (H. R. 8346) granting a pension to Mrs. Nannie C. Tramell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie C. Tramell, widow of Harris T. Tramell, late of Company K, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Tramell" and insert in lieu thereof the word "Tramel."

In same line, before the word "late," strike out the word "Tramell" and insert in lieu thereof the word "Tramel."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADA S. KEMPFER.

The next business on the Private Calendar was the bill (H. R. 10672) granting a pension to Ada S. Kempfer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada S. Kempfer, widow of Dr. S. O. Kempfer, late assistant surgeon, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Ada S. Kempfer, widow of Samuel O. Kempfer, late assistant surgeon, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the officer is living."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. ROBINSON.

The next business on the Private Calendar was the bill (S. 4381) granting an increase of pension to John S. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN ENGLISH.

The next business on the Private Calendar was the bill (H. R. 5192) granting an increase of pension to John English.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John English, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 3 strike out the word "Treasury" and insert in lieu thereof the word "Interior."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS H. DEVITT.

The next business on the Private Calendar was the bill (H. R. 10794) to grant a pension to Thomas H. Devitt, the imbecile and helpless son (since his birth) of Thomas Devitt, late of Company D, Fifty-first Regiment New York Volunteer Infantry, and of Company D, One hundred and eighty-seventh New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Devitt, the imbecile and helpless son (since his birth) of Thomas Devitt, late of Company D, Fifty-first Regiment New York Volunteer Infantry, and of Company D, One hundred and eighty-seventh New York Volunteer Infantry, and pay him a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Thomas H. Devitt, the helpless and dependent son of Thomas Devitt, late of Company D, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANGELINE H. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 11115) granting a pension to Angeline H. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angeline H. Taylor, widow of William Taylor, late major of the Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "of the."
In line 8 strike out the word "twenty-five" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HOLDRIDGE.

The next business on the Private Calendar was the bill (H. R. 5183) granting a pension to William Holdridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Holdridge, late of Company A, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."
In same line, after the word "month," insert "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William Holdridge."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES S. YOUNG.

The next business on the Private Calendar was the bill (H. R. 8712) granting an increase of pension to James S. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Young, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. HOSACK.

The next business on the Private Calendar was the bill (H. R. 2487) granting an increase of pension to William S. Hosack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Hosack, late of Company G, Seventy-eighth Regiment of Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. M'VICKER.

The next business on the Private Calendar was the bill (H. R. 13669) granting an increase of pension to James H. McVicker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. McVicker, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PETER CONNELL.

The next business on the Private Calendar was the bill (S. 1881) to correct the military record of Peter Connell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing on the records on file in the War Department against Peter Connell, late a private of Company E, One hundred and first Regiment Pennsylvania Infantry Volunteers, and grant him an honorable discharge as of May 31, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M'KENZIE.

The next business on the Private Calendar was the bill (H. R. 3691) for the relief of James McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to remove the charge of desertion standing against James McKenzie, of Company D, First Battalion Eleventh United States Infantry, and issue to him an honorable discharge as of date from August 26, 1865.

The amendment recommended by the committee was read, as follows:

Add after the word "sixty-five," in line 7 of the bill, the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI MAXTED.

The next business on the Private Calendar was the bill (H. R. 357) for the relief of Levi Maxted.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against Levi Maxted, late of Company H, First Regiment Nebraska Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

Strike out of line 4 the words "and directed," and by adding at the end of the bill the following proviso:
"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISABELLA H. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 13416) granting an increase of pension to Isabella H. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella H. Thompson, widow of the late Col. Francis W. Thompson, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Isabella H. Thompson, widow of Francis W. Thompson, late lieutenant-colonel Third Regiment West Virginia Volunteer Infantry and Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. CONRAD.

The next business on the Private Calendar was the bill (H. R. 13691) granting an increase of pension to James M. Conrad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Conrad, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUST SCHILL, ALIAS SILVILLE.

The next business on the Private Calendar was the bill (H. R. 5475) increasing pension of August Schill, alias Silville.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Schill, alias Silville, of Company M, Fourth Regiment Tennessee Volunteer Cavalry, in the war between the States, and pay him a pension at the rate of $36 per month in lieu of the one he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of August Schill, alias August Silville, late of Company M, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to August Schill, alias August Silville."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADA TROWBRIDGE.

The next business on the Private Calendar was the bill (H. R. 13249) granting an increase of pension to Ada Trowbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada Trowbridge, widow of Joseph M. Trowbridge, late captain, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. WHEELER.

The next business on the Private Calendar was the bill (H. R. 12780) granting an increase of pension to William H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lieut. William H. Wheeler, late of Company A, Corps of Engineers, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of William H. Wheeler, late of Company A, Corps of Engineers, United States Army, and second lieutenant, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA M. GRANGER.

The next business was the bill (S. 4535) granting a pension to Lydia M. Granger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia M. Granger, widow of William M. Granger, late of the United States Marine Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of the said William M. Granger until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES C. WASHBURN.

The next business was the bill (H. R. 7687) granting an increase of pension to Charles C. Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Washburn, late of Company C, Ninth United States Veteran Volunteers, and of Company B, Second Wisconsin Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Ninth," insert the word "Regiment."

In lines 7 and 8 strike out the words "and of Company B, Second Wisconsin Volunteer Infantry."

In line 8 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of thirty."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BLANCHARD.

The next business was the bill (H. R. 13439) granting an increase of pension to William Blanchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Blanchard, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. WHITE.

The next business was the bill (H. R. 13614) granting an increase of pension to William H. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. White, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEON KING.

The next business was the bill (H. R. 8856) granting an increase of pension to Leon King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leon King, late of Company G, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSE W. BICE.

The next business was the bill (S. 3252) granting an increase of pension to Jesse W. Bice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse W. Bice, late major Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

IRA P. SMITH.

The next business was the bill (H. R. 13479) granting a pension to Ira B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira P. Smith, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM CLARK.

The next business was the bill (H. R. 832) granting an increase of pension to William Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Clark, late of Company C, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES SCANNELL.

The next business was the bill (S. 3672) granting an increase of pension to James Scannell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Scannell, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN PARKER.

The next business was the bill (H. R. 13143) granting a pension to Susan Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Parker, widow of Thomas Parker, late second lieutenant of Company D, Twentieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Susan Parker."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK BENEFELDT.

The next business was the bill (H. R. 1209) granting an increase of pension to Frederick Benefeldt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Benefeldt, late of Company C, Sixteenth Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the conservatrix of the said Frederick Benefeldt the sum of $30 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Illinois," insert the word "Regiment."
In line 9, after the word "receiving," insert "the same to be paid to his duly constituted conservator."
Strike out the remainder of the bill.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABBIE GEORGE.

The next business was the bill (S. 4969) granting an increase of pension to Abbie George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie George, widow of Rufus L. George, late of Company F, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MOSES S. CURTIS.

The next business on the Private Calendar was the bill (H. R. 8476) granting an increase of pension to Moses S. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses S. Curtis, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "fourteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES FREY.

The next business on the Private Calendar was the bill (S. 234) granting an increase of pension to James Frey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Frey, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ERMA G. HARVEY.

The next business on the Private Calendar was the bill (H. R. 1681) granting a pension to Erma G. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erma G. Harvey, helpless and dependent daughter of John C. Harvey, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and of the Eighty-third Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "helpless," insert the word "the."
In lines 8 and 9 strike out the words "and of the Eighty-third Company, Second Battalion Veteran Reserve Corps."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM J. SPRINGFIELD.

The next business on the Private Calendar was the bill (H. R. 12685) granting a pension to H. J. Springfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of H. J. Springfield, of Hamilton County, Tenn. (who was captain of H. J. Springfield's company of scouts and guides, authorized by General Granger under and by authority of Maj. Gen. W. S. Rosecrans, commanding the Department of the Cumberland, on the 15th of July, 1864, and disbanded on the 22d of November, 1864; and who was also a private in Capt. William Fowler's company of scouts and guides from February 1, 1865, to the 13th day of May, 1865), upon the pension roll of the United States, to draw a pension at the rate of $12 a month from the 9th day of January, 1891.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram J. Springfield, late captain H. J. Springfield's company of scouts and guides, United States Volunteers, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Hiram J. Springfield."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY S. DOWNING.

The next business on the Private Calendar was the bill (H. R. 6625) granting an increase of pension to Mrs. R. L. Downing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. R. L. Downing, widow of Robert L. Downing, late of Company E, Sixty-ninth Ohio Volunteer Infantry, and pay her a pension of $20 per month in lieu of the pension now received by her, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Downing, widow of Robert L. Downing, late of Company E, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary S. Downing."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. HANKINS.

The next business on the Private Calendar was the bill (S. 2738) granting an increase of pension to James W. Hankins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Hankins, late of Company H, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EVALINE JENKINS.

The next business on the Private Calendar was the bill (H. R. 9695) granting an increase of pension to Evaline Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evaline Jenkins, widow of Capt. David B. Jenkins, late of Company C, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Evaline Jenkins, widow of David B. Jenkins, late sergeant, Company F, Second Regiment Tennessee Volunteer Infantry, and first lieutenant Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Evaline Jenkins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE F. BOWERS.

The next business on the Private Calendar was the bill (S. 899) granting an increase of pension to George F. Bowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Bowers, late first lieutenant Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHANN CONRAD HAAS.

The next business on the Private Calendar was the bill (H. R. 5018) granting a pension to Johann Conrad Haas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Johann Conrad Haas, late private, Company B, Thirty-fifth Regiment of Massachusetts Volunteer Infantry, and pay him a pension of $30 per month on and after the passage of this act.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johann Conrad Haas, late of Company

B, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Johann Conrad Haas."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WHALEN.

The next business on the Private Calendar was the bill (H. R. 13265) granting an increase of pension to John Whalen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Whalen, late of Company C, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI HATCHETT.

The next business on the Private Calendar was the bill (S. 2975) granting an increase of pension to Levi Hatchett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Hatchett, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. NORTON.

The next business on the Private Calendar was the bill (S. 4042) granting an increase of pension to William H. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Norton, late of Company K, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS E. JAMES.

The next business on the Private Calendar was the bill (S. 3334) granting an increase of pension to Thomas E. James:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. James, late of Company H, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JANE CATON.

The next business on the Private Calendar was the bill (S. 694) granting a pension to Jane Caton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Caton, widow of Mathew Caton, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 9164) granting a pension to John H. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Crawford, late of Company D, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Crawford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATE O. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 3500) granting an increase of pension to Kate O. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate O. Phillips, widow of Dr. I. A. Phillips, and pay her a pension of $50 per month in lieu of the pension she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate O. Phillips, widow of Joseph A. Phillips, late surgeon Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA M. KINNEY.

The next business on the Private Calendar was the bill (H. R. 3269) granting a pension to Ida M. Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Ida M. Kinney, widow of Harvey L. Kinney, late corporal in Company D, One hundred and tenth Regiment New York Volunteer Infantry, upon the pension roll, and to grant her a pension of $12 per month from and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Kinney, widow of Harvey L. Kinney, late of Company D, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT H. STEIFENHOFER.

The next business on the Private Calendar was the bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Steifenhofer, late of Company K, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL P. MILBURN.

The next business on the Private Calendar was the bill (H. R. 10731) granting an increase of pension to Samuel Milburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Milburn, late of Company D, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Samuel," insert the letter "P."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Samuel P. Milburn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATE W. MILWARD.

The next business on the Private Calendar was the bill (H. R. 10488) to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the pension now granted to Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry, in the late war for the Union, be, and the same is hereby,

increased to the sum of $30 per month; and the Secretary of the Interior is hereby directed to pay her a pension at the above rate instead of the pension now paid her.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate W. Milward, widow of Hubbard K. Milward, late lieutenant-colonel Eighteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Kate W. Milward."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY MURPHY.

The next business on the Private Calendar was the bill (H. R. 9799) granting a pension to Mary Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Murphy, widow of James Murphy, late of Company F, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary Murphy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES BLITZ.

The next business on the Private Calendar was the bill (H. R. 9606) granting a pension to Charles Blitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to allow the pension claim of Charles Blitz, Company C, Sixty-seventh New York Infantry Volunteers, and to grant him such a pension as his disabilities entitle him to for rheumatism and disease of the heart, under claim No. 1160622.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELISSA BURTON.

The next business on the Private Calendar was the bill (H. R. 13211) granting a pension to Melissa Burton, widow of William Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa Burton, widow of William Burton, late of Company A, First Tennessee Regiment Light Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Tennessee," strike out the word "Regiment."

In same line, before the word "Tennessee," insert the word "Regiment."

In same line, before the words "Light Artillery," insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Melissa Burton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN B. GREENHALGH.

The next business on the Private Calendar was the bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Greenhalgh, late of Company A, Seventh Regiment Massachusetts Volunteer Infantry, and Company D, Sixtieth Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "Sixtieth," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. CULVER.

The next business on the Private Calendar was the bill (H. R. 12828) granting a pension to Mary E. Culver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Culver, widow of Joshua B. Culver, late colonel Company K, Thirteenth Michigan Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7 and 8 and insert in lieu thereof the following: "Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH M'DONALD.

The next business on the Private Calendar was the bill (H. R. 12788) granting a pension to Elizabeth McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth McDonald, the imbecile daughter of John McDonald, late of Company I, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "imbecile" and insert in lieu thereof the words "helpless and dependent."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES N. GATES.

The next business on the Private Calendar was the bill (H. R. 12877) granting an increase of pension to James N. Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James N. Gates, late of Company F, Thirteenth Regiment Vermont Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James N. Gates, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORA E. BROWN.

The next business on the Private Calendar was the bill (H. R. 12324) granting a pension to Cora E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora E. Brown, dependent daughter of James S. Brown, late of Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "dependent," insert the words "the helpless and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BERNARD M'CORMICK.

The next business on the Private Calendar was the bill (H. R. 12713) granting an increase of pension to Bernard McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernard McCormick, late of Company C, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMOS ALLPORT.

The next business on the Private Calendar was the bill (H. R. 9249) granting a pension to Amos Allport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Amos Allport, late of Company G, One hundred and forty-seventh Regiment of New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID A. LANE.

The next business on the Private Calendar was the bill (S. 636) to remove the charge of desertion against David A. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of David A. Lane, late a member of the Sixteenth Maine Infantry Volunteers and of the First District of Columbia Cavalry Volunteers, and to grant him an honorable discharge as of date September 24, 1864, from Company M of said First District of Columbia Cavalry Volunteers: *Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM SHELDON.

The next business on the Private Calendar was the bill (H. R. 11285) for the relief of William Sheldon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William Sheldon, late One hundredth New York State Volunteers, at the rate of $35 per month, the same to be paid him under the rules of the Pension Bureau as to mode and time of payment.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sheldon, late of Company I, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARTHUR P. LOVEJOY.

The next business on the Private Calendar was the bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur P. Lovejoy, late of Company C, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CLIFFORD NEFF FYFFE.

The next business on the Private Calendar was the bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GENEVIEVE ALMIRA SPRIGG LUDLOW.

The next business on the Private Calendar was the bill (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Genevieve Almira Sprigg Ludlow, widow of William Ludlow, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DELANIA FERGUSON.

The next business on the Private Calendar was the bill (S. 4650) granting an increase of pension to Delania Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delania Ferguson, widow of William Ferguson, late of Captain Kelsey's company, North Carolina Volunteers, Cherokee Indian disturbance, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMANDA C. BAYLISS.

The next business on the Private Calendar was the bill (S. 2346) granting a pension to Amanda C. Bayliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda C. Bayliss, widow of Andrew J. Bayliss, late of Company C, First Regiment Arkansas Mounted Gun Men, Sabine Indian disturbance, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN R. HOMER SCOTT.

The next business on the Private Calendar was the bill (S. 1638) granting a pension to John R. Homer Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Homer Scott, late captain Company C, First Regiment Arkansas Mounted Gun Men, Sabine Indian disturbance, and pay him a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WAITY WEST.

The next business on the Private Calendar was the bill (S. 3991) granting an increase of pension to Waity West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waity West, widow of Isaac West, late of Captain F. C. White's company, New York Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. WALKER.

The next business on the Private Calendar was the bill (S. 4868) granting an increase of pension to James H. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Walker, late captain Company D, United States Voltiguers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK J. MURPHY.

The next business on the Private Calendar was the bill (S. 3321) granting a pension to Patrick J. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick J. Murphy, late of the United States steamship Saturn, United States Navy, and pay him a pension at the rate of $10 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "Navy" in line 7.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HANNAH T. KNOWLES.

The next business on the Private Calendar was the bill (H. R. 13822) granting a pension to Hannah T. Knowles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah T. Knowles, widow of William M. Knowles, late of the United States ship Independence, war with Mexico, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES HALTENHOF.

The next business on the Private Calendar was the bill (H. R. 13503) granting an increase of pension to Charles Haltenhof.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles Haltenhof, late sergeant of Company H, First Ohio Infantry, in the war with Mexico, and pay him a pension of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "pension roll," in line 4, and substitute the following: "Subject to the provisions and limitations of the pension

laws, the name of Charles Haltenhof, late of Company H, First Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH I. OGDEN.

The next business on the Private Calendar was the bill (H. R. 9226) granting a pension to Elizabeth I. Ogden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth I. Ogden, grandmother of Lowell L. Campbell, late of Company G, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "grandmother" and insert "foster mother," and add at the end of the bill the words "such pension to cease and determine in the event of the allowance of a pension to the father of the deceased soldier."

In line 8, after the word "Infantry," insert "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOCKIE W. REEVES.

The next business on the Private Calendar was the bill (H. R. 13083) granting a pension to Lockie W. Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to continue the pension No. 12356, of $12 per month, formerly drawn by Mary J. Reeves, deceased, to the legal representatives of Lockie W. Reeves, helpless daughter of the late Levi Reeves, who served in Captain Carson's company of the Tennessee militia, in the war of 1812, and Mary J. Reeves, for the sole and separate use of Lockie W. Reeves, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lockie W. Reeves, helpless and dependent daughter of Levi Reeves, late of Captain Campbell's company, Tennessee militia, war of 1812, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HESTER A. FURR.

The next business on the Private Calendar was the bill (H. R. 4204) for the relief of Mrs. Hester A. Furn.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Mrs. Hester A. Furn, widow of Caleb T. Furn, deceased, late a soldier in the Indian wars, and pay her a pension at the rate of $8 per month from the date of the death of her said husband on the 16th day of October, 1898, he being a pensioner at said rate at the date of his death.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Furr, widow of Caleb T. Furr, late of Captain Holland's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month."

Change the title so as to read: "A bill granting a pension to Hester A. Furr."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN YORK.

The next business on the Private Calendar was the bill (H. R. 6663) granting a pension to John York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John York, Mexican war veteran, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "John York," in line 6, and insert in lieu thereof: "late of Lieutenant Revere's command, Frémont's Battalion, California Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHANNA BUSE.

The next business on the Private Calendar was the bill (H. R. 3207) granting a pension to Johanna Buse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Johanna Buse, widow of Louis O. Buse, late a private of Company K, Second Regiment United States Artillery, Mexican war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanna Buse, widow of Louis O. Buse, late recruit United States Army, war with Mexico, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA N. GRINSTEAD.

The next business on the Private Calendar was the bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa N. Grinstead, widow of John J. Grinstead, late of Company B, Twelfth Regiment United States Volunteers, in the war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "in the."

In line 9 strike out "sixteen" and substitute therefor "twelve."

In line 7 strike out "Volunteers" and insert "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES C. PETTEE.

The next business on the Private Calendar was the bill (H. R. 7918) granting arrears of pension and increase of pension to James C. Pettee, Company A, Twenty-second United States Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay James C. Pettee $10 per month from the date of his discharge, June 15, 1877, up to the time that he was granted a pension, to wit, April 28, 1890, in a lump sum, and also that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Pettee, late of Company A, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to James C. Pettee."

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Pettee, late of Company A, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FORREST E. ANDREWS.

The next business on the Private Calendar was the bill (H. R. 9496) for the relief of Forrest E. Andrews, late a private in Company I, Sixth United States Artillery, in the war with Spain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Forrest E. Andrews, late a private in Company I, Sixth Regiment of United States Artillery, and pay him a pension at a rate commensurate with the degree of his disability as determined by a board of United States examining surgeons for pension.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the words "pension roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Forrest E. Andrews, late of Battery I, Sixth Regiment United States Artillery, war with Spain."

Amend the title so as to read: "A bill granting a pension to Forrest E. Andrews."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. BALL.

The next business on the Private Calendar was the bill (H. R. 11288) granting an increase of pension to William E. Ball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension roll the name of William E. Ball, of Fauquier County, Va., a soldier in the Mexican war, who enlisted June 26, 1846, under Capt. Stephen T. Mason, Company H, Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of any he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Ball, late of Company H, United States Mounted Rifles, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM D. TANNER.

The next business on the Private Calendar was the bill (H. R. 6330) granting an increase of pension to William D. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Tanner, late of Company F, Fourth Regiment Kentucky Volunteers, Mexican war, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteers, Mexican war," and substitute therefor "Volunteer Infantry, war with Mexico."

Strike out all in lines 8 and 9 and insert in lieu thereof "at the rate of $16 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD R. BLAIN.

The next business on the Private Calendar was the bill (H. R. 12778) granting an increase of pension to Edward R. Blain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward R. Blain, subject to the provisions and limitations of the pension laws of the United States, and pay him a pension of $50 a month in lieu of the pension of $12 a month now received by him, said Blain having served during the war with Mexico in Company K, Second Pennsylvania Infantry, and is now suffering from wounds received in said war.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "pension roll," in line 4, and substitute therefor the following: "subject to the provisions and limitations of the pension laws, the name of Edward R. Blain, late of Company K, Second Regiment Pennsylvania Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATTHEW V. ELLIS.

The next business on the Private Calendar was the bill (H. R. 8351) granting a pension to Matthew V. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew V. Ellis, late of Indian Service Regulars, and pay him a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "Indian Service Regulars" and insert in lieu thereof "Captain Townsend's company, Georgia Volunteers, Cherokee Indian disturbance."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PRESLEY P. MEDLIN.

The next business on the Private Calendar was the bill (H. R. 13350) granting a pension to Presley P. Medlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Presley P. Medlin, late a contract surgeon, United States Army, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "Interior," insert "be and he."

In line 6 strike out the letter "a" and insert "acting assistant and."

In line 7 strike out "twenty" and insert "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNE BRONSON.

The next business was the bill (H. R. 10761) granting a pension to Anne Bronson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne Bronson, mother of Theodore Bronson, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA A. BROWNLOW.

The next business was the bill (H. R. 13093) granting a pension to Eliza A. Brownlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Brownlow, mother of James P. Brownlow, deceased, late general in the United States Volunteer forces, war of the rebellion, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Eliza A. Brownlow, dependent mother of James P. Brownlow, late colonel First Regiment Tennessee Volunteer Cavalry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. M'KEEHAN.

The next business was the bill (S. 1363) granting an increase of pension to James A. McKeehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. McKeehan, late of Company I, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABNER J. PETTEE.

The next business was the bill (S. 4111) granting an increase of pension to Abner J. Pettee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner J. Pettee, late of Company E, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN BROWN.

The next business was the bill (S. 4335) granting an increase of pension to John Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Company I, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. GIBSON. I move that the committee rise and report to the House the various bills passed.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON reported that the Committee of the Whole House, having under consideration the Private Calendar, had passed sundry private bills, some with and some without amendments, and had directed him to report the same back to the House with the recommendation that the action of the Committee of the Whole be concurred in.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bill of the following title:

On April 23, 1902:

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes.

CHINESE IMMIGRATION.

Mr. HITT. I desire to submit a conference report, which merely reports a disagreement of the conferees.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13031 having met, after full and free conference have been unable to agree.

ROBERT R. HITT,
J. B. PERKINS,
CHAMP CLARK,
Managers on the part of the House.

O. H. PLATT,
W. P. DILLINGHAM,
A. S. CLAY,
Managers on the part of the Senate.

Mr. HITT. I move that the House insist on its disagreement to the amendments of the Senate and ask a further conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HITT, Mr. PERKINS, and Mr. CLARK as conferees on part of the House.

PENSION BILLS, ETC., PASSED.

The House proceeded to the consideration of the bills reported from the Committee of the Whole House; and House bills of the following titles, reported from the Committee of the Whole without amendment, were taken up, ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 9569. A bill granting an increase of pension to Albert Deits;

H. R. 6718. A bill granting an increase of pension to Andrew R. Jones;

H. R. 8712. A bill granting an increase of pension to James S. Young;

H. R. 13669. A bill granting an increase of pension to James H. McVicker;

H. R. 13691. A bill granting an increase of pension to James M. Conrad;

H. R. 13439. A bill granting an increase of pension to William Blanchard;

H. R. 13614. A bill granting an increase of pension to William H. White;

H. R. 13479. A bill granting a pension to Ira P. Smith;

H. R. 12713. A bill granting an increase of pension to Bernard McCormick;

H. R. 3291. A bill granting an increase of pension to Arthur P. Lovejoy; and

H. R. 13822. A bill granting a pension to Hannah T. Knowles.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 10462. A bill granting a pension to Mary A. Munson (title amended);

H. R. 12107. A bill granting an increase of pension to Benjamin T. Wells (title amended);

H. R. 13132. A bill granting an increase of pension to Annie Cotter;

H. R. 12978. A bill granting an increase of pension to Charles F. Smith;

H. R. 12015. A bill granting an increase of pension to E. T. Daniels (title amended);

H. R. 13017. A bill granting an increase of pension to James Austin;

H. R. 13162. A bill granting an increase of pension to Augustin M. Adams;

H. R. 13352. A bill granting an increase of pension to Charles E. Brown;

H. R. 7779. A bill granting an increase of pension to William Belk;

H. R. 3678. A bill granting an increase of pension to John Washburn;

H. R. 13554. A bill granting an increase of pension to Edward E. Hicks (title amended);

H. R. 12008. A bill granting an increase of pension to Charles D. Coyle;

H. R. 11748. A bill granting an increase of pension to Samuel Ashmore;

H. R. 7840. A bill granting an increase of pension to Oliver Kerr;

H. R. 665. A bill granting a pension to Laura Newman (title amended);

H. R. 1014. A bill granting a pension to Laura Levensaler (title amended);

H. R. 13278. A bill granting an increase of pension to Levi H. Collins;

H. R. 13296. A bill granting an increase of pension to Francis Scott;

H. R. 4509. A bill granting an increase of pension to Eliza Knight;

H. R. 5159. A bill granting a pension to W. A. Miller (title amended);

H. R. 5865. A bill granting an increase of pension to Col. James C. Campbell (title amended);

H. R. 7618. A bill granting an increase of pension to Thomas Sheridan;

H. R. 325. A bill granting an increase of pension to John Compton (title amended);

H. R. 8109. A bill granting a pension to William H. McCarter (title amended);

H. R. 8346. A bill granting a pension to Mrs. Nannie C. Tramell (title amended);

H. R. 10672. A bill granting a pension to Ada S. Kempfer;

H. R. 5192. A bill granting an increase of pension to John English;

H. R. 10794. A bill granting a pension to Thomas H. Devitt, the imbecile and helpless son (since his birth) of Thomas Devitt, late of Company D, Fifty-first Regiment New York Volunteer Infantry, and of Company D, One hundred and eighty-seventh New York Volunteer Infantry (title amended);

H. R. 1115. A bill granting a pension to Angeline H. Taylor;

H. R. 5183. A bill granting a pension to William Holdridge (title amended);

H. R. 2487. A bill granting an increase of pension to William S. Hosack;

H. R. 3691. A bill for the relief of James McKenzie;

H. R. 357. A bill for the relief of Levi Maxted;

H. R. 13416. A bill granting an increase of pension to Isabella H. Thompson;

H. R. 5475. A bill increasing pension of August Schill, alias Silville (title amended);

H. R. 13249. A bill granting an increase of pension to Ada Trowbridge;

H. R. 12780. A bill granting an increase of pension to William H. Wheeler;

H. R. 7687. A bill granting an increase of pension to Charles C. Washburn;

H. R. 8856. A bill granting an increase of pension to Leon King;

H. R. 832. A bill granting an increase of pension to William Clark;

H. R. 13143. A bill granting a pension to Susan Parker (title amended);

H. R. 12109. A bill granting an increase of pension to Frederick Benefeldt;

H. R. 8476. A bill granting an increase of pension Moses S. Curtis;

H. R. 1681. A bill granting a pension to Erma G. Harvey;

H. R. 12685. A bill granting a pension to H. J. Springfield;

H. R. 6625. A bill granting an increase of pension to Mrs. R. L. Downing (title amended);

H. R. 9695. A bill granting an increase of pension Evaline Jenkins, widow of David B. Jenkins (title amended);

H. R. 5018. A bill granting a pension to Johann Conrad Hass (title amended);

H. R. 13265. A bill granting an increase of pension to John Whalen;

H. R. 9164. A bill granting a pension to John H. Crawford (title amended);

H. R. 3500. A bill granting an increase of pension to Kate O. Phillips;

H. R. 3269. A bill granting a pension to Ida M. Kinney;

H. R. 2606. A bill granting an increase of pension to Albert H. Steifenhofer;

H. R. 10731. A bill granting an increase of pension to Samuel Milburn (title amended);

H. R. 10488. A bill to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry (title amended);

H. R. 9799. A bill granting a pension to Mary Murphy (title amended);

H. R. 9606. A bill granting a pension to Charles Blitz;

H. R. 13211. A bill granting a pension to Melissa Burton, widow of William Burton (title amended);

H. R. 13036. A bill granting an increase of pension to John B. Greenhalgh;

H. R. 12828. A bill granting a pension to Mary E. Culver;

H. R. 12788. A bill granting a pension to Elizabeth McDonald;

H. R. 12877. A bill granting an increase of pension to James N. Gates;

H. R. 12324. A bill granting a pension to Cora E. Brown;

H. R. 9249. A bill granting a pension to Amos Allport;

H. R. 11285. A bill for the relief of William Sheldon (title amended);

H. R. 13503. A bill granting an increase of pension to Charles Haltinhof;

H. R. 9226. A bill granting a pension to Elizabeth I. Ogden;

H. R. 13083. A bill granting a pension to Lockie W. Reeves;
H. R. 4204. A bill for the relief of Mrs. Hestor A. Furn (title amended);
H. R. 6663. A bill granting a pension to John York;
H. R. 3207. A bill granting a pension to Johanna Buse;
H. R. 10767. A bill granting an increase of pension to Louisa N. Grinstead;
H. R. 7918. A bill granting arrears of pension and increase of pension to James C. Pettee, Company A, Twenty-second United States Infantry (title amended);
H. R. 9496. A bill for the relief of Forrest E. Andrews, late a private in Company I, Sixth United States Artillery, in the war with Spain (title amended);
H. R. 11288. A bill granting an increase of pension to William E. Ball;
H. R. 6330. A bill granting an increase of pension to William D. Tanner;
H. R. 12778. A bill granting an increase of pension to Edward R. Blain;
H. R. 8351. A bill granting a pension to Matthew V. Ellis;
H. R. 13350. A bill granting a pension to Presley P. Medlin;
H. R. 10761. A bill granting a pension to Anna Bronson; and
H. R. 13093. A bill granting a pension to Eliza A. Brownlow.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 2533. An act to remove the charge of desertion against Frederick Schulte or Schuldt;
S. 4749. An act granting an increase of pension to Eunice A. Smith;
S. 1629. An act granting an increase of pension to James W. Humphrey;
S. 3217. An act granting an increase of pension to Charles Dixon;
S. 2971. An act granting an increase of pension to Silas D. Strong;
S. 3820. An act granting an increase of pension to Warren B. Nudd;
S. 4740. An act granting an increase of pension to Maria L. Godfrey;
S. 4658. An act granting an increase of pension to Charles I. Rand;
S. 4056. An act granting an increase of pension to Minerva Melton;
S. 1643. An act granting an increase of pension to Ellen J. Clark;
S. 3108. An act granting an increase of pension to Inez E. Perrine;
S. 4514. An act granting an increase of pension to Mary Beals;
S. 1625. An act granting an increase of pension to Jethro M. Getman, alias James M. Getman;
S. 3472. An act granting an increase of pension to Zeno T. Griffen;
S. 3519. An act granting an increase of pension to Charles L. Cummings;
S. 2943. An act granting an increase of pension to Thomas S. Rowan;
S. 324. An act granting an increase of pension to Nellie Loucks;
S. 3633. An act granting an increase of pension to Samuel L. Leffingwell;
S. 1814. An act granting an increase of pension to Anna E. Luke;
S. 2305. An act granting an increase of pension to Lemuel Grove;
S. 2805. An act granting an increase of pension to Anna L. Cory;
S. 319. An act granting a pension to Ida M. Warren;
S. 3634. An act granting an increase of pension to Elizabeth A. Capehart;
S. 4381. An act granting an increase of pension to John S. Robinson;
S. 1881. An act to correct the military record of Peter Connell;
S. 4535. An act granting an increase of pension to Lydia M. Granger;
S. 3252. An act granting an increase of pension to Jesse W. Bice;
S. 3672. An act granting an increase of pension to James Scannell;
S. 4969. An act granting an increase of pension to Abbie George;
S. 234. An act granting an increase of pension to James Frey;
S. 2738. An act granting an increase of pension to James W. Hankins;
S. 899. An act granting an increase of pension to George F. Bowers;
S. 4042. An act granting an increase of pension to William H. Norton;
S. 3334. An act granting an increase of pension to Thomas E. James;
S. 694. An act granting a pension to Jane Caton;
S. 636. An act to remove the charge of desertion against David A. Lane;
S. 4619. An act granting an increase of pension to Clifford Neff Fyffe;
S. 2455. An act granting an increase of pension to Genevieve Almira Sprigg Ludlow;
S. 4650. An act granting an increase of pension to Delania Ferguson;
S. 2346. An act granting a pension to Amanda C. Bayliss;
S. 1638. An act granting a pension to John R. Homer Scott;
S. 3991. An act granting an increase of pension to Waity West;
S. 1363. An act granting an increase of pension to James A. McKeehan;
S. 4111. An act granting an increase of pension to Abner J. Pettee; and
S. 4335. An act granting an increase of pension to John Brown.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, and the bills as amended were ordered to a third reading, read the third time, and passed:

S. 1037. An act granting an increase of pension to Helen A. B. Du Barry;
S. 2975. An act granting an increase of pension to Levi Hatchett;
S. 4868. An act granting an increase of pension to James H. Walker; and
S. 3321. An act granting a pension to Patrick J. Murphy.

Mr. GIBSON. I move to reconsider the various votes by which bills reported to-day from the Committee of the Whole House were passed, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13895, the Agricultural bill, with Mr. POWERS of Maine in the chair.

Mr. WADSWORTH. Mr. Chairman, I yield the floor to my colleague [Mr. LESSLER], and I yield it to him in his own right.

Mr. LESSLER. Mr. Chairman, the liberty of general debate under the bill gives me an opportunity to say a few words on the subject of the post-office in the city of New York. I will confess that it is rather a discouraging proposition for any man to get together with himself and study up a subject of any sort with the idea in his mind of trying to present a state of facts which he has studied and which the time, so much taken up by the other members, will not permit them to investigate. However, I suppose that the general proposition of each man is that he must do that which he thinks best, and if I can get one or two listeners from the far South or the far West and tell them some of the things about New York and about our post-office and what we do and what we need, I will have gained just so much by having one or two listeners.

The status of a new man in the House of Representatives is probably one of the most anomalous things that has ever, in the slang phrase, "come over the pike." He is not much of anything for a long time after he gets into the House, but there are a few things that he learns in a very short space of time. Now, I am not going along on the proposition of bucking up against the rule, because I see one or two of my fellow-members straightening out. In point of fact I have been impressed with the number of men in this House who unselfishly, I think, are making their life work the proposition of legislating for this great country. There is no denying that the men who have come here year in and year out, who are of influence in these great United States of America, whose voices when raised in this Hall are not confined to the limits of this Chamber, are deserving of great credit at the hands of their fellow-countrymen.

The wise statesmanship of long experience, hard application in committee, which men have to give year in and year out with a recompense that is inadequate compared to similar work in private life, with a lack of self-interest and devotion to the best interest of their land at large has impressed me very earnestly, and some of the men on this floor—my colleagues, I am very proud to say—seem to me to be deserving of great credit at the hands

of their fellow-countrymen. It is, however, impossible for any one man or number of men to know everything. Time will not permit that, and so it is that, so far as I can see, men become in this House sort of specialists, and there are times when a special interest will come up which seems likely to be lost in the great subjects that present themselves to this body.

Were I able to command attention from the men I consider the leaders of this House of Representatives, I would try and address myself to the open mind that shows the absence of provincialism and marks men of high culture, of high standing, and of a high degree and order of statesmanship, because, while it may look to you that this is the plea of a man who wants a post-office building to make himself solid with his constituents, I want to say to you, and say it frankly, that my desire is to present to you some facts, knowing full well that many of you are not accustomed to sitting and listening to facts and figures, and to try and present them to you in such a way as will demonstrate that a man who talks for a new or additional post-office in New York is not conserving any private or local interests, but is addressing you in behalf of the best interests, not alone of his constituency, not alone of my great city, but of the great people of the United States, whom we all represent and the best interests of whom we have every desire to conserve.

In passing, it seems almost idle, Mr. Chairman, to say that whatever the feeling may be on the subject of New York there is not a man or woman in these United States who does not feel a proper *pride in the empire* city of the great Western Hemisphere, and who does not feel a particular sense of satisfaction when we come from the great city and preach to you the great living and throbbing force that is opening up, and is there incisively demonstrating the great features and output of our national life and existence. [Applause.] New York City has ceased to be the city of a State, and within the last few years, while all of us have been talking about the high tide of our national prosperity—its source, and whence it came—New York City began its great march on the way to be the financial center of the civilized world, and to take its place as the great mart of the world. With all its sizzling, bustling city life it is the great outlet of the country, and it is the great gate where are welcomed all who come to us. Now, let me try—to the few patient listeners that I have—to talk figures. Somewhere long ago I once read that figures can lie in any sort of fashion, dependent upon how clever the man is who uses them.

I am not going to weary you at all to tell you how much time it has taken to gather these figures and collate them and put them in front of you. I want to start you in the year 1875, two years more than a quarter of a century ago, a growth that has taken place within the lives of men in this House, except probably my young friend from South Carolina [Mr. LEVER] who just about started his growth at the period to which I first recur.

In 1875 the great city—not the greater city but the great city—had 1,064,787 inhabitants. That figure I have been compelled to estimate. In 1902 the borough of Manhattan, which immediately concerns me, Manhattan Island proper and the Bronx, has 2,153,130 inhabitants. That figure is also estimated on the census of two years ago. That is a gain of about 107 per cent in population. Eighteen hundred and seventy-five was the year that New York blossomed out and had its great post-office building. It occupied historic ground which was ceded by the city. It was in the center of a hive of industry. This awe-inspiring building with its tremendous proportions looked down upon the old buildings erected by the Dutch forefathers in New York. It was not then, as it is to-day, surrounded by its 20-story giant neighbors. There was no 28-story building opposite. It had the old stage line; it had many of the things of the old régime, including Broadway with its cobblestones. In 1875 New York thought it a wonderful place, and some of you may remember that right in the rear of it is our city hall.

When that was built, some forty years before, so lightly did men think that New York would ever grow to Chambers street, that while the front of the building is marble, the rear was made of a brown stone, because people thought that nobody would ever live above Chambers street in New York City. Yet to-day I would remind you that we go 15 miles to the Yonkers line.

However, under the old order of architecture, the building was opened after six years during which it was under construction, in 1875. The halls of that building are tremendous and beautiful. Some of the rooms are like ballrooms. The court rooms are beautiful, and in many ways an ornament to the city; but there is another picture to which we will come later, of what the post-office has to put up with.

In 1875 the old post-office in New York did a business of $2,892,637.74. On June 30, 1902, based upon a proportionate calculation, New York City proper will have done a business of $11,596,040.70, a gain during the lifetime of my friend from South Carolina [Mr. LEVER] of $8,703,402.96, or over 300 per cent; and I want to remind you that while that tremendous gain went on, the first-class postal rates were cut on the 1st of October, 1883, from 3 cents to 2 cents per half ounce, and that the second-class matter was reduced from 2 cents to 1 cent an ounce, and that since then the first-class rate has been changed by making it 2 cents an ounce instead of 2 cents per half ounce.

I have not the figures of the number of persons employed in the post-office in 1875, but in 1891 there were 1,209 persons who earned their living during the daytime in the part of that building devoted to the post-office in New York City, while in 1901 there were 1,575 people who labored there.

And while we are on that proposition let me say to you that the Federal courts in New York City are in the post-office building, that the district attorney is in the post-office building, and that the basement, the first floor, and part of the second floor are occupied by the post-office authorities only. The figures given me show that the ground floor has 23,158 square feet; that the basement has 30,770 square feet; that the gallery and second floor have 37,433 square feet, making a total of 91,361 square feet.

However, the wisdom of the architect made the hall space so magnificent and grand—and I think you could march a company file full through its halls—that there is a net floor space used of 23,158 square feet, and the office for 1,000,000 people in 1875 is the same office for two and one-half millions in 1902.

The office which took in $2,000,000 per year in 1875 is the same office that now takes in $11,000,000 a year—earns a profit of over $6,000,000 every year for the postal authorities to spend on other places where they have a great deficit. The force which probably was four or five hundred people in 1875, augmented to fifteen hundred in 1902, works in the same space, or a little less, because they put in a pneumatic affair which takes up some of their space, and then they were refused an appropriation to carry on the work, and that is so much being taken away from the rest of the building.

Just let me illustrate one day's work in the New York post-office in the space I speak of. The letter mail originating by the piece in New York, mailed and handled, as I understand it, at the post-office in one day, was 1,551,033 pieces, weighing 36,303 pounds. In addition to that there were received in the mail 252,169 letters on that day, weighing 5,864 pounds. The pouches sent out to 262 post-office centers from that place on 146 routes, each one weighing 19 pounds, were 1,692, with a total weight in all of 32,148 pounds.

Take the newspapers of the second, third, and fourth class matter: Sacks of matter, each weighing 60 pounds, numbered 2,870 and were in weight 172,200 pounds. There were dispatched, in addition, to 546 post-offices along 340 routes, 9,721 sacks, weighing the tremendous amount of 583,260 pounds. The total weight for one day handled there was 755,460 pounds, which would illustrate to us and allow us to draw the axiom that in the year 1901, at least, the famed city of New England was no longer "the center of the solar system and the hub of the universe," but that New York supplies most of reading matter to the United States and has clearly demonstrated the fact that at last it is a literary center of the United States of America. [Loud applause.]

Mr. SUTHERLAND. Is the literature as good as that sent from Boston?

Mr. LESSLER. I will come to that a little later on. The port of New York, the figures show, is the port to which come and from which go our foreign mails, and on this day there were received and dispatched in steamers in New York 120 bags of letters, weighing 1,570 pounds, and 165 bags of papers, weighing 7,102 pounds, which would lead me to infer and deduce that our culture and civilization are spreading to the heathen in foreign lands in addition to helping the rest of the United States and spreading enlightenment over our fellow-countrymen. [Loud applause.] The total number of letters on the day that I referred to was 2,459,668 letters, the number of bags was 11,705, and the weight 80,423 pounds. In one year the city of New York has handled 897,778,820 letters; the number of bags was 4,272,325, and their weight 293,514,680 pounds; rather an interesting array of figures on the actual horsepower lifting work done in the city of New York by the post-office authorities.

I want to talk now on the subject of receipts. I want to start by saying that the revenue of the office in 1901 was $6,991,790.40. The office is run at an expense of 37 per cent of the income. I give you the figure as estimated by the post-office of the receipts there up to June 30 next, based on the figures on June 30 last—$11,022,927.01. I want to present to you the relation of figures in the reports of the Postmaster-General and his Auditor in relation to the amount of money and work done in other parts of the United States.

In 1837 the entire income of the post-offices of the United States of America was $4,945,668.21, and it was not until 1862 that I can find a figure somewhere near the income for the post-office in New York in 1901; and in 1862 the postal service of the United States

earned $11,163,789.59. New York in its receipts in 1901 was pretty near 10 per cent of the receipts of the entire United States of America that year, when they were $111,631,193.39.

But I want to present to you some little figures, and I do it with great kindness of heart and in the hope that the constituents that I am calling up here for your benefit will understand that I do not do this invidiously, but to show by way of contrast the actual working, living force that is to be deduced from the fact of the enormous receipts that are taken in and the enormous mail matter that comes in and goes out of the post-office at New York.

I have been a little interested in the State of Nebraska since the subject of the post-office bill has been agitated; and I find that the first, second, and third class post-offices in Nebraska, numbering 115, earned $1,125,851, or 10 per cent of the total of that New York earned. We hear a great deal about the force Iowa has in the United States about this time of the year, and especially while Congress is in session.

The great State of Iowa, with 251 offices, earned $2,247,160, or, to reverse the proposition, New York City earns 400 per cent more than Iowa. The great State of Ohio, which furnishes us with a number of Presidents, has 237 post-offices, and they earned $5,413,022, or New York earned 200 per cent more than the State of Ohio. Pennsylvania has 323 post-offices. Remember, gentlemen, each one of these offices means a Presidential appointment, with the Senate of the United States to pass upon the man who takes the office. Pennsylvania, all Pennsylvania, earned $8,062,093. Then Massachusetts, with 176 offices, earned $6,064,010—even if it has Boston in its ranks and in the heart of that great State. South Dakota, with 51 offices, earned $269,394. Tennessee, with 60 offices, earned $962,125; Kansas, with 138 offices, $1,164,481; Indiana, with 169 offices, $2,215,282, and Wisconsin, with 150 offices, $2,078,679.

I have taken the trouble to get together the figures for all the New England States, with 442 offices, with 27 Congressmen and 12 Senators, and all New England—containing Boston—earned $8,937,574. I also was curious on the subject of the Southern States, and taking everything below Washington, including Kentucky, and just throwing in Texas by way of balance, with 591 offices, with 97 Congressmen and 34 Senators, these States earned $8,318,753; and I think when I present that fact to my friends from New England and my friends from the South—and they are my friends—it ought to add a little to their feeling and desire to help New York get what it needs—a post-office, or, better, its addition.

I want to come to the money-order proposition. I have not been able to find out how it originated, but every money order, as I understand it, that is bought at any post-office in the United States eventually is handled in that post-office building in the city of New York, and last year—in 1901—the drafts on the post-office at New York City amounted to $20,927,594.71, and there was paid in that office the sum of $20,540,084.83. That is my first proposition, making New York not simply a city, but making New York absolutely the outlet and the active centering point of everyone who uses the mails for financial purposes in the United States of America.

Let us take, for instance, the subject of foreign mail. Suppose that some one in Omaha, Nebr., desires to send a letter to England, or Ireland, or France, or anywhere abroad; he buys his 5-cent stamp in Omaha, and the credit of that purchase is given to the post-office at Omaha. Where does it come? To New York. New York takes it from the train, puts it on the ship, and it is sent out and away from New York. New York gets no credit, but Omaha gets it for doing that work. When there is an answer sent to Omaha from England, 2½ cents is paid in England, and the English post-office gets the credit. New York handles, New York sorts, and New York transships to Omaha, Nebr.; but nowhere do the figures show that New York gets the credit for that work. The work of the loading and unloading is done in New York. New York does the work practically for the entire United States of America for everything that goes to Europe and the countries abroad.

What is the condition of the post-office in New York? The condition is practically that they are doing an enormously increased work there with the same facilities that they had in 1875. Do I need to demonstrate to any man that it requires more work to take care of the mail facilities for two million and a quarter of people than it does to take care of one million and sixty-four thousand? The actual working space in that post-office, as I saw it recently, is one that should be brought to the attention of this House. The carrier who is sorting his mail, as I was told in the post-office the other day, has an average space, for his nine deliveries during the day, 4 or 5 feet with its row of box-shelves. To-day five men are working in some poorly lighted place where only two men have room to work. But when I went into the cellar and saw white men, saw citizens, I thought of the many speeches I had heard on this floor—men crying out until I thought the room would flood with tears of pity for the Filipinos and for the Boers in the concentrated camps.

Instead of that, think of these men, citizens like yourself, who are working for the United States of America in the cellar of the post-office in New York. They require more attention and more sympathy and more tears than all the maudlin sentiment that we are going to hear on this floor until Congress adjourns. [Applause.] You will find men down there in semidarkness, bringing in these great sacks of mail covered with grime, the dust percolating thick through the air and stifling the atmosphere, in the temperature of 150° in summer and over 100° in winter. Oh, but you say they do not have to work. Yes; they have to work. It is not so easy in the condition of life in New York for a man to abandon a place that he has acquired by long good behavior, because maybe he is limited in his power to get another, and he may be cut off a few years earlier by getting some disease in the horrible condition of this post-office building.

Perhaps it is not of much concern to the gentlemen who have eulogized the Boers in South Africa and the Filipinos over at Manila whether these men suffer or they do not suffer. But I say to you that it is a great deal better to keep the oath that we have taken to protect the people at home and never mind so much about the problems that are staring us in the face nine or ten thousand miles away from home.

I have not so much concern for the camp at New Orleans or the British captains there as I have for the horrible condition of the men working for Uncle Sam, who are entitled to a decent place to work in the post-office in the Empire City of New York, among the civilized people of the United states, who cry their eyes out if they hear of the Black Hole of Calcutta and weep tears when they think of convicts in Sing Sing being put in a black hole or something done to them which they deserve. My idea is that we have a great deal to do at home, and with the due deference of a very young member in this Hall I present to you the condition of men in New York, only 286 miles away from Washington.

It seems to a great many men in New York that on the subject of public buildings, especially post-offices, the Government has been unwise—to put it moderately and temperately. We pay nearly $250,000 to-day in the city of New York for the rental of branch post-offices or substations. A wise policy would inaugurate to-day a system of purchase. It ought to have been inaugurated years and years ago, because land in New York City is not sold by the acre, but by the foot, and every foot means money. This Government would have saved millions of dollars if years ago it had purchased these branch stations and owned them to-day.

Two hundred and thirteen thousand dollars a year for branch post-offices, the sum spent in 1901, means, on a 5 per cent basis, $4,268,200; and with this amount appropriated for subsidiary stations the Government would probably own every station that it needs in the city of New York, the present number, I believe, being 28. Such an expenditure would very speedily, beyond all doubt, pay for itself.

What is needed in New York? There is required there, they tell me, 85,000 square feet of space in order to do properly the work of handling the mails of the United States. Eighty-five thousand square feet of ground in New York City means money. You can not consider it as an acreage problem. You must take into consideration the fact that this ground must be in some central part of that city.

I have no special judgment and no personal interest as to the location; I have no special judgment as to the style of building. I am willing, as I have said to the gentlemen of the Committee on Public Buildings and Grounds, to yield my judgment to any adequate measure which they may bring in on this subject. But they must bring in one that will help us out. They must give us that which we need—not so much a post-office for the city of New York as additional facilities for handling the mail of the United States.

If figures tell the truth, and if a truthful man presents a truthful array of truthful figures, it ought not to be a difficult task to understand our situation there. I undertake to say to this House that no measure coming before the House at this session, of which I have knowledge, is of such imperative necessity from the standpoint of doing the Government work well and decently—from the standpoint of taking care of the Government employees efficiently and with due regard to health and life—as to enact in some form a bill allowing us a new post-office, or, better, an additional post-office in the city of New York.

I have a great desire that members of this House who come from far-away constituencies should visit New York City, and I think this feeling of mine can be easily understood. That is the city of my birth, the city of my bringing up, the city of my education, the city of my life work, and, if it so pleases a wise providence, the city where I shall die and be buried. I feel, and feel sincerely

and honestly, that every year Congress ought to adjourn for a season to the city of New York, that Representatives here may have an understanding of the great current of life that ebbs and flows in that tremendous maelstrom of men. Representatives here ought to understand that the great working world has its center in the city of New York. If members here understood the conditions in our great city, if they understood its great commercial importance, if they understood its great financial importance, if they understood the need and wishes of the great body of workers there, if they could visit the districts where our poor have their being, even where the wealthy are, they would realize that every possible thing which can be done by means of our legislation to make the work carried on there effective, contribute to the welfare and well-being of New York, the Empire city of the West, and through New York to the welfare and the well-being of the United States of America, is work efficiently and wisely done. [Loud and long-continued applause.]

Mr. WILLIAMS of Mississippi. I yield twenty-five minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. I yield forty minutes to the gentleman from Illinois [Mr. FEELY].

Mr. WADSWORTH. I think, if the gentleman will allow me, some time ought now to be used on this side.

Mr. WILLIAMS of Mississippi. I beg the Chair's pardon. I had understood that the gentleman from New York did not wish to yield to anyone. Of course he has the right to consume a part of his time.

The CHAIRMAN. To whom does the gentleman from New York [Mr. WADSWORTH] yield?

Mr. WADSWORTH. I yield thirty minutes to the gentleman from Michigan [Mr. HENRY C. SMITH].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4426. An act granting an increase of pension to Daniel Sims;

H. R. 282. An act granting an increase of pension to John O'Rourke;

H. R. 11168. An act granting an increase of pension to Isaac Phipps;

H. R. 9370. An act granting an increase of pension to John J. Wolfe;

H. R. 12504. An act granting a pension to James B. Hashbarger;

H. R. 13066. An act granting an increase of pension to Obed D. Jasper;

H. R. 5789. An act granting an increase of pension to Joseph Seithen;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 12550. An act granting an increase of pension to James E. Horton;

H. R. 2660. An act granting an increase of pension to Henry Runnebaum;

H. R. 6205. An act granting an increase of pension to Richmond M. Curtis;

H. R. 9144. An act granting an increase of pension to James R. Wilson;

H. R. 2599. An act granting an increase of pension to John Hall;

H. R. 11977. An act granting an increase of pension to Sidney Cable;

H. R. 11091. An act granting an increase of pension to James Cooley;

H. R. 11112. An act granting an increase of pension to S. Agnes Young;

H. R. 9952. An act granting a pension to William P. Featherstone;

H. R. 4543. An act granting an increase of pension to George W. Parker;

H. R. 7116. An act granting an increase of pension to Alexander F. McConnell;

H. R. 10361. An act granting an increase of pension to Alexander Scott; and

H. R. 6356. An act granting an increase of pension to William G. Taylor.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4903. An act for the relief of Emma Morris;

S. 3250. An act granting an increase of pension to Winfield S. Piety;

S. 4088. An act granting an increase of pension to Henry Jennings;

S. 5314. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record oath or the judgment of admission, and to establish a proper record of such citizenship;

S. 4829. An act granting an increase of pension to Nimrod Headington;

S. 4256. An act granting an increase of pension to Henry W. Edens;

S. 3997. An act granting an increase of pension to Otis A. Barlow;

S. 3668. An act granting an increase of pension to Hulda Milligan;

S. 2703. An act granting an increase of pension to James S. Myers;

S. 182. An act granting a pension to Mary F. Zollinger;

S. 4732. An act granting an increase of pension to Charles H. Hazzard;

S. 4706. An act granting a pension to William Harrington;

S. 3331. An act granting a pension to Ada V. Park;

S. 5321. An act granting a pension to Rebecca H. Geyer;

S. 3730. An act granting an increase of pension to Jonas Olmstead;

S. 3661. An act granting an increase of pension to George W. Edmonds;

S. 4038. An act granting a pension to Mrs. Joseph M. Sudsberg;

S. 2336. An act granting an increase of pension to Rebecca Coppinger;

S. 3341. An act granting an increase of pension to Robert H. Busteed;

S. 3676. An act to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York;

S. 4759. An act granting an increase of pension to Martha Clark;

S. 2084. An act granting an increase of pension to Samuel Ewing;

S. 1797. An act granting an increase of pension to Benjamin Russell;

S. 5294. An act granting an increase of pension to William F. Horn;

S. 5337. An act granting an increase of pension to Marietta L. Adams;

S. 4862. An act granting an increase of pension to James Welch;

S. 1463. An act for the erection of a public building at Kingston, N. Y.;

S. 4975. An act for the erection of a public building at Crookston, Minn.;

S. 4141. An act granting an increase of pension to John Cook;

S. 288. An act granting an increase of pension to De Witt C. Bennett;

S. 3296. An act to pay certain Choctaw (Indian) warrants held by James M. Shackelford;

S. 5214. An act granting an increase of pension to Charles F. Smith;

S. R. 88. Joint resolution providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry—The Decay of Timber and Methods of Preventing it;

S. 1359. An act authorizing an increase of pension in certain cases;

S. 4932. An act providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.;

S. 1919. An act fixing fees of jurors and witnesses in the United States courts in the State of Wyoming;

S. 4927. An act granting an increase of pension to Hattie M. Whitney; and

S. 5113. An act to provide for the purchase of a site and the erection of a public building thereon to be used for a hall of records.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 4927. An act granting a pension to George Tucker;

H. R. 5111. An act granting an increase of pension to James G. Bowland;

H. R. 5711. An act granting an increase of pension to James R. Brockett;

H. R. 10782. An act granting a pension to Ole Steensland;

H. R. 12054. An act granting a pension to Elizabeth A. Burrill;

H. R. 13371. An act granting an increase of pension to Charles D. Palmer;

H. R. 53. An act for the protection of cities and towns in the Indian Territory, and for other purposes; and

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HENRY C. SMITH. Mr. Chairman, as a member of this Committee on Agriculture, I desire to submit some observations upon this bill, and particularly upon one proposition in the bill, the proposition with reference to good roads. At the proper time I shall submit to the House an amendment to increase the appropriation for this purpose, as reported by the committee, to a sum somewhere within reason and somewhere within the estimate of the Secretary of Agriculture.

In this connection I wish to say that I believe from my experience with that officer, from the hearings before our committee, and from an observation of the results, that never, since I have had acquaintance with public affairs, have we had a Secretary of Agriculture who has administered that Department of our Government with more ability, more economy, and more justice than Secretary Wilson. [Applause.] And, Mr. Chairman, I believe that no Department in this Government has wasted so little money as the Department of Agriculture since it has been administered by the present Secretary, and I believe that he has kept closer track and observation of the details of the affairs of that Department than any other official, and I believe that his recommendations have been carefully studied, carefully pruned down, and that he has made recommendations which were honest and which should be carried out.

It seems unnecessary to discuss with gentlemen of intelligence the importance of having good roads throughout our country. Somehow or other I am a good deal in sympathy with the young man from New York [Mr. LESSLER], who made such an excellent speech this afternoon on the question of the New York post-office. He very justly urged that we are giving our time to the consideration of subjects that are far away and affect only a few of the great interests of our country, while we leave out of sight the things that touch everyone every day of all the year. We are perfectly willing to discuss propositions concerning the Philippines and the conduct of officers there. My friend from Missouri [Mr. COCHRAN] can not get on his feet here without opening up the question of the trusts. Gentlemen on that side can not discuss any topic without a consideration of our policy in the distant islands of the Philippines, overlooking at all times the things that are immediately before our eyes.

Now, on this question of good roads, our Secretary of Agriculture made, I think, a meager estimate. At a meeting of the Society of Good Roads held in Chicago last year resolutions were passed, which were at the time printed in all the papers of the country, calling upon the Congress of the United States to make an appropriation of $150,520 for good roads. A detailed statement was made of the several items. That is nearly a year ago. That proposition was made by a lot of men, of intelligent men, who had given the subject consideration, and was published throughout the country. It has been discussed in all the farmers' clubs, in all the organizations of this country. It has been a live subject before the people; and yet I have seen no word of criticism anywhere against the proposition and the resolutions of that body to appropriate that sum. The Director of this Bureau recommended about $54,000, and in the estimate he asked for an appropriation of $45,000, $1,000 to be used in each State of the Union to build an experimental road, so that people could see, could know how it was done, could be educated to the best manner of building roads.

Mr. VANDIVER. How much, may I ask, does the Secretary ask for?

Mr. HENRY C. SMITH. I will get to that in a moment.

Mr. VANDIVER. I thought you just stated it.

Mr. HENRY C. SMITH. No; I said the Director of Good Roads asked for about $54,000, $45,000 of that to be used in the construction of examples or experimental roads, one in each State of the Union.

Mr. VANDIVER. All right; I agree with you; I wanted to understand it. I am for it.

Mr. HENRY C. SMITH. You agreed with it before you understood it and afterwards also. [Laughter.]

Mr. VANDIVER. The gentleman will permit me to say that I agree with it, but I did not know how much had been asked for. I agree with the plan, and I think more ought to be asked for.

Mr. HENRY C. SMITH. You saw it when afar off. Well, I am very glad to have the gentleman with me. Now, I will proceed to say that the Secretary of Agriculture, after studying the estimate made by this convention of those interested in good roads and after studying the estimates submitted by the Director of this Bureau, pruned down every item in that estimate, shaved it right down to the very bone, and in the submission to our committee he asked that this Congress appropriate $40,000, and that is all—a mere nothing in comparison with what we do for other things, as I shall show before I get through, in which the whole people have little if any direct interest; and let me say, while it is in my mind, that J. J. Hill—I do not know but I ought to apologize for referring to him, because my friend from Missouri [Mr. COCHRAN] will say he may be interested in a great railroad combine, but whatever else may be said of J. J. Hill, he certainly is a student of public affairs; he knows whereof he speaks—J. J. Hill said in a recent interview that the farmers of this country were in possession of more than one-half of the best business in this country, the best business in this world.

Now, I want to say that the farmer is left to the very last man to be considered. The railroads can come here with their lobbyists, and those interested in the river and harbor bill can get what they want. The farmer does not succeed in getting what he wants because he does not ask for it. How many people are interested in the $70,000,000 appropriated by this Congress to improve the rivers and harbors of this nation? A few large cities, a few large shipping interests; and yet the facts show that it costs the farmer more money to get his crop from the farm or the thrashing machine to the railroad station than it does to get it from the railroad station to the point of destination. It costs the farmer more in the Western States to draw his grain from the stack where it is thrashed to the railroad station than it does to ship the grain from Minneapolis to the city of New York; from Duluth to the city of New York.

Now, should we spend $70,000,000—a sum almost beyond the power of man to calculate—to build up these great waterways to benefit a few shipping interests, a few large cities, and absolutely neglect the highway upon which the farmer draws the crop to the place where it is loaded on the cars or on the boats, before the use of this vast sum appropriated in the river and harbor bill is available? I believe that it is our duty to fix up that highway, the highway that the farmer uses every day of his life. All the roads led to Rome. A country is prosperous in proportion to its means of transportation, its means of travel. The facility with which we get to a place, in brief, marks its distance away. A place is distant or near as it takes a long or a short time to go there. The Philippines may be a long distance away; they were a long distance away at one time; but with the means of communication and the means of travel, the Philippines to-day are right under our eyes, right within sight. Why, that good book to which I appeal at all times tells us—and it is an illustration of the rapidity with which communications pass—that the rich man down below asked of the poor man on the bosom of Abraham a drink of water and got an immediate reply. Now, that was not far off. [Laughter.]

They were within speaking distance, and so a place is near or far in proportion as it takes a long or a short time to communicate with it. There is another advantage and a great advantage in the repair of our public highways. How many millions and millions again have been wasted on the public highways of this country? It is not necessary to discuss the proposition. Every man who was brought up in the country, brought up on the farm—and I do not know a man on earth who is hardly worthy of consideration who did not start there——

Mr. MOODY of North Carolina. That is pretty hard on Mr. LESSLER.

Mr. HENRY C. SMITH. Oh, Mr. LESSLER is a farm hand.

Mr. LESSLER. From the Bowery.

Mr. HENRY C. SMITH. Well, he will get there, if he has not been there; there is no question about it; he is going to get there whether he goes on the farm or not; he is one of the exceptions. [Laughter.] We all know how roads are worked in the country—how they come on in the spring in the country and plow them up and make them a little worse—work them where they do not need working and neglect them where they should be worked. Indeed, in every part of the country with which I am acquainted the man is elected past master who has the best shade trees and the hardest cider. [Laughter.] To hold that position is to have a holiday; it is a mere rest. It is a farce the way the roads in this country are worked. Now, we ought to have a systematic method of working the highways, with an idea of permanence; and the Secretary of Agriculture recommended here—extolling this bureau, extolling the work that has already been done—that $40,000 be appropriated.

I should like gentlemen interested in this subject to go down to the Bureau of Good Roads, in the Department of Agriculture, and see how the subject is treated, how the Bureau is starved. Away up in an attic, climbing a winding stairway to get there, at the top of the building is a little bit of an office hole with one man and a girl in possession of it. If anything is asked of that Good Roads department, or an inquiry is made, the reply that you get back is, "We are out of funds." They have not even

enough to pay the postage and for stationery to send out their pamphlets. Why, here is a statement of the pamphlets they issue, Bulletin No. 15, for instance, the Proceedings of a Convention of the National League of Good Roads, price 10 cents.

Bulletin No. 1, The State Laws Relating to the Management of Roads; price, 5 cents.

Bulletin No. 2, The Proceedings of the Good Roads Convention at St. Paul; price, 5 cents.

Bulletin No. 6, Information Regarding Good Roads, Road Material, and Freight Rates in Certain States North of the Ohio River; price, 5 cents.

Bulletin No. 7, Information Regarding Roads and Road-Making Material in Certain Eastern and Southern States; price, 5 cents.

Bulletin No. 8, Hints on Construction and Repair of Earth Roads; price, 5 cents.

Bulletin No. 10, Proceedings of National Road Conference Held at Asbury Park, N. J.; price, 5 cents.

Mr. WADSWORTH. What time of the year was that convention held at Asbury Park?

Mr. HENRY C. SMITH. I do not know what time they went there. I suppose, being farmers, that perhaps they had to go there at such time as the rich men of this country did not want to occupy the sumptuous palaces there and they could get their accommodations cheap.

Then there is Bulletin No. 12, Laws of Certain States Relating to the Use of Wide-Tired Wagons, and Other Pertinent Information; price, 5 cents.

Bulletin No. 13, Kentucky Highways. History of the Old and New Systems; price, 5 cents.

Bulletin No. 14, Extracts from the Messages of Many Governors on Good Roads; price, 5 cents.

Bulletin No. 16, Employment of Convicts in Connection with Road Building; free.

Bulletin No. 17, Historical and Technical Papers on Road Building in the United States; price, 5 cents.

Bulletin No. 19, Progress of Road Construction in the United States; price, 5 cents.

Bulletin No. 21, Road Improvements, Recent Legislation and Some of the Results Accomplished Thereunder; also gives how much it would cost a ton to build 5 miles of highway, how much aid it would receive, and how much it would cost other towns in the country to give the aid; price, 5 cents.

Now, just think of that for a minute. Any railroad company in this country or any man who wants to know the freight rates from one place to another on railroad or ocean can apply to the Department of State or he can get the Interstate Commerce Reports—he can get the report from the Secretary of the Interior—absolutely free; but when a farmer wants to inquire as to the best method of building a road, describing his soil, or as to the progress that is being made, as to the use that the Department of Agriculture has made of the $20,000 appropriated by the last Congress, he is informed that he must pay for the information. They say, "We will forward you a pamphlet if you will send us 5 or 10 cents, the price of it."

Mr. WADSWORTH. Does not the gentleman know that these bulletins are sent out free by all the members of this House; that they are a part of each member's quota, and that all the bulletins reserved for distribution by the Agricultural Department are charged for, and that no exception is made in regard to the road bulletins?

Mr. HENRY C. SMITH. I want to say to the gentleman, if that is a fact, that I have been buncoed. [Laughter.]

Mr. WADSWORTH. Well, you have been buncoed, I think.

Mr. HENRY C. SMITH. Why, I have asked and my constituents have asked me to send these bulletins to them—several of them.

Mr. WADSWORTH. The gentleman gets a certain proportion of them in his bulletin quota. He gets 15,000 bulletins under the present law, and a portion of them are road bulletins.

Mr. SHACKLEFORD. I should like to interrupt the gentleman.

Mr. HENRY C. SMITH. One moment. I have asked for these bulletins myself, and I have been informed by the Department that I must pay this money, or my constituents have, and rather than submit them to the humiliation of paying 5 or 10 cents for a bulletin published at the public expense, I have gone down in my jeans and paid the money myself.

Mr. WADSWORTH. That is simply because you have used up your quota.

Mr. HENRY C. SMITH. It is because, as somebody suggested to me, I have not been here long enough. [Laughter.] If the supply is exhausted, that is proof of a public demand.

Mr. WADSWORTH. No; it is because you have got your quota, and the extras you want you have got to pay for.

Mr. SHACKLEFORD. I should like to ask if that applies to all bulletins—for instance, the bulletins of the Department of the Bureau of Animal Industry?

Mr. WADSWORTH. Yes.

Mr. SHACKLEFORD. You are mistaken about that.

Mr. HENRY C. SMITH. I also think the gentleman is mistaken about this.

Mr. SHACKLEFORD. Some of these bulletins are free, and there are some we can not get at all.

Mr. HENRY C. SMITH. I ask for order, Mr. Chairman. I have only thirty minutes. If I am wrong about this proposition somebody has got to make it up to me, but I do not think I am wrong. Well, now, in the same connection, I want the chairman of our committee, for whose opinion I have great respect in everything in this world except as to oleomargarine and good roads, to listen to it. It has been suggested and was suggested to our committee that it was not necessary for us to make a larger appropriation for good roads than $20,000, because it was argued that the men who have road machines to sell were glad to go with the representatives of this Government to show their machines, standing around like prize oxen on election day or town meeting, and showing them, and he says they will show this machinery and not charge the Government for the use of it.

I would like to know if this great nation, this history maker, this onward-marching nation of ours, is going to be so niggardly and penurious, is going to take the machinery of those who have it to sell to make roads with. The director of this Bureau asks for an appropriation to buy some road-making machinery that the Government might have its own and not depend upon those who have machinery for sale to exhibit it such a length of time as they see fit. That is one of the items this committee struck out of the estimates of the Secretary of Agriculture. Why, up at Port Huron, in my State—and it is a shame and a humiliation to make the statement, and the great State of Michigan would never have submitted to it had it been known—the thrashing-machine company up at Port Huron came out with a thrashing-machine engine and steamed around there four or five days and ran a road-building machine, with the idea of selling and making some money out of the thrasher engine that would run it.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to interrupt him?

Mr. HENRY C. SMITH. Certainly.

Mr. WILLIAMS of Mississippi. I do not know that I caught fully your intent. Is the gentleman in favor of the United States Government building roads?

Mr. HENRY C. SMITH. No, sir. In that connection I want to say this. I do not remember whether the gentleman was present when I submitted to the committee a bill which I have introduced, and I might not make these remarks here to-day if I was absolutely certain of getting it out of the committee, but sometimes we do not succeed. I am submitting here a proposition——

Mr. WADSWORTH. You are a member of the committee, and ought to get it out.

Mr. HENRY C. SMITH. I still have an eye on it, and I am very glad the gentleman is with me and approves the measure. I will say to the gentleman from Mississippi my bill provides that there shall be established in the Department of Agriculture a permanent bureau of good roads. That is all. The bureau is there now. The same men are there. But it is to be of a permanent character, and the work it does is to be of a permanent nature. It should be determined that it has come to stay. Well, now, that is the proposition, and I can state it by reading it from this quicker than in any other way. The said bureau shall instruct in the building of public roads and highways in the United States in such States, counties, townships, and municipalities as shall determine to follow the plans and methods directed and determined upon by said director. The general policy of said bureau shall be to bring about, so far as may be, a uniform method of taxation for road and highway purposes, for road work and construction of highways throughout the United States.

Now, that is the general policy to-day, and that is the general policy of this Bureau now. The trouble with the Bureau is that it is starved to death; it is crippled; and the director says that he is unable to meet the demands of the public; he is unable with the $20,000 that this committee has recommended to carry on the correspondence with the people and the instruction which the people demand and desire.

Now, I believe that this proposition is worth consideration. If we put any appropriation at all in the bill, we should put in sufficient to enable the Bureau to maintain itself.

Now, let me call attention to this matter. As I was saying, we are very apt to talk about things away off in the Philippines and other large questions, and overlook the things that are right before us. In the crossroads school the teacher said that the average boy preferred to write an essay about the camel that he knew nothing about, that he had never seen, and only hoped to see, rather than to write an essay about the horse, that he had seen all his life and knew all about.

Now, this great road proposition is for the direct benefit especially of the smaller cities and villages. The great cities are fed by the great waterways; they are fed by the great railroads. In this connection I might say that the railroad companies of this country—and that was another argument used in the committee to cut down the recommendation of the Secretary of Agriculture—that the railroad companies carried this machinery, owned by men who wanted to sell it, from one State to another and from one place to another free of charge. That the great railroad companies, realizing the fact that their railroads would be fed in proportion to the facilities with which the farmers could reach the place of shipment, realizing that, proposed to carry the directors and carry the officers and road builders of this department all around the country—carry the machinery and the material free of charge.

Now, Mr. Chairman, I ask if the people of this country, if this Congress wants to put one of the departments of this Government looking toward the building of good roads in the position of kneeling down to the management of the railroads and asking them to carry the material and machinery and to carry the men free from one place to another? It is a humiliation in a sense, and there is a motive in it that ought not to be encouraged. I submit that this department either ought to be taken out entirely or supplied with sufficient funds to conduct its affairs in a reasonably respectable manner. Now, I was saying that this was a direct benefit to the smaller places, and in the development of the small city, in the development of the village, is the safety, I believe, of this great Republic. It goes hand in hand with rural free delivery, which it took some sixteen years of struggle before it became popular, and the future of that popular service of our Government depends largely on the construction of good roads.

Mr. BURK of Pennsylvania. Do I understand that the recommendation as it is now by the committee will weaken the service?

Mr. HENRY C. SMITH. There is no question about it. I want to read what the Secretary of Agriculture says in submitting it to us.

He asks for an increase from $20,000 to $40,000. It was $20,000 last year, and now he asks for $40,000. He says:

> This increase recommended is considered necessary because of the great increase in demands upon the Department from all sections of the country in construction and assistance. Even with the gratuitous assistance of the railroads and the road-machine companies, which necessity has required us to solicit during the present year, it has been impossible for the Department to adequately supply the assistance sought for. The Department has now succeeded in arousing the entire country to the necessity of better roads and does its best with its limited resources to give instructions in proper methods of road building. Of this increased amount asked for it is intended that $15,000 should be used in experimental roads.

Mr. WADSWORTH. I understood the gentleman to read that portion where the Secretary says it has aroused the whole country.

Mr. HENRY C. SMITH. I read the language of the Secretary. The gentleman from New York is intelligent on all subjects except oleomargarine [laughter], and I am willing to take his construction of it.

Mr. WADSWORTH. I think in about two years the gentleman from Michigan will find his intelligence on that subject at fault. [Laughter.] Now, will the gentleman from Michigan kindly read that language again?

Mr. HENRY C. SMITH. I have not my glasses here; I am older than I look. [Laughter.] Let the gentleman from New York read it.

Mr. WADSWORTH. I will read it:

> The Department has now succeeded in arousing the entire country to the necessity of better roads and has done its best with its limited resources.

Now, if the whole country is aroused as to the necessity of good roads, what further is there for the Department to do?

Mr. LESSLER. Get the money. [Laughter.]

Mr. HENRY C. SMITH. Yes; I am obliged to the gentleman from New York. These New Yorkers always think of the money. [Laughter.] Some one said to me at one time that in Boston they asked where you were educated; in Philadelphia, where you were born; in New York, what can I do for you; in Chicago, what can you do for me? [Laughter.]

Mr. LESSLER. And in Michigan, what can you do for the beet? [Laughter.]

Mr. HENRY C. SMITH. Now, Mr. Chairman, seriously, returning to the language used by the Secretary of Agriculture. Think for a moment, when you are voting for an appropriation of $20,000, that he says that with $20,000 last year they were humiliated by the necessity of getting the railroad companies and begging of those companies to carry our material, to carry our road machinery, and to carry our men, because this Government with an overflowing treasury was too penurious to appropriate sufficient to maintain the Bureau. That is the situation.

Now, if the gentleman has any doubt about the interest of the people being aroused on this subject I would be glad to have him read to the House a few extracts which have been sent to me on this proposition.

Mr. WADSWORTH. There is no question about that. The Secretary of Agriculture says that the interest of the people is aroused.

Mr. HENRY C. SMITH. And every influential newspaper in this country, from one end to the other, has approved of this proposition of conducting experiments at least, and building example roads throughout the country.

Mr. WADSWORTH. How many of those influential papers throughout the country have approved the gentleman's position on the beet-sugar question? [Laughter.]

Mr. HENRY C. SMITH. I will come to that in a minute.

Mr. BURK of Pennsylvania. Would not it follow that the Department really would require a great deal more money since the interest of the whole people has been aroused?

Mr. HENRY C. SMITH. Certainly; I am obliged for the suggestion. There is no question about it. For years this Department has been worked up. They have had their experience, they have learned how to build roads, and now they ought to be permitted to conduct experiments and give the people the benefit of them or else the Department ought to be discontinued. The Secretary says that he is crippled in carrying on the affairs of the Department unless $40,000 is appropriated, and I am going to move that the bill be amended so as to cover that. [Applause.]

I believe that 90 per cent of the things provided for in this appropriation bill are for some experiments, and I will read a few of them. Just take them—Plant Industry, for instance, on page 15 of the bill: "Investigating the nature of the diseases injurious to fruit trees, cotton, grain, and vegetables and other useful plants. Experiments in the treatment of the same."

I am finding no fault about that, and since the gentleman has spoken about it, I will call his attention to what is said about beets:

> Study of the relation of the soil to climatic conditions and diseases of plants, particularly with reference to the California vine disease and the disease of the sugar beet.

[Laughter.]

I find in the bill an appropriation of $30,000 for—

> Pomological investigations: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants, and furnishing duplicate models to the experiment stations of the several States, as far as found practicable; the employment of investigators, local and special agents, clerks, assistants, student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for all necessary office fixtures and supplies and for traveling and other necessary expenses, to continue the investigations and experiments in the introduction of the culture of European table grapes and the study of the diseases that affect them, for the purpose of discovering remedies therefor, this work to be done in cooperation with the section of seed and plant introduction; to investigate in cooperation with the other divisions of the Department and experiment stations of the several States the market conditions affecting the fruit and vegetable trade in the United States and foreign countries, and the methods of harvesting, packing, storing, and shipping fruit and vegetables, and for experimental shipments of fruits and vegetables to foreign countries, for the purpose of increasing the exportation of American fruits and vegetables, and for all necessary expenses connected with the practical work of the same, and such fruits and vegetables as are needed for these experimental shipments may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such fruits and vegetables toward the continuation and repetition of these experimental shipments; to investigate, map, and report upon the commercial fruit districts of the United States, for the purpose of determining the relative adaptability of the several important fruits thereto, by a study of the conditions of soil and climate, and of the prevalence of plant diseases existing therein as related to commercial fruit production, $30,000.

All this is not a bit more practical than the question of building good roads. Then we have this provision:

> Botanical investigations and experiments: Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds, etc.

And how much is the appropriation for this purpose? Fifty-five thousand dollars—for maintaining a professorship of weeds! And yet when it comes to a question of good roads, which interests every individual in the country, you are willing to cut down the appropriation to a measly $20,000.

Next we have an appropriation for "grass and forage plant investigation." Let me read this appropriation, that gentlemen may compare it with the provision in this bill for good roads:

> To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods in cooperation with other divisions of the Department; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation; experimental cultivation and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses, etc.

Now, let us see how much is to be appropriated for this purpose. Thirty thousand dollars.

Now I turn to another item in this bill—for "purchase and distribution of valuable seeds;" and for this purpose the appropriation is $270,000.

Mr. WADSWORTH. Would the gentleman vote to have that item stricken out?

Mr. HENRY C. SMITH. I will vote to strike it from the bill if you will vote to appropriate the money for the investigation of the subject of good roads; and I think I can get a number of other gentlemen to vote with me on that. [Applause.] I do not mean that I shall persuade them to do so, otherwise than by showing them it is reasonable.

What else? I find on page 14 an appropriation of $61,780 for the Bureau of Plant Industry.

Mr. WADSWORTH. How about the Bureau of Animal Industry?

Mr. HENRY C. SMITH. I am coming to that. I want to turn now to the Bureau of Forestry. Let us see now what this Bureau does and whom it benefits. The gentleman at the head of this Bureau is said to be a very fine man. I understand that he is so rich that he does not even draw his salary. I have nothing against him. He is a fine man, and one of long experience. He carries on this department, as I understand, because he is in love with the work. I do not say a single thing against him, because I think he is one of the most honorable men who appeared before the committee. But let us see what is the work of this Bureau. Possibly it may have been gotten up for this gentleman. Let me read a description of what it does:

To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same.

Is not that a large public affair? I suppose it is the business of this department to look after the forest reserves up in the Adirondacks, where the millionaires keep their deer, so that they may be able to fence them in and shoot them. I suppose this department will instruct those gentlemen how to preserve their forests. That is what this Bureau is to do among other things. We read further that this Bureau is—

to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants.

And for this Bureau of Forestry we have an appropriation of $282,860. Yet there are gentlemen who find fault because the Secretary of Agriculture asks $40,000 to improve the highways of this country. I wish there might be spent for the improvement of the roads of this country some of this money that is spent for seed that are a nuisance to every statesman of this House and a nuisance to pretty nearly every man who receives them. [Laughter.] I have been criticised somewhat for my position on Porto Rico; I may be criticised somewhat for my position in reference to Cuba; but these criticisms sink into insignificance in comparison with those that I have brought upon myself by sending seeds to the wrong men. [Laughter.]

I have not studied this question sufficiently to know just what sort of seeds to send to the different men in my district. For instance, I have a lot of Frenchmen down there; and think of the position in which I put myself by sending to those Frenchmen cabbage seeds! [Laughter.] What else? "Bureau of Soils." Now, here is a fertile subject, here is a practical subject, right along next to the highway proposition. Now, the Director of this Bureau of Good Roads says they want a chemist to tell the man that builds a road what kind of material to use—if it is a sand road, how much clay to put with it; if it is a clay road, how much burnt clay to put with it. That is all they want, and the right kind of machinery to bake it and to build it, so that it will be permanent. Why, we build our public buildings here upon foundations that will last forever. We spend $25,000 for a building in a city of 10,000 inhabitants, and yet think of the untold millions spent in the United States for highways laid upon no foundation, built according to no plan whatever, built with no idea of permanency!

Now, what does this Bureau of Soils require? Thirty-eight thousand nine hundred dollars for the professors of soils—for the doctors of soils. [Laughter.] Next we find, "General expenses, Bureau of Soils." Now, what do they do? "Investigation of the relation of soils to climate and organic life." That is where the beet comes in again. [Laughter.] But I do not intend to make any post-mortem argument on the beet, however, unless the coroner's jury is present. "For the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali"——

Mr. LESSLER. Alcohol?

Mr. HENRY C. SMITH. Oh, is that you? I thought that remark came from the other side of the Chamber. [Laughter.]

For the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; for investigations of soils in continental United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth, etc., $130,000.

Total for Bureau of Soils, $168,960. Now, let us strike another subject.

Biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants and for the promotion of economic ornithology and mammalogy, for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry—

And what do they ask for all that? Forty-five thousand six hundred dollars!

Mr. WADSWORTH. Will the gentleman kindly tell us what is biology?

Mr. HENRY C. SMITH. Oh, they all know but you. [Prolonged laughter.]

Mr. WADSWORTH. Will not the gentleman kindly tell me, then?

Mr. HENRY C. SMITH. I will see you later on that proposition. Here is another proposition: "Division of Foreign Markets, $8,500." Now, what is the purpose of that?

General expenses, Division of Foreign Markets: Investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries; employment of local and special agents, clerks, assistants, and other labor required in making investigations in the city of Washington and elsewhere, and in collecting, digesting, reporting, and illustrating the results of such investigations; traveling expenses and freight and express charges; telephone and telegraph service; and all necessary supplies and apparatus; $6,500; in all, for the Division of Foreign Markets, $15,000.

That is within $5,000 as much as is expended in the bureau to take care of highways of this country.

Next, we have for agricultural experimentations, $15,000, to be expended by the Secretary of Agriculture, to investigate and report to Congress upon the agricultural resources and capabilities of Alaska. Think of it! Fifteen thousand dollars to investigate the agricultural situation in the ice fields of Alaska. [Laughter.]

Why, the chairman of the committee is as farsighted as our friends on the other side of the Chamber, looking away over the highways, right under our nose to the ice fields of Alaska—$15,000 absolutely wasted up there in that country. Then there are $12,000 appropriated to establish and maintain an agricultural station in the Hawaiian Islands, and the only thing I can remember as being shown before our committee in reference to the necessity for anything there was about a disease among the chickens, which the gentleman who appeared before us said was a disease that sometimes attacks politicians, known as the "sorehead." [Laughter.] Think of it—$12,000 for curing soreheads in the Hawaiian Islands. [Prolonged laughter and applause.]

I want to make further comparison with other departments, not for the purpose of criticising other services, for I appreciate the wonderful work and the splendid results accomplished by the Department of Agriculture under the able management of our efficient Secretary. And I want also to say that no department in the Government service is more entitled to encouragement than the Department of Agriculture. Something can be gathered from the report of our foreign trade in agricultural products. And I want to show this trade, from Bulletin No. 27, just issued. It is one of the marvels of our wonderful and prosperous times. During the year 1901 foreign countries purchased American farm produce to the value of $952,000,000, decidedly the largest agricultural export in our history, an increase of over $100,000,000 over the record of 1900.

On the other hand, our agricultural imports disclose a falling off. The various products of agriculture received from foreign sources during the year 1901 have an aggregate value of $392,000,000, $28,000,000 less than in 1900. This shows an excess of $560,000,000. This is the way to be successful, to sell more than we buy. The entire business output of this nation during the last year was $21,500,000,000, and of this wonderful business only $1,500,000,000 thereof was done with foreign countries. In other words, we did $20,000,000,000 worth of business with ourselves. And so it is the home market, the home trade, and the home business which should be protected and looked after.

And in this connection I want to urge that the mind of man can hardly calculate what has been saved by information furnished by the Weather Bureau—the storm signals warning boats upon the oceans, the lakes, the gulfs, the seas, and the rivers, laden with freight, carrying passengers, giving warning of approaching storms, the warnings to the people of cyclones and severe storms, the warnings to fruit growers, gardeners, and farmers of approaching storms and floods and frosts. This is also true of the wonderful work and progress made by the Bureau of Animal Industry, the Bureau of Chemistry, of Plant Industry, and the various other bureaus and divisions of this Department of Government.

But what I have in mind is this: That by making comparisons I may be able to persuade the House and the committee that this department of good roads has been overlooked or unfairly treated.

And I want to call attention, for instance, to the item of "cultivation and care of experimental gardens and grounds, including the keep of lawns, trees, roadways, and walks, etc., $25,000."

Also, Arlington experimental farm, to enable the Secretary of Agriculture to continue the necessary improvements, to establish and maintain a general experimental farm and agricultural station on the Arlington estate, etc., $15,000.

I also call attention to the appropriation for tea-culture investigation, for which the committee allowed $10,000. And yet about all that was suggested in this direction and to sustain the allowance of this item was the suggestion that experiments were being made to analyze the juices and the chemical elements thereof in the tea plant with a view of determining whether or not someway could not be found that the tea should preserve its natural color after it is cut without turning black. Not that I am finding fault with this, but if this one weak industry should be allowed $10,000, concerning which only a few tea raisers are affected, certainly fair play would require that more than $20,000 should be appropriated for good roads investigation throughout the States of the Union.

Then, again, work is being duplicated in some of the departments, and I especially call attention to the department of chemistry, concerning which I shall offer an amendment. I presented an amendment before the committee at the close of the appropriation for the department of chemistry in substance that all chemical work in the Department of Agriculture of every description should be done under the direction of the Bureau of Chemistry and in collaboration with the various bureaus, divisions, and officers requiring such investigation. The suggestion, however, was made at that time that it should not be pressed, because there were already chemical laboratories in other departments in operation, and that for that reason a general bill should be reported by the committee; but since that discussion I have reflected upon the proposition, and it seems to me that those things would not in any manner interfere with the enactment of this provision.

Now, what is the situation? A Bureau of Chemistry is established in the Department of Agriculture, and the inference is that that Bureau should have charge of everything of a chemical character in the way of chemical investigation that belonged to the Department of Agriculture, and the fact is that that Bureau today makes chemical analyses and does whatever is necessary in that direction for the Treasury Department, the War Department, the Department of Justice, and the Post-Office Department, and yet for the sole purpose of giving people jobs, for the sole purpose of having new bureaus and chiefs of new bureaus the chemical department in the Department of Agriculture has been duplicated five times, and three out of five of those chemical bureaus are as absolutely unnecessary and useless as it is possible for them to be.

Take, for instance, in the Bureau of Animal Industry. There has been established a bureau for the consideration of dairy products, and new apparatus, and new chemicals, and new appliances, absolute duplicates of the same department in the Bureau of Chemistry for the investigation of dairy products were installed. There are two, involving expenditure of large sums of money, and the Secretary of Agriculture admitted himself that he had no knowledge of the existence of at least one of them; it had got in there in the night—got in there without his knowledge—and that is the way these bureaus grow, and here they are. In the Department of Animal Industry there are the biochemical laboratory and the dairy products laboratory, both of them now existing in the Bureau of Chemistry proper, both of them in charge of competent men.

There is no reason in the world, the Secretary himself says, why the whole thing should not be done under the general bureau. And what next have we? Here is the Bureau of Soils, and in the general chemical bureau there is a man in charge of soil investigation, with assistants and with clerks. He does everything in the nature of soil investigation that the Department of Agriculture would like to have done or desires to have done; and yet this man at the head of the chemical department in the Bureau of Soils is not a chemist even. The chief of that bureau is not even a chemist, and yet he has a bureau there with some assistants.

Mr. CANNON. Does not my friend think it is desirable to carry on this bureau for the purpose of educating this man?

Mr. HENRY C. SMITH. I will say, in answer to the gentleman from Illinois, that it is my opinion that that man can not be educated either at public or private expense. [Laughter.] He was before our committee, and the conduct of the man after he went back to the Department and reported who voted in favor of the bill and who voted against the Department of Agriculture, and the discussion that he wrought up there, is an indication that he is far from being in a position to be educated. In that connection I want to call the attention of the members of the House to another thing, and I am not saying anything against him. You have been furnished with a little card from the Chief of the Bureau of Soils, advising you where he is going this summer, where he is going to survey—a card published at Government expense.

Now, those cards are sent out for a lobby, to indicate to you and to me that he is going into our territory, and he wants our support for his entire department. What other bureau is there? In the Bureau of Soils there is a chemical laboratory. What else? In the Office of Experiment Stations they do chemical work. Then, there is another at Middletown, Conn., and another in Maine, and another at the State College in Pennsylvania. The Secretary of Agriculture said before our committee that every bit of this work ought to be done here in the city of Washington, and that it ought to be done by the Chemical Bureau at the Department of Agriculture; that the tendency of it would be to make the men in charge of the Bureau more proficient and would enable the Department of Agriculture to get better men.

And what else? In there is another chemical laboratory with appliances and material, and chiefs and assistant chiefs, and clerks and assistants and stenographers; and upon the proposition of consolidating these chemical bureaus the only answer that the chief of this Bureau could make, reduced to writing, and the only argument that he could make to sustain it, was that it would be just as reasonable to have all the stenographers and all the typewriters under one head, and if you wanted any typewriting done or any stenographic work done that you should go to that one department of stenography.

Now, I submit, Mr. Chairman and gentlemen, that it is absolutely useless to have these chemical bureaus in these various departments, and that the chemistry of this Government ought to be under one controlling and proficient head, and that we ought to put a stop to this increase of bureaus and this duplication of work.

That is all I care to say.

And there is a chemical laboratory, apparatus, chief, and work done in the Bureau of Plant Industry.

Now, take, for instance; the Bureau of Soils. The committee fully considered the work of that Bureau, together with all the evidence and statements brought before it. A few moments ago I desired to interrupt the gentleman from Mississippi [Mr. WILLIAMS] for the purpose of referring to another item that was added to the appropriation of last year for that Bureau.

I desire to call the attention of the committee to the manner in which this Bureau has grown up, and how the appropriations have grown, and how, if that Bureau is permitted to continue in the way Dr. Whitney has mapped out it should be, it would absolutely swamp this Government. In his own statement that he filed with the committee he says that the "Division of Soils was organized in the Weather Bureau in 1894 by an Executive order; in 1895 it became an independent division in the Department, with an appropriation of $15,000; in 1899 the functions were enlarged to include the mapping of tobacco soil and other necessary tobacco investigation"—and if gentlemen will investigate they will find out that is about all of a practical nature that one can see that this Bureau has ever done—"with a total appropriation of $26,300."

See how it grows from year to year. "In 1900 the appropriation was increased to $31,300. In the act approved March 2, 1901, the division was reorganized into a bureau, with an appropriation of $109,140." What else? That was not sufficient to meet the average of this Department, and I wonder every day that any of these departments have ever survived, if the statements made on this floor since I have kept any track of public affairs are to be accepted as true, that if you shut off the appropriation a little they will be so crippled that they can not survive. After the appropriation bill passed the Fifty-sixth Congress they got a joint resolution for $20,000 more, and he says in his statement here:

> And in joint resolution No. 8, of the same Congress, provision was made for the printing annually of 17,000 copies of the field operations of the then division, at an estimated cost of $20,000.

Now, that is what that Bureau got. It used $129,000 in doing what? In mapping about 6,000,000 acres of land, just about what there is in my Congressional district, and that is what has been done, and now my friend here says they just want a little picayune appropriation. This committee has made an appropriation of $168,960, within $40 of $169,000, and that is the way it is picking up, and now my brother here, a member of the committee, proposes to double it and to increase it still further, and for what purpose? I would like gentlemen to read through the report found in the hearings here and see what this Bureau has ever done, if anything, of a practical nature. He says that in Connecticut they have succeeded in raising a few acres—that is the way he puts it, and he puts it just as strong as he could—a few acres of Sumatra wrapper tobacco.

Mr. HENRY of Connecticut. One thousand acres this year.

Mr. HENRY C. SMITH. Forty-two acres, he says, they have a hope of raising this year.

Mr. HENRY of Connecticut. Nearly a thousand this year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Michigan may be extended five minutes more. Is there objection?

There was no objection.

Mr. HENRY of Connecticut. Mr. Chairman, I want to correct the gentleman from Michigan. Just one moment——

Mr. HENRY C. SMITH. Does what you are about to say appear in your speech?

Mr. HENRY of Connecticut. Not at all; I just want to correct the gentleman. In 1900 there was about half an acre of tent-grown tobacco, in 1901 there were 42 acres, and in 1902 there are to be nearly 1,000 acres—between 800 and 1,000 acres.

Mr. HENRY C. SMITH. Conceding that to be true, I think that $169,000 spent by this Government to raise that amount of tobacco is quite sufficient.

Mr. HENRY of Connecticut. The Government does not raise it.

Mr. HENRY C. SMITH. Well, to tell people how to raise it, and to tell people what kind of soil they must use.

Mr. HENRY of Connecticut. The Government has never raised any.

Mr. HENRY C. SMITH. Why, Mr. Chairman and gentlemen of the committee, the farmers of this country by making a test and by actual experience know what kind of soil will raise this and what kind of soil will raise that, without a lot of professors of soils.

Mr. HENRY of Connecticut. That is just what they do not know.

Mr. HENRY C. SMITH. And doctors of chemistry and professors of weeds [laughter] to go around and instruct them as to how they shall raise their crops. The practical farmer is the farmer that ought to be encouraged and the farmer that will succeed in the end, not the farmer who spends his time attending institutes and reading these scientific discourses, but the farmer who gets out by daylight and closes at nighttime, who works no eight hours, but eight hours before dinner and eight hours after dinner; he is the man who will succeed on the farm.

Now, this man, the Chief of this Bureau, as I said last evening, at Government expense, has printed a circular, which he has sent to every member of Congress, indicating where he is going to work this summer and what he is going to do. Look it over and see what he is going to do for $169,000. Fifteen of these parties are to be sent out, and, as I figure it up, that gets into 17 different counties in the United States, and they map out a little soil here and there and tell the people how much soil in this county and that county can raise tobacco and how much can be raised in this and how much can be raised in that. It is absolutely without practicability, and I hope that the conclusion to which the committee came after hearing the evidence and all the statements and the statement of the Commissioner of Agriculture will be sustained. The appropriation is ample.

I want to especially call attention to this card which the Chief of the Bureau of Soils has had printed and distributed among Congressmen which, as I said, is for the purpose of a lobby, a suggestion to members of the House as to what he will do and where he will go.

Here is the way he puts it, here is the invitation, the suggestion as to what he will do for our districts if we will help him:

> The following assignments of field parties for the season of 1902 are made with the approval of the Secretary of Agriculture, with the understanding that such modifications and changes will be made as are called for by the exigencies of the public service and may be directed from time to time by Chief of the Bureau of Soils.

I would like to inquire what the Secretary of Agriculture has approved, and why this chief here claims the right to make the changes and modifications. Now, one other suggestion. The gentleman from Mississippi [Mr. WILLIAMS], a member of the committee, and a brighter and more able man is not on the floor of this House, candid and honest every day of his life, has heard every syllable of the testimony before this committee, every sentence of it, and he has heard every argument, and he knows all the facts, and he has put to gentlemen who are in favor of this amendment a proposition that is not answered and can not be answered, and that is, why does it require 90 per cent more of money to do 50 per cent more of work; and I want to make one other observation and then I will leave the subject.

Mr. HENRY of Connecticut. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY C. SMITH. Oh, I have only a minute, and I hope the gentleman will not insist upon it. As the chairman of this committee has shown, and shown conclusively, when you take it——

Mr. HENRY of Connecticut. Surely the gentleman does not want to misrepresent the Secretary of Agriculture?

Mr. HENRY C. SMITH. No; the Secretary of Agriculture makes his reports in just this way——

Mr. HENRY of Connecticut. I would like to ask the gentleman a question.

Mr. HENRY C. SMITH. He calls on the chiefs of these bureaus, and the chiefs of these bureaus make a report to him, and here it is, and the members of the House are familiar with it.

Mr. GAINES of Tennessee. What is the date of that report?

Mr. HENRY C. SMITH. And the Secretary of Agriculture simply transmits it just the same as any other head of a department does. Now, as I was about to say——

Mr. GAINES of Tennessee rose.

Mr. HENRY C. SMITH. The gentleman from Tennessee has had twenty minutes, ten minutes more than I thought he had, and I decline to be interrupted any further. I want to suggest this, as the chairman of the committee has said and has shown, when you take investigations for Hawaii and investigations for Porto Rico, and this contingent fund, which is a dangerous fund, out of the estimates, they are as liberal as could be submitted, and the committee makes allowance for within $15,000 of what is asked, and I submit the conclusion of the committee should be followed.

This is not all. This card he sends out not only contains an invitation but also a threat—an intimation that he will change his course if the appropriation is not satisfactory.

Here is his statement: "The allotments for the periods previous to June 30 will be paid out of the appropriation for the current fiscal year." In other words, these 15 field parties have sufficient funds to keep them busy until June 30. And then he goes on to say that after that time the situation will be varied according to the appropriations made by this Congress.

Here again is his language: "The allotments for the periods subsequent to July 1 will be paid out of the appropriations for the Department for the fiscal year ending June 30, 1903."

Here is the promise, so that the various Congressmen interested can see the benefit to them, and then follows the threat: "And are therefore subject to such appropriations as may be made by the Congress for that year." And now this Department asks for 90 per cent increase of appropriation to do 50 per cent increase of work, and no one is able to explain this paradox.

Now, Director Dodge is too modest and dignified to make a campaign of this character for his Bureau, and I am very glad to take up the fight for him, which is entirely without his knowledge, without a suggestion from him or anyone in his Department. No one has lobbied me by word or by letter upon the proposition. I was never at the Bureau but once, and shall hope not to be called there again until the Department shall have suitable quarters and be reasonably equipped, so that the pleasure of the visit shall not be marred by the sympathy for the shabby manner in which this important subject has been treated.

Why, for instance, the plans for the new Washington—beautiful, complete, attractive, valuable—over here in the Library, the plans alone, I venture to say, cost more than is asked for to maintain this Department of Good Roads.

Another thing: This Department has not sufficient means to make any kind of an exhibit at the St. Louis Exposition, to instruct the people in any manner whatever. The importance of the work and the interest of the people therein is also shown from the fact that nearly all the agricultural colleges, the universities, and leading places of learning give instruction along these lines. The States are becoming interested. In 1901 the legislature of New York made an appropriation of $420,000, $400,000 more than this committee is willing to appropriate, to carry on good-roads investigation and construction in that State. Another thing: Good roads will permit the weather reports and the market reports to be carried to the farmers with greater speed, and if the roads are better the rural mails may leave the office from which the service is supplied at a later hour. Indeed, good roads are the foundation of rural delivery. And 90 per cent of all the freight carried on all the railroads and carried on all the boats must first be hauled over the country roads, and so all industries are helped by the good-roads project. Nothing better marks the civilization of a neighborhood, a community, or a people than the condition in which the roads of such community are kept. Roads are a fair index to the civilization of a people.

The farmer is the last on the list to receive assistance. The city gets the improvements desired, the rivers and harbors are properly cared for, if a city is to build waterworks, it may receive plenty of information upon the subject, but the farmer is put at the foot of the list and largely, I believe, because of his modesty and failure to assert his demands which are fair and just. And yet it takes more skill, foresight, and ability to successfully carry on a farm than to conduct any other business with an equal investment. And it takes more skill to build a good road than to build a barn, or a house, or to fix a harbor, or to construct waterworks, or dig canals. This being true, those who have charge of

the country highways should receive all needful instructions as to the proper and best methods of construction.

I believe that sentiment will yet compel that justice be done this Department. The American people are moved largely by sentiment, and are perfectly willing that their money shall be invested many times with but little knowledge of the real facts. With little care as to the highways the people travel every day, upon which they go to market, receive their mails, drive for pleasure, they are keen in their interest and uncontrollable in their desire for an isthmian canal connecting the great lines and waters of commerce, and yet how few, if any, have any conception as to whether or not such a project would be valuable, be worth anything like the investment likely to be made, or have any permanent duration. But it is some distance away, surrounded with some mystery, a child of sentiment in a sense, and popular. We will all vote for it, hurrah for it, and approve it because the people, our masters, want it, and we all hope that good will come from the investment, and yet the money required for the project would make every highway in the United States a delight, raise the value of farm lands, make life in the country more pleasant, would even light the highways with electric lights; and yet I would hardly expect a project of such extended character to be approved. And still in time it may come, and when it does come, it will come for the good of all. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is now eleven minutes of 5 o'clock, and I suggest that the committee rise and that we go on to-morrow. The next gentleman on my list has forty minutes' time, and, as the House will want to adjourn at 5 o'clock, if we go on now it would split his speech, and I prefer under the circumstances that the committee rise.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PALMER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, and had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 10847. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

And then, on motion of Mr. WADSWORTH (at 4 o'clock and 50 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. D. Cunningham, administrator of estate of C. F. Cunningham, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a copy of a communication from the Philippine Islands relating to a reduction of duty on sugar—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, the claim for damages to the steamer *Manatee*—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9041) to amend section 828 of the Revised Statutes of the United States of America, reported the same with amendments, accompanied by a report (No. 1776); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River, in Arkansas, reported the same without amendment, accompanied by a report (No. 1782); which said bill and report were referred to the House Calendar.

Mr. MOODY of Oregon, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 590) for the relief of the Mille Lac Chippewa Indians in the State of Minnesota, reported the same with amendments, accompanied by a report (No. 1784); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2025) to provide for the examination and classification of certain lands in the State of California, reported the same without amendment, accompanied by a report (No. 1785); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State, reported the same with amendment, accompanied by a report (No. 1787); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8121) providing for rank and pay of certain retired officers of the Navy, reported the same with amendment, accompanied by a report (No. 1788); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2063) supplementing an act creating the middle district of Pennsylvania, reported the same with amendments, accompanied by a report (No. 1789); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger, reported the same with amendment, accompanied by a report (No. 1777); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13650) to correct the military record of James M. Olmstead, reported the same with amendment, accompanied by a report (No. 1778); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 35) for the relief of Gottlieb C. Rose, reported the same without amendment, accompanied by a report (No. 1781); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13529) granting an increase of pension to Francis C. Baker, reported the same with amendment, accompanied by a report (No. 1783); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9141) to authorize the appointment of Alexander D. B. Smead as a captain of cavalry, reported the same adversely, accompanied by a report (No. 1779); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 4474) for the relief of Capt. M. R. W. Grebe, reported the same adversely, accompanied by a report (No. 1780); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Labor was discharged from the consideration of the bill (H. R. 9053) for the necessary and better protection of American labor and enforcement of the law of domicile and the restriction of immigration, and the same was referred to the Committee on Immigration and Naturalization.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 13993) to regulate the practice of barbering in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BLAKENEY: A bill (H. R. 13994) to authorize the inspection of books and records of all persons, companies, corporations, and associations engaged in the transportation of oil and the products thereof from one State to another, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: A bill (H. R. 13995) to reorganize the corps of dental surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 13996) making appropriations for the diplomatic and consular service of the United States in the Republic of Cuba—to the Committee on Foreign Affairs.

By Mr. PEARRE: A bill (H. R. 14017) for the opening of Quincy street northwest from Twenty-ninth street to Pierce Mill road—to the Committee on the District of Columbia.

By Mr. SIMS: A joint resolution (H. J. Res. 185) to repeal tariff duties on beef, pork, mutton, and veal—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. APLIN: A bill (H. R. 13997) granting an increase of pension to L. A. L. Gilbert—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 13998) granting an increase of pension to Ernest A. Renner—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 13999) granting a pension to Dennis Cosier—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 14000) for the relief of Telisha Webb—to the Committee on Claims.

Also, a bill (H. R. 14001) granting a pension to George W. Stull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14002) granting a pension to James Lebare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14003) granting an increase of pension to William L. Southgate—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14004) to correct the military record of Jacob Stickles—to the Committee on Military Affairs.

By Mr. MOSS: A bill (H. R. 14005) granting an increase of pension to Frederick Wagner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14006) granting an increase of pension to John Billingsley—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14007) granting an increase of pension to Ezra W. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14008) authorizing the Court of Claims to hear and pass upon the claim of Thomas P. Gray, for property taken and used by the troops of the United States during the war of the rebellion—to the Committee on War Claims.

By Mr. NAPHEN: A bill (H. R. 14009) granting an increase of pension to Bella McCauley, widow of Robert McCauley, late of United States Navy—to the Committee on Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14010) for the relief of the Baptist Church at Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 14011) granting a pension to Henry C. Hooper—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 14012) granting a pension to Fannie Reardon, widow of Patrick Reardon, alias Dunn—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 14013) granting an increase of pension to Aaron D. L. Knisley—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14014) granting an increase of pension to Henry Terrell, alias Pearce—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 14015) for the relief of Christopher E. Waters—to the Committee on Claims.

Also, a bill (H. R. 14016) granting a pension to Christopher E. Waters—to the Committee on Invalid Pensions.

By Mr. SIMS: A resolution (H. Res. 223) referring the claims of the legal representatives of James Smith, deceased, and others, to the Court of Claims for a finding of facts under the terms of the Tucker Act—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of J. B. Smith, of Uniontown; H. G. Taylor, of Burgettstown; J. A. Chambers, of West Alexander; J. G. Harris, of Balsinger, and A. R. Scott, of Hamlin, Pa., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. APLIN: Petitions of Polish societies of Bay City and Posen, Mich., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BROMWELL: Resolutions of Branch No. 19, Polish National Alliance, Cincinnati, Ohio, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of R. M. Moon Post, No. 199, Cincinnati, Ohio, Grand Army of the Republic, approving of House bill 3067—to the Committee on Invalid Pensions.

Also, Petition of Admiral Porter Squadron, No. 7, United States Veteran Navy, Cincinnati, Ohio, for the passage of House bill 7486, to promote the efficiency of the clerical service in the Navy, etc.—to the Committee on Naval Affairs.

Also, papers to accompany House bill 13998, granting an increase of pension to Ernst A. Renner—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Petition of members of the Lower Brulé tribe of Indians, in relation to allotments and title to lands to John Sully and wife and their heirs, etc.—to the Committee on Indian Affairs.

By Mr. BURKETT: Petition of veterans of the civil war, of Paris, Tex., asking for the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also, petition of the National Business League of Chicago, Ill., favoring the passage of Senate bill 3057, relating to irrigation—to the Committee on Irrigation of Arid Lands.

Also, letter of J. F. Fults in support of the bill to divide Nebraska into two districts for Federal court purposes—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of three Polish societies of Pittsburg, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Lodge No. 259, Brotherhood of Locomotive Engineers of Easton, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolution of United Brotherhood of Railway Employees, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Resolutions of the Maine State Board of Trade for the establishment of lobster hatcheries on the coast of Maine—to the Committee on Merchant Marine and Fisheries.

By Mr. DINSMORE: Proofs as to conscripting Union men into the Confederate Army during the civil war, and some of the means used, to accompany House bill 11554—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of the New York Produce Exchange, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lodge No. 155, Locomotive Firemen; Lodge No. 197, Railroad Trainmen; Carpenters' Union No. 147; Piano Workers' Union No. 14; Malsters' Union No. 221, and American District Committee of Carpenters and Joiners, all of New York City, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of J. Stenard, Troy, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. FEELY: Papers to accompany House bill 9988, granting a pension to Calvin W. Clark—to the Committee on Invalid Pensions.

By Mr. GOOCH: Resolutions of Boiler Makers' Union No. 105, of Covington, and petition of citizens of Ludlow, Ky., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GORDON: Resolutions of Lodge 585, Brotherhood of Locomotive Firemen, of Lima, Ohio, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. HANBURY: Resolutions of New York Produce Exchange, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLIDAY: Resolutions of Local Union No. 62, of Fontenet; Mine Workers' Union No. 697, of Center Point; Local Union No. 345, of Clinton, and Wabash Lodge, No. 246, of Terre

Haute, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. JACK: Papers of Lieut. J. J. Parsons to accompany House bill No. 13852, for the restoration of his pension to the original rate—to the Committee on Invalid Pensions.

Also, resolutions of R. Foster Robinson Post, No. 36, of Saltsburg, Pa., Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of Mine Workers' Union No. 79, of Webster, and No. 1218, of Anita and New Florence, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LASSITER: Resolutions of Business Men's Association of Edenton, N. C., urging the improvement of the inland water route from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. LAWRENCE: Resolutions of Federal Labor Union of Lenox, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolutions of the New York Produce Exchange, in favor of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Resolutions of Herington Division, No. 257, Order of Railway Conductors, Caldwell, Kans., and Lodge No. 337, Locomotive Firemen, Wellington, Kans., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, paper to accompany House bill 13921, for the relief of E. C. Adams—to the Committee on War Claims.

By Mr. MANN: Petitions of citizens of Chicago, Ill., favoring Senate bill 3057—to the Committee on Irrigation of Arid Lands.

By Mr. McCALL: Petition of North River Presbytery, Poughkeepsie, N. Y., favoring improvement of the post exchange as relates to buildings, literature, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. B. Thayer and 3 others, in favor of provision for the collection of statistics relative to marriage and divorce—to the Committee on the Judiciary.

Also, petition of Rubber Workers' Union No. 8622, of Cambridge, Mass., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MEYER of Louisiana: Resolutions of the Maine State Board of Trade, for the establishment of lobster hatcheries on the coast of Maine—to the Committee on the Merchant Marine and Fisheries.

By Mr. MUDD: Petition of citizens of Galveston, Tex., protesting against the "Jim Crow" car law—to the Committee on the Judiciary.

By Mr. NAPHEN: Petition of International Musical Union, for amendment of the immigration laws—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 14009, granting a pension to Bella McCauley, widow of late Robert McCauley, United States Navy—to the Committee on Pensions.

By Mr. NEVILLE: Petition of citizens of Sheridan County, Nebr., opposing the leasing of public lands—to the Committee on the Public Lands.

By Mr. PALMER: Paper to accompany House bill granting a pension to Charles M. Blaker—to the Committee on Invalid Pensions.

Also, resolution of Mine Workers' Union No. 1159, Pittston, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Branch No. 385, Polish National Alliance, of Freeland, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RODEY: Resolutions of Mine Workers' Union No. 1746, of Gallup; Division 446 of Locomotive Engineers, of Albuquerque, and Carpenters' Union, of Cloudcroft, N. Mex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL: Petition of citizens of Third Congressional district of Connecticut, favoring the new oleomargarine bill—to the Committee on Agriculture.

By Mr. ROBERTS: Petition of James H. Wolff and others, of Massachusetts, in favor of House bill 10793, in opposition to the "Jim Crow" law—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Empire State Lodge of Machinists, No. 480, Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Polish society of Buffalo, N. Y., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. SPERRY: Resolution of board of aldermen of Bridgeport, Conn., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. STARK: Papers in support of House bill 12751, granting an increase of pension to Martin L. Pembleton—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of machinists of St. Paul, Minn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Credit Men's Association of St. Paul, Minn., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of Northwestern Manufacturing Association, of St. Paul, Minn., in favor of the irrigation bill—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the same association, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. VAN VOORHIS: Resolutions of Barlow Post, No. 434, Grand Army of the Republic, Barlow, Ohio, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Zanesville (Ohio) Lodge, No. 84, Allied Metal Mechanics, and Press Feeders' Union No. 10, of Zanesville, Ohio, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of Iron and Steel Workers' Union No. 9249, of Pottstown, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. WARNER: Resolutions of Federation of Labor and Brotherhood of Railroad Trainmen, of Champaign, Ill., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petitions of P. P. Mast & Co., Brainard & Armstrong, Pioneer Suspender Company, Folwell, Bro. & Co., and Harrison Bros. & Co., all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 26, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PRITCHARD, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

SUPREME COURT OF TERRITORY OF OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

The amendments of the House of Representatives were, on page 1, line 11, after "court," to insert "who shall have been residents of said Territory for at least one year and;" on page 1, line 12, after "and," to insert "have;" and on page 2, line 2, to strike out "five hundred."

Mr. FAIRBANKS. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent had met, and after a full and free conference were unable to agree; that the House further insists upon its disagreement to the amendment of the Senate to the bill, asks for a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. PERKINS, and Mr. CLARK managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 234) granting an increase of pension to James Frey;

A bill (S. 319) granting a pension to Ida M. Warren;

A bill (S. 324) granting an increase of pension to Nellie Loucks;

A bill (S. 636) to remove the charge of desertion against David A. Lane;

A bill (S. 694) granting a pension to Jane Caton;

A bill (S. 899) granting an increase of pension to George F. Bowers;
A bill (S. 1321) to restore to the active list of the Navy the name of James G. Field;
A bill (S. 1363) granting an increase of pension to James A. McKeehan;
A bill (S. 1625) granting an increase of pension to Jethro M. Getman, alias James M. Getman;
A bill (S. 1629) granting an increase of pension to James W. Humphrey;
A bill (S. 1638) granting a pension to John R. Homer Scott;
A bill (S. 1643) granting an increase of pension to Ellen J. Clark;
A bill (S. 1814) granting an increase of pension to Anna E. Luke;
A bill (S. 1881) to correct the military record of Peter Connell;
A bill (S. 2305) granting an increase of pension to Lemuel Grove;
A bill (S. 2346) granting a pension to Amanda C. Bayliss;
A bill (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow;
A bill (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt;
A bill (S. 2738) granting an increase of pension to James W. Hankins;
A bill (S. 2805) granting an increase of pension to Anna L. Cory;
A bill (S. 2943) granting an increase of pension to Thomas S. Rowan;
A bill (S. 2971) granting an increase of pension to Silas D. Strong;
A bill (S. 3108) granting an increase of pension to Inez E. Perrine;
A bill (S. 3217) granting an increase of pension to Charles Dixon;
A bill (S. 3252) granting an increase of pension to Jesse W. Bice;
A bill (S. 3334) granting an increase of pension to Thomas E. James;
A bill (S. 3472) granting an increase of pension to Zeno T. Griffen;
A bill (S. 3519) granting an increase of pension to Charles L. Cummings;
A bill (S. 3633) granting an increase of pension to Samuel L. Leffingwell;
A bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart;
A bill (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway;
A bill (S. 3672) granting an increase of pension to James Scantell;
A bill (S. 3820) granting an increase of pension to Warren B. Nudd;
A bill (S. 3991) granting an increase of pension to Waity West;
A bill (S. 4042) granting an increase of pension to William H. Norton;
A bill (S. 4056) granting an increase of pension to Minerva Melton;
A bill (S. 4111) granting an increase of pension to Abner J. Pettee;
A bill (S. 4335) granting an increase of pension to John Brown;
A bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas;
A bill (S. 4381) granting an increase of pension to John S. Robinson;
A bill (S. 4514) granting an increase of pension to Mary Beals;
A bill (S. 4535) granting an increase of pension to Lydia M. Granger;
A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe;
A bill (S. 4647) to amend section 4929 of the Revised Statutes relating to design patents;
A bill (S. 4650) granting an increase of pension to Delania Ferguson;
A bill (S. 4658) granting an increase of pension to Charles F. Rand;
A bill (S. 4740) granting an increase of pension to Maria L. Godfrey;
A bill (S. 4749) granting an increase of pension to Eunice A. Smith; and
A bill (S. 4969) granting an increase of pension to Abbie George.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 325) granting an increase of pension to John Compton;
A bill (H. R. 357) for the relief of Levi Maxted;
A bill (H. R. 665) granting a pension to Laura Newman, formerly Laura Mount;
A bill (H. R. 832) granting an increase of pension to William Clark;
A bill (H. R. 1014) granting a pension to Laura Levenseler;
A bill (H. R. 1681) granting a pension to Erma G. Harvey;
A bill (H. R. 2487) granting an increase of pension to William S. Hosack;
A bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer;
A bill (H. R. 3207) granting a pension to Johanna Buse;
A bill (H. R. 3269) granting a pension to Ida M. Kinney;
A bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy;
A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips;
A bill (H. R. 3678) granting an increase of pension to John Washburn;
A bill (H. R. 3691) for the relief of James McKenzie;
A bill (H. R. 4204) granting a pension to Hester A. Furr;
A bill (H. R. 4509) granting an increase of pension to Eliza Knight;
A bill (H. R. 5018) granting an increase of pension to Johann Conrad Hass;
A bill (H. R. 5159) granting a pension to William A. Miller;
A bill (H. R. 5192) granting an increase of pension to John English;
A bill (H. R. 5475) granting an increase of pension to August Schill, alias August Silville;
A bill (H. R. 5865) granting an increase of pension to John C. Campbell;
A bill (H. R. 6330) granting an increase of pension to William D. Tanner;
A bill (H. R. 6625) granting an increase of pension to Mary T. Downing;
A bill (H. R. 6663) granting a pension to John York;
A bill (H. R. 6718) granting an increase of pension to Andrew R. Jones;
A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan;
A bill (H. R. 7687) granting an increase of pension to Charles C. Washburn;
A bill (H. R. 7779) granting an increase of pension to William Belk;
A bill (H. R. 7840) granting an increase of pension to Oliver Kerr;
A bill (H. R. 7918) granting an increase of pension to James C. Pettee;
A bill (H. R. 8109) granting an increase of pension to William H. McCarter;
A bill (H. R. 8346) granting a pension to Nannie C. Tramell;
A bill (H. R. 8351) granting a pension to Matthew V. Ellis;
A bill (H. R. 8476) granting an increase of pension to Moses S. Curtis;
A bill (H. R. 8712) granting an increase of pension to James S. Young;
A bill (H. R. 8856) granting an increase of pension to Leon King;
A bill (H. R. 9164) granting an increase of pension to John H. Crawford;
A bill (H. R. 9226) granting a pension to Elizabeth I. Ogden;
A bill (H. R. 9249) granting a pension to Amos Allport;
A bill (H. R. 9496) granting a pension to Forrest E. Andrews;
A bill (H. R. 9569) granting an increase of pension to Albert Deits;
A bill (H. R. 9606) granting a pension to Charles Blitz;
A bill (H. R. 9695) granting an increase of pension to Evaline Jenkins;
A bill (H. R. 9799) granting an increase of pension to Mary Murphy;
A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;
A bill (H. R. 10488) granting an increase of pension to Kate W. Milward;
A bill (H. R. 10672) granting a pension to Ada S. Kempfer;
A bill (H. R. 10731) granting an increase of pension to Samuel P. Milburn;
A bill (H. R. 10761) granting a pension to Anna Bronson;
A bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead;
A bill (H. R. 10794) granting a pension to Thomas H. Devitt;
A bill (H. R. 11115) granting a pension to Angeline H. Taylor;
A bill (H. R. 11285) granting an increase of pension to William Sheldon;

A bill (H. R. 11288) granting an increase of pension to William E. Ball;
A bill (H. R. 11748) granting an increase of pension to Samuel Ashmore;
A bill (H. R. 12008) granting an increase of pension to Charles D. Coyle;
A bill (H. R. 12015) granting an increase of pension to Edgar T. Daniels;
A bill (H. R. 12107) granting an increase of pension to Benjamin F. Wells;
A bill (H. R. 12109) granting an increase of pension to Frederick Benefeldt;
A bill (H. R. 12324) granting a pension to Cora E. Brown;
A bill (H. R. 12685) granting a pension to Hiram J. Springfield;
A bill (H. R. 12713) granting an increase of pension to Bernard McCormick;
A bill (H. R. 12778) granting an increase of pension to Edward R. Blair;
A bill (H. R. 12780) granting an increase of pension to William H. Wheeler;
A bill (H. R. 12788) granting a pension to Elizabeth McDonald;
A bill (H. R. 12828) granting a pension to Mary E. Culver;
A bill (H. R. 12877) granting an increase of pension to James N. Gates;
A bill (H. R. 12978) granting an increase of pension to Charles F. Smith;
A bill (H. R. 13017) granting an increase of pension to James Austin;
A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh;
A bill (H. R. 13083) granting a pension to Lockie W. Reeves;
A bill (H. R. 13093) granting a pension to Eliza A. Brownlow;
A bill (H. R. 13132) granting an increase of pension to Annie Cotter;
A bill (H. R. 13143) granting an increase of pension to Susan Parker;
A bill (H. R. 13162) granting an increase of pension to Augustin M. Adams;
A bill (H. R. 13211) granting a pension to Melissa Burton;
A bill (H. R. 13249) granting an increase of pension to Ada Trowbridge;
A bill (H. R. 13265) granting an increase of pension to John Whalen;
A bill (H. R. 13278) granting an increase of pension to Levi H. Collins;
A bill (H. R. 13296) granting an increase of pension to Francis Scott;
A bill (H. R. 13350) granting a pension to Presley P. Medlin;
A bill (H. R. 13352) granting an increase of pension to Charles E. Brown;
A bill (H. R. 13416) granting an increase of pension to Isabella H. Thompson;
A bill (H. R. 13439) granting an increase of pension to William Blanchard;
A bill (H. R. 13479) granting a pension to Ira P. Smith;
A bill (H. R. 13503) granting an increase of pension to Charles Haltenhof;
A bill (H. R. 13554) granting an increase of pension to Andrew E. Hicks;
A bill (H. R. 13614) granting an increase of pension to William H. White;
A bill (H. R. 13699) granting an increase of pension to James H. McVicker;
A bill (H. R. 13691) granting an increase of pension to James M. Conrad; and
A bill (H. R. 13822) granting a pension to Hannah T. Knowles.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had passed with amendments the following bills, in which it requested the concurrence of the Senate:

A bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry;
A bill (S. 2975) granting an increase of pension to Levi Hatchett;
A bill (S. 3321) granting a pension to Patrick J. Murphy; and
A bill (S. 4868) granting an increase of pension to James H. Walker.

The message further announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 10782) granting a pension to Ole Steensland;
A bill (H. R. 12054) granting a pension to Elizabeth A. Burrill; and
A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer;

Asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the respective conferences on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1012) granting an increase of pension to Patrick Moran;
A bill (H. R. 1086) granting an increase of pension to Francis W. Pool;
A bill (H. R. 1742) granting increase of pension to Alonzo Lewis;
A bill (H. R. 3379) to correct the military record of Calvin A. Rice;
A bill (H. R. 4008) granting a pension to Christopher Columbus Sheets;
A bill (H. R. 4129) granting an increase of pension to Lonson R. Burr;
A bill (H. R. 4945) granting a pension to Shadrack I. Corbett;
A bill (H. R. 4994) granting a pension to Lydia Carr;
A bill (H. R. 5150) granting a pension to Mary C. Trask;
A bill (H. R. 5170) granting increase of pension to Frederick Wright;
A bill (H. R. 5560) granting an increase of pension to Annie L. Evans;
A bill (H. R. 7149) granting increase of pension to Ephraim D. Dorman;
A bill (H. R. 7678) granting a pension to Mary Holmes;
A bill (H. R. 7994) granting increase of pension to Margaret M. Grant;
A bill (H. R. 8349) granting a pension to John Watts;
A bill (H. R. 9494) granting increase of pension to Mary A. Andress;
A bill (H. R. 9625) granting a pension to Elizabeth L. Beckett;
A bill (H. R. 10173) granting increase of pension to Richard Trist;
A bill (H. R. 10179) granting increase of pension to Theron R. Nack;
A bill (H. R. 10449) granting increase of pension to Sarah H. Lake;
A bill (H. R. 10793) granting increase of pension to William A. Campbell;
A bill (H. R. 11545) granting increase of pension to Caroline R. Boyd;
A bill (H. R. 11895) granting a pension to Thomas Holloway;
A bill (H. R. 12093) to authorize the construction of a bridge across the Neuss River at or near Kinston, N. C.;
A bill (H. R. 12370) granting a pension to Ida M. Briggs;
A bill (H. R. 12468) granting increase of pension to Phineas Curran;
A bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport;
A bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River;
A bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;
A bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock Four; and
A bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of sundry citizens of West Virginia, praying for the adoption of an amendment to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented the petition of W. P. Squibb & Co., of Lawrenceburg, Ind., praying for the adoption of an amendment to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of Journeymen Bakers and Confectioners' Local Union No. 17, of Kokomo; of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, and of

A. G. Porter Lodge, No. 141, Brotherhood of Locomotive Firemen, of Fort Wayne, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Beer Drivers' Union No. 116, of Fort Wayne; of Retail Clerks' International Protective Association, of Clinton; of North Vernon Division, No. 9, Order of Railroad Telegraphers, of Hayden; of Tailors' Local Union No. 31, of Terre Haute; of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis; of Anderson Typographical Union, No. 284, of Anderson; of South Bend Typographical Union, No. 428, of South Bend; of Local Union No. 2, American Flint Glass Workers, of Muncie; of Plasterers' Union No. 27, of Evansville; of Potters' Union No. 5, of Evansville; of Cigar Makers' Union No. 335, of Hammond; of Cigar Makers' Union No. 54, of Evansville; of Amalgamated Wood Workers' Union No. 13, of Indianapolis; of International Association of Bridge and Structural Iron Workers' No. 22, of Indianapolis; of Plumbers' Local Union No. 240, of Lafayette; of Bricklayers and Masons' Union No. 22, of Noblesville; of Bricklayers' Union No. 12, of Marion; of Bricklayers and Masons' International Union No. 18, of South Bend; of Bricklayers and Plasterers' Union No. 17, of Brazil; of Bricklayers' International Union No. 16, of Alexandria; of Bricklayers and Masons' Union, of Kokomo; of Bricklayers' Union No. 8, of Anderson; of Bricklayers' Union No. 6, of Whiting; of Bricklayers' Union No. 3, of Indianapolis; of Journeymen Tailors' Union No. 16, of South Bend; of Indianapolis Lodge, No. 146, Switchmen's Union of North America, of Indianapolis; of Amalgamated Sheet Metal Workers' International Local Union No. 115, of Muncie; of Bricklayers and Masons' Union No. 31, of Linton; of Bricklayers' Union No. 30, of Washington; of Bricklayers' Union No. 29, of West Baden; of New Albany Typographical Union, No. 169, of New Albany; of Stonemasons' Union No. 27, of Wabash; of the Ornamental Glass Workers' Union, of Indianapolis; of American Flint Glass Workers' Local Union No. 35, of Marion; of Journeymen Barbers' International Local Union No. 194, of New Albany; of Retail Clerks' Protective Association No. 470, of Sullivan; of Brotherhood of Locomotive Firemen, A. G. Porter Lodge, No. 141, of Fort Wayne; of Brotherhood of Locomotive Firemen, Content Lodge, No. 459, of Wabash; of Journeymen Tailors' Union No. 118, of Fort Wayne; of Retail Clerks' Union No. 293, of Elkhart, and of Fort Wayne Typographical Union, No. 78, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to provide an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the National Business League, of Chicago, Ill., praying for the enactment of legislation authorizing the construction of irrigation works for the reclamation of arid lands; which was ordered to lie on the table.

Mr. MARTIN presented a petition of the Chamber of Commerce, of Richmond, Va., praying for the adoption of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Relations with Canada.

Mr. GAMBLE. I present a petition, and accompanying papers, of certain Lower Brule Indians in South Dakota residing on the Rosebud Reservation, in that State, and claiming to belong to the last-named tribe, praying for the enactment of legislation to enable them to secure allotments upon that reservation. I move that the petition and accompanying papers be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COCKRELL presented a petition of Kansas City Division, No. 100, Order of Railway Telegraphers, of Kansas City, Mo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. TELLER presented petitions of Typographical Union No. 373, of Durango; of Mailers' Local Union No. 8, of Denver; of Journeymen Barbers' Local Union of Denver; of Carpenters and Joiners' Local Union of Leadville; of Local Union No. 55, of Denver; of Carpenters' Local Union No. 584, of Victor; of Carpenters and Joiners' Local Union No. 362, of Pueblo; of Local Union No. 417, of Colorado City; of Carpenters and Joiners' Local Union No. 489, of Canon City; of Miners' Local Union No. 15, of Ouray; of Bricklayers' Local Union No. 1, of Denver; of Retail Clerks' Local Union No. 346, of Leadville; of Bricklayers and Plasterers' Local Union No. 5, of Florence; of Typographical Union No. 425, of Canon City; of Journeymen Barbers' Local Union No. 92, of Cripple Creek; of Retail Clerks' Local Union No. 7, of Denver; of Bricklayers and Masons' Local Union No. 2, of Pueblo, and of the Trades and Labor Council of Canon City, all of the American Federation of Labor; of Local Division No. 77, Order of Railroad Telegraphers, of Denver, and of Local Division No. 430, Brotherhood of Locomotive Engineers, of Trinidad, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SPOONER presented petitions of Iron Molders' Local Union No. 166, of Milwaukee, and of Manitowoc Typographical Union No. 431, of Manitowoc, in the State of Wisconsin, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Lake Seamen's Union, of Milwaukee; of the Marine Council, of Milwaukee; of Typographical Union No. 324, of Racine; of Typographical Union No. 431, of Manitowoc; of Carpenters and Joiners' Local Union No. 755, of Superior; of Carpenters and Joiners' Local Union No. 849, of Manitowoc; of Enterprise Lodge, No. 88, Switchmen's Union, of Green Bay; of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee; of Local Division No. 73, Brotherhood of Locomotive Engineers, of Madison; of Lodge No. 210, Brotherhood of Railway Trainmen, of Janesville; of John Hickey Lodge, No. 266, Brotherhood of Locomotive Firemen, of Kaukauna; of Valley Lodge, No. 575, Brotherhood of Locomotive Firemen, of Babcock; of Mendota Lodge, No. 606, United Mine Workers' Union, of Madison; of Iron Molders' Local Union No. 166, of Milwaukee; of Lodge No. 107, Switchmen's Union, of West Superior; of Broom Makers' Local Union No. 1, of Milwaukee; of Carpenters and Joiners' Local Union No. 314, of Madison; of Carpenters and Joiners' Local Union No. 188, of Milwaukee; of Carpenters and Joiners' Local Union No. 776, of Fond du Lac; of Carpenters and Joiners' Local Union No. 657, of Sheboygan; of Carpenters and Joiners' Local Union No. 522, of Milwaukee; of Carpenters and Joiners' Local Union No. 836, of Janesville; of Carpenters and Joiners' Local Union No. 68, of Menominie; of the Carpenters and Joiners' Local Union, of Waukesha; of Iron Molders' Local Union No. 302, of Beloit; of Journeymen Plumbers' Local Union No. 75, of Milwaukee; of Journeymen Plumbers' Local Union No. 278 of Greenbay; of Journeymen Tailors' Local Union No. 209, of Neenah, and of Flour Mill Workers' Local Union, of New Richmond, all in the State of Wisconsin, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. McCUMBER. I present a supplemental memorial of the Delaware tribe of Indians to Senate Document No. 247, in support of the claim of the Delaware Indians on account of payment to them during 1862 and 1878, inclusive, in depreciated currency of funds due and payable by the treaties of May 30, 1860, and July 2, 1861, in "gold or silver coin." I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CLAPP presented a petition of the Northwestern Manufacturers' Association, of St. Paul, Minn., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of the Machinists' Association of St. Paul, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Northwestern Manufacturers' Association of St. Paul, Minn., praying for the enactment of legislation providing for the reclamation of the arid lands of the West; which was ordered to lie on the table.

Mr. LODGE. I have here sundry petitions of natives of the Philippine Islands, which have been forwarded to me from the War Department. I ask that they may be printed, with the accompanying letter of the Acting Secretary of War, and referred to the Committee on the Philippines.

Mr. SPOONER. I should like to inquire of the Senator what the papers are about?

Mr. LODGE. They are petitions from natives of the Philippines at different points in the islands—I have looked at one or two—asking for the retention of officers and troops in those villages.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the papers he sends to the desk may be printed as a document and referred to the Committee on the Philippines. Is there objection? The Chair hears none, and the order is made.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of the Indian Territory, praying for the continuance of the present prohibitory laws in that Territory; which was referred to the Committee on Indian Affairs.

WAR CLAIMS IN LOYAL STATES.

Mr. MITCHELL. Mr. President, I hold in my hand certain papers which I ask to have printed as a document. I will state what they are:

Decisions of the Court of Claims and of the Treasury Department in the cases of the rebellion war claims of the loyal States, arising under the act of Congress of July 27, 1861 (12 U. S. Stats., 276); resolution of Congress of March 8, 1862 (12 U. S. Stats., 615); an act of Congress of February 14, 1902, following and in accordance with the decision of the Supreme Court of the United States in the New York case (16 U. S. Supreme Court Reports, 598).

The papers are not very lengthy, and I ask that they be printed as a document for use before the Treasury Department, and also before the committees of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. PETTUS. What are the documents which it is asked to have printed?

The PRESIDENT pro tempore. The Senator from Oregon has just stated what they are.

Mr. PETTUS. But he stated it in such a low voice that we could not hear on this side.

The PRESIDENT pro tempore. Will the Senator restate what the documents are? Or perhaps the Secretary will read the list.

Mr. MITCHELL. The Secretary will please read the list.

The Secretary read as follows:

Decisions of the Court of Claims and of the Treasury Department in the cases of the rebellion war claims of the loyal States, arising under the act of Congress of July 27, 1861 (12 U. S. Stats., 276). Resolution of Congress of March 8, 1862 (12 U. S. Stats., 615). An act of Congress of February 14, 1902, following and in accordance with the decision of the Supreme Court of the United States in the New York case (16 U. S. Supreme Court Reports, 598).

Mr. PETTUS. I move that the papers be referred to the Committee on Printing.

Mr. COCKRELL. I ask the Senator to let them be printed.

Mr. MITCHELL. I will state to the Senator from Alabama that I simply ask for a reprint in the form of a Senate document of three decisions of the Court of Claims and a decision of the Treasury Department. They are papers that are needed before the committees of the Senate and also before the Treasury Department in adjudications there.

Mr. PETTUS. I did not understand that it is now a document.

Mr. COCKRELL. Oh, yes; it is a reprint of a document that is asked for.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the order is made.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3237) to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4517) for the relief of Priscilla R. Burns, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex-Army and Navy officers, reported it with amendments.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 1988) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment, submitted by Mr. MITCHELL on the 10th instant, to ratify and confirm an agreement made and entered into on the 17th of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Agency, in the State of Oregon, and proposing an appropriation of $537,007.20 to carry the same into effect, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 5402) granting an increase of pension to Hiram H. Thomas;

A bill (H. R. 11787) granting a pension to John J. Manner;

A bill (H. R. 4622) granting a pension to Frank W. Lynn; and

A bill (H. R. 7901) granting a pension to Dewitt Clinton Letts.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased, reported it with an amendment, and submitted a report thereon.

Mr. MASON, Mr. TALIAFERRO, and Mr. McLAURIN of Mississippi, from the Committee on Claims, to whom was referred the bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, reported it with amendments, and submitted a report thereon.

COMMEMORATIVE TABLET OF VICE-PRESIDENT WILSON.

Mr. HANSBROUGH, from the Committee on the Library, reported the following resolution; which, together with the accompanying papers, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expense incurred by the Superintendent of the Capitol Building and Grounds, authorized by Senate resolution of January 16, 1885, in procuring and placing a commemorative tablet in the room in the Senate wing of the Capitol where Vice-President Henry Wilson died, be paid from the contingent fund of the Senate.

HEIRS OF MOSES MEYER, DECEASED.

Mr. McLAURIN of Mississippi, from the Committee on Claims, to whom was referred the bill (S. 5429) for the relief of the heirs of Moses Meyer, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5429) for the relief of the heirs of Moses Meyer, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

CUBAN SUGAR INVESTIGATION.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported yesterday from the Committee on Relations with Cuba, to report it back favorably, and I ask for its immediate consideration.

The resolution was read, as follows:

Whereas it has been currently reported that nearly the entire crop of Cuban sugar has been purchased and is now held by what is generally known as the sugar trust, which is the principal consumer of raw sugar in the United States, and that any concessions given to the raisers of cane sugar in the island of Cuba, or any measures intended for their relief by admitting their sugar at reduced rates of duty into the United States, will only benefit the said sugar trust, and that the Cubans will receive no real benefit from such concession;

And whereas it is alleged that a large number of citizens of the United States have acquired large holdings of cane-producing lands in Cuba, and are now especially urging the reduction of duty on sugar, under the claim that such reduction will benefit the people of Cuba: Therefore, be it

Resolved, That the Committee on Relations with Cuba be, and is hereby, directed to make an investigation as to the truth of such charges and to report to the Senate.

That for the purpose of carrying out the above resolution the committee be, and hereby is, authorized to send for persons and papers, administer oaths, take testimony, employ a stenographer, and that the expenses of the investigation be paid from the contingent fund of the Senate upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee is authorized to sit during the sessions of the Senate, and also to print from time to time its hearings.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CULLOM. Is it a resolution just introduced?

The PRESIDENT pro tempore. It was originally introduced and referred to the Committee on Relations with Cuba. It was reported from that committee and then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and by that committee is now reported favorably.

Mr. CULLOM. It is the resolution of the Committee on Relations with Cuba?

The PRESIDENT pro tempore. It is the resolution reported yesterday from that committee by the Senator from Connecticut [Mr. PLATT].

Mr. CULLOM. Then I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

The preamble was agreed to.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado rise to the resolution?

Mr. TELLER. I rose to say a word, not against its adoption, but about it.

The PRESIDENT pro tempore. The Chair will recognize the Senator.

Mr. TELLER. I wish to say that it is the resolution in part which I introduced. It is not what I wanted and what I think we are entitled to have, but it is all the committee were willing that we should have, and of course we have to accept what the majority of the committee said was proper.

I wish to refer to a matter a little personal to myself. My attention has been called this morning to a statement made by a witness before the Committee on Ways and Means in the House to the effect that I had stated that the beet-sugar producers of Colorado did not need any duty at all for their protection. I want to say most emphatically that I never have made any such statement. On the contrary, I contend that we are entitled to the present existing duty on sugar, although, speaking for myself, if those who profess to be anxious to reduce duties somewhat generally should go into a general reduction, as representing a sugar-producing country, I would not object to a proper reduction on that article when we could have a reduction on other things. What I object to is that there should be an attempt to take the duty off of one particular article unless it can be shown that that article is bearing a duty that it ought not to have. In this case no such pretense is made.

I wish to deny most emphatically that I have ever said anywhere that the Colorado beet-sugar producers do not want to have a duty on sugar.

WILLIAM P. KELLOGG.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. MCENERY February 3, 1902, asked to be discharged from its further consideration, and that it be referred to the Committee on Privileges and Elections; which was agreed to:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to William P. Kellogg, formerly a Senator from the State of Louisiana, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

WILLIAM J. LANDRUM.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 3319) for the relief of William J. Landrum, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3319) for the relief of William J. Landrum, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 5454) granting a pension to Sarah A. Grennell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5455) granting an increase of pension to John G. Brown; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of John G. Brown, with affidavits of John C. Wilkinson and William B. Fields. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HEITFELD introduced a bill (S. 5456) granting a pension to Huldah C. Nesbitt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5457) granting a pension to James A. Nicholson (with an accompanying paper);

A bill (S. 5458) granting an increase of pension to Albert W. Hart; and

A bill (S. 5459) granting an increase of pension to James A. Fisher (with an accompanying paper).

Mr. MARTIN (for Mr. DANIEL) introduced a bill (S. 5460) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 5461) for the relief of Mrs. Sarah C. Jones and Mrs. Lucy F. Tyler; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5462) for the relief of Jacob Falwell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5463) for the extension of School street southward to Kenesaw avenue, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 5464) granting an increase of pension to Henry Schafnit; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5465) granting an increase of pension to Eli Burton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5466) granting an increase of pension to Edgar T. Chamberlain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5467) to remove the charge of desertion against William Persons; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 5468) granting an increase of pension to L. P. Storms; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5469) for the relief of the estate of Ramsay Crooks; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5470) for the relief of the estate of Ramsay Crooks; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BACON introduced a bill (S. 5471) for the relief of David H. Neely and Jane A. Neely; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5472) to provide for the purchase of a site and the erection of a public building thereon at Springfield, Tenn., and appropriating money therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. FORAKER submitted an amendmnet proposing to appropriate $5,000 for topographic surveys in Porto Rico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (S. 312) providing that the circuit court of appeals of the eighth judicial district of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year; which was ordered to lie on the table and be printed.

DISAPPEARING GUN CARRIAGES.

Mr. PROCTOR submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a statement showing the number of disappearing gun carriages constructed and under contract or construction, or authorized, and for what caliber of guns, by whom constructed, or under construction or contract; a list of the bids at each letting, and to whom contract was awarded and at what price, and the cost of those constructed at Government shop; the total cost for such carriages and experimental work thereon, wherever done; how many have been mounted of each caliber and where, and the elevation above the sea in each case, and where it is proposed to mount those under construction, and at what elevation.

EXPENDITURES AND TAXES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and is hereby, directed to make an inquiry into the expenditures and taxes within and for the District of Columbia since the system of taxation and expenditures went into operation prescribed by the act of June 11, 1878, which provided for a permanent form of government for the District; and to ascertain the appropriations made by Congress for the benefit of the District in accordance with said act; and said committee shall report the gross amount of said expenditures and taxes and the amounts so appropriated by Congress, and shall report whether or not Congress has appropriated as required by said act the amount of 50 per cent of the sums necessary to defray the expenses of the government of the District of Columbia, and if such sum has not been fully appropriated said committee shall state the amount which ought now to be appropriated by Congress in order to make up the said 50 per cent accruing between the date of said act and December 31, 1901; and said committee is hereby further directed to report any and all legislation which may be necessary to carry out the aforesaid provision of the act of June 11, 1878, binding Congress to appropriate said amount of 50 per cent of the expenditures, leaving the remaining 50 per cent to be levied upon the property in the District other than public property.

CHINESE EXCLUSION.

Mr. PLATT of Connecticut submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, having met, after full and free conference have been unable to agree.

O. H. PLATT,
W. P. DILLINGHAM,
A. S. CLAY,
Managers on the part of the Senate.

ROBERT R. HITT,
J. B. PERKINS,
CHAMP CLARK,
Managers on the part of the House.

Mr. PLATT of Connecticut. I think the bill has come from the House with the action of the House on the disagreement. Perhaps it ought to be read to the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, announcing that the committee of conference had been unable to agree, insisting upon its disagreement to the amendment of the Senate to the bill, and requesting a further conference on the disagreeing votes of the two Houses thereon.

Mr. PLATT of Connecticut. I move that the Senate further insist upon its amendment to the bill and agree to the further conference asked by the House.

Mr. LODGE. I should be very glad if the Senator from Connecticut would state to the Senate just what the point of difference between the two Houses now is, and how far the conferees have agreed.

Mr. PLATT of Connecticut. The only point of difference between the conferees of the two Houses may be stated in general terms to be this: The House conferees ask that the Senate conferees shall agree to eliminate from the amendment passed by the Senate as a substitute for the House bill that portion of the amendment which provides that present laws shall be extended and continued while the treaty remains in force, and also the section which provides that if the treaty shall be terminated according to the provisions of the treaty such laws so extended shall be continued in force until another treaty shall have been negotiated and appropriate laws to carry it into effect shall have been passed.

The House committee ask us to eliminate that provision and to extend and continue present laws, reenacting them indefinitely without limit as to time. The Senate action eliminated the extension and continuation of present laws to the life of the treaty and provided that if the treaty should be terminated on the 7th day of October, 1904, those laws should continue in force until a new treaty was negotiated. The Senate conferees have not felt that they could do what the House conferees ask in this respect.

That is the only point of difference between us. The Senate conferees have conceded to the House conferees in their desire that there should be some specific statement so as to make sure that certain sections of what is called the "Geary Act" would be law, and some other smaller matters. There has been an agreement on a substitute for the amendment which was proposed by the Senator from Oregon [Mr. MITCHELL], which is, I think, satisfactory to the friends of the bill both in the House and in the Senate. So the only point of difference is the one which I have stated.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate further insist upon its amendment and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT of Connecticut, Mr. DILLINGHAM, and Mr. CLAY were appointed.

IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State, or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exchange of oleomargarine," approved August 2, 1886, numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11, and agreeing to amendment numbered 9 with the following amendments:

In lines 3 and 4, after "butter," strike out "shall be understood" and insert "is hereby defined;"

In line 8, after "adulterated butter," strike out "shall be understood" and insert "is hereby defined;"

In line 3, page 3, after "unmelted butter," strike out the comma and insert "or butter fat;"

In line 6, page 3, after "rancidity," strike out "and" and insert "or;"

In line 6, page 3, after "any butter," insert "or butter fat;"

In line 7, page 3, after "as herein," strike out "recognized or understood" and insert "defined;"

In line 8, page 3, strike out "in" where it occurs the second time and insert "or;"

In line 9, page 3, after "any" in line 8, strike out "way, either through cheaper or inferior ingredients, or" and insert "butter in the manufacture or manipulation of which any process or material is used;"

In line 11, page 3, after "cream," strike out ": *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886," and insert "; that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter' as defined by this act;"

Strike out line 16, page 3, down to and including line 2, page 4:

In line 4, page 4, after "renovated butter," insert "shall pay $50 per year;"

In line 4, page 4, after "and," insert "manufacturers;"

In lines 5, 6, and 7, page 4, after "year," strike out "the payment of which shall cover the tax upon the manufacture of both articles;"

In line 13, page 4, after "annum," insert "Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter;"

In lines 14 and 15, page 4, strike out "Dealers in adulterated butter shall pay $48 per year;"

In line 18, page 8, insert before "All parts" a section number as follows: "Sec. 5;"

In line 18, page 8, strike out "meat" and insert "meats;"

In lines 8 and 9, page 9, after "same," strike out "for exportation or transmission from one State to another;"

In line 9, page 9, after "process," insert "or renovated;"

In line 10, page 9, after "marked with," amend the Senate amendment down to and including "manner," line 11, so as to read: "the words 'Renovated Butter' or 'Process Butter,' and by such other marks, labels, or brands, and in such manner;"

In line 2, page 10, after "States," insert " or in course of exportation or shipment;" and

Change "Sec. 5" to "Sec. 6," and "Sec. 6" to "Sec. 7."

Mr. PROCTOR. I am authorized by the Committee on Agriculture and Forestry to move that the Senate concur in the amendments made by the House to Senate amendment numbered 9. There were 11 amendments made in the Senate. The House agreed to 10 of them. On one amendment, numbered 9, which related entirely to process or renovated butter, they have adopted a good many minor amendments. I am also authorized by the minority members of the Committee on Agriculture and Forestry to state that while they do not change their views in the least about the bill as a whole, they see no objection to these amendments.

Mr. COCKRELL. I see objections to them, if they are what I think they are, and I ask that they may be printed until we can see them for ourselves. If there has been any letting down on adulterated butter I want the country to know it.

Mr. PLATT of Connecticut. What does the Senator from Missouri desire to have printed?

Mr. COCKRELL. I want to have the conference report printed, so that we can see what is the effect of the proposed amendments.

Mr. PLATT of Connecticut. Ought not amendment 9 to be printed as the House has amended it, so that when we come to consider it we can have it before us in that shape?

Mr. COCKRELL. Let it be printed so as to show what has been agreed to in the House; that is, where they have agreed to our amendments and where they have not agreed to them, but propose amendments to them. Let us have it printed with the amendment as it passed the Senate and with the proposed amendments of the House to which the Senate conferees propose to agree.

Mr. PROCTOR. It has all been printed by the House.

Mr. COCKRELL. We will have it printed in the Senate.

Mr. SIMMONS. As one of the minority upon the committee, I desire to say to the Senator from Missouri that I made, this morning, not a very careful examination of the amendments placed on the bill by the House, but still an examination to satisfy me that so far as renovated and adulterated butter is concerned, the amendments made by the House perfect the bill.

Mr. COCKRELL. I should like to see it in print, Mr. President.

Mr. SIMMONS. It is in better shape now than it was before.

Mr. COCKRELL. I move that it be printed and lie on the table, and let it come up at the next session of the Senate.

The PRESIDENT pro tempore. What does the Senator from Missouri desire to have printed?

Mr. COCKRELL. I ask that the report of the committee of conference be printed. That will show everything agreed to except the renovated-butter provision, as I understand it. It will show the Senate provision and the proposed provision of the conference committee.

The PRESIDENT pro tempore. There has been no conference report.

Mr. PROCTOR. There has been no conference.

Mr. SIMMONS. I desire to say to the Senator——

Mr. COCKRELL. Oh, it is simply the bill reported back from the House?

Mr. SIMMONS. Yes.

Mr. COCKRELL. Then I ask that it be printed and laid on the table.

Mr. SIMMONS. I desire to say to the Senator from Missouri that the renovated-butter or adulterated-butter amendment I understand was put in as a sort of concession to the position of the minority, and the minority members would be as unwilling as he possibly can be to see those provisions impaired or weakened in any particular.

Mr. COCKRELL. I beg to say to the Senator that I think the most important amendment on adulterated butter was put in the bill on my motion in open Senate, and therefore I as well as the minority members of the committee want to see it.

Mr. SIMMONS. I am sure from my examination of the bill that there is nothing there which weakens in the slightest the general supervision and control provided for in the bill for either renovated or adulterated butter.

The PRESIDENT pro tempore. The Senator from Missouri asks that further action on the bill be suspended for the present and that the amendments be printed. Is there objection?

Mr. COCKRELL. Let it be printed as it comes from the House, showing what they have agreed to and showing what the motion of the Senator from Vermont covers that we agree to the House amendments.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

PATRICK J. MURPHY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3321) granting a pension to Patrick J. Murphy, which was, in line 7, to strike out all after the word "Navy" down to and including "month," in line 8.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 357) for the relief of Levi Maxted; and

A bill (H. R. 3691) for the relief of James McKenzie.

SOUTHERN APPALACHIAN FOREST RESERVE.

Mr. PRITCHARD. Mr. President, I desire to briefly discuss the bill authorizing the purchase of certain mountain lands in the Southern Appalachian region to be used by the Government for the purpose of a national forest reserve. This bill at present appropriates $2,000,000, with a proviso that later on $8,000,000 additional are to be used for the purpose of purchasing the lands in question.

Mr. President, it is the well-settled policy of the Government to appropriate money whenever it becomes necessary to do so in order to facilitate commerce and transportation in those States along the coast, as well as those through which our large rivers flow. This policy has had the sanction of a majority of the people throughout the country, upon the ground that any expenditure which facilitates transportation and encourages the development of commerce is legitimate and proper.

The people of the section embraced within the Appalachian region have not in the past been the recipients of the benefits arising from legislation of this kind, and this is the first proposition which has been offered that has had the slightest bearing upon their welfare as a people.

The region embraced within the territory referred to in the pending measure comprises the highest mountain peaks east of the Rocky Mountains. The mountains and hillsides in this territory were originally covered with dense forests. The ruthless and indiscriminate cutting of timber by the lumberman, as well as the forest fires, have tended to denude many of these mountains of a great per cent of the original growth of timber. The cutting of timber by the lumbermen at first was confined to the more rare and valuable trees, such as walnut and cherry, but after the railroads rendered this region more accessible the cutting of birch, locust, poplar, oak, chestnut, and other valuable species began, and the operations of the lumbermen have to-day extended quite beyond the main lines of transportation by the construction of tramways, short railways, etc.

As a general rule, the lumberman who has operated in Tennessee and western Carolina has been a resident of other States. Such being the case, his interest in the region in question begins and ends with the hope of profit. The necessity for protecting these mountain forests from destruction has been recognized for a number of years, but until recently there has been no well-defined effort to secure the protection of this region against the wanton destruction of timber, which is having such a disastrous effect upon the welfare of the people of these sections, as well as those who live in the neighboring States.

In January, 1900, memorials from the Appalachian Mountain Club, of New England, and the Appalachian National Park Association, of the South Atlantic States, were presented before Congress, asking that the Government establish a national forest reserve embracing the steep mountain lands in the Southern Appalachian Mountains. During the years 1900 and 1901 resolutions favoring such action by the Government were passed by the leading scientific societies of the country, by the several forestry associations, by the National Board of Trade, and similar boards of trade and other commercial bodies in nearly all of the larger Southern and Eastern cities. The legislature in each of the several States which extend into the region of the proposed national forest reserve have, with remarkable unanimity of vote, passed resolutions favoring this measure, and they have also passed acts ceding to the United States the right to own and control the mountain lands which it is proposed to incorporate in this forest reserve.

The press of the country has recognized the importance of immediate and speedy action with respect to the question, and has uniformly advocated this measure as one the necessity for which ought not to be limited to any local region, but as extensive as the nation. This statement applies not simply to the local press, but to the important newspapers, journals, and magazines which represent the country as a whole. It also applies to the scientific journals, the trade and lumber journals, the engineering and mining journals, and other technical papers.

As a result of this agitation Congress incorporated in a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, a provision which authorized the investigation of the conditions of the Southern Appalachian Mountain region, to be conducted under the supervision and direction of the Secretary of Agriculture. The Department of the Interior, through the Geological Survey, cooperated with the Department of Agriculture in this investigation, so as to have it include the condition of the streams, the topography and geology, as well as the forests of the region.

In January, 1901, the Secretary of Agriculture submitted a preliminary report of these investigations. His report was submitted to Congress by President McKinley in a message which recommended this measure to the favorable consideration of Congress. A bill was introduced in the Senate during the second session of the last Congress, which provided for the purchase of forest-covered mountains in the States of Virginia, the two Carolinas, Tennessee, Georgia, and Alabama. This bill was reported favorably to the Senate by the Committee on Forest Reservations.

Since that date investigations of this subject have been continued by the Department of Agriculture through another year. The Secretary of Agriculture in his final report, submitted December 19, 1901, again recommends that the forest lands in question be purchased by the Government and incorporated into a national forest reserve, and this recommendation by the Secretary is heartily indorsed by the President in his message transmitting the report to Congress.

The interest manifested in behalf of this measure furnishes evidence of the fact that the American people are becoming thoroughly aroused to the importance of preserving their forests, and we are now brought face to face with the problem as to the best method of accomplishing this result.

It may be contended by some that this measure involves a new policy on the part of the Government, but such is not the case. There have been a number of forest reservations established out of the public domain in Western States and Territories, which during the past ten years have aggregated more than 70,000 square miles. The following table will show the number of square miles of public domain that have been incorporated into national forest reserves in the Western States and Territories:

State.	Area reserved (square miles).	Per cent of total area.
Arizona	6,825	6
California	13,509	9
Colorado	4,848	5
Idaho	6,264	7
Montana	7,885	5
New Mexico	4,273	3
Oregon	7,271	8
South Dakota	1,893	2
Utah	1,474	2
Washington	12,672	19
Wyoming	4,994	5
Total	72,139	

There are 38 of these separate reserves, ranging in area from 10,000 acres (at Prescott, Ariz.) to 4,500,000 acres—the area of the Cascade Reserve in Oregon—making the total area of all these reserves 72,139 square miles, or a little more than 46,000,000 acres.

Mr. BATE. I wish to inquire of the Senator whether the Government bought the land contained in the forest reservations to which he has just referred?

Mr. PRITCHARD. I will give the Senator some information on that subject later on. In part, those lands were originally owned by the Government, but in one instance, as in the Flathead Reservation, as I remember, the Government purchased the land outright and converted it into a forest reserve.

Immense sums of money are expended annually for the purpose of dredging the principal harbors of the country. The lodgment of sediment which is removed from these harbors by the process of dredging is due to the washing of the adjacent lands from the hill country into the various rivers tributary thereto, and the proximate cause of this accumulation is the unnatural flow of water produced by the destruction of the forests in the mountains where these rivers have their sources. If it is legitimate to appropriate money to remove the sediment resulting from the causes which I have mentioned, it necessarily follows that it is right and proper and much less expensive, as a precautionary measure, to appropriate money to preserve the forests, in order that this unnatural flow of water may not occur.

That the setting aside of portions of the national domain as forest reserves about the mountains and the sources of important streams in the Western States and Territories has been a wise policy is now generally admitted throughout all portions of the country. A portion of these lands were purchased (as in the Louisiana purchase); other portions came by right of discovery (Oregon and Washington), while still other portions were ceded by Mexico as the result of war (California, Utah, Nevada, and Arizona). Had these various lands been sold by our Government, the proceeds of such sale would have gone into the Treasury of the United States, but instead they have been withdrawn from sale and set aside as national forest reserves for the general benefit of the nation, and for the special benefit of the States and Territories within which these various reservations are located.

The measure under consideration involves a purchase by the Government of the forest lands which are to be incorporated into a forest reservation instead of, as in most of the former cases, a withdrawal from sale of forest lands formerly purchased. The principle, as well as the purpose, is much the same in both cases, and if judged simply on a question of finance, the Government's investment would prove a good one.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. PRITCHARD. Certainly.

Mr. SPOONER. Will it interrupt the Senator if I ask him a question?

Mr. PRITCHARD. No; it will not.

Mr. SPOONER. I am in sympathy with the purpose the Senator has in view, but I should like to inquire of the Senator as to who own these forests?

Mr. PRITCHARD. They are owned by various individuals. There are some tracts comprising 10,000 acres and some tracts of only 200 or 300 acres, and so on, which are owned by different persons.

Mr. SPOONER. A great number of people?

Mr. PRITCHARD. I do not think there are more than a thousand people embraced within the territory that will be included in this reserve; that is, people who would be inclined to sell their tracts of land.

Mr. SPOONER. Is there any State ownership in it?

Mr. PRITCHARD. No; I do not think there is an acre of State land in the western portion of the State; but in eastern North Carolina there are a thousand acres which are still owned by the State, and this land constitutes our school fund.

Mr. SPOONER. Is it proposed by the bill that these settlers or owners shall be bought out by the Government for cash?

Mr. PRITCHARD. Yes; that is the purpose of the bill.

Mr. BATE. May I ask the Senator what is the amount involved?

Mr. PRITCHARD. The amount eventually contemplated to be appropriated is $10,000,000. The present bill authorizes an appropriation for present purposes of only $2,000,000, to be used by the Secretary of Agriculture in his discretion for the purchase of this land.

Mr. SPOONER. Is not this a new departure?

Mr. PRITCHARD. I do not think it is. In so far as the purchase of the land is concerned, to be used as a forest reserve, it is not a new departure, as I shall be able to show the Senator a little later on in the course of my speech.

Mr. SPOONER. I know that the forest reserves heretofore created have been created from practically Government lands, and the Government made provision, by an exchange for other public lands, for taking care of the settlers, and there were not a great many of them. This proposition would seem, as I understand it, to be the taking of private property for public purposes.

Mr. PRITCHARD. Yes; that is the purpose.

Mr. SPOONER. And in so far is it not a new departure?

Mr. PRITCHARD. In that respect it is a new departure.

Mr. BATE. Do I understand that it is proposed to condemn the land by the courts, or that it is to be purchased from private parties?

Mr. PRITCHARD. It is not proposed to condemn the lands in any section. The bill provides where persons desire to remain within the territory of the proposed reservation and will still reserve the original forest according to the rules of good husbandry that they shall not be disturbed. But, of course, if anybody residing within that territory persists in the ruthless destruction of the timber, so as to produce an unusual flow of water and the freshets from which we suffer in that region, then there is a provision to condemn the lands, and in order that we may have that authority the States of North Carolina, Georgia, South Carolina, Alabama, and Tennessee have all passed acts of cession, reserving the right of jurisdiction as to process, both criminal and civil, that may run within the territory.

Mr. SIMMONS. Will my colleague permit me?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. I desire to say, in reply to the inquiry of the Senator from Wisconsin [Mr. SPOONER], that the $2,000,000 which the bill presently appropriates is to be used by the Secretary of Agriculture not at once, but to be spread out in the purchase of these lands during the next two years. As I understand the bill there is to be no further appropriation—that is the present purpose—until that $2,000,000 has been expended; and there is a two-year limit in which it is to be expended.

Mr. PRITCHARD. Mr. President, in answer to my distinguished friend from Tennessee [Mr. BATE], as to whether or not there is a precedent for purchasing land by the Government for the purpose of being used for a forest reserve, I will call his attention to the fact that the proposed purchase of mountain lands for the Appalachian Forest Reserve will not be without precedent on the part of the Government. Numerous tracts of land have been purchased from time to time for military tracts and reservations by the Government, as well as the purchase from the Blackfeet Indians in 1896 of a body of forest land at a cost of $1,500,000, which lands were subsequently added to the Flathead Forest Reserve in Montana. It will be seen that this precedent is on all fours with the proposition now before the Senate.

Mr. President, this policy is not confined to our own Government, as it will be found upon investigation that other governments have deemed it necessary to perpetuate their supply of timber and to protect the forests about their mountain streams and rivers. In some cases, like that of France, where the governments have too long neglected to protect their mountain streams, they have found it necessary to expend many millions of dollars in trying to restore the forests on the mountain slopes, from which the forests had been destroyed by their original owners.

The Southern Appalachian Mountains extend from the southern half of Virginia and West Virginia southward into Georgia, and there are some low and somewhat isolated regions still farther southwest in Alabama. On the east, crossing Virginia, the Carolinas, and Georgia, lies the Piedmont, or hill country of the South Atlantic; on the west, the valleys of Virginia and of East Tennessee. The main body of these mountains is within a belt which averages some 40 miles in width and 200 miles in length. Along its eastern border is the Blue Ridge and along its western border are the Great Smoky or Unaka Mountains. Between these are innumerable shorter, irregular mountain ridges and mountain peaks. This is distinctively a region of mountains and of steep mountain slopes. It has 46 peaks a mile or more apart and 41 miles of dividing ridges, all of which rise over 6,000 feet. It has nearly 300 additional peaks and 300 miles of dividing ridges which rise more than 5,000 feet above the sea.

In referring to this region, the Secretary of Agriculture says:

> These are not only the greatest mass of mountains east of the Rockies, they are the highest mountains covered with hard-wood forests in America. This region, thus unique in its position, in its mountain peaks, in its forests, and in its climate, stands grandly out as the greatest physiographic feature in the eastern half of the continent. Between these groups of mountains, and far below them, though still at an elevation of 2,000 feet or more above the sea, are the numerous narrow valleys of this region. They border the numberless streams, and are generally more extensive near the source of these streams, and hence nearer to the Blue Ridge than to the Unakas.
>
> As a rule, they vary in width from a few hundred feet to as many yards. Some of the most notable of these valleys, reaching a width of from 2 to 5 miles in places, are those on New River in Virginia, on the French Broad above Asheville, on the Tennessee River in southwestern North Carolina, and about the head waters of the Coosa and other rivers in Georgia. As these streams approach and cut through the mountain borders of this region they run in deep gorges, the full width of which is often occupied by the streams.

For centuries past these mountain slopes and valleys have everywhere been covered with dense forest growths, and there was in general a freedom from floods and no waste on land surface.

The hard-wood or broad-leaved forests had their beginning in this region, and owing to the great variety of soil and topographic and climatic features in this region we have there to-day the greatest variety of all forms of vegetation, and the most extensive remnants of the aboriginal or primeval hard-wood forests now left in North America. Here is to be found the mingling of the varieties which extend northward from the Gulf States with those which have extended south from New England and Canada.

The valleys of this region have nearly all been cleared of their forests and are now under cultivation. The ever-increasing demands for land to cultivate has resulted in clearings being made higher and higher up the mountain slopes, which in most instances have a pitch of from 20 to 30 or even more than 40 degrees. In many sections these clearings have actually reached the top of the mountains. It is estimated that about 24 per cent of the area of this mountain region has been cleared, and the destruction of the mountain forests is increasing rapidly every year. The rapid increase in this clearing for agricultural purposes is due to the fact that these mountain fields are short lived, and unless sown in grass are usually limited to seven or eight crops at most.

In discussing this phase of the question, the Secretary says:

> They are cleared, cultivated, and abandoned in rapid succession.

If something is not done to check the rate at which these clearings are being made by the lumbermen and farmers, a few decades more will witness the complete destruction of all the timber on the mountain slopes in the region in question. If the effects of the destruction of timber in this region were confined to the immediate vicinity it would not present as serious a problem as the one which confronts us when we come to consider the many disastrous results flowing therefrom.

The destruction of the forests of the mountain slopes has already resulted in increasing the frequency and violence of the mountain floods, and these are not only carrying away the soil on the hillsides, but at the same time are rapidly destroying the flat lands which lie in the narrow mountain valleys. During the past few years many thousand acres of these valleys have been actually washed away, and it is only a question of time, if this process continues, when all of the valley lands will have been damaged to such an extent as to render them valueless.

Of the Southern Appalachian Mountain region, as a whole, about 24 per cent of area has been cleared of its forests and is now either being used for agricultural purposes or has been abandoned. Leaving out the valleys and border lands, which have gentle slopes and which can safely be continued in a cleared condition and used for agricultural purposes, the remainder of the area is still to a much larger extent covered with forests, probably not more than 5 to 10 per cent of the same having been cleared.

On many of the larger tracts of land in this region still held under one ownership, and consisting of from 10,000 to 70,000 acres, the proportion of cleared lands does not exceed 5 per cent; but under the present arrangement the annually recurring fires by the destruction of the humus and undergrowth has greatly diminished the capacity of these forest-covered areas for the storage of water, and thus for the regulation of its flow in the neighboring streams. The humus and undergrowth constitute nature's great sponge, which absorbs and holds until it can percolate into the soils and rock fissures below the excessive flow which always results in any mountainous region wherein the provisions of nature have, by negligence or otherwise, been destroyed.

The population in this region is confined principally to the valleys and bordering lands with gentle slopes. In the region of the Great Smokies, the Nantahala, the Balsam, and Cowee mountains, laying partly in Tennessee, but mainly in western North Carolina, in areas embracing one and a quarter million acres exclusive of the valleys, the population does not exceed 1,000 people, and should these settlers desire to continue to live in this region after it has been acquired by the Government under the provisions of this act, such continuance on their part would in no wise interfere with the purpose and operations of the forest reserve.

Indeed, it is not the purpose of the Secretary of Agriculture, in the event that this forest reserve is established, to undertake to control or interfere with the valleys, it being the policy of the Government to purchase the higher mountains and only such mountain farms as may be voluntarily offered for sale by the owners.

The damage from these floods is not now limited to the mountain region itself, but extends along these mountain streams from 100 to 200 miles across the adjacent States. The rivers rising in this region are many and important. The nine largest are as follows: The James and the Roanoke, flowing eastward from its northern end into the Chesapeake Bay and the Albemarle Sound, respectively.

The Pee Dee, the Congaree, and the Savannah, flowing from the North Carolina mountains across South Carolina into the Atlantic.

The Chattahoochee and the Alabama, flowing from the southern end of these mountains directly into the Gulf of Mexico.

The French Broad and other tributaries of the Tennessee flowing westward into the Mississippi.

The Kanawha, which flows northwestward from the northern end of these mountains into the Ohio.

Mr. BACON. If the Senator will pardon me, in order that his enumeration of these rivers may be complete, I will suggest to him a very important river, the name of which he omitted.

Mr. PRITCHARD. To what river does the Senator refer?

Mr. BACON. The Altamaha, with its tributaries.

Mr. PRITCHARD. I did not name that.

Mr. BACON. The Altamaha River and its tributaries drain a large part of central Georgia, and have their headwaters in that range of mountains.

Mr. PRITCHARD. I am very much obliged to the Senator for the suggestion.

The damages from floods to the agricultural lands and other properties along the streams during the spring and summer of the year 1900 were estimated by the Secretary of Agriculture to have aggregated not less than $10,000,000. The damages along one river in North Carolina—the Catawba—from the storms in the Blue Ridge Mountains during May and August, 1901, amounted to $1,500,000. Most of the bridges, the mills, the crops, and the farm lands for nearly 200 miles were swept away in the course of a few hours.

A single storm last year in one small valley in Mitchell County, N. C., a valley which had been largely cleared of its forests, wrought damages to the amount of more than half a million dollars. Still more recent damages from storms along these streams during December, January, and February have been almost as great as those during the spring and summer of 1901; among other things, at least one-third of the little town of Marshall, N. C., being completely swept away during the month of February.

The following statement will give some idea as to the extent of damages along streams rising in the proposed Appalachian Forest Reserve since April 1, 1901:

Kanawha, adjacent streams (in Virginia and West Virginia)	$1,000,000
Roanoke, James, etc. (in Virginia)	1,000,000
Watauga (in North Carolina and Tennessee)	2,000,000
Nolichucky (in North Carolina and Tennessee)	2,000,000
French Broad (in North Carolina and Tennessee)	1,500,000
Tuckaseegee and Hiawassee	1,500,000
Broad, Saluda, and Catawba (in South Carolina)	1,000,000
Yadkin and Dan and Roanoke (in North Carolina)	1,000,000
Catawba (in North Carolina)	2,000,000
Savannah and Chattahoochee (in Georgia)	2,000,000
Coosa (in Georgia and Alabama)	2,000,000
Tennessee and other tributaries	1,000,000
Total	18,000,000

It may be safely estimated that the damages from storms during the past twelve months along the rivers which rise in the Southern Appalachian mountain region have aggregated nearly $20,000,000, and it is perfectly safe to assume that if we are to continue the destruction of these mountain forests these floods in the future will also continue to increase both in their frequency and in their destructiveness.

As a result of the clearing of the forest in the hill country of the South Atlantic States, the frequency and violence of the floods have increased to such an extent that a great portion of the lowlands bordering them, from the Potomac to the Alabama (lands which fifty years ago produced bread for these States), have been abandoned. If the forest destruction in this region is continued it is certain that the increasing floods will, in a few decades more, completely destroy the lowlands bordering these streams in the hill country and throughout their entire courses, in the Virginias, the Carolinas, Georgia, Alabama, and Tennessee.

Indeed, these floods are already destroying the lands which produce much of the corn grown in these States. Along the great rivers to which I have referred, which rise in the Southern Appalachian Mountains, have been developed the greatest manufacturing interests to be found in the Southern States, and water powers along these streams are being utilized at intervals between their sources in the mountains down to the heads of navigation, as at Richmond, Weldon, Columbia, Augusta, Columbus, etc., and in addition to the many valuable water powers already developed it is estimated that more than 1,000,000 horsepower is easily available; but the future value of this large additional power will depend largely upon the forests of this mountain region being perpetuated.

The proper utilization of this water power would result in a yearly saving of fuel to the amount of at least $20,000,000 in these States. Other things being equal, the flow of water in nearly level country is more uniform and regular than in one of steep mountain slopes, but careful measurements made during the past

five years show that in the South Atlantic region the flow of the streams in the lowland region, where more than 50 per cent has been cleared of its forests, is far more variable than is that in the mountain counties, where more than 75 per cent of the surface is still covered with forests.

Indeed, in the lowland region in North Carolina, where more than one-half of the land surface has been cleared and is now under cultivation, many of the streams which rise in that region have become so irregular in their flow that the use of water powers on these streams for manufacturing purposes has to a considerable extent been abandoned. The primary object of the proposed forest reserve is to perpetuate the forest on the steep mountain slopes of this Southern Appalachian region, with a view to regulating the water supply of the region in such a way as to prevent or minimize the floods on the streams rising in this mountain region and to perpetuate their value as a source of power for the development of manufacturing interests.

Of the many secondary purposes which will be accomplished it may be mentioned that the establishment of such a forest reserve, under the efficient management of the practical foresters now being trained in the Department of Agriculture, will serve as a demonstration of the wisdom and success of practical forest operations in the hard-wood regions of this country on a large scale, and this will encourage both individuals and States to adopt such methods of forest management on their own lands as will not only protect the forests already in existence, but will also restore them on lands which should never have been cleared.

The purpose of the proposed forest reserve will be the best accomplished—

First. By having the Government purchase, as far as may be possible, the existing forest-covered slopes in this region.

Second. The lands on the mountain slopes in this region from which the forests have already been cleared must be reforested under Government supervision as soon as practicable.

In considering this question the inquiry naturally arises as to why the Government should be asked to establish the Appalachian Forest Reserve. In reply it can be truly said that the preservation of the forests of these mountains is absolutely necessary for the public good. This is emphasized by the excessively heavy rainfall in this region, ranging from 60 to 100 inches during the year and often from 5 to 8 inches during a single day, and being heavier than any other portion of the continent except on the northern Pacific coast. Under such a rainfall, without a forest cover the land surface on the mountain slopes is rapidly removed.

It is also necessary to protect the many water powers which are now distributed along the course of the streams rising in this region. The following table will give some idea as to the extent and value of the same:

Water power on streams rising in the proposed Appalachian forest reserve.

River.	Developed horse-power.	Undeveloped available horse-power.
Kanawha (Virginia and West Virginia)	4,000	----
James (Virginia)	8,700	38,000
Roanoke (Virginia and North Carolina)	5,000	41,000
Catawba (North Carolina and South Carolina)	2,000	57,000
Broad and Saluda (North Carolina and South Carolina)	18,000	43,000
Savannah (North Carolina, South Carolina, and Georgia)	12,000	75,000
Chattahoochee (Georgia)	4,300	290,000
Coosa (Alabama; Georgia and Alabama)	3,700	140,000
Miscellaneous	2,300	----
Total developed power	*60,000	----

*Equivalent to 3,000,000 spindles.

Total available water power, 1,000,000 horsepower; if developed, equivalent to 50,000,000 spindles. Placing the value of these water powers at $20 per horsepower per annum gives, approximately, value of utilized power, $1,200,000 yearly; value of total available power, when developed, $20,000,000 yearly.

The French Broad River is not included in the foregoing. However, I call attention to the following statement prepared by by Prof. H. A. Pressey, of the Geological Survey:

In accordance with a request of Prof. J. A. Holmes, I send herewith a brief statement of the water power on French Broad River, North Carolina. The fall of the river from Asheville to the State line is a little over 700 feet. This is distributed as follows:

The fall from Hot Springs to Newport is 10 feet per mile, with decided shoals and falls at several points. Above Hot Springs in 7.7 miles the fall is 201 feet, being almost one continuous shoal, with a fall of 26.1 feet per mile. In this distance the most concentrated fall is at Mountain Shoal, with a fall of 15 feet, which could be increased by a dam. Two miles above Mountain Island, just below the mouth of Big Laurel Creek, there is another fall of 15 feet. Without any additional fall, by the construction of a dam each of these shoals would give, at the time of low-water flow, 1,700 gross horsepower.

Above the mouth of Brush Creek to Asheville, a distance of 29.3 miles, the fall is 15 feet per mile, and there are many shoals with direct falls of 10 feet. Four and one-half miles below Asheville a fall of 12 feet is now being developed to supply electric power for Asheville. Estimating the total fall of the river from Asheville to the State line to be 700 feet, and using the low-water flow of the river as represented by measurements of the United States Geological Survey, the gross horsepower in this stretch would be 80,000. This power, you will understand, could not all be developed, but 80,000 horsepower represents the theoretical limit of the development of power on this stream from Asheville to the State line.

Above Asheville the fall is very small, so that the power could not be developed with economy.

The three sites most interesting on the French Broad River from the water-power standpoint are at Marshall, where there is a flour mill utilizing a fall of 13 feet; the Shoals just below Asheville, which is now being developed for electric power, and Mountain Island Shoal, for which plans are being made for future development.

On Big Ivy Creek, a tributary of the French Broad, a dam 90 feet in height has been started for the development of water power.

These water powers will lose their value unless something is done to prevent the increasing irregularity in the flow of these streams, which can only be remedied by doing that which will prevent the further destruction of the mountain forests.

The foregoing table is within itself sufficient reason to justify us in adopting the pending measure. We appropriate millions of dollars annually for the purpose of rendering our rivers and harbors navigable upon the ground that it will facilitate and develop the commerce of the country. This is a proposition which has for its object the establishment of industrial enterprises in a region in which the resources are as a general rule in an undeveloped state.

This measure is also intended to protect the soils and other agricultural interests in the valleys and the mountain region itself along the course of these numerous streams as they cross the adjacent States; to protect the mountains themselves, including the beauty, healthfulness, and general attractiveness of this region as a pleasure and health resort for people from all sections of the country during all seasons of the year.

The Federal Government is not only the proper agency for the accomplishment of these great purposes, but it is the only agency which can be expected to do so for the reasons that—

Private individuals now owning these mountain lands can not be expected to perpetuate the forests thereon for the public good. They need and are seeking immediate financial returns. Their practice has been in the past the selling of their timber and the clearing of their lands as rapidly as circumstances would permit. These owners, however much they may regret the damages from floods and the diminished flow of water powers along the streams which rise in their vicinity, will not and can not be expected to change their present policy for the sake of the public good in their regions or in other States unless it can be made to their interest to do so.

The individual States whose territory extends into the region of the proposed forest reserve can not be expected to purchase lands for this purpose. The problem is an interstate or national one, and should be treated as such. The streams whose sources are now to be protected cross the territory of other States. The Kanawha, which rises in northwestern North Carolina, crosses portions of Virginia, West Virginia, and, in joining the Ohio, borders the territory of Kentucky, Indiana, and Illinois. Its floods are doing damage and its water powers are of value mainly not in North Carolina, but in these other States. The Alabama River has its headwaters in Tennessee, but its flood damage and water powers lie mainly in the States of Georgia and Alabama.

Similar statements apply with equal force to the other important streams rising within this region.

The revenues of the States within which the forest reserves should be located are not such as to encourage the belief that they could easily afford to make the investment, even should their respective legislatures express a willingness to do so. The only case in which States have purchased lands for the establishment of a forest reserve are those of New York and Pennsylvania, two of the wealthiest States, and the streams to be protected in these States lie wholly or largely within the limits of the individual States.

Forests under the control and management of the government in European countries have proved highly profitable investments, yielding under different conditions net proceeds from $1 to nearly $5 per acre. Owing to existing conditions in this country, the proposed Government forest reserve would not yield so large a profit as that of European forests, but it is fair to assume that the sales of timber and other forest products from the proposed forest reserve would soon be sufficient to make it self-sustaining, and even yield a net return to the Government, the profit increasing in the future.

In view of the recent storms and freshets throughout the region in question, it is highly important that the Government should take prompt action with respect to this question, to say nothing about the fact that the price of the forest-covered lands is rapidly increasing, and they are being purchased and entered upon by large lumber companies, which will make it all the more

difficult for the Government to secure them at a later date at a reasonable price. In the meantime their value for the purpose of a national forest reserve will have diminished because of the reckless manner in which the timber will be cut.

There still remain in this region mountain tracts which have never been invaded by the lumbermen, where are to be found remnants of the splendid hard-wood forests in their virgin state. It is a matter of great interest and importance, not only to men of science, but to the American public, that examples of such forests should remain on the slopes of our greatest mountains in the eastern half of the continent and in a territory in which is to be found the greatest variety of hard-wood trees and associated vegetation to be found anywhere on the continent.

The necessity for prompt action on the part of Congress is urgent, and I trust that the bill now under consideration may become a law during the present session.

In the consideration of this question, among other things the question of the cost of the proposed forest reserve naturally arises, and I desire to briefly call attention to this phase of the question. The cost of mountain lands, such as are desirable for the proposed forest reserve, will, under the provisions of this bill, range generally from $1 to $3 dollars per acre; but for occasional tracts, where the timber is exceptionally fine, the price may reach $5 per acre. Much of the land is held in bodies ranging from 5,000 to 60,000 acres. It is believed that under the conditions of the bill now under consideration the average price of this forest land will be between $2 and $2.50 per acre; so that the cost of the 4,000,000 acres proposed as the maximum will not exceed $10,000,000.

The methods of procedure in the purchase of these lands under the provisions of this bill are left entirely to the discretion of the Secretary of Agriculture. In addition to the confidence which that fact within itself inspires, it may also be added that in the bill itself the mode of procedure is safeguarded in every possible way. The bill authorizes the Secretary of Agriculture to purchase for the purpose of this reserve mountain lands in each of seven different States, and it wisely leaves the matter largely in his discretion, which will enable him to guard against obstructions which may appear through speculators and others.

We advocate this measure because we believe it is one of public utility. We say that the reasons for the passage of this measure are as great as those which prompt us to vote money to dredge the harbors and rivers of the country. It is exactly on the same idea, to say nothing about the other benefits which would naturally accrue to the public as the result of the passage of such legislation.

Mr. President, my colleague is not prepared, I understand, to discuss this matter to-day, but I hope he may call it up some time next week in order that we may have a vote on the measure at as early a date as possible.

IMITATION DAIRY PRODUCTS.

The PRESIDING OFFICER (Mr. SIMON in the chair). The Calendar under Rule VIII is in order.

Mr. COCKRELL. I have examined the oleomargarine bill, and I ask that it may now be taken up and acted upon.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated by the Senator from Missouri, which will be read by its title.

The SECRETARY. A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives to amendment of the Senate No. 9.

Mr. TELLER. I wish to offer an amendment to the bill, which I believe is in order. It is an additional section.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Colorado to the fact that it is too late to offer an amendment to the bill.

Mr. TELLER. I am sure the Chair is in error. The bill is now before the Senate and open to amendment.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Colorado.

The SECRETARY. It is proposed to add as a new section the following:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter, or which tend to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets, and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for exports. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

Mr. SPOONER. I believe the Chair is not in error in holding that the amendment is not in order.

Mr. TELLER. I will state the parliamentary situation, and then we will see whether the Senator from Wisconsin will insist upon his objection. The bill, which is a House bill, was amended in the Senate. It went back to the House of Representatives. The House accepted some of our amendments and added some amendments, I understand. The measure comes back here and goes to the Committee on Agriculture. The Committee on Agriculture reported it to the Senate, and instead of putting it on the Calendar, as they might have done, allowed it to lie on the table. It is strictly parliamentary to amend it if you have votes enough to do it. I do not know that we have.

Mr. GALLINGER. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. GALLINGER. I was about to make the same inquiry that the Senator from Wisconsin did. Once or twice I have been troubled as to the parliamentary status of bills in a somewhat similar situation. Very likely it is because I do not understand the parliamentary law. But I should like to ask the Senator from Colorado a question. Suppose we amend the bill and send it to the House, will it be competent for the House to amend it and send it back to us and thus keep the bill going between the two Houses indefinitely? I confess I do not quite understand it, and I ask for information.

Mr. SPOONER. I do not profess to be much of a parliamentarian, but the bill came to us from the House. We concurred in the bill with certain amendments. We sent it back to the House and they concurred in nearly all our amendments, but in one or two instances amended our amendments. It seems to me the bill is not open to amendment by the addition of a new section, although I am not certain about it.

Mr. BACON. I do not think there is any possible question about the fact that whenever the House amends a bill and sends it back to the Senate, the Senate has a right to amend the amendment.

Mr. SPOONER. That is a different proposition.

Mr. BACON. I am coming to that. I think it equally clear that the power of the Senate is limited to an amendment of such an amendment as the House may put upon the bill. Now, the question what shall be an amendment to an amendment is rather indefinite, and it is for the Senate to say, when an amendment is offered, whether or not it is germane or whether it passes beyond the limit. It seems to me, without being accurately informed, that the latitude is pretty broad. I am not prepared to say that the amendment offered by the Senator from Colorado is within the limit. It must be, however, an amendment to the amendment.

Mr. TELLER. I do not think the suggestion that this bill is beyond amendment is correct. I can offer an additional section, if I choose. I certainly can offer an amendment to the amendment of the House, if I choose. I can do both, in my opinion. I will suggest this as an independent section, for the purpose of getting a ruling.

Mr. GALLINGER. Before the ruling is made, I wish simply to state that, as I understand the parliamentary situation, the question is on concurring in the amendment made by the House of Representatives, and that proposition is amendable.

Referring to Jefferson's Manual, which is a part of our rules, I read from page 136:

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment because they have, on the question, passed it in that form.

I think the introduction of a new section, entirely new matter——

Mr. TELLER. It is not entirely new matter.

Mr. GALLINGER. It is a new section, and I understand it has no direct reference to the amendment put on the bill by the House of Representatives.

Mr. SPOONER. If the Senator from Colorado is right, we have authority to strike out all after the enacting clause and substitute.

Mr. GALLINGER. Certainly.

Mr. SPOONER. It can not be.

Mr. LODGE. As I understand, the House of Representatives concurred in our amendments with an amendment to one of them. On the 10 amendments there has been a meeting of the minds of the two Houses.

Mr. TELLER. Yes.

Mr. LODGE. And those are passed beyond the stage of amendment. The only thing open to amendment is our amendment as amended by the House.

Mr. COCKRELL. That is correct. There is no doubt about it.

Mr. TELLER. I am not quite prepared to admit that. I wish the Chair would rule on the proposition. If the Chair rules that I can not offer it as an independent proposition, then I wish to offer it as an amendment to the amendment of the House. I ask the Chair to rule for the benefit of future action; that is all.

The PRESIDENT pro tempore. The present occupant of the chair was not in the chair when the amendment was proposed. Will the Secretary again read the amendment?

The SECRETARY. It is proposed to add as a new section the following:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter, or which tend to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets, and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for exports. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

Mr. PLATT of Connecticut. Mr. President, I wish to suggest that the only thing open here now is the amendment of the House to the amendment of the Senate. The proposed new section seems to me to be in no sense an amendment of the House amendment which has been made to the Senate amendment.

The PRESIDENT pro tempore. As the Chair understands it, this amendment is offered to the bill which has already passed the Senate. The bill has been engrossed and read a third time. That puts it beyond the power of amendment. On the contrary, the House provisions have not been acted upon by the Senate. They have not been passed, and have not been engrossed and passed to a third reading. Therefore the House amendments are open to amendment.

Mr. TELLER. I think that probably is correct. Now, I offer my amendment as an amendment to the House amendment.

Mr. PROCTOR. I move that the Senate nonconcur in the House amendments and ask for a committee of conference.

Mr. TELLER. You can not do that until my amendment is disposed of.

Mr. SPOONER. The amendment has been disposed of.

Mr. TELLER. I made a motion before the Senator from Vermont made his.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado in his right to offer the amendment to the amendment. To which amendment of the House does the Senator from Colorado offer his amendment?

Mr. TELLER. The one which has not been concurred in by the Senate.

Mr. GALLINGER. Let the amendment be read in connection with the text.

The PRESIDENT pro tempore. The Chair does not understand that any of the amendments have been concurred in.

Mr. TELLER. I will offer it to the last amendment. It does not make any difference to which one.

Mr. LODGE. The motion is to concur with an amendment.

Mr. TELLER. Not necessarily.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment to the last House amendment.

Mr. TELLER. To amendment No. 9. It does not make any difference to which amendment it is offered, but I am particularly interested in the settlement of the question of parliamentary law.

Mr. GALLINGER. Let the Senate provision as amended by the House be read and then the proposed amendment to the House amendment.

Mr. TELLER. I wish to obtain a parliamentary ruling on this question, and I want, if possible, to secure the adoption of the amendment. If it will expedite matters, I might move to concur with an amendment to amendment No. 9.

The PRESIDENT pro tempore. Amendment No. 9 has ten or fifteen House amendments.

Mr. TELLER. We are entitled to have the bill before us, and if we can not have it before us we can postpone action on it until we can see what can be done.

The PRESIDENT pro tempore. The Chair will entertain the Senator's motion now if he will indicate where he will have the amendment inserted.

Mr. TELLER. I have not been able to see the bill. It is entirely irregular for the committee to bring in a bill in this way and then object to any amendment.

Mr. COCKRELL. I think under the circumstances I had better adhere to my objection made a while ago, and let the bill go over and be printed.

Mr. CULLOM. That is what ought to be done.

Mr. COCKRELL. Then we can see it and act upon it intelligently.

The PRESIDENT pro tempore. Unanimous consent was given that the bill should be printed.

Mr. COCKRELL. It was. Let it be printed to show exactly what has been done, and let the amendment of the Senator from Colorado be printed as an amendment which he proposes, and then he can offer it at the particular place he wants to.

The PRESIDENT pro tempore. Without objection, that order will be made.

EDWARD R. STACKABLE.

Mr. PLATT of Connecticut. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii, to report it favorably without amendment. I ask that the bill be read, and, if there be no objection, I will ask for its present consideration. I think there will be no objection after the bill is read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue to Edward R. Stackable, collector of customs for the district of Hawaii, duplicates in lieu of three United States gold certificates for $10,000 each, the certificates having been lost on the Pacific mail steamer *Rio de Janeiro*, which was wrecked in or near the harbor of San Francisco, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The PRESIDENT pro tempore. The Secretary will state the first case on the Calendar.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as the first business in order on the Calendar.

Mr. PLATT of Connecticut. That has been made the subject of an agreement. It will therefore go over.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," was announced as the next business in order on the Calendar.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as the next business in order.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the next business in order.

Mr. McCUMBER. I ask that the bill may go over, retaining its place.

The PRESIDENT pro tempore. It will go over, retaining its place.

The bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced was announced as the next business in order.

Mr. McCUMBER. Let it go over, too.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

The bill (S. 1908) to authorize the establishment of a biological station on the Great Lakes under the control of the United States Commission of Fish and Fisheries was announced as the next business in order on the Calendar.

Mr. PERKINS. I ask that the bill may go over during the absence of my colleague.

The PRESIDENT pro tempore. The bill will go over without prejudice.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as the next business in order on the Calendar.

The PRESIDENT pro tempore. Does the Senator from North Dakota ask that this bill go over, too?

Mr. McCUMBER. Yes; let it go over.

The PRESIDENT pro tempore. It will go over without prejudice.

The bill (H. R. 6847) to correct the record of Michael Hayes was announced as the next business in order on the Calendar.

The PRESIDENT pro tempore. The bill, having been adversely reported, will go over without prejudice.

The joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries was announced as the next business in order on the Calendar.

Mr. KEAN. Let the joint resolution go over. I think it has gone to the other Calendar.

The PRESIDENT pro tempore. It might as well go to the Calendar under Rule IX, for it never will be acted upon. Provision in the river and harbor bill is made for the purpose covered by the joint resolution.

The bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia was announced as next in order.

Mr. KEAN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains to be known as the "National Appalachian Forest Reserve," was announced as next in order.

Mr. SPOONER. Let that go over.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. It goes, then, to Rule IX.

Mr. SPOONER. Let it go over without losing its place.

The PRESIDENT pro tempore. The bill will go over without losing its place.

CIRCUIT COURT OF APPEALS.

The bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF JURORS.

The bill (S. 4769) to fix the fees of jurors in the United States courts was announced as next in order.

Mr. SPOONER. Does that apply only to Wyoming?

Mr. WARREN. This is a general bill.

The Secretary read the bill.

Mr. SPOONER. Let the bill go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. SPOONER. Without prejudice.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

ANNE DOWERY.

The bill (S. 4642) granting an increase of pension to Annie Dowery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne Dowery, widow of Edward Dowery, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. COCKRELL. Is there a written report in that case?

The PRESIDENT pro tempore. There is a report.

Mr. COCKRELL. I do not understand why the bill has not heretofore been passed. Pension bills placed on the Calendar subsequent to it have been passed.

The PRESIDENT pro tempore. It had not been returned from the Printing Office when pension bills were last under consideration.

Mr. COCKRELL. Let the report be read.

The Secretary read the report submitted by Mr. DEBOE on the 23d instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 4642) granting an increase of pension to Annie Dowery, have examined the same and report:

This bill as amended proposes to increase from $8 to $20 per month the pension of Anne Dowery, widow of Edward Dowery, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, who served from August 8, 1862, to September 17, 1863, and who died December 19, 1879.

Mrs. Dowery lives at Mount Sterling, Ky. She is 73 years of age, and is now receiving a pension of $8 per month under the act of June 27, 1890. She made claim under the general law, but abandoned it over ten years ago, being unable to prove that her husband's death was the result of his military service.

Mrs. Dowery has no property of any kind and no means of support except her pension. She is totally blind, and is compelled to have some one to wait on her all the time. This is shown by evidence accompanying the bill. In view of her advanced age, her destitution, and total blindness, your committee are of opinion that an increase of her pension would be eminently proper.

The bill is reported back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne Dowery, widow of Edward Dowery, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to Anne Dowery."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anne Dowery."

HOWARD LODGE, I. O. O. F., OF GALLATIN, TENN.

The bill (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., was announced as next in order.

Mr. SPOONER. Let the bill go over without losing its place.

Mr. KEAN. Let the report be read.

The PRESIDENT pro tempore. Does the Senator from Wisconsin object?

Mr. KEAN. I ask for the reading of the report.

Mr. SPOONER. I object to the bill being considered at this time.

Mr. BATE. What do I understand the Senator to say?

Mr. SPOONER. I objected to the present consideration of the bill.

Mr. BATE. The Senator has that right. I do not think he will find the slightest objection to it when he looks at it and after reading the report.

Mr. SPOONER. I should like to read it and to read the report.

Mr. BATE. Oh, certainly.

The PRESIDENT pro tempore. The bill will go over without prejudice.

DEVISEES OF JAMES W. SCHAUMBURG.

The bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg was considered as in Committee of the Whole. It proposes to pay to the legal devisees of James W. Schaumburg, deceased, the amount of the pay and allowance of a first lieutenant of dragoons, from July 1, 1836, to March 24, 1845, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania on the 23d day of November, 1875, and appropriates $11,165.31 for such payment.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. WARREN on the 23d instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg, having had the same under consideration, beg to submit the following report:

This claim has been pending since the Forty-seventh Congress, at which time it was first introduced, and it has been favorably reported by both House and Senate nearly every Congress during that period. It has passed the Senate seven times, but has never succeeded in reaching final consideration in the House. The merits of the claim have been repeatedly set forth in the many reports made from this committee, but as the salient points have been presented by the House Committee on Claims during this present session, your committee adopt the House report and report back the bill and recommend its passage with the following amendment:

Strike out the words "eleven thousand one hundred and sixty-five," in the twelfth line of said bill, and insert in lieu thereof the words "ten thousand eight hundred and sixty-five."

The report referred to is as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 2218) for the relief of the legal devisees of James W. Schaumberg, beg leave to submit the following report and recommend that said bill do pass with an amendment as follows:

"Strike out the words 'eleven thousand one hundred and sixty-five,' in the eleventh and twelfth lines of said bill and insert in lieu thereof the words 'ten thousand eight hundred and sixty-five.'

"The facts on which this bill is based are fully stated in prior reports of committees made to the House. Sufficient of these to give an understanding of the bill are here restated as follows:

"From a report of the Committee on War Claims made to the House in the Fifty-second Congress:

"'This bill provides for the payment of an amount found due the claimant by the courts of the United States.

"'The service was rendered by the claimant as first lieutenant of United States Dragoons from July, 1836, to March 24, 1845.

"'The United States circuit court for the eastern district of Pennsylvania found this amount to be due in an action between the United States and the claimant in 1874.

"'The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Supreme Court Reports, page 667.'

"This was in 1880.

"'On the 11th of July, 1882, the Secretary of the Treasury transmitted the claim to Congress, asking for an appropriation, as follows:

"'TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"'*Washington, D. C., July 11, 1882.*

"'SIR: I have the honor to inclose herewith copies of papers in the claim of James W. Schaumburg for pay and allowance as lieutenant of dragoons from July 1, 1836, to March 24, 1845, and to recommend that authority be given to the accounting officers of the Treasury to audit and allow the same, and that an appropriation of $11,000, or so much thereof as may be necessary, be provided for its payment.

"'Very respectfully, "'CHARLES J. FOLGER,
"'*Secretary.*

"'Hon. WILLIAM B. ALLISON,
"'*Chairman Committee on Appropriations, United States Senate.*

"'The Secretary of the Treasury, Hon. C. S. Fairchild, again recommended the payment of the claim to the Appropriation Committee under date of February 15, 1889.

"'It was referred to the Committee on Claims in the Senate, and passed the Senate March 19, 1888.

"'The bill again passed the Senate April 19, 1890.

"'It again passed the Senate at the present session of Congress, April 12, 1892.'" (Senate bill 251.)

"A similar bill to the one now under consideration has been before Congress since 1882, and has been reported favorably many times by committees of the House and Senate, but has never reached a final vote in both Houses.

"The following statement is contained in a report of the Committee on Claims to the House in the Forty-ninth Congress:

"'That said Schaumburg was commissioned a first lieutenant of the First Regiment of Dragoons on the 1st day of July, 1836, but, notwithstanding, the military officials of the War Department refused to assign him to duty. Against this decision he appealed to President Tyler, who, on the 11th day of January, 1844, ordered him to be recognized and his name printed at the head of the list of first lieutenants in the Army Register for 1845.

"'On the 15th of March, 1845, the Senate passed a resolution that such recognition was illegal and void and that Lieutenant Schaumburg's name ought not to be continued on the roll of the Army.

"'In pursuance of this resolution the Secretary of War announced, March 24, 1845, that the President directed that Lieutenant Schaumburg's name should be erased from the Army Register.

"'On the 2d of March, 1849, the Senate repealed and rescinded said resolution, and resolved that the order of the President made by reason of said resolution should be revoked, and declared that Schaumburg had been improperly dismissed from the Army and was entitled to a commission as captain in the First Regiment Dragoons. This resolution was followed by a memorial signed by 36 of the most distinguished members of the Senate recommending Lieutenant Schaumburg for promotion. This, however, was not done, and Lieutenant Schaumburg was not reinstated.

"'Mr. Schaumburg claims that he is entitled to recover from the United States his salary as first lieutenant of dragoons from the time he was commissioned, on the 1st day of July, 1836, to the time he was removed by the order of President Tyler, on the 24th of March, 1845.

"'Your committee further find that Lieutenant Schaumburg, in the year 1860, was appointed a paymaster in the United States Army; that he continued as such until he resigned in 1863.

"'Subsequently, and in the year 1874, suit was brought by the United States in the district court of the United States for the eastern district of Philadelphia against the said James W. Schaumburg and his sureties upon his bond executed by him and such sureties for the faithful performance of his duties as such paymaster, in which suit it was claimed that said Schaumburg and his sureties were indebted to the United States for default in the performance of the conditions of said bond in the sum of $306.30.

"'To this claim the said Schaumburg interposed a plea that the United States was indebted to him in the sum of $68,140.70 for undrawn pay and emoluments due him as first lieutenant in the First Regiment of Dragoons from the time he was commissioned as such as aforesaid to the commencement of said action.

"'Thereupon issue was duly joined, and afterwards, at a session of said court held at the city of Philadelphia before the Hon. John Cadwalder, judge of the district court of the United States for said district, on the 23d day of November, A. D. 1875, the said issue came on to be tried by a jury of said district, and having been so tried the court instructed the jury as follows:

* * * * * * *

"'"That the defendant was from the 1st of July, 1836, until the 24th of March, 1845, in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he is entitled as such to credit for the pay and emoluments accrued during this period.

"'"That as this credit was admitted to exceed the whole of the plaintiff's demand, the verdict should be for the defendant."'

"In this action was adjudged that there was due the claimant on the claim presented by him the sum of $11,165.31, which being reduced by the amount of $300, recognized as due the Government, left a balance due the claimant of $10,865.31, as carried by the bill as amended.

"President Tyler recognized the justice of Mr. Schaumburg's claim, and in 1843 General Jackson wrote a letter explaining the status of this claim and completely vindicating the claim made by Mr. Schaumburg.

"On the foregoing statement of facts your committee are of opinion that the bill ought to be amended as hereinbefore indicated, and as amended it ought to pass."

Mr. SPOONER. I wish to say to the Senator from Missouri that this bill has been many times reported by the Committee on Claims, and it has many times passed the Senate. This man's claim was the subject of adjudication in the circuit court of the United States for the eastern district of Pennsylvania. The amount stated was found due him by the court. An appeal was taken to the Supreme Court of the United States by the Government, which affirmed the judgment in his favor. The payment of this claim has been recommended by several Secretaries of the Treasury.

Mr. COCKRELL. I should like to see the decision of the Supreme Court in the case. It is not in the report.

Mr. SPOONER. It says:

The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Court Reports, page 667.

On the 11th of July, 1882, Secretary Folger recommended the payment of the claim. It was again recommended by Secretary Fairchild. I remember a very strong letter——

Mr. COCKRELL. From what report does the Senator read? I have the report which accompanies the bill, and on page 3 there are stars left after the words, in the fifth line, "the court instructed the jury as follows."

Mr. SPOONER. I was reading from the top of page 2 of the report. I remember, I think, a letter from General Jackson on the claim, which was a very searching and drastic letter. It appeared to him that the man had been outrageously treated.

Mr. COCKRELL. I had occasion many years ago, when a member of the Committee on Claims, to go through this whole case, and it was not my judgment at that time, from the facts placed before me, that it was a just claim. However, I think that was before 1880. I have been keeping my eye on it ever since. I should like to have the bill go over. I should like to see the decision of the Supreme Court.

There was a trial in Pennsylvania, where this man had been sued on his bond twenty-odd years after he pretended to be a lieutenant and had been made a paymaster in the Army. He was sued on his bond for a defalcation amounting to some $303 or something.

Mr. SPOONER. Yes.

Mr. COCKRELL. Now he comes into court with a counterclaim that the United States was indebted to him in an enormous sum of money for services as a lieutenant fifteen, twenty, or thirty years before.

Mr. SPOONER. Yes.

Mr. COCKRELL. The question of limitation was never raised there. In any other court I think he would have been barred from attempting to set up any such claim as being entitled to a salary that had accrued away back in 1830 or 1835 or 1840.

Mr. SPOONER. He and his sureties were sued for $306 on a paymaster's bond. He set up this claim against the Government. The Government was represented by its counsel. The court allowed $306 to be taken from the judgment and rendered judgment in his favor on the merits.

Mr. PLATT of Connecticut. The whole amount of the claim was $68,000.

Mr. SPOONER. It allowed him eleven thousand and some odd hundred dollars. The $306 was taken from the judgment.

Mr. COCKRELL. He put in a counterclaim for $68,000.

Mr. SPOONER. Very well. I think the Government is not in a very good position to repudiate the decision of its own tribunals. I went through this claim, I remember, with a good deal of care years ago; I went through it carefully, and I came to the conclusion that the man had been the subject of a grievous and absolutely indefensible outrage on the part of the Government and that he was entitled to this money. He died while trying to get it. The bill has been considered in the Senate a number of times and has passed the Senate a number of times.

Mr. COCKRELL. There have been adverse reports on it, too.

Mr. SPOONER. I know; but the judgment of the Senate is in favor of the bill.

Mr. COCKRELL. It has seesawed in one way and another here ever since the transaction occurred.

Mr. SPOONER. Many a just claim has seesawed between the two Houses until the man went to the poorhouse or down to the grave broken-hearted.

Mr. COCKRELL. There is no doubt about that.

Mr. SPOONER. Where the case has been decided in his favor upon a contest in the United States court of Pennsylvania and then taken to the Supreme Court of the United States and affirmed, it has always seemed to me that the Government was not in a very good position to contest it; I mean in Congress.

Mr. COCKRELL. But as it has seesawed for about half a century, I do not think it will hurt to seesaw a day or two longer. Therefore I must ask that the bill go over. I want to see the report.

Mr. SPOONER. Certainly; I was not objecting to that course.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. CARMACK. Mr. President, in the course of my remarks yesterday I dealt somewhat with the question of responsibility for existing conditions in the Philippine Islands. I believe I demonstrated from the official record that this frightful war against the Filipinos was the inevitable result of the policy adopted by the Administration; that this Government itself had helped to arm a nation burning with enthusiasm for independence, and after doing so had undertaken to destroy their independence.

General MacArthur in his testimony before the Committee on the Philippines testified that the spirit of freedom has been steadily growing for years among the people of the Philippine Islands. This spirit had blazed out in insurrection before we had ever set foot in the islands.

The idea of independence, which had already taken root in the minds of the Filipinos, sprang up and blossomed into a great national uprising when we entered the islands to support the aspirations of the people. So far as the Filipinos were concerned, that war, in which they participated in cooperation with the United States, was an organized struggle for national independence, and it was distinctly understood by us to be so when we

sought their aid and cooperation. When, therefore, it was demanded of the Filipinos that they should yield themselves subject vassals to our sovereignty, the Government of the United States must have known and did know that this was the beginning of a bloody and destructive war.

General Otis, in his testimony before the committee, spoke of the intense zeal and enthusiasm that permeated the whole army of Filipinos and the whole people in favor of independence, and he said that independence was the only alternative to war.

The Government of the United States deliberately chose war rather than independence. If we had chosen to prosecute our war with Spain without the aid of the Filipinos, the end of that war might not have found them ready to submit to our sovereignty and dominion, but it might have found them without an army and an organized force to resist us, and it would have found them without that deep and rankling sense of injustice that comes from violated obligations.

Therefore we were not only guilty of a violation of an obligation binding upon the nation's honor, but we were guilty of the monumental and almost incredible stupidity of arming a nation which we intended to destroy.

I also referred to the utterances of some who have dealt so freely with the utterances of those who have opposed this policy, and showed, I believe, that the friends of this Administration and the Administration itself have been diligently fanning the flames of insurrection with one hand while seeking to quench them with the other. Generations will not wipe out the memory of the words of cold-blooded insult and opprobrium, of cold-blooded greed and rapacity, to say nothing of the awful horrors with which we have visited that desolate and unhappy country.

You may say that we have filled the people of the Philippines with the hope of independence. You have filled them with a deep and bitter and inextinguishable hatred of American rule—a hatred that will be transmitted from sire to son through generations yet to be born.

I also discussed the effect of the legislation we have enacted at the present session of Congress and of the bill that is now pending before the Senate, and I closed with an extract from a recent work of Dr. Schurman, appointed by President McKinley as the head of the first Philippine Commission, in which he condemned in the strongest terms the proposition to make a wholesale disposition of franchises and concessions and of the lands of the people, as is proposed in this bill, without giving the people themselves any voice whatever in their government.

I call the attention of the Senate to the fact referred to in Dr. Schurman's book that the very first railroad projected in the Philippine Islands is a railroad to be built up into the mountains that will be of no economic or industrial advantage whatever to the people of the Philippine Islands, but is to be built solely for the pleasure and recreation of American officials—a road to be built at immense cost and out of the taxes of the people of the Philippine Islands.

Mr. President, I hope that this extract which I have read from Dr. Schurman's book will be read by every citizen of the United States. Where is there a man with a heart in his bosom who does not feel the force of Dr. Schurman's temperate but powerful protest against the provisions of this very bill? Where is there a man of intelligence who does not see the wisdom of this policy he proposes with a view to its effect upon the temper and disposition of the people as well as from the standpoint of an honest and intelligent administration of the government? Who does not see the gross outrage and wrong in excluding even the most cultured and intelligent of the Filipinos from any real participation in the government of their country while it is being divided and parceled out among American syndicates and American adventurers? Why not give at least the educated and intelligent part of the people some share in their government before you proceed to give their country away to foreigners?

But, no; you do not want to be disturbed by Filipino protests or Filipino objections until every American syndicate has been gorged to the gullet and until there is nothing left in the country that even a carpetbagger would care to take home.

Dr. Schurman, good, easy man, says that the Philippines are for the Filipinos. Under this Government they are for the Filipinos in the same sense that the pasture is for the sheep. The sheep live there and browse there in order that they may raise wool for somebody else to wear and mutton for somebody else to eat.

Mr. President, this bill is a pitiful evasion of the promises you have made alike to the Filipinos and to the American people. We have a right to demand that the Administration and the party in power shall at last define its policy in the Philippine Islands.

You asked us to wait until the treaty had been ratified, and we waited. Then you asked us to wait until the insurrection had been suppressed, and we have waited for that. You have exhausted the last pretext, and no other excuse stands between you and the performance of your plain duty. The American people and the people of the Philippine Islands alike demand that you shall frankly declare your intentions in this matter, and both have a right to know. They are not willing to trust blindly in the wisdom of your secret designs. You are trying to lead two peoples blindfold, one into a policy of imperialism, contrary to all its history and traditions, the other into a condition of political servitude, contrary to all its just hopes and expectations.

You have objected that you would make no answer to men who came to you with guns in their hands; but, sir, the people who have been knocking at your door, the people whose memorial lies upon your table, did not come with guns in their hands. They came with nothing but a peaceful petition, and they came as the accredited friends of your Government and the supporters of your sovereignty in the Philippine Islands. They are the men by whose help, as Governor Taft testified, more has been done to pacify the Philippine Islands than has been accomplished by all your armies in the field. By their long, faithful, and effective service they have a right to be heard and a right to be answered. They will not patiently submit to your acts of sheer despotism and trust in your vain and delusive promises forever.

In the memorial that lies upon the table of this Senate they have fairly forwarned you that they would not yield a peaceful submission to the kind of government you have established in this bill; and that, if it is continued, it will end in riot and chaos and insurrection. These words, let me say, have not come from armed insurgents; they are not the threats of your enemies; they come from the only friends you have in the Philippine Islands; and let me say to Senators upon the other side of the Chamber, when the time comes that your most trusted friends in the Philippines become your bitterest and most implacable foes, when, in the passion of despair, they rise up in armed and bloody insurrection against your authority, do not say that they have dealt treacherously with you; do not say that they have deceived and betrayed you.

They have dealt with you in the utmost candor and good faith. They have fairly forewarned you that they would not submit to the government imposed by this bill; and I say when the time comes, as it will come, when your best friends in the Philippines rise up in insurrection against you, it will not be against them, but against you, that the charge of double-dealing will be made.

Or do you suppose that your carpetbag government in the Philippines will be so pleasant to the eye and so sweet to the taste that the people will forget their love of freedom? What makes you think so? What fact or experience in your own history induces this belief in the ineffable sweetness and purity of carpetbag rule?

Mr. President, if the government we are about to establish in the Philippines is not ten thousand times better than the carpetbag government you established and maintained with the bayonet here in your own country, over your own people, may the Lord God have mercy upon the people of the Philippine Islands. And yet, sir, all the horrors of reconstruction were perpetrated plainly in your own sight; every cry of anguish fell distinctly upon your ear; but you were so intent on fastening your grasp upon the government, you were so absorbed in your revel of spoils, that you could not heed the cry of an oppressed and plundered people, though they were your own people, of your own blood, in your own country. What right have we to suppose that you will be any more just or gentle or compassionate in dealing with the people of the Philippine Archipelago, 10,000 miles from your seat of government?

Our dealings with the American Indians have been aptly characterized as a century of dishonor; our treaties with them have been shamelessly violated; we have delivered them over to the tender mercies of thieving Indian agents; we have inflamed them with injustice and mean whisky; and when in sheer desperation they have risen in revolt, we have made them "good Indians" with powder and ball.

Alaska was ceded to us by despotic Russia and came under the benign rule of this great Republic. For thirty-five years our continuous misgovernment of that country has been a shame and a disgrace to the nation. Two or three years ago Governor Brady, of Alaska, said: "Sixty men are in charge of the government of this Territory; they have no interest in Alaska, except to grab what they can and get away; they are like a lot of hungry codfish. Seven of these—11 per cent of the whole number—are now under indictment for malfeasance in office." And when Mr. Roosevelt was governor of New York he delivered an address in which he referred to the fact that an Alaskan town wished to be transferred to Canada. "They want to get out from under our flag," said he, "because no one has thought proper to give Alaska good government;" and he added, "If we govern the Philippines as we have governed Alaska we shall have the same result."

Who dares to say that we shall govern the Philippines any better than we have governed Alaska, any better than we have

governed the Western Indians, any better than you governed the Southern people in the hideous days of reconstruction?

I ask Senators upon the other side of the Chamber if they have considered the enormous difficulties in the way of perfecting a system of government for the Philippine Islands and the still more enormous difficulties of securing an honest administration of that government? Governor Taft, in his testimony before the committee, told us something of these difficulties. He said there must be a constant vigilance, a constant and most vigilant supervision on the part of the Government at Washington; he said that the American officials appointed to the Philippines must be men of the highest character and integrity, that they must be men who could enter into a sympathetic understanding of the character, the wants, and the needs of the Filipinos, and must be unselfishly devoted to their interests. He frankly admitted that it would be extremely difficult to secure good men for the Philippine service; that it would be very difficult to get good men from the United States to leave this country and go and live in the Philippine Islands. He said, furthermore, that the opportunities and the temptations for plunder and oppression in the Philippines would be very great.

Now, Mr. President, while this task is new and while it appeals to the imagination, it will be attractive to some men of real talent and ability, like the gentlemen who now compose the Philippine Commission; but when the gloss has worn off, when the syndicated boomers have appropriated the cream of the spoils, when the Government sinks into the dull routine of administration, it will be in the Philippines precisely as it has been in Alaska. We know what kind of men, as a rule, will be sent to serve in the Philippine Islands. Needy and desperate adventurers, broken-down politicians looking for a job, the sons, nephews, and cousins of American politicians, the Rathbones and Neelys; men who have qualified themselves for service abroad by the dirty and villainous work they have done at home, these are the men who, as a rule, will find service in the Philippine Islands, as they did in Cuba, as my friend from Mississippi [Mr. MONEY] suggests.

Mr. President, how much time will be abstracted from the weighty and multitudinous affairs of our own Government for that sleepless vigilance which Governor Taft tells us will be absolutely necessary to secure a tolerable government in the Philippine Islands? How much time will the Congress of the United States be willing to spare from the consideration of a pension bill, or a river and harbor bill, or a ship-subsidy scheme, or a tariff bill, or anything of that sort in order to devote it to the affairs of the Philippine Islands? What sort of government will you have under such conditions? What sort of protection will the people of the Philippine Islands have against wrong and oppression? How much zeal and energy will be expended in uncovering and punishing the rascalities of men whose only crime is that of plundering and oppressing 10,000,000 people who are nobody's constituents and who have no votes?

Mr. President, the course of the Administration, and especially of the War Department, has given us a foretaste of the kind of zeal and energy that will be expended in protecting the people of the Philippine Islands. For months and years detailed and circumstantial stories of the horrible atrocities being enacted in the Philippine Islands have poured in upon us, and have been published broadcast throughout the country by its newspapers. These stories have come from actual eyewitnesses and from actual participants, and they have come from writers of established character and standing who have personally visited the scenes of those horrors.

Nearly two years ago the distinguished Senator from Colorado [Mr. TELLER], a man who is always careful of his words, a man whose utterances always command the respect of the country, brought these charges of torture and of other infamies and outrages practiced in the Philippines to the attention of the American Senate. He repeated them at a later date. Two years ago Mr. George Kennan, a writer of high repute, published a magazine article concerning these outrages, and a number of other writers have done the same. Torture—a regulated system of torture, the wholesale burning of large towns and villages, the wasting of large tracts of populous territory—ruin and desolation and famine and massacre, such are the methods and instruments of our war in the Philippines. We are bloodily exterminating a people for no other crime than that of wishing to be free.

It is a war waged with indiscriminate ferocity against a whole people—men, women, and children. And these barbarities, sir, have not been perpetrated, as has been weakly suggested, by way of retaliation; they have not been perpetrated for punishment or even for revenge. It is a cold-blooded, calculated cruelty. It is simply part of a war waged upon the principle of making its horrors so vast and so universal that the whole people will cry for peace or else there will be no man left to prosecute the war. Make the land a howling wilderness! Put everybody above ten years of age to the edge of the sword. Leave no human creature to nurse a memory of the inhuman wickedness perpetrated in the name of this enlightened Republic. Let the torch go with the sword; let famine tread upon the heels of slaughter. When you have made it a land without a home, a country without a people, then the work of benevolent assimilation will be complete and you may write "pacified" upon the tombstone of a buried race.

Major Waller justified the murder of 11 natives under circumstances of exceptional cruelty by the order he had received from General Smith instructing him to kill every person he met of 10 years old and upwards whether armed or unarmed. And General Smith admits and justifies this infamous order, and I am waiting to hear it condemned by Senators on the other side of the Chamber. To what an awful depth of brutality and depravity have we descended in this war to which we were called by the voice of mercy! How long will it be, in this process of degradation and brutalization, before the American Army shall furnish a fit companion to relieve King Herod of the solitude of his infamy? Another slaughter of the innocents—the cold-blooded butchery of mere children; and the cry goes up from that stricken country, the voice that was heard in Ramah, "lamentation, and weeping and great mourning; Rachel weeping for her children and will not be comforted, because they are not." And this war had its origin in a horror of just such scenes.

Ah, Mr. President, Spain has her revenge. We, who started out to punish her, have become servile imitators of her most infamous cruelties, and if the American people do not rise up and put an end to these horrors the brand of infamy will be stamped upon the nation's brow forever and forever.

Mr. President, I will not dwell upon these horrors. They have been pictured with a ghastly and pitiless fidelity in the great speech of the Senator from Utah [Mr. RAWLINS], a speech which, if I do not misunderstand the temper and the character of the American people, will send a thrill of horror and indignation from one end of this country to the other, however lightly it may affect Senators on the other side of the Chamber.

The point to which I wish now to direct the attention of the Senate is the fact that while all these horrors have been steadily going on for months and years, while the story of them has been pouring in upon this country all the time, there has been absolutely no effort on the part of the Administration or of the War Department to put an end to them, but every effort to conceal or deny them.

Mr. President, from the very first outbreak of hostilities in the Philippine Islands there has been a conspiracy for the suppression of truth and for the dissemination of falsehood in regard to affairs in that country. There has been a deliberate and systematic effort to whitewash every crime and every outrage and every villainy perpetrated in that country and to blackwash the character of their victims.

How much vigilance, how much zeal, for the protection of the Filipinos may you expect from an Administration which has suppressed the fact that 100,000 people have perished in a single province where there were only 300,000 at the beginning? If large towns and villages and populous tracts of territory may be made an absolute desert, the houses burned to the ground, with the food, the provisions, and the household goods of the inhabitants—if all that can be done and the fact be concealed from the American people, if a policy of wholesale massacre and butchery and murder may be prosecuted in that country, and the people of the United States not know it, how much of mere misgovernment, how much mere plunder and tyranny and oppression, may be enacted there under carpetbag rule and never be known to the people of the United States?

Mr. President, the outcome of the government we are attempting to establish in the Philippine Islands will be constant, ever-recurring insurrection, to be suppressed by the blood and treasure of the American people; and all this for no other purpose than that a few carpetbag rapscallions may have unlimited license to thieve and plunder. The maintenance of friendly and peaceful relations with the people of the Philippine Islands is utterly inconsistent with the very purpose and spirit of this policy. You are intent upon exploitation, upon quick commercial profit. You wish by a forced development of the resources of the islands to reap an immediate harvest for your corporations and your syndicates. This you can not do with native labor. It will not be immediately available for your purposes.

It is a demonstrated fact that no tropical colony has ever been made a commercial success except where a system of forced labor or of imported contract or indentured labor has been employed. All the syndicates, all the corporations, all the so-called business interests represented by the Manila Chamber of Commerce, are clamoring for unrestricted Chinese immigration to the Philippine Islands. The people of California and the Pacific slope, as Governor Taft admits, are no more bitter in their hostility to Chinese immigration than are the people of the Philippine Islands.

You will have to choose between the American adventurer in the Philippines and the Filipino himself. You must forego your hope of rapid exploitation, or else you must incur the inextinguishable hatred of all the people in the Philippine Islands. In the one case your Philippine investment falls a dead burden upon your hands. In the other it becomes a volcano of riot and insurrection. You will be compelled to choose between them.

Mr. President, the end of this insurrection will simply be the beginning of our troubles in the Philippine Islands. The natural and inevitable result of the government of the country you are going to establish there and the purposes for which you are going to establish it will be misgovernment, and constantly recurring insurrections will be the inevitable result of such government.

You will have to deal with the question of slavery in the Philippines, which is being permitted and tolerated by this Government in defiance of the Constitution of the United States. I know, sir, there has been an effort to idealize and make beautiful the institution of slavery in the Philippines. Men who could not think of a Christian slaveholder in Tennessee, Alabama, or Mississippi, except as a monster of wickedness and depravity, have found nothing but gentleness and tender mercy among the Mohammedan slave drivers of the Sulu Archipelago. They say slavery there is mere nominal slavery, and the real trouble about getting rid of slavery is on the part of the slaves themselves.

It is true, as the Commission tells us, that in some parts of the islands they have the habit of sacrificing their slaves or burning them alive as a sacrifice to some of their heathen gods, but the Commission seems to think that the slaves rather like that and that they would resent it if you should try to abolish the practice. They say we must not now try to abolish slavery over there, because the slaveholders will fight, and it is not to be thought of that the American Republic shall fight to get rid of slavery. Men who did not hesitate to plunge into a bloody, sanguinary, and destructive war to deprive the Christian Filipinos of their liberty stand aghast at the very thought of shedding one drop of blood to deprive the Mohammedan masters of their slaves.

Mr. President, we have already got into some trouble with these Mohammedan slaveholders, but the trouble had hardly begun before the aggressive movement of our troops was checked by orders from Washington and instructions given to exhaust every effort for a peaceable adjustment before proceeding to actual hostilities. What a pity sir, that something of this humane and considerate temper could not have been shown toward the Christian Filipinos. The first battle between the latter and the American forces was precipitated by the shooting down of Filipinos by American soldiers.

As General Otis himself admits, the battle was not intended by the Filipino leaders. The result of that battle thus precipitated was a terrible slaughter of the Filipinos; and yet when Aguinaldo applied for a cessation of hostilities and a conference, General Otis says in his report of the battle, "I declined to answer." As General Reeve reports him, he said: "The war having begun, it must go on to the grim end." And the hero of San Juan, the President of the United States, declared that the war must be pressed with relentless vigor, and that there must be no parleying with the Filipinos. Why does the undaunted warrior pause now? Why does he stop to "parley" with the Mohammedan Moros? It is said that they have murdered our soldiers; that they have fired on our flag; that they have raised their own red flag in open insult and defiance to the flag of the United States. For the poor Christian Filipinos there was to be no "parley." There was to be nothing but the "grim end" for them. The honor and dignity of the nation could be satisfied with nothing but butchery and massacre, and the "insult to the flag" must be avenged in the blood of men, women, and children. That was the policy when we were dealing with the Filipinos. But this sensitiveness to indignity, this jealous regard for the national honor, is not very much in evidence when it comes to dealing with the slaveholding and polygamous Mohammedans. The warrior of San Juan condescends to "parley!" He appeals for a truce! He sues for peace! He is not half so eager to protect the nation's honor when he goes up against the red flag of those fighting devils, the Mohammedan Moros!

How many of these horrors enacted in the Philippine Islands might have been spared if the proud warrior could have so far stooped his haughty crest as to consent to a little parleying with the Christian Filipinos!

It is with these Moros, sir, that we must deal in this matter of slavery.

The idea has been given out that our republican free institutions, which will never get within 7,000 miles of the Philippine Islands, are in some way to bring euthanasia to slavery in the Philippine Islands. Mr. President, all the indications are that the institution of slavery will be immensely strengthened and invigorated by our advent into the islands. Some days ago there was a gentleman in the city of Washington, representing a great and powerful syndicate, seeking to have the Committee on the Philippines give permission, which, as I understand the bill, the committee has done, for syndicates to acquire 20,000 acres of land. This syndicate wanted to acquire 20,000 acres at least in Mindanao for the purpose of cultivating rubber trees, and he said that they had already made arrangements with the Moro chiefs to procure labor, slave labor, for the purpose of his syndicate.

Mr. President, the sure effect of such a transaction will be immensely to increase the importance of slavery and to increase the value of slave labor in that country. The cultivation of rubber trees by American syndicates will have the same effect as the invention of the cotton gin on slavery in the Southern States. For that purpose I have proposed an amendment which I should like to have read and inserted as a part of my remarks, and I hope I may have the attention of the Senator from Massachusetts to the amendment.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The amendment will be read.

The SECRETARY. It is proposed that it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands, to hold persons in slavery or involuntary servitude, or to use, employ, or contract for the labor of persons so held in slavery or involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in the said Philippine Islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than $10,000.

Mr. CARMACK. I should be glad to know now, to save me possibly from further discussion in the future, whether or not the amendment is agreeable to the Senator from Massachusetts, the chairman of the committee.

Mr. LODGE. I can not answer for the committee. It is perfectly agreeable to me personally.

Mr. CARMACK. I will then ask for a vote on it very soon.

Mr. President, there is one other aspect of this question, one possible, I think I may say probable, outcome of our colonial adventure which presents a question of the utmost gravity to the American people. Until the first fury of exploitation shall have spent its force, until the process of dividing the spoils is finished and completed the syndicated adventurers in the Philippines will ask for no other and no better form of government than the sheer despotism provided in this bill. But when they once feel that their clutches have been firmly fastened upon the country, then they will begin to clamor, as they have already begun to clamor, for free access to this the greatest market in the world, and for that purpose to demand statehood in the American Union.

Already agitation has begun in the Philippines upon this very question. The native members of the Commission, with at least the tacit sanction and encouragement of the American members, have formulated a plan which embraces statehood in the American Union. With the full knowledge and consent of Governor Taft and of his American colleagues their native associates on the Commission are actively agitating this programme and calling upon their countrymen to rally around it. Governor Taft himself brought to this country and laid before Congress the memorial of the Federal party, headed by three of his associates on the Commission, asking for admission into the Union.

I can not believe and I do not believe that the American members of the Commission, either by act or word or silent assent, have been perpetrating a deliberate fraud upon the people, or that they have been attempting to mislead them with false and delusive hopes. It must be that the American members of the Commission are giving serious consideration to this programme outlined by three of their own members and adopted by the Federal party, representing the only friends we have in the Philippine Islands.

Sir, if two years ago the question had been proposed as to whether or not we should incorporate into the body of our citizenship a Malay population of eight or ten million people, and whether we should admit to statehood in the Union a Malay Archipelago 7,000 miles from our shore, there is not a man in the United States who would not have uttered his indignant protest against it.

Yet, sir, I put this very question in these very words to Governor Taft, and his reply was that at this time it was a question he was not ready to answer either yes or no. He had not made up his mind. He was in a state of doubt and uncertainty as to whether or not we should admit as a State a Malay archipelago, whether we should add 50 or 60 Malay members of Congress from the other side of the world and as many Malay votes in the electoral college. He had not made up his mind whether or not this should be done; and when we reflect that Governor Taft in this imperial business stands to the Administration in the relation of a viceroy to the king, when we remember the close and confidential

relations between his Commission and the Administration or the party in power, it raises the very pertinent question as to how many more Republicans, how many more leaders of that party are giving serious consideration to the question, and how many are doubtful and undecided as to whether the Philippines should be admitted to statehood in this Union?

I have been amazed at the toleration, not to say the favor, with which this scheme has been received; and yet, sir, why should it be thought a thing impossible with the Republican party? When we remember its efforts to Africanize a large section of our own country; how it rejoiced when African negroes rioted in the government of some of the proudest and most historic Commonwealths in this country; how it hailed with acclamation the presence upon this floor of ignorant negroes; how it raged in its bitterness when they were displaced by the ablest and most cultured men of the South; how it sorrowed and cursed when States of this Union came again under the rule of a Caucasian people, of their own blood—when we remember this conduct and that it was inspired simply by a desire to strengthen their hold on the Government, why should we doubt, why should we hesitate to believe that the Republican party would seize upon any opportunity to admit the Malay archipelago to statehood in this Union and their inhabitants to full citizenship in the United States if they believed it would add fifty or sixty votes to their power in Congress and in the electoral-college?

Senators upon the other side of the Chamber may refuse to declare their policy with reference to the Philippine Islands, but they owe it to the American people at least to declare that this one thing they will not do.

I wish to have read as a part of my remarks an amendment which I have offered in order that Senators upon the other side of the Chamber may have an opportunity to vote their sentiments upon this question. I hope the Senator from Massachusetts will listen to the amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union; and any action on the part of persons holding office under the authority of the United States that gives sanction or encouragement to such movement is hereby condemned.

That to confer the rights and privileges of citizens upon the inhabitants of the Philippine Islands would tend to destroy the integrity of the citizenship and to degrade the character of the Government of the United States.

That to maintain the relation of sovereign and subject between the Government of the United States and a people under its dominion would be repugnant to the principles of the Constitution.

Mr. CARMACK. I should be glad to know of the Senator from Massachusetts whether or not the amendment is agreeable to him?

Mr. LODGE. I should like to examine the amendment. It seems to contain a great number of propositions.

Mr. CARMACK. If there is any separate proposition there which the Senator approves or any separate proposition he disapproves I should be glad for him to indicate it.

Mr. LODGE. I will point it out in my own time and in my own way.

Mr. DOLLIVER. Will the Senator from Tennessee allow me?

Mr. CARMACK. Certainly.

Mr. DOLLIVER. I desire to ask the Senator which of these two things he really fears—that we are going to perpetuate a despotism or that we are going to admit these islands as a State into the Union? He has condemned both.

Mr. CARMACK. Let the Senator repeat his question and I will attempt to answer it.

Mr. DOLLIVER. I will say to the Senator that I have been very much confused in listening to these speeches. The Senator from Utah [Mr. RAWLINS] denounced us for beginning the war with the Moros. The Senator from Tennessee has denounced us for putting an end to it.

Mr. CARMACK. I hope the Senator will not ask me with respect to anything the Senator from Utah said. The Senator from Utah can answer for himself. I hope he will confine his question to matters pertaining to my own speech.

Mr. DOLLIVER. The Senator has condemned the efforts to fasten an unlimited despotism upon those islands, and now he appeals to our fears that we are going to introduce the archipelago as a State in this Union. I should like to have him state which it is that he fears.

Mr. CARMACK. I said very distinctly that until the work of dividing out the country among the spoilsmen had been completed, until the carpetbaggers had grabbed everything they wanted, they would want just the kind of government provided in this bill, and they will want to keep that government just as long as the process of spoliation and plunder and thievery is incomplete. When they feel that they have firmly fixed their clutches upon the country and have got everything in their own hands, then they will begin to clamor for free access to the American markets and for statehood in the American Union.

I will say to the Senator from Massachusetts that one part of the amendment proposed by me is a declaration against statehood in the American Union for the Philippine Islands. I should like to know of the Senator from Massachusetts if he will vote for that proposition?

Mr. LODGE. I have said to the Senator that I would answer in my own time and in my own way, which I presume is my right.

Mr. CARMACK. Of course, Mr. President, I am not attempting to trespass upon the right of the Senator from Massachusetts, and I suppose I have a right to ask the Senator the question, which he has a right to decline to answer. I am not in the least degree trespassing upon his rights. It is a question which might have been answered "yes" or "no." If the Senator chooses to answer it in some other words, which do not mean either "yes" or "no," of course that is entirely satisfactory to me. [Laughter.]

With this, Mr. President, I have about completed all that I care to say at this stage of the discussion. So far as I am concerned, I have not been influenced in my course by party considerations. If I know my own heart, I would cheerfully forego every hope of party profit or advantage, as I know I would cheerfully surrender every political hope and aspiration of my own, if I could see this country called back from the bloody doctrines of bloody men and plant its feet once more in the shining path by which it has ascended, in peace and security, to glory and power. I long to see this Republic turn away from the bloody gospel of the strenuous life, whose words are interpreted in the roar and shock and carnage of battle, and find its hope and its inspiration in that high wisdom of which it is written: "Her ways are ways of pleasantness and all her paths are peace."

Mr. SIMMONS. Mr. President, I wish to give notice that at 2 o'clock on Monday I shall address the Senate on the pending bill.

Mr. LODGE. I move that the Senate adjourn.

Mr. KEAN. I trust the Senator will allow a brief executive session.

Mr. LODGE. Certainly. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 28 minutes p. m.) the Senate adjourned until Monday, April 28, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1902.

POSTMASTERS.

George Metzger, to be postmaster at Davenport, in the county of Scott and State of Iowa, in place of George Metzger. Incumbent's commission expires April 28, 1902.

Kee Wakefield, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota, in place of Gustav R. Zickrick. Incumbent's commission expired March 22, 1902.

Peter S. Schwartz, to be postmaster at Shakopee, in the county of Scott and State of Minnesota, in place of Charles C. Storer. Incumbent's commission expired February 22, 1902.

Fred E. Payne, to be postmaster at Clinton, in the county of Oneida and State of New York, in place of Fred E. Payne. Incumbent's commission expired April 12, 1902.

Dallas Harbert, to be postmaster at Commerce, in the county of Hunt and State of Texas, in place of Charles W. Rush. Incumbent's commission expired March 31, 1902.

William M. Nagle, to be postmaster at Denison, in the county of Grayson and State of Texas, in place of William M. Nagle. Incumbent's commission expired March 31, 1902.

Henry L. Somerville, to be postmaster at Richmond, in the county of Fort Bend and State of Texas, in place of Henry L. Somerville. Incumbent's commission expired March 31, 1902.

William Pilley, to be postmaster at Wills Point, in the county of Van Zandt and State of Texas, in place of William Pilley. Incumbent's commission expired March 31, 1902.

Hiram T. Andrews, to be postmaster at Wolfe City, in the county of Hunt and State of Texas, in place of Hiram A. David. Incumbent's commission expired April 12, 1902.

Nellie M. Theriott, to be postmaster at Park City, in the county of Summit and State of Utah, in place of Robert E. Wherritt. Incumbent's commission expires May 11, 1902.

William A. Hall, to be postmaster at Hancock, in the county of Delaware and State of New York, in place of William A. Hall. Incumbent's commission expired January 19, 1902.

Amund Dahl, to be postmaster at Bird Island, in the county of Renville and State of Minnesota, in place of Iver S. Gerald, resigned.

James J. Scarborough, to be postmaster at Poplarville, in the county of Pearl River and State of Mississippi, in place of Walter A. Wilkinson, removed.

Anna F. Crawford, to be postmaster at Cameron, in the county of Milam and State of Texas, in place of Wilber F. Crawford, deceased.

Henry Riley, to be postmaster at Cornwall, in the county of Orange and State of New York. Office became Presidential April 1, 1902.

Benjamin Jacobs, to be postmaster at Pencoyd, in the county of Montgomery and State of Pennsylvania. Office became Presidential April 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1902.

CHIEF OF BUREAU OF NAVIGATION.

Rear-Admiral Henry C. Taylor, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, from the 29th day of April, 1902.

PROMOTIONS IN THE NAVY.

Lieut. Edwin H. Tillman, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902.

Lieut. (Junior Grade) Gilbert S. Galbraith, to be a lieutenant in the Navy, from the 5th day of March, 1902.

Lieut. (Junior Grade) Roscoe Spear, to be a lieutenant in the Navy, from the 5th day of March, 1902.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Hill Hastings, of Kentucky, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

First Assistant Engineer George B. Maher, of the District of Columbia, to be a chief engineer in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Joseph L. Sanders, to be postmaster at Auburn, in the county of Providence and State of Rhode Island.

Roswell A. Moore, to be postmaster at Kensington, in the county of Hartford and State of Connecticut.

Moses P. Stiles, to be postmaster at Norway, in the county of Oxford and State of Maine.

Frederick L. Scott, to be postmaster at Farmington, in the county of Hartford and State of Connecticut.

Stith Bolling, to be postmaster at Petersburg, in the county of Dinwiddie and State of Virginia.

E. W. Thayer, to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota.

Loren A. Brooks, to be postmaster at Renville, in the county of Renville and State of Minnesota.

Clarence H. Drake, to be postmaster at Choteau, in the county of Teton and State of Montana.

James R. White, to be postmaster at Kalispell, in the county of Flathead and State of Montana.

W. Lee Brand, to be postmaster at Salem, in the county of Roanoke and State of Virginia.

George W. Baber, to be postmaster at Paris, in the county of Edgar and State of Illinois.

Samuel E. Stafford, to be postmaster at Elkhorn, in the county of McDowell and State of West Virginia.

Sumner W. Thompson, to be postmaster at Davis, in the county of Tucker and State of West Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 26, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE SENATOR KYLE.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That Saturday, May 10, following the conclusion of eulogies upon the late Hon. Rufus K. Polk, be set apart for the purpose of paying a tribute of respect to the memory of the late Hon. James H. Kyle, a Senator from the State of South Dakota.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MCCLEARY, from the Committee on Appropriations, reported the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BENTON. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Missouri [Mr. BENTON] reserves all points of order.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4903. An act for the relief of Emma Morris—to the Committee on Claims.

S. 3250. An act granting an increase of pension to Winfield S. Piety—to the Committee on Invalid Pensions.

S. 4088. An act granting an increase of pension to Henry Jennings—to the Committee on Invalid Pensions.

S. 5314. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record oath or the judgment of admission, and to establish a proper record of such citizenship—to the Committee on Immigration and Naturalization.

S. 4829. An act granting an increase of pension to Nimrod Headington—to the Committee on Invalid Pensions.

S. 4256. An act granting an increase of pension to Henry W. Edens—to the Committee on Invalid Pensions.

S. 3997. An act granting an increase of pension to Otis A. Barlow—to the Committee on Invalid Pensions.

S. 3668. An act granting an increase of pension to Hulda Milligan—to the Committee on Invalid Pensions.

S. 2703. An act granting an increase of pension to James S. Myers—to the Committee on Invalid Pensions.

S. 182. An act granting a pension to Mary F. Zollinger—to the Committee on Invalid Pensions.

S. 4732. An act granting an increase of pension to Charles H. Hazzard—to the Committee on Invalid Pensions.

S. 4706. An act granting a pension to William Harrington—to the Committee on Invalid Pensions.

S. 3331. An act granting a pension to Ada V. Park—to the Committee on Invalid Pensions.

S. 5321. An act granting a pension to Rebecca H. Geyer—to the Committee on Invalid Pensions.

S. 3730. An act granting an increase of pension to Jonas Olmstead—to the Committee on Invalid Pensions.

S. 3661. An act granting an increase of pension to George W. Edmonds—to the Committee on Invalid Pensions.

S. 4638. An act granting a pension to Mrs. Joseph M. Sudsberg—to the Committee on Invalid Pensions.

S. 2336. An act granting an increase of pension to Rebecca Coppinger—to the Committee on Pensions.

S. 3341. An act granting an increase of pension to Robert H. Busteed—to the Committee on Invalid Pensions.

S. 3676. An act to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York—to the Committee on Military Affairs.

S. 4759. An act granting an increase of pension to Martha Clark—to the Committee on Invalid Pensions.

S. 2084. An act granting an increase of pension to Samuel Ewing—to the Committee on Invalid Pensions.

S. 1797. An act granting an increase of pension to Benjamin Russell—to the Committee on Invalid Pensions.

S. 5294. An act granting on increase of pension to William F. Horn—to the Committee on Invalid Pensions.

S. 5337. An act granting an increase of pension to Marietta L. Adams—to the Committee on Invalid Pensions.

S. 4862. An act granting an increase of pension to James Welch—to the Committee on Invalid Pensions.

S. 1463. An act for the erection of a public building at Kingston, N. Y.—to the Committee on Public Buildings and Grounds.

S. 4975. An act for the erection of a public building at Crookston, Minn.—to the Committee on Public Buildings and Grounds.

S. 4141. An act granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

S. 288. An act granting an increase of pension to De Witt C. Bennett—to the Committee on Invalid Pensions.

S. 3206. An act to pay certain Choctaw (Indian) warrants held by James M. Shackelford—to the Committee on Invalid Pensions.

S. 5214. An act granting an increase of pension to Charles F. Smith—to the Committee on Invalid Pensions.

S. R. 88. Joint resolution providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry—The Decay of Timber and Methods of Preventing it—to the Committee on Printing.

S. 1359. An act authorizing an increase of pension in certain cases—to the Committee on Invalid Pensions.

S. 4932. An act providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.—to the Committee on Military Affairs.

S. 1919. An act fixing fees of jurors and witnesses in the United States courts in the State of Wyoming—to the Committee on the Judiciary.

S. 4927. An act granting an increase of pension to Hattie M. Whitney—to the Committee on Invalid Pensions.

S. 5113. An act to provide for the purchase of a site and the erection of a public building thereon to be used for a hall of records—to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10795. An act granting increase of pension to William A. Campbell;

H. R. 1742. An act granting increase of pension to Alonzo Lewis;

H. R. 7994. An act granting increase of pension to Margaret M. Grant;

H. R. 9625. An act granting a pension to Elizabeth L. Beckett;

H. R. 11895. An act granting a pension to Thomas Holloway;

H. R. 9494. An act granting increase of pension to Mary A. Andress;

H. R. 1086. An act granting increase of pension to Francis W. Pool;

H. R. 1012. An act granting increase of pension to Patrick Moran;

H. R. 5560. An act granting an increase of pension to Annie L. Evens;

H. R. 4945. An act granting a pension to Shadrack I. Corbett;

H. R. 4129. An act granting increase of pension to Lonson R. Burr;

H. R. 4008. An act granting a pension to Christopher Columbus Sheets;

H. R. 4994. An act granting a pension to Lydia Carr;

H. R. 7149. An act granting increase of pension to Ephraim D. Dorman;

H. R. 5170. An act granting increase of pension to Frederick Wright;

H. R. 5150. An act granting a pension to Mary C. Trask;

H. R. 11545. An act granting increase of pension to Caroline R. Boyd;

H. R. 12370. An act granting a pension to Ida M. Briggs;

H. R. 10179. An act granting increase of pension to Theron R. Nack;

H. R. 10173. An act granting increase of pension to Richard Trist;

H. R. 8349. An act granting a pension to John Watts;

H. R. 7678. An act granting a pension to Mary Holmes;

H. R. 12468. An act granting increase of pension to Phineas Curran;

H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company, of Mississippi, to build and maintain a railway bridge across Pearl River;

H. R. 10449. An act granting increase of pension to Sarah H. Lake;

H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;

H. R. 3379. An act to correct the military record of Calvin A. Rice;

H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;

H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes;

H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport, La.; and

H. R. 13575. An act to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock Four.

HON. JOHN HAY.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 39, which I send to the desk.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a House concurrent resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to Hon. John Hay for the appropriate memorial address delivered by him on the life and services of William McKinley, late President of the United States, in the Representatives' Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1902, and that he be requested to furnish a copy for publication.

Resolved, That the chairman of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of William McKinley be requested to communicate to Mr. Hay the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, when this resolution was presented some weeks ago I objected to its immediate consideration, and it was referred to the committee. I desire to ask the gentleman if that committee has considered the resolution?

Mr. GROSVENOR. Yes.

Mr. RICHARDSON of Tennessee. And if so, whether they have unanimously agreed to it?

Mr. GROSVENOR. In the first place, the resolution was considered by the committee, and a report in writing is presented with the resolution.

There was a suggestion from one member of the committee that he might desire to file a minority report. Upon the vote agreeing to the resolution there was no negative vote. I may say that the suggestion I have referred to was made by the gentleman from Missouri [Mr. CLARK]. Since that time he has informed me that he does not desire to make any minority report.

The resolution is in the usual form, and the report refers to the fact that this is the third time that Congress has passed a similar resolution.

The SPEAKER. Is there objection?

Mr. DE ARMOND. I object, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Missouri.

GOVERNORS ISLAND, BOSTON HARBOR.

Mr. CONRY. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 113, reported from the Committee on Military Affairs.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the following House joint resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That permission be, and is hereby, granted to the city of Boston, in the State of Massachusetts, through its mayor, to improve and beautify Governors Island, situated in said city and belonging to the United States, in connection with mooring berths to be built adjoining said island, with the right to said city of Boston to make such excavations and fillings and erect and maintain such structures as the Secretary of War may from time to time approve: *Provided*, That this resolution shall not be construed to pass any title in said island, but the ownership of the said island shall remain entirely in the United States, and it shall be subject to such uses for military or other purposes as the Secretary of War may direct.

The following committee amendment was read:

Strike out all after the word "That," the first word in line 3 of the resolution, and insert in lieu thereof the following:

"The Secretary of War is hereby authorized to permit the city of Boston, in the State of Massachusetts, through its mayor, to improve and beautify Governors Island, or a portion thereof, situated in said city and belonging to the United States, in connection with mooring berths to be built adjoining said island, and to make such excavations and fillings and erect and maintain such structures as may be considered proper for the purpose; all upon plans to be previously approved by him: *Provided*, That the permission given pursuant to this resolution shall not pass any right or title in said island, but shall be revocable at will by the Secretary of War, and the ownership of said island shall remain entirely in the United States, and it shall be subject to such uses for military or other purposes as the Secretary of War may at any time direct."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

LIGHT-HOUSE KEEPER'S DWELLING, ECORSE RANGE-LIGHT STATION, DETROIT RIVER, MICHIGAN.

Mr. HENRY C. SMITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 1964.

The bill was read, as follows:

A bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan.

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause to be erected on the site now owned by the United States a building to be used as and for a light-house keeper's dwelling, Ecorse range-light station, in the Detroit River, in the State of Michigan, which shall cost not to exceed $5,000. The plans, specifications, and full estimates for said building shall be made and approved, according to law, before work on said building shall be commenced, and a valid title vested in the United States, over which exclusive jurisdiction shall be ceded to said United States during ownership for all purposes except the administration of the criminal law and the service of civil process of said State of Michigan. Until this is done none of the money so appropriated shall be used except such part as may be required for the ordinary preliminary expenses for examination, investigation, and report.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if this bill has been considered by any committee.

Mr. HENRY C. SMITH. Yes, sir; it is reported unanimously by the committee; it passed the Fifty-sixth Congress, and has been reported favorably and recommended for the past seven years.

Mr. RICHARDSON of Tennessee. How much does the bill carry?

Mr. HENRY C. SMITH. It carries $5,000.

Mr. RICHARDSON of Tennessee. Is that the limit in the bill that can be expended under it?

Mr. HENRY C. SMITH. Yes, sir; it is for a light-house keeper's dwelling. The nearest point at which the keeper can now live is a mile away, and he must row through the water; and in the spring and fall ice forms there when the channel is open. There is no question about the necessity of the house, and by reason of the condition of the ground there will be a large expense for the foundation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES G. FIELD.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate bill.

The bill was read, as follows:

A bill (S. 1321) to restore to the active list of the Navy the name of James G. Field.

Be it enacted, etc., That the President of United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint James G. Field, assistant surgeon, United States Navy, retired, to the active list of the Navy as a surgeon (with rank of lieutenant) not in line of promotion.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RIXEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ESTABLISHING TERM OF UNITED STATES DISTRICT COURT AT ROANOKE CITY, VA.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12648.

The bill was read, as follows:

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City.

Be it enacted, etc., That a regular term of the district court of the United States for the western district of Virginia shall be held in each year in the city of Roanoke, Va., on the second Monday in February.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF SENATORS IN HAWAII.

Mr. POWERS of Maine. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13076.

The bill was read, as follows:

A bill (H. R. 13076) to apportion the term of office of senators elected at the first general election in the Territory of Hawaii.

Be it enacted, etc., That the several senators elected in the First, Second, Third, and Fourth senatorial districts at the first general election held in the Territory of Hawaii shall, except as hereinafter provided, each hold office for the term of four years from the date of such election.

SEC. 2. That for the First senatorial district N. Russel and J. D. Paris shall each hold office as a senator for such district for the term of two years.

That for the Second senatorial district William White shall hold office as a senator for such district for the term of two years.

That for the Third senatorial district D. Kanuha, George R. Carter, and William Achi shall each hold office as a senator for such district for the term of two years.

That for the Fourth senatorial district I. H. Kahilina shall hold office as a senator for such district for the term of two years.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not want to object to the consideration of the bill; but I would like to ask the gentleman if it is usual for Congress to designate in cases like this the members who shall have one-year, two-year, three-year, and four-year terms?

Mr. POWERS of Maine. I will state to the gentleman from Tennessee what has induced this action. By the organic act it was provided that 15 senators should be elected, and that when the senate assembled they should agree upon 7 to hold for two years and the remaining 8 for four years.

Mr. RICHARDSON of Tennessee. That is what I supposed; and that is the reason I ask the gentleman why the change.

Mr. POWERS of Maine. They got together and failed to do this. The Secretary of the Interior called attention to it, and made this statement about it, which I will read from the report:

It is very important, especially in a new Territory like Hawaii, that a matter such as this should not remain in a state of uncertainty or confusion. Unless it is adjusted before that time it is likely to cause much confusion at the election in the approaching November, and may lead to serious difficulty in the organization of the next succeeding Territorial legislature.

Our attention was called to it by the Secretary, and he was asked to name those who should be senators for two years and those who should be for four. A short time ago, when President Dole was before the committee, on being asked what was the most important matter necessary to be considered for the best interests of Hawaii, he stated that one of the urgent things that should be attended to, if we would avoid confusion, for them to have legislation, to have an election in November, was for Congress to comply with the recommendation of the Secretary of the Interior and determine, as they had failed to do, who should hold office for two years and who for four years. I have here the report of his testimony.

Mr. ROBINSON of Indiana. If I may interrupt the gentleman, I will state that the bill has received the consideration of the Committee on Territories, and I heartily concur in the statement of the gentleman. Certainly no objection ought to be made to the consideration.

Mr. POWERS of Maine. This matter has received the consideration of the entire committee and has the indorsement of the entire committee after having investigated it, as the gentleman from Indiana has stated.

Mr. RICHARDSON of Tennessee. The only trouble in my mind was I was quite sure the organic act had prescribed a method of choosing the senators and providing for their terms, and I could not understand why we should be called upon by an act of Congress to designate senators and fix their terms.

Mr. POWERS of Maine. Simply because the legislature failed to do it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POWERS of Maine, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 4929, REVISED STATUTES.

Mr. REEVES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4647) to amend section 4929 of the Revised Statutes, relating to design patents.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4929 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4929. Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section 4886, obtain a patent therefor."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. REEVES, a motion to reconsider the last vote was laid on the table.

Mr. REEVES. Mr. Speaker, I move that the House bill corresponding to the Senate bill lie on the table.

The motion was agreed to.

RAILWAY ACROSS OMAHA AND WINNEBAGO RESERVATION, NEBR.

Mr. ROBINSON of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time prescribed by an act of Congress approved the 26th day of March, 1898, entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," for the construction of said railway be, and the same is hereby, extended for a period of three years from the 26th day of March, 1901.

SEC. 2. That all other provisions of said act are hereby continued in full force and effect.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. ROBINSON of Nebraska, a motion to reconsider the last vote was laid on the table.

TERMS OF THE CIRCUIT AND DISTRICT COURTS, MIDDLE DISTRICT OF PENNSYLVANIA.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 2063, amending an act creating the middle district of Pennsylvania.

The Clerk read the bill, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the middle district of Pennsylvania shall be as follows, to wit: At the city of Scranton, in the county of Lackawana, on the fourth Monday of February and the third Monday of October in each year; at the city of Harrisburg, in the county of Dauphin, on the first Monday of May and the first Monday of December in each year, and at the city of Williamsport, in the county of Lycoming, on the second Monday of January and the second Monday of June in each year. The sessions of the said courts shall continue for such time as the judges thereof shall severally direct and determine; and adjourned sittings and sessions may be held from time to time according as the business of the said courts shall, in the opinion of the same, require it.

SEC. 2. That the judge of the district court shall reside and the records of the circuit and the district courts shall be kept at the city of Scranton; but the said courts may provide by rule for the keeping of provisional or temporary records at Harrisburg and Williamsport of such actions, suits, or proceedings as may be there entered or brought. Nothing herein contained, however, shall be construed as requiring the removal to Scranton of the records of the late courts of the western district at Williamsport, but the same shall there remain as heretofore, under the control and direction of the courts of the middle district, as provided in the ninth section of the act to which this a supplement, and in the charge and custody of the respective clerks thereof.

SEC. 3. That the number of traverse or petit jurors summoned to attend at any term of the said courts shall not be less than 24 nor more than 48, as the said courts by their order from time to time shall direct.

With the following committee amendments:

(1) By striking out the word "supplementing" in the title and inserting in lieu thereof the word "amending."

(2) By striking out the words "the judge of the distrct court shall reside and" in the third and fourth lines, on page 2.

(3) By striking out the word "supplement" in line 14, on page 2, and inserting in lieu thereof the word "amendment."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

Mr. WARNER. Mr. Speaker, to cure a clerical error, I move to amend as follows:

On line 16, page 2, after the word "this" insert the word "is."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

By unanimous consent, the title was amended.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

RATIFYING CERTAIN ACTS OF ARIZONA LEGISLATURE.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature.

The Clerk read the bill, as follows:

Be it enacted, etc., That act No. 65 of the twenty-first legislative assembly of the Territory of Arizona, entitled "An act to authorize any county in the Territory of Arizona having an assessed valuation of $8,000,000 or over to prepare plans and specifications for a storage reservoir or reservoirs, dam or dams, to acquire the site for the same, and to provide the necessary funds to defray the expenses incurred," is hereby confirmed, ratified, and declared valid.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GAINES of Tennessee, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. JOY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOY, a motion to reconsider the last vote was laid on the table.

ELIZABETH A. BURRILL.

The SPEAKER laid before the House the bill (H. R. 12054) granting an increase of pension to Elizabeth A. Burrill, with a Senate amendment.

The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move that the House nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker announced the following conferees on the part of the House: Mr. GIBSON, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

CHARLES D. PALMER.

The SPEAKER also laid before the House the bill (H. R. 18371) granting an increase of pension to Charles D. Palmer, with a Senate amendment.

The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GIBSON, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

JAMES G. BOWLAND.

The SPEAKER also laid before the House the bill (H. R. 5111) granting an increase of pension to James G. Bowland, with Senate amendment.

The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES R. BROCKETT.

The SPEAKER laid before the House the bill (H. R. 5711) granting an increase of pension to James R. Brockett, with a Senate amendment thereto.

The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

OLE STEENSLAND.

The SPEAKER laid before the House the bill (H. R. 10782) granting a pension to Ole Steensland, with Senate amendments thereto.

The amendments were read.

Mr. GIBSON. Mr. Speaker, I move that the House nonconcur in the Senate amendments, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Messrs. GIBSON, CALDERHEAD, and MIERS of Indiana.

CHANGE OF REFERENCE.

By unanimous consent reference of the bill (S. 270) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington, was changed from the Committee on the Public Lands to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina for two weeks, on account of important business.

THE LATE REPRESENTATIVE STOKES, OF SOUTH CAROLINA.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to now call up the special order for to-day, being the eulogies upon the late J. WILLIAM STOKES, former Representative from the State of South Carolina.

The SPEAKER. The gentleman from South Carolina, by reason of the fact that we are within fifteen minutes of the time set for the special order, asks unanimous consent that the House now proceed to take up the special order, being eulogies upon our late colleague, Mr. STOKES. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I submit the following resolutions:

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. J. WILLIAM STOKES, late a member of the House of Representatives from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions agreed to.

Mr. LEVER. Mr. Speaker, to-day the ordinary functions of the greatest legislative body on earth are suspended in order that members of this House desiring the privilege may each add his sincere tribute to the memory of our departed friend. The right to add a single flower to the chaplet which garlands the brow of goodness and greatness is esteemed a high prerogative.

For the time all else is merged into the desire to do full duty

to the dead, and, at the same time, leave to posterity a correct record of the life and character of the subject of our eulogy. The universality and sincerity of our sorrow buries all differences, harmonizes all discords, obliterates all partisan or sectional lines, and each of us is glad to add his testimony of the sterling worth of the great dead.

To me the sorrow is intensified by the deep, personal loss I feel. His wise counsel, personal and sympathetic interest in my welfare, and his almost paternal guidance made whatever success I have attained in life a possibility, and the reverence I feel for his memory can not find expression. To me he was the ideal Christian statesman and truth-loving gentleman, and I can pay him no higher eulogy than to recite the unvarnished story of his life—its struggles, its hopes, its triumphs, its virtues.

J. WILLIAM STOKES, the first son of James Stokes, was born near Orangeburg City, S. C., on December 12, 1853.

He came of an ancestry of planters, his immediate progenitor being a sussessful farmer and mill man. His intense love for farming as an occupation and his interest in the farmer as a class are the intensified and crystallized feelings of his ancestry, an exemplification of the predilections of generations of his family. To him the farm was the nursery of greatness and goodness, the farmer the ideal of independence, morality, and civic virtue, most nearly combining in correct proportion the elements entering into the compositions of active Christian citizenship. The philosophy of his public efforts was that the happiness and prosperity of the American farmer meant the contentment and well-being of the American people.

As a boy he was industrious and intelligent in his work, obedient to his parents—doing the odds and ends of farm work with that readiness and system afterwards so characteristic of the man.

In the country and village schools he showed a quick and investigating mind, given more to searching for reasons than to accepting conclusions it did not understand. Mathematics was his favorite study, though he loved the mysteries of logic and reasoned with great clearness and precision. This prejudice in favor of the more strenuous branches marked his entire course in college and university, and showed its full development in the winning of the Taylor scholarship in mathematics, a prize much coveted, both in point of honor and money value, at Washington and Lee University, which institution he entered at the age of 19, graduating therefrom with the honors of his class—a rare distinction.

By earnest application to work, faithfulness to friends and the precepts of right and truth, by his unassuming, though dignified deportment, the strength of intellect and character, he won the confidence and esteem alike of his fellow-students and the faculty. He was an enthusiastic college man, filled with the college spirit, and took an active part in its athletics, society, and class work, and in the work of the Young Men's Christian Association and Bible classes. In none of these did he take second place.

His diploma meant more to him than an evidence of his having completed certain prescribed studies; it meant his victory over almost insurmountable obstacles. The South lay stunned, her future uncertain, her labor demoralized, her governments unstable and unsatisfactory, the life and property of her citizens insecure, and investments apprehensive and development at a standstill. The social and political status of millions of former slaves had been changed; society was in chaos; opulence found itself reduced to poverty; money was scarcely to be had at all, and never except at the most exorbitant rates of interest.

No State suffered more of these horrors than South Carolina, and the devastations overtook all, and fell especially heavy upon the father of young STOKES, leaving him entirely unable to aid his son in getting a college training. No young man ever faced a darker future, nor did anyone ever meet it with more self-reliance and Christian fortitude. Possessed of that pluck that snaps its finger at difficulty, he managed to effect a loan, paying 12 per cent interest, and with this borrowed money completed his education, repaying it after his graduation. Thus early the indomitable courage of the man showed itself in the invincible spirit of the boy.

Leaving the university with most convincing testimonials of merit from president and professors, he easily secured the first position he sought—associate principal, afterwards president of a fine school in Tennessee. During this first work his trials were enough to overcome a less brave man. The president of the school died, leaving unpaid the salaries of all his assistants, Mr. STOKES included. Upon his accession to the principalship of the school, he assumed its obligations, giving his individual notes and meeting them as early as possible out of his next year's salary. Without a murmur he bore these struggles, a most beautiful consideration for the feelings of his loved ones causing him to keep the knowledge of their hardships from his home folk. But they were not without compensation both to him and his fellow-man.

Adversity is not without its blessings. It brings men in close encounter with the rough edges of the world, awakening in them a consciousness of their power, a confidence in their ability to cope with its complex and difficult problems, and emphasizes the most valuable of all lessons to the young man—the lesson of economy. Lord Bacon says:

Self-reliance and self-denial—

And they are both the legitimate offspring of poverty—

will teach a man to drink out of his own cistern, and eat his own sweet bread, and to learn and labor truly to get his own living, and carefully to expend the good things committed to his trust.

This philosophy was most completely embodied in the life of Congressman STOKES. Early and forced economy gave him a most distinct and sharp idea of value. To him economy in everything was a virtue, though he was by no means parsimonious, being, on the contrary, generous to a fault. To him life was a trust-estate, the conditions being that every moment of time should be given in an effort to better the condition of his fellow-man and to add some worthy deed to the sum total of human achievement. To frit the moments away in idleness and vain endeavor was to violate a sacred trust. Work was a duty, a sacred command.

While the number of persons who owe their education to his generosity, largely increased, no doubt, by his own early struggles, can not at this time be accurately determined, it is sufficient to say that all over his own and several other States many "rise up to call him blessed." In his charity he was liberal to the full extent of his ability, adopting a system which is now being followed by his devoted widow, by which he was able to discriminate between the worthy and unworthy applicants for his help.

He continued teaching in Tennessee and Mississippi for many years, in the meantime graduating in medicine at Vanderbilt University while teaching near Nashville, and though hampered by the duties of the schoolroom, taking a beautiful gold medal for a thesis on a given subject over a large number of competitors.

He seemed, however, to have little fancy for the medical profession, practicing it only a short time, the quiet work of the schoolroom being more in keeping with his character and the bent of his mind.

As a teacher he was eminently successful, many of the best equipped and thoroughly disciplined schools of Tennessee and Mississippi standing, even now, as monuments to his ability and systematic organization. His students loved him for his gentle firmness and patent sincerity. His kindly sympathy and his inherent knowledge of the subtle influences entering into and shaping every life touched a responsive chord in the breast of the student body, as a result of which teacher and student worked together in perfect harmony, disciplined by mutual love and sympathy.

Doubtless his experience in organizing, disciplining, and controlling children was of great value to him in the organization of men. The same tact and knowledge of human nature are essential in each instance, for men are but grown up children plus experience and age.

In 1881, while teaching in Tennessee, he married Miss Ella Landes, of Fayetteville, a most refined and highly educated lady, whose tact, thoughtfulness, and sympathy in his work contributed in no small measure to his ultimate success and universal popularity. In everything she was his helpful companion, resourceful, practical, and in thorough accord with the noble purposes of his life. Their mutual devotion was most beautiful and touching, and their married life of twenty years one beautiful dream of happiness, a moon-lit evening on the seashore.

He was preeminently of a religious turn of mind, and in early life connected himself with the Methodist Church, giving to it his most earnest support. He was a Methodist both by choice and heredity, his entire name being among the most influential members of that church in the State. There are not less than a half dozen consecrated men of his name serving the ministry in the Methodist conference of his State at this time. He was more than a mere passive church member; he was an active worker in the cause of the Master, a working Christian. He saw in the church the appointed way to the higher and better ideals taught by Holy Writ, and neither the glamour of political life nor its burdens caused him to neglect his Sunday school and church work. During all of his life he was one of the strong stakes in the Sunday school, and while in Washington regularly taught a large Bible class.

It was while thus equipped with a strong, Christian character, a classic education, a wide knowledge of human affairs, and a keen and cultivated insight into human nature that his father died, necessitating his return home to take charge of the estate.

This event, sad as it was to him, was the crisis point in his political career. The political storm which broke with the fury of a hurricane in 1890, arousing the most intense excitement, was gathering rapidly. At Bennettsville, Captain Tillman, now

Senator TILLMAN, thundered forth the demands of the farmer, and called upon him to assert his rights.

The Farmers' Alliance, which had taken deep root in many of the Western States, was beginning to find favor among the farmers of South Carolina, who were chafing under then existing conditions and dissatisfied with the management of State and national affairs. It was at this point that Dr. STOKES became a factor in the great movement that must ever remain one of the most interesting chapters in the history of South Carolina. He saw in the purposes of the Alliance great possibilities for the agricultural interest of the country, and it was but natural that his love for and belief in the rights of the people should find expression in a zealous advocacy of the party which he believed promised the most ultimate good to all the people, and, like most of the great Alliance leaders, gravitated inevitably into what was known as the reform movement.

His comprehensive mind took in the situation in all its aspects. The people were dissatisfied, restless, and demanding a change; but they were in a state of chaos, without organization and systematic leadership. These conditions had to be met, and he set himself at once to the work of organizing the farmers of his county into Alliances, having for their purpose social and industrial improvement. Into this work he entered with all his mind and soul, bringing to it his wide experience in dealing with men and his vast accumulation of economic knowledge.

His enthusiasm was not of the kind born of ulterior motives. He was fighting for principle. In this work he met with remarkable success and his great ability as an organizer found ready recognition throughout the State. About this time he bought The Cotton Plant, making it the official organ of the Alliance. As its editor he showed his full acquaintance with the great issues then agitating public thought and his intense love for the people. His style was clear, logical, and plain, his statements fair and honest, appealing always to the reason of his readers.

His promotion continued. He was elected State organizer of the Alliance, the most prominent place on the fighting line; and later became its president, holding the latter position for several terms. He was the great leader of the Alliance, a fearless and aggressive fighter, a cautious and conservative counselor, armed at all points with facts and authorities and the equal in point of equipment to any foeman or occasion. He applied the cold steel of argument to the position of his adversaries and met their assaults in kind. His prominence drew upon him the full fire of the opposition; but no amount of criticism, sarcasm, or ridicule could diminish his zeal for the cause, or induce him to modify to the extent of a "jot or tittle" the demands of his organization.

He stood steady through it all and directed his forces with a judgment almost unerring. He was calm, calculating, judgmatic—quick to seize a strategic point or profit by a tactical blunder, neither allowing his judgment to become befogged by enthusiasm nor permitting an infatuation with an idea to warp his reason or entrap his conscience. His ultimate and complete leadership in the organization was assured, and from this time on he became the loved oracle of the farmers' organization.

It is not in place at this time to discuss the merits of that controversy nor the fruits of that movement. It is sufficient for the generations who may wish to study his life to "point a lesson or adorn a tale" to know that he won the complete confidence and esteem of his followers by a fearless and faithful adherence to his conception of right and merited the respect and admiration of his opponents by the fairness and catholicity characterizing his attitude toward them.

It is a most distinct testimonial of the purity of his character that at this period of extreme bitterness no word was ever uttered in assault upon it, or the integrity of his purposes. His most bitter political enemy conceded his high moral character and patriotic sincerity. His partisanship was so tempered with conservatism and a proper regard for the opinions of others that when the smoke of that bitter conflict had cleared away there was no one unwilling to testify to his ability, fairness, and manly conduct.

He was elected to the State senate in 1890, after a thorough canvass of his county, defeating one of its most brilliant and honored sons. In the senate he was generally recognized as a strong, thoughtful, and conservative man, possessing well-defined convictions on public questions and in most thorough accord with the dominant thought of the State. His eminent services in the senate made him the logical candidate of the farmers for the Democratic nomination for Congress in 1892.

He was opposed by Hon. W. H. Brawley, at present a district judge, and was declared defeated by a small majority. In this campaign his great powers as a debater first showed themselves to advantage. His opponent was a past master in the art of disputation, eloquent, resourceful, and adroit, while he wa untried and untrained. But when the clash came, before great popular audiences, where the pulse beat is high and true, the great ability and tremendous earnestness of the farmers' champion supplied his lack of prior training, and he proved himself the full equal of his opponent in every respect.

Congressman Brawley having been appointed district judge by President Cleveland, resigned his seat.

Undaunted by defeat, confident of the correctness of his conclusions and of their ultimate triumph, loved as he was by his followers, he again became their standard bearer for the unexpired term, and was again defeated for the nomination by a decreased majority by Judge James F. Izlar, an able jurist, an impelling orator, and a most popular man with the masses.

These reverses did not diminish his optimism nor lessen his faith in the final success of the principles he advocated; and though thus defeated, his ability and sincerity had so impressed the leadership of the State that the State convention of 1892 elected him a delegate at large to the national Democratic convention, and the same year he was an elector on the Democratic ticket.

In 1894 he received the Democratic nomination for Congress without opposition, being opposed in the general election by T. B. Johnson, a white Republican, who, failing of a majority in the election, appealed his case to the House of Representatives, which, in the final determination of the issue, declared the seat vacant. In 1896 he was again awarded the certificate of election for both the unexpired term of the Fifty-fourth Congress and the full term of the Fifty-fifth, and again Mr. Johnson contested his seat, though the case abated upon the death of the contestee.

He was a member of the constitutional convention in 1895, and was one of the leaders of that body, contributing largely to the high character of its debates and serving with distinction on its most important committees. Feeling the immense responsibility of this position and the necessary permanency of the work. he spared neither mental nor physical effort to inform himself to the end that he might act wisely and for the best interest of the State.

He was elected to the Fifty-sixth Congress without opposition, though his nomination by his party was contested by Hon. Thomas F. Brantley. He received the unanimous nomination of his party in 1900—the most convincing testimonial of his good service and the confidence of his people—and in the general election had only a farcical opposition, which met little encouragement from the more respectable element of the Republican party in the district.

As a Congressman he gave his entire time to his duties. Regular in attendance upon the sessions of his committees and the House; attentive to the work of the Departments; prompt in answering the demands, however trivial, of his constituents, however humble; alert to the needs of his district, he was at the same time a close student of economic conditions, an original thinker, and an honest and elaborate investigator, in full sympathy with the conservative ideas of the age and intensely devoted to the cause of the people.

His intimate and accurate knowledge of the needs of his people convinced him that he could serve them in no more practical and material way than by giving better mail facilities to rural communities, and he resurrected the idea of rural free delivery. The system had been getting a desultory support from several preceding Congresses, but was languishing for lack of earnest and aggressive sympathizers. In a carefully prepared and exhaustive speech, he called attention to the needs of the farmer in this respect and pointed out the great and beneficent possibility of a perfected system of rural feee delivery.

The effect is known and appreciated by the 10,000,000 farmers daily served by the system. It is his greatest work, his most lasting triumph, his best legacy to the generations that must ever and ever receive its increasing and multiplied benefits. This, together with his authorship of the idea of free delivery on star routes, and his fight against gambling in cotton futures, gave him a reputation unbounded by district and State lines, and it even went beyond the seas.

He was intensely patriotic in his work, his vote at all times representing the concurrence of his reason and conscience. No command of partisanship could ever drive him into committing the national conscience to an ethical wrong.

He was greatly loved by the membership of the House for his purity of character and faithfulness to every obligation, and the spontaneous and sincere expressions of regret for his taking off were eloquent tributes to his worth.

He was neither a genius nor an orator in the ordinary acceptation of those terms. He was a powerful and effective debater, a strong controversialist, quick to detect a weak point in a line of defense, and as alert to marshal his forces against it, though he lacked the rich imagination, the nervous energy, the command of soul-stirring language, and the personal presence which give the orator the power to touch the hidden chords of the emotions and for the moment still the voice of reason.

His intellect was of the steady, substantial kind, without the meteoric brilliancy which enchains the emotions momentarily and then goes out in darkness. He was a most able man, both by natural endowment and judicious training, conservative in his opinion, safe in his judgment, and content to take a practical and human view of things. In his extraordinary capacity for work he was most undoubtedly a genius. His well-stored, well-poised mind was the effect of his zeal and perseverance in equipping, cultivating, enriching, and expanding it. He made the very best use of his natural endowments, and this constituted whatever genius he possessed; and it is this kind of genius that is in the reach of everyone who will pay its price—conscientious, honest labor.

He was a good man, an accommodating neighbor, a devoted son, a tender husband, a thoughtful friend and Christian citizen, and an able statesman, whose influence upon every community in which he lived was most salutary. To touch the circle of his influence was to have the soul raised heavenward. He bound his friends to him with hooks of steel, and their loyalty to him alive and to his memory dead is the highest tribute to his unselfish and generous character. The Golden Rule was his rule of conduct toward his fellow-man.

To the young man struggling against the tide, baffled, discouraged, and despairing, his life is a hope, an inspiration, and an exemplification of the maxim: "The gods sell everything for labor." Preferments came to him as victories; fortune never smiled upon him. Each higher position in the public esteem was but a natural evolution, a just recognition of his faithfulness and ability in the discharge of less responsible duties. He literally won success.

'Tis not in mortals to command success,
But we'll do more, Sempronius, we'll deserve it.

His death was pathetically sad, coming at a time when he had reached the prime development of mental and moral manhood, the full embodiment of civic virtue and Christian character. The difficulties of young manhood had ceased to be an unpleasant memory in the grand triumphs and honors of full maturity; partisan and factional bitterness had yielded to the nobler feeling of reconciliation, and he had found solid lodgment in the affections of all his people, being stronger in their love at the time of his death than at any time during his career.

The full stature of the man was beginning to break upon the people of his State, and the fondest dream of his ambition—the honor of representing his great State in the Senate of the United States—in all probability would have found an early realization in the expressed will of his people. But how uncertain are human calculations.

For several years prior to his death his health had been failing, and for months immediately preceding it he was confined to his room, where tender and intelligent care did all in its power for him. He continued to sink despite the efforts of the best physicians in the State. The worry, confinement, and constant mental and physical strain incident to public life had mad irreparable inroads upon his constitution and it was too weak to withstand the assaults of disease.

He had literally worn himself out in the service of his people, and on July 6, 1901, at 5 o'clock in the morning, the hour when darkness salutes the dawn and bids her welcome to her place, death came. With a calmness and serenity born of Christian fortitude and hope and faith he faced the ordeal of his dissolution, and even in this dread hour the old familiar smile, so dear to those who knew him, rested on his face, giving an assurance that the bright star of earthly existence had only sunk into the more brilliant dawn of a new and better life.

It is a sweet thought—the thought of immortality—the belief that death is only the beginning of a brighter and more joyous life, the faith in the promise that those who keep his commandments shall meet again in the "house of many mansions." Such a kind philosophy dispels the gloom of the grave and brings a solace and an assurance to the broken-hearted and disconsolate.

A great statesmen has gone; and his greatest monument will be the heritage he has left posterity in the example of a faithful, Christian life.

As said he, in eulogizing the late Senator Earle, so can I with equal appropriateness say of him: "If I were to attempt to sum up in one term the quality which lay at the foundation of his character, I could find no fitter term than the single word 'faithful'—faithful to social obligations, to political obligations, to public obligations, to private obligations, to family obligations, and, back of all, faithful to his obligations to his God."

Mr. HAY. Mr. Speaker, friendships made during a service in this House are often very close, and the ties here contracted last for years, but the dearest friendships are those made in college; there we come to know intimately all the good and all the bad about our fellows, and when once we learn to love and honor a college mate no time nor distance can efface the impressions then formed. I knew Mr. STOKES at Washington and Lee University, Lexington, Va., and was closely associated with him while there. We roomed in the same house, were coeditors of the college magazine, and were thrown constantly together. I learned to admire, honor, and love him in those days. He was gentle, yet firm. His was a character which commanded the respect of all with whom he came in contact. He had the undivided confidence of faculty and students, and was one of the most popular students in college.

He took a high stand as a student, and left college with the high regard of all. While I, at times, heard of him and from him, I did not see him again until I met him in the extra session of the Fifty-fifth Congress. It was a delight to find him the same in character and in standing here as he had been at college—conscientious, hard working—representing with fidelity his constituents, having the confidence of his associates on this floor, and playing his part here with distinguished merit, he had the profound regard of all the members of this House. His death was most untimely. In the flower of his age, at the height of his usefulness, in the fullness of experience he was taken from that sphere of action in which he was displaying the sound common sense, the graceful tact which were his characteristics. We can but deplore his taking off and mingle our tears with those of his people who honored him and whom he honored.

Mr. DE ARMOND. Mr. Speaker, the proud State of South Carolina has furnished to the country many distinguished men and made a great deal of history. Among those whom she sent to public life perhaps no one deserves to stand higher as a modest gentleman and faithful representative than our departed friend, to whose memory we pay tribute to-day.

It is common in eulogies to exaggerate; indeed, it is common to deny to people while living credit for the good qualities which they possess, and common after they have departed from life to attribute to them good qualities which they did not possess. Thus we often do injustice to the living and do more than justice to the memory of the dead, withhold the kindly word and generous commendation when they might be of value, and spout fulsome praise when praise is useless.

What has been said to-day, touching and appropriately, by the young member from South Carolina [Mr. LEVER] who succeeded our departed friend has also been said truthfully, and therefore it is really a fitting tribute, full and just, to the good man who has gone hence. Dr. STOKES possessed in a marked degree the amiable and excellent qualities of manhood. He was modest and firm; he was true and faithful. It has been said of him very justly that in this House he had not a foe and that every man who knew him was his friend. He gave offense to no one, he did wrong to no one, he spoke harshly of no one, he felt ill toward no one. He was singularly free from malevolence and envy and jealousy and all disposition to harm any of God's creation. He possessed in a notable degree, upon the contrary, the inclination to help, to treat kindly, to advance, to build up.

I did not know Dr. STOKES until he came to this body as a member of it. I saw all sides of him and learned to know a good deal of his character during the time when the contest over his seat was pending in this House. No one who has not had the experience of a contest can fully understand or properly appreciate what care and anxiety and vexation it may bring. The mere observer can only judge of it partially and imperfectly. When the contest is on, when bitterness frequently is aroused, when often unfair things are attempted and unkind things are frequently said, it is not remarkable to find one engaged in such a contest giving the rein to his malevolent feelings, if he have any, and suppressing his kindly and more generous sentiments. As a member of the committee which considered and reported upon the election contest of Johnston against Stokes I was most favorably impressed, as I think every member of the committee was, by the honorable bearing of Dr. STOKES.

Not a solitary thing, in private conversation or publicly, in committee or in the House, ever escaped his lips calculated to show the least feeling against the contestant or the least desire for anything but a fair consideration of his case. He was calm, good-humored and fair, generous and kindly, through it all. He had no doubt about the fact of his election, and he had a confidence that fair play would be done him in the House. When the decision was finally reached, which denied to the contestant the seat and, removing the contestee from it, vacated the seat, he left for his South Carolina home without exhibiting any evidence of the least bitterness or disappointment, and, I am sure, without an unkind feeling toward anybody in the House, anybody in his own State, or anybody in the wide world.

Dr. STOKES was a singularly modest and diffident man, wonderfully considerate of the feelings and the rights of all others; one

who would rather suffer the deprivation of some of his own rights and privileges than, by any chance or any accident, trench upon those of others. He passed in and out of the House pursuing his duties quietly, unostentatiously, and faithfully.

South Carolina may have had—doubtless has had—more brilliant Representatives, but she never had a more faithful one or one better disposed to the performance of every duty. She has sent to this body and into public life many men of high qualities and chivalrous bearing, but never, I think, did she have in public life a man more faithful to her interests, more blameless throughout his whole public and private life, than the man to whose memory we pay tribute to-day.

A good man has gone; a faithful servant has been removed from a service valuable to his constituents. He has left a good record at home, a good record here, and I verily believe that every man, woman, and child who knew him remembers him kindly. I am sure that not one with whom he came in contact has a bitter, revengeful, or unkind feeling toward him. He earned a good name and left it a legacy.

Passing through life thus kind and gentle, doing good upon every occasion and according to the full measure of every opportunity, doing harm to none and wishing harm to none, and finally, full of honor, crowned with the glory of a well-spent and useful life, passing, when the sun was at meridian, to the great life beyond, few have left and few can leave, according to their opportunities in the spheres in which they move, a better record—one which can be looked upon with more pride and more pleasure by friend and fellow-citizen, by relatives and by those unrelated—than that of the gentleman who lately represented a district of the old Palmetto State that gave him birth, honored him, and was served by him and finally laid his mortal remains away in historic soil, enriched by the ashes of the immortal dead.

I am glad on this occasion to pay my tribute to the worth of the modest gentleman, faithful Representative, kind friend of gentle ways and blameless life, our friend J. WILLIAM STOKES.

Mr. JENKINS. Mr. Speaker, I should not feel as though I was properly discharging my duty if I allowed this opportunity to pass without adding my tribute to the life and memory of the Hon. J. W. STOKES.

It was my pleasure and good fortune to meet him at the opening of the Fifty-fourth Congress, and I had every opportunity to familiarize myself with every phase of his nature.

His right to his seat was contested, and the case came before a committee of which I was a member. This relationship brought me in close contact with him. The hearing was of great interest to him. He was not only personally interested, but he felt a deep interest in the result as affecting the State which he in part so honorably and ably represented.

To his credit it can be said that he simply relied upon the law and the fact to entitle him to succeed, and he scorned any attempt to have influence exerted in his behalf, at the same time fully appreciating the earnestness and kindness of his many friends.

In the discharge of my duty I was compelled to ask him a great many questions, to more fully develop his case. His answers were always prompt, candid, and full, without regard as to how they affected him. While opposed to me in politics, I appreciated the care with which he investigated all public questions, and he tried to and did represent his people, his State, and his country, in a strong, able, and dignified manner.

He was rapidly developing as a close student and an able and just legislator. His utterances were always manly, pure, and elevating, showing the nobleness of genuine Christian character.

I was greatly pained and surprised to learn of his sudden and untimely death.

In mid life, a man of splendid habits, I thought he had a great future before him, and did not realize that grim-visaged death was hovering so near to summon him to eternal life.

Mr. STOKES came from a section of the country that needed just such characters in public life as he was. His broad, manly way in treating public questions, and greeting those he came in contact with so cordially and so pleasant, naturally made him loved and respected by all who knew him, and did much for the State which he in part represented.

Knowing him as I did, I know that he lived a good life.

Appreciating his manliness, I know that the country met with a great loss in his death. His manner was so quiet, personally unobtrusive, thoughtful and reflective in his nature, that he endeared himself to all who had associations with him, and it is perfectly proper that we pause in the discharge of public business to fitly honor his memory by paying the last tribute of respect to the honored and lamented dead.

Verily, a good and patriotic man has fallen!

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, "This is a man!"

Mr. WILLIAMS of Mississippi. Mr. Speaker, philosophy has been defined to be "the contemplation of death." Whether this be true or not it is certain that all of man's philosophizing about other things sinks into insignificance in the contemplation of the dread incomprehensibility.

To what an exact equality of nothingness, when viewed from an earthly standpoint, does it bring us all—rich and poor, wise and foolish, great and obscure, studious and idle, virtuous and vicious, king and lackey, emperor and bootblack! At the end the ants have swarmed and fought, worked hard to store up for a winter's day, begotten their kind, died, and given way to other ants.

The flies on the spokes of the wheel of the universe have gone round with the wheel, fondly imagining that they had something to do with its evolutions, have some day unexpectedly dropped off, and other flies have settled there. If it were all of life to live and all of death to die, if the race only were immoral and the individual sank, body and mind, into the hideous rottenness of death, who could find a rational cause to prefer one course of life to another, except only to prefer pleasure to pain, ease to labor, soft places to hardships?

"Eat, drink, and be merry, for to-morrow you die," would be the only philosophy taught by "the contemplation of death," except, perhaps, this: When life becomes misery, seek the "quietus" of "a bare bodkin," congratulating beforehand the lesser worms upon the feast you are preparing for them.

The very fact that mankind does not act and has never acted on that theory is proof that they do not believe, have never believed, and will never believe that the body is the man, the tenement the tenant, or the destruction of the tenement the annihilation of the tenant—in a word, that body-death stops soul-growth. "There's a divinity that shapes our ends, roughhew them how we will."

There can, of course, be no physical proof of a spiritual fact, and yet the spiritual instinct of mankind has led them "at all times and in all places" to the great central truth on which depends even earthly progress, development, virtue, civilization—the only possible "working hypothesis" of life, viz, that the real man, the breath of the Infinite within the tenement of clay, can not die. Revelation only confirmed it, making a live faith of that which was a philosophic as well as an instinctive belief. It is this faith which keeps hope in the human breast, and with hope, the work-motive.

No man in Congress known to me ever lived a life or possessed a character more entirely molded in the mold of that faith than WILLIAM STOKES, of South Carolina. I served with him in the Fifty-fourth and Fifty-fifth and Fifty-sixth Congresses. We were not only fellow-members, but fellow-committeemen. It is upon committees that Representatives learn best to know one another. No duty was so small as to miss his attention; none so difficult as to make him shirk it. Sweet tempered and patient in public life, he was affectionate, loving, and temperate in private life, deserving, and to an unusual degree possessing, the love of his family and his friends.

He made no boast of it and never any ostentatious show of it, and yet he was, as a matter of fact, one of the best educated and most broadly informed men in the House. He was, more than that, deeply cultured in the highest sense. His mind had dwelt much upon the humanitarianism of the Here and the eternal verities of the Hereafter. The broad world-love of Jesus of Nazareth had sunk deep into his heart and found there an abiding place and a home. Mind culture had broadened and deepened into soul culture. I will not say "May his soul rest in peace," because he himself did not believe that rest was the *summum bonum* of man's existence or the goal of his destiny.

I would rather say: May his soul continue to grow in power throughout all the ages of the "other time."

Mr. ELLIOTT. Mr. Speaker, when, during the last session of Congress, we learned that Dr. STOKES had left his post of duty to go home on account of the state of his health, it never occurred to me for a moment that he was in any real danger. And I had this feeling because he was so self-contained, so thoughtful, so resourceful, so wise in the solution of every problem that confronted him, and so prompt and efficient in the doing of that which his judgment dictated, that it did not occur to me that he would fail to overcome this danger as he had all difficulties that had confronted him. During my term of service here with Dr. STOKES, extending over several terms, I had learned by the closest and most familiar contact that he possessed all these admirable qualities—qualities that might well justify him in feeling that for him there was no such word as fail.

I did not know Dr. STOKES until it was my good fortune to meet him here as an associate in this body. There were two prominent circumstances that tended to bring us together from the outset. One was that he then represented in great part that splendid constituency of the Seventh district which had supported

me so bravely in many a hard-fought battle. We had both been greatly honored by the same people, we had both learned in the hard field of experience how to value their steadfastness, their integrity, and, more than all, their quiet but firm determination to maintain at every sacrifice the predominance of decent government.

Nothing was more natural than that we should be drawn together by such ties, and I know that our friendship derived strength from the character of the people through whom we were bound together. This was one of the circumstances that first made us friends, and a most pleasant one it was. The other was of a different character, one that might well be called the horror of Congressional life. We were both involved in the disaster of having to maintain and defend in this forum our right to the seats to which our constituents had elected us. I would not refer to such a matter on this solemn occasion were it not that our common misfortune, which entailed upon us an endless amount of work and worry, made conspicuous the admirable traits of Dr. STOKES's character and first made me value him at his true worth and have absolute reliance upon him.

From this time on until the end we were firm friends, and our intercourse was of the most delightful character. And the more I knew of him the more I liked and admired him. For he was one of those men who, from their quiet and unpretentious demeanor, must be well known to be appreciated. He was absolutely without guile or pretense; he was as true as steel; he was faithful to every trust; he was diligent; he was sound in judgment and prompt in execution; he was untiring in work; he was courteous to everyone, but firm as a rock in the performance of what he believed to be his duty. He never faltered, but kept on in the even tenor of his way until the thing he had to do was done.

As I have already said, I learned never to associate failure with our dead colleague. This was because he was a thorough believer in hard, systematic work and had a wholesale contempt for mere show and promise of performance. To this was due the strong hold he had on his people, a hold that grew stronger with each year of his service, until at the time of his untimely taking off he had practically the unanimous support of his district. And he deserved all this, Mr. Speaker, because we who were familiar with his daily life here well know that there never was a more faithful Representative than he, and that his constant thought was what more he could do for the people who had honored him.

As in his Congressional career, so it was in his previous life—all that Dr. STOKES accomplished was by hard, untiring work. Born in Orangeburg County, S. C., in 1853, he was brought up to farm life, meanwhile attending the county schools until his entrance into Washington and Lee University, from which he graduated in 1876 with high honors. In order to pay off the debt contracted in procuring an education, he taught school a number of years in Tennessee and Mississippi, and while so engaged in Tennessee utilized his spare time in studying medicine at Vanderbilt University.

Notwithstanding this drawback, Dr. STOKES graduated at the head of his class, and bore off from many competitors the prize for the best essay. In 1889 he returned to South Carolina and to farm life, and was prominent in organizing the Farmers' Alliance of the State, of which he was president for two terms. He became State senator in 1890; was one of the delegates at large to the Democratic convention at Chicago in 1892; a Presidential elector on the Democratic ticket in the same year, and a member of the constitutional convention of 1895. He was still further honored by his people by being elected to the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. Those of us who did not know him until we served with him here could easily understand that his previous successful career, his promotion from one high trust to another, were due to his untiring, unostentatious and faithful work.

To quote from one who knew him well:

> There is another side of Dr. STOKES's life that is not generally known, which accounts for the strong hold he had on the affections of the people. Having no children of his own to care for and educate, it was his delight to assist others. There is many a young man to-day pursuing his college course who will miss the assistance of Dr. STOKES. There are many young men at home and abroad who owe their education to the kind-heartedness of Dr. STOKES. Of this the public knew little, only those interested in each particular case knowing the facts.

While in Tennessee Dr. STOKES married Miss Ella S. Landers, of Fayetteville, Tenn., a woman universally beloved for her charming personality and most admirable character. Their married life was an unbroken chain of complete happiness riveted together by mutual love and esteem. From what I know of his true and faithful heart, I do not doubt that the presence and tender ministrations of his devoted wife in his last hours robbed death of its sting.

I can not obtrude upon what we all know to be a life sorrow.

Mr. Speaker, I esteemed it a mournful privilege to be able to attest by my presence at the last solemn rites my admiration of his character and my affection for him as a friend. The vast throng there assembled, the evidence of sorrow depicted on every countenance, the solemn and impressive services of the church of which he had been for many years a devoted and consistent member, all testified to the esteem in which our dead colleague was held at his home. And when we had given his body to its last resting place we knew that we had consigned to the keeping of the soil he loved so well all that was mortal of an earnest Christian, a devoted husband, a loving son and brother, a true and faithful friend, and an upright, honorable, and zealous public servant.

Mr. WADSWORTH. Mr. Speaker, it was my pleasure to serve on the Committee on Agriculture with Mr. J. WILLIAM STOKES during the entire period of his membership in the House of Representatives. His appointment to the committee was a timely, fit selection. Mr. STOKES was brought up on a farm, and his knowledge of agricultural conditions, especially in the Southern States, qualified him perfectly for service on the committee which has all to do with the Federal connection with agricultural affairs. He had a farm boy's love for country and a farmer's perception of the needs of the calling. He was a close student of the agricultural conditions of the country, not confining himself to the section in which he resided, but showing equal interest in the North and West.

No member of the committee was more attentive and earnest in his duties. He was a constant and regular attendant at all of the sessions and showed a keen, intelligent interest in every subject brought up for discussion. As to his personality, Mr. STOKES was a gentle, lovable gentleman, who made for himself a very warm place in the hearts of all those who came in daily contact with him. Those of us who were fortunate enough to have close association with him in the preliminary work performed in the committee were, perhaps, better qualified to judge of the character of Mr. STOKES than others who simply saw him on the floor of the House. He was not a man who was self-assertive, but was of such disposition that he seemed to try at all times to smooth the pathway of others rather than to put himself forward. Industrious and painstaking in all that he did, his gentleness of character endeared him to all.

The death of such a man in the prime of his life may not cause great comment in the nation generally. It is likely that the history of his State will be written with but a brief allusion to the services for his constituents and his country, but the departure from this world of such a character leaves a pang in the hearts of those who knew him intimately which is not felt when a man of more prominence and fewer lovable traits is called away. I think I am voicing the sentiments of my colleagues on the Committee of Agriculture when I say that this man has been greatly missed by all of committee associates. There are moments when legislative duties are forgotten. And when we think of those who have joined with us in the past in our deliberations, it is then that we glance toward the seat which he occupied and feel with keen regret that a kindly, loving friend has been taken from us and that we never again shall have the counsel and advice of him who has been summoned back to his Maker.

Mr. SCARBOROUGH. Mr. Speaker, it is eminently proper that we pause amid the busy activities of life and drop a tear of regret on the grave of a dead comrade. "One touch of nature makes the world akin," and I apprehend that no one is so callous as to feel no pang when a fellow-man yields up his life to the grim destroyer. The universality of death does not lessen its terrors. It is one great fact in every life which comes without our volition, and despite our most earnest protest and care. "The living know that they shall die" is the voice of revelation which sings in mournful cadence in every ear.

Death makes no invidious distinctions. The smiling infant, the sturdy youth, sweet-faced maiden, and aged, care-worn man are alike its victims. It visits alike the disease-stricken beggar on his pallet of straw and the wealthy prince upon his bed of down. Rich and poor, humble and great, young and old, all must die. "The rag of wretchedness and the purple robe of power find a common level in the democracy of death." The child just budding into conscious existence turns from its play and seeks safety in its mother's lap when it hears this awful subject discussed or when it looks on the face of a dead playmate. Young men and maidens become pensive and quiet when death steals into a community and touches a friend or companion.

The man of business starts when he learns that an acquaintance has been torn from family and friends and carried to that bourne from whence no traveler returns. The certainty of this dread visitation is the bitter in every cup of happiness, the skeleton at every feast. And the unuttered question of every palpitating heart as it looks upon the face of the dead is, "Who next?"

Nearly one year ago Dr. J. WILLIAM STOKES, an honored member of this body, was called to meet this king of terrors. He met him like a warrior faces his foe—grandly, bravely—but a new-made grave in Sunnyside Cemetery, in his much-loved Carolina, is a sad memorial of the unequal contest.

As a member of the South Carolina delegation I desire to join my colleagues in paying tribute to one whom the people of my State knew, trusted, and honored, and who died holding a commission from them under which he sat in the Council Chamber of the nation.

Dr. STOKES needs no eulogy from me. He established his reputation at home by devotion to duty as he saw it, and achieved an enviable distinction here by close attention to affairs of state. No work belonging to the duties of his office was too insignificant to receive his attention, none so great as to deter him from attempting its discharge.

I had not the honor of an intimate personal acquaintance with Dr. STOKES, and hence I shall speak of him as a public character and from what I have learned of him as one of the leading men of our State.

He was identified with the people—the great body of the people—drew his inspiration from them, was their champion at home as well as in this Hall, and while serving them in the capacity of a Representative in Congress he was true to the trust committed to his hands. He passed unscathed through the troublous times of political revolution in our State and presented to the public a character so pure that no critic could find a blemish upon his escutcheon, a purpose so noble that no opponent could successfully gainsay it, a devotion to his party and friends so loyal that he will live in the history of the State as one who merited all the honors which he received.

Others, however, who knew him well, have spoken of his virtues and pointed out the traits of character which made him great; for, indeed, any man is great who, like him, lives in the hearts of his countrymen.

A few days ago I was shown a letter of condolence written by a friend to the wife of the dead statesman. One passage is so pregnant of meaning, and so fully describes the perfection of his manhood, that I will read it. The writer said:

In a State which has produced so many good men, I know of none who had higher ideals of life and duty, or who was more thoroughly conscientious in the performance of his duties as a citizen, his obligations as a Christian, his pledges as a gentleman, his offices as a friend, and his life as a man.

But there is one feature of his make-up particularly worthy of note, and that is his lofty Christian character. It is too often the case that political honors and worldly prosperity wean men away from the Christian life and make them forget that religion should be their chief concern. Not so with Dr. STOKES. Neither the heat of political controversy nor the applause of the multitude could disturb his trust in God or separate him from the deep and rich experiences of a consecrated life. The allurements of fortune, the seductive influences of high political position, were insufficient to turn him from the King's highway. He overcame self, walked through life with the tread of a conqueror, and kept his face turned to the heavenly hills as truly as the needle points to the pole. A life like his is an inspiration and his triumphal death a benediction.

Near the banks of historic Edisto, the scene of strife and carnage in Revolutionary days, sleeps this truly noble man. Neither the criticisms of enemies nor the plaudits of friends reach his ears. Like a tired child he lies in the bosom of mother earth, and after life's fitful fever is over he sleeps well.

Not far from his resting place, in the beautiful home he builded, there sits a sad-faced woman whom he called wife. Almost a year has passed since death robbed her of her loving husband and protector. The frosts of winter nipped the flowers planted on the grave of her gallant knight, who loved her with all the ardor of his nature. Returning spring has recalled these love offerings into life, and still she keeps her holy vigil and longs for—

The touch of a vanished hand,
The sound of a voice that's still.

Her inconsolable grief is the most eloquent tribute to his worth, and her bitter tears the most touching memorial of his life. The State mourns him, and friends and neighbors claim the right to share in the grief of the heartbroken wife.

He lies within the light of God,
Not a shadow on his breast;
Where the wicked cease from troubling,
And the weary are at rest.

Young in years, full of purpose and energy, it seems almost cruel that he should have been called from his half-finished task. The summons came at midday, but it found him ready. He had secured his passport, and without a murmur he stepped into what we call the gloom and the shadow of the tomb. But no wonder that he quailed not when he stood at the grim portals of death. Years before, when life was full of hope and promise, he had found the Holy Grail. He had been in the Valley of Silence of which Father Ryan sang.

He toiled on heart-tired of the human,
And moaned amid the mazes of men,
Till he knelt long ago at an altar
And heard a voice call him. Since then
He walked down the Valley of Silence
That lies far beyond mortal ken.

Faithfulness to every trust was the ruling principle of his life. Knightly as the ideal gentleman of old to the woman he called by the sacred name of wife; loyal to his party and friends; true to himself, his country, and his God, he fell asleep so gently that no trace of suffering rested on his manly brow, and "he died with a smile on his face as though an angel had kissed him."

After all, the best of him remains—the record of a good name and his lofty Christian integrity. He had fed his soul on the bread of life and quenched his thirst in the living waters. No doubts or fears disturbed his regal spirit or shook his mighty faith. His stalwart mind caviled not at the so-called conflicts of religion and science. To him one was the complement of the other. He read on the pages of each the history of his race from creation's dawn to life's fitful close. Grand philosophy, beautiful faith! Each of these twin sisters follow us through all the labyrinthine way. Science stops pensive and sad at the tomb, drops a tear of regret on the sleeping dust of humanity, and writes an interrogation point for its epitaph. Religion takes up afresh the story of life and destiny and points to home and rest beyond the stars, that move in stately courses across the Empyrean blue.

Full of such knowledge and inspired by such faith, the lamented statesman went out with the tide, well knowing that he would

Meet his Pilot face to face
When he had crossed the bar.

Mr. GILBERT. Mr. Speaker, we are called upon again to contemplate the saddest, the strangest, and most inscrutable event in all of this riddle of human life—death. It would seem that so many myriads of the living have ceased to move among us that the few survivors would become accustomed to the inevitable, and look upon this cessation of life as the natural, normal, and therefore the most uninteresting, of all the incidents of our existence; but it is not so, and we can not be made familiar with this dread destroyer. Death, on the contrary, is always new, and always startling, and always awful.

Into every grave we gaze with new astonishment and over the lifeless form of every friend we stand in silence and amazement. We ask the same old question to ourselves which Job propounded in the morning of history. "If a man die shall he live again?" And no sufficient answer has ever yet been given to this greatest of all questions. To this question our experience and observation answer, "No." Science and philosophy say "they do not know;" but faith and religion, supported by the universal sentiment of mankind, answer, "Yes." But whatever the answer may be, death still remains, sad and inscrutable. It is sad when gray hairs and tottering limbs warn us of its approach; it is sad when physical suffering and mental decay make us welcome its embrace.

But it is sadder still, and saddest of all, when we see a young man suddenly snatched away in the prime and vigor of his young manhood, leaving behind him a young and devoted wife, and leaving unfinished so much of good that he might have accomplished, and so much which, it seems to us, he ought to have been permitted to accomplish. But at the grave our experience and observation count for but little. We bury there our science and our philosophy, and we turn away, seeing more clearly through the tears and sadness of the hour the truth of that universal verdict of mankind, that if a man die, he shall live again For do not that same science and philosophy teach us that—

If a star were plucked from on high,
For ages would its light,
Streaming on down through the sky,
Beam on our mortal sight.
So when a good man dies,
For ages beyond our ken,
The light he leaves behind him shines
Upon the paths of men.

Then it is not true that either the good or the evil which men do is oft interred in their graves. In the higher and better sense the man does not die, and we have not buried our friend, the Hon. J. WILLIAM STOKES. His body perished and was buried, but the man lives on. His life work is left, and his monument has been erected, not of stone or marble, it may be, but in the memory of those who knew him, in the influence for good he wielded, and in that molded, rounded, useful life which passes not away.

I held it truth, with him who sings
To one clear harp of divers tones,
That men may rise on stepping-stones,
Of their dead selves to higher things.

The splendors of the Taj-Mehal did not increase the virtues nor lessen the vices of the beautiful Indian queen to whose memory it was erected. Carvings in stone and sculptures in marble can not alter what has been written in the Book of Life. Our marbled pantheon in yonder hall adds not one jot or tittle to the smallness or to the greatness of those whose exterior images have been wrought in stone. Indeed, we are all sculptors of life, and the universe is one universal pantheon, with a niche for each of us, high or low, as we may choose; and we are all chiseling away, making our own monuments with form and feature and lineaments of our own fashioning.

It is therefore a pleasure, even in the midst of our sorrow, to point you to the exalted niche which Dr. STOKES has carved, and to look at the splendid lineaments wrought by him in a life of honor and usefulness. He was as true to his convictions as was that Roman sentinel whom the lava of Vesuvius could not drive from his post. He was honest and charitable as a man. He was tried and remained popular as a citizen. He was faithful and efficient as a public servant, and, more than all, he was kind, tender, and affectionate as a husband, as a friend, and neighbor.

The poet was mistaken who said:

The boast of heraldry, the pomp of pow'r,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour.
The paths of glory lead but to the grave.

They do not lead but to the grave. They do not lead to the grave at all, nor even toward the grave. Nothing valuable that wealth or beauty e'er gave have been buried. Only gross material things are buried. But as to the fine impulses of the heart, the achievements of a life, the splendid accomplishments of the intellect—there is no death.

There is no death! The stars go down,
To rise on some fairer shore,
And bright in heaven's jeweled crown,
They shine forever more.

There is no death! The dust we tread
Shall change beneath summer showers
To golden grain or mellowed fruit
Or rainbow-tinted flowers.

There is no death! The leaves may fall,
And flowers may fade and pass away;
They only wait through wintry hours
The coming of the May.

There is no death! An angel form
Walks o'er the earth with silent tread;
He bears our best loved things away
And then we call them "dead."

Mr. RICHARDSON of Tennessee. Mr. Speaker, the daily routine of our legislative work is suspended once again, that we may pay a brief tribute of respect to the memory of the dead.

The young may die, the old must die, and the wisest of us know not how soon. This time the member we eulogize was not only my warm political ally, but I was proud to name him in the list of the very first of my personal friends. I had had the pleasure of an acquaintance with him more or less intimate for a longer period perhaps than any member of this House, except some gentlemen of his own State delegation. I met him first in my own Congressional district in Tennessee nearly twenty years ago. It was while I was a very young member of Congress and when I was struggling to make friends and followers in my aspirations to continue a member of this House. It was under these circumstances we first met and he became my warm supporter and advocate.

You have already been told that Dr. STOKES was born on a country farm, in Orangeburg, within the State of South Carolina, in the year 1853; that there he grew to manhood, enjoying the opportunities of the average country school such as was found in his day and time in his State and throughout his section of the Union; that he graduated from Washington and Lee University in 1876, and that he then entered upon a course of teaching, which he followed until about 1888, or a period of twelve or more years.

He was elected to the State senate of South Carolina in 1890. In 1892 he was sent as a delegate to the national Democratic convention, which assembled that year in the city of Chicago, and which nominated, for President and Vice-President, Mr. Cleveland and Mr. Stevenson. He became a Presidential elector in that contest, and made a splendid canvass of his district for the national ticket. He was then laying the foundation of his future career as a Representative of his district in the Congress of the United States.

He was first elected to the House of Representatives in 1894, to the Fifty-fourth Congress, and reelected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. By his death he was prevented from taking his seat in this body in the Fifty-seventh Congress when we assembled in this Hall last December.

I believe he was a member of the constitutional convention which framed the constitution of his State. In all these positions of honor and trust committed to his hands by his people and constituents he bore himself not only with credit to himself, but with honor to those who gave their interests to him.

It is always sad, sir, to contemplate the loss of such a man as Dr. STOKES. Men like himself can not be well spared from public life, for there are too few such as he, who are willing to give up the quiet ease and comfort of the simple home life to engage actively in the turmoil and excitement of the hustings. He was a modest, unassuming, Christian gentleman, who improved and elevated the society in which he moved. His career in Congress could never have been what is termed brilliant or meteoric. He was of different mold. He was to be depended on in all the emergencies where coolness, calmness, and unimpassioned judgment were in demand to solve difficult and trying situations and emergencies. In all things public and private he was honest, sincere, and true. While engaged in his profession of school-teaching he found his way to Tennessee and located within the limits of the district I have the honor to represent on this floor. He taught school in two of the counties which then composed and which now compose my district.

There is where I first met him, and learned to love and to admire him. It was while thus occupied and engaged that he met, wooed, and won the estimable woman who was subsequently to become his partner in life. In a modest country home, surrounded by all that goes to make life pure and hearts contented, they united their fortunes and lives. He could not have been more fortunate in his selection, for while she brought to him the heritage of a good name—there being none better in our State—she was personally worthy of him into whose hands she committed herself. As we utter these words our hearts go out to her in the deepest and tenderest sympathy.

Mr. Speaker, in the loss of J. WILLIAM STOKES this House has lost an honest, upright legislator, his State a true and tried Representative, his country a broad-minded and devoted patriot, his church a pious and faithful member, and his widow a loving, tender husband.

[Mr. JOHNSON addressed the House. See Appendix.]

Mr. LAMB. Mr. Speaker, in the meridian of life, with a promising future before him, enjoying the confidence and respect of loyal friends and a confiding constituency, surrounded with the comforts of home and the sweet companionship of a devoted wife, J. WILLIAM STOKES was called from earth to the abode of the just. On the 7th of July, 1901, a telegram reached me at my home in Virginia, requesting my attendance at his funeral in Orangeburg, S. C. It was a shock, but not a great surprise, for I had observed with deep regret his declining health. I shall ever regret that the information came too late for me to join my colleagues from the other States and be present when all that was mortal of our friend was laid in the silent tomb.

It was my good fortune to serve with Representative STOKES on the Agricultural Committee. This gave me an insight to his character and ability that a large number of this House could not enjoy. We know and appreciate the strong ties of friendship that are formed through association with the members of our own committees, as well as the opportunity this association affords for estimating the character of the members of the House. It is in the committee room that the legislation of the House is shaped and perfected. The quiet, painstaking work of the committeeman counts for much more than the speeches, too often delivered simply for the effect they may have in the Representative's district. This was the work suited to the taste of our deceased friend, and I bear willing testimony to his valuable services in this direction. For this work he was well equipped by training and temperament.

While for the most part we were in accord on the questions that arose in our committee, I call to mind one important subject on which we differed widely, and I bear in mind his gentle forbearance when his own views were combated, and his patience in listening to the arguments of those who opposed him.

Our friend died with his harness on. On more than one occasion I urged him to obtain leave of absence and go home for rest and treatment. He was a physician and would have given this advice to anyone else. I suggested to his watchful and patient wife that she might be able to persuade him to seek relief in entire rest, but her entreaties were in vain, so determined was he to remain at his post of duty as long as his strength would endure. Even after reaching home upon the adjournment of the Fifty-sixth Congress he devoted his time and taxed his energies for the welfare of his people.

I learned this through a rural free-delivery inspector who laid out several routes for me in the fall of 1901. When I ascertained that he had been through North and South Carolina I inquired after my colleagues and particularly as to the last days of Representative STOKES. This gentleman spoke in the highest terms of

him, saying that he insisted on going with him over every route, though it was apparent that he was suffering and evident to all that he could not long stand the constant strain that he seemed determined to put forth. He was deeply interested in the rural free delivery, as the speech he made on the floor of the House will demonstrate. I have referred to his committee work; while this was performed with diligence and effectiveness, he was ready on all proper occasions to express himself with force and earnestness upon all questions arising in the House.

His reserve and modesty were known to his colleagues. So far as I could observe he was free from the twin vices that mar human character—envy and jealousy.

The wisest man who ever lived said, "Envy is rottenness of bones." Again he said, "Who is able to stand before envy?" Pilate knew that from envy the priests and elders of the people delivered Jesus into the hands of the enraged populace. The Phillistines envied the amiable and gentle Isaac. Rachel envied her sister. For less cause perhaps many a modern Rachel is to-day filled with envy and uncharitableness. Joseph's brethren envied him; and all over this land to-day, in city and country, in church and state, in private and public life, men envy their fellows.

Base Envy withers at another's joy,
And hates that excellence it can not reach.

Jealousy is the apprehension of superiority and is often converted into envy. Men who have served in the Army, particularly officers, know something of this evil passion. It has lost many battles and sacrificed many valuable lives. Men in public life are often afflicted with this passion. In years gone by it was a fruitful source of duels; now it finds vent in detraction, misrepresentation, and slander. The Good Book tells us, "Jealousy is the rage of a man." Again, "Jealousy is cruel as the grave." Evil spirits laugh in fiendish delight when, through the influences they appear to wield, they have worked up a desperate case of jealousy.

Beware, my lord, of jealousy!
It is the green-eyed monster which doth mock
The meat it feeds on.

I come now to speak of his higher nature and "holier chivalry." A religious philosopher once observed that, "In Christianity, and in Christianity alone, can be discovered character in harmonious wholeness; at once the 'righteous man,' high in the practice of all social virtues, stern in the inflexible adhesion to the utter right; and the 'good man,' who has won for himself a revenue of affection, at whose name men's eyes sparkle and their spirits glow as if a sunbeam glinted in." Our friend possessed this "harmonious wholeness." He was an earnest Christian. He preserved in his associations and public life the same devotion to his religious obligations that he practiced at home and among his friends. To resist the allurements of the world and keep a conscience void of offense requires strong convictions and resolute will power. He who can safely pass this ordeal in public life is indeed a hero and will wear the victor's wreath at the last.

No one can fully discern the spiritual relations between a man and his Maker. We can only judge a tree by its fruits. From all that we could see and learn of our lamented colleague we rest assured that he kept himself "unspotted from the world."

We believe if a man die he shall live again, and that the spirit of our friend has passed into the city of everlasting peace.

His day is come, not gone;
His sun has risen, not set;
His life is now beyond
The reach of death or change,
Not ended, but begun.

Among the many lovable traits of character possessed by our colleague, who has preceded us only a short time, perhaps, to the spirit land, was his gentleness. This is no afterthought of mine or those who unite with us to-day in these sorrowful and not purely perfunctory ceremonies, but was observed often and sometimes commented on, for every man here is estimated according to his real worth and character. We would do well to lay this thought to heart.

Gentleness is the crowning virtue of man. It is the sunshine of the soul. It is the beautiful blending of many virtues. It comes from the heart and is not a product of the intellect. It is often assumed, but, like every other counterfeit, is sooner or later detected. It is the natural charm of women, but shows its true force or power in strong men who have thought well and struggled hard for their fellows. Its force is potential in the hours of sadness and affliction. It is linked with sympathy and finds an active field in the heroic struggles of the altruistic reformers of this age.

If ever you have looked on better days,
If ever been where bells have knelled to church,
If ever sat at any good man's feast,
If ever from your eyelids wiped a tear,
And know what 'tis to pity and be pitied,
Let gentleness my strong enforcement be.

In emulating the gentle virtues and shunning the weaknesses—if he had them—of our lamented friend, let us seek to promote the welfare of those who have clothed us with grave responsibilities, and in the end deserve the just tributes we now pay to his memory.

With tender recollections of our departed colleague, we pray that peace and happiness may follow her who bears his image in her heart and binds his memory to earth.

Mr. THOMAS of North Carolina. Mr. Speaker, amid the cares and responsibilities, the triumphs and disappointments, and the changing scenes of political life, we pause a while to-day to pay a slight but appropriate tribute of respect and love to one who for six years was an honored and esteemed member of this House and a faithful Representative of his people and the State of South Carolina.

As the years pass like summer clouds, one after another of those whom we have known and esteemed in this House enter the dark valley of the shadow of death and depart to that "undiscovered country from whose bourne no traveler returns."

In accordance with the resolution of the House, we suspend to-day its order of business, and remembering the virtue, the patriotism, and the conscientious service of Dr. J. WILLIAM STOKES, we lay upon his tomb in the Palmetto State a wreath of immortelles. I did not know Dr. STOKES, Mr. Speaker, so well as his colleagues from his State, South Carolina, or so intimately as those who served upon the same committees with him, but I knew of him before my first election to Congress on account of his connection with and great interest in the rural free-delivery service. He was one of the strongest advocates of this service which has proven of such great benefit to the people who live in the country, giving to them a daily mail and newspapers, and bringing them in quick communication with the cities and towns and in closer touch with the current events of the world.

My association with Dr. STOKES in the Fifty-sixth Congress was exceedingly pleasant, and I formed a high opinion of his integrity, character, and fidelity to his trust. I served upon the committee of this House in attendance upon his funeral. A graduate of Washington and Lee University in Virginia, in 1876, and later in medicine of Vanderbilt University, Tennessee, his natural inclination seemed toward public life, and his sympathies were especially with the agricultural people, the farmers of his State, whom he served for two terms as president of the State Alliance.

He was State senator, delegate at large to the National Democratic Convention at Chicago in 1892, Presidential elector, and a member of the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. In the closing days of the Fifty-sixth Congress it was apparent to his devoted wife and his friends that his health was failing, so that the sad news of his death at his home in Orangeburg in July, 1901, soon after his entrance upon his fourth term as a member of Congress, was not wholly unexpected.

And yet, Mr. Speaker, how few of us ever expect the coming of this greatest of all changes in our human lives, the final separation from the bright scenes, the joys, the sorrows, the activities, the ambitions of the world, and our transition to another sphere of existence, borne upon and across the wide and fathomless ocean of eternity.

Whither we go, we know not. We only know that heathen as well as Christian philosophers, since the days of Socrates and Plato, have taught that death is but a transition; and we can only look up and beyond the mists and shadows which surround the dark valley into the sunshine which rests above and beyond, and with confident faith in the teachings of the divine Master exclaim:

And though from out the bourne
Of time and space
The flood may bear me far,
I hope to meet my Pilot face to face
When I have crossed the bar.

Those who love and serve their fellow-men may pass from the stage of action, but they still live in the affection and undying memories of their fellow-citizens; and so, Mr. Speaker, I am sure if loyalty to conviction and duty, if fidelity to trust, if Christian manhood, if service to his fellow-men can prepare a man for transition to a higher and nobler existence, and cause his memory to survive the mighty change of death, then our late colleague in this Chamber, to whom we pay tribute to-day, still lives in his work and his example.

At his home in Orangeburg, S. C., upon the streets, at the church of which he was an active and beloved member, throngs of his fellow-citizens assembled to manifest their love for him and deep grief in the loss they had sustained. He seemed to be, and he was, in the very zenith of his popularity and usefulness when the end came, and he still lives in the affections of the people of his district and State.

He has only passed from earth to some happier existence. Death for him was but transition, and we believe that in the "silence of the receding world he heard the great waves breaking upon the

farther shore and felt upon his wasted brow the breath of heaven's eternal morning."

There is no death! the stars go down
To rise upon some other shore,
And bright in Heaven's jeweled crown
They shine forevermore.

There is no death! the forest leaves
Convert to life the viewless air;
The rocks disorganize to feed
The hungry moss they bear.

There is no death! the dust we tread,
Shall change beneath the summer showers,
To golden grain, or mellow fruits,
Or rainbow-tinted flowers.

There is no death! the leaves may fall,
The flowers may fade and pass away—
They only wait through wintry hours,
The warm, sweet breath of May.

Mr. CANDLER. Mr. Speaker, I always have a feeling of solemnity on occasions like this, when I realize I am in the presence of death. Great minds have traveled through life in awe at the thought of death, and Queen Elizabeth cried out, "All my possessions for a moment's time!" Burns called death "the poor man's friend," and Byron, when the end came, said: "I must sleep now." Mrs. Hemans truly proclaims:

Leaves have their time to fall,
And flowers to wither at the north-wind's breath,
And stars to set; but all,
Thou hast all seasons for thine own, O Death!

We can *not* understand it, and we will never know why here, "for now we see through a glass darkly," but by and by we shall know, "for then I shall know even as I am known." Hence "it is not all of life to live nor all of death to die." I am here to join in paying a tribute to the life and character of the Hon. J. WILLIAM STOKES, late an honored and beloved Representative in this House from the State of South Carolina. I had not an extensive or long acquaintance with Dr. STOKES. He lived in my home city of Corinth, Miss., about twenty years ago, and was the principal of the graded schools during his residence there.

I felt highly honored when I received an invitation from his widow through the gentleman from South Carolina [Mr. LEVER] to deliver an address on this occasion, and as I did not live in Corinth when Dr. STOKES resided there, I at once wrote to some prominent gentlemen there about him, and I am going to take the liberty of quoting from their replies. He was a teacher while there, and it is of that period in his life I shall especially speak. The first letter from which I quote is from Hon. Thomas E. Henry, the present mayor of Corinth. He says:

It was my pleasure to know the Hon. J. WILLIAM STOKES quite intimately while he was a resident of Corinth. I was the clerk of the board of mayor and aldermen at the time he taught school here, and this gave me an opportunity to know him well. He was not only a thoroughly educated man, but a very practical one.

He was the founder of graded schools in Corinth. It was the custom when he came here to prorate the public school fund to every private school in town. He questioned the propriety as well as the legality of this practice, and in a short while had the support of the people as well as the authorities in favor of using the public fund exclusively in support of the public graded schools. He established such a reputation for honesty, integrity, conservatism, and ability that he was placed in absolute control of the entire school interests and school funds of the city, and was allowed to conduct the school according to his best judgment, and permitted to select his own faculty. He was a strict disciplinarian, but at the same time was kind and gentle, and one of the most amiable of men. He lived up to his professions in both temporal and spiritual affairs. He was a true man, an excellent teacher, an exemplary citizen, and a consistent Christian.

I now quote from a letter written me by Hon. J. M. Boone, a prominent attorney of Corinth. He says:

Hon. J. WILLIAM STOKES lived here several years, and was during that time principal of our public free school. He was very competent and extraordinarily energetic. He was, I think, as progressive and persevering as any man we have ever had here in any line of work. By his ability he built up the public school interest that finds such strong hold in our city now. When he took charge here, our people did not seem to rightly appreciate the benefits of an education for their children, but never since his stay with us have I seen a disposition on the part of our people to lag in this work

He was a consistent Christian gentleman. He possessed strong will power and was persistent in his views about his profession. I never heard a remark against his honesty of purpose or a reflection upon his daily life. His life here showed him to be a leader rather than a follower of men. He was open, frank, and candid in all his dealings. In all of his proposed public measures he never seemed to have anything to conceal, but dealt with the subject in an open, frank way, and presented his views with the utmost candor.

The following quotation is from the letter of my family physician, a most excellent and elegant gentleman, Dr. Charles M. Taylor, of Corinth. He says:

I am very glad you were requested to say something of Dr. STOKES. I went to school to him. He was a great teacher and a most excellent gentleman. He was an honest, upright man of undoubted integrity, a man who loved right and abhorred wrong, one who when mistaken had the manhood to acknowledge it; who when right had the moral and physical courage to maintain it. He was a teacher of great ability. He possessed the happy faculty of being able to impart what he knew in a forcible and pleasing way to the student. He deserved and received the good will, respect, and admiration of the pupils and patrons of the school so long as he remained in our midst without, so far as I know, a single exception. His life was such as to lead me to believe he was a devout, true, and sincere Christian.

I was, as a student, very intimate with Dr. STOKES for two years and had a most excellent opportunity to observe his "daily walk and conversation," and he was in all above criticism or reproach. I never heard him discuss religious subjects or mention God but what he did it with that becoming reverence due from the creature to the Creator, from a sinner saved by grace to his Lord and Master. His was a beautiful character, worthy of all emulation. You can not say too much of Dr. STOKES. He was a true, manly man, a perfect gentleman, an excellent citizen, and a devout Christian.

The next quotation is from the letter of Dr. Theodore Borroum, an accomplished and cultured physician of Corinth. He says:

I was too young to know much of Dr. STOKES when he lived here. I have, however, inquired of a great many citizens who did know him and who now remember him well since I received your letter asking me about him. All with one accord speak in the highest terms of him as a man, a teacher, and a Christian gentleman. He taught here something like twenty years ago and was the principal of the city schools. He was eminently successful as an educator. I am sure you may pay him the highest encomiums and not speak extravagantly of him. Corinth owes much to his wise counsel and effective work. He made his impress here for good, and the present most excellent graded schools in our city are an enduring monument to his memory and a blessing to humanity.

I have preferred to copy these letters verbatim rather than otherwise use the information brought to me by them, and having done so, I could well stop at this point, for I can pay no higher eulogy than these testimonials to the life and character of this great and good man. Here is a verification of that divine truth, "By their fruits ye shall know them." This man, wherever he lived, left his impress for good. He used well his opportunities as a teacher to rightly store the mind and soul of the young with aspirations for loftier things. There is no nobler, higher, or better calling or profession than that of teacher. He who properly instructs, guides, and directs the youth, male and female, of the country is a blessing to humanity, an honor to the world, and a coworker with our Father above.

Dr. STOKES was a success in this exalted profession, and it prepared him for wider usefulness and for greater endeavors in the field of statesmanship. He was a leader—"a voice, not an echo"—and faithfully and well did he lead onward and upward in things temporal and spiritual. To such a man life was a field of noble activity to prepare for better things by and by, and death had no terrors. The Christ said, "He that believeth on me hath everlasting life." He believed on Him, he trusted in Him, and he simply passed through the "valley of the shadow of death" out into the fuller, purer, and never-ending life in the presence of Him above. The life and character of such a man is encouraging and uplifting; the death of such a man is sublime and beautiful. In life he dispelled clouds, he scattered sunshine.

He was busy, he was useful. He continually did that which was good. He constrained people into better ways. He was sincere in all his purposes, and was not a passive influence, but an aggressive, active force. He performed his task faithfully, and has gone to his reward. His life was beautiful, and its close here and its passing through the shadows exemplified the "beauty of death." The mystery of life and the mystery of death met and blended into a transcendent light that brilliantly illuminated the pathway to that rest "beneath the shade of the trees," in the "heaven of eternal bliss." Mississippi mingles her tears with South Carolina on the grave of her honored and beloved dead, and plants a most beautiful flower which shall ever be blooming and fragrant in our memories.

With our united hearts of sympathy we offer condolence to the bereaved widow, and would comfort her with the thought, "Blessed are the dead which die in the Lord from henceforth; yea, saith the Spirit, that they may rest from their labors; and their works do follow them." He rests from his labors, but his works still live; they follow him, and they are for good. "He being dead, yet speaketh," and in his works and speech he has exemplified and is exemplifying the true man, the perfect gentleman, the faithful public servant, and the devout Christian. In truthfulness we can say his life was a success, and that truthful epitaph is a "halo of glory" for any life which will not grow dim e'en with eternity.

His life and death in their beauty emphasized a great truth, and that truth is that no one can be truly great unless that greatness is used to advance that which is truly good. Would that all would properly realize and appreciate that truth. It contains the climax of a successful life, and without it life is a dismal and never-ending failure. One's life and death can and should always be beautiful; and it can be so by simple faith in a crucified and risen Lord, the fruits of which must be doing the best and most we can for others while on this earth and a crown of righteousness at God's right hand in the mansions above. Such was the life of the Hon. J. WILLIAM STOKES.

Mourn not the dead whose lives declare
That they have nobly borne their part,
For victory's golden crown they wear,
Reserved for every faithful heart.
They rest with glory wrapped around,
Immortal on the scroll of fame;
Their works, their praises shall resound,
Their name, an everlasting name.

As life's battle ended the Hon. J. WILLIAM STOKES, with the

great Apostle to the Gentiles, could triumphantly exclaim: "I have fought a good fight, I have finished my course, I have kept the faith. Henceforth there is laid up for me a crown of righteousness which the Lord, the righteous judge, shall give me at that day; and not to me only, but unto all them that love His appearing."

He is gone, but when he departed he held—

That golden key
That opes the palace of eternity.

"He is dead, but he ever liveth," for—

He has but passed
Beyond the mist that blinds us here,
Into the newer and larger life
Of that serener sphere.

And ever near us, though unseen,
The dear, immortal spirits tread,
For all the boundless universe
Is life! There are no dead.

Mr. TALBERT. Mr. Speaker, I can add but little to what has been said by my colleagues, and it might possibly be a sufficient eulogy upon my dear friend to say that I have come from a sick bed to be present on this occasion; but that will not satisfy in any degree my own feelings in this matter. Yea, I am almost constrained to repeat the words of a warm friend of Tom Moore, who said of him:

Were it the last drop in the well,
And I gasped upon the brink,
Ere my fainting spirit fell,
'Tis to thee that I would drink.

In the gloom and sorrow that overshadows us to-day, when meditating upon the departure of our friend, these words have suggested themselves to me, and I have not other words more adequate to express my high appreciation of the noble character of the deceased in adding this humble tribute to his memory in addition to those paid him by his other colleagues.

The Grim Reaper has again visited us and taken one of our number, and according to a long-time-honored custom we are convened to-day to do honor to and pay the last tribute to one of our late associates, only yesterday with us, so to speak, who now lies with restful hands in the cold and silent grave. These occasions are always sad and solemn, giving us cause for reflection. It is a sad and mournful thought to lose any member of this House, it matters not from what State of the Union he may come. But it is sadder still when death comes closer home to us and claims as its victim one from our own State, from our own home, one of our own delegation, one of our colleagues, one of our brothers, one of our intimate friends, one with whom we have associated for years. We are all brethren in a sense, but the members of a delegation from any particular State are brethren and friends in a peculiar sense.

While a member of Congress represents the interests of all the people at large in a general way, in a more particular sense does he represent the people of his own State and district. And colleagues who have been working for days, months, and even years for the good of the people of their own State are drawn closer together and ties of friendship and fellow-feeling are thereby made that are hard indeed to break. This was the case with the South Carolina delegation toward the man whom we are attempting to speak about to-day.

A seat has been made vacant in this delegation (though now filled honorably and efficiently by a good and worthy young man, following in the footpaths of his illustrious predecessor); a chair has been draped in mourning; a voice has been silenced; a heart has ceased to beat; a life has been cut off by which this House has lost one of its most useful members, the country one of its most ardent defenders, the people of South Carolina (the masses) one of their best and truest friends, and a most noble and devoted wife bereft of her beloved husband, whom she almost idolized and who in turn was just as devoted and mindful of her. This man was the Hon. J. WILLIAM STOKES, of Orangeburg, S. C., whose honor it has been to represent the Seventh district of that State from the 4th day of March, 1895, till the day of his death, which occurred on the 6th of July, 1901.

The summons from on high came and called him away from us and from the life he lived, but we are led to believe that he is now with his Master, whom he loved to serve on earth, in a more blissful field of glory and heavenly love. While living here you have only to review his record to see how well he served his country and how ably he represented the people of the Seventh district, who have ever loved and honored him in his lifetime, and who now hold sacred his memory, which will live on as long as time shall last. In giving a condensed sketch of the life of this good man I feel that I can do no better than to reproduce the short biographical sketch given of him in the Congressional Directory, as follows, being only a short outline of his illustrious career:

J. WILLIAM STOKES, of Orangeburg, was born in Orangeburg County, S. C., in 1853; was brought up to farm life, attending the ordinary schools of his county and town until he was 19 years of age; graduated from Washington and Lee University, Virginia, in 1876, and taught school for twelve years, graduating in the meantime from Vanderbilt University, Tennessee, in medicine; in 1889 he returned to the farm, assisted in organizing the farmers, and was president of the State Farmers' Alliance two terms; was elected to the State senate in 1890; was a delegate at large to the national Democratic convention at Chicago in 1892, and was Presidential elector on the Democratic ticket the same year; was defeated for the Democratic nomination in the old First Congressional district in 1892 by a small majority; in 1894 was nominated without opposition in the Democratic primaries in the new Seventh Congressional district, which is nearly the same as the old First district. He received the certificate of election to the Fifty-fourth Congress, but the seat was declared vacant. At the election on November 3, 1896, he was elected to the short term of the Fifty-fourth Congress, was reelected to the Fifty-fifth Congress, and also to the Fifty-sixth and Fifty-seventh Congresses.

To know Dr. STOKES well was but to love him much. It was my good fortune to know him quite intimately, having been associated with him in the State work of the Farmers' Alliance, of which he was the president, while I was State lecturer, before we came to Congress together. While he was an extremely modest and somewhat reserved man, yet at the same time, when the necessity would arise, none were more aggressive and bold, none more determined and energetic. He was possessed of a high and laudable ambition and worked his way up by energy and industry from the humblest walks of life to a seat in the United States Congress, and it may be truthfully said that during his service here he has always been ready and willing to take good care of the interests of the good people of the Seventh district, whom he had been called to represent.

He was a man of a high degree of intelligence and refinement. He was a strictly temperate and sober man, and possessed of wonderful will power and determination for one of his physical ability, being rather frail and delicate. I can now recall how often his colleagues would tell him during the last session of Congress he attended that he ought to go home and rest, but he would not. He was an active and consistent member of the Methodist Church; naturally pious, liberal in his views as well as in his contributions; a man of firm and decided religious opinion; an all-round, earnest, useful, and zealous worker in the Master's vineyard, and it can be said that Orangeburg was draped in mourning on the day of his death.

It was my sad duty to attend his funeral, held in the Methodist Church at Orangeburg, of which he was a member, and I will never forget the large concourse of people assembled to do him honor. Well do I recall the words of the text announced by his pastor, which had been selected by himself before his death. It was part of the twelfth verse, first chapter of Paul's second epistle to Timothy, in these words:

For I know whom I have believed and am persuaded that he is able to keep that which I have committed unto Him against that day.

Oh, whence and what, if not of God, is this mystery we call mind? What is it that thinks and feels and knows and acts? Who can deny the divinity that stirs within us? He clung fast to the hand that led him, though sometimes it was in darkness, though it was sometimes in deep waters, yet he knew whom he had believed, and felt persuaded that he could and would keep all that which he had confidingly committed to Him against that day.

From these impressive words the venerable pastor preached one of the most feeling funeral sermons to which I ever listened, and after it there were very few dry eyes in the vast audience. It was a solemn occasion, and as I sat there meditating upon the death of my dear friend I could but recall to mind his many noble traits of character, and to rejoice that he died the death of the righteous, and being comforted with the language of the one who wrote, "Blessed are the dead who die in the Lord." And believing that henceforth their works survive them. The Methodist Church has sustained a great loss in the death of this good man, and while we lament we believe the good Lord has taken him to Himself in glory, and that he is now basking in the sunshine of His love.

We shall miss him, the country will miss him, the House misses him, South Carolina will feel the loss; his many friends mourn over him, his relatives look in vain for his coming, the poor will feel their loss; but most of all and beyond all he will be missed by that dear, good, noble, conscientious, and Christian woman whom it was his good fortune to woo and win for a life companion, that most estimable, highly cultivated, and refined lady who was his helpmeet, who sat opposite him at table, who presided over his lovely home, who was always with him—sometimes at the banquet, sometimes at the funeral, sometimes at the bedside of the sick, but always with him until his death, like a ministering angel. And now, in this hour of profound sorrow and bereavement, we would extend to her most of all our heartfelt sympathy and condolence. It was never my fortune to witness greater or more affectionate devotion between man and wife.

He was not blessed with any children of his own, but he was the benefactor of a great many poor children, having educated a

score of young men in his day and time. He loved and helped the children of his community.

But Hon. J. WILLIAM STOKES is no more; he has gone; we are nevermore to meet him again, nor to work with him, nor to enjoy his company in this world. But let us remember that while he can not come back to us we may meet him in that happy land, if we will, where parting is no more, and where the weary are ever at rest. After all, our sorrow is heaven's joy. Our loss is his gain, for his faith in the God who rules the destiny of nations as well as individuals has enabled him to fall asleep in this world of sorrow to awake in a brighter and better land, where he can receive that welcome plaudit, "Well done, thou good and faithful servant; enter thou into the joys of the Lord."

While he is dead, his influence as a representative of the people still lives, and, far better than that, his example as an humble follower of his Lord and Master stands out in bold relief as a rich legacy to all those he has left behind, leading them to a realization of the saying that "It is not all of life to live, nor yet all of death to die." His many good and noble examples are well worthy of emulation by all of us, especially by the young men. Then, as we ponder over the life and character of our departed friend and colleague, who rose from the humblest walks of life by perseverance and toil to prominence, serving his people all the while honestly and faithfully and leaving them, above all things else, a noble Christian example, let us in our ambition to do something and be something in the world feel encouraged by this man's career and learn the lesson he has taught us, that—

Honor and shame from no condition rise;
Act well your part, there all the honor lies.

Mr. LEVER. Mr. Speaker, quite a number of gentlemen desired to say something on this occasion, but have been unable to be present. I ask unanimous consent that members may have thirty days in which to print remarks in the RECORD on the late Representative STOKES.

The SPEAKER pro tempore (Mr. ELLIOTT). The gentleman from South Carolina asks unanimous consent that leave for thirty days be granted members to print eulogies in the RECORD on the late Representative STOKES. Is there objection? [After a pause.] The Chair hears none.

EULOGIES ON THE LATE REPRESENTATIVE CRUMP, OF MICHIGAN.

Mr. APLIN. Mr. Speaker, I offer the following resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. ROUSSEAU O. CRUMP, late a member of the House of Representatives from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. APLIN. Mr. Speaker, in his lifetime ROUSSEAU O. CRUMP was my friend.

The task is a sad one which devolves upon me, now that he is gone.

I know that my words are feeble but my love for him as well as my duty as his successor here impels me to pay tribute to his memory,

ROUSSEAU O. CRUMP was born in Pittsford, Monroe County, N. Y., May 20, 1843.

He received his education in the public schools of Pittsford and Rochester.

When still a young man he went to Michigan and for a time lived in Allegan and Kalamazoo counties, engaged in the lumber business.

In 1881 he removed to West Bay City, where he established a sawmill and box factory, and from that time until his death he was a prominent factor in the commercial life of northern Michigan.

He made a modest beginning in business and won his way to success by the application of correct business principles, giving his personal attention to every detail of the work in hand and treating workingman and customer with equal consideration and honesty, with the result that all the people regarded him as the embodiment of manliness and integrity.

His best friends were those who knew him best—the men who worked for him in his mills.

The reason for this was that he was always their steadfast friend.

It was their friendship that finally forced him into public life.

His inclination was not in that direction.

He would have chosen to devote his energies to the great business which he had built up and to enjoy the fruits of his labors while going quietly in and out among his neighbors, working for their interests as well as for his own, continuing the kindness, the charity, the considerate care for others which seemed inseparable from him.

He would have chosen not to take upon himself the cares of public office, whose exactions he realized would break in upon the quiet of his pleasant home life and require him to give up much of the time which he would rather spend with the members of his family whom he loved so well.

No man was ever more blessed in his home life than was ROUSSEAU O. CRUMP.

With a loving wife who had been his true helpmeet in sunshine and shadow, who had stood by him and bravely battled with him through the early hardships of his business career, with manly sons and loving daughters about him, he was fortunate indeed.

When, however, his neighbors drafted him into the public service, he obeyed the call.

He was elected and reelected alderman of his ward; elected and reelected mayor of his city.

The same energy, the same thoughtfulness of others, the same fidelity to details, the same rugged honesty which had won success for him in business he applied in the discharge of his public duties.

He was no man's man.

He was faithful all the time to the interests of all the people.

He worked with as strict fidelity over the seemingly small requirements of his position as alderman as he did afterwards in doing the people's will as mayor and as Congressman.

He never shirked a duty and he never failed.

When in 1894 he was nominated for Representative in Congress he was of course elected, notwithstanding the large adverse majority which confronted his party in the district at the beginning of the campaign.

Four times he was chosen by the people of the Tenth Congressional district of Michigan to represent them upon this floor.

That he served them well the record proves.

He was here here during critical times.

Thoroughly grounded in the principles of the Republican party, he steadfastly maintained those principles while he was a member of the House of Representatives.

Those who served with him here have told me that his influence was exerted and his vote was cast always seriously, conscientiously, patriotically.

He believed in what he did and did it because he believed it was the right thing to do.

That his people approved his course they attested by their votes time and time again.

He loved his people and he never failed them.

They knew him and they trusted him implicitly.

It is now a year lacking only five days since he died.

Bravely had he fought for many months against the malady which had taken hold on him, but his courage did not avail.

On the 1st day of May, 1901, in his beautiful home in West Bay City, his loved ones at his bedside, the light of his life went out.

The impending separation had brought sincerest grief both to him and to them, but both he and they were "sustained and soothed by an unfaltering trust" and an abiding faith which looked forward with hope and confidence to a happy reunion "beyond the grave in the breaking light of the resurrection morn."

On the afternoon of May 3 we laid him to rest in Elmwood Cemetery.

Thousands of his friends—the high and low, rich and poor, young and old—gathered at his home and followed his remains to the "silent city."

About his grave they stood, bowed down with grief, no eye undimmed, all hearts oppressed, and yet all those mourning ones gave voiceless but sincere expression, more plainly than could words have done, to the pride they felt in the fact that ROUSSEAU O. CRUMP had been their friend.

He is not dead, this good man whom we mourn,
Though out of sight and hearing he has gone;
He lives, removed from earthly care and ill,
With stronger, holier, power to bless us still.

Mr. BISHOP. Mr. Speaker, a portion of this day has been set apart, by the action of this House, to pay tribute of respect to the life, character, and public services of the Hon. ROUSSEAU O. CRUMP, of Michigan.

I would be untrue to my warm friendship for him in his lifetime and to my admiration for his ability and success if I did not briefly on this occasion set forth some of his characteristics which have most deeply impressed me.

My acquaintance with him began after my election to the Fifty-fourth Congress, to which we both came as new members.

Some men carry with them constantly a presence that invites your confidence, a demeanor that demands your respect, a simplicity that wins your love. Such was the man in whose memory we have this day met and to whom no words of mine can pay fitting tribute. No eulogy here pronounced can satisfy the high demands of those who were nearest to him and those who knew him best during his lifetime.

Mankind is measured by what they accomplish. Fortunately, under our system of government the pathway of advancement, either along commercial or political lines, is open to the most humble youth born on American soil if he has the will to do, the capacity to acquire, and the soul to dare. No matter how lowly his early environments, he may aspire to and reach the highest level in the field of usefulness and success, and take front rank in the political or business world.

While the pathway is open to all, it is only those who merit success by their industry, energy, and perseverance who will be permitted to tread this pathway to the highest honors in any field of usefulness.

Thus we judge that the successful man has earned his promotions by the presence of those qualities of mind and heart which merit any distinction he may acquire. Men are loved and esteemed for what they are. Men's virtues are the rays of a higher life shining out from the soul. These virtues prompt to deeds of benevolence, acts of friendship "which are most wonderfully kind," but such acts make the man what he is and prompts the love and esteem in which some are held, no matter how humble in capacity the man may be or how high a genius he may possess.

Mr. CRUMP was born of the middle class, of that sturdy English stock which has made the history of the British Isles the world's history for more than two centuries, and which carried the cross of St. George on every sea and made her flag respected and feared on every land.

His father and mother came from England to the United States in 1842 and settled near Rochester, N. Y., where Congressman CRUMP was born.

He inherited from his parents that reverence for good things; that spirit of nobility, the very grandeur of a noble and upright life; that hatred of meanness which despises dishonesty; that reverence for the truth which is a crown of honor to a perfect manhood; and these traits of character dominated his existence from the days of his boyhood until the close of his life.

Armed with only a meager education, obtained at that early day in our public schools, with no endowment except such as nature had given him in a clear intellect, strong arms, and a courage that never falters, he started out to win his own way in the world before he had yet passed the years of his youth.

I shall not attempt to give a history of his life, nor to follow him in his struggles from an apprentice boy to the time he so honorably and so ably represented his district in Congress, but, rather, will call the attention to the House to some of the traits of his character which have most deeply impressed me.

He loved his home and sought to make his home lovable. He was a tender and an affectionate father, a loving and devoted husband. In his home was constant sunshine, purity, and peace. He was congenial and popular with his neighbors; trusted as a friend, admired as a citizen, and relied upon as an adviser. This is witnessed by the fact of his having been elected alderman of his ward; elected and reelected mayor of his city, and four times having been chosen as a Representative of his district in Congress by constantly increasing majorities.

He was true to his family, true in places of public trust, and greater than all he was true to himself and true to his convictions of right and wrong.

He was generous, public-spirited, and patriotic; his gifts often exceeding his means, and his devotion to public duty often taking his time and means, which he could ill afford to spare from his private affairs.

He was essentially patriotic. He was loyal to his city, to his State, and to his country.

His friendships once formed were abiding, and no man need ever be ashamed to claim his friendship. When at home the rich and the poor, the exalted or the lowly, the laborer in his mill, or the highest official, found in him a wise counselor, a worthy and a sincere friend.

As a member of this body he was active, industrious, faithful, and useful. He thought clearly, and never betrayed, in the slightest degree, the confidence imposed in him by his constituents. He pretended to no oratory, but could present his views clearly and distinctly. Oratory is a desirable adjunct to a legislator, but good business capacity, honesty, and vigilance in the discharge of public duties are the most valuable and essential attributes to a successful and desirable legislator. The real value of a member of this body lies not so much in his oratorical ability as to his clearness of vision, his information on public affairs, the compass of his intellect, his integrity, his willingness and his capacity to devote every energy to the interests of his constituents and his country; and herein is to be found the greatest strength of Mr. CRUMP.

The confidence which his character and his untiring energy inspired gave confidence to his constituency and gave him a wide influence upon this floor.

He was as practical in the conduct of public affairs as he was in his business methods at home.

The kindliness of his nature was an ever-present consciousness to those who met him in daily life, whether at home, surrounded by his family and neighbors, or in this Hall. Some men are a perpetual benediction to those with whom they come in contact, and every smile is a cheer and every word an encouragement.

The comments of the public press of his district and his State are eloquent tributes to the husband, the father, the man, the citizen, the public-spirited benefactor, and the legislator.

The Bay City Times-Press said:

He seemed to be a man of the people. He had a faculty of drawing men to him. He was a worker in Congress, and accomplished for his district what many others could not do. He was a warm friend of the Administration, and political favors that he asked, if they were just, were given to him. He was always genial and good natured, and no matter a man's condition, he always gave him a hearing, and his petitions due consideration. He was a friend of the old soldier, and it was his aim to see that deserving ones throughout his district were awarded just pensions.

Mr. CRUMP was a successful business man, a person of good morals and sterling integrity. When he gave his word, it could be depended upon. Politically he was not a partisan, and in his dealings with his constituents he cast politics completely aside. No man having passed to the great beyond ever received a greater tribute of respect from the people of this city than did ROUSSEAU O. CRUMP yesterday when the last services were held over his remains. For several hours before the time of the funeral the house was visited by people anxious to pay their last tribute to one whom they knew so well, even though all did not enjoy his personal acquaintance.

As the time for the funeral services drew near, the house was filled with friends and business and political associates. Every house on Midland street was closed during the hour of the funeral, and the schools were closed for the afternoon. Mr. CRUMP was a conspicuous man, too, for his home relations. He loved his home. It was his palace, the strength of his life. It was there that he found his greatest consolation, there that he found the inspiration and the strength to do. He was a man among men, but was the happiest when making those nearest to him happy. His last thoughts were of his home, and his favorite song was "Home, Sweet Home."

The Detroit Free Press said:

Congressman ROUSSEAU O. CRUMP, of the Tenth district, was one of the safest men the State has had in Congress for several years. He never was and never aspired to be a practical or professional politician in the modern acceptation of these terms. His enterprise, honesty, and business success caused his home people to place him in one position of trust after another, until the honors thus conferred culminated in a seat in Congress. Had the majority in that body been made up of men of like conceptions of duty to the people there would have been a business-like administration of affairs and a consequent gain to the masses. Within the scope of his opportunities he did his work well as a Representative, and the appreciation of his people was attested by his continuance in office with increased majorities. His busines line had been lumber, and his business monument is one of the largest manufacturing establishments of its kind in the United States. In private life he was a man deserving of the many friends that he made and of the prosperity that he enjoyed.

The Oscoda Press said:

Congressman ROUSSEAU O. CRUMP was a plain man. He attained eminence by ability and hard work, being noted for his energy and push, accompanied by fair and honest dealing, and having the respect of all with whom he came in contact. For thirty years a large employer of labor, he never had a strike nor any difficulty with his workingmen.

The Coleman Independent said:

In the death of Congressman CRUMP the people of this district have lost an earnest, conscientious Representative, one who was ever ready to do anything in his power for the people he represented. As a friend he was most loyal, and throughout the district, during his long career as Congressman, he made many personal friends, who learned to respect and admire him for his many noble qualities, and his death has brought deep regret to all.

The Bay City Tribune said:

Bay City people knew Congressman CRUMP as a big-hearted, whole-souled, progressive, and broad-minded man. Companionable in his dealings with his fellows, of inflexible integrity and well-grounded principles, he was a man among men. The community sorrows in his death.

In his public service he was keenly alive to the interests of his constituents. A thorough-going American, his career was marked by rugged devotion to the welfare of his people and loyalty to what he conceived to be the better policies for the greater number of the citizens of the nation. No discredit attaches to any of his public acts.

The Tribune joins with those who will lament the death of ROUSSEAU O. CRUMP. Upon his coffin is placed the tribute deserved by his life, and tenders the family of the dead citizen and legislator the sincere condolence of an entire community.

The Alpena Evening News said:

In the death of Congressman CRUMP northern Michigan loses one of her most honored and respected citizens. No public man in Michigan has been so kindly spoken of by the press of Michigan as was the late ROUSSEAU O. CRUMP. The people looked upon him as a business man rather than a politician, and it is generally conceded that it was to his credit to be so compared.

Concerning Mr. CRUMP'S religious views I know but little. A man's professions are not always the fairest judgment of his character or faith. Judging him from his life and works, the atmosphere of his daily living, he most fairly represented the true spirit and teachings of the Great Master—that spirit of charity for all mankind "which suffereth long and is kind, which thinketh not of himself, but of the welfare and happiness of

others"—that unselfishness which shines like a star in the heavens and marks the true spirit of Christian living; that love of God's creatures which shuts out greed and selfishness and envy and malice. There was no room in his great heart for jealousy, which warps the intellect, stifles friendship, and dwarfs every kindly impulse to do good unto others.

He sat in judgment on no man; he imputed evil to none. If not a professor, he was a possessor of those great virtues which adorn the Christian name, and which has lifted the world up to the great plane of the brotherhood and fraternity of the human race, which is the nearest approach to Divinity.

I was present at his burial and saw the great concourse of people who, with bowed heads, followed his remains to their last resting place. There no one asked his creed. He had left as his creed the flowers of love and charity scattered all along his pathway of life, and men and women and little children of all creeds came and stood over his grave and gave it the tribute and gentle benediction of their tears. The world is better for his having lived in it.

Mr. CORLISS. Mr. Speaker, we have met to note the passage of a human life, to pay a sincere tribute of respect and esteem to one who was once a companion of our daily life.

It is fitting that we should lay aside for a time the ordinary transaction of the public business and present for general good those ennobling lessons we have learned from one who "no longer lists to war's alarms or pulsates with feeling when the pleasing notes of the harp strike the strings of perfect harmony." It is meet and proper that in this hour, so fittingly given for this purpose, we should perpetuate the glories of that life, now ended, and place upon the permanent records of this body our tribute of love.

ROUSSEAU O. CRUMP represented in this body, as in his entire life, those traits of sturdy, steadfast manhood which never rise to brilliant, lightning flashes, but shine on and shine ever by tireless endeavor and never-failing faithfulness.

It was not given to him to stir the echoes of this Chamber by spoken word, nor by flashing wit to hold enthralled the minds of his fellow-men. His part was of a different sort, but not less noble nor of less enduring worth. He left a record of honest, sterling merit so deeply graven on the memory and lives of his fellows that nothing but death can efface it. He has left shining examples of manhood that will have an effect on our lives so long as we shall remain upon earth, and, if faithful, shall go down, through their influence on us, to those who follow after. No man is so poor in results but that some word or act lives after him in the minds of his friends to influence them, and, through them, for good or otherwise all those with whom they come into contact.

Particularly rich in lessons of good was the life and influence of my late colleague.

If deeds of kindness can make life a success then Mr. CRUMP'S life was singularly successful and happy, for he ever labored to do justly by others. That great, kindly personality did not deeds of evil; that rugged mind never harbored even thought of evil toward his fellow-men, and that warm, generous heart ever beat in true unison with charity, the queen of the graces, in thought, word, and action, and refused to see evil in others, or seeing appearance of evil refused to believe that good was not somewhere hidden.

Mr. CRUMP'S course in this House, as in every walk of life, was such that no man ever pointed the finger of objection nor of censure to a single act of his, and in his reply to that mandate of the Supreme Master of the Universe, which all of us must some time hear, he cheerfully laid aside the armor of battle and with fortitude and humility passed from earth to that better land "where the weary be at rest."

Of no one more than Mr. CRUMP could it be said, in the language of the proverb, "Seest thou a man diligent in business, he shall stand before kings." He did with his might what his hands found to do, and no one ever doubted where our companion would be found when duty sounded its clarion call and conscience pointed the path.

He never faltered in the faith of his fathers, and when fidelity to principle clashed with selfish, personal interests there was no hesitancy, no backward glances of regret, nor wavering from the line which duty marked.

Possessing the rich heritage of birth, a mind of unusual discernment of right and wrong; trained from boyhood that there was but one way, and that to follow the straight and narrow path, "though rough the way and coarse the fare," he not only lived those precepts in his daily life, of every hour and every year, but so lived them that they shone through his every action and reflected their luster and their influence upon us and all who knew him. To him the pathway was ever clear and the beams of God's directing light illumined the path and inspired his hopes and deeds.

Few knew him as a deep student of the "Book of Books," yet such he was, and in his travels from home he was never without his well-kept copy for constant perusal.

Here in the House we ever knew where to find him, and I doubt if any man was more often at his post of duty, in committee or on the floor, than our late colleague. None ever had need to ask as to Mr. CRUMP. He had ingrained in his sturdy nature that old-fashioned notion that he was here for a definite purpose, to represent those who sent him, and that it was his duty to be here at all times and to keep the faith, as he understood it. Richly possessed with that God-given attribute of "uncommon common sense," he went his way in peace and contentment with all the world, ever satisfied when he had done the best he could do, and always contented if he met the commendation of his own conscience.

Mr. DAVIDSON. Mr. Speaker, again have we assembled for the purpose of paying due and proper respect to the memory of a deceased member. The death of ROUSSEAU O. CRUMP, the Representative from the Tenth Congressional district of Michigan, was a loss not only to the State of Michigan, but to the country as well. His advancement in public life was the inevitable sequence of his commercial career. Born in New York in May, 1843, he grew to manhood amid surroundings and in a society which developed his best characteristics and laid the foundation for an honorable and successful future. With keen and discerning eye he discovered the possibilities for advancement in the developing West, and in 1881 he removed to Bay City, Mich., where he resided until the time of his death.

He took with him to his new home an honest purpose to succeed, an earnest intention to do right, a conscientious determination to so conduct himself as to merit the esteem and confidence of his neighbors and of his associates. His determination to remove from the land of his birth to a newer and more rapidly developing section of the country was the best evidence of his ambitious spirit and his firm purpose to make the most of the opportunities which came to him. He at different times occupied public positions in his city and State, and was first elected to the National Congress in 1894. His reelection in 1896, 1898, and 1900 is strong evidence of the respect and confidence imposed in him by his constituents, and we, who know of his work here, can cheerfully testify to the fact that the confidence of his constituents was not misplaced.

His death was particularly sad to me by reason of the fact that I had been associated with him on the Committee on Railways and Canals and had become quite intimate with him on account of that relationship. In committee he was always genial, kind, and considerate; always conscientious and honest; always ready to perform any duty imposed upon him, no matter how onerous; always striving to perfect proposed legislation, so that the rights of the citizen and the best interests of all the people would be subserved.

Probably one of the strongest temptations which beset a member of this House is the desire to secure legislation which will be of direct and positive benefit to his constituents. Sometimes he is strongly tempted to secure legislation which may be only for the benefit of his constituents. I believe the great majority of the members of this House earnestly try to represent their constituents and to vote upon important legislation as their constituents desire them to do. A member must not forget, however, that he is not here solely for the purpose of securing legislation for his constituents. While he directly represents the people of a certain district and is expected to do that which will meet with their approval, yet in the higher, broader sense he is the representative of all the people and is equally bound to support legislation which he believes will be for the benefit of the whole country.

We who are honored with membership in this House are charged with the responsibility of not only so discharging our duty as to reflect honor upon those who have sent us here, but as well so that the nation as a whole may be benefited. While I honor the Representative who earnestly strives to reflect the wishes of his constituents, yet I more highly honor him who recognizes the fact that we are not here solely to secure legislation for our immediate locality, but are charged with legislating for a great people—citizens of a great country. I have been lead to make this suggestion because in paying my tribute to the memory of Representative CRUMP I want to say that in my opinion no member of this House ever tried more honestly and earnestly to fulfill his high duty to all the people than did he; that no member ever tried more earnestly to secure the passage of measures which would be of benefit to the whole country and to all the people of the country than did he.

While he faithfully represented his district, and while he always kept in mind the wishes of his constituents, yet, so far as I know, when it came to a question of the welfare of the country, the country that he loved and honored, he was always found upon its side striving to do his whole duty in promoting its welfare. Such men leave their imprint upon the records of the

country. Such men build not for themselves, but for those who come after them, and the country will always cherish the memory of those who have devoted their energy and their talents to the advancement of its best interests.

I had the honor to be appointed as a member of the committee to represent this House at the funeral of Representative CRUMP. Absence from home prevented my receiving the notice of such appointment in time to reach West Bay City in time for the funeral. I regret this, as I should have been glad to have joined with the members of the Michigan delegation and with others, who gathered at the home of Mr. CRUMP and who stood reverently by his grave bowing their heads in token of their appreciation of his worth. I should have esteemed it an honor to have been able to have dropped upon his grave a sprig of evergreen as a token of my friendship for him and in memory of his kindly conduct toward me.

He has passed on. He has gone to "that realm from which no traveler ever returns." He has solved the mysteries of that "great unknown," concerning which we know so little. He has left behind a family who deeply mourn his death and toward whom we, his friends, extend most generously our sympathy. He left behind a large circle of friends and associates, of brothers in societies of different names, all of whom will not soon forget his many kindly attentions, his deeds of generosity, his words of welcome and of praise—who will not soon forget the example of his noble life and sterling qualities. They are the richer because of their fellowship with him. They are the better because of their association with him. Thus can it be truthfully said, he did not live nor did he die in vain. His life and character stand as beacon lights, pointing the way to an honorable career for those who believe in honesty, in morality, in justice.

Mr. WM. ALDEN SMITH. Mr. Speaker, this day has been set apart as a mark of respect for the memory of two of our distinguished colleagues. The South and the North unite in paying tribute to faithful public officials with whom we have had the honor to serve.

South Carolina brings its garland of flowers and bestows upon her honored son well-merited praise.

Michigan publicly manifests its deep sorrow over the death of an able, conscientious, and lovable character, represented in the attractive personality of ROUSSEAU O. CRUMP.

We entered Congress together strangers to this great and limitless field of public activity. We early found consolation in one another, and the disappointments which beset this work were easier to bear because of his lovable counsel and his unperturbed disposition. I love to think of him here in this historic Chamber, quietly, modestly performing his duty with no thought of personal aggrandizement or vainglory; kind, thoughtful, and indulgent; generous, manly, and independent in thought and in action, he was a worthy Representative, an honor to his district, his State, and his country.

I never knew him to say an unkind word of any man, and when sickness came upon him he carried his heavy burden alone without complaining; and even those most intimately associated with him here did not realize that the citadel of his life had been attacked by unrelenting and incurable disease.

He met his fate with sturdy heroism, sublime courage, and splendid faith.

We are richer because of his friendship, and Michigan is proud of his untarnished name. He has contributed to the lofty character of our citizenship, and his memory will long linger among us as a delightful benediction.

Mr. HAMILTON. Mr. Speaker, "while we are reasoning concerning life it is gone."

The last time I saw Mr. CRUMP alive was near the close of the last Congress.

He was then in feeble health, but still hopeful.

When next I saw him he was lying in state in a bank of flowers at his home at West Bay City, with the afternoon sunlight of a May day shining across the coffin where he lay waiting for the silence of the grave.

The glory of spring was in the air. Nature was beginning over again, but springtime and autumn, seedtime and harvest were alike to him.

"Life was over and the man was dead."

Whether he had reached the beginning of knowledge or the end there was no sign.

In the calendar of the infinite without beginning and without end, where our uttermost past is but current history, human life seems small and human events insignificant.

Into the mouth of one of his characters, Tolstoi puts these words:

In the infinity of time, matter, space, an organic cell forms—lasts a moment, perishes—that cell is myself.

It is singular about this cell, though. Whether we accept the Old Testament version of creation or not, still it is true that this "organic cell" has dominion over all the rest of creation.

This "organic cell" has made the sea a highway, tunneled mountains, and annihilated time and space.

Through the avenues of its five senses it has solved something of the mystery of time, matter, and space around it.

If it had more means of perception doubtless more would be perceived.

There were solar systems before Copernicus worked out his theory; there was gravitation before Newton took a hint from the falling apple, and there was electricity before it flashed down Franklin's kite string, but man had not perceived these things.

The truth has always existed, but man has not always been able to perceive the truth. Man's ability to perceive the truth has changed from generation to generation. It would be foolish to suppose there is nothing left to be discovered.

Around us always is an unknown universe. We emerge from it on one side, cross the stage of life, and disappear into it on the other side. It is not difficult to believe that what we call death is but a continuance and transition, although we can not prove it by reasoning.

This makes the "organic cell" sublime; makes life an opportunity; makes the hopes, passions, poetry, logic, and all the lower traits of man that minister to them of tremendous importance.

And so, when we stand by the open grave, where all artificial human distinctions sink into insignificance, the question is, What of the man? What sort of personality has this "organic cell" taken on?

It is certain we can take nothing away with us unless it be what we are. And although the mental and physical feebleness of senility puzzles the logic of those who believe in the theory of progression, still unless there be progression the discipline which makes us what we are would seem illogical, and all our fights with beasts at Ephesus and beasts within us would seem a cruel farce.

After a man dies the statutes of descent and distribution and the probate court take care of his possessions.

As to his position in history, that depends on whether he has been conspicuous enough to catch the historian's eye, and after he has caught the historian's eye his position depends a good deal on the mental bias of the historian.

We are not historians here. Like Marc Antony: "I only speak right on; I tell you that which you yourselves do know."

I liked Mr. CRUMP while living, and I honor his memory now that he is dead.

What I have to say of him I say with candor, just as I know he would like to have me say it, just as I would like to have him speak of me if I were there and he here.

He was an honest gentleman, incapable of littleness. He never tried to collect dividends from friendship. He was always generous, charitable, true, and modest. He always spoke kindly of others. He never kept a private rack whereon to break the reputations of his acquaintances.

He never made conversation out of the misfortunes of others. He bought no pleasure with another's pain. His word always informed you what he meant to do. He never tried to be somebody else. He never had two sets of opinions, one ostensible, the other real.

He was not a showy man. He was destitute of the art of duplicity or of posing. He was without affectation. We always knew where to find him, and we all liked him.

His heart was big and kind.

As Thoreau once said of John Brown, "He might have left a Greek accent slanting the wrong way, but he would have righted up a fallen man."

He had no craft of rhetoric.

He expressed himself more in deeds than words, but he had strong literary leanings.

He admired Burns not for the purpose of giving himself a literary tone, but because he found in Burns the winged expression of his own feeling.

In his earlier years he had been a millwright and builder. He had upon his hands the honorable scars of his earlier occupation.

He remembered the way by which he had come and sympathized with his fellow-man along the way. He never tried to put up a barrier of false dignity. The people felt that he was one of them.

Later in life he became the employer of labor in large industries, and the men who worked for him were always his friends. He was a successful man in what the world calls success. He had acquired property and worldly position. He held his way with honor and fair dealing to the end.

In days of old it is said there were historians who wrote as they were bribed. Of one Paulus Jovius it was said that he kept a "bank of lies." "To those who paid him liberally he assigned a noble pedigree and illustrious deeds; those who paid nothing he villified and blackened."

In modern political life we sometimes see things analogous to

Paulus Jovius's bank of lies, but when a man is gone the tongues of those who can neither gain nor lose by praise or detraction are silent.

In the presence of death all the littleness, meanness, innuendo, sycophancy, and tinsel glorification which frequently hover around a political career fade away, and the reputation of the dead stands for what it is.

In the presence of death crowns are but yellow metal and purple robes but food for moths.

Men take on their true proportions in the republic of the grave, no matter what their tombstones say.

Judged by the Sermon on the Mount, judged by the Ten Commandments, judged by eternal standards, ROUSSEAU O. CRUMP will bear the judgment well.

Mr. HENRY C. SMITH. Mr. Speaker, when the hammer fell closing the mortal career of ROUSSEAU O. CRUMP, Representative from the Tenth Congressional district of Michigan, it marked the end of the active life of a good man. And goodness, after all, is the supreme test. Wherever in life we find a great man, a man truly great, who leaves a lasting mark upon his day and time, we find a good man. And such was Mr. CRUMP, upon whose life and character we meet this day to place a meager estimate in enduring form in the records of this House.

From memory's rich storehouse we recall the tender eye, the beaming face, the warm hand pressure, the mellow voice, the form of ease and grace, the manly man, who wrought mightily for his district, his State, and the nation. Loved by friends, honored by neighbors, and respected by all, he left a cherished memory. He lived without a foe and died without an enemy, yet in every call upon him he did a man's part.

Early in life he came to Michigan and saw at once in her inland seas, surrounding her like a zone of beauty, which draw the frosts from the air, so that the breezes fall soft as Eden on the peach, the apple, the grape, and the pear; he saw her wealth of primeval forests, her mines, richer in enduring wealth than the diamond fields of South Africa and the mines of Galconda combined; he saw her great water power, with strength sufficient to turn the machinery of a continent, salt wells which might supply the world, a soil that yields bountifully to the touch of the farmer, a climate that stimulates toil; he saw in prophetic vision Michigan some day to be the world's workshop; he saw her schools, her university, her churches at every turn of the road, and here he came to live and to thrive. He watched the growth of the State, and with proud confidence saw and told of her future. He put the plummet line upon her matchless resources and watched with patience for her development. Her lakes were his friends, her forests were his companions. The humming machinery of her mills was music rare to him, for above the anthem he saw happy homes.

He would not have us say much, but such a life must not pass without notice. What I shall say to-day I would say in words as simple as his nature, as sincere as my affection for him to whose memory we pay brief tribute.

His work was without bluster. He went straight to the point, and so many times he won where others would have failed. He grew up from the ranks of the common people. He stole into our affection as a gentle May, as the birds mate, as the flowers open; his kindness came as comes the song of the bird, as comes the fragrance of flowers. There was no one to smooth his pathway in life and make it easy; he wrought for himself and for all about him. He had to work for all he had. He was a student in the great workshop of human toil. He had that rare distinctive gift, God's best gift to man, common sense, common sense instructed, common sense instructed by experience. He did kind deeds almost by stealth; he was as artless as a child, yet in the things he stood for he was as unyielding as flint and true as steel—true in his devotion to principle, in his absorbing love of truth, in his integrity of mind. With courage undaunted he waged the battle of life without a helping hand and won with full measure of success.

Wealth did not narrow him. He had all the advantages of poverty without the burden of it. He grew up among those who struggled, sharing their common lot. He held the most boundless of gifts, better far than great riches—a strong body, a healthy mind, good nature, a gentle spirit, a manly ambition. I count it good fortune that a boy is born poor, for, after all, this world is governed in mind and in morals by those who must toil to win; by those gifts of mind and character best disciplined under the pressure of poverty and work.

He looked the world in the eye. Frank and true, the people knew just where to find him; he concealed nothing.

Socially, he was bashful; a modest, lovable man. A fonder husband, a tenderer father, never lived, and he had ample reward in the unabated love of wife and children.

How aptly we may say with little Nell:

When I die put something near me that loved the light and had the sky above it always.

I can not do better than to quote a poem which expresses the controlling sentiment of his life:

There are hermit souls that live withdrawn in the place of their self-content.
There are souls like stars that dwell apart in a fellowless firmament.
There are pioneer souls that blaze their way where highways never ran;
But let me live by the side of the road and be a friend of man.

I watch from my house by the side of the road, by the side of the highway of life,
The men who press on with the ardor of hope and those who fall faint with the strife;
But I turn not aside for their smiles or their tears—both parts of an infinite plan—
Just let me live by the side of the road and be a friend of man.

Just let me live by the side of the road where the race of men go by;
They are good, they are bad, they are weak, they are strong, wise, foolish, and so am I.
Then why should I sit in the scorner's seat or hurl the cynic's ban;
Just let me live by the side of the road and be a friend of man.

He knelt at the shrine of the people, and they knighted him and crowned him with a crown more lasting and enduring than all of earth's richest diadems, an affectionate regard and high esteem of all who knew him. And now that the book is closed, the account made up, we may say that he had the best of all rewards—the feeling that he played a man's part in the affairs of his time and left a name and a memory which wife and children will reverence and cherish.

I shall always hold it a fortunate circumstance in my life that I was permitted to enjoy his friendship.

Humbly I pay this meager tribute to his memory. He lived well a life of usefulness, of honorable distinction, of worthy example.

We of the Christian faith believe that the power he laid down here he has taken up over there; that he has passed from attainment here to higher attainment over there; from conquest here to larger conquest over there; from love here to richer love over there; from faith here to stronger faith over there. He sleeps the sleep of the just.

We peer beyond the shadows, but we can not see; and yet the cable of human hope carries on the evangile of our faith, and over it is carried our message of love to those who have passed beyond, and to the living comes back the faith that cheers us all.

Mr. APLIN. Mr. Speaker, I ask unanimous consent that general leave to print eulogies on the late Representative CRUMP be granted for thirty days.

The SPEAKER pro tempore (Mr. BISHOP). The gentleman from Michigan asks unanimous consent that general leave to print eulogies on the late Representative CRUMP be granted for thirty days. Is there objection?

There was no objection.

The SPEAKER pro tempore. In accordance with the resolution already adopted and as a further mark of respect to the memory of the deceased, the House will now adjourn.

Accordingly (at 4 o'clock and 5 minutes) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MCCLEARY, from the Committee on Appropriations, reported the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, accompanied by a report (No. 1790); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes, reported the same without amendment, accompanied by a report (No. 1791); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 13879) to remove the charge of desertion against James Denney—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12519) granting a pension to Hugh McFadden—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER: A bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. McCLEARY, from the Committee on Appropriations: A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. DALZELL: A bill (H. R. 14020) to provide for the erection of a monument to the memory of Maj. Gen. John C. Frémont—to the Committee on the Library.

By Mr. BRUNDIDGE: A bill (H. R. 14021) to supplement an act of Congress approved February 22, 1899, entitled "An act for the relief of the Fourth Arkansas Mounted Infantry"—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 14022) to prevent interstate telegraph and telephone lines being used to promote gambling—to the Committee on the Judiciary.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 186) proposing an amendment to the Constitution of the United States, respecting the beginning and ending of the Presidential, Vice-Presidential, and Congressional terms—to the Committee on the Judiciary.

By Mr. MANN: A resolution (H. Res. 225) requesting the Secretary of the Treasury to transmit to the House of Representatives copies of contracts relating to public building now being constructed in the city of Chicago—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: A resolution (H. Res. 227) providing for the consideration of H. R. 14081—to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 228) to refer H. R. 4491 to the Court of Claims—to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 14023) granting an increase of pension to D. Miller Gordon—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 14024) granting an increase of pension to John R. Curry—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 14025) granting a pension to George H. Wheeler—to the Committee of Invalid Pensions.

Also, a bill (H. R. 14026) granting an increase of pension to Israel Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14028) granting an increase of pension to Benjamin Botner—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 14029) granting a pension to Livingston E. Lansing—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 14030) granting an increase of pension to John H. Divoll—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14031) granting an increase of pension to Charles Wade—to the Committee on Pensions.

Also, a bill (H. R. 14032) granting a pension to Gustav Jansen—to the Committee on Pensions.

By Mr. McLAIN (by request): A bill (H. R. 14033) granting a pension to Mrs. Hannah Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14034) granting a pension to Lucinda Matkins—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 14035) granting a pension to Joseph Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14036) granting a pension to Jesse Elmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14037) granting an increase of pension to James F. Hackney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14038) for the relief of the legal representatives of Asa Hays, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14039) to correct the military record of James Westbrook—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 14040) granting a pension to Frederick F. Murtagh—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14041) for the relief of the legal representatives of B. J. Young, deceased—to the Committee on War Claims.

By Mr. SUTHERLAND: A bill (H. R. 14042) granting an increase of pension to George W. Edgington—to the Committee on Pensions.

By Mr. SPIGHT: A bill (H. R. 14043) granting a pension to John B. Baughman—to the Committee on Pensions.

By Mr. BURTON: A bill (H. R. 14044) for the relief of Gustavus A. Balzer—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 14045) granting an increase of pension to William W. Dennis—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Polish Society No. 12, of Braddock, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Holbrook Lodge, No. 378, Locomotive Firemen, McKees Rocks, Pa.; United Mine Workers No. 1589, of Arnold, and 558, of McDonald, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BATES: Resolutions of Lake City Lodge, No. 462, Locomotive Firemen, of Erie, and Union No. 167, of Meadville, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Lodge No. 199, of Erie, and No. 435, of Albion, Pa., Brotherhood of Railroad Trainmen; Central Labor Union of Meadville, and Lake City Lodge, No. 462, of Erie, Pa., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petitions of H. S. Westbrook and sundry farmers and dairymen in the State of Nebraska, favoring House bill 9206—to the Committee on Agriculture.

Also, petitions of citizens of Witts Springs, Ark., Dallas, Tex., and Buchanan, Mich., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also, resolutions of Omaha Commercial Club, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the same club, of Omaha, Nebr., against the publication by the Government of trade secrets—to the Committee on Agriculture.

Also, resolutions of the Carpenters' Union No. 113, Lincoln, Nebr., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of executive committee of the Philadelphia Milk Shippers' Union, for the passage of the new oleomargarine bill—to the Committee on Agriculture.

By Mr. CONRY: Resolution of Polish-American citizens of Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Bay State Lodge, No. 73, of Worcester, Mass.; Locomotive Firemen, and Division No. 122, Railway Conductors, Boston, Mass., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the Boards of Trade of Springfield, Somerville, Framingham, Brockton, and Worcester, and Massachusetts State Board, in favor of a permanent exposition at Shanghai—to the Select Committee on Industrial Arts and Expositions.

By Mr. COOPER of Texas: Resolutions of Neches Queen Lodge, No. 590, Brotherhood of Locomotive Firemen, Beaumont, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Carpenters' Union No. 1023, of Orange, Tex., favoring Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. GILLETT of Massachusetts: Petition of E. M. Coats & Co. and 53 other citizens of Springfield, Mass., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HEMENWAY: Resolution of Labor Union No. 1410, of Winslow, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of citizens of Bridgeport, Conn., in favor of House bill 10793—to the Committee on the Judiciary.

By Mr. JOY: Resolution of the Central Trades and Labor Union of St. Louis, Mo., relating to enlisted men competing with civilians of any trade, etc.—to the Committee on Labor.

By Mr. KAHN: Petition of Charles Wade for increase of pension, to accompany House bill 14030—to the Committee on Pensions.

By Mr. KERN: Resolutions of Carpenters' Unions Nos. 169 and

903, of East St. Louis, Ill., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Hy. P. Stumpf, of New Hanover, and others; Ed. N. Herman and others, of New Athens; D. F. Miller and others; George Talbert and others, of Smithton, Ill., favoring House bill 9206—to the Committee on Agriculture.

By Mr. MAYNARD: Resolutions of Plumbers and Steam Fitters' Union, of Norfolk, and Lodge No. 441, Association of Machinists, Portsmouth, Va., favoring restrictive legislation on immigration—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petitions of Mine Workers' Union No. 1507, of Eckley, and No. 8914, of Wilkesbarre, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Street Railway Union No. 164 and Plumbers' Union No. 147, of Wilkesbarre, Pa., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Polish Young Men's Alliance of Glen Lyon and Society No. 47 of Nanticoke, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. REID (by request): Paper to accompany House bill 5240, being proof of the service of Capt. Jeff Williams's company—to the Committee on Military Affairs.

By Mr. SKILES: Petition of Core Makers' Union No. 90, of Mansfield, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of the Waterbury Business Men's Association, of Waterbury, Conn., relative to railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. SPIGHT: Papers in support of House bill 14043 granting a pension to John B. Banghman—to the Committee on Pensions.

By Mr. SUTHERLAND: Resolutions of Machinists' Lodge No. 127, Locomotive Firemen's Lodge No. 98, Boiler Makers' Lodge No. 198, all of Ogden; Railway Trainmen's Lodge No. 388, and Locomotive Engineers' Lodge No. 222, of Salt Lake, Utah, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Papers in support of House bill granting a pension to James J. Wilson—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *April 28, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a list of books and papers not needed in the transaction of public business and of no permanent value to the Department; which, with the accompanying papers, was referred to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, reports for the years 1900 and 1901 of the Baltimore and Washington Transit Company of Maryland; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

G. FINLEY SMITH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of G. Finley Smith, administrator of David Smith, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5111) granting an increase of pension to James G. Bowland; and

A bill (H. R. 5711) granting an increase of pension to James R. Brockett.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan;

A bill (H. R. 2063) amending an act creating the middle district of Pennsylvania;

A bill (H. R. 5183) granting an increase of pension to William Holdridge;

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City;

A bill (H. R. 12797) to ratify an act numbered 65 of the twenty-first Arizona legislature;

A bill (H. R. 13076) to apportion the term of office of senators elected at the first general election in the Territory of Hawaii; and

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor.

The message further transmitted to the Senate resolutions of the House of Representatives commemorative of the life and services of the Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

The message also transmitted to the Senate resolutions of the House of Representatives commemorative of the life and services of Hon. J. WILLIAM STOKES, late a Representative from the State of South Carolina.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of New York, praying for the adoption of an amendment to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Audubon Society of the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the East Side Republican Club, of New York City; of the New York Produce Exchange, of New York City; of the executive board of the Bricklayers' Unions of New York City, and of the Republican Club of the Eighteenth Assembly District of New York City, all in the State of New York, praying for the enactment of legislation increasing the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURNER. Mr. President, I present a petition on the subject of Chinese exclusion, from the Chinese Exclusion Commission of the State of California, signed by the president and secretary of that commission. Inasmuch as the commission is the organ of the State of California and the matter to which the petition is directed is now pending before Congress, I ask unanimous consent that it may be published in the RECORD for the information of the Senate.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows;

To the Congress of the United States:

In pursuance of the trust reposed in us by the State of California and the citizens of that Commonwealth represented in convention, we respectfully pray that the Kahn-Mitchell Chinese-exclusion bill, which has passed the House of Representatives, be adopted, and that the Platt substitute bill, which has passed the Senate, be rejected.

I.

In affirmative support of the petition that the Kahn-Mitchell bill be adopted we urge as to that bill:

That it preserves every provision of the present exclusion laws on which the nation is relying for protection against dangerous immigration of Chinese persons; and, by virtue of clear codification, lifts beyond the reach of pending litigation all of such provisions as are now attacked in the Supreme Court of the United States.

That it gives statutory form to a few Treasury rules which should have been statutory always, and which the Bureau of Immigration believes should be made inelastic—rules sharply distinguished from those properly subject to ready alteration.

That it is heedful of the needs springing from aquisition of insular territory since the passage of the exclusion act of 1893, and not only requires (in language not leaving intent disputable) that Chinese persons not of the five treaty-exempted classes shall not enter the insular territory of the United States nor pass thence to the continental territory of the United States nor from one group of islands to another, but provides the machinery for making those prohibitions effective.

That it takes cognizance of unfortunate omissions discovered in the present exclusion laws since 1893 and embodies the appropriate remedial recommendations of the Bureau of Immigration and the Department of Justice.

That it provides protection against the mercenary disregard shown by powerful trans-Pacific steamship corporations for the welfare of Caucasian seamen and the future of the American merchant marine and Navy.

That it contains nothing indicative of a disposition on the part of the United States to modify or to reconsider the exclusion policy, but, on the contrary, by its omission of reference to the year 1904, is in the nature of a notice to the Chinese Empire that this Republic will not in that year ask that the Gresham treaty be then terminated, and will not look with favor on denunciation of that convention by the Emperor of China.

That it has the hostility of those transportation companies, both of land and sea, which from the beginning have antagonized the exclusion policy and which profit in ratio to the defectiveness of the nation's laws relating to undesirable immigration.

That it is opposed by that little group of California capitalists to whom the exclusion policy always has been hateful.

That it comes out of the West, and in its every stage has had the cordial and unwavering support of the tried friends of the exclusion policy.

That its administrative features have the approval of the Bureau of Immigration.

That it has the emphatic indorsement of the author of the Geary Act.

That in the House of Representatives it has the support of every member from the Pacific coast except one, and in the Senate a corresponding bill has been given the support of every Senator from the Pacific coast except one.

That not only is it expressive of the will of the section most familiar with the Chinese question, but hundreds of thousands of the wage-earners of States not directly afflicted with colonies of Chinamen have petitioned the Congress to make it law.

II.

We represent that the Platt bill should be rejected for these reasons:

First. It is not certain that it preserves all of the provisions of the present exclusion laws, and this because (a) the act of September 13, 1888, may be invalid for nonratification of the treaty mentioned in it, and if invalid may be incapable of cure by the language of the bill in that regard; (b) if the act of 1888 be invalid, but can be validated by the language chosen that language would revive the condition precedent by which the trouble was originally caused; (c) the restriction that the text of the Gresham treaty shall be the measure of the laws (and therefore the Treasury rules and regulations) continued in force by the bill might prove to be a restriction cutting away much of the law and practice essential to accomplish what the Government is doing; for though the present statutes and substantially all of the present Treasury rules and regulations were within the knowledge of the negotiators of the treaty of 1894, and though that treaty was intended to give an international sanction to them not afforded by the treaty of 1880, nevertheless it might be argued, in the light of the recent Senate debate on the Chinese question, that the Congress intended by the Platt bill to retire from the position of reading the laws and practice of 1894 into the convention of that year and to cut the exclusion policy to the precise letter of that treaty.

Second. It adds another element of confusion to the disorder of the exclusion laws (laws now scattered in nine acts of Congress), and postpones needlessly the work of codification.

Third. It leaves subject to ready change primary Treasury rules (for instance, those defining the "exempt" classes of Chinese persons) that should never have been left subject to easy change and that ought to be given statutory form at the earliest possible time.

Fourth. It is open to dispute concerning the movements of the Philippine Chinese in that it may be argued that unless expressly included in the general prohibition those Chinese laborers who were in the archipelago at the time of the cession to the United States could not be affected by it, because possessed of rights whereof they could not be divested by implication in that the general prohibition is not stated with desirable clearness, and in that the machinery for making the prohibition effective is not sufficiently provided.

Fifth. It does not define the term "Chinese" so that it shall necessarily include persons of mixed blood as well as those of the full blood, and this omission renders the protection of Hawaii, Porto Rico, and the American mainland against the Philippine Chinese of little practical value, because there are hundreds of thousands of persons having a mixture of Chinese and Filipino blood, and this fact will lead naturally (if the Platt bill be adopted) to the practice of claiming a strain of Filipino blood as the "open sesame" to forbidden territory.

Sixth. It neglects to give the country the benefit of the Government's experience since 1893; and in this respect is notably advantageous to the American and foreign corporations, the Chinese highbinders, and others now profiting by the extensive smuggling of Chinese laborers across the Canadian and Mexican boundaries of the United States.

Seventh. It refuses to give just protection to the American seamen against that corporate greed which is relentlessly driving them from the Pacific Ocean and making American ships training schools for an Asiatic navy.

Eighth. It holds the qualities of an invitation to China to denounce the Gresham treaty in 1904.

Ninth. It has the endorsement of the railway and steamship companies hostile to the exclusion policy, and their lobbyists have been its most industrious friends.

Tenth. It has the hall-mark of those California capitalists (and of no other Californians) who would rejoice to see the exclusion policy weakened or destroyed.

Eleventh. It came out of New England in a spirit of intolerance of the bill put forth by the West.

Twelfth. It lacks the approval of the Government's experts in the departments having to do with Chinese immigration.

Thirteenth. It has been directly condemned by the author of the Geary Act.

Fourteenth. In the Senate, where alone it has been debated, it has been opposed by the foremost friends of the exclusion policy, including every Senator from the Pacific coast except one.

Fifteenth. Not only is it in opposition to the will of the section most vitally interested in the racial and industrial problem to which it relates, but it has been expressly denounced by organized labor throughout the country, regardless of State lines.

III.

We believe that the policy of excluding from American territory all Chinese persons who are hurtful of the laboring classes of this country should be continued, whatever may be the will or the interest of China, and that American commerce should know beyond doubt that its growth is not to be encouraged by such means as require modification or abandonment of that policy. Our highest duty as a nation is to prevent impairment of the welfare of our common people and to remove obstacles to their further progress, for the value and the distinction of America are not so much in its wealthy and leisure orders as in its toilers.

We can not but regard the Platt bill, its painful and reluctant evolution considered, as saying to the world that the Congress, in so far as it favors that measure, is disposed to hesitate; is inclined to reopen the question in 1904; is willing to weigh the exclusion system against bolts of cloth and tins of kerosene; is leaning with somewhat of longing toward the cheap and servile labor of the yellow race; is tempted to resolve in favor of that race and against the workers of America every shadow of doubt on niceties of international comity.

If it be said that the bill we favor is severe in its provisions, we answer that it is not more so than the present laws and practice. If it be urged that some of the present laws and practices are repugnant to the Gresham treaty, we reply that the most rigorous of the existing rules were established prior to the signing of that treaty and that it is highly improbable the United States would have ratified the convention had it not been assumed as of course that there was no disposition on the part of the Chinese Empire to regard the treaty as repealing them.

Neither the present laws and practices nor the bill we advocate can be said to be needlessly harsh. The severities are such only as experience has demonstrated to be essential to keep out of American territory those Chinese persons China and the United States have solemnly agreed shall not come within this country. The wonderful deceptiveness of the oriental makes it imperative that the exclusion laws be designed with a view to Asiatic cunning and deceit; and condemnation is not justly to be visited on the American people for enacting and enforcing such laws, but is due the people whose bad faith imposes on this nation the need of them.

Hopeful that the Congress will give this subject such careful consideration as shall persuade it of the value and temperateness of the Kahn-Mitchell bill and disclose to it the weakness and inadequacy of the Platt bill, your petitioners subscribe themselves, with much respect to the distinguished body addressed,

CHINESE-EXCLUSION COMMISSION OF CALIFORNIA,
By JAMES H. BUDD, *Chairman*,
EDWARD J. LIVERNASH, *Secretary*.

WASHINGTON, D. C., *April 28, 1902*.

Mr. HARRIS. I present a telegraphic dispatch from the Kansas Millers' Association, relative to relief being granted to them through reciprocity concessions. I ask that the dispatch may be read and referred to the Committee on Foreign Relations.

There being no objection, the dispatch was read, and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

WICHITA, KANS., *April 27, 1902*.

Hon. W. A. HARRIS, *Senate, Washington:*

Kansas millers, on account of foreign discriminations, with the best wheat in the world at their door, are not producing over one-third of their capacity. Unless your Committee on Foreign Relations can give us relief through reciprocity concessions, placing our millers on an equal basis with foreign mills, many of our mills will shut down indefinitely and some of them will be forced to the wall. In our distress we look to our Senators for relief.

GEORGE M. RANDALL,
Secretary Kansas Millers' Association.

Mr. DUBOIS presented a petition of sundry citizens of Idaho County, Idaho, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Bricklayers' Local Union No. 22, of Danville; of Local Union No. 158, of Chicago; of Sheep Butchers' Local Union No. 149, of East St. Louis; of Local Union No. 268, of Murphysboro; of Bakers and Confectioners' Local Union No. 62, of Chicago; of Plasterers' Local Union No. 183, of Taylorville; of Bricklayers, Masons, and Plasterers' Union No. 26, of Batavia; of Stonemasons' Local Union No. 6, of Quincy; of Bricklayers' Union No. 23, of Kewanee; of Local Union No. 28, of Springfield; of Brotherhood of Boiler Makers and Iron-ship Builders No. 81, of Springfield; of the Packing Trades Council, of Chicago; of Casing Workers' Local Union No. 60, of East St. Louis; of Green Hide Workers' Local Union No. 147, of East St. Louis; of International Broom Makers' Local Union, No. 21, of Chicago; of International Broom Makers' Local Union No. 23, of Charleston, Ill.; of International Broom Makers' Local Union No. 67, of Aurora; of the Retail Clerks Association of Girard, Ill.; of Cigar Packers' Local Union No. 227, of Chicago; of Peoria Plasterers' Union, No. 12, of Peoria; of Danville Typographical Union, No. 230, of Danville; of Brotherhood of Boiler Makers and Iron Ship Builders, of Kewanee; of Journeymen Laborers' Local Union No. 121, of Danville; of Oliver Retail Clerks' Association, No. 21, of Oliver; of Retail Clerks' Association of Sterling, No. 337; of Retail Clerks' Local Union No. 353, of Duquoin; of Carpenters and Joiners' Local Union No. 378, of Edwardsville; of Tobacco Workers' International Union No. 19, of Quincy; of Bricklayers' Local Union No. 24, of Canton; of Switchmen's Local Union No. 16, of East St. Louis; of Lodge No. 393, International Association of Machinists, of Centralia; of Lodge No. 7, Brotherhood of Railroad Trainmen, of Chicago; of Brotherhood of Railroad Trainmen, of Champaign; of Brotherhood of Locomotive Firemen, J. M. Raymond Lodge, No. 49, of Decatur; of Brotherhood of Locomotive Firemen of South Chicago; of Bealous Lodge, No. 217, United Mine Workers' Union, of Pinkneyville; of United Mine Workers' Union No. 106, of Dunfermline; of Brotherhood of Locomotive Firemen, Lodge No. 536, of Mount Carmel; of Brotherhood of Locomotive Firemen No. 275, of Chicago; of Brewery Workers' Local Union No. 281, of Bloomington; of United Mine Workers' Local Union No. 307, of Sorento; of United Mine Workers' Local Union No. 167, of Witt; of the Trades and Labor Assembly of South Chicago; of Local Union No. 8297, of Lebanon; of United Mine Workers' Local Union No. 1030, of Carbon; of United Mine Workers' Local Union No. 952, of Braceville; of United Mine Workers' Local Union No. 745, of Pawnee; of United Mine Workers' Local Union No. 663, of Coulterville; of United Mine Workers' Local Union No. 511, of Tilden; of the Brotherhood of Locomotive Engineers of Danville; of Journeyman Barbers' Local Union No. 328, of Lincoln; of the Retail Furniture and Carpet Salesmen's Association of Chicago; of Retail Clerks' Local Union No. 35, of Quincy; of Retail Clerks' National Protective Association, Local Union No. 344, of Alton; of Bricklayers and Masons' International Union No. 1, of Quincy; of St. Clair Lodge, No. 253, of Belleville; of Collinsville Lodge, No. 295, of Collinsville; of Carpenters' Local Union No. 272, of Chicago Heights; of Local Union No. 204, of Coffeen; of Local Union No. 191, Carpenters and Joiners' Union, of South Chicago; of Gas Fitters' Association of Chicago; of the Plumbers' Association of Springfield; of Plumbers' Local Union No. 54, of Joliet;

of Local Union No. 49, of Champaign; of File Founders' Local Union No. 3, of Chicago; of Virden Division, No. 34, of Virden; of Amalgamated Woodworkers' Local Union No. 17, of Chicago, and of Amalgamated Woodworkers' Local Union No. 85, of Oak Park, all in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLAPP presented a petition of the Missouri, Kansas and Oklahoma Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CARMACK presented petitions of Carpenters and Joiners' Local Union No. 394, of Memphis; of Carpenters and Joiners' Local Union No. 779, of Clarksville; of Beer Drivers and Stablemen's Local Union No. 196, of Memphis; of Press Feeders and Helpers' Local Union No. 30, of Chattanooga; of Trunk and Bag Workers' Local Union No. 10, of Nashville; of Retail Clerks' Local Union No. 38, of Nashville; of United Mine Workers' Local Union No. 431, of Jellico; of United Mine Workers' Local Union No. 554, of Whitwell; of Local Union No. 347, Brotherhood of Railroad Trainmen, of Memphis; of Boiler Makers' Lodge No. 143, of Knoxville; of Carpenters and Joiners' Local Union No. 259, of Jackson; of Carpenters and Joiners' Local Union No. 225, of Knoxville; of Carpenters and Joiners' Local Union No. 219, of Memphis; of United Mine Workers' Local Union No. 1189, of Jellico; of United Mine Workers' Local Union No. 197, of Shamrock; of Federal Labor Union No. 7600, of Victoria, and of the Central Labor Union of Chattanooga, all in the State of Tennessee, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PERKINS presented a petition of the Chamber of Commerce and the Merchants' Association of Honolulu, praying that certain relief be granted them on account of moneys expended in the suppression of the Bubonic plague at that place; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry officers of the National Guard of California, praying for the enactment of legislation to increase the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of the Machinists' Local Union of Oakland; of Mechanics Helpers' Local Union No. 8841, Vallejo; of Ordnance Men's Local Union No. 9585, of South Vallejo; of Cement Workers' Local Union No. 8917, of Los Angeles; of the Federated Trades Council of Alameda County; of the Federated Trades and Labor Council of Fresno; of Ship Joiners' Protective Union No. 8835, of Vallejo; of Boiler Makers and Iron Shipbuilders' Local Union No. 148, of Vallejo; of Local Union No. 233, of Oakland; of Local Union No. 54, of Oakland; of Retail Shoe Clerks' Protective Union No. 410, of San Francisco; of Local Union No. 432, of San Francisco; of Garment Workers' Local Union No. 131, of San Francisco; of Switchmen's Local Union No. 158, of Oakland; of Local Union No. 104, of San Francisco; of Hod Carriers' Local Union No. 9363, of Stockton; of the Tanners' Protective Union of Redwood City; of Local Union No. 280, of Pasadena; of Bakers and Confectioners' Local Union No. 120, of Stockton; of Local Union No. 232, of San Bernardino; of Butchers' Local Union No. 130, of San Jose; of Boiler Makers' Local Union No. 253, of Kern; of Butchers' Local Union No. 126, of Fresno; of Carpenters' Local Union No. 769, of Pasadena; of Local Union No. 506, of Petaluma, all of the American Federation of Labor; of Lodge No. 97, Brotherhood of Locomotive Firemen, of Los Angeles; of Lodge No. 314, Brotherhood of Locomotive Firemen, of San Bernardino; of Lodge No. 420, Brotherhood of Railroad Trainmen, of Fresno, and of Lodge No. 458, Brotherhood of Railroad Trainmen, of Dunsmuir, all in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLARK of Montana presented a petition of Carpenters' Local Union No. 911, of Kalispell, Mont., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 255, of Anaconda, Mont., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of Switchmen's Local Union, of Butte; of the Tailors' Local Union, of Butte; of Bricklayers and Masons' Local Union No. 3, of Great Falls; of Bricklayers, Masons, and Plasterers' Local Union No. 7, of Missoula; of Carpenters' Local Union No. 911, of Kalispell; of Beer Drivers and Bottlers' Local Union No. 231, of Helena; of Western Labor Union, No. 175, of Kalispell; of the Trades and Labor Council of Great Falls; of Anaconda Lodge, No. 614, Brotherhood of Railway Trainmen, of Anaconda; of Yellowstone Division, No. 191, Order of Railway Conductors, of Glendive, and of Anaconda Typographical Union, No. 255, of Anaconda, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. MALLORY presented a petition of Carpenters and Joiners' Local Union No. 74, American Federation of Labor, of Pensacola, Fla., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also (for Mr. TALIAFERRO) presented petitions of Carpenters' Local Union No. 655, of Key West; of Carpenters and Joiners' Local Union No. 627, of Jacksonville; of Local Union No. 605, of Jacksonville, and of Plumbers' Local Union No. 234, of Jacksonville, all of the American Federation of Labor, in the State of Florida, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Claims.

Mr. COCKRELL presented a petition of the Pioneer Cooperage Company, of St. Louis, Mo., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented petitions of the Central Labor Union, of Boonville, and of Local Union No. 150, International Association of Machinists, of Huntington, in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. BLACKBURN presented a petition of Mason Post, No. 106, Department of Kentucky, Grand Army of the Republic, of Georgetown, Ky., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Marine Society of Portland, Me., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, and also to fix the compensation of certain officers in that service; which was referred to the Committee on Pensions.

He also presented a petition of Letter Carriers' Assembly No. 6909, of Brooklyn, N. Y., praying for the enactment of legislation providing for an increase in their salaries; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 921) granting a pension to Joanna Rogers, reported it with an amendment and submitted a report thereon.

He also, from the Committee on Patents, to whom was referred the joint resolution (H. J. Res. 103) relative to the disposition of patent specifications and drawings in the western district of Pennsylvania, reported it without amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 5202) granting an increase of pension to Jennie Wagner; and

A bill (S. 4712) granting an increase of pension to Eliphalet Noyes.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5080) granting a pension to Hester A. Farnsworth, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1458) granting an increase of pension to Linda W. Slaughter; and

A bill (S. 4240) granting a pension to Calvin N. Perkins.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5119) granting an increase of pension to Samuel S. Walch; and

A bill (S. 5118) granting an increase of pension to Adam Stuber.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2646) granting a pension to Justus L. Denton;

A bill (S. 896) granting an increase of pension to James E. McNair;

A bill (S. 2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson; and

A bill (S. 3551) granting an increase of pension to John P. Collier.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2863) granting an increase of pension to Mary L. Purington, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5052) granting an increase of pension to Gilbert Barkalow, reported it with amendments, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 1614) granting an increase of pension to Nelson W. Carlton, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2056) granting an increase of pension to David J. Newman, reported it with an amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by himself on the 26th instant, proposing to appropriate $5,000 for topographic surveys in Porto Rico, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5302) granting an increase of pension to John H. Everitt, reported it without amendment, and submitted a report thereon.

REPORT ON PARIS EXPOSITION OF 1900.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a concurrent resolution, and I ask for its present consideration.

The concurrent resolution was read, and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper 2,000 additional copies of Senate Document 232, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 500 for distribution by the Office of the Commissioner-General.

Mr. COCKRELL. I should like to ask the Senator reporting the resolution if those are all the copies we will get?

Mr. PLATT of New York. Those are all that we will get.

Mr. COCKRELL. There will be no additional number printed?

Mr. PLATT of New York. No; it is not deemed necessary.

Mr. COCKRELL. That will give only about five copies to a Senator. If the report is worth printing, it is worth printing in sufficient number to distribute it to more places than that number will allow.

Mr. PLATT of New York. It is thought that this number is all that is absolutely necessary.

Mr. COCKRELL. It seems to me if we go to the expense of printing a document of that kind we ought to print enough to distribute it in greater numbers than five copies to each Senator.

Mr. FORAKER. What is the document?

Mr. COCKRELL. It is a report on the Paris Exposition.

Mr. PLATT of New York. I will accept any amendment the Senator from Missouri may suggest.

Mr. COCKRELL. I move to just double the number for the Senate and House, whatever it is.

The PRESIDENT pro tempore. The amendment of the Senator from Missouri will be stated.

The SECRETARY. Strike out "two" where it appears before "thousand" and insert "three thousand five hundred;" strike out "five hundred" where it appears and insert "one thousand," and strike out "one thousand" where it appears and insert "two thousand."

Mr. COCKRELL. Now, let the Secretary read the resolution the way it will stand if amended as I propose.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 3,500 additional copies of Senate Document 232, Fifty-sixth Congress, second session, being the Report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General.

The amendments were agreed to.

Mr. TILLMAN. I notice that the words "bound in paper" are in the resolution. If we are going to reprint a valuable document, what is the use to make a pamphlet of it? Why not have it bound in cloth?

Mr. PLATT of New York. No one has asked to have it bound in cloth.

Mr. TILLMAN. The Senator from Missouri seems to think there will be a demand for it.

Mr. COCKRELL. I did not notice the provision about binding. There will be very little difference in cost between the two forms of binding.

Mr. TILLMAN. The difference in cost amounts to scarcely anything, and the document is certainly no good in paper.

Mr. COCKRELL. I move to strike out "in paper" and to insert "in cloth."

Mr. PLATT of New York. I accept the amendment.

The PRESIDENT pro tempore. The amendment inserting the words "in cloth" is accepted. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

CLAIM OF HERRERA'S NEPHEWS.

Mr. CULLOM. Some days ago Senate Document No. 318, Fifth-seventh Congress, first session, being a letter from the Acting Secretary of War, transmitting, in response to a resolution of the Senate of March 26, 1902, correspondence relating to the seizure of certain vessels and the occupation and use of wharves and warehouses at Santiago de Cuba, was referred to the Committee on Foreign Relations. The Senator from Vermont [Mr. PROCTOR], who called for this report, I think, made a mistake in having it referred to the Committee on Foreign Relations, and desired really to have it referred to the Committee on Claims. I move that the Committee on Foreign Relations be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

COMMITTEE SERVICE.

Mr. CARMACK was, on his own motion, excused from further service upon the Committee on Education and Labor.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. CULLOM introduced a bill (S. 5473) for the relief of George Killeen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5474) granting an increase of pension to Daniel M. Banks (with an accompanying paper);

A bill (S. 5475) granting an increase of pension to John Judge (with an accompanying paper);

A bill (S. 5476) granting an increase of pension to Orville T. Lee (with an accompanying paper); and

A bill (S. 5477) granting an increase of pension to Jonathan P. Chandler (with an accompanying paper).

Mr. STEWART introduced a bill (S. 5478) to ratify and confirm an agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced a bill (S. 5479) to correct the military record of William Allen; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5480) granting an increase of pension to Charles W. Johnston;

A bill (S. 5481) granting an increase of pension to Simeon Shirrell;

A bill (S. 5482) granting an increase of pension to James M. Heminger;

A bill (S. 5483) granting an increase of pension to Joshua F. Spurlin;

A bill (S. 5484) granting an increase of pension to Michael Wallick;

A bill (S. 5485) granting an increase of pension to Martha A. Harvey;

A bill (S. 5486) granting an increase of pension to Amos W. Reagan; and

A bill (S. 5487) granting an increase of pension to Philip J. Strack.

Mr. BURROWS introduced a bill (S. 5488) granting an increase of pension to Shannon W. Scott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5489) for the relief of the

executors of the estate of Henry Lee, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 5490) granting a pension to Anginette L. Prescott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5491) granting a pension to John R. Sandsbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 5492) granting an increase of pension to Warren A. Hatten; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5493) granting a pension to William T. Carliel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5494) for the relief of the heirs at law of Maj. Tarleton Woodson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 5495) to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5496) relative to the Lincoln Museum in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 5497) to provide for the erection of a public building at the city of Columbia, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE (by request) introduced a joint resolution (S. R. 89) to erect a building to be known as the American National Institute; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO BILLS.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $5,000 to enable the Episcopal Eye, Ear, and Throat Hospital to provide medical and surgical treatment to persons unable to pay therefor, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to appropriate $50,000 of the $100,000 made by the act of Congress of March 1, 1901, to enable the Secretary of War to purchase the Isham high-explosive shell, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to increase the salary of draftsman for assessor's office from $1,200 to $1,400, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds.

Mr. HEITFELD submitted an amendment intended to be proposed by him to the bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CIRCUIT COURT OF APPEALS.

Mr. CLAPP. I move to reconsider the vote by which the Senate on Saturday passed the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

The facts concerning this matter are as follows: On Saturday morning I gave notice of an amendment, which was offered and ordered to be printed and to lie on the table. I called the attention of the Senator having the bill in charge, the Senator from Wyoming [Mr. CLARK], to it, and did not anticipate that the bill would come up on Saturday. It came up on Saturday, and was passed without this amendment, the amendment at that time being before the Senate and on the table. I therefore move to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator from Minnesota enters a motion to reconsider the vote by which the bill was passed on Saturday. He also moves that the House of Representatives be requested to return the bill to the Senate. Is there objection? The Chair hears none, and the order is made.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2063) amending an act creating the middle district of Pennsylvania; and

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 13076) to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii; and

A bill (H. R. 12797) to ratify act numbered 65 in the twenty-first Arizona legislature.

The bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 5183) granting an increase of pension to William Holdridge, was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor, was read twice by its title, and referred to the Committee on Military Affairs.

IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exchange of oleomargarine," approved August 2, 1886, numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11, and agreeing to amendment numbered 9, with amendments.

The PRESIDENT pro tempore. The amendments have been read.

Mr. TELLER. There seemed to be a little question on Saturday as to where my amendment ought to come in. The copy of the bill I have does not seem to have the amendments numbered; page 2 of the bill, line 25, seems to be a proper place. I believe that is what is called the ninth amendment. I move my amendment at that point.

Mr. President, I do not desire to debate this question. I should like to get a vote on it. As far as I am concerned, I have no disposition to delay the bill. There is nothing to be gained by such a course that I know of. I did not vote for the bill, and I would not vote for it now. If I had an opportunity, I would vote against it.

Mr. CULBERSON. I should like to know the parliamentary status of the bill. How is it before us at this time?

The PRESIDENT pro tempore. The bill came from the House of Representatives and was amended in the Senate. It went to the House. The House agreed to certain of the amendments and returned it to the Senate with certain other amendments. The bill is on the table of the President of the Senate, and it has been by him laid before the Senate, as is usual in such cases.

Mr. CULBERSON. Should it not be referred to a committee?

The PRESIDENT pro tempore. Not necessarily. It is for the Senate to say what shall be done with it.

Mr. CULBERSON. If it is not to be referred should it not go on the Calendar?

The PRESIDENT pro tempore. No disposition has been yet made of it. It was laid before the Senate by the Presiding Officer this morning.

Mr. CULBERSON. I will ask if, under the rule, the bill ought not to go to the Calendar?

The PRESIDENT pro tempore. There is no rule which requires the Senate to refer it or anything else. The rule simply requires the Presiding Officer to lay the bill before the Senate with the action of the House thereon. The Presiding Officer has laid it before the Senate, and the Senator from Colorado offers an amendment to one of the House amendments.

Mr. ALLISON rose.

Mr. TELLER. I should like to know the status of the bill. There seems to be some question about it. I understand that the bill came from the House and went to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. It did not. It remained on the President's table, and was laid by him before the Senate on Saturday. Then by unanimous consent it still remained on the President's table. The President of the Senate has this morning again laid it before the Senate.

Mr. TELLER. Has there been unanimous consent given this morning to consider it?

The PRESIDENT pro tempore. There has been no consent at all. It was the duty of the Chair, under what took place on Saturday, to lay it before the Senate.

Mr. TELLER. Should not the bill properly go to the committee?

The PRESIDENT pro tempore. That is for the Senate to determine.

Mr. CULBERSON. I move that the bill, with the amendment of the Senator from Colorado, be referred to the Committee on Agriculture and Forestry.

Mr. TELLER. That seems to be the proper way.

The PRESIDENT pro tempore. That motion takes precedence of the motion to amend.

Mr. ALLISON. I was about to make the same inquiry made just now by the Senator from Colorado. I find that the bill was laid upon our tables as having been printed by order of the Senate on Saturday, but I do not see the original House bill nor do I see the amendments of the Senate to the original House bill.

The PRESIDENT pro tempore. The original House bill is on the table.

Mr. ALLISON. Did the Chair lay the original House bill before the Senate?

The PRESIDENT pro tempore. The Chair did this morning,

Mr. ALLISON. Very well. Then the print does not show the condition of the bill; that is all.

Mr. TELLER. I wish to say one word. I was under the impression when I offered the amendment that the bill had been to the committee and had been reported from the committee to the Senate. I find that I was entirely mistaken about that.

The PRESIDENT pro tempore. It would have gone to the Calendar if that had been the fact.

Mr. TELLER. That is the reason why I insisted that the Calendar was the place for it.

The PRESIDENT pro tempore. The Senator from Texas moves the reference of the bill to the Committee on Agriculture and Forestry. That is the question before the Senate.

Mr. PROCTOR. Mr. President, there seems to be a little apprehension about the action of the Senate. When the bill was before the Senate, the Senate did not adopt a substitute bill, but we made an important amendment and several minor ones, eleven in all. The House agreed to all the amendments but one, and that is the amendment which has been reprinted here. That amendment they agreed to with certain amendments not important in character. That amendment, which we proposed to them did not touch oleomargarine at all. It was simply in regard to process, renovated, and adulterated butter. When it came back here with the proposals of amendment, I consulted with the members of the committee, and all the minority said, and I so announced, that the amendments were unimportant and did not harm the bill from their standpoint. The Senator from North Carolina [Mr. SIMMONS] made the same statement on the floor. The minority members said that the House amendments were an improvement rather than otherwise, and that they were ready to have me ask to have the Senate agree to the amendments. I accordingly did so.

Mr. LODGE. Mr. President, if I understand the situation about the bill aright the House bill came over here, and to that bill we made sundry amendments. The bill went back, with our amendments, to the House, inviting the concurrence of the House. The House concurred in ten amendments, and concurred in the eleventh with an amendment.

Therefore the motion (if I am wrong I can easily be corrected) to concur with the House amendment takes precedence of all others. A motion to concur with the House amendment with an amendment would come next. Surely a motion to concur must take precedence of all others, because it is a motion looking toward a conclusion, bringing about an agreement of the Houses, which is the purpose of all legislation. I do not know whether a motion to concur has been made.

Mr. PROCTOR. I made a motion to concur.

Mr. LODGE. I understood that the Senator from Vermont made a motion to concur. Does not the motion to concur in the amendments of the other House always take precedence of every other motion, because it is the first to bring about an agreement?

The PRESIDENT pro tempore. The Chair is of opinion that it does not, but that a motion to amend takes precedence of a motion to concur, because the Senate might refuse to concur without amendment and might desire to concur if an amendment was made. The motion made by the Senator from Texas takes precedence of any of the other motions, and that is to refer the bill to the committee. That is the question before the Senate.

Mr. PROCTOR. The bill as it came from the House has been before the committee, but not by action of the Senate. It has been before a regularly called meeting of the committee, and as I stated when the matter was up Saturday——

Mr. CULBERSON. I desire to ask the Senator if any committee has considered the amendment offered by the Senator from Colorado to the bill?

Mr. PROCTOR. The reprint of the House was before the committee and examined by the members, and they instructed me to move to concur, as I stated.

Mr. CULBERSON. I refer to the amendment offered by the senior Senator from Colorado, that has been printed and is on our desks this morning.

Mr. PROCTOR. That has not been before the committee.

Mr. CULBERSON. That has not been before the committee, and it is a very important amendment. It seems to me that it ought to be considered by the committee.

The PRESIDENT pro tempore. The question is on referring the bill and amendments to the Committee on Agriculture and Forestry.

Mr. TELLER. It seems to me that the consideration of the bill by the committee, it not having been referred to them, was entirely irregular and does not amount to anything. That is the way I got the idea that the committee had reported it back to the Senate. If the Senate did not send the bill to the committee, but retained it on the table, the committee had no jurisdiction of the bill, of course, and the motion now to send it to the committee is a perfectly proper motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas [Mr. CULBERSON] to refer the bill to the Committee on Agriculture and Forestry.

Mr. TELLER and Mr. CULBERSON demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY], who is absent. I transfer my pair to the junior Senator from Illinois [Mr. MASON], and will vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the Senator from Florida [Mr. TALIAFERRO). If he were present, I should vote "nay." I withhold my vote, not knowing how he would vote on this question.

The roll call was concluded.

Mr. MCLAURIN of Mississippi. I will explain that my colleague [Mr. MONEY] is absent on account of sickness.

Mr. ELKINS. I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, I should vote "nay."

Mr. JONES of Arkansas. I wish to state that my colleague [Mr. BERRY] is paired with the Senator from Maryland [Mr. MCCOMAS]. If my colleague were present, he would vote "yea."

Mr. PERKINS. I desire to announce that my colleague [Mr. BARD] is unavoidably absent on account of illness. If he were present, he would vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I inadvertently voted, not observing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair. I will transfer my pair to the junior Senator from California [Mr. BARD], and let my vote stand.

Mr. PETTUS (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. As he has not voted, I will withdraw my vote.

Mr. MALLORY. I desire to announce that my colleague [Mr. TALIAFERRO] is paired with the junior Senator from West Virginia [Mr. SCOTT]. My colleague is unavoidaby absent from the city.

The result was announced—yeas 26, nays 35; as follows:

YEAS—26.

Bacon,	Culberson,	McEnery,	Simmons,
Bate,	Daniel,	McLaurin, Miss.	Stewart,
Berry,	Dubois,	McLaurin, S. C.	Teller,
Blackburn,	Foster, La.	Mallory,	Turner,
Clark, Mont.	Gibson,	Martin,	Vest.
Clay,	Heitfeld,	Patterson,	
Cockrell,	Jones, Ark.	Rawlins,	

NAYS—35.

Allison,	Dillingham,	Hawley,	Platt, Conn.
Beveridge,	Dolliver,	Kean,	Platt, N. Y.
Burnham,	Fairbanks,	Kittredge,	Pritchard,
Burrows,	Foraker,	Lodge,	Proctor,
Burton,	Foster, Wash.	McCumber,	Quarles,
Clapp,	Frye,	McMillan,	Simon,
Cullom,	Gamble,	Mitchell,	Spooner,
Deboe,	Hansbrough,	Nelson,	Wetmore.
Depew,	Harris,	Perkins,	

NOT VOTING—27.

Aldrich,	Elkins,	McComas,	Quay,
Bailey,	Gallinger,	Mason,	Scott,
Bard,	Hale,	Millard,	Taliaferro,
Carmack,	Hanna,	Money,	Tillman,
Clark, Wyo.	Hoar,	Morgan,	Warren,
Dietrich,	Jones, Nev.	Penrose,	Wellington.
Dryden,	Kearns,	Pettus,	

So the motion to refer was not agreed.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] offers an amendment, which will be stated.

Mr. LODGE. I intended to ask what is the precise motion

that is now pending. In submitting the point of order, which I did a few moments ago as to the precedence of motions, I merely wanted to know if the pending motion is a motion to concur or to concur with an amendment. That takes precedence of a motion to refer to a committee, of course, because the motion to concur promotes an agreement between the two Houses, and the motion to refer, of course, delays an agreement, and agreement is the object of all legislation. Now, I want to know precisely what the motion is.

The PRESIDENT pro tempore. The pending motion is to amend the House amendment.

Mr. LODGE. Is it to amend or to concur with an amendment?

The PRESIDENT pro tempore. No; the motion is simply to amend, as the Chair understands the Senator from Colorado.

Mr. NELSON. Mr. President, a motion is pending, coming over from the last day's session of the Senate, to concur in the House amendment.

Mr. LODGE. That takes precedence.

Mr. NELSON. Under this condition the amendment of the Senator from Colorado would not be in order, except to concur with an amendment. It can not be in order as a naked amendment. It must be in the nature of a motion to concur with an amendment and not merely to amend.

Mr. LODGE. That is the point I desire to make.

Mr. PROCTOR. Mr. President, you will remember that I made a motion to concur on Saturday before the motion to amend was submitted by the Senator from Colorado.

Mr. COCKRELL. But the motion was not entered.

Mr. TELLER. That is a mistake. I made my motion before the Senator from Vermont made his.

Mr. COCKRELL. That is right.

Mr. TELLER. But no matter whether I did or did not, a motion to concur does not prevent an amendment.

Mr. PROCTOR. I think, Mr. President, that the Senator from Colorado will remember, if he will recall the order, that my first motion was to concur. I afterwards made a motion to nonconcur and to ask for a conference with the House of Representatives. The first motion was made before the amendment was offered by the Senator from Colorado, and the last one afterwards.

Mr. TELLER. The Chair has distinctly stated that my amendment is in order.

The PRESIDENT pro tempore. The Chair understands the amendment offered by the Senator from Colorado is in order.

Mr. TELLER. I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. Jefferson's Manual is very distinct on this point. It says:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

The Chair recognizes the Senator from Colorado to offer the amendment, which will be read.

Mr. LODGE. On that point I wish to inquire, is it simply a motion to amend that takes precedence, or a motion to concur or nonconcur with an amendment?

The PRESIDENT pro tempore. A motion to amend, as Jefferson says.

Mr. LODGE. Simply a motion to amend takes precedence of a motion to concur?

Mr. COCKRELL. That has been the universal rule of the Senate.

Mr. ALLISON. Mr. President, I do not understand, and I never could understand, the mysteries of parliamentary law respecting this class of amendments. I should like to have the amendment read, and its connection with the text of the bill or with the House amendment.

As I understand the position of the bill, this is not an amendment to an amendment in the sense of the rule just read by the Chair. There was an amendment made by the Senate to the bill of the House, that amendment went to the House of Representatives, and it was concurred in with an amendment, as I understand, in the House. Therefore, the text of the Senate amendment, it seems to me, is beyond the consideration of the Senate at this time. Otherwise this bill would not be passed until doomsday. If an original amendment is now in order to this bill, as proposed, as I understand, by the Senator from Colorado, there can be no end to this bill. Therefore, I desire to know what the amendment of the Senator from Colorado is and to what it is an amendment. It may be that I do not understand it at all, but I want to say that if the amendment of the Senator from Colorado, as an independent amendment, is now in order, any future amendment that may be offered by any other Senator will be in order on this bill, and we never can reach an end to it. That seems to me, with all deference to other Senators, is a proceeding which has never been adopted. I shall characterize it in no other form.

Mr. TELLER. The Senator from Iowa has been out of town for a few days?

Mr. ALLISON. I have been.

Mr. TELLER. And he is not informed as to the facts, as he might have been if he had looked at the bill.

Mr. ALLISON. I want to say, if the Senator will allow me, that I have looked at the RECORD, which I suppose is a correct interpretation of what has occurred during my absence—otherwise the RECORD is not a true portrayal or picture of what we are doing here from day to day.

Mr. TELLER. Mr. President, the House amendment is to be found at the bottom of page 2 of the print of the bill I have; but there seems to be another print, where it is to be found on page 6. The House concurred in the amendment of the Senate and then added this amendment, which we have neither concurred in nor nonconcurred in. The House concurred in the Senate amendment in part, and a part of it they amended. Then they offered this as an independent amendment. If we can not now amend that, then, if that be the parliamentary law, we allow the House to force upon us a proposition in the bill or else compel us to defeat the bill. That, I am quite sure, is not the parliamentary rule.

Mr. ALLISON. The Senator misunderstands me, or I may not understand the facts in this case, as I was not present on Saturday. Now, I ask if the Senator will allow me, so that I may understand the situation, that the action in the House be read, so as to ascertain exactly what was done by that body.

Mr. TELLER. I think the Chair is cognizant of the parliamentary situation, and I think the Chair has decided.

Mr. ALLISON. That may be true.

Mr. TELLER. The Chair understands my motion. All I ask is to have a vote upon it. I do not want to delay this matter at all.

Mr. SPOONER. I suppose the Senator from Iowa has a right to ask that the amendment be read, if he so desires.

Mr. TELLER. Certainly. I have no objection to its being read. I did not know that that was his request. I thought the Senator wanted the record of the House proceedings read, which I have never known to be done in this body.

Mr. ALLISON. I wish to place myself right as respects the situation of this bill. The bill was originally sent here from the House, was amended by the Senate, returned to the House, and the amendment of the Senate was amended by the House. The record of that proceeding in the House is on our table, and I ask that it may be read, so as to become a part of the observations I intend to make on the amendment of the Senator from Colorado.

Mr. LODGE. Mr. President, before the amendment is read, I want to ask at what point of the House amendment the amendment of the Senator from Colorado is to be made—where it is to be inserted? It can not be added to our section as a whole; it must be made to the House amendment, and I want to know where it comes in.

Mr. TELLER. I have distinctly named where it comes in, as the Senator would have known if he had paid attention.

Mr. LODGE. I did not hear the Senator.

Mr. TELLER. It comes in at the bottom of page 2 of the print of the bill I have.

Mr. LODGE. That is what I wanted to know.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado was first offered to the bill as an additional section, and it was ruled out by the Chair. It was then proposed as an amendment to a House amendment, and the Chair ruled that it was in order as an amendment to the House amendment. The Secretary will read the action of the House of Representatives.

Mr. HANSBROUGH. I desire to ask a question for information, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HANSBROUGH. Is the amendment offered by the Senator from Colorado amendable?

The PRESIDENT pro tempore. It is not. That would be an amendment in the third degree.

Mr. HANSBROUGH. Later I will suggest some changes in the amendment of the Senator from Colorado, which I hope he will adopt.

Mr. TELLER. I do not deny but that my amendment is open to amendment. It should be perfected before it is voted on, of course.

The PRESIDENT pro tempore. The Secretary will read the action of the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
April 24, 1902.

Resolved, That the House agrees to the amendments of the Senate to the bill (H. R. 9206) entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886," Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11, and agrees to amendment No. 9 with amendments as follows:

In lines 3 and 4, after "butter," strike out "shall be understood" and insert "is hereby defined;"

In line 8, after "adulterated butter," strike out "shall be understood" and insert "is hereby defined;"
In line 3, page 3, after "unmelted butter," strike out the comma and insert "or butter fat;"
In line 6, page 3, after "rancidity," strike out "and" and insert "or;"
In line 6, page 3, after "any butter," insert "or butter fat;"
In line 7, page 3, after "as herein," strike out "recognized or understood" and insert "defined;"
In line 8, page 3, strike out "in" where it occurs the second time and insert "or;"
In line 9, page 3, after "any," in line 8, strike out "way, either through cheaper or inferior ingredients, or" and insert "butter in the manufacture or manipulation of which any process or material is used;"
In line 11, page 3, after "cream," strike out ": *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886," and insert "; that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter' as defined by this act;"
Strike out line 16, page 3, down to and including line 2, page 4:
In line 4, page 4, after "renovated butter," insert "shall pay $50 per year;"
In line 4, page 4, after "and," insert "manufacturers;"
In lines 5, 6, and 7, page 4, after "year," strike out "the payment of which shall cover the tax upon the manufacture of both articles;"
In line 13, page 4, after "annum," insert "Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter;"
In lines 14 and 15, page 4, strike out "Dealers in adulterated butter shall pay $48 per year;"
In line 18, page 8, insert before "All parts" a section number as follows: "Sec. 5;"
In line 18, page 8, strike out "meat" and insert "meats;"
In lines 8 and 9, page 9, after "same," strike out "for exportation or transmission from one State to another;"
In line 9, page 9, after "process," insert "or renovated;"
In line 10, page 9, after "marked with," amend the Senate amendment down to and including "manner," line 11, so as to read: "the words 'Renovated Butter' or 'Process Butter,' and by such other marks, labels, or brands, and in such manner;"
In line 2, page 10, after "States," insert "or in course of exportation or shipment;" and
Change "Sec. 5" to "Sec. 6," and "Sec. 6" to "Sec. 7."

Mr. ALLISON. Now, Mr. President, as I understand, the Senator from Colorado proposed an amendment to an amendment of the House of Representatives. I ask that that proposed amendment to the House amendment may be read.

The PRESIDENT pro tempore. The Senator from Colorado has proposed an amendment to an amendment of the House of Representatives, which will be read.

The SECRETARY. It is proposed to amend the amendment of the House of Representatives as printed on April 26, on page 2 of the amendment, line 25, after the word "act," in the line "'adulterated butter' as defined by this act," by inserting the following:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter, or which tends to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets, and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for export. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

Mr. ALLISON. I do not wish to occupy any time, except to say that the amendment of the Senator from Colorado not only materially changes the amendment which was reserved and not agreed to by the House, but it affects, also, every provision of the bill, as I understand it, and therefore it is new matter inserted in a particular place as an amendment to an amendment of the House, changing the character of this bill. It may be that the amendment is in order. If it is, I shall certainly vote against it as being inconsistent with what has been done in the two Houses after a debate covering a period of more than a month.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the House of Representatives.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. ELKINS. I want to offer an amendment to the amendment of the Senator from Colorado.

The PRESIDENT pro tempore. That is not in order.

Mr. ELKINS. Can not the friends of the oleomargarine bill get in an amendment?

The PRESIDENT pro tempore. A further amendment is not now in order, as it would be an amendment in the third degree. The question is on the amendment of the Senator from Colorado to the amendment of the House of Representatives, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who is temporarily absent, but I transfer that pair to the Senator from California [Mr. BARD], and vote "nay."

Mr. DOLLIVER (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. MONEY] to the junior Senator from Illinois [Mr. MASON], and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If at liberty to vote, I should vote "yea."

Mr. RAWLINS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HANNA]. I will transfer that pair to the senior Senator from Maryland [Mr. WELLINGTON], and vote "yea."

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I am paired with that Senator, and therefore withhold my vote. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], but I transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. SPOONER subsequently said: I had forgotten that the Senator from New Jersey [Mr. DRYDEN], to whom I transferred my pair with the Senator from Tennessee [Mr. CARMACK], had voted against this bill, and I therefore withdraw my vote.

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). I again announce that my colleague [Mr. TALIAFERRO] is unavoidably absent from the city. He is paired with the junior Senator from West Virginia [Mr. SCOTT]. If present, my colleague would vote "yea" on this amendment.

The roll call was concluded.

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE]. I understand from Senators on that side of the Chamber that if he were present he would vote "nay," and I therefore withdraw my vote.

Mr. CULBERSON. I desire to announce that my colleague [Mr. BAILEY] is paired with the senior Senator from West Virginia [Mr. ELKINS]. My colleague is unavoidably absent from the Senate to-day. Were he present and voting, he would vote "yea" on this amendment.

Mr. HARRIS (after having voted in the negative). I should like to inquire if the Senator from Wyoming [Mr. CLARK], with whom I am paired, has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HARRIS. Then I will transfer my pair with the Senator from Wyoming to the Senator from Rhode Island [Mr. ALDRICH], and allow my vote to stand.

Mr. HANNA (after having voted in the negative). I understand that during my absence my pair with the Senator from Utah [Mr. RAWLINS] has been covered by a transfer to the Senator from Maryland [Mr. WELLINGTON], and I therefore withdraw my vote.

Mr. JONES of Arkansas. I wish to state that my colleague [Mr. BERRY] is paired with the Senator from Maryland [Mr. MCCOMAS]. If present, my colleague would vote "yea" on this amendment.

The result was announced—yeas 25, nays 28; as follows:

YEAS—25.

Bacon,	Daniel,	McLaurin, S. C.	Teller,
Bate,	Dubois,	Mallory,	Tillman,
Blackburn,	Foraker,	Martin,	Turner,
Clark, Mont.	Foster, La.	Mitchell,	Vest.
Clay,	Heitfeld,	Patterson,	
Cockrell,	McEnery,	Rawlins,	
Culberson,	McLaurin, Miss.	Stewart,	

NAYS—28.

Allison,	Dolliver,	Hawley,	Perkins,
Burnham,	Fairbanks,	Kean,	Platt, Conn.
Burton,	Foster, Wash.	Kittredge,	Platt, N. Y.
Cullom,	Frye,	Lodge,	Proctor,
Deboe,	Gamble,	McCumber,	Quarles,
Depew,	Hansbrough,	McMillan,	Simon,
Dillingham,	Harris,	Nelson,	Wetmore.

NOT VOTING—35.

Aldrich,	Dietrich,	Jones, Nev.	Pritchard,
Bailey,	Dryden,	Kearns,	Quay,
Bard,	Elkins,	McComas,	Scott.
Berry,	Gallinger,	Mason,	Simmons,
Beveridge,	Gibson,	Millard,	Spooner,
Burrows,	Hale,	Money,	Taliaferro,
Carmack,	Hanna,	Morgan,	Warren,
Clapp,	Hoar,	Penrose,	Wellington.
Clark, Wyo.	Jones, Ark.	Pettus,	

So Mr. TELLER'S amendment to the amendment of the House of Representatives was rejected.

Mr. PROCTOR. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a further conference, the conferees on the part of the Senate to be appointed by the President pro tempore.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont.

Mr. COCKRELL. I understand the committee have looked over the House amendments and have agreed to them. That was the statement made, and I therefore move to concur in the amendments of the House of Representatives.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. COCKRELL] moves that the Senate concur in the amendments of the House of Representatives, which motion to concur takes precedence, and the question is on that motion.

The motion was agreed to.

HOWARD LODGE, I. O. O. F.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and the first bill on the Calendar will be stated.

The bill (S. 92) for the relief of Howard Lodge No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., was announced as first in order.

The Secretary read the bill.

Mr. LODGE. Does that bill come up by unanimous consent, Mr. President?

The PRESIDENT pro tempore. It does not. It comes up in its regular order on the Calendar.

Mr. LODGE. Then we have reached that point on the Calendar?

Mr. BATE. It is the regular order on the Calendar, being the point reached on Saturday last.

Mr. LODGE. I should like to have the report in that case read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. TALIAFERRO on the 23d instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 92) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., beg leave to report as follows:

Howard Lodge, No. 13, Independent Order of Odd Fellows, according to the testimony of witnesses who are spoken of as men of good character and standing, and whose statements are entitled to full credit, owned at Gallatin, Tenn., during the civil war the following property:

(1) A three-story brick house, with two stores on the first floor, a public hall on the second floor, and lodge rooms on the third floor.

(2) The Howard Female Institute, furnished and used as a female college and boarding school, the grounds laid off and planted in shrubbery and lawns, with suitable fences, outhouses, hothouse, stable, and shed, this property estimated to be worth between $20,000 and $25,000.

The first piece of property, according to the evidence presented, was taken possession of by the Federal troops in 1862, and used as storehouse and for hospital purposes until the close of the war. The store furnishings, consisting of counters and shelving, were removed from the first floor, the camp regalia and furniture of the lodge rooms were destroyed, and damage was done to the building itself during the occupancy by the troops.

The second piece of property, the same witnesses say, was occupied by Federal troops from November, 1862, to August, 1865. The hothouse, stable, fences, outhouses, etc., were destroyed and used in the construction of pesthouses for the Federal troops. The furniture of the main building was destroyed during the occupancy by the troops, papering and plastering torn off the walls, and nothing left but the bare walls of the building itself.

The lodge claims damages to the extent of $7,448, of which $3,300 is asked as rent for the college property for a period of thirty-three months.

The valuation of the damage was appraised by citizens of Gallatin, Tenn., and their report, presented herewith, deals with each particular item, and in none of them do the charges seem to be unreasonable. On the other hand, they appear to be fair, equitable, and just. Of this committee, C. B. Wright, one of the witnesses, whose affidavit has been presented to your committee, says:

"Of the committee who made the report as to the damages of the college and lodge property, C. E. Bodie is dead, B. F. Allen still lives here, and Mr. Mills lives in the North somewhere. He was a Northern man and Union man during the war. Judge Hermans is dead, T. C. Trimble is dead, and William Wright is dead. They were all Union men. I was postmaster here for several years during and after the war. Mr. Trimble was superintendent of the Freedman's Bureau, and Judge Hermans was county judge."

Your committee beg leave to report the bill favorably and to recommend that it pass.

Mr. LODGE. I hope the bill may go over for the present. I have read the report. It seems to be of the vaguest kind. It merely states the amount claimed by the claimants. There are no itemized accounts. No details whatever are given. I should like to have the bill go over for the present until I can look into it further.

Mr. WARREN. I ask that it may go over without prejudice.

Mr. LODGE. Without prejudice.

Mr. BATE. Mr. President, perhaps the Senator from Massachusetts does not know that this bill came up Saturday and went over for the same reason. Now it is the first in order on the Calendar, and I think it ought to be disposed of, unless the Senator from Massachusetts has some grave reasons to the contrary. I think he will find as the report shows, on the testimony of Union men who were living there at the time, that the United States forces took this college and made use of it as a hospital for smallpox patients. I think $20,000 would not be considered too much, and some of the witnesses say so. But it is put at $7,000, and every item is proved in a manner which should be accepted. I hope the Senator from Massachusetts will not object to the consideration of the bill.

Mr. LODGE. I should like to look into it a little further. The report gives only a general statement of the claims, and what the claimants think they ought to have. I should like to have the bill go over without prejudice, so that I can look at it further.

Mr. BATE. Certainly.

The PRESIDENT pro tempore. The Senator from Massachusetts objects, and the bill will go over without prejudice.

INDIANS ON ROSEBUD RESERVATION, S. DAK.

Mr. PLATT of Connecticut. I have been anxious to accommodate my friend, the Senator from South Dakota [Mr. GAMBLE], by taking up a bill which stands first on the Calendar under Rule VIII. I do not think there is time to dispose of it this morning. I give notice that to-morrow morning, immediately after the routine business, I will ask the Senate to consider the bill.

Mr. CULLOM. What is the bill?

Mr. PLATT of Connecticut. It is the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

LEGAL DEVISEES OF JAMES W. SCHAUMBURG.

The bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg was considered as in Committee of the Whole. It proposes to pay to the legal devisees of James W. Schaumburg, deceased, the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845.

Mr. COCKRELL. Let the report in the case be read.

The Secretary read the report submitted by Mr. WARREN on the 23d instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 1191) for the relief of the legal devisees of James W. Schaumburg, having had the same under consideration, beg to submit the following report:

This claim has been pending since the Forty-seventh Congress, at which time it was first introduced, and it has been favorably reported by both House and Senate nearly every Congress during that period. It has passed the Senate seven times, but has never succeeded in reaching final consideration in the House. The merits of the claim have been repeatedly set forth in the many reports made from this committee, but as the salient points have been presented by the House Committee on Claims during this present session, your committee adopt the House report and report back the bill and recommend its passage with the following amendment:

Strike out the words "eleven thousand one hundred and sixty-five," in the twelfth line of said bill, and insert in lieu thereof the words "ten thousand eight hundred and sixty-five."

The report referred to is as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 2218) for the relief of the legal devisees of James W. Schaumberg, beg leave to submit the following report and recommend that said bill do pass with an amendment as follows:

"Strike out the words 'eleven thousand one hundred and sixty-five,' in the eleventh and twelfth lines of said bill, and insert in lieu thereof the words 'ten thousand eight hundred and sixty-five.'

"The facts on which this bill is based are fully stated in prior reports of committees made to the House. Sufficient of these to give an understanding of the bill are here restated, as follows:

"From a report of the Committee on War Claims made to the House in the Fifty-second Congress:

"'This bill provides for the payment of an amount found due the claimant by the courts of the United States.

"'The service was rendered by the claimant as first lieutenant of United States Dragoons from July, 1836, to March 24, 1845.

"'The United States circuit court for the eastern district of Pennsylvania found this amount to be due in an action between the United States and the claimant in 1874.

"'The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Supreme Court Reports, page 667.'

"This was in 1880.

"'On the 11th of July, 1882, the Secretary of the Treasury transmitted the claim to Congress, asking for an appropriation, as follows:

"'TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"'*Washington, D. C., July 11, 1882.*

"'SIR: I have the honor to inclose herewith copies of papers in the claim of James W. Schaumburg for pay and allowance as lieutenant of dragoons from July 1, 1836, to March 24, 1845, and to recommend that authority be given to the accounting officers of the Treasury to audit and allow the same, and that an appropriation of $11,000, or so much thereof as may be necessary, be provided for its payment.

"'Very respectfully,
"'CHARLES J. FOLGER,
"'*Secretary.*

"'Hon. WILLIAM B. ALLISON,
"'*Chairman Committee on Appropriations, United States Senate.*

"'The Secretary of the Treasury, Hon. C. S. Fairchild, again recommended the payment of the claim to the Appropriation Committee under date of February 15, 1889.

"'It was referred to the Committee on Claims in the Senate, and passed the Senate March 19, 1888.

"'The bill again passed the Senate April 19, 1890.

"'It again passed the Senate at the present session of Congress, April 12, 1892.'" (Senate bill 261.)

"A similar bill to the one now under consideration has been before Congress since 1882, and has been reported favorably many times by committees of the House and Senate, but has never reached a final vote in both Houses.

"The following statement is contained in a report of the Committee on Claims to the House in the Forty-ninth Congress:

"'That said Schaumburg was commissioned a first lieutenant of the First Regiment of Dragoons on the 1st day of July, 1836, but, notwithstanding, the military officials of the War Department refused to assign him to duty. Against this decision he appealed to President Tyler, who, on the 11th day of January, 1844, ordered him to be recognized and his name printed at the head of the list of first lieutenants in the Army Register for 1845.

"'On the 19th of March, 1845, the Senate passed a resolution that such recognition was illegal and void and that Lieutenant Schaumburg's name ought not to be continued on the roll of the Army.

"'In pursuance of this resolution the Secretary of War announced, March 24, 1845, that the President directed that Lieutenant Schaumburg's name should be erased from the Army Register.

"'On the 2d of March, 1849, the Senate repealed and rescinded said resolution, and resolved that the order of the President made by reason of said

resolution should be revoked, and declared that Schaumburg had been improperly dismissed from the Army and was entitled to a commission as captain in the First Regiment Dragoons. This resolution was followed by a memorial signed by 36 of the most distinguished members of the Senate recommending Lieutenant Schaumburg for promotion. This, however, was not done, and Lieutenant Schaumburg was not reinstated.

"'Mr. Schaumburg claims that he is entitled to recover from the United States his salary as first lieutenant of dragoons from the time he was commissioned, on the 1st day of July, 1836, to the time he was removed by the order of President Tyler, on the 24th of March, 1845.

"'Your committee further find that Lieutenant Schaumburg, in the year 1860, was appointed a paymaster in the United States Army; that he continued as such until he resigned in 1863.

"'Subsequently, and in the year 1874, suit was brought by the United States in the district court of the United States for the eastern district of Philadelphia against the said James W. Schaumburg and his sureties upon his bond executed by him and such sureties for the faithful performance of his duties as such paymaster, in which suit it was claimed that said Schaumburg and his sureties were indebted to the United States for default in the performance of the conditions of said bond in the sum of $306.30.

"'To this claim the said Schaumburg interposed a plea that the United States was indebted to him in the sum of $68,140.70 for undrawn pay and emoluments due him as first lieutenant in the First Regiment of Dragoons from the time he was commissioned as such as aforesaid to the commencement of said action.

"'Thereupon issue was duly joined, and afterwards, at a session of said court held at the city of Philadelphia before the Hon. John Cadwalder, judge of the district court of the United States for said district, on the 23d day of November, A. D. 1875, the said issue came on to be tried by a jury of said district, and having been so tried, the court instructed the jury as follows:

* * * * * * *

"'"That the defendant was from the 1st of July, 1836, until the 24th of March, 1845, in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he is entitled as such to credit for the pay and emoluments accrued during this period.

"'"That as this credit was admitted to exceed the whole of the plaintiff's demand, the verdict should be for the defendant."'

"In this action was adjudged that there was due the claimant on the claim presented by him the sum of $11,165.31, which, being reduced by the amount of $300, recognized as due the Government, left a balance due the claimant of $10,865.31, as carried by the bill as amended.

"President Tyler recognized the justice of Mr. Schaumburg's claim, and in 1843 General Jackson wrote a letter explaining the status of this claim and completely vindicating the claim made by Mr. Schaumburg.

"On the foregoing statement of facts your committee are of opinion that the bill ought to be amended as hereinbefore indicated, and as amended it ought to pass."

Mr. COCKRELL. Mr. President, in the report it is said:

"The judgment was affirmed by the Supreme Court of the United States. The case is reported in the 103 United States Supreme Court Reports, page 667."

This was in 1880.

Further on in the report it says:

In this action was adjudged that there was due the claimant on the claim presented by him the sum of $11,165.31, which, being reduced by the amount of $300, recognized as due the Government, left a balance due the claimant of $10,865.31, as carried by the bill as amended.

Everybody would infer from that that the court there had rendered a judgment in favor of this man. The exact reverse is the case, and I want to put on record some extracts from the decision of the Supreme Court of the United States, found in 103 United States Supreme Court Reports, page 667:

SCHAUMBURG V. UNITED STATES.

1. United States *v.* Eckford (6 Wall., 484), reaffirmed.

* * * * * * *

Error to the circuit court of the United States for the eastern district of Pennsylvania.

Mr. George W. Biddle and Mr. Charles Henry Jones for the plaintiff in error.

That is, for Mr. Schaumburg, who was the plaintiff in error. It seems that he took an appeal or sued out a writ of error with respect to this judgment which he is now claiming was a judgment in his favor.

The Solicitor-General, contra.

Mr. Chief Justice Waite delivered the opinion of the court.

The judgment in this case is affirmed on the authority of United States *v.* Eckford, 6 Wall., 484. Claims for credit can be used in suits against persons indebted to the United States to reduce or extinguish the debt, but not as the foundation of a judgment against the Government. In the present case the court instructed the jury as matter of law that the plaintiff in error, from July 1, 1836, until March 24, 1845, was in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he was entitled as such to credit for the pay and emoluments that accrued during that period, and this was admitted to exceed the debt sued on by the United States. The jury thereupon brought in a verdict for the defendant.

Judgment was rendered for the United States and not for Schaumburg.

Had the jury gone further and struck the balance that would be due from the United States, no judgment could have been rendered for it. Any verdict, therefore, beyond the one actually given would have been fruitless.

Mr. STEWART. The United States brought the suit, did it not? He was the defendant in the court below?

Mr. COCKRELL. I say there was no judgment rendered in his favor. The judgment was just simply——

Mr. STEWART. The court held that it could not be offset?

Mr. COCKRELL. That the United States could recover nothing. That was all.

Mr. SPOONER. That was a judgment in favor of the defendant?

Mr. COCKRELL. Yes; that the United States could recover nothing against him, but it was not a judgment in favor of the defendant for the amount.

Had the jury gone further and struck the balance that would be due from the United States, no judgment could have been rendered for it. Any verdict, therefore, beyond the one actually given would have been fruitless. The court itself decided that the plaintiff in error was entitled to his pay and emoluments from July 1, 1836, to March 24, 1845. While sometimes the jury have been permitted to certify to a balance they find to be due from the Government in cases of this kind, and under some circumstances it may be proper they should do so, a refusal of the court to direct that it be done can not be reviewed here.

Now, mark you, this suit was brought in 1874, thirty-two years after he ceased to make any claim to be an officer. In view of the statute of limitations, which does not seem to have been pleaded by the Government, how could he bring that in as a valid offset? This thing has gone on. Once the whole thing was reviewed by the Senate, and re-reviewed. I simply want to enter this of record. The case has been here off and on ever since 1845, but I do not suppose anything I could say now, in reviewing the various decisions made, would have any effect. Sometimes the reports have been favorable and sometimes they have been against him. It was an old controversy as to the question of jurisdiction and power between the President and the War Department, and I simply want to say that the statements in the report of the House do not carry out what they apparently represent. I shall record my vote against the bill.

Mr. SPOONER. Mr. President, the Senator from Missouri is entirely correct that the House report is misleading, but the Senator does not reach the real point. The House report is misleading because as the report reads it leads one to infer that a judgment was rendered in favor of Lieutenant Schaumburg in the circuit court for $11,000, and that on appeal that judgment was affirmed. That is not the fact. The fact is that the Government sued him and his sureties on a bond for $306. That does not necessarily mean that he was a defaulter, nor does it often mean, because the Government has a cause of action on a bond, that the officer was except in a purely technical sense, a defaulter. It often happens that items are disputed and disallowed where there is no possible force in the claim that the officer is a defaulter in the common acceptation of that word, which carries with it opprobium.

He pleaded a lawful offset under the acts of Congress; and in order to be permitted to sustain that offset, of which the court had perfect jurisdiction, it was necessary for him to prove his claim. The court decided, as a matter of law—and Judge Cadwallader was one of the best judges who ever sat upon the circuit court bench——

Mr. COCKRELL. I wish to ask a question of the Senator.

Mr. SPOONER. I desire to finish the sentence, if the Senator will permit me.

Mr. COCKRELL. Certainly.

Mr. SPOONER. The court decided as a matter of law that Lieutenant Schaumburg was entitled to pay as lieutenant of dragoons between these dates, and it was liquidated so far as to determine in that case the amount—eleven thousand and some hundred dollars. The claim was established, on a contest by the Government, before a United States judge, that the Government was indebted to him as compensation for services as lieutenant of dragoons in the sum of eleven thousand and some hundred dollars. But, of course, the court could do no more than to apply that offset upon the Government's claim of three hundred and odd dollars, because there was no authority of law to render a judgment for the defendant and against the Government. The Government can not be sued without its consent. Since then we have provided that the Government may be sued in these courts, but as the law stood then no provision was made by which a judgment could be rendered for the counterclaim against the Government.

But it was adjudicated, and when he went to the court on the writ of error from that judgment, it was with the claim that he was entitled to a direction from Judge Cadwallader that the jury should find a verdict for the whole amount against the Government. The Supreme Court held, on the basis of United States *v.* Eckford, that that judgment against the Government on this counter claim could not be allowed. The syllabus in United States *v.* Eckford is as follows:

When the United States is plaintiff and the defendant has pleaded a set-off (as certain acts of Congress authorize him to do), no judgment for any ascertained excess can be rendered against the Government, although it may be judicially ascertained—

As it was in this case—

that, on striking a balance of just demands, the Government is indebted to the defendant in such amount.

That had to be ascertained in order to enable the application of the doctrine of set-off at all, and it was judicially ascertained in that court, a court having jurisdiction of the parties and of the case, that this amount was due from the United States to this officer.

Now, it was recognized by the Treasury Department as adjudicated. One would think he ought to have his money. I say again what I said the other day—that where a claim of a citizen against the Government is adjudicated in this way as a matter of law in one of the Government's own courts, he ought to be paid the money. Lieutenant Schaumburg died before the law was changed, as I recollect it, so that he could sue the Government, but there on the record is the adjudication in that case that the Government owed him this money. Of course it has been running along a long time. There is nothing in all this delay that can be imputed as the fault of Lieutenant Schaumburg. The bill was introduced in the first place in 1882. I remember reading and incorporating in a report years ago, I think, a long letter from General Jackson, of the strongest imaginable kind, justifying the claim of this lieutenant and denouncing as outrageous the treatment which had been accorded to him.

The PRESIDENT pro tempore. It is the painful duty of the Chair to call time on the Senator from Wisconsin.

Mr. COCKRELL. I hope the time will be extended by unanimous consent until the Senator can answer a question.

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SPOONER. Is that the limit of the consent?

Mr. COCKRELL. Yes.

Mr. SPOONER. I want to say a few words more about the claim.

Mr. COCKRELL. The suit by the Government was on a bond given in 1860 as paymaster.

Mr. SPOONER. Yes.

Mr. COCKRELL. That suit was brought in 1874, and at that time the Court of Claims had jurisdiction of suits against the Government. This officer, Lieutenant Schaumburg, had the same claim then that he had when this suit was brought, but it was barred by limitation, not having been brought within six years. Now, then, could he in a court which had jurisdiction and full knowledge of the law governing suits between individuals and the Government plead as an offset what he himself could not sue upon?

Mr. SPOONER. My answer to that is that he did plead that as an offset.

Mr. COCKRELL. Yes, and the United States attorney there probably knew nothing about the rights of the United States on these questions under the law governing in the Court of Claims. I do not suppose it was pleaded. If it had been pleaded, it would have been a complete bar.

Mr. SPOONER. I do not suppose there ever has been a United States district attorney in that district who did not know about the statute of limitations. One thing is very certain; there either was none applicable, or he did not raise it, or, if he did raise the question, the court decided against it.

Mr. COCKRELL. There is no question about that. There is no doubt the court decided that this man was an officer from a certain day to a certain day.

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. WARREN. I ask, in the interest of the Committee on Claims and for its relief in some of these matters, that the Senator from Wisconsin may have unlimited time to proceed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SPOONER. I object. I do not want unlimited time. But I think a citizen ought not to be treated in this way. I think Congress ought not to assume that a United States district attorney did not know of the statute of limitations. I think where the judgment was rendered on the set-off, and the claim adjudicated as a matter of law by a man like Judge Cadwallader, there ought to be some substantial reason given for impeaching it, and there is none given. It has been recognized by the Treasury officers as a just claim and a fair adjudication. Judge Folger, who was a great lawyer, recommended its payment. Ex-Secretary Fairchild recommended its payment. This man, on the record, was shabbily treated. He was commissioned a lieutenant of dragoons away back——

Mr. COCKRELL. In 1836.

Mr. SPOONER. In 1836. Is it pretended there was no such office? Is it pretended he was ineligible? He could not have been commissioned without an appointment by the President. He could not have been commissioned without a confirmation. All that occurred.

Mr. COCKRELL. The Senate did act upon it and said he did not have a right to it. This august body, the greatest legislative body in the world, decided he had no right.

Mr. SPOONER. This is not the greatest legislative body in the world. It is one of the branches of, I think, perhaps the greatest legislative body in the world, and this may be the greatest part of the greatest legislative body in the world. I am not disposed to dispute that. We all admit that ourselves, Mr. President. [Laughter.]

He was commissioned by the President and confirmed by the Senate. That made him a lieutenant of dragoons in the United States Army and entitled him to pay as such under the laws of the United States. Then came a controversy between the War Department and the President. The military authorities refused to put his name on the roll. The President, as Commander in Chief, directed that it be done, and it was done. Then the Senate, not acting as a legislative body, I take it, perhaps it was acting as an executive body, it certainly could not itself pass a law, passed a resolution.

Mr. COCKRELL. The Senate passed a resolution on the 19th of March, 1845.

Mr. President, just one word. I know the Senator does not want to misrepresent the case.

Mr. SPOONER. Oh, no.

Mr. COCKRELL. This officer was never confirmed by the Senate.

Mr. SPOONER. He was not?

Mr. COCKRELL. It was a question purely between the Executive and the War Department at different times, and there never was a commission except such as the President issues upon the appointment of an officer before confirmation. The whole question arose in that way. But I make no point on this matter, as far as I am concerned. I simply want to state the facts in the case.

Mr. SPOONER. Judge Cadwallader decided, as a matter of law, that he was lieutenant of dragoons.

The Senate passed a resolution that he was not. Then, in a couple of years the Senate passed a resolution that he was, and he was assigned to duty. So it went along for years.

Mr. COCKRELL. First one way and then the other, according to the way the reports were made.

Mr. SPOONER. But he did not get any pay. He was dancing between these two great departments; they deciding one month one way about his title and another month another way about his title. No man was ever treated worse. He was entitled to have it settled. If he was in law a lieutenant of dragoons, as the court held he was, and as these Secretaries of the Treasury decided he was, he ought to have had his pay, and he ought to have had it when it would have done him some good. But he never received it.

This bill has passed the Senate a number of times; it has been favorably reported in the House a number of times, and it has seemed to me that it ought to pass and the case be set at rest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. NELSON in the chair). Shall the bill pass?

Mr. COCKRELL. I want it simply to be noted that I vote no; that I am among the few who vote that way.

The bill was passed.

RAMON O. WILLIAMS AND JOSEPH A. SPRINGER.

The bill (S. 3967) for the relief of Ramon O. Williams and Joseph A. Springer was considered as in Committee of the Whole. It proposes to pay to Ramon O. Williams, late consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, $2,222.08; and to Joseph A. Springer, late vice-consul-general at Habana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, $200.54, both amounts as shown on the records of the State Department and as recommended for payment by the State Department to the Fifty-fifth and Fifty-sixth Congresses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GENERAL EDUCATION BOARD.

The bill (S. 4419) to incorporate the General Education Board was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. SIMMONS. Mr. President, contemporaneously with the declaration of war against Spain Congress passed what has come to be known as the "Teller resolution." The fourth section of

the resolution, which refers exclusively to Cuba, is in the following words:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Later and contemporaneously with the ratification of the treaty of peace known as the "treaty of Paris," by which we acquired title to the Philippine Islands, the Senate passed what has come to be known as the "McEnery resolution." This resolution is in the following words:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

The Teller resolution, I have no doubt, expressed the purpose of Congress and the country as to Cuba. There has been no change of our purpose as expressed in this resolution toward that island, and we are informed by the press of the country that in a very short time our army of occupation is to be withdrawn and the island turned over to the government of its own people. Although it has been doubted, I assume that at the time of its passage by the Senate the McEnery resolution in like manner expressed the purpose, not only of the Senate, but of the people of this country toward the Phillippines.

On the 24th day of February, in this year, when the bill temporarily to provide revenue for the Philippine Islands, and for other purposes, was before the Senate, the junior Senator from Missouri [Mr. VEST] offered as an amendment to that bill the McEnery resolution, and upon a yea-and-nay vote that amendment was defeated by a vote of 24 to 43. The division of the Senate upon the amendment was upon party lines; the Republicans, with the exception of the Senator from Maryland [Mr. WELLINGTON], voting against the amendment and the Democrats voting for it.

On the same day the senior Senator from Colorado [Mr. TELLER] offered as an amendment to the Philippine tariff bill a certain amendment, of which I read one section:

That it is not intended by the Government of the United States to permanently annex the Philippine Islands as an integral part of the United States, but it is the determination of the United States to establish, with the consent and assistance of the inhabitants thereof, a government or governments suitable to their wants and condition, and that shall give to the inhabitants the control and administration of their local affairs, such as the raising of revenue and the disposition thereof; the maintenance of peace and order in the several communities of said islands that have been or that may be organized by the people thereof, and eventually to give them their independence.

Upon a yea-and-nay vote this amendment was defeated by a vote of 20 to 44, the Democrats voting for and the Republicans against the amendment.

The position of the Republican party in the last Presidential campaign upon the subject of Filipino independence, the discussion of the subject by the representatives of that party on the hustings and in the press, the general course and policy of the Administration since the election, and the debate which preceded these votes of the Senate, all indicated a change of purpose, as that purpose was expressed in the McEnery resolution, on the part of the dominant party toward these islands.

Before these votes there might have been some possible grounds for doubt as to the ultimate purpose of the dominant party in regard to the Philippines. Now, there is no longer room for doubt. The vote of the Republican party upon these amendments is capable of but one interpretation, and that is that it has become the fixed purpose of that party, as far as it can control the matter, to hold these islands for all time as a possession of this country.

I have no disposition, Mr. President, to discuss the motives or reasons which have led the dominant party to settle upon one line of policy toward Cuba and a wholly different line of policy toward the Philippines. That would, I apprehend, be unprofitable. But I do wish to say that there is, in my judgment, no justification for this differentiation, either in morals, public policy, or national obligation; nor yet in the physical or political conditions of these two countries or of their people. At the close of the war with Spain both of these countries were absolutely in our power. We chose to give independence to one; to deny it to the other. Upon what grounds can we defend this discrimination?

It can not be excused or defended upon the ground that the Filipino is less capable, or less prepared, or less ready for self-government than the Cuban. I have not been able to give this feature of the subject close study, but from the study I have been able to give it I am satisfied that the Filipino is just as well prepared and just as ready for self-government as the Cuban. The native uneducated Filipino is just as intelligent, just as bright, as the native uneducated Cuban. There is an educated class in both islands, but if there is any difference between them it is very slight and not material. There is also a foreign element in both the islands, but with reference to this foreign element there is this important distinction—that it is in closer touch and sympathy with the native Filipino than it is with the native Cuban.

Neither can this distinction in treatment be justified upon the ground that we promised independence to the people of one of these countries and did not promise it to the other, or to any difference in aspiration of these people in this regard. Both of these people, when we interfered in their affairs, were similarly situated with reference to Spain. Both of them were in insurrection against her authority; both of them were fighting for independence, and neither of them was considering any terms of surrender, or settlement, or reconciliation short of independence. The insurrectionary armies of both of these countries joined with our forces in overthrowing the power of Spain, and in both instances with the understanding, either expressed or implied, that if success attended our joint efforts they were to have independence.

I am glad we have kept faith with Cuba. I am glad that in her case we have been strong enough to resist the thirst of empire and the lust of power. I had hoped that we would pursue the same course with reference to the Filipinos, and after helping them to establish a stable government we would turn that government over to the people of the islands and safeguard it as we have done in the case of Cuba against the encroachments of any predatory nation.

There are many things involved in the Filipino situation about which I have had doubts and about which I still have doubts, but there is one proposition in connection with it about which there is not now and never has been any doubt in my mind. That proposition is this: That considering our own interest, present as well as future, this Government ought to relinquish possession of these islands and withdraw from the archipelago just as soon as it can do so consistently with honor and our national obligations to those people. This far I feel certain. Beyond this, I confess I have doubts.

I know it is the settled purpose of the Republican party, as now constituted, to permanently retain these islands, but I am not so sure that such is the purpose of a majority of the people of this country. I do not believe they have yet passed upon that question. I do not believe the result of the last election meant that. That question was discussed in the campaign which preceded that election, it is true, and it may have had something to do with the result, but the people of this country were not then in possession of sufficient information about the question to enable them to properly render a judicial and final decision upon the issue raised.

We know more about the Filipino situation now than we did then; but even now we know but little, and much of the information that we have is admittedly unsatisfactory and unreliable, and much of it contradictory. No question of such momentous importance, involving the welfare of 70,000,000 people here and 10,000,000 there, can be safely decided upon such meager and unreliable information as we then had, or even as we now have, with reference to these people, their character, their capacity, their aspirations, and their disposition toward us.

But if it is the fixed and settled policy of this Government, or if it shall hereafter become the fixed and settled policy of this Government, to permanently retain these islands, and we are confronted with the question as to how we shall govern them, whether as dependencies or under the Constitution, whatever may be the views of others, as between these two alternatives, I confess I should, if compelled to choose, make the choice with grave misgivings.

We can not govern them as colonies without trampling under foot there the fundamental principles of our Constitution, and we can not sanction an outrage upon these principles there without endangering them at home. We can not with safety link freedom in government with absolutism. On the other hand, we can not admit these people, many of them only half civilized and only a part of them with any just comprehension of the principles of self-government, as citizens of the Republic without degrading the citizenship of the nation and inviting countless dangers.

I do not doubt that these people are capable of establishing, and, with our assistance, that they would establish, a government satisfactory to themselves and suitable to their condition; but I am satisfied that at present they are, with very slight exceptions, utterly incapable of understanding or applying the principles of free republican government according to American standard and ideal. More than that, I am satisfied that they are by heredity incapable of understanding or applying these principles. It has taken ages to develop from the best possible material a people entirely fit for constitutional freedom. Many enlightened nations are still unequal to that condition.

It is the high privilege of America to inculcate the doctrine of man's capability for self-government, but we recognize the limitations and conditions that could render it expedient to establish a republican form of government among people not prepared for it.

Mr. President, we have had some experience in this country in trying to train by education an inferior race, a race which has never shown any initiative in self-government, in the practices and principles of our constitutional system. For thirty years the negro has been not only a member of a self-governing community, but a participant in that Government. During that time millions of dollars have been spent to educate him and to fit him for the duties and responsibilities of American citizenship.

Those who are most familiar with the result know that he is to-day but little better prepared for an intelligent and responsible discharge of those duties than he was in the beginning. If he has made any improvement or progress in that regard it has been exceedingly slight. The duties of suffrage and of citizenship under our constitutional system seem to be a thing beyond the capacity of his understanding. The defect in his case is not to be overcome, as the experience of the last thirty years shows, by education or by training, and the reason is obvious. It is a defect of heredity.

The system of laws which the Taft Commission has promulgated and is attempting to enforce in the Christian and pacified provinces of the Philippine Archipelago was framed in recognition of the present incapacity of those people and of their inherent lack of those qualities and virtues without which successful self-government is not possible. Governor Taft and the Commission frankly admit this. Their hope and theory is that these defects may be overcome by training and practical education through object lessons in civil government. In my judgment there is nothing to justify this hope, either in our own experience or in history, and the result will be disappointment and failure.

I do not desire to enter into any harsh criticism of the Commission or of the government that they have established there, but I do want to say, with reference to the government that they have established there, the un-American, the un-Republican, the despotic, the arbitrary, the tyrannical system of government that they have established there, and which I assume they have established not from choice but because, from their knowledge of that country and its people, they were satisfied they could not be governed with safety except by arbitrary methods, is strong evidence, and to my mind conclusive evidence, that those are not a people to be taken into the body of our citizenship.

It is somewhat of a digression from my purpose, but I want to say in this connection—because it seems to be the fit place in which to say it—that I have no disposition and have not had any disposition to criticise our army of occupation in the Philippines. I have wanted to believe well of our Army; I have wanted to believe that they were conducting the war there according to the usages and laws of civilized warfare. Early in this session, when I heard these charges of cruelty, of barbarity, of devastation, and of inhumanity against our Army there, I confess frankly I was not disposed to believe them, and in private conversation I reiteratedly expressed the opinion that the American people would not believe such charges against our Army unless they were established by the most indubitable proof. I even felt resentful.

But, Mr. President, the developments of the last few months have dispelled any doubts about this matter and constrained and coerced me to believe those charges. At first there was a disposition to deny the horrible practice known as the water cure. Now nobody any longer denies that it was practiced, not sporadically and in individual instances, but systematically and by authority. There is not now any disposition to deny the charge of unnecessary burning of villages and towns. There is no denial of the charge of reconcentration of helpless women and children, probably not quite as bad as the reconcentrado of the bloody and cruel Weyler, but still in a most cruel and objectionable form.

But, Mr. President, if there were any doubts about these charges of cruelty, and barbarity, and inhumanity on the part of our Army they have all been dispelled by an order issued by one in authority, by one who, until recently, has stood high in the Army and in the estimation of the country, by one who had a right to issue orders, by one who had a right to demand obedience to his orders, and obedience to whose orders has been held a sufficient justification for murder by an American court-martial.

That order, Mr. President, was a military order, a military command, to go into the island of Samar and there murder and kill—for it can not be called by any other name—every person capable of bearing arms, beginning almost at the cradle, at the age of 10, and going almost to the grave. There is no other order recorded, Mr. President, in all history which parallels this order, except that of Herod the King, when he directed that all the children who were in Bethlehem and in all the coasts thereof from 2 years and under should be slain, in order that he might compass the death of Him of whom it was said He came to be King of the Jews, the Christ and Saviour of mankind.

Mr. President, we have not long been in the colonial business, but we have made very rapid progress during the short time that we have been in it. I challenge Senators on the other side to cite a single instance in the annals of English or Spanish colonialism whose details are more horrible and shocking than that of this order to our army in Samar.

In the presence of these cruelties and barbarities, this uncivilized and un-Christian warfare, one who loves his country feels that the only thing he can do is to bow his head in shame. There it but one other thing, Mr. President, I feel like doing, and that is to appeal to the brave, honorable, and humane man who now occupies the White House to probe these things to the bottom, and bring the men, however high in office and position, who have perpetrated them or are responsible for their perpetration, to condign punishment. We can at least by fitting the punishment, if there be any law adequate to that, to the crime, make the offense odious. But, Mr. President, I have digressed from the subject. I was discussing the government the Taft Commission had promulgated for the archipelago.

I have examined with considerable care the civil codes promulgated by the Commission. Considered as simple rules for the regulation of the conduct of the citizens, most of these laws seem to be just and fair. In fact, many of them are almost identical with the laws which obtain in this country for the government of our towns, cities, and counties. But, in order to adjust them to the prejudices, the traditions, and nature of these Oriental people, there is interwoven in them, as their dominant element, the principle of Spanish absolutism. The body of these codes is American, but the great animating principles of American Government are omitted. Mr. President, in corroboration of this statement, I think it will be profitable to enumerate some of the more striking and essential features of the American constitutional system which the Commission has, from necessity, I assume, omitted from these codes.

Under the American system, and under every system entitled to be called Republican, the right of the people to select their governors and lawmakers is fundamental. Under the Taft code the people of the archipelago are permitted to do neither. Under certain limitations and restrictions they may pass certain town ordinances, provincial regulations, and elect certain minor officers; but in the exercise of all these functions they are subject to the supervision and control of the central power which owes its life and authority, not to the people of the island, but to the President of the United States under the laws of Congress. The Commission is the supreme power in the island. It appoints all the chief provincial officers, both judicial and executive, and they are subject to removal at its will.

It is a fundamental principle of jurisprudence in this country that the legislative, judicial, and executive departments shall be forever kept separate and distinct. There is hardly a State in the Union whose constitution does not contain this express provision. Under the system which we have established in the Philippines the Commission is at once the legislative and the executive department of the government. It makes the laws and executes them, or appoints agents to execute them, which is the same thing. Indeed, a part of the salary of the Commission is paid to them for the performance of their legislative duties and a part for the performance of their executive duties. They not only make the laws and enforce the laws, but appoint the judges who are to interpret and expound them.

In this country and in every government entitled to be called free it is a fundamental principle that there shall be no taxation without representation. Under the system which we have established in these islands the people have no voice in levying the general tax for the support of the government or in disbursing the proceeds when collected.

In every free government trial by jury is regarded as the palladium of the liberty of the citizen, indispensable to the protection of life, liberty, and property. Under the system of government we have established in the Philippines trial by jury is unknown. The judges both find the facts and determine the law.

In every free government the right of petition to redress grievances and the freedom of the press and of individual speech is regarded as sacred, and is either safeguarded in the constitution or in customs having the force of constitutional authority. Under our control in these islands it is a crime to petition and to remonstrate. Two newspaper editors—both friendly to American occupation—have recently been arrested there by order of the Taft Commission and incarcerated for presuming to publish, with approving comments, an article criticising the Commission which had already appeared in an American journal.

When the editor of Freedom, one of these papers, was arraigned for trial the other day in Manila a very remarkable scene occurred. In this country we demand that the judiciary shall be

free and independent and shall take orders from no one, being amenable only to conscience and the law of the land. When this case was called, the presiding judge showed a disposition to grant the defendant's motion for a week's delay, that he might get ready for trial. The prosecuting attorney, appointed by the Taft Commission, representing that Commission and speaking for it, boldly and defiantly said to the court, in substance:

"You know the wishes of the Government in this matter, and I want to know whether those wishes are to be carried out." That such a demand could be made of an American court should bring the blush of shame to every citizen in this country, where we proudly boast of an independent judiciary. Manifestly there the court is regarded as only the tool of the Commission. That is what the prosecuting attorney plainly told the court in this instance. Fortunately for the honor of our country, this judge was not intimidated by this threat from the Commission.

We ought to feel proud, and I do feel proud, that the judge sitting upon that bench, who also held his commission from the Taft Commission, who knew that his disobedience to the will of that Commission ment possibly his decapitation, in the presence of this threat and this danger had the strength and the manhood to assert the independence of the American judiciary and to declare that there were rights of individuals as well as rights of government. A statue of that judge, when he passes away, should be placed in the solemn circle in Statuary Hall at the other end of this building.

Mr. President, I had hoped, and I have no doubt the American people had hoped, that when the Committee on the Philippines reported their bill providing for a civil government for the Philippines they would disclose what the Republican party has up to this time apparently sought to keep concealed, and that they would inform the American people in this bill what was to be the ultimate purpose of the Republican party with reference to the Philippine Islands.

That is the burning question, not only in this country, but in the Philippines. And yet when their bill comes in—and I am not going to discuss its details—it contains only about six pages with reference to the civil government of the islands, although it is a bill of a hundred pages and bears the rather proud title of "A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." It would have been better if it had been entitled "A bill for other purposes than the administration of civil government in the Philippine Islands."

The only thing in the bill which indicates in any way the ultimate purpose of the Republican party with reference to these islands is that provision of it for the taking of a census. In the census provision of the bill we are informed that this census is to be taken for the purpose of enabling us to ascertain whether these people are ready and fit and capable of self-government. Mr. President, the majority of the committee well knew the capacity of no people for self-government can be ascertained by censuses, and when the Republican party contented itself with providing for a census it simply put in what we lawyers know in the courthouse as a dilatory plea, something to answer the demand of the people here and in the Philippines to know what they proposed to do with these people and their country.

Mr. President, so far the Commission has confined its efforts toward establishing civil government, to organize the civilized and Christian provinces. It has not established nor attempted to establish a government of any sort in the Mohammedan, or Moro, and uncivilized provinces, such as the Sulu group and Mindanao. Although these Moros are said to be pacified and the people friendly to us, no serious attempt has been made to bring them under our control. No serious effort has been made to stop polygamy or abolish slavery among them. The sultans are still there. Indeed, some of the sultans are said to be upon our pay roll. They and their subchiefs, datos, are in control. The government which we found there, modeled after that of Turkey and submitted to by Spain because of the fierce and warlike character of these people, still continues under our sovereignty.

How long are these abhorrent conditions to continue? What is the remedy? The Commission tells us the remedy is education and training in government and that it will take generations before these people will voluntarily give up their ways and customs and become capable of self-government. Perhaps the Commission is correct in its estimates and predictions, and eventually, after the lapse of generations, these people may become enlightened freemen, but I do not believe it. I do not believe these methods will accomplish these results in generations or centuries, if, indeed, they will ever accomplish them.

In the meantime, Mr. President, the government which exists in these semibarbarous provinces exists by our acquiescence, by our sanction and implied consent. It is under our flag, under our sovereignty. We are responsible for it. In a large sense it is our government.

If we can not give up the Christian provinces without violating our national obligations, neither can we give up the Moro provinces without violating our national obligations. Our responsibility is the same in each case. For myself, I want to say if every Christian province and island in the Philippine Archipelago were pacified and Republican government established in them and in successful operation, and they were in easy access instead of 7,000 miles away, and their trade ten times greater than it is, I had rather see them and their trade gone from us forever than to have the American flag, the emblem of our sovereignty, float over and give its countenance to the conditions which exist in the Mindanao and Moro group, or have this Government, even by acquiescence, seem to sanction such conditions.

Mr. President, we are told these islands came to us as a result of the war and that the American people will not consent to give them up. Perhaps that is true. But why do we want to keep them? Why are we not willing to relinquish them? Are we influenced by considerations of duty toward the people of the islands? I do not believe that, nor do I think that anybody else believes it. I do not believe there is anywhere among our people a disposition to assume, for the sake of the Filipino, burdens not already imposed by our national obligations. Convince the American people that we are spending from seventy-five to one hundred million dollars a year and sacrificing the lives and health of our soldiers simply to teach the Filipinos the art of Republican government to better their material, intellectual, and moral condition and the demand for the retention of these islands will cease. We will hear no more talk about destiny, duty, and national obligation.

The truth is, and everybody knows it, we want these islands for purposes of exploitation, for purposes of commercial advantage. The people have been led to believe if we keep them we can coerce their trade and, by one device or another, force them to buy our goods; that it means 10,000,000 more customers for our mills and factories, and that it opens a gateway to the markets of the Orient. Such is the general impression, and this is largely, if not altogether, the inspiration of whatever sentiment exists in favor of the retention of these islands. It is a matter of trade, of markets for goods. This, I am sure, is the view taken of it in my State, and I believe elsewhere.

Now, Mr. President, considered from the standpoint of trade and profit, what are these islands worth to us in their present condition? What are they likely to be worth to us in the future? What is their present trade and what is our share of it? Their total exports and imports during the last fiscal year were, in round numbers, only about $59,000,000, and our share only about $5,600,000. It is not, therefore, the present trade of the islands—for that is insignificant—which attracts those who are looking forward to trade advantages. The trade which they want is not that which exists now, but that which they expect to be created there by the exploitation and development of the islands with American capital.

I do not say they will be altogether disappointed. Undoubtedly the islands are capable of great development, especially on agricultural lines. The soil is fertile, especially the valley lands. Many valleys are subject to overflow and annually receive a deposit which enriches them. A large area may be cultivated many years without artificial fertilization. If we retain them, American capital will go there. It will build railroads; to a limited extent it will establish factories; it will clear the lands and reduce them to cultivation. This will create trade. But, Mr. President, every dollar invested in the exploitation and development of the Philippines, every dollar invested in building railroads and factories and cultivating lands there will be a dollar withdrawn from the development of the boundless undeveloped resources at our own doors.

If the islands become valuable to us for trade, we must make that trade, and we will have to make it by the withdrawal of capital needed here and which can be more profitably employed here in the development of our own resources. More than that, Mr. President, whatever trade we create here by the development of our own mines, forests, fields, and factories is practically all our own. While at present we are only getting about 8 per cent of the trade of the Philippines, and, under most favorable conditions, if we retain the islands and develop them, in view of the experience of the colonizing nations of Europe, it can be safely said we can not hope to get more than a part of their trade.

That has been largely the experience of England with her colonies. England owns Canada, yet we sell Canada more than twice as much as she does. We sold Canada during the fiscal year ending June 30, 1900, $83,000,000, while England sold her during the same period only $37,000,000. This was in the face of a preferential tariff of 25 per cent in favor of British goods.

Hongkong belongs to Great Britain, yet Great Britain gets only one-half of the trade of Hongkong.

Government relations, Mr. President, do not constrain commerce; trade makes its way guided solely by profit and interest.

Mr. President, we do not need any more territory; we have no need for more lands; we have enough already. England may have needed more, for she is but a pent-up Utica. So, in a less degree, with France, Germany, and the other colonizing nations of Europe; but we have a domain, the most magnificent in area that the sun ever shone upon, stretching from ocean to ocean and from the Lakes to the Gulf, much of its forests and minerals undeveloped. Especially is this true of the section from which I come, that great empire stretching southward from the Potomac, with its rich and boundless ores, forests, coal measures, and oil fields scarcely touched, and much of its land yet in its virgin condition. It alone can furnish homes for hundreds of millions of people and give profitable employment to many billions of capital.

In that section of our common country alone there are undeveloped resources sufficient to afford profitable investment for all of our unemployed capital for generations to come. Its development has only fairly begun. The South was, until recent years, distinctively an agricultural country, and yet, after all these years, its agriculture is still in its youth. But little more than half of its agricultural lands have been cleared. By reason of its sparse population, not more than two-thirds of that which has been cleared is cultivated, and because of its inefficient system of labor and lack of capital, that which is cultivated does not yield much more than a half of what it is capable of producing.

And yet, even under these adverse conditions, its agricultural products during the last twenty years have enormously increased. The cotton crop of the South for the year 1880 was 5,000,000 bales; in 1890, 7,000,000 bales; in 1899, 11,275,000 bales. It is difficult to estimate the extent of the tobacco land of the South. Only a part of the land adapted to the growth of tobacco is cultivted in that way. In my own State in the last fifteen years the tobacco area has been more than doubled. The same thing may be said of the truck industry and of various other agricultural products.

Manufacturing and mining in the South are in their infancy. They are capable of indefinite development. The record of the last twenty years is a history of marvelous growth, and yet it is only an earnest of what can be accomplished and will be accomplished in the future whenever the needed capital shall be employed in securing development. Let me give a few of the figures showing what has already been done in manufacturing in this section that was formerly so exclusively agricultural.

In 1880 the number of manufacturing establishments in the South was—I only give round numbers—43,000; in 1890, 53,000; in 1900, 92,000. Capital invested in manufacturing in the South in 1880 amounted to $251,000,000; in 1890, $630,000,000; in 1900, $1,111,000,000. Value of products of Southern factories in 1880, $455,000,000; in 1890, $878,000,000; in 1900, $1,419,000,000. Lumber and timber products in 1880, $39,930,000; in 1890, $90,738,000; in 1900, $188,144,000. Manufacture of sugar for Louisiana in 1880, $1,480,000; in 1890, $12,603,000; in 1900, $47,891,000.

In North Carolina, my own State, the number of manufacturing establishments in 1890 were 3,667; in 1900, 7,226, an increase of 92 per cent. Capital invested in manufacturing in North Carolina in 1890, $32,745,000; in 1900, $76,503,000, an increase of 133 per cent. Value of property employed in manufacturing in 1890, $43,375,000; in 1900, $144,919,000, an increase in ten years of 135 per cent.

As wonderful as this record is, the growth of manufacturing at the South, as I said before, has been retarded by the want of capital. The increase of these twenty years is but a fraction of what will be the increase of the next twenty years if the capital which we expect will find investment there is not unfortunately diverted from us for the purposes of exploitation in distant parts of the world. Certainly no other part of the world to-day offers more profitable investment than the South. What is true of the South is also relatively true of a large area in the western part of our country.

If the money which we have spent in the Philippines since the close of the Spanish war had been invested in the reclamation of the arid lands of the West millions of acres of valuable land would to-day be open to settlers, and in the next generation would have yielded a trade more profitable than any we can hope to get from the Philippines for generations to come. I assert with entire confidence, Mr. President, that the same amount of money expended in the South and in certain sections of the West in the development of our resources there would create many times the trade, many times the demand for the products of our mines and factories, that the same amount of money expended in the Philippines would create.

Mr. President, every consideration should lead us to build up our country and trade here at home before seeking doubtful and hazardous enterprises abroad.

In considering the value to us of the Philippines for the purpose of trade, we must also consider the cost of subduing them and governing them while we are creating this trade. We have already spent $330,000,000 in attempting to subdue these islands, and our Army there is now costing us not less than $75,000,000 a year. It will be necessary for us to maintain an Army there of from 20,000 to 30,000 soldiers for an indefinite period of time.

In view of the statements of the military officers in the islands I think I can safely make this statement. Many of the provinces are said to have been pacified, but everybody knows that they are pacified only in the sense that they have been subjugated. Withdraw the Army and there will be widespread insurrection throughout the islands in less than a week. If we are to control them we must keep a large army there for at least a generation to come. We can not hope to reduce the cost of our naval and military establishments there below thirty or forty million dollars a year. Counting the millions we have spent there up to this time as lost, the annual profits on our trade, even under best conditions, will not in generations equal our annual expenditures.

In order to earn an annual profit equal to our expenditures in maintaining our control of the country, we must create a trade at least ten times that which those islands have ever had, even should we control the whole of it instead of only a fraction of it. When will we accomplish that? Perhaps the answer can, in part, be found in Spain's experiences with these islands. Did Spain find them profitable? Of what advantage have they been to her in the past, and what possible hope of advantage do they promise us in the future? Considered in this connection, a distinction is to be noted between colonial dependencies, where people are enlightened—like the colonies of Great Britain, in Canada and Australia—and foreign possessions, where the inhabitants are less intelligent and less advanced in civilization.

Australia exported to the United Kingdom in 1899 $355,000,000 and imported from the United Kingdom over $300,000,000 of goods. But the original inhabitants of Australia contributed nothing to this trade. It was created by European colonists carrying into a virgin region their enterprise and intelligence.

The 10,000,000 people who inhabit the Philippines never brought to Spain any trade commensurate with the expense of governing them, and merely by substituting our flag for that of Spain we can not alter the conditions inherent in their situation and convert those people into a thriving, busy, productive community. The leopard's spots do not thus change.

In a speech delivered by my colleague in this Chamber on February 22, in this year, in his efforts to show that the Philippines have already become an important market for the products of the South, especially the products of the cotton mills of that section, and that their purchases of Southern products during the past fiscal year give promise of great extension in our trade there in the near future, he said:

> For the first time since the American occupation of the Philippines the United States in the month of May last headed the list of nations sending merchandise to the Philippines. The exports into Manila during the month of May were valued at $2,460,431. While I have not had an opportunity to examine the report with the view of ascertaining the character of the exports which we sent to that country, I am satisfied that a majority of the items represent Southern products.

Manifestly, the statement made in this speech to the effect that the United States exported to Manila during May, 1901, products valued at $2,460,431 is a clerical mistake, for our total exports to the islands for the eleven months ending May 30, 1901, including gold and silver, were only $2,752,045. But, Mr. President, we did export to Manila during the month of May, 1901, products to the value of $560,432, and it is true that that was more than any other nation exported to that country during that month.

Great Britain was the next largest exporter in that month, the amount exported by her being $451,471. But the exports of Great Britain to the Philippines during the eleven months ending with May, 1901, more than doubled ours. Our exports to the Philippines for the month of May were evidently abnormal, and are accounted for by the needs at that time of our Army, as one of the items—more than one-third of the whole amount—was $178,000 of gold coin.

If my colleague had examined the abstracts of exports for the month following, he would have seen that our exports to the islands during the month of May did not sustain his argument, and that the proportions to which they attained in that month were abnormal, for our exports for the month of June only amounted to $282,610, being less than one-half of those for the month of May, while those of Great Britain increased.

If he had followed up the abstract of our exports for May, he would have found that no considerable part of them came from the South. He would also have found that in that month the United States only exported to the Philippines $6,107 worth of raw cotton, not as much as some farmers in North Carolina annually produce. He would have found that the whole United States exported there during that month only $8,918 worth of manufactures of cotton, not enough to keep many of the small cotton factories in North Carolina running a month.

He would also have found that the whole United States exported to these islands during the eleven months ending May 30, 1901, only $27,000 worth of raw cotton and $93,147 worth of the manufactures of cotton, and he would have found that a large part of

our exports to these islands, both for May and the fiscal year 1901, consisted of liquors, beer—an American, and not a Philippine beverage.

When the fact that during this time we had quartered in Manila an army of over 50,000 American soldiers, spending something like $5,000,000 per month, is considered and that the entire amount of American cotton goods exported was less than $100,000, it really seems astonishing that anyone could conclude that the amount of our exports during this period furnished evidence of a gratifying growth of trade between the South or between this country and the Philippines. For myself, I find in it anything except cause of satisfaction.

My colleague, in another part of his speech which I have just read, comments upon the importance to our Southern cotton manufacturers of the markets of China, and attributes the growth in our trade with this country to Republican policies. In other parts of this speech he lays stress upon the effect of our ownership of the Philippines upon this trade. My colleague, in the conclusions he draws in this behalf, deceives himself. This argument is frequently heard in the South, where it is addressed especially to the cotton manufacturers.

They are told that the extension of our territory in the acquisition of the Philippines has unlocked the ports of China to us and given us that ancient Empire as a market for our cotton manufactures. These statements are misleading. The Chinese-Japanese war, though it resulted in her defeat, was in many respects a blessing to China. It was a great object lesson to her; it paved the way for the introduction of Western ideas and methods and appliances; it led to the construction of railroads and factories, and these in their turn have made China something more of a foreign trader and purchaser of foreign goods.

The Boxer movement was in some degree a protest of the more conservative element against this innovation. The result has been a great increase in her trade with the outside world, and the United States has come in for a share of this increase. Not a full share, but a share. The Spanish war has had nothing to do with the development and growth in this trade. It began long before that war and its increase is the result of changed conditions in China, and neither its origin nor development has been influenced by that war.

In 1895 we exported to China $3,603,840 worth of merchandise; in 1896 we exported there $6,921,933; in 1897, $11,924,433; in 1899, $14,493,440, and in 1900, $15,258,748. The ratio of increase before the Spanish war was, therefore, greater than it has been since. The same is true with reference to our trade with Japan. In 1895 our exports to Japan were $4,634,717; in 1896, $7,689,685; in 1897, $13,255,478; in 1898, $20,385,544; in 1899, $17,264,680; in 1900, $29,087,642.

The Spanish war certainly does not account for our increased trade with Japan, nor yet with Europe; and yet the growth of our exports to these countries is much more remarkable than its growth in China. Our exports to Europe in 1896 were $773,000,000 in round numbers; in 1897, $813,000,000; in 1898, $973,000,000, and in 1900, $1,040,000,000. These facts, this remarkable development of our trade with Europe, show that territorial expansion is not necessary for extensive trade relations.

I rejoice at any growth in the trade of our manufactured cotton goods. Considering the vast quantity of our cotton productions, our exports in this branch of American industry is surprisingly small. It is to be hoped that our trade in cotton cloth will grow and expand not only in China, but elsewhere. It will grow and expand there and elsewhere with improved transportation and when our mill owners have learned to prepare their products to suit the taste and fancy of their oriental customers. But its growth can not be made to depend upon territorial expansion.

The agricultural possibilities of these islands are, I have no doubt, capable of great development. The lands are generally fertile. Some of their valleys are annually inundated and, as in the case of the Nile, these floods leave a rich deposit. Even the lands not thus enriched do not for many years after being cleared require artificial fertilization. They are adapted to the growth of tobacco, rice, sugar, and, I have reason to believe, to the growth of cotton.

These are all staple crops of the South. It is true the archipelago does not now raise enough rice to supply the home demand, but before Spain began its policy of discouraging this crop in the interest of tobacco, in which the Government had up to 1882 a monopoly, the Philippines exported a considerable quantity of rice. They now export considerable quantities of sugar. Hon. SAMUEL M. ROBERTSON, of Louisiana, member of the Ways and Means Committee of the House, speaking of the sugar production of these islands, said, in a speech delivered in the House of Representatives December 17, 1901:

> In 1883, in addition to the amount of sugar consumed in the Philippine Islands, they exported 523,000,000 pounds. There are no statistics as to the amount of sugar consumed, but it may be estimated that a large quantity of it was used to supply the demands of the people in the islands. From these figures it can easily be seen that under the most adverse circumstances surrounding the production of sugar—with crude instruments and the crudest machinery—the Philippine Islands produced more sugar in that year than was produced by the Hawaiian Islands in 1899 under free trade with the United States and most improved machinery and appliances.
>
> Think, then, of the wonderful possibilities of production there even under unfavorable circumstances. In 1900 there was exported into this country for consumption 4,018,086,530 pounds of sugar. The domestic production was 500,046,450 pounds, from cane and beet, making the total consumed in the United States in 1900 4,518,132,980 pounds. These figures are taken from the Statistical Abstract, 23d number, 1900.

Again, Mr. President, even under the present unfavorable conditions the islands are exporters of tobacco.

I can not say with confidence to what extent cotton would be grown in the archipelago, but I am satisfied that all the natural conditions for its successful culture exist there. A reliable young gentleman of my State, a graduate of the university of the State, who spent two years in the Philippines in the army, who was born and reared in one of the largest cotton-growing counties in the State, a cotton expert, and who has recently, I have been told, been appointed to a position as cotton expert in the Philippines, in a conversation a few weeks ago expressed to me the unqualified opinion that the undulating and hill lands of the whole island of Luzon were especially adapted to the growth of cotton. For many years long staple cotton has been successfully grown in the island of Ilocos, and there are some small factories in this island.

Mr. Foreman, in his work on the Philippines, on page 361, says:

> The cotton tree (*Gossipium herbaceum*) is found growing in an uncultivated state in many islands of the archipelago. Long staple cotton was formerly extensively cultivated in the province of Ilocos Norte, whence many years ago large quantities of good cotton stuffs were exported. This industry still exists. The cultivation of this staple was, however, discouraged by the local governors in order to urge the planting of tobacco for the government supplies. It has since become difficult to revive the cotton production, although an essay, in pamphlet form (for which a prize was awarded in Madrid), was gratuitously distributed over the colony in 1888 with that object. Nevertheless, cotton spinning and weaving is still carried on on a reduced scale in the Ilocos provinces (Luzon, west coast).
>
> Wild cotton is practically useless for spinning, as the staple is extremely short, but perhaps by hybridization and careful attention its culture might become valuable to the colony.
>
> The pod is elliptical, and the cotton which bursts from it at maturity is snow-white. It is used for stuffing pillows and mattresses.
>
> It is a common thing to see (wild) cotton trees planted along the high road to serve as telegraph posts. By the time the seed is fully ripe every leaf has fallen, and nothing but the bursting pods remain hanging to the branches.

Now, Mr. President, wherever the cotton tree grows indigenously it may be safely assumed long-staple cotton can be grown. I have no doubt this great Southern product can be grown not only in Ilocos, but in many other parts of the islands. Whatever crops can be grown in these islands can be grown abundantly and cheaply.

The fact that these islands are not to-day exporting sugar, rice, and tobacco in quantities sufficiently large to affect the price of these articles in the markets of the world is due to the conditions of agriculture there, to meager clearings, to inefficient labor, to the crudity of the tools and machinery used, and to the political disturbances and disorders which have for years prevailed there.

Under our occupation most of these adverse conditions may disappear. Again, if we retain the islands, whether we retain them as dependencies or as domestic territory, the tariff barriers, which have in a measure closed our markets to these products, will be, if not removed, at least greatly relaxed, and the effect upon production will be the same there as it has been in the Hawaiian Islands.

"In less than ten years," says Mr. ROBERTSON in the speech from which I have quoted, "after the adoption of the reciprocity treaties with these islands (Hawaiian) the amount of sugar imported into this country from them had increased 1,300 per cent." The Government reports show that in 1875, the year before the treaty, the Hawaiian Islands imported to this country only 25,000,000 pounds of sugar, valued at $1,216,000 in round numbers. In 1899 they imported to this country 545,370,537 pounds, valued at $21,898,000.

If the effect of American thrift and enterprise and the relaxation of tariff restrictions shall have the same effect in stimulating the production and exportation of the staple agricultural crops of the Philippines as it has had on the growth and exportation of sugar in the Hawaiian Islands, will not the producers of rice, sugar, and tobacco, and perhaps cotton, in this country find in these islands a dangerous competitor? Our sugar and tobacco planters are alarmed over competition of Cuban sugar and tobacco, and are vigorously protesting against the proposition of a 20 per cent cut on the duty of sugar from this island. The Philippines are many times larger than Cuba, and can produce sugar and tobacco cheaper than Cuba can produce them.

These staple products can not only be raised in abundance in the Philippines, but they will be raised more cheaply than they can be raised in America, not only because of cheaper manual labor, but cheaper beast. Mr. Foreman, in his valuable work on the Philippines, from which I have before quoted, tells us that the native laborer of the Philippines can live in luxury upon 20 cents a day. In America farm labor costs from 50 to 75 cents a day. The farm animal of the Philippines is the water buffalo. He

costs never more than $30, and generally only from $15 to $20, while the farm mule and farm horse in this country costs from $100 to $200.

It is said that the islands can never be developed with Philippine labor because it is lazy and thriftless. Perhaps that is true. It certainly is true unless, under the stimulus of American thrift and the influence of an opportunity to labor for better wages, the Filipino shall become a more effective farm hand. But that these islands will be agriculturally developed if we retain them, I have no doubt. If not developed by the employment of native labor, then with what sort of labor?

Certainly we can not develop them with Caucasian labor, for the white man can not work under that tropical sun. If we can not develop them with native or Caucasian labor, I ask again with what labor will we develop them? Without hesitation I answer, Chinese labor. Already a considerable proportion of the best population of Luzon is said to be of Chinese extraction. I know it is said by some that we will exclude the Chinaman from the archipelago, as we have excluded him from this country. I do not believe that. That law we have recently passed to that effect will not be permanent.

I know there is a prejudice in this country against the Chinaman as a laborer in our mines and on our railroads and in our factories just as there is a prejudice against the negro laborer in these industries. But I do not believe that prejudices exist against the Chinaman as a farm laborer in this country any more than it does against the negro as a farm laborer.

However that may be, if we keep the islands we may be absolutely certain of one thing—they will be exploited, and by whom? They will be exploited by those great syndicates and land corporations that are already organized and being organized for that purpose, and in whose interest much of the pending bill is manifestly framed. It contains about 100 pages, and at least 60 of them are devoted to devising and putting into statute law a scheme by which the land, and the timber, and the coal, and the oil, and the minerals in those islands may fall into the hands of these corporations and syndicates at a nominal price.

There is one most significant provision in the bill. It is with reference to leasing the land. It says that an individual may acquire 160 acres, but a corporation may acquire as much as 5,000 acres. It is perfectly manifest that the bill was prepared and is to be passed here in the interest of these very syndicates and land grabbers that are now organizing and that stand like hungry wolves upon the border ready to enter and to take these lands and to exploit them.

We asked the committee to tell us what they ultimately proposed with regard to these islands and these people. They decline to answer. But, Mr. President, we are going forward as rapidly as we can to seize and appropriate everything upon the islands that is valuable. It reminds me of the case of a man who has acquired title to a tract of land that may be technically good, like our title to the lands of those islands, but that has no foundation in morals or in justice. When he is asked to surrender his legal title because of its lack of morality he says, "Wait; after a while I will give you an answer," and he proceeds to cut the timber, and to mine the ore and the coal and the oil, and when he has stripped it of timber and ore and oil and everything that is valuable says, "I am ready now to surrender you back your title."

Mr. President, I can not contemplate without some feeling of alarm the prospect of building up in the archipelago this powerful competition, based upon Chinese labor or cheap native labor, to the great staple products of the South. If we retain these islands and develop them, our manufacturers may, in the course of time, find there a market for some of their products; but they will not realize their full expectation even in this regard, for when the American goes there he will carry his machinery with him—his refinery, his looms, and his spindles. He will find much, if not all, of his raw material there, with the possible exception of cotton, and even that may be raised on the ground; but if not, he can get it from near-by India, and with cheap and imitative native or Chinese labor, permanently establish his hold on the oriental markets we expect to gain, and even invade others we now have.

It will be remembered that Japan, whose industries are the wonderful creation of a single generation, is now competing with America in the sale of cotton goods. Japan exported to China and other Asiatic countries in 1899 $16,551,250 of cotton manufactures, while America exported only $10,600,000 to these countries in that year.

But, Mr. President, if no factories are established there; if a new Japan shall not arise there to interfere with our trade in cotton goods; if the archipelago shall continue a purely agricultural country and is developed to the fullest and becomes a valuable market for the sale of our manufactures, it will be dearly purchased trade if the farmers of this country find the markets they already have abridged for the sale of their surplus products or find those markets less profitable by reason of increased supply resulting from Filipino overproduction.

Mr. President, we hear much these days about the increase in our foreign trade and the new markets we have found abroad for our products, especially for our manufactures, for there has been but little increase in our agricultural exports. It is true the growth in recent years of our foreign trade in manufactures has been so phenomenal as to have attracted the attention of the world. But to what are we indebted for these new markets? Through what agency have they been secured? I answer. We got them because we had to have them; because we needed them and sought them with the intelligence and zeal which the American trader always displays under the spur of necessity.

For a long time our industrial expansion had been rapid, but there was a ready market at home for all that our mills and factories could make. No other market was sought, not only because there was a ready customer at hand, but because, by the exclusion of outside competition, he was a more profitable customer than could be found anywhere else. New factories continued to spring up and multiply, until in the course of time home production grew more rapidly than home consumption and finally greatly exceeded it.

In these circumstances, our manufacturers were suddenly confronted with the always troublesome problem of a surplus. The question was what should they do with the surplus, what could they do about it. There were two alternatives. They had either to find outside markets or stop building new factories and curtail the production of those already built. In this exigency the decision was what might have been expected of American pluck, energy, and resource. It was in favor of trade expansion. In pursuance of that decision, other markets were sought. The means necessary to secure them were employed and they were found, as they might have been and would have been found years before if they had been sought with the same degree of intelligence and determination.

That our manufacturers have found themselves in a position to successfully compete in the markets of the world with the manufacturers of other nations is a subject for patriotic rejoicing. I do not myself altogether sympathize with the criticism now current against some of our manufacturers who are selling their products in foreign markets at from 25 to 35 per cent less than they are selling them to our home people, although I condemn their extortion against their home patrons, and I condemn the methods and devices to which they resort for the purposes of stifling home competition——

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. Certainly.

Mr. CULBERSON. I should like to ask the Senator in that connection if he does not also believe that the American manufacturers are enabled to sell to foreigners cheaper than to Americans by reason and by virtue of the high protective tariff laws that we have now in force?

Mr. SIMMONS. By reason of those laws, undoubtedly.

I was going to say, Mr. President, they have got to sell their goods cheaper abroad than they are now selling them at home or not sell them at all abroad, because abroad there are no discriminating tariff duties to protect them from competition, while in the home market our tariff permits them, within certain limits, to fix prices. Like every other trader, the American manufacturer wants the best price he can get for his wares, and if he refuses to content himself with reasonable profits and takes advantage of our tariff laws to obtain higher prices here than abroad the blame lies more against our tariff laws than upon the manufacturer.

The fact that these manufacturers are able, after adding transportation, to sell their wares in foreign markets at these lower prices and make reasonable profits—and that their profits in these markets are satisfactory is shown by their eagerness to get and extend them—is a political object lesson of great value. It demonstrates to the point of mathematical certainty that the manufacturers of these articles do not need the protection accorded to them, and that the time is at hand for a revision and reduction of our tariff laws, unless conclusively established injustice and discrimination against the consumers of this country are to be perpetuated as the fixed policy of this Government.

I repeat, Mr. President, the expansion of our foreign trade is due to the enterprise of our manufacturers and traders, and not to the economic or political policies of the Republican party. When the necessity for foreign markets arose they not only went out and sought them, but they adopted the means requisite to the end. They sent representatives to the countries sought to be reached, and they began to make and to fashion and stamp their wares to suit the trade and fancy of those to whom they would sell them.

One great establishment with two branch plants in my own

State has to-day high-salaried representatives in all parts of the world—South America, Europe, China, Japan, Australia, and South Africa. These agents sent out by great manufacturing establishments are international drummers, and are as essential to world trade as our great army of domestic drummers have been found necessary to our interstate trade.

Not only this, but our manufacturers clearly saw, at the beginning of this movement for foreign trade, that regular, direct, and quick ocean transportation was as necessary in foreign trade as railroad transportation has been in the development of our interstate trade, and therefore one of their first undertakings in this new movement was to provide efficient and adequate transportation. The new transportation lines which have been established as a result of this foresight have greatly contributed to the creation and extension of our trade in distant and heretofore inaccessible markets.

Mr. President, in this connection, as illustrating the effect in securing this trade of better ocean transportation, I wish to read from the Review of the World's Commerce, issued by the State Department for the year 1900. It says:

Conspicuous illustrations of the benefit of direct transportation and of the fact that increased trade follows its establishment are found in the recent growth in the export of American products to such unlikely quarters as Turkey and Peru.

Some two years ago our consul-general at Constantinople, Mr. Dickinson, exerted himself to secure the running of a direct line of steamers between the United States and Turkish ports on the Mediterranean. The Barber Line, of New York, decided to make the experiment, and the service, begun in February, 1899, has greatly stimulated the sale of American products in the Levant. Under date of April 14, 1900, Mr. Dickinson states that "since the establishment of the direct line and the consequent reduction in freights, wire nails and a few other articles of American manufacture appear to have taken possession of the Levantine market."

The next step taken by Mr. Dickinson, and one that was made possible by the improved transportation facilities, was the establishment by private capital of an exposition of American goods and agency, which, he says, "is already (November 15, 1900) a success and has outgrown the expectation of those who are conducting the business."

Peru increased her commerce with this country from $1,588,000 in 1897 to $3,491,000 in 1899, and during eleven months of 1900 our exports to Peru amounted to nearly $2,000,000, against something over $600,000 in 1893. Our consul at Callao, Mr. Dickey, attributes this gain, in part at least, to better transportation facilities offered by two competing steamship lines which for the past three years have kept up a monthly service between New York and the west coast of South America.

The same thing will probably be found to be true of our Pacific coast trade. Enlarged transportation facilities undoubtedly account to a considerable extent for the steady growth of our commerce with Japan.

There are now a number of steamship lines with vessels plying to Japan and China from San Francisco and San Diego, Cal.; Portland, Oreg.; Seattle, Port Townsend, and Tacoma, Wash.

There are now three lines of steamers running from Puget Sound to the Orient—the Northern Pacific steamers, or the Dodwell Line; the Canadian Pacific, or Empress Line, and the Great Northern, or Nippon Yusen Kaisha (Japanese) Line. These three lines include some ten steamers, affording sailings about five times a month. For weeks past all of their available freight space has been engaged long in advance, and a number of tramp steamers have cleared with oriental cargoes.

Mr. President, the absence of regular, direct, and quick ocean transportation has undoubtedly been a great barrier to the development and extension of our foreign trade in Asia, Africa, and South and Central America, but the greatest obstacle which has confronted our manufacturers in their efforts to secure world markets has been and is the tariff wall that we have built around our own country, operating to defeat that fundamental law of trade, to wit, mutuality of trade.

Mutuality is essential to healthy trade. We can not always sell to others and buy only from ourselves. In many instances our protective duties are prohibitory, and as a result we are prevented from purchasing from those who might buy our goods in the outside markets. The effect in some instances is to limit our sales; in others to invite retaliatory duties, making trade almost impossible.

Mr. President, doubtless Cuba would like to buy her goods from us. Not only gratitude but proximity to our markets would seem to suggest close commercial relations between that country and ours; but we are told by the leaders of the Republican party that Cuba can not buy from us unless we will buy from her; unless we let her sell to us at a reasonable profit.

A few years ago our manufacturers, especially in steel and iron, were building up a very good and profitable trade with Russia, but the Secretary of the Treasury rendered a decision against the sugar exports of that country by which higher duties were exacted, and in retaliation she imposed a duty upon our iron and steel which has destroyed that trade.

France is a great purchaser of foreign goods. She ought to be a valuable market for the sale of our products. But she declines to buy from us because of the embargo our tariff places upon the sale of her goods to us. As a result we sold to France last year only $4,000,000 worth of our manufactures. We can not sell her steel, because, in retaliation against our discriminating laws, she has imposed a duty of $11 a ton upon our steel rails, so that Germany and England sell steel rails in France at $11 less than we can. The duty on an American mower in France is $3.80 more than on English mowers, while an American reaper pays $8 more duty than the same machine shipped from England. So that a Frenchman can buy a mower from England for $3.80 less than from an American and a reaper for $8 less in England than in this country.

In asserting the proposition that our tariff schedules are an obstacle in the way of the restoration of our merchant marine and the establishment of adequate ocean transportation, as well as in securing the best results in our international trade, I am not advancing a theory or making a partisan declaration. I am but interpreting as to the effect of these prohibitory duties upon our foreign trade the almost dying declaration and warning of the most zealous and ablest advocate of protection this country has known, whose untimely death touched the heart of the world. I am only elaborating what the State Department states in its last annual review of the world's commerce. Let me quote from this valuable document. On page — I find the following:

It would seem to be evident that trade agreements widening the channels of exchange between the United States and other countries must have an important bearing upon the question of building up a merchant marine. One of the great obstacles to the establishment of direct steamship lines from United States ports is the difficulty of obtaining return cargoes. It is a fact of great significance that, wherever better facilities of transportation have been provided, our foreign commerce has immediately grown, even in the face of obstacles that might have seemed insurmountable, and in the absence of other measures for promoting trade.

The only barrier (speaking of the introduction of our goods in foreign markets) to their introduction will be the artificial one of tariff or other discriminating legislation, and this may be either removed or greatly modified by a judicious scheme of reciprocity. If to such agreements, securing favorable treatment of our exports, we add concessions permitting the importation of a larger volume of foreign products, we lay at once the basis for such exchange as may justify the establishment of direct transportation lines.

Mr. President, when we oppose territorial expansion in the faraway islands of the Pacific Ocean, our political adversaries taunt us with the statement that Jefferson, the great founder of the Democratic party, was an expansionist, and that the Democratic party itself, in its early history, was a great practical advocate of expansion. The statement is true and we are proud of it. The Democratic party has added to the territory of the Union nearly one-half of its present domain on this continent, and some of these acquisitions were accomplished against the violent protests of many who questioned the wisdom and patriotism of the Democratic statesmen. But the Democratic leaders were patriotic and did not hesitate to move forward on lines that they knew were right.

The question there was whether, on the one hand, our country should be limited by the Mississippi River, while the vast interior of America should be controlled by European nations and European interests, and dominated by monarchical institutions, or, on the other hand, whether between the Pacific and the Atlantic there should be but one single Union, composed, indeed, of separate States, but equal and sovereign States, owing allegiance to a common flag and entitled to receive and receiving equal rights, protection, and privileges under that flag. The question here is a question of two flags, one emblazoned by a galaxy of stars, representing a Union of equal States and speaking to all the nations of the earth of the surpassing excellence of our institutions, and the other an ensign of imperial sway over 10,000,000 of conquered subjects.

I protest, Mr. President, against quoting the action of the leaders of the Democratic party in securing America for Americans as a precedent for the acquisition of the Philippine Archipelago and the subjugation of the Filipinos to our yoke. The expansion of Jefferson was a natural expansion. It brought safety, not danger. The proposition to extend the limits of our country to another hemisphere and to establish under our flag imperial sovereignty across the ocean is an entirely different proposition, and one behind which lurks dangers against which the whole history of Republican institutions, present and past, is a solemn warning.

Mr. LODGE. Mr. President, unless some other Senator desires to continue the debate on the bill this afternoon, I shall ask that it be temporarily laid aside, as the Senator from Iowa [Mr. ALLISON] desires to begin the consideration of what is known as the sundry civil appropriation bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the pending bill may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask at this time that the Senate may proceed to the consideration of House bill No. 13123, known as the sundry civil appropriation bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first formal reading of the bill be dispensed with, and that, as the reading

progresses, the committee amendments may be considered as they are reached.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the first formal reading of the bill be dispensed with, and that it shall be read for amendment, the committee amendments first to receive consideration. Is there objection? The Chair hears none.

Mr. PETTUS. I hope it will be understood, Mr. President, that all of the amendments will be open to amendment as in Committee of the Whole hereafter, if any should be needed.

Mr. ALLISON. They will be subject to amendment as we progress with the bill. If any Senator has any special matter to which he wishes to call the attention of the Senate, he can submit an amendment to an amendment of the committee.

Mr. PETTUS. I do not quite understand whether the amendments are to be finally acted upon, as in Committee of the Whole, as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The amendments will all be open to amendment when the bill shall have been reported to the Senate.

Mr. PETTUS. Yes, I understand that; but it will be more difficult to secure an amendment in the Senate than it will be in Committee of the Whole. That was the question I asked when the adoption of the committee amendments was asked for.

The PRESIDENT pro tempore. Every amendment proposed by the Committee on Appropriations, as in Committee of the Whole, is open to amendment at the time it is before the Senate for consideration.

Mr. PETTUS. I understand that, Mr. President; but it has been usual, when a request such as that made by the Senator from Iowa has been made, that amendments shall be acted on when reached in the reading of the bill, that they shall be subject to amendment, as in Committee of the Whole, after they have been adopted, as in Committee of the Whole.

Mr. ALLISON. I should not, of course, object to any proper amendment that might be offered to any committee amendment. Later I am sure the Senator from Alabama will be satisfied with the progress we make with the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 12, to insert:

For post-office at Buffalo, N. Y.: For completion of granite entrance to mailing room on Oak street, and approaches, and providing nonconducting pipe coverings for mechanical and steam-heating plant, $35,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 23, to insert:

For court-house and post-office at Covington, Ky.: For installation of elevator and for changes incidental thereto, $7,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

For custom-house at Detroit, Mich.: For installation of elevator and for changes incidental thereto, $7,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert:

For court-house and post-office at Lynchburg, Va.: For installation of elevator and for changes incidental thereto, $7,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 6, to insert:

For post-office at New Brighton, Pa.: For grading grounds and completing approaches, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

For court-house and post-office at Pensacola, Fla.: For installation of elevator and for changes incidental thereto, $7,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert:

For custom-house at Wilmington, N. C.: For installation of elevator and for changes incidental thereto, $7,500.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the word "buildings," to strike out:

For books of reference, technical periodicals and journals, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, $4,000;

And insert:

For books of reference, technical periodicals and journals, photographic instruments, chemicals, plates, and photographic materials of like nature for use of the Office of the Supervising Architect of the Treasury Department, $4,000; and hereafter the purchase of specially prepared paper for the duplication of plans, and such other incidental expenses and supplies as the Secretary of the Treasury may deem necessary and specially order for the use of the Office of the Supervising Architect, exclusively for the purpose of carrying into effect the various appropriations for public buildings, shall be paid for from and equitably charged against such appropriations, in accordance with existing practice.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to insert:

For marine hospital at New York, N. Y.: For purchase of present site and buildings, or purchase of a new site and erection of marine-hospital buildings thereon, $250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 8, after the word "Stations," to insert:

For quarantine station, Portland, Me.: For purchase of site, $20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "dollars," to insert: "for equipment, $20,000; in all, $23,600;" so as to make the clause read:

For quarantine station, Miami, Fla.: For the purchase of the property of the State of Florida, in accordance with agreement between Treasury Department and the State of Florida, dated July 16, 1901, $3,600; for equipment, $20,000; in all, $23,600.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

For quarantine station, Columbia River, Oregon: For additions and improvements to the Columbia River quarantine station, near Astoria, Oreg., including the purchase of additional land, $20,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

Ram Island Ledge, Portland Harbor, Maine: For constructing a light-house and fog signal on Ram Island Ledge at the entrance to Portland Harbor, $83,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light-house and fog signal at a total cost of $166,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 17, to insert:

Boon Island light station, Maine: For construction of a keeper's dwelling, $3,400.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to insert:

Stonington Breakwater light station, Connecticut: For construction of a keeper's dwelling, $6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to insert:

Tender for light-house service in Porto Rican waters: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection, and also for construction and repair service, and for freighting light-house supplies and materials from the mainland to Porto Rico, $125,000, said amount to be made immediately available; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for this tender, such draftsmen to be paid from the appropriation for building this vessel; such employment to cease and determine on or before the date when, the plans for this vessel being finished, proposals for building this vessel are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

Cape Lookout Shoals light vessel, North Carolina: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with a steam fog signal, $90,000; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for said vessel; such draftsmen to be paid from the foregoing appropriation; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 16, after line 24, to insert:

Bodie Island light station, North Carolina: For the construction of a keeper's dwelling, $7,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to insert:

Sapelo light station, Georgia: For the construction of a combined light tower and keeper's dwelling, $40,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

Calumet Pierhead, Lake Michigan, Illinois: For the construction of a keeper's dwelling, $7,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to insert:

Depot for the Ninth light-house district, Wisconsin: For establishing a light-house depot for the Ninth light-house district at Milwaukee, Wis., $50,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Peshtigo Reef light vessel, Wisconsin: For establishing a light vessel with a fog signal at or near Peshtigo Reef, Green Bay, Lake Michigan, Wisconsin, $15,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

Crisps Point light and fog-signal station, Michigan: For the establishment of a light and fog-signal station on or near Crisps Point, Lake Superior, Michigan, $18,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

Grosse Isle South Channel range light station, Michigan: For building a dwelling for the light keeper at Grosse Isle South Channel range light station, Detroit River, Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to insert:

Grassy Island range light station (Ecorse), Michigan: For building a dwelling for the keeper of Grassy Island range (Ecorse), Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

Tender for St. Marys River, Michigan: For construction of a steam tender for use in St. Marys River and adjacent waters, Michigan, $75,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

Point au Pelee Passage light-ship: For constructing a modern steel auxiliary steamship with a fog signal, to be established on Southeast Shoal, Point au Pelee Passage, Lake Erie, $45,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain a light-ship on Southeast Shoal, Point au Pelee Passage, Lake Erie, $4,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to insert:

Fort Winfield Scott fog signal, California: To establish on Fort Winfield Scott, Fort Point, California, a fog signal, $7,000.

The amendment was agreed to.

Mr. PLATT of Connecticut. With the permission of the Senator from Iowa who has the appropriation bill in charge, I should be very glad to present a conference report.

Mr. ALLISON. I yield for that purpose.

CHINESE EXCLUSION.

Mr. PLATT of Connecticut submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said Senate amendment insert the following:

That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September 13, 1888, be, and the same are hereby, reenacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers not citizens of the United States from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any island within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

SEC. 2. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December 8, 1894, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

"SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such persons or persons.

"SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year."

And the Senate agree to the same.

O. H. PLATT,
WM. P. DILLINGHAM,
A. S. CLAY,
Managers on the part of the Senate.
R. R. HITT,
J. B. PERKINS,
CHAMP CLARK,
Managers on the part of the House.

Mr. TELLER. It is utterly impossible for anybody, from the reading of the report and not having the bill before him, to know what changes have been made in the bill as it went from the Senate to the House. Either we ought to have from somebody on the conference committee a full and careful statement of what has been done, or the bill ought to be printed and go over. I suggest that the Senator from Connecticut, perhaps, might make such an explanation. What we would like to know particularly is what changes have been made by the conference.

Mr. PLATT of Connecticut. I am perfectly willing to make an explanation. The House conferees objected to so much of the amendment of the Senate as continued in force existing laws, in the language of the Senate amendment:

Until the 7th day of December, 1904, and so long as the treaty between China and the United States, concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894.

They insisted that such laws should be continued without limitation as to time. In lieu of the language of the Senate amendment, it is now provided by the conference report that such laws "are hereby reenacted, extended, and continued, so far as the same are not inconsistent with treaty obligations, until otherwise provided by law."

Mr. TELLER. That is, until we change them, they will continue in force?

Mr. PLATT of Connecticut. "Until otherwise provided by law." That was the principal matter of difference, the most serious item of difference, to say the least, between the House and Senate conferees. We have consented to eliminate from our amendment the language which continued the laws in force until the expiration of the treaty, on the 7th day of December, 1904.

Agreeing to that, section 2 of the Senate amendment was no longer necessary.

Mr. TELLER. What was it?

Mr. PLATT of Connecticut. It provided—

That in case said treaty be terminated as provided in article 6 thereof, this act and the acts hereby extended and continued shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

Mr. TELLER. That you strike out?

Mr. PLATT of Connecticut. That is eliminated because we now continue the laws in force until otherwise provided by law.

Mr. TELLER. That seems to be proper.

Mr. PLATT of Connecticut. There was some question as to whether reenacting the Geary law, as it is called, by title was sufficient. We thought it was.

Mr. TELLER. That is the act of 1888?

Mr. PLATT of Connecticut. Yes; the law of 1888. We thought it was, but yielded to a request on the part of the House to specify the sections which they wished to have reenacted. So we say "including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the act entitled 'An act,'" etc.

Mr. TELLER. Then you do not reenact all of that law. You leave out some sections, do you not?

Mr. PLATT of Connecticut. We reenact only those sections which are specified.

Mr. TELLER. What are the sections which are left out?

Mr. PLATT of Connecticut. The sections left out are those which depended upon the ratification of the treaty which had been negotiated but was not ratified.

Mr. FORAKER. I should like to ask the Senator from Connecticut if the language of the report and of the bill as now amended by the conferees does not continue in force the whole of the act of September 13, 1888, including the sections specified?

Mr. PLATT of Connecticut. It says "All laws now in force."

Mr. FORAKER. Yes.

Mr. PLATT of Connecticut. But particularly they wished us to specify that it should include the sections named.

Mr. TELLER. I should like to say that there were certain sections which the Department in the administration of the law claimed were legally enacted and some which they claimed were not. I understand now that all of the sections that the Department has been enforcing are to be reenacted.

Mr. PLATT of Connecticut. Certainly. The language at first, "all laws now in force," is broad enough to cover the entire statute, in the opinion of the Senate conferees. We yielded to the request of the House conferees that these sections in particular should be named. Section 2, as I have said, goes out. Section 3——

Mr. TELLER. What is that?

Mr. PLATT of Connecticut. Section 3 is in the language of the Senate bill and refers to Chinese who are brought here to participate in fairs.

Mr. TELLER. There is no objection to that.

Mr. PLATT of Connecticut. Section 4 is a substitute for sections 5 and 6 of the Senate amendment which related to obtaining certificates in the Philippine Islands.

Mr. TELLER. That is the Mitchell amendment?

Mr. PLATT of Connecticut. The Mitchell amendment.

Mr. TELLER. What have you done with it?

Mr. PLATT of Connecticut. We substitute for it section 4 in

this report, and I will read it. We did so at the request of the House conferees. They gave us the language, and we accepted it:

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory, and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Mr. MITCHELL. Mr. President——

Mr. PLATT of Connecticut. If the Senator will permit me one moment longer, the House conferees said——

Mr. MITCHELL. I simply wanted to ask a question; that is all.

Mr. PLATT of Connecticut. In just a moment. The House conferees said that the provision of the Senate bill relating to registration in the Philippine Islands was impracticable; that it would require the sending of a great army of agents from here out there to superintend the registration, and that it was much better to leave it in the hands of the Philippine Commission to enforce it. Now I will hear the Senator from Oregon.

Mr. MITCHELL. I wanted to ask if the effect of this amendment is to take control from out of the hands of the Treasury Department and place it under the Philippine government?

Mr. PLATT of Connecticut. Yes; and it directs them to enforce it.

Mr. TELLER. I wish to ask the Senator from Connecticut in this connection whether under this bill the Philippine Commission will have the power to admit Chinese into the Philippine Archipelago?

Mr. PLATT of Connecticut. They will not.

We retain the language of the Senate amendment:

And said laws shall also apply to the island territory under the jurisdiction of the United States.

That is, the exclusion laws.

Mr. TELLER. Then the Senator thinks that the Commission would not have the authority to open the door to the admission of Chinese laborers?

Mr. PLATT of Connecticut. That is my understanding of it.

Mr. CLAY. I will ask the Senator from Connecticut if it is not true that the amendment which has reference to the power of the Philippine Commission simply allows the Philippine Commission to regulate the mode of ascertaining the number of Chinamen in the Philippine Islands?

Mr. PLATT of Connecticut. That is all. That is all the force or object of the amendment.

Mr. CLAY. As to registration.

Mr. TELLER. I do not know that I see any objection to that.

Mr. LODGE. The Chinese are absolutely excluded under section 2, I understand.

Mr. PLATT of Connecticut. Under section 1, as it will be here.

Mr. LODGE. They are absolutely excluded.

Mr. TELLER. Those of us who have not had an opportunity of seeing this text are a little at sea as to what has been left in the bill. I do not see any particular objection, on the statement made, to the amendment.

Mr. PLATT of Connecticut. I desire to say that the conference has been in some respects a strenuous one, and I believe this agreement is entirely satisfactory to the conferees on the part of the House, as I hope it will be to the House.

Mr. PETTUS. I desire to ask the Senator in charge of the bill what provision was made as to the time when the act is to terminate? I happened to be out for a few moments.

Mr. PLATT of Connecticut. It is to remain in force until otherwise provided by law.

Mr. PATTERSON. I should like to ask the Senator from Connecticut upon whom devolves the duty of enforcing the exclusion provisions in the Philippine Islands?

Mr. PLATT of Connecticut. The Philippine Commission.

Mr. PATTERSON. Then the Philippine Commission not only has the duty devolved upon it of attending to registration, but it must appoint all officials to enforce the regulation provision.

Mr. PLATT of Connecticut. Yes; as I understand it.

Mr. PATTERSON. I am very sorry that has been adopted.

Mr. LODGE. That is the way it left the Senate.

Mr. PATTERSON. I would much prefer if we had devolved it upon the Secretary of the Treasury.

Mr. PLATT of Connecticut. The House conferees said that might require the sending of 500 agents from the United States into the Philippine Archipelago to superintend this matter of obtaining certificates. I suppose that is an exaggerated statement, but it can be well seen that it might involve the sending of a great many agents from the United States to the Philippine Islands to carry out the registration provided for.

Mr. PATTERSON. If the Pacific coast Representatives are satisfied I am.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 19, after line 24, to insert:

Southampton Shoal light and fog-signal station, California: For establishing a light and fog signal on the southeast end of Southampton Shoal, San Francisco Bay, California, $30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Oakland light-house and fog-signal station, California: For constructing a light-house and fog signal at the entrance of Oakland Harbor, California, $19,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

Mile Rocks light and fog-signal station, California: For constructing a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California, $100,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

Yaquina Head light station, Oregon: For the construction of a keeper's dwelling at Yaquina Head, Oregon, light station, $4,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

Browns Point light-house and fog signal, Washington: For completing light-house and fog signal at Browns Point, State of Washington, $3,200.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Battery Point fog signal, Washington: For the construction of a fog signal at Battery Point, Puget Sound, opposite the city of Seattle, State of Washington, $6,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to insert:

Robinson Point light station, Washington: For constructing an additional keeper's dwelling, $4,000.

The amendment was agreed to.

Mr. ALLISON. I desire to have it understood that these separate paragraphs which have been passed upon shall appear in the RECORD as distinct amendments so that there can be no mistake.

The PRESIDENT pro tempore. They were acted upon in that way.

Mr. ALLISON. I inferred as much by the way they were read by the clerks at the desk, but I wanted it to be understood by the reporters as well.

The PRESIDENT pro tempore. Each paragraph was declared agreed to by the Chair.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead of "Light-House Establishment," on page 25, after line 21, to strike out:

Hereafter it shall be the duty of the Secretary of the Treasury to submit annually in the estimates of appropriations for the Light-House Establishment specific estimates of amounts required for pay of officers and crews of light-house tenders, and of amounts required for pay of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 30, after line 11, to insert:

For the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter for service at the port of Philadelphia, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Engraving and printing," on page 30, line 19, to increase the appropriation for labor and expenses of engraving and printing at the Bureau of Engraving and Printing from $900,000 to $968,386.

The amendment was agreed to.

The next amendment was, on page 31, line 18, to increase the appropriation for wages of plate printers at piece rates, to be fixed by the Secretary of the Treasury, etc., from $900,000 to $1,000,000.

The amendment was agreed to.

The next amendment was, on page 31, line 21, to increase the appropriation for engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, from $350,000 to $450,000.

The amendment was agreed to.

The reading of the bill was continued to page 35, line 8.

Mr. ALLISON. In line 1, after the word "including," I move

to insert the words "the preparation or purchase of preliminary plans and specifications of vessels and;" so as to read:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of preliminary plans and specifications of vessels and the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, and for the expenses of the attendance of the American delegate at the meetings of the International Geodetic Association, not to exceed $550, $4,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the subhead "Under the Smithsonian Institution," on page 41, line 5, to increase the appropriation for expenses of the system of international exchanges between the United States and foreign countries under the direction of that Institution, etc., from $24,000 to $26,000.

The amendment was agreed to.

The next amendment was, on page 41, line 23, under the subhead "National Museum," to increase the appropriation for cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, etc., from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 42, line 7, to increase the appropriation for continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, etc., in the National Museum, from $180,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

For the preparation, under the direction of the Secretary of the Smithsonian Institution, of preliminary plans for an additional fireproof building, to cost not exceeding $2,500,000, for the United States National Museum, to be erected, when appropriated for, on the Mall, between Ninth and Twelfth streets west, including the expense of collecting necessary data, said plans when completed to be transmitted by the Secretary of the Smithsonian Institution to Congress at its next regular session, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "for," to strike out "eighty" and insert:

One hundred and ten thousand dollars, of which amount not more than $20,000 shall be expended for the construction of a boundary fence, including entrance gates.

So as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees; the purchase of necessary books and periodicals, the printing and publishing of operations, not exceeding 1,500 copies, and general incidental expenses not otherwise provided for, $110,000, of which amount not more than $20,000 shall be expended for the construction of a boundary fence, including entrance gates, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. ALLISON. In line 19, after the word "gates," I move to strike out the remainder of that line and all of lines 20 and 21, in the following words:

One half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 43, after line 21, to insert:

For the construction of an elephant house, with bathing pools and other accessories, including labor and materials and all necessary incidental expenses, $10,000.

Mr. ALLISON. In line 24, at the bottom of page 43, I move to change the period to a semicolon and to insert:

One half of which sums for the National Zoological Park shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Fish Commission," on page 48, line 18, after the word "dollars," to insert "foreman, $900;" and in line 18, after the word "thousand," to insert "nine hundred;" so as to make the clause read:

San Marcos (Tex.) Station: Superintendent, $1,500; foreman, $900; fish-culturist, $900; three laborers, at $540 each; in all, $4,920.

Mr. ALLISON. I move to amend the amendment, in line 16, by striking out "nine hundred" and inserting "one thousand," and to correct the total by adding to it $100; so as to make the amount $5,020.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of the appropriations for the Fish Commission, on line 7, page 54.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 29, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 28, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, April 26, 1902, was read and approved.

BUSINESS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I understand it is desirable to the Committee on Agriculture to go ahead with its bill to-day. In view of this fact, as well as the further fact that the chairman of the Committee on the District of Columbia, who introduced and reported the only important measure that that Committee would have for consideration to-day, is absent on account of sickness, I ask unanimous consent that Monday next be set aside for the consideration of District business instead of this day.

The SPEAKER. The gentleman from Maryland [Mr. MUDD], from the Committee on the District of Columbia, asks unanimous consent that one week from to-day be set apart for the business of that committee. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS, from the Committee on Naval Affairs, reported the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENS of Minnesota, for ten days, on account of important business.

To Mr. APLIN, for fifteen days, on account of important business.

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. WADSWORTH, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, with Mr. HULL in the chair.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should like to inquire how much of the three hours apportioned to the minority is left?

The CHAIRMAN. The minority has one hour and thirteen minutes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desired to yield ten minutes of that time to the gentleman from Tennessee [Mr. GAINES], and I had promised to yield fifty minutes of that time to the gentleman from Illinois [Mr. FEELY]. I do not see either of these gentlemen in the Hall of the House. I will ask the gentleman from New York [Mr. WADSWORTH] if it is possible for him to yield some of his time to some gentlemen on that side?

Mr. WADSWORTH. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CURTIS].

The CHAIRMAN. How much time?

Mr. WADSWORTH. The gentleman from Kansas can take the floor in his own right.

Mr. CURTIS. Mr. Chairman, I had not intended to take up the time of the committee on this bill, and I want to say at the outset that I shall say nothing about the bill; but so much has been said recently in criticism of a gallant Kansas officer that I feel justified in occupying the attention of this committee for a few minutes.

Mr. Chairman, if the criticisms had been limited to remarks made by General Funston, I should not say a word upon this floor, because I believe the people of this country have a right to criticise any speech by any man; but I do say that the critics have gone too far when they attack the record of that gallant officer. At the outset I desire to say that the people of Kansas are proud of the brave, the daring Gen. Fred Funston. [Applause.] I want to say further that he is criticised because he performed an act which, for daring conception and execution, capped the pyramid of honors won by our men at arms. He is also criticised by the gentlemen on the other side of this Chamber because he captured their George Washington—Aguinaldo.

What did he do in addition to capturing Aguinaldo? He took the Twentieth Kansas, a regiment which had been ridiculed and cartooned from ocean to ocean and from the Gulf to the Lakes,

and under his management and the management of its other officers the Twentieth Kansas became the best regiment that served during the war with Spain. It was the Twentieth Kansas that set the pace for the regiments of the other States in the Philippine Islands. And I want to say to the gentlemen on the other side of this House that had some of the statesmen who are criticising him to-day accomplished what General Funston accomplished they would be the Democratic candidates for President of the United States at this time. [Applause.]

Mr. HENRY C. SMITH. They would not be elected.

Mr. CURTIS. No; they would not be. It is claimed he violated the rules of honorable warfare. Who recommended his promotion for the daring act he performed? General Wheaton. Who is General Wheaton? A man who served gallantly in the war from 1861 to 1865; a man who knows more about war and the rules of war than all the politicians in this country. Who else recommended his promotion? General MacArthur, who has been in the service of the United States since 1861. Who signed his commission? The greatest beloved President we have had, the soldier-statesman, the martyred McKinley. Would these generals have recommended his promotion, would President McKinley have promoted him, had he been guilty of violating the rules of honorable warfare?

The only trouble with the gentlemen who criticise him is this: He accomplished what they and their friends were unable to accomplish. He did what they could not do. He was promoted, and justly, for this service. The people of Kansas are proud of him; and I believe if you get down to the truth 90 per cent of the people of this country are proud of General Funston and are proud of what he did for this country in the Philippine Islands.

Out in our State we are proud of the Army and the Navy. We are proud of the fact that one squadron of our Navy carried our flag of liberty, of civilization, to islands nestling in beauty but ruled by tyranny, and we say all honor to Admiral Dewey for the splendid victory he won on May 1, 1898. We are very proud of the fact that another squadron of our Navy, on the 3d day of July, 1898, sent the pride of the Spanish main to the bottom of the sea. It may have been a captains' victory, but, out in our country, the people say all honor to the man second in command, who was there doing duty, all honor to Admiral Schley. [Applause.]

Now, I have simply made these few remarks this morning that the members of this House may know, so far as Kansas is concerned, we do not indorse what the critics say of General Funston. One of his critics has said that General Funston reminded him of the slaughter Samson made, and that he had won a great battle with the jawbone of an ass. I am reminded of a story they tell of a distinguished gentleman while a member of this House. When he first came here as a member of Congress, like other members of Congress, he was invited to address a congregation in the vicinity. He was to address it on Sunday, and as he arrived a little early, they invited him to talk to the boys. He thought he would ask some questions, and one of the conundrums he put to the boys was this: "What weapon was it that Samson used when he slew the Philistines?" None of the boys could answer; so he said: "Boys, don't you know?" None answered. At last he put his hand up to his jawbone, and, rubbing it, asked: "Boys, what is this?" One bright little fellow promptly responded, "The jawbone of an ass." [Laughter and applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield forty minutes to the gentleman from Illinois.

Mr. FEELY. Mr. Chairman, I know that in the matter that I now propose to discuss I may incur the criticism and the good-natured bantering of such members as the gentleman from Michigan [Mr. HENRY C. SMITH], who last Friday criticised members on this side of the House for talking about things that are not, to his mind, of particular importance to the House. But I will say to him that if it had not been for the good-natured and discriminating charity of the members of this side of the House such members as he would in the last two or three weeks have had a very undesirable sort of "water cure" administered to them.

I desire to refer for a moment to the interpretation of the treaty of Washington made last week by the gentleman from Massachusetts [Mr. GILLETT]. I have read and reread with respect, with a desire for knowledge, and with a desire to form a judicial opinion if possible on the matters which he therein discussed. After devoting considerable time to the proposition alleged by him to have been advanced by members on this side, that it was unlawful for citizens of this country to sell arms and munitions of war for the use of a belligerent, which proposition nobody on this side has to my knowledge seriously advanced or contended for, the gentleman proceeds to say:

> To correctly interpret the treaty, it is necessary to consider its history and attendant circumstances. And I challenge any man to study the history of that rule—

Referring to rule 2, article 6, of the treaty of Washington—

> and the correspondence about it between the two Governments who framed it without being convinced that the rule applies only to supplying vessels carrying on war and not to any other sale of military supplies.

I would say to the gentleman that I have carefully examined the correspondence alluded to by him. I have gone outside of the domain of published correspondence, where I am constrained to believe he went for his data, and I am one of those who accept his challenge and contend for a different interpretation of the treaty than that which he set forth in his remarks last Wednesday.

The gentleman from Massachusetts quoted a telegram from General Schenck to the Secretary of State, Mr. Fish, dated June 9, 1871, as follows:

> LONDON, *June 9, 1871.*
>
> FISH, *Secretary of State, Washington:*
>
> It seems probable that to remove serious objection to ratification of treaty here some declaration should be made limiting interpretation of second rule, sixth article, so as not to restrict sales of arms or other military supplies in ordinary course of commerce. Will the President authorize such expression of views and purpose in bringing rules to knowledge of other maritime powers and asking assent to them? De Grey in difficulty because no understanding on this point expressed.
>
> SCHENCK.

Then the gentleman proceeds: "To this our Secretary of State cabled the following answer:"

> DEPARTMENT OF STATE, *Washington, June 10, 1871.*
>
> SCHENCK, *Minister, London:*
>
> The President understands and insists that the second rule of Article VI does not prevent the open sale of arms or other military supplies, in the ordinary course of commerce, as they were sold in this country during the late French-German war, and as they were sold to this Government in England during the rebellion, and as we understand them to have been sold also in England during the late French-German war.
>
> In bringing the rules to the knowledge of other powers, and in asking their assent, this Government will express this view, and will insist that such is the proper interpretation and meaning. It will be well that the two Governments agree upon the same terms of expression in presenting the rules to other powers.
>
> You are authorized to read this dispatch to Lords Granville and De Grey.
>
> FISH, *Secretary.*

The gentleman then proceeds to quote from the debate in the British House of Parliament, where Sir Roundell Palmer put the question direct to Mr. Gladstone, if the interpretation of the latter part of rule 2, article 6, was to be limited to a prohibition to furnish supplies to naval vessels, and then he quotes as direct an answer in the affirmative by Mr. Gladstone, plainly showing what the interpretation of that rule was on the part of the British foreign office and the whole British governmental authority.

He then states that the two Governments, through their departments of state, began negotiations as to the draft of a joint note to be submitted to the maritime powers, explaining our and their interpretation of that rule and requesting the accession thereto of those maritime powers, and he states that the following draft was prepared by the British foreign office and submitted to us for approval before sending it to other maritime powers. That note is as follows:

> As some question has been raised as to the true import of the second rule, that rule is understood by Her Majesty's Government (and, as the Government of —— will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war or intended to cruise or carry on war against another belligerent and not when military supplies or arms are exported for the use of a belligerent power from a neutral port or waters in the ordinary course of commerce. And it is in order to prevent any future misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of —— and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon the second rule, and under which they invite and desire to accept the accession of the Government of ——, as they will that of all other maritime powers.

The gentleman from Massachusetts then goes on to say:

> The United States Government agreed to all of the declaration material to the issue we are now considering, so that it stands as the interpretation of rule 2 by the two parties to it. There arose, however, some differences—all petty—as to the wording of the declaration, which occasioned a long correspondence and some friction, and meanwhile it appeared probable that the rules would not be accepted by the other great powers, so that after long and spasmodic correspondence the submission of the agreement to other powers was dropped.

There, Mr. Chairman, is the admission of the gentleman from Massachusetts—who relies on that interpretation as having been made by the British office and having been accepted by our Department of State—in that paragraph that when it came to the draft of the rule of interpretation for submission to other powers there were disagreements constantly creeping up between this Government and the British foreign office, which disagreements he brushes away with a wave of his hand, with the statement that they were all petty.

Now, Mr. Chairman, I have examined the foreign relations as published, together with the correspondence published and unpublished, respecting this proposed identic note which was proposed for submission to the maritime powers for assent by them,

and I confess that I must admire the gentleman's caution when he incorporated into the sentence which I have a few moments ago quoted the phrase "all of the declaration material to the issue we are now considering." He therefore admits that the United States Government disagreed to a part of the declaration. But he assumes to regard as immaterial a point which Hamilton Fish, who was our Secretary of State at the time of the controversy, and whose name is enrolled with the most brilliant and distinguished of American diplomatists and statesmen, regarded as material—so much so, in fact, that he was willing to suspend correspondence with the British foreign office unless his contention should be accepted. His contention was that the word "exported" should be omitted from the proposed identic note where it occurs in the gentleman's quotation, after the phrase "when military supplies or arms are" and before the phrase "for the use of a belligerent."

Now, what was the reason for the insistence by Secretary Fish upon the omission of the word "export?" Fortunately, this is not clouded by doubt or any lack of authentic information. Examining the records of the State Department, I find that Mr. Fish expressed himself in clear and positive terms on this subject, and that he was supported therein by the United States Senate, which he intimates went even further than he did in disapproving of this note of interpretation. I have here a copy of a letter which he addressed to General Schenck, our representative in London, which is recorded in the State Department as No. 44, Fish to Schenck, and which I will read as part of my remarks. It is as follows:

DEPARTMENT OF STATE, *Washington, August 11, 1871.*

SIR: * * * I inclose also the draft of a note proposed to be addressed to the maritime powers bringing to their notice the rules laid down in Article VI of the treaty.

This draft was submitted to me by Sir Edward Thornton, under instructions, as he informed me, of his Government.

In the margin are the amendments and alterations proposed on behalf of this Government.

These alterations are understood to have been all agreed to by the British Government except that they proposed the substitution of the word "either" for "another" in the sentence originally proposed in these words: "For the renewal or augmentation of military supplies or arms [to a belligerent] [a] only when [those acts are done] *such supplies or arms are* [a] for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against [another] *either* [a] belligerent," etc.

And of our proposed alteration substituting the words "the open sale of arms or other military supplies in the ordinary course of commerce" for the language used in the British draft they propose the words "sale or export" in place of the words "open sale."

To the former of these exceptions (that substituting "either" for "another") we immediately assented; to the latter (proposing to substitute "sale or export" for "open sale") we were unable to agree.

The language proposed by us is precisely that of the telegram sent to you from this Department on 10th June last, in compliance with the request of the British minister as communicated in your telegram of 9th June last.

We prefer, therefore, to adhere to that language.

The word "export" introduced in the counter suggestion of Sir Edward Thornton might imply and admit much more than either Government desires. It might be claimed to authorize the direct exportation of arms, etc., to a belligerent from the ports and in the vessels of the neutral.

While this Government holds that a neutral can not be deprived of the right of manufacturing and selling within its own jurisdiction arms and munitions of war by reason of the existence of a state of war between two other powers, it holds, as the President announced in his proclamation of 22d August, 1870 (of which a copy accompanies this), that neutral vessels can not carry such articles upon the high seas for the service of either belligerent without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

It may be a question whether the introduction of the word "export," as proposed, would not relax the sound rule of law thus laid down by the President, and might not be claimed to sanction the employment of neutral vessels in the transportation on the high seas of arms and munitions of war for the service of a belligerent.

Another reason why the words proposed by the British Government can not be admitted in a note to be addressed by this Government to the maritime powers in construction of the latter part of the second of the rules is that a proposition thus to construe that part of the second rule is understood to have been made in the Senate pending the debate on the treaty and not to have met the approval of that body.

Of course I can not speak with certainty of what occurred in the confidential discussion of the Senate, but rumor seems to be sufficiently positive in this particular to indicate the impropriety and the inexpediency of this Department adopting the language which the Senate refused as a construction or explanation of any part of the treaty.

It is desirable that the two Governments submit the rules to the maritime powers in the same spirit and with the same interpretation.

As the negotiations on this point were introduced here by Sir Edward Thornton, we shall endeavor to reach a conclusion with Mr. Pakenham, in the absence of Sir Edward Thornton, and this explanation is given for your information, and that, if practicable, in informal and unofficial conversation you may be able to maintain the position of this Government on the interpretations of the claim in question and assist in inducing the British Government to accept the language of the telegram of June 10.

I am, etc., HAMILTON FISH.

Here, Mr. Chairman, is the cap of the climax:

Another reason why the words proposed by the British Government can not be admitted in a note to be addressed by this Government to the maritime powers in construction of the latter part of the rule—

Mark you—

is that it is understood to have been considered by the Senate, pending the debate on the treaty, and not to have received the approval of that body. Of course I can not speak with certainty of what occurred in the confidential discussion of the Senate, but the rumor seems to me to be sufficiently positive in this particular to indicate the impropriety and inexpediency of this Department adopting the language which the Senate refused as a construction or explanation of any part of the treaty. It is desirable that the two Governments submit the rule to the maritime powers in the same spirit and same interpretation.

[a] Words in brackets to be omitted, and those in *italics* to be inserted.

Mr. Chairman, in all the long correspondence which ensued respecting this subject, extending over seven years, before the matter was dropped, Mr. Fish never once relaxed his contention as to this matter, and this fact resulted in a failure of the proposition to submit identic notes by the two Governments to the maritime powers. It was plain to all the maritime powers would not accede to the interpretation.

As evidence that our Government took a firm stand on this question and regarded the declarations of the treaty as nugatory, as far as international law was concerned, without accession thereto by the maritime powers, I quote the following letter of Mr. Fish to Sir Edward Thornton:

DEPARTMENT OF STATE,
Washington, May 8, 1876.

SIR: * * * There remains, however, another provision of the treaty as yet entirely unperformed. By the sixth article, three rules were agreed upon as binding on a neutral government and applicable to the questions submitted to the arbitrators at Geneva, and in addition the two Governments agreed to observe these rules as between themselves in future, as well as to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

Although the agreement of the high contracting parties to observe these rules as between themselves, and to bring them to the knowledge of the other maritime powers, and to invite them to accede to them is contained in one paragraph, these obligations unitedly forming parts of a single engagement, absolute in its character and coming into operation immediately, no effective steps have been taken in that direction. Whatever delay has necessarily occurred as to other articles there appears to be no reason for delay in reference to that portion of Article VI to which I have referred.

In informing you, therefore, of the readiness of the Government of the United States to proceed with the nomination of a third commissioner, I have to request that you will inform your Government that the United States desires that the requisite steps be taken at the same time, that the three rules laid down in Article VI of the treaty of Washington may be brought to the knowledge of the other maritime powers, and that the invitation provided for may be extended to them to accede thereto. In so doing the two Governments will be enabled at the same time to dispose of the two questions under the treaty of Washington which are still outstanding.

I have the honor, etc.,

HAMILTON FISH.

Now, Mr. Chairman, nobody on this side of the House desires any radicalism in the treatment of this question. So far as I know there is no sentiment of hereditary enmity or ancient opposition connected with the discussion of this question. Those who are believed to have given some credence to the reports of the alleged violation of the neutrality laws in Louisiana and the contributions thereto by other parts of this country only desire that the light be thrown on this question—only desire to interpret the laws of this land in a judicial manner—in a manner that will stand the search light of the legal luminaries of the world. We desire to put no interpretation on that treaty that is not warranted by an intelligent reading of the English language and a clear understanding of the duties of neutrals under the law of nations. And we submit to you that whatever secret correspondence was had with respect to an interpretation of this rule between the two Governments, laying aside the reported refusal of the other governments to accede thereto, there was not even enough of assent between the two Governments to give any such interpretation of the rule as the gentleman from Massachusetts contended for.

He himself admits that the rule needs interpretation if his view is to be sustained. If it does not actually mean that the ports and waters of this Government can not be used for the augmentation of military supplies for any belligerent power, he knew that to successfully contend for his interpretation of the rule it was necessary to go off the face of the treaty. If there was ambiguity there he considered that ambiguity to be latent; and I believe he went out of the domain of published correspondence. I believe he went into the secret archives of the Government, or of that part, anyhow, which has not been published, for his information; and everyone has the right to go there to find the interpretation of the officials of the Government at that time.

When we go there what do we find? We find that the British foreign office placed a restricted interpretation on the second rule of the sixth article of that treaty. We find that the Secretary of State of the United States was willing to limit to a certain extent the interpretation of that rule, but not to the extent the British foreign office desired; but we find that in the American system of statesmanship the Secretary of State desired to be governed in his deliberations on matters of this kind by a reference to the Senate of the United States. And we find that after referring to the Senate the language of that proposed note to the maritime powers, the Senate refused to place upon it the interpretation which the British foreign office desired.

That, Mr. Chairman, disposes of the petty (?) differences suggested by the gentleman from Massachusetts. Pray, what would be considered important if these are petty? If there was any

doubt as to the real meaning of that treaty—if it was necessary to dig down underneath and examine the records of the State Department for a clear insight into what was meant in the treaty—it is plain there was no agreement to limit the meaning of the words of the treaty of Washington.

Mr. GILLETT of Massachusetts. Will the gentleman allow me a question?

Mr. FEELY. In a moment. The last part of rule 2 contains these words:

To suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, for the purpose of renewal or augmentation of military supplies or arms or for the recruitment of men.

That question is as open to-day, so far as any light has been thrown on it in the discussion in this House, as it ever was. And the prohibition can not be said to be limited wholly to naval operations.

I now yield to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. I have just come into the Hall of the House and consequently have heard but a small part of the gentleman's remarks. I want to ask him whether he does not admit that the interpretation of a treaty between two powers is decided absolutely if the two powers afterwards agree as to what it meant?

Mr. FEELY. Not when the rights of other powers are involved. And I submit to the gentleman that no two of the great powers can enter into any treaty which would foreclose or limit the right, such as neutrality, of other nations without the assent of other nations thereto. If the gentleman from Massachusetts has any other doctrine of international law to submit I would be glad if he would exhibit it now.

Mr. GILLETT of Massachusetts. I quite agree with the gentleman on that point. What I mean to ask is whether two nations joining in a treaty can not be limited by their own agreement as to the meaning of that treaty as between themselves.

Mr. FEELY. I submit that no nation or no two nations have a monopoly in the matter of declaring what the rights of neutrals are; and no two countries can decide what those rights are and set up their interpretation as against the right of other powers, and furthermore the facts do not disclose any such agreement between Great Britain and the United States.

Now, Mr. Chairman, every time anyone submits here any remarks of sympathy for the struggling burghers in the South African Republic, somebody sneers, somebody laughs, somebody wants to proceed to the regular order of business or to talk about a post-office somewhere, or good roads somewhere else. I am not going into any extended oration declaring my sympathy for the struggling burghers in South Africa to-day. The time for the raising of a voice of sympathy for them has passed in this House and in the Senate of the United States. In the early days of the war there were here (as Daniel Webster was here at the time of the struggles of the Greeks with the Turks) men who raised their voices for liberty, who raised their voices for the upholding of republican forms of government, and for the existence of republican systems everywhere.

Resolutions of sympathy were drafted. The same words that Henry Clay used when here were sent to the Committee on Foreign Affairs of this House, and to the Committee on Foreign Relations of the Senate, but we were too busy at that time civilizing and "benevolently assimilating" to pay any attention to the struggling burghers in South Africa, or any people on earth struggling for liberty and for democratic forms of government. I say that the time has passed for sympathy. Webster raised his voice for the struggling Greek, and Clay raised his voice for them also, and they did not fear then that the simple expression of sympathy would involve them in a trouble with foreign powers. On the 20th of January, 1824, Clay said, in speaking to a resolution in the House expressing sympathy for the struggling Greeks:

Has there, then, been no pillow reflections on such a subject? Is it now that we are for the first time to sleep upon it? The proposition is before us. It asks us to speak a cheering word to the Greeks. Gentlemen have to say yes or no. That monosyllable was all that was asked of them. Let them say distinctly whether they would give so much encouragement as this to a nation of oppressed and struggling patriots in arms, or whether they would shut themselves up in a cold, shivering, contracted, but mistaken policy, which must in the end react upon ourselves. If in a proposition so simple, so plain, so harmless, so free from all real danger as this we were to shut our hearts from the influence of every generous every manly feeling let gentlemen say so at once.

What says Daniel Webster at such a time as this? On January 19, 1824, in the House of Representatives, Mr. Webster said, speaking on his resolution to make provision for defraying the expenses of an agent or commissioner to Greece:

The attitude of the United States, meanwhile, is solemn and impressive. Ours is now the great Republic of the earth; its free institutions are matured by the experiment of a half a century. Yes, as a free Government it goes farther back—the benefits of a free Constitution have virtually been enjoyed here for two centuries. As a free Government, as the freest Government, its growth and strength compel it, willing or unwilling, to stand forth to the contemplation of the world. We can not obscure ourselves if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world. Now, it will not be denied that within the last ten years there has been agitated in the world a question of vast moment, a question pregnant with consequences favorable or unfavorable to the prevalence—nay, to the very existence—of civil liberty. It is a question which comes home to us. It calls on us for the expression of our opinion of the great question now before us.

Even as late as March 24 the following resolution was introduced by the gentleman from Texas [Mr. RANDELL], and every member on this side is ready to vote for it if opportunity is offered:

Joint resolution (H. J. Res. 170) expressing sympathy for the two South African Republics and urging cessation of hostilities.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States hereby expresses the sympathy of the people of the United States for the people of the South African Republic and the Orange Free State in their heroic struggle to maintain their liberty and independence.

SEC. 2. That the Congress appeals to the British Government in the interest of humanity to accept overtures for peace, cease hostilities, and endeavor to bring about a just and honorable settlement of existing differences between the British Government and the two South African Republics, to the end that peace may be established.

SEC. 3. That the United States should, and will, fairly and honorably maintain a position of strict neutrality in this contest between nations friendly to us, and that the Administration should see to it that the neutrality laws are rigorously and impartially enforced.

But we were too interested in other concerns; we were too interested in administering the water cure of civilization to people of other climes to pay any attention to the question of republican forms of governments on earth, and so nothing was said. Gentlemen, the time has passed when the people of South Africa desire any sympathy from us.

ENFORCEMENT OF NEUTRALITY ALL THAT IS DESIRED.

All they desire of us, and all the people of this country in whose veins run blood in which courses the warmth of the love of liberty, ask of the House and of the Senate and of the Government at this time is that our arms, like the arms of justice, shall be always uplifted in token that neutrality shall be preserved in all its spirit and in all its letter. I am not personally acquainted with the conditions existing in Louisiana. I have only to take what you take, the report from the newspapers and from officials who have investigated there. But I believe there exists a base of supplies for the British Government, which ought to be investigated and which, I understand, has been officially investigated, although the report of the investigation has not as yet been submitted to us.

I hope that that submission will be made to us, that we shall see whether we have been as a nation derelict in our duty under the international code, whether we have allowed any great nation, no matter whether she claims to be our cousin, no matter whether she claims to be the mother of all our civilization, of all that we have to be thankful for in this country, whether we have allowed to have extended from this country and this people help for a great nation on one side, as against no help, not even sympathy, for a weak little nation on the other side. The South African republics, whether successful or unsuccessful, will take their places in history, and historians will allot to them, whether we do or not, the place of a nation that was brave and true to its ideals; that took up a sword in a holy and a just war; that contended against the right of another nation claiming a sort of domain over them, or suzerainty over them, to enter into their internal affairs for the simple reason that the material welfare of gentlemen inerested in a mining company was at stake.

No one, I say, can read the history as written by the English themselves of the inception of this war without feeling a sympathy for the Boers on account of the manner in which they were dragged into this war, and no one can read the history of that war without being convinced of the brutality and ferocity with which it was carried on by those whose desire it was to exploit the gold mines of South Africa. No one can read the history of how those poor people, driven from one place to another, hunting for pasturage for their cattle, settled down in peace and in quiet after the cam paign of 1881 and the convention of 1884 in the belief that hereafter they would be undisturbed in working out their own salvation and in governing themselves, then happening to find themselves the center of a great mining horde coming in upon them, to upset their institutions and to drive them from their own fastnesses, first, by the power of the bullet, which failed, and second, by the power of the ballot, which until to-day has failed, has absolutely failed—no one can read that history without feeling in his heart a sympathy for these unfortunate people.

Gentlemen, I desire not to bring anything into the record here of a sensational character, for gallery-playing statesmanship has no part in the category of my ideals, but I look upon this plainly as any American citizen looks upon it, with a desire to see that justice is done and that our Government keeps its position in the

honorable place where it ever has been kept. In answer to the remarks of some who deem this a subject irrelevant I desire to quote the language of the Hon. James Brice himself as to the cause of this war.

It being admitted that the war was an unjust one, that the attitude of the British Government in attempting to stamp out and eradicate this Republic is an unjust attitude, then I say, that fact being admitted, any man who holds a commission from any constituency in this country has a right to raise his voice in so far as it can be effective in setting forth the position that he believes that our country ought to occupy when a kingdom is waging an unjust war against a republic. If we say in private that republican forms of government are the best and that we desire to see them succeed, who can accuse us of an unfriendly act if we say that in public, and if the Government says it?

Says the Hon. James Bryce, M. P., whose impartiality is everywhere admitted:

Under the convention of 1884, which fixed the relations of Britain and the South African Republic, the latter had the most complete control of its internal affairs, and Britain possessed no more general right of interfering with those affairs than with the affairs of Belgium or Portugal. The suzerainty which has been claimed for her, if it existed (for its existence under the convention of 1884 is disputed), related solely to the power of making treaties, and did not touch any domestic matter. When, therefore, the British Government was appealed to by the Uitlander-British subjects who lived in the Transvaal to secure a redress of their grievances, her title to address the Boer Government and demand redress depended primarily upon the terms of the convention of 1884, any violation of which she was entitled to complain of; and, secondly, upon the general right which every State possesses to interpose on behalf of its subjects when they are being ill treated in any foreign country. Under these circumstances it might have been expected that the questions which would have arisen before Britain went to war for the sake of her subjects living in the Transvaal would be these two:

First. Were the grievances of her subjects so serious, was the behavior of the Transvaal Government, when asked for redress, so defiant or so evasive as to contribute a proper casus belli?

Secondly. Assuming that the grievances (which were real, but in my opinion not so serious as has been frequently alleged) and the behavior of the Transvaal did amount to a casus belli, was it wise for Britain, considering the state of feeling in South Africa, and the mischief to be expected from causing permanent disaffection among the Dutch population; and considering also the high probability that the existing system of government in the Transvaal would soon, through the action of natural causes, break down and disappear—was it wise for her to declare and prosecute war at this particular moment?

Strange to say, neither of these two questions ever in fact arose. That which caused the war was the discussion of another matter altogether, which was admittedly not a grievance for the redress of which Britain had any right to interfere, and which, therefore, could not possibly amount to a casus belli. This matter was the length of time which should elapse before the new immigrants into the Transvaal could be admitted to citizenship, a matter which was entirely within the discretion of the Transvaal legislature.

Then he goes on to state the commencement of negotiations, the raising of extra troops by the British Government, and the commencement of hostilities by the Boers.

Now, Mr. Chairman, it is not to criticise this Government; it is, in the first instance, to set forth my views as to the clear and proper interpretation of the treaty of Washington here, and to call attention to my belief that if Port Chalmette is being used as a base of supplies for the furnishing of munitions of war to the British in South Africa some attention ought to be paid to that matter and these operations should be stopped, and the power of this Government be brought to bear in compelling a cessation of them.

Sentiment in this country doubtless is in favor of the struggling Republics of South Africa. Nobody, Mr. Chairman, desires to take advantage of that sentiment for political reasons. Nobody desires to drag into the discussions of this House questions immaterial to ourselves as an American Republic; but we do believe that wherever there are respectable allegations of a violation of neutrality those respectable allegations should be examined into and there should be no further violation of neutrality permitted by our Government. Let us hope that the Republics of South Africa will carry on their own war; that they will succeed, if you please, if it is not high treason to express a wish that they succeed; and if they do not succeed, that while they are endeavoring to succeed the United States Government shall extend no aid to Great Britain in endeavoring to stamp them out and to erase from the map of the earth one more republic. Let us take this question, if the gentleman from Massachusetts [Mr. GILLETT] desires, out of politics. No one desires to criticise any Administration that does its duty. No one will. All anyone wants is fairness and the enforcement of the neutrality laws. [Applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, when I came into the hall a few minutes ago the gentleman from Illinois was criticising some remarks I made the other day on the duty of the United States as a neutral in the present Boer war. I regret that I did not hear the first part of the gentleman's remarks. But I wish to point out one or two erroneous statements which I did hear. The gentleman stated that I quoted, in order to maintain that we were doing our duty and to maintain our interpretation of the treaty, from secret archives of the State Department. What I quoted is in a published Senate document, No. 1, volume 1, of the third session of the Forty-fifth Congress, and a message from the President of the United States. I gave the citation in my printed remarks. So that when the gentleman states I quoted from secret correspondence he was certainly erroneous.

Mr. FEELY. Will the gentleman kindly point out the citation?

Mr. GILLETT of Massachusetts. I will, if the gentleman will send me the copy of the RECORD, or if he will read my remarks he will see himself. It is on page 4836, the third paragraph from the bottom. I confess it strikes me as a little strange that the gentleman should criticise remarks I made when, apparently, he has not even read them, because the citation is clearly given.

Mr. FEELY. Will the gentleman kindly read the page?

Mr. GILLETT of Massachusetts. Four thousand eight hundred and thirty-six, about ten lines from the bottom of the page, in the first column. Now, that citation——

Mr. FEELY. I will say to the gentleman that the citation made was not important and was not regarded as important in this discussion. The citation to which I referred was the letter of Hamilton Fish, which I pointed out as being an important document. I would say to the gentleman, further, that if I did ascribe to him the fact of his having gone to the secret archives of the Government, I will state to him that he was compelled to do so or he would not have found citations which he quoted. And I certainly do not intend to question in any way his right to go there as an individual, the same as anyone else would have done.

Mr. GILLETT of Massachusetts. I did not go to any secret archives, and have not been near the State Department in investigating this subject. I want to say to the gentleman that if he had taken the pains to look up my citation he would have found this whole correspondence, and I cited nothing that was not therein contained.

Mr. FEELY. That does not contain the letter of Hamilton Fish that I had read.

Mr. GILLETT of Massachusetts. That is contained in Wharton's Digest of International Law.

Mr. FEELY. This letter which I read in connection with my remarks?

Mr. GILLETT of Massachusetts. I do not know what letter you read.

Mr. FEELY. I am informed by the officials of the State Department that it was never published. Part of the letter was published as Document 215, Foreign Relations, but the part of the letter which bears on this question was not published, but was expressly omitted.

Mr. GILLETT of Massachusetts. I did not cite anything that was never published, and the letter from Mr. Fish which I cited was published in Wharton's Digest. I do not think it is consistent in the gentleman to criticise me for citing from the secret archives when it appears that the gentleman has been doing that himself. I did not quote anything not printed in an official document or in the Digest of International Law.

Mr. FEELY. I did not mean that in any sense of criticism, but I was looking up especially that matter, upon which we may possibly learn much more later on.

Mr. GILLETT of Massachusetts. I do not criticise the gentleman for looking up the secret archives, and if he did not mean to criticise me I am contented; but he cited it as a fact, and what he cites as a fact was an error. If the gentleman in reading my remarks had looked up the citation I gave, he would have discovered everything which I referred to. Now, Mr. Chairman, the gentleman contends that our right as a neutral was not defined by the interpretation which the two Governments agreed to of rule 2 of the treaty of Washington. There again I think the gentleman is quite wrong in his view of international law. The United States and Great Britain agreed upon the meaning of this rule 2, which says that neutrals shall not allow belligerents to augment supplies or use their ports as naval bases.

That was in the treaty of Washington, between the United States and Great Britain. Consequently the only nations that were bound by that statement were the United States and Great Britain. No other nation in the world was bound by it. We said that for the purpose of the Alabama claims we will recognize that rule, and we will also call the attention of other European nations to it; will put an interpretation on it and try to get them to ultimately adopt the same rule for the future.

Mr. FEELY. I would like to ask the gentleman from Massachusetts this: He has stated other nations are not bound by the interpretations which we and the English Government placed upon that rule. Admitting that we did, for the sake of argument, are other nations limited to that construction?

Mr. GILLETT of Massachusetts. Why, of course they are not limited at all by that rule. It is not a rule of international law; it is a rule of the treaty between the United States and Great Britain.

Mr. FEELY. But then, Mr. Chairman, the interpretation placed upon that rule by the British Government can not be considered a part of international law.

Mr. GILLETT of Massachusetts. Certainly not, Mr. Chairman. The interpretation put upon it by Great Britain and the United States only interpreted that rule of the treaty and made that rule between those two nations a part of the law, and that only. I say that nobody can contend here that the rule can have a different meaning, inasmuch as the United States and Great Britain, the only two parties to the treaty, afterwards stated exactly what they meant by it, both nations taking pains to say that they did not mean that it should be interpreted in the way in which the gentleman is now contending that it should be and gentlemen on that side have before contended, but these two nations have explicitly stated what was the meaning of the rule, and they went on to reduce to writing their understanding, in order when it came to the consideration of other nations their meaning should be clear.

Any other nation can accept that rule or not. Up to date no nation has been willing to accept it, and therefore it is simply a rule between the United States and Great Britain. Those two powers have interpreted the treaty, and it only means what they have interpreted it to mean.

Mr. FEELY. I would like to ask the gentleman how far a power like Germany would be bound by that interpretation?

Mr. GILLETT of Massachusetts. Not at all; Germany does not recognize the rule.

Mr. FEELY. How can the gentleman rely upon that interpretation as a part of the international law when he says that no other government would be bound or limited by it?

Mr. GILLETT of Massachusetts. The gentleman from Illinois either does not or will not understand me. I stated explicitly that I did not claim it was a part of the international law; it is simply a treaty between the United States and Great Britain. These two powers have made a treaty, and have interpreted it, and have put in writing what they mean by it. When Great Britain adopted it and asked us what we meant by it, and we stated that we meant what we now claim, and she agreed to that meaning, after that neither of these powers can claim anything else. If any other nation should adopt it, they can interpret it as they please.

Mr. FOSTER of Illinois. Mr. Chairman, will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. GILLETT of Massachusetts. Certainly.

Mr. FOSTER of Illinois. I would like to ask the gentleman if this war was between Germany and England instead of between England and the South African Republic, and this country was allowing its ports to be used as a source of military supplies, supplying horses and mules to Germany, would the gentleman then put the interpretation on the treaty that he now does?

Mr. GILLETT of Massachusetts. Of course I would; certainly I would. That is the only interpretation that either the United States or England ever have a right to put on this treaty, the interpretation that we put upon it at the time, and which both nations have said that it meant. After that we are both bound by it and can not put any other interpretation upon it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I now yield two minutes to the gentleman from Illinois [Mr. FEELY].

Mr. FEELY. Mr. Chairman, I desire to state that the gentleman from Massachusetts relies on an interpretation of the rule of the treaty of Washington that is only a declaration of what national neutrality is.

Mr. GILLETT of Massachusetts. That is where the gentleman is mistaken.

Mr. FEELY. One moment; if I am mistaken the gentleman from Massachusetts will have time to criticise my remarks. We are discussing the laws of neutrality, and he relies upon the declaration of the law of neutrality insisted upon by Great Britain, refused to be acceded to by the United States Senate and by the Secretary of State, and one which he admits that the maritime powers of the world would scoff at and pay no attention to.

Mr. WILLIAMS of Mississippi. I will now yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, the House river and harbor bill appropriated $175,000 for the completion of lock and dam at Harpeth Shoals, known as Lock A, and $5,000 for maintenance. Harpeth Shoals is officially known as Lock A, and is the beginning of what is known as the "Lower Cumberland" improvement. The work on this part of the river is to erect locks and dams, five in number, from A to G, both inclusive.

The "Upper Cumberland" begins at Lock No. 1. This lock is located 2 miles below Nashville. The House river and harbor bill carried $105,000 to complete the lock and dam at Lock No. 1.

The Senate has amended this provision by striking out the words "for the completion of Lock and Dam No. 1 and for maintenance, $105,000," and substituted the words "continuing improvement and for maintenance, $205,000," which amount is for "improving Cumberland River, Tennessee, above Nashville," as the bill states: that is, for improving the Upper Cumberland, which begins at Lock 1.

It will be observed the Senate has added $95,000 to the House bill for the "Upper Cumberland."

It is my purpose now to show why Congress should appropriate money to continue the work on both the Lower and Upper Cumberland at the same time. I must be brief, as my time is short, and state tersely the salient facts. The Senate report accompanying the bill as it stands amended in the Senate, at page 343, states:

> The masonry of lock walls and abutment Nos. 1, 5, 6, and 7 is completed; Lock No. 2 will require no dam abutment, and the dam abutment of Locks 3 and 4 are still to be provided.
>
> With the completion of the operation now in progress at Locks 1 and 5, the work remaining to be done in order that the seven locks (1 to 7, inclusive) may be made operative is estimated to cost $398,740.15.

As the bill left the House work is being done on both the Upper and Lower Cumberland, while, as stated, the Senate, seeing the importance of at least continuing the work on Locks 2 to 7, inclusive, has added $95,000 to the Upper Cumberland appropriation.

Congress has already spent nearly a million and a half dollars on the Upper Cumberland and the work done is doing no one any good. It is a dead investment as it stands, a loss to the people and the Government.

The official report last issued by the War Department, part 3, states that from January 1 to December 31, 1900, in the Upper Cumberland the total tonnage was 289,218 and that, "as far as ascertainable," the "estimated value" of this tonnage was $8,395,055; passengers carried, 17,906; vessels plying thereon, 31. During the fiscal year 1896 there were only 48,393 on the Upper Cumberland; 1897, 82,675; 1898, 89,776, and that in 1899 it rose to 294,763 tons for the calendar year, and in 1900 (calendar year), 289,218.

The total tonnage by this same report for the lower Cumberland from January 1, 1900, to December 31, 1900, was 407,088; estimated value, $1,140,616; passengers carried, 11,000. For the entire river, then, we have for the year 1900 a total tonnage of 696,306 tons, with an estimated value of $13,535,671. This tonnage and its value I am satisfied are incomplete and give less than the total value of this tonnage.

We see the official report states that the value of the upper Cumberland tonnage, "as far as ascertainable," is $8,395,055. In other words, the tonnage and its value of the Cumberland has not been fully ascertained, and I may add the possibilities of this river as a commercial stream are incalculable, and will be, so rich is the country this river taps, until possibly these locks and dams as planned are completed.

These figures show that this river "is worthy of the attention and fostering care of the Government," and that the Cumberland is not an "insignificant" stream.

The gentleman from Ohio [Mr. BURTON], in his speech on the river and harbor bill, found at page 3091 of the RECORD, recently said:

> I think it will be conceded by all that when a waterway has attained a tonnage of over 100,000 tons per annum it is worthy of the attention and fostering care of the Government.

The tonnage, I have shown, aggregates 696,306, exclusive of 98,906 passengers, and I am satisfied if the true tonnage was known the tonnage alone would amount to more than that given in this war report. So, on the question of tonnage, this river deserves "the attention and fostering care of the Government."

Again. I read the language of the gentleman from Ohio [Mr. BURTON], as follows:

> I think it will be again conceded that when the value of commerce on a waterway exceeds $1,000,000 per annum it is taken out of the category of streams which are insignificant.

I have shown that the estimated value of the tonnage on this river is $13,535,671. So that by this official data and the words of the gentleman from Ohio [Mr. BURTON] the Cumberland River can not be placed in the list of "insignificant waterways."

So much in making, from indisputable data, the Cumberland River "a stream worthy of the fostering care of the Government."

If Congress would complete the locks and dams on the Upper Cumberland, where practically only the dams are needed, except as stated, the work could be done in a year or two, great benefit would be derived by the people of Tennessee, Kentucky, Ohio, and Mississippi valleys.

At the same time Congress should appropriate money to continue the work on the Lower Cumberland. This plan the friends of the Cumberland all insist upon, and I am glad to see the Senate has determined to go up and down this river at the same time in improving and has taken a step further than the House in going farther up the river by appropriating $95,000 additional over and above the House appropriation.

The policy of the House committee seems to have been, and to be, to complete the first lock on the Upper Cumberland, No. 1, and then go on down the river, completing the work lock by lock, A to G, which would take many years the slow way the work has been done by reason of small appropriations.

The work on the Upper Cumberland to Lock 7 could be completed in about two years if money was appropriated for that purpose.

The hidden wealth of the country drained by the Upper Cumberland has never been utilized and will not be until river access to the Cumberland is given by improving it with these locks and dams. Almost mountains of coal, unbroken forests, and immense cornfields in this section are now rendered practically valueless as to the outside world for want of this river improvement. Nashville alone buys millions of agricultural products from Ohio, Indiana, Illinois, and Missouri, when the Cumberland River is navigable, or the rainy season, while there is more or less of such traffic throughout the year in its present condition and low water. The farms of Davidson County are known all over the world for raising the finest of horses and blooded stock, while Montgomery, Robertson, Cheatham, Stewart, Houston, and Dickson counties in Tennessee and many in Kentucky grow millions and millions of tobacco for direct foreign trade.

Why, Mr. Chairman, as a matter of fact, "Nashville is the fourth city in the Union in grinding what is known as winter wheat, the capital so invested ten years ago amounting to $5,931,137, and the value of the product, 20,797,279 tons"—more, sir, than every other Southern State, including West Virginia, Kentucky, Maryland, including also Oklahoma, New Mexico, and the Indian Territory.

But, Mr. Chairman, it is not my purpose to enter into a comparison of the city of Nashville or the State of Tennessee with sister cities or States. I simply wish to show the great importance of improving this river that starts in the mountains of Kentucky and sweeps through the blue-grass region of Tennessee to its mouth in western Kentucky.

I may add that the mouth of the river has been improved by the Government since Congress has undertaken to improve the Cumberland River.

But let me now bring forward some additional official data which will surprise those who are not conversant with the facts, as they were indeed a surprise to me. I have taken the pains for weeks and weeks, if not months, to search for these statistics. The Cumberland River Improvement Association, composed of patriotic and intelligent Tennesseeans, were asked to furnish this data by the chairman of the River and Harbor Committee. But the figures which I now have cover more territory than those the association submitted to the committee some weeks ago. I have here the population, and true and assessed valuation of all property, of 65 counties in Kentucky and Tennessee, located in what is well termed the Cumberland River Valley and drained by the Cumberland River.

The total population for these 65 counties was, in 1900, 1,149,586; in 1890, 991,900.

The true value of the real estate and improvements in these counties in 1890 was $241,712,846, while the assessed value of the same in 1890 was $144,048,041.

The assessed value of the personalty in 1890 was $62,990,593, while the total assessed valuation of this real and personal property in 1890 was $207,038,634.

This was the true and assessed valuation of this property ten years ago. Of course the value now is much greater. I regret not having these values for the year 1900.

Now, Mr. Chairman, I desire at this point to ask unanimous consent to insert this table in my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print the table to which he refers as part of his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I have had five minutes more yielded to me. Certainly I have not occupied ten minutes.

The CHAIRMAN. The gentleman has occupied eleven minutes.

Mr. GAINES of Tennessee. I had five minutes additional yielded to me by the gentleman from New York [Mr. WADSWORTH].

The CHAIRMAN. Then the gentleman from Tennessee has four minutes left.

The table referred to by Mr. GAINES of Tennessee is as follows:

Population and valuation of real and personal property in counties adjoining counties bordering on or crossed by the Cumberland.

[From the Eleventh and Twelfth Censuses of the United States.]

County.	Population.		True valuation of real estate and improvements in 1890.	Assessed valuation of real estate and improvements in 1890.	Assessed valuation of personal property in 1890.	Total assessed valuation of real and personal property in 1890.
	1900.	1890.				
Letcher, Ky	9,172	6,920	$1,035,000	$570,145	$246,715	$816,860
Perry, Ky	8,276	6,331	1,228,931	889,652	189,353	1,079,005
Leslie, Ky	6,753	3,964	641,040	439,628	177,590	617,218
Clay, Ky	15,364	12,447	1,820,452	939,342	438,813	1,378,155
Jackson, Ky	10,561	8,261	619,000	523,255	261,949	785,204
Rockcastle, Ky	12,416	9,841	928,700	588,627	504,719	1,093,346
Lincoln, Ky	17,059	15,962	7,190,000	3,685,772	2,200,137	5,885,909
Casey, Ky	15,144	11,848	1,591,000	1,037,448	554,672	1,622,120
Adair, Ky	14,888	13,721	1,762,729	1,037,337	665,922	1,703,259
Metcalf, Ky	9,988	9,871	1,211,856	792,830	467,165	1,259,995
Barren, Ky	23,197	21,490	3,716,257	2,332,695	1,441,202	3,773,897
Allen, Ky	14,657	13,692	1,724,726	980,709	585,245	1,565,954
Claiborne, Tenn	20,696	15,103	3,150,000	1,386,950	256,249	1,643,199
Campbell, Tenn	17,317	13,486	2,065,000	1,324,030	519,968	1,854,058
Scott, Tenn	11,077	9,794	1,033,000	762,905	776,171	1,539,076
Pickett, Tenn	5,366	4,736	579,362	282,681	9,322	292,003
Overton, Tenn	13,353	12,039	1,344,162	665,081	48,484	713,565
Putnam, Tenn	16,890	13,683	1,696,600	1,102,400	126,720	1,229,120
Dekalb, Tenn	16,460	15,650	2,164,260	1,382,840	125,650	1,508,490
Cannon, Tenn	12,121	12,197	2,272,598	1,107,799	106,444	1,214,243
Rutherford, Tenn	33,543	35,097	8,270,780	5,376,520	1,762,317	7,138,837
Williamson, Tenn	26,420	26,321	7,330,145	4,657,430	1,141,729	5,799,159
Hickman, Tenn	16,367	14,493	3,040,607	2,032,725	372,300	2,405,025
Humphreys, Tenn	13,338	11,720	2,285,285	1,384,480	548,584	1,933,064
Houston, Tenn	6,476	5,390	748,765	532,661	351,406	884,067
Benton, Tenn	11,888	11,230	1,533,242	930,695	422,678	1,413,373
Henry, Tenn	24,208	21,070	3,392,587	2,484,440	766,960	3,251,400
Calloway, Ky	17,633	14,675	1,950,997	1,515,998	1,020,237	2,536,235
Marshall, Ky	13,692	11,287	1,423,656	1,038,772	763,173	1,801,945
McCracken, Ky	28,733	21,051	11,600,000	5,529,888	1,906,003	7,435,891
Caldwell, Ky	14,510	13,186	2,569,947	1,587,203	1,020,216	2,607,419
Christian, Ky	37,962	34,118	10,168,000	5,534,212	2,206,791	7,741,003
Todd, Ky	17,371	16,814	4,699,757	2,214,222	1,189,317	3,403,539
Robertson, Tenn	25,029	20,078	4,817,903	2,675,645	871,106	3,546,751
Macon, Tenn	12,881	10,878	1,191,406	909,125	60,000	969,125
Union, Ky	21,326	18,229	8,190,645	4,281,033	1,228,223	5,509,256
Webster, Ky	20,097	17,196	5,110,000	1,609,685	1,082,009	2,691,694
Simpson, Ky	11,624	10,878	3,681,896	1,766,250	1,167,844	2,934,094
Total	623,922	544,753	119,780,291	68,053,080	27,583,473	95,636,553

Population and valuation of real and personal property in counties bordering on or crossed by the Cumberland River.

[From the Eleventh and Twelfth Censuses of the United States.]

County.	Population.		True valuation of real estate and improvements in 1890.	Assessed valuation of real estate and improvements in 1890.	Assessed valuation of personal property in 1890.	Total assessed valuation of real and personal property in 1890.
	1900.	1890.				
Harlan, Ky	9,838	6,197	$1,987,851	$1,342,496	$248,732	$1,591,228
Bell, Ky	15,701	10,312	6,163,500	2,306,709	574,721	2,881,430
Knox, Ky	17,372	13,762	2,100,000	1,168,611	733,850	1,902,461
Whitley, Ky	25,015	17,590	1,910,727	1,581,342	1,677,208	3,258,550
Laurel, Ky	17,592	13,747	1,525,981	959,213	999,461	1,958,674
Pulaski, Ky	31,293	25,731	3,109,000	2,153,777	2,322,456	4,476,233
Wayne, Ky	14,892	12,852	1,753,618	1,163,599	550,672	1,714,271
Russell, Ky	9,695	8,136	968,000	619,657	381,388	1,001,045
Clinton, Ky	7,871	7,047	886,995	534,688	297,025	831,713
Cumberland, Ky	8,962	8,452	1,734,500	800,734	471,766	1,272,500
Monroe, Ky	13,053	10,989	1,335,800	846,480	480,410	1,326,890
Clay, Tenn	8,421	7,260	1,090,819	717,213	84,589	801,802
Jackson, Tenn	15,039	13,325	1,508,862	982,575	60,350	1,042,925
Smith, Tenn	19,026	18,404	3,619,000	2,624,241	651,163	3,275,404
Trousdale, Tenn	6,004	5,850	1,248,785	805,857	148,001	953,858
Wilson, Tenn	27,078	27,148	6,292,710	4,169,220	995,892	5,165,112
Sumner, Tenn	26,072	23,668	6,926,586	3,320,788	1,867,508	5,188,291
Davidson, Tenn	122,815	108,174	54,950,000	36,430,240	17,441,568	53,871,808
Cheatham, Tenn	10,112	8,845	1,569,850	926,550	157,267	1,083,817
Dickson, Tenn	18,635	13,645	1,670,255	1,086,170	432,762	1,518,932
Montgomery, Tenn	36,017	29,697	10,443,500	5,178,705	1,763,514	6,942,219
Stewart, Tenn	15,224	12,193	1,768,184	1,145,456	140,744	1,286,200
Trigg, Ky	14,073	13,902	2,092,752	1,628,602	793,113	2,421,715
Lyon, Ky	9,319	7,628	1,646,500	800,386	621,903	1,421,689
Crittenden, Ky	15,191	13,119	2,069,800	1,529,853	835,118	2,364,974
Livingston, Ky	11,354	9,474	1,564,000	1,171,801	676,539	1,848,340
Total	525,664	447,147	121,932,555	75,994,961	35,407,120	111,402,081

RECAPITULATION.

Counties bordered or crossed	525,664	447,137	$121,932,555	$75,994,961	$35,407,120	$111,402,081
Counties adjoining	623,922	544,753	119,780,291	68,053,080	27,583,473	95,636,553
Total	1,149,586	991,900	241,712,846	144,048,041	62,990,593	207,038,634

Mr. GAINES of Tennessee. Mr. Chairman, just a word or two more. I received a day or two ago a very valuable communication—a letter from the secretary of the Ohio Valley

Improvement Association—insisting on the improvement of the Cumberland River. The letter contains also a petition, signed by a great number of river men, who own many boats, and so forth, operating on the Cumberland and Ohio rivers. The letter reads as follows:

PADUCAH, *April 17, 1902.*

Hon. JOHN W. GAINES, *Washington, D. C.*

DEAR SIR: We notice by the papers that the Cumberland River has been passed by the present Congress almost unnoticed, and that you are making a hard fight to get in good work when the conference of the two Houses meets.

We have hurriedly gotten up the inclosed petition, but find many of our boat owners absent, and can not obtain their signatures in time to go with this.

We enjoy the distinction of having more steamboat and barge tonnage here than any other city in the valley, excepting Pittsburg and Cincinnati, and we greatly feel the need of river improvement on the Cumberland. We trust this may be of some little service to you; would like to have sent it via Nashville, where many others would have signed.

Yours, very truly,

F. M. DOUGHERTY, *General Agent.*

The petition, Mr. Chairman, is signed by a large number of the leading boatmen who live in the neighborhood of Paducah owning various boat lines.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to insert this petition as a part of my remarks. It speaks of many logs and snags in the river and urges immediate relief.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print the documents to which he refers in the RECORD. Is there objection?

There was no objection.

The petition referred to is as follows:

PADUCAH, KY., *April 17, 1902.*

To the honorable Senators and Members of Congress of the United States:

Be it petitioned by the business men and boatmen of this immediate vicinity, living and dwelling at the nearest point to the mouth of the Cumberland River, it having come to our knowledge that there is a possibility that the Cumberland River will not share largely in the appropriations of the present Congress:

We desire to set forth in a brief manner the necessity of improvement of that stream. But more especially the lower portion of it, from Nashville, Tenn., to its mouth. There is a great volume of business done on the lower end of the stream that may not be known to the people generally living on the upper end of this stream above Nashville. The packet lines running from Nashville, Tenn., to Evansville, Ind., and from Nashville, Tenn., to Paducah, Ky., do a large business when the stage of water permits navigation. The log and lumber business from that stream is large. But the largest industry is that of railroad ties taken to the North and great Northwest, amounting in the aggregate to many millions per annum.

There is much complaints from the boat owners and their captains and pilots on account of the logs and snags in the channel of the stream, which at a very small cost could be removed, giving a wider channel, to enable the towing steamers with their fleets of barges to pass in safety.

We are glad to be able to commend the work already done on the lower end of the river, and will be pleased to see a continuance of the same.

W. Baker, manager Ayer & Lord Tie Company steamers *Russell Lord*, *Jim T. Duffy, jr.*, *Pavonia*, *Inverness*, and *Hosmer*, with fleet of 65 barges; Henry A. Pettu, president Paducah Dry Dock Company; Walter Hoagland, manager Tennessee Towing Company; James Hogan, superintendent St. Louis and Tennessee River Packet Company; J. D. Render, superintendent steamers *I. N. Hook* and *Wilford;* J. T. Bishop, superintendent *J. B. A.* and *Mary N;* Ed Woolfolk, secretary Paducah Towing Company steamers *Woolfolk*, and *Monie Bauer;* Wm. Rutledge, agent Standard Tie Company; G. F. McCabe, general agent of the Holcomb-Lobb Company steamer *Lyda.*

J. F. Beaty, agent Bradley-Watkins Tie Company; I. H. Fowler, president Evansville, Paducah and Cairo Packet Company; J. L. Kilgore, owner steamer *Maude Kilgore;* John McCaffrey, owner steamer *Ten Broeck;* D. A. Geiser, mayor of Paducah, Ky.; J. W. McKnight, president Paducah Marine Railways; C. E. Bostwick, president Pittsburg Mining Company, on Cumberland River; Jas. Owen, owner Paducah Ferry Company and mining properties on Lower Cumberland River, with 3,000 acres, and shippers of 50,000 to 60,000 bushels corn, chiefly up Cumberland River, annually, also large shippers for his neighboring farmers.

Mr. SIBLEY. Mr. Chairman, the members of this House are not unaware of the fact that I have been an earnest advocate of expansion, that I have favored the acquisition of the Philippine Archipelago, and have attempted to defend the policy of the Administration, if any defense were necessary, in its efforts for the pacification of those islands.

It has been my belief that not alone honor, but duty, justifies our position there; that an all-wise and overruling Providence has committed to us the task of carrying the arts of peace and the story of the cross to the remotest and darkest regions of the globe, and that our standards, moral and civic, are to permeate and bless the downtrodden of God's children wherever found. It has been my belief that the commercial welfare of our nation demands that we should control that archipelago, standing as it does as the gateway of the oriental world. It is the judgment of all investigators that Manila is destined to become one of the greatest commercial cities of the globe; that there will be assembled at that port the products of the teeming millions of the Far East, and therefrom distribution to the markets of the world, and that our nation will profit from the acquisition of this archipelago beyond the imagination of man at the present time to conceive.

Not infrequently have we read or listened to the charges that American soldiers were cruel in the conduct of the warfare in the archipelago. Often these statements were made, at least so it seemed to me, for partisan purposes. But, Mr. Chairman, when we have read, as we have in the past twenty-four hours, that a general, wearing the uniform of the Army of the United States, one who stands under the shadow of the banner of freedom, issues orders, not to conciliate a province, but to leave it a howling wilderness, and to kill all above 10 years of age, then humanity must stand aghast and look backward for more than eighteen centuries for the prototype of the modern Herod.

In the veins of what boy has the blood not run cold as he has read of such world-scourges as Timour the Tartar, Attila, "the scourge of God," or of the atrocities of the invading Saracens? If the public press correctly reports the general's admission that these were his orders, then we can thank our God that it has taken eighteen centuries to produce another Attila, another Timour the Tartar; and we blush that such a one should be called an American.

We have heard much of the "water cure," and have believed that these statements were untrue, or at least exaggerated. But within the last few days attempts have been made to explain away or minimize the terrible features of such a torture.

Can any man whose blood bounds in his pulses, any man who has read his Bible or has been reared at the knee of a Christian mother, justify the perpetration of such cruelties upon any being who wears the guise and image of his Creator? Men attempting to justify pumping a man full of water, drowning him, and then bringing him back to life by thumping upon his distended stomach with the butts of muskets! This is not civilization. This is barbarism. This is not Christianizing the world. This is not leading humanity toward the higher summits of life. This is searing and blighting the life, brutalizing the instincts of those who must participate in or witness such methods. When American soldiers are compelled to even witness the infliction of such cruelties under the command of a general officer, then we are taking the boys who left Christian homes, full of love of country, of patriotism, and of humanity, and brutalizing them. This will bring them back not the better qualified, as they should be, for the higher duties of citizenship, but with contempt for the sanctity of human life and insensible to human suffering. This is the turning back of the hands upon the dial which marks the advancing steps of a Christian civilization. This is the defilement of the temple which Christianity erects in the lives of good men.

We can all rejoice that the case before us is exceptional, that this cruelty has not marked the general conduct of our arms in the East, and that but few Americans have participated in the perpetration of such outrages. During the past winter Governor Taft has been before the committee of which I have the honor to be a member, and I am sure that each member of the committee enjoyed, as I did, listening to his testimony, to hear of his success in the pacification of the provinces; and all fair-minded men recognize the grand and good work that that Commission has been doing and has so well-nigh accomplished in the pacification of nearly all of these provinces.

But, Mr. Chairman, it is my judgment that no race of human beings upon this earth can be permanently pacified through methods of drowning and then bringing them back to life by the thumps of the butt of a musket upon the distended stomach. So long as a generation shall live within that province which shall be told of those cruelties, told of the edict which put to death—innocent and guilty alike—those above 10 years of age, will not the memory of that wrong rankle, and will those people ever look with confidence upon the people of this Republic? As one who stands upon the Republican side of this Chamber; as one who believes that he voices the sentiment of men upon both sides of this Chamber; as one who trusts he belongs, not alone in the Republican ranks, but in the ranks of the brotherhood of man the wide world round, I wish to voice the protest from members upon both sides of this Chamber when we declare against such abuses of power. [Applause.]

A friend of mine said to me but a moment ago, "You had better wait until you hear the General's defense before you make your protest." If the General is correctly reported and stands by the declaration with which he is credited, assuming the responsibility for such orders, then I desire to say that there is no defense; and I hope the President of the United States will have the courage, upon this man's admission, to discharge him dishonorably from the service which he has thus disgraced. [Applause.]

If he is correctly reported as admitting that he issued orders to leave that province a howling waste and wilderness and to kill all above 10 years of age, the innocent with the guilty, that man ought never to be permitted to stay in the service of the United States until the sun goes down. He is a blot not alone upon the army in the Philippines; he is a disgrace to every man who ever wore the uniform of the United States, and he is a blot and a disgrace upon our present civilization. Wait and hear what his

justification may be! That man does not live who can justify such orders! [Applause.] There is no justification. There can be no justification. I care not how adroit may be his lawyers, how subtle may be their reasoning, or how cunningly they may frame their plea; the fact, admitted by his own mouth, that he issued such orders is sufficient for me to hope that there is the courage and the patriotism, the humanity and the Christianity, at the other end of this avenue that will not permit him to wear the Federal uniform twenty-four hours hence.

This is no question of party. This rises above all party levels. In the name of humanity we protest. For the fame of our civilization; for the honor of those who wore both the blue and the gray during the long years of civic strife; in the name of those who wore the nation's uniform and marched to glory and to honor beneath the folds of the American flag in Cuba, in Porto Rico, and in the Philippines; in the name of the compassionate Christ, whose followers we profess to be, we protest and deny the right of any man to wear the American uniform under a commission from this Government and place such a blot upon the banner of freedom. Nor can we believe that the God of battles can march with us where such practices are permitted to prevail. [Applause.]

Mr. WILLIAMS of Mississippi. I yield one minute to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, in considering the matter of the agricultural bill the following bill introduced by me should, in my opinion, have the most prominent place, for nothing can be so essential for the well-being and progress of the great farming interest of this country as good roads:

A bill (H. R. 12650) to provide good roads in the 45 States and 4 Territories of the United States.

Whereas it is of the greatest importance that there should be a uniform system of good roads in the 45 States and 4 Territories of the United States, to the end that there may be increased facilities for the dissemination of knowledge by means of rural free delivery and more intimate and efficient interstate commerce; and

Whereas the people of the United States demand good roads as part compensation for the burdens of taxation which they bear for foreign commerce: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $100,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be set aside by the Secretary of the Treasury, to be known as the "good-roads fund:" *Provided*, That the Secretary of the Treasury may, if no money is available unappropriated, sell bonds for the purposes of this act, rate of interest not to exceed 2 per cent per annum, under such rules and regulations as he may deem proper.

SEC. 2. That the Secretary of Agriculture be, and he is hereby, authorized and directed to apply the said amount, or so much thereof as hereinafter provided, in the construction of good roads and highways in the 45 States and 4 Territories on such plans and specifications as he may adopt as being fitted to secure permanent, good, and substantial highways in the respective localities, such roads and highways to be varied in construction only as may be demanded in the character of material in different sections.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from said fund so much of the said good-roads fund as the Secretary of Agriculture may from time to time call for to pay for the said construction of said highways.

SEC. 4. That the said construction shall proceed contemporaneously in the aforesaid States and Territories as nearly as practicable: *Provided*, That after $1 per capita has been expended in any State or States or Territory or Territories no further expenditure is to be made until work is completed in all the aforesaid States and Territories: *Provided*, That any section of road not exceeding 25 miles may be completed in excess of the aforesaid per capita to prevent deterioration and loss.

SEC. 5. That condemnation proceedings must be had under the existing laws of the respective States and Territories, and all damages assessed must be charged to and paid out of that State's quota of the good-roads fund in which the damage is assessed.

SEC. 6. That the Secretary of Agriculture be, and he is hereby, authorized and directed to organize a force of engineers to superintend the construction of said roads and highways, which shall consist of one chief engineer to every —— miles, at a salary of —— dollars, and one assistant engineer to every —— miles, at a salary of —— dollars, with such camp allowance and equipage as may be approved by him (the Secretary of Agriculture), and such other clerks, operatives, and laborers below the grade of $1,200 as he may determine: *Provided*, That all such appointments must be distributed in the respective States in proportion to population, if practicable, and such total number of employees shall not exceed —— in number to every —— miles under construction.

SEC. 7. That the Secretary of Agriculture shall construct said roads by letting to contract to lowest bidder, unless, in his opinion, the work may be done more satisfactorily otherwise, and he is authorized to do any part or the whole of the work in any or all of the aforesaid States and Territories by Government force or contract, as it may appear to him best for the public interest.

SEC. 8. That the Secretary of Agriculture shall provide all instruments, stationery, appliances, utensils, camp equipage, live stock, vehicles, and other articles, and shall cause all necessary printing to be done, the cost of all of which and the salaries of all engineers and operatives shall be paid out of the general fund and be chargeable to the quota of the good-roads fund of no State or Territory: *Provided*, That the salaries of all engineers, assistant engineers, and other employees while actually engaged in work in any State or Territory shall be charged to the said State's quota of the good-roads fund.

SEC. 9. That the balance of the $100,000,000 remaining after the general expenditures and the expenditure of $1 per capita in said States and Territories shall constitute a reserve fund to be dealt with by Congress.

SEC. 10. That for purposes of this act the census of 1900 is to be the basis, and this appropriation shall be available July 1, 1902.

SEC. 11. That nothing in this act shall be construed as authorizing the improvement of any part of a road or street within the corporate limits of any incorporated town or city.

SEC. 12. That the Secretary of Agriculture may, if he deems it advisable, establish under his supervision a bureau of good roads, with a chief with a salary of —— dollars, to be appointed by the President and confirmed by the Senate.

SEC. 13. That all roads constructed under this act when completed are to become the property of the respective States and Territories and subject to the laws and regulations of said States and Territories.

SEC. 14. That no work shall be done in any State or Territory under this act until the legislatures of said States and Territories shall have passed resolutions accepting and approving of its terms.

SEC. 15. That the Secretaries of the Treasury and Agriculture are hereby directed to enforce the provisions of this act without delay, and all acts or parts of acts in conflict with this act are hereby repealed.

In my opinion the most important question before the American people to-day is that of good roads. Before it Nicaraguan Canal, ship subsidy, Cuban, or any other reciprocity sinks into insignificance.

Good roads, like all other good things, cost. Cheap articles are of inferior quality, hence our bad roads.

If we are to have good roads, we must pay for them. To pay for them we must be taxed. Then, if taxed, how? By the Federal or State government? I am in favor of the whole system of roads in this country being placed under Government construction, to be paid for out of the United States Treasury.

In a word, as you will observe, my bill provides for the direct appropriation of $100,000,000 to be expended in the 45 States and 4 Territories of the United States in proportion to population, the census of 1900 to be the basis, and in no State to be expended more than $1 per capita of population. Construction to be under Department of Agriculture; work to be done contemporaneously in all sections as nearly as practicable. Secretary of Agriculture may let by contract or construct otherwise, as he may determine, under specifications and plans to be uniform except as to variation to suit climatic and local conditions, but in all cases good and substantial highways. Legislature of States and Territories to approve and accept the provisions of this act before work shall begin. Appropriation to be available July 1, 1902; purpose of the act to facilitate dissemination of knowledge by means of mail delivery to every man's door, to foster education by facilitating school attendance, and to promote more intimate interstate relations.

It will be observed that if the Government would issue bonds, $100,000,000 at 2 per cent, it would be a tax of 2½ cents per capita to meet this annual charge, a mere bagatelle.

Will anybody tell me why the United States Government should not construct good roads in the various States and Territories? Is there any difference in thus applying public money and applying it to creeks, branches, and rivers? Both are to expedite transportation, to help interstate and foreign commerce.

Suppose the $400,000,000 (perhaps more) spent in the Philippine acquisition had been turned loose, under the well-directed efforts of some executive department of the Government, for construction of good roads, does anyone for a moment question which would have been the more beneficial to the people of this country? We have spent $450,000,000 on rivers and harbors, millions for railroads, immigration, irrigation, foreign commerce, mail facilities, and are going to spend hundreds of millions for an isthmian canal—all worthy objects—and yet not a cent in a century for good roads. Public health appeals for it. It is no exaggeration to say that public roads leading to our towns and cities contain cesspools of disease, microbe incubators, and germ-life preservers.

I repeat, tell me why we should not have good roads constructed under the supervision of the Government. Are not creeks, bayous, spring branches made navigable by the magic touch of the river and harbor bill? Only about $80,000,000 was appropriated last week. Do they not dam and lock streams to improve transportation? Is it not for the public good? But any more than would be public roads?

Submit to-day to the voters of the United States taxpayers a proposition for appropriation of $200,000,000 for good roads on the one hand, or for an isthmian canal on the other, as popular as the latter is, and good roads would win 10 to 1.

As much good as the great canal would do, it shrinks into diminutive proportions compared with the enthusiasm for good roads.

As said a man of distinction respecting this great question:

Our people lead the world in almost everything else, but in this matter of building common roads they bring up the very rear of the procession. For instance, it is only 14 or 15 miles from the national capital to Mount Vernon, the home and final resting place of Washington. Though he has been dead more than a hundred years, the road between the capital and Mount Vernon has not been improved to any perceptible degree since he died. It is circuitous and at times almost impassable. The time has come when the General Government should again take up this work and expend some reasonable proportion of its great revenues in building up the main roads of the country. This is especially desirable in view of the fact that new and wonderful inventions have been brought forward within the last two years by which inanimate power can be applied in place of animal power upon these highways. With the bicycle, the automobile, the traction engine, and the suburban street car, we have many new vehicles the like of which was never known in the earlier days.

Now, when we remember that New York is nearer to San Francisco than it was to Baltimore seventy years ago, when the one

exchanges goods with the other every hour of the day, when we can travel more miles in a day than we could in sixty days then, when we can now whisper across the continent, we may think that it was the inventive genius alone of such men as Watt, Stephenson, Fulton, Bell, and Edison; but not so. "We have directed the national hand and loosened the national purse strings" to the encouragement of improved industrial methods, to the establishment of great commercial and mechanical centers, and in certain directions have so extended national aid as to enlarge and quicken the means of all transportation except that on public roads, and have expended millions to provide outlets for the accumulating inland trade. It was good statesmanship to do it. Yet it was less statesmanship that inspired it than it was the insistence of capital for Government aid.

As said a writer on this subject, in substance:

The Government has saved time, lightened labor, abridged distance in the operations of the banker, the merchant, the professional man, the manufacturer, yet has done practically nothing to allay the complaint of the farmer or to elevate his industrial condition.

He is too far from the Government; he is not in touch with it. He still travels the same road in some sections that was a better highway twenty-five to one hundred years ago than it is to-day. A precedent has already been set by the Government, even were it needed, to establish its right to enter into such construction.

During the early years of the Republic the National Government appropriated only about $14,000,000 for the construction of the national highways to connect the capital with the distant parts of the country. The longest straight road ever built by any government in any country in the world was built by the United States from Cumberland, Md., through Maryland, Pennsylvania, Ohio, Indiana, Illinois, to St. Louis. This was not only the longest straight road ever built, but the best road ever built in America. It was productive of the greatest good in its day and generation, but owing to the differences in the minds of the leading statesmen of that day the work was finally abandoned, and for two generations past the General Government has done but very little or almost nothing toward the construction and maintenance of the highways of the country. As a result the great Cumberland road has fallen into decay, and there has been less progress made in the science and art of public road building in the United States from that day to this than in any other industry or department of knowledge.

The concentration of population and wealth in great cities would be largely overcome if the country districts should have their fair share of the appropriation of public money, and the consequent improvement of the country roads that would follow.

Transportation is the prime factor of civilization and wealth. No country can afford to neglect it, and no country can afford to neglect its agricultural interests—least of all can the United States do so.

This great interest is declining in the United States. If nothing else indicated it the steady increase of the percentage of urban population demonstrates it. In the beginning of the Nineteenth century one-twentieth of our population was urban, to-day one-third live in cities of 8,000 inhabitants and over, and there was 100 per cent increase between 1880 and 1890. To the want of good country roads is this condition largely attributable.

To the Congress of the United States the question of public roads seems a matter of small concern. But it is because its attention has not been invited and invoked to it by the great farming interest of the country. They must organize as manufacturers do—make their requests known and, in a business way, be heard.

Their produce can be and is moved thousands of miles at a less cost than it costs them to haul the same weight from their barns to their railroad station. In the great State of New York, according to the census of 1890, the value of the farm crops was exceeded by only four States, and the disproportion between the wealth of country and town was such that the value of farm lands was less than 8 per cent, and that of incorporated cities and towns was 92 per cent of all the taxable values. Certainly good public roads would have improved these conditions.

It must be obvious that improved means of transportation to local markets would give great relief to the farmer. Such difficulties as beset him in the wagon road—the necessity of light loads, wear and tear on live stock, long delays, mud blockades, broken axles, extra trips—would be tolerated by no other class of our citizens.

Yet public roads are placed in his immediate care, as if he alone had any more special interest in them than other classes, as if he alone should keep up repairs at his expense, when the truth is the public is quite as much interested as he and should as much as he bear the burden of construction and repair. Public roads, unlike the magnificent lines of transportation, unlike telephone and telegraph lines, are institutions of the body politic, and yet thus far the General Government has denied them even a modicum of support that it has showered upon schemes of private capital.

Again, the great volume of internal trade goes over the common public dirt road. It exceeds all the countless tons of freight of all the railroads in the country, as well as of the steamboats, for besides this freight which is first hauled over dirt roads to railroad stations and river wharves, there is still a large tonnage that never reaches either the station or the wharf, but is carted to local markets for home consumption.

With these views, which may be crude, I shall continue so long as I have the mental capacity and physical force to press for Government construction of public highways, believing, as I do, that it is just and right, and that under the operation of such a law good roads would be an accomplished fact; the country people—the farmers of this country—would receive some portion of that consideration that is due them, and that prosperity would not be piebald and in patches, but the whole country would blossom like a rose.

As illustrating what I would desire to say on the subject of good roads, I take the liberty of inserting herein an able address delivered at Charlottesville, Va., on April 4 last, before the Jefferson Memorial Good Roads Association, by Hon. Binger Hermann, of Oregon, who represented the State in Congress for a number of years, and who is at present the Commissioner of the General Land Office of the United States. He has given this subject much careful thought, and I invite the attention of the House to his address, which now follows:

THE BENEFIT OF GOOD ROADS.

Mr. President and gentlemen of the Jefferson Memorial Association of Virginia, in this age of inventive genius, wonderful industrial development, and marvelous riches, and with a nation of people unexcelled for their energy, public spirit, and patriotism, incredible strides have been accomplished in almost every conceivable direction whereby the comforts and conveniences of all our people have been the happy result.

Among these advances something has also been done in a few sections of our country as to an improvement in our road systems. Various counties and some States have actively entered upon a campaign of education along these lines, and satisfactory results have ensued, and the good work still goes on, but in most of the States of the Union, however, a sad deficiency is manifest, and even the last century has not contributed for good roads the proportionate stimulus which it has conferred on other material and industrial development. We justly boast of our magnificent railway and waterway communication, but let it not be forgotten that these are of little avail to the one who can not conveniently and cheaply reach them. This is evidenced in the difference between fairly good roads and railways.

The average cost of transportation by rail is now one-half of a cent a ton a mile, while that by the wagon road is ten and twenty times as high, while on some roads the cost of transportation is prohibitive. There is a lack of uniformity in the road systems of the different counties and States, which vary as much as the condition of the numerous roadways themselves. Unless this is remedied there will continue to exist indefinitely an obstacle to improved facilities for road travel whereby permanent, continuous, and easy transit may be assured direct from one community to another and from one portion of the lines of travel to the remotest confines of our common country. To that individual or corporation that may achieve this success there will be due the lasting gratitude and the devout blessings of endless posterity. If I were possessed of the gift of prophecy I should say that the hour of relief is near at hand and that to the National Good Roads Association shall we be indebted for the consummation of the end so long desired.

It is not so much the construction of roads that is needed as it is the construction of good roads. As an economic proposition, it may said that a bad road is decidedly more costly than a good road. If I were asked my opinion of any section of country, I should first desire to know as to the system and condition of its roadways. Communities are poor in proportion as they are remote from transportation facilities. Cheap transportation means freer competition, and freer competition forbids unjust combination. Good roads are the advance agents of prosperity as well as equality. Good roads mean good markets, and they also mean cheaper and quicker transit between the market place, the farm, and the factory. Good roads mean a larger margin of profit to the producer and the manufacturer and also an easier rate to the consumer. Good roads mean appreciation in land values. Good roads also encourage production and induce population and social advantages. Good roads invite improved vehicles and require less power. It is estimated that 15 cents a ton per mile represents the difference between first-class good roads and the common country road. By authority of the Agricultural Department officials the significant assertion is made that 99 per cent of the entire roadway mileage of this country is practically unimproved so far as we may define good roads. If this be only partially true, the hour can not strike too soon for the people to awaken to the real situation which confronts them. The great railways have been liberally aided by our Government, and the waterways have received a generous recognition also. Let the next problem be, What shall we do for the people's roadways?

PIONEER ROADWAYS.

It was my lot to have been one of the early pioneers in the country west of the Rocky Mountains and in the dense forests facing the waters of the Pacific Ocean. It was necessary that we cross the rugged Coast Range to penetrate the interior, first upon Indian trails and often along the well-beaten highway traversed by the elk, then so frequently seen upon the western confines of the Republic. Later on, as the pioneer element increased, we blazed, cut out, and established our own trails, following easier gradients than those of our aboriginal neighbors. Thereafter followed the rude wagon road upon grades and curves still better, though often the vehicles were elevated and lowered over precipitous cliffs and carried around mountain sides. Even this crude beginning indicated an advanced stage in the pioneer settlement. The cross-cut saw, the shovel and the pick, and the grubbing hoe, with the ax and handspike, represented the implements in use. These, with the muscle and energy of the hopeful American pioneer, prepared the way from one community to another, and thence to the highway of the territory. Imperfect implements, scanty means, few neighbors, and general lack of skill and uniformity made slow progress. Even as population increased and improved methods and more plentiful means were obtainable there was yet missing the essential method requisite for good roads.

Necessity is the mother of invention, it is said, and to the pioneer this same necessity is often a blessing in disguise. It enabled us to reach the most inaccessible places and to establish routes which at first seemed impossible. Yet, with increased demands and with fifty years' expenditure of labor and

liberal contributions of money, the roads continue rough, unsatisfactory, and costly to the people who use them. While the advances of improved methods are noticeable everywhere and bring ease and comfort and success in all other enterprises, yet, with few exceptions, the country at large still moves upon roadways discreditable in the fair weather of summer and almost impassable and too often invisible in the inclement season of winter.

Though the United States is abreast of all other nations in the industrial problems of mankind, there is, as I have before remarked, one exception, and that is the wagon road. In this we are behind all other nations. Our people patiently endure the inconvenience and cost of traveling between the farm and the market place, and the reason improvement has been slow may too often be found in the old saying that what is everybody's business is nobody's business. It is too often the case that when one has safely worked his way over the hilly, rocky, or muddy road he forgets the effort another must make who follows him. Often he condemns the one who had preceded him for his lack of public spirit in the matter of internal improvements. In the main one depends upon the other and looks to him for an incentive, for a system, and for a start. Railroad corporations should be among the first to encourage and aid in such an awakening of the road conscience, as no interest is so much affected by good wagon roads as the railway. The better and the easier the transportation from the harvest field, the factory, the forest, and the mine to the railway station, the greater the traffic for the corporation. If it were not for the rural wagon road the railway could not exist.

A good road is a good investment to the county, State, or nation. Good roads lower taxation. This is history. The reason is obvious. The better the road, the greater the increase of property valuation and the greater the revenue from taxation. Heretofore we have given much of our attention and untold millions in aid to the long-distance transportation by rail and by water, and we have overlooked the shorter route which connects with our dooryards. It often costs as much to haul 1 ton from the barn to the depot or wharf as it does from there across the continent or over the ocean to the foreign market. The issue is imperative. How shall we improve transportation on the people's roads?

RECENT STATE LEGISLATION.

Many suggestions are offered and each worthy of serious consideration. In some States it is coming to be conceded that to leave the roadmaking to road districts or townships, or even to counties, is too burdensome, as but little progress is made. The local authorities there are unable to grapple with the situation. In some States there is a cooperation between the State and local authorities, and this plan is increasing in popular favor.

In New York, as an illustration, the county authorities submit a resolution to the State engineer describing the roadway improvement, and he investigates the same and certifies whether the road will be of sufficient importance for common traffic and travel. If he approves the highway, it is mapped in outline and profile and specifications and plans are prepared for such roadway as the climate, soil, and material in the vicinity and the nature of the traffic will require. Estimate is then made and sent the county board, and if approved the State engineer advertises for bids. The county engineer, if there be one, has charge of the work under the direction of the State engineer and shall report to him. One-half the cost of construction is paid by the State treasurer and one-half is a county charge.

If the county authorities recommend the road without a petition from the owners of the majority of the linear feet fronting on the highway, then 35 per cent of the cost becomes a legal county charge, and 15 per cent shall be a charge upon the town in which the improved highway may be. If, however, the authorities recommend to the State engineer on petition of property owners, then the county is still charged with one-half the cost, but 15 per cent shall be assessed upon the lands of such owners in proportion to the value of the lands fronting or abutting the highway, and the amounts are collected in the same manner as other taxes. Thereafter the county maintains the road as other county roads.

The State engineer may be consulted by any of the road authorities of the county, and he shall furnish all necessary information, plans, and direction for roadways and bridges upon request. He shall also hold one public meeting during the year in each county and report annually to the legislature as to the year's operations. This law has been recommended to the Industrial Commission as the "most suitable State-aid law passed by any State."

That of New Jersey is next in efficiency if not the equal of the New York law. They both follow practically along the same lines. New Jersey was the first to revive road building, and New York has imitated her system closely. Massachusetts has done much, and Ohio has a good record. In Massachusetts, however, the burden of improvement is virtually borne by the entire State.

Summing up this phase of the subject it seems reasonable to conclude that Congress should be urged to consider the advisability and the practicability of national cooperation with State and local authorities in roadway improvement, under such wise supervision and regulation as to extent and character of roadway, amount and proportion of aid, as would be just and consistent. At least let the matter be investigated by proper committees and report made.

HOW ARE GOOD ROADS CONSTRUCTED?

The first consideration in the establishment of a good road is the location, next the grade, then the cost of construction, and lastly the cost of maintenance. While at first glance a level road may be preferable, yet for permanency and endurance even a 1 per cent grade is better than a level; since superior drainage can be had which is so essential to the solidity and maintenance of the roadbed. Doubly important is this in a country where rainfall is excessive. The sun is also a valuable aid in road preservation. The good road maker will always seek the sunny side of the hill or forest. But the chief requisite is the grade, and to obtain this we can afford to sacrifice distance and incur extra cost. On all embankments we are advised as a first principle to make ditches so as to avoid washes. Bermuda grass, when planted on embankments is found a good protector in holding them in place. The roadbed when thoroughly rolled and with a proper crown is ready to receive a first layer of small crushed rock, with the next layer of rock smaller than the first; and with a final covering of screenings or fine crushed stone; and last, it should be rolled until firm and compact.

A serious error in most communities is said to be in using clay or loam as a bond, and in making the first or bed-rock layer of large stone or bowlders instead of such as have passed the jaws of the crusher. A further advice is to shun the narrow-tired wagon, as it is the enemy to the good road. As to economy in construction, we are also advised that a portable 15-horsepower, a portable crusher, a road machine, a large plow, a harrow, and a steam roller, the latter of about 13 tons, with scrapers and a sprinkler, are necessary. For an ordinary county it is estimated that this outfit would cost about $6,500. Wagons and teams are not included in this estimate. These are the suggestions offered by good road makers for first-class, good roads. When so constructed a 2-horse team can do the same work as that previously done by a 4-horse team. Evidence taken before the Industrial Commission tends to show that the issuance of long-time bonds has become very popular as a means to raise funds, and that prison labor is also resorted to in some of the States in the making of public roads, being utilized largely in preparing the material and in such class of labor as would not ordinarily come in competition with manufacturers and laboring men.

Much as first-class, good roads are desired it is recognized that their construction must be slow because of the cost involved. But few localities, perhaps, and those nearer the large towns and cities, can at present undertake such work. It therefore behooves other communities to seek a less expensive, but yet a systematic improvement. The necessity for better roads still continues, and it is incumbent upon society to contrive the best plan practicable, according to the conditions which prevail.

The demonstration we witness here to-day is an impressive object lesson, and it, with others which have preceded it upon a smaller scale in some favored States in the South and West, indicates unmistakably that there is a quickening of the road conscience of the people, not only in many counties and States, but that it is also invoking a national interest. Education is coming to the rescue, advanced methods and improved implements and machinery are being adopted, engineering principles and thoughtful experiments upon new lines are being applied, steam and electricity multiply the motive power, and good roads—not merely roads—are coming, surely coming, to gladden the twentieth century.

NATIONAL AID.

It is claimed by many that the subject involves within it a project so vast that to be of uniform and efficient service throughout the various States a greater aid than that heretofore contributed by voluntary contributions, individual labor, or by road district and county or State taxes, is required. That the aid should not only be in material form but should embrace a concentration of effort as well as of idea. It is urged that this aid can best be accomplished through the cooperation of the General Government and that such assistance is indispensable, especially upon the principal routes of travel in the States and Territories. That a judicious system, carefully devised by eminent engineers and applied to the more important and necessary routes, as may be mutually agreed upon between the State and national authorities, should be adopted.

For years the Government has extended its generous attention to the improvement of the navigable waterways of the country in order that facilities for cheap transportation may be increased and improved, and it is further claimed that Congress unjustly discriminates in failing to provide for the landways of the country. This is the reasoning which later on may have consideration in the National Legislature. It may be said partly in reply that the General Government in later years has manifested a very generous disposition to our railways, and contributed some aid to wagon roads, by grants of public lands through Congressional legislation. To railroads 197,000,000 acres have been granted, while of wagon roads 3,273,816 acres have been granted directly and indirectly to various corporations and States. Here it may be said as to this generosity toward wagon-road grants that they were open to the serious objection that many of them in character and safeguard were grossly improvident, and were secured more for speculative purposes than for subserving the greatest possible good for the greatest possible number.

Even where in good faith attempts have been made to establish roadways, based on such beneficence of the Government, the construction has been operated upon a mistaken principle and upon incorrect and extravagant methods, and the instances are exceedingly rare where any one of such roadways has answered the real purpose for which it was intended, especially after the grantee had secured an approved title from the Government. If this national aid in the recent past was justified and politic, it is vastly more so now, since the country has expanded to such gigantic proportions, and with such close relations and intermingling between all the parts. Interstate commerce has grown immensely, and the domestic traffic among our people is enormous. The people and the Government are also nearer to each other. The generous policy of rural free delivery is the best evidence of this. The rural community is more than ever interested and anxious to be connected with the main highways and with the metropolis in the different counties in order to secure a free and regular delivery of the United States mails to their immediate homes. Never before has the General Government approached so close to the fireside of the agricultural classes.

Then, again, the introduction of the automobile, the locomobile, and the bicycle has already induced a travel between the States which bids soon to become of great magnitude, and this attracts a public interest as well as a favorable sentiment to the condition of the roadways even in remote localities. Heretofore it has been machinery on the railway and machinery on the waterway, but now it is machinery on the roadway. We have indeed entered upon a new era; an era which could not have been anticipated even twenty years ago. What was before a mere general interest will henceforth become the special interest of all classes and of the General Government itself. It is now being considered by many eminent statesmen whether a comprehensive system can possibly be devised having in view permanency, uniformity, durability, and, above all, intelligent design as to the nation's roadways. A project for improved navigation on the waterways is approved at the central office of the engineer department at Washington City, and hence it is asked why, from the same central point, a national and interstate road system for the whole country might not also be formulated and approved with State cooperation and why competent engineering and scientific superintendence could not equally and satisfactorily follow.

It must be conceded that the difficulty at present is in the lack of a uniform and approved road system between the States, as we find when we pass from the good and well-designed roads of one State upon the ill-constructed and wretched highways of another, and, worse still, where each county has an independent system of its own, for then we travel over as many different kinds of roads in a State as there are counties or road districts within it. Now, almost every road supervisor has a system of his own, while some have no system at all. This suggestion of national aid and national supervision of roadways as made by many good road's advocates would not necessarily relieve the State or local authorities from road construction. There could still be recognized a distinction between the national and interstate roads selected and approved by the national authorities in cooperation with the State and local authorities, and those not so selected and improved might be left exclusively to the State and local authorities. In a brief time the system and superior method provided for the greater highways would invite general approval among the people and would be applied to the local roads constructed everywhere. The spirit of improvement set by the greater system would penetrate and permeate the most remote communities. How far these views can be demonstrated to be practical time must tell. It must be admitted, however, that the subject is gradually becoming a national question. It was once local, but now it is general. All classes and all sections of our country have an interest in the roadways of widely distant parts.

There is much in the criticism of the good road's advocates as to existing conditions and much in their advocation for national aid which should enlist the hearty sympathy of every good citizen. The careful and economic administration of national aid for national roadways exhibited by our forefathers one hundred years ago should have been a more valuable lesson to those who legislated seventy years later. Should the Government again be induced to return to its former participation in good-road construction the

most comprehensive system (practicable as well as uniform) should be adopted, and with such skillful directors as will be equal to the task and who will consecrate their best endeavors to the conscientious performance of the public trust. In the earlier days of the Indian wars—in the famous but ill-fated Braddock march from the Potomac to the Ohio—a Virginia roadmaker and surveyor, Colonel Washington, but later the founder of our nation, gave the colonies a lasting remembrance of the perilous disadvantages in time of war of bad roads and as an obstacle in time of peace in reaching our extended frontier.

THE FAMOUS NATIONAL PIKE.

The construction later of the famous national road or pike, almost a century ago, extending from certain navigable streams entering the Atlantic to the waters of the Ohio, traversing seven different States of the Union and covering 800 miles, is a model for good roads building of the present day. It followed the Braddock route long distances, and though costly in its construction, it was enduring and designed upon the best approved models. It affords an illustration not only of how good roads should be made and what good roads can accomplish in any community, but what they can do in the upbuilding of a nation. Before its completion from four to six weeks were required to transport goods from Baltimore to the Ohio River, and the freight varied from $6 to $20 per hundred, while after the completion the time, as well as the cost, was reduced to one-half from Baltimore to Wheeling, and comfortable stagecoaches carried mails and passengers between these points in forty-eight hours' time. This road was the first through national highway ever constructed by this Government, and it is significant in having had its initiation under the patronage of the immortal Thomas Jefferson and having been constructed to completion under the administrations of the three illustrious Virginians—Jefferson, Madison, and Monroe.

JEFFERSON, THE ROAD BUILDER.

It seems, therefore, to be eminently appropriate that this great demonstration should be held at this point, near the line of that famous highway and almost in sight of the homes of these great Presidents. Thomas Jefferson himself was born near this route. He appreciated the necessity for good roads, and further realized that to make a system uniform and complete for all the country it must have national aid and appropriate legislation. He lived to see it a success and saw conveyed upon its well-planned grades and over its smooth and hard surface hundreds of thousands of people and millions of wealth. He saw it break the barrier of the Appalachian Mountains and also become a bond of union between the East and West.

He saw it when as many as 20 4-horse coaches could have been counted in line at one time, and when large broad-wheeled wagons covered with white canvas and carrying often 10 tons of merchandise, drawn by 6 Conestoga horses of superb form and strength, were plainly seen at all hours of the day and at all points of the road, moving slowly, but surely, to the promised land of the West. It was indeed one vast and continuous caravan. He saw towns and villages spring up as if by magic, and substantial brick and stone taverns constructed at convenient points for the accommodation of the enormous traffic. He saw fulfilled to perfection the missions for which the road was designed. Twenty-five years after his time, the steam locomotive entered upon the scene and competed for the constantly increasing transportation. Parallel highways for the iron horse quickly followed, and the glory and utility of this well-remembered road largely ceased. One of the old residents along the route expressed his farewell in these lines:

"We hear no more of the clanging hoof
And the stagecoach rattling by;
For the steam king rules the troubled world,
And the old pike's left to die."

This was the American Appian way between the East and the West in the early years of our country's history. It was not built, like the Roman Way, to gratify the vanity of kings and princes, emperors and empires, but wholly to aid in the development and upbuilding of a great republic. The old Roman highway, however, early gave proof of what good roads' advocates claim to-day. It did a splendid part later on in adding to the material aggrandizement of the Empire which was foremost among the nations of the earth in its liberality and public spirit in the construction of good roads. Panthon, the ancient classic author, informs us of the manifold benefits derived by localities along this famous route, and Horace and Virgil have testified their gratitude for many pleasures experienced in their travels over the Appian Way. It has come down to us as one of the monuments of the Roman people. It was so well built that it survived long after the country that built it had perished from the nations of the earth.

Of Jefferson's historic national road it may be said that while it has gone out of existence and is largely but a memory, yet the benefits which it achieved in its day in aid of the mighty growth and expansion of our beloved country have left an impress which will continue to the end of time.

FORMER CONGRESSIONAL LEGISLATION.

Virginia was the pioneer in urging and advocating a national system of good roads. The first official suggestion as to the old national pike was contained in a report made by Governor Giles, of Virginia, in 1802, and in the Congress of 1803 following a similar report was made by Mr. Randolph, of Virginia, and this was approved. The act of April 30, 1802, for the admission of Ohio, provided that one-twentieth part of the net proceeds of the public lands within that State sold by Congress should be applied to public roads leading from navigable waters emptying into the Atlantic Ocean to the State of Ohio and through that State, to be laid out by authority of Congress. In 1803 Congress appropriated 3 per cent of the 5 per cent of the sales of public lands for constructing roads within the State of Ohio, leaving the 2 per cent for roads leading to that State.

Similar acts were passed in 1816, on the admission of Indiana, and in 1818, on the admission of Illinois, and also in 1820, on the admission of Missouri.

On March 29, 1806, President Jefferson approved the act of Congress which formally authorized the construction of the great road. It was he who appointed the commissioners to lay out the road, and he who secured the consent of Pennsylvania, Maryland, and Virginia for its construction through those States. In their report to Mr. Jefferson, dated December 20, 1806, the commissioners say that—

"They can not withhold assurance of a firm belief that the purse of the nation can not be more seasonably opened or more happily applied than in promoting the speedy and effectual establishment of a great, easy road on the way contemplated."

And they expressed the opinion that—

"Nothing short of a firm, substantial, well-formed stone-cap road can remove the causes which lead to the measure of improvement."

THE ROAD TO THE PACIFIC.

This great enterprise seems to have been but an object lesson for Virginia and for Jefferson, as it led about the same time to that memorable exploitation for another road greater and to regions more remote than the world had as yet dreamed—to the far-away waters of the Pacific Ocean—under the command of the two famous Virginia pathfinders, Capts. Meriweather Lewis and William Clark.

The centennial anniversary of this world-renowned expedition and of the memorable winter camp of the Virginia explorers near the great Columbia River, in what is now the State of Oregon, will be celebrated in 1905 at Portland, the flourishing metropolis of that, my home State, with a splendor and a liberality that will be worthy of the event which it commemorates. In what was once known as the Oregon country there are now three great States of the Republic and portions of two others.

In that fair land you will now behold more than a million of prosperous and contented American citizens producing and exporting to all quarters of the earth by sea and by land vast quantities of wheat, flour, salmon, lumber, hops, fruits, and live stock, and receiving in return the multiplied products of other lands. Thus Virginia and the far-away Pacific Northwest, bound together by an association, made memorable by the sons of the Old Dominion, can meet in reciprocal union on that joyous occasion.

As if these glorious epochs were not enough for one State, there was still held in reserve another renown which should eclipse all the rest. A prophetic vision of the immortal Jefferson beheld beyond the Mississippi a vast empire, reaching in seemingly endless expanse to the lofty summit of the Rocky Mountains, and all under the sovereign power of another nation. With his penetrating judgment he realized the value of this domain to the permanent peace and safety, the prosperity, and the happiness of the nation.

With the public sentiment and with a Congress in cordial sympathy with his views, his purpose, and his efforts, he succeeded in acquiring from France this expansive area, which now contains, in whole or in part, thirteen States and Territories of this our unrivaled nation, and being seven times the area of Great Britain and Ireland, more than four times that of Germany, and exceeding the combined area of Great Britain, Germany, France, Spain, Portugal, and Italy. The story is a long one, but as splendid as it is long, and the historic page contains no achievement in the art of diplomacy or in the course of honorable peace more resplendent and more far reaching in its results or more potent in the welfare of millions of mankind than in the purchase of the Louisiana province, soon to be commemorated by the St. Louis Exposition Association in a manner worthy of the nation and worthy of that proud event; and when there shall assemble in that city in the coming year the legions of grateful and patriotic Americans and the multitudes who will gather there from the utmost limits of the earth the proudest plaudits from heart and tongue will be those to the memory of the sage of Monticello.

ILLUSTRIOUS VIRGINIA ROADMAKERS.

In the fullness of our obligations to old Virginia for its gallant men and the priceless heritage they have left us, we must still remember that near this noted place another leader of those times was born, that heroic representative of the pioneer, the explorer, and the self-sacrificing patriot, Gen. John Rogers Clarke, he to whose daring and timely deeds, more than to any other one, we owe our possession of Ohio, Indiana, Illinois, Wisconsin, and a portion of Michigan.

From a certain mountain summit in this region we can view the birthplaces of three of these Virginians who were instrumental in acquiring to the United States more than one-half of its present enormous domain, and almost in sight are the hills upon the Potomac where rests the illustrious Pater Patria, the one who laid the enduring foundation for all.

As I seem to behold before me the shadowy forms of these immortals there likewise appears to view in the majestic procession yet another, the stately presence of that renowned jurist, Chief Justice Marshall, whose home was also in this vicinity. We delight to dwell upon this glorious roll of honor—Washington, Jefferson, Madison, Monroe, Lewis and Clark, John Rodgers Clarke, and the peerless and classic Marshall, whose habitations and associations were all within a radius of not many miles from this spot. How revered are such memories to every true American! Let me voice the wish that this road, which henceforth is to mark a magnificent way to the hallowed precincts of Monticello, will ere long be extended to the near-by localities which were the homes also of Presidents Madison and Monroe; and still further, to the remaining places, not far away, where the restive spirits of the intrepid Lewis and Clark impatiently awaited the call of Jefferson to depart upon their perilous journey across the trackless wilds:

"* * * where rolls the Oregon
And hears no sound save his own dashings."

Many of our fellow-citizens are prompted to make annual pilgrimages to foreign lands, there to pay their homage to the kingly graves within Westminster Abbey, to gaze upon the Pyramids, to revel upon the bright waters of Lucerne and Geneva, or to climb the mountain summits of the Alps, forgetting that in this our own land there are natural wonders and scenic grandeur, both in mountain and lake, unsurpassed by any other portions of the earth; and there are also sacred memories which attach to the tombs of American sovereigns—the heroic defenders of liberty—and whose names are imperishably inscrolled upon the temple of fame. We have a Mount Vernon, a Monticello, a Hermitage, and a Springfield, and other hallowed places, which to every American heart should be dearly cherished and more zealously sought for than the tombs and pyramids of the emperors and kings of the Old World.

Let this fond hope be realized that the meditative pilgrim may approach these shrines from anear and afar to testify in devout adoration to the blessed memories so precious to our countrymen, and while doing so that he may be inspired with somewhat of the exalted spirit which animated these patriot forefathers, pioneers, roadmakers, and American empire builders.

Where are they now? Of this glorious constellation not one remains to shed upon us their mellow luster. They have all set—

"* * * Not obscurely bright,
But one unclouded blaze of living light."

Mr. WILLIAMS of Mississippi. I now yield fifteen minutes to my colleague [Mr. SPIGHT].

Mr. SPIGHT. Mr. Chairman, I do not desire to talk about the bill now pending, because I believe that it needs no argument to commend it to the American Congress; but I want to talk about a subject that ought to be of interest and of pride to every member upon this floor.

During the four years that I have held a seat in this House I have had pending from time to time before the Committee on Pensions a bill to increase the pensions of the Mexican war veterans from eight to twelve dollars a month without regard to their financial and physical ability to earn a support.

There is such a bill now pending before the committee of this

House. On the 14th of February of this year the Senate passed a bill of similar import, which has been sleeping in the House committee for more than two months. I am not here to criticise the action of that committee, but simply to call their attention and the attention of the House to some facts in that connection.

It is known to everyone that the few who are left of those old soldiers can not now be less than 70 years of age, most of them perhaps 75 or more. It has been about fifty-five years since the end of the Mexican war. Fifty-five and fifteen make seventy, and putting the soldiers at only 15 years of age—mere boys—they would now be 70 or past 70 years of age.

Unfortunately, most of these soldiers are poor men, and under the present law there is no chance to pay them more than $8 a month unless they can take the paupers' oath. In other words, they must both swear and prove that by reason of their poverty and their physical disabilities they are not able to live on $8 a month. Many of them are too proud to take that oath and to make that proof by their neighbors, and I say it is but a matter of justice to these old men that the increase should be made from $8 to $12 a month.

Let us look at some of the facts that I have taken some pains to gather from the official records and see how this would affect the public Treasury.

The last report of the Commissioner of Pensions says that on the 30th of June, 1901, there were only 7,568 survivors of the Mexican war. This number has been decreasing at the rate of from seven to nine hundred a year since 1888. There are now, or was at the time of the closing of this report, 3,889 who are receiving only $8 per month. At the rate of decrease during the last ten years, and especially taking the last year, when nearly 800 dropped out, there would be a little more than 3,000, or possibly 3,500, of those who are receiving $8, and for whom we are asking $4 more. Putting it at 3,500, an increase of $4 a month would make $14,000 a month, or for the whole number there would be $168,000 for the first year. The highest amount ever spent for pensions to the Mexican war veterans was in 1888, when there was paid $1,861,756.07. The last year, coming down to the last of June, 1901, the total for this class of old soldiers was only $921,052.18.

Now this decrease in appropriations for the survivors of the Mexican war has been at the rate of from $60,000 or $65,000 to $100,000 a year. So I say that $160,000 or $170,000 would be the maximum expenditure on account of this increase from $8 to $12 a month for the first year and would rapidly decrease annually thereafter. And can not we afford, out of the abundance of our means, to do this tardy justice to those old men? I believe that if the bill could ever be reported to the House that this House would pass the Senate bill without hesitation. I said awhile ago I did not intend to criticise the committee, but I call attention to these facts that the members of this House may bring to bear such influences as they may control upon the Committee on Pensions to induce them to take some action and report this bill. These old soldiers are scattered all over the country. They are in every State of the Union.

I find in the Commissioner's report that the largest agency, or the agency where the largest number are paid, is the Knoxville agency, and the number paid there during the last fiscal year was 2,107. The next largest agency is San Francisco, where there were paid 1,257. The next largest is at Topeka, where there were 1,031. I mention this to show how they are scattered all over the country, and that in granting this relief we give it to no particular State, but to survivors in all States of the Union.

Now, Mr. Chairman, by the valor of these grand old men there was added to our domain a vast territory, rounding out the symmetry of our great Republic and uniting the Atlantic and the Pacific oceans, with nothing intervening except American soil, American homes, American manhood and womanhood, and over all floating the American flag.

These old men can not last much longer. They are the remnants of the grand army who wrote bright pages in the martial history of the world and carried our flag to victory at Buena Vista, Vera Cruz, Chapultepec, and Mexico and won for us this territory, of which we have been so proud during all these years. Let us do justice to these old men. In a few years more the Mexican-war soldier will be known only in history and in the hearts of his countrymen. Let us smooth their rugged way along the balance of the journey of their short lives and bid them a last farewell with the assurance that even republics are not always ungrateful.

I hope that influences will be brought to bear that will induce this committee to report this bill and that this tardy justice will be done to these old soldiers. [Loud applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, how much time has the minority remaining?

The CHAIRMAN. Eleven minutes.

Mr. WILLIAMS of Mississippi. I now yield to the gentleman from North Carolina.

Mr. KLUTTZ. Mr. Chairman, one of the greatest crying needs of this great country is good roads. No argument can be needed to establish this proposition because it is self-evident. We may legislate to benefit our cities and towns by erecting great public buildings; we may legislate to bring them traffic and commerce by voting great appropriations for river and harbor improvements, but if we stop short of building good roads to them we fail in that which would be of greatest benefit. [Applause.]

No only so, but we fail in our duty to the great rural population of the country as well.

"An honest peasantry is the country's pride;" an intelligent, prosperous, contented, rural population is the country's hope. It is vain to build great cities and network them with railroads, and canals, and to improve their rivers and harbors unless we can give them the backing of a great tributary, rural, agricultural population. A nation of cities would be an anomaly, an impossibility, a failure. As well think of fountains without contributing streams, of mills without motive power. How shall the problem of relieving the congestion of the cities be solved?

How shall the question of making farm life more pleasant and attractive, of keeping the farmer on his farm, and his bright boy with him, be answered? How shall the isolation of the farmer's wife be relieved and her yearnings for social intercourse with neighbors be gratified? How shall it be made possible for the products of the farm, the forest, the mill, the mine, to reach markets where railroads, rivers, and canals are not available?

How shall every acre of arable land in this country be trebled in value and the national wealth correspondingly increased? The answer to each and every of these potent questions is the same—good roads and better postal facilities. [Applause.] No man can doubt or gainsay it. With the establishment and rapid extension of rural free delivery one of these great problems is in course of solution, but even this can not be fully successful, can not complete its beneficent work, without the other—without good roads over which to carry the mails to the very doors of the farmers.

Especially is this so in sparsely settled mountainous sections of the country. No better, braver, or more loyal and deserving people live, but their very sparseness and poverty render the building of good roads by them, either by labor or taxation, impossible. And the same is largely true of the South, as a whole. We have a magnificent country, with every variety of soil, climate, and production. We have a population intelligent, enterprising, patriotic, hospitable, and self-reliant.

We are trying to do our duty by ourselves, our country, and our posterity. That we guard the graves and the memories of our ancestral dead, the purity of our race, the sanctity of our firesides, the virtue of our womanhood, and the sacredness of our institutions with jealous care, should be counted to our credit. These things we have done and will do, whatever may betide, God helping us in the same.

Mr. Chairman, I have recently seen the statement, from an apparently reliable source, that statistics show that the material wealth of the Southern States in 1900 was, approximately, just what it was in 1860. Can I make it plain what this portentous fact means? I was but a boy, sir, when hostilities began in 1860. I know, sir, what the happy, smiling, prosperous South was then. I know, too, all the horrors of that four years of devastation and blood. I know the sorrow and death and poverty that came to almost every Southern home.

God forbid, sir, that the hand of brother should ever again be raised against brother, that of section against section. May this great, reunited country never again suffer the horrors of internecine war!

I saw the old veterans of Lee and Jackson return to desolated homes and fields, to begin again the work of life. I saw the sincere efforts of my people to adapt themselves to new environments. They could not, they would not, forget the past, yet they turned uncomplainingly and hopefully toward the seemingly hopeless future.

Then I saw the inauguration of reconstruction and the advent of the carpetbagger. Would God I could forget those days. I shall not dwell upon them. No brave, loyal, proud people were ever subjected to such a carnival of loot and humiliation. Plundered, outraged, loaded with debts for improvements which were never inaugurated, for railroads which were never built, taxed beyond endurance, standing guard at night over our women and our weal, deprived of the right of suffrage, while it was conferred on our recent slaves—oh, sir, the cup of the South was full and running over.

Yet, Mr. Chairman, like a giant refreshed with new wine, like the Phœnix from her ashes, the South has arisen. The purest Anglo-Saxon blood in the world could not be kept down. Catching the

quickstep of the great march of progress, she has done wonderful things, which are but the presage of the more glorious things of the future.

And yet, with a record which is marvelous in men's eyes, with all the millions of looms and spindles which she has set whirring, with all the marvelous developments in city, town, and country, with all the throbbing energy which she has put forth, with all the improvements in railroads, in rivers, and canals, in mill and mine and field, this great South has but just recouped her losses, has but now attained her position of forty years ago.

With forty years lost, let me ask you gentlemen of more favored sections, is it any wonder that we have not kept up, that we are not now up, with you in the matter of education, of roads, of material advancement?

We have lost forty long years by the results of a war which enriched you.

We have not educated our people as well as you, because we have not been able to do so, and because one race in its poverty has been burdened with the education of two.

Nor, for the same reasons, have we been able to build roads as you have done. The teeming, throbbing life about us now demands, and demands imperatively, that good roads be built from our farms to our thriving towns. The antiquated system of keeping up the roads by a few days' holiday labor in each year by those living along them will no longer answer. The road problem is upon us. The town which would continue to thrive must have good roads leading to it; the farming community which would thrive must have good roads leading to nearby markets. The spokes of the wheel must converge to the hub.

We have done, we are doing, all that we can in this direction. We are taxing ourselves to the last limit, and yet we are doing and can do but little in comparison with what is urgently needed to be done. Our people are aroused to the necessity for good roads, but a calculation of the necessary cost is sufficient to unnerve them.

The General Government, under the direction of our present admirable and progressive Secretary of Agriculture, has done and is doing much, through the Bureau of Public-Road Inquiries, to intelligently arouse and direct public attention upon this great question. I believe, however, that the time is ripe for greater things. I believe that the General Government should go farther, and, either by direct appropriation to, or cooperation with the States of the Union, inaugurate and push forward a great system of road building throughout the country.

I shall cheerfully support the Beidler bill for the appointment of a commission to investigate and report upon this whole subject, but I should prefer to support the Otey bill or some similar perfected measure, which would mean something, appropriate something, and do something without delay.

The constitutional argument troubles me little. The Constitution is all right for rivers, creeks, harbors, canals, and public buildings, but all wrong, say gentlemen, for public roads.

In round numbers, as I am informed, about $500,000,000 have been expended by this country for the improvement of rivers and harbors, and at this session the Congress will in all probability appropriate something like seventy millions more for the same purpose. That much of this good money has been and will be wasted, so far as permanent improvement is concerned, goes without saying.

Insignificant creeks and rivers in unknown and uncommercial localities share, perhaps more than equally, with great and meritorious rivers and harbors. Under the present system it perhaps must needs be so, for the "pork" must be so distributed as to secure the passage of the bill, and States which are not represented on the great Committee on Rivers and Harbors, or which by failure of reciprocal representation on other great committees of the House have nothing to trade, fare but poorly in the distribution. My own good State of North Carolina is thus a sufferer.

My purpose now, however, is not to complain of the amounts appropriated for rivers and harbors. An enlightened public policy demands and sanctions such appropriations and the abuses are the fault of our legislative system.

Time was when such appropriations were denounced, fulminated against, and vetoed. The strict letter of the Constitution was invoked by Madison, Monroe, Jackson, Polk, and Pierce in sounding rhetoric against such a supposedly unwarranted use of the Federal funds.

The question of the express, implied, and incidental powers of the General Government and of the reserved rights of the States will be found learnedly discussed in the veto messages of all these venerated Presidents, and always resolved against the rightfulness of appropriations for internal improvements—rivers, harbors, canals, and public highways being always joined in the same condemnation. The very first of these, the veto message of President Monroe, dated March 3, 1817, says:

> Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds for "constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce, and to render more easy and less expensive the means and provisions for the common defense," I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with that objection to the House in which it originated.

No distinction appears here, and the veto applies equally to rivers and harbors, to roads and canals. It is worthy of note, too, that this veto message was sustained only by a vote of 56 against 60 in this early Congress of the fathers of the Republic.

Next comes the message of President Monroe vetoing the act for the preservation and repair of the Cumberland road, dated May 4, 1822, accompanied by a lengthy and learned paper of many pages, the conclusion of the whole being that Congress has no constitutional power to make appropriations for any internal improvements.

Here, again, it is noticeable that this veto was also sustained only by a vote of 72 against 68. Following next comes the message of President Jackson, dated May 27, 1830, vetoing the Maysville turnpike bill, which equally reprobates appropriations for roads and canals, and which was sustained by the narrow margin of 96 to 92. Again, on December 6, 1832, President Jackson gives at length his reasons for withholding his signature from "An act for the improvement of certain harbors and the navigation of certain rivers," affirming his veto message of the Maysville road bill.

President Tyler, on June 11, 1844, vetoed an act making appropriations for the improvement of certain rivers and harbors, giving substantially the same constitutional objections as given by his predecessors, and there were 104 votes against to only 84 for sustaining the veto.

President Polk, on August 3, 1846, vetoed a river and harbor bill, giving as reasons therefor the same constitutional objections to such legislation, and his veto was only sustained by a minority vote of 91 against 97.

Again, on December 15, 1847, Mr. Polk, in an elaborate message, vetoed a bill for certain internal improvements in Wisconsin, which was presented to Congress too late for reversal.

President Pierce, on August 4, 1854, vetoed a bill for the repair, preservation, etc., of certain public parks, and was only sustained by a minority vote, 80 against 95.

Then follow thick and fast similar veto messages from Mr. Pierce. May 19, 1856, he vetoed a bill to remove obstructions to navigation in the mouth of the Mississippi; May 19, 1856, he vetoed the bill for deepening the channel over the St. Clair flats, in the State of Michigan; May 22, 1856, he vetoed a bill for deepening the channel over St. Marys flats, in the same State; on August 11, 1856, one for the improvement of the Des Moines Rapids, and on August 14, 1856, one for improving the Patapsco River at Baltimore, all of which bills were passed over his veto.

President Buchanan, on February 1, 1860, gave his reasons for withholding his signature from the St. Clair flats bill, and on February 6, 1860, for refusing to sign the bill for removing obstructions from the mouth of the Mississippi. Both these bills had passed the preceding session of Congress, so his veto messages were too late for action and were simply ordered printed and laid on the table.

President Arthur vetoed a river and harbor bill August 1, 1882, and it was promptly passed over his veto. Since that time the constitutional argument seems to have been settled in favor of rivers and harbors, but by a sort of acquiescence, against public roads and highways, though the argument and condemnation of all the veto messages was equally against both.

A study of these veto messages and the legislation which evoked them shows conclusively that while the Presidential conscience has been opposed to appropriations for internal improvements, the legislative conscience has always been in favor of them. This policy, then, being settled now by executive, legislative, and judicial authority in favor of river and harbor improvement, what reason remains for objection to Federal appropriations for highways and post-roads? What constitutional objection can be urged against them which does not lie equally against the other? The need is certainly at least as great, and the time for action, it seems to me, has come.

If it is constitutional to make appropriations for the improvement of rivers and harbors, it is equally constitutional to do so for post roads and public highways, for these are equally highways of commerce. Public roads are the great arteries of commerce which reach out into the country, gathering up and bringing to the rivers, the canals, the harbors of the cities, as well as to the railroads, the very primary elements and constituents of commerce.

I said, Mr. Chairman, that the constitutional argument does not trouble me. Surely the Constitution is a wonderful instrument. I have the very profoundest respect for it as the most masterly production to be found in political history. It is somewhat remarkable, however, sir, that its provisions can be, and are invoked, for or against any particular legislation, as interest or prejudice may dictate.

However, sir, even if gentlemen consider the constitutional objection to appropriations for public highways insuperable, what can be their objection to a division of the groaning surplus to the States for this purpose? Surely this is constitutional and democratic. The surplus was distributed among the States under Jackson, and all that would need to be added to this precedent would be the limitation that each State's dividend should be expended solely for public roads.

I am wedded to no particular plan. I do not want the General Government itself to go into the business of road building, except for educational and object-lesson purposes. I want none of the rights or duties of the several States invaded. I believe, however, that the General Government constitutionally can, and that it ought to, aid and supplement the work of the people of all the States in this important matter.

I believe that every dollar so expended would be returned tenfold in the enhancement of farm values, in the better and more economical distribution of the mails, in preventing the hegira of our rural population to the already congested cities and towns, in encouraging a reverse flow from city and town to the pure air, fertile fields, and moral surroundings of the farm, and in the increased happiness, loyalty, and gratitude of all the people. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I listened with very much pleasure to the denunciation by the gentleman from Pennsylvania [Mr. SIBLEY] of a brute in uniform in the Philippine Islands. I am a little bit afraid that the gentleman from Pennsylvania is not striking at the evil in the right quarter. It is the system that must be struck at, and not the man who instinctively and unconsciously carries to a logical result the principles of the system itself. Wherever a strong, white, civilized people undertakes a war of conquest against a weak and colored people, in the estimation of the conquerors far their inferiors and almost upon the level of savages, deeds of brutality and savagery are as necessary as the sum of 5 is a consequence of taking 2 and 1 and yet another 2.

Mr. Chairman, just as long as we pursue that policy the chief danger from it is not the butchery of the weak race, bad as that is, but the temptation to tyranny that reacts upon the strong race. It is the brutalizing effect upon our soldiery, our own people, that must follow from waging savage warfare with partially savage people. And for that very reason war by great, strong, civilized, white nations against weak, impotent, uncivilized, half savage, colored peoples ought to be avoided wherever possible. Wherever you have such a system there will exist a Smith, under that name or some other, to issue brutal orders and to perpetrate crime, and there will exist a Funston, under that name or some other, to justify it. Avoid the real evil—wars of conquest against alien and inferior peoples weaker than you. The gentleman from Pennsylvania was right when he said there can be no justification for a civilized man with a heart and conscience for an order to lay waste an entire country and "make it a howling wilderness," and to "kill everybody, including children 10 years of age and over." I am afraid that in a war of that character, where the very worst passions of humanity are necessarily excited, where people do not treat one another with that courtesy and chivalry that two civilized nations treat one another, such orders and crimes and brutes are a necessary consequence.

Mr. Chairman, I want to say a few words about this bill, because I want the House to understand some things about the bill before we proceed to consider it. We have brought you in an appropriation bill for the Department of Agriculture containing the largest increase ever made on any agricultural appropriation bill:

For 1897-98 the appropriation was $3,182,902.
For 1898-99 it was $3,509,202, an increase of $326,300.
For 1899-1900 it was $3,725,022, an increase of $216,820.
For 1900-1901 it was $4,023,500, an increase of $297,478.
For 1901-2 it was $4,582,420, an increase of $558,920.
This bill carries $5,158,570, an increase of $576,150.

Now, Mr. Chairman, some of this increase in some departments has been very remarkable. I am glad to say that Congress and the committee and the country are waking up to the necessity of increasing the appropriations for the Agricultural Department by leaps and bounds every year. We have increased the bill this year $576,000, as I stated a moment ago.

Let us take one of the departments, the Department of Soils. It began a few years ago, an obscure subdivision in a division. It has grown now to be a great bureau. It began with an appropriation of $15,500 in 1895 and 1896, and it increased in 1901 to $26,300; then it went up to $109,140, and we have increased it this year to $168,900, which is an increase of 59 per cent.

The following table shows the appropriations for this Bureau since 1895:

Year.	Appropriation.
1895-96	$15,500
1896-97	15,300
1897-98	16,300
1898-99	16,300
1900-1901	26,300
1901-2	31,300
1902-3	109,140
Appropriation this bill	168,900

I want this House to know that this committee, while it is not an extravagant committee, and while it does not believe that the entire Government consists in carrying on the Agricultural Department, it does believe that that Department should be kept equipped and armed, so as to be well in advance of the needs and demands of the country upon the Department. Now, Mr. Chairman, such time as I have I surrender back to the Chair. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I now yield ten minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Chairman, my attention has just been called to a speech made by my colleague, Mr. GILBERT, the other day when I was absent—a speech ostensibly to defend Kentucky and the Kentuckians—but he took occasion to reflect upon eastern Kentucky and upon the Republican party.

I always like to stand with my colleagues in the defense of my people. As between the Americans and other people I am for the Americans. As between the Kentuckians and other people I am for Kentuckians, and as between the Eleventh district and other districts I am for the Eleventh district.

Now, Mr. Chairman, I regret that there is a disposition manifested by some of our Democratic politicians to create a prejudice of one section of Kentucky against another. I want to say for myself and my constituents, although nature has placed us upon a plane higher than that upon which my colleague and his constituents move, we have always treated them with the same courtesy and the same consideration as though they moved upon the same high plane upon which we move. [Laughter.] We live upon the mountains, where we have pure air, pure scenes, and pure politics. [Laughter.] Why, any negro in the Eleventh district can vote the Democratic ticket and have his vote counted the way it is cast, and when we elect a Democratic governor, we let him serve.

The gentleman says that Kentucky was the first State in the Union to tax all the property for the education of all the children of Kentucky. That may be true, but how did it come about? First, a Democratic legislature passed an act submitting a vote to the people of Kentucky, after the close of the civil war, to increase the school tax 20 cents upon each $100 worth of property for the education of the white children alone. But the Federal court decided that this was a discrimination on account of race, color, and previous condition, and that it was in conflict with the Constitution of the United States, or the amendment thereto, and they were compelled then to put an additional tax for the benefit of the colored people. This is a fact, and while the colored children get as much as the white children, they are taught in separate schools in Kentucky, and it is eminently satisfactory to both the white and the colored people of Kentucky, for the colored seek culture and not new social relations.

Why, Mr. Chairman, we have but one school in Kentucky where the white and black are taught together, and that is in the gentleman's own district, Berea College, endowed by money contributed largely by Northern States—I believe the State of Massachusetts and perhaps New York and Ohio—an institution located in Madison County, in the gentleman's district. I do not know why it was located there, whether they invited it or whether it was placed there on account of the amount of illiteracy in that district; but it is there.

What I want to call attention to more particularly, however, is what the gentleman says in regard to the Republicans from the mountains. I read from his speech:

Let me remind the gentleman that politics became the damnedest in Kentucky only when a lot of Republicans came from the mountains to Frankfort, armed with pistols and Winchester rifles, loaded up with mean whisky, and in utter defiance of the law forcibly drove the legislature from the capitol, chased the members from place to place at the point of the bayonet, and wound up their drunken orgy by a cowardly assassination of the governor of the State.

Now, Mr. Chairman, this statement is either true or false. I denounce it as false. There may be one truth in it. He says in regard to the whisky that it was "mean." I do not doubt that

it was mean Democratic whisky—one of the chief products of the gentleman's district—whisky made by Democratic distilleries and protected by a Democratic "trust." I grant that it was "mean."

But were the men who chased that legislature mountain Republicans? I deny it. They were the State militia—not Republicans from the Eleventh district. They were not commanded by a mountain man. They were commanded—by whom? By General Collier, of Garrard County, Ky.—a county in the very heart of the gentleman's own district.

Why was that legislature "chased?" I do not like to speak disrespectfully of the legislature of my own State. An Arkansas man once said that a drove of mules passed through Frankfort and jumped into the statehouse yard, and they could not separate them from the members of the legislature. But you know Colonel Rice, in response, said that a drove of mules got mixed with the legislature of Arkansas and they turned out the legislature and kept the mules. I do not vouch for any of these statements, but let me tell you that was the occasion of a memorable contest between Goebel and Taylor which will forever disgrace the record of Kentucky. What had that legislature done? It was composed of 38 senators and 100 members of the lower house.

Mr. Goebel was himself a member of the senate; he could not act. There was absent 1 other Goebel senator. That left 36, of whom there were 18 Republicans and Democrats who were anti-Goebel. That left 18 members who were regarded as Goebel senators. They drew a committee to try this contest, and they drew 3 straight Goebel senators. They drew from the house a committee of 8 to act in conjunction with these senators to try that case. There were 42 Republican members of the lower house and 8 Democrats who were unfriendly to Goebel. That left about an equal division. But what was the result? They drew 7 straight Goebel Democrats and 1 Republican, the youngest member in that house, who sits by me here to-day.

In the light of this discrimination and unfairness the mountain Republicans naturally believed that they were going to be robbed. They did go to Frankfort, and on the steps of the capitol they were presided over by an ex-Confederate soldier from Lexington, Ky. They entered a solemn protest against such high-handed proceedings. They were not heard, and they returned to their homes. They were not in the city at the time the legislature was "chased," but I am here to defend General Collier, if he needs any defense. He is a man of character, a man of intelligence, a man of courage, a gallant soldier of the civil war. He chased the Confederates in that war, and he was adjutant-general of the State under Governor Bradley. He needs no defense.

But I must hasten on. The gentleman on the other side says, further:

> There is no State in the Union with a better and cleaner record than Kentucky. We have scarcely any criminal classes at all, outside of the negro population and a few lawless counties in the mountains, "hopelessly dominated by the Republican party."

Is that true? Is it true that the spirit of lawlessness has existed or now exists in the mountain counties alone, "dominated by the Republican party?" I deny it. I do not like to point out any of the shortcomings of any of the people of Kentucky, and what I say now I say in defense of my own people.

When I was a boy I read of the feuds between the Hills and the Evanses in the heart of the gentleman's district. At the close of the war this district was the scene of the Kuklux operations. Read the history of Kentucky of that period. It was then called the "dark and bloody ground" on account of these transactions. Not only so: when you talk about lawlessness in Kentucky, I invite the gentleman's attention to the tollgate raiders of recent date in central Kentucky.

I read now, Mr. Chairman, a note handed me by a person from his district, calling attention to the fact that within one mile and a quarter of Shelbyville, the gentleman's own home, one tollgate was blown up three times, and there was carried on a spirit of lawlessness in central Kentucky, and especially in the Eighth district, until they battered down the tollgates in that district. Why, Mr. Chairman, I can tell when I get out of the Eleventh and into the Eighth district now by the tollgates. They stand in the Eleventh district and they are gone in the Eighth. The counties have been forced in some instance to buy out the pikes and to throw the gates open.

I am not here to say whether the laws in these counties are oppressive, or whether the charters granted to turnpike corporations by the Democratic legislatures are unfair or oppressive, or whether the gentleman's constituency is irrepressible. Be that as it may, the spirit of overriding the law is present in his district more than it is in mine. These are recent occurrences. Yes; and I have another item here which I will read, that in the year 1899 two negroes were lynched from his own county seat at a time when a Methodist conference was going on in that town. Are they not, I ask, in nice shape to come here and talk about lawlessness in the mountains, where they are domineered by Republican administrations? I regret that we ever had feuds in Kentucky.

I believe there is no living feud there now, but if you believe for a moment that the Republican party is responsible for the feuds in our State read the history of Rowan County, a Democratic county, and learn of the feuds which took place there, and read the history of the feuds in the Democratic county of Breathitt. They have come along after the Kuklux days. Of course, I might refer to the Courier-Journal, which published Grove Kennedy as the most celebrated outlaw in Kentucky, and he was a resident of the Eight district of Kentucky.

Now, my fellow-citizens, I am proud that I represent the mountains. The gentleman paid us one high compliment inadvertently when he placed Chief Justice Miller next to John Marshall upon the Supreme Bench. Perhaps he did not know that Justice Miller was a native of Knox County, in the Eleventh district. Perhaps he did not know that he commenced his brilliant career just where Caleb Powers commenced his—born, like Caleb Powers, in the mountains, an intelligent, courageous, and promising young man as was Caleb Powers, who was fortunate in not having to go up against the Goebel election law. Justice Miller, when he practiced in Knox County, and when he held other honorable positions, was not deprived of the honor that the people conferred upon him by the operation of the Goebel election law as was Caleb Powers.

Caleb Powers was elected secretary of state, and received his commission and entered upon the duties of his office. That office was taken from him under the operations of the Goebel law. A serious charge was made against him, charging him with complicity in the Goebel murder. He was arrested and abused, hit in the face by the guards, put in jail at Lexington, and then without any warrant of law at midnight he was taken out and spirited over the country to Frankfort in a private conveyance, not knowing what was to happen to him.

Mr. WHEELER. Will the gentleman permit me to ask him a question?

Mr. BOREING. Yes.

Mr. WHEELER. Will he not be fair enough to the committee to state that when Caleb Powers was struck, as the gentleman has detailed, he was disguised and fleeing from the accusation of murder and resisted arrest? Is not that the fact?

Mr. BOREING. I do not know whether it is true or not.

Mr. WHEELER. Well, it is true.

Mr. BOREING. But I do know that under the laws of Kentucky the guards had no right to strike him.

Mr. WHEELER. When he was resisting arrest?

Mr. BOREING. He was not resisting arrest.

Mr. WHEELER. If the gentleman does not know anything about the incident, how does he know he was not resisting arrest?

Mr. BOREING. How does the gentleman know he was?

Mr. WHEELER. I have the sworn statement of officers, which was given in a court of justice.

Mr. BOREING. Yes; and I will ask the gentleman if the officers were not proceeded against for the taking away of Caleb Powers without warrant of law?

Mr. WHEELER. No, sir; the officers were acting under the instructions from the police and sheriff of Franklin County.

Mr. BOREING. How did it happen, then, that warrants were sworn out against the parties who took him from the jail in Lexington? Police and sheriff at Frankfort had no jurisdiction.

Mr. WHEELER. Caleb Powers had disguised himself as a militiaman, shaved off his beard, put on a wig, slipped on a train, and was trying to escape to the mountains of Kentucky, when he was apprehended. He resisted arrest and was arrested.

Mr. BOREING. If the gentleman knew as much about the matter as he ought to know before he puts in, he would know that Caleb Powers never wore a beard in his life. He was a beardless boy; he was not disguised.

Mr. WHEELER. I understood the gentleman to say that he did not know anything about the incident.

Mr. BOREING. I am not responsible for the gentleman's understanding. I may give the gentleman information, but God Almighty alone can give him understanding. [Laughter.]

Mr. WHEELER. I am thoroughly aware of that fact, and that there are some men who have neither information nor understanding; but I took the gentleman at his word when he stated that he did not know anything about what the conditions were when he was struck.

Mr. BOREING. I know only what the gentleman knows, and know what I have heard and what I read. I was not present.

Mr. WHEELER. Nor was I.

Mr. BOREING. I will ask the gentleman a question, and I will ask the gentleman from the Eighth district a question. Do you gentlemen indorse the act of the courts or officials that put Caleb Powers in a cell with the negroes at Frankfort?

Mr. WHEELER. No, sir; if that were true, I would not indorse it.

Mr. BOREING. Well, is it true?

Mr. WHEELER. My information is that it is not true.

Mr. BOREING. Your information?

Mr. WHEELER. He is sufficiently infamous, in my judgment, to go into a cell with the worst element of mankind, but I should not have put him in a cell with anybody. I should have kept him in a cell by himself if the matter had been left to me.

Mr. BOREING. My information is to the contrary, and I think I am rightly informed. Now, if it is true that the men who chased the legislature killed Goebel, why did not the gentlemen go before the grand jury and indict them and not stand upon the floor of this House and make representations to deceive the country as to the facts?

Mr. GILBERT. May I interrupt the gentleman?

Mr. BOREING. Certainly.

Mr. GILBERT. Why do you not return those that have already been indicted?

Mr. BOREING. You will find a full answer to your question in the statement made by Governor Durbin, of Indiana. Now, I will ask you, How it is that when you try Caleb Powers you can draw Democratic juries from a box that has Republicans and Democrats both in it?

Mr. GILBERT. Did not a Democratic jury acquit one of those fellows the other day? That is not an answer to my question.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WADSWORTH. I believe that closes the general debate.

Mr. BOREING. I am very sorry that I have not time to complete what I have to say.

Mr. KLUTTZ. I ask that the time of the gentleman from Kentucky be extended to allow him to conclude his remarks.

Mr. WADSWORTH. We have had six hours' general debate on this bill, and I think that is enough.

The CHAIRMAN. Objection is made.

Mr. WADSWORTH. I move that we proceed now under the five-minute rule.

The CHAIRMAN. The time for general debate having expired, the Clerk will proceed with the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Office of the Secretary: For compensation of Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; chief clerk, who shall be superintendent of the Department buildings, $2,500; private secretary to the Secretary of Agriculture, $2,250; stenographer to the Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,600; 1 appointment clerk, $2,000; 1 Chief of Supply Division, $2,000; 1 telegraph and telephone operator, $1,200; 1 clerk class 4, $1,800; 2 clerks class 3, $3,200; 2 clerks class 2, $2,800; 7 clerks class 1, $8,400; 5 clerks, at $1,000 each, $5,000; 1 clerk, $840; 1 engineer, who shall be captain of the watch, $1,600; 1 fireman, who shall be steam fitter, $900; 1 assistant fireman, $720; 1 assistant fireman, $600; 1 electrician, $900; 1 plumber, $900; 1 blacksmith, $840; 9 night watchmen, at $720 each, $6,480; 2 day watchmen, at $720 each, $1,440; 1 mechanic, $1,100; 6 messengers, at $840 each, $5,040; 2 assistant messengers, at $720 each, $1,440; in all, $69,450.

Mr. CANNON. Mr. Chairman, in line 12, page 2, I move to strike out the word "five" and to insert the word "four."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 2, line 12, strike out "five" and insert "four."

The CHAIRMAN. The Chair would like to know which word "five" the gentleman proposes to strike out. The word "five" occurs twice in line 12.

Mr. CANNON. Where it first occurs.

Now, Mr. Chairman, I should like to ask the attention of the gentleman in charge of the bill [Mr. WADSWORTH]. I can not state in five minutes all that I have to say.

Mr. WADSWORTH. Well, I will extend the gentleman's time.

Mr. CANNON. I do not know that I want it extended at this point. There are other points where the very thing that I have in view occurs where I may want a little more than five minutes. I hold in my hand the report that accompanies this bill, and read the following paragraph from it:

The apparent increase in the salary rolls of the several bureaus and divisions of the Department is not an actual increase either of salary or clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls, and who were then, as now, part of the permanent force of the Department. These transfers were made on the recommendations of the Agricultural Committees of both the Senate and the House.

Now, I have run through this bill and ascertained the number. The report is silent as to the number and amount. I find that there are specifically appropriated for in this bill on this salary list 89 people, aggregating salaries of $103,390. Well, now, if that was the whole story, there could not be much objection to it, except that from general appropriations, where the Secretary or the various bureaus had discretion, they have employed a number of people who were covered up. Those people, for anything that I have so far discovered in the bill, are not entitled to thirty days' leave of absence or thirty days' sick leave. So that this innocent transfer picks up these 89 people that nobody knew anything about until they were picked up, and puts them in this additional favorable position. But perhaps if they are really performing the duties that are usual to the Government, that would not be an objection.

Now, I crave the attention of the gentleman to the statement of an additional fact. One would suppose if you picked up $113,000 worth of people who were paid from lump-sum appropriations, that that would provide for the service, and it ought to. I will submit to the Committee of the Whole that it ought to, and that that should cover the whole ground. But now what do we have? Why, the lump-sum appropriations, in every case, after you relieve them of this $113,000 worth of people, are largely increased—in every case, so far as I have been able to examine.

Mr. WADSWORTH. You have not gone through the bill.

Mr. CANNON. Well, pretty closely. The report ought to have gone through the bill, but instead of that, there it is. It is some labor to go through the bill, and I have gone through it and had it gone through very thoroughly. He makes various general appropriations with authorization of employment of personal service, and it shows that no one of them has been in the appropriation of the last law.

Mr. WADSWORTH. The salary?

Mr. CANNON. No; the general appropriation. You pick up $103,000 and make it specific, and say in your report that it is paid from the general appropriation. Now, you add them specifically and increase your general appropriation in the bill. With the same power you could go on and add a hundred thousand or five hundred thousand, if you please, and add them from the lump appropriation. That is my criticism. Let me be a little more specific. In the Bureau of Animal Industry there are six——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask that the gentleman's time be extended five or ten minutes, whatever he pleases.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

Mr. CANNON. Well, ten minutes. I do not think I will take five.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Six employees in the Bureau of Animal Industry are picked up specifically at a cost of $7,400, whereas the general appropriation for the Bureau of Animal Industry is increased $110,000.

Mr. WADSWORTH. Where do you get those figures?

Mr. CANNON. From your bill.

Mr. WADSWORTH. I want to correct the gentleman right there. The total increase for the Bureau of Animal Industry is $93,150. That is the total increase—the increase of salaries and lump sum.

Mr. CANNON. Well?

Mr. WADSWORTH. Your figures are wrong.

Mr. CANNON. I think my figures are right.

Mr. WADSWORTH. They are wrong, I want to say to the gentleman.

Mr. CANNON. Well, the amount of your bill is $1,160,000; the current law is $1,050,000. That is a difference of $110,000.

Mr. WADSWORTH. The item for the Bureau of Animal Industry carried in the bill for 1902–3 is $1,247,180. The bill of 1901 carried $1,154,030. That is a difference of $93,150.

Mr. CANNON. I am speaking of this one appropriation.

Mr. WADSWORTH. I am speaking of the total expenditure for the Bureau of Animal Industry.

Mr. CANNON. I am speaking of the lump sum, where this abuse comes in. The matter that I am talking to I want to be pat on, and I say upon the lump sum the appropriation for the Bureau of Animal Industry is by this bill $1,160,000, and the lump sum appropriated in the current law—that is, the law that was enacted a year ago—is $1,050,000. In other words, in this one Bureau you pick up $7,000 plus for specific clerical service, and you increase the lump sum $110,000. Well, now, what language do you put in? Here is the clause on page 12:

And for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary.

And so on. You can take that whole increase of $110,000, and then you can take the $7,000, and then you can take more. Now, all I mean to say is, you run through these various bureaus and you hold out to the casual reader that you are picking up all your clerical force and putting it on here specifically. You do that, and you retain the power to appoint additional employees without limit, limited only by the amount of the appropriation.

Mr. WADSWORTH. Let me call the gentleman's attention to this, and I read from the report what it says:

The apparent increase in the salary rolls of the several bureaus and divisions of the Department is not an actual increase either in salary or of clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls and who were then, as now, a part of the permanent force of the Department.

These men that are transferred to the statutory rolls are men who are looked upon now in the Agricultural Department as permanently necessary for the work of the Department.

Mr. CANNON. Well, now, why do you put in these words, and why do you increase your appropriation specifically $110,000?

Mr. WADSWORTH. Let me answer.

Mr. CANNON. Let me finish my question. And why do you put in these words, under which there can be any other people employed for this purpose?—

And for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary.

I want to say that you can search in vain in every other appropriation and you can not find that power anywhere, and you ought not to find it anywhere.

Mr. WADSWORTH. The gentleman must remember the work of the other departments is practically all done here in the city of Washington, while the largest per cent of the whole work of the Department of Agriculture is done all over the country.

Mr. CANNON. Oh.

Mr. WADSWORTH. Inspecting the diseases of fruit trees and cattle, and but very little of the work is done practically in the city of Washington. All these men on the statutory rolls go out through the country inspecting diseases of fruit, of cattle, and hogs, and they are not permanently employed here.

Mr. CANNON. Why do you put in this language?—

And for this purpose to employ as many persons in the city of Washington——

Mr. WADSWORTH. In the city of Washington and elsewhere.

Mr. CANNON. Why did you put that in?

Mr. WADSWORTH. To give the Secretary of Agriculture leeway so that he can employ them here or send them elsewhere. If they were sent elsewhere the Comptroller might object to the item and there would be trouble.

Mr. CANNON. Mr. Chairman, there is now in permanent law, enacted in 1883-84, a provision that runs to the whole public service, that no man shall be employed in the city of Washington in departmental service unless he is specifically appropriated for. Now, the necessity for that, after a scandal, was that the various departments would use the various appropriations to fill up the departmental service, and we put that into fixed law. Yet here the gentleman evades that by taking up that $113,000 worth specifically, and instead of curing the abuse he increases, in this one instance, the appropriation by $110,000, and provides that they can go on and commit that abuse.

Now, I am getting tired that in the name of agriculture, in the name of the farmers—and I represent an agricultural district—that this Department of Agriculture with its bureaus, which run the Department, in my judgment, instead of the Department running the bureaus—in the name of agriculture I am getting tired of this kind of abuse. Therefore I shall move to amend from point to point and try to correct the bill in this respect.

Mr. TALBERT. Mr. Chairman, I am sorry to see the gentleman from Illinois use his great powers in opposition to the farmers.

Mr. CANNON. I am not; I am protesting against the abuse in the name of agriculture and the farmers that exists in this Department and abounds throughout this bill.

Mr. TALBERT. Well, the gentleman can call it by any name he chooses; a rose by any other name would smell as sweet. [Laughter.] At any rate, the gentleman seems to be in favor of cutting down the amounts herein contained.

Now, Mr. Chairman, I desire to say a few words in defense of this Department and to show some statistics or figures.

During the fiscal year ended June 30, 1901, the exportation of agricultural products from the United States reached a total value of $950,000,000. In other words, fully 65 per cent of the domestic merchandise sent abroad during the year originated on the farm. As to the percentage of our population that depends, directly or indirectly, upon agriculture for its livelihood, I have not the exact figures by me, but it is certainly a conservative estimate to place it between 50 and 60 per cent.

The exact relation of the Department of Agriculture to this vast interest is defined by the act approved forty years ago (May 15, 1862), establishing the Department, which act provides that—

The general design and duties of which (the Department of Agriculture) shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

And to this end the Secretary of Agriculture is—

to acquire and preserve in his Department all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments, * * * by the collection of statistics, and by any other appropriate means within his power.

So much for the Department's duties. Now, then, to enable the Department of Agriculture to execute the task thus laid upon it annual appropriations have been made which, at the end of the fiscal year 1901, amounted in round numbers to $38,600,000 for the forty years of the Department's existence. With this total in mind, it is of interest to turn to page 401 of the Letter of the Secretary of the Treasury transmitting Estimates of Appropriations required for the Fiscal Year ending June 30, 1903 (Fifty-seventh Congress, first session, House of Representatives Document No. 12), from which it appears that for the fiscal year 1902, out of a total of appropriations for the support of the Government reaching $606,596,877.55, the Department of Agriculture received but $4,582,758.16, or seven-tenths of 1 per cent. The total of the estimates for 1903 is $610,827,688.47, of which the Department of Agriculture asks $5,509,540, or a very little over nine-tenths of 1 per cent. The appropriations asked for each of three other Departments of the Government for the year 1903 are more than four times the total of appropriations for the Department of Agriculture from 1862 to 1901, inclusive. Then it seems to me that everyone on this floor should stand by this Department in the interest of agriculture.

It should be added here that of the $5,509,540 estimated for the Department of Agriculture for 1903, $720,000 is for the State experiment stations, and over this sum the Department exercises only a supervisory control. Even including it, however, he has asked for less than 1 per cent of the total estimated for the support of the Government.

If the Secretary of Agriculture had based his estimates upon the demands for experimentation and investigation made by various agricultural interests (such as cotton interests, cattlemen, fruit raisers, tobacco growers, etc.) he could have largely increased the total without in the least exceeding the wishes of the people engaged in these important industries. The Secretary of Agriculture in every case asked for no more money than he felt the Department could wisely use, and for this reason he no doubt felt disposed to regard as unjustified the criticism that the Department of Agriculture is growing too fast.

It is said that this Department is growing too fast. Why, Mr. Chairman, is not every other department of this great Government growing every hour, every day, and is not every other industry dependent upon this one in a measure? Then why not make the foundation stronger and stronger?

That is the only criticism, perhaps, Mr. Chairman, we have in this Department, and it seems to be the determination of the House to begin to economize on the farmer. I would like to submit here some things that this Department has done. Let us first take cotton and see what the Department is doing along that line.

Cotton.—For several years the Department has been working on cotton in the South, particularly in South Carolina, in connection with the fine sea island varieties. Several years ago this industry was seriously threatened by a number of very destructive diseases, but as a result of the Department's work these have in a measure been overcome. New and resistant varieties have been developed by crossbreeding and selection, and improved methods of cultivation have been put into operation. Some striking results have been obtained in the way of securing crossbred cottons. The fine, long staple, sea island varieties have been crossed with the upland forms, and as a result cottons have been secured adapted to the uplands much superior to the general varieties now in use. These are being grown in quantities and will be distributed in such a way as to enable the farmers of the South to determine their advantages.

Egyptian cotton.—The United States imports about six and a half million dollars' worth of Egyptian cotton every year, and for some time efforts have been made with a view to growing this important crop in the United States. The past two or three years' work has given very promising results in this direction, and it is believed that sooner or later conditions will be found suitable for the production of very high grade Egyptian cotton. "This year," I quote from the report of the Secretary of Agriculture, "a bale of Egyptian cotton grown from imported seed in southern Georgia was given a thorough spinning test in a mill in Connecticut, and was pronounced equal to the best imported grades." Egyptian cotton has already proved very valuable as a means of getting hybrid varieties adapted to many parts of the South. The crossing of the Egyptian forms with the upland varieties has been successful, and their adaptation to different sections is now being tried.

Now, let us see about the cowpea, the great forage and fertilizer crop of the country.

Resistant cowpea.—The cowpea forms an important link in connection with the work on cotton, especially in the Sea Island regions, where it is used in rotation. In recent years the cowpea

has been subject to several serious diseases, but recently the Department has secured a hardy sort which withstands several destructive enemies, and which will put into the farmers' hands a means of bringing their lands to a higher state of fertility than ever before. The resistant cowpea, combined with the hybrid cottons, will, it is believed, work a revolution in the production of cotton in certain parts of the South.

As to lilies, what are the facts in the case?

The growing of lilies.—In all the large cities of the United States there is an immense demand for flowers at certain seasons of the year and equally so in the country. This is especially the case with lilies, the bulbs of which are for the most part being grown in the Bermuda Islands. Probably one-half million dollars is devoted to this industry in Bermuda, and it has long been believed that there are many parts of the South where work of this kind could be successfully carried on. Investigations and experiments with this object in view have been inaugurated in a number of places with promising results. The Department is maintaining a station at Miami, Fla., for the study of questions of this kind and many others of importance to the farming interests of the Southern States. At this station many problems pertaining to the truck industry, the growing of citrous fruits, and the growing of other valuable products for Northern markets are being considered.

Then comes a fruit universally used and enjoyed.

Hardy oranges.—Soon after the great freeze a few years ago the Department inaugurated a series of investigations and experiments, having in mind the production of varieties of oranges and other citrus fruits more hardy than those in existence. Some very striking results have been obtained in this direction by crossing a hardy nonedible orange from Japan with the tender edible varieties from Florida. More than 5,000 hybrids have been obtained and have now been growing for two or three years. In all probability these oranges will fruit the present season, and we will then be able to see definitely the result. If only one hardy orange is secured, it will be a great thing for the people of the South, for it will enable them in a large measure to reestablish the important industry which was so severely injured a few years ago. Florida has many advantages in the production of citrus fruits, and if it were not for the great risk in the matter of cold the work would be exceedingly profitable. The hybrids secured as a result of breeding are now being grown in many parts of the South and have already proved their hardiness, and, as already indicated, their value, so far as fruit is concerned, will in all probability be determined the present year. Now, as to the markets for these products.

Opening foreign markets for fruits.—Down through the entire Appalachian region, extending from northern Virginia into central Georgia and Alabama, there is a growing interest in the production of fruits, especially peaches, pears, etc. With the extensive plantings that are now being made the question will soon arise as to what is to become of the products. Last year the Department inaugurated some work, having in mind the extension of our fruit markets into foreign countries. Through careful attention to the details of picking, packing, storage, etc., various perishable fruits have been successfully sent into foreign markets and there sold at very remunerative prices. Altogether there is a most promising outlook for a further continuation of this work, as its success largely depends on putting into operation practical methods of handling the crops. Then comes a product much used and enjoyed by old and young everywhere.

Tea.—Very nearly everyone in South Carolina is familiar with the efforts for the production of tea in the State. All are not familiar, however, with the success which has recently attended this work. There are now nearly 100 acres of tea on the plantation at Summerville, and steps have been taken toward the establishment of a large plantation near Charleston, covering something like a thousand acres. All through the South there is a growing interest in this work, and with proper attention to details it is believed that success will be assured. There is a great deal yet to learn in the methods of handling the tea, and for this reason the work will have to be continued at a number of points. Fine grades of green teas can now be made; in fact, the teas produced last year at Summerville have been pronounced by experts equal and in many cases superior to the best imported varieties. Through the perfection of machinery tea can be picked on Monday and put into the New York market on Thursday at a total cost of 15 to 20 cents a pound. The labor problem, of course, is important in this connection; but it is believed that all through the South this can be met by the utilization of idle colored help under proper management. In the utilization of such help the cultivation of silk could also, in all probability, be introduced.

Rice.—As to rice, a great product for all, through recent work great advances have been made in the rice industry, especially in Texas and Louisiana. Several years ago it was difficult to arouse interest in this crop, but through the importation of foreign and more desirable varieties the whole industry has been put on a new basis. More than a million dollars was brought into the States of Louisiana and Texas alone last year as a result of this work, and it is estimated that $20,000,000 has been invested in the industry, covering lands, mills, etc. During the last three years the imports of rice in the United States have fallen from 150,000,000 pounds to 73,000,000 pounds. This marked decrease in importation has gone hand in hand with our own increased production, and is not due to any falling off in the consumption of rice in the United States.

Forage crops for the South.—One of the most striking needs of the Southern States is to secure more and better forage crops. The Department has been putting forth efforts in this direction for some time and promising results are being secured. There is now in the Orient a gentleman who has been prominently identified with the agricultural interests of the South, collecting seed of all kinds for distribution and getting facts which will enable him, on his return, to teach the farmers of the Southern States the use of forage crops and the diversification of their work. This gentleman is also charged with securing new varieties of rice for planting on the uplands and any other new crops that may be of value to this region. The Department is cooperating with the State experiment stations in nearly all the States, and all are working together to the end of building up the agricultural industries and enabling the farmer to produce more than has ever been done before.

These are only a few of the many advances along these lines the Agricultural Department has made, which speaks well indeed for the very efficient man who is now the head of that arm of the Government, the Hon. James Wilson.

Now, Mr. Chairman, I do not think anyone should rise and ask to cut down what the Secretary of Agriculture asks for. I think he has been moderate and reasonable, and only asks for what he can utilize for the benefit of the agricultural sections of this country in common with all other parts of the same, and I hope that none of them will be cut down, and I hope that some will be raised back to the recommendation that he made in his report, for he certainly has demonstrated by his wise policies that he knows his business.

Mr. WADSWORTH. Mr. Chairman, I will only touch on the amendment offered by the gentleman from Illinois, and when we reach the Bureau of Animal Industry I will have something to say about that. This is not an increase of salary; it is a transfer of a clerk from the lump-sum roll. Previous to this he has been paid for from the lump-sum roll. It had been the wish of the Secretary to put on the statutory roll all those who are needed permanently in the Department. In doing that we have transferred a number from the lump-sum roll to the statutory roll, and it is stated in the report that this is not an increase in salary, but simply a transfer from one roll to the other. I hope the amendment will not be agreed to.

Mr. CANNON. Mr. Chairman, I made this amendment for the purpose of making a statement to the House. I have no objection to the transfer from the lump-sum roll of the $103,000 worth of people to the specific roll in the Department in the city of Washington. What I object to is that after you transfer them as provided for that service in the Department here—I am not talking about the service throughout the country—you still leave on the lump-sum roll available for more lump-sum employees in the Department here.

Now, that is what I object to, and therefore I will withdraw my amendment after calling attention to it and accomplishing my object and make my amendment at the various lump-sum appropriations as they are reached.

Mr. WADSWORTH. Mr. Chairman, a great many men employed outside of the city of Washington are on the statutory roll, and the Secretary must have some leeway. For instance, take the Bureau that the gentleman has called attention to, and it employs many microscopists, and many employees in the abattoirs of St. Louis, Chicago, and other places. If the demand for inspection ceases, he discharges them; if it increases, he has power to reemploy them.

Mr. CANNON. That is all right.

Mr. WADSWORTH. He must have this leeway in order to transact properly the business of the Department. In other words, these employees can not all go upon the statutory roll, but only those that are permanently needed.

Mr. CANNON. I do not think there is any material difference of opinion between the gentleman and myself. I would not propose any amendment that would interfere with the discretion of the Secretary of Agriculture to employ all needful persons for the purposes that he specifies or for any other purpose under the law outside of the Department in Washington. When it is proposed to expend $103,000 in the employment of clerks, to be paid from the lump sum, and to be employed here in the Department at Washington, as provided for the coming year, I make no objection to that.

But what I do object to, as I shall point out later on, is to continuing this lump-sum appropriation and making it available for the employment of more clerks down here in this Department. I want this Department here in Washington to be "on all fours" with the Treasury Department, the Post-Office Department, the Interior Department, and every other department. I think, if the gentleman understands what I am trying to accomplish, there will be no serious difference of opinion between us. I withdraw the amendment.

The Clerk read as follows:

Office of the Secretary: Laborers and charwomen: One laborer, $600; 3 charwomen, at $480 each, $1,440; 5 charwomen, at $240 each, $1,200; for extra laborers and emergency employment, $1,000; in all, $4,240.

Mr. WADSWORTH. I move to amend the paragraph just read by inserting after the word "women," in line 5, page 3, the words "one messenger or laborer, $720." This is to correct an omission. It was in the bill of last year.

The amendment was agreed to.

Mr. WADSWORTH. I request that the Clerk be authorized to change the total in accordance with the amendment just adopted.

The CHAIRMAN. That will be done if there be no objection.

There was no objection.

The Clerk read the next paragraph, containing the following:

Salaries of the Weather Bureau: Office of Chief of Weather Bureau: One Chief of Bureau, $5,000; one assistant chief of bureau, $3,000, etc.

Mr. CANNON. I make a point of order upon these words in line 16, page 3: "One assistant chief of bureau, $3,000."

Mr. Chairman, so far as I am aware, there is no "assistant chief of bureau" authorized by law. There is no law to support this recommendation. It appears now for the first time.

Mr. WADSWORTH. That is true. The clause is subject to a point of order. The committee inserted it in good faith, on the request and recommendation of the Chief of the Weather Bureau, as absolutely necessary for the proper performance of his work.

When he is absent on duty there is no one to take his place until you get down to the chief clerk. It was thought desirable that there should be an assistant chief, to be associated with the chief, and to be responsible for the work in the absence of the chief. I acknowledge that the clause is subject to a point of order.

The CHAIRMAN. Upon the statement of the gentleman from New York [Mr. WADSWORTH] the Chair sustains the point of order.

The Clerk read as follows:

All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for experiments in wireless telegraphy, including all necessary expenses; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including assistance and all necessary expenses, $486,000.

Mr. CANNON. I move to amend by striking out the last word. I desire to ask the gentleman in charge of the bill how much of this $486,000 and other appropriations is to be used in the Weather Bureau for crop and other statistics?

Mr. WADSWORTH. I can not tell the exact amount that is used for that purpose. These crop reporters receive, I believe, a very small sum from the Weather Bureau. They make their reports almost gratuitously; in some cases absolutely so.

Mr. CANNON. My reason for asking the question is that when we turn over to page 41 we find an appropriation for the statistics of the Statistical Division of the Agricultural Department.

Mr. WADSWORTH. I know what the gentleman is coming to.

Mr. CANNON. What I want to say is that it costs $177,980 for "statistics in the Division of Statistics" in this Department, whereas the whole division of statistics in the Treasury Department costs, I believe, $60,000, and the whole Department of Labor expends for this purpose only $177,000. I believe that in undertaking to state the appropriation for the Division of Statistics I stated the amount too small. When all the items are put together, it will amount to more than I stated.

Now, what I want to know is this: In addition to this enormous sum for getting statistics in one division of the Agricultural department, how much is paid to the Weather Bureau division for duplicating those statistics? I think I am entitled to know this, because here is an appropriation of nearly half a million dollars in this one item, and I want to see to what extent two divisions in a single department are doing the same work and how much money may be thrown away in that manner. I want to see whether there is not somewhere in Congress or in some department the power to prevent duplication of that kind.

Mr. WADSWORTH. Mr. Chairman, the subject to which the gentleman from Illinois [Mr. CANNON] refers had full consideration by the committee, and they heard the Secretary of Agriculture on that very point. I myself took the ground that that work could be done and done more economically by the Weather Bureau, and that there was no need of the Division of Statistics in the Department of Agriculture. Indeed, I think there is no need of the Bureau either in the office of the Secretary of the Treasury. The Bureau of Statistics of the Treasury Department and of the Agricultural Department ought to be transferred to the Census Bureau. That is where it properly belongs. But the Secretary of Agriculture told the committee very positively that he was not ready to make the transfer, that he had had it under consideration, and that the matter would be brought up and adjusted by the following year, and the matter was left in abeyance, in that shape, in deference to his wishes in the matter.

Mr. CANNON. Now, for the sake of argument, I will make a statement. I am accurate, I think, as to what the Division of Statistics in the Agricultural Department costs. It is nearly up to $200,000.

Mr. WADSWORTH. One hundred and fifty thousand dollars.

Mr. CANNON. One hundred and fifty thousand dollars, the gentleman says, but he will find it something more. That is nearly three times what the statistics cost in the great Treasury Department. It is nearly as much as the whole Department of Labor costs, and that gathers statistics about everything, almost, and I undertake to say that I have no doubt that there is over $100,000 expended in gathering statistics in the Weather Bureau and for their publication, which statistics duplicate the statistics gathered in the Division of Statistics in this Department, and that has been so for three or four years, and attention has been called to it time and time again, and yet in the name of the farmer we are to have this abuse going on, and when you call attention to it somebody gets up and opens his mouth and says that you are discriminating against the farmer. Now, I am a farmer and I represent farmers, and I want to say again that I am tired of that kind of thing. There is not a farmer that I represent, or, in my judgment, that anybody else represents, unless he wants to get into this Department, who has any patience with this duplication.

Mr. KLUTTZ. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. KLUTTZ. I will ask the gentleman if it is not true that the statistics and observations of the Weather Department are given to the public much earlier and more rapidly than those of the other department—given to them at once and at a time when they are of use?

Mr. CANNON. I think very likely it is true that the Weather Bureau Division does its work more promptly than the Statistical Division in the Agricultural Department. What I want to do is to cut out one or the other. Shall we cut out the Division of Statistics?

Mr. KLUTTZ. Of the two I would say yes.

Mr. CANNON. Well, they duplicate work, and what is the use of the duplication? And the Weather Bureau is first with the people, as I understand it. What possible excuse is there for it? I am acquainted with the Secretary of Agriculture, and I served in this House with him and esteemed him very highly; but let me tell you what I think—and that covers myself—there are a few laymen who may be in the public service who come in contact with the alleged scientists, who do not go to the wall when they come in contact with names that we do not understand, and there you have got it. I believe it would be wise to recommit this bill to the Committee on Agriculture with instructions to put in the pruning knife and cut out one or the other of these useless divisions. I do not mean that it is useless so far as the information is concerned. That is good, but it is worse than useless when you come to duplicate it.

Mr. GARDNER of New Jersey. Is it not true that the statistics gathered by the Weather Bureau are those that are immediately given to the public and published over the country, as to the condition of the crops in consequence of the weather, and all that? As I understand it, the work is not duplicated in a sense. That is to say, the weather observer here, there, and yonder gives every other local weather observer the condition of the climate, rainfall, state of crops, and all that sort of thing and reports it. The country gets that through the Associated Press at once for whatever it is worth, whereas if it went to the statistical department of the Agricultural Department you would get it next year.

Mr. CANNON. Now, my information from experts is that this work is duplicated and that the valuable part of it is done by the Weather Bureau, and that with very slight additional expense

it could do promptly all that the Division of Statistics does, and that there would be a great saving of money, and then we would have this scandal disappear from one small department by having these expenditures do double work.

Mr. WADSWORTH. Mr. Chairman, I simply want to repeat, as one member of the committee, that I was heartily in favor of it, as some other members were also, and I simply wish to say that in deference to the judgment of the Secretary of Agriculture—it being a mere question of administration in his Department—we did not wish to go directly contrary to his wishes.

Mr. CANNON. Now, we have waited for him four years. In the name of all that is good how much longer have we to wait?

Mr. WADSWORTH. The gentleman must ask the Secretary of Agriculture.

Mr. CANNON. Then I will move to strike out the Division of Statistics when we reach it and test the sense of the House in regard to it.

Mr. GAINES of Tennessee. Will the gentleman from Illinois tell us whether or not this information in the two bureaus is given out simultaneously?

Mr. CANNON. I do not understand it so. I understand the Weather Bureau is first.

Mr. GAINES of Tennessee. That is every day, as I understand it.

Mr. CANNON. Oh, and every week and every month.

Mr. GAINES of Tennessee. Is it not every day?

Mr. CANNON. I think so, as to some things.

Mr. GAINES of Tennessee. I am inclined to believe with the gentleman from Illinois, but I want to get at whether the facts are published simultaneously. The gentleman says they are not. Then the statistics that come from the other part of the Weather Bureau or the other part of the Department are publised later on, and possibly, as the gentleman from New Jersey [Mr. GARDNER] says, the next year, so Congress and the people would not get these statistics, if that be true, until next year, if your amendment obtains.

Mr. WADSWORTH. I want to correct a statement that I made to the gentleman from Illinois [Mr. CANNON]. I stated to him that I thought the climate and crop reporters of the Weather Bureau received a small compensation. It seems that they do not receive any, except in the way of receiving the Weather Bureau Reports.

Mr. GAINES of Tennessee. Will the gentleman enlighten us on the proposition as to when these statistics go out from the two branches of the Bureau? Which goes out first in point of time?

Mr. WADSWORTH. The Weather Bureau reports naturally would go out first.

Mr. GAINES of Tennessee. When do the other statistics go out? When are they distributed among the people?

Mr. WADSWORTH. The crop reports are distributed and announced once a month by the Division of Statistics.

Mr. GAINES of Tennessee. How?

Mr. WADSWORTH. By publication by the Secretary of Agriculture.

Mr. GAINES of Tennessee. They are published by the Department and distributed through members of Congress?

Mr. WADSWORTH. Yes; but they are also sent out by the Department, and the information goes out to the country through the press.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word. Will the gentleman explain now exactly how this very vital information is published?

Mr. WADSWORTH. I stated to the gentleman that the Statistical Division issued its reports once a month.

Mr. GAINES of Tennessee. Distributed how?

Mr. WADSWORTH. They are given out for publication by the Department. The report of the Weather Bureau in regard to weather comes out and is distributed all over the country, every day.

Mr. GAINES of Tennessee. How?

Mr. WADSWORTH. By these cards that you see everywhere, and in the newspapers and by telegraph.

Mr. GAINES of Tennessee. And the other is sent through the mail?

Mr. KLUTTZ. I move to strike out the last two words.

With every deference for the opinion of the distinguished gentleman from Illinois [Mr. CANNON], I hope his amendment will not prevail. There may be duplication in this work, but just at this time I agree with the Secretary of Agriculture, who, I want to say, is the best that this country has ever had, that this is not the proper time to make a change. We have just made the Census Bureau a permanent one. We are just about, I hope, to establish a new department of labor and commerce, where all these matters of statistics can be consolidated and put in the proper place and be given to the public in the proper way. I think it would be premature now to strike out this section or any part of it, and thus cripple the work of statistics. I want to call attention, too, to the fact that in this section there are a great number of matters which do not come within the province of the Weather Bureau, and if this section were stricken out or emasculated or the appropriation for the same cut down they would be seriously crippled.

I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. WADSWORTH. Now, I ask unanimous consent to return to page 5, line 14, to correct the total. It should be $165,260. It is simply the correction of the total, owing to the striking out on a point of order of one assistant chief of bureau at $3,000.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

For maintaining the Weather Bureau stations already established by the Secretary of Agriculture, or to be established by the Secretary of Agriculture, in Bermuda, in the West Indies, or on adjacent coasts, and for establishing and equipping meteorological stations in the Hawaiian Islands for taking daily observations of meteorological phenomena; for collecting reports thereof by cable and otherwise; for disseminating information based thereon of the approach of tropical hurricanes and other storms; and for collecting and publishing such climatological data as may be of public benefit, including salaries of 1 professor of meteorology, at not exceeding $3,000; 1 forecast official, at not exceeding $2,000; section directors, observers, and other necessary employees (all for duty at the places named in this act or at such points in the United States as the exigencies of the weather service may require); rent of offices, stationery, furniture, and instrumental supplies; traveling expenses; freight and express charges: cablegrams and telegrams; and all other necessary expenses, $60,000.

Mr. JONES of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After the word "islands," line 20, page 7, insert the words "and if practicable in the Aleutian Islands."

Mr. WADSWORTH. Mr. Chairman, I have an amendment to that amendment that I would like to have inserted. After the words "if practicable" insert the words "and useful."

Mr. CANNON. I want to make the point of order before it is too late.

Mr. WADSWORTH. It is subject to a point of order.

The CHAIRMAN. Does the gentleman from Washington accept the amendment of the gentleman from New York? The Clerk will state the gentleman's amendment, as it will be amended.

The Clerk read as follows:

Insert after the word "islands," in line 20, "and if practicable and useful in the Aleutian Islands."

Mr. CANNON. Well, now, to both amendments I make the point of order, and the gentleman from New York acknowledges it. It seems to me that that disposes of it.

Mr. WADSWORTH. It is new legislation, and it increases the expense practically.

Mr. CANNON. Precisely.

The CHAIRMAN. Does the gentleman from New York acknowledge it is new legislation?

Mr. CANNON. I make the point of order that this appropriation is to establish by the Secretary of Agriculture in the Aleutian Islands meteorological stations, and to equip them and so on. Now, then, for these new establishments it may or may not be necessary to buy a site on which to construct a building. It is not authorized by law. It is like unto a public building or lighthouse; it is like unto a great many other things that have to be authorized by law before the appropriation is in order upon a general appropriation bill. Now, there is no legislation that authorizes it, and, therefore, whether it is proper or not—I will not discuss the propriety of it—there being no legislation, I make the point of order, and it is so perfectly plain that the gentleman from New York has no doubt about it.

Mr. JONES of Washington. It seems that this amendment is right in line with the provision of the section here to which this amendment is offered. It provides for the establishment and equipment of meteorological stations in the Hawaiian Islands. Now, if that is in order, it seems to me that this amendment would also be in order. It is right in line with the object of this section of the bill.

Mr. HENRY of Connecticut. A parliamentary inquiry. Has the section been read and is it subject to amendment?

The CHAIRMAN. The section has been read.

Mr. CANNON. Well, this is the current law from line 16 down to line 10, on page 8.

The CHAIRMAN. Does the gentleman from Illinois make the point of order against the section? The Chair has not fully comprehended the point of order made by the gentleman.

Mr. CANNON. No. I doubt if the section is subject to the point of order, because a year ago and the year before that these words were in the law. Now, this is for the extension of this

service; it is for the establishing of new stations. I will say to the Chair it is like unto the case of the Light-House Service, and yet the rule is well understood and it has always been that it is not in order on a general appropriation bill to move to build a light-house until the legislation establishing the light-house has been enacted.

Mr. JONES of Washington. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. JONES of Washington. This provision is in the bill, "and for establishing and equipping meteorological stations in the Hawaiian Islands."

Mr. CANNON. Yes; and that has been there for two years.

Mr. JONES of Washington. And my amendment is to that portion of the bill.

Mr. CANNON. Precisely.

Mr. JONES of Washington. That really under the fact is subject to the point of order because no general legislation has been enacted providing for it, but no point of order is made against that.

Mr. CANNON. Very well. If it is subject to the point of order, it is in the power of the gentleman to make it.

Mr. JONES of Washington. I do not desire to make it.

Mr. CANNON. But it would appear to me that it was not subject to the point of order because this provision has been in the appropriation bill a year ago and two years ago.

Mr. WADSWORTH. Three years. Ever since the Spanish war.

Mr. CANNON. Whether subject to the point of order or not, it is perfectly patent that any provision that now appears for the first time that would render necessary the acquisition of a site and the construction of a building, and so on, is subject to a point of order.

The CHAIRMAN. Let the Chair understand the gentleman from Illinois. He does not make the point of order against establishing the stations in the Hawaiian Islands?

Mr. CANNON. No.

The CHAIRMAN. There was an amendment offered and an amendment to that relating to the Aleutian Islands.

Mr. CANNON. Precisely.

The CHAIRMAN. Then the Chair will rule.

Mr. JONES of Washington. May I suggest this, Mr. Chairman. The gentleman says that this clause, "and for establishing and equipping meteorological stations in the Hawaiian Islands" has been in the last two appropriation bills. Now, I understand it to be a fact that this does not make it legislation, and it would still be subject to the point of order that no original law provided for it. Now, then, the point of order was not made to it, and any amendment can be offered to it that is germane, and that certainly would be in order.

The CHAIRMAN. Any amendment that is germane would be in order; but is it necessarily germane to establish a station on the Aleutian Islands?

Mr. JONES of Washington. To establish a meteorological station would certainly be germane to the provision in the bill.

The CHAIRMAN. If it was for a continuation of a public work, it might be germane. The Chair thinks the amendment offered by the gentleman from Washington is subject to the point of order made by the gentleman from Illinois; and sustains the point of order.

The Clerk read as follows:

For the purchase of sites and the erection of not less than six buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations, $50,000.

Mr. CANNON. Mr. Chairman, to that portion of the paragraph, lines 11 to 18 inclusive, I make the point of order that they are new items, not authorized by any legislation, not in order under Rule XXI on a general appropriation bill. "For the purchase of sites and the erection of not less than six buildings for use as Weather Bureau observatories." Why, it is just like a public buildings bill in the sundry civil bill. It would not be contended for a moment that it would be in order to insert an item for the purchase of sites for six public buildings. It is precisely on all fours, no law to authorize it, and under the rule as universally applied upon all bills, in the absence of legislation establishing the observatories and authorizing the purchase of sites on a general appropriation bill, it is not in order because it is legislation as well as appropriations.

Mr. WADSWORTH. Mr. Chairman, the law under which the Weather Bureau was first established in 1891 contains this item:

It shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau, which shall be hereafter specially developed and extended in the interests of agriculture.

Under that clause, according to the law under which the Weather Bureau was originally established, the weather stations of the Bureau have been built. The Bureau of last year contained these items for the purchase of a site and the erection of small brick and wood buildings at each of the following-named places for the use of the Weather Bureau: Atlantic City, N. J.; Hatteras, N. C.; Fort Canby, Wash.; Port Crescent, Wash.; Tatoosh Island, Wash., and Port Reyes, Cal.

All I can say is that if it is subject to a point of order this year, it has never been made subject to a point of order heretofore. Under that clause in the law we have reported all the improvements in the Weather Bureau which have been going on for the last ten or twelve years. I insist that the law as just quoted gives the Weather Bureau the authority to do this work in the interest of agriculture.

Mr. CANNON. Mr. Chairman, they have the same authority that every other department has, namely, to recommend to Congress and to submit items; the same authority as has the Post-Office Department, the Treasury Department, and all of them. Now, the gentleman says that last year an appropriation like this went through.

Mr. WADSWORTH. Yes; and the year before, and the year before that, and for the last seven or eight years.

Mr. CANNON. For the last seven or eight years! For the sake of the argument, admitted; they went on because nobody rose in his place and made the point of order. Practice without objection can not be invoked to do away with the law and the rule. I will say to the gentleman frankly I did not make the point of order because I expect I did not notice it, and in the first instance I would not have made it because the abuse that has grown up in this Department had not then developed itself. Now, that it has developed, it is not only my privilege but my duty to say to the gentleman that if the point of order will stop this matter under the rules of the House, I think it is my duty to make it.

Mr. WADSWORTH. The gentleman does not think this is an abuse; it is in line with the improvement of the Weather Bureau Service as it has gone on for years in the past. I do not see how the Weather Bureau can meet the necessities of the country in any other way.

Mr. OLMSTED. Mr. Chairman, without expressing any opinion on the point of order, I would like to ask the gentleman from Illinois if there is any difference in principle between continuing the equipment of the Weather Bureau in this way and the growing up of the Fish Commission under appropriations in bills which he annually reports without any more authority than there is for this item.

I want to call attention to the ruling made in the last Congress by the gentleman from Illinois [Mr. HOPKINS] in the Chair upon the argument of the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, that there might be increased continuing appropriations for the Fish Commission under authority of law no stronger, it seems to me, than there is for this item under discussion.

Mr. CANNON. I recollect the ruling very well, and it was perfectly proper; but the gentleman fails to see the point. That was not where a fish station was authorized. On the contrary, the gentleman will recollect that he himself offered the amendment to build a fish-culture station, and I made the point of order against it, and it was sustained by the Chair on the ground that a purchase of the site and construction of the station must first be authorized by legislation, and then when once authorized appropriations would follow. This is on all fours; it is a proposition to purchase sites and to build observatories where none now exist. If this is in order, then it is in order on general appropriation bills without legislation to construct a public building at every crossroads in the country.

Mr. WADSWORTH. Mr. Chairman, I want to call attention to the fact that the bill last year contained almost identical appropriations at different points. It provided for the purchase and laying of a cable between the mainland and Tatoosh Island, and for general repairs to telegraph lines from Port Crescent to Tatoosh Island, Washington, including all necessary labor, materials, and other expenses.

The CHAIRMAN. The Chair has read the statute upon which the gentleman from New York bases the claim that the committee has authority to report in this bill appropriations of this kind. It seems to the Chair that section 9 of that statute simply directs what shall be the duty of the Bureau in a certain contingency. The Chair does not think the statute was intended to ever confer the power upon the Committee on Agriculture to include in an appropriation bill an appropriation authorizing the Department to purchase sites and erect buildings.

The object of an appropriation bill is to make appropriations for certain specific objects where laws recognizing the necessity and conferring the power to make them already exists. It has

been held that the enlargement or continuation of a work previously authorized by law is permissible upon an appropriation bill and is not subject to a point of order.

But the Chair has not had his attention called to any ruling by which it has been held that under the exceptional clause of the rule it is legitimate or proper to authorize the purchase of a new site and the erection of a building thereon. On the other hand it has been held distinctly that the erection of a laboratory building for the Department of Agriculture was not to be regarded as a continuation of a public work already in progress and that an appropriation for that purpose was subject to a point of order. The purchase of an adjoining building for a hospital already established was held to be such a continuation of a public work as came within the exception to the rule. But there is nothing of that sort here. And it has also been held that an appropriation undertaking to authorize the purchase of land was, under this language of the rule, subject to a point of order, where the land proposed to be purchased was separate and distinct from other land owned by the Government.

The Chair is therefore inclined to adopt the view of the gentleman from Illinois [Mr. CANNON] that this provision is distinctly legislation upon an appropriation bill; that the wisdom or unwisdom of establishing these sites and erecting buildings thereon—the decision of the question of their necessity or the contrary—is a matter to be determined on a proper bill, considered properly under the rules, and coming from a proper committee. Therefore the Chair holds that this provision upon this, a general appropriation bill, is subject to the point of order made by the gentleman from Illinois [Mr. CANNON], and the point of order made by the gentleman from Illinois is sustained.

Mr. WADSWORTH. I ask unanimous consent that the Clerk be authorized to correct the totals of this paragraph.

There was no objection.

The Clerk read the next paragraph of the bill, including the following:

To purchase, establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary.

Mr. CANNON. I desire to make a point of order on the words "purchase, establish," in line 12, page 12. If the point of order should be sustained, the language would read:

"To improve and maintain quarantine stations," etc.

I submit that the authority to "purchase and establish," which would be carried by the words on which I raise my point of order, is legislation. This question involves the same principle as that decided on the previous point of order.

Mr. WADSWORTH. In the act of last year this item was carried as a separate clause:

Animal quarantine stations: To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, $25,000.

In this provision is found authority for the language now under consideration, which I claim provides merely for the continuation of a work already begun by authority of law.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. WADSWORTH] what constitutes a "quarantine station?"

Mr. WADSWORTH. A piece of ground with suitable buildings and properly fenced in, to exclude all animals not intended to be domiciled there, so that no animals from the outside can come in contact with those thus fenced in. The grounds and buildings thus used may be either purchased or rented. I have read the clause contained in the bill of last year, in which authority was given to purchase.

Mr. CANNON. That was a mere appropriation—not legislation at all. The language now under consideration does not apply to anything that may have been purchased under that appropriation. What I propose to accomplish by striking out the words I have designated upon the point of order is to prevent legislation for the purchase and establishment of new quarantine stations. The language on which I have raised my point of order is, I insist, legislation, and is not in order on this bill.

Mr. WADSWORTH. Does not the gentleman think it is a continuation of the work of the bureau as already established?

Mr. CANNON. Oh, no; no more than the building of a new custom-house is continuing the work of the customs service, or the building of a new post-office the continuation of the Post-Office Department.

Mr. WADSWORTH. Well, Mr. Chairman, I have read the only authority I have—the clause contained in the bill of last year. These things have always been provided for in this way. If the provision of this bill is subject to a point of order, the committee, of course, will have to submit; but I think the provision in question is simply a continuation of the work of the bureau as already established, and is in order under the clause of last year's bill as I have read it.

The CHAIRMAN. The Chair will say to the gentleman from New York that under the ruling made a few moments ago the Chair believes it would hardly be competent to authorize the purchase of ground for a new station; but the establishment of such a station on land already owned by the Government, might, it seems to the Chair, be in order.

Mr. CANNON. Well, I will make it against each one separately.

The CHAIRMAN. The Chair sustains the point of order as to the word "purchase," and will not sustain it as to the other word.

Mr. WADSWORTH. Do I understand that the Chair sustains the point of order in regard to the word "purchase."

The CHAIRMAN. Yes, sir.

Mr. CANNON. Then, Mr. Chairman, I make the point of order upon the words "two thousand five hundred," at the end of line 1 and the beginning of line 2, on page 10. The salary of the zoologist as fixed heretofore is $2,250.

Mr. WADSWORTH. Mr. Chairman, I would simply say in answer to the gentleman from Illinois that it is subject to the point of order, but the committee had stated in its report that it increased the salaries of some of the scientific corps because after careful inquiry they were convinced that the salaries of those gentlemen were not equal to the salaries paid by educational institutions throughout the country nor by foreign governments, and that they were entitled to a little increase, and we granted it. We have not granted nearly as much as the Secretary of Agriculture recommended, however.

The CHAIRMAN. Upon the statement of the gentleman from New York the Chair rules the point of order is well taken.

Mr. WADSWORTH. I think, however, Mr. Chairman, that these scientists should be treated alike, and therefore I myself will raise the point of order on the salary of the Chief of that Bureau. I think he is one of the most capable servants in the employ of the Government. The Bureau of Animal Industry deals with all the export meats of this country, and Dr. Salmon, who is at the head of it, I think is one of the most worthy men in that Department. He has drawn a salary of $4,000 for years, and has never himself asked for an increase. An increase to five thousand was suggested by the Secretary of Agriculture, but the committee did not take his suggestion, increasing the salary only $500. I think it is only fair that the scientists, chiefs of bureaus, should be all treated alike, though I regret it exceedingly.

Mr. CANNON. I think this apology of the gentleman ought to be accepted. He makes the point of order, and for one I am in favor of accepting his apology.

Mr. WADSWORTH. I do not think it is treating these other gentlemen fairly, Mr. Chairman.

Mr. HASKINS. Mr. Chairman, was not this bill to be read and acted upon by paragraphs?

The CHAIRMAN. By paragraphs.

Mr. HASKINS. And, after the close of the reading of a paragraph, and no objection or point of order being made, and the Clerk having passed to the reading of another, can the gentleman then go back and raise the point of order upon a paragraph that has been passed over?

The CHAIRMAN. Not if we have passed it and gone on to the reading of the next one.

Mr. HASKINS. Very well; we have passed it and gone on to the next paragraph before this point of order was made.

Mr. CANNON. Oh, no.

Mr. HASKINS. Yes.

Mr. CANNON. It is all in one paragraph.

The CHAIRMAN. The Chair will state that the gentleman's objection to raising points of order comes too late.

Mr. CANNON. Mr. Chairman, this is all one paragraph, from line 6 on page 9 down to line 4 on page 14; it is all one paragraph.

Mr. HASKINS. The first paragraph closes with line 23 on page 10. The next subject-matter is general expenses of the Bureau of Animal Industry, and the first paragraph has relation to salaries alone.

Mr. CANNON. Well, it is just a question of fact. I think it is all one paragraph beyond question, and the Chair will have to decide between us.

The CHAIRMAN. I would like to ask the gentleman from Illinois a question. The gentleman makes the point of order against the salary. How much should it be?

Mr. CANNON. I think it all goes out on the point of order.

Mr. WADSWORTH. Oh, no; only the increase. It is a statutory office.

Mr. CANNON. The gentleman can move to insert in there the proper amount, if he desires to.

Mr. WADSWORTH. The point of order does not lie against the statutory office. The position is statutory. The gentleman from Illinois simply raised the point of order againt the increase.

The CHAIRMAN. The point of order was raised against the

salary. The Chair will have to rule that the point of order being sustained, it took the whole matter out of the bill, and it would have to be put back by amendment.

Mr. WADSWORTH. Then at this point, Mr. Chairman, I ask unanimous consent to reinsert it at $2,250.

Mr. CANNON. I have no objection to that.

The CHAIRMAN. The gentleman from New York asks unanimour consent to reinsert the part stricken out at $2,250. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Now, Mr. Chairman, to turn back to the salary of the chief of the Bureau, which is raised from $4,000 to $4,500, I feel very much inclined to withdraw my point of order, I have so high a regard and so much respect for the gentleman who occupies that position. My only reason for raising the point of order was that I did not think it was quite fair that some of the scientists chiefs of bureaus should be raised and not the others. The committee considered the whole thing together and made that recommendation to the House. I ask unanimous consent to withdraw the point of order, at least temporarily.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his point of order. Is there objection?

There was no objection.

Mr. CANNON. I move to strike out, in lines 4 and 5 of page 12, the words "in the city of Washington or."

The Clerk read as follows:

On page 12, lines 4 and 5, strike out "in the city of Washington or."

Mr. OLMSTED. Mr. Chairman, I would suggest to the gentleman from Illinois that the paragraph will not make sense with that amendment. That would leave them authorized to employ as many persons "elsewhere" as they saw fit.

Mr. CANNON. I have no objection to including the word "elsewhere," although I think the amendment would be good without it.

The CHAIRMAN. The gentleman includes the word "elsewhere" in his amendment.

Mr. CANNON. The object of this motion, Mr. Chairman, is not to embarrass the Agricultural Department in the slightest degree. As I said half an hour ago, we pick up on this bill $103,000 worth of employees and appropriate for them specifically—clerks in the Department right here in Washington. Now, they had heretofore been paid from lump sums. It is very proper to pick them up, because that is the way that business is carried on in the District of Columbia, in the departments, and there is a general law that says no one shall be employed in the departments in the District of Columbia unless specially appropriated for or authorized.

Now, as we pick up this $100,000 worth of employees, they do not need this for the coming year. If you make this amendment it lets this appropriation go to the service everywhere outside of Washington wherever it is needed, for inspectors and everything; but for the coming year it will not let them use these general lump-sum appropriations of $2,000,000 in whole or in part in employing additional clerks in the Department here in Washington. It puts that Department precisely as every other department is.

Mr. WADSWORTH. Mr. Chairman, I call the attention of the committee to the language of the act on page 11:

And the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another.

And so forth. The object is simply to give the Secretary that latitude which he thinks necessary for the proper discharge of the duties of the position.

Mr. CANNON. That is the very point. My object is to give the Secretary discretion also. I want to accomplish everything that the gentleman wants. It is a worthy appropriation, and a good one; but now that we pick up the $103,000 worth of employees, clerks down here in the Department, I do not want them to take this lump sum and employ more clerks there.

Mr. WADSWORTH. That you must leave to the discretion of the Secretary of Agriculture. He must certainly have some discretion in the management of the details of his work.

Mr. CANNON. He has every discretion.

Mr. WADSWORTH. In emergencies, on the outbreak of contagious diseases in the country, he must have full power to act in accordance with his best judgment.

Mr. CANNON. Precisely.

Mr. WADSWORTH. If he wants to employ men here or elsewhere he must have that authority, and I can see no good reason why the present Secretary of Agriculture should not have that discretion. We have got to trust somebody in this world.

Mr. CANNON. You do not let the Secretary of the Treasury have that discretion.

Mr. WADSWORTH. That may be so.

Mr. CANNON. Or the Secretary of War, or the Secretary of the Interior, and you might employ 10,000 clerks from this lump sum, if you had money enough, and set them to writing down here in the Department, and that would not discover or cure any glanders or sheep scab.

Mr. WADSWORTH. Will the gentleman state whether he thinks the Secretary of Agriculture has abused the power which he has had under this clause of the law?

Mr. CANNON. I want to say right here and now that I have no attack to make upon the Secretary of Agriculture. He is a very worthy man, but by the terms of this bill, as the practice has grown up, and with some of the scientists by whom he is surrounded duplicating work, he might be compared in this service to a cat in the hot place without claws. [Laughter.] And whether he is the best man that ever lived or the poorest man, I want to put that Department here in the city of Washington upon all fours with every other department. And I turn to the gentleman now and ask him if a single additional clerk in that Department is necessary for next year? If so, move an amendment and put it in. What I object to is putting in $2,000,000 in this general provision to employ clerks in the discretion of anybody.

Mr. WADSWORTH. Two million dollars.

Mr. CANNON. In the aggregate.

Mr. WADSWORTH. It is not in the aggregate.

Mr. CANNON. In all the bill.

Mr. WADSWORTH. The aggregate for the Bureau is only $1,247,000.

Mr. CANNON. In your bill. This provision runs through all these lump-sum appropriations.

Mr. WADSWORTH. You can not put the Agricultural Department on all fours with any other department. Its work is all over the country, scattered from California to Maine, and from Canada to the Gulf States. I think the gentleman is entirely mistaken in saying that the Secretary should not have this leeway. He has never abused it, not to my knowledge. He must have some discretion in the management of the details of his Department.

Mr. CANNON. Undoubtedly. I do not interfere with that discretion. But I will say to the gentleman that without my amendment the gentleman, or any other gentleman, under stress of occasion, could go down to the Secretary and say, "I want your two clerks." "Oh," he says, "I do not need them." You say, "You have got the money, and you can put them on if you want to." Now, that is something that you can not do with any other department.

Mr. WADSWORTH. For this employment?

Mr. CANNON. I want him to have the discretion about disease and to carry on his Department everywhere outside of Washington; and we have given him all the sums he wants.

Mr. OLMSTED. Will the gentleman yield for a suggestion?

Mr. CANNON. Certainly.

Mr. OLMSTED. Is it your idea to exclude the employment of persons in Washington?

Mr. CANNON. Unless under specific appropriations.

Mr. OLMSTED. Now, this authorizes him to employ as many persons in the city of Washington and elsewhere as he may deem necessary. If you simply strike out "city of Washington and elsewhere," do you not leave him the discretion to use them wherever he pleases?

Mr. CANNON. I think not; but if the gentleman thinks it subject to that construction, I will modify my amendment.

Mr. WILLIAMS of Mississippi. If the gentleman will strike out the words "in the city of Washington," and then after the words "or elsewhere" insert "than in the city of Washington, as he may deem necessary," he will get what he wants.

Mr. CANNON. I will accept the suggestion, and modify the amendment in that way.

The CHAIRMAN. The gentleman will send up the modification of his amendment, so that the Clerk may make it.

Mr. CANNON. I will send it up.

The Clerk read as follows:

Strike out the words "in the city of Washington or" and insert, after the word "elsewhere," "than in the city of Washington."

Mr. CANNON. That is right.

Mr. SCOTT. A parliamentary inquiry. I should be glad to ask the gentleman whether this amendment, in his judgment, would preclude the Secretary of Agriculture from employing emergency assistants in the District of Columbia?

Mr. CANNON. Now; yes.

Mr. SCOTT. It would exclude him for their employment now?

Mr. CANNON. For the next year.

Mr. SCOTT. My understanding is that there is an abattoir

within the District of Columbia, outside of the city of Washington, where emergency inspections are likely to call for the services of the Department at any time.

Mr. CANNON. It does not interfere with that at all.

Mr. SCOTT. The gentleman's former answer to my question was that they could not be employed in the District outside of the city of Washington.

Mr. CANNON. I may not have understood the gentleman to say the District, but it would not interfere with the employment the gentleman has referred to, in my judgment.

Mr. SCOTT. Not interfere with the employment of men in the District of Columbia? I understood the gentleman from Illinois a few moments ago to say that there was a general law upon the statute books prohibiting the employment of anyone in the District of Columbia if a specific appropriation was not made. Now, if that understanding of the law is correct this amendment certainly, if enacted, will preclude the Secretary of Agriculture from employing anybody in the District of Columbia outside of the city.

Mr. CANNON. There is a specific appropriation for the employment of a veterinarian at $1,600 and two veterinarians at $1,400.

Mr. SCOTT. The gentleman thinks it will not interfere so far as concerns an emergency?

Mr. CANNON. In my judgment, outside the city of Washington and within the District this amendment does not interfere. That is my judgment about it. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 40.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I make the point of order upon the following words: Line 24, page 13, "*Provided further*, Not to exceed $10,000 of the amount hereby appropriated may be used for the purchase of additional land for Bureau of Experimental Stations."

Mr. WADSWORTH. That is subject to a point of order, Mr. Chairman, in the line of the previous rulings of the Chair.

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order that this is not subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from New York if there is already a bureau established there where it is intended to purchase the land, and if the land lies adjacent to the station, and is necessary?

Mr. WADSWORTH. It is for the purchase of additional land to the station that is already established at Bethesda, Md.

Mr. CANNON. If they are authorized to do that under this appropriation without legislation, why do you put in the legislation? There is nothing here to show that it is adjacent, either.

Mr. LOUD. Mr. Chairman, the Chair has already ruled in two instances that appropriations to buy a piece of land would be subject to a point of order.

The CHAIRMAN. The gentleman from California is mistaken; the Chair has not so ruled.

Mr. LOUD. I think the Chair has determined that appropriations to purchase a piece of land would be subject to a point of order. Am I mistaken in that?

The CHAIRMAN. The gentleman from California is not correct if he means in all cases. The Chair has not ruled that appropriations to purchase a piece of land would necessarily be subject to a point of order. The Chair has ruled that where it is proposed to purchase a plot of ground separate and distinct from any that the Government now owns and to establish a new station, it is subject to a point of order; but where it is to purchase land adjacent to something the Government now owns, and which is necessary for the continuation of the work, the Chair has not so ruled.

Mr. LOUD. I think I understood the ruling of the Chair, and the Chair and I will not disagree, although I may not put it in precisely the same words that the Chair has. I do hope—although I have no interest in this matter one way or the other—I hope the Chair will not be led to rule that you can not purchase a new piece of land, and yet you can purchase an additional piece of land. I hope the Chair will look at the question, because whether it is right or wrong goes way beyond the feelings of any individual member.

Now, the Government may own a piece of land here, but the purchase of a piece of land adjacent to it, to my mind, would be as clearly subject to a point of order as it would to purchase a new piece. Otherwise you might continue the purchase of land from the city of Washington down the Potomac River to Newport News, if you made it a continuous purchase.

Of course I understand what rulings may be put before the Chair—that this land is purchased as necessary to carry out an object already in process. I hope the Chair can see the distinction between the purchase of a new piece of land and the purchase of material or the employment of labor, or of the many other necessary things that would be necessary to purchase to carry out a work upon a piece of land already purchased. I hope the Chair will look at the question properly, because it goes beyond the measure before us now and will establish a precedent that will permit—on the Post-Office appropriation bill, if you please, where the Government may have a public building in a city—the purchase of a thousand acres adjacent to that. That is a radical supposition I know, and yet if it can purchase one foot additional, then it can purchase a thousand acres, if there be a thousand acres in that city, and the committee would be perfectly justified in reporting upon any appropriation bill a provision to purchase any amount of land that it might think necessary, because it already had a piece of land in that city.

Why, Mr. Chairman, what is the necessity for the public-building bill that you are about bringing in here? None whatever, to my mind, if we can put them on any appropriation bill we see fit. It is simply to purchase new pieces of land, some adjoining and some not adjoining, and what would be the distinction whether there was 1 or 2 feet between the piece of land that the Government now owns and that which it desires to purchase, or no distance if it was desired? It is a question of great and vital importance to my mind for the future of this House.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it seems to me that just what the gentleman from California says that he hopes the Chair will not rule is a very well-expressed idea of what the Chair ought to rule, to wit, buying land for an entirely new project, like buying land to put up an additional building, buying land to add to an experimental station which is necessary for the proper continuance of the Government work which is to be done upon a farm for the improvement of the work there being done, ought to be in order. This is necessary for the progress of the work which is already instituted and established by existing law.

The CHAIRMAN. The Chair will say that this is not a new question. It has been ruled upon before. There are precedents where it has been held that the purchase and establishment of a distinct station where the Government has not one now is clearly subject to a point of order, but where it is necessary to purchase additional land that you may utilize and properly use a station that the Government has for any purpose it has been held that an appropriation of money to do that is not subject to a point of order.

The Chair has two cases before him. The purchase of adjoining land for a hospital already established was held to be a continuation of a public work and not subject to a point of order, while an amendment for acquiring a new site was ruled out.

The enlargement of the land and water rights of a fish-culture station was held to be a continuation of a public work and an appropriation for the same not subject to a point of order. The Chair thinks that that distinction has been maintained in the long line of precedents, and even the persuasive reasoning of the gentleman from California will not induce the Chair to go contrary to them and try to establish a new order of precedents.

Mr. LOUD. Mr. Chairman, I am familiar with all of those rulings, but I have always held that the rulings were wrong. [Laughter.] I was in hopes the Chair would see it in that way.

The CHAIRMAN. If it were an entirely new question, the Chair perhaps might see it that way, but in view of this distinction, well defined in many cases, the Chair thinks it will follow the precedents and overrule the point of order.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. CROOK, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 26, 1902:

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States.

On April 28, 1902:

H. R. 10847. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 3592. An act for the relief of Henry Lane;

H. R. 2919. An act granting a pension to Christiana Steiger;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 12101. An act granting a pension to William F. Gray;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;
H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;
H. R. 1486. An act granting an increase of pension to Charles A. Perkins;
H. R. 1636. An act granting an increase of pension to James Austin;
H. R. 2113. An act granting an increase of pension to Mary J. Clark;
H. R. 2241. An act granting an increase of pension to Dorothy S. White;
H. R. 2600. An act granting an increase of pension to Richmond L. Booker;
H. R. 2981. An act granting an increase of pension to Thomas Findley;
H. R. 2994. An act granting an increase of pension to Eliza J. Noble;
H. R. 3264. An act granting an increase of pension to William B. Matney;
H. R. 5258. An act granting an increase of pension to William Eastin;
H. R. 5695. An act granting an increase of pension to John M. Seydel;
H. R. 5910. An act granting an increase of pension to Reuben Wellman;
H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;
H. R. 6081. An act granting an increase of pension to Frances T. Anderson;
H. R. 6805. An act granting an increase of pension to Robert E. Stephens;
H. R. 6895. An act granting an increase of pension to Richard P. Nichuals;
H. R. 7369. An act granting an increase of pension to Perry H. Alexander;
H. R. 8782. An act granting an increase of pension to Myron C. Burnside;
H. R. 9415. An act granting an increase of pension to James Matthews;
H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;
H. R. 9986. An act granting an increase of pension to James Moore;
H. R. 9999. An act granting an increase of pension to George W. Guinn;
H. R. 10230. An act granting an increase of pension to Harrison C. Vore;
H. R. 10841. An act granting an increase of pension to Margaret Hoefer;
H. R. 11314. An act granting an increase of pension to Mary E. Pettit;
H. R. 11578. An act granting an increase of pension to John Gaston;
H. R. 11782. An act granting an increase of pension to Allen Hockenbury;
H. R. 11924. An act granting an increase of pension to Lewis H. Delony;
H. R. 12136. An act granting an increase of pension to Stephen May; and
H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Bureau of Plant Industry, salaries: One plant physiologist and pathologist, who shall be Chief of Bureau, $3,500; 1 plant physiologist and pathologist, who shall be Chief of Bureau in absence of Chief, $2,500; 1 botanist, $2,500; 1 pomologist, $2,500; 1 agrostologist, $2,500; 1 assistant pathologist, $1,800; 1 assistant botanist, $1,800; 1 assistant pomologist, $1,800; 1 assistant agrostologist, $1,800; 1 chief clerk, $1,600; 4 clerks class 3, $6,400; 9 clerks class 2, $12,600; 9 clerks class 1, $10,800; 6 clerks, at $1,000 each, $6,000; 2 clerks, at $900 each, $1,800; 2 clerks, at $840 each, $1,680; in all, $61,780.

Mr. CANNON. Mr. Chairman, I make a point of order upon the words "three thousand five hundred dollars" in line 8, after the words "Chief of Bureau." The statutory salary is $3,000.

Mr. WADSWORTH. Mr. Chairman, this is a case where the committee saw fit in their judgment to report an increase of the salary of scientist holding this position. The clause is subject to a point of order.

The CHAIRMAN. The Chair suggests to the gentleman from New York [Mr. WADSWORTH], as this clause is subject to a point of order, that he ask unanimous consent to change $3,500 to $3,000, making the sum conform to the salary as provided by law.

Mr. WADSWORTH. Very well, I ask unanimous consent for that purpose.

The CHAIRMAN. In the absence of objection, the appropriation in line 8, page 14, will be amended so as to read "$3,000" instead of "$3,500."

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLER of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 966. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3321. An act granting a pension to Patrick J. Murphy; and
S. 715. An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference and had further insisted upon its amendments to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of Connecticut, Mr. DILLINGHAM, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4642. An act granting an increase of pension to Anne Dowery; and
S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

The message also announced that the Senate had passed with amendment the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes; in which the concurrence of the House of Representatives was requested.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: vegetable, pathological, and physiological investigations: Investigating the nature of diseases injurious to fruits, friut trees, grain, cotton, vegetable and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate canaigre and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed $2,000 per annum; all necessary office fixtures and supplies, and for other expenses connected with the practical work of the investigations, $100,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 15 and 16, on page 16, strike out the words "in the city of Washington and" and insert, after the word "elsewhere," in line 16, the words "than in the city of Washington;" so as to read: "in conducting experiments elsewhere than in the city of Washington."

Mr. WADSWORTH. This is the same kind of an amendment which the gentleman from Illinois offered to the paragraph in regard to the Bureau of Animal Industry. I think the House understands the situation exactly, and it is unnecesary for me to say anything more.

Mr. CANNON. I wish to say only a word. A little while ago——

Mr. WILLIAMS of Mississippi. Before the question is debated, I want to make a point of order upon the amendment. I submit that it changes existing law.

Mr. CANNON. Not at all.

Mr. WILLIAMS of Mississippi. I make the point. It can be argued later.

Mr. CANNON. I am ready to argue it now. Wherein does it change existing law?

Mr. WILLIAMS of Mississippi. Because the existing law is just as this bill is.

Mr. CANNON. Oh, no.

Mr. WILLIAMS of Mississippi. This is the language of the previous appropriation.

The CHAIRMAN. The Chair will ask the gentleman from Mississippi [Mr. WILLIAMS] whether the clause which he cites in a previous appropriation bill does not expire with the termination of the year for which the appropriation was made?

Mr. WILLIAMS of Mississippi. Yes; I suppose it does.

The CHAIRMAN. This is for the year following.

Mr. CANNON. Mr. Chairman, these are, in effect, the same words which were voted down in regard to the Bureau of Animal Industry. I want to take the sense of the committee in regard to this Bureau of Plant Industry. I do not suppose that "sheep scab" can attack a plant in the city of Washington. I fancy that the other amendment was voted down because it was conceived that the Secretary of Agriculture ought to have the power to employ the lump sum appropriation to meet some animal disease in the city of Washington. If that was the reason, that reason does not apply in this case.

I undertake to say that you provided specifically in the previous appropriation for meeting all these diseases that it is necessary for the Department to meet. This lump sum ought not to be available to do anything more in that direction.

If this amendment be not adopted, observe what may take place. Some gentleman walks down to the Department and says, "Appoint me a clerk here in the Bureau of Plant Industry." He may be answered, "All the clerks specifically provided for have been appointed." Then he may turn to this indefinite appropriation of a lump sum and may say, "Oh, no; you may appoint all of these clerks that you please." Now, there is no such authority in any other Department, and there ought not to be in this.

Mr. HENRY of Connecticut. Mr. Chairman, the provision which the gentleman from Illinois proposes to strike out is even more important in reference to the Bureau of Plant Industry and the Bureau of Soils (to which we shall come shortly) than to the Bureau of Animal Industry. Under this provision scientific work is done all over the country by parties sent out from Washington during the summer months. That work is afterwards completed here in Washington. The employees come here and finish it up. To strike out these words, as proposed by the gentleman from Illinois, would certainly embarrass the work of these Bureaus.

Mr. GAINES of Tennessee. Mr. Chairman, what the gentleman from Connecticut [Mr. HENRY] has just said is accentuated by evidence which I hold in my hand—a letter from the Secretary of Agriculture, Mr. Wilson, which I will send to the desk and ask in a few moments to have read.

This letter was addressed to me a few days ago in reply to one I wrote Mr. Wilson since this bill was taken up. It shows that the reports of the employees of the Bureau of Soils are brought back, to use the words of Secretary Wilson, to be "digested at headquarters." The headquarters are in the city of Washington.

Employees of the Bureau of Soils are now going all over the country where tobacco is raised; they are bringing here to Washington specimens of the soil to be analyzed, so that the results may be embodied in their reports for the benefit of the farmers raising tobacco.

Now, if this amendment prevails—that is, if these words are stricken out, as suggested by the gentleman from Illinois [Mr. CANNON]—I should say this work will have to stop.

That department of the Bureau of Soils which is examining the tobacco fields of Illinois, Kentucky, Tennessee, Virginia, Connecticut, and Massachusetts and Pennsylvania—indeed, all over this country—will have to stop work, and yet, I am told, great good will come from their work. Now, without saying more, I will ask the indulgence of the committee that this letter may be read, not only for the purpose of opposing the amendment of the gentleman from Illinois, but for the purpose of enlightening the House on what this "Bureau of Soils" is doing.

The Clerk read as follows:

WORK OF THE BUREAU OF SOILS.

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
BUREAU OF SOILS,
Washington, D. C., April 26, 1902.

SIR: Your letter of April 25 has been received in reference to the work of the Bureau of Soils in Tennessee. I beg to inform you that the Bureau of Soils had a party of experts in Tennessee for some time last summer and made a soil survey of the whole of Montgomery County, which is in the center of the tobacco district, covering an area of 547 square miles, or 350,210 acres.

The map showing the distribution of the different kinds of soils and the report describing these soils and the agricultural conditions and possibilities of the county are in the hands of the Public Printer now, to come out in the Report of the Field Operations of the Bureau of Soils for 1901, which will probably be ready for distribution next September.

Our soil-survey party was under the charge of Mr. J. E. Lapham, and worked in close harmony with the tobacco men of the district. They were particularly fortunate in having very cordial relations with Mr. M. W. Clark, of Clarksville, and a number of other leaf dealers and tobacco growers throughout the district.

That more was not heard of this work through the papers is accounted for by the fact that the Department works quietly in these matters until the results of the work are thoroughly digested and the economic points brought out by the survey are seen, when suggestions are made of improved methods that can be used, or of new crops and new interests that can be introduced. Our field parties are invariably instructed to go quietly about their work and to have as little as possible to say for publication while in the area, for their reports must all be reviewed and digested at headquarters before any authorized statements can be made as to the results of the work or as to recommendations.

In regard to the result of the survey, our experts have classified the soils in five types, viz:

Clarksville silt loam, covering 233,410 acres, or two-thirds of the county, is the most important soil, being the best tobacco land; adapted also to corn, wheat, grass, and other cereal and forage crops.

Clarksville clay loam, covering only about 27,460 acres of what is locally known as the "barrens," yields a fair grade of tobacco, but rather inferior to that grown on the Clarksville silt loam. It is adapted to corn and grass; also wheat. Drainage is not all that could be desired, and underdrainage would undoubtedly prove beneficial.

Clarksville stony loam, covering 66,450 acres, has a hilly and broken surface, and is generally unproductive. It produces an inferior grade of tobacco, but it is believed that this soil could be advantageously used for fruits of various kinds, and that it will find a high place for special industries which have been developed on soils of similar character in other localities.

Clarksville loam, coving 17,090 acres, occupies the river bottoms along the Cumberland and Red rivers. It is an excellent soil for corn and grass, but is not adapted to tobacco, and is not so valuable for wheat as some of the other soils. It is liable to overflow in times of general freshets.

Guthrie clay, covering 5,800 acres, occurs in basin-like depressions and low flat areas with poor drainage. The soil is cold and generally acid and poorly adapted to cultivated crops. It is suggested that with underdrainage the greater portion of this land could be improved and adapted to wheat and corn.

The results of the soil survey indicate that with improved methods of cultivation and selection of seed the tobacco grown in this district could be considerably improved. It also seems probable that more diversified farming would be beneficial, and that the fruit industry could be developed upon the Clarksville stony loam. Too little attention seems to be paid to the raising of provisions either for the markets or for family supplies.

It was originally intended to send a party to Tennessee this year to make a soil survey of the Pikesville sheet of the United States Geological Survey in Cumberland County, on the Cumberland plateau, but the pressure for the work of the soil survey has been so great that it is probable that this area can not be entered this season, as our appropriations will permit us to have out only about fifteen or sixteen parties, and we have had to arrange for these parties to work in about twenty-five States.

I inclose a statement of the assignment of the soil-survey parties for the field season of 1902, so that you can see where the work is to be done and how it has been necessary for us to assign parties to a State only for three or six months, instead of giving them the full field season, as economy of time and labor would suggest. This assignment has been tentatively made on the basis of my estimates, in which I have provided for an increase of 5 field parties over our last season's assignment.

The soil survey in Montgomery County was made as a basis for tobacco investigations such as we have been carrying on in the past in Connecticut, Massachusetts, Pennsylvania, Ohio, and Texas. It was my plan to increase the tobacco parties next year, and allowance was made for this in my estimates, but as these estimates have been considerably reduced by the committee I have abandoned all plans for extending the tobacco investigations, at least, on the 1st of July as I had intended, and it may be necessary to reduce somewhat the work of the soil survey.

We have made these soil-survey maps now in quite a number of the tobacco districts of the United States as preliminary to sending parties of tobacco experts to investigate the possibilities of improving the quality of the leaf grown, but the interests are so large and from so many sources that we can not hope to follow up closely the work of the soil survey with the tobacco parties unless our appropriations are considerably increased.

These tobacco parties cost about $5,500 apiece, and the cigar interests, manufacturing tobacco interests, bright tobacco interests, and the export tobacco interests, are all clamoring for recognition. It rests with Congress entirely as to how rapidly this work can be developed, as we are ready now with a nucleus of trained observers to undertake the development of these lines of research to any extent that Congress may authorize.

In reference to your suggestion that the South has not benefited by the work of the soil survey, I beg to inform you that the work was carried on last year in Virginia, North Carolina, Tennessee, Georgia, Mississippi, Louisiana, and Texas. Soil maps have been prepared for all of those States, and you will see from the inclosed assignment card that work is planned this year in Virginia, North Carolina, Kentucky, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, and Arkansas.

We have tried to develop the work of the Bureau of Soils, as of the other bureaus and divisions, without regard to sectional or State lines, giving

regard only to the possibilities of doing efficient and practical work for the country where, in our opinion, we can do the most good.

Very respectfully,

JAMES WILSON, *Secretary.*

Hon. JOHN W. GAINES,
House of Representatives.

During the reading of the foregoing letter the following proceedings occurred:

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the remaining portion of the letter be read.

Mr. WILLIAMS of Mississippi. I would like to inquire who wrote the letter?

Mr. GAINES of Tennessee. Mr. James Wilson, Secretary of Agriculture.

Mr. WILLIAMS of Mississippi. To whom did he write it?

Mr. GAINES of Tennessee. To me.

Mr. WILLIAMS of Mississippi. I think, Mr. Chairman, that it ought to be read.

Mr. GAINES of Tennessee. Now, Mr. Chairman, just a word——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word. All this work has been done and is being done and it has to be all brought back here for final analysis to the city of Washington, and if the amendment proposed by the gentleman from Illinois prevails, it will result in destroying the whole undertaking of this Bureau for next year. We should see what this Bureau can do before we strike at it or repeal the law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended, so that the Clerk may finish reading the letter. Is there objection?

There was no objection.

The Clerk then concluded the reading of the letter.

Mr. GARDNER of New Jersey. Mr. Chairman, I rise simply for the purpose of making an inquiry at this time.

Mr. WADSWORTH. I will state to the gentleman from New Jersey that there is a motion pending. Let us dispose of that first, and then I shall be glad to give any information in my power.

Mr. GARDNER of New Jersey. Very well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment rejected.

Mr. GARDNER of New Jersey. Mr. Chairman, there were representatives of sundry associations, particularly of the American Cranberry Growers' Association, here to secure for their specific industry, as I understand it, special appropriations, particularly the Cranberry Growers' Association desiring a specific item of $5,000 for the purpose of investigating the rot in that fruit. I would like to inquire if the committee took into consideration that specific request, and if the lump sum appropriated of $100,000 was considered large enough to cover that item so that that work might be done.

Mr. WADSWORTH. I will state to the gentleman that the matter of the diseases of the cranberry was brought before the committee, and we thought the language in the lump-sum appropriation was broad enough to cover the diseases of all plants. The lump-sum appropriation of $100,000 was deemed sufficient to cover everything that might come before the Department.

Mr. GARDNER of New Jersey. It was not so much the breadth of the language as the breadth of the appropriation that I inquired about.

Mr. WADSWORTH. This sum is raised $38,000 from that of last year.

Mr. GARDNER of New Jersey. And was considered by the committee large enough to cover that item?

Mr. WADSWORTH. Yes.

The Clerk read as follows:

Arlington experimental farm: To enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, including employment of labor in the city of Washington or elsewhere, in accordance with the provisions of the act of Congress approved April 18, 1900, entitled "An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," which act shall be construed to confer upon the Secretary of Agriculture and his successors jurisdiction over the land in the Arlington reservation lying between the Georgetown and Alexandria road and the old bed of the Chesapeake and Ohio Canal and extending from the south line of the said reservation to a line beginning at a point on the east side of the public road and running thence at right angles with said road to the said canal bed, $15,000.

Mr. WADSWORTH. Mr. Chairman, I move to amend by striking out, in line 5, all after the word "over" down to and including the word "bed," in line 10, and inserting the following, which I send to the Clerk's desk.

It seems that the description of the land in the bill is not correct. We have now quoted from the original law which set aside that portion of the Arlington estate to the care of the Secretary of Agriculture.

The CHAIRMAN. The gentleman from New York moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "over," in line 5, page 22, down to and including the word "bed," in line 10, and insert in lieu thereof the following:

"So much of the Government land in Alexandria County, Va., known as the Arlington estate as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Va., otherwise called the Georgetown and Alexandria road, and between said road to the Potomac River, containing about 400 acres, with the exception, however, of a strip of land as follows: Commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side; thence along said road 625 yards; thence, in a line perpendicular to said road, to the Chesapeake and Ohio Canal; thence along said canal to the north line of the reservation."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLETT of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendment of the Senate numbered 9 to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 3,500 additional copies of Senate Document No. 232, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in 6 volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer as is now done for document slips with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other phraseology as the Secretary may direct; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, etc., emanating from the Department of Agriculture shall, when properly presented for mailing, be transmitted through the mails free without limit of weight, the same as printed or written official matter is now carried: *Provided also*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided further*, That $20,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines,

cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests to be carried on with the cooperation of the agricultural experiment stations, $270,000.

Mr. LOUD. Mr. Chairman, I desire to raise a point of order against the words, beginning with the word "provided," in line 8, page 24, down to and including the word "carried," in line 13. I think the chairman of the committee admits that it is subject to the point of order.

Mr. WADSWORTH. Mr. Chairman, I admit the point of order, but I also would like to strike out the provision on its merits, because since inserting it I have received a letter from the Postmaster-General which convinces me that the item should not have been inserted in the bill. I will not detain the committee by reading that letter, but I should like to have it printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print a letter in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 24, 1902.

HON. JAMES W. WADSWORTH,
Chairman of Committee on Agriculture,
House of Representatives.

SIR: I have the honor to call your attention to the following proviso found upon page 24 of House bill (H. R. 13895) reported from the Committee on Agriculture on the 21st instant, namely:

"*Provided*, That all seeds, bulbs, plants, etc., emanating from the Department of Agriculture shall, when properly presented for mailing, be transmitted through the mails free without limit of weight, the same as printed or written official matter is now carried."

As this provision, if enacted into law, will change existing statute (modifying as it does the limit of weight of mail matter of the fourth class) and materially affect the conduct of the service in the matter of the receipt and transportation of articles which may be affected by it, I deem it advisable to call attention particularly to the matter and to the changes in the law and the practice of the Department which have resulted in the present status, and to point out to you that the enactment of this provision would be a reversion to conditions which this Department has at all times endeavored to relieve itself from, and which relief was partially secured by the enactment of the existing statute upon the subject.

Section 3879, Revised Statutes, limits the weight of mail matter as follows:

"No package weighing more than 4 pounds shall be received for conveyance by mail, except books published or circulated by order of Congress."

Under this statute the postal service was not burdened by the receipt and transmission of matter which either in its nature or in its bulk was more adapted to transportation by freight than by mail.

By the act of March 3, 1879 (20 Stats., 360), this section was amended so as to declare the limit of weight to be 4 pounds for each package, "except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress or official matter emanating from any of the departments of the Government or from the Smithsonian Institution."

The exceptions to the 4-pound limit in the above amendment were clearly defined, except with reference to "official matter." Inasmuch as it was in the province of each department of the Government to determine for itself what was to be regarded by it as its "official matter," there was considerable difference of opinion between the Post-Office Department and other Executive Departments with reference to the proper construction of that portion of the amendment, the Post-Office Department desiring to limit the construction to apply to such matter as is generally known or conceded to be mail matter; that is, matter that would naturally be sent by mail, while other Executive Departments inclined to include within the meaning of the term matter which either by its nature or by its bulk and weight was more properly the subject for transportation by freight.

This resulted in much embarrassment and inconvenience to the postal service, and upon proper representations relative thereto, made by this Department to the Committees on Post-Offices and Post-Roads in the two Houses of Congress, that body amended the then existing provision by the enactment of June 8, 1896, "An act to regulate mail matter of the fourth class." (29 Stats., 262.) This act, so far as pertinent to this inquiry, reads as follows:

* * * "That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government or from the Smithsonian Institution." * * *

While this act did not divest matter which was obviously of a character more related to freight than to mail of its classification as mail matter, it did have the effect of limiting the matter which can be transported in the mails in packages exceeding 4 pounds in weight to "printed or written official matter emanating from any department of the Government or from the Smithsonian Institution."

The practice under this statute has resulted largely in relief of the postal service from the receipt and transmission by mail of large and bulky articles sent out by the Executive Departments, though it is still considerably inconvenienced by the frequent offer for transmission of such matter as seeds in larger packages than authorized by the statute which has been the subject of much correspondence between this Department and the Department of Agriculture.

Your attention is called to the fact that if the provision in the bill under consideration should become law it will, as far as the subject-matter involved is concerned, undo the results of the past efforts of this Department in the direction of a better classification and definition of fourth-class mail matter and the facilitation of the handling and prompt dispatch of other mails by the elimination of large and bulky packages.

Not only will this be the result, but the general terms used in the provision are so broad, as well as indefinite in some respects, that their interpretation by the Agricultural Department in their most liberal sense will subject the postal service to all the old abuses with reference to the transportation of implements, equipages, etc., from which the postal service suffered so much before the enactment of 1896. This Department deems it very important that this step be not taken.

The postal service does not propose to receive and transport matter which is, by its nature or by reason of the manner of its presentation, more properly classed as freight, nor has it the facilities for receiving or handling the same. It is not deemed expedient to make any exception in favor of any one class of articles, nor of any one department in the matter of the limit of weight of articles presented for handling in the mails.

It might be suggested that in the absence of a custom determining the same it is questionable whether such matter as is under consideration can properly be termed mail matter in any event. What is mail matter or official mail matter, within the intention of this statute, has not been defined otherwise than by a custom. In the absence of statute or custom it might well be contended that it should not include any matter excepting that which would naturally be sent by mail under ordinary circumstances by the public, and should not apply to articles that, by their nature or by reason of their bulk, can more properly be sent by freight and handled by railroad employees who are supplied with appliances, such as trucks, etc., for the handling of freight matter.

It has for some time been the purpose of this Department to eliminate from the mails, as far as practicable, all matter originating from its own service or its branches which must be presented and transported in bulky packages, and to provide for its transportation by the ordinary means of freight. In pursuance of this policy, and in accordance with statutory authorization, arrangements have been made for the transportation of postal cards and stamped envelopes between the postal card and the stamped envelope agencies and the large cities, and for the transportation of mail equipment between the larger post-offices of the country.

It would seem to be very proper for Congress to authorize the transportation of large and bulky packages and shipment of the matter now under consideration in the same manner as it has authorized the transportation by freight of the matter above referred to instead of providing for a manner of shipment through the mails, which will, in the opinion of this Department, seriously inconvenience the conduct of the postal service.

Very respectfully,

H. C. PAYNE, *Postmaster-General.*

Mr. LOUD. I have no objection to the gentleman striking out the provision.

The CHAIRMAN. Is the point of order withdrawn?

Mr. LOUD. I do not like to withdraw the point of order and then have the chairman of the committee beat me. I think it had better go out on the point of order.

Mr. WADSWORTH. Very well; let it go out on the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from California [Mr. LOUD].

Mr. ROBERTS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 6, page 24, after the word "direct," insert:

"*Provided*, That the relative proportion of vegetable, flower, and other seeds allotted to any district shall be determined by the Secretary of Agriculture, in accordance with the written request of the Senator, Representative, or Delegate entitled to the same, filed with him at least sixty days prior to the time of advertisement for the purchase of such seeds: *Provided, however*, That the total cost of the seeds furnished under such written request shall not exceed the cost of the seeds that would otherwise be allotted to such Senator, Representative, or Delegate in Congress; nor shall the allotment of flower seeds of any other district be thereby curtailed.

Mr. ROBERTS. Mr. Chairman, as a part of my remarks, and to be taken out of my time, I desire the following document to be read by the Clerk.

The Clerk read as follows:

ODE TO CONGRESSMAN ROBERTS.

Oh, ROBERTS, ERNEST ROBERTS, in D. C. far away,
I have received from you a letter, or a package, I should say,
And puzzled am I greatly to find out how I may
Thank you for this favor, which came postpaid to-day.

Did you mistake my calling, and, not meaning any harm,
Think that I was toiling upon some backwoods farm
Where I needed seed for onions, for cucumbers, and beans,
And a good receipt for raising prime dandelion greens?

I wonder if you are obliged to send these seeds by law;
The seed for grape and rye and corn, the first I ever saw.
If not, to do it would be a parliamentary abuse;
Then send the kind of seed that would raise them in the juice.

Next time you send me samples of seed from Uncle Sam—
Things for which I have no use and do not care a ——
(Spinach, greens, and kidney beans will never cure our ills)—
Send us seed for raising Carter's little liver pills.

But, oh, an afterthought has struck me, and it fills my soul with grief;
Did you send them to me because of the advanced price of beef,
Thinking it had gone up quite beyond my means
And that hereafter I would have to live on pork and beans?

Oh, ROBERTS, ERNEST ROBERTS, I don't intend to die yet,
But if beef goes up so high that I can't afford to buy it,
And, through rigid economy, I am obliged to diet,
I will get a hoe and dig a hole and plant your stuff and try it.

Oh, ROBERTS, ERNEST ROBERTS, at these lines don't take alarm,
But send your seeds to some poor cuss who's living on a farm.
I never was in favor of making garden truck my feed,
While there are lots of folks who are in need of seed.

Oh, ROBERTS, ERNEST ROBERTS, in D. C. far away,
I hardly know what to do with the stuff I got to-day.
I am fearful, should I eat it, that I would have a cramp;
I almost wish you had inclosed a return stamp.

Mr. WADSWORTH. Mr. Chairman, I think we had better rise and consider that overnight.

Mr. ROBERTS. I have two minutes.

I want to say to the members of this committee that the sentiment in that rhyme portrays quite faithfully the state of mind of constituents in the city districts who get packages of vegetable seeds. I want to send to the Clerk's desk and ask to have read a

very short letter, which will give the other side—not the vegetable side, but the flower side.

The Clerk read as follows:

LYNN, MASS., *April 16, 1902.*

Mr. ROBERTS.

DEAR SIR: I am writing to ask you if you would kindly send me some flower seeds. I am 12 years old and go to the Burrill Grammar School, Lynn. I am in the sixth grade. My teacher's name is Miss Moran.

I am very fond of flowers, and am going to have a plot of ground for myself this summer.

I hope to have a great many flowers, so that I can give them to sick people.

I remain, yours, truly,

JESSIE BRITNER,
77 Wyman Street, Lynn, Mass.

Mr. ROBERTS. Now, Mr. Chairman, I suggest that these two documents present as concisely and as tersely as can be presented the reasons why city members should have the privilege of indicating to the Secretary of Agriculture, a sufficient time in advance of his purchase of seeds, the kinds they desire, either of flower or vegetable. I will say for the information of the committee that the Secretary of Agriculture told me a year ago, when this bill was under discussion, that the money cost of a package of vegetable seeds was greater than a package of flower seeds; so if the committee should see fit to adopt the amendment I have offered, it will not at all interfere with any member on this floor, and it would also be something in the way of saving to the Government in the matter of the expense for seeds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I have no objection, if the committee wishes to consider the amendment.

Mr. RICHARDSON of Tennessee and several others. Let us rise.

Mr. WADSWORTH. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13895, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *April 28, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MORRELL for two days, on account of death in his family.

CHINESE-EXCLUSION BILL.

Mr. HITT. Mr. Speaker, I call up the conference report on the Chinese bill that came from the Senate a moment since, and ask to have it considered by the House.

The SPEAKER. The gentleman from Illinois calls up the conference report.

Mr. HITT. I submit the statement of the managers on the part of the House.

The SPEAKER. Is there a statement?

Mr. HITT. There is.

The SPEAKER. Does the gentleman desire the report and statement read?

Mr. HITT. Yes.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14, of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September 13, 1888, be, and the same are hereby, reenacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers not citizens of the United States from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group, and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

"SEC. 2. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time change such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued, and of the treaty of December 8, 1894, between the United States and China, and, with the approval of the President, to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

"SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits, or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

"SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year."

And the Senate agreed to the same.

R. R. HITT,
J. B. PERKINS,
CHAMP CLARK,
Managers on the part of the House.
O. H. PLATT,
WM. P. DILLINGHAM,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 13031 submit the following written statement of the effect of the action agreed upon and recommended in the accompanying conference report.

The conference report as read indicates exactly how the statute will read if enacted as agreed upon.

R. R. HITT.
J. B. PERKINS.
CHAMP CLARK.

Mr. HITT. Mr. Speaker, the House is so familiar with the question of Chinese exclusion and all that related to it in the details of the House bill so long debated on this floor that I will not detain members in explanations, except to say that the Senate amendment or substitute endeavored to do in brief what the House had labored to accomplish by a very long bill—to continue and reenact the various existing laws excluding Chinese laborers. In the numerous discussions in conference over this disagreement between the two Houses we who were House conferees objected to a condition which the Senate had inserted, limiting the time to which these laws should be extended and in force to the year 1904, the date of the termination of the existing treaty, or to 1914, the time to which that treaty might be extended; and we also objected to other minor provisions, which I will not go over.

That time limit was unsatisfactory, especially to the gentlemen on this floor representing those western parts of the United States, where the Chinese laborers are found in great numbers. Your conferees have steadfastly resisted the incorporation of those words into this law, and to-day the Senate conferees, after many conferences day after day, yielded, so that the only words left of this limitation, after the declaration of the continuance of the existing laws, are that they shall extend so far as is not inconsistent with treaty obligation until otherwise provided by law.

This measure further prohibits immigration of Chinese laborers into our insular possessions, and the passage of the Chinese from the islands to our mainland is forbidden.

The provision in the Senate bill requiring Chinese laborers in the Philippines to procure certificates through a system of United States officers delegated and appointed from Washington is stricken out and the provision in the House bill is adopted, that all this should be done by those appointed by the Philippine Commission, already on the ground. This, in brief, is the short

Chinese-exclusion bill on which we have agreed and which I think all gentlemen who have kept pace with this long discussion will agree is the essence of all that was desired and needed and substantially that for which the House contended.

The SPEAKER. The question is on agreeing to the conference report.

The question was considered; and the conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11112. An act granting an increase of pension to S. Agnes Young;

H. R. 13066. An act granting an increase of pension to Obed D. Jasper;

H. R. 12550. An act granting an increase of pension to James E. Horton;

H. R. 6205. An act granting an increase of pension to Richmond M. Curtis;

H. R. 4426. An act granting an increase of pension to Daniel Sims;

H. R. 2660. An act granting an increase of pension to Henry Runnebaum;

H. R. 2599. An act granting an increase of pension to John Hall;

H. R. 282. An act granting an increase of pension to John O'Rourke;

H. R. 6356. An act granting an increase of pension to William G. Taylor;

H. R. 5789. An act granting an increase of pension to Joseph Seithen;

H. R. 4543. An act granting an increase of pension to George W. Parker;

H. R. 10361. An act granting an increase of pension to Alex. Scott;

H. R. 9144. An act granting an increase of pension to James R. Wilson;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 7116. An act granting an increase of pension to Alex. F. McConnell;

H. R. 11091. An act granting an increase of pension to James Cooley;

H. R. 9952. An act granting a pension to William P. Featherstone;

H. R. 9370. An act granting an increase of pension to John J. Wolfe;

H. R. 12504. An act granting a pension to James B. Hashbargar;

H. R. 11977. An act granting a pension to Sidney Cable; and

H. R. 11168. An act granting an increase of pension to Isaac Phipps.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4969. An act granting an increase of pension to Abbie George;

S. 4749. An act granting an increase of pension to Eunice A. Smith;

S. 4740. An act granting an increase of pension to Maria L. Godfrey;

S. 4658. An act granting an increase of pension to Charles I. Rand;

S. 4650. An an granting an increase of pension to Delania Ferguson;

S. 4619. An act granting an increase of pension to Clifford Neff Fyffe;

S. 4535. An act granting an increase of pension to Lydia M. Granger;

S. 4514. An act granting an increase of pension to Mary Beals;

S. 4381. An act granting an increase of pension to John S. Robinson;

S. 4335. An act granting an increase of pension to John Brown;

S. 4111. An act granting an increase of pension to Abner J. Pettee;

S. 4056. An act granting an increase of pension to Minerva Nelton;

S. 3991. An act granting an increase of pension to Waity West;

S. 3820. An act granting an increase of pension to Warren B. Nudd;

S. 4042. An act granting an increase of pension to William H. Norton;

S. 3672. An act granting an increase of pension to James Scannell;

S. 3634. An act granting an increase of pension to Elizabeth A. Capehart;

S. 3633. An act granting an increase of pension to Samuel L. Leffingwell;

S. 3519. An act granting an increase of pension to Charles L. Cummings;

S. 3472. An act granting an increase of pension to Zeno T. Griffin;

S. 3334. An act granting an increase of pension to Thomas E. James;

S. 3321. An act granting a pension to Patrick J. Murphy;

S. 3252. An act granting an increase of pension to Jesse W. Bice;

S. 3217. An act granting an increase of pension to Charles Dixon;

S. 3108. An act granting an increase of pension to Inez E. Perrine;

S. 2971. An act granting an increase of pension to Silas D. Strong;

S. 2943. An act granting an increase of pension to Thomas S. Rowan;

S. 2805. An act granting an increase of pension to Anna L. Cory;

S. 2738. An act granting an increase of pension to James W. Hankins;

S. 2533. An act to remove the charge of desertion against Frederick Schulte or Schuldt;

S. 2455. An act granting an increase of pension to Genevieve Almira Sprigg Ludlow;

S. 2346. An act granting a pension to Amanda C. Bayliss;

S. 2305. An act granting an increase of pension to Lemuel Grove;

S. 1881. An act to correct the military record of Peter Connell;

S. 1814. An act granting an increase of pension to Anna E. Luke;

S. 1643. An act granting an increase of pension to Ellen J. Clark;

S. 1638. An act granting a pension to John R. Homer Scott.

S. 1629. An act granting an increase of pension to James W. Humphreys;

S. 1625. An act granting an increase of pension to Jethro M. Getman, alias James M. Getman;

S. 1363. An act granting an increase of pension to James A. McKeehan;

S. 694. An act granting a pension to James Caton;

S. 899. An act granting an increase of pension to George F. Bowers;

S. 636. An act to remove the charge of desertion against David A. Lane;

S. 324. An act granting an increase of pension to Nellie Loucks;

S. 319. An act granting a pension to Ida M. Warren; and

S. 234. An act granting an increase of pension to James Frey.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year—to the Committee on the Judiciary.

S. 4642. An act granting an increase of pension to Annie Dowery—to the Committee on Invalid Pensions.

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 3,500 additional copies of Senate Document No. 232, Fifty-sixth Congress, second session, being the report of the Commissioner-General for the United States to the International Universal Exposition, Paris, 1900, in six volumes, 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the office of the Commissioner-General—

to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic;

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same;

H. R. 12468. An act granting an increase of pension to Phineas Curran;

H. R. 1012. An act granting an increase of pension to Patrick Moran;

H. R. 1086. An act granting an increase of pension to Francis W. Pool;

H. R. 1742. An act granting an increase of pension to Alonzo Lewis;
H. R. 4129. An act granting an increase of pension to Lonson R. Burr;
H. R. 5170. An act granting an increase of pension to Frederick Wright;
H. R. 5560. An act granting an increase of pension to Annie L. Evens;
H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;
H. R. 7994. An act granting an increase of pension to Margaret M. Grant;
H. R. 9494. An act granting an increase of pension to Mary A. Andress;
H. R. 10173. An act granting an increase of pension to Richard Trist;
H. R. 10179. An act granting an increase of pension to Theron R. Mack;
H. R. 10449. An act granting an increase of pension to Sarah H. Lake;
H. R. 10795. An act granting an increase of pension to William A. Campbell;
H. R. 11545. An act granting an increase of pension to Caroline R. Boyd;
H. R. 12370. An act granting a pension to Ida M. Briggs;
H. R. 4008. An act granting a pension to Christopher Columbus Sheets;
H. R. 4945. An act granting a pension to Shadrack I. Corbett;
H. R. 4994. An act granting a pension to Lydia Carr;
H. R. 5150. An act granting a pension to Mary C. Trask;
H. R. 7678. An act granting a pension to Mary Holmes;
H. R. 8349. An act granting a pension to John Watts;
H. R. 9625. An act granting a pension to Elizabeth L. Beckett;
H. R. 11895. An act granting a pension to Thomas Holloway;
H. R. 3379. An act to correct the military record of Calvin A. Rice;
H. R. 13575. An act to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4;
H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport.
H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;
H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes;
H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;
H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company, of Mississippi, to build and maintain a railway bridge across Pearl River;
H. R. 11096. An act to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor;
H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.; and
H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements and repairs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with the draft of a bill, recommendations in relation to relinquishment of a strip of land to the town of Winthrop, Mass.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, relating to an accumulation of useless papers in the War Department—to the Joint Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, reported the same with amendments, accompanied by a report (No. 1793); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 1794); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10412) for the payment to Henry B. Davis of balance due him for surveying public lands, reported the same without amenment, accompanied by a report (No. 1795); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 3401) for the relief of H. Glafcke, reported the same without amendment, accompanied by a report (No. 1796); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased, reported the same with amendments, accompanied by a report (No. 1797); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14042) granting an increase of pension to George W. Edgington, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. POWERS of Massachusetts: A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 14048) to further amend the act entitled "An act to regulate commerce," approved February 4, 1887, and the acts relating thereto, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 14049) to amend an act entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: A resolution (H. Res. 230) inquiry regarding alleged orders of Gen. Jacob H. Smith to kill and destroy in the island of Samar—to the Committee on Military Affairs.

By Mr. BURLESON: A resolution (H. Res. 231) regarding alleged orders of Gen. Jacob H. Smith to kill and destroy in the island of Samar—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS: A bill (H. R. 14052) granting an increase of pension to George Fusselman—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 14053) granting increase of pension to Gilbert Stickles—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 14054) granting an increase of pension to Nathaniel C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14055) granting an increase of pension to Samuel Brown—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 14056) for the relief of George Killeen—to the Committee on Claims.

By Mr. COONEY: A bill (H. R. 14057) granting an increase of pension to Caroline Coleman—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 14058) granting a pension to Maj. Emil Pfeiffer—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 14059) granting an increase of pension to Anton Mazzanovich—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 14060) granting a pension to Mrs. Catharine McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14061) granting an increase of pension to Joseph McFarland—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 14062) granting an increase of pension to James Elliott—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14063) granting an increase of pension to Thomas Hartley—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14064) granting an increase of pension to Oliver M. Gilliam—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14065) for the relief of the estate of C. L. Davis, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 14066) granting a pension to Merton C. Sanborn—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 14067) granting an increase of pension to John Wright—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 14068) to remove the charge of desertion from the record of Darwin Wales—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 14069) granting a pension to John Adair—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14070) for the relief of John A. Meroney—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 14071) to remove the charge of desertion from the record of Silas Danley—to the Committee on Military Affairs.

By Mr. SNODGRASS: A bill (H. R. 14072) granting an increase of pension to Elijah Watters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14073) for the relief of the legal representatives of Gincey Edwards—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 14074) to correct the military record of Daniel Burns—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 14075) for the relief of W. D. Aston—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 14076) for the relief of Bianca L. Bell—to the Committee on Claims.

Also, a bill (H. R. 14077) for the relief of John C. Lynch—to the Committee on Claims.

By Mr. YOUNG: A bill (H. R. 14078) granting a pension to Ellwood I. Beatty—to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 14079) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of the Arkansas Valley Live Stock Association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. BENTON: Petition of H. H. Johnson for increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Nathaniel C. Davis—to the Committee on Invalid Pensions.

Also, resolutions of Typographical Union of Carthage, Mo., and Central Labor Union of Joplin, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROWNLOW: Petition of George Killeen, to accompany House bill for his relief—to the Committee on Claims.

By Mr. CALDERHEAD: Petition of J. H. Gist, of Rhinehart, Kans., favoring the new oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of National Business League of Chicago, Ill., for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

By Mr. CASSEL: Resolution of Bricklayers' Union No. 6, of Lancaster, Pa., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

Also, resolutions of George H. Thomas Post, No. 84, Grand Army of the Republic, Lancaster, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of John M. Quinn and 40 other citizens of New York City and vicinity, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolution of the Bricklayers' general executive board of Greater New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. EMERSON: Petitions of citizens of Clinton and Chateaugay, N. Y., asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

Also, resolutions of Horse Nail Makers' Union No. 9656, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolution of the Wisconsin Conference of the Evangelical Association, in session at Monroe, Wis., favoring the improvement of the post-exchange system as relating to literature and gymnasiums—to the Committee on Military Affairs.

By Mr. EVANS: Paper in support of bill to increase the pension of Joseph McFarland—to the Committee on Invalid Pensions.

Also, a resolution of Mine Workers' Unions of Defiance, Hopewell, Garrett, and Sixmile Run, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Emery Fisher Post, No. 30, of Johnstown, Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Petition of merchants of Nashville, Tenn., urging the passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Petition of citizens of Springfield, Mass., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GROSVENOR: Resolutions of Mine Workers' Unions of Glouster and Mineral, and Lithographer's Association No. 19, of Coshocton, Ohio, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Resolution of Central Labor Union of Boonville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: Petition of citizens of Taylor County, Iowa, in support of House bill granting an increase of pension to James Elliott—to the Committee on Invalid Pensions.

By Mr. HILL: Papers to accompany House bill granting a pension to John Miller—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the San Francisco Chamber of Commerce, Manufacturers and Producers' Association of California, and the Board of Trade of San Francisco, Cal., favoring the payment of the claim of citizens of Hawaii whose property was destroyed in the effort to suppress the bubonic plague in December, 1899, and during the year 1900—to the Committee on the Territories.

Also, resolutions of San Francisco Lodge, No. 68, Association of Machinists, and the San Francisco Labor Council, favoring House bill 3076, known as the eight-hour law—to the Committee on Labor.

Also, resolutions of board of directors of the Southern California Fruit Exchange, in favor of the irrigation bill—to the Committee on Irrigation of Arid Lands.

Also, petition of officers of the National Guard of California, for the passage of House bill 9972—to the Committee on the Militia.

Also, resolutions of Union League Club, City Front Federation, Horse Shoers' Association, Master Painters' Association, and

Brotherhood of Railway Employees, all of San Francisco, Cal., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KERN: Petitions of Hy. F. Stumpf, of Waterloo, and William Ebers, of Bremen, Ill., favoring House bill 9206—to the Committee on Agriculture.

By Mr. LANHAM: Resolutions of Lodge No. 20, Locomotive Firemen, of Paris, Tex., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. McCALL: Petition of citizens of Somerville, Mass., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of the Northwestern Manufacturers' Association, the Commercial Club, and the Jobbers' Union, of St. Paul, Minn., indorsing legislation for the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Northwestern Manufacturers' Association, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of Release Lodge, No. 579, Brotherhood of Locomotive Firemen, Montevideo, Minn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Petition of residents of Danvers, Mass., favoring House bills 11535 and 11536, for the protection of birds—to the Committee on Agriculture.

Also, petition of the Sons of Poland, of Salem, Mass., favoring the erection of a monument to Count Pulaski—to the Committee on the Library.

By Mr. NEVILLE: Petitions of W. W. Fought, W. F. Miles, A. F. Maloy, and other citizens of Duel County, Nebr., opposing the leasing of public lands—to the Committee on the Public Lands.

Also, paper to accompany House bill 5171, for the relief of Catherine Grace—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: Petition of John H. Hollingsworth, jr., of Limestone County, Ala., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. ROBINSON of Louisiana: Petition of Louis V. Porche, of Point Coupee, La., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of the New York Produce Exchange, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Division No. 54, Order of Railway Conductors, Bohemian Typographical Union, No. 131, New York Hackmen's League, and Sixth Branch, Amalgamated Society of Carpenters, all of New York City, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of Missouri, Kansas, and Oklahoma Association of Lumber Dealers, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Resolutions of Carpenters' Union No. 945, of Jefferson City, Mo., in favor of the exclusion of Chinese laborers, etc.—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petitions of the Patriotic Order of Sons of America, Camp No. 15, of Denver, Colo., and citizens of Lake County, Colo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of German-American Central Verein, Denver, Colo., against any proposition to restrict the immigration of healthy and honest persons—to the Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce and citizens of Cripple Creek, Colo., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' Union of Leadville, Colo., in regard to employees in navy-yards and for the enforcement of the eight-hour law—to the Committee on Naval Affairs.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Unions No. 757, of Elkville, and No. 1880, of Marion, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SNOOK: Petition of Jennie Burns, to accompany House bill to amend the military record of Daniel Burns—to the Committee on Military Affairs.

By Mr. SNODGRASS: Petition of Gincey Edwards, of Sumner County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPIGHT: Papers to accompany bill for the relief of W. D. Aston—to the Committee on War Claims.

By Mr. SULZER: Resolutions of Local Assembly No. 6909, Knights of Labor, Brooklyn, N. Y.; New York Produce Exchange, and executive committee of bricklayers' unions of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Baltimore Typographical Union No. 12, and of Central Trades and Labor Council of New Orleans, La., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

Also, resolutions of the Merchants' Association of New York, urging reciprocity with Cuba upon the basis of not less than 40 per cent reduction—to the Committee on Ways and Means.

Also, resolutions of the Thirteenth Club of the City of New York, in opposition to sending a special embassy to attend the coronation of King Edward VII—to the Committee on Foreign Affairs.

Also, petition of W. J. Quinn, Dr. F. W. Grube, and others, of New York City, for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same association, in relation to the ship-subsidy bills—to the Committee on Interstate and Foreign Commerce.

By Mr. TIRRELL: Resolutions of Bay State Lodge No. 73, Brotherhood of Locomotive Firemen, of Worcester, Mass., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petition of the American Wireless Telephone and Telegraph Company, for the extension of patent No. 350299—to the Committee on Patents.

Also, petition of Encampment No. 33, Union Veteran Legion, urging the passage of a service pension bill—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *April 29, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Columbia Institution for the Deaf and Dumb submitting an estimate of appropriation to provide for suitable protection against disaster by fire to the buildings of that institution, $3,291; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

THE REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of the division of Revenue-Cutter Service submitting an additional estimate of appropriation, $115,000, to meet the requirements in the matter of longevity pay for officers of the Revenue-Cutter Service for the fiscal year ending June 30, 1903, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

C. M. BROADWAY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of C. M. Broadway, administrator of Jordan Broadway, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

The message also returned to the Senate, in compliance with its request, the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 234) granting an increase of pension to James Frey;
A bill (S. 319) granting a pension to Ida M. Warren;
A bill (S. 324) granting an increase of pension to Nellie Loucks;
A bill (S. 636) to remove the charge of desertion against David A. Lane;
A bill (S. 694) granting a pension to James Caton;
A bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes;
A bill (S. 899) granting an increase of pension to George F. Bowers;
A bill (S. 1321) to restore to the active list of the Navy the name of James G. Field;
A bill (S. 1363) granting an increase of pension to James A. McKeehan;
A bill (S. 1625) granting an increase of pension to Jethro M. Getman, alias James M. Getman;
A bill (S. 1629) granting an increase of pension to James W. Humphrey;
A bill (S. 1638) granting a pension to John R. Homer Scott;
A bill (S. 1643) granting an increase of pension to Ellen J. Clark;
A bill (S. 1814) granting an increase of pension to Anna E. Luke;
A bill (S. 1881) to correct the military record of Peter Connell;
A bill (S. 2305) granting an increase of pension to Lemuel Grove;
A bill (S. 2346) granting a pension to Amanda C. Bayliss;
A bill (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow;
A bill (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt;
A bill (S. 2738) granting an increase of pension to James W. Hankins;
A bill (S. 2805) granting an increase of pension to Anna L. Cory;
A bill (S. 2943) granting an increase of pension to Thomas S. Rowan;
A bill (S. 2971) granting an increase of pension to Silas D. Strong;
A bill (S. 3108) granting an increase of pension to Inez E. Perrine;
A bill (S. 3217) granting an increase of pension to Charles Dixon;
A bill (S. 3252) granting an increase of pension to Jesse W. Bice;
A bill (S. 3321) granting a pension to Patrick J. Murphy;
A bill (S. 3334) granting an increase of pension to Thomas E. James;
A bill (S. 3472) granting an increase of pension to Zeno T. Griffin;
A bill (S. 3519) granting an increase of pension to Charles L. Cummings;
A bill (S. 3633) granting an increase of pension to Samuel L. Leffingwell;
A bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart;
A bill (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway;
A bill (S. 3672) granting an increase of pension to James Scannell;
A bill (S. 3820) granting an increase of pension to Warren B. Nudd;
A bill (S. 3991) granting an increase of pension to Waity West;
A bill (S. 4042) granting an increase of pension to William H. Norton;
A bill (S. 4056) granting an increase of pension to Minerva Nelton;
A bill (S. 4111) granting an increase of pension to Abner J. Pettee;
A bill (S. 4335) granting an increase of pension to John Brown;
A bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas;
A bill (S. 4381) granting an increase of pension to John S. Robinson;
A bill (S. 4514) granting an increase of pension to Mary Beals;
A bill (S. 4535) granting an increase of pension to Lydia M. Granger;
A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe;
A bill (S. 4647) to amend section 4929 of the Revised Statutes relating to design patents;
A bill (S. 4650) granting an increase of pension to Delania Ferguson;
A bill (S. 4658) granting an increase of pension to Charles I. Rand;
A bill (S. 4740) granting an increase of pension to Maria L. Godfrey;
A bill (S. 4749) granting an increase of pension to Eunice A. Smith;
A bill (S. 4969) granting an increase of pension to Abbie George;
A bill (H. R. 282) granting an increase of pension to John O'Rourke;
A bill (H. R. 2599) granting an increase of pension to John Hall;
A bill (H. R. 2660) granting an increase of pension to Henry Runnebaum;
A bill (H. R. 4426) granting an increase of pension to Daniel Sims;
A bill (H. R. 4543) granting an increase of pension to George W. Parker;
A bill (H. R. 5111) granting an increase of pension to James D. Rowland;
A bill (H. R. 5711) granting an increase of pension to James R. Brockett;
A bill (H. R. 5789) granting an increase of pension to Joseph Seithen;
A bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis;
A bill (H. R. 6356) granting an increase of pension to William G. Taylor;
A bill (H. R. 7116) granting an increase of pension to Alex. F. McConnell;
A bill (H. R. 8562) granting an increase of pension to Sarah Ciples, now Vandemark;
A bill (H. R. 9144) granting an increase of pension to James R. Wilson;
A bill (H. R. 9370) granting an increase of pension to John J. Wolfe;
A bill (H. R. 9952) granting a pension to William P. Featherstone;
A bill (H. R. 10361) granting an increase of pension to Alex. Scott;
A bill (H. R. 11091) granting an increase of pension to James Cooley;
A bill (H. R. 11112) granting an increase of pension to S. Agnes Young;
A bill (H. R. 11168) granting an increase of pension to Isaac Phipps;
A bill (H. R. 11977) granting a pension to Sidney Cable;
A bill (H. R. 12504) granting a pension to James B. Hashbargar;
A bill (H. R. 12550) granting an increase of pension to James E. Horton;
A bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent; and
A bill (H. R. 13066) granting an increase of pension to Obed D. Jasper.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented petitions of Bluestone Lodge, No. 446, Brotherhood of Locomotive Engineers, of Bluefield; and of New River Division, No. 140, Order of Railway Conductors, of Hinton, in the State of West Virginia, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of a substitute therefor; which were ordered to lie on the table.

Mr. DILLINGHAM presented a petition of Federal Union, No. 9635, American Federation of Labor, of Vergennes, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of Local Division No. 85, Order of Railroad Telegraphers, of Trenton; of Lodge No. 11, Brotherhood of Locomotive Firemen, of Phillipsburg, and of Local Division No. 312, Order of Railway Conductors, of Weehawken, all in the State of New Jersey, praying for the passsage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of the proposed substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of the M. Henock Company, of La Porte, Ind., remonstrating against the adoption of an amendment to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Fort Wayne Lodge, No. 136, Brotherhood of Railroad Trainmen, of Fort Wayne, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of restraining orders and injunctions in certain cases, and remonstrating

against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BURROWS presented petitions of Mershon, Schuette, Parker & Co., of Saginaw, and of the Board of Trade of Grand Rapids, in the State of Michigan, praying for the adoption of certain amendments to the interstate commerce law; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Alma Roller Mills, of Alma; of the Walsh-De Roo Milling Company, of Holland; of the Holly Milling Company, of Holly; of the Detroit Milling Company, of Detroit; of David Stott, of Detroit; of the Huron Milling Company, of Harbor Beach; of the Valley City Milling Company, of Grand Rapids; and of Mershon, Schutte, Parker & Co., of Saginaw, all in the State of Michigan, remonstrating against the adoption of the so-called London landing clause in bills of lading; which were referred to the Committee on Interstate Commerce.

Mr. PENROSE presented petitions of Coleman Post, No. 467, of Annville; of John F. Croll Post, No. 156, of Kittanning; of Colonel James Ashworth Post, No. 334, of Frankford; of William L. Curry Post, No. 18, of Philadelphia; of E. B. Young Post, No. 87, of Allentown; of Abe Patterson Post, No. 88, of Allegheny; of A. B. Langley Post, No. 301, of Cambridge Springs, and of Captain E. F. Rice Post, No. 211, of Factoryville, all in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over; which were referred to the Committee on Pensions.

He also presented petitions of Brotherhood of Carpenters and Joiners' Union No. 333, of Berwyn; of United Mine Workers' Union No. 1536, of Coaldale; of Local Union No. 115; of Soudertown; of Local Union No. 192, of Reading; of Brotherhood of Locomotive Firemen's Lodge No. 62, of Carbondale; of Boiler Makers and Iron Ship Builders' Union No. 245, of Dubois; of Folwell Lodge, No. 326, Brotherhood of Locomotive Firemen, of Bradford; of Lackawanna Lodge, No. 283; Brotherhood of Locomotive Firemen, of Hallstead, and of United Mine Workers' Union No. 32, of Sunnyside, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of the United Mine Workers' Union, of Hopewell; of United Mine Workers' Local Union No. 169, of McAdoo; of Miners of Lick Run Local Union, No. 230, of Broughton; of United Mine Workers' Branch, of Dale; of Workingmen of the Nottingham Mines, of Plymouth; of Local Union No. 558, United Mine Workers of America, of McDonald; of United Mine Workers' Union No. 862, of Scranton; of United Mine Workers' Union No. 961, of Jeansville; of United Mine Workers' Union of Heckschersville; of Local Union No. 1503, United Mine Workers of America, of Scranton; of Centralia Local Union, No. 1479, of Centralia; of United Mine Workers' Union of Six Mile Run; of Local Union No. 79, of Webster; of Franklin Central Labor Council, of Franklin; of Local Union No. 1728, of Wilburton; of Local Union No. 1640, of Minersville; of Local Union No. 626, of Desire; of Local Union No. 1781, United Mine Workers, of Mount Carmel; of Local Union No. 1691, of Olyphant; of United Mine Workers of America, of Tarentum; of United Mine Workers Local Union No. 1624, of Lavelle; of Cigar Makers' International Union No. 104, of Pottsville; of Cigar Makers' Union No. 108, of Lockhaven; of Cigar Makers' Union No. 436, of Olyphant; of American Flint Glass Workers' Union No. 19, of Philadelphia; of Flint Glass Workers' Union No. 65, of Homestead; of Journeymen Plumbers of Charleroi; of Harrisburg Typographical Union, No. 14, of Harrisburg; of union workmen of Clearfield; of Machinists' Union Lodge No. 327, of Meadville; of Lock Workers' Union No. 9354, of Lancaster; of Lehigh Lodge, No. 403, of Easton; of Iron and Steel Workers' Union No. 9249, of Pottstown; of Harrisburg Lodge, No. 174, Brotherhood of Locomotive Firemen, of Harrisburg; of Local Union No. 463, Brotherhood of Carpenters, of Philadelphia; of Brotherhood of Carpenters and Joiners of America, of Nanticoke; of Local Union No. 409, of Erie; of Local Union No. 699, Carpenters and Joiners of America, of Sewickley; of Local Union No. 691, Carpenters and Joiners, of Williamsport; of Local Union No. 587, of Coatesville; of Local Union No. 571, of Carnegie; of Kane Union, No. 545, of Kane; of Local Union No. 541, Carpenters and Joiners of America, of Washington; of Local Union No. 900, Carpenters and Joiners, of Altoona; of Carpenters and Joiners' Union of Verona; of Local Union No. 834, of Reynoldsville; of Allentown Union No. 155, Carpenters and Joiners of America, of Allentown; of the Order of Railroad Telegraphers, of Harrisburg; of Herculean Lodge, No. 574, Brotherhood of Railroad Trainmen, of Harrisburg; of Journeymen Barbers' International Union No. 157, of Franklin; of Bakers and Confectioners' Union No. 151, of Easton; of Bricklayers and Masons' Union No. 35, of Germantown; of Local Union No. 33, of Philadelphia; of Bricklayers' Union No. 15, of Allentown; of Local Union No. 192, of Reading; of Carpenters' Local Union No. 191, of York; of Ardmore Local Union of Carpenters and Joiners, No. 465, of Ardmore; of Valley Lodge, No. 172, of the Switchmen's Union of North America, of Sayre; of Plumbers, Steam and Gas Fitters, and Steam Fitters' Helpers' Local Union No. 207, of Bradford; of Plumbers' Local Union No. 199, of Chester; of Plumbers' Local Union No. 192, of Sharon; of Plumbers' Local Union No. 42, of Reading; of Journeymen Plumbers' Local Union No. 39, of Newcastle; of Local Union No. 37, Plumbers, Gas and Steam Fitters, of Oil City; of Brewery Workmen's Hall Union, No. 240, of Dubois; of Brewery Workmen's Union No. 206, of Lancaster; of Iron Molders' Local Union No. 312, of Harrisburg; of Engineers and Firemens' Local Union No. 1745, of Summit Hill; of Mill Workers' Local Union No. 665, Brotherhood Carpenters and Joiners of America, of Wilkesbarre; of Typographical Union of Sayre; of Division No. 331, Order of Railway Conductors of America, of Columbia; of Brotherhood of Railroad Trainmen, Lodge No. 105, of Oil City; of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, of Allegheny; of Brotherhood of Railroad Trainmen, of Northumberland; of Philadelphia Lodge, No. 387, Brotherhood of Railroad Trainmen, of Philadelphia; of Pennsylvania Lodge, No. 511, Brotherhood of Railroad Trainmen, of Philadelphia; of Local Union No. 77, of Dagus Mines, of Dagus; of United Mine Workers' Local Union No. 95, of Defiance; of Carpenters and Joiners' Union No. 124, of Bradford; of Carpenters' Local Union No. 122, of Germantown; of Carpenters and Joiners' Local Union, of Hazleton; of Carpenters' Local Union No. 93, of Wilkesbarre; of Leather Glazers' Union No. 5, of Philadelphia; of Barbers' Local Union of Dubois; and of Local Union No. 124, of Bradford, all in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DOLLIVER presented petitions of the Trades and Labor Assembly of Sioux City; of the Trades and Labor Assembly of Centerville; of Federal Labor Union No. 9042, of Jefferson; of Barbers' Local Union No. 116, of Davenport; of Retail Clerks' Local Union No. 183, of Clinton; of Iron Molders' Local Union No. 263, of Dubuque; of Brewery Workers' Local Union No. 178, of Sioux City; of Locomotive Engineers' Local Union of Burlington; of Locomotive Firemen's Lodge No. 161, of Burlington; of Gordo Lodge, No. 29, Brotherhood of Locomotive Firemen, of Mason City; of the Plumbers' Local Union of St. Joseph; of Plumbers' Local Union No. 33, of Des Moines; of Plumbers' Local Union No. 125, of Cedar Rapids; of Plumbers' Local Union No. 212, of Burlington; of Typographical Union No. 22, of Dubuque; of Typographical Union No. 68, of Keokuk; of Typographical Union No. 334, of Clinton; of Journeymen Tailors' Local Union No. 300, of Davenport; of United Mine Workers' Local Union No. 1047, of Des Moines; of Journeymen Tailors' Local Union No. 42, of Waterloo; of Journeymen Tailors' Local Union No. 15, of Des Moines; of J. W. Phillips Lodge, No. 104, Brotherhood of Railroad Trainmen, of Moulton; of Connecting Link Lodge, No. 212, Brotherhood of Railroad Trainmen, of Belle Plaine; of Lodge No. 520, Brotherhood of Railroad Trainmen, of Council Bluffs; of United Mine Workers' Local Union No. 949, of Carbondale; of United Mine Workers' Local Union No. 1993, of Pella; of United Mine Workers' Local Union No. 159, of Harkes; of United Mine Workers' Local Union No. 708, of Forbush, and of United Mine Workers' Local Union No. 790, of Pekay, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. MCCOMAS. I present a petition of the legislature of Maryland praying that an appropriation be made to complete the "inland waterway" connecting Chincoteague Bay and the Delaware Bay. I ask that the petition be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND, OFFICE OF SECRETARY OF STATE,
Annapolis, April 25, 1902.

Hon. LOUIS E. MCCOMAS,
United States Senate, Washington, D. C.

DEAR SIR: Complying with the request contained in the joint resolution of the general assembly of Maryland of 1902 I inclose herewith a copy of the same.

Very truly,
WILFRED BATEMAN,
Secretary of State.

JOINT RESOLUTION.

Joint resolution of the general assembly of the State of Maryland to Congress to complete the "inland waterway" connecting Chincoteague Bay and the Delaware Bay.

Whereas Congress in several of its past river and harbor acts has appropriated several sums of money for the purpose of creating an inland waterway between Chincoteague Bay and the Delaware Bay, which appropriation has been recommended by the Chief of Engineers and disbursed under the authority of the Secretary of War; and

Whereas said internal waterway has not yet reached the stage of completion intended in the recommendation of the Chief of Engineers heretofore accepted: Therefore be it

Resolved by the general assembly of Maryland, That the delegation in Congress from this State be, and is hereby, requested to urge upon Congress to make a suitable appropriation for the early completion of this work.

Be it further resolved, That the secretary of state be, and he is hereby, requested to transmit a copy of these resolutions, under the seal of the State, to each of the Senators and Representatives now in Congress from this State.

[SEAL.]

JOHN HUBNER,
President of the Senate.
NOBLE L. MITCHELL,
Speaker of the House of Delegates.

I, John Walter Smith, governor of the State of Maryland, do hereby certify that the foregoing is a true and correct copy of a joint resolution of the general assembly of Maryland in reference to "inland waterway" connecting Chincoteague Bay and Delaware Bay.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Maryland this 25th day of April, 1902.

[SEAL.] JOHN WALTER SMITH.

By the governor:

WILFRED BATEMAN,
Secretary of State.

Mr. McCOMAS. I present a petition of the legislature of Maryland, praying that an appropriation be made to acquire and enlarge the Chesapeake and Delaware Canal, in order that it may be used by the warships of the Navy and the merchants' shipping as an inland waterway for the purposes of public defense and international commerce. I ask that the petition be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND, OFFICE OF SECRETARY OF STATE,
Annapolis, April 25, 1902.

Hon. LOUIS E. McCOMAS,
United States Senate, Washington, D. C.

DEAR SIR: Complying with the request contained in the joint resolution of the general assembly of Maryland of 1902, I inclose herewith a copy of the same.

Very truly, JOHN WALTER SMITH, *Governor.*

JOINT RESOLUTION.

Whereas the Chesapeake and Delaware Canal, extending from Elk River in Cecil County, Md., to Delaware City, on the Delaware, connecting the waters of the Chesapeake and Delaware bays, furnishes a direct route to sea for war ships of the United States Navy and vessels trading at the ports of Baltimore and the upper part of Chesapeake Bay, thereby shortening the distance from Baltimore to European ports and New York and New England seaboard cities 225 miles, and avoiding the dangerous and tedious route doubling Cape Charles; and

Whereas the speedy acquisition of said canal by the Federal Government for the purpose of widening and enlarging it to accommodate war ships and seagoing vessels of the largest size can be accomplished by a very small expenditure of the public funds compared to the paramount importance of such waters to the large and increasing commerce of Baltimore and the great agricultural sections of the Southwest, the West, and the Northwest, all of which finds its nearest and most natural outlet at Baltimore; and

Whereas the Federal Government has expended and is expending large sums of money to improve and extend the Naval Academy grounds at Annapolis, and from year to year is also increasing the size and importance of the national capital; and

Whereas the said canal enlarged and deepened would afford the cheapest and most effectual means of defending the cities of Washington, Baltimore, and Annapolis on the south side, and Philadelphia, Chester, Wilmington, New York, and the New England seaports on the north side, in case of war by enabling the naval forces of the United States freely and speedily to pass from bay to bay, and enabling our Navy to pass up the Atlantic coast by an inland waterway for the defense of said cities when threatened by hostile fleets, and would also enable our merchant shipping to retreat from one bay to the other in case of danger from a hostile fleet; and

Whereas the Federal Government is charged with the public defense, and it is its duty to adopt the most complete mode of rendering the capital and Annapolis and the great seaboard cities impregnable, and the interests heretofore mentioned are of national as well as international importance, and the acquisition and change in said canal necessary to fit it for the purposes aforesaid can be effected at a comparatively small expense when the vast importance of the work is considered: Therefore, be it

Resolved by the general assembly of Maryland, That the Representatives and Senators from Maryland in the Congress of the United States are hereby requested to use their best efforts to secure an appropriation by the Federal Government of sufficient money to acquire and enlarge the said Chesapeake and Delaware Canal in order that it may be used by the war ships of the Navy and the merchant shipping as an inland waterway for the purposes of public defense and international commerce.

And be it further resolved, That the governor of Maryland be, and he is hereby, requested without delay to transmit a copy of these resolutions to each of the said Representatives and Senators from Maryland.

Given under our hand this 10th day of April, 1902.

JOHN HUBNER,
President of the Senate.
NOBLE L. MITCHELL,
Speaker of the House of Delegates.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 5110) granting an increase of pension to William H. Dixon, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 4393) reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land therein described, etc., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5261) reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land therein described, etc., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes, reported it with amendments, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901, reported it without amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1380) granting an increase of pension to Mary Tate;

A bill (H. R. 9156) granting an increase of pension to Uriah Garber;

A bill (H. R. 12576) granting an increase of pension to Thomas Wells; and

A bill (H. R. 11695) granting an increase of pension to George W. Hatton.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2316) to correct the military record of Albert Baker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., reported it with an amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PETTUS introduced a bill (S. 5498) for the relief of Thomas H. Carpenter; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 5499) for the relief of the estate of William Salamber and Charlot G. Salamber; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 5500) granting an increase of pension to Angus Cameron; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5501) granting a pension to Jennette C. Danico; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5502) granting an increase of pension to Robert L. Bailey;

A bill (S. 5503) granting an increase of pension to John N. Rounder; and

A bill (S. 5504) granting an increase of pension to James H. Werking.

Mr. HANSBROUGH introduced a bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KITTREDGE introduced a bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5507) granting an increase of pension to Jarratt F. Rigg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5508) granting an increase of pension to George J. Cheney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5509) granting an increase of pension to Adam Stuber (with an accompanying paper);

A bill (S. 5510) granting an increase of pension to H. P. Mann; and

A bill (S. 5511) granting an increase of pension to Albert De Witt Clinton Walker (with an accompanying paper).

Mr. MORGAN introduced a bill (S. 5512) for the relief of John Mantel; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5513) granting an increase of pension to William H. Laws; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5514) for the erection of a public building at Albuquerque, N. Mex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5515) for the relief of Robert H. Long; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5516) to prevent the sale of intoxicating liquors in immigrant stations; which was read twice by its title, and referred to the Committee on Immigration.

He also introduced a bill (S. 5517) to grant an honorable discharge from the military service to Daniel Barry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5518) granting an increase of pension to Levi Brader;

A bill (S. 5519) granting an increase of pension to Randolph Hayman;

A bill (S. 5520) granting an increase of pension to Orlando Dieffenbach;

A bill (S. 5521) granting an increase of pension to Stephen W. Pomeroy; and

A bill (S. 5522) granting a pension to Elizabeth De Huff.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5523) granting a pension to Bernard Closkey;

A bill (S. 5524) granting a pension to Mary C. Gussler;

A bill (S. 5525) granting a pension to David H. Feight;

A bill (S. 5526) granting an increase of pension to Benjamin F. Cornman;

A bill (S. 5527) granting an increase of pension to Milton Strattan; and

A bill (S. 5528) granting an increase of pension to Edmund R. Newhard.

Mr. DOLLIVER introduced a bill (S. 5529) authorizing the adjustment of the rights of settlers on the Navajo Indian Reservation, Territory of Arizona; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5530) granting an increase of pension to Owen E. Newton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5531) for the relief of James F. McIndoe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 5532) for the relief of Sally G. Billups; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5533) for the relief of Mrs. Almira Patrick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McENERY (by request) introduced a joint resolution (S. R. 90) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate $25,000 to aid in the reconstruction of the building for the National Homeopathic Hospital, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $2,000 for reconstruction of stone wall inclosing the Confederate Cemetery at Camp Chase, Ohio, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FORAKER subsequently reported favorably, from the Committee on Military Affairs, the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 1220) to prevent the desecration of the flag of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to allow retired enlisted men in the Army $7.50 per month as commutation of fuel and quarters, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAY submitted an amendment intended to be proposed by him to the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.; which was referred to the Committee on Claims, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $1,200 to pay the salary of the clerk of the Board of Inspection and Survey, Navy Department, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS.

On motion of Mr. FORAKER, it was

Ordered, That the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, be reprinted.

CONFERENCE OF AMERICAN STATES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, submitting the report, with accompanying papers, of the delegates of the United States to the Second Conference of American States, held at the City of Mexico from October 22, 1901, to January 22, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 29, 1902.*

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

Mr. PLATT of Connecticut. I ask that we may take up Senate bill 2992, the first bill on the Calendar under Rule VIII, and that the discussion may proceed without the five minutes' limitation.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the Senate proceed to the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect, and that the debate upon the bill shall not be subject to the limitations of Rule VIII. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read at length as in Committee of the Whole.

Mr. GAMBLE. The amendment offered by the Senator from Connecticut [Mr. PLATT] is pending.

Mr. PLATT of Connecticut. When the bill was up before, I proposed an amendment, which does not appear on the bill. I have not the amendment with me. If I could find the RECORD I would turn to it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, page 6, line 18, after the word "acre," strike out down to and including the word "that," in line 25, and insert the word "and;" so that the additional proviso, if amended, would read:

And provided further, That the price of said lands shall be $2.50 per acre, and homestead settlers, who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

Mr. PLATT of Connecticut. At the request of the Senator from North Dakota [Mr. McCUMBER], I yield to him for a few moments.

FOOD ADULTERATION, ETC.

Mr. McCUMBER. Mr. President, I should like to have unanimous consent that Senate bill 3342, which is the pure-food bill, be taken up after the routine morning business, upon the final disposition of the bill now under consideration, and proceeded with without limitation of debate. I do not understand that such an arrangement will interfere with any other bill.

The PRESIDENT pro tempore. There is a unanimous-consent agreement in regard to the union railroad station bill.

Mr. McCUMBER. I wish Senate bill 3342 to follow that and the bill now under consideration when those bills are disposed of. I ask that it may follow Senate bill 4825 after the disposition of Senate bill 2992, which is now under consideration.

The PRESIDENT pro tempore. The Senator from North Dakota asks that Senate bill 3342, the pure-food bill, may receive consideration in the morning hour after the union railroad station bill and the present bill are disposed of. Is there objection?

Mr. KEAN. Not to interfere with appropriation bills.

Mr. PLATT of Connecticut. The appropriation bills always have preference.

Mr. McCUMBER. Of course those, I suppose, will take precedence anyway.

Mr. JONES of Arkansas. What is the proposition?

The PRESIDENT pro tempore. The request is that the pure-food bill, so called, may receive consideration in the morning hour after the union station bill is disposed of and after the bill which is now before the Committee of the Whole is disposed of.

Mr. JONES of Arkansas. The proposition, then, is to make a regular order by unanimous consent to take up the morning hour for a number of days to come.

Mr. McCUMBER. I do not think it will take the morning hour for any great length of time.

Mr. JONES of Arkansas. When the time comes to consider the bill I shall not object to taking it up for consideration, but I do not believe we ought to have an agreement of this sort made by unanimous consent. The Senate is not now half full.

The PRESIDENT pro tempore. Objection is made.

Mr. McCUMBER. I wish to say to the Senator from Arkansas that the bill will come up in its regular order on the Calendar to-day, and I wish to have such an agreement made at this time instead of waiting until it is reached.

Mr. JONES of Arkansas. I am perfectly willing that it shall come up then.

Mr. RAWLINS. Will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER. Certainly.

Mr. RAWLINS. I wish to make a personal explanation.

Mr. PLATT of Connecticut. Let us settle this matter first.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from North Dakota.

Mr. McCUMBER. That disposes of it?

The PRESIDENT pro tempore. That disposes of it. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. RAWLINS. I ask the Senator to yield for a personal explanation.

Mr. PLATT of Connecticut. Not to take long?

Mr. RAWLINS. Only a minute or two.

Mr. PLATT of Connecticut. Very well.

PERSONAL EXPLANATION.

Mr. RAWLINS. Mr. President, on Thursday last the Associated Press reported that I had charged, in my speech in the Senate, General Chaffee with being a dastard villain, who had brought disgrace upon the American name and the American people. Usually the press is very accurate and fair, but in this instance it failed to properly interpret the meaning and intention of my words. I spoke extemporaneously and without notes, but the following is an exact copy of my language as taken down by the Official Reporter and transcribed by him:

> I am unable to fix the responsible head and emanation of these barbarities, which would disgrace the annals of even a semicivilized country, not to speak of the nation which claims to hold aloft the escutcheon of honor and justice and fair dealing. Did Chaffee alone, unaided, in coldness and in brutality, and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence? From what diabolical source was it derived? The American people ought to know. Is there any penalty beneath the sun adequate to be meted out to the dastard villain who has thus brought dishonor upon the American name and the American people?
>
> I fear, Mr. President, that there has grown up in our midst a little cabal, a coterie of military upstarts and parvenus, all unconsciously to the great, broad-minded, humane people constituting the American Republic, within gunshot almost of where I now speak, who are the authors of all these things, and upon whom the responsibilities of these iniquities ought justly to be made to rest. I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor. I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

Mr. President, it will be noticed that I did not make the charge against General Chaffee imputed to me. I did not intend to make such a charge. I do not think I could truthfully speak of him as a dastard. The Associated Press unintentionally has done both him and me an injustice, which, I have no doubt, it will be glad to correct.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect.

Mr. PLATT of Connecticut. Mr. President, this bill and the amendment which I have proposed to it present a very serious question of our public policy. I regret that other matters have so engrossed my attention that I am not particularly prepared to present the question which is thus raised. I may say in the outset that the question involved here means a great many millions of Government expenditure if it should be decided in one way, and it incidentally affects our whole Indian policy.

This is a bill for the opening of the Rosebud Reservation in South Dakota. I do not remember at this time the exact number of acres which are thus to be opened by the bill, but the price to be paid to the Indians is something over a million dollars. The question is whether the Government, in opening the lands to settlement, shall give the lands thus purchased from the Indians to the settlers under the homestead law, or whether it shall require the settlers who take up these lands under the homestead law to pay for them a sum per acre equivalent to what the Government pays the Indians for them. In other words, in opening the Indian reservations which already remain, what is to be the policy of the Government? Are we to pay the Indians a high price for the lands which we obtain a cession of, and then give those lands to settlers free of cost, or shall we require the settlers to pay as much for the lands as will make up wholly for the amount which we have paid for them? That is the question, and Senators will see that it is a far-reaching question.

I do not know how many million acres still remain in Indian reservations which must in the future be opened to public settlement, but there are many millions, and, at the rate we have been paying the Indians under the agreements made with them for such lands, the amount to be expended in the not very distant future will run up into the millions. At a rough calculation I would say that probably the Government in opening the reservations already existing and paying the Indians for the lands at the rate which we have been paying under the agreements negotiated with them will expend somewhere in the neighborhood of $50,000,000. That may be over or under the mark, but approximately and for the purpose of presenting this question it may be assumed as a fair statement.

Now, shall the Government pay these millions of dollars to acquire the Indian title and give away the lands to the settlers, or is it but just that if settlers require these lands they shall pay for them per acre the same which the Government pays to the Indians?

It has seemed to me, Mr. President, that there is no injustice whatever in asking a settler who may go upon the lands thus acquired from the Indians to pay for them what the Government pays the Indians. I am not satisfied that the Government has been doing the right thing in paying to the Indians the high prices which it has agreed to pay for the lands thus acquired. Of course, the Indian title is an occupancy title; it is not a title in fee. The title to these lands is in the Government of the United States, subject to whatever rights the Indians have, whether by treaty or otherwise, to hold the lands so long as they remain a tribe and occupy them. There is no question about the nature of the title. If the Indian tribe became extinguished or ceased to occupy the lands they would be Government lands and belong to the public domain.

Now, it seems to me that in negotiating with the Indians for the cession of their reservations the Government ought not to pay them what those lands are worth in fee, or indeed anything approaching it, but that they should be negotiated with upon the theory that their title is worth what the lands are worth for their occupation and without reference to the enhanced value which has come to be put upon the lands in fee on account of the settlement of the country surrounding the Indian reservations. But another policy seems to have prevailed.

Of course it goes without saying that where there is an Indian reservation all the settlers upon the public lands in the vicinity of that reservation are anxious to acquire the lands which are not needed by the Indians, and so there is a pressure that each Indian should have an allotment of lands of 160 acres, or as the case may be, and that then the remaining lands should be open for settlement. That pressure is very great. It presses upon every Indian reservation. The reservations are now within the States largely.

The State of South Dakota has, I think, something like 8,000,000 acres of land still contained in Indian reservations, and in other States and in the Territories there are other quantities of land in reservations.

Now, the pressure for the opening of this land is great. I do not think anyone who does not live in the vicinity of those reservations understands how great it is. Therefore, it is insisted that the Interior Department shall negotiate with the Indians for the opening of the reservations, and a bill passes here without any consideration at all directing that the Secretary of the Interior shall negotiate with this or that tribe of Indians for an agreement for the allotment of their lands and the ceding of their surplus lands to the United States, and a commission goes there for that purpose.

Indeed, we have a general bill which has been passed without much consideration providing that the Interior Department may send an inspector to negotiate with the Indians for the opening of the surplus lands of the reservations to settlement, and then the settlers and Senators representing the inhabitants of the States press the Interior Department to hurry up the negotiations, and a commission or an inspector is sent out to negotiate with the Indians, the result of which is that the Indians say, "Why, these lands are worth five, ten, fifteen, twenty dollars an acre. Look over there, just on the other side of our reservation, you can not buy any lands for less than that sum, and we must have what the lands are worth." Then the inspector or the commission feeling that an agreement must be made, negotiate as well as they can with the Indians, and when they get them down to the lowest price it is accepted, and an agreement is sent here to be ratified.

Now, this particular agreement comes here to be ratified upon a payment to the Indians of about $2.50 an acre for the surplus lands within their reservation which are under the agreement to be ceded to the United States and become part of the public domain. The Indians in negotiating said that was not a fair price for the lands and they were worth a great deal more, but finally the negotiation was concluded. The agreement comes here. So far as the Senate considers it, it is an agreement to open a reservation—to pass ordinarily without any particular examination or any thought of the consequences to the Government in the matter of expense. I will not go into the history of the negotiations as to these lands, but the price paid or agreed to be paid to the Indians is $2.50 an acre for the entire acreage which is to be brought under the public domain by cession to the United States.

The bill proposes that the land thus acquired shall be open to homestead settlement without requiring any payment for the land settled upon from the settler. My amendment proposes that the settler shall pay $2.50 an acre, being the same which the Government has agreed to pay to the Indians, and that thus the Government shall be reimbursed for the amount expended for the purchase.

Mr. President, this is said to be in opposition to a policy of the Government supposed to have been declared when we passed last year what was known as the free-homes bill, and that opens a large question. Before I come to that, however, I wish to say that we have already passed two bills in the Senate in which there was incorporated a provision that the settlers should pay to the Government for the land settled upon a sum equivalent to that which had been paid by the Government to the Indians for opening the reservations. The Devils Lake Reservation was one of them, at $3.50 an acre, and the other, which was passed on the motion of the Senator from Minnesota [Mr. CLAPP] the other day, was the Red Lake Reservation, at $3.90 an acre.

The Senate has, then, in the passage of those two bills adopted the principle which I ask to have adopted on this amendment. It is but fair to say that it has passed one bill, for the opening of the Crow Creek Reservation, in which no such provision has been made. If Senators ever remember what other Senators have said they would remember that when that bill was under consideration I called attention to it, but under the circumstances I did not at that time propose such an amendment as I have proposed to the pending bill.

Now, coming to the question whether by the passage originally of the homestead act and by what has been more recently known as the free-homes bill we are bound to buy lands from the Indians for settlement and then give those lands to the settlers or not, I have some observations to make upon that subject. I can not see what obligation there is upon the Government on account either of the homestead act or the free-homes bill to continue the policy of buying lands from the Indians to give to settlers any more than to buy them from citizens of the United States to give to settlers.

I can not see why we should spend a million dollars to buy Indian land and then give it as a free gift to anybody who chose to settle upon it any more than we should spend a million dollars to buy the farms of citizens in Connecticut and South Dakota or in any other State and give those lands to people who desire to settle upon them. I can not see how in South Dakota we should buy lands from Indians on a reservation, paying a million dollars for them, and then give away those lands to settlers any more than we should pay a million dollars to people residing just off the reservation for the purchase of their farms and give the land thus acquired to people who desire to settle upon it. Neither the homestead law nor the free-homes bill commits the Government to any such policy as that.

Now, we go back to the homestead law. At the time the homestead law was passed we certainly had not been buying lands for the purpose of giving them away to settlers. Certainly that had not been the policy of the Government up to that time. We had been extinguishing Indian titles in the West at a very moderate price, sometimes as low as 5 cents an acre and even less. We had been extinguishing the Indian title until we had acquired a vast domain of public land which was then being sold.

I do not know that I can state exactly what the old laws were, but up to the time of the passage of the homestead act the Government had been selling lands or offering them for sale at a specified price, and if the price was not obtained opening them under what is called the preemption laws, allowing people to enter upon them. Up to the time of the passage of the homestead act we had certainly not been buying lands to give away. Neither did we do it under the homestead act. We had the lands. They had been acquired, not for the purpose of immediate settlement, but for the purpose of extinguishing the Indian title and holding the lands as a part of the public domain.

Then came the agitation of the proposed homestead law, and it passed. It dealt with and had reference to a great bulk of public land which we had thus acquired, which under our policy of sale had not netted the Government as much as it ought to have done, and in regard to which there had been great frauds and speculators had acquired large portions of the public domain without paying any very adequate price for them.

Then the homestead act was passed, and the lands were taken up under the homestead laws, which required a settler in order to obtain final title to his land to live upon it and cultivate it for five years or to commute it at a specified rate. That policy was continued from 1862 up to 1880. I do not think that during all that time it can be said that any lands were bought of the Indians for the purpose of immediate settlement.

But in 1880 there were a large number of Indians roaming over the State of Colorado. The bands of the Confederated Ute Indians were occupying very large portions of the State and negotiations were had with those Indians by which they agreed, without going into particulars, to surrender their claim—their title to lands in the State of Colorado—and to remove southward into Utah and elsewhere, under an act of Congress, by the terms of which the lands thus surrendered by the Indians should be sold and the Indians paid for them at the rate of $1.25 an acre, and that the settlers, when they took the lands, should pay $1.25 an acre to the Government.

That, to my mind, changed the policy of the Government, and we adopted a new policy; that is, that when we bought lands from the Indians and opened them to settlement, we would require the settlers to pay the Government for them as much as the Government had paid to the Indians. Colorado has been settled under that act, and the settlers have paid $1.25 an acre for the land, and that money has been passed over to the Confederated bands of Ute Indians. That policy continued up to the time of the opening of public lands in Oklahoma and in South Dakota. We went forward, and we paid the Indians large prices for their lands.

It will be remembered that as to the Cherokee Strip, we paid, I think, an average of $6 an acre for those lands; and for lands occupied by Indian tribes in Oklahoma we paid all the way from $1.25 to $2.50 and even $3 an acre.

In the act which opened those lands to settlement there was a provision that the settlers should pay to the Government a certain price per acre, which was enough to reimburse the Government. That went on in South Dakota and in other places, and wherever land was purchased from the Indians it was required in the act which opened the land for settlement that the settlers should pay enough to reimburse the Government.

Senators will remember the agitation which arose for the remission to the settlers of the money which they had agreed to pay in settling upon these lands in Oklahoma. The question arose first in Oklahoma. It was put upon the ground, not so much that the Government ought to buy lands from the Indians, and then give them away, as upon the ground that these lands belonged to the subarid region, and that it was impossible for the settlers upon them to make off of the farms, upon which they had thus settled, money enough to meet their obligations to the Government. Senators will remember the maps which were brought in here, on which the arid and subarid regions were pictured, to show where the settlers had gone. The demand that

the obligation should be released in Oklahoma was taken up in South Dakota, so as to embrace all the lands as to which this policy had prevailed, of requiring payment from the settlers to reimburse the Government. As in various other cases where great pressure is raised, that bill was passed. The people interested in it got it into the platforms of both political parties, where, of course, very little was known as to the effect of it, and the bill finally went through the Senate.

Shortly after the bill passed the Senate there came a change in the estimate of the value which was placed on these lands. I think I am not mistaken in saying that within a year after the free-homes bill passed the school-fund commissioner of Oklahoma made a report in which he said the average value of the land belonging to the school fund in Oklahoma was $30 an acre.

We have been told that on account of the subarid conditions it was impossible for the farmers or settlers upon these lands ever to discharge their debt to the Government, and the time of payment has been extended and extended year after year because they could not meet their payments. But immediately after we passed the bill they began to boast of the value of their lands.

Very soon after the passage of the free-homes bill, indeed, at the time of its passage, there was an act providing for the opening of the Wichita Reservation, and in that act, as in the other acts we have passed, there was a provision that the settler should pay for the lands he took, so as to reimburse the Government. Those lands had not been opened at the time of the passage of the free-homes bill, and so that bill did not apply to them; the settlers were not released from the obligation to pay a dollar and a quarter an acre for those lands, and that law stands. Those lands in the Wichita Reservation have not been taken up under the act requiring the settlers to pay $1.25 an acre for the lands settled upon.

I think, Mr. President, that is true with regard to the opening of the Kiowa and Comanche Reservation. It will be remembered that there was such a rush for those lands that the question had to be determined by lottery, and that, I imagine, will be the case with reference to the lands referred to in this bill. There will have to be some method to determine as to how the settlers shall take the lands.

When we opened the Colville Reservation, if I am not mistaken, we required the same policy to be pursued; that is, that the settlers should pay for the lands.

So, since the passage of the free-homes bill up to the time of the passage through the Senate of the Crow Creek Reservation bill, we have been insisting that the settler should pay a sum sufficient to reimburse the Government for the land he takes. As I said before, I see nothing inconsistent with either the policy of the homestead law or the policy of the free-homes act in that respect. It is true that the question of free homes was talked about at the time of the passage of that bill; but that was not a bill to buy land of the Indians at full prices and then give the lands away to settlers. It was to release the settlers from their obligation to pay the Government what they had agreed to pay in taking up the lands. It was put, in the first instance, upon the ground of their inability to pay the amount. So that this comes up as a new question. It has got to be settled now, and as it is settled now it will probably remain the policy of the country.

We gave away to the people who had settled upon Government lands, under an understanding and agreement that they were to pay for them, a good many million dollars—say $20,000,000—and it has been stated to be a larger sum than that. I put it within bounds when I say that we released to them $20,000,000. If that was right—if the settlers were entitled to free homes without paying the Government for the land what the Government had paid to the Indians—we ought not to stop there, but we ought to refund to the people who have settled Colorado a dollar and a quarter an acre; we ought to refund to the people who have settled the Wichita Reservation their dollar and a quarter an acre, and wherever at any time we have required that settlers should pay for the lands thus opened we ought to refund to them the price paid. It is just as much our duty to do that as it was our duty to release from their obligations those who had made agreements with the Government. We should make no distinction, as it seems to me. But that is neither here nor there. The question is, What are we going to do in the future?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. I came into the Senate Chamber while the Senator was speaking, and he may have referred earlier in his remarks to the point concerning which I should ask him a question. I ask the Senator if there has been any estimate of the number of acres in the reservations yet to be acquired from the Indians in this country which will probably call for a determination of this question of policy, whether we shall continue to do what we have done, or stop?

Mr. PLATT of Connecticut. I said in the opening that I had not any accurate figures, but I thought it was safe to say that we had still remaining Indian reservations, which were in the near future to be opened to settlement, which would cost the Government in the neighborhood of $50,000,000.

Mr. COCKRELL. How much did the Senator say?

Mr. PLATT of Connecticut. Fifty million dollars. I should like the opinion of the Senator from Missouri on that. I am not speaking accurately.

Mr. COCKRELL. I have been looking for the exact data, but I have not been able to arrive at the precise sum. It is, however, a large sum—many millions.

Mr. PLATT of Connecticut. Take the State of South Dakota. We are paying her $2.50 an acre for these lands, and they have remaining something like 8,000,000 acres. That is $20,000,000 by itself. If we continue to open up lands at the same rate and we continue paying to the Indians for these lands, it is a question of $20,000,000 for the State of South Dakota; and I think that, running through my mind other reservations, I am entirely within the limits when I say that if we go on paying the Indians at the rate we have been paying them for their title, the Government will expend in the very near future at least $50,000,000.

Mr. President, there is really no necessity for this. It will be observed that the taking up of these lands, thus purchased from the Indians and thrown open to settlement, has become very much of a lottery. There is a rush for them, with the "devil take the hindmost." The opening of the Oklahoma Reservation, the Cherokee Reservation, was not so long ago but that the circumstances attending it are in the recollection of Senators. People camped for months on the borders of that reservation, and we were required to send troops down there to prevent the people going in until the time came for the President's proclamation, when they could go in, and then there was a mad rush to get the best lands, with the usual result of a whole crop of claims of fraud in getting upon those lands. Then came the opening of the Kiowa and Comanche Reservation only last year, where similar scenes would have been enacted if it had not been that the Government established a kind of lottery there, and the applicants drew lots as to who should have the first opportunity to make settlement.

So the settlement upon those lands, thus acquired from the Indians, has come to be largely professional. The first push for them is by people who think they are going to make something and get something for nothing. So that in the settlement of these lands it has come to be well known that there are three classes of settlers upon the public lands, first, the professionals, who rush in and through their smartness acquire valuable holdings, with the intention of disposing of them just as soon as they can; second, the people who remain behind, who do not get in at the first rush, and who buy from the speculators and the professional settlers who get in in the first rush. They may be called the middlemen. Finally the land is sold to the real settler, who goes there to make a home and get a living off the farm. Am I not right about that?

Mr. President, why should this be? Why should we buy land from the Indian, giving him practically the value of his land, as if he held it in fee simple, then open it to settlement under the homestead law, and give it to the man who can first get onto it, any more than we should buy land from the citizen adjoining the reservation for the same purpose? I do not know but that I have said all I desire or need to say upon this subject. I wished to place the matter clearly before the Senate as it seemed to me. Certainly we have got to do one of two things. We either must, I think, having the interest of the Government in view, stop paying these high prices to the Indians for their land, or we must require the settlers to reimburse the Government.

In regard to that subject, there is a sentiment in the country which holds amongst philanthropists and humanitarians that we ought to pay the Indians what their land is worth at the present time, upon the idea that it belongs to them. I do not share in that idea. I think that when we make an Indian tribe rich we delay its civilization. The easiest Indians in the country to civilize are the blanket Indians, and they have no money, no funds, no lands, no annuities. The Indians in this country who make the most rapid advance toward civilization and citizenship are the Indians who have not any great funds to their credit in the Treasury. The hardest Indians to civilize or to start on the road to advancement to civilization are those who have the largest funds in the Treasury to their credit.

I might illustrate by the Osages, whose fund is the largest per capita of any Indian fund—indeed, the Osage nation is per capita the richest community in the world if their lands and their funds were to be divided among them per capita. It is and has always been utterly impossible to break up their tribal customs or to change their tribal habits or to get them to cultivate the land to any extent. They simply regard themselves as rich people who are under no obligation to work. I remember, when visiting their

reservation at one time, I said to one of them, through an interpreter—a very intelligent Indian, I thought—"Why do not you Indians take up these lands in small holdings, cultivate them, raise wheat, corn, and vegetables, have some stock, and farm the lands as men in my country farm?" "Why," he replied to me through the interpreter, with an air of superiority, "sir, do your rich men work?"

So, if not impossible, it is almost impossible, to change the habits and customs of the Indians if they have large funds from which they can draw annuities.

I do not want to extend these remarks on the Indian policy in the discussion of this bill; but, as I said, either one or the other policy I have indicated ought to be pursued. We ought not to recognize the fact in dealing with the Indian for the opening of his reservation that he can claim that the land which he cedes to the Government should be paid for at its full value, or we ought to require that, if we are obliged to pay, and do pay, full value or what approximates full value for the land, the Government should be reimbursed.

There is another feature of this case which I wish to present, and which I think should commend itself to the Senators from South Dakota. We have passed here an irrigation bill, and passed it unanimously in the Senate. Its friends—and I think we are all its friends—desire that it shall prevail in the other House; but whether it does or not at this session of Congress, it is apparent that in the near future the Government is to take the money derived from the sale of public lands and apply it to irrigation purposes. But the Government lands from which money can be derived to be applied to irrigation purposes are pretty much gone. It is the lands which are to be acquired by the opening of these Indian reservations upon which our irrigation friends must rest for their hope that they will acquire any large money from the Government lands for irrigation purposes.

If we make the settlers reimburse the Government for what it has paid the Indians for their lands, what is the result? The Government is going to get back the money, to be sure, but it is going to take it immediately and hand it over for the purposes of irrigation. I do not know how it is in South Dakota, but I think South Dakota is one of the irrigation States in which it is proposed to take the money which is derived from the sale of the public lands and apply it to that purpose. I think this view of the subject should commend itself to those Senators who wish to commence and to extend the irrigation of the arid lands. I think the necessity of enriching those arid lands by irrigation is just as great, to say the least, as the necessity of opening lands not needed to be irrigated to free settlement.

Mr. DUBOIS. Mr. President, it seems to me there is only one thing to do in this case. When the free-homes bill was passed, it set a precedent which I think we are almost bound in honor to follow. I had the honor to be the chairman of the Committee on Public Lands when the free-homes bill was being pressed. I was opposed to it, and I was opposed to it to such an extent that the Senators interested took it out of the charge of the Committee on Public Lands and passed the bill through the Committee on Indian Affairs, where it did not belong. Some Senators, as you know, were very much interested in it.

I was opposed to the free-homes bill unless it should be applied to future reservations as much as to those which had already been opened; and that was, I think, a perfectly logical and sound position. Now we are again confronted with the question, and we shall be confronted with it every time we open an Indian reservation. The argument in favor of the free-homes bill seemed to be sufficiently sound. At any rate, it convinced both branches of Congress, and the bill was passed.

The Senator from Connecticut [Mr. PLATT] speaks about the settlers reimbursing the Government. The reason the free-homes bill was passed was that the settlers could not reimburse the Government. A commission is sent out, for instance, to conduct negotiations with a tribe of Indians for the relinquishment of certain of their lands on the reservation. All the settlers near by, and more especially if there is a town adjacent, are exceedingly anxious that a treaty shall be made. The Indians understand this perfectly well, and they put a price on their land which is far beyond what it is worth to anybody. Here is this pressure from all sides, from the settlers, naturally enough, to have these lands opened, thinking that it is going to build up the country at once, and they urge the commissioners to make any trade they can. After four or five conferences the commissioners make an agreement with the Indians and bind the Government to pay them more for the land than it is worth. In the past the settlers have gone in and taken all these lands and found out that they could not pay for them. Every Senator here from the middle West is old enough to know that when a man goes upon public land and reclaims it it costs him sufficient money without paying anything in addition for the land. It is a very hard matter to reclaim wild lands, whether they are timber lands or sagebrush lands. It requires a sufficient expenditure without anything added.

We have an illustration in my State, and I thought the Senator from Connecticut was going to mention it. When the free-homes bill was passed, at the same session, but a little later, we opened up a reservation in Idaho—the Fort Hall Reservation—a large section adjacent to a town of five or six thousand people. I recollect going down and addressing the Indians myself.

Mr. SPOONER. In what language?

Mr. DUBOIS. In their native language—through an interpreter. [Laughter.]

We were very anxious to have these lands opened up adjacent to this town of five or six thousand people. The town is the center of the Indian reservation. The commissioners made an agreement with those Indians by which they were to pay $15.75 an acre for some of their lands. They were to pay $10 an acre for land lying along a water course, $5 an acre for perpetual water rights, and 75 cents annually for maintenance charges. The people will not take up that land. The proclamation opening the reservation will be issued in a month probably, and I know very well what will happen. The people, just as soon as they have taken the land, will appeal to Senators and Representatives in Congress to have the free-homes act applied to them; and that will be the case in almost all of these reservations.

Mr. PLATT of Connecticut. May I ask the Senator a question?

Mr. DUBOIS. Certainly.

Mr. PLATT of Connecticut. Does the Senator think we ought to go so far as that—when we open up irrigable land and require the settlers to pay for the improvement and irrigating the land we ought then to refund that money to the settlers?

Mr. DUBOIS. No; I do not go so far as that. I think in that case a fair price should be fixed or the land sold to the highest bidder. For the other lands in this reservation, which are entirely outside of it, we have to pay $3.75 an acre; but the Government had already built this canal; it is Government property, and the Government owns it. In the States of Wisconsin, Indiana, Illinois, and Iowa the public lands were given to the settlers.

Mr. SPOONER. The Government owned those lands.

Mr. DUBOIS. The Government owned those lands, and they were given to the settlers under the then existing land laws. You put the Indians on large tracts of lands in the Western States, and in our country, which we are now trying to settle up, you segregated large sections of land and put Indians on them. They got about as good lands as there were out there. And there is no reason—and this point was thrashed over and was the cause of the passage of the free-homes bill—why our people should not have these lands from the Government the same as the older States had their public lands.

Mr. PLATT of Connecticut. I do not wish to interrupt the Senator, but I think he will agree with me that lands in Illinois and Indiana and Ohio——

Mr. COCKRELL. And Missouri.

Mr. PLATT of Connecticut. Were not taken up under the homestead law. They were taken up under the preemption laws and paid for.

Mr. DUBOIS. I do not care how they were taken up. This proposition is to have the lands taken up under the homestead law, which is one of our public land laws. The lands in Missouri, Illinois, and so on, were taken up under the then existing land laws. I thoroughly agree with the Senator from Connecticut that we are paying too much for these Indian lands, and I am willing to go with him and adopt a policy of paying for the Indian lands what they are worth on a fair appraisement and paying no more for them, and not pay a fictitious price set by the Indians on account of the pressure from white men on the outside, and then turning these lands over to settlement under the homestead act. But I am very much opposed to making the settlers reimburse the Government for what it pays for the Indian lands, knowing as well as the Senator from Connecticut does that in every instance almost the commissioners appointed by the Government have fixed too large a price, and knowing, as we from the West do know from experience, that our settlers can not reclaim these lands and pay this price for them.

Mr. STEWART. Mr. President, there are many embarrassments arising from the unfortunate policy adopted in the early days in the treatment of the Indians. It was assumed that they were different from other human beings and that they would not work. That was not assumed in Mexico or South America, and the result there has been that the Indians constitute probably four-fifths at least, and perhaps nine-tenths, of the population; and they are good, honest, working people, and they have improved. It has not been assumed, either, in British Columbia. I was there a few years ago, and in Victoria I found the Indians of the same tribe that I had found on this side taking contracts, etc. It is a

mistake to believe that they will not do under like circumstances as other human beings will do. We commenced with the system of buying them off, of feeding them, of nursing them, of assuming that they would continue to be the wards of the country.

At an early day Chief Justice Marshall held that it was the policy of all European countries to disregard the title of the natives, and that discovery gave title to the country which made the discovery. It was said that the governments of Europe had title to the land and were not under the obligation of recognizing the native title, and it was not recognized in Spanish-American countries. It was disregarded, and the Indians were treated like other human beings who were poor and dependent and had to work for a living.

Wherever they have been thus treated the Indians have developed a great capacity for improvement. In my State I saw something of them before I came here, and I opposed reservations. I opposed the feeding of them. I claimed that the Indians were better off if let alone, and we find that is true. They are scattered all over the State in little camps. We find them at work and improving, and they are superior to other Indians. They are different Indians. Of course they are. They are very much superior. You can distinguish them at once from Indians who have been on a reservation. The reservation Indian has not developed at all. Go to the school at Carson, and you can very readily pick out the Indians who come from reservations from those who have been on farms and at work and let alone.

If we had adopted that policy in the beginning we would have had three or four or perhaps ten or fifteen million good Indians. Take human beings, particularly before they have been developed by civilization, and feed them, supply their wants, and they will not exert themselves to supply their needs. I remarked once of the people of this city that if they were surrounded by an army and could not go out of Washington for a couple of generations and were fed and nursed and cared for they would come pretty nearly down to the level of the ordinary Indian; that they would degenerate very rapidly. That is the way we have been treating the Indians.

Now, by Executive order a very large portion of the West has been reserved. We are attempting to open those reservations. Let me tell the Senate some of the difficulties we meet with. There are a lot of leases out. The men who want land for that purpose stand between us and negotiations—ranchers and such. There are men putting up a fancy price on the Government. There are speculators with the Indians. The Indians see the price of land adjoining theirs, where farms are, selling at a certain price, and they ask the same price, and they will always demand that price. Why should they not? They are fed anyhow; they are independent; they do not have to work for a living; they are in comfortable circumstances, and they can wait.

If the lands can be leased and they get the proceeds, while the Government is feeding and educating them, they are not under the common necessity to become civilized. If we continue the policy of letting the Indians fix a fancy price on these lands and we buy them and give them away we shall involve the Government not in $50,000,000, but in more than $100,000,000.

The question is whether that is wise policy. The Committee on Indian Affairs have been discussing it during the whole session. They have been discussing the question—what could be done under those circumstances; how far we are bound by the possessory title of the Indian to submit to his terms; whether the Government, having agreed to take care of the Indians, having some right to regulate the contributions it makes and the price it shall pay for the land——

Mr. SPOONER. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. SPOONER. I desire to ask the Senator from Nevada if it be not true that the Indians have possessory title?

Mr. STEWART. No; not in the sense in which that term is used by the Senator from Wisconsin—possessory title which would give him affirmative rights. If a white man was in his position, going on and off the reservation when he pleases, would he get possessory title to 160 acres of land? The Indian is simply a wanderer.

Mr. SPOONER. Will the Senator allow me?

Mr. STEWART. Certainly.

Mr. SPOONER. If the Indian has not possessory title or the right of occupancy, which is the same thing, he has nothing to sell to the Government, has he?

Mr. STEWART. Oh, a sentimental right.

Mr. SPOONER. A sentimental right?

Mr. STEWART. Yes; and we pay a large amount of money for it. He has no other right but a sentimental right. He does not occupy the land. He goes off of it. He will not stay on the reservation. He does not occupy it at all. He does not have a possessory right in the sense of getting a possessory right to land by occupying it. He has not fenced it in. He has made no improvements. He goes there occasionally when he wants to and when he does not he stays away. That does not give a possessory right to the land in any legitimate sense. He has a sentimental right. It has been decided that the Indians have no title to the land.

We treat them as if they were our wards, and, I say, treating them as our wards and recognizing the fact that they may roam over this piece of land as long as it is not wanted for any other purpose, and having fed them and taken care of them as wards, never having sold them the land, never having given title but the sentimental title, to say we must pay them their price before we shall open the reservation, is going a long way toward barbarism.

Mr. SPOONER. How did the Indian get the right of occupancy?

Mr. STEWART. He never had it. He does not live on the land. It is only the sentimental right of which I have spoken. He gets that right in Philadelphia. He gets it from the Indian Rights Association, which has pauperized him. Those associations have killed more Indians than ever were killed by the sword, by feeding them and pauperizing and allowing them to become indolent and diseased and to perish from the face of the earth. The great murderers of the Indians are the Indian Rights Associations, I say, because if the Indians had been let alone there would have been millions of them. But you can not support a community and feed them and still have them independent. They are dependent upon you for food, and therefore they will not work.

Mr. SPOONER. I should like to be permitted to ask a question of the Senator from Nevada, who knows a great deal about this subject, as he does about almost all subjects. I do not want to vote to pay to anybody for nothing money belonging to the people, and if the Indians have nothing to sell I hardly think it is right, in the faithful discharge of duty to the people, to appropriate money received from taxation to buy it of them. I have always supposed if I had a right to occupy a farm as long as I lived or until I surrendered the right, that that right existed whether I lived on the farm or not.

Mr. STEWART. That is too technical for this purpose. It will not apply at all.

Mr. SPOONER. I am asking for information.

Mr. STEWART. I will give you the information if you will let me talk.

Mr. SPOONER. Certainly.

Mr. STEWART. I admit that they have a sentimental right, and that is the only right they have to the land. It was decided in the beginning that they had no title to the land. We undertook to take care of them, to make them our wards. They were permitted to occupy so much land. We did not give them title, and they ought not to hold it and they have not any right to hold it longer than is for their benefit. We have been educating them. We have supplied schools for them. We have supplied places where they can learn trades, and all that. We are trying to develop them into responsible human beings; and the great drawback is, as the Senator from Connecticut said, that they have money and they are rich and will not work. It is the money which is demoralizing them. There never was a dollar of money given to a hearty Indian that did not do him harm under any circumstances. There never was a time that it did not take from him part of his manhood and degrade them. Anyone can see the difference between those who have been degraded by being fed and those in the North and South who have not been fed. See how superior they are. That is the situation.

But this policy has been established, and we can not destroy it at once. I do not propose to do anything radical. I am in a responsible position as chairman of the Committee on Indian Affairs. I will not disturb a condition of things that has grown up and been established, but in dealing with this subject we ought to consider what is for the benefit of the Indians and not let them dictate our policy; not let them say, "We must have so much for this land or we will not sell it," when at the same time the Government is feeding his children and educating them.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. STEWART. Certainly.

Mr. TILLMAN. Have we not had treaties with the Indians for two hundred years by which for certain considerations they have assigned to us as white people their title, whatever it might be, sentimental or otherwise? Does the Senator suppose we are going to change that policy now——

Mr. STEWART. No.

Mr. TILLMAN. And go to war with the remnants who are living——

Mr. STEWART. No.

Mr. TILLMAN. In order to finish up the job of murdering——

Mr. STEWART. No.

Mr. TILLMAN. And killing them all in order to get what little land is left?

Mr. STEWART. No.

Mr. TILLMAN. What does the Senator propose?

Mr. STEWART. I was speaking of the reservations in the West.

Mr. TILLMAN. Are not they there in consequence of treaties made by the Indians with the Government?

Mr. STEWART. Very few of them are of that kind.

Mr. TILLMAN. Whence has come the practice of buying the lands and giving the Indians the money or setting it apart here in the Treasury and using it to educate the Indians and build houses and do different things of that kind? Whence did the authority come?

Mr. STEWART. Congress assumed the authority.

Mr. TILLMAN. Congress assumed authority, under the Constitution or unwritten laws, which are just as binding.

Mr. STEWART. Unwritten laws can not be enforced against the Indians.

Mr. TILLMAN. I believe the Senator has disclosed here that old Western feeling, that there is no good Indian but a dead Indian.

Mr. STEWART. I beg your pardon. I have been a friend of the Indian always. Go to my State where the Indians are. They come to me as soon as I get there. They tell me their troubles, and I have been their friend; and I can say that our Indians are superior to those of any other Western State, because they have not been fed and kept in idleness. We have taught them something of the lesson that they must work.

Mr. TILLMAN. Will the Senator allow me?

Mr. STEWART. Certainly.

Mr. TILLMAN. Is it not because your State is so much of a desert that no white man wants to get in there at all and it is a wonder that Indians can live there?

Mr. STEWART. No; it is not that. We pick our white men.

Mr. TILLMAN. I am not casting any reflection upon the Senator or the citizens of Nevada. It would be against the rules to do that. I am merely asking the Senator for information.

Mr. PLATT of Connecticut. Mr. President, I wish to suggest, in all good nature, that the Senator from South Carolina is violating a rule of the Senate in speaking disrespectfully of a State.

Mr. TILLMAN. I have been thinking some one would draw that rule on me. I saw it torn to tatters by the junior Senator from New York [Mr. DEPEW], and nobody seemed to care about it; and I have seen it torn into tatters a half a dozen times since, and I did not think anyone would spring it on me.

Mr. STEWART. Nevada always receives such suggestions with indifference, because Nevada always considers the source, no matter what State it comes from. It is a matter of envy. We understand that.

Mr. TILLMAN. Will the Senator from Nevada allow me to apologize to Nevada for having even suggested that its arid condition and its heat and its sand and other undesirable qualities alone are responsible. I have great respect for Nevada.

Mr. STEWART. I will allow the Senator to apologize for his gross mistake in regard to Nevada. Nevada has numerous agricultural valleys which will compare favorably with any on earth. It has great agricultural capacity. She is situated away from the market. Ultimately, as the country develops, she will support a large agricultural population.

With respect to mineral resources, I do not think Nevada is equaled in the United States. We labored under disadvantages for a while. The Comstock gave out practically; silver was demonetized, and our people were engaged in silver mining, and did not take to other business very readily. It took some time. Besides, there was in San Francisco a board of stockbrokers who told people there was nothing in Nevada but the Comstock. The Californians kept away. We worked under great disadvantages for years.

I am happy to inform the Senator, and also the Senate, that within the last eighteen months there have been important mineral discoveries made in nearly every county in my State, and some of the richest mines ever known have been discovered. It is not confined to gold or silver or copper or lead, but it contains all the minerals. It is a great mineral State and is forging to the front very rapidly, and instead of sneering at Nevada he will find the people of South Carolina emigrating there very rapidly in the near future. There is no doubt about that. People are coming there from every State in the Union. Nevada will be the pride of the Union. She has produced, it is estimated, about eight hundred millions of gold and silver with her small population. I am glad to have this opportunity to speak for Nevada. It has been reported by the agents that Nevada has the best Indians of any State in the Union, and it is because her people have allowed them to be industrious and have not fed them. They have not been panperized.

The question is presented right squarely here, Shall these millions of acres of land which have been withdrawn—because they have all been withdrawn without any treaties—for the temporary occupancy of the Indians, whom we are feeding, remain shut up from population, and the people be taxed to feed the Indians in idleness, or shall we make reasonable arrangements with them? Shall we take care of them as intelligent people shall? Shall we reduce the sentimental right they have to a practical right? The Indians do not need the lands. Why should two or three hundred Indians have four or five million acres of land which they do not cultivate, which they do not utilize, when there are white people around who want homes? Those same white people, poor as they are, are taxed to feed the same Indians. Why not utilize the land which the Indians have? Why not let civilization have some show and not allow sentiment and prejudice and folly and bribery of the Indians to pauperize them? That has been the policy too long.

I shall not do any act or cast any vote against the policy of the Senate. As a Senator I shall go with the policy of the Senate. If it is the policy of the Senate to tie up these lands until the Indians shall consent to sell them at an enormous price, and in the meantime we shall continue to educate the Indian children; if we are to treat the Indians as our wards, while not exercising any of the power of a guardian over them, but upon the other hand allow the ward to dictate to the guardian, I will be governed by the policy. The policy of allowing the Indians to put a fictitious price upon lands valuable to the surrounding whites and which the Indians will not occupy, when they are merely put there temporarily, while the Government is the guardian and takes care of them, will result in much evil and much embarrassment. Much fraud and embarrassment exist now.

I wish to call attention to one point. These lands ought to be opened. There is no doubt about that. In the condition in which the Indians had them, and if it had not been for the labor of the whites, they would not be worth 5 cents an acre. I think we are paying a pretty large price for these lands. We have passed one or two bills in which I thought the price fixed was reasonable. The one in Montana was very reasonable, and the North Dakota Senators have had some rich lands there, and they consented to an arrangement. If the Government pays this price for the land and gets nothing back, it is simply one of the hardships. There are plenty of other cases. There are millions of acres of land in this situation. You have to meet it. As the Senator from Connecticut says, there is a great question involved, and it should be met soberly. Think about it and get at it and do right. Do nothing to offend the Indians. Do nothing that will violate any right.

Mr. CLAPP. Mr. President, it seems to me that this discussion has drifted somewhat from the real subject-matter under consideration. There is no use in discussing the past policy with reference to the Indian question. We are confronted with a condition. The Indians hold their reservations under treaties, and there is not any use in beating about the bush. We are met primarily by the proposition, Can the Indians dictate the price which the Government shall pay for the reservations? If they can, then it is idle to say that we pay too much or that we ought not to pay what they demand. They are either in a position, owing to their title under the treaties, to demand a price or they are not; and there is no halfway ground with reference to these treaty rights.

Mr. President, the people of the United States must gradually absorb these reservations for two reasons. In the first place, it must be done for the benefit of the Indian himself, for it is demonstrated by experience that the more rapidly the Indians are separated the better it is for the Indians. Then civilization demands that the reservations shall be gradually absorbed. So I say we have to contemplate the acquisition of these reservations, and the Senate is not ready, nor is the House ready, nor is public opinion yet ready, whatever may be the abstract right of the Indians, to ignore that right and say that we may proceed upon our own motion to acquire the reservations. It seems to me that that absolutely disposes of the question, not only with reference to this treaty, but other treaties, whether we pay too much for the lands or not. In each case the question must present itself whether the interest of the Indians and the interest of the people warrant the price paid; or, in other words, warrant the opening of the reservation.

Now, when we come to the disposition of the lands thus acquired, it seems to me that we do not stand at the threshold of the adoption of a policy and that no question of policy is concerned, for the reason that in every one of these reservations the value of the land depends upon the surrounding circumstances. It was only last week, I think, that we secured the ratification of a treaty with Indians in northern Minnesota, where we most gladly permitted a price to be put upon the land in its sale to settlers, because that reservation was surrounded by a settled community and the land had a value beyond ordinary public land. The land itself was valuable in its own character.

There may be another reservation entirely separate and distinct where the land around it has not been taken, where settlement has not given the land in the reservation a value, or where the character of the reservation itself is such that it does not possess inherently any value.

So it seems to me, Mr. President, it is not the adoption of a policy and it has no reference to the free-homestead policy whatever, but it is a simple proposition whether as to this reservation or that reservation we should make the land free or whether we should put a price upon it. It seems to me that as to this reservation, in view of the situation of the land, in view of the want of settlement around it, in view of the want of value in the land itself, it would be a mistake to place a price upon the land, and therefore we should put the land upon the free list independent of and without any reference to any policy whatever. The opening of each reservation should stand upon its own merits and be determined by the conditions and circumstances which surround it.

Mr. TILLMAN. I desire to ask the Senator from Minnesota a question just for information. I know nothing about the merits of this bill. I was merely paying attention largely to the general subject of Indian reservations as brought out by the Senator from Connecticut. I happened to be in Oklahomas in the past year, and I found some Indian reservations still existing there, the farm lands on all sides of them now occupied by white people, and given to those white people under the homestead act, worth from $15 to $40 an acre.

It seems to me it would be rather queer that we should buy those remaining reservations in the future at some arbitrary price, much below the selling price of lands immediately adjoining, and then give them away, because how are we to give them away without making favorites of somebody? When the Kiowa Indian Reservation, in the western part of Oklahoma, was opened last year to settlement under the homestead act all will recall that there were, I think, 16,000 allotments, and about 100,000 applicants for the 16,000, and the only way to determine as to who should have them was a sort of wheel of fortune or a drawing. What right had anyone to authorize that those lands should be drawn for? In other words, what fairness was there in it to home seekers to thus dispose of the land?

This is rather a long question; it is something of an argument also; but if the Senator can give us any idea in regard to the special bill that is now pending and the value of the surrounding lands we can better determine—at least I would be better satisfied to vote on the proposition—as to what we shall do.

Mr. CLAPP. The Senator asks two questions. One is as to the wisdom or authority of the method employed in opening the reservation as it was opened with a system of drawing lots. That is a matter I know very little about. It occurred before I was on earth, figuratively speaking.

The other question is along the line of what I was urging, that each instance should be determined by its own surroundings. If there is a reservation here and the land around the reservation is valuable, and the land in the reservation itself is valuable, then it is a mistake to make that land free. On the other hand, if there is a reservation and the land around it is not valuable and the land in the reservation itself is not valuable there is no reason why the settlement of that reservation and that section of the State should be retarded by placing a price on the land simply because some other reservation is surrounded by valuable land and is itself valuable.

Mr. TILLMAN. Will the Senator allow me to ask him right there if he has ever known of any Indian reservation which was sought to be opened or purchased and the title of the Indians vested in the Government, so that it could either sell or homestead it, that was not valuable? In other words, do we not allow the Indians to live on the lands that are not valuable without any disturbance, and is it not those alone which are sought for homes or for minerals that we are trying to buy from the Indians?

Mr. CLAPP. Not necessarily. Here is this reservation in South Dakota. Of course the Senators from South Dakota can speak more specifically of the character of the reservation and its surroundings than I can; but because we have to pay the Indians a certain amount for that reservation, as a matter of progressive Indian policy, for the purpose of separating the Indians and extinguishing the reservation or for the purpose of meeting the advancing demands of civilization for the use of the lands, it does not follow that the land is primarily and inherently worth so much an acre. Another reservation may be valuable, as I stated in my earlier remarks, where we very gladly accord in the bill a provision that the land should be sold at the very price that the Government paid for it, because the surrounding land is settled and the land within the reservation is valuable. Now, because the Government feels that it is necessary under existing treaties to treat with this tribe and pay them something, that does not in itself involve a proposition that the land is primarily valuable by any means.

Mr. TILLMAN. Will the Senator tell us where this special Indian reservation lies?

Mr. CLAPP. The one under consideration?

Mr. TILLMAN. Yes, sir.

Mr. CLAPP. It is in South Dakota.

Mr. TILLMAN. Is it east or west of the ninety-ninth meridian?

Mr. CLAPP. The Senator from South Dakota [Mr. GAMBLE] can tell the Senator.

Mr. GAMBLE. It is west, I will say to the Senator.

Mr. TILLMAN. How far west?

Mr. GAMBLE. It is in the southern part of the State, west of the Missouri River. The reservation proposed to be opened is bounded on the west by the existing Rosebud Indian Reservation and also on the north. On the east it is partially settled. The balance of it is bounded on the east by the Missouri River.

Mr. TILLMAN. Is it not splendid grazing land?

Mr. GAMBLE. It is fair land. I think the price agreed to be paid by the Government of $2.50 per acre is a fair consideration for the land.

Mr. PLATT of Connecticut. Will the Senator allow me to give him a little information about this land?

Mr. TILLMAN. Certainly, I will be glad to have information from any source.

Mr. PLATT of Connecticut. In the departmental letter signed by the Commissioner of Indian Affairs the following appears:

> Respecting the terms of the cession, Inspector McLaughlin states in his report that he was greatly handicapped in the beginning by the fact that most of the Indians who favored a cession at all held the lands at an enormous price—from $7 to $15 per acre; that only a very few expressed their willingness to accept as low as $5 per acre, and this in cash and all in one payment; that upon his arrival all the white men connected with the agency, as well as those of the surrounding country with whom he talked, held the lands in question as worth $5 per acre; that it appeared that adjacent lands in Gregory County and in Hoyt County, Nebr., were selling at from $5 to $10 per acre; that a syndicate of cattlemen in Sioux City, Iowa, expressed its willingness to pay $5 per acre for the entire tract, and that these current rumors and fictitious values placed upon the lands which were circulated among the Indians exercised them very much and had to be overcome by reasoning, which required time and a great amount of patience.

Mr. CLAPP. What I was arguing against was more the idea of a cut-and-dried fixed policy without any flexibility. What I was trying to urge was that each one of these treaties should stand upon its own merits. From what I know of that country I believe that the demands are such as to warrant throwing this land open for free homes, but as to the details, the value of the reservation and its surroundings, of course the Senators from South Dakota are better able to speak than I am.

Mr. DUBOIS. I should like to suggest to the Senator from Minnesota, who is a member of the committee as well as myself, that after a number of years of trial we finally released all of the settlers from paying what they had agreed to pay. They entered into a definite contract with the Government to pay a specified amount for land, and notwithstanding that fact Congress released them from the payment of the money and the agreement they had entered into. While I am very much in favor of this bill because it has the homestead act in it, I do not think we ought to have a flexible arrangement. Congress ought to determine on something definite.

Mr. CLAPP. Mr. President, how are we going to determine, where the conditions are so various as they are? In the very case that was passed here last week there is absolutely no comparison in value between that land and the land involved in this case. I know that from what little I know of the situation, although I do not profess to know of it as the Senator from South Dakota.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PLATT of Connecticut. I ask the Senate to agree to go on with this discussion to-morrow morning after the routine business.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the South Dakota reservation bill may be considered to-morrow morning after the routine business. Is there objection? The Chair hears none, and it is so ordered.

CIRCUIT COURT OF APPEALS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, returning to the Senate, in accordance with its request, the bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year.

Mr. CLAPP. I move to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

The motion was agreed to.

Mr. CLAPP. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The first amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the word "year," in section 1, line 8, it is proposed to insert:

And is hereby authorized and required to hold one term of said court annually in the city of St. Paul and State of Minnesota on the first Monday in June of each year.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the words "provided for," in line 6, page 2, it is proposed to insert:

So to be held either at the city of Denver, in the State of Colorado, or at the city of Cheyenne, in the State of Wyoming.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year."

CHINESE EXCLUSION.

Mr. PLATT of Connecticut. It will be remembered that the Senate acted on the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent. That bill was finally amended by the substitute which I offered, and then we took up the House bill and incorporated the language of the substitute into that bill. The Senate bill still remains in charge of the Secretary, and I move that it be indefinitely postponed.

The motion was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PLATT of Connecticut. Are there any amendments pending?

The PRESIDENT pro tempore. There are no amendments pending. Some amendments offered by the Senator from Utah [Mr. RAWLINS] have been printed and laid on the table.

Mr. PETTUS. Mr. President, I have been informed by the senior Senator from Massachusetts [Mr. HOAR] that he desires to discuss this bill before it comes to a vote. I ask that it be in some way laid over or postponed until to-morrow.

Mr. LODGE. It is impossible to lay over the bill from day to day without any action upon it. There are abundance of amendments here to consider. There have been a large number of amendments offered to the bill. It seems to me that we ought to go on with the bill and not put it over from day to day without either debating it or acting upon it in any way. I do not desire to cut off any Senator who wishes to discuss the bill, but on a measure of this importance I think we are entitled either to vote or debate or to have a time fixed for voting.

The PRESIDENT pro tempore. There is but one thing for the Chair to do.

Mr. PETTUS. The senior Senator from Massachusetts has been compelled to go home on most important business, not of his own, but concerning the welfare of one of the great institutions there and concerning matters of vast importance to that institution. I know that he desires to debate this bill. He will be back, as I am informed, in a short time, but I do not know the exact time. For that reason I move that the bill be temporarily laid over until to-morrow.

Mr. LODGE. Mr. President, that would simply displace the bill. I see no reason why my colleague will not be back to-morrow. There will be abundance of time for him to speak. Everyone knows that this debate is going on. Everyone knows that the bill is not going to be disposed of to-day or to-morrow, but I do not feel that I am justified in allowing the bill to be put over from day to day without anything being done, either in the way of debate or action upon the amendments. The table is covered with amendments, any one of which can be taken up and considered. There is not the slightest difficulty in finding something to do in regard to the bill. I repeat, I think I am justified in asking that if we can not vote upon the bill we shall debate it and dispose of the amendments, or that a time shall be fixed when the vote can be taken. I will then accommodate, so far as I am able to do, the wishes of Senators and the convenience of the Senate; but to have it wait day after day for the convenience of Senators who are not ready will drag the debate out to a length which will carry the session into the summer. I can not, as responsible for the bill, assent to delays of that kind. I think I am justified in asking that the consideration of the bill shall proceed.

Mr. TELLER. Mr. President, I should like to inquire of the chairman of the committee, when he complains that we are not ready, whether the debate has ceased on the other side of the Chamber? Is there to be any further discussion from that side? We have had none practically on this bill.

Mr. LODGE. I do not know how many Senators desire to speak on the bill. I desire to speak upon it myself, and I intend to speak upon it before the debate is closed. I had intended to speak upon it, and I have a very great desire to do so, but I will not allow my desire to stand in the way of the business of the Senate. If the Senate is ready to vote on the bill, no desire of mine to make a speech shall interfere with it. If I am not ready to speak and the Senate is ready to vote, I shall not ask the Senate to delay for me.

I do not mean to be in the least unreasonable in regard to this measure with any Senator, but I do think that in view of the importance of the measure and the approach of the hot weather, I am entitled to say that we ought to have on it either a vote or debate or a reasonable time fixed when a vote shall be taken.

Mr. TELLER. So far as I am concerned, there will be no reasonable time fixed nor any time fixed unless we know that a different course will be pursued from that pursued on some other bills, and if the Senators who support the bill are to refrain from speaking until the time is fixed and then come in and occupy all or nearly all the time, as has been done once or twice during this session. Unless I know that will not be done there will be no time fixed by unanimous consent.

I do not care about delaying the bill a moment. So far as I am concerned, I can vote on it now. I expect to vote against it. But I know there are Senators here who expect to speak, and I think if there is anybody on the other side who expects to speak at all he should take the floor now. But three speeches have been made on this subject by members of the committee—one by the Senator from Utah [Mr. RAWLINS], one by the Senator from Tennessee [Mr. CARMACK], and one by the Senator from North Carolina [Mr. SIMMONS].

Mr. LODGE. Two members of the committee.

Mr. DUBOIS. The Senator from North Carolina is not a member of the committee.

Mr. TELLER. The Senator from North Carolina is not a member of the committee, but speeches have been made by two members of the committee.

Mr. President, it will not do for the other side to say that they are not going to debate the bill. In a service in this body that pretty nearly reaches a quarter of a century I have never heard, nor has any other member of the Senate, in my judgment, heard such an arraignment of a policy based upon the documents emanating from the party in power as was presented to the Senate by the Senator from Utah [Mr. RAWLINS].

Mr. President, the credit of the Government of the United States is at stake; its honor is at stake; and if the other side of this Chamber can not show that that was a statement unfounded and unsupported by facts, their credit and the credit of the nation at least demands that they shall disown and disavow and condemn the proceedings in those islands as they were condemned yesterday by a member of their party in another place.

It seems to me, Mr. President, that it is asking very much of us who do not believe in the bill to follow the three very exhaustive and very able speeches—speeches that Senators on the other side can not themselves, in my judgment, meet, and speeches that they have no right to complain of, speeches made in good temper, made as it becomes an American Senator to make them. It might be different, perhaps, if there had been some allusions made in a sarcastic manner; and such things have not been unusual in the Senate. I do not think anybody will complain of those speeches, and if they do, we are prepared to listen to the complaint.

I do not think we are under any obligation to make speeches every day on our side and then wait until the debate is over and allow Senators to take the floor and complete the debate when we have no chance to reply. A debate in the American Senate should mean an opportunity for both sides to contest questions that are presented, and no one side has a right to occupy the entire time, nor has either side a right to wait until the last hour and then occupy all of the time.

I have an amendment here to the bill that I want to put in. I will send it to the desk and ask to have it read. I move it now as an additional section to the bill.

Mr. FORAKER. Before the Senator from Colorado passes away from what he has been talking about, if it will not be

objectionable to him, I should like to say that when two of the speeches to which he has referred were made in the Senate I was compelled to be absent from the Senate Chamber. I was engaged upon committee work, and could not be here. I was unable, therefore, to hear those speeches. I have heard about them through the newspapers and otherwise, and I have had it in mind to probably say something in answer to them, but not until I have had an opportunity to read the RECORD and see what the speeches were. As yet neither one of the speeches to which I refer has been published in the RECORD. I heard only a part of the speech that was made yesterday by the Senator from North Carolina [Mr. SIMMONS]. I want only to say now that there was not anything in that speech to deter any man who believes in the policy the Government has been pursuing in respect to the Philippines from making a speech in support of it. I do not know what may be in the speeches that have been made but not yet printed in the RECORD, which I have not yet had an opportunity to read, but I apprehend there will not be anything there that will absolutely exterminate independence of thought and freedom of speech, so far as the other side of the Chamber are concerned.

Now, I appreciate the spirit in which the Senator from Colorado [Mr. TELLER] has spoken. I think this is an important measure. I think we ought to debate it. I think the speaking ought not to be confined to one side, but it should be indulged in by both sides until we have arrived at conclusions with which we are satisfied, intelligent conclusions, which we will express by the votes we will give.

I have been very diligently consulting the RECORD every morning ever since those speeches were made to see them. Why they have not yet appeared in the RECORD I do not know. I suppose the Senators who made them have been withholding them in order that they may revise them, as is usual. I find no fault with that; but I only rose to say that we can not be criticised for not having answered those speeches when it was impossible to hear them and has been impossible to read them.

I do not know how this matter came up at this time. I do not know what was the request of the Senator from Massachusetts [Mr. LODGE]. I was absent from the Chamber when he made the request, but I suppose it was that a time might be fixed when we could vote upon the bill.

Mr. LODGE. Mr. President, the Senator from Colorado is entitled to the floor.

Mr. TELLER. I yield to the Senator from Massachusetts, if he wants to say anything.

Mr. LODGE. I desire merely to say to the Senator from Ohio that I made no request. The bill came up as the unfinished business of the Senate. In speaking to the Senator from Ohio, I need not dwell on the importance of the bill or the importance of reaching a conclusion after proper debate. All I have said was—I have said it two or three times—that I think a measure of this importance we can not afford to put over without either debate and discussion or action of any kind from day to day to satisfy the convenience of Senators who desire to speak. I am one of those Senators myself, but the request was made to put the bill over. We have a large number of amendments which we can deal with, if no one is ready to make a general speech on the bill. We can take up and discuss and dispose of those amendments. I again say that it seems to me we ought to be able either to vote or debate or fix a time, and in suggesting that we fix a time I desire to have the most liberal time allowed.

The Senator has referred to the period when the last bill was under discussion, and he seemed to think that after the time was fixed for voting we on this side consumed most of the time. I was at some pains to have a record kept at the desk of the time used by Senators in that debate, and it came out as nearly as possible even.

I am perfectly willing in fixing a time for voting, if we can agree upon any reasonable date, to make an agreement that the time shall be equally divided between both sides, and I think from what I know that the most of the time then will go to the opposition, as only one or two Senators on this side have intimated to me that they intend to speak upon the bill.

It seems to me, Mr. President, that, in the interest of public business, we ought either to proceed with the consideration of the bill at the proper time each day, or else we should fix a time when we shall vote. Then Senators who desire to make speeches can govern themselves accordingly.

Mr. TELLER. Mr. President, the Senator from Ohio [Mr. FORAKER] has made a proper explanation of why he was not prepared to speak. I know that it is not possible for Senators to be always in attendance here, that they have other duties which call them away, and I can conceive, without difficulty, that the Senator from Ohio may want to see the speeches in print before he replies to them. That, however, does not apply to a great majority of his political associates in this Chamber, although I am free to say I think they are almost as ignorant of what has been said here as is the Senator from Ohio. For instance, yesterday when the Senator from North Carolina [Mr. SIMMONS] was making his speech, it is an absolute fact that if it had not been that two Republican Senators have seats on the Democratic side, there would not have been a Republican Senator in any seat in this Chamber. I was afterwards told that some Republican Senator did sit on one of the sofas back of the seats; but while the Senator from North Carolina was making a very fair, and, I think, able speech, there was not a Senator in his seat on the other side of the Chamber. Of course, I must assume that business required that they should all be away, but it was rather remarkable that all should have been called away at the same time; and that has been pretty nearly the condition here day by day as this debate has gone on.

Mr. CULLOM. Does the Senator say that there were no Senators on this side of the Chamber during the speech of the Senator from North Carolina?

Mr. TELLER. I did not say that.

Mr. CULLOM. I want to know what the Senator did say, because I was present nearly all the time the Senator from North Carolina was addressing the Senate.

Mr. TELLER. I say there was a time when no man sat in his seat on the other side of the Chamber.

Mr. CULLOM. That might have been the case during a few minutes of that time.

Mr. TELLER. It was for a considerable time; it was not for simply a few minutes. I do not mean to charge that there is any determined effort on the part of Senators to keep away.

Mr. SPOONER. I should like to ask the Senator what difference it makes whether a Senator is in his own seat or in some other seat, so that he is listening to a speech?

Mr. TELLER. But the trouble is there was not a Republican Senator in any seat.

Mr. SPOONER. I was in a seat on the other side during every minute of the speech of the Senator from North Carolina, except for about ten minutes, when I was called out of the Chamber.

Mr. TELLER. The time I referred to was during those ten minutes.

Mr. SPOONER. Oh! [Laughter.]

Mr. TELLER. I affirm—for I called the attention of some of my associates to it—that not a Senator was in his seat or in any other Senator's seat on the other side of the Chamber during that time. Of course I do not suppose that that condition of affairs lasted for a great while, but it lasted long enough to be the subject of considerable comment on this side of the Chamber.

Mr. CULLOM. As I have said, I was in my seat during the speech of the Senator from North Carolina, but I observed that there were then very few Senators on the other side of the Chamber.

Mr. TELLER. I am not saying that there was any surplus or superabundance of Senators over here [laughter], but there was always somebody here.

Mr. SPOONER. Yes, the speaker. [Laughter.]

Mr. TELLER. I am not sure but that during the interim I mention there was one Republican present—I think the Senator from North Carolina [Mr. PRITCHARD], who was in the Vice-President's seat, perhaps; so that there was a Republican Senator in a seat at least; and I have been told that there was a Senator on one of the back seats.

Mr. SPOONER. I was on one of the back seats. [Laughter.]

Mr. TELLER. I mean on the back seats; not within the bar of the Senate.

Mr. TILLMAN. I hope the Senator from Colorado will name the Senator.

Mr. TELLER. I do not know who it was. He was so far away that my sight was not good enough to determine. I suppose there will be some controversy among Senators as to who had the merit of being so nearly present as that.

Mr. President, I do not care to say anything further upon that point. I intend to make a very brief speech on this bill some day, and I intend to address myself a good deal more to the bill itself than to the general question if I can get the time to arrange my views as to what the bill ought to contain. I have not felt disposed to be unnecessarily critical.

I called attention when I made a speech on the former bill to orders which had been issued which I regarded as extremely cruel. I now find in one of the great journals of the country—not a Democratic journal—some statements which I think are very important to be considered in this debate, if true, and whether they are true or not I do not know, but I think we should try to find out, if we can, whether they are true or not. I refer to the order issued by General Smith, and I am going to ask to have read an article which appeared in the New York Herald, because I am very much inclined to think that very few Senators have seen it. I have asked one or two if they have seen it, and they told me they had not.

As the Senator from Massachusetts [Mr. LODGE] is anxious that the time should be occupied by this bill, I will accommodate him by sending to the Secretary's desk, and having read, an article which appeared in the New York Herald of Sunday, April 27, 1902. It begins on the first column of the second section of the Sunday issue, and I will ask the Secretary to read the whole article, including the headlines. I can not ask him to put in the RECORD the portraits of the distinguished officers which appear in the paper, and of course I would not do that if I could.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the Secretary will read as requested.

The Secretary began the reading of the article, which is as follows:

[New York Herald, Sunday, April 27, 1902.]

CHAFFEE WILL BE HELD RESPONSIBLE—HIS ORDERS TO HUGHES SAID TO JUSTIFY SMITH'S COURSE IN SAMAR—REASON FOR PRESIDENT ORDER OF COURT—"WILL DETERMINE THE PROPRIETY OF RETAINING MAJOR-GENERAL IN THE PHILIPPINES"—EXPECT SMITH'S ACQUITTAL—ARMY OFFICERS BELIEVE HIS FRANK DEFENSE HAS PLACED CHAFFEE IN AWKWARD POSITION.

HERALD BUREAU, No. 734 FIFTEENTH STREET NW.,
Washington, D. C., Saturday.

Maj. Gen. Adna R. Chaffee, commanding the Military Division of the Philippines, will be made responsible for the character of the warfare conducted in the island of Samar as a result of the frank and sensational line of defense adopted by Brig. Gen. Jacob H. Smith.

This is the conclusion of Army officers in Washington who read to-day the admission by counsel for General Smith that that officer did give orders to "kill and burn and make Samar a howling wilderness" and did specify that all males over 10 years of age should be shot.

It is learned that it was because of the possibility that the responsibility for General Smith's orders would be finally placed at the doors of Major-General Chaffee that the President decided to take the matter out of the hands of the commanding general in the Philippines and himself order the court which is now trying General Smith.

The effect of the organization of the court by the President will be to make President Roosevelt, instead of General Chaffee, the reviewing authority.

This means that the President will finally determine the propriety of General Chaffee's acts and the advisability of his retention in the Philippines.

General Smith was ordered by General Chaffee to command the Sixth Brigade, which was ordered to operate in Leyte and Samar. General Smith was sent to Samar as a result of the massacre of Company C of the Ninth Infantry at Balangiga, and was directed to act under the general supervision of Major-General Hughes.

Writing to General Hughes, General Chaffee stated that "General Smith, I am told, is an energetic officer, and I hope he will prove so in command of that brigade." General Smith's energy was directed in accordance with these instructions, sent by General Chaffee to General Hughes:

"While I do not urge inhuman treatment of any person in these islands, it is necessary that we be stern and inflexible, and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary, and that is the wholesome fear by these people of the Army, and that every hostile motion of any inhabitant toward the troops will be quickly and severely punished.

"I have all the time thought that we do not appreciate the fact that we are dealing with a people whose character is deceitful, who are absolutely hostile to the white race, and who regard life as of little value, and, finally, who will not submit to our control until absolutely defeated and whipped into such a condition. It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable."

General Chaffee made these further observations:

"The condition of mind of officers and men in these islands is largely in error, and they must be given to understand that they are in error, by which I mean their opinion is that the people are far more friendly than they really are and that they are satisfied with our presence among them.

"In a considerable sense this may be true. Women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population, and they must not be trusted.

"It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action, which can not be misunderstood."

General Chaffee added a postscript to this letter of General Hughes, which reads:

"We are glad of the services of the peace party in Cebu to assist in getting hold of the insurrectos, but by the great horn spoon we will not wait for their movement nor their palaver.

"It is my opinion that Cebu in the past has been petted altogether too much, and that the island of Bohol needs a strong cathartic."

General Smith will be further able to place the responsibility upon the shoulders of his seniors by showing that the orders which he issued are identical with those published by Brigadier-General Bell in southern Luzon, and, furthermore, received the cordial approval of General Hughes and General Chaffee.

General Smith had not been four months in the island of Samar when he issued his order in relation to the character of the warfare which should be waged. He said in this order that he had become thoroughly convinced that the insurrection in Samar had been supported solely by the people who live in the Pueblos, ostensibly pursuing their peaceful pursuits and enjoying American protection, and that this was especially true of the wealthy class.

"Under such conditions," continued the order, "there can be but one course to pursue, which is to adopt a policy that will create in the minds of all the people a burning desire for the war to cease, a desire or longing so intense, so personal, especially to every individual of the class mentioned, and so real, that it will impel them to devote themselves in earnest to bringing about a state of real peace, that will impel them to join hands with the Americans in the accomplishment of this end."

"The policy to be pursued in this brigade from this time on will be to wage war in the sharpest and most decisive manner possible. This policy will apply to the island of Samar and such other portions of the brigade to which it may become necessary to apply it, even though such territory is supposed peaceful or is under civil government."

General Smith announced certain rules which would guide the army in its treatment of the natives. The first directed that "every native, whether in arms or living in the pueblos or barrios, will be regarded and treated as an enemy until he has conclusively shown that he is a friend. This he can not do by mere words or promises. The only manner in which the native can demonstrate his loyalty is by some positive act or acts that actually and positively commit him to us."

General Smith declared that "neutrality must not be tolerated on the part of any native. The time has now arrived when all natives in this brigade who are not openly for us must be regarded as against us."

This order was approved by Major-General Hughes and forwarded to Major-General Chaffee, who likewise approved it and transmitted it to the War Department. That order was allowed to remain in force, and was obeyed for one year and two months.

In February last General Smith issued an order announcing his belief that active opposition to American occupation of the island had crumbled away and inaugurating a more lenient policy.

That both General Hughes and General Chaffee were in full sympathy with the character of General Smith's campaign is further established by their official reports.

In a report dated a few days after General Smith assumed command in Samar, General Hughes wrote to General Chaffee that "our people continue killing bolomen, etc., and improving their geography." He added in this report that "the detachment of native scouts at Calbayog has killed more barefoots than any full company on the island."

General Chaffee frequently took occasion in his official reports to express commendation of the conduct of General Hughes, and it was as a result of this commendation that the latter was recently appointed a major-general in the regular establishment.

Because of the far-reaching effect of General Smith's admission yesterday that he had given orders to "kill and burn and destroy all males over 10 years of age," considerable perturbation was displayed at the War Department to-day.

Since the publication of details in connection with the methods of warfare observed in the Philippines there has been a disposition manifested to minimize the importance of the revelations.

It is admitted that the first great mistake, from an Army point of view, was made when General Chaffee ordered the court-martial of Maj. L. W. T. Waller, of the United States Marine Corps. This brought to the notice of the public the fact that the war in Samar had not been conducted in accordance with a humanitarian policy.

Testifying before the court which tried Major Waller, General Smith denied that he ever "gave Major Waller power over life and death, exceeding the General Order No. 100," issued by the War Department. Officials of the War Department said to-day that there was no conflict between this statement and the admissions of General Smith's counsel yesterday, as "there was nothing in his instructions to Waller to sanction the execution of prisoners except by due process of military law."

One Army officer, who for obvious reasons would not permit himself to be quoted, predicted that General Smith would be whitewashed. That an acquittal is expected by the Department is shown by the statement that there is nothing in the admissions of General Smith's counsel to lay the officer open to censure.

It was pointed out that the court which is trying General Smith is composed of officers who have issued or obeyed the very kind of orders which the accused published and enforced.

The Department insists that "war is hell," and that the quickest way to bring it to an end is to make the enemy as uncomfortable and sick of hostilities as possible.

That General Smith's policy accomplished results is shown, it is stated, by conditions in Samar, where the insurrectos have practically all surrendered and where a condition of comparative peace prevails.

Though the War Department may attempt to condone General Smith's policy, the same lenient view is not taken at the White House. The President believes that the war should be prosecuted with the utmost vigor, but within the bounds of humanity. He has been told that the reason why General Smith gave instructions for the killing of all males over 10 is because children of that age are engaged in the war against the Americans.

So long as hostilities were in progress it was proper, in the opinion of the President, that the combatants should be crushed, but when defeated it was wholly inexcusable for the American troops to perpetrate atrocities merely for the purpose, as General Chaffee stated, of instilling a fear of the Army in the breasts of the natives.

When the record and findings of the court which is trying General Smith is received in Washington it is the purpose of the President to carefully examine it and consider the testimony which has been taken.

General Smith may be acquitted by the court, but it is within the power of the President to disapprove the findings, though it is, of course, impossible for him to order another court-martial of this officer on the same charges.

In transmitting the record and findings General Chaffee is expected to make an explanation of any facts which may appear damaging to himself.

It is the purpose of the Democrats in Congress to use the admissions of General Smith's counsel as ammunition for their speeches on the Philippine government bill, and to show the country the character of Republican administration in the Philippines, in the hope that it will have a great influence upon the fall elections.

Senator CARMACK, in the course of a speech in the Senate to-day, in which he attacked the President and General Funston, spoke of the possible results of General Smith's policy.

Senator PROCTOR, of Vermont, expressed sincere regret that General Smith should have conducted the character of campaign he did. He said there should be a careful investigation and that the court-martial of that officer should be thorough.

Senator PETTUS, one of the Democratic members of the Military Committee of the Senate, said that only General Smith's own admission could have convinced him that it was possible for an American to wage war in such a barbarous manner.

General Smith has been noted in the Army for his energy and military ability. He was born in Ohio in 1840, and served as a volunteer in the civil war, afterwards receiving a commission in the Regular Army. He was engaged in several Indian wars, and was sent to the Philippines after the war with Spain.

During the advance in Luzon, in 1899, General Smith displayed zeal and ability, which brought him an appointment as brigadier-general of volunteers, and in March, 1901, an appointment as brigadier-general in the regular establishment.

His reports of operations in Luzon are as remarkable as those on operations in Samar. One of these communications, dated Cazas, November 11, 1899, says:

"In a few minutes after reaching here we discovered about two or three hundred insurgents coming up the railroad track from the south, waving a flag of truce. I made my dispositions to receive them warmly.

"I heard three volleys from the cavalry, who were to the right and south of the railroad crossing. They dispersed quickly, going toward the east. I got word to a battalion that was in a position to intercept them and a few of them were killed, but they scattered like birds and we heard nothing more of them."

During the reading of the foregoing extract,

Mr. TILLMAN. Mr. President, with the permission of the Senator from Colorado, who sent the article to the desk, which is

being read, I should like to ask the chairman of the Committee on the Philippines a question.

Mr. TELLER. I yield to the Senator.

Mr. TILLMAN. Will the Senator from Massachusetts in charge of the bill tell us whether these quotations are from documents in the War Department, and whether they have been officially published?

Mr. LODGE. I do not know. I did not present this document. I take it they are from interviews. I do not know where they come from. I know nothing about it.

Mr. TILLMAN. The documents certainly are accessible, and this correspondent must have gotten them from somebody. Has any resolution been offered calling for these official orders?

Mr. LODGE. I do not know that they are official orders. I should like the Secretary to read what the statement is about them. Are they official orders?

Mr. TILLMAN. They are supposed to be, at least that is my understanding of the reading. They are quotations from the official orders of General Chaffee to General Hughes.

Mr. LODGE. I want to find out what they purport to be. The Senator from Colorado [Mr. TELLER] has presented the paper, and perhaps he knows.

Mr. TELLER. I know nothing about it except what is in the paper. The paper speaks for itself.

Mr. LODGE. From what document are the words which purport to be the words of General Chaffee taken?

The Secretary read as follows:

General Smith was ordered by General Chaffee to command the Sixth Brigade, which was ordered to operate in Leyte and Samar. General Smith was sent to Samar as a result of the massacre of Company C of the Ninth Infantry at Balangiga, and was directed to act under the general supervision of Major-General Hughes.

Writing to General Hughes, General Chaffee stated that "General Smith, I am told, is an energetic officer, and I hope he will prove so in command of that brigade."

Mr. LODGE. The statement is that it is a letter to General Hughes.

Mr. TILLMAN. An order.

Mr. PATTERSON. No; a letter.

Mr. TILLMAN. A letter of instructions, which is equivalent to an order.

Mr. President, while I am on my feet, I should like to ask the Senator from Massachusetts what foundation in fact there is for the publication in the newspapers for the last three or four days in regard to Mindanao and the situation as to the sultan, the datos, and the mussulmans down that way, who are said to be fighters? Has the Senator got any information as the chairman of the Committee on the Philippines, or has the War Department any information, or are these mere shadowy emanations from the brains of our newspaper people? We ought to have some foundation for these things, or we ought to be able to get them from the committee or have the committee furnish the Senate some authoritative denial of them.

Mr. LODGE. I know nothing about matters in Mindanao, except what has been published in the newspapers. The official orders and reports which have been published in the newspapers are all I know about.

Mr. TILLMAN. Here is one respectable paper—at least it is supposed to be a respectable paper—that publishes quotations from military orders that must have been furnished its correspondent from the War Department.

Mr. LODGE. This has nothing to do with Mindanao.

Mr. TILLMAN. I understand that; but I was just working up to the point to know why we should be so urgent or strenuous with the people in Samar and those other islands where the people are not such bloodthirsty fighters and why we are so polite and Christianlike in our dealings with the Mohammedans. If the Senator has any information on these points, I wish, as chairman of the committee, he would furnish it to the Senate.

I saw this morning a document lying on our tables which furnishes us a good many statements and copies of petitions from natives of the Philippines, asking that our Army shall remain there, and all that kind of thing. Those things are sent here in order to try to influence public opinion to the effect that the war is one of civilization and humanity and liberty and all that kind of thing; but along comes these other statements which stagger us. I want to get at the facts. That is all.

We are told very positively that there was no water cure being administered over there. That was denied by the Secretary of War and others. I do not suppose that there is anybody but acknowledges from the testimony which has been taken that our people have been guilty of imitating the Spaniards and the Macabebe scouts in some of their inhumanities and cruelties.

I am merely asking for information. I do not want to cast any imputation upon the conduct of the war, unless it rests upon facts, and I should like to have the chairman direct attention to some official document bearing upon the orders which have been issued by Chaffee, Smith, Hughes, and others. That information is either at the War Department or it can be gotten from Manila.

Mr. LODGE. Possibly.

Mr. TILLMAN. If the chairman of the committee would take the matter in hand and furnish the information to the Senate, and save somebody calling by resolution for certain correspondence, and all that kind of thing, as an humble member of the Senate I should like to gain some information, some light on the subject. I am especially desirous of knowing whether we, a Christian people, are to-day occupying the attitude of butchers and practicing cruelties that would disgrace the Inquisition, if it were now in existence, upon the inoffensive, I might say cowardly, inhabitants of some of the islands; whereas, whenever we reach a region where we shall have to fight with some people who are bloodthirsty themselves and will cause us a great deal of trouble and loss, we get very polite, and go to cringing and fawning around, and pay them a stipend, I believe. I saw a statement at least to the effect that there was a treaty made by General Bell, in which we agreed to pay a certain sum to the Sultan of Sulu, a couple of thousand dollars or some such a matter, and that his chiefs or lieutenants were paid $1,200, or something like that.

I merely want to know if the chairman of the committee will furnish us information as to whether or not we are cringing and fawning around in the southern end of the archipelago, whereas we are butchering, torturing, and injecting or forcing water into the others, and practicing other cruelties that are indecent and contrary to the American character.

Mr. TELLER. I ask now that the reading of the article which I sent to the desk may be resumed, that it may go into the RECORD as a continuous document, and that the interruptions of Senators may follow. Otherwise its continuity will be disturbed.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and the article will be published entire, as requested by the Senator from Colorado.

The Secretary resumed and concluded the reading of the article referred to.

Mr. TELLER. If I had General Smith's order I would put it in, but I have not got it. I suppose it has been read by everybody.

In alluding to the fact of the small attendance on the other side when the Senator from North Carolina [Mr. SIMMONS] was speaking yesterday, I wish to say, so that it will not appear that there was any disrespect not shown to others, that frequently not more than four or five Senators have been present on the other side of the Chamber when other speakers have addressed the Senate on this subject.

I wish to put in the RECORD, because some Senators have not had the privilege of reading it, General Bell's order of December 8, 1901. I wish to put in, also, his telegraphic circular of December 9, 1901, and I think, in justice to General Bell, I should put in what the editor of the Army and Navy Journal says, which is, of course, complimentary to General Bell and justifying his action.

Mr. President, I am not going to enter into a general discussion of this case. I understand that General Smith admitted recently that he had given such an order, and justifies it upon an order issued during the civil war which has been known generally, although I do not find it named in this newspaper article, as the Tom Ewing order. General Ewing, a distinguished officer and a member of a distinguished family in Ohio, was in command in the State of Missouri. Just what his grade was does not occur to me now, but it is immaterial. There had been great complaint of bushwhacking in Missouri, and General Ewing deported the entire population of two counties, as I recollect, and destroyed practically all the property that was destructible in those two counties.

There was very severe criticism of his action in every part of the United States. It was not attended with cruelty, except as everybody must realize that to take a whole community and move it must necessarily be cruel. I never heard any complaint that there was any unnecessary force. Those people were taken outside of the immediate neighborhood so that they could be supported, and they were supported. I do not remember just how. Yet that order received the bitterest criticism in the United States.

In the greatest war that ever afflicted mankind, a civil war, with the greatest armies that were ever assembled in an internecine war, lasting four years, between people of the same blood and of the same family as it were, people all of whom had called themselves citizens of the United States, with all the bitterness that arose out of such a contest between high-spirited people, where I venture to say there were more exhibitions of manly courage than in any other war in the world, there was no complaint of any acts of this kind, and no officer can justify himself

by going back to General Ewing's order or anything like it. Of course, I have not forgotten——

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. I will in a moment. I have not forgotten the complaint that was made of the cruelty to prisoners practiced by a certain Confederate officer who suffered subsequently the penalty of his misconduct. Now I will hear the Senator from Wisconsin.

Mr. SPOONER. I was going to ask the Senator quietly and kindly if he had forgotten Fort Pillow?

Mr. TELLER. I have not forgotten Fort Pillow, but the Fort Pillow affair was not a comparison to what is charged as having occurred in these islands.

Mr. CARMACK. Will the Senator from Colorado permit me to inquire of the Senator from Wisconsin what he means by remembering Fort Pillow?

Mr. TELLER. I will let the Senator complain of Fort Pillow, if he wants to. I will yield to the Senator.

Mr. CARMACK. What did the Senator from Wisconsin mean by asking if the Senator from Colorado remembered Fort Pillow?

Mr. SPOONER. I had in mind, of course, the massacre of colored troops at Fort Pillow.

Mr. CARMACK. What?

Mr. SPOONER. What has always been regarded as the massacre of colored troops.

Mr. CARMACK. I do not want to go into a discussion of that question now, in the time of the Senator from Colorado——

Mr. TELLER. You may.

Mr. CARMACK. But there was no massacre at Fort Pillow except the shooting of men who were fleeing after the fort was captured. There was no massacre of prisoners. No such thing ever occurred at Fort Pillow.

Mr. TELLER. I have a pretty fair recollection of Fort Pillow, and while there was considerable criticism and, I think, likely justly some criticism about it, if the Senator from Wisconsin will go back to the history of the time he will find it was nothing in comparison with what we are informed has occurred in these islands.

I understand, as I was saying, that General Smith defends this order on the ground that there was something of the kind done during our war, and upon the further ground that boys of 10 years of age in the Philippine Islands are warriors; that owing to the climatic influences boys of 10 years in tropical countries are equal to boys of 14 or 15 in the higher altitudes. While that is not true, as a matter of fact, there is an earlier development of course in the Tropics than in the North, but I doubt very much whether there are any 10-year-old boys in the Philippine army. However, if there are boys of 10 years of age in the Philippine army fighting for what they and their fathers believe are their rights, I have a better opinion of the Filipinos than I had before.

Mr. FAIRBANKS. Will the Senator from Colorado allow me to interrupt him?

Mr. TELLER. I yield to the Senator from Indiana.

Mr. FAIRBANKS. I have been absent during a portion of the debate upon this question. I suppose I am pretty familiar with its general features, because we have heard the Philippine question debated over and over again for the last three years, and from the first speech up to the present time I have heard nothing new. I wish to inquire what the Senator is now objecting to. I do not understand that the Government approves of what was done by General Smith. Does the Senator from Colorado so understand it?

Mr. TELLER. I do not know whether the Government approves of it or not.

Mr. FAIRBANKS. I understand a court-martial has been ordered.

Mr. TELLER. I have heard that a court-martial has been ordered.

Mr. FAIRBANKS. Yes.

Mr. TELLER. But if the newspaper statement is correct, the court-martial ought to have been ordered fifteen months ago.

Mr. FAIRBANKS. But the fact is that one has been ordered.

Mr. TELLER. I do not know whether it has or not. I only know what the newspaper says. But it is rather a late day to order an investigation. If the newspaper article is correct, it has been within the knowledge of the War Department for more than a year. I do not know whether it is true or not. I said I did not vouch for it. I put it in here so that Senators who stand by the Administration and who seem to be quite prepared to indorse everything that is done may bring a proper excuse here, which I hope they can do.

Mr. FAIRBANKS. May I ask the Senator from Colorado another question?

Mr. TELLER. Certainly.

Mr. FAIRBANKS. Does not the Senator understand that the court-martial was ordered as soon as the facts alleged were known in Washington?

Mr. TELLER. Not if the newspaper article is true. I hope the Senator will understand now what I am talking about. I understand more about it, it appears, than he does by a great deal.

Mr. FAIRBANKS. Quite likely. The Senator is basing his statements entirely upon the newspaper report?

Mr. TELLER. Certainly I am.

Mr. FAIRBANKS. I simply want to get at the Senator's understanding of the facts.

Mr. TELLER. I understand. I assume now that the probability is that these statements are facts. The court-martial has been ordered, but if the statement is true, and it was published last Sunday, and nobody arose here yesterday to say that the Administration had been slandered, and offering to get the facts for us——

Mr. TILLMAN. Mr. President——

Mr. TELLER. In one moment. I will assume, so far as respectful criticism of it has been made by members of that political party as well as by those of the opposition, that it is true enough at least to call for action on the part of the Department in disclaiming it if the statement is not true.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. Certainly.

Mr. TILLMAN. I wish to call the Senator's attention to the closing paragraph of the article read, in which General Smith's record is given. It appears from it that he himself, in making a report of his military operations a year or two ago, declared he had fired on a flag of truce under which some natives were approaching, endeavoring, I presume, to surrender, and that they were shot down in cold blood. So you might expect such a man to give an order to kill all down to those 10 years of age.

Mr. TELLER. I was diverted in stating what I was going to state about the 10-year-old soldiers. I do not myself believe very much in 10-year-old soldiers. I do not believe there has been any considerable number of 10-year-old soldiers. If so, I can not myself conceive of a man who could see 10-year-old boys in an army fighting for what they believe to be their rights and who would have the heart to kill them.

Mr. President, the American people have been proud of the war powers of our own people. We have always been enthusiastic when people went into the Army. We have patted them on the back, and if these boys of 10 or 12 years of age are in the army they certainly have a right to be treated as soldiers. Perhaps it will be said they are so young they can not be treated as soldiers. What right have we to kill everybody in a province because he is in arms against us? Does that account for the wonderful difference between the wounded and the dead, attention to which has been called repeatedly here and no explanation ever made?

I am going to put into the RECORD an article from the Post of this morning, headed "Pacifying Filipinos." It is a Republican paper, a paper of character, and it can not be characterized as being hostile to the Administration in office. I do not care to take the time of the Senate to read it, unless some one objects, and I will ask that it be printed as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the article will be printed in the RECORD.

The article referred to is as follows:

PACIFYING FILIPINOS.

Our sentiment about retaining the Philippine Islands and our conception of their relations to our prestige and their importance to our oriental commerce are entirely distinct from views of policy as to their people and their pacification. This country may be a unit on the first and be properly divided on the second.

There is a justifiable division of sentiment on the subject of making Funstonitis a permanent influence in our policy. The acquittal of Lieutenant Waller, accused of shooting prisoners, was perfectly proper when he made good his plea of justification and proved it by citing the order of his superior officer, General Smith, to kill everything over 10 years of age and make the country a howling wilderness. It is not forgotten that when this remarkable order was pleaded by Waller friends of General Smith in the islands and many people here were indignant in their denials that such an order had been issued.

Had the President not ordered a court-martial for General Smith these denials would have stood unimpeached and the country would have laid all blame upon Waller's court-martial for acquitting him on a plea not proved. But now General Smith, put on trial, admits that he issued that order, not only for the killing of prisoners, but for an appalling and indiscriminate slaughter of all the inhabitants over 10 years of age. He justifies himself by harking back to a general order, issued in the pinch of our civil war, of 1863. Reading that order is sufficient to nullify it as his justification for his action. It begins with the statement that the life of the country is the first thing to be considered, and that, being attacked and threatened with destruction, in using the means for its preservation all else is secondary. What follows in regard to retaliation, treatment of prisoners and of hostages, is all dependent on the introductory clause of the order. There is no inherent evidence that the order was issued as a general rule. It depends upon the statement of the emergency of a defensive warfare to save the national life.

The simplest mind sees at once that such an order is not intended to apply to our conduct of an offensive warfare that touches at no point the national life.

Yet General Smith pleads that order, issued nearly forty years ago in a civil war of defense, as justification of his order to kill all human beings, not excepting sex, over 10 years of age.

War blunts feeling and conscience, but that process has not yet wrapped in amaurosis the conscience and the humanity of the American people. They are willing to make offensive war, and will not flinch at any of its necessities when it is directed against men. Nor do they have undue sentiment at any horror of war that scowls in open battle and overtakes men who are free to fight or free to run. But they will not be reconciled to the repetition of Spanish atrocities under our flag. It is not fair to say now that General Smith will be acquitted, but it may be said to be probable that, as Lieutenant Waller passed the responsibility up to General Smith's order and went free, General Smith may be able to pass it up to a general order that is forty years old and go free also. That will be bad, but it is far from being the worst of this business.

Concurrently with the incident of General Smith's court-martial appears matter in the press to justify him. This comes, properly enough, from Kansas, the State that bears the awful responsibility of Funston. Soldier Boardman, of that State, says:

"There has been a great howl in this country because the order was issued that 10-year-old boys should be killed. Anyone who has had occasion to see how fiercely a 10-year-old Filipino fights will realize the wisdom of that order. A Filipino boy of 10 is as mature as an American boy of 14 or 15, and can shoot as well as a man. Many of the young boys among the Tagalos were armed with rifles and bolos, and were as good marksmen as their fathers. They shared their parents' hatred of the Americans and resorted to all sorts of treachery.

"Soldiers who have seen their comrades shot down by boy sharpshooters realize the justice of General Smith's order. All sentiment about tender years and that sort of thing is lost under such conditions as the American soldiers faced in the Samar campaign. People who have no knowledge of the actual conditions existing in the Philippines can not understand what desperate straits the American forces were in at times."

We don't think that folly and blindness have ever gone beyond that. What a picture to hang on the walls of the War Department! Our army in the Philippines driven into a corner by boy sharpshooters of the age of 10!

During the Cuban revolution the Spaniards caught a boy of 10 and shot him as a spy. When the little fellow was placed in front of the firing squad he cried: "Disaten mis ojos. No tengo miedo de morir; pero dejeme ver a los cerros en donde naci!" ("Unbind my eyes. I'm not afraid to die; but let me see the hills where I was born!")

This Kansas hero believes now in shooting boys of 10, because "they share their parants' hatred of Americans." That Cuban child shared his parents' hatred of Spaniards, and died like a hero. Is it the purpose of the American people to make permanent in the Philippines a condition that will bring children into the world their blood hot with inherited curses of us and our flag?

The men of this country will blush when they read that "soldiers who have seen their comrades shot down by boy sharpshooters realize the justice of General Smith's order." Because a spirit of defense, no matter how mistaken a patriotism, no matter how misdirected, has sent boys of 10 to fight with arms, then all boys of 10 are to be shot down on sight, with no arms in their hands, as a means of "justice."

It is time for public sentiment to move to the front and make itself felt. No matter how high our purpose in the Philippines, nor how consecrated by sacrifice, if it can be attained only by the wholesale slaughter of children of 10, like lambs in the shambles, it will be abandoned. No prize is great enough to be won by incurring the curse that fell upon Herod.

Mr. TELLER. In addition, I wish to put in the RECORD, although I know they have appeared there before, but they must have been forgotten, General Bell's orders of December 8 and 9 last.

Several SENATORS. Have them read.

Mr. TELLER. I will have them read. There is nothing very pressing before the Senate, and I will ask that they be read. The article taken from the Army and Navy Journal.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

RIGOROUS MEASURES IN LUZON.

It is evident from the following circulars issued by Brig. Gen. J. Franklin Bell, United States Army, commanding in Batangas Province, island of Luzon, that experience has convinced him that nothing short of the most rigorous military measures will crush the insurrection in that hotbed of Tagalog treachery and crime. General Bell is an officer of the highest courage and intelligence, whose record in the Philippines is a story of ceaseless activity and splendid results in support of American authority. He has been in Batangas for months. He is acquainted with the Tagalogs and their ways. He has personally studied the situation in all its bearings, and if it can not be said of him that he knows just what he is talking about, then there is no man in the Army of whom it can be said. The subjoined circulars show that halfway measures in dealing with the insurgents are futile and almost suicidal. The enemy must be taught what war really means. Major-General Chaffee in recent orders declared that there was widespread organized treachery among the Tagalogs. These conditions fully justify the radical measures which have been adopted to crush the revolt in Batangas. General Bell's circulars are as follows:

[Telegraphic circular No. 2.]

BATANGAS, *December 8, 1901.*

To all Station Commanders:

In order to put an end to enforced contributions, now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts, by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town bounding a zone within which it may be practicable, with an average-sized garrison, to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents. Those limits may include the barrios which exist sufficiently near the town to be given protection and supervision by the garrison, and should include some ground on which live stock could graze, but so situated that it can be patrolled and watched. All ungarrisoned towns will be garrisoned as soon as troops become available.

Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said date) will become liable to confiscation or destruction. The people will be permitted to move houses from outlying districts should they desire to do so, or to construct temporary shelter for themselves on any vacant land without compensation to the owner, and no owner will be permitted to deprive them of the privilege of doing so.

In the discretion of commanding officers the prices of necessities of existence may also be regulated in the interest of those thus seeking protection.

As soon as peaceful conditions have been reestablished in the territory of this brigade, these persons will be encouraged to return to their homes and such assistance be rendered them as may be found practicable.

J. F. BELL,
Brigadier-General Commanding.

[Telegraphic circular No. 3.]

BATANGAS, *December 9, 1901.*

To all Station Commanders:

A general conviction, which the brigade commander shares, appears to exist that the insurrection in the territory of this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire but in reality do not want peace; that when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace and want it badly.

It is an inevitable consequence of war that the innocent must generally suffer with the guilty, for when inflicting merited punishment upon a guilty class it is unfortunately at times impossible to avoid the doing of damage to some who do not individually deserve it.

For reasons here indicated, which are well known to all, and chief of which is the delay and difficulty in ascertaining the exact truth, it will be impossible to wage war efficiently and at the same time do abstract justice in operations unquestionably essential to putting down an insurrection which has long continued in the territory of this brigade.

Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people, who have as yet not felt the distressing effect of war, to a realizing sense of the advantages of peace.

War in the disturbed portions of the territory of this brigade, and, when manifestly necessary, in those portions supposed to be peaceful or which are under civil government, will be conducted in accordance with the provisions of General Orders, No. 100, Adjutant-General's Office, 1863, which publishes instructions for the government of armies of the United States in the field. The provisions of this order will be directly adhered to, but no station commander will put anyone to death as a measure of retaliation for assassination under sections 27, 28, 34, and 148, without obtaining authority from a superior commander, nor will the death penalty be inflicted in any case without similar authority.

Commanding officers are urged and enjoined to use their discretion freely in adopting any or all measures of warfare authorized by this order which will contribute, in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

It is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to the end in view. It is desired that subdistrict commanders accord to their subordinate officers and commanders a degree of confidence and latitude in operations similar to that herein conferred upon them. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and cooperation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found.

Except when the advantage in position and numbers is overwhelming on the side of the enemy our troops should always assume the offensive and advance on and pursue them vigorously. The best defense against these people is to assume a vigorous offensive at once. To retire in the presence of this enemy is generally hazardous and discouraging to our troops.

Nothing herein contained will be so interpreted as to warrant or arouse carelessness or a lack of well-known and proper precautions. Though troops should be aggressive, they should be military in methods, and precautions against surprise and ambush should never be neglected.

In addition to maintaining active operations against armed bands of insurgents persistent and systematic efforts will be made, through the use of spies, loyal police, native scouts, intelligence officers, provost-marshals, and provost courts, to discover, apprehend, and punish all agents, collectors, organizers, contributors, and sympathizers who secretly aid, assist, and extend encouragement or comfort to those in arms. Many such persons will unquestionably be found among municipal officials and councils and tenientes of cabezas of barrios. [Lieutenant of the head of a barrio.—Editor.]

It is so probable as to amount almost to a certainty that the election of all town officials in the province of Batangas and Laguna have been dictated by Malvar or other insurgent leaders and that they would never have been permitted to discharge their functions without molestation had they not continued to be subservient to the will of the insurgent leaders and been acting as their agents, or at least have done nothing inconsistent with their interests.

The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts publicly performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity and opposition of the insurgent element. Such acts are reliable evidence, but mere words are worthless.

No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers, those, in fact, who publicly array themselves against the insurgents and for Americans, should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us, so far as known. Neutrality should not be tolerated. Every inhabitant of the territory of this brigade should either be an active friend or be classed as an enemy.

Presidentes and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way, should be arrested and confined, and should ordinarily be tried by military commission. Charges should be preferred and forwarded with that in view.

Other town officials guilty of similar offenses might be tried by provost courts unless their offense be too grave for adequate punishment thereby.

Another dangerous class of enemies are wealthy sympathizers and contributors who, though holding no official positions, use all their influence in support of the insurrection; and while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and Laguna is a secret enemy of the Government and in active sympathy with insurgents. These are absolutely our most dangerous enemies—more dangerous even than armed insurgents—because of their unequaled influence. They should be given no exemptions whatever on account of their calling. On the contrary, whenever sufficient evidence is obtainable they should be brought to trial. Should well-founded suspicion rest against them, in the absence of competent evidence, they should be confined and held as a necessary military precaution to preclude further activity or bad influence on their part.

The same course should be pursued with all of this class, for to arrest anyone believed to be guilty of giving aid or assistance to the insurrection in any way or of giving food or comfort to the enemies of the Government it is not necessary to wait for sufficient evidence to lead to conviction by a court; but those strongly suspected of complicity with the insurrection may be arrested and confined as a military necessity and may be held indefinitely as prisoners of war in the discretion of the station commander or until receipt of other orders from higher authority. It will frequently be found impossible to obtain any evidence against persons of influence as long as they are at liberty, but once confined evidence is easily obtainable. * * *

The apprehension and punishment of one individual of the above-mentioned classes (men of wealth and standing and officials) is of greater importance and will exercise greater influence than the punishment of a hundred ignorant hombres for whose suffering no principale cares a straw. The wealthy and influential and town and insurgent officials are therefore those against whom our most energetic efforts should be directed. The common people amount to nothing. They are merely densely ignorant tools who blindly follow the lead of the principales. When guilty they must be arrested and confined, in order to put an end to further activity on their part, but whenever it is possible to reach their chief or leader through their testimony they may be promised immunity from trial for such simple offenses as aiding and assisting or being insurgents. They should not be released, however, unless they are willing to demonstrate their loyalty by public participation in operations against their former leaders.

The policy herein indicated need not be applied, should commanding officers be convinced it is inadvisable, in those portions of the territory of this brigade where peaceful conditions have been completely reestablished, as in Marinduque, for example. Discretion should also be exercised as to the degree of rigor to be employed in its enforcement in those portions of the territory of the brigade where civil government exists, and where no organized insurrection or intrigue is discoverable.

Wherever the constabulary have been organized, cordial cooperation will be extended to and solicited from them. Commanding officers will promptly transmit by wire to other commanding officers any information which may possibly be of assistance to them, and are expected to seek cooperation and concert of action from each other whenever such may appear to be desirable.

J. F. BELL,
Brigadier-General Commanding.

(Army and Navy Journal, January 25, 1902.)

Mr. TELLER. I ask that the amendment which I offered may be read and printed.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add at the end of the bill the following, as a new section:

SEC. 95. That the President of the United States is hereby authorized to appoint a commission composed of not less than seven and not more than fifteen persons whose duty it shall be to proceed as speedily as practicable to the Philippine Islands and to take such measures as shall be deemed desirable to secure a lasting peace between the inhabitants of said islands and the United States. The persons so to be appointed shall be commissioned by the President, who is authorized to make such rules and regulations for the government of such commission in their effort to secure peace as he shall consider necessary to carry out the spirit of this section. The persons so appointed shall each receive a salary of $10,000 per annum, to be paid monthly. The United States shall bear all the expenses of said commission while en route to or from the said islands, or while there performing the duties imposed by law or by the instructions of the President, as herein provided for. The salary of the members of such commission and the other expenses thereof shall be paid out of the money appropriated for the support of the Army.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. TELLER. Mr. President, the Senator from Indiana asked me about the order for the court-martial. I was not prepared then to say when the court-martial was ordered, nor am I now prepared to say when the Department received knowledge of the order. That must be determined otherwise. But in a telegram sent by the Adjutant-General to Chaffee on April 15, 1902, I find the following:

On the 24th of March instructions were mailed you containing statement of charges against those officers—

Speaking of some officers—

and Gen. Jacob H. Smith—

Mr. FAIRBANKS. I should like to ask the Senator from what document he is reading?

Mr. TELLER. It appears in some of the testimony taken by the committee.

Mr. FAIRBANKS. By the Committee on the Philippines?

Mr. TELLER. Yes; I will go back to the beginning of the paragraph:

On the 24th of March instructions were mailed you containing statement of charges against those officers and Gen. Jacob H. Smith as the basis of the investigation ordered by the cable of March 4.

Further instructions in both matters are required by the following facts.

I call the attention of the Senate to the following:

Press dispatches state that upon the trial of Major Waller, of the Marine Corps, testimony was given by Waller, corroborated by other witnesses, that Gen. Jacob H. Smith instructed him to kill and burn; that the more he killed and burned the better pleased General Smith would be; that it was no time to take prisoners, and that when Major Waller asked General Smith to define the age limit for killing, he replied "Everything over 10."

I do not know, but I assume that that is a correct statement of what the order to Waller was. It does not appear to have been even confined to males over 10—"everything over 10;" but of course if it was supposed to be confined to males it would exclude noncombatants, as well as combatants, which does seem to me perfectly horrible to contemplate. I think, Mr. President, the order calls for very prompt action on the part of the Department, and what is more——

Mr. FAIRBANKS. If I may tax the kindness of the Senator for a moment, I will say that I interrupted him a moment ago simply to obtain information. I do not have complete information on the subject, and I supposed the Senator, with his usual care, had obtained all that pertained to it. It did not seem to me that he should criticise the Government for what had been done without its knowledge.

I do not believe that the Senator thinks for one moment that the Government of the United States would sanction in the Philippines or anywhere else, in the name of war, anything that did not conform to the ordinary usages of war, and that if there has been anything done by any officer of the Government in the Philippines which is in contravention of those rules which are recognized in modern warfare the Government would instantly see that the officer who had violated the rules of war was brought to summary account. I do not think we should charge the Government with any delinquency before the case had been brought to the attention of the officers of the Government. If the authorities in Washington acted when advised of alleged wrongdoing, they have acted properly and are not censurable.

Mr. TELLER. That is the question. I had not supposed myself when I heard of the court-martial that the Department here had had knowledge of this enormity, but a very respectable journal published last Sunday, and so far it has not been disputed by anybody, the statement that the Department had this knowledge and by its silence, at least, approved of it for many, many months, if not a year, before the court-martial was ordered. I hope it will be proved, for the credit of the Government, that that is not true.

I know that the knowledge which has gone out has created a great deal of surprise, and I may say it has been a shock to the public mind. I know that it is not confined to this side of the Chamber, nor is it confined to those who believe that as a general policy the policy of the party in power touching the Philippines is an unwise one. The men who are in full accord with it have felt disposed to complain of this order, and some of the best citizens of the United States have entered a very vigorous protest.

Mr. President, I should despair of the welfare of this country if the American people as a people did not repudiate such an order as that. I believe they will, and if this charge should prove to be true, I believe the officer ought to be dismissed from the service.

I have not been inclined, Mr. President, to unduly criticise the Administration here on the conduct of the war in the Philippine Islands. I have never said a great many things that have come to me that would indicate that the war had been carried on in a cruel and unlawful manner.

I see by the report in the press that Major Waller was acquitted upon the ground that he was under obligation to follow the order of his commanding officer. I understand that that is not the law of war. He must follow every order within the rightful power of that officer, but no more. If Gen. Jacob H. Smith had not the authority to issue the order, which I believe no one here will contend, then Major Waller ought to have refused to execute the order. I know it is very difficult for a subordinate to decline to do that, and I think as a rule the punishment should be inflicted upon the officer commanding and not upon the subordinate who executed it, even though he does not approve of a wicked thing.

Mr. President, I will not charge the Administration with any attempt to condone this crime. In this connection I want to read an order of the President, and I am glad to read it. It will be found in the same telegram:

The President desires to know in the fullest and most circumstantial manner all the facts, nothing being concealed, and no man being for any reason favored or shielded. For the very reason that the President intends to back up the Army in the heartiest fashion in every lawful and legitimate method of doing its work, he also intends to see that the most rigorous care is exercised to detect and prevent any cruelty or brutality, and that men who are guilty thereof are punished. Great as the provocation has been in dealing with foes who habitually resort to treachery, murder, and torture against our men, nothing can justify, or will be held to justify, the use of torture or inhuman conduct of any kind on the part of the American Army.

By direction of the Secretary of War:

H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

Mr. President, that is a declaration that I have no doubt will be carried out. I hope so at least. But every time we complain of these infractions of the laws of war we are compelled to rather

excuse ourselves and explain that we are not attacking the Government or that we are not attacking our soldiers in the Philippines, for all of us on this side are, by implication at least, charged with doing that. I feel that it is my duty to my country and my duty to myself when I know such things are going on to enter my protest, and I should despise myself, as I would despise any man who was afraid to do that thing when he thought he ought to do it.

I know the people who are supporting the Administration are somewhat embarrassed in being frank about these matters. I know, of course, it is a little difficult for them. They want to wait until the full proof is in, and frequently it never gets in with a certain class of people, for no matter what is done they will find some excuse for it.

Could anything be more childish than to say, as many of the newspapers of the country are saying, that these Filipino 10-year-old boys are vigorous soldiers, fighting like men, and therefore we are obliged to kill them. If that had been true of boys 10 years old, which it is not, and everybody knows that it is not, there might have been some modification of the orders, so as at least to kill only those 10-year-old children who had arms in their hands; but the very wording of the order included everybody, it included noncombatants, and it included all without reference to sex. When a military order goes to the extent of making a country "a howling wilderness," so that a bird can not fly through it, as one officer said, there must be, and everybody must know that there is, cruelty of the extremest kind. Old General Sherman said, "War is hell." War will always be hell; but it remains for these modern days to make war what it was in the tenth century. I will venture to say that in all the great wars since the Middle Ages you can not find an order of infamy like that of Bell or that of Smith, and if the order of Smith was lodged in the War Department, as that newspaper says, and it was not repudiated within an hour, everlasting disgrace is brought to this American nation.

Does it seem possible, Mr. President, that any man with American instincts could know that such an order was in existence and not promptly repudiate it? I repeat, I hope for the credit of the American name that it will be proved that when it was known the order was issued it was promptly repudiated and that the statement in the newspaper is not true, but it is for the Administration to tell us when that news came to them.

Newspaper after newspaper, including the Army and Navy Journal, which is supposed to speak for the great Army and Navy of the United States, can find sufficient excuse for these wicked orders. Can anybody here find any excuse for them? Is there any man here who will say that the enormities practiced by the Filipinos justify such enormities on our part?

Why, Mr. President, for two hundred years and more we have conducted war with savages in this country, who burned and scalped and murdered, who have been guilty of treachery of every possible kind, and yet did anybody ever hear of any such cruelties being inflicted upon them or any such wicked order issued? Never, never, Mr. President.

I know we have been charged again and again with cruelties to the Indians, and I have no doubt we have been cruel; but I never before heard of an officer issuing an order of this kind; and if he had done so, it would have been repudiated by the whole American people, even by the people living on the border who were threatened with Indian wars and Indian massacres.

I am somewhat encouraged to find that there are some who are members of the party on the other side of the Chamber, who are ardent supporters of the annexation of the Philippine Islands, and some who are ardent supporters of the doctrine that we are to hold them and exploit them, who have been entering their protest against this last wicked order which has come to our knowledge. I want, in this connection, to read an utterance made yesterday by a very prominent Republican, who can not be charged with any attempt to discredit the party to which he belongs and which has highly honored him. They are the words of an American citizen, delivered in another place, and I believe they found a welcome in the hearts of all who heard them, as I believe they must find a welcome here. I hope that he will not be the last to condemn such conduct.

If the General is correctly reported and stands by the declaration with which he is credited, assuming the responsibility for such orders—

As I understand he has—

then I desire to say that there is no defense; and I hope the President of the United States will have the courage, upon this man's admission, to discharge him dishonorably from the service which he has thus disgraced. [Applause.]

If he is correctly reported as admitting that he issued orders to leave that province a howling waste and wilderness and to kill all above 10 years of age, the innocent with the guilty, that man ought never to be permitted to stay in the service of the United States until the sun goes down. He is a blot not alone upon the army in the Philippines; he is a disgrace to every man who ever wore the uniform of the United States, and he is a blot and a disgrace upon our present civilization. Wait and hear what his justification may be! That man does not live who can justify such orders. [Applause.] There is no justification. There can be no justification. I care not how adroit may be his lawyers, how subtle may be their reasoning, or how cunningly they may frame their plea; the fact, admitted by his own mouth, that he issued such orders is sufficient for me to hope that there is the courage and the patriotism, the humanity and the Christianity, at the other end of this avenue that will not permit him to wear the Federal uniform twenty-four hours hence.

This is no question of party. This rises above all party levels. In the name of humanity we protest. For the fame of our civilization; for the honor of those who wore both the blue and the gray during the long years of civic strife; in the name of those who wore the nation's uniform and marched to glory and to honor beneath the folds of the American flag in Cuba, in Porto Rico, and in the Philippines; in the name of the compassionate Christ, whose followers we profess to be, we protest and deny the right of any man to wear the American uniform under a commission from this Government and place such a blot upon the banner of freedom. Nor can we believe that the God of battles can march with us where such practices are permitted to prevail. [Applause.]

Mr. LODGE. Mr. President, some time ago the Senator from South Carolina [Mr. TILLMAN] asked me about the orders that were quoted by the newspaper article which has been read, and why we did not send for them. Then he went off on the question of Mindanao, and the debate drifted away without my having an opportunity of saying to him what I desired.

On the 16th of April, 1902, the Secretary of War addressed the following letter to me as chairman of the Philippine Committee:

WAR DEPARTMENT, *Washington, April 16, 1902.*

Hon. H. C. LODGE,
Chairman Philippine Committee, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, transmitting the following resolution of the Philippine Committee of the United States Senate:

"*Resolved*, That the Secretary of War be requested to send to the committee—

"1. Copies of all orders that have come from commanders and subordinates in the military districts of Tayabas, Samar, Laguna, and Batangas—

Those are the provinces where fighting is going on—

together with a statement of the Department's action thereon.

"2. Copies of all official circulars issued by such commanders and subordinates and all official reports from military officers in said districts."

While this resolution indicates no date from which the orders and reports are to commence, I assume that the period intended to be covered is from the date when the civil executive authority theretofore reposed in the military governor was transferred to the civil governor—namely, July 4, 1901—to the present time, and this report, therefore, includes:

1. Copy of an act of the Philippine Commission enacted July 17, 1901, "restoring the provinces of Batangas, Cebu, and Bohol to the control of the military governor." (The parts of Laguna and Tayabas adjoining Batangas in the mountain region are affected by the disturbances in Batangas.)

2. General Chaffee's General Orders, No. 179, July 20, 1901, laying down the procedure to be observed by the military in the provinces designated by the Philippine Commission as fully organized and sufficiently well advanced in all details of civil administration as to warrant passing under the civil executive jurisdiction of the civil governor.

3. Copies of all orders that have come from commanders and subordinates, and copies of all official circulars issued by such commanders and subordinates, and all official reports from military officers of the Third Brigade, whose jurisdiction includes the provinces of Tayabas, Laguna, and Batangas.

4. Similar orders and reports of the Sixth Brigade, which includes the island of Samar.

5. Reports of General Chaffee to the Adjutant-General of the Army, touching operations in the provinces indicated in the resolution.

These papers, it is believed, will fully supply the information called for in the resolution of your committee. It is possible that some of the printed orders furnished are not required, but inasmuch as the purpose for which these orders are required is not indicated, it has been thought best to furnish the committee with all orders that have been issued during the period in question touching in any manner upon the military operations in Tayabas, Laguna, Batangas, and Samar.

So far as the desire of the committee to be furnished with a statement of the action taken by this Department upon these orders is concerned, permit me to say that the matter being one of military administration in the suppression of an insurrection, concerning which the department commander was governed by the rules and articles of war and the regulations for the government of troops in campaign, the Department considered that General Chaffee was able to handle the situation without special instructions from Washington.

Very respectfully, ELIHU ROOT, *Secretary of War.*

That includes all the orders from which extracts have been made. I think, in the New York Herald article; but, at all events, it includes all the orders of any kind in the disturbed provinces which have been issued since last July and are in the possession of the War Department.

The order of General Smith to Major Waller is not, so far as I am aware, among those orders, nor, so far as I know, was it known to anybody until Major Waller pleaded it in his defense. That was the first I knew of it, and that, I think, is the first anybody here knew of it. As soon as Major Waller had pleaded it in his defense, as I understand, an order was given by the President directing a court-martial of General Smith, and, as has been said here this afternoon, already the court-martial of General Smith is now being proceeded with, and its findings are to come for review to the Secretary of War and the President, and are not to go to General Chaffee.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. Does the Senator know how it happened that that particular order did not go to the War Department?

Mr. LODGE. I have not been able to make out—perhaps the

Senator knows—from the statement, whether it was a verbal order or a written order. The first I knew of it, the first the country knew of it, and the first, so far as I am informed, that anybody knew of it, was from the cable dispatch that Major Waller had pleaded this order of General Smith in his defense. Thereupon cable orders were sent from here for the trial of General Smith. I know nothing else about it except that.

Mr. CARMACK. The suggestion made to my mind by that fact is that we are not getting all the orders made by our military officers in the Philippines. I do not doubt that we are getting all that are in the War Department. I do not question that at all.

Mr. LODGE. No.

Mr. CARMACK. But it seems that orders are issued over there, and orders of a very extreme character, which never reach the War Department. I presented a resolution in the Philippine Committee calling for these orders, and this particular order was not sent. I do not mean to suggest at all that it was in the possession of the War Department. I do not suppose it was, and I do not believe it was; I feel sure it was not. But it indicates that our military officers in the Philippines send to the War Department just such orders as they please and suppress just such orders as they please.

Mr. LODGE. The Senator is aware, of course, being a member of the Committee on the Philippines, that since this communication came in we have asked the Department to cable for a copy of the record in the Waller case—the whole record.

Mr. CARMACK. I am aware of that. I myself offered the resolution for that.

Mr. LODGE. That the Senator knows that it was adopted at once by the committee, and we were informed by the War Department that it had been cabled.

Mr. CARMACK. That is not the point of which I was speaking. I was not complaining of any action of the committee or of any action of the War Department in regard to this matter; but I was simply suggesting that orders are given by our military officers in the Philippines, no word or hint of which ever comes to the War Department, and this matter leaked out through the court-martial of Major Waller. It came to the country for the first time in the proceedings of that court-martial, in the defense made by Major Waller, that General Smith had issued an order of this character. Now, it seems that they have never transmitted any such order as that to the War Department, that it is not in the possession of the War Department, and when we call for information from the War Department, it seems we do not get any reliable information as to what is being done in the Philippines.

Mr. LODGE. The Bell orders, which have been cited, are given, as the Senator knows, here in this pamphlet.

Mr. CARMACK. Yes, sir; I know that.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield.

Mr. TILLMAN. In furtherance of the contention or the utterance of the Senator from Tennessee, I am not exactly sure, but it seems to me that the testimony given before the Military Committee by the General of the Army had something to do with unearthing the report which has been suppressed, or held back, or was lying covered up in the War Department in regard to the decimation, we might term it, of the province of Tayabas, or whatever it is, where the population ran down from 300,000 to 200,000.

Mr. CARMACK and Mr. RAWLINS. Batangas.

Mr. LODGE. That was another province; another government.

Mr. TILLMAN. But was not Major Gardener the officer who made the report?

Mr. LODGE. No; it was the secretary of the other province, who was a native Filipino.

Mr. TILLMAN. Is that story true?

Mr. LODGE. I know no more about that than the Senator knows. The report was recently published here, as the Senator knows.

Mr. TILLMAN. Are the committee taking any steps to investigate and to see whether we are just leaving a waste over there—a burned country, with everybody being killed, down to the age of 10?

Mr. LODGE. The Senator evidently has not read the report.

Mr. TILLMAN. I certainly have not.

Mr. LODGE. The report states that since the close of hostilities there—since the war ended—it is estimated that nearly one-third of the population have died of malaria and dysentery, which comes from it.

Mr. TILLMAN. It is very absurd, to my mind, to talk about people who are acclimated and born and raised there dying from malaria.

Mr. LODGE. It may be absurd to the Senator, but that is the statement of the secretary of the province.

Mr. TILLMAN. They have died. The main fact that we are confronted with is that they are dead.

Mr. LODGE. Undoubtedly; the secretary states that.

Mr. TILLMAN. Why they died or whether dysentery is another form of starvation——

Mr. LODGE. I beg the Senator's pardon. The secretary of the province states that they are dead from that cause, and I take it the figures given are but a rough estimate.

Mr. TILLMAN. I ask, then, if the committee are taking any steps to verify that statement? Do we propose to continue going along in this helter-skelter sort of way that we are going?

Mr. LODGE. Does the Senator ask if we have sent for the information?

Mr. TILLMAN. I ask if the committee have taken any steps whatever to discover the present status in that province, what the population formerly was and what it is now, and whether there is any truth in that statement?

Mr. LODGE. The committee have not yet investigated the condition of that province. They only received the report a short time ago. I will say to the Senator that the bill covers just such an investigation as that; but the committee, of course, have not had time to go to the province to get the information.

Mr. TILLMAN. I did not expect the committee to go to the province, but I thought they might make Mohammed come to the mountain, as we are the investigating force, and try to throw some light on the situation in the Philippines. And as the committee is now at work, we might send over and get some witnesses in regard to the situation that would induce us to make some alteration in the policy we are pursuing if we are now simply murdering, butchering, or killing in legitimate warfare, or whatever term you may use.

You say that they are a vicious, cruel, and semibarbarous people, who are dealing with us in a way that makes us retaliate, and all that kind of thing. The question that presents itself to my mind is, how long we are going to continue to hold on to this bag of cats. If they are such a type of men in their love of liberty, or what little they have of it is of such a character, as to make them determined to perpetually war with us, resist our authority, and do everything possible in their weakened and unarmed condition to maintain a show of resistance, what benefit is it to the American people to persist in this infamous policy?

Mr. LODGE. Is that the question the Senator wants to ask of me? I thought the Senator was going to ask me a question; but he went on delightfully, as he always does, in regard to so many other matters, that I lost sight of his question.

Mr. TILLMAN. I think that the little speech, as you term it, which I have made, is just bristling with questions before, behind, above, and below. [Laughter.]

Mr. LODGE. The last question the Senator asked opens up the entire subject, on which I hope to make a speech, but which I can not reply to in a few minutes.

Mr. TILLMAN. I hope the Senator, or some other Senator on that side of the Chamber, will get equipped for a speech, but it seems, as my friend from Colorado [Mr. TELLER] says, that nobody on that side of the Chamber is inclined to discuss the subject.

Mr. CULBERSON. Mr. President, I simply rise to ask the Senator from Massachusetts a question, as he has the floor.

Mr. LODGE. Though I had the floor, I yielded it long since, but I gladly take it again. [Laughter.]

Mr. CULBERSON. Whatever may be the situation and the truth with reference to the order of Gen. Jacob H. Smith, I do not suppose the Senator will deny that the order of General Bell, which is almost as reprehensible, was issued on the 8th day of December of last year, and that that order, at least, has been acquiesced in by the War Department. It has never been disapproved or countermanded, and there has never been any disposition, so far as we are advised, on the part of the Administration, to inquire why it was issued. I should like to ask the Senator if he indorses that order of General Bell, issued on the 8th day of December, 1901? It is a question, Mr. President, to which I desire an answer from the Senator from Massachusetts, if he is disposed to give one.

Mr. LODGE. Does the Senator ask if I indorse the order of General Bell?

Mr. CULBERSON. Yes.

Mr. LODGE. No, sir; I do not indorse cruel methods of waging warfare. I think, as every right-minded man must think, that that order of General Smith's, as it stands published before the world, is an order which every American must regret—bitterly regret.

General Bell's order I have not looked at for some time, but if I remember correctly the order the Senator refers to contains a number of provisions. It is quite a long order, as I recall it. It contains a number of provisions, some of which seemed to me harsh and cruel without understanding the conditions which prompted it. The whole testimony—I do not know, and I can only

speak of my own knowledge on the surface, but the order of General Smith seems to me revolting.

Mr. CULBERSON. I will ask if the Senator does not also remember that the President of the United States has very recently sent his congratulations to General Bell for his vigorous prosecution of the war in that province under the very order which the Senator has just now condemned?

Mr. LODGE. That is something I do not know. That is something of which I have not heard.

Mr. TELLER. Mr. President, on the last day of the speech of the Senator from Tennessee [Mr. CARMACK] he referred to the fact that in the province of Batangas one-third of the population has within a short time died. I want to know if that is the province the Senator from Massachusetts [Mr. LODGE] referred to, where he said the people had died of malaria and dysentery?

Mr. LODGE. That is one of the statements in the report, and I read it. It is the report I had in mind.

Mr. TELLER. It is the report to which the Senator from Tennessee called attention. I am not quite certain, but I understand that Batangas is in the province of Luzon.

Mr. RAWLINS. The province of Batangas is in the island of Luzon, not far from Manila, and the report has been made by the secretary of the province. It was made on the 16th day of December of last year. That is the date of it. The secretary stated substantially as the Senator from Massachusetts has stated, that one-third of the inhabitants have died.

Mr. TELLER. In what period of time has this large number of people died—how many months or years?

Mr. RAWLINS. The precise time is not given.

Mr. TELLER. And the population there has decreased one-third?

Mr. RAWLINS. One-third—from over 300,000 to 200,000.

Mr. TELLER. I may be mistaken—and if I am mistaken I can be readily corrected by the Senator from Connecticut [Mr. PLATT]—but I think that is one of the provinces we were told quite early in the session had been pacified.

Mr. SPOONER. Yes.

Mr. TELLER. I think that is so. I do not think I am mistaken about that. The Senator from Connecticut, who read the list of the pacified provinces, can inform us. I am quite sure that there have been no active hostilities in the immediate vicinity of Manila for some time.

Mr. LODGE. Batangas is a southern province, just south of Manila, and very near it; the last point at which we were fighting.

Mr. TELLER. So I understand.

Mr. RAWLINS. If the Senator from Colorado will permit me, it was in respect of that very province, on the 16th day of December, 1901, as shown by this report to have been decimated to the extent of one-third of its people, that Bell's order, referred to by the Senator from Texas [Mr. CULBERSON] a moment ago, was made applicable.

Mr. TELLER. The order applied to that particular province.

Mr. CARMACK. That was one of the orders that for some reason or other was not sent here by the War Department.

Mr. TELLER. Mr. President, there is one proposition in the bill before the Senate to which I wish to give my approval. There is not very much in the bill with which I could possibly agree. But I find this provision:

> That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th of April, 1899, and then resided in the Philippine Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, and as such entitled to the protection of the United States.

To that part "entitled to the protection of the United States" I wish to give my adhesion. I wish to know if a condition of affairs exits over there where every third man, woman, and child, is dying or has died, amongst a class of people who, whatever may be their relations to us, the committee thus declare are entitled to our protection, and as we are commanding them I suppose everybody will agree to that.

Mr. TILLMAN. What about the 300,000 slaves in Mindanao?

Mr. TELLER. I will forego that question. If that is the condition over there, it seems to me, with respect to the humanitarians of this section of the country, who have gone into so much severe travail over the condition in Cuba, where they say the people are in danger of being in want at some time in the future, and who have to admit that the danger does not now exist, and with respect to which we are called upon to help them, it would have been a great deal better if we had been called on to help these people. There is not anybody who does not know that if a third of a population die, they do not die from any normal cause. People may die in vast numbers when some great plague sweeps over them, but I have not heard of any such thing in the Philippine Islands.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. Is not the statement that a third of the population have died, coupled with the statement, by the man who asserts it, that the cause of their death was malaria or dysentery? Is not one branch of the assertion of fact supported by precisely the same evidence as the other? I suppose, of course, the Senator does not construe the provision in the bill that the United States shall protect the Filipinos to include protection against malaria and dysentery?

Mr. TELLER. The Senator from Wisconsin has the reputation of being a very good lawyer. He knows very well that when a man makes a statement of that kind I am not obliged to take his entire statement.

Mr. SPOONER. If you take part of it.

Mr. TELLER. No; I am not. The fact of the death is one thing. Why they died may be entirely another,

Mr. SPOONER. The whole statement is based on this report of December 18, 1901.

Mr. TELLER. Yes; unfortunately that is the only way we have of getting evidence.

Mr. SPOONER. It is signed by Caedo, provincial secretary. Will the Senator permit me to read just a word?

Mr. TELLER. Yes.

Mr. SPOONER. He says:

> I have the honor to report to your excellency that the conditions of the province during the present year can not be more deplorable.

Mr. BACON. Will the Senator permit me to make a suggestion in this connection which may reconcile the two Senators?

Mr. SPOONER. As soon as I have read this.

Mr. BACON. I beg pardon.

Mr. SPOONER. It is only a word.

Mr. TELLER. Finish it.

Mr. SPOONER. It continues:

> The mortality, caused no longer by the war, but by disease, such as malaria and dysentery, has reduced to a little over 200,000 the more than 300,000 inhabitants which in former years the province had.

Mr. TELLER. What does he say as to the cause that brought on the condition?

Mr. LODGE (to Mr. SPOONER). Read it all.

Mr. SPOONER. I will continue the reading:

> All the highways and wagon roads and bridle paths are almost impassable, even for cavalry, in the wet season, except in a few places where they have been repaired by the military.
>
> Working animals having been decimated by the epizootic (rinderpest), agriculture, the province's only source of wealth, is entirely prostrated, and as a climax to all these events, the war, with all its fatal results.
>
> Out of the 22 pueblos of this province a relative peace is enjoyed only in the pueblos or Calaca, Balayan, Tuy, Ilang, Calatagan, and Nasugbu.

It is pretty long. Does the Senator want me to read it all?

Mr. TELLER. I do not care.

Mr. LODGE. Yes; read it all.

Mr. SPOONER. Very well.

> The committees of the Federal party having been created in the pueblos of the province since February last, civil rule having been inaugurated and established since the May following, and the pueblos having been organized into municipalities pursuant to the existing municipal code, with the exception of Cuenta, Taysan, and Rosario, all of us who were lovers of peace and order hoped that those who were still in arms would surrender and recognize American sovereignty, in order to enjoy the benefits of that rule with us. But the revolutionary leaders, miserably deceived by the revolutionary committee of Hongkong, and all of them, down to the last private, being the rulers over the life and property of the poor farmers who live outside the immediate protection of the American forces, have wished to remain in arms, for if they surrender the greater part will become vagrants, accustomed as they are to living at the expense of others.
>
> Nevertheless, through the efficient measures which the illustrious General Bell is beginnlng to take, such as the blockade of the ports of this province and the prohibition of all trade, it is to be hoped that within a short time the desired peace may be secured. All the more since all the pueblos are clamoring for it and willing to lend their valuable assistance to its securement.
>
> After all, I foresee the coming of famine with all its horrible consequences. It is true that during the coming year, in so far as the resources of the province will permit, the famine referred to may be partly remedied by giving work to the poor in the repair of roads, construction of bridges, and opening of means of communication between the pueblos. These resources shall become exhausted—as they will undoubtedly—since agriculture it dead, owing to the lack of working animals, which has been general throughout the archipelago. Famine must reign in this province in the coming years, and God grant that it may not be for a long time.
>
> This is all I can report to your excellency.
>
> Very respectfully, your obedient servant,
>
> FLORENCIO R. CAEDO,
> *Provincial Secretary.*

Mr. CARMACK. I should like to ask the Senator a question. Did the Senator ever hear of any great plague or epidemic where one-third of the people died?

Mr. SPOONER. No; I do not know that it has been true or that it has not. I think probably it is true——

Mr. CARMACK. I can not recall any instance in history where one-third of a people ever died from any plague.

Mr. SPOONER. That may be; but, nevertheless, I think it is very possible, with due deference to my friend, that it may be a fact that there have been plagues which destroyed one-third of the population. I think it is barely possible, if this recital as to

the situation in that province is correct, that some people have left it and gone where there was no famine——

Mr. CULBERSON. Mr. President——

Mr. SPOONER. But I know nothing about it. I beg pardon of the Senator from Colorado for having presumed to trespass upon his time.

Mr. CULBERSON. I simply desired to ask the Senator from Wisconsin a question.

Mr. TELLER. Proceed.

Mr. CULBERSON. I have the report before me, and I will read the section to which the Senator refers.

The mortality, caused no longer by the war, but by disease, such as malaria and dysentery, has reduced to a little over 200,000 the more than 300,000 inhabitants which in former years the province had.

I will ask the Senator if this is not the proper and the clear construction of that sentence, that there has been a mortality of a hundred thousand people in that province, but at the time this report was written it was not being caused by the war, but by malaria and dysentery, not that the whole 100,000 people had died from malaria and dysentery, but that there had been a mortality in the province of 100,000 out of 300,000.

Mr. FORAKER. From what page does the Senator read?

Mr. CULBERSON. Page 887 of the RECORD. That is the clear and plain construction, it seems to me, of this report of the Secretary.

Mr. SPOONER. The Senator asks me a question and proceeds to answer it himself.

Mr. CULBERSON. I thought I might as well do it then as later.

Mr. SPOONER. I will answer the Senator later and in my own time.

Mr. BACON. Will the Senator from Colorado permit me a moment?

Mr. TELLER. Certainly. I want to know something of the condition over there, and I believe the Senator from Georgia does know about it.

Mr. BACON. Mr. President, I believe if the investigation is ever made, which ought to be made, on the ground, as to what has occurred in the Philippine Islands and as to the conditions there, it will be shown that this particular province is not the only province in which there has been this enormous mortality. I think it will be shown—of course this is only an opinion, and does not profess to be more than that—that there has been an enormous mortality from disease, a mortality from disease altogether normal, very far in excess of such mortality as ordinarily exists in those islands from malaria, dysentery, or any other diseases.

I think it will be found that the disease has been superinduced by what I started to say was almost the total destruction—and I have no doubt that will be found to be true in many places—of the ordinary food crops of the people as the result of the war. There has been such an absolute destruction of food crops as has necessitated that the people should live upon what we hear spoken of in the reports as roots—really an inferior quality of sweet potato which grows in those islands—and, while that sweet potato may support life, it is so inferior in its nutritive properties that those who are compelled to rely upon it alone are so reduced in vitality as to become the general prey of disease. I believe it will be found upon investigation, if that investigation is ever made, that that has been true not simply of the province of Batangas, but very largely true in many other provinces of the archipelago.

I suggest that, as I stated a moment ago when I endeavored to get the floor, with the idea that it can reconcile the contention of the Senator from Colorado as to what was the natural thing to anticipate and to believe, and the contention of the Senator from Wisconsin as to the evidence in the matter. I believe they are both correct that, as an ordinary thing, it would be incredible and as an ordinary thing it would not occur. I believe it to be correct that there has been this immense mortality from disease. I believe it is entirely abnormal and due to the fact that the food crops of the islands have been almost entirely destroyed, at least wherever there has been active warfare; the people have been compelled to attempt to subsist on wild roots, and that they have died off by the hundred thousand, and not one hundred thousand, but many hundreds of thousands.

Mr. TELLER. The Senator from Georgia has the advantage of the rest of us of having been there and of knowing something about the conditions that we do not know from actual acquaintance. I am glad he made the statement. I did not question the fact that these people had died of disease. I did not mean that I thought they had been killed by the Army, but I thought they had not died from the natural diseases of the country, malaria and dysentery, which prevail in every country in the world, so far as I know. They perhaps died from disease brought on by the fact that we had invaded a whole country, and if the newspapers could be believed—the Army statements—we had destroyed everywhere we could all food of the country, both for man and beast. We saw frequently in the papers that in certain places the rice had been destroyed, and in others this and that or another article, and that a certain number of buildings were burned.

Mr. BACON. And the islands blockaded so that no other food products could be brought in.

Mr. TELLER. And, as the Senator from Georgia says, the islands blockaded and the statement distinctly made that no food should be introduced.

Of course those people were at one time in hostility to us. That is one of the provinces which was first pacified, as we thought; but it broke out later. That is why Bell's order was justified by some—as severe as it is. It was attempted to be justified upon the theory that those people had pretended for a time to have accepted our government and our control, and then broke away. Those people have died because they did not have, probably, as the Senator from Georgia says, sufficient nourishment.

I wish to say for myself that if the islands were a thousand times as rich as they are and a thousand dollars were coming to us where a cent is coming to us by our connection with them, I would not want the money at the expense of these people's lives, nor do the American people. While, of course, when you say "protection" it does not mean that we will support them, I do say that if we have destroyed the food in order to destroy the insurgents it was an act of great inhumanity that we left those people there to starve to death, as they undoubtedly have done; and there is an obligation on this Government, not an obligation because they are citizens but the obligation of humanity, that the Government should see that these people, whose living we have taken away from them, do not starve.

The people of Batangas are not savages. They are amongst the best people of Luzon. They are a people who have been spoken of as a very mild, simple, and pleasant people by writers who went there before they were induced to find fault with them and color their statements. I wish to repeat that if you can spend, at the expense of one class of American citizens, four or five million dollars on Cuba, where every witness who was brought before the House committee, except one or two, admitted that there was no immediate distress, but said they were very much afraid there might be distress in the future, where there is no trouble, but might be trouble in the future, the whole body of the American people could spare a few hundred thousand dollars to furnish food to these people, whether they are citizens or not, for everybody must admit that they must be under our protection as long as we assume to dominate and control the country.

When Dewey took possession of Manila, I confess to a great deal of ignorance about the population, but I do not think I was any more ignorant than my associates here. I do not think anybody knew much about them. I went over to the Congressional Library and I got everything I could get in the Library on the subject to see if I could find out what kind of people they were—whether they were a class of people with whom we could get along, etc., and what was the value of the islands. I now know something about those people. They are a Christian people. Almost the entire population of the island of Luzon, except a few people in the very interior, are Christian people.

Mr. CARMACK. And nine-tenths of them can read and write.

Mr. TELLER. And as the Senator from Tennessee says, nine-tenths of them can read and write. For more than two hundred years they have been recognized in the civilized world as the best of all the Asiatics. They have been called again and again, and I can show where they were so called more than fifty years ago, the Anglo-Saxons of Asia. They are the only people in Asia among whom any man who has a knowledge of the history of the world can have any hopes of establishing a free government. You can not do it in India. You can not do it in China. There is some hope of doing it amongst these people if they are properly treated. Great Britain has come pretty near solving that problem down in the Malay Peninsula after fifteen years of kindness, not by making war odious, not by making it to such an extent that everybody would want to quit, but preventing it by recognizing the rights of the people and giving to them the privilege of participating in the government under which they live.

Dean Worcester went there and spent a couple of years off and on in those islands. Before he had become imbued with the idea that everybody who did not gracefully and cheerfully submit to being trampled on by the United States soldiers was a bad individual, he told us what those people were, and I wish to read from his book. I want to say that it corresponds with every statement made by every intelligent person about whom I know anything, including Mr. Foreman, the Englishman who lived there eighteen or twenty years, and a Scotchman whom I know, who told me he had lived there for eighteen years—that they are the best class of Asiatics. Of course I do not pretend that they are as good as some other classes of people, or ever will be. I have expressed my opinion about that a dozen times.

Mr. TILLMAN. The Senator does not include the Japanese among the Asiatics?

Mr. TELLER. I do not have the highest admiration for the Japanese. The Japanese is a Malay. I believe to-day that in many respects the Filipino is as good as the Japanese. I am not going into that discussion, however.

Mr. BACON. If the Senator from Colorado will allow me to make a statement in this connection I will say that I have seen both people, and outside of the mere matter of physical strength and vigor I consider the Filipino not inferior to the Japanese. That would be my estimate of him.

Mr. TELLER. I shall not enter into any controversy with the Senator from Georgia on that subject. I do not think it particularly pleasant for me to stand up here and complain of even the Japanese. We have pleasant diplomatic relations with them.

Mr. BACON. I did not mean to deprecate them in any way by the remark I made.

Mr. TELLER. No. I think as much of the one as I do of the other, certainly.

I desire to read two or three little extracts from Dean C. Worcester's book, entitled The Philippine Islands. It was published in 1898, before the war began. On page 475 he says:

> The important questions which intimately concern the future of the Philippines result from the character of the 5,000,000 civilized natives and the conditions existing in the regions which they now inhabit. I trust that my readers have gained some idea of these conditions, but I have as yet said but little concerning the character of the people themselves.
>
> They belong for the most part to three tribes—the Tagalogs, the Ilocanos, and Visayans. Some attempt has been made to draw fine distinctions between the Tagalogs and Visayans, rather to the discredit of the latter people, but I confess that it seems to me a little farfetched. Certainly it would be a great mistake to maintain that the Tagalogs of Mindoro were superior to the Visayans of Cebu. Some differences will inevitably be found between the inhabitants of different islands, or even of different parts of the same island, yet I think that the civilized natives show sufficient homogeneity to be treated as a class.

That is, the civilized class.

> Foreman states that after years of faithful service a trusted native employee will sometimes rob his master or commit some horrid crime against him—betraying him into the hands of brigands, for instance. This is doubtless true, but such occurrences are certainly far from common, nor, on the other hand, are they by any means confined to the Philippines.

Not wanting to take much of the time of the Senate, I skip some parts of what he says.

> On the whole, I will believe that they are naturally fairly intelligent, and they are often most anxious for an opportunity to get some education. On a number of occasions we secured good servants who asked for nothing but food and an opportunity to pick up a little English or Spanish.
>
> * * * * * * *
>
> It is often said that he lacks originality. If this means that he has never made any extensive contributions toward the advancement of science, literature, or art, the charge must be admitted, although the Tagalog race has developed one painter of merit, an author of no mean ability, and some wood carvers who have done admirable work. But the average native, situated as he is, could not be expected to make any advancement along such lines. Within his own sphere he is certainly ingenious and ever ready with a remedy for any mishap which may occur.

Now, skipping some, but all creditable to these people, he says:

> The civilized Filipino certainly has many good qualities to offset his bad traits. The traveler can not fail to be impressed by his open-handed and cheerful hospitality. He will go to any amount of trouble, and often to no little expense, in order to accommodate some perfect stranger, who has not the slightest claim on him; and he never turns one of his own race from his door.
>
> If cleanliness be next to godliness, he certainly has much to recommend him. Every village has its bath, if there is any chance for one, and men, women, and children patronize it liberally. Should the situation of a town be unfortunate in this particular, its people will carry water from a great distance if necessary, and, in any event, will keep clean.
>
> Hardly less noticeable than the almost universal hospitality of the well-regulated homes is their happy family life which one soon finds to be the rule. Children are orderly, respectful, and obedient to their parents. Wives are allowed an amount of liberty hardly equaled in any other Eastern country, and they seldom abuse it. More often than not they are the financiers of their families, and I have frequently been referred by the head of a house to "mi mujer"—

That is his wife—

> when I wished to make a bargain. Women have their share of the work to do, but it is a just share, and they perform it without question and without grumbling.
>
> At vespers in the evening there is always a pretty scene. An instant hush comes over the busy village. In each house father, mother, and children fall on their knees before the image or picture of some saint and repeat their prayers. The devotions over, each child kisses the hand of his father and his mother, at the same time wishing them good evening. He then makes an obeisance to each of his brothers and sisters, as well as to each guest who happens to be present, repeating his pleasant salutation with each funny bow. Host and hostess also greet one in the same way, and in remote places, where white men are a rarity, the little tots often kneel to kiss one's hand.
>
> The civilized native is self-respecting and self-restrained to a remarkable degree.

Mr. President, I am going to stop right here and say a word about what Governor Taft said. He told how sensitive these people are when we call them negroes and when we speak of them as savages. That is supported by this declaration that they are self-respecting.

> He is patient under misfortune and forbearing under provocation. While it is stretching the truth to say that he never reveals anger, he certainly succeeds much better in controlling himself than does the average European. When he does give way to passion, however, he is as likely as not to become for the moment a maniac, and to do some one a fatal injury.
>
> He is a kind father and a dutiful son. His aged relatives are never left in want, but are brought to his home, and are welcome to share the best that it affords to the end of their days.
>
> Among his fellows he is genial and sociable. He loves to sing, dance, and make merry. He is a born musician, and considering the sort of instruments at his disposal, and especially the limited advantages which he has for perfecting himself in their use, his performances on them are often very remarkable.
>
> He is naturally fearless, and admires nothing so much as bravery in others. Under good officers he makes an excellent soldier, and he is ready to fight to the death for his honor or his home.

I heard not long since, when a Senator was reading from an order, that they burned 10,000 homes, and then in a few minutes he read from another and he was asked: "They were negro huts, were they not?" Mr. President, they were the homes of that class of people; they were the homes of a Christian, civilized people, and if they were not filled with the rich furniture that you may find in the homes in Washington, there was the love of the family, the self-respect, the education of the children; there was everything that goes to make decency in civilized life. And yet in two towns, within a short distance of each other, 22,000 of them were burned out and sent adrift. I do not wonder that they are dying by the thousands and tens of thousands.

I want to say now, Mr. President, that the American people can not escape the condemnation that the world will put upon us, the condemnation that our own people will put upon us, the condemnation that every right-thinking man must put upon himself if he does not protest against this wicked and miserable attempt to compel these people to accept our Government whether they desire it or not.

Mr. President, I did not intend to say anything about this question at all. Some day I mean to take up the bill and show what I think are, speaking mildly, the absurd features of it.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 30, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29, 1902.

SECRETARY OF LEGATION.

Robert Mason Winthrop, of Massachusetts, to be secretary of the legation of the United States at Brussels, Belgium, to fill an original vacancy.

SECRETARY OF THE NAVY.

William H. Moody, of Massachusetts, to be Secretary of the Navy, vice John D. Long, resigned.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be United States attorney for the western district of Arkansas. A reappointment, his term expiring May 10, 1902.

MARSHALS.

Asbury S. Fowler, of Arkansas, to be United States marshal for the eastern district of Arkansas, vice Henry M. Cooper, who was appointed during the last recess of the Senate.

J. F. Emmitt, of Nevada, to be United States marshal for the district of Nevada. A reappointment, his term expiring June 23, 1902.

RECEIVERS OF PUBLIC MONEYS.

James F. Thompson, of California, to be receiver of public moneys at Eureka, Cal., his term having expired. (Reappointment.)

George A. Robethan, of Pocatello, Idaho, to be receiver of public moneys at Blackfoot, Idaho, vice George B. Rogers, term expired.

Lyman B. Andrews, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash., vice Columbus T. Tyler, term expired.

Miles Cannon, of Washington, to be receiver of public moneys at North Yakima, his term having expired. (Reappointment.)

Alexander J. Cook, of Clarke County, Wash., to be receiver of public moneys at Vancouver, Wash., vice Lyman B. Clough, term expired.

REGISTERS OF LAND OFFICES.

Loronzo R. Thomas, of Idaho, to be register of the land office at Blackfoot, Idaho, his term having expired. (Reappointment.)

Fred W. Stocking, of Olympia, Wash., to be register of the land office at Olympia, Wash., vice Frank G. Deckebach, term expired.

Mathew B. Malloy, of Washington, to be register of the land office at Waterville, Wash., his term having expired. (Reappointment.)

J. Henry Smith, of Sedro Woolley, Wash., to be register of the land office at Seattle, Wash., vice Edward P. Tremper, term expired.

William E. Chaplin, of Wyoming, to be register of the land office at Cheyenne, Wyo., his term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29, 1902.

SECRETARY OF THE NAVY.

William H. Moody, of Massachusetts, to be Secretary of the Navy.

CONSUL.

Rufus Waterman, of Rhode Island, to be consul of the United States at Dublin, Ireland.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Edmond C. Chaytor, of South Carolina, to be a captain in the Revenue-Cutter Service of the United States.

Second Lieut. Frederick G. Dodge, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States.

COLLECTORS OF CUSTOMS.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut.

John Peterson, of Minnesota, to be collector of customs for the district or Minnesota, in the State of Minnesota.

POSTMASTERS.

Dwight A. Dawson, to be postmaster at Reno, in the county of Washoe and State of Nevada.

Stephen F. Kelley, to be postmaster at San Bernardino, in the county of San Bernardino and State of California.

Sarah J. Hebson, to be postmaster at Sylacauga, in the county of Talladega and State of Alabama.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 29, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OMNIBUS PUBLIC BUILDING BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

House resolution No. 227.

Resolved, That on the 29th day of April, 1902, immediately after the reading of the Journal, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14018) entitled "A bill to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and after three hours of general debate the Committee of the Whole shall rise and the chairman shall report the bill; whereupon, without debate or intervening motion, the vote shall be taken on engrossment and third reading of the bill and (if the bill shall have passed to be engrossed and read a third time) on the final passage.

The following amendments recommended by the Committee on Rules were read:

Page 1, lines 1 and 2, strike out the words "on the 29th day of April, 1902."

Page 1, lines 2 and 3, strike out the words "reading of the Journal" and insert "adoption of this resolution."

Mr. DALZELL. Mr. Speaker, if this rule shall be adopted, immediately on its adoption the House will resolve itself into Committee of the Whole House on the state of the Union for consideration of the omnibus public building bill, and after three hours' debate rise and report the bill to the House, and thereupon a vote will be taken on its passage.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. DALZELL. I will. What time does the gentleman want?

Mr. RICHARDSON of Tennessee. About fifteen minutes.

Mr. DALZELL. I will yield fifteen minutes to the gentleman.

Mr. RICHARDSON of Tennessee. I do not expect to use that much time, Mr. Speaker, and I will yield some of it to gentlemen on this side, if they desire it.

Mr. Speaker, I do not rise to oppose this rule with the expectation of defeating it. There is no politics to this bill.

Mr. CREAMER. Mr. Speaker, I wish to raise a point of order. I believe it will be too late after we have debated the rule.

The SPEAKER. The gentleman will state his point of order.

Mr. CREAMER. My point of order is based on what I find in the Constitution, Manual and Digest, which is supposed to govern us to a certain degree. It is much more material, Mr. Speaker, that there should be a rule to go by than what that rule is. I maintain, Mr. Speaker, that this report suspends Rule X, which permits the offering of amendments to all questions brought before the House, and under Rule XXVIII to suspend that rule requires a two-thirds vote. Am I correct in that proposition?

The SPEAKER. The gentleman is not correct.

Mr. CREAMER. Then I will appeal from the decision of the Chair——

The SPEAKER. The question has been fought out again and again, and is well settled that the Committee on Rules can bring in a rule providing for order of business in the House——

Mr. CREAMER. Has it been settled in this House, Mr. Speaker, in the Fifty-seventh Congress?

The SPEAKER. The Chair did not understand the gentleman.

Mr. CREAMER. When was the decision rendered?

The SPEAKER. There have been many decisions that a rule from the Committee on Rules, which fixes the order of business, with the approval of the House, does not require a two-thirds vote.

Mr. CREAMER. I raise the point that it does require a two-thirds vote, in accordance with the rule I find here, as it goes beyond fixing the order of business, and I appeal from the decision of the Chair.

Mr. DALZELL. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The Chair overrules the point of order, and from that decision the gentleman from New York appeals to the judgment of the House, and the gentleman from Pennsylvania moves to lay that appeal on the table. The question before the House is, Shall the appeal be laid on the table?

The question was taken, and the motion of Mr. DALZELL to lay the appeal on the table was agreed to.

Mr. CREAMER. Most of the gentlemen upon this side, as well as on the other side of the House, would seem to have pork in the barrel. [Laughter.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, my friend from New York [Mr. CREAMER] is mistaken in his last remark, in which he said that "all had pork in the barrel." Speaking for one, I will say that I have no "pork in the barrel." I am utterly and irreconcilably opposed to the adoption of this rule—not because I have no "pork in the barrel" (for I did not ask to have any in it). I have not asked for any public building at this session of Congress in my district, and therefore in opposing this rule I am not influenced by reason of the rejection of an application for a building.

But, sir, I am eternally opposed to this method of legislation. It can not be justified by any kind or course of reasoning or argument. We are here near the middle of the session. We have ample time to consider public-building bills. Mr. Speaker, for more than a hundred years, in the history of Congress, bills of this kind have been considered separately. It is a very modern, a very recent idea that we can not consider public-building bills upon their merits, and that each bill to construct a public building can not be allowed to stand upon its own merits, if it has any. I think this is the second bill of this kind that I have ever seen considered in the House of Representatives.

Now, sir, this form of legislation is wrong—radically wrong. Under the pending rule, no gentleman is to be permitted to offer an amendment to increase the amount of an appropriation for a public building, and no man is to be permitted to move to reduce the amount proposed by the committee. All must accept the action of the Committee on Public Buildings and Grounds. Their judgment must be taken as infallible.

Mr. Speaker, I care not how wise the committee may be; I care not how wise the gentlemen are who compose that committee, and I mean no reflection upon the committee or any member of it when I say it, but it is absolutely impossible that those 17 gentlemen can know with mathematical precision what amount is required for each of the public buildings for which an appropriation is recommended in this bill.

Mr. Speaker, I have not had time to read the report on the bill. It was not here yesterday. It was only delivered to us this morning. I have not had time to glance over its contents, but I find that it is a report of 12 or 13 pages. I presume it undertakes to give the arguments in favor of each one of these appropriations. I do not know that that is what is contained in this report; but I find that it refers to several of these public buildings. The bill provides a method or plan for procuring sites, and also defines, with at least some degree of detail, the manner of expending the appropriations made. Whether these provisions are wise or unwise no one here can tell.

Mr. Speaker, it is futile to stand here and object to this measure. I take it for granted that before the bill was reported enough promises were obtained, enough "pork" was put into "the barrel" to guarantee the passage of the bill. It may be right that it should pass. I can not controvert it. I have not had the time, and no gentleman outside of the committee has had

the time to investigate the particular items of this bill, and yet we are called upon to vote for it in gross, to vote for it as one bill, to vote for it without amendment, to vote for it without the opportunity of offering an amendment, and thus we are to take $17,000,000 or $18,000,000 out of the Treasury or reject the bill, and thereby vote that no appropriation shall be made for any public building anywhere.

That is the position in which we are placed. It is not right, Mr. Speaker. With all the time we have—with the session only about half gone—we could take up each one of these propositions as it was the custom to do for a hundred years of our history; we could consider each public-building measure upon its merit and then pass it, either as reported or as amended by the Committee of the Whole.

I have not taken the floor for the purpose of attempting to bring united party action against this bill. It is not a partisan measure; it is not a political measure; but it is one, I repeat, that is radically wrong in its construction, radically wrong in the methods to be pursued for its passage. For one I shall vote against the rule, although I shall not seek to defeat it by calling the yeas and nays. I recognize that it would not be possible to defeat the rule. All I have taken the floor to do is to protest in the name of good legislation against the rule which we are now considering.

I yield five minutes to my colleague [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from Pennsylvania [Mr. DALZELL] whether he will yield for an amendment striking out so much of this proposed rule as provides that there shall be no amendments offered to the bill.

Mr. DALZELL. I can not.

Mr. SIMS. Now, Mr. Speaker, I have no objection to this bill being considered, and no objection, in general, to a rule providing for its consideration; but it does seem to me that it is carrying things to an extreme pass when we can not offer an amendment to an omnibus bill containing numerous items—a bill which the House has had no opportunity to consider and will have no opportunity to consider.

I want to say that, so far as I know, I have no amendments to offer to increase any item in the bill, but there are some items in the bill which I would move to amend by decreasing. In the interest of economy in public expenditures I can not see what it is that has appealed to the Committee on Rules in this House to report a rule providing for the consideration of a bill involving many millions in such a way that it can not be considered in Committee of the Whole by paragraphs and shall not be open to amendments.

It seems to me that is a surrender of the powers of this House which is dangerous in the extreme and which no consideration should prevail upon any member to indorse. I have no objection to the rule if we are permitted to amend, but I want to ask this House, Mr. Speaker, why should the House upon this particular bill be denied the privilege which it exercises on other bills of like character? The river and harbor bill is considered here item by item, with amendments pro and con offered and voted upon. The omnibus war claims bill, reported from the committee of which I have the honor to be a member, is considered in the same way. Now, why is this bill so sacred? Are these appropriations so sacred and is the committee which has considered it so wise that the provisions of the bill must not even be inquired into in this House? Why have three hours of general debate on a bill that can not be amended one way or the other? Why these three hours? If it is a bill so good that it can not be improved by amendment, how can it be improved by general debate? What is the use of general debate?

The House knows in the repeal of the war-revenue taxes that on account of amendments being denied by the special rule it was asked to have no general debate and put the bill upon its immediate passage and it met with the universal approval of the country. Why give three hours now to talk about provisions of a bill which we know is going to pass without the dotting of an "i" or the crossing of a "t"? Omnibus bills are bad enough in their nature when the House has the liberty to consider them in Committee of the Whole with power to amend them, but how much worse do they become when the voice of the House is to be stifled and the House yield to the committee, its servant, its sovereign power to change or amend. I make no reflection upon this committee; they are all my personal friends, and I am not making one particle of complaint personally in regard to the matter; but why should this committee or its action be selected out and dignified with this decree, behind which it is impossible to go, to inquire, to alter, or to amend?

Why not take the omnibus war-claims bill and treat it in the same way? Why not take the river and harbor bill and treat it in the same way? Why not take the naval appropriation bill which is now before the House and treat it in the same way? Whenever the servant of this House has become supreme, then the rules of which this side has complained so much become extremely dangerous. I hope my Democratic friends who have something in this bill will not vote in violation of every principle and doctrine which they have ever maintained simply for fear they will not get justice. I presume every appropriation in this bill is a proper one. As far as I know, it is. Therefore, what reason is there for us to surrender our rights in order to pass a just bill?

The SPEAKER. The time of the gentleman has expired. The gentleman from Tennessee [Mr. RICHARDSON] has two minutes remaining.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I will only use a moment of that time in order to emphasize what my colleague has said, that I can see no use in having three hours general debate upon this bill. I ask my friend from Pennsylvania [Mr. DALZELL] what can be accomplished by a general debate of three hours here upon this bill? What is the object of the three hours' debate? If we go into Committee of the Whole on the state of the Union and have general debate, with gentlemen to speak on the state of the Union, that is well enough, but I can not see what good is to be accomplished by three hours of general debate upon the pending measure, with no opportunity to amend. We are to have no right to amend, no right to reduce or to increase any proposition in the bill or to strike out any proposition or insert a new one, yet we are to stand here and speak for three hours. Now, if the proposition were, I say, to go into the Committee of the Whole on the state of the Union and have general debate I can see that some good might be accomplished. That is all I care to say, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I yield ten minutes to the gentleman from Nebraska [Mr. MERCER].

The SPEAKER. The gentleman from Nebraska is recognized for ten minutes.

Mr. MERCER. Mr. Speaker, the Committee on Public Buildings and Grounds has had under consideration before it over 400 bills authorizing public-building legislation. The aggregate of the amounts asked by those bills foot up almost $67,000,000. The committee realizes that the United States is a growing country and has attempted, as far as possible, to relieve the situation in different parts of the Republic in an economical and systematic way. The committee regret exceedingly that it was impossible to recognize all bills before it, but there are other Congresses to come. It is impossible for one Congress, and especially one session of Congress, to meet all the wants of this great country of ours. We have prepared a bill, after very careful investigation and consideration, which we think upon investigation by the members of this House will meet with almost unanimous approval.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from New York?

Mr. MERCER. I do yield to the gentleman from New York.

Mr. GOLDFOGLE. Does the gentleman from Nebraska think that the provision in the bill reported by the committee relating to the post-office in New York will give to New York City a post-office within the time in which that great city ought to have one?

Mr. MERCER. Mr. Speaker, in reply to the gentleman from New York, permit me to say that the three gentlemen from the city of New York who have made the most fuss upon the floor of this House about a public building in the city of New York have done more to retard that measure and have done less to give the city of New York any relief whatever than any other members upon the floor of this House; and if the committee had depended upon the three members referred to, who have occupied the time of this House, for information as to the situation in New York, nothing would have been reported by the committee with reference to that city. These three gentlemen have occupied the time of this House in giving data and evidence and information about the condition of affairs in the city of New York, and not one of them ever came before the committee and offered us a single line of evidence why we should do anything in the city of New York, and were it not for Representative GILLET, a member of the committee, and Messrs. MCCLELLAN, CUMMINGS, SULZER, DOUGLAS, and other distinguished gentlemen from the State and city of New York who came to us and gave us this evidence the committee would not have been justified in even recognizing the city of New York in this bill. [Laughter.]

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the gentleman from Nebraska yield further to the gentleman from New York?

Mr. MERCER. I gladly yield to the gentleman from New York.

Mr. GOLDFOGLE. Did not the entire delegation from New York wait upon the gentleman from Nebraska and implore him to report a bill for the construction of a post-office in New York, and did not the Representatives from New York in the House, when in Committee of the Whole, discussing the Post-Office appropriation bill, and in the gentleman's own room and elsewhere,

furnish the gentleman from Nebraska and his committee with statistics showing the absolute necessity for the erection of a post-office in the city of New York?

Mr. MERCER. In reply to the gentleman, permit me to say that the gentleman who is now addressing the House and the other gentleman from New York [Mr. CREAMER] never gave us a line of evidence or a line of information upon which we should act in the committee. They made all their speeches upon the floor of the House, and took good care to make their speeches when I happened to be absent and when other members of the committee were absent from the floor of the House. The truth of the matter is, Mr. Speaker, that the city of New York has been treated magnificently in this bill.

Mr. GOLDFOGLE. What! [Laughter.]

Mr. MERCER. Why, Mr. Speaker, the gentleman does not know that New York City is mentioned in the bill, apparently.

Mr. GOLDFOGLE. Oh, yes, I do; but in what way?

Mr. MERCER. We have authorized a commission, consisting of the Postmaster-General, the Attorney-General of the United States, and the Secretary of the Treasury, to select a site in the city of New York, in Manhattan borough. That commission must take its time and hear all the evidence and information and plans with reference to a building in that city before a site can be purchased. It is not a simple matter to purchase a site in the great city of New York. It may be expensive, and the location must satisfy certain conditions. These three men must decide as to those conditions. Now, it is utterly impossible to construct a building in New York or elsewhere without first obtaining a site, and it will take from six months to two years to buy this site, let this commission work as faithfully as they may. The committee in this bill also aids New York by adding $1,000,000 to the limit of cost of the custom-house in that city.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the gentleman from Nebraska yield further?

Mr. MERCER. No; I do not yield any further.

The SPEAKER. The gentleman from Nebraska declines to yield further to the gentleman from New York.

Mr. MERCER. I desire to say, in conclusion, Mr. Speaker, that I think this bill will meet with the approval of this House almost unanimously, as I said before, and we court investigation. I think the bill will be passed almost unanimously. [Applause.]

Mr. DALZELL and Mr. GOLDFOGLE rose.

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the amendment.

The amendment was agreed to.

The question being taken on the adoption of the resolution as amended, on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 166, noes 33.

Mr. SIMS. The yeas and nays, Mr. Speaker.

The yeas and nays were refused, 16 members (not a sufficient number) rising in support of the demand therefor.

So the resolution as amended was agreed to.

And then, on motion of Mr. MERCER, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, with Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill 14018, pursuant to the special order of the House.

The Clerk proceeded to read the bill.

Mr. MERCER (interrupting the reading). Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. MERCER. Now, Mr. Chairman, in order to arrive at a fair distribution of the three hours, I ask unanimous consent that my colleague, Mr. BANKHEAD, control one half of the time and myself the balance.

Mr. RICHARDSON of Tennessee. You are both on the same side.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that one-half of the time allotted for general debate be controlled by the gentleman from Alabama [Mr. BANKHEAD] and one-half by the gentleman from Nebraska, chairman of the committee. Is there objection? The Chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not rise to object. I want to say that both these gentlemen are upon the same side of the question, and it is not usual for gentlemen on the same side to control all the time.

Mr. MERCER. I thought there was but one side to this question. [Laughter.]

Mr. RICHARDSON of Tennessee. It seems so; although 30 gentlemen voted against it.

Mr. MERCER. I will say to the gentleman there will be no trouble about time.

Mr. RICHARDSON of Tennessee. I am not objecting to the gentleman from Alabama [Mr. BANKHEAD] controlling the time; but several gentlemen have asked for time, and all who have asked it are opposed to the bill. I have no doubt the gentleman from Alabama will yield them time.

Mr. BANKHEAD. I desire to say that I have already agreed to yield time to two gentlemen on this question, and they are both opposed to this bill; and I apprehend that every gentleman who asks for time on this side will get it, because there will be but very few who are opposed to the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. MERCER. I yield forty minutes to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, fully understanding that no ultimate good could be accomplished by so doing, as the matter had practically to be fought out in the committee, I have heretofore refrained from making any special remarks relative to any of the anticipated provisions for the interests of New York City which would be incorporated in the bill of the Committee on Public Buildings and Grounds until such measure was before the House for discussion, and even now I shall endeavor to state my views briefly and to the point.

I desire first to thoroughly indorse and say that I am in full accord with the statements that have been made by other gentlemen from New York City in regard to the absolute needs and requirements of our metropolis for a new uptown post-office building. Also that I fully agree and stand with them in the condemnation and repudiation of the criticism which one New York paper especially has seen fit to mete out to us, wishing to make it appear that we have been lukewarm and derelict in our duty toward the public and not mindful of the wishes of our city in this particular, nor appreciative of the great need for prompt extra postal facilities.

I believe that from the start of this session every man representing the city of New York on this floor has been in full sympathy with the object in view, and that they have done everything in their power to arrive at a proper conclusion of the question, and are still prepared to act in any manner which may benefit New York by securing necessary relief.

It does not require any flight of oratory, long speeches, or statistics, in my judgment, to show the absolute necessities of our city and prove that our needs for a new uptown post-office are urgent and imperative. It is not merely a local question, nor are we looking at it from any selfish standpoint, or desire it to satisfy our own pride, but it is a measure for the benefit of the whole country, and as much their interests as it is ours, as with the present cramped facilities and for the want of proper space to do the work beyond doubt the forwarding of mails rapidly and expeditiously as should be done is not possible. The employees are also called upon to work at a great disadvantage in the basement and other parts of the building not originally intended for that purpose.

The present post-office was built some twenty-five years ago, and our city and the country has nearly doubled in population since. We have also increased largely in intelligence, and letter writing has developed in a most wonderful degree—far beyond the proportionate increase based on population. During the past quarter of a century ten or fifteen millions of aliens have also come to this country, thus increasing enormously the foreign mails, and especially to Europe and nearby countries.

The immense growth of our import and export business has necessitated our merchants to increase rapidly their foreign correspondence, and it has expanded several hundred per cent during the period under discussion.

We must not overlook, as well, the through mail service, thousands of bags of letters and papers reaching our shores almost daily from China, Japan, Australia, New Zealand, the Philippine Islands, and other sections of the great East, now developing so rapidly, entering our portals at San Francisco, crossing the continent, and required to be handled in New York City, which is the great outlet for all foreign correspondence.

Then again we must not forget to mention the introduction of the typewriter, supplemented by the employment of stenographers, as practically all our business houses throughout the land, as well as many of our homes, are now enjoying these advantages, thus enabling a man or a woman to write probably a hundred letters a day, where previously by the pen and hand likely not more than

one-third or one-fourth of this number would have been sent out. All these combination of facts have so overtaxed our present facilities that it has become absolutely necessary for us to ask of Congress a generous and prompt response to our needs.

A special bill was introduced by our senior Senator and passed by the Senate for this purpose; and believing fully in the justice of our request, I should have preferred a special bill also to have come before the House, as immediate relief is what is required, and I do not believe that anyone on this floor would not have recognized our necessities and gladly have accorded us consideration. But there was a division of opinion on this matter even among the New York Representatives themselves.

It was then considered that an appropriation for a site and building with a New York commission was desirable; but finally, after a comprehensive discussion of the entire issue and its merits, the present provisions have been thought more feasible and perhaps more to the ultimate advantage of our city, and I wish to say here that, having followed the matter up closely, and practically weekly, I always found the chairman, the gentleman from New York State on the committee, and others desirous of doing what is right by our city and agreeable to our wants having proper consideration.

It is not often that more is granted than is asked for in matters of this kind, but let us look at the question for a moment from this point of view. The postmaster in New York City, as I understand, was anxious to have a building with light and ventilation, large floor space, and accessibility, but so that this could be secured quickly he was not so particular as to the building itself. It is evident, however, that by the provisions we shall now secure even more, as the commission are instructed to obtain a site accessible by streets on all four sides, thus insuring large space, plenty of light and air; and practically this provision means an entire city block, or its equivalent.

It further means that, having obtained a grand site, which this will give us, that we should also secure a building commensurate in importance to the site; and I do not question whatever that when the committee reports to this House, as they are called upon to do—and their instructions to purchase, I should say, are mandatory—that Congress will then willingly grant us a proper appropriation for a building which will be a credit and ornament to the city, and that we shall secure a splendid edifice which will be a pleasure to our citizens and those who visit us from other parts of the country and our foreign friends, and that we will hear no more of a single-story building, which would be entirely inadequate.

The original intention was to have New York men on the commission, but perhaps with wisdom, as it will avoid any possible criticism as to the selection of a site this has been changed, and the commission as named is composed of three upright gentlemen at the head of the most important departments of our Government, and as they will be able easily to obtain all the information they require as to the best likely position for the new building, we can undoubtedly intrust this matter safely to them, although I still believe it might have been well to have had one New Yorker on the commission, say the president of the chamber of commerce.

It is possible that the securing of final relief for New York under the provisions outlined may take somewhat longer, but it also seems clear that we shall ultimately benefit very much by the slight delay, and I think that people in New York City, upon giving the matter consideration, will be satisfied that they have been treated well, considering all the circumstances, and I will point out as well that the commission is not restricted as to the value of the site they are to purchase.

While speaking in connection with this bill I wish also to say just a few words in regard to another important issue which has not, I believe, been mentioned heretofore, and that is the New York custom-house.

I introduced a bill in connection with the completion of this building and have followed the matter up and am pleased to say that the present measure carries an extra appropriation of $1,000,000 toward this object, and the building can probably be finally finished at an expenditure of one and a half millions, which amount we hope to finally secure. I would explain in relation to this appropriation that the building was originally intended to be only five stories in height and built of granite and limestone, also that the offices provided were for the collector, the surveyor, and the naval officer. It has since been deemed desirable that room would also be furnished for the down-town branch of the post-office, and accommodation for the collector of internal revenue, second division, and for the department or board of light-house inspectors, thus saving annually a large amount of money in rental for the Government.

This has necessitated increasing the height of the building by the addition of an extra story. When the building is completed the rental saved will be, for the collector's office, $130,000; naval office, $16,500; internal-revenue office, $7,500; and branch post-office, $6,000, or a total of $160,000, which amount is now being paid out yearly.

It has further been decided, and most wisely, to finish the building entirely of granite, so that we may have a strong and imposing structure which will be worthy of our city, and the site the building occupies, rather than having a building which would be imposing up to the third story and gaudy and cheap on the upper floors.

The New York custom-house is splendidly situated at the end of Broadway, facing north toward that grand avenue, overlooking Bowling Green, a small park. On the east it overlooks the fine building of the New York Produce Exchange; on the west, Battery Park, and on the south the magnificent buildings of the Cheeseborough Company. It occupies an entire city block, and has light and ventilation on all sides, also access. Therefore, reviewing these provisions of the bill, it seems that, after all, New York does not fare so badly.

We are granted for our new custom-house a million dollars to a million and a half. We will obtain a fine site for our new uptown post-office at probably a cost of not less than $2,000,000, and finally a likely further expenditure of one or more millions for the building when we come to Congress asking their indulgence in this matter.

I therefore feel that we should accept in good faith the provisions as named in the bill, and believe that the people of New York will be well satisfied with what has been accomplished after giving the matter proper attention. [Applause.]

Mr. BANKHEAD. I yield five minutes to the gentleman from Illinois [Mr. FEELY].

Mr. FEELY. Mr. Chairman, in opposing this bill I have no criticism to make of the committee except that I deprecate their judgment. On December 10, 1901, I introduced a bill for a public building at Oak Park, Ill., the appropriation proposed being $35,000. The same identical bill, without the crossing of a "t" or the dotting of an "i," was introduced by my predecessor in the previous Congress, Mr. Lorimer. I introduced that bill at the request of many of the leading citizens of the village of Oak Park. The representations that were made to me as to the desirability of this appropriation were such as could not be gainsaid. Subsequently, on the 4th of February, in response to a circular letter of the chairman of the committee, the postmaster of that place transmitted to him a letter, a part of which I will quote:

OFFICE OF THE POSTMASTER,
Oak Park, Cook County, Ill.

* * * Some of our reasons for thinking a public building should be erected in Oak Park are:

First, that the amount of postal business done here warrants the erection of a building. We have 14 letter carriers, 6 clerks (including assistant postmaster), and I have the recommendation of the assistant superintendent of free-delivery division that 2 additional carriers be allowed us when the appropriation for 1902 be available.

Second, that our present quarters are totally inadequate. Including substitute letter carriers, special messenger boys, and janitor, there are 25 persons employed in the office, with a space within the walls of only 1,749 feet. There is no swing room for the carriers, no lockers for the clerks or carriers, a lack of rack room, and inadequate toilet facilities for the female clerks; and the office occupies the same room it did when less than half the present force was employed.

Third, that the character of the public and private buildings in Oak Park, with its reputation of being one of the most beautiful places in the West, calls for a post-office building that will not discredit the National Government.

Fourth. That it will be more economical to spend $35,000 for a building (at the rate of interest paid by the Government) than it will be to pay rent for such quarters as will have to be provided us.

Respectfully submitted.

W. A. HUTCHINSON, *Postmaster.*

I could add little to that, even if I had the time. The post-office at Oak Park serves three distinct villages—Oak Park, Harlem, and River Forest—the population of which in 1900 was, Oak Park, 9,653; Harlem, 4,112; River Forest, 1,664—a total of 15,439.

Mr. Chairman, we do not ask an appropriation for any building which, if erected, might be regarded as a magnificent monument. We do not ask that the United States Government shall squander any vast sum of money there. The simple, modest sum of $35,000 to erect a post-office which would be in keeping with the growth and business of that city is all we ask.

I have nothing but words of praise for the Committee on Public Buildings and Grounds and its chairman. A day was accorded by the committee for hearing a delegation of the leading citizens of that place. They came on here with the support of two United States Senators from our State and several Representatives, all but one of the Representatives of our State being in accord with this proposition. We appeared before the committee and made our representations. Every courtesy was extended to us by the committee. Since then I have visited the committee very many times and received the assurance that the matter was receiving due consideration. I suppose that in the judgment of the committee the proposition did receive due consideration. I conceive

the proposition of the gentleman from Nebraska [Mr. MERCER] to be reasonable when he says that it is impossible for his committee to give favorable consideration to all the bills that are brought in here.

But I submit, Mr. Chairman, that the appropriation which we ask for Oak Park is less than one three-hundred-and-ninetieth part of the total appropriation carried by this bill. There will be 390 Representatives in the next House. I submit that no one on the committee, no one anywhere with a show of reason, has ever presumed to oppose this appropriation publicly on its merits. The two United States Senators from our State favor it. The delegation of the State in this House, with one exception, favors it. The people of that district are unitedly in favor of it. Of the $35,000 asked, $10,000 is for the site and $25,000 for the building.

In justice to my predecessor in this House, who was by some thought to be opposed to this proposition, I wish to say that I have every assurance from him and his friends that he favored the proposition; that he saw no politics in it, and could not conceive how anyone could construe political benefit to come to anyone from such a plain business proposition as this.

But, Mr. Chairman, it seems that some people lie awake at night computing the political effect that combing their hair in the morning will have on the United States. Some people are so small, so picayunish, so devoted to a system of rat-hole politics that whenever a measure is introduced into Congress any Representative who takes an interest in its passage is at once a subject of their criticism, and at once they undertake to defeat him if by any means any credit—did I say credit?—sometimes discredit—can come to them by reason of that fact.

Mr. Chairman, this is my first term in this House. It may be, and likely will be, the last—for some time at least. I have endeavored while here to demean myself in a gentlemanly and measurably modest manner toward all the members of this House. I have received the fullest consideration, notwithstanding all the complaints about the rules, from nearly all the members of the House. But there has come to my hands evidence that there was in connection with this bill a secret and malign influence—not operating against me, because I have no political interest at stake. Operating against whom? The people of Oak Park, the people of Harlem, and the people of River Forest, communities aggregating 15,000 souls—a community of as fine a people as live anywhere in this country. They are pioneers worthy of every appreciation. What was a few years ago a bleak rural country they have transformed by their work and by their taste and their patience into what I consider one of the most beautiful residential localities in the world. It would have been a matter of great pride to me if I could have secured for them the consideration to which they are entitled.

I have to submit here a letter written by a member of this House, representing a constituency 20 miles distant from the boundaries of this post-office district, representing a constituency which has nothing in common, a district which is not territorially contiguous, and I will read this letter without comment. I will submit it to the fair judgment of every member of this House. I will leave its impression to lie where it ought to lie. The letter is as follows:

JANUARY 29, 1902.

Mr. H. W. AUSTIN,
Oak Park State Bank, Oak Park, Ill.

DEAR SIR: My friend, Mr. Williams, subtreasurer, has indorsed your favor of recent date to me, and also written to me urging my aid in securing a Government building at Oak Park. In my judgment the only chance Oak Park had to secure a public building was through the reelection of Mr. Lorimer to Congress. If I remember correctly, the Oak Park people were not very enthusiastic in his support. Oak Park is in the district represented by Mr. FEELY, as far as the present Congress is concerned, and will probably have to wait so long as it is represented by a new member of Congress.

Yqurs, very sincerely,

J. R. MANN.

I submit, gentlemen, that while a man may be a new member of Congress, while he may endeavor to do all that is possible for his district with the cooperation of the United States Senators and the unanimous support of his State delegation, with one exception, yet it may be possible that such influences as I have referred to can defeat favorable consideration of measures he would introduce. I say again, Mr. Chairman, I have no criticism to make of the committee except as to their judgment. If there was sufficient conflict between those interested—in favor of and opposed to this measure—then the committee doubtless believe that they were justified in relegating the matter to the pigeonhole where it may remain until the event referred to in the letter I have read may happen, at which time Oak Park may get the post-office which it desires.

Mr. MERCER. Will the gentleman from Illinois permit a suggestion at this point? I desire to say that the gentleman from Illinois was most attentive in his duties with reference to this matter and gave the committee all the information which he could secure, and the committee was very sorry that it could not include Oak Park in this bill, and if it had not been for the complications which would have followed, and not political by any means, but business complications which would have compelled us to take up some other places in Illinois, we would have included Oak Park. If it had been the only one of the kind, Oak Park would have been included.

I yield one minute to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Chairman, I have no desire to occupy the attention of the committee or to make any extended remarks. I wish to put in the RECORD a statement of facts which justifies the committee in one paragraph of the bill, that which relates to a public building at McKeesport, Pa. I ask unanimous consent that I may have the privilege to do so.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to insert the statement to which he refers in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement referred to by Mr. DALZELL is as follows:

McKeesport is a city of the third class, in Pennsylvania, with a population now estimated at 40,000, with rapidly growing suburbs—Glassport, East McKeesport, Versailles, and Dravosburg—increasing the total to about 50,000 people. It is situate on the Monongahela River, 15 miles above Pittsburg, and, in addition to the Baltimore and Ohio, Pennsylvania, and Erie railroads, has three electric railway systems, which give regular and rapid communication with all surrounding districts. By these lines carriers leaving the Mckeesport office could within twenty minutes deliver mail at the following points, now independent offices, namely, Duquesne, Dravosburg, Otto, Glassport, East McKeesport, Boston, Buenavista, and Linconia, all within 3 miles; and a 5-mile radius would include the towns of Turtlecreek, East Pittsburg, Wilmerding, and Pitcairn, in the Turtle Creek valley, and the towns of Coal Valley, Mendelssohn, Wilson, Hawkins, and Clairton, on the north side of the Monongahela. The first named are now reached by well-paved streets, with electric-car service, which within a year will also be extended to the river towns. These towns, like McKeesport, are all rapidly growing manufacturing centers, with a population of 30,000 people; so that McKeesport and the district contiguous to it, as a center for the rapid distribution of mail, now has a population of not less than 80,000, which must increase to 100,000 within three years. These 17 towns now receive from 4 to 6 mails per day, but were they connected with McKeesport would have from 10 to 30 mails per day, and all Eastern mails would be from two to five hours earlier, and one or more hours would be gained on the Western.

The growth of the Monongahela Valley has been phenomenal for the past five years and is more rapid to-day than at any previous period. It is one community from Pittsburg to McKeesport, and in ten years the district from McKeesport to Monongahela—a distance of 18 miles—will also be a continuous town, connected by bridges from the bluffs at each bend in the river to the opposite plateaus, with paved streets and electric-car service from one end of the valley to the other. The most sanguine estimate of the population would likely fall short of the reality; yet it is reasonably safe to say that, including the towns mentioned in the Turtle Creek Valley and those in the Monongahela Valley—all within a 5-mile radius—with McKeesport as one post-office district, the next census would certainly show a combined population of 150,000 people, who would thus receive much better service at greatly reduced cost. To properly serve this district now from McKeesport would require facilities four times as great as we have at present, and the necessity for a modern building would at once be admitted.

Yet, aside from the advantages to the Department from such a service, the actual situation at the McKeesport office demands a radical change, even when only the district now covered by the carriers is considered. The present building has been occupied for sixteen years, and the service has outgrown it. The rent has been $1,200, but changes and improvements must be made, and the rent has been raised to $1,800 including some minor changes, or $2,200 and make improvements as suggested by the Department. The room would then answer for a few years only, and we would soon outgrow it again. The Department advertised for a suitable room, but no offers were received. Rents are very high on Fifth avenue, the main business street, and sufficient space there would cost from $4,000 to $5,000 per annum. There are no buildings on the side streets sufficiently large to accommodate the office, and owners will not build for the purpose without the protection of a long lease at a high rental. The present service requires 8 clerks and 20 carriers, with receipts now over $3,000 per month. Thirty-five mails are received and 31 dispatched daily, and about 2,200 money orders and registered letters are entered monthly. Owing to the fact that most of our manufacturing firms have Pittsburg offices and get their special-request envelopes in that city, and that the main offices of our electric-light and gas companies are in Pittsburg and collections are made by postal cards purchased there, the receipts of our office are from $3,000 to $4,000 per annum less than they should be, considering the work done in collecting and delivering these letters and postals.

That the importance of McKeesport has not been overstated is shown by the census of 1900, from which it appears that in the annual output of her industries McKeesport stands fourth in the list of cities of the State, with a total annual product of $37,074,136, Philadelphia, Pittsburg, and Allegheny only outranking her. Should we include with McKeesport only those towns which would be included within a 2-mile radius, as shown by the map, our city would be third and stand next to Pittsburg as a manufacturing center. All that is needed is consolidation and the establishment of a central government for communities which are now one in hourly intercourse and all essential interests, and our rank as third city of the State would not be disputed, and statistics would not be required to show our need for a Federal building. Fortunately for our present purpose, municipal jealousies and corporate lines need not be considered, and the only matters of prime importance are the needs of the public and the economy of the service. We are a manufacturing people, hemmed into a narrow valley by high hills, and a denser population can hardly be found in any of our large cities, and our neighbors are in no respect more favorably situated. A public building will not only serve us better, but will more than double the facilities for their service, giving them free delivery and frequent mails—two essentials for which the Department is constantly striving. That there would be economy in a service such as has been suggested need hardly be stated with a population so dense as ours and so well supplied with paved streets and street-car service with 5-cent fare for 5 miles. To virtually stand still and continue methods a quarter century old in a district adding from five to ten thousand to its population annually is certain to result in inefficiency, as well as great expense and loss to the service.

As evidence of the extent and diversity of the industries of the McKeesport district, the following list, embracing the iron and steel furnaces and

other manufactories in operation within a 2-mile radius of the center of the city, is presented: National Tube and Pipe Mills, National Rolling Mill, Monongahela Furnaces, Monongahela Steel Works, Boston Iron and Steel Works, Seamless Tube Works, National Galvanizing Works, W. De Wees Wood Company's Works, United States Iron and Tinplate Works, Firth-Sterling Steel Works, Wheeler Projectile Works, Duquesne Steel Works, Duquesne Blast Furnaces, McKeesport Tinplate Works, Pittsburg Gas and Coke Works, United States Glass Works, Pittsburg Steel Hoop Works, Severance Spike and Bolt Works, Pittsburg Steel Foundry, American Ax and Tool Works, Pittsburg and Lake Erie Railroad Shops.

The total value of these combined plants is estimated to be $60,000,000, with a monthly product valued at $10,000,000; the total number of men employed being 15,000, and from 1,000 to 2,000 men employed in other minor industries.

A reliable computation of the monthly pay roll of the works enumerated as being within 2 miles of the center of the city is $750,000, or an annual pay roll of the enormous sum of $9,000,000.

Mr. BANKHEAD. Mr. Chairman, I yield fifteen minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman, it must have surprised the members of this House to hear the distinguished chairman of the Committee on Public Buildings and Grounds remark that those who had spoken in favor of a new post-office in the city of New York had, by their insistence to secure action on the bill, done more than anyone else in retarding the committee in reporting the bill.

Just what the chairman of the committee meant by that I am at a loss to understand. If he meant that by firm advocacy of the bill for an appropriation for a new post-office, by repeated requests on the committee to act on the bill, by repeated calls of members of the New York delegation on the gentleman from Nebraska to secure his action, by earnest effort, from time to time, by that delegation in their endeavor to secure a favorable report upon the bill which the committee had in charge for the erection of a new post-office was to retard the measure, then, of course, the measure was so retarded.

The delegation from New York had met in conference. That conference was presided over by the dean of our delegation on this side of the House, our able friend, Mr. CUMMINGS. We discussed the question as to what action should be taken, what further efforts should be employed, and what other means should be resorted to to secure from the committee a report upon the bill. During that conference it was stated by members of the delegation that the gentleman from Nebraska had been called upon repeatedly and urged to make a report to the House on the bill for a new post-office.

Members of the delegation stated that the attention of the gentleman from Nebraska had been called to the conditions that exist in New York City, rendering it imperatively necessary that we should have improved postal facilities and adequate quarters for the transaction of our postal business in that great and growing city commensurate with the post-office needs. We united our efforts—gentlemen on this side of the Chamber and those on the other side of the Chamber—to secure action by the Committee on Public Buildings and Grounds.

In a body we called at the room of the Committee on Public Buildings and Grounds, and there we waited to see its chairman. We sent for him. We waited, and waited his will. After a while the gentleman came and deigned to see us. He did not even do us the scant courtesy of asking us to be seated. Coldly and austerely he received our delegation and wanted to know what we wanted. Our spokesman, Mr. CUMMINGS, stated the views of the delegation. He told the gentleman from Nebraska what was urgently needed and most desired. He called the gentleman's attention to the need of a new post-office, but the chairman of the Committee on Public Buildings and Grounds did not venture any more response than that he would consult the members of his committee about it.

That interview took place some time after the gentleman from Nebraska had himself declared that the need of New York was aggravated and had expressed himself strongly in favor of a new post-office for New York City. The interview with the gentleman from Nebraska to which I refer took place after publications had appeared in some of the leading papers published in the metropolis calling his attention and the attention of the committee, as well as of Congress, to the needs for the desired improvement.

The gentleman from Nebraska said to-day that his attention had not been called to the needs of our city. Surely it can not be that the gentleman from the Far West is oblivious to the conditions obtaining in our great metropolis. It can not be that the chairman of so great and important a committee as he heads does not understand that one-tenth of the gross receipts of the entire postal service is obtained from New York. He can not be oblivious to the fact that an appropriation of $2,500,000, which was asked, is but about 35 per cent of the net annual revenue from the postal service in the city of New York alone. When he made the onslaught on the entire New York delegation this morning on the floor of this House, he was oblivious to the fact that New York City——

Mr. MERCER. Will the gentleman permit a suggestion there? I never made any onslaught on the entire delegation from the city of New York or the State of New York. My reference was made to the gentleman who is now occupying the floor and two of his colleagues who have spoken in reference to this measure. I referred to no other gentleman from the city of New York.

Mr. GOLDFOGLE. What did the gentleman who is now addressing the committee do to offend the chairman of the committee? He called respectfully upon the chairman of the Committee on Public Buildings and Grounds, with other members of the delegation, and in a perfectly polite manner asked for favorable action upon a bill the committee had in charge. Upon the floor of this House he arose and called the attention of the members to the conditions that make it necessary to erect a new post-office in New York City adequate for our needs. He submitted to the chairman of the Committee on Public Buildings and Grounds statistics which appeared in print in the CONGRESSIONAL RECORD.

He joined his colleagues in a respectful request for favorable consideration. What can the chairman of the Committee on Public Buildings and Grounds then mean? I pause to give the gentleman an opportunity of saying whether I did anything else, or whether my colleagues did anything else, in respect to the matter which was not agreeable to the committee.

Mr. MERCER. Do you want a reply? The gentleman from New York, and the other two gentlemen to whom I referred at the beginning of the session to-day, have never given the committee, so far as I know, a line of information. They made some speeches on the floor of this House. They did not even send us copies of their speeches.

Mr. GOLDFOGLE. Did you receive any information from any other member of the delegation?

Mr. MERCER. We received information from the able and distinguished gentleman from New York [Mr. CUMMINGS], one of the noblest Romans of them all, who I sincerely hope will soon recover from the illness from which he is now suffering. [Loud applause.]

Mr. GOLDFOGLE. Did he not furnish you full and complete information?

Mr. MERCER. He furnished the committee with some splendid information, and he never attempted to impede the progress of the committee with reference to this great project in New York.

Mr. GOLDFOGLE. I am glad that the gentleman from Nebraska has made that statement. If so able and efficient a member of this House as Mr. CUMMINGS has supplied the gentleman with full information, why did he not act upon it? Was it necessary for each member of our delegation to come to him and, like a mendicant on bended knee, beg the favor of audiences of the chairman of the Committee on Public Buildings and Grounds?

Mr. MERCER. If the gentleman from New York will permit, I think the committee are very familiar with the situation in New York, and have been for some time.

Mr. GOLDFOGLE. Did you not say this morning that you were not familiar with the situation?

Mr. MERCER. Most of the members of the committee have been in New York; they have visited the post-office there and know a great deal about it, and the committee has taken the very same course that was pursued with reference to the great Congressional Library and the great Printing Office in this city.

Mr. GOLDFOGLE. Will the gentleman point out specifically in what way any member of this delegation retarded action on the bill?

Mr. MERCER. The gentleman from New York who is now addressing the House, by making certain statements on the floor, by going out of his way to publish editorials from newspapers which had no foundation in fact, and which in a measure ridiculed the members of the New York delegation.

Mr. GOLDFOGLE. Does the gentleman mean to say that the editorial published in the New York Herald on February 28, read in my speech, is untrue?

Now, Mr. Chairman, the gentleman from Nebraska points to nothing beyond the making of a speech on the floor of this House which in any degree is claimed to have retarded action. Surely it can not be that in the performance of a duty assigned to a committee, a duty that ought to be faithfully and conscientiously discharged in the interest of the nation, the gentleman's wounded sensibilities, caused by the Herald's editorial, stopped him from doing what was right and just to the country at large?

I am surprised that the reading of a newspaper editorial from the Clerk's desk, calling the gentleman to account, is assigned by him for the committee's failure to report the bill for a new post-office. The post-office in New York is not a local, but a national institution.

Mr. MERCER. Will the gentleman yield to me for a question right there?

Mr. GOLDFOGLE. Yes.

Mr. MERCER. Does the gentleman from New York intend to vote against this bill?

Mr. GOLDFOGLE. I intend, if I can not get anything better, to vote for the bill. But I had hoped that we would have obtained something better. I trusted that the opportunity to offer an amendment would not have been cut off and that we could have secured, by way of amendment, a provision in the pending bill which would have speedily given to New York the post-office so much needed. No opportunity is afforded to anyone from New York to offer an amendment which will cure the defect in the bill.

The bill provides that a site shall be selected, but those who are to select the site are officials in Washington. There is no provision made in the bill for the erection of the building. On the contrary, the bill clearly contemplates there shall be further delay. Another Congress shall have to pass upon the question, and we shall have to go through the same logrolling which has characterized the action of the Committee on Public Buildings and Grounds with respect to the measure originally introduced. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I yield ten minutes to my colleague from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, the support which I give this bill is not actuated or influenced in any manner by either local or personal considerations. It is true I was an earnest and I might be considered an active applicant before the Committee on Public Buildings and Grounds for the erection of a public building—a post-office—in one of the most flourishing and prosperous cities in the beautiful valley of the Tennessee—Florence, in the northern section of Alabama; but the committee saw proper in its judgment and wisdom to deny me that application; and the comfort that I take, Mr. Chairman, as to my disappointment is in the accepted theory that "faith is the substance of things hoped for," and "to him that hath faith all things will be added, provided he abideth his time and patience;" and I find that I am sustained, Mr. Chairman, in that theory and belief in this paragraph which the committee, in its report, so appropriately uses. It says:

> It is impossible to meet all the demands of the country at this session of Congress, but let us hope that this effort of the committee will be followed by a general desire on the part of Congress and the country that those cities where buildings are inadequate, or where new buildings are needed and which have not been recognized in this bill, may reap their reward at an early date.

Now, I am truly in that class—expecting to reap my reward at an early day. I am, Mr. Chairman, of that class of citizens who believe that it is a wise and patriotic policy for the Government to adopt, to erect substantial public buildings in all cities and towns where the public good and character of the business interests of the people demand it. I do not want to be understood as favoring a policy that would justify and excuse unlimited expenditures of public money at every village and every town throughout our whole country. That would be untenable and utterly unreasonable. But I am an advocate—and an earnest and a sincere one from a patriotic standpoint—of the inauguration of a policy that looks in the early future to the erection of a public building commensurate with the population and the business interests, and I refer now mostly to post-offices in every county seat of every county and State and Territory in this Union.

I say it will appeal to the pride and patriotism of the people, and it has another effect. It shows the people that they have a part and a parcel in their Government; that the Government is not a something that is intangible, but it is something that they can touch, reach, feel, and understand—not a mere creature to make laws and provide penalties. I believe it is the duty of the Government to localize the influence of the Government as far as can be done practically with common sense and good judgment. What better way to do this can be devised than a reasonable policy of erecting public buildings? Why, Mr. Speaker, we have all seen the effect of it. After locating a public building in a county seat, the people of that town and of that county point to it with pride. They say, "It is our public building" They use the word "our." They have an interest in it. They feel that the Government has done something especially for them and their neighbors, for their use and for their benefit. It gives the Government a name, an abiding place among them.

And I say, too, Mr. Chairman, that it is an economical matter. It is a matter that appeals, as to dollars and cents, to us not to be "penny wise and pound foolish"—a policy that we have pursued for many years in the past—but adopt a sound business policy. You can not take any business man or any firm of business men that have at their command anything to compare with the resources that the Government has that would pursue the policy that the Government has pursued for years past in renting private property for the transaction of public business.

Another idea, Mr. Chairman, is that it is the accepted theory, if I understand it aright, that the chief and first end, object, and purpose of the Government in all matters should be to enlist the love and affection, the aid and cooperation, and the loyalty of the people. How best can this be done? What manner and in what way can we better accomplish these desirable ends than by placing among them public buildings—giving them object lessons, for that is what a public building is?

Why, Mr. Chairman, as I understand it, the spirit that inspired the homestead law, noble and patriotic as it was, and as it is in every respect, is nearly akin, is similar, and on "all fours" with the policy that I believe this bill reported by the committee is leading to. Why, the aim and end of this beneficent law was to create a happy, contented, frugal, prosperous, God-fearing people, by conferring upon them the unutterable blessings of a home. I say to-day, Mr. Chairman, that around the sacred altar of the humble home of the masses of the people of this country are born the grand and noble aspirations that give purity and strength and nobility to our republican form of Government. [Applause.]

Around the altar of these common homes that have been made by the homestead law we find the true nursery of American patriotism and of freedom—yea, of magnificent womanhood and manhood.

There is another feature, as I pass along, that attracts me to this bill. Why, there is no contest, political, religious, social, or otherwise, that can possibly bring up among the people the bitter and discordant feelings that accompanies the contest for the removal of a county court-house. It divides brother against brother, it arrays father against son, and creates the bitterest feeling. It leaves scars that time can scarcely heal. If you had a public Government building located there it would tend to quiet all of these dissentions and strife and make harmony and peace among these people.

Now, Mr. Chairman, I believe, as history has said, that a people are judged as to their refinement, their patriotism, their sociability, and civilization, and all that enobles manhood, by the monuments they leave behind them; they are judged by these monuments that they erect to their heroes, their soldiers, their scholars, and their statesmen. I am proud to know that no section of our country has been derelict in splendid monuments to our noble men.

It can be as truly said that the public buildings of our country—magnificent structures—are as characteristic of a people as the monuments they have of their heroes. They speak to future generations.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. RICHARDSON of Alabama. Mr. Chairman, there is one thing that I wish to speak of in the State of Alabama that has met with rejoicing and more universal approbation than any one single act of that character that has been called to our attention within the last ten years. The general assembly of Alabama within the last two years passed a law directing and requiring that the United States flag shall float over every public schoolhouse in the State. [Applause.] It is the emblem of our Government; it brings the people in closer touch—nearer to the Government. So it would be with a public building.

Now, Mr. Chairman, I see that the Committee on Public Buildings provides for the erection of a splendid and much-needed public building in the city of Washington. What citizen is there that can come from any section of our country and look upon these magnificent structures that has not his patriotism aroused and appealed to? We all want to see the capital of this, the greatest Republic in the world, noted for its magnificent structures—not a useless expenditure of money, but money expended wisely and prudently and discreetly. All of this will strengthen the feelings of patriotism among the people. I would be one, Mr. Chairman, and I believe the country could afford the expense to have so many of the good, plain people of this country visit the capital once every year and have their expenses and hotel bills paid to let them understand and see what their Government is. It would be a matter of pride to them and strengthen them in their patriotism and love of their country. Mr. Chairman, I acknowledge my thanks to my colleague [Mr. BANKHEAD] for his courtesy in extending my time. [Applause.]

Mr. MERCER. Now, Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, whether the policy of the Government in the construction of public buildings in the communities of the Union is wise or not seems to be questioned by some who are not so fortunate on this occasion to find the home towns in their communities represented in this measure. The Committee on Post-Offices and Post-Roads in the consideration of their appropriation bill of this year found it requisite to appropriate $8,000,000 for the rental of buildings for postal purposes. At the present interest rates and price of Government bonds these rentals would provide for a public building at the cost of $100,000 each

in every city of the United States containing 10,000 people and upward which is not already so provided and still leave several hundred thousand dollars each year in the Government Treasury. My judgment is that this measure is to be criticised, not because it provides for so many public buildings, but because it does not provide for more. That the Government should erect public buildings in the cities of the nation is a policy demanded not alone by the needs of the service, but by reasons of economy as well.

Mr. MERCER. I yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. MERCER. Mr. Chairman, with reference to the town of Springfield, Tenn., in reply to the remarks made by the distinguished gentleman from the district in which that town is located, I desire to say that it was utterly impossible for the committee to take cognizance of claims of this character. Springfield in 1900 had a population of 1,732, and its gross postal receipts were $3,138.49.

I yield two minutes to the gentleman from Ohio [Mr. TOMPKINS].

Mr. TOMPKINS of Ohio. Mr. Chairman, as under the rules the pending bill is not subject to amendment, it is not my desire to occupy the attention of the committee on this subject for any length of time. I simply wish to join in the general expression of disappointment which doubtless prevails among many of the 400 who presented their claims for the consideration of the Committee on Public Buildings and Grounds and get nothing substantial. I felt that the claims of the city of Columbus for the enlargement and alteration of the public building already erected and now in use there were sufficiently strong to persuade the committee favorably to include in its omnibus bill an appropriation for the purpose indicated.

It was my privilege to appear before a subcommittee of that body, accompanied by a number of gentlemen sent here from the Board of Trade of Columbus, and statements were made to that subcommittee, which accorded us every privilege and every courtesy that could be expected or asked. The committee has not seen fit to include any appropriation for Columbus, but we drew a consolation prize in the recommendation made in this bill to the effect that the Secretary of the Treasury and the Postmaster-General take steps to investigate the conditions at Columbus to ascertain the necessities there and report to Congress at its next session. I also draw consolation from the suggestion of my good friend from Alabama [Mr. RICHARDSON] that we should live in hope by reason of the recommendations made in this bill where no appropriations have been provided.

I ask unanimous consent that the statement made to the Committee on Public Buildings and Grounds in presenting the claims of the city of Columbus may be printed in the RECORD as a part of my remarks on this occasion.

The CHAIRMAN. The gentleman from Ohio [Mr. TOMPKINS] asks unanimous consent that the statement heretofore presented to the Committee on Public Buildings and Grounds may be printed as a part of his remarks in the RECORD. Is there objection?

There was no objection.

The document referred to is as follows:

WASHINGTON, D. C., *February 1, 1902.*

The COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives, Washington, D. C.

GENTLEMEN: On behalf of the Board of Trade of Columbus, Ohio, we beg leave to submit the following facts concerning the need for an enlargement of the Government building in said city. These facts are carefully compiled from the official records of the several departments of the Government, and show in a striking manner the inadequacy of present accommodations for the Government service in Columbus:

A. GENERAL FACTS.

The present public building was first occupied in 1885. By the census of 1880 the city had 51,647 population. The census of 1900 gives it a population of 125,560. This is in an area of only 16.25 square miles. If the city bounds were proportionate with those of cities like Toledo, Cleveland, or Buffalo, there would be included in the city limits to-day not less than 140,000 people. Taking the population actually shown by the 1900 census within the city limits, there has been a growth of 125 per cent since the present building was constructed.

No city in the United States is growing more rapidly to-day than Columbus. In the calendar year 1900 the official records of the city inspector of buildings show that 1,800 new buildings were erected, a larger number than were constructed in the same period in the city of Buffalo, N. Y.; twice as many as were built in Omaha, Nebr., and 75 per cent of the number constructed in Pittsburg.

Within the past few years the city has come into great prominence as a growing center of iron and steel making, and the records of the United States Steel Corporation show that at no point in the Central West can iron or steel be made more cheaply. This industry promises great development within the next decade. Already Columbus stands fifth among the cities of the United States in the number of shoes manufactured annually, and this business is growing at the rate of 25 per cent per annum. Other factories which have grown to large proportions in the past are now building new works, doubling, and in some cases trebling, their present capacity.

The shops of the Pan Handle Railroad Company are being enlarged, at an expenditure of more than half a million dollars, with a proportionate increase in their already large force of employees, which numbers 1,500 or more.

A dispassionate review of the progress of the city during the past two years will convince any student of affairs that the rate of increase in population during the next decade will be larger than it has been in the past. It is conservative to say that by 1910 there will be 200,000 people immediately tributary to the Federal building of the city of Columbus, and it must be adequate to meet the need of that great population, fourfold that of the city when the present structure was planned.

Moreover, as the capital of the fourth State of the Union, the Government building ought to be one that would be commensurate with the dignity and power of the State. Both from this standpoint and from that of the third greatest manufacturing city in Ohio the necessity of the enlargement asked is manifest.

B. GROWTH OF PUBLIC BUSINESS.

When the present Federal building was planned, the establishment at Columbus of a department of the Pension Bureau was not contemplated. This is now one of the largest branches of this great Bureau in the United States, having on its rolls 105,000 pensioners and distributing annually more than $16,000,000. Already this bureau is greatly cramped for room, and if the plan now suggested, of making monthly instead of quarterly payments to pensioners, is carried out, the number of employees and the space necessary must be doubled. This department now occupies about 25 per cent of the total floor space of the present building, or an aggregate of over 3,700 square feet. Every room is crowded and the space for the necessary file cases, etc., is wretchedly inadequate. The present work of the bureau imperatively demands an increase of not less than 1,200 square feet, while the probability of the payment of pensioners monthly would require an increase of fully 4,000 square feet to give this bureau the space its importance demands.

When the present Government building at Columbus was constructed the city was not a port of entry. It was so constituted in 1889. Last year approximately $500,000 worth of goods were imported at this point. This great volume of business was transacted without any facilities for keeping goods in bond, other than a little corner of the basement, about 10 by 15 feet. The great risk in having goods in bond scattered at random in railway depots, storage warehouses, and held in cars on side-tracks only needs to be mentioned to emphasize the inadequacy of the present building for public purposes.

The central location of the city of Columbus, from which radiate in every direction fifteen lines of steam railway and nine interurban electric lines, constructed or under construction, makes it an especially important point in the Railway Mail Service. At the present time this important branch of the service has no quarters in the public building, but has been compelled to seek them outside at a relatively high rental, and it has been impossible to secure the dormitories necessary for the proper housing of the men in this service to promote their health and comfort.

During the past ten years this force in Columbus has increased 50 per cent, and 138 men are now tributary to this office. More postal clerks report to Columbus and work from this city than from Louisville, Ky., or Detroit, Mich., both much more populous centers. The absence to-day of any room for the proper keeping of the supplies which this Department requires; the absence of any general office, where maps can be consulted and general instructions given, and the unhandy, badly arranged quarters which are inevitable in the case of rented rooms make it imperative that some provision be made at once for the proper housing of this important branch of the public service in Columbus by an enlargement of the Government building.

The post-office business in the city of Columbus has vastly increased since the present building was planned. In 1887 the total post-office receipts of the city were $130,000. For the calendar year 1901 they reached the great total of $405,000, an increase in 15 years of more than 300 per cent. The sales of stamps for January, 1902, were more than $12,000 in excess of the same month of 1901. A conservative estimate of the growth of the post-office business in Columbus indicates that by 1910 the receipts of this office will approximate, if not exceed, $700,000. When the present building was first occupied but 29 employees were required to handle the work of the office, this number including carriers. To-day, with the most economical and efficient business management of any post-office in the United States, handling its large volume of business at less cost to the Government than can be shown by any other office of a city of like size in the United States, 120 men are employed.

Between 1889 and 1899 the number of pieces of mail handled at the Columbus office increased from 14,000,000 to 38,000,000, or almost threefold. The Government's net revenue for the fiscal year ending June 30, 1901, from the Columbus post-office amounted to $262,079.99, almost enough in itself to meet the entire expense of the improvement asked for. The absolute needs of this office to-day demand at least twice the floor space which the Government building now affords it. Every department is crowded to the utmost. The stamp clerks have a room only 8 by 11 feet; the register department, including lobby and vault, only 16 by 18 feet. No adequate quarters for the prompt handling of the mail exist at the present time, and the public suffers constant inconvenience and delay, notwithstanding the most conscientious effort upon the part of the officials to prevent it.

The Federal courts now occupy 5,350 square feet, approximately 30 per cent of the total floor area of the building. A movement is on foot, made necessary by the increased business of the Federal courts in Ohio, to create a district judge located permanently at Columbus. It is certain that this will be necessary in the immediate future and will require at least 75 per cent more floor space than is now occupied by the Federal courts.

The United States Weather Bureau is now housed outside of the Federal building at a large expense. It requires at least 2,000 square feet of floor space. With the proper enlargement the location of the Government building fits it to accommodate this important branch of the public service at a large saving to the Government.

The internal-revenue department has grown quite as rapidly as the post-office. The receipts for the fiscal year 1890 did not reach $300,000. For the year 1899 they exceeded $1,120,000, an increase of more than 300 per cent. This department is crowded, as is every department in the public building, and should have at least 1,000 square feet more space.

At a conservative figure, the present needs of the public service in the city of Columbus require a building with twice the floor space of the present structure, and the future development of the city makes it certain that even this enlargement will not be adequate to meet the requirements ten years hence. The recent location of an immigration inspector and the great development of the rural free-delivery service, in connection with the other departments mentioned, emphasize most strongly the imperative need for the immediate construction of a building with a floor space of not less than 25,000 square feet additional to the present area of about 17,800 feet.

The Federal Government already owns sufficient ground upon which to erect the additional building, without expenditure for site. The lot occupied by the Federal building is 189 by 189 feet, of which the present structure occupies a space 75 by 130, standing back 15 feet from each street. This leaves a space 99 by 189 feet, fronting on Third street and immediately south of the present building, which is sufficient for the erection of a structure that will meet the needs and be worthy of the city and the State for a decade or more to come.

To recapitulate in few words: Since the present Government building was constructed the population of Columbus has increased more than 125 per cent. The pension bureau and the surveyor of the port have been established, requiring between them approximately 30 per cent of the total floor area of the present structure, neither of which were contemplated when the existing building was planned. The cash receipts of the post-office department have grown over 400 per cent in fifteen years; the amount of mail handled has increased in the past ten years almost 300 per cent; the internal-revenue receipts in the last ten years have increased nearly 300 per cent, and the net revenue of the combined Government departments in the city of Columbus has reached a figure that will pay for the enlargement asked in less than five months.

This, gentlemen, is a concise, dispassionate statement of plain facts. No argument is necessary to enforce it or to make clear the reasonable request which we now make. The proper and safe conduct of the public business in Columbus demands the improvement provided by this bill, and the volume of business and the importance of the city as a great center of industry and population justifies the expenditure.

Respectfully submitted.

JOHN T. RASSELL,
SAMUEL G. McCLURE,
ELMER J. MILLER,
Committee of the Columbus Board of Trade.

Mr. MERCER. Mr. Chairman, with reference to the proposition affecting the city of Columbus, Ohio, I desire to say that the distinguished gentleman [Mr. TOMPKINS] who has the honor of representing the district in which that capital city is located has given this matter his best attention, has answered all the calls made upon him by the committee for information, and has made the best presentation of the case that could be made; but the situation in Columbus is of such a character that the committee felt that the information before it did not justify it in taking any action unless the information should prove to be exactly correct. For that reason the committee decided that rather than make a mistake in the city of Columbus it would provide for an investigation of the situation there and for a responsible report, and that when such a report was made to Congress by those appointed to investigate the committee would then be in a better position to legislate thereon.

I find that in December, 1882, a site was purchased in Columbus, Ohio, 189 feet square, at a cost of $58,500. It was bounded on the north by State street, on the west by Third street, on the south by Chapel alley, on the east by Lazelle alley. A contract was awarded for the foundation on November 14, 1883. The first story was occupied by the post-office October 1, 1887, and the other stories were completed a few weeks thereafter, the cost of construction being $264,588.96, the total cost of site and building to date being $334,345.50. The building is of Berea, Ohio, sandstone, and covers an area of 134 by 75 feet, and has cubic contents of 793,954 feet, a very fair building in size for a city of the size of Columbus. The data we had might lead us to conclude that more space is needed in that city, but we did not have sufficient information to justify us taking any action at this time aside from the recommendation we have made in the bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries.

OMNIBUS PUBLIC-BUILDING BILL.

The committee resumed its session.

Mr. BANKHEAD. I yield ten minutes, or so much as he may need, to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I desire just for a moment to refer to that part of the bill on page 8 which reads as follows:

United States post-office and court-house at Elizabeth City, N. C., from $100,000 to $120,000: *Provided*, That said building shall be erected upon the site in said city now owned by the Government of the United States.

Under the rule adopted, and under which the House, as in Committee of the Whole, is considering this bill, no amendments are in order or can be made to the bill. Therefore my remarks shall be confined to matters in explanation of my own position and the action of the Committee on Public Buildings and Grounds of this House.

So far as the increased limit of cost from $100,000 to $120,000 is concerned, I make no comment or criticism, because I feel very sure that the committee have given the claims of this city thorough consideration; and although the increase is not as much as we desired or as much as was recommended by the Treasury Department, still I feel that the committee gave that city the best consideration, under the circumstances, which they thought it deserved. But I do desire to make a word of explanation in regard to the provision which is to the effect that the building shall be located upon the site already owned by the Government. On the 3d day of February I introduced a bill to increase the limit of cost of that public building from $100,000 to $125,000. In the Fifty-fifth Congress (March, 1899) this public building was originally authorized and the limit of cost fixed at $50,000.

At the last session I introduced a bill by which the limit of cost was increased from $50,000 to $100,000. During this session, on the 3d day of February, I introduced a bill to further increase the limit of cost from $100,000 to $125,000. After I had introduced this bill, increasing the limit of cost to $125,000, a committee from the Chamber of Commerce of Elizabeth City appeared before the Assistant Secretary of the Treasury, Hon. H. A. Taylor, and the Supervising Architect of the Treasury, Hon. J. K. Taylor, representing that the site owned by the Government was not a proper site, and that it was advisable to purchase another site. As a result of these representations the Treasury Department agreed that it would recommend to Congress legislation authorizing the purchase of another site. To that end I introduced on the 28th day of February a bill authorizing the Treasury Department to acquire another site for this court-house and post-office and custom-house building at Elizabeth City, and on the same day I introduced a bill increasing the limit of cost to $135,000, which bills I shall append as a part of my remarks.

These bills were referred by the House Committee on Public Buildings and Grounds to the Treasury Department, and I shall ask to have incorporated as a part of my remarks the replies of the Treasury Department both to the bill increasing the limit of cost to $125,000 and to the two bills increasing the cost to $135,000 and authorizing the Treasury Department to purchase or condemn a new site. I will simply say that the Treasury Department recommended the passage of the two bills, one of which authorized the purchase of a new site, but suggested that the bill be amended, leaving it discretionary with the Treasury Department as to whether or not they would acquire another site in the future. This was the situation when the several bills came for consideration before the Committee on Public Buildings and Grounds.

At this point I ask the attention of the distinguished chairman of the Committee on Public Buildings and Grounds [Mr. MERCER] to the statement which I shall make. I had stated to the committee representing the Chamber of Commerce of Elizabeth City, and also to the distinguished chairman and the gentlemen of the committee, that I should take no part in the selection of a new site or in the recommendation of a new site, but that so far as I was concerned it should be left entirely to the citizens of Elizabeth City on the one part and the Treasury Department and to the Committee on Public Buildings and Grounds on the other to determine that question. I was not present when the committee acted nor had any notice of same until they had concluded their action. In that connection the distinguished chairman stated to me that the committee had considered this matter and had determined to include a proviso in the bill increasing the limit of cost, providing that the building should be constructed on the site now owned by the Government. I ask the chairman if that statement is not correct?

Mr. MERCER. I desire to say to the gentleman, in reply to his inquiry, that a site has been purchased in Elizabeth City at an expense of $4,000. We found upon investigation that it would be impossible to dispose of that site for much more than half that sum; and the committee, after investigation, reported that the present site was of ample size and suitably located for a building such as was to be erected there, and took the sole responsibility in making the provision in the bill that the building should be erected on the site now owned by the Government of the United States. The statement of the gentleman is correct.

Mr. SMALL. I thank the distinguished chairman of the Committee on Public Buildings and Grounds for making that statement. I only wish to put myself right with the committee and right with the citizens of Elizabeth City. This city has the reputation, deservedly, of being one of the most progressive cities in North Carolina. Its population, according to the last census, was 6,344, which represented an increase of more than 50 per cent over the census of 1890. It possesses an intelligent and progressive class of citizens. Its manufacturing interests are multiplying, and its wealth and population are increasing at a phenomenal rate. They are entitled to have a suitable public building commensurate with their needs, commensurate with the revenue and the business of the post-office there, adequate to the demands of the United States court, and also with the requirements of the custom-house.

I may say that a bill has passed the Senate and is now pending in this House to remove the custom-house from the town of Edenton to this town of Elizabeth City. While a great many may think the present site is not suitably located, they have had a fair opportunity to present the matter to our Committee on Public Buildings and Grounds if they desired to do so. That committee in its wisdom, for the reasons stated, concluded to retain the present site, in which they acted on their own judgment and responsibility, without advice or request from me, directly or indirectly.

With the consent of the House, I will include in my remarks the documents I have referred to.

A bill (H. R. 10707) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Elizabeth City, N. C.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a public building for the accommodation of the United States post-office and other Government offices in the city of Elizabeth City, in the State of North Carolina, be, and the same is hereby, increased to $125,000, which sum is hereby fixed as the limit of cost for the erection of said building, including the cost of a site therefor.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 18, 1902.

SIR: Referring further to the request dated the 12th instant, from your committee, for a report in connection with H. R. 10707, providing for the increase of the limit of cost of the public building at Elizabeth City, N. C., from $100,000 to $125,000, I have the honor to advise you that it is estimated that an increase of limit to the amount stated, namely, $125,000, will be necessary to provide for the construction of the building in a fireproof manner.

Respectfully,

H. A. TAYLOR, *Assistant Secretary.*

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

A bill (H. R. 11909) to acquire a new site for the court-house and post-office at Elizabeth City, N. C.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise a new site in the city of Elizabeth City, N. C., and to erect thereon the Federal building authorized by the act of Congress approved March 2, 1899, payment for said new site to be made from the appropriation heretofore made for "court-house and post-office, Elizabeth City, N. C."

SEC. 2. That the Secretary of the Treasury is further authorized and directed to sell at public or private sale, at such time and on such terms as he may deem to be to the best interests of the United States, the land already acquired in said city as a site for said Federal building, and to deposit the net proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

A bill (H. R. 11910) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Elizabeth City, N. C.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a public building for the accommodation of the United States post-office and other Government offices in the city of Elizabeth City, in the State of North Carolina, be, and the same is hereby, increased to $135,000, which sum is hereby fixed as the limit of cost for the erection of said building, including the cost of a site therefor.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 26, 1902.

SIR: This Department is in receipt from you, with request for reports thereon, of H. R. 11909, to acquire a new site for the court-house and post-office at Elizabeth City, N. C., and H. R. 11910, providing that the amount heretofore fixed as the limit of cost of said building, namely, $100,000, be increased to $125,000.

In connection with H. R. 11909, for the acquisition of a new site, you are advised that said bill meets with the approval of this Department, and favorable action thereon is recommended.

It is suggested, however, that the words "and directed," in line 4, page 1 of said bill, be stricken out and the words "in his discretion" be inserted in lieu thereof, the effect of this suggested change being to authorize the Secretary of the Treasury, in his discretion, to secure a new site for said building. It is also suggested that after the word "directed," in line 12, page 1 of said bill, the words "in the event of the acquisition of a new site" should be inserted.

In connection with H. R. 11910, to increase the present limit of cost to one hundred and thirty-five thousand dollars ($135,000), you are advised that it is estimated that an increase of limit to this amount will be necessary, in the event of a change being made in the location of said building, in order to provide for the erection of the building and to cover the additional cost of new site.

Respectfully,

H. A. TAYLOR,
Assistant Secretary.

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

Mr. MERCER. Mr. Chairman, I now yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I have been a member of this House for a great many years, and I am now nearer the achievement of a public building within my district than I have ever been before during all that period of time. And yet I represent a rich and growing section of a great State. I imagine that there is much lack of information in regard to the situation in the State of Ohio in the matter of public buildings. The Sixth Congressional district, represented by Mr. HILDEBRANT; the Tenth Congressional district, represented by Mr. MORGAN; the Eleventh Congressional district, which I have the honor to represent; the Fifteenth Congressional district, represented by Mr. VAN VOORHIS; the Sixteenth district, represented by Mr. GILL, occupy upon the map of the country a vast territory, extending from Cincinnati almost north to the national road and eastward almost to the city of Pittsburg, and in that whole territory of five Congressional districts and nearly 30 counties there is but a single public building, and that is located at the city of Portsmouth and cost the munificent sum of about $30,000, as I recall. I could point to other Congressional districts in Ohio in the same condition.

There is a larger concession of public buildings in the States lying along the Pacific coast and the interior in the intermountain section in proportion to the wealth and population than there is in the State of Ohio.

Now, there are five Congressional districts to which I have pointed, and these Congressional districts, looking over them with my familiarity with the people and their purposes and their desires and their actions in the matter of public improvement, brings this suggestion to my mind: While on that vast territory there is but a single small public building, the people of these counties have erected court-houses—in some of them at a cost of upward of $300,000—and in the little county in which I live and where I do not ask at this time for a public building we have a court-house which to-day would cost far more than the money that the little building will cost which I propose at Chillicothe.

In the city of Chillicothe there is a court-house built by taxation drawn from the people of that county, involving an expenditure in the original structure and the improvements made to it recently which, I presume, has amounted to at least $150,000. This shows to the House that the people of the country are willing to invest their money directly in the building of public structures for the accommodation of the public business.

I find that the city of Chillicothe stands No. 77 on this list of cities in point of population, and yet her population was not quite 13,000 by the last census. There are 76 cities of a smaller population than the city of Chillicothe provided for in this bill. Nevertheless I presume that in every one of these cities that is the county seat the people of that county have built a court-house and jail, or other public building, far in excess of the cost of the appropriation covered by this bill.

Why, the schoolhouses in some of the States covered by this bill, the common schoolhouses, have cost far more money than the Government buildings here provided for.

The city of Chillicothe is located in the Scioto Valley, on a stream which runs high up in the State above the middle of the State formed by the Olentangy and another stream, and flows down through one of the richest valleys that the sunlight of heaven ever shone upon.

At the city of Chillicothe is located, of course, the post-office, which pays a rental of a large sum, considering the character of the town, and in the city we have had for a long time a collection district where is located the internal-revenue collector's office for one of the rich collection districts of the State of Ohio. It is situated about 45 miles from the Ohio River in the valley of the Scioto River which, running all the way from the capital city of the State, mingles its waters with that of the Ohio River at the city of Portsmouth. It was the ancient capital of the State of Ohio, a city famed in the early history of that Territory and that State, and it was the capital until the removal took place which carried it to a more eligible and more central section of the State.

It has been a city famous in the history of the State of Ohio. The Virginia military district covered the land titles in the Scioto Valley, and gentlemen generally are familiar with the history of those land titles. At the time of the cession by Virginia to the General Government of the territory northwest of the Ohio River the State of Virginia, which was in its early history one of the most generous and liberal of all the States of the Union to the men who had fought the battles of the country, reserved a great portion of very valuable land to be occupied by the soldiers of Virginia who had fought in the Indian wars and other wars of the country.

So it was that a large body of men, good citizens, ambitious and hopeful, emigrated from the State of Virginia into the valley of the Scioto and its tributaries, and carried with them land warrants issued by the State of old Virginia and became settlers in the new world. In the old times among these and their descendants was a large body of Whigs, but in later years when issues unknown to the earlier days came, many of them, following the teachings and impressions of Virginia politics, became Democrats.

The valley of the Scioto and its tributaries have produced many of the conspicuous and distinguished men who have crowded the pages of Ohio's history with the record of their good deeds and great achievements.

Allen G. Thurman, one of our greatest statesmen, best lawyers, and purest men, was a resident originally of Chillicothe, having been born at Lynchburg, Va., and coming with his father at an early date to the Scioto Valley. William Allen, the famous citizen of Fruit Hill, lived and died a citizen of Chillicothe, and in the beautiful cemetery on the top of the hills overlooking the city lie buried the remains of four governors of Ohio—Tiffin, McArthur, Worthington, and Allen. Here also lie the remains of Gen. Nathaniel Massie, who was entitled to have received and held the office of governor of Ohio, but because of his feeling that he ought not to take an office for which he had not received the majority vote of the people, although his opponent was ineligible, declined the office. So the remains of five governors of Ohio lie in this beautiful cemetery, from which the visitor overlooks one of the grandest panoramic views anywhere in the world, I think. The hills to the right, the hills in the front, the hills to

the left, the magnificent farms spread out like a beautiful carpet, all that can be imagined of beauty in landscape spreads itself out to the admiring gaze of the visitor.

On the east of Chillicothe is a splendid range of hills, which are memorable in connection with the early statehood of Ohio, the first great seal having engraved upon it emblems of agriculture, emblems of transportation in the form of a canal service; and the rising sun, suggestive of the glories that were to follow, makes its appearance coming up between the peaks of the high hills.

I remember one very beautiful morning starting before sunrise with President Hayes to travel from Chillicothe to Columbus by railroad. As we were passing eastward toward the station the sun was just rising, and General Hayes, who was a lover of all things of this character, stopped and pointed and said, "There is the view that suggested the old seal of the State of Ohio." For all time, no matter what changes may come, the outgrowth of the genius and intelligence of men, the great feature of the old seal of the State of Ohio will make itself apparent to the people of Chillicothe in all the coming ages.

The people who settled there were men of high distinction. I could not, without invidious comparisons or elaborate extension of my remarks, do justice to the long list of grand men who have impressed themselves and their characteristics and their patriotic purposes upon the population and action of the people of Chillicothe and Ross County.

Gen. Nathaniel Massie founded the city of Chillicothe in 1796, and selected for his permanent residence, however, a beautiful tract of land in the Paint Creek Valley, a stream tributary to the Scioto, one of the most beautiful valleys on the map of the world. But time would fail me if I attempted to speak of the grand men who settled in that neighborhood. What I have already said is hardly pertinent to the question under consideration. I have referred by name only to those who became conspicuous in the directions I have indicated.

As I have said, Chillicothe is located in one of the richest valleys in the world, and is the commercial center of that valley. A canal, stilled owned by the State, traverses the valley from the mouth of the river away north beyond Columbus, and railroads center in Chillicothe from all parts of Ohio. It is situated upon a great through line of railroad between St. Louis and the city of Baltimore, and thence to New York.

The inhabitants of this section of Ohio are the production of the commingling of various races. The cavaliers, to whom I have already referred, and the men of the Ohio Company's purchase, who spread themselves out from the Raccoon Valley into the Scioto Valley, commingling blood of the Puritans with the blood of the cavaliers, and making a population second in intelligence, patriotism, wealth, and character to no other population of equal size in the United States.

So, Mr. Chairman, in expending a few dollars for the purpose of erecting a public building in that city and placing upon it that flag for which the fathers and the grandfathers of the men and women of to-day fought both under the organization of old Virginia and in the achievement of her independence in connection with the colonies, as well as in the introduction of the great States into the brotherhood of States, you accomplish a purpose which, in my judgment, is commendable in the highest degree.

If I could have my way about it, there would be an American flag upon a public building in every considerable city in the Union. [Applause.] Since I have been a member of Congress I voted for a bill that would have given to every city in the Union with a population above a certain number a public building. I think now it would be money well expended to carry out such a project. I rejoice that the time has come when in planting the American flag upon any foot of the soil of the United States we need not have any fear that it will ever be looked upon again as the representative of injustice, unfairness, or oppression against the people of the United States or against the people of any other country. [Applause.]

Mr. BANKHEAD. I yield five minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I acknowledge that at first I thought the three hours allowed for debate on this bill would be unnecessary. But since the discussion has begun I see the necessity for such debate. I am one of those who are not satisfied with this bill, though I shall vote for it. The grounds of my objection are its omissions and its limitations, especially the limitation as to cost of sites. But, Mr. Chairman, realizing that in the present parliamentary situation this bill can not be amended in this House, it is unnecessary for me to say anything about those omissions and limitations; and, therefore, I wish to express my gratification at the recognition which this bill contains of the town of Durham, N. C.

As is well known to the chairman of the Public Buildings Committee and to every member of that committee, I have to the last moment diligently and persistently urged that the proposition for another city in my present Congressional district should also be included in the bill. I refer to the bill introduced by me to enlarge the building at Greensboro, N. C. The omission of that meritorious project in this House bill has been to me a disappointment. Yet I have a confident hope that before Congress adjourns the Greensboro measure will become law, and I am glad to say that for the realization of that hope I have positive encouragement from the best sources. As to Durham, my predecessor in Congress introduced in the Fifty-third Congress a bill for a public building at that place. He reintroduced it in the Fifty-fourth Congress; and on the fourth day after I was first sworn in as a member I reintroduced it in the Fifty-fifth Congress, and thereafter in the Fifty-sixth and the Fifty-seventh Congresses.

In the Fifty-fifth Congress the Public Buildings Committee made a favorable report upon the bill for a public building at Durham, but that was one of the few unfortunate towns whose bills were not reached during the time allowed for the consideration of bills reported by that committee. Now, I am glad to see that Durham is included in this bill and that in all likelihood there will soon be a public building erected there. The bill that I introduced carries $100,000, but owing to the last estimate furnished the Public Buildings and Grounds Committee by the Treasury Department, the committee put Durham in this bill at $70,000, in accordance with that estimate.

Now, Mr. Chairman, Durham is a very important town. As in the Fifty-fifth Congress, in a speech on this floor, I gave statistics regarding Durham as she then was, I want to give some as she now is. Its population, according to the last census, was 6,679, but the township of Durham under the last census had 19,055. The truth is that about 15,000 of those people belong to the town of Durham, though not within its corporate limits at the time the census was taken. The last legislature of North Carolina, which met in January, 1901, enlarged the corporate limits so that to-day my information is the corporate limits of the town of Durham contain over 12,000 people, and in addition there are some populous communities adjoining the town.

The town of Durham during the last fiscal year paid to the Government in internal revenue $2,589,721. I notice with pleasure that the chairman of the Appropriations Committee [Mr. CANNON] smiles at that great contribution which Durham made to the Federal Treasury. Practically every dollar of this internal revenue is paid upon tobacco. The receipts from the post-office during the last fiscal year were $19,400.25. Durham is also a port of delivery. During the eleven months ending June 30, 1901, 2,046,293 pounds of manufactured tobacco were exported from this port to foreign countries, and upon that tobacco not a cent of revenue was paid.

In 1885 the post-office receipts amounted to $5,545. In 1895 they were $11,707; in 1899, $14,982.90; in 1900, $17,111.65; in 1901, $19,400.25.

Mr. Chairman, I want to congratulate the people of Durham upon the probability of their soon seeing, as the gentleman from Ohio [Mr. GROSVENOR] wants to be seen everywhere in such towns, the United States flag flying from a Federal building; and I want to congratulate this House that this good town, which has been knocking at the doors of Congress for ten long years, is at last about to receive 70 per cent of the recognition which her people and their Representative think she is justly entitled, as this bill carries for her $70,000 instead of $100,000. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLETT of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4419. An act to incorporate the General Education Board;

S. 3967. An act for the relief of Ramon O. Williams and Joseph A. Springer; and

S. 1191. An act for the relief of the legal devisees of James W. Schaumburg.

OMNIBUS PUBLIC-BUILDING BILL.

The committee resumed its session.

Mr. MERCER. I yield five minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, section 29 of this bill directs the Secretary of the Treasury, the Postmaster-General, and the Attorney-General to make a report to the next session of this Congress upon the selection of a site, cost of building, etc., for a post-office in Jersey City. My understanding is that the committee desires plans and estimates before making an appropriation, and my further understanding is that this course will make but a few months' delay. Of course I would rather not have even this delay, but the bill is not, under the rule adopted, subject to amendment, and I am bound to express to the chairman of the

committee and his fellow-members my appreciation of the courtesies they have extended to me during the several hearings given to Jersey City's application. In order that the commission may have a few statistics before them and that all the members of this House may be fully informed of the conditions imperatively demanding an appropriation for Jersey City, I desire to record a fair statement of present postal facilities in that municipality.

To those members of the House who are familiar with Jersey City argument can not be necessary to prove that municipality entitled to relief from Congress in the matter of the erection of a suitable public building to be used by the postal, revenue, judicial, and other departments of the United States Government. To those who have seen the city only while in transit to New York a few facts may be of benefit in arriving at a proper conclusion. The present building was purchased under legislation enacted in 1873, and is constructed for a private dwelling house, the inside of which would not be found extensive for a family of ten members. It was purchased by the Government in 1875, and was then in a residential section, which has since, by the encroachments of manufacturing establishments and railroad lines, been almost wholly transformed. It is now, for a large majority of the population and for visitors from New York and elsewhere, inconvenient of access, miserable in appearance, furnishing an eyesore for residents, and a topic for the ridicule of visitors.

The following letter from the Treasury Department shows the cost to date:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 26, 1902.

Hon. ALLAN L. MCDERMOTT, M. C.,
House of Representatives, Washington, D. C.

SIR: Your letter of the 24th, instant, addressed to the Secretary of the Treasury, relative to the appropriations made for a post-office building at Jersey City, N. J., has been referred to this office for response.

The records of this office indicate that in pursuance of acts of Congress approved March 3, 1873, and March 3, 1875, a plat of ground at the intersection of Sussex and Washington streets, Jersey City, N. J., with a brick building thereon, which had been used as a residence, was purchased October 21, 1875, for the sum of $70,000. In 1877, under authority of an act of July 31, 1876, this building was remodeled, and was occupied again in the latter part of that year. The total appropriations to this date were $112,000. Subsequently there was an additional appropriation of $4,000 for improvement of grounds, and in 1889 a one-story addition was built and some minor changes made at a cost of about $12,000, which sum was appropriated by an act of March 30, 1888. It would therefore appear that the total amount appropriated for the building named, aside from the regular annual cost of maintenance, was $128,000.

Trusting that this information may prove to be what you desire, I am,
Very respectfully,

J. K. TAYLOR, *Supervising Architect.*

Its purchase was a mistake, and its continuance in the public service is a detriment so positive that no parallel can be found in the dealings of the United States with the necessities of the people in any other section. The city is compactly built; covers an area of 13 square miles, is lighted by over 2,500 public lights, has about 250 miles of streets, and a population of over 200,000. It contains the terminal depots and lands of the Pennsylvania, Delaware, Lackawanna and Western, Lehigh Valley, Baltimore and Ohio, Erie, Philadelphia and Reading, and half a dozen other railroads. The value of its real estate, including railroad terminals, is about $200,000,000. Millions of dollars have been expended in the erection and equipment of manufactories, and we here find the works of the American Sugar Refining Company, the Lorillard Tobacco Company, the Dixon Crucible Company, the Colgate Soap Company, the Corcoran Windmill Works, the Griffin Iron Company, and hundreds of other corporations whose correspondence reaches every part of the world. In addition to these, over 2,000 corporations doing business outside of New Jersey have their offices in Jersey City. The correspondence of these concerns alone demands greater facilities than can be afforded in the present post-office, The following letter shows the growth in postal receipts at this station:

FEBRUARY 25, 1902.

HON. ALLAN L. MCDERMOTT,
House of Representatives.

SIR: In compliance with your request of the 24th instant, addressed to the Postmaster-General, I have the honor to furnish you herewith a statement of the receipts of the Jersey City (N. J.) post-office for each fiscal year from 1878 to 1901, inclusive:

1878	$42,800.33	1890	$134,005.89
1879	41,011.82	1891	161,560.85
1880	67,020.63	1892	170,837.69
1881	59,888.82	1893	202,470.05
1882	66,798.48	1894	194,378.31
1883	72,683.20	1895	205,514.77
1884	74,736.46	1896	259,745.83
1885	75,151.50	1897	218,558.71
1886	83,001.20	1898	209,641.09
1887	82,693.59	1899	225,391.04
1888	85,277.72	1900	262,499.19
1889	119,872.44	1901	271,841.51

The records in this office do not show the receipts of individual offices for years prior to 1878, therefore it is impossible to furnish the record for the above office for the fiscal years 1873 to 1877, as requested by you.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

In 1875 the receipts were less than $38,000, and it therefore appears that there has been practically no increase in accommodation, while the business of the office has increased over 700 per cent.

So pressing are the necessities that the Secretary of the Treasury has decided that there must be an addition of some kind to the present building for immediate use. I have declined to introduce a bill for this purpose, believing that money expended in this way would be thrown away and that the immediate wants of the Department should be met by the renting of an additional building, to be used while a proper one is in course of construction. Almost every foot of space within the building is used by employees, and a dozen callers for letters must crowd each other into the street.

No other community is similarly afflicted, and no one can suggest a reason why the really great city of Jersey City should have this intolerable nuisance continued. The city has a city hall erected at a cost of over $1,000,000, school buildings that have cost several millions, and office buildings costing from $100,000 to $700,000 apiece. The public spirit and business enterprise that have done these things should not be depressed by having them offset by the maintenance in the name of the National Government of a public building that would not properly answer the requirements of a city of 20,000 inhabitants. With the exception of the $100,000 appropriation mentioned, the National Government has never expended a dollar within the city of Jersey City for an improvement of any kind, while hundreds of other municipalities have been favored far beyond their needs, and the pleas upon which these favors have been granted have not had safe foundation in any rule of governmental economy. All that Jersey City requests is that the Government of the United States shall show proper respect for itself.

Mr. MERCER. I yield ten minutes to the gentleman from Pennsylvania [Mr. EVANS].

Mr. EVANS. Mr. Chairman, the committee, in the bill reported to the House, has appropriated the sum of $20,000 for the purpose of securing a site upon which to erect a public building in the city of Johnstown. I presented to the House a bill asking for an appropriation of $125,000 for the purpose of securing a site and erecting a public building at that place; but the committee, in its judgment, did not see proper to recognize us in our application as set forth in the bill, and instead of that made the appropriation which I have referred to in the bill.

To my mind the wants and the needs of Johnstown in this direction are many; and while I am not here complaining as against the action of the committee in this particular, yet I believe that the application in the original bill should have been recognized. Johnstown is a city situate in the central part of the great State of Pennsylvania, and the history of that city in some particulars is well known to the people of this great country of ours. She is situated in the Conemaugh Valley, and in 1889 her people were almost wiped out of existence, and a great part of the city was destroyed by the dreadful flood which occurred in that year. Yet we find that in 1890, the year following the flood, the population of that city was some 21,000 people, and in 1900 the population had increased to some 35,000 people.

In order to indicate to the House the needs of this city for a public building, I wish to call attention to the receipts and expenditures for the year 1901 of the post-office in that city. In 1901 the total receipts for the fiscal year were $47,764.92, and the total expenditures were $22,657.70, leaving for the year 1901 a net revenue of over $25,000. Yet we are accorded only $20,000 for the purpose of obtaining a site for this city. We find that we are in a somewhat helpless condition, because we can not move an amendment to increase the amount in this bill. We should have been glad if we could do so; but however that may be, it does seem to us that the amount accorded is commensurate with the extent of the business in that city.

Now, the information before the committee as to the cost of a site on which to locate a building in this city ranged, I believe, from $35,000 to over $50,000. I very much fear that the amount appropriated in this bill will not be sufficient to secure a site in a desirable location in the city. However that may be, we desire to be in a position to lay before the House the needs and wants of the city as based upon the amount of business which is done there.

The total population of the city, as I have already said, is over 35,000, but there are adjacent boroughs that do their business through the Johnstown post-office, and the population of those adjacent boroughs amounts to something in the neighborhood of 14,000 people, making a total population doing business through that office of over 50,000 people.

Now, in glancing over the list of appropriations made for buildings in Pennsylvania I can say that but a single one of the cities named is greater in population than the city of Johnstown, and only a single one of these show an amount of receipts flowing through the post-office greater than those in Johnstown.

Now, Mr. Chairman, while we appreciate our helpless position, we hope that the action of the committee in this bill has placed us on the highway to securing that to which we feel that we are entitled. [Applause.]

Mr. MERCER. Mr. Chairman, I desire to say for the gentleman from Pennsylvania [Mr. EVANS] that he has done all in his power to convince the committee that a building should be authorized at Johnstown.

The city of Johnstown is peculiarly situated. The topography of the country is unusual, and the building space in that city is confined within very narrow limits. The city government of Johnstown owns a piece of ground 66 feet square, and when the delegation from that enterprising city came before our committee evidence was offered that most likely the city would donate that much of ground for a site, and that additional ground could be purchased which would enlarge the site satisfactorily and at a cost not to exceed twenty or thirty thousand dollars. The remark was dropped that possibly $20,000 would satisfy the requirements for the purchase of additional ground. The distinguished gentleman [Mr. EVANS] is inclined to think it will take more money than that. The Treasury Department in its estimate to the committee indicates that $25,000 will be sufficient. Our information is that $20,000 will be ample, and I am inclined to think that the enterprising citizens of Johnstown will see to it that the Government obtains a site within those figures.

In reply to the gentleman from New Jersey [Mr. MCDERMOTT] I desire to say that Jersey City is one of the largest cities in the East without a commodious public building. The Government of the United States has already expended in Jersey City $147,539.08 toward the purchase of a site and the construction of a building in that city. The present site cost in the neighborhood of $71,390, and was purchased August 15, 1875. The same site to-day can not be sold for over $25,000 or $30,000. It is in size 200 feet by 100 feet, but is situated in that part of Jersey City where land values have decreased. The business center of the city has gradually moved westward. To purchase a site for Jersey City will cost a good deal of money, and the committee was not satisfied with the data it had before it to act thereon without further information; and it has recommended in this bill a further investigation of the situation at Jersey City.

The gentleman from New Jersey [Mr. MCDERMOTT] has been very diligent in this matter, has been before the committee several times, and has responded to all inquiries put to him in reference to this matter, and I trust in the early future that Congress will find itself justified in furnishing that enterprising city with a commodious public building.

Mr. VANDIVER. I did not hear all that the gentleman said; but I understood him to say that that had been purchased there in 1875 for $75,000, and no building erected on it yet.

Mr. MERCER. The gentleman really misunderstood me. The Government purchased a site at that time, but at that time there was a building on the site. It was a private residence belonging to a wealthy man of that day, and the Government has utilized the building, with the additions added to it since, up to the present time.

Mr. VANDIVER. But the gentleman says at the present time that it would not sell for $25,000?

Mr. MERCER. I do not think it would sell for over $25,000.

Mr. VANDIVER. How does the gentleman account for that wonderful decline in value?

Mr. MERCER. Because business has moved away from that portion of Jersey City, and the valuable portion of the city is now in a different direction from that in which the present office is situated. The gentleman is aware in a city such as Jersey City the business center sometimes moves from one place to another, and in Jersey City it has actually left the place where the present office is situated.

Mr. VANDIVER. Does the gentleman think the commission will ascertain the fact that it was not a reasonable investment when it was made?

Mr. MERCER. I have been informed that the Government paid really more than it should have paid at the time the property was purchased.

Mr. VANDIVER. I should think so.

Mr. MCDERMOTT. If the gentleman will allow me to answer the gentleman from Missouri——

Mr. MERCER. I yield to the gentleman.

Mr. MCDERMOTT. In 1875 property in the vicinity of the present post-office site was very valuable for residential purposes, but, in my opinion, at least 30 per cent more than its real value was paid for the property. Since then the uses to which property in this vicinity is put have been wholly changed. The site is not now convenient for carriers or the public. Of course there are differences of opinion as to where the post-office should be located, and, after going over the available sites with the chairman of the committee, I am not inclined to scold because he and the others of the committee have decided to leave the selection to a commission. After that commission has decided the character of building Jersey City is entitled to, I think it would be well to advertise for proposals for a site; but whether this course or some other is pursued, I am satisfied that a commission composed of the Secretary of the Treasury, the Attorney-General, and the Postmaster-General will recommend that which will meet the approval of the people of Jersey City.

Mr. BANKHEAD. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, in the few minutes which I have I only desire to enter my own protest against this method of appropriating public money. I have no doubt but what there are many public-building bills included in this which ought to pass. I am equally certain that there are those without merit, or very little, if any, and in order to secure the appropriation where it is deserved in this bill you are compelled to vote for appropriations which you feel are not meritorious. There would be just as much reason for the Committee on Rivers and Harbors to bring their bill before this House under such a rule, preventing any amendment or change in a single item.

If the Committee on Rules of this House proposes to adopt this system of appropriating the public money, and the members of this body sanction it, the time will come when appropriation bills other than such as this will be put through in such method. It is simply enlarging the powers of the Committee on Rules. All you have to do is to satisfy that committee, or a majority of it, that these items are right and ought to be passed. There is as much justification to adopt a rule for the benefit of the Committee on Appropriations to put through any appropriation bill that comes into this House without any amendment whatever, requiring the members to vote for every item.

Mr. MERCER. Will the gentleman permit me an inquiry?

Mr. WILLIAMS of Illinois. Certainly.

Mr. MERCER. I believe the gentleman was a member of the Fifty-fourth Congress?

Mr. WILLIAMS of Illinois. No, sir; I was not.

Mr. MERCER. The Fifty-fourth Congress passed a river and harbor bill with twenty minutes' discussion, covering $60,000,000.

Mr. WILLIAMS of Illinois. That does not make it right. I do not know whether it was open to amendment or not. I was not in that Congress.

Mr. MERCER. It was not open to amendment.

Mr. WILLIAMS of Illinois. Was it under suspension of the rules?

Mr. MERCER. Yes.

Mr. WILLIAMS of Illinois. Then it was passed under the rules of the House, and two-thirds of the members voted for it.

Mr. MERCER. Two-thirds of the members are in favor of this bill. [Laughter.]

Mr. WILLIAMS of Illinois. I suppose if you have two-thirds of the members in the bill, that is true. [Laughter.] But, Mr. Chairman, that does not justify this proceeding. I care not whether a precedent has been established or not, it ought not to be followed. You have often heard of appropriations being logrolled through the State legislatures, but I never have witnessed a system of more public barter in legislation than is now going on in the House of Representatives. What does the Committee on Public Buildings and Grounds do when a member introduces a bill? They virtually say we will put your bill on the Calendar. We will report it favorably, providing that you will vote for 175 others that we are going to report. If that is not bribery, what is it in parliamentary language?

Now, I suppose the gentlemen who have public buildings in this bill feel under obligations to support it, and will. I am not prepared to say that in such a case members of Congress do not owe some duty to the public in general as well as to the people of the town or city in which the public building is to be located. Now, you might just as well bunch together all the pension bills that are brought before this House and logroll them through without amendment. Make the good bill pull through the bad bill. The time to stop this practice is in the beginning, and if you continue it this same rule will be adopted by other committees in the appropriation of public money, and I hope, Mr. Chairman, that this will be the last time that 175 or 200 bills appropriating money are linked together in order that those that have merit may pull through those that have none.

Mr. MERCER. Is the gentleman from Illinois in favor of economy in these matters?

Mr. WILLIAMS of Illinois. If I thought the gentleman from Nebraska was ever sincere, I would answer him; but my observation is that he simply tries to make a little fun in order to get his bill through.

Mr. MERCER. If I was trying to make fun of the gentleman from Illinois, I would show his picture; I would not say anything about him. [Laughter.]

Mr. WILLIAMS of Illinois. Oh, it is admitted by all the members in the House that the gentleman from Nebraska is one of the handsomest men that ever came to Congress [laughter]; exceedingly handsome; and I do not have to prove it, because the gentleman from Nebraska admits it. [Laughter.] I hope, while I am not as handsome as the gentleman, I have more courtesy than the gentleman showed toward the gentleman from New York this morning.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS of Illinois. Mr. Chairman, I ask for two minutes more.

Mr. MERCER. Mr. Chairman, I take pleasure in yielding to the gentleman two minutes more of my time.

Mr. WILLIAMS of Illinois. I thank the gentleman. I accept that as sufficient consideration for the compliment paid him. [Laughter.] Now, Mr. Chairman, I do not doubt but that the Committee on Public Buildings and Grounds are just as careful in their consideration of these matters as any other committee, but it is simply assuming that the bills which they report are perfect and that this House is not capable of improving them.

I am not objecting to the bringing in of the several public-building bills all in one bill, but I say this House ought to have the right to amend, to strike out, and insert, and if there is a place in it where they are trying to appropriate money which ought not to be appropriated, the House ought to have the opportunity to remedy it. I do not know how meritorious they all are. I see one town of 1,800 people where they have an appropriation of $100,000. It may be right. I see another town, in Iowa, of 8,000 people, where the Treasury estimate was $75,000. The committee, in its generosity, has allowed $100,000. Perhaps an examination and discussion of the case would show that the other $25,000 was necessary or ought to be stricken out.

I only refer to this to show that the proper way to deal with these questions is to give an opportunity to amend and to strike out and insert, the same as you do in the river and harbor bill and in other appropriation bills. I say the effect of it is that when you lump together a large number of bills in which a majority of the House of Representatives are interested and put them all into one bill, members are induced to vote for it that you could not induce to do a wrong with any amount of money, and yet it is a form of bribery and nothing else; and I do not believe the people of the United States, when they get an understanding of the reckless methods by which their money is being appropriated in this way, will give it their approval. [Applause.]

Mr. MERCER. Mr. Chairman, as I said at the outset, we have 400 bills before the committee, aggregating not less than $67,000,000, and if we had come into the House with all these public-building bills I am afraid my friend from Illinois would have been sadly disappointed from an economical standpoint, for in that case the authorizations would have been nearer $60,000,000 than the amount in this bill.

Mr. WILLIAMS of Illinois. I had no hope that less money would be appropriated, but it might go where it ought to go if it was considered and appropriated by the judgment of this House.

Mr. MERCER. Now, Mr. Chairman, in view of the fact that, so far as I know, no one else desires to address the Committee of the Whole, I desire that the report of the committee be read in my time.

The CHAIRMAN (Mr. GROSVENOR). The gentleman from Nebraska asks unanimous consent——

Mr. CREAMER. I object.

The CHAIRMAN. The Chair will state the proposition and then the gentleman from New York will be recognized to make objection. The gentleman from Nebraska asks unanimous consent that the report of the Committee on Public Buildings and Grounds be read in his time. Is there objection?

Mr. CREAMER. I object.

Mr. MERCER. I did not ask unanimous consent. I asked that the report be read in my time.

The CHAIRMAN. Objection is made; and the Chair will state to the gentleman that when objection is made a paper can not be read in Committee of the Whole except by a vote of the committee. The gentleman is at liberty to make the motion.

Mr. MERCER. Well, Mr. Chairman, in view of the fact that the gentleman from New York [Mr. CREAMER] has objected, I desire to say that the following is the report made by the Committee on Public Buildings and Grounds. [Mr. MERCER proceeded to read the report.]

Mr. FINLEY (interrupting the reading). Will the gentleman yield to a motion that the report of the Committee on Public Buildings and Grounds be read at the Clerk's desk?

Mr. MERCER. I will.

Mr. FINLEY. Then, Mr. Chairman, I make that motion.

The motion was agreed to.

Mr. MERCER. I desire to thank my friend from South Carolina [Mr. FINLEY].

The Clerk proceeded to read the report.

The CHAIRMAN (when the reading had proceeded some time). The time of the gentleman from Nebraska [Mr. MERCER] has expired.

Mr. MERCER. I ask the gentleman from Alabama [Mr. BANKHEAD] to yield to me so much of his time as will permit the reading of the report to be finished.

Mr. BANKHEAD. I will yield the gentleman all of my time except five minutes.

The CHAIRMAN. The Chair will stop the reading at such a point that the gentleman from Alabama [Mr. BANKHEAD] will have the five minutes which he reserves.

The Clerk resumed the reading of the report.

Mr. MERCER (interrupting the reading). Mr. Chairman, I ask unanimous consent that the rest of the report be printed in the RECORD without reading.

There was no objection.

The entire report is as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, respectfully recommend the passage of the same and report thereon as follows:

Over 400 bills authorizing public building legislation have been introduced and referred to this committee. The sum total thereby requested amounts to over $65,000,000. The demand for public buildings not only comes from the States and Territories, but we have had it from Porto Rico, Alaska, and Hawaii, all of which gives evidence of the fact that the Republic is growing with astonishing rapidity. The business of the Government keeps pace with the general growth of the country, but Congress seems to lag in its relief. It is impossible to meet all the demands of the country at this session of Congress, but let us hope that this effort of the committee will be followed by a general desire on the part of Congress and the country that those cities where buildings are inadequate, or where new buildings are needed and which have not been recognized in this bill, may reap their reward at an early date. This bill carries an increase in the limit of cost of 58 public buildings now erected or in process of erection, providing for additions, repairs, or the purchase of additional ground in order that the present site may be enlarged.

Total authorization for increase	$5,111,450
Treasury estimate	10,792,950

Section 2 provides for the erection of public buildings upon ground owned by the United States Government. In San Francisco the present custom-house is an old building, having been erected and occupied in 1856. The importance of San Francisco as a shipping center and customs district justifies Congress in this authorization. Pending the destruction of the present building and the erecting of a new building the customs officials can be temporarily housed in the appraisers' stores building, thus saving to the Government pay for rent of temporary quarters.

In Emporia, Kans., a site was authorized by the Fifty-first Congress. The Fifty-fifth Congress authorized the purchase of sites in Hastings and Norfolk, Nebr., as United States courts are held in these cities.

In Guthrie, Okla., a public square has been reserved to the Government for the use of public buildings.

Total authorized for the above six buildings	$1,236,000
Treasury estimate	2,230,000

Section 3: Several cities in the United States have offered to donate to the Government of the United States satisfactory building sites. This committee has recognized in this section the more meritorious propositions, there being sixteen, at a—

Total authorization of	$1,835,000
Treasury estimate	2,305,000

Section 4 authorizes the purchase of sites and the erection thereon of public buildings within a fixed limit of cost. Seventy-eight cities are recognized.

Total authorization	$8,548,000
Treasury estimate	10,782,000

Section 5: In this section the committee authorizes the purchase of sites in 16 cities within a limit of cost fixed. The committee believes that a public building should be erected in each of the cities named in this section, but not being able to justify an authorization now, thought it advisable to buy sites before they increased in value. It would be economy for the Government to secure building sites in cities where public buildings are contemplated as far in advance of the authorization as possible.

Total authorization	$675,000
Treasury estimate	4,690,000

Section 6: The city of Washington, with about 300,000 population and the capital of the Republic, is without a municipal building. Her servants are crowded in rented quarters poorly lighted and overcrowded. Your committee is of the opinion that the time has come to relieve this "long-felt want," and in this section the purchase of a site and the erection thereon of a municipal building is authorized. It is to be located south of Pennsylvania avenue upon the only available vacant square of ground to be obtained in this locality. In this connection the committee desires to go on record as favorable to the improvement of Washington. We look upon this city not simply as a municipality in the District of Columbia, but rather as the capital of the richest nation on earth, and we feel that as our capital it should receive encouragement and assistance from all sections of the nation. Washington belongs to the people of the United States, and they will rejoice at all efforts made by Congress to beautify and improve her surroundings. The few people who live in Washington should not be expected to bear the brunt of taxation for such purposes. Your committee hopes for the time when public-building legislation in Washington will be along broad, not narrow, lines.

The authorization for increases of limit of cost, as provided for in section 1 of this act, are based upon Treasury estimates, but the committee, after very careful consideration, has made allowances below the estimates furnished.

The only large increases are at New York City and Cleveland, Ohio. In the former place the custom-house has a commanding location on the Battery overlooking the bay, and in order to have the material in construction of the same kind throughout the building it is necessary to increase the limit of cost. The building when completed will serve New York City for several generations.

In Cleveland the Government engineer, by borings, discovered a defective foundation. The old building, now razed to the ground, was erected upon a crust of hardened earth and gravel, and a few sky scrapers in Cleveland in the immediate locality are similarly situated. Recent borings show that beneath the crust is a lake of sand about 34 feet deep, and in order to secure a safe and permanent foundation for a heavy building, as is to be the Federal building which will be erected upon the present site, more expensive work will be necessary than originally contemplated. Cleveland has in contemplation a so-called "group plan" for public buildings, and desiring to have the Government building as the corner stone of such a plan, the change in lines of site is authorized. If Cleveland carries out her present purpose of grouping the new court-house, city hall, art gallery, auditorium, and other public buildings with reference to the lake and the Federal building, and surrounds each building with parking, Washington will have a rival city for the reputation of being the most beautiful city in the world.

The city of Richmond, Va., needs relief; but the present building, which is historical as well as permanently constructed, can be made most acceptable by enlarging the site so that it will face both Main and Tenth streets. Your committee provides for an enlargement of the site. When that is done the present building can be enlarged and renovated into one of the best public buildings in America, and in a very economical manner. In this connection your committee includes a brief history of the present Federal building at Richmond:

"Among historic structures owned by the United States the Federal building in this city is perhaps richer in association with notable men and events than any building owned by the Government outside of Washington.

"It was built just in time to be occupied by the Confederate government. President Davis and his cabinet and General Lee and his officers were familiar figures about the building in the war period.

"Afterwards, when the Federals regained possession, an indictment was returned in this building against President Davis, whose final release, under bond, a year later, took place also in this building.

"Recently the Treasury Department asked the custodian of the building for a brief sketch of the structure. In response Mr. John S. Bethel, custodian, has prepared and forwarded to Washington the following history of the building:

"MR. BETHEL'S SKETCH.

"SIR: I have the honor to inform the Department, relative to information asked for by letter dated the 10th instant, that this building is located on Main street, between Tenth and Eleventh streets. It fronts on Main street and also on Bank street. It was finished and occupied in the year 1858. It was extended on the Bank street front, and two wings were added on the Main street front. These additions were completed in 1887. The character of the building is dressed granite, with wood and iron finish on the inside.

"The population of the city when this building was first occupied was 36,000; the estimated population now is 100,000. The Government never owned any building in this city before it built this one.

"HISTORICAL EVENTS.

"When the State of Virginia seceded from the Federal Union, in April, 1861, the State took charge of this building and used it for various purposes until the Confederate government was transferred to this city from Montgomery, Ala., in July, 1861, when they took charge of this building and installed here the treasury department of the Confederate States, from which were issued all the bonds and currency used by the Confederacy.

"Jefferson Davis, the president of the Confederacy, had an office on the third floor of this building, in which he and Gen. Robert E. Lee and other famous generals sometimes met for consultation.

"The secretary of state, Judah P. Benjamin, and the secretary of the treasury, together with the auditor and treasurer, occupied rooms in this building. Room No. 17 was used for cabinet meetings by the Confederate government.

"There was also stored in this building, up to April 2, 1865, the gold and silver of the Confederate States government, which on that date was transferred south. On the following day it was occupied by Federal troops, and afterwards placed under control of the Treasury Department.

"INDICTMENT OF DAVIS.

"In this building, on May 10, 1866, the grand jury of the United States circuit court indicted Jefferson Davis for treason. On May 13, 1867, he was brought into this building on a writ of habeas corpus, and was immediately released under bond given on that date by Horace Greeley, Franklin Stearns, Charles O'Conor, and others.

"Since that time nothing of unusual importance has transpired.

"Respectfully,

"JOHN S. BETHEL, *Custodian.*

"The SUPERVISING ARCHITECT,
"*Treasury Department, Washington, D. C.*"

Section 6: A new post-office, court-house, and custom-house building has been constructed in Kansas City, Mo., but the needs of the service require space, and as the Treasury Department advises the sale of the old building, it was thought wise to invest the proceeds thereof in completing the new building as originally designed. This can be done without expense for additional ground, as the site upon which said new building has been erected is amply large for that purpose, being bounded on the north and south each 252 feet by Eighth and Ninth streets, respectively, on the west 289 feet and 1½ inches by Grand street, and on the east 289 feet by McGee street. The old building and site located on the corner of Ninth and Walnut streets, in Kansas City, including alterations and repairs, has cost the Government up to June 30, 1901, the sum of $387,600.19, the site having been purchased July 5, 1879. The bill provides that said site and building shall be sold for not less than $300,000.

Section 8: The purpose of this section is to give St. Louis a model post-office building. The post-office has outgrown the space allotted to it in the Government building and must be given relief. The fact that a great industrial exposition will be held in St. Louis, Mo., in 1904, alluring to the city millions of people and increasing the work of the post-office in a marked degree, only aggravates the situation.

The space now occupied by the post-office in the Government building can be occupied to a greater advantage by other Federal offices which are now housed in rented buildings.

Strange as it may seem, yet it is a fact, the best arranged post-office building in the United States—and, for that matter, in the world—is a temporary structure on the lake front in Chicago, and the experience of the postal authorities in that building convinces your committee that in all cities of the size of New York, Chicago, and St. Louis the post-office business should be confined in a separate building, divorced from all association with courts, customs, revenues, etc. An ideal post-office building should have plenty of ground space, good light, ventilation, and high ceilings. It should occupy an entire block or square of ground surrounded by streets and near a union depot. Such a building need not be an expensive one, yet expensive enough to be permanent. A steel frame with brick and terra cotta would serve the purpose admirably, and the economy of such a structure would encourage Congress to duplicate such a building in other large cities.

Section 9 authorizes the purchase of a site for a Federal building in New Orleans, La.

The present site was ceded to the United States June 29, 1848, by the first municipality of New Orleans, and building operations were commenced soon after. In 1860 the walls had been carried up 75 feet above the concrete base to the architrave line of the entablature and all the floor beams of the fourth story were in place. The discovery was then made that the building was slowly sinking, the maximum settlement in 1860 being 2 feet 6 inches, in spite of the fact that a commission in 1851 reported, from borings made, that the site was the firmest, driest, and most reliable in the city. Your committee has unofficial information that the total settlement of the building to date is about 4 feet. At this rate of speed through the earth the Chinese Government may some day occupy a building which housed Gen. B. F. Butler during the civil war. The post-office department should be removed and the space vacated given over to the customs service. The present building above the basement will be serviceable for many years, but a new building is needed for the post-office department and other offices in said city for which the Government is now paying rent.

Section 10: In 1854 the site in Providence, R. I., upon which the post-office building is now located, was purchased for $40,000. The present building was completed in 1857. The total cost of site and building to June 30, 1901, is $328,765.55. The city of Providence offers to donate to the Government as a site for a new building a tract of land in Exchange place, directly opposite a magnificent city hall, and within a stone's throw of a beautiful State capitol building, the site to be donated being worth about $500,000. The postal situation in Providence is bad, very bad, and patient indeed have been the people in that vicinity in waiting until now for relief. The present building and site can be sold when the new building is completed for almost as much as they have cost the Government to date.

Section 11: The present site in Wheeling, W. Va., was purchased September 7, 1855, for $20,000, being 132 feet square in size. Building was completed in 1860. The cost of site and building, including additions and repairs, to June 30, 1901, is $177,362.39, the original cost of the building being $96,618.64. The United States district judge refuses to hold court in the building on account of its condition, and for the further reason that the building being close to the railroad tracks noise from the engines and cars makes the transaction of business impossible, and when there is a rise in the Ohio River the basement fills with water. The situation in Wheeling justifies the action taken by your committee. A new site will be purchased sufficiently large and satisfactorily located to permit the erection thereon of a building that will serve Wheeling for many years to come.

Section 12: In the Fifty-fifth Congress legislation was enacted authorizing an appropriation of $58,000 to enlarge the present site and improve the present building at Macon, Ga. The appropriation followed, but the Treasury Department, owing to a rise in building material, was unable to execute the legislation provided by Congress within the limit of cost thereby fixed. The Treasury Department has submitted another estimate to the committee, and section 12 is responsive thereto.

Section 13: For several years the post-office building in New York City has been crowded, especially in the basement and on the first floor. Temporary relief has been given the Post-Office Department from time to time, but all efforts to relieve the congested condition in the present building have proven futile, and your committee are satisfied that the only permanent satisfactory remedy is a new building devoted exclusively to post-office business.

A building can not be erected until a site is selected, and as it will take from six months to two years to agree upon a suitable site, owing to the divergence of opinion as to location, your committee have decided to authorize the purchase of a site through a commission composed of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States. The selection of this commission evades local jealousies and bickerings. To create a commission composed of citizens of New York or presidents of business organizations in said city would only involve the selection of a site, where land is valuable and the location of a site uncertain, in quarrels and complications which should be avoided. Until a site is selected the Government can not properly determine the character of building that should be erected. The committee are anxious to help New York and the country, and have provided for a full report by the commission as to style, size, and cost of building to be constructed. As soon as the site is selected a building will be authorized.

Section 14 authorizes the Secretary of the Treasury to either purchase a new site under certain conditions or add to the present site in the city of Toledo, Ohio. If the citizens of Toledo will aid the Government in buying a suitable site within the limit of cost fixed it is probable that Congress will provide for the authorization of a new building. Toledo is a large and growing city, and whatever action is taken the effect of it should be to provide ample accommodations for all the Federal offices that may reside in said city during the next fifty years.

Section 15 authorizes the purchase of a site in Des Moines, Iowa. The present site was acquired October 6, 1866, for $15,000. The building was occupied in 1871. Two additions have been made to the building since 1871, the total cost of building and site to June 30, 1901, being $590,038.21.

The post-office in Des Moines does more business than any post-office in the United States in proportion to the population of the city, the gross receipts now amounting to almost $400,000 per annum, and to the credit of the postmaster there this office is one of the most economically managed offices in the United States, as only 28 per cent of the gross receipts are consumed in transacting its enormous business. The net receipts of the office for six months will buy the new site. A new building is a necessity in Des Moines now, and in two or three years it will be an imperative necessity. True economy suggests the purchase of a site now, and the building can follow as soon as the departments are fully decided as to size and character of building needed.

Section 16 authorizes the sale of the old Government building and site in Buffalo, N. Y. This site was purchased January 22, 1855, for $45,000. The total cost of building and site to June 30, 1901, is $553,978.72. The building has been enlarged and renovated several times, as the original cost of construction was $150,839.09. The Treasury Department recommends the sale of the property, as the Government has no further use for it and will be under expense in protecting it. The conservative judgment of business men in Buffalo is to the effect that the site and building is not worth more than $100,000. Your committee, after careful consideration of all information furnished bearing upon values, has decided to make the minimum limit of selling price $125,000. The new Government building in Buffalo is occupied, the old building having been vacated some time ago.

Section 17 authorizes a new building in Los Angeles, Cal. In 1880 about 11,000 people resided in this city; in 1890 there was a population of 52,000; in 1900 over 102,000, and in 1902 about 120,000. The growth of this city is phenomenal, and with the discoveries of oil lately made in that vicinity, added to other conditions which tend to make large cities larger, it is economy for the Government in erecting a public building there to build for the future and along very liberal lines. On January 7, 1887, a site was purchased for $28,635.13, and an addition thereto was purchased May 26, 1900, at a cost of $20,055, total cost of site being $48,690.13, with a frontage of 182 feet 9 inches on Main street. This property is now very valuable. Blunder after blunder has followed legislation affecting

the public building in Los Angeles. The first authorization was for $150,000, and work was commenced in February, 1889.

In September, 1889, when the masonry had reached the second-floor level, the Treasury Department suspended work, anticipating that Congress would increase the limit of cost to $500,000 and provide for an enlargement of the site. Congress having failed to act, work was resumed in 1891 and building occupied in summer of 1892. Under appropriations approved March 21, 1895, and June 11, 1896, aggregating $17,000, alterations were made in the building, and a one-story extension, 25 by 60 in plan, was constructed at the south end. An act of March 3, 1899, provides for an extension of building and purchase of additional ground, and limits cost of same at $250,000. This legislation was brought about through a Senate amendment to a bill providing an increase of limit of cost of public building at Stockton, Cal., and was passed by the House of Representatives over the protest of your committee.

Events which have transpired since then justify the action of your committee in opposing at that time the Senate amendment above referred to. To make matters worse, the Federal officials in Los Angeles have moved from the present building to rented quarters, the post-office building has been razed to the first story, and an attempt made to erect a new structure upon the old foundation and first floor. The Treasury Department, satisfied that no suitable building could be constructed within the present limit of cost, suspended work, and requests Congress to legislate with reference to the size and growing necessities of the city. The provisions of this section are so drawn as to encourage your committee in believing that at last justice will be done Los Angeles and the Government at the same time properly protected. Elsewhere in this act provisions have been inserted which will render it impossible to impose upon the Government, as has been done in Los Angeles since 1889.

Section 18 authorizes a new building in Burlington, Vt. The present site, bounded on the north 222 feet by Main street, on the west 316 feet by Church street, was purchased May 5, 1855, for $7,520, and the total cost of building and site to June 30, 1901, is $91,400.52, the original cost of building being $44,714.91. The building is entirely unsuited for its purpose, the Federal court and Federal officials being obliged to occupy a State building. The post-office is so badly crowded that rented offices are necessary to relieve the situation. The net receipts of the business transacted in the Burlington post-office for a period of three years will pay for the new building, which is to be erected upon the present site.

Sections 19 and 20 regulate sizes of sites, rent of buildings, advertising, and inspection of sites.

Section 21 seeks to prevent delays in the construction of public buildings, and in justification of its action your committee submits a communication from the Secretary of the Treasury relating thereto.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 3, 1902.

SIR: Considerable difficulty has at times been experienced by this Department in its efforts to enforce, through the courts, stipulations for liquidated damages for delays in contracts for the erection or repairs of public buildings because of the lack of uniformity in the construction of such stipulations by the courts and the want of a Federal statute on the subject.

When contracts are awarded for the construction or repair of public buildings under the control of this Department it sometimes happens that, having a due regard for the convenience of the Government, the moving consideration for the acceptance of a particular bid is the time within which the bidder agrees to complete the work embraced in his bid, and where, under these circumstances, the Government buys time, so to speak, and lets work to a bidder based on the consideration of time being of the essence of the contract, it is unjust to the United States and unfair to competing bidders to say that recovery shall be had for no more than the actual damages sustained by the United States, and that the element of inconvenience to the public and the Government in being deprived of the use of the public building shall not be considered.

The attitude of the courts in favor of construing as penalties wherever possible all stipulations for liquidated damages is founded upon principles which in the main are humane and just, but it results in rendering possible, under certain circumstances, the most vexatious delays, with no other remedy on the part of the Department than the abrogation of the contract and the reletting of the same, a method in itself always attended with more or less delay.

If a Federal statute were enacted bearing on this subject it would put all men on notice that in all contracts for public-building work under the control of this Department persons legally competent to contract would be held strictly to their contract stipulations as to damages.

It seems to this Department that whenever Congress makes an appropriation for a public building or other public work that it should be presumed that a necessity exists therefor, and that being true it lies in the power of neither the Department, the contractors, nor the courts to determine with exactness the damages sustained by the public or the Government in being deprived of the use of such public building or other public work, and hence when parties to a contract agree in advance what those damages shall be such stipulations ought to be subjected to no different construction or interpretation than any of the other stipulations of the contract.

There is inclosed herewith a draft of suggestive legislation which this Department deems would prove effective, and I have the honor to recommend that the same, or some other provision having the like object in view, be incorporated in one of the general appropriation bills, preferably the sundry civil, under the heading "Public buildings."

Respectfully,
L. M. SHAW,
Secretary.

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

Section 22 authorizes an investigation of certain Federal buildings for the relief of which bills are pending before your committee, but the conditions of which are not sufficiently known by your committee to warrant action by it at this session of Congress.

Section 23 repeals an act authorizing the Department of Justice building in Washington. In the Fifty-fifth Congress $1,025,000 was appropriated, $25,000 thereof to pay for the removal of the Department of Justice to rented quarters and for rent of same, the $1,000,000 being for the erection and completion of a Department of Justice building upon the site opposite Lafayette Square in said city, owned by the Government of the United States, it being understood that no part of the $1,000,000 was to be expended unless a suitable building could be erected and completed within the limit of cost fixed.

In the Fifty-sixth Congress the Attorney-General came to your committee for an increase of $900,000, which was refused. As the site referred to is not large enough for a building such as should be erected for the purposes intended, your committee is of the opinion that the law should be repealed and the money heretofore appropriated, save and except the $25,000 allotted for purposes above set forth, should be returned to the Treasury of the United States and a full report made to Congress.

In consideration whereof your committee respectfully recommend the passage of H. R. 14018.

Bills pending before the committee asking for authorizations amounting to $66,975,936, by States, Territories, and District of Columbia.

Alabama	$298,000	New York	$7,072,300
Arkansas	225,000	North Carolina	550,000
California	3,085,000	North Dakota	200,000
Colorado	1,575,000	Ohio	2,905,000
Connecticut	800,000	Oregon	310,000
Florida	815,000	Pennsylvania	1,828,000
Georgia	1,430,000	Rhode Island	1,625,000
Illinois	1,645,000	South Carolina	550,000
Indiana	1,325,000	South Dakota	475,000
Iowa	1,883,000	Tennessee	890,000
Kansas	300,000	Texas	1,515,000
Kentucky	1,179,000	Utah	200,000
Louisiana	2,090,000	Vermont	350,000
Maine	575,000	Virginia	1,905,000
Maryland	150,000	Washington	2,400,000
Massachusetts	3,776,200	West Virginia	920,000
Michigan	1,815,000	Wisconsin	940,000
Minnesota	575,000	Wyoming	200,000
Mississippi	180,000	New Mexico	100,000
Missouri	1,147,500	Oklahoma	200,000
Montana	475,000	Alaska	50,000
Nebraska	1,070,000	Hawaii	1,200,000
Nevada	60,000	District of Columbia	12,811,936
New Hampshire	200,000		
New Jersey	1,155,000	Total	66,975,936

Statement showing apportionment by States, Territories, and District of Columbia of the authorizations carried in H. R. 14018.

Alabama	$140,000	New Jersey	$315,000
Arkansas	225,000	New York	1,552,250
California	1,050,000	North Carolina	125,000
Colorado	345,000	North Dakota	125,000
Connecticut	325,000	Ohio	991,000
Florida	75,000	Oregon	160,000
Georgia	295,000	Pennsylvania	758,000
Illinois	526,000	Rhode Island	1,000,000
Indiana	550,000	South Carolina	265,000
Iowa	615,500	South Dakota	280,000
Kansas	141,000	Tennessee	350,000
Kentucky	160,000	Texas	500,000
Louisiana	200,000	Utah	125,000
Maine	197,000	Vermont	195,000
Maryland	50,000	Virginia	318,000
Massachusetts	263,200	Washington	270,000
Michigan	342,500	West Virginia	475,000
Minnesota	318,000	Wisconsin	490,000
Mississippi	155,000	Wyoming	100,000
Missouri	678,000	Oklahoma	100,000
Montana	50,000	District of Columbia	1,575,000
Nebraska	525,000		
Nevada	60,000	Total	17,405,450
New Hampshire	80,000		

Statement showing in detail the apportionment of authorizations in H. R. 14018.

	Population, 1900.	Amount allowed.	Treasury estimate.
Alabama:			
Montgomery	30,000	$65,000	$65,000
Selma	8,713	75,000	108,000
Arkansas:			
Fort Smith	12,000	100,000	135,000
Harrison	1,551	75,000	84,000
Batesville	2,327	50,000	----------
California:			
San Francisco	342,782	700,000	1,500,000
Fresno	12,470	100,000	160,000
Los Angeles	102,479	250,000	700,000
Colorado:			
Denver	133,859	200,000	300,000
Colorado Springs	21,000	135,000	220,000
Leadville	12,455	10,000	10,000
Connecticut:			
Hartford	80,000	150,000	250,000
Waterbury	52,000	135,000	----------
Torrington	8,360	40,000	60,000
Florida:			
Tampa	15,839	40,000	40,000
Gainesville	3,633	35,000	125,000
Georgia:			
Atlanta	89,872	170,000	165,000
Athens	10,245	75,000	138,000
Brunswick	9,081	30,000	30,000
Rome	7,291	6,000	190,000
Macon	23,272	14,000	67,000
Illinois:			
Decatur	20,754	80,000	85,000
Evanston	19,259	90,000	90,000
Ottawa	10,588	50,000	87,000
Pekin	8,420	70,000	100,000
Jacksonville	15,078	60,000	100,000
Kankakee	13,595	70,000	67,000
Springfield	34,159	100,000	150,000
Sterling	6,309	5,000	75,000
Monmouth	7,460	1,000	1,000
Indiana:			
Muncie	20,942	75,000	130,000
Richmond	18,226	75,000	150,000
Vincennes	10,249	75,000	100,000
Elkhart	15,184	75,000	100,000
Hammond	12,376	125,000	175,000
Logansport	16,204	75,000	100,000
Crawfordsville	8,000	50,000	----------
Iowa:			
Marshalltown	11,544	85,000	90,000
Centerville	5,256	35,000	50,000
Boone	8,880	100,000	75,000
Iowa City	7,987	60,000	80,000
Waterloo	12,580	150,000	150,000
Ottumwa	18,197	6,500	6,500
Des Moines	62,139	125,000	650,000

Statement showing in detail the apportionment of authorizations, etc.—Cont'd.

	Population, 1900.	Amount allowed.	Treasury estimate.
Iowa—Continued.			
Oskaloosa	10,000	$4,000	$9,000
Burlington	23,201	20,000	20,000
Atlantic	5,046	30,000	----------
Kansas:			
Emporia	8,223	41,000	55,000
Lawrence	10,862	50,000	80,000
Hutchinson	9,379	50,000	67,000
Kentucky:			
Paducah	9,446	70,000	75,000
Richmond	4,605	20,000	20,000
Henderson	10,272	40,000	72,000
Maysville	8,000	30,000	70,000
Louisiana:			
New Orleans	287,104	200,000	250,000
Maine:			
Augusta	11,683	150,000	150,000
Bangor	21,850	35,000	35,000
Bar Harbor	4,379	6,000	70,000
Calais	7,655	6,000	----------
Maryland:			
Cumberland	17,128	50,000	50,000
Massachusetts:			
Quincy	23,899	12,000	80,000
Northampton	18,643	70,000	70,000
Holyoke	45,712	135,000	150,000
Amesbury	9,473	45,000	47,000
Lynn	68,513	1,200	1,200
Michigan:			
Battlecreek	18,563	80,000	110,000
Owosso	8,696	35,000	80,000
Muskegon	20,818	70,000	85,000
Adrian	9,654	40,000	55,000
Grand Haven	4,743	50,000	55,000
Flint	13,103	60,000	75,000
Menominee	12,818	1,500	1,500
Sault Ste. Marie	10,538	6,000	----------
Minnesota:			
Minneapolis	202,718	250,000	250,000
Stillwater	12,318	50,000	80,000
Albert Lea	4,500	3,000	75,000
Fergus Falls	6,072	15,000	25,000
Mississippi:			
Biloxi	5,067	100,000	170,000
Jackson	7,816	5,000	5,000
Natchez	12,210	50,000	70,000
Missouri: [a]			
St. Louis	575,238	550,000	550,000
Louisiana	5,131	35,000	40,000
Nevada	7,641	40,000	87,000
Joplin	20,023	35,000	50,000
St. Joseph	102,000	18,000	----------
Montana:			
Butte	30,470	50,000	----------
Nebraska:			
Lincoln	40,169	300,000	350,000
Hastings	7,188	125,000	125,000
Norfolk	3,883	100,000	115,000
Nevada:			
Reno	4,530	60,000	85,000
New Hampshire:			
Nashua	23,898	80,000	90,000
New Jersey:			
Elizabeth	52,130	135,000	135,000
Atlantic City	27,838	115,000	180,000
New Brunswick	20,006	15,000	10,000
Perth Amboy	17,699	50,000	75,000
New York: [b]			
Rochester	162,608	40,000	150,000
Binghamton	39,647	2,250	2,250
Ithaca	13,136	70,000	75,000
Gloversville	18,349	75,000	70,000
Niagara Falls	19,457	75,000	220,000
Little Falls	10,381	50,000	68,000
Kingston	24,535	80,000	100,000
Buffalo	352,387	35,000	35,000
Jamestown	22,892	35,000	35,000
New York City	3,437,202	1,000,000	1,550,000
Geneva	10,433	75,000	----------
Saratoga Springs	12,409	15,000	85,000
North Carolina:			
Durham	6,679	70,000	70,000
Goldsboro	5,877	35,000	80,000
Elizabeth City	6,344	20,000	25,000
Greensboro	10,035	----------	75,000
North Dakota:			
Grand Forks	7,652	125,000	180,000
Ohio:			
Findlay	17,613	55,000	90,000
Warren	8,529	45,000	50,000
Cleveland	381,768	500,000	700,000
Sandusky	19,664	20,000	20,000
Chillicothe	12,976	70,000	95,000
Zanesville	23,538	110,000	110,000
Toledo	131,822	125,000	500,000
Youngstown	44,885	14,000	----------
Hamilton	23,914	12,000	130,000
Ironton	11,868	40,000	55,000
Oregon:			
Portland	90,426	10,000	10,000
Portland	90,426	150,000	150,000
Pennsylvania:			
Washington	14,000	60,000	65,000
Westchester	9,524	50,000	----------
McKeesport	34,227	100,000	100,000
Oil City	13,264	60,000	85,000
Lebanon	17,628	75,000	90,000
Norristown	22,265	78,000	80,000
Johnstown	35,936	20,000	25,000
Newcastle	28,339	125,000	125,000
Allentown	35,416	$100,000	$150,000
Easton	25,238	60,000	90,000
Philadelphia Mint	----------	25,000	25,000
New Brighton	6,820	5,000	5,000
Rhode Island:			
Providence [c]	175,597	1,000,000	1,000,000
South Carolina:			
Spartanburg	11,395	60,000	70,000
Florence	4,647	100,000	155,000
Rockhill	5,485	35,000	45,000
Georgetown	4,138	40,000	----------
South Dakota:			
Deadwood	3,478	200,000	216,000
Aberdeen	4,087	75,000	75,000
Pierre	2,306	5,000	200,000
Tennessee:			
Memphis	102,320	150,000	250,000
Greenville	1,817	100,000	145,000
Nashville	----------	100,000	260,000
Texas:			
Dallas	42,638	100,000	150,000
Waco	20,686	100,000	210,000
Laredo	13,429	125,000	160,000
Sherman	10,243	100,000	----------
Beaumont	9,427	75,000	175,000
Utah:			
Ogden	20,000	125,000	220,000
Vermont:			
Burlington	18,640	170,000	175,000
Newport	1,874	25,000	25,000
Virginia:			
Richmond	85,050	75,000	1,100,000
Charlottesville	6,449	75,000	75,000
Martinsville	2,384	35,000	40,000
Portsmouth	17,427	15,000	125,000
Alexandria	14,528	60,000	65,000
Newport News	19,635	50,000	50,000
Norfolk	46,624	8,000	10,000
Washington:			
Seattle	80,241	150,000	250,000
Tacoma	37,714	60,000	600,000
Spokane	36,848	60,000	500,000
West Virginia: [d]			
Wheeling	38,878	400,000	400,000
Huntington	11,923	75,000	175,000
Wisconsin:			
Superior	31,091	175,000	225,000
Green Bay	18,648	140,000	150,000
Fond du Lac	15,110	60,000	65,000
Eau Claire	17,517	30,000	65,000
Baraboo	5,751	35,000	65,000
Wausau	12,354	50,000	61,000
Wyoming:			
Evanston	2,110	100,000	200,000
Oklahoma:			
Guthrie	10,506	100,000	260,000
District of Columbia:			
Municipal building	----------	1,500,000	----------
National Bureau of Standards	----------	75,000	----------

[a] Kansas City, sale of old building.
[b] Buffalo, sale of old building.
[c] Also sale of old building.
[d] Wheeling, also sale of old building.

SUMMARY.

Limit of cost of 58 public buildings increased:		
Treasury estimate		$10,792,950
Increase authorized by this act		5,111,450
Authorization under estimate		5,681,500
Purchase of sites and erection of buildings thereon authorized in 77 cities:		
Treasury estimate		10,782,000
Authorization by this act		8,548,000
Authorization under estimate		2,234,000
New buildings authorized upon sites owned by the Government in 6 cities:		
Treasury estimate		2,230,000
Authorization by this act		1,236,000
Authorization under estimate		994,000
New buildings authorized upon donated sites in 17 cities:		
Treasury estimate		2,305,000
Authorization by this act		1,345,000
Authorization under estimate		470,000
Purchase of sites in 16 cities:		
Treasury estimate for sites and buildings		4,690,000
Authorization by this act		675,000
Authorization under estimate		4,015,000
Total Treasury estimate		30,799,950
Total authorization		17,405,450
Authorization under estimate		13,394,500
Total authorization		17,405,450
Less amount covered into Treasury by repealing Department of Justice act	$1,000,000	
Less amount of proceeds of sale of buildings	585,000	
		1,585,000
Net authorization by H. R. 14018		15,820,450

Mr. BANKHEAD. I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, this bill contains an appropriation for improving the public building in Macon, Ga., the city of my residence, in addition to that already provided by law. In the Fifty-fifth Congress—in 1899—I secured an appropriation of $58,000 to extend, improve, and enlarge that building so as to provide the necessary accommodations for Government business. Upon investigation by the Treasury Department it was ascertained that that sum was wholly inadequate to carry out the purpose intended, and therefore no part of that sum has been expended.

It was admitted by the Treasury Department and by the Committees on Public Buildings and Grounds of this House and the Senate in 1899 that the present building, which was erected in 1888, was absolutely inadequate and insufficient. But after that appropriation was secured the Secretary of the Treasury, at my solicitation, has not used a cent of it, but has recommended additional appropriation.

At the present session of Congress I introduced bills for the purpose of increasing the appropriation to $300,000 and one to erect a new building if, in the judgment of the Secretary of the Treasury, that was necessary. The Secretary of the Treasury has written three letters on the subject, which I will read—two to the Committees on Public Buildings and Grounds of the Senate and the House and one to Senator BACON. In the one dated February 26, 1902, and which has been read by the chairman [Mr. MERCER], he states that an additional appropriation of $65,000 would be sufficient—at least, that was what was intended. For reasons which are unnecessary to be stated now, the Committee on Public Buildings and Grounds, while, I am satisfied, desiring to do that which was just and proper to the people of Macon, to give to the city of Macon the additional sum necessary to make that building sufficient to answer the demands of the Government, misunderstood the recommendations of the Treasury Department and included in this bill only $72,000, being only $14,000 more than the $58,000 which was appropriated in 1899.

Finding that the Committee on Public Buildings and Grounds had made this mistake in the bill now before the House as to his meaning, the Secretary of the Treasury of the United States has written the letter of the 25th instant to that committee stating that after careful investigation he believes that in addition to the sum heretofore appropriated, $67,000 is absolutely necessary to provide the building at Macon with sufficient room and accommodations to carry on the business of the Government. This letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 25, 1902.

SIR: Under date of February 28, 1902, this Department had the honor, in compliance with your request, to submit for your consideration a report and estimate in connection with H. R. 10590, providing for the acquisition of additional land and the construction of an addition to the public building at Macon, Ga., and H. R. 11094, providing for the erection of a new public building on the present site or upon a new site.

An item of $58,000 was provided by the act of Congress approved March 2, 1889, for the extension and enlargement of the present Federal building at Macon, Ga., and for the purchase of additional land for the site thereof, and in submitting the report above referred to this Department's estimates were based upon such an enlargement of the building as was contemplated at the time said appropriation was made, and included only sufficient money to cover the increased cost of building materials.

The Department has more carefully considered the matter of the proposed enlargement of said building, and in view of the rapid growth of the city and the increase in the volume of the Federal business which is transacted in said building, it is found that $125,000 will be required for additional land and for the erection of a suitable extension, including the necessary changes in the present building; which will necessitate an appropriation, in addition to the $58,000 heretofore provided, of $67,000.

Respectfully,
L. M. SHAW,
Secretary.

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

I present now a letter from the Assistant Secretary of the Treasury to the senior Senator from Georgia, which is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 26, 1902.

SIR: In reply to your communication of this date in regard to measures pending in Congress providing for the erection of an addition to the public building in that city and for the erection of an entirely new building I have the honor to advise you that it is the opinion of this Department that the best interests of the public service would be subserved by providing for the acquisition of additional land adjoining the present site, and for the erection on said site, as enlarged by said additional land, of a new building, in order that adequate accommodations may be provided for the present and probable future requirements of the public service.

The Committees on Public Buildings and Grounds of the Senate and House have been advised that a suitable building to provide for the needs of the service at Macon can be erected for $275,000, and that the necessary additional land can be secured for $25,000, making the total estimated cost of new building and additional land $300,000, and the Department is still of the opinion that this amount will be sufficient.

In this connection you are advised that building methods have greatly improved since the present building at Macon was constructed, and it is now feasible to construct a new building for the sum of $300,000, including cost of necessary additional land, which would be much better adapted in every way to the needs of the public service at Macon.

You are further advised that on yesterday the Department reported to the Committee on Public Buildings and Grounds of the House that the sum of $125,000 would be required to remodel and enlarge the present building and to acquire the additional land necessary for the purpose, said report having been sent to the committee upon the suggestion of Hon. C. L. BARTLETT, who represents the Macon district in Congress, and who was of opinion that it would be impossible to secure a new building.

Respectfully,
M. E. AILES,
Assistant Secretary.

Hon. A. O. BACON, *United States Senate.*

So that it will be observed that in the opinion of the officials of the Government the city of Macon is entitled to have appropriated for enlarging the public building there at least $125,000, and that the best business proposition for the interest of the Government would be to build a new building to cost $300,000. I am assured that the Committee on Public Buildings and Grounds misunderstood the recommendation of the Secretary of the Treasury contained in his first letter, and when the letter of the 25th was received and read that committee instructed the chairman to amend the bill by striking out $72,000 and inserting $125,000, and the chairman, the gentleman from Nebraska [Mr. MERCER] has assured me that he will do so before this bill becomes a law; that he will ask unanimous consent of the House to permit this amendment to-day, or that he will see to it that the committee of the Senate so amends the bill, and the Committee on Public Buildings and Grounds of the House has by resolution directed its chairman to so amend this bill. So I am satisfied that by the efforts I have made in the interest of the people of my city I shall eventually secure for the improvement of the public building there at least the sum of $125.000, and, while this amount is not sufficient to build a new and more expensive building, it will be such as, in the opinion of the officials of the Treasury Department, will for some time to come answer the purposes of the Government at that city.

While, by reason of the rule under which this bill is now being considered, I can submit no proposition to amend it in any respect, I hope, yes, I know, that an opportunity will yet be given—if not in the House, certainly in the Senate—to so amend the bill as to carry out the suggestion of the Secretary of the Treasury and meet in a measure the wishes contained in the petition which I hold in my hand from the citizens of Macon, which contains 2,240 signatures.

Mr. Chairman, I do not desire to detain the committee, and will ask leave to extend my remarks in the RECORD and to include certain statements.

There was no objection.

The petition referred to, and a copy of which follows, is signed by all the public officials, both of the United States and the State of Georgia, county and municipal officers, business men, and men of all professions and callings. It was filed by me in the House and presented to the Committee on Public Buildings and Grounds, and is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

The petitioners, citizens of Macon, Ga., and of the territory in the jurisdiction of the United States court for the southern district of Georgia, respectfully petition your honorable body to make provision for the erection in said city of a public building commensurate with the dignity of the Government of the United States and convenient for the transaction of its public business.

POST-OFFICE.

Petitioners respectfully represent that the small and insufficient public building in said city was erected in 1888. It was from the first inadequate for the sole purpose for which it was designed, namely, the sessions of the United States courts, and for the local post-office. From the first the post-office authorities have been gravely embarrassed by the narrow and restricted space assigned to it. This was injurious to the service, and jeopardized the security of the mails. The post-office has more than doubled its business since 1888, and is now, in the volume of mail handled, the third in importance in the State of Georgia. In 1888 it had 5 carriers. It now has 22. At that time the free-delivery system covered a small area of the city. It now extends over the greater portion of the county of Bibb, with daily distribution to nearly 60,000 people.

In addition to the carrier force the office contains 13 clerks, besides the postmaster and his assistant, and is the headquarters for 35 railway postal clerks and 1 inspector. Said office receives and dispatches 72 mails per day in a space which, circumscribed and inconvenient in 1888, is now totally insufficient for the purpose to which it is devoted. Should the ratio of increase in business which has been maintained during the last five years continue, the efficiency of the office, unless relief should soon be had, will be seriously affected.

UNITED STATES COURTS.

The space set apart for the United States circuit and district courts and the juries, grand juries, and officers thereof is painfully inadequate. There is but one court room. The referee in bankruptcy is compelled to rent quarters from private parties. The United States commissioner is compelled to hold his hearings in the clerk's office, to the grave interference with the duties of the clerks. There is but one room set apart for the circuit and district judges. This is so small that when a fire is kindled in the fireplace the judge is compelled to screen the furniture to prevent injury thereto and danger of the destruction of the building.

There is but one jury room, and that very small and uncomfortable. When two juries are deliberating, as is frequently the case, one must be sent to the grand jury room in the garret, and if the grand jury is in session and one jury is out, the court is practically compelled to suspend the trial of jury cases. When the circuit judge has visited the district, he and the district judge are compelled to occupy the same small room, about 15 by 16 feet. There is no witness room, and when witnesses are sequestered they are

compelled to remain for hours in the hall, with great discomfort and danger to health.

In the many important trials held at Macon, when a large number of witnesses are congregated, it is on this account impossible to preserve decorum in the avenues leading to the court room. The business of the courts has largely increased. The official residence of the United States judge for the southern district of Georgia is Macon, and many cases of the largest consequence are here tried, with great inconvenience to the public and to counsel from a distance and from other States on account of the meager accommodations provided for the court.

This district embraces the large cities of Macon, Savannah, and Augusta, and many other important cities and towns, and the entire seacoast of Georgia. It comprises 68 counties and contains a population greater than that of the entire State of Florida. Its charming climate has induced the settlement of large numbers of people of high character from Northern States, notably at Jekyl Island and Thomasville. It possesses enormous interests in pine lands and the largest naval-stores interest in the world. Notwithstanding its immense resources, and that the exigencies of the public service may often so require, it would be impossible to hold in this building sessions of the circuit and district courts at the same time.

THE CLERK'S OFFICE.

While the provisions for the judges and the court are inadequate, a much more alarming matter is the insecure provision made for the court records. These are of the first importance, and millions of values depend upon their security. There are two rooms, one very small, provided for the clerks. These are already crowded with the files and records. These are rapidly accumulating, and no more space can now be utilized for this purpose.

There are two small vaults on the second floor of the building for the greater security for the records. These vaults are now crowded to their utmost capacity, and besides are in no sense fireproof. They are constructed of brick, and are supported by cast-iron pillars, which would immediately collapse if any considerable fire should break out in the lower story. The condition of these records, in which the public and the Government have so much interest, is therefore precarious in the extreme. To illustrate the importance of these facts, in one case alone there are deposited in the clerk's office original deeds of 200 different parties as evidence in litigation involving 300,000 acres of land claimed by a citizen of New York.

In view of the peculiar features of this case, if those deeds should be destroyed by fire it would pe practically impossible to determine the rights in issue. There is no designated room for attorneys who desire to examine records, no consultation room for counsel, and no place where a lawyer can consult with his client except in the open hall. It is also true that while the judges are in consultation with counsel at chambers that all other attorneys or persons who desire a conference are compelled to wait in the open hall.

THE MARSHAL'S OFFICE.

The accommodations for the marshal's office are even more insufficient than those for the clerical force. To use the vigorous language of the marshal, "the entire space set apart in the present building for the marshal and his deputies can hardly be called a room. From its size and shape it could more properly be denominated an auger hole in one corner of the building." It is, in fact, a very small, circular room, and if one-half of the books of the marshal were opened it would cover the entire space set apart to him. This is the disbursing officer for the court, who pays out many thousands of dollars per annum.

The accuracy of his accounts is of the highest importance and he is compelled to carry his books into the court and the single jury rooms so that his accounts may be spared the interruption caused by the multitude of jurors, parties, and witnesses who seek his office for information. Indeed, the bar tables in the court room are much worn because the marshal has found it necessary, during the recess of the courts, to use them for the purposes of his bookkeeping, and his officers are continually carrying backward and forward from one room to another the heavy books and dockets necessary for the record of his business. This officer should have at least three large rooms, while now he is crowded into a turret as vile in architectural appearance as it is useless and inconvenient for the public service.

THE DISTRICT ATTORNEY'S OFFICE.

In the one small room of the United States attorney there are habitually crowded four occupants—Mr. Erwin, the district attorney; Mr. Akerman, his assistant; Mr. R. E. Storrs, his clerk, and Mr. J. N. Talley, the official court stenographer. The requirements of the department compel him to have three filing cases in his office. His library is in three bookcases. There are two desks, two typewriter stands, a washstand, a stand for a water cooler and another for the letterpress, and with the necessary chairs the room is crowded beyond endurance. Here, too, assemble persons making inquiries, Government witnesses, defendants' counsel, internal-revenue officers, all witnesses seeking discharge on their subpœnas, and many others who have business with the district attorney.

It is therefore wholly impossible for the legal representatives of the Government to do any careful work in this office, and, in fact, the district attorney himself has been compelled, at his own expense, to rent offices in another building in order to secure the necessary privacy. The business of this office has largely increased. The district attorney formerly had no assistant. He now has two. The center of population in Georgia, as indicated by the late census, is fast moving southward, and the business of the office will, in all probability, increase rapidly for many years to come. There should be a room for the district attorney, a room for his assistant, another for his clerk, and a room for the official stenographer.

OTHER DEPARTMENTS.

There are, moreover, several departments of the public service which are represented in the Macon public building which were not here when it was designed. Here is the headquarters for a pension examiner. He has no room whatever. Here is now the headquarters for a division for internal-revenue collections, and the revenue agent with two deputy collectors, with the records, are crowded into a small circular space in the turret above the office of the marshal. There, too, is the stamp collector, the weather observer, and his assistant.

The rooms of these last two valuable officials of the Department of Agriculture are in what was once the cupola of the building, erected, presumably, for the purpose of ornamental architecture and as a coign of vantage from which to float the Stars and Stripes. It is, however, true that the necessities of the Weather Bureau have rendered the amputation of the cupola necessary. The lofty minaret thereon has been removed, the altitude reduced by many feet, and on the flat roof of the abbreviated tower, from which once floated the ensign of our country, there may now be seen from all parts of the city a doubtless useful and necessary wooden structure, bearing a strong resemblance to a chicken coop, and the flag, when exposed at all, must be ignominiously thrust at half-mast out of a window. The building is indeed an architectural monstrosity, and is as discreditable to the Government as it is injurious and inconvenient to the people of Macon and the southern district of Georgia.

COMPARATIVE ADVANTAGES ELSEWHERE.

Atlanta, already possessing a building three times the size of this, through the activity and public spirit of its distinguished Representative and of our distinguished Senators in Congress, has had $500,000 appropriated for a new structure. Augusta, with judicial business trivial in amount to that compared with the business at Macon, has witnessed the erection and has long enjoyed the use of a beautiful and spacious public building about twice as large as that here. In Savannah, where the Government already possesses a massive structure noted for its architectural beauty, more than $400,000 has been expended in the erection of a spacious and exquisite creation of the highest architectural skill for the Government service.

This beautiful building, ample for the public necessities for perhaps a century to come, constructed of marble from our Georgia mines, its walls of Parian white, and its entablatures glowing with the richer and variegated hues selected from those marvelous deposits, is at once an exemplification of our resources, an ornament to our beautiful seaport, a witness to the skill of our national architects, and an example of the generosity of our Government, while here in our own beautiful Macon, a population much larger than that tributary to Savannah, is compelled to suffer from the abortion herein described, which seems to have been carefully designed for the inconvenience and discomfort of its occupants and as a specimen of architecture as irremediable as hideous.

INSUFFICIENCY OF BUILDING RECOGNIZED BY CONGRESS.

The insufficiency of this building at Macon has been distinctly recognized by your honorable body by the appropriation of the sum of $58,000 for its alteration and improvement. With a clear conception of the impossibility of improving the present structure, the people of this community, its governing bodies, its chamber of commerce, the bar association, and the public generally protested against the use of the public money for this impossible and useless purpose, thus presenting, perhaps, the only case on record where a community, with the general welfare at heart, has declined to receive a substantial appropriation which the law had provided should be expended among its people.

This fact in itself, we respectfully submit, should strengthen the present appeal to your honorable body for a judicious and sufficient expenditure from the public funds to relieve us of the inconvenience and embarrassment and dangers to the public safety hereinbefore set forth. In view of these facts, we respectfully pray such measure at your hands as will cause to be set aside out of the public funds the sum of $500,000 for the purchase of a suitable lot and for the erection of a public building in the city of Macon, Ga., at a spot convenient to the public, that such building be constructed according to the best plans of modern architecture, and, if possible, builded of granite or marble taken from the quarries of our own State, and to be designed for the use of the United States courts and post-office in this city, and such other offices of the Government as may be deemed appropriate by the proper authorities. And your petitioners, as in duty bound, will ever pray, etc.

Mr. BARTLETT. The original is signed by 2,240 petitioners, whose names are omitted here.

The Macon post-office is the third in the matter of receipts in the State of Georgia. The present building was erected in 1888. The following are the postal receipts:

1888	$35,709.42
1900	69,060.93
1901	74,532.03

The following letter from the postmaster gives the condition of the room and space used for the post-office and the needs for additional space:

MACON POST-OFFICE, OFFICE OF THE POSTMASTER,
Macon, Ga., February 26, 1902.

SIR: I have the honor to report that a special committee from the chamber of commerce, assisting in a movement to provide for this city a larger public building, have requested me to prepare a statement showing the conditions which surround the Macon post-office. Complying with the request, I herewith transmit the following, and ask that a copy of the same be furnished to said committee on application:

The post-office has more than doubled its business since 1888, and is now, in the volume of mail handled, the third in importance in the State of Georgia. In 1888 it had 5 carriers. It now has 22. At that time the free-delivery system covered a small area of the city. It now extends over the greater portion of the county of Bibb, with daily distributions to nearly 60,000 people. In addition to the carrier force the office contains 13 clerks, besides the postmaster and his assistants, and is the headquarters for 35 railway postal clerks and one inspector. Said office receives and dispatches 72 mails per day in a space, which, circumscribed as inconvenient in 1888, is now totally insufficient for the purpose to which it is devoted. Should the ratio of increase of business which has been maintained during the past five years continue, the efficiency of the office, unless relief should soon be had, will be seriously affected.

To enter into details, it may be added that the money-order department of this office is located in a semicircular tower room on the first floor, about 20 by 15 feet in dimensions, which necessarily contains eight pieces of furniture besides chairs and shelving. There is no vault connected with this room, and the records are exposed to the dangers of fire and water. The funds of the Department as well as the money-order blanks are kept in a small safe. This department issued during the last fiscal year about 17,000 money orders and paid about 54,000, besides handling the deposit of many Georgia offices. The total amount of money handled approximated $1,360,000. An assistant has been granted the money-order clerk, but there is no space in the room for his desk.

The registry department is a larger room and about as badly crowded. It is the headquarters for the registry clerk, his assistant, and a post-office inspector. The vault attached to this room is at times too small to hold registers and office supplies. There is insufficient desk and case space, and during the busy season the floor of the room is used for the division and temporary storage of valuable packages. Overcrowding in the closets in the judiciary department, immediately above this room, have from time to time flooded it, endangering the safety of valuables in course of transmission and the health of the clerks employed.

The working room of the post-office is crowded to its limits by the necessary desks and cases of 22 carriers, 13 clerks, and 2 special-delivery boys. The space for opening incoming mails has been reduced by crowding to 12 by 12, and within the last ten days there has been at times as many as 18 sacks of mail piled in it. Within this space four or five men must work. The four rural-route carriers work at little desks that are not sufficient at times to pile their mail on. In this working room are piled at this writing $1,400 worth of stamped envelopes and postals. The office stock of envelopes and

postals are so deposited for the reason that the second vault will not hold it. Special-request stamped envelopes for business firms are held until delivery in the postmaster's office for the same reason.

A portion of the working room is cut off by wire screens for scale room, second-class matter to be dispatched, passageway to the registry for the use of railway clerks, 35 in number, and for the general-delivery department.

The postmaster's room is about 18 by 18; is occupied by the postmaster and his assistant and eight pieces of furniture. Here a large amount of business is transacted with the public direct, 65 employees are paid off, all complaints handled, office records kept, and a large correspondence conducted. The assistant postmaster should have a separate and larger room, with four times the vault space. Circumstances growing out of the postmaster's position, his office as custodian, his relation to the public, and his conferences with inspectors make it advisable for him to have the benefit of a private or consulting room.

To sum up the situation, the business of the Macon office has largely outgrown its accommodations, and is necessarily handled yearly with increasing inconvenience and insecurity.

Respectfully,

H. S. EDWARDS,
Postmaster.

Hon. H. C. PAYNE,
Postmaster-General, Washington, D. C.

From this it will be seen how immensely the business of the post-office has increased, and how insufficient the post-office room is for the business of the Government. The net proceeds to the Government from this office was nearly $45,000 for the year ending March 31, 1901.

The two other cities of the southern district of Georgia where court is held are Augusta and Savannah. From the following statement of the clerk of the United States court it will be seen that the business transacted at Macon is more than at either of the other two cities, and in some instances equal to the combined business of both. At Augusta and Savannah the Government has erected handsome and commodious public buildings, costing in the one $200,000 and in the other $500,000. It is but just and fair that the Government should provide quarters for the court and other public officials in some measure commensurate with the needs of the Government and the business transacted there.

Statement of the clerk of the United States circuit and district courts of the cases filed in those courts at Savannah, Augusta, and Macon since the last report to the Department of Justice, covering a period of six months.

Civil causes filed at Macon	62
Civil causes filed at both Savannah and Augusta during the same period	50
Criminal cases in the western division at Macon	76
Criminal cases at Savannah and Augusta, same period	37
Bankruptcy cases in western division, filed at Macon	215
Bankruptcy cases filed at both Savannah and Augusta, same period	348

It will be noted that the western division of the southern district of Georgia comprises 28 counties, and the eastern and northeastern divisions together comprise 48 counties.

The following table, compiled from the report of the last census, illustrates the marked growth of the population of the western division of the southern district of Georgia, for which the United States court is held in the Government building at Macon:

Population, by counties, of the western division of the southern district of Georgia.

County.	Population.		Increase.
	1890.	1900.	
Baker	6,144	6,704	560
Baldwin	14,608	17,768	3,160
Bibb	42,370	50,473	8,103
Butts	10,565	12,805	2,240
Calhoun	8,438	9,274	836
Crawford	9,315	10,368	1,053
Dodge	11,452	13,975	2,523
Dooly	18,146	26,567	8,421
Dougherty	12,206	13,679	1,473
Hancock	17,149	18,277	1,128
Houston	21,613	22,641	1,028
Jasper	13,879	15,033	1,154
Jones	12,709	13,358	649
Laurens	13,747	25,908	12,161
Lee	9,074	10,344	1,270
Macon	13,183	14,093	910
Mitchell	10,906	14,767	3,861
Monroe	19,137	20,682	1,545
Pike	16,300	18,761	2,461
Putnam	14,842	13,436	[a]1,406
Pulaski	16,559	18,489	1,930
Sumter	22,107	26,212	4,105
Telfair	5,477	10,083	4,606
Twiggs	8,195	8,716	521
Upson	12,186	13,670	1,482
Webster	5,695	6,618	923
Wilcox	7,980	11,097	3,117
Wilkinson	10,781	11,440	659
Total	384,765	455,238	70,473

[a] Decrease.

The increase in the population of Bibb County, in which the city of Macon is situated, as well as of the city of Macon, is shown by the following table, which is also compiled from the census returns of 1900:

Population of Bibb County, by militia districts.

District.	1890.	1900.
No. 481, Godfrey	4,260	6,489
No. 482, Warrior	1,675	2,025
No. 483, Howard	1,731	2,093
No. 514, East Macon	3,777	5,078
No. 519, Hazzard	1,194	1,370
No. 520, Rutland	2,440	2,359
No. 1985, Vineville	4,547	7,787
Total	19,624	27,201
Macon city:		
Ward 1	.....	4,061
Ward 2	.....	6,199
Ward 3	.....	5,724
Ward 4	.....	7,288
Total	22,746	23,272
Population of county	42,370	[a]50,473

[a] Gain, 8,103.

To ascertain the population within the delivery limits of the Macon post-office there should be added to the population of the city of Macon the population of the following districts lying outside the corporate limits of the city:

Districts.	1890.	1900.
East Macon	3,777	5,078
Godfrey	4,260	6,489
Vineville	4,547	7,778
Macon	22,746	23,272
Total	35,330	[a]42,626

[a] Gain 7,296.

Macon is a beautiful city, situated very near, if not in the exact geographical center of the State of Georgia; has well-paved streets, lighted by electricity, several handsome public buildings and private residences, attractive parks, a first-class system of waterworks, with a daily capacity of 10,000,000 gallons of pure filtered water; two distinct systems of electric railways, with tracks permeating every section of the city and suburbs.

The population of Macon, as shown by the census of 1900 and as set forth in the table just referred to, is 23,272, but there is a population of 42,626 within the delivery limits of the post-office, the city having a number of populous suburbs which are not within its corporate limits. In 1890 there was a population of 35,330 within the delivery limits of the post-office, showing a gain within the past ten years of 7,296.

Several of the most important educational institutions of the State of Georgia are located at Macon. In Bibb County there are 31 public schools for whites and 18 for colored children, with an average attendance of 3,296 white pupils and 2,200 colored.

Mercer University, for boys, and Wesleyan Female College, the oldest college for ladies in the United States, and probably the oldest in the world, are among the leading educational institutions of the State and of the South.

St. Stanislaus is a Roman Catholic college for the training of priests, and the Mount de Sales Academy is a school for girls under the auspices of the Roman Catholic Church.

There is also a normal school for ladies and a normal school for colored pupils.

The Georgia Academy for the Blind, with two departments, one for white and one for colored pupils, is also located in Macon.

There are three orphanages in the city of Macon—the Appleton Home, under the auspices of the Episcopal Church; the Orphans' Home of the South Georgia Conference of the Methodist Episcopal Church South, and the Mumford Industrial Home.

Other charitable institutions are the city hospital, the Julia Parkman Jones Home for indigent ladies, under the auspices of the Episcopal Church; the Roff Home, with hospitals attached, for the poor of Bibb County; the Home for the Friendless, and Door of Hope, etc.

Macon is the terminal point of five important lines of railroads, as follows: The Georgia Southern and Florida, from Macon to Palatka, Fla., the general offices and shops of which are located at Macon; the Southwestern, connecting the city with all the important points of south and southwest Georgia; the Macon, Dublin and Savannah, extending from Macon to Savannah, with shops and general offices located at Macon; the Macon and Birmingham, extending from Macon to Lagrange, Ga., with connecting lines from that place to Birmingham, Ala., Montgomery, Ala., and New Orleans, the shops and general offices of which are located at Macon; the Macon and Northern, from Macon to Athens, Ga., with division offices and general shops located at Macon.

Macon is also on the line of the Southern Railway from Atlanta to Brunswick, Ga., with division offices and shops located at Macon, and on the line of the Central of Georgia Railway, from Atlanta to Savannah, Ga., and owning and operating the Ocean Steamship Company, with a line of steamers from Savannah to New York. Macon is the headquarters of two divisions of the Central of Georgia Railway and of the general shops of the company.

The aggregate value of property in Bibb County is $16,427,686, of which $14,768,000 represents the value of property in the city of Macon.

There are located in the city of Macon 5 cotton mills, 3 iron foundries, 3 cotton compresses, 3 cornice-making establishments, 3 cotton-gin manufactories, 6 cotton-press manufactories, 2 large cotton-oil companies, 1 large fertilizer factory, 1 large candy and cracker factory, 1 large ice plant, 1 barrel factory, 1 harness-making establishment, 1 pants factory, 3 large lumber mills (including sash, door, and blind factories) and 4 flour and grist mills.

Macon has 8 banking establishments, with an aggregate capital, surplus, and undivided profits of $2,063,500.

There are 182 manufacturing establishments, representing a total investment of $5,076,005, giving employment to 263 salaried officials and clerks and 3,700 wage-earners, the amount paid in salaries being $272,138 and in wages $1,047,437. The value of the annual output of these manufacturing establishments is $6,495,767.

I would call especial attention to the notable growth in the population of the following counties in the western division of the southern district of Georgia:

LAURENS.

1900	25,908
1890	13,747
Gain	12,161

Or 88.4 per cent.

TELFAIR.

1900	10,083
1890	5,477
Gain	4,606

Or 84 per cent.

DOOLY.

1900	26,567
1890	18,146
Gain	8,421

Or 46.4 per cent.

Mr. Chairman, these are the claims of the people I have the honor to represent for fair, just, and liberal consideration at the hands of Congress in the matter of making provision for a suitable building in which to transact the business of the Government, and I feel assured that in the near future their demands will be adequately complied with.

Mr. MERCER. Mr. Chairman, in response to the remarks of the gentleman from Georgia [Mr. BARTLETT] I desire to submit two letters from the Treasury Department, which I ask may be now read by unanimous consent.

The CHAIRMAN. The gentleman from Nebraska [Mr. MERCER] asks unanimous consent that certain documents which he sends to the Clerk's desk may be read. Is there objection?

There was no objection.

The documents are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 28, 1902.

SIR: Referring further to the request dated the 12th instant, from your committee, for a report in connection with H. R. 10590, providing for the acquisition of additional land and the construction of an addition to the public building at Macon, Ga., and H. R. 11094, providing for the erection of a new public building on the present site, or upon a new site, I have the honor to advise you as follows:

An addition which it is thought will meet the requirements of the service at Macon can be constructed for $65,000. The previous estimate of the cost of contemplated extension was made in 1898, being $58,000; which amount was appropriated under date of March 3, 1899. Owing, however, to the rise in cost of building materials, it is estimated that the contemplated extension will cost $65,000, as indicated above.

In connection with H. R. 11094, providing for the erection of a new building, it is estimated that a building of four stories and basement, with a ground area of 8,000 square feet, will meet the requirements of the service at Macon. A building of the dimensions indicated, of fireproof construction, including heating apparatus, fireproof vaults, and approaches, can be constructed for $275,000, exclusive of additional land. In order to erect a new building on the present site it will be necessary to secure additional land, which it is estimated can be secured for $25,000. You are further advised that it is estimated that an entirely new site can be secured for $25,000.

Respectfully,

H. A. TAYLOR, *Assistant Secretary.*

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 25, 1902.

SIR: Under date of February 28, 1902, this Department had the honor, in compliance with your request, to submit for your consideration a report and estimate in connection with H. R. 10590, providing for the acquisition of additional land and the construction of an addition to the public building at Macon, Ga., and H. R. 11094, providing for the erection of a new public building on the present site or upon a new site.

An item of $58,000 was provided by the act of Congress approved March 2, 1899, for the extension and enlargement of the present Federal building at Macon, Ga., and for the purchase of additional land for the site thereof, and in submitting the report above referred to this Department's estimates were based upon such an enlargement of the building as was contemplated at the time said appropriation was made, and included only sufficient money to cover the increased cost of building materials.

The Department has more carefully considered the matter of the proposed enlargement of said building, and in view of the rapid growth of the city and the increase in the volume of the Federal business which is transacted in said building, it is found that $125,000 will be required for additional land and for the erection of a suitable extension, including the necessary changes in the present building, which will necessitate an appropriation, in addition to the $58,000 heretofore provided, of $67,000.

Respectfully,

L. M. SHAW,
Secretary.

The CHAIRMAN COMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

Mr. BARTLETT. As I understand it, that recommendation was for $125,000, whereas this bill carries only $72,000. That is the difference.

Mr. MERCER. Yes; the recommendation of the Treasury Department is that the total authorization should be $125,000. It seems that in the Fifty-fifth Congress legislation was had appropriating $58,000 for this purpose, and, owing to the rise of building material and the increase of expense in other ways connected with building material, the Treasurer was unable to execute the legislation authorized in the Fifty-fifth Congress.

Mr. BARTLETT. And they have not spent a dollar of that money, owing to the fact that it is absolutely insufficient.

Mr. MERCER. So I understand; and the Treasury Department sent an estimate to the committee, making certain recommendations supplemental to a former recommendation, after this bill had been introduced, too late for this item to be changed, providing that the total authorization should be $125,000, rather than $72,000, meaning an increase in this bill of authorization of $53,000.

Mr. Chairman, as no one else upon the floor has signified a desire to occupy the time, I ask unanimous consent that the committee do now rise, as if it had consumed the full three hours allotted for discussion upon this bill, and report the same back with a recommendation that the bill pass.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the committee do now rise and report the bill back to the House with a favorable recommendation, notwithstanding that the three hours of general debate has not yet elapsed, and as though it had elapsed. Is there objection?

There was no objection.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, and had directed him to report the same back to the House with a recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that the bill has never been read in the committee or in the House, and I think it ought to be read.

The SPEAKER. The gentleman will please restate his point of order.

Mr. RICHARDSON of Tennessee. The bill has not been read in the committee or in the House, and I submit the bill ought to be read.

The SPEAKER. The bill has been partially read in committee, and unanimous consent has been given by the committee to report the same back.

Mr. RICHARDSON of Tennessee. To dispense with the first reading in the committee?

The SPEAKER. That was in the report.

Mr. RICHARDSON of Tennessee. No, sir; the committee dispensed with the first reading of the bill in committee by unanimous consent.

The SPEAKER. The gentleman can demand the third reading of the bill, if he desires, after the bill has been engrossed and ordered to a third reading.

Mr. RICHARDSON of Tennessee. I do not demand the reading of the engrossed copy at all, but I simply make the point that the bill itself ought to be once read, for mere form, at any rate, before it is passed.

The SPEAKER. That has been dispensed with by unanimous consent given by the committee. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The third reading of the bill.

Mr. RICHARDSON of Tennessee. I did not hear the ruling of the Chair.

The SPEAKER. The Chair overruled the point of order.

Mr. RICHARDSON of Tennessee. Then the bill is to be passed without any reading at all?

The SPEAKER. The reading of the bill can be demanded in full now if the gentleman desires.

Mr. RICHARDSON of Tennessee. I submit it is very unusual——

The SPEAKER. But the committee gives unanimous consent for the course pursued, and the order itself——

Mr. RICHARDSON of Tennessee. Unanimous consent was given to dispense with the first reading of the bill in the committee, which is usual, but there has not been any consent given to dispense with the reading of the bill at all.

Mr. GREEN of Pennsylvania. We have all read the bill.

Mr. RICHARDSON of Tennessee. I have never seen a bill of this magnitude passed without it once being read.

The SPEAKER. The gentleman will please suspend. The Clerk will read the first ruling found on page 647 of the Manual.

The Clerk read as follows:

A bill which has been read in Committee of the Whole and reported favorably therefrom is not read in full again when acted upon by the House.

Mr. RICHARDSON of Tennessee. That is all right, but the bill has not been read in the Committee of the Whole.

The SPEAKER. The gentleman knows very well as a parliamentary——

Mr. RICHARDSON of Tennessee. But, Mr. Speaker——

The SPEAKER. Will the gentleman suspend a moment? The gentleman knows very well that the Chair has to assume that the bill has been read, and it comes here by unanimous consent.

Mr. RICHARDSON of Tennessee. I have not made myself understood to the Chair, with all due respect, I think. When we go into Committee of the Whole on the bill, the first motion usually is—or the first request—to dispense with the first reading of the bill; otherwise it would be read in full. Now, that was done. Then in Committee of the Whole it is usual to read the bill under the five-minute rule, and after that, the bill having been read in committee, the rule applies that it is not necessary that the bill should be again read, because it has been read under the five-minute rule in Committee of the Whole. But, Mr. Speaker, that has not been done——

Mr. DALZELL. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, there are two answers——

Mr. RICHARDSON of Tennessee. I am not making a captious objection. It is unusual——

Mr. GROSVENOR. Yes.

Mr. RICHARDSON of Tennessee. It is unusual to pass a bill of this magnitude without reading it in the House of Representatives or in committee. Now, it has not been read in either place, and the unanimous consent that was given in Committee of the Whole was that which is usually given to dispense with the first reading, because there always follows a reading of the bill under the five-minute rule. But that was not done because of the special rule. Now we are called upon to pass a bill carrying this amount that never has been read in the House nor in committee.

Mr. GROSVENOR. Mr. Speaker, there are two answers to the point of order made by the gentleman from Tennessee.

The first is that the time for him to have made this point of order, if it was available, was before the committee rose and reported the bill back to the House. Then a point of order could have been made that it was not in order for the committee to rise and report the bill back, because it had not been read under the five-minute rule. That objection, however, would have been met by the order itself, which cut off the reading of the bill under the five-minute rule, and which binds the House to the action of the Committee of the Whole.

The SPEAKER. There is not the slightest difficulty about the situation, as the Chair views it. The Chair is bound to assume that every necessary step has been taken in the Committee of the Whole, including the reading of the bill. The gentleman from Tennessee knows very well that the reading under the five-minute rule is not one of the readings referred to in the rule, but is merely a matter of convenience for the members in case they wish to offer amendments. The rule adopted by the House makes that unnecessary, and the bill comes to the House with every presumption in favor of all having been done that is required to be done by the rules of the House of Representatives, and the House has passed the bill to its engrossment and third reading.

Mr. RICHARDSON of Tennessee. If I may be heard——

The SPEAKER. If the gentleman now desires to have the bill read in full, the Chair sees no objection to ordering it to be done. The rule requires it to be done if the demand is made. Otherwise, it will be done by its title.

Mr. RICHARDSON of Tennessee. Of course I could demand the reading of the engrossed copy, but I have no desire or inclination to take the time to do that. I would have that right under the rule unquestionably to have the engrossed bill read, but I say I am not making a captious objection. My objection was one that, I think, went to the merits of the proposition, and that is, that the bill should have been once read, either in Committee of the Whole or in the House.

The SPEAKER. The Chair assumes that that was done if it was necessary. The Chair does not have the record of the committee before him. The question is on the third reading of the bill, which, in the absence of a demand for the reading of the engrossed bill in full, will be by title.

The bill was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken on the passage of the bill, the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS of Illinois demanded the yeas and nays.

The yeas and nays were refused, 9 members (not a sufficient number) rising in support of the demand therefor.

Accordingly the bill was passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

SECOND CONFERENCE OF AMERICAN STATES.

The SPEAKER laid before the House the following message from the President; which, with the accompanying documents, was ordered to be printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, submitting the report, with accompanying papers, of the delegates of the United States to the second conference of American States held at the City of Mexico from October 22, 1901, to January 22, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 29, 1902.*

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. WADSWORTH, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, with Mr. POWERS of Maine in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union on the bill H. R. 13895, the Agritural appropriation bill. The pending question is the amendment offered by the gentleman from Massachusetts, which the Clerk will now report.

The Clerk read as follows:

In line 6, page 24, after the word "direct," insert:

"*Provided*, That the relative proportion of vegetable, flower, and other seeds allotted to any district shall be determined by the Secretary of Agriculture, in accordance with the written request of the Senator, Representative, or Delegate entitled to the same, filed with him at least sixty days prior to the time of advertisement for the purchase of such seeds: *Provided, however*, That the total cost of the seeds furnished under such written request shall not exceed the cost of the seeds that would otherwise be allotted to such Senator, Representative, or Delegate in Congress; nor shall the allotment of flower seeds of any other district be thereby curtailed."

Mr. BROMWELL. Mr. Chairman, this amendment is one which several years ago passed this House, but was rejected in the Senate. The amendment was also offered in the last Congress on this appropriation bill, but, as I remember it, it went out on a point of order. I understand that no point of order has been raised against it on this bill. It is a proper amendment. If seed distribution at the expense of the Government is to be continued, there ought to be some judgment and reason in the manner of the distribution. It is perfectly absurd, as gentlemen will concede, no doubt, that a great lot of agricultural seeds, vegetable and farming seeds, shall be sent to members representing city districts.

On the other hand, the number of flower-seed packages that are given to those representing the city and suburban districts is out of all proportion to the demands of their districts. If this appropriation is to be continued, it ought to be so arranged that the members who represent farming districts can have farming seeds—in other words, vegetable and garden seeds—while those who represent city and suburban districts should be excused from the distribution of garden and vegetable seeds, and should be given flower seeds. The object of this amendment is to permit the Secretary of Agriculture, upon the request of Members and Senators, to make such selection of seeds as will meet the needs of their individual districts. Now, I understand that the Secretary of Agriculture——

Mr. GAINES of Tennessee. Do I understand that the gentleman's amendment excludes the country people from having flower seed?

Mr. BROMWELL. No; it does not cut any member off from getting his full quota of flower seeds as he does now. The only thing it does is to permit the city member to obtain flower seeds instead of vegetable seeds.

Mr. GAINES of Tennessee. Why not give him flower seeds as a right and not give him any garden seed at all?

Mr. BROMWELL. The probability is that the city member would not want any vegetable seeds.

Mr. GAINES of Tennessee. That is just exactly what I am saying.

Mr. BROMWELL. If this amendment is agreed to the city member will be able to get flower seeds.

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. WACHTER. Would that be at the option of the city member?

Mr. BROMWELL. That will be at the option of the city member.

Mr. HENRY of Connecticut. I would suggest to the gentleman that I assume that the Secretary of Agriculture has the right and has the power conferred in this amendment, and it is therefore superfluous.

Mr. BROMWELL. I do not know whether he has the power or not.

Mr. HENRY of Connecticut. He is willing to do this.

Mr. BROMWELL. But I do know the fact that in the past the Secretary of Agriculture has felt constrained to give each member the same number of vegetable seeds and flower seeds.

Mr. HENRY of Connecticut. But I understand the gentleman from Massachusetts, who offered this amendment, has a letter from the Secretary of Agriculture proposing to do just what this amendment does.

Mr. BROMWELL. I was going to add, if the gentleman had not made that statement, that I also have had a statement from the gentleman in charge of the seed division of the Agricultural Department, in which he said that arrangements will hereafter be made by which a member can express his preference and get the seeds from the Department possibly without the legislation in this bill, and secure the variety of seeds that he desires.

I want to say, Mr. Chairman—and it may be the last opportunity that I will have—that the present Secretary of Agriculture, it seems to me, has grown with the needs of the service of his Department, and is to-day perhaps the best-qualified man in the country for the position which he holds. The change which has been made since he has taken hold of this work of the Agricultural Department has been in the interest of agriculture in this country, and I believe that as we are so often criticising those departments, when an opportunity comes to pay a little tribute of praise for efficient and valuable service we ought not to hesitate to render it. [Applause.]

Seed distribution is a thing which I have opposed, I think consistently, ever since I have been a member of Congress. I did not believe in it, and I do not believe in it to-day; and yet there is no question at all but what the farmers, and, for that matter, the city people, are all as anxious to get their quota of flower and vegetable seeds as they are to get their share of publications that are issued from the different departments; and therefore, recognizing that this distribution will probably continue, I hope that whenever an opportunity comes for improving the service in this regard that the House will not hesitate to adopt it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, this amendment has for its object just what an amendment had which was offered at the last session of Congress. I objected to the amendment at that time, for reasons which do not exist upon the face of the present amendment. The amendment now is in such shape that I think there can be no legitimate objection to it on the part of members who represent the country districts, because the amendment itself provides that such members as designate flower seed instead of vegetable seed shall not be permitted to get a larger money value of seeds than the country members get, or which they themselves otherwise would get.

The amendment furthermore provides that the number or amount of flower seeds gotten by other members shall not be curtailed because of the selection of flower seeds instead of vegetable seeds by other members. I merely want to say that I see no objection to the amendment.

Mr. ROBERTS. Mr. Chairman, since introducing the amendment under discussion, I have received a letter from the Secretary of Agriculture, in which he states that if this amendment is adopted and becomes a law, he feels that it will seriously interfere with the securing of proper seeds, for the reason that some of these contracts have to be made one and two years in advance.

The Secretary also states in his letter, which I shall later send to the desk and ask to have read, that arrangements have been made, and will be hereafter made, to provide city members with such amount of flower seeds as their districts will require, and that hereafter there will be no trouble whatever on the part of city members. I ask that this letter be read in my time.

The CHAIRMAN. The gentleman from Massachusettes asks unanimous consent that the letter be read in his time. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D. C., April 29, 1902.

MY DEAR SIR: I notice from the proceedings in the House yesterday that you introduced an amendment providing that the relative proportion of vegetable, flower, and other seeds allotted to any district shall be determined by the Secretary of Agriculture in accordance with the written request of the Senator, Representative, or Delegate entitled to the same, filed with him at least sixty days prior to the time of the advertisement for the purchase of such seeds.

Evidently the object of this amendment is to give city members flower seeds and country members vegetable seeds, if they so desire. Owing to the enormous quantity of seed which now has to be purchased I feel certain that any clause of this kind would seriously interfere with securing proper seed, as it now happens that quite a number of our contracts for seed have to be made at least a year and sometimes two years in advance. All contracts for seed for next year have already been made; in fact, they had to be made in order to secure the seed at all, as it would not have been practicable to await the enactment of the bill by Congress.

Of course, the contracts are subject to appropriations made by Congress. As a matter of fact, however, this very point that you make has been considered fully this year by the Chief of the Bureau of Plant Industry, who is in charge of this work. Arrangements have been made to furnish city members flower seed if they so elect, so that I am sure there will be no difficulty in securing flower seed in the future for city constituencies. The quantity of flower seed given to each member has also been increased and other improvements in the seed distribution made, which will bring it back to its original intent.

In view of these facts I trust that you will not find it necessary to push the amendment you have introduced.

Very truly, yours, JAMES WILSON,
Secretary.

Hon. E. W. ROBERTS,
House of Representatives.

Mr. ROBERTS. Mr. Chairman, I had no intention of impeding or embarrassing the Department of Agriculture when I offered the amendment yesterday. In view of the statement of the Secretary that the amendment, if adopted, might embarrass the Department, in view of his further statement that arrangements have been made whereby city members will secure flower seeds the same as if the amendment had been adopted, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Insert after the word "indicated," in line 6, page 25, the following: "And upon request to the Secretary by a Representative or Delegate there shall be placed in each envelope or wrapper such number of small packages of seeds of his quota as he may designate.

Mr. SHAFROTH. Mr. Chairman, the object of this amendment is this: At the present time five small packages are placed in an envelope or wrapper and that wrapper is subject to one frank. Now, some of us desire to send more than one of these wrappers or envelopes to a constituent. For instance, I have been sending this session of Congress four to each constituent to whom I send seeds at all. It causes the necessity of directing four different packages, whereas simply upon request made to the Secretary the four packages could be inclosed in the one wrapper, and that would obviate the difficulty and save an immense amount of labor. In other words, in my case it would save three-quarters of the time in directing seeds.

Mr. WILLIAMS of Illinois. Does not the gentleman think that might encourage other constituents to send for the same amount of seeds and thus embarrass the member?

Mr. SHAFROTH. No; I do not think they understand how many packages are placed in a wrapper. They do not know anything about the distribution of the seeds. A great many envelopes that are directed to me are directed in care of the Agricultural Department. You will find that this will save an immense amount of labor in the direction of packages of seeds. In cases where you want to send two it would save one-half, and when you want to send three it will save two-thirds. It seems to me, in view of that fact, and that it is no more trouble to the Department, that this amendment ought to be adopted.

Mr. BROMWELL. Mr. Chairman, I want to make a suggestion that to my mind is a much better way to get around the difficulty the gentleman speaks of. I have suggested this to Mr. Galloway, of the Agricultural Department, and I think the plan will be adopted. All of us have calls for special kinds of seeds, and the party writes the names of the seed he wants. The seed packages are put up at present and sealed, having five small packages of seed with the name stamped thereon on the outside of the wrapper. When the member gets the request from his constituent it becomes necessary frequently to tear open a great number of these packages and take out the seed packages and rewrap them and mail them.

I have suggested to Mr. Galloway that if a certain proportion

of each member's quota could be furnished to him in bulk, with the outside wrapper unsealed, so that he could take the inside packages of seeds and select those called for and put as many as he chooses in the outside wrapper and seal it and mail it, it would be a great convenience for the members and it would accomplish the very purpose to which the gentleman from Colorado speaks. At the same time it would prevent a great deal of waste of inside packages by reason of the fact that frequently a party will ask for one or two of the kinds of seeds inclosed and would not want the other three. According to the plan I have suggested the member can select the two he wants and retain the three to send to some other constituent.

Mr. SHAFROTH. What did Mr. Galloway say?

Mr. BROMWELL. He said he thought there was no doubt that my suggestion could be complied with.

Mr. SHAFROTH. I have no doubt that would be an improvement on the present condition, but at the same time it does not quite meet the condition that arises in my case, where I send all the seeds that are in two or three packages to one constituent. Each one of those packages under the present system must be addressed, but if this amendment be adopted all we have to do is to put the 10 small packages into 1 envelope, so that in directing there will be only half as much work as in directing 2 envelopes each containing 5 packages. There would thus be considerable saving of labor. Under the present system, if you want to send a constituent 15 small packages, you have to write 3 addresses.

Mr. BROMWELL. Oh, no; not under the plan I propose. I would take the entire 15 and put them in one wrapper.

Mr. SHAFROTH. I do not receive one request out of a hundred asking for any particular kind of flower seed or vegetable seed; consequently I send the writers the regular allotment.

Mr. BROMWELL. Nine-tenths of those sending requests to me specify the seeds that they want.

Mr. SHAFROTH. As to nine-tenths of the applications sent to me there is no request, but simply the names. Now, if the seeds are put in such packages as I propose, one-half or three-fourths of the labor in directing the packages to constituents is saved.

Mr. VANDIVER. Does not my friend think that the work of reassorting would increase the labor much more than would be saved by his plan?

Mr. SHAFROTH. My plan does not involve reassorting at all.

Mr. GROSVENOR. Mr. Chairman, the suggestion of my colleague [Mr. BROMWELL] does not go far enough to meet the emergency of this occasion. In order that we may become adept and competent distributers of garden seed under that system, the Government ought to furnish a convenient number of tin cans, about the size, perhaps, of tubs, with the proper label upon each and a little tin scoop with each one, so that the member of Congress, in his leisure hours—having nothing else to do—may, aided by his clerk, to read the prescription of the constituent [laughter], shovel the contents properly into the little bags, and send them off.

I am content to do the best I can to distribute the garden seeds that come to me. I take great pains to send the flower seeds that come in my quota to those that I think will appreciate them. As a rule, they are sent to the daughters of farmers or to persons residing in the little hamlets of my district, not to the cities, where the people have hothouses and other facilities for promoting the development of the flora of the country.

Now, I am willing to do all that; but I draw the line on the subject of packing garden seeds into parcels to suit the demands of my constituents. More than one-half of the letters I get start out with a catalogue of the seeds that the writer wants. If such an amendment as now suggested should be put upon this bill, I should be obliged to have a number of cans or tubs, or whatever they might be, larger than any room I can afford to pay for at my hotel.

Mr. VANDIVER. Does not the gentleman from Ohio think that if this business of distributing seeds is to go on in competition with all the corner groceries of the country, so as to supply all the various kinds of seeds to each person who may desire them, it will become advisable and necessary that we furnish members with additional clerks and furnish the Agricultural Department with an additional supply of money—enough to buy seeds for all the people throughout the whole country? I do not see where the limit is to be fixed if we keep on with this business.

Mr. GROSVENOR. I know where I would fix the limit. I would not make the matter any worse than it is now.

Mr. WANGER. The gentleman says he does not want this matter to become "worse." Does he regard it as being bad now?

Mr. GROSVENOR. It is somewhat of a burden, but I am willing to bear my share of "the white man's burden" and the black man's burden, so far as the matter has now extended; but I am not willing, if I can help myself, to go into the business of packing assorted garden seeds into the appropriate parcels.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am reluctant to oppose anything offered by my friend from Colorado [Mr. SHAFROTH], but I think that this amendment ought not to pass. It would save very little labor to members of the House. Already they are furnished with slips. After this their franks will be printed upon the slips. It is very little trouble to direct three slips instead of one, or two instead of one; and although the plan suggested might save a little labor to the member, it would put much more labor on the Agricultural Department, because then the Department, instead of dealing with a uniform package, would have to deal with a large number of packages of various sizes, in accordance with the whims of members or their constituents. I do not think we ought to undertake to save a small amount of labor to ourselves at the expense of putting a great deal of labor upon the Department.

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last word. There is another reason, it seems to me, why this amendment should be adopted. It is not only a saving to the members but it is also a saving in the handling of these packages through the Post-Office Department. Each particular package causes as much trouble to be handled, if it is small or double the size, and consequently there will be some saving in that line, but the Department will not be put to much trouble because of the fact that there is not more than one member out of four who will want his seed in different size packages than the regular size of five small packages in a wrapper, and to those who do want them, and particularly to those who have some city constituents, it seems to me that there would be a great saving in the distribution of these packages of seeds if 20 small packages or 10 small packages could be sent in one envelope to one address instead of by two or three or four addresses.

Mr. HENRY of Connecticut. Mr. Chairman, I would like to say that if the members will go to Dr. Galloway, I have not the least doubt but he will comply with any reasonable request. Such an amendment as this is entirely unnecessary.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, before the question is taken I ask that the amendment be again read by the Clerk.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be again read. Is there objection?

There was no objection, and the Clerk again read the amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment rejected.

The Clerk read as follows:

Investigating production of domestic sugar: For all expenses, including the employment of labor in the city of Washington or elsewhere, necessary to enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands thereto by irrigation or otherwise, and to investigate all other matters concerning the same, $5,000: *Provided*, That all appropriations herein or hereafter made for the benefit of the Bureau of Plant Industry, and to be expended under the general direction of the Chief of that Bureau, shall be considered interchangeable, and may be used for the work of any of the several branches and offices thereof as the necessities of the service may, in the judgment of the Secretary of Agriculture, demand; and the clerks, laborers, and others appointed to or employed in any particular office or branch of that Bureau may be detailed to perform service in any other office or branch thereof.

Mr. CANNON. Mr. Chairman, I rise to a point of order.

Mr. WADSWORTH. Let me make an amendment first.

Mr. CANNON. If the gentleman makes his amendment it will be too late for me to make my point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. CANNON. I make the point of order upon all of the proviso from line 10 to line 20, inclusive, commencing with the word "*Provided*," and particularly do I make the point of order upon the word "hereafter," in line 11, page 26. I call the attention of the Chair and of the committee as well to the fact that this changes existing law. They are not content with putting in this general consolidation provision in this bill, but they change the law and say that hereafter all appropriations in detail, every dollar of it, seeds and everything else—hearken, my fellow-statesmen [laughter]—by means of this provision (I was going to say surreptitious provision), artfully couched in these words, this dominating committee proposes to make available every dollar that is appropriated for our seeds to employ clerks with. [Laughter.]

Now, is that to be submitted to for a holy minute? That is just what it does. Six hundred and one thousand seven hundred and eighty dollars in amount, commencing on page 14, Bureau of Plant Industry, covering every page up to and including 26, covering all appropriations for seeds and everything else by this surreptitious proviso, is all lumped, in the discretion of the Secretary, now and hereafter, into one sum, and made available for the appointment of clerks or laborers or employees. We can not stand it, and in the interests of the horny-handed sons of toil in this House [laughter], and I am one of them, I rise and invoke the point of order upon this whole provision.

Mr. WADSWORTH. Mr. Chairman, the point of order is undoubtedly well taken, and I will say further that I was on my feet to ask that that proviso be stricken out. We put it in the bill, I think, under misapprehension. It is undoubtedly not good legislation, and I hope the committee will strike it out, but not on a point of order, but on its merits.

Mr. CANNON. Now, just a word in reply. I am still not content. I know I could not overthrow my genial friend from Connecticut [Mr. HENRY] and other gentlemen alone, and as long as this is written in the bill and in the name of the farmer, I am afraid my friend from New York [Mr. WADSWORTH] and myself together could not knock this out, bad as it is, and therefore I must adhere to my point of order.

Mr. WADSWORTH. Well, the end justifies the means. It is immaterial which way it goes out. If it goes out on a point of order, I am content, although I would rather have it put out on its merits.

The CHAIRMAN. The Chair sustains the point or order.

Mr. WADSWORTH. One moment, before the Clerk reads. I offer the following amendment:

In line 8, after the word "lands," insert the word "adapted."

It is a mere clerical amendment, and I ask unanimous consent that it be adopted.

The CHAIRMAN. Without objection, the bill will be so amended.

There was no objection.

The Clerk read as follows:

Total for Bureau of Plant Industry, $601,780.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 22, page 26, the following:

"That it shall be unlawful for any transportation company, after July 1, 1902, to offer for entry at any port in the United States, any trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, unless accompanied by a certificate of inspection by a qualified expert of the country from which the exportation was made, officially appointed by the government thereof, certifying that the contents have been carefully examined and found apparently free from all insect and fungous or other disease dangerously injurious to nursery stock.

"In case any nursery goods are offered for entry at any port of the United States without said certificate, as herein prescribed, it shall be the duty of the collector immediately to notify the Secretary of Agriculture, who shall arrange for inspection to be made at the expense of the importer, who shall pay therefor a fee to be fixed by the Secretary of Agriculture, and said collector shall not allow them to pass within the jurisdiction of the United States until a satisfactory certificate of inspection has been received. And after the aforesaid date, July 1, 1902, all nursery stock imported in accordance with the aforesaid regulations shall be free from all further inspection, quarantine, or restriction in interstate commerce: *Provided, however*, That the Secretary of Agriculture may, in his discretion, order specific examinations, and may also, at any time, relieve such articles from inspection by a specific order.

"SEC. 2. That whenever it shall appear to the Secretary of Agriculture that any nursery stock or variety of fruit grown in an infested district outside of the United States is being, or is about to be, imported into the United States, and such nursery stock or variety of fruit is infested by any seriously injurious insect or disease, which insect or disease is liable to become established in the United States and seriously affect any such nursery stock or variety of fruit grown therein, he shall have authority to quarantine against any such importations and prevent the same until such time as it may appear to him that any such insect or disease has become exterminated in the country or district from which such fruit or nursery stock is being, or is about to be, imported, when he may withdraw the quarantine, and this shall operate to relieve all such nursery stock or fruit from such further quarantine or restriction as is provided for in this section so long as the conditions of freedom from seriously injurious insects or disease shall continue.

"SEC. 3. That the Secretary of Agriculture may designate, in each State and Territory and in the District of Columbia, qualified experts, with authority to examine all nursery stock about to be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, and issue their certificate stating the results of such examinations.

"The Secretary may publish rules and regulations prescribing the terms and conditions under which such experts may act. These examinations shall be made, so far as possible, between June 1 and September 1 of each year, in the manner prescribed by the Secretary of Agriculture; and if such nursery stock is found to be apparently free from dangerously injurious insects or diseases, the certificate of the authorized expert making such examination and finding shall be issued to the owner or owners of such nursery stock, a copy of which certificate shall be attached to and accompany each carload, box, bale, or package, and when so attached and accompanying shall operate to release all such nursery stock from further inspection, quarantine, or restriction in interstate commerce.

"SEC. 4. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock which have not been examined in accordance with the provisions of section 3 of this act, or which, on said examination, have been declared by the inspector to be infested with dangerously injurious insects or diseases. Any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof, as provided for in this act and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine not to exceed $500 nor less than $200, or by imprisonment not to exceed one year, or both, at the discretion of the court.

"SEC. 5. That the rules and regulations herein provided for shall be promulgated on or before the 1st day of July in each year.

"SEC. 6. That the sum of $50,000, to be available on the 1st day of May, 1902, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

"SEC. 7. That this act shall take effect on and after the 30th day of June, 1902.

"SEC. 8. That the provisions of this act shall not apply in interstate commerce to florists' greenhouse trees, shrubs, plants, and bulbs, commonly known as florists' stock."

Mr. CANNON. Mr. Chairman, I must certainly reserve the point of order on this amendment until I can look a little further. On a hasty reading of it I think I shall have to make the point of order that it is new legislation.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. CANNON. Well, if there is any necessity for it, although my friend requests me for a moment to reserve the point of order. I certainly have no objection to doing that.

Mr. HAUGEN. Mr. Chairman, I offered this amendment, which is the same as House bill 10999, to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation. This bill has been before Congress for a number of years.

Mr. WADSWORTH. Three years.

Mr. HAUGEN. The bill was submitted to the nurserymen of this country, to the Agricultural Department, and the scientific men in the Department before it was introduced in this Congress, and as far as I know it meets with the approval of all concerned. The legislation is very much desired by all parts of the country, especially, I think, by the people of California.

I have been in correspondence with a number of people from different parts of the country, California and New York more especially, and so far as I know this legislation is much desired by all interested in this business. I hope that the gentleman from Illinois [Mr. CANNON] will not raise the point of order. I should like to have the Clerk read the report that accompanies the bill, for the information of the committee, before the point of order is ruled upon.

The CHAIRMAN. Does the gentleman ask that it be read in his time?

Mr. HAUGEN. Yes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the report which he sends to the Clerk's desk be read in his time. Is there objection?

There was no objection.

The Clerk began the reading of the report.

The CHAIRMAN (during the reading). The time of the gentleman has expired.

Mr. HAUGEN. I ask unanimous consent to have the report printed in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the report which the Clerk has been reading be printed in the RECORD. Is there objection?

There was no objection.

The report is as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 10999) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock and fruits, into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation, report the same to the House with the unanimous recommendation that it do pass.

The necessity of such legislation is of grave importance for the protection of our agricultural and horticultural interests. Scientific men and nurserymen have recommended it for years, and the demand for it upon the part of the people has become so strong that it should be deferred no longer. The pending bill has been indorsed by representatives of entomologists and vegetable pathologists, as well as by nurserymen and fruit growers. The committee is not advised of any opposition to this bill from any quarter.

It is an acknowledged fact that fully one-half of the principal injurious insects now in the United States have been introduced from foreign countries. No effort on the part of the General Government has ever been made to prohibit the entrance of such pests.

The State of California has alone established a horticultural quarantine at the port of San Francisco, but this is the only one of our great ports which is so protected. At San Francisco during the past year 122 steamships and sailing vessels arrived carrying trees, plants, and fruits from Japan, Ceylon, Australia, New Zealand, South Sea Islands, Central America, Mexico, and British Columbia. The quarantine officer destroyed over 3,000 trees and plants infested with insects new to California. Other stock was thoroughly fumigated with hydrocyanic-acid gas.

The estimated annual damage to agricultural and horticultural interests of this country from the attacks of injurious insects amounts to $300,000,000; and it is safe to say that, at a low estimate, at least one-half of this damage is done by imported insects.

As indicated in a later paragraph, a number of foreign countries have quarantined against American plants and fruits, but no such quarantine exists in this country, although the necessity of it, from the facts just mentioned, is obvious.

There exists in Europe, especially in south Europe, and in the countries beyond the Pacific, with which we are just entering into greatly enlarged commercial relations, many insects noted as pests which are liable at any time to make their appearance in this country under existing conditions.

It has been so general an experience as to make it practically a hard-and-fast rule that foreign insects introduced into this country thrive in a much greater degree than in their own native homes.

From the West Indies and from Mexico we are also in danger. For example, there exists in Mexico a maggot which infests oranges and lemons, known as Morellos fruit worm, which has not yet become established in this country. It occurs in all parts of Mexico and Central America, except possibly the State of Sonora in Mexico, and Mexican oranges for the United States have come across our borders and taken their place in our markets during the months of November and December. Most of these oranges have previously been shipped to Northern markets, where there is no danger of an orange pest establishing itself. Of late, however, they have been carried into California, and the extensive citrus industry of that State is in danger. Within the past two months a cargo of Mexican oranges, riddled with this maggot, was stopped at the port of San Francisco, and the oranges were burned under the operation of the State quarantine law.

Louisiana and Florida are not protected in the same way, however, and the danger is a real one. Even in the case of the Mexican oranges shipped to the Northern and Middle States, the empty cars are frequently carried back to California, and perhaps to other orange-growing regions, and thus becoming an additional source of danger.

The success of the State quarantine at the port of San Francisco indicates what may be done and what should be done at other ports of entry of the country by national legislation. It should be said, however, that while the quarantine at San Francisco protects California, it does not protect the rest of the country, because the State officers have jurisdiction over shipments intended for California.

It is safe to say that had such a quarantine service been in operation at all the principal ports of the United States during the past thirty years, the cost of its operation would have compared with the actual saving to the agricultural and horticultural interests of this country as 1 to 100, and it is equally safe to say that such a service in the future would result with equal, and probably, on account of the increased foreign trade, with greater relative benefit to this country.

A seriously destructive insect known as the San Jose scale, introduced a number of years ago into California, possibly from Japan, has been and is being scattered over our country in interstate commerce.

This scale is the worst insect enemy to orchard trees which this country has ever known. Since its accidental introduction into the Eastern States it has spread or has been carried into almost every State in which the orchard industry is a feature. It has done its greatest damage in the States of Maryland, Virginia, New Jersey, Ohio, Georgia, Indiana, and Illinois. It also occurs in Canada, and has been the cause of an absolute prohibition against the introduction of American trees and plants on the part of Canada, Germany, Austria-Hungary, France, Switzerland, Turkey, and Cape Colony, and of fruits as well on the part of Germany.

The worst aspect of this danger is that the insect itself is so extremely minute that it is carried in shipments of trees and plants, and obtains a foothold in many places, and entirely escapes the attention of the uninstructed eye until after it may have done irreparable damage and become thoroughly established and escaped from this as a center of destruction to the regions round about.

In spite of its minute size, it multiplies with such rapidity as to cover the bark of young trees and sap their vitality to such an extent that the trees are killed in the course of two or three years.

For example, in Maryland a peach orchard of 20,000 trees was completely destroyed in two years.

An outbreak occurred on Catawba Island, Ohio, which necessitated the destruction of over 3,000 bearing peach trees and the expensive treatment of an additional area of 1,000 acres.

The peach and plum interests of Georgia are very great. In one county alone the orchards are estimated to be worth over $5,000,000. In certain portions of the State the trees have become infested by the scale to such an extent that within the past few weeks one orchard of 3,000 trees has been condemned and the trees burned. In another orchard 1,000 trees have been condemned and burned the present winter. Thus the orchard interests of this State are threatened, perhaps, with extinction.

In North Carolina a valuable orchard of 60,000 large peach trees was cut down, and the trees were burned the past autumn.

Instances similar to these might be multiplied.

The danger from this insect is greater in this country than in any other country on account of the custom among nurserymen and orchardists of very extended interstate commerce. Nursery stock is bought in small and large quantities in different States and is shipped by freight, express, or by mail to other States, thus spreading the infestation.

The chief danger to the nursery interests of the country is that the different States have passed diverse laws, many of them very drastic in character, practically prohibitory, so that an honest nurseryman is unable to send clean nursery stock into many of the States, while a dishonest man, or a careless one, may freely send infested stock to other States which have not yet protected themselves by State laws. These difficulties can only be reached by a law governing interstate commerce, such as is now proposed.

Moreover, aside from the actual damage which the insect has done in nurseries, the fact becoming known that a nursery has become infested with a scale has, in many cases, operated so severely as to entirely destroy the reputation and credit of the firm.

A single extensive nursery located in the Middle West was forced into bankruptcy on account of having become infested by this pest, which not only necessitated the destruction of many thousand trees, but practically put a stop to further sales of noninfested stock. A loss of $100,000 was thus entailed.

From what has just been said the necessity for a uniform national law becomes apparent. The different requirements of State laws and the entire lack of any law in certain States has produced a condition intolerable to the nurseryman and of great danger to the orchardist.

For example, a man shipping trees into Maryland requires one form of certificate; shipping into Virginia he requires yet another form under present regulations; while into other States, as Ohio, no form of certificate is required, thus making it the dumping ground for infested stock from all districts.

Moreover, in New York the law prohibits sending infested stock outside the State, but does not prohibit its entrance.

Such incongruities as these in State laws indicate most strongly the necessity for a uniform national law.

In the opinion of the committee this bill is a step in the right direction, and is worthy of early and favorable consideration.

The Department of Agriculture has for some time been collecting, with the assistance of the Department of State, the full texts of the regulations of those foreign governments which have, through fear of the introduction of San Jose scale, adopted measures prohibiting the importation of American plants and fruits or requiring inspection before admission. However, the series is not yet perfectly complete. The digests have been made with care.

Austria-Hungary.—Prohibits (decree of April 20, 1898) importation from America of living plants, grafts and layers, and fresh plant refuse of every kind, as well as the barrels, boxes, and other coverings in which such goods or refuse may be packed, and fresh fruit and the refuse of fresh fruit, as well as the packings which may cover the same, when examination on frontier shall prove presence of San Jose scale. Admission limited to Bodenbach-Tetschen, Trieste, and Fiume. Also prohibits transit of such goods through the Empire.

Belgium.—Importation and transit of fresh fruits, living plants, and fresh parts of plants sent from the United States can take place only by ports of Antwerp, Ghent, and Ostende, upon production of a certificate from competent authority attesting that products are not contaminated by San Jose scale. If not accompanied by certificate, products can not be delivered until inspected, and, if not exempt, must be destroyed with packings; cost of all service at expense of importer. Order goes into effect March 15, 1899. Does not apply to shipments in direct transit by railway under supervision of customs authorities.

British Columbia.—Rules and regulations, published June 25, 1897 (under authority of "Horticultural board act, 1894"), provide that all importers of nursery stock, trees, plants, or fruit must give notice upon arrival, and before removal from wharf or station, to a member of the board or to the inspector of fruit pests, who shall inspect the same and, if clean, issue a certificate which shall be good for three months, unless revoked by further inspection. Nursery stock found to be infected shall be disinfected or destroyed. Fruit found to be infected shall be destroyed or reshipped.

Canada.—Prohibits (San Jose scale act, 18th March, 1898) importations of nursery stock from United States, Australia, Japan, and Hawaii. Stock so imported to be destroyed and importer liable to penalty prescribed by section 6 of customs tariff ($200 for each offense).

Exempts:

1. Greenhouse plants, with the exception of roses. (Amended April 25, 1900, by striking out the words "with the exception of roses" after words "Greenhouse plants.")
2. Herbaceous perennials.
3. Herbaceous bedding plants.
4. All conifers.
5. Bulbs and tubers.

Amended (April 7, 1900) so as to authorize importations from April 7 to May 15, through customs ports of St. John, N. B.; St. Johns, Quebec; Niagara Falls and Windsor, Ontario, and Winnipeg, Manitoba, only, where they will be thoroughly fumigated with hydrocyanic-acid gas.

Cape of Good Hope.—Regulations published March 25, 1896, under authority of act No. 9, dated 1876, prohibits importation of any stone-fruit tree, or any fruit, scion, cutting, graft, root, or seed, the growth or produce thereof, from the United States, and anyone importing such article as aforesaid shall be subject to a fine not exceeding £100 sterling or six months' imprisonment, and, in addition, the articles will be destroyed.

Note.—Consul-General Stowe states (February 7, 1900) that proposal is under consideration to relax above as regards States where neither "peach yellows" nor "peach rosette" exists.

France.—Prohibits (decree of November 30, 1898) entry into and passing through France of trees, shrubs, products of nurseries, cuttings, and all other plants or parts of living plants, as well as fresh débris from them, from United States, directly or in storage, as well as cases, sacks, etc., used for packing. Also prohibits fresh fruit and débris, when examination proves presence of insect at entry into France.

Germany.—Prohibits (decree of February 5, 1898) importation of living plants and parts of living plants from America, and barrels, boxes, etc., used for packing. Also fresh fruit or fresh parts of fruit when examination at port of entry shows presence of San Jose scale. Imperial chancellor authorized to grant exceptions.

Amended (commercial agreement of July 10, 1900) by annulling regulation providing that dried or evaporated fruits from United States be inspected. Such fruits now admitted without other charge than customs duties. Introduced at following points:

LIST OF PLACES AT THE BOUNDARY WHERE PLANTS MAY BE INTRODUCED.

(*a*) *Prussia.*—Main customs office, Eydtkuhen; main customs office, Pillau; main tax office, Konigsberg in Pr.; main customs office, Danzig; main tax office, Stettin; main customs office, Liebau; main customs office, Myslowitz; subcustoms office, 1 Oderberg; subcustoms office, 1 Ziegenhals; subcustoms office, 1 Halbstadt; subcustoms office, 1 Seidenberg; main customs office, Aachen, inclusive of the customs inspection office in the depot of Templerbend and the freight depot of Roth Erde; main customs office, Emmerich, inclusive of the two steamship-inspection offices and the customs inspection office located at that place; main customs office, Kaldenkirchen, inclusive of the customs-inspection office at the depot at that place; subcustoms office, Herbesthal; subcustoms office, Bentheim; subcustoms office, Borken; subcustoms office, Weener; main customs office Geestemünde; main customs office, Flensburg; main customs office, Hadersleben, inclusive of the subcustoms office, 1 Woyens; main customs office, Kiel; customs office at the depot in Luxemburg.

(*b*) *Bavaria.*—Main customs office, Lindau; main customs office, Passau; subcustoms office, Kufstein; subcustoms office, Salzburg; main customs office, Simbach, and subcustoms office, Schärding a. Th.; main customs office, Fürth a. W.; subcustoms office, Eger; subcustoms office, Obernzell; subcustoms office, 1, at the depot of Eisenstein.

(*c*) *Kingdom of Saxony.*—Main customs office, Zittau; main customs office, Schandau; subcustoms offices, Bodenbach and Tetschen; subcustoms office, Voitersreuth; subcustoms office, Reitzenhain; subcustoms office, 1 Warnsdorf.

(*d*) *Württemberg.*—Main customs office, Friedrichshafen.

(*e*) *Baden.*—Main customs office, Konstanz; main tax office, Singen; main tax office, Séckingen; customs offices at the depots of Schaffhausen and Waldshut; subcustoms office, Erzingen; customs office at the depot of Basel.

(*f*) *Oldenburg.*—Subcustoms office, 1 Nordenham.

(*g*) *Lübeck.*—Main custom-house, Lübeck.

(*h*) *Bremen.*—Port of entry, Bremen; port of entry, Bremerhaven.

(*i*) *Hamburg.*—Quay office, Hamburg.

(*k*) *Alsace-Lorraine.*—Subcustoms office, Fentsch; subcustoms office, Amanweiler; subcustoms office, Novéant; subcustoms office, Chambrey; subcustoms office, Deutsch-Avricourt; subcustoms office, Altmünsterol; subcustoms office, Basel; subcustoms office, Markirch; subcustoms office, Saales; subcustoms office, Diedolshausen; subcustoms office, Urbis.

Netherlands.—Prohibits (decree of May 23, 1899) importation and transit, direct or indirect, of live trees and shrubs, or live parts thereof, produced in America, including boxes, casks, baskets, sacks, vessels, and other articles used for packing, unless accompanied by certificate issued by consular officer of Netherlands or competent authority in port of shipment, and objects shall not be landed unless certificate is satisfactory to receiver of import duties.*

New Zealand.—Prohibits (act of 1896) importation of fruit of any kind infested with fruit flies. Fruit infested with codling moth will be destroyed unless immediately reshipped. Fruit, plants, trees, cuttings, or buds infested with any scale insect will be admitted only when accompanied by certificate. Otherwise it will be fumigated at expense of importer or destroyed.

Imported fruit admitted only at Bluff, Dunedin, Christchurch, Wellington, and Auckland.

*Exceptions: (*a*) Importations from countries bordering on the Netherlands in which measures have been taken for combatting the San Jose scale. (*b*) Importations for scientific purposes. (*c*) To meet requirements of frontier commerce.

Live plants admitted only at Dunedin, Christchurch, Wellington, and Auckland.

Fumigation performed only at Dunedin, Christchurch, Wellington, and Auckland.

Switzerland.—Prohibits plants; prohibits importation of fresh fruit from America, except through customs bureau at Basle, where it is subject to an examination by an expert for San Jose scale or other parasites. No restrictions to direct importation of dried fruits.

Turkey.—A note from the minister of foreign affairs to the United States minister at Constantinople, dated October 18, 1899, states that the Imperial Government has decided to interdict the importation of trees, plants, and fruits coming from the United States.

Mr. WADSWORTH. Mr. Chairman, the bill which the gentleman from Iowa [Mr. HAUGEN] proposes as an amendment to the Agricultural appropriation bill simply provides for the inspection of nursery stock destined for interstate and foreign commerce. It is exactly in line with the inspection now provided for meats and lately provided, in the oleomargarine bill, for process and renovated butter. It probably is subject to a point of order, but it affords a perfect example of how difficult it is to give powers to the Secretary of Agriculture, except on the appropriation bills. This bill has been reported favorably, without a dissenting vote in the committee, three years in succession by the Committee on Agriculture. As it carries an appropriation, it goes to the Union Calendar, and there each time it has slept. I simply call attention to this fact to show you how difficult it is to give the Secretary of Agriculture any powers unless they are granted on the appropriation bill.

Mr. CANNON. Mr. Chairman, just a word. I am diffident, when I talk in earnest, about injecting points of order that cover material matters of legislation. I have great confidence in the respective committees of this House, especially where they have studied the questions presented. So that it is not in any captious spirit, by any manner of means, that I am thinking about interposing the point of order. I have read the bill in a hop, skip, and jump, and it seems to me to be very severe in its provisions and is liable in the hands of mischievous people to give very great trouble to the citizens. Take section 3:

SEC. 3. That the Secretary of Agriculture may designate, in each State and Territory and in the District of Columbia, qualified experts, with authority to examine all nursery stock about to be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, and issue their certificate stating the results of such examinations.

Then take section 4:

SEC. 4. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock which have not been examined in accordance with the provisions of section 3 of this act, or which, on said examination, have been declared by the inspector to be infested with dangerously injurious insects or diseases.

That is, in accordance with the army of experts that would examine all the plants and trees and shrubs throughout the country, and ought to, costing God knows how much, whether one million, five million, or ten million dollars. Then here comes a penalty—a fine for violation:

Any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof, as provided for in this act and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine not to exceed $500 nor less than $100, or by imprisonment not to exceed one year, or both, at the discretion of the court.

Now, I am not in favor of these pests to nursery stock or trees or plants, but considering the way in which matters run, I am rather inclined to think it is absolutely my duty at this point, on a general appropriation bill, to interpose the point of order.

Mr. HAUGEN. Mr. Chairman, I wish to state that in the Fifty-sixth Congress a bill somewhat similar to this was introduced in this House and referred to the Committee on Agriculture. Opposition arose to the bill and differences of opinion between the different interests in this country. When I was requested to introduce this bill in this Congress I submitted it to the different parties interested and suggested to them that they agree upon a bill, and told them that until they had agreed upon a bill that would meet the demands of the different interests involved I would absolutely refuse to take it up for consideration in my subcommittee.

This bill was submitted to the Secretary of Agriculture, and the scientific men in the Department, and representative men in the nursery and horticultural business of all parts of this country, representing every State in the Union. The bill as it now stands is agreed upon by those interests. It is possible that the bill may be open to amendment, although I am inclined to believe at this time if we pass the bill we should pass it as it is drawn, and if it should be inadequate to meet the demands it could be amended or further legislation could be had later.

Mr. GARDNER of New Jersey. Not to discuss the point of order, but in line with what the gentleman has said, have you thought you were offering a bill as an amendment to the Agricultural appropriation bill, a bill that has sections and has provisions peculiar to it, where that amendment prescribes certain things shall be done according to section 3? If that goes into the Agricultural appropriation bill, that will mean section 3 of the general bill. The limitation that you prescribe of expenditures of money under this act will mean the general Agricultural appropriation bill. After this bill has been adopted, if this amendment is adopted it will make it apply to the whole bill.

Mr. HAUGEN. I fully recognize that it is subject to a point of order, and if the point is raised there is no use perfecting the amendment. If the point of order is not raised, I expect to amend the amendment.

The CHAIRMAN. The Chair understands that the gentleman from Illinois makes the point of order against the amendment.

Mr. CANNON. Yes.

The CHAIRMAN. The Chair is clearly of the opinion that while this bill is similar to the oleomargarine and other bills of that nature, this is new legislation, and subject to the point of order upon an appropriation bill, and therefore sustains the point raised by the gentleman from Illinois.

The Clerk read as follows:

Bureau of Forestry, salaries: One forester, who shall be Chief of Bureau, $3,500; 1 assistant forester, $2,500; 1 assistant forester, $1,800; 1 assistant forester, $2,000; 1 stenographer, $1,200; 1 field assistant, $1,500; 1 field assistant, $1,400; 1 field assistant, $1,200; 1 field assistant, $1,000; 1 field assistant, $720; 10 collaborators, at $300 each, $3,000; 1 clerk class 3, $1,600; 1 photographer, $1,200; 1 computer, $1,000; 3 clerks class 1, $3,600; 2 clerks, at $1,000 each, $2,000; 4 clerks, at $900 each, $3,600; 7 clerks, at $720 each, $5,040; in all, $37,860.

Mr. CANNON. I make the point of order on line 25, to the words "thirty-five hundred dollars," page 26.

Mr. WADSWORTH. That is one of the increases recommended by the committee for scientists of the Bureau, and is subject to the point of order.

The CHAIRMAN. Does the gentleman from New York acknowledge that it is subject to the point of order?

Mr. WADSWORTH. Yes, sir. Now I ask unanimous consent to insert "$3,000" in place of "$3,500." That makes the salary the same as last year.

The CHAIRMAN. The gentleman asks unanimous consent to make the change that he has just stated to the committee.

Mr. WADSWORTH. I ask unanimous consent that the Clerk change the total in accordance with the amendment.

The CHAIRMAN. Is there objection to the amendment? [After a pause.] The Chair hears none.

The Clerk read as follows:

General expenses, Bureau of Forestry: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants; for the employment of local and special agents, clerks, assistants, and other labor required in practical forestry and in conducting experiments and investigations in the city of Washington and elsewhere, and for collating, digesting, reporting, illustrating; and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling and other necessary expenses, $245,000, of which sum not to exceed $6,000 may be used for rent, and $700 of the latter amount may be used in payment of rent for the months of March, April, May, and June, 1902. And the employees of the Bureau of Forestry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

Mr. CANNON. Mr. Chairman, I wish the gentleman from New York would strike out the word "hereafter." I reserve the point of order. I do not want legislation on this. Let it apply to the current year.

Mr. WADSWORTH. Line 15?

Mr. CANNON. Yes.

Mr. WADSWORTH. I have no objection to that, Mr. Chairman.

The CHAIRMAN. Without objection, the word "hereafter," in line 15, will be stricken out. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Total for Bureau of Forestry, $282,860.

Mr. WADSWORTH. I ask unanimous consent that the Clerk may correct the total on line 20. It should be $282,360. The gentleman from Illinois suggests that I ask unanimous consent that the Clerk correct all the totals hereafter.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the Clerk correct all totals hereafter. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Bureau of Chemistry, salaries: One chemist, who shall be chief of bureau, $3,500; 1 assistant chemist, $2,500; 1 assistant chemist, $1,800; 1 assistant chemist, $1,600; 1 clerk class 2, $1,400; 2 clerks class 1, $2,400; in all, $13,200.

Mr. CANNON. Now, Mr. Chairman, I must make the point of order on line 23, page 28, on $3,500. I suppose the gentleman wants $500 stricken out and let it stand at $3,000?

Mr. WADSWORTH. That is another scientist, Mr. Chairman,

whose salary was recommended by the committee and is subject to the point of order. I ask unanimous consent that it be inserted at $3,000.

The CHAIRMAN. The gentleman moves to amend by striking out the words "five hundred." Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and fo all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations, the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, and reporting the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, and for the rent of building occupied by the Bureau of Chemistry.

Mr. CANNON. I make the point of order on page 31, from and including the word "to," on line 1, to and including the word "justice," in line 6. The gentleman from New York asks me to reserve the point of order. I will do so.

Mr. WADSWORTH. Now, Mr. Chairman, that clause was put in after hearings before the Committee on Agriculture of the different manufacturers of foods in various parts of the country It seems that the different chemists of the different States differ as to what constitutes an adulteration of food, and what constitutes poisons in food that would be injurious to health and what not be injurious, and the result is that the food product in one State is declared good and wholesome and in another State declared unwholesome and impure; and the result is that the manufacturers are at sea about what to do in the matter.

They appeared before us and asked us to give the Secretary of Agriculture power to decide on inspection of said foods—what is impure food, adulterated food, or a poisonous food—and that the testimony when taken to our courts would probably regulate the matter. Our understanding is they want to have some central authority to [illegible] State the trees have become infested by the [illegible] are food, to correct [illegible] the past few weeks one orchard of 3,000 trees h[illegible] other orchard 1,000 trees n[illegible] authorities and the food commissioners. This is good legislation; I will say to the gentleman from Illinois, and we urge it, notwithstanding the point of order. It is absolutely in the line of good legislation. If we attempted to pass the bill by itself, where would it be?

Mr. CANNON. It would be subject to full and intelligent consideration upon its merits.

Mr. WADSWORTH. It is subject to that now. Will the gentleman state any reason for throwing it out?

Mr. CANNON. Yes; the point of order is that it is new legislation.

Mr. WADSWORTH. I am not talking about the point of order, but I mean on its merits.

Mr. CANNON. Let us read it and determine whether it is subject to a point of order, and, incidentally, if the committee will give me their attention, see how much merit it has.

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists—

Who they are God only knows, I do not—

and such other experts as he may deem necessary—

All becoming experts in the pay of the Government. You can put in a dozen experts from every State in this Union to be constantly in session—

and such other experts as he may deem necessary—

To do what?—

to establish standards of purity for food products and to determine what are regarded as adulteration therein, for the guidance of the officials of the various States and of the courts of justice.

Mr. WILLIAMS of Mississippi. I suppose the gentleman from Illinois understands that Congress neither has the power, nor is it the desire by this bill, literally, to govern or control the courts of justice in the States, but to submit to them the determination of scientific men as an argument before the court, as evidence given to the courts of what constitutes adulteration, poisonous adulteration, unwholesome adulteration.

Mr. CANNON. I have great respect for the judgment of the gentleman from Mississippi, able as he is, born under conditions and living under conditions where he would be glad indeed to let the States exercise their police powers within their own jurisdiction. I think I have heard him bear testimony against paternalism in the Government——

Mr. WILLIAMS of Mississippi. The gentleman is certainly right. If I thought this had the slightest tendency in that direction, I would be more opposed to it than is the gentleman from Illinois, but this is merely to collect and announce what, in the opinion of the chemists in the Agricultural Department, constitutes unwholesome adulteration. It controls no State, it controls no State police power; it does not pretend to; it merely gives the standard, which the State court can consider or ignore, whichever they please, but which, in our opinion, would have a persuasive force, if no other.

Mr. CANNON. And yet, under existing appropriations, the chemist of the Agricultural Department has the power to conduct these investigations. Now, then, this is legislation, as it enables the Secretary "in collaboration with the association," whatever that is, "of Official Agricultural Chemists, and such other experts as he may deem necessary;" how many? One thousand?

Mr. WADSWORTH. Will the gentleman from Illinois allow me to correct him?

Mr. CANNON. Certainly.

Mr. WADSWORTH. It is to enable the Secretary of Agriculture, in collaboration with the Association of the Official Agricultural Chemists and such other experts as he may deem necessary. It does not say that these other experts are to be employed; it says in collaboration with them.

Mr. CANNON. It says, "and such other experts as he may deem necessary." Why, all this appropriation for this purpose is available to pay experts.

Mr. WADSWORTH. The actual fact is this: The Association of Official Agricultural Chemists is composed of the State chemists of the various States and Territories, and it is proposed to bring them together and decide upon an agreement as to what constitutes adulterated or poisonous food.

Mr. CANNON. Does not my friend understand who pays the freight?

Mr. WILLIAMS of Mississippi. I want to make this suggestion, if the gentleman thinks there is anything in the idea that these experts are to be employed or paid by the Department. We should have no objection to inserting "not, however, to be paid by the Department of Agriculture." We do not think it is subject to that interpretation, but we have no objection to that amendment.

Mr. CANNON. It seems to me that it would be better to report the provision and let it be considered as other bills are.

Mr. WILLIAMS of Mississippi. This was considered after a very careful hearing. The chemists of the Department came before us, and the manufacturers and other people were heard on the question by letter and petition and in person and otherwise. I will suggest that if the gentleman will withdraw the point of order we will insert the language, after the word "necessary," "not, however, to be paid by the Department of Agriculture or by the Government of the United States," or "without expense to the Government of the United States."

Mr. CANNON. No; I will make the point of order.

Mr. WILLIAMS of Mississippi. I am not arguing the point of order. I think the gentleman is correct in his position on the point of order.

Mr. CANNON. I think so; and on the balance of the provision you are to have an army of people. I make the point of order on the whole paragraph.

Mr. WADSWORTH. I think if the Chair will refer to the law under which the Agricultural Department was created he will see that the Secretary was authorized to make all the investigations in the interest of the people that was necessary, and I claim it comes under that provision of the law.

Mr. SCOTT. Mr. Chairman, it occurs to me that the interpretation of this language by the gentleman from Illinois is clearly not justified by anything that appears on this page. The words "in collaboration" themselves exclude the idea of employment. When two men collaborate for the production of a play or a book it is not the case that one employs the other or hires him as a servant. They work together, and the intention of this provision is to permit the chemist in the Department to work in collaboration with the chemists from the various States, from foreign countries, if that be desired and deemed necessary to arrive at the result. It seems reasonably clear that under the general legislation authorizing the Secretary of Agriculture to carry on those investigations the provision in this section could not be ruled out of order.

The CHAIRMAN. The Chair regards food products as connected with agriculture. The act creating the Department of Agriculture reads, in the first section, as follows:

There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, while this may not be free from some doubt, yet as food

products are closely connected with agriculture "in the most comprehensive use of the word," and as this provision in the bill simply permits the Secretary of Agriculture to carry out a regulation having this end in view, the Chair is inclined to believe, and will so rule, that it is not subject to the point of order made by the gentleman from Illinois.

Mr. CANNON. I bow to the decision of the Chair.

The Clerk read as follows:

To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process and other treated butters, and other chemical studies relating to dairy products.

To study, in collaboration with the Weather Bureau and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes.

Mr. CANNON. I make a point of order on the provision extending from line 16, page 31, to line 2, page 32. My point is that this is new legislation.

Mr. WADSWORTH. I claim that it comes under the provision of law which the Chair has just read.

The CHAIRMAN. Does the gentleman from Illinois think that the provisions on which he makes the point of order differ materially from those on which the Chair has just ruled?

Mr. CANNON. I think they are clearly legislation. If the Department has the power to do this now, what is the use of putting the provision in? It is put in, no doubt, for the very purpose of giving this power to the Department.

The CHAIRMAN. This is making an appropriation to pay for doing the thing which the law authorizes the Commissioner of Agriculture to do. This case, in the view of the Chair, comes within the reasoning of the former ruling.

Mr. CANNON. Well, there is a Department of Agriculture; I cheerfully make that concession to the Chair. [Laughter.]

The CHAIRMAN. Yes; and the law creating it is quite broad. The Chair overrules the point of order.

The Clerk read as follows:

To investigate the chemical composition of sugar-producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar-producing plants, especially with reference to their content of available sugar, $60,500, $20,000 of which sum, or so much thereof as is necessary, shall be used in investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class marketable table cane sirup.

Mr. CANNON. I rise to a point of order, and I call the attention of the Chair to the last clause of this paragraph, providing an appropriation of $20,000, of which so much as may be necessary "shall be used in investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class marketable table cane sirup."

Is there anything in that except a police regulation? Of course it is not authorized by existing law. If the gentleman from New York [Mr. WADSWORTH] or anybody else thinks that he can torture the general grant coming from the mere creation of a Department of Agriculture into an authority to exercise police regulations to determine what is "first-class marketable cane sirup," I will yield to him to do so.

Mr. WADSWORTH. Why, sir, the gentleman does not understand the language. I think the clause of the law, as read by the Chair, covers this point also.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] class cane sirup as an agricultural or a manufactured product? [Laughter.]

Mr. CANNON. Ask me something easy. [Renewed laughter.] I regard it as tolerably important that we should save, if we can, $20,000 that it is proposed to expend upon a matter of doubtful wisdom and not authorized by law—an expenditure that ought not be made except by virtue of a law fully considered.

The CHAIRMAN. Now let the Chair read to the gentleman from Illinois again what he read before; and the committee will please be in order so that the gentleman may hear.

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, etc.

Now, it seems to the Chair that cane sugar or cane sirup may be deemed a "subject connected with agriculture in the most general and comprehensive sense of the word."

Mr. CANNON. Will the Chair indulge me in a single remark? Upon the reasoning adopted by the Chair it would also be in order to make investigations from a scientific standpoint touching the propagation of the human race, because there can be no agriculture without human beings. [Laughter.]

The CHAIRMAN. That is where the Chair has the misfortune to differ with the gentleman from Illinois. The Chair overrules the point of order.

The Clerk read as follows:

Total for Bureau of Chemistry, $73,200.

Mr. HENRY C. SMITH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 15, page 32, after the word "dollars," insert the following: "*Provided*, That all chemical work in the Department of Agriculture of every description shall be done under the direction of the Bureau of Chemistry and in collaboration with the various bureaus, divisions, and officers requiring such investigation."

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order on that amendment.

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order.

Mr. HENRY C. SMITH. Mr. Chairman, I desire to say that in substance this amendment was offered by me to the committee, and it was substantially agreed to by that committee. The suggestion, however, was made at that time that it should not be pressed, because there were already chemical laboratories in other departments in operation, and that for that reason a general bill should be reported by the committee; but since that discussion I have reflected upon the proposition, and it seems to me that those things would not in any manner interfere with the enactment of this provision.

Now, what is the situation? A Bureau of Chemistry is established in the Department of Agriculture, and the inference is that that Bureau should have charge of everything of a chemical character in the way of chemical investigation that belonged to the Department of Agriculture, and the fact is that that Bureau today makes chemical analyses and does whatever is necessary in that direction for the Treasury Department, the War Department, the Department of Justice, and the Post-Office Department, and yet for the sole purpose of giving people jobs, for the sole purpose of having new bureaus and chiefs of new bureaus the chemical department in the Department of Agriculture has been duplicated five times, and three out of five of those chemical bureaus are as absolutely unnecessary and useless as it is possible for them to be.

Take, for instance, in the Bureau of Animal Industry. There has been established a bureau for the consideration of dairy products, and new apparatus, and new chemicals, and new appliances, absolute duplicates of the same department in the Bureau of Chemistry for the investigation of dairy products were installed. There are two, involving expenditure of large sums of money, and the Secretary of Agriculture admitted himself that he had no knowledge of the existence of at least one of them; it had got in there in the night—got in there without his knowledge—and that is the way these bureaus grow, and here they are. In the Department of Animal Industry there are the biochemical laboratory and the dairy products laboratory, both of them now existing the Bureau of Chemistry proper, both of them in charge of competent men.

There is no reason in the world, the Secretary himself says, why the whole thing should not be done under the general bureau. And what next have we? Here is the Bureau of Soils, and in the general chemical bureau there is a man in charge of soil investigation, with assistants and with clerks. He does everything in the nature of soil investigation that the Department of Agriculture would like to have done or desires to have done; and yet this man at the head of the chemical department in the Bureau of Soils is not a chemist even. The chief of that bureau is not even a chemist, and yet he has a bureau there with some assistants.

Mr. CANNON. Does not my friend think it is desirable to carry on this bureau for the purpose of educating this man?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Michigan be extended five minutes. Is there objection?

There was no objection.

Mr. HENRY C. SMITH. I will say, in answer to the gentleman from Illinois, that it is my opinion that that man can not be educated either at public or private expense. [Laughter.] He was before our committee, and the conduct of the man after he went back to the Department and reported who voted in favor of the bill and who voted against the Department of Agriculture, and the discussion that he wrought up there, is an indication that he is far from being in a position to be educated. In that connection I want to call the attention of the members of the House to another thing, and I am not saying anything against him. You have been furnished with a little card from the Chief of the Bureau of Soils, advising you where he is going this summer, where he is going to survey—a card published at Government expense.

Now, those cards are sent out for a lobby, to indicate to you and to me that he is going into our territory, and he wants our support for his entire department. What other bureau is there? In the Bureau of Soils there is a chemical laboratory. What else? In the Office of Experiment Stations they do chemical work. Then,

there is another at Middletown, Conn., and another in Maine, and another at the State College in Pennsylvania. The Secretary of Agriculture said before our committee that every bit of this work ought to be done here in the city of Washington, and that it ought to be done by the Chemical Bureau at the Department of Agriculture; that the tendency of it would be to make the men in charge of the Bureau more proficient and would enable the Department of Agriculture to get better men.

And what else? In the Bureau of Plant Industry there is another chemical laboratory with appliances and material, and chiefs and assistant chiefs, and clerks, and assistants, and stenographers; and upon the proposition of consolidating these chemical bureaus the only answer that the chief of this Bureau could make, reduced to writing, and the only argument that he could make to sustain it was that it would be just as reasonable to have all the stenographers and all the typewriters under one head, and if you wanted any typewriting done or any stenographic work done that you should go to that one department of stenography.

Now, I submit, Mr. Chairman and gentlemen, that it is absolutely useless to have these chemical bureaus in these various departments, and that the chemistry of this Government ought to be under one controlling and proficient head, and that we ought to put a stop to this increase of bureaus and this duplication of work.

That is all I care to say.

The CHAIRMAN. The gentleman from Connecticut [Mr. HENRY] makes the point of order against the amendment, and the Chair sustains the point of order.

On motion of Mr. WADSWORTH, the committee rose; and the Speaker having resumed the chair, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5111. An act granting an increase of pension to James D. Bowland;

H. R. 13031. An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent; and

H. R. 5711. An act granting increase of pension to James R. Brockett.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1321. An act to restore to the active list of the Navy the name of James G. Field;

S. 3663. An act to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

S. 4339. An act authorizing the White River Railway Company to construct a bridge across the White River in Arkansas;

S. 715. An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes; and

S. 4647. An act to amend section 4929 of the Revised Statutes, relating to design patents.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 13031. An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1191. An act for the relief of the legal devisees of James W. Schaumburg—to the Committee on Claims.

S. 3967. An act for the relief of Ramon O. Williams and Joseph A. Springer—to the Committee on Claims.

S. 4419. An act to incorporate the General Education Board—to the Committee on Education.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOODS, until Wednesday next, on account of important business.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. GARDNER of Michigan, for one week, on account of important business.

And then, on motion of Mr. WADSWORTH (at 5 o'clock and 3 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an additional estimate of appropriation for the dedication of the statue of Rochambeau—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," reported the same with amendment, accompanied by a report (No. 1828); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13174) granting an increase of pension to Ransford T. Chase, reported the same with amendment, accompanied by a report (No. 1798); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5337) granting an increase of pension to Marietta L. Adams, reported the same without amendment, accompanied by a report (No. 1799); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7040) granting an increase of pension to Benjamin F. Grinnel, reported the same with amendments, accompanied by a report (No. 1800); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8414) granting an increase of pension to George Atkinson, reported the same with amendments, accompanied by a report (No. 1801); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13597) granting an increase of pension to Edmund B. Appleton, reported the same with amendments, accompanied by a report (No. 1802); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8487) granting a pension to John M. Crist, reported the same with amendments, accompanied by a report (No. 1803); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13891) granting a pension to Hiram A. Sheldon, reported the same with amendments, accompanied by a report (No. 1804); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12377) granting a pension to Capt. Enoch Voyles, reported the same with amendments, accompanied by a report (No. 1805); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7021) granting an increase of pension to Henry Forcht, reported the same with amendment, accompanied by a report (No. 1806); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5321) granting a pension to Lillie May Fifield, reported the same with amendment, accompanied by a report (No. 1807); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2787) granting a

pension to Cornelia S. Ribble, reported the same with amendments, accompanied by a report (No. 1808); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7319) granting an increase of pension to Mrs. F. H. Anthony, reported the same with amendments, accompanied by a report (No. 1809); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2563) granting an increase of pension to Robert R. Strong, reported the same with amendment, accompanied by a report (No. 1810); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7382) granting a pension to Jacob Mock, reported the same with amendments, accompanied by a report (No. 1811); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1741) granting an increase of pension to Griffeth Evans, reported the same with amendments, accompanied by a report (No. 1812); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8401) granting an increase of pension to Henry E. Murphy, reported the same without amendment, accompanied by a report (No. 1813); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8924) granting an increase of pension to George W. Mathews, reported the same with amendments, accompanied by a report (No. 1814); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12562) granting an increase of pension to William H. Temple, reported the same with amendment, accompanied by a report (No. 1815); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12047) granting an increase of pension to Jackson L. Wilson, reported the same with amendments, accompanied by a report (No. 1816); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12779) granting an increase of pension to George Chamberlain, reported the same with amendments, accompanied by a report (No. 1817); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13467) granting a pension to Joseph H. Woodniff, reported the same with amendments, accompanied by a report (No. 1818); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7679) granting an increase of pension to Franklin Snyder, reported the same with amendment, accompanied by a report (No. 1819); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4004) granting an increase of pension to Thomas L. Nelson, reported the same without amendment, accompanied by a report (No. 1820); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2461) granting an increase of pension to George McDowell, reported the same without amendment, accompanied by a report (No. 1821); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3992) granting an increase of pension to David M. McKnight, reported the same with amendment, accompanied by a report (No. 1822); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1593) granting an increase of pension to Eben C. Winslow, reported the same without amendment, accompanied by a report (No. 1823); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3999) granting an increase of pension to Emma S. Hanna, reported the same without amendment, accompanied by a report (No. 1824); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4238) granting an increase of pension to Philo F. Englesby, reported the same without amendment, accompanied by a report (No. 1825); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13480) to provide an American register for the steamer Brooklyn, reported the same without amendment, accompanied by a report (No. 1827); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 13990) for the relief of the owners of the Norwegian steamship Nicaragua, reported the same without amendment, accompanied by a report (No. 1829); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 14080) for the appointment of a board of visitors to attend the commencement exercises at the Naval War College, at Newport, R. I.—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 14081) to incorporate the Interstate Bridge Company and to authorize the construction of a railway bridge and approaches across the Ohio River, at a point suitable to the interest of navigation between the cities of Cairo, in the State of Illinois, and Paducah, in the State of Kentucky; to regulate commerce in and over such bridge between the States of Kentucky and Illinois, and to establish such bridge a military and post road—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: A bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS of Maine (by request): A bill (H. R. 14083) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to provide for a Delegate to the House of Representatives of the United States from Porto Rico—to the Committee on Insular Affairs.

By Mr. HOOKER: A bill (H. R. 14084) to amend an act, "No. 76—Public," passed in the first session Fifty-sixth Congress, entitled, "An act to legalize and maintain the iron bridge across Pearl River at Rockport, Miss."—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: A bill (H. R. 14085) to authorize the Baltimore and Washington Transit Company to extend its street railway in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Texas: A bill (H. R. 14104) to prohibit fraud in the importation of articles from the Danish Islands into the United States—to the Committee on Ways and Means.

By Mr. GROSVENOR: A bill (H. R. 14105) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of persons honorably discharged from the military or naval service—to the Committee on Reform in the Civil Service.

By Mr. BULL: A resolution (H. Res. 232) requesting the Secretary of the Navy to furnish information relative to the building of war ships in the government navy-yards of foreign countries, and also to furnish the names and the cost of all vessels built by the United States during the past twenty years—to the Committee on Naval Affairs.

By Mr. CANNON: A resolution (H. Res. 233) to permit amendment of H. R. 14019, relating to assessment and collection of personal-property taxes in the District of Columbia—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14086) to authorize the President to place the name of Archibald K. Eddowes on the retired list of the United States Navy with the rank of chief engineer, United States Navy—to the Committee on Naval Affairs.

By Mr. CASSEL: A bill (H. R. 14087) granting a pension to Lizzie Dunlap—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 14088) granting a pension to Hattie Ellsworth—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 14089) granting a pension to Frank Smidt—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 14090) granting a pension to Henry C. Haywood—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 14091) granting a pension to Charles A. Warrick—to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 14092) granting an increase of pension to Silas B. Hovious—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 14093) granting an increase of pension to John H. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14094) granting an increase of pension to James R. Richmond—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 14095) granting a pension to John H. Leslie—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14096) authorizing the President of the United States to nominate George L. Fisher as second lieutenant in the United States Army—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 14097) granting an increase of pension to Alexander Ransom Pope and Mary Lee Pope—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14098) granting an increase of pension to Albert M. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14100) for the relief of John Mantel, of Escambia County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 14101) for the relief of the estate of W. D. Williams—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 14102) to vest title to certain property in Leopold Luchs—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 14103) granting an increase of pension to Delu Norris—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of 21 citizens of Missouri and other States, protesting against the "Jim Crow" car law—to the Committee on the Judiciary.

Also, petition of Thaddeus Kosciusko Lodge, No. 309, Polish National Alliance, St. Louis, Mo., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of the St. Louis Manufacturers' Association, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of St. Louis Trades and Labor Union, in favor of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Future Great Lodge, No. 45, Brotherhood of Railroad Trainmen, of St. Louis, Mo., in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Stereotypers' Union No. 8 and Post No. 13, Grand Army of the Republic, St. Louis, Mo., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of St. Louis Manufacturers' Association, in favor of the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Stereotypers' Union No. 8, of St. Louis, Mo., in favor of the exclusion of Chinese laborers, etc.—to the Committee on Foreign Affairs.

Also, resolutions of Shoemakers' Union No. 126, St. Louis, Mo., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolutions of Union No. 4, Brotherhood of Railway Carmen, Topeka, Kans., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CROMER: Petition of Bricklayers' Union No. 9, of Muncie, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Resolutions of United Mine Workers' Unions Nos. 1875 and 1903, of Wilsonburg, W. Va., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Resolutions of the Interdenominational Council of Women for Christian and Patriotic Service, New York City, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. GORDON: Papers to accompany House bill 726, granting a pension to Eliza Clark—to the Committee on Pensions.

Also, papers to accompany House bill No. 730, for the relief of John Howell—to the Committee on Military Affairs.

Also, papers to accompany House bill 738, for the relief of John Morris—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of H. Paul Staley and others, of Cheswick and vicinity, Allegheny County, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, resolutions of United Mine Workers' Unions of Sunnyside and Sturgeon, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Testimony in support of House bill 13798, granting an increase of pension to John H. Berry—to the Committee on Invalid Pensions.

By Mr. HANBURY: Additional papers to accompany House bill 11320, for the relief of Mary Leary and children—to the Committee on Claims.

By Mr. HOWELL: Resolution of St. Joseph Polish Society, of South Amboy, N. J., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. HULL: Resolutions of Division No. 38, Order of Railway Conductors, of Des Moines, Iowa, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. JACK: Resolutions of Chestnut Ridge Lodge, No. 310, Locomotive Firemen, of Derry Station, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of the same lodge for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of D. J. Waller, jr., and others, of Indiana, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. JOY: Petition of Charles Etzel, of St. Louis, Mo., for a pension—to the Committee on Invalid Pensions.

By Mr. KERN: Petition of John C. Schmucker, of Bremen, Ill., favoring House bill 9206—to the Committee on Agriculture.

Also, resolutions of St. Clair Lodge 353, of Belleville, Ill., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers' Union No. 2, of Belleville; Carpenters' Union 798, of Salem; Butchers' Union 53; Machinists' Association No. 121, of East St. Louis; Local Union 359, of New Baden; Carpenters' Union 479, of Sparta; Cigar Makers' Union No. 410, of Centralia, and Switchmens' Union, of East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolutions of St. Joseph's Beneficial Society, of Brooklyn, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski, at Washington—to the Committee on the Library.

By Mr. MAYNARD: Petition of Harry P. Moore, of Norfolk, Va., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. MERCER: Petition of letter carriers of Omaha, Nebr., favoring the passage of House bill 306—to the Committee on Claims.

Also, resolution of the Omaha Real Estate Exchange, concerning irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolutions of members of the bar of Omaha, Nebr., protesting against the division of Nebraska into two judicial districts—to the Committee on the Judiciary.

Also, resolutions of Local Lodge No. 31, Association of Machinists, Omaha, Nebr., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON: Resolutions of Federal Labor Union, No. 7600, of Victoria, Tenn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUPPERT: Resolutions of Cigar Makers' Union No. 141, Cigar Packers' Unions Nos. 251 and 213, Carpenters' Unions Nos. 457 and 240, and Operative Plasterers' Union, all of New York City, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of citizens of Clinton, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

Also, resolutions of the Trades Assembly of Utica, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Papers to accompany House bill 14077, for the relief of John L. Lynch, for loss of property by depredation of Indians—to the Committee on Claims.

By Mr. SULZER: Petition of Annie Otis Hoge, Rye, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. WARNER: Petition of citizens of Rantoul, Ill., for the repeal of the tariff duties on beef, etc.—to the Committee on Ways and Means.

By Mr. WILSON: Resolutions of Local Assembly 6909, Knights of Labor, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of various citizens of Brooklyn, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *April 30, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

The message also announced that the House had passed a bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. KEAN. I present resolutions adopted at a meeting of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, of Trenton, N. J., relative to the anti-injunction bill; which I ask may be read.

The resolution was read, and ordered to lie on the table, as follows:

TRENTON, N. J., *April 28, 1902.*

Hon. JOHN KEAN,
United States Senator.

HONORABLE SIR: Your careful attention is respectfully directed to the following resolutions adopted at a regular meeting of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, on Sunday, April 20, 1902:

Whereas the several railroad organizations, as representing the men in the railroad service in the United States, have, through their joint representative, Mr. H. R. Fuller, supported and urged the passage of Senate bill 1118, known as the "Hoar-Grosvenor anti-injunction bill;" and

Whereas by some influence at this time unknown to your petitioners the Committee on the Judiciary has reported out a bill known as Senate bill No. 4553, as a substitute, and which not only defeats the ends sought in the original measure, but which would bring new evils to bear upon our craft: Therefore, be it unanimously

Resolved by the officers and members of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, That we deprecate the act of this committee in ignoring the interests of labor, in placing in the hands of unscrupulous jurists an official sanction of the now unlawful and arbitrary use of the writ of injunction, which is always used by the servile, mercenary, corporation judge as a club with which to keep working men in subjection; and, be it further

Resolved, That we firmly believe that this substitution has been accomplished through the instrumentality of unfair discrimination, a thing in itself so despicable, that no representative of workingmen seeking for their rights would for an instant stoop to it. Finally, be it

Resolved, That we want Senate bill No. 4553 defeated, and that we desire to have you urge the passage of the original measure—Senate bill No. 1118—in order that the rights of labor may be preserved.

Given under our hands and the seal of our lodge, in the city of Trenton, N. J., this 20th day of April, A. D. 1902.

[SEAL.] U. M. CONWAY, *Committee.*

Attest:
W. M. CONWAY, *Secretary.*

Mr. KEAN presented petitions of sundry citizens of Rahway, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Jersey Central Division, No. 307, Order of Railway Conductors, of Somerville, and of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. WELLINGTON. I present a joint resolution of the general assembly of Maryland, urging an appropriation to acquire and enlarge the Chesapeake and Delaware Canal, and also a joint resolution of the general assembly of Maryland, relative to an appropriation for the completion of "inland waterways" connecting Chincoteague Bay and the Delaware Bay. I ask that the joint resolutions be printed in the RECORD, and referred to the Committee on Commerce.

The PRESIDENT pro tempore. The Chair is informed that the joint resolutions have already been printed in the RECORD, having been presented yesterday by the junior Senator from Maryland [Mr. MCCOMAS].

Mr. WELLINGTON. Then I ask that the joint resolutions may be simply noted in the RECORD, and referred to the Committee on Commerce.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. WELLINGTON presented a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation providing for a liberal system of reciprocity with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of Lodge No. 432, Brotherhood of Locomotive Firemen, of Baltimore; of Lodge No. 214, Brotherhood of Locomotive Firemen, of Baltimore, and of Carriage and Wagon Workers' Local Union No. 83, American Federation of Labor, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Lodge No. 214, Brotherhood of Locomotive Firemen, of Baltimore; of Lodge No. 432, Brotherhood of Locomotive Firemen, of Baltimore; of the Local Union of Fredericktown; of Brewery Workers' Local Union No. 105, of Hagerstown; of Sheet Metal Workers' Local Union No. 122, of Baltimore, and of Retail Clerks' Local Union No. 22, of Cumberland, all of the American Federation of Labor, in the State of Maryland, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, praying for the enactment of legislation for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of New York, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Court Sunset Cox, No. 125, Foresters of America, of New York City, praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Parlor City Lodge, No. 36, Brotherhood of Railroad Trainmen, of Binghamton; of Elmira Division, No. 9, Order of Railway Conductors, of Elmira; of Buffalo Division, No. 2, Order of Railway Conductors, of Buffalo; of D. Hopkins Lodge, No. 1, Brotherhood of Railroad Trainmen, of Oneonta, and of Northern Central Lodge, No. 413, Brotherhood of Railroad Trainmen, of Elmira, all in the State of New York, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. SCOTT presented a petition of Colonel A. Howard Fleming Lodge of Brotherhood Trainmen, of Fairmont, W. Va., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of a substitute therefor; which was ordered to lie on the table.

Mr. HARRIS presented a petition of the Kansas State Millers' Association, of Wichita, Kans., praying for the ratification of certain reciprocity treaties; which was referred to the Committee on Foreign Relations.

Mr. DRYDEN presented petitions of Lodge No. 11, Brotherhood of Locomotive Firemen, of Phillipsburg; of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, and of Local Division No. 312, Order of Railway Conductors, of Weehawken, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. QUAY presented a petition of Verona Lodge, No. 132, International Association of Machinists, of Verona, Pa., and a petition of Iron and Steel Workers' Local Union No. 9249, of Pottstown, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Lieutenant William Allison Post, No. 196, of Duncannon; of Post No. 157, of Pittsburg; of Gettysburg Circle, No. 138, Ladies of the Grand Army of the Republic, of Gettysburg; of Henry Metcalf Post, No. 431, of Port Allegheny; of M. C. Lowry Post, No. 124, of Meyersdale, and of Kenady Post,

No. 490, of Mount Holly Springs, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

Mr. ELKINS presented a petition of the Woman's Home Missionary Societies of the Methodist Episcopal churches of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Ohio Valley Lodge, No. 13, Brotherhood of Railroad Trainmen, of McMechen; of New River Division, No. 140, Order of Railway Conductors, of Hinton, and of Bluestone Lodge, No. 446, Brotherhood of Locomotive Firemen, of Bluefield, all in the State of West Virginia, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Butchers' Local Union No. 7, of Wheeling; of Carpenters and Joiners' Local Union No. 302, of Huntington; of Carpenters and Joiners' Local Union No. 435, of Chester; of Carpenters and Joiners' Local Union No. 702, of Grafton; of Carpenters and Joiners' Local Union No. 893, of Wellsburg; of Barbers' Local Union No. 257, of Wheeling; of Plumbers' Local Union No. 264, of Fairmount; of Garfield Local Union, No. 1, National Stogie Makers' League, of Wheeling; of Operative Potters' Local Union No. 6, of Wheeling; of Carpenters and Joiners' Local Union, of Parkersburg; of Flint Glass Workers' Local Union No. 126, of Wellsburg; of United Mine Workers' Local Union No. 195, of Sun; of United Mine Workers' Local Union No. 318, of Tyrconnell Mines; of United Mine Workers' Local Union No. 979, of Norwood; of United Mine Workers' Local Union No. 1044, of Caperton; of United Mine Workers' Local Union No. 1467, of Hatfield; of United Mine Workers' Local Union No. 1944, of Shinnston; of United Mine Workers' Local Union No. 1975, of Enterprise; of United Mine Workers' Local Union No. 1987, of Berrysburg; of the Ohio Valley Trades and Labor Assembly, of Wheeling, and of the Trades and Labor Council, of Clarksburg, all in the State of West Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a memorial of Typographical Union No. 284, of Anderson, Ind., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented a petition of W. S. Hancock Post, No. 337, Department of Indiana, Grand Army of the Republic, of Veedersburg, Ind., praying for the passage of a per diem service-pension bill; which was referred to the Committee on Pensions.

He also presented petitions of Vernon Division, No. 9, Order of Railway Telegraphers, of Hayden, and of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented the petition of Lucy J. Smith and 27 other citizens of Madison, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Fort Wayne Typographical Union, No. 78, of Fort Wayne; of Broom Makers' Union No. 17, of Indianapolis; of Broom Makers' Union No. 6, of South Bend; of Summit City Lodge, No. 54, of Fort Wayne; of Boiler Makers' Union of Fort Wayne; of Bricklayers, Plasters, and Stone Masons' Union No. 24, of Sullivan; of Bricklayers' Union No. 23, of Columbus; of Wabash Lodge, No. 246, Boiler Makers' Union of Terre Haute; of Brotherhood of Locomotive Firemen No. 297, of Lafayette; of Barbers' Union No. 98, of Elwood; of Clothing Clerks' Union No. 10, of Fort Wayne; of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute; of Hoosier Lodge, No. 582, Brotherhood of Locomotive Firemen, of Richmond; of United Mine Workers' Union No. 214, of Brazil; of United Mine Workers' Union No. 477, of Farnsworth; of United Mine Workers' Union No. 697 of Center Point; of United Mine Workers' Union No. 714, of Delcarbo; of Brewery and Ice Plant Laborers' Union No. 7431, of Terre Haute; of United Mine Workers' Union No. 1421, of Cannelton; of Typographical Union No. 412, of Kokomo; of Typographical Union No. 332, of Muncie; of Plumbers' Union No. 166, of Fort Wayne; of Iron Molders' Union No. 380, of South Bend; of Plumbers' Union of Indianapolis; of Iron Molders' Union No. 177, of Muncie; of Journeymen Barbers' International Union No. 190, of Hartford City; of Carpenters' District Council, of Indianapolis; of Carpenters' Union No. 36, of Marion; of Carpenters' Union No. 60, of Indianapolis; of Carpenters' Union No. 598, of Wabash; of Carpenters' Union No. 474, of Muncie; of United Brotherhood of Carpenters and Joiners of America, of Hammond; of Carpenters and Joiners' Union No. 413, of South Bend; of Carpenters and Joiners' Union No. 431, of Brazil; of Carpenters and Joiners' Union of America No. 160, of Gas City; of Carpenters and Joiners' Union No. 205, of Terre Haute; of Bricklayers' Union of Princeton; of Retail Clerks' International Union of Linton; of Retail Clerks' Union No. 357, of Carbon; of Retail Clerks' Union No. 58, of Noblesville; of Retail Clerks' International Protective Association of Marion; of Painters and Decorators' Union No. 95, of South Bend; of Kokomo Lodge, No. 463, of Kokomo; of Federal Labor Union No. 8971, of Sullivan; of Foundry Helpers' Union No. 9433, of Indianapolis; of the Fire Insurance Agents' Union No. 8530, of Elwood; of Rockport Labor Union, No. 9616, of Rockport; of the Painters, Decorators, and Paper Hangers' Association of Terre Haute; of the Fort Wayne International Printing Pressmens' Union, of Fort Wayne; of Painters, Decorators, and Paper Hangers' Union of Princeton; of Cooper Lodge of Anderson; of Painters' Union No. 156, of Evansville, and of Local Union No. 17, Journeymen Bakers and Confectioners' International Union, of Kokomo, all in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2869) for the relief of Abram G. Hoyt, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9819) granting an increase of pension to Robert A. Pinn; and

A bill (H. R. 12855) granting an increase of pension to Milton Brown.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8913) granting an increase of pension to Rachel S. Lyman, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 10396) granting an increase of pension to Elvin A. Esty, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3280) for the relief of Curry County, State of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 5460) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4832) for the relief of Col. H. B. Freeman; and

A bill (S. 5079) for the relief of George P. White.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8016) granting an increase of pension to Hannibal C. St. Clair;

A bill (H. R. 1479) granting an increase of pension to Michael Marnane;

A bill (H. R. 10122) granting an increase of pension to John S. Burket;

A bill (H. R. 3756) granting an increase of pension to James C. G. Smith; and

A bill (H. R. 4993) granting a pension to Mary Shelton Huston.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 1471) for the relief of Henry G. Rogers, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 12145) granting an increase of pension to Caleb W. Story, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 3540) to establish a national park and to erect a peace monument at Appomatox, in the State of Virginia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11920) granting an increase of pension to George W. Wertz;

A bill (H. R. 12899) granting an increase of pension to William H. Rightmire;

A bill (H. R. 2486) granting an increase of pension to William Matthews;

A bill (H. R. 11181) granting a pension to Alice D. H. Krause;

A bill (H. R. 5217) granting an increase of pension to Elizabeth P. Sigfried;

A bill (H. R. 11117) granting an increase of pension to William T. Hamilton; and

A bill (H. R. 8788) granting an increase of pension to Jacob Weidel.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10496) granting a pension to James T. Steele;

A bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs;

A bill (H. R. 11783) granting an increase of pension to Charles M. Montgomery; and

A bill (H. R. 5600) granting an increase of pension to John G. Sanders.

CENTRAL ARIZONA RAILWAY—VETO MESSAGE.

Mr. BURTON. From the Committee on Public Lands I report back the message of the President of the United States, returning with his objections the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, with the recommendation that the bill do pass, the veto of the President to the contrary notwithstanding. I ask that the report be read.

The Secretary read as follows:

Reported back with the recommendation that the bill do pass, the veto of the President to the contrary notwithstanding.

Mr. BURTON. I ask unanimous consent for the consideration of the bill at this time, and that it be passed notwithstanding the objections of the President.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of the bill and the President's message vetoing the same. The message of the President will be read.

The Secretary read as follows:

To the Senate of the United States:

I return without approval Senate bill No. 4363, entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve."

The Secretary of the Interior writes me as follows concerning the attached bill:

"I inclose a copy of the report on the bill by the Commissioner of the General Land Office, dated the 5th instant, for your full information.

"He states therein that it is questionable whether or not this company could be required to supply a bond to protect the Government from damage by reason of occupancy of the right of way provided for by this bill should it become a law.

"He also states that this company could acquire the right of way under existing laws, as other companies have done, by complying with the usual requirements, one of which is the filing of a bond for the purpose mentioned, and that he knows of no reason why this company should be exempted from such requirements."

In addition thereto I have had the Commissioner of the Land Office before me. He informs me that in its present form it would be impossible to exact the guaranty from the railroad that would insure its making good damages resulting from fire or any carelessness on the part of the railroad company in the forest reserve through which this railroad is to pass. He further informs me that there is at present a law which will permit the railroad, if it chooses to take advantage of it, to go across forest reservations under proper safeguards, and that there is no reason why this railroad should be singled out to be favored beyond all other railroads by being excepted from the necessity of complying with the departmental regulations with which all other railroads are forced to comply.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The PRESIDENT pro tempore. The bill will now be read.

The Secretary read as follows:

[S. 4363. Fifty-seventh Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday the 2d day of December, 1901.]

An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

Be it enacted, etc., That the Central Arizona Railway Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the San Francisco Mountains Forest Reserve (heretofore reserved from entry and settlement and set apart as a public reserve by William McKinley, President of the United States, by proclamation dated the 17th day of August, 1898).

Said road to be constructed upon and across the said San Francisco Mountains Forest Reserve from a point at or near the town of Flagstaff, in the county of Coconino, Territory of Arizona, thence in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona; also to construct and maintain such side tracks, extensions, switches, and spurs as may be necessary to the convenient construction, use, and maintenance of said railroad in the said counties of Coconino, Yavapai, and Gila. Said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the right of way herein granted.

D. B. HENDERSON,
Speaker of the House of Representatives.
WM. P. FRYE,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

CHARLES G. BENNETT,
Secretary.

Mr. WELLINGTON. Mr. President, I object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Maryland objects to the present consideration of the bill. It will take its place on the Calendar.

Mr. SPOONER. Has it been referred to a committee since the message came in?

The PRESIDENT pro tempore. It has been referred to a committee and the committee have reported it back with the recommendation that it pass notwithstanding the objections of the President.

Mr. COCKRELL. The report of the committee will be printed as a matter of course, and I suggest that the case go on the Calendar. I hope that the veto message of the President will also be printed with the report and attached to it.

The PRESIDENT pro tempore. If there is no objection, the report of the committee and the President's message will be printed together. The Chair hears no objection.

ALFRED DUPLANTIER.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (S. 856) for the relief of the legal representatives of Alfred Duplantier, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 856) entitled "A bill for the relief of the legal representatives of Alfred Duplantier, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. FOSTER of Washington introduced a bill (S. 5534) granting an increase of pension to Abbie C. Bremner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5535) providing for the adjustment and payment of the accounts of laborers, mechanics, and others arising under the eight-hour law; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5536) to amend section 3 of the act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, and so forth, approved February 10, 1891; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 5537) for the reference of the claim of Mrs. Mollie Forman against the Government of the United States to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5538) for the relief of J. W. Woodyard; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 5539) granting an increase of pension to Anson P. Williamson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 5540) for the relief of the city of Memphis, Shelby County, State of Tennessee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5541) for the relief of the estate of R. L. Evans and Elizabeth P. Evans; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 5542) for the relief of the heirs of James Y. Brame; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5543) granting to

N. F. Thompson and associates the right to erect a dam and construct power stations at Muscle Shoals, Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WARREN introduced a bill (S. 5544) to place John Tempany, veterinarian Ninth United States Cavalry, on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 5545) granting a pension to Henry Zecher; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5546) granting an increase of pension to Elizabeth Bodkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5547) to provide for refunding taxes on contingent interests in legacies and distributive shares of personal property which have been paid before such interests became vested; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 5548) to provide for the extension of the post-office building at Rockford, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WELLINGTON introduced a bill (S. 5549) granting an increase of pension to Joseph Retzer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5550) granting an increase of pension to David Durham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5551) granting an increase of pension to John W. Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5552) granting an increase of pension to Jefferson H. Montgomery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN (for Mr. FORAKER) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5553) granting an increase of pension to Jane Stratton;

A bill (S. 5554) granting an increase of pension to David M. Burchfield;

A bill (S. 5555) granting an increase of pension to David Gough;

A bill (S. 5556) granting an increase of pension to James Henderson;

A bill (S. 5557) granting a pension to Elizabeth M. Wildes;

A bill (S. 5558) granting a pension to Gideon F. Pond;

A bill (S. 5559) granting an increase of pension to Andrew J. Thomasson; and

A bill (S. 5560) granting a pension to William Kurtz.

AMENDMENTS TO BILLS.

Mr. FOSTER of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $3,000 for the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., etc., intended to be proposed by him to the sundry civil appriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment proposing to appropriate $2,500 to enable the register of wills to complete the work of comparing, correcting, and reproducing certain records or will books in his office, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect; which was ordered to lie on the table and be printed.

Mr. CLARK of Wyoming submitted an amendment providing that in granting permits for grazing on the Uintah Forest Reserve no preference shall be given to the flocks or herds of one State over those of another, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to the use of timber procured from forest reserves created under section 24 of the act of Congress approved March 3, 1891, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment authorizing the Secretary of the Interior to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table and be printed.

He also submitted two amendments intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY ORDERS IN THE PHILIPPINES.

Mr. CULBERSON. I submit a resolution and ask that it be considered at the present time.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information:

1. Whether the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8, 1901, on the subject of reconcentration, addressed to all station commanders, have been officially received by the War Department, and if so, when they were received, by whom they were forwarded, whether they were issued by authority of the major-general commanding in the Philippines or were approved by him, and whether they have been approved or acquiesced in by the War Department.

2. A copy of the order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila, if the same were in writing, or the date and substance thereof if they were verbally given. Also (*a*) whether said order or orders were authorized or have been approved by the major-general commanding in the Philippines, and if so, when they were so approved; (*b*) when said order or orders were received by the War Department, if they have been received, or when it was first known to the War Department that such order or orders were issued, and (*c*) whether said order or orders have been revoked or countermanded, and if so, when and by whom, giving the terms of the order of revocation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. I ask for the reading of the last part of the resolution; I did not catch it.

Mr. LODGE. I should like to have the first portion read. My impression is that I am entirely favorable to the resolution, but I should like to have it go over in order that I may have an opportunity to examine it.

Mr. PLATT of Connecticut. That course will be satisfactory.

The PRESIDENT pro tempore. The resolution will go over and be printed under the rule.

HOUSE BILL REFERRED.

The bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on the 28th instant approved and signed the act (S. 2966) for the relief of George W. King.

The message also announced that the President of the United States had on the 29th instant approved and signed the following acts and joint resolution:

An act (S. 305) providing for a monument to mark the site of the Fort Phil Kearny massacre;

An act (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory;

An act (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; and

The joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

Mr. COCKRELL. There is a little bill——

The PRESIDENT pro tempore. The Senator will wait one moment. Under the unanimous consent given yesterday, it is the duty of the Chair to lay before the Senate the South Dakota reservation bill.

Mr. COCKRELL. I will wait until that is concluded.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect.

The PRESIDENT pro tempore. The amendment offered by the Senator from Connecticut [Mr. PLATT] is the pending amendment.

Mr. COCKRELL. Let it be read again.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, page 6, line 18, after the word "acre," strike out down to and including the word "that," in line 25, and insert the word "and;" so that the additional proviso, if amended, would read:

And provided further, That the price of said lands shall be $2.50 per acre, and homestead settlers, who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

Mr. GAMBLE. Mr. President, this bill was under consideration some days since, and perhaps it might be proper at this time to restate to some extent the conditions of the agreement which it is proposed to ratify by the pending bill.

The amount of land within the area proposed to be ceded under the agreement is 521,000 acres. There should be excluded from that amount 105,000 acres already held by Indian allottees within the limits of the proposed cession. In addition to that, the reservation for school purposes, as provided by the enabling act, and covered by the amendment already adopted, amounts to 29,000 acres, leaving to be opened to actual settlers 387,000 acres.

This reservation, as was stated in the discussion yesterday, is located in the southern part of South Dakota about midway upon the southern border. It is bounded on the west and partially on the north by the permanent reservation already existing of the Rosebud, and on the east by the Missouri River and a limited settlement upon the southeastern border.

I do not propose, Mr. President, to enter into any extended discussion of this measure, but I do feel I ought to refer to some of the statements made by the distinguished Senator from Nevada [Mr. STEWART], the chairman of the Committee on Indian Affairs, in regard to the policy proposed to be inaugurated by the Government in dealing with Indians for the cession of their reservations. I believe that each tribe and each reservation should be considered separately and our rule of action governed by the existing conditions surrounding each particular reservation. We should have regard for the law by which the reservation was created and our obligations based upon the treaties in force with the particular tribe.

In 1868 a treaty was entered into between the United States and the Great Sioux Indians occupying this region, and they were circumscribed and limited under the provisions of that treaty so as to reduce them in their possessions and occupation to practically that part of South Dakota lying west of the Missouri River. It was provided in that treaty that this reservation so defined should be and was set apart for the absolute and undisturbed use and occupation of the Indians named therein.

Following that, in 1889, another treaty was entered into between the Government and the Great Sioux Nation, wherein it was proposed to segregate the reservation and divide the Indians of that reservation into different bands or tribes as they had theretofore been known and incorporated. It was not in the form of the usual treaty, but it was a solemn act of Congress. The entire nation was subdivided into bands or tribes, and they were then placed upon separate reservations and the limits of these separate reservations described.

Under that act they were confirmed in all the title which they had under the treaty of 1868, and were guaranteed and assured that they should retain the permanent use and sole occupation of their respective reservations thus defined. In addition to that, the Indians relinquished and ceded to the Government upward of eight and one-half million acres, which on February 10, 1890, were thrown open to settlement under the conditions stipulated in the treaty.

Following that and in line with the policy already inaugurated the act itself provided that at any time when, in the judgment of the President, it was thought to be to the best interests of the Indians that a part of their surplus lands should be ceded to the Government the Secretary of the Interior might negotiate with the Indians for the cession, and upon terms and at a price mutually agreed upon between the Indians and the Government. No agreement, however, which might be entered into between the Indians and the Department should have any force until ratified by Congress.

Mr. President, the rule pursued in this case is in line with the law of Congress, and the law to which I refer did not become operative until it was ratified by solemn act of the great Sioux Nation. It not only has the force of a law, but of a treaty as well, and we should have the highest consideration for each and all of its provisions. Simply because we may have the power to do so, we certainly can not justify a breach of any of its manifest conditions or provisions.

I therefore submit, Mr. President, that the discussion entered into in regard to the general policy of the Government in treating with Indians upon the Western reservations generally has no force, nor is it entitled to consideration, as applied to this particular reservation. In this case we must comply not only with the law enacted by Congress, but with the treaty itself. We should take up this agreement for consideration dissociated from the general question and treat it as it comes here in conformity with the act of Congress governing the subject and with the provisions of the treaty by which the parties thereto are honorably bound.

I do not feel, therefore, it is necessary to enter into a general discussion of the future policy of the Government toward Indians upon the Western reservations. Nor do I feel it is pertinent in the consideration of the pending measure. Nor do I feel that any action now taken will bind Congress in its interpretation of other laws or other treaties which may be entirely dissimilar from the present. This must be governed and controlled by the existing treaty and the law itself.

Another subject to which I should refer was suggested by the distinguished Senator from Connecticut [Mr. PLATT], for whom I have the highest respect, not only for his ability and high character, but for his eminence as a lawyer. The amendment already agreed to in regard to the school lands was suggested when the bill was pending before the Committee on Indian Affairs.

The bill had not that provision in it as prepared by the Department. My own judgment was, and now is, that such amendment was unnecessary, because under the enabling act admitting South Dakota as a State it was clearly provided that sections 16 and 36 in each township were granted to the State for school purposes. This provision, however, did not apply to the then permanent reservations within the State. As soon, however, as those reservations were opened, as in this case, and became a part of the public domain, then an additional provision of the enabling act became operative, and it certainly, in my judgment, granted to the State sections 16 and 36 without further legislation upon the subject.

The argument, therefore, made by the Senator from Connecticut, that the State of South Dakota would, on the ratification of this treaty, derive a special benefit, is untenable. It relates back to the law of 1889, and we would be entitled to it under the provisions of that act, rather than by the bill now under consideration. All States recently admitted were granted lands for the benefit of the common schools. Simply because 29,000 acres may be reserved under this bill for school purposes, aggregating in value substantially $75,000, is no argument that we are specially interested in the provisions of this bill, because it inures to the State and was conveyed by virtue of the act of 1889. Our right thereto was long since determined by existing legislation.

Mr. President, in the discussion of this measure I do not think that the mere financial consideration should be solely considered. Other considerations, independent of the price fixed, should receive attention as well. Great benefits accrue, not only locally, but to the nation at large in the development of natural resources and adding to our material wealth. If in the opening of the Western domain to settlement by purchase of the Indian title we are to compute it by dollars and cents alone, the Government has been a great loser.

I do not have a recent statement from the Department, but I observe from a report made in 1880 that counting up the cost of lands by purchase, and in extinguishing the Indian title, their maintenance, and the maintenance of the Land Department, the Government as an investor in land had expended at that time over and above its receipts upward of $121,000,000.

Mr. President, other high considerations should have weight, and we should not be entirely and solely controlled by the money consideration necessary to extinguish the Indian title. I submit that the surplus lands in these reservations not necessary for the use of the Indians in the Western States should and ought to be opened to settlement and the advance of civilization and material development and to provide homes for an industrious population. There is no logical distinction between a reservation now existing and one that heretofore existed.

The Government since its foundation has recognized the title of the Indians and has always treated with them for its relinquishment. It should be assumed a fair price was always paid them for that relinquishment. If it be proposed to pay the Indians $2.50 per acre for these lands, it is only a question of degree and not a question as to the reversal of a policy. All the lands in the western part of the country, and I might say practically in the entire country, have been purchased from the Indians at varying prices.

The homestead law enacted in 1862 certainly brought wonderful results, not only to the Western people but to the entire country. That law is in existence to-day, and I do not believe its policy should be reversed. It was sought to be reversed, as applied to Indian reservations, within the past ten or twelve years by compelling the settlers upon these lands to pay the amount the Government was required to pay the Indians for the extinguishment of their title.

I believe, Mr. President, these provisions were unfair and unjust and worked a great hardship upon this class of settlers. The measure passed two years ago, known as the "free homes bill,"

it seemed to me, repudiated that policy, and we went back again to the general homestead law and policy of 1862. I do not believe it is wise at this time to reverse the policy established by the passage of the free homes law of 1900. That law was fully considered, and I believe it expressed the judgment of the country and of all parties.

I do not understand that there has been any proposition to change or reverse that policy in any bill introduced during the present Congress. I call to mind the bill for the opening of the Crow Reservation in Montana to free homes, involving, I think, about 1,000,000 acres, the bill for the opening of the Lower Brulé Reservation of between fifty and sixty thousand acres to free homes, the bill introduced by the senior Senator from North Dakota for the opening of the Devils Lake Reservation.

This was prepared by the Interior Department, was submitted with its recommendation, and provided for the opening of the lands to free homes. It was so recommended by the Committee on Indian Affairs. I call to mind also the bill introduced by the junior Senator from Minnesota, opening the Red Lake Reservation in that State. The bill as prepared by the Department and as introduced provided for opening the reservation to free homes. It was modified as to this provision by the Committee having it in charge. The Department itself recognized that it was the policy established by the Government, and followed that policy in the preparation of these measures for submission to Congress.

It was thought wise, Mr. President, that the amendment proposed by the Senator from Connecticut should be acceded to as affecting the lands in North Dakota. These lands are valuable, and settlers are eager to take them at the prices proposed. I quite agree with the suggestion made by the Senator from Minnesota, that these reservations should stand individually upon their merits and be judged by the conditions surrounding each. The reservations in Minnesota and North Dakota to which I have referred are lands of high quality and are surrounded by well-settled and richly developed communities.

The conditions surrounding this reservation are entirely dissimilar. We have only to refer to the opening of the great Sioux Reservation in 1890. The lands are adjacent to this reservation on the north. The lands, however, proposed to be opened by this bill are much more desirable. By the act opening that reservation it was provided that all lands opened to settlement, the settler filing thereon within the first two years should pay $1.25 per acre; during the succeeding two years, 75 cents per acre, and thereafter 50 cents per acre. Within the first ten years of the opening of that reservation only 5 per cent of the lands were taken by settlers under the conditions of that act. This in itself plainly indicates the quality of the lands for agricultural purposes. For grazing purposes it is valuable and very desirable.

Some of these lands have been taken up by settlers during the past two years in consequence of the pressure of population and the increased value of the lands to the east of the reservation. Conditions in many other respects have been much more favorable to settlement. Immediately upon the southeast of this reservation is what was formerly the Fort Randall Military Reservation. This was opened to settlement by an act of Congress in 1895. There was a provision in that act permitting the State of South Dakota to select her school and indemnity lands within the limits of that reservation before filings from settlers should be received. It was carefully examined by the officers of the State, and they refused to make the selections of their lands within that reservation because they considered the lands undesirable.

Mr. President, here is a reservation removed from railroad communication and remote from substantial settlements, without opportunity for rapid development unless conditions are changed. It takes a long time for settlement to advance and develop these new sections. This reservation ought not to be classed with other reservations or to be controlled by any general policy, as has been urged, and ought not to be judged by the conditions existing and surrounding other reservations in North Dakota or in Minnesota, where conditions are entirely dissimilar.

Within the limits of this reservation, as I have already stated, 105,000 acres of land have been reserved for 452 Indian allottees. In other words, 20 per cent of the lands within the limits of the proposed cession has been retained by the Indians. The lands thus selected are the best and most desirable. They have made their selections and they hold them under patents from the Government and from which they can not be dispossessed.

I have here a map of the reservation, furnished me by the Commissioner of Indian Affairs, which indicates upon its face the allotments held by the Indians. It will be observed from this that they have secured practically all the lands along the streams, which in every sense are the most desirable.

I believe some substantial consideration ought to be shown by Congress to the settlers who take up these lands and assume the responsibilities of building up such a community. Unusual responsibilities which are clearly apparent must necessarily be assumed.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. GAMBLE. Yes, sir.

Mr. STEWART. After they have taken the lands along the streams—the best lands—are we not paying a pretty high price for the remainder? Is not $2 an acre rather an extravagant price to be paid for such lands, not to be settled for some time to come?

Mr. GAMBLE. I will say, in reply to the Senator, that I have been over a part of this reservation—not over it entirely—and also on its eastern border, and from my information as well as knowledge I would say that the price named is fair, equitable, and just, both to the Indians and to the Government.

Mr. STEWART. How about the country farther west, the higher lands?

Mr. GAMBLE. As to the lands farther west, I should say that $2.50 an acre would be too high, for the reason the farther west you go the rainfall grows more limited. On the east is the Missouri River, and across the river it is settled. There is a railroad projected from the south, so that the people within this reservation will soon, I hope, have outside communication.

I was speaking of the hardships imposed upon the settlers who went in and opened up new communities.

Mr. STEWART. Are we not paying too much for those lands?

Mr. GAMBLE. No, sir; I think not. I say this is a fair and just price. They asked, in the first instance, an increased price for the lands—$5, $10, and $15 an acre. I, however, think this is a fair and just agreement as between the Indians and the Government itself.

As I was saying before being interrupted by the Senator from Nevada, I believe consideration should be shown to the settlers who go upon these lands and develop homes there under new and trying conditions. The Indians are the wards of the Government, and on this particular reservation they have already secured 20 per cent of the lands.

Under an act of Congress those lands are not subject to taxation and are inalienable for a period of twenty-five years. The personal property of Indians, of course, will be inconsiderable. The settlers will be obliged to meet unusual conditions and bear heavy and onerous burdens. It is no light or easy task to open and develop a new community. The settler, as a rule, is possessed of limited resources. In this case he will be practically unaided by the Indian. He will be obliged to bear his own burdens as well as that of the Indian. I am informed there is only one schoolhouse within the entire limits of the reservation.

The settlers will be compelled not only to develop this new community, but they will be obliged to build schoolhouses and maintain schools without any assistance from the Indians. The settlers, in addition, will be compelled to build highways and bridges and maintain them. They will be compelled also to maintain courts, and provide and supply all the machinery of local government. The settlers will be doing service for the Government in helping to civilize, cultivate, and develop the Indian, and to make of him a good citizen. I submit, Mr. President, some consideration should be shown them by the Federal Government when they assume these burdensome duties in behalf of the Government.

It was suggested that this involves the Government in a large outlay. I do not pretend to know what may be the final outlay that will have to be made by the Government in the extinguishment of the Indian title for the surplus lands in the existing reservations. It was said by the distinguished Senator from Connecticut that in his judgment—and I think that he advanced it simply as an opinion—it would require $50,000,000. In the same connection he stated there were yet remaining 8,000,000 acres of Indian reservations within the limits of the State of South Dakota. If they were to be opened to settlement at the rate of $2.50 per acre, it would involve the expenditure by the Government of practically $20,000,000.

Mr. President, I think if the first statement is as inaccurate as the second the Senator must be very wide of the mark. Within the limits of the reservations in South Dakota there have been reserved for the Indians, in addition to their allotments, a large amount for general purposes and the use of the tribes. So that, while there may be additional lands opened in South Dakota, I do not believe they will amount to more than 1,000,000 or perhaps 2,000,000 acres.

Mr. President, we respectfully submit that the bill now under consideration should receive the approval of Congress. We insist there ought not to be a discrimination made against settlers upon Indian reservations in comparison with the settlers upon other lands.

Why should not the settlers upon these Indian reservations be entitled to the same consideration as those who settled in Iowa, in Nebraska, in Minnesota, in North and South Dakota, and elsewhere? Those lands were purchased from the Indians; the Indian title was extinguished in like manner and the lands were

opened under the homestead and preemption laws, and why should not these settlers receive the same consideration, and why are they not entitled to even better treatment than the settlers to whom I have referred?

These Indians have been crowded into South Dakota from other States, and we have within the limits of our State between twenty and twenty-five thousand. We are asking that they be treated with equity, with fairness, and with justice; but there is no denying the fact that Indians there located materially impede the progress and development of our State. We desire, Mr. President, that no injustice shall be done to the settlers who go in and assume and carry all these burdens. We ask that the settler, alike with the Indian, be treated with fairness and with justice.

I submit, Mr. President, that the bill should be passed as it has been reported from the committee; that the amendment proposed by the Senator from Connecticut ought not to receive favorable consideration, and that we ought not to reverse the policy of the Government in the application of the homestead law, and that its principles should be maintained and preserved with uniformity in our statutes.

Mr. TILLMAN obtained the floor.

Mr. PLATT of Connecticut. Will the Senator from South Carolina allow me a word before he begins?

Mr. TILLMAN. Certainly.

Mr. PLATT of Connecticut. I do not think any policy that we would give free homes by the act, which was called the free-homes act, was established, because that act was expressly limited to lands which had been already opened to settlement and acquired prior to the passage of the act.

Mr. COCKRELL. What is the date of that act?

Mr. PLATT of Connecticut. May 17, 1900, page 179, Statutes at Large, volume 31. The act was expressly limited to what had been done before the time of its passage. That, as I understood, was in order that it should not be taken as the settled policy of the Government to do it hereafter.

Mr. TILLMAN. Mr. President, there is only one phase of this subject that I wish to discuss, and that very briefly.

As a general proposition, I believe in opening our public domain to settlers upon as reasonable and as liberal terms as possible. Therefore, if I remember aright, I voted in favor of the passage of the bill which has just been quoted by the Senator from Connecticut [Mr. PLATT]. In fact, I do not think there was any opposition to it.

But in that very matter of opening Oklahoma, I found last year in visiting that section the condition of affairs which I mentioned yesterday. When those Indian reservations were thrown open to settlers there was such a flood of applications for homesteads—the number so far exceeded the amount of land that was available—that the Department, in order to have any show of fairness, established a lottery, by which the several claimants, amounting to over 100,000, if I recollect aright, for about 16,000 homesteads, were to put their names into a wheel and draw for the privilege of location.

Were those 100,000 who made application for homesteads bona fide homeseekers? Were they men who were endeavoring to get a foothold on the soil, make their settlement, and go to work to create a home and become citizens? No. There were speculators there from all portions of this country, men who were well to do, who had no purpose whatever of going to that country to locate permanently, but who went in, made their applications, filed their papers, and paid the little fee, whatever it was, to get the right to have their names go into this wheel and draw for the right to locate. I know men in my section of the country—although there were very few in that section who made any effort to get to Oklahoma—but I do know of instances in which men who were well to do and better off than I am, finding that there was a chance to get some valuable land for nothing, went out there, put in their applications, and drew. The one individual I have in mind just now did not draw a prize, but he might have drawn it.

But the question which presents itself to me as a practical man here is what right we have as legislators to throw open these lands that we are going to buy at five, or seven, or whatever number of dollars it may be an acre, out of the public Treasury—what right have we to repeat the Oklahoma scheme? What right have we to tax the general taxpayers of the country, the ordinary people everywhere, to buy these lands and then give them to the gamblers who will go there and try to get land? I do not believe in such a policy, and therefore I shall vote for the amendment to make every man there pay whatever the Government pays for these lands.

Mr. STEWART. Mr. President, this discussion brings up the original question, the great question that is before Congress in dealing with these reservations, whether the United States is bound to give the Indians what they ask for their executive-order reservations. The Indians have been treated as wards of the nation. They have been fed; most of them have been cared for; they have been put on these reservations, and the reservations have been made valuable, not by their labor, but by the labor of the whites. The Government in setting apart a piece of land for them and reducing it to cultivation has acted as a guardian would by his ward.

The town-site speculators give away lots for the purpose of enhancing the value of the remainder of their lands, and the Government should do substantially the same thing. When it opens up a part of a reservation and settlers go in there, the remainder of the land is worth ten times as much as all of it was before. The very land referred to in the bill here was not worth 5 cents an acre originally when we were dealing with the Indians. It was worth but a mere nominal sum, and now we are to pay two dollars and a half an acre for it. Who has made it more valuable? The Government has made it so by opening the reservations and bringing the whites nearer to the Indians. The Indians have all the benefit; they still have a possessory title to the lands given to them for temporary purposes, and they are taken care of as wards of the Government.

Originally, under the decision of Chief Justice Marshall, they did not have any title which the Government was bound to respect, except as a matter of humanity and charity to take care of them. We assumed to act as their guardian. I am in favor of taking care of them, and, where necessary, feeding them, but not feeding them too much, so as to make paupers of them, thereby destroying them. If that policy is to be pursued, if we are to be responsible for taking care of the Indians, and we set apart a piece of land and say to them, "You may stay within these large boundaries, containing a million or two million acres of land, and the Government will take the balance and open it to settlement," we thereby raise the value of all of the land; and if they are to be put upon it, so as to block settlement, the Government meanwhile supporting the Indians, it is going to take many million dollars.

The question is, Has the Government any power rightfully to open these lands to settlement? I do not mean legal power, because the Government undoubtedly has the right to deal with any of these reservations in any way it pleases. The courts have decided that question. We have opened reservations by acts of Congress, and we can give good title to the land within them. The power to do that has never been questioned; but I am speaking of the moral obligation to do it, and that is all the obligation we have in this matter. It is a moral obligation to recognize their possessory right. It is best for the Indians to take the best lands, but to take them in small quantities, if you want to civilize them. We can not civilize them by allowing them to roam over millions of acres of land. If we are going to civilize them—that is our mission—we can only do so by putting them on small tracts of land.

There is nothing so damaging to the civilization of the Indians as a large reservation, with the right to roam over it without working. Whenever you open a reservation you are going to bring in settlers and double and treble and quadruple the value of the remaining land. Are you going to do that and then let the Indians set the price? There ought to be some limitation, some discretion on the part of the Government. Perhaps the courts will decide that in the settlement of the country the procuring of lands for settlers is a public use. If the courts so decide, then the way to open these reservations will be for the Government to appoint a commission and adopt some method, so as to secure equity between the Government and the Indians for the benefit of the Indians, as well as to secure the Government against its Treasury being raided.

We are going on to send our agents to treat with the Indians. We have entered into treaties with them and opened reservations, on which we have expended a great deal of money. After we have done all that and donated the Government money for that purpose, shall we give the land to the bona fide settlers or to the boomers that go there to grab the land? If we follow out that scheme, it will take a great many millions.

Mr. TILLMAN. I will state, in addition, a fact which has been brought to my attention. I was told of cases in Oklahoma in which men who already had homes in other parts of the Territory previously opened rushed into the new reservation that was opened and proceeded to preempt, showing that the claim that you want to get bona fide settlers to go to that country does not hold good, and that speculators will be the main beneficiaries of this policy. It is a question of making somebody pay some money, and then you will get the bona fide settlers; otherwise you will have boomers and speculators and other such people who do not need this benefaction on the part of the United States.

Mr. STEWART. If the United States can not be protected from the payment of fancy prices put on these lands by the Indians, on the plea that the land adjoining is improved—I say if there is no way to relieve the United States of that burden, and we must pay those fancy prices, then we can hardly excuse ourselves for giving the land away.

Mr. QUARLES. Mr. President, I have a profound respect for the distinguished Senator from South Dakota [Mr. GAMBLE] and a desire to vote in accordance with his wishes, for I have no doubt he honestly believes that the interests of his State may be promoted by this measure, and I would cheerfully do so, sir, if the measure stood alone—if it did not affect and practically shape the future policy of Congress in regard to this matter of free homes. But we are standing at the opening of a new era in regard to this matter. As was well pointed out by the distinguished Senator from Connecticut [Mr. PLATT] on yesterday, it was all well enough while the Government had a great amount of surplus land, and while the honest settler was struggling to obtain a home upon that land, that the former policy should obtain. I will not be outdone by anyone in the admiration I feel for the honest man who takes his wife and family and all the possessions he has in the world in a covered wagon and travels West to find a home and a shelter for his little flock. But, Mr. President, things have changed, and I am persuaded that this legislation is not intended, or, if intended, that it will not have the effect of reaching the honest settler who travels in a prairie schooner—as was done years ago—but that the effect of it will be to reach another class who are not deserving of the confidence of this body.

What have we done in this great Western country? By the opening of these large domains to public settlement under the free-homes scheme we have really developed a new class of people out in that Western country. They are not settlers at all. As the Senator from South Carolina [Mr. TILLMAN] well says, they are speculators, and they have become a class that are exerting a distinct influence in that section of our country. Now, as soon as it is rumored that a reservation is going to be opened those men come and they cluster about that reservation; an agitation is commenced, the Indians are stirred up, and that agitation becomes so rife that it is felt here in the halls of Congress. Free homes is a very attractive and enthusiastic proposition here. Western Senators and Representatives participate in the feeling, and practically we have been stampeded into measures of this kind several times. That free-homes business, after all, rests on the proposition of obtaining something for nothing, and there is no proposition in this world that is so attractive to a large class of people as that. If they can get something for nothing, they will spend more money to do it than the object which they seek is worth.

Mr. HANSBROUGH. In these cases they generally do spend more money than it is worth.

Mr. QUARLES. Very likely so.

Mr. HANSBROUGH. They spend more money than if they bought the land in the first place.

Mr. QUARLES. Very likely; and I am prepared to say to the Senator that, in my humble judgment, the settler who actually makes his home, who brings his family, and helps to build up a State and augment its prosperity, is not the man who will receive this exemption. He comes later. Your professional speculators and settlers are there. They are there by the thousands. They come from all parts of the country; they gather like birds of prey and are ready to make a rush or to take a chance at the wheel or anything else to get something for nothing. Then what happens? After they have made the rush or have taken their chance in the wheel and have got a claim, they simply get a foothold there long enough to sell out to an actual settler afterwards, and he pays them five or ten dollars an acre as the case may be, and then they go away.

These men are not settlers, Mr. President. You could not tame one of them any more than you could domesticate a cyclone. They go from one frontier to another, and as soon as immigration advances they retire. They are children of the frontier, and we have educated them up until they have now become a class out there who are there ready to take the benefits of these acts, which are withheld really from the actual settler, who comes afterwards and pays his money to these fellows, takes his position there, and then, of course, the country is settled in that way.

Now, why should we not do business here on behalf of the Government on business principles? Why should the benevolence of this great Government blossom out in lotteries, or why should it degenerate into such a rush as they had in Oklahoma? I think the time has come to stop that thing, and have the Government do business on business principles. Let us deal with the settlers. Let them have this land at what the Government has paid for it, $2.50 an acre, and close it up there.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. Certainly.

Mr. DUBOIS. If it will not interrupt the Senator, I should like to call his attention to the fact that the bill provides for selling the land at $2.50 an acre, or for homesteaders to go on it. Now, how is the homesteader going to be a speculator? He has to live on the land five years among the Indians. Which proposition would sooner invite the speculator, $2.50 an acre, or the homestead proposition in the present bill?

Mr. QUARLES. Theoretically, of course, they are homesteaders. They come in possession and stay until they can dispose of their claims, and if they stay there five years under the land laws they are not obliged to plow a furrow. I ask my distinguished friend what good is to come to the State of South Dakota by having these professional speculators go in there and hold these lands for this period of time?

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. QUARLES. Certainly.

Mr. DUBOIS. I will answer the question if the Senator from Wisconsin will allow me.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. I yield to both Senators.

Mr. DUBOIS. No; the Senator asked me a direct question, which I will answer. No good could come to South Dakota by having speculators go there and take this land, and speculators will not go there if they have to become homesteaders; but they will go there if you sell them the land for $2.50 an acre. That is the experience we have had all through the West among those who are familiar with the opening of Indian reservations. I have had it in my own State.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. QUARLES. With pleasure.

Mr. GAMBLE. Is it not true that the settler upon these lands, or upon any Government lands under the homestead law, that being the only law now in force, is obliged to live upon the land, to maintain a permanent residence thereon, to cultivate the land, and if he does not he thereby forfeits his right? Is not that the existing law?

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. QUARLES. Directly, after I have the pleasure of answering the distinguished Senator from South Dakota. I wish to answer him. I would not want to do him the discourtesy of failing to answer his question even to yield to my distinguished friend the Senator from Nevada.

That is undoubtedly true theoretically, as stated by my friend from South Dakota. Theoretically, the settler has to go in and he has to put up a habitable place for a man to live. That costs very few dollars. He comes in there and puts that up and he has a foothold. He has not put a plow into the furrow at all, and in a year's time, for instance, an actual settler comes along and he makes an arrangement with him, and out he goes. My proposition is that the State of South Dakota is not benefited by the intervention of these people, who come in not with the intention of settling, but with the intention of speculating on the land; that it is a positive detriment to the State; that it would be better for the Government to deal in the first instance directly with the permanent settler.

Mr. STEWART. Mr. President, the Senator from Wisconsin has answered the question substantially as I should have done. I merely wish to emphasize it. It is very easy for a man, if he gets the land, which there is a prospect will be worth more than $2.50 an acre, to hold on, and he will find somebody who wants it, and he commutes, and gets the deed. That is the practice.

Mr. QUARLES. Certainly.

Mr. STEWART. It may not be true, but my information is that it has been done in almost the majority of cases where reservations have been opened. Wherever the land is worth more than $2.50 an acre, all he has to do is to hold on and a man gives him money to commute, and he commutes and he gets the deed.

Mr. QUARLES. When the President has issued his order for the opening of this reservation, I guarantee you can go out on the confines of the reservation and find the same fellows located there who were in Oklahoma in the great race they had there or who were at the opening of the Kiowa and Comanche strip when it was done by the instrumentality of a wheel of fortune.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. QUARLES. Certainly.

Mr. GAMBLE. Is it not true that where a settler has once filed upon a piece of land he is precluded from making a second filing, and in order to avail himself of a second filing he must make oath that he has not received the benefits of the homestead or other law, or any benefits? And, enlarging perhaps upon the interrogatory, how can it be that there is so large a number of

speculators as the distinguished Senator states? I live out in that region, and have lived there for twenty-five years, and I have not observed the conditions to which the distinguished Senator refers.

Mr. QUARLES. My friend might live in the quiet seclusion of South Dakota for many years and never see the faces of the class of speculators to whom I refer any more than we would see them in Wisconsin; but once let the President of the United States issue his proclamation that this great reservation in South Dakota is going to be opened, and I will guarantee that my distinguished friend will see those people to his heart's content, for they will certainly be there.

Mr. STEWART. Mr. President——

Mr. QUARLES. I do not feel at all proud at the idea that the benefactions of this great Government are to be dispensed with a wheel of fortune. I never have, and I insist that business principles are far better. Their influence is more wholesome on the public. Let us sell these lands to the actual settlers in the first instance for exactly what they cost us, and then we will be following true principles, business principles, and it will be better for the Government and better for the State of South Dakota.

Mr. STEWART. The practice of using dummies to evade the land laws has been in vogue under all systems. The preemption laws were frequently evaded in that way. Good land, worth much more than the Government price, is very tempting to speculators. It is alleged that dummies are sometimes used under the homestead law where the right to commute exists, and under that law any person who will take the trouble may claim a homestead, hold it until some bona fide settler wants it, obtain the money from him, and commute it and convey it to the settler at a profit to the speculator.

Mr. QUARLES. Just one word.

Mr. JONES of Arkansas. Will the Senator from Wisconsin allow me to ask him a question?

Mr. QUARLES. Certainly.

Mr. JONES of Arkansas. Do I understand the drift of the Senator's argument to be in opposition to the homestead laws altogether?

Mr. QUARLES. Oh, not at all.

Mr. JONES of Arkansas. In what, then, does this differ from the ordinary homestead laws? Under the homestead laws on any land belonging to the Government of the United States a citizen who has not had the benefit of the homestead law may locate a homestead. Now, as I understand, under this bill he can do exactly the same thing. What difference does it make to the Government whether the land is derived by purchase from France or from an Indian tribe? If the land is a part of the public domain, and the law stands as it has been for years, why not allow any citizen who has not had the benefit of the homestead law to locate a homestead on any land, no matter whence it comes? I do not understand the Senator's idea—why this land should be differentiated from the public domain in other places.

In the matter of commutation there is this difference: A person can commute ordinarily under the law at a dollar and a quarter. It is put at two dollars and a half in this bill. I think that is wise. My own idea would be to strike out the commutation feature so far as this reservation is concerned, and require the people to live for five years on the land and not allow them to commute, and to permit them to get their deeds at the expiration of the five years.

Mr. QUARLES. The suggestion of the Senator from Arkansas may have value. His suggestions usually have. I do not know but that the proposition to prevent commuting entirely is worthy of attention.

Not to take the time of the Senate unduly, I wish to say in conclusion that this is a matter of policy; whether we shall tax the people of this country from $50,000,000 to $75,000,000 in order that land may be given away. That is the proposition. I am not willing to subscribe to it. I think the policy is vicious. It is a paternal system of doing things which does not increase the industry of any section, and in my humble judgment the better way would be to let the people pay for the land what the Government has paid for it.

Mr. JONES of Arkansas. But, if the Senator will permit me to make a suggestion—of course, I do not want to make a speech—the United States Government did pay $15,000,000 for certain lands, most of which, or a very large part, have been given away for homesteads under the policy of the Government of undertaking to provide homesteads for all classes of citizens who have no homes. It seems to me it should make no difference whether the land is derived by purchase from France or from Indian tribes or however it may become a part of the public domain. If the homestead laws are wise and beneficent and proper, there is no reason why those homestead laws should not apply to all public domain, it makes no difference whence it comes.

Mr. PLATT of Connecticut. In reply to the suggestion of the Senator from Arkansas, I do not think he can show that this Government ever bought lands and thereby extinguished the Indian title with the particular intent of giving those lands away to anyone.

Mr. JONES of Arkansas rose.

Mr. PLATT of Connecticut. I will explain myself a little further. We did pay $15,000,000 for the Louisiana purchase, as we have paid for all the land we have taken from other countries; we did pay trifling amounts of money to extinguish the Indian title over a large portion of the Louisiana purchase; but at that time we were not giving away land, and we neither paid France for it nor extinguished the Indian title in order to give away the land. The laws then provided that the land should be paid for, and so on up to the time of the homestead law, and since the homestead law we have never been buying lands for the particular purpose of giving them away. We made a new departure in our policy——

Mr. JONES of Arkansas. Will the Senator allow me to make a suggestion?

Mr. PLATT of Connecticut. Certainly.

Mr. JONES of Arkansas. We have extinguished the Indian title for the purpose of making the land a part of the public domain.

Mr. PLATT of Connecticut. Yes, sir.

Mr. JONES of Arkansas. The general law provides how the public domain shall be disposed of, and when we have extinguished the Indian title and made the land a part of the public domain there is no reason that I can see, and the Senator does not point out any, why it should not be treated as are other lands.

Mr. PLATT of Connecticut. When we extinguished the Indian title we extinguished it in order to sell the land to the people, and that is what should be done now.

Mr. DUBOIS. Mr. President, I could not quite understand the contention of the Senator from Wisconsin [Mr. QUARLES], speaking to the bill under consideration. It clearly to my mind would invite speculators more surely if the land was to be sold for $2.50 an acre than if the settler was to go there and take up the land under the homestead law. I fear that some Senators are confusing the very rich lands of Oklahoma with the lands in Indian reservations in the West. There is not going to be any very great rush, I imagine, for these lands in South Dakota. I know it is true of Indian reservations in my own State, and the lands there are quite rich. In Oklahoma it was an extraordinary occasion. Anyone who will go out there and live on a piece of land among the Indians and suffer the privations of the frontier for five years is entitled to have it for nothing; and if anyone will take up a homestead and undertake to do this, and at the end of five years can sell it at a profit, goodness knows he ought to be allowed to do it.

Now, in regard to the matter of policy, the Senator from Connecticut [Mr. PLATT] says the free-homes bill did not establish any settled policy; that it expressly provides that it shall apply to reservations which have already been opened. That is true; but it sets a precedent which, in my judgment, we ought to accept as a settled policy. I do not see how anyone in this Chamber who voted for the free-homes bill can, with thorough consistency, refuse to extend the homestead act to reservations which are to be opened in the future.

I can see the confusion and the struggle going on in the minds of members of the Indian Committee, and I understand the dilemma in which the chairman is placed, and if he will agree to protect me from the Indian Rights Association, I will say what I think ought to be our settled policy.

It should be founded on the free home. Then we should send out agents, not to treat with the Indians, but to go out there and to do the very best thing for the Indians. They should make a proper appraisement of their land. Take an Indian reservation containing a million acres, which is the case in a number of instances, with not more than a thousand or fifteen hundred Indians on it. The Indians are not doing anything with the land at all. It is useless. Their treaties are expiring, so that they will not have annuities any longer. The treaties are expiring by which we feed them, and they are coming to starvation. Let these men appraise part of their lands and sell them for the benefit of the Indians.

I am opposed also to giving the Indians money directly. That is a new policy, a policy of recent years. It does more to demoralize the Indians than anything else. It does them no good. The proceeds of this land, when it is appraised and sold, should be put aside for the benefit of the Indians.

Mr. TILLMAN. Mr. President——

Mr. DUBOIS. Excuse me for just a moment. Then the land should be thrown open to homestead settlers. In some instances, of course, you will find reservations near towns and cities or for some other reason where the lands will be very valuable. In that case the agents of the Government could fix the lowest price at which the lands should be sold, and in an extraordinary case of that sort you could reimburse the Government and give the balance of it to the Indians.

Now, generally that would be my policy, and I think we have about come to the time when we should cease to go through the farce of treating with the Indians. Every Western man and some Eastern men who are familiar with it, like the Senator from Connecticut [Mr. PLATT], know this to be true. I stated it yesterday, and I will state it again. When a commission is sent out to treat with Indians for a cession of their land there is a pressure from all sides to get any sort of an agreement, no matter what it is. The Indians are pretty cunning. They understand that and put the price up way beyond what the land is worth or ever will be worth, and they insist now in addition in these later days that the money shall be paid to them directly. I think it ought to be stopped.

Mr. TILLMAN. I was going to direct the Senator's attention to a condition of affairs which occurred in Oklahoma, to this effect. The city of Pawnee, which is about seven or eight years old already, has about seven or eight thousand people in it, and there is a very rich farming country behind it. But just across a big road running on one edge of that city is an Indian reservation, and the proposition will soon come from the pressure of whites to get onto that land and get a title of some kind to it that the United States must extinguish that Indian title, and either open the Pawnee Reservation to homesteads or provide some other method by which the white man may get his grip on it.

Undoubtedly this land, lying right across a street, you may say, on the edge of a city, is worth already $3 or $4 or $5 an acre, $300 anyway, and land a little ways back, in fact land all around for miles and miles, is worth from $20 to $50 an acre to farmers who can go in and make their crops.

Now, the Senator says the Indians ought not to have the money direct; that it is an injury to them; and all that kind of thing. You speak of having a commission appointed who shall sell the Indian lands for the benefit of the Indians, as I understood the Senator said.

Mr. DUBOIS. Yes. Of course, as I said, there are some exceptions. I was speaking more particularly with reference to the Western Indians and their reservations.

Mr. TILLMAN. There are Indian reservations and Indian reservations. The Oklahoma situation of course is different from almost any other, because of the exceeding fertility of those lands and their very valuable character and all that kind of thing.

Mr. JONES of Arkansas. Of what reservation does the Senator from South Carolina speak?

Mr. TILLMAN. I do not know its name. I suppose it is the Pawnee, because the town is called Pawnee. The Indian reservations are dotted about there yet. I saw one at Shawnee, where I went to the Indian school or the mission or whatever is there. They told me that the braves were out on some creek 3 or 4 miles off holding a corn dance, praying to the Great Spirit to come and drive away all the white men who were interfering with them.

The question I want to have settled is whether the taxpayers of South Carolina are to be made to put their hands into their pockets to provide money to buy land which is to be given to somebody. That is what I am after. The general theory of homesteads to be donated to bona fide settlers was very good in the past when this great domain was wilderness and people were rushing over from Europe to advance our flag of civilization across the continent. But we have gotten to the point where we have taken up all of the land desirable for farms. We have reached the arid region where agriculture needs irrigation, and the Senator and his colleagues here proposed and we all, without any opposition, passed a bill a little while ago providing that the proceeds of the sales of public lands should be devoted to a fund for developing irrigation.

Yet you propose to give away the land in the Rosebud Reservation, which is so near the border of the rain belt that people are willing to risk the danger of going in there and trying to establish a farm, although they may lose one crop out of three, or two out of three, or one out of two. But the general proposition which faces me is what are we going to do with these millions of acres which are in reservations scattered from Wisconsin westward. Are we going to continue to buy the lands and then open them and give them away?

Mr. DUBOIS. Certainly.

Mr. TILLMAN. The Senator from Idaho says certainly, because he lives there. I will ask the Senator where he is going to get the money for his irrigation scheme if he is going to give all the lands away? What was the use of our passing the bill providing for the setting apart of every dollar received from the sale of public lands for irrigation purposes? Under the Senator's programme there would be no money coming in at all.

Mr. DUBOIS. Does the Senator from South Carolina pretend to stand there at his seat and say all the public lands in the West are embraced in Indian reservations?

Mr. TILLMAN. No; I am not that big a fool, although I am a pretty big fool at times.

Mr. DUBOIS. Then the proceeds will come from the sale of lands not in Indian reservations.

Mr. TILLMAN. Ah, yes; but all of those lands which are fit for homes are pretty well taken now. There are millions of acres of arid lands out there, on which there are buffalo grass and sagebrush and other growth, that will furnish a bare living for a cow or a sheep on 4 or 5 acres; and they will be there in the sweet bye-and-bye. They will be there forever, without any chance for anybody to get a living on them except by fencing them in or having a few herds roaming about.

Mr. DUBOIS. I will say to the Senator from South Carolina that there is more agricultural land in the Snake River region, Idaho, outside of Indian reservations, than there is in South Carolina.

Mr. TILLMAN. You mean land that will produce a crop?

Mr. DUBOIS. Every year.

Mr. TILLMAN. Every year?

Mr. DUBOIS. Yes.

Mr. TILLMAN. What is the matter with it, then, that people will not go to it?

Mr. DUBOIS. They will go to it when the irrigation bill is in operation.

Mr. TILLMAN. Oh! You have to help God Almighty and furnish some water. You must have money to do it, and you have to put the water over the land before it becomes agricultural land. I consider land that will not make a crop without artificial help as not agricultural land. You can not pretend to claim that land which needs irrigation is arable. It is not arable, because while you may put the plow into it, the crop is the true test of arable land.

Mr. DUBOIS. I should like to ask the Senator from South Carolina if he considers land covered with timber agricultural land?

Mr. TILLMAN. When you clear it it is.

Mr. DUBOIS. Oh!

Mr. TILLMAN. It is forest first.

Mr. DUBOIS. Yes.

Mr. TILLMAN. But one is an artificial and the other is a natural condition. The mere effect of the labor necessary to clear away the forest is one operation in preparing the soil, but irrigation is an artificial condition, produced by the use of large capital, for the purpose of furnishing water, something that God or the climate or meteorological conditions furnish elsewhere.

But the point I wish to have settled is this: Here are these reservations, containing three or four or five—I do not know how many—million acres, but I see the maps we get from the Land Office dotted about with squares and circles and other shaped patches of yellow or red or something of that sort, indicating how many of these Indian reservations still remain.

Undoubtedly the Indians, when they were corralled or pushed into a location instead of roaming at will, selected the best lands—lands that suited their purposes best. They usually went where the timber was, and land will not grow good timber unless there is water. So we may say that all the Indian reservations remaining in the arid region are the best lands out there, and they are going to cost us money. The question is, Are we going to buy them, the United States furnishing the money from the taxpayers of the country throughout the United States, in order to give them away? I do not believe there is any justice in that proposition myself.

Mr. CLARK of Montana. Mr. President, there seems to be considerable misapprehension in the minds of some distinguished Senators in this Chamber with regard to the operations of the laws which are now on the statute books of this country allowing the acquisition of title to the public land. It has been said by several of the gentlemen who have spoken upon the question that all sorts of fraud are perpetrated. This is no doubt to some extent true. I believe there is scarcely a law enacted by the Government or by the respective States in which there is not an attempt at fraud in the operations of the law. But we have upon the statute books to-day a law regulating homestead entries, and, as I understand it, any qualified American citizen can go upon the public land and locate 160 acres under the homestead law and by a residence of five years he can acquire title to it.

These lands that it is suggested we shall purchase from the Indians—for undoubtedly they belong to the Indians to-day, in most cases at least—are no exception to the general rule. As it has been said, when the proclamation of the President shall have been made throwing open the lands for public settlement men may rush in there in great numbers. I have no doubt that will be the case, because most of these Indian lands of which I have by personal observation acquired a knowledge are very valuable for grazing and for agricultural purposes. But the law relating to the acquisition of title by homestead or by any other method has most stringent provisions whereby fraud can not be practiced except through perjury and subornation of witnesses. Now, there is a remedy for this. There is a penalty for it, and I can not

understand why in the endeavor to secure title to homestead interests under the provisions we are now discussing there should be any more latitude for the practice of fraud than exists to-day under the laws providing for homestead entries.

I know nothing about the operations of the lottery system to which the Senator from South Carolina has alluded, but I do believe that any man or woman who may be privileged to make a selection of that kind by lottery would have to show a proper qualification just the same as he or she would have to do if they attempted to make a location under the laws existing to-day.

Mr. JONES of Arkansas. It is to be done in accordance with the laws.

Mr. CLARK of Montana. It is to be done in accordance with the laws on the statute books. I have lived for the greater part of my life in the Western country; I have seen the endeavors of citizens of the United States to acquire title under the preemption laws, under the desert-land act, and under the homestead act, and I have never yet found a condition of things existing such as has been graphically described by the Senator from Wisconsin [Mr. QUARLES].

Mr. President, there may be some speculators who would attempt to locate some of these lands for the purpose of selling them to others who might succeed them, but if they did they would violate the laws of the land, and that entry would be canceled by the General Land Office. Practices of this kind are occurring, but universally they fail of accomplishment. I have known a great many entries to be canceled for that reason. After the first filing on a location under any of the above-mentioned acts relating to the entry of lands on the public domain the right of the locator is exhausted, and any attempt thereafter to repeat it would subject the individual to criminal prosecution.

There is a part of the Crow Reservation, in the State of Montana, which was thrown open to settlement a few years ago, the title to the lands having been relinquished to the Government by the Crow Indians. It embraces a territory some 5 or 6 miles in width and 20 or 30 miles long, lying on either side of Clarks Fork of the Yellowstone River. That land was lying there, just as the land lies in most of these reservations in the Western country, uncultivated and unused and unnecessary for the wants of the Indians. It was thrown open to settlement and homesteaders came there and made locations, and they have made that desert blossom as the rose. For 15 or 20 miles a visitor may go and see the land reclaimed and brought under a successful state of cultivation. The most beautiful wheat fields and other cereal fields may be found there flourishing to-day. They have built up a large and a useful community, contributing their share to the world's wealth. I know personally a number of those people, and I believe that they represent a type of manhood and of citizenship as high in standard as can be found anywhere in this country. Of those men, all that I know, and all concerning whom I have ever heard—and I am very familiar with that part of the country—took up the land in good faith, and they have settled on and improved it and made it worth from $15 to $30 an acre.

It is true that a number of them commuted their homesteads after two or three years, when they became able to do so, by selling the product of their farms; but generally it was not done for the purpose of selling out their holdings, but in order to be sure about the titles and have them confirmed, so as to know that for their little holdings, upon which they had been struggling for some years to make homes for themselves and their families, they were to have a tenure that was durable and permanent to them.

Now, Mr. President, as to the purchase of these lands from the Indians by the Government of the United States, I think generally it is provided that the proceeds shall be applied for the amelioration of the condition of the Indians, to enable them to buy live stock, to enable them to build grist mills, and to fence their premises, where there is danger of invasion, and for other useful purposes. If the Government did not purchase their lands, I think in most cases it would be obliged, as it is now doing to-day in many instances, to pay annuities to these Indians and to feed them and to clothe them, and, really, in many instances, to pauperize them. We had better, by far, give them the implements of agriculture and horses and cattle for breeding purposes and let them work out a living for themselves.

So I take it that the money which will be expended in the relinquishment of the titles to these Indian lands will be held in trust, or will be expended under the direction of the Secretary of the Interior for the benefit of the Indians, and it is not a parallel to a case where the Government would go outside and purchase lands for the purpose of throwing them open to free settlement. Having once acquired the title to these lands, whether by purchase or by any other means, I believe it to be the duty of the Government to throw them open to settlement as free as any other portion of the public domain. Why should they discriminate as to the manner of entry? If it is thought wise to buy these lands at a reasonable price, let them be thrown open and let the law be uniform as to all the holdings of the United States. In this respect the constituents of the distinguished Senator from South Carolina have as fair and equal opportunity as those who live in the immediate vicinity of the lands to obtain homes for themselves, where they may rear and educate their children. I believe in the policy of throwing open these lands for free entry to the struggling yeomen of the country, where they may establish happy homes, enjoy the fruits of their own industry, and thereby contribute to the advancement of civilization to the great empire of the West and likewise to the wealth of the nation and of the world.

Mr. HANSBROUGH. Mr. President——

Mr. PLATT of Connecticut. It is very evident that this discussion can not be completed this morning.

Mr. COCKRELL. It is nearly 2 o'clock.

Mr. PLATT of Connecticut. I simply rose for the purpose of asking that the same order with reference to the bill might continue to-morrow morning that existed this morning.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that after the routine business of the morning hour to-morrow the Senate shall proceed to the consideration of this bill.

Mr. PLATT of Connecticut. I think it can be disposed of in another morning.

Mr. TELLER. I wish to give notice of an amendment which I shall offer at the proper time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut? The Chair hears none.

Mr. TELLER. I think the Senator from Wisconsin who addressed the Senate can avoid all danger of appropriation by these traveling settlers he talks about, which I suppose exists somewhere, but I have never seen any of them in my experience in the West, by not allowing any homestead commutation at all on these lands. If the settlers are required to live five years, the people who ought to have the lands are sure to get them. I wish to move an amendment to the amendment of the Senator from Connecticut by striking out, on page 6, all of the twenty-fifth line after "entry," and lines 1, 2, and 3 on page 7, and then inserting:

No person taking a homestead under the provisions of this act shall be allowed to commute under the provisions of section 2289 or section 2301 of the Revised Statutes.

I ask that the amendment be printed.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. TELLER. I will have something to say on the subject to-morrow morning.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

COURTS IN MISSOURI.

Mr. COCKRELL. I ask unanimous consent for the present consideration of a little bill, being the bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901. It simply changes the time of holding court. The bill was prepared by the United States district judge.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of a bill which will be read to the Senate for its information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. CORNELIUS GARDENER.

Mr. LODGE. I ask that the unfinished business, which was temporarily laid aside, be again taken up.

The PRESIDENT pro tempore. The unfinished business is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PATTERSON. I ask permission of the Senator from Massachusetts to offer a resolution.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. PATTERSON. I offer a resolution.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent to present at this time a resolution for consideration.

Mr. LODGE. Before I assent to temporarily laying aside the bill again I should like to hear the resolution read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Whereas the regiment of Maj. Cornelius Gardener has been ordered to the United States, but the exact time of its return is not known, but is stated to be somewhere from May 15 to June 1 proximo; and

Whereas Major Gardener is an important witness as to conditions in the Philippine Islands and other matters connected therewith and has resigned as civil governor of the province of Tayabas, that he may return with his regiment to the United States, but he can not probably reach the United States if he awaits his regiment's return until after the adjournment of the present session of Congress; and

Whereas the Philippine Committee, by a partisan vote, has declined to request the Secretary of War to request Major Gardener by cable to return immediately to the United States to testify as a witness before the Philippine Committee: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to immediately cable the said Major Gardener to return to the United States without delay to give testimony before the said Philippine Committee.

Mr. ALLISON. Mr. President——

Mr. LODGE. I can not yield for that resolution at this time. It will give rise to debate.

The PRESIDENT pro tempore. Objection is made. Objection is made to the reception of the resolution, the Chair understands.

Mr. LODGE. Yes; the resolution is not in order at this time.

Mr. SPOONER. Nor at any other time.

The PRESIDENT pro tempore. The objection the Chair understands is to the reception of the resolution for consideration.

Mr. LODGE. Certainly, I object to laying aside the unfinished business for that purpose.

Mr. PATTERSON. I suppose the Senator from Massachusetts has no objection to the reception of the resolution and to its going over under the rule to be called up.

Mr. LODGE. I have no objection to its going over under the rule.

Mr. PATTERSON. And to its being printed.

The PRESIDENT pro tempore. Then the resolution would be received and would lie on the table under the rule.

Mr. LODGE. I have no objection to that course.

Mr. COCKRELL. Let it be received and printed.

The PRESIDENT pro tempore. It will be received and printed.

Mr. McCOMAS. Before that is disposed of, let me inquire if it is in order to offer a resolution for consideration here reflecting upon the action of a committee of the Senate on matters coming before the committee? The resolution recites some partisan action of the committee.

Mr. PATTERSON. That is not a reflection on the committee, as I understand it. I suppose that no member of the committee will say that that was a reflection. It is simply a fact.

Mr. SPOONER. It is simply the Senator's opinion of a fact.

Mr. PATTERSON. Well, that is the way we divided.

Mr. McCOMAS. That is not what the resolution states. They divided on it.

Mr. PATTERSON. The committee divided on partisan lines.

Mr. TILLMAN. On party lines.

Mr. PATTERSON. Well, party lines.

Mr. ALLISON. It was the misfortune of the majority that they could not bring the partisan minority into accord with their views.

There is another matter, Mr. President. I wish to protest against the numerous whereases of the resolution. Of course the Senator will have no objection to my suggesting that there are very many things in the preamble which are merely conjectural.

Mr. PATTERSON. No; not according to the testimony we had before the committee.

Mr. ALLISON. I do not care to discuss the question now. If the resolution goes over until to-morrow morning, we can look at it in print.

Mr. PATTERSON. Yes.

The PRESIDENT pro tempore. The resolution is not before the Senate; it is on the table.

Mr. COCKRELL. And ordered printed.

Mr. ALLISON. Let it lie there for the present.

Mr. McCOMAS. I reserve my objection, Mr. President, pending that disposition of it.

Mr. SPOONER. I suppose the Senator from Colorado might have unanimous consent to strike out the word "partisan" and insert the word "party."

Mr. PATTERSON. If the Senator from Wisconsin desires to make that serious motion——

Mr. SPOONER. I do not care anything about it.

Mr. PATTERSON. When the resolution comes up I will then make no objection, but I am satisfied with the resolution as it is.

Mr. ALLISON. I object to the resolution, Mr. President, because it implicates the majority in a partisan view, whereas it is the minority, according to my view, that is acting in a partisan sense.

Mr. PATTERSON. It is but due to the minority to say that it is the minority that is endeavoring to get a well-informed and a competent witness here to give to the committee and to the country his knowledge of the question that we are investigating, and it is the side with which the honorable Senator from Iowa happens to be acting that is opposed to it.

Mr. ALLISON. Well, Mr. President, if I may be permitted by unanimous consent to say another word, I understand there is no difference in the committee as respects this witness when available. It is only a difference as to whether we shall have him to-morrow or a few days hence. That is the only question.

Mr. PATTERSON. Oh, there is this difference. It is conceded, I think, that if the witness waits to return with his regiment, according to the information we have his regiment will not arrive earlier than the 15th day of May, probably not before the 1st of June, and not even then. We have the further information that Major Gardener has resigned his position as civil governor of the province of Tabayas, that he may return with his regiment. Now, his regiment being ordered to return and he having resigned his civil functions, the minority of the committee went upon the theory that no hurt could befall the service in the Philippines by requesting Major Gardener to come here immediately so that he would reach here before the present session of Congress should end. All we want to do is to get the testimony of Major Gardener as to affairs in this province before Congress adjourns. We would probably have to do without it for a year or six or eight or ten months unless we do that.

Mr. ALLISON. That depends upon many circumstances. If the Senator from Colorado knows when Congress will adjourn he has reached a height of knowledge that I think very few of us have. What is proposed in this resolution is to segregate this officer from his regiment by a cable, whatever part he plays as an officer of the regiment, and allow him to come home in advance of his regiment.

Mr. PATTERSON. Yes; that is it.

Mr. ALLISON. The regiment will, I believe, be here long before Congress adjourns at this session.

Mr. SPOONER. Will the Senator from Iowa permit me to ask him a question? I ask only for information.

Mr. ALLISON. Certainly.

Mr. SPOONER. The Senator from Iowa has been a member of the Senate and in public life a great many years, and is very much experienced in public affairs. Has he ever known the proposition to be made before that the Senate shall assume to displace the Commander in Chief of the Army of the United States under the Constitution and issue orders to Army officers?

Mr. ALLISON. I have never known such a proposition to be made before; but of course that is a matter for further consideration.

Mr. SPOONER. We will talk about that to-morrow.

Mr. TILLMAN. Mr. President——

Mr. PATTERSON (to Mr. SPOONER). You did not ask me or I would have answered.

Mr. SPOONER. I will ask you.

Mr. PATTERSON. I will wait until to-morrow.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the junior Senator from Colorado.

Mr. TILLMAN. I will yield to either Senator, if they want to continue their colloquy——

Mr. SPOONER. I will ask the Senator from Colorado.

Mr. TILLMAN. Before I break into it.

Mr. SPOONER. You will break in anyhow, and you are welcome.

The PRESIDING OFFICER. The Chair has recognized the junior Senator from Colorado.

Mr. PATTERSON. I yield to the Senator from South Carolina.

Mr. TILLMAN. I was going to ask the chairman of the committee whether after the high pressure which he is exercising to have this bill passed it would not be fair for us to wait until Major Gardener gets here, if it is August, before we vote on the bill, and why should not the committee, with power to send for persons and papers, yield to the desire of the minority to get the truth from Major Gardener himself as to the situation in Tayabas.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. Certainly.

Mr. SPOONER. How would it do to pass the bill with an amendment providing that it shall not go into effect until Major Gardener gets here?

Mr. TILLMAN. That would not do any good, because we might not pass the bill in the form in which it is now presented if we could get Major Gardener's testimony.

Mr. McCOMAS. We have it.

Mr. TILLMAN. No; we have not. We have not cross-examined him. I am waiting to hear from the chairman of the committee as to whether he is going to dragoon us into a vote or force us to talk before we hear from Major Gardener.

Mr. LODGE. I wish I could dragoon the Senator into a vote; but the Senator knows very well I can not do anything of the kind.

Mr. TILLMAN. I say dragoon us into a vote or into talking.

Mr. LODGE. There is not much dragooning into talking; the talk seems to go of itself. As far as I am concerned personally, and I can only speak for myself, I should not propose to hold the bill up for any one witness. It would be preposterous to do such a thing.

Mr. SPOONER. Mr. President——

Mr. PATTERSON. I do not know why the Senator from Wisconsin is so solicitous about this.

Mr. SPOONER. The Senator has made a request of me, and I always like to comply with his requests. He asked me why I did not ask him the question I asked the Senator from Iowa?

Mr. PATTERSON. Then you concluded to ask it?

Mr. SPOONER. Yes; I did ask it.

Mr. PATTERSON. I have a very distinct recollection of the Secretary of War directing officers to go, and I know that they went, and to come, and I know that they came.

Mr. SPOONER. Of course.

Mr. PATTERSON. And if the Secretary of War has not got authority to direct an officer to come, then I am inclined to think the Secretary of War has been usurping authority he ought not to usurp.

Mr. SPOONER. Is that the answer?

Mr. PATTERSON. That will do for the present.

Mr. SPOONER. It will not do at all, Mr. President. It will not do for the present nor the future. There is no question between the Senator and myself that the Secretary of War or that the President has power to direct an officer to come and to go. That is not the question. The question is whether the Senate has the power to direct the Secretary of War to order an officer to come and to go.

Mr. PATTERSON. Yes; that is the trouble, I think, the Senator has——

Mr. SPOONER. That is the trouble the Senator has.

Mr. PATTERSON. But the real trouble is that the Secretary of War declines to act. Then that will be an issue we shall be ready to settle when the necessity arises.

Mr. SPOONER. Oh, no; the Senator asks the Senate to pass a resolution.

Mr. CULBERSON. Mr. President, I suggest if the objection made by the Senator from Wisconsin [Mr. SPOONER] is the only one he has, the Senator from Colorado [Mr. PATTERSON] will doubtless gladly change the resolution so as to read "requested" instead of "directed."

Mr. SPOONER. It would be very much more in harmony with the Constitution, which seems to have been forgotten for a moment on that side of the Chamber.

Mr. CARMACK. Mr. President——

Mr. SPOONER. I can only listen to one at a time.

Mr. CULBERSON. Would the Senator be satisfied if the language of the resolution were changed to "requested" instead of "directed?"

Mr. SPOONER. I would withdraw that particular objection.

Mr. PATTERSON. Through an excess of politeness not long ago I worded a resolution to the effect that the Secretary of War or the Attorney-General—I forget now which—should be requested to communicate certain facts to the Senate, and Senators upon the other side immediately informed me that that was not nearly peremptory enough. So I modified my resolution by using the word "directed" instead of "requested." It seems hard to please some Senators in a matter of manners.

Mr. SPOONER. I am quite amazed at the lack of discrimination indicated on this occasion, and only on this occasion, by the Senator from Colorado. When we want information from the Secretary of War or any other Cabinet officer, except the Secretary of State, we generally direct him to furnish it; but this is the first instance of which I have ever known where it was proposed that the Senate should pass a resolution directing the Secretary of War to issue an order of a particular character to an Army officer. My point does not go to the matter of etiquette, but to the matter of power.

Mr. PATTERSON. We will not stand upon trifles.

Mr. SPOONER. Oh!

Mr. PATTERSON. What we are after is the testimony of Major Gardener. What we want is to have Major Gardener in the United States as soon as he can properly get here, and if the word "requested" will get him instead of the word "directed," I will use the word "requested," and ask where the word "directed" is used that the word "requested" be inserted; so that we shall have no further controversy over it.

Mr. WELLINGTON. Mr. President, I would suggest that possibly the objection of the Senator from Wisconsin would be met if the Senator from Colorado would change the resolution to read that the President of the United States be requested to direct.

Mr. SPOONER. We have a right to request the President.

Mr. WELLINGTON. I think that would be the proper thing to do.

Mr. SPOONER. We have a right to request the President. The President is the Commander in Chief.

Mr. WELLINGTON. It ought to go to him with a request from the Senate.

Mr. SPOONER. A proposition to direct the Secretary of War or to direct the President—for you have the same right to direct one as you have the other in this matter—that he issue a particular order to an Army officer is as palpable an invasion and as unconstitutional an invasion of the constitutional prerogative of the President as it is possible to imagine. It is not a question of politeness or a question of etiquette; it is a matter of substance.

I am amazed, Mr. President, that the Constitution should have been even for a short period forgotten——

Mr. DUBOIS. Temporarily laid aside.

Mr. SPOONER. Temporarily laid aside on the other side of the Chamber. [Laughter.]

Mr. PATTERSON. If there is one condition any more than another in which we find the Senator from Wisconsin, it is that of amazement. I am afraid that he is so constantly amazed that his mind may take wings some time.

Mr. SPOONER. The Senator need not be too much alarmed about my mind. Senatorial courtesy will not permit me to say how often I am amazed.

Mr. PATTERSON. I was going to say that if the Senator from Wisconsin is amazed oftener than he says he is amazed, then indeed he is perpetually amazed.

But, Mr. President, there was no controversy in the committee over the form or over the language of the resolution. It was a matter of substance. The minority of the committee want the presence of Major Gardener as speedily as we can have it. I will not say that the majority of the committee do not want Major Gardener, but I do say that the majority of the committe declines by its vote to expedite in any way the coming of Major Gardener; and what we want is expedition, so that the Senate and the country may have the benefit of Major Gardener's knowledge of the conditions in the Philippines before this Congress adjourns.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. The Senator from Colorado is a good lawyer, and I should like to ask him a question. Does he think the Senate has power to pass a resolution directing the Secretary of War to issue an order to an Army officer?

Mr. PATTERSON. We have passed that stage, Mr. President.

Mr. SPOONER. Oh, no.

Mr. PATTERSON. And I do not desire to enter into a colloquy with the Senator from Wisconsin, because I have had enough of colloquy with him to learn that——

Mr. SPOONER. I am not amazed that the Senator does not want a colloquy with me. [Laughter.]

Mr. PATTERSON. However convincing the answers of Senators may be to the numerous questions propounded by the Senator from Wisconsin, he never acknowledges his error; so that it is quite idle to enter into a controversy of that character with the Senator. We have passed that stage. We have agreed that the resolution shall be amended in any way to conform to the rules of etiquette or to the Constitution, we care not——

Mr. SPOONER. Which.

Mr. PATTERSON. We care not which. That will do. It is a matter of substance. What we want is the adoption of a resolution that will secure by cable the presence of Major Gardener here.

Mr. TILLMAN. Mr. President, I should like to get some light from some source, and as the Senator from Wisconsin is shedding light on the Constitution this morning, I presume I had better direct my inquiry to him.

What is the force and effect, and what power does it confer, when a committee is appointed by the Senate, or when one of its standing committees is authorized by a vote of the Senate to investigate affairs in the Philippine Islands, and to send for persons and papers? Are military officers exempted from that power?

Mr. SPOONER. Has there been any military officer subpœnaed by the committee?

Mr. TILLMAN. It is a question of trying to get a subpœna issued. The committee, as I understand, refused to issue a subpœna, and the minority—the partisan minority, if we must be particular about our phrases——

Mr. SPOONER. I will not quarrel with the Senator about that expression.

Mr. TILLMAN. I say the minority, feeling that they were being muzzled, or that the investigation was being suppressed, or smothered——

Mr. SPOONER. I did not understand the word used by the Senator from South Carolina. Did he say "muzzled" or "muddled?"

Mr. TILLMAN. Muzzled.

Mr. PATTERSON. If the Senator from South Carolina will permit me, his statement does not do exact justice to the committee. The committee has not refused to issue a subpœna, but the committee has refused to expedite the coming here of Major Gardener in the way that has been suggested.

Mr. TILLMAN. The resolution itself having been brought into the Senate, and the statement having been made that the minority of the committee have been refused by the majority the securing of witnesses whom the minority considered essential to this investigation——

Mr. PATTERSON. We want to get the witnesses here as speedily as possible.

Mr. TILLMAN. Well, everything, you know, goes along leisurely here; and if there is an effort to smother—the Senator from Wisconsin was particular a while ago about my pronunciation of the word "muzzled" and tried to make it "muddled"——

Mr. SPOONER. I did not understand you.

Mr. TILLMAN. If the Senator is not ready to pursue the question of "muzzled" or "muddled," we will take it that the committee are muzzled.

Mr. SPOONER. I do not think the Senator ought to ask me to pursue that question.

Mr. TILLMAN. I am indifferent. What I am after, as a member of the Senate, is to have a thorough, complete, and searching investigation of affairs in the Philippine Islands. If Major Gardener is the witness now most desired by that committee, which has so ably been pressing the inquiry thus far, I think the Senate owes it to the committee to pass such a resolution as will expedite the departure of Major Gardener from Manila and his arrival within the reach of the committee. I take it that that is all the Senator from Colorado had in view when he offered the resolution. I do not think the majority can afford to appear before the country in the attitude of refusing to get this man here before this bill is voted on.

Mr. ALLISON. Mr. President, it is perhaps due to the committee that a word should be said respecting the byplay on this resolution as indicated in this debate. No one objects to the testimony of Major Gardener, or to his appearing before the committee as a witness.

It was disclosed on yesterday—I will not say where or how, for I believe I am not permitted under the rules to do so—that Major Gardener's regiment is likely to depart from the Philippines at any time after the 1st of May——

Mr. CARMACK. Oh, no, Mr. President——

Mr. LODGE. One word, if the Senator from Iowa will allow me to interrupt him.

Mr. ALLISON. Certainly.

Mr. LODGE. The language that was used by Major Gardener in the letter which he wrote was "My regiment may not leave Manila before May 15 or June 1." It may leave before; it is quite possible it has already left.

Mr. ALLISON. I think that language, which I understand is an exact quotation, will be accepted. But what does that imply? It implies that this regiment may leave at any moment, but it may not get away until the middle of May or even until the 1st of June. We do not know, as the Senator from Massachusetts suggests, whether this proposed witness——

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I do.

Mr. TILLMAN. Is it possible that the Secretary of War can not inform the Senate committee, or the Senate, as to the limit of time within which that regiment will leave Manila?

Mr. ALLISON. Mr. President, the Committee on the Philippines and no member of the committee has yet had an opportunity to see the Secretary of War. This matter was brought into the committee, if I may say so, on yesterday for the first time, and we were all called upon to exercise our judgment this morning upon that question. It, of course, is very easy to ascertain from the War Department when this regiment will depart from Manila, and when it is likely to arrive here; but that does not happen to answer the purpose of this resolution, which is, that Major Gardener may be decorated by having a cablegram sent to him to bring him here in hot haste, in the face of the controversies which are existing respecting various matters in the Philippines, which I shall not enter into, in order that he may testify before a committee of this Senate, when it is perfectly well known and believed by me—I only speak for myself—that, as indicated in the letter of Major Gardener, if cabled for, he will come in advance of his regiment, showing, of course, at least a willingness to appear here before this Senate committee and state what he knows.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I do.

Mr. TILLMAN. I trust no one supposes for a moment that I or any other Senator here has anything to impute to Major Gardener that he is unwilling to appear and testify. It is the committee that we feel is not using due diligence in getting the witnesses the minority want.

Mr. ALLISON. I am very glad to see the Senator from South Carolina vindicate Major Gardener before he is assailed by anybody; and also glad that the Senator takes such an intense interest about this matter, now for the first time brought to the attention of the Senate, and only known to me for the first time within about twenty-four hours.

Everybody who knows anything about this investigation knows what there is in it and the scope of it. Whether or not this body will authorize the committee to pursue the investigation after this session shall close, I do not suppose it is within the purview of the committee, or any member of the committee, to summon the Army of the United States, or that portion of it which is now in the Philippines, to come here and testify before the committee; but if we are to summon one witness from the Philippines, who is taking or has taken a part in the great affairs going on there, we must summon other witnesses, members of the Army, for a like purpose. It is a grave and serious question whether we shall summon one governor of a province who, by accident or otherwise—which I shall not now discuss—has been, more or less, brought before the committee, the Senate, and the country. If a minority of the committee, or a member of the committee, may summon the governor of one province, another member of the committee may summon the other 34 governors who are performing their duties in the civil government of the Philippines.

Whilst we expect, and I have been willing and, so far as I know, every member of the committee has been willing, that any witness who has information upon these subjects should be summoned to appear before the committee, yet it is a grave question as to whether we shall summon one witness after another, who may be for the time being 7,000 miles away, or, if this investigation is to be as thorough as the Senator from South Carolina intimates, whether or not a committee of this body should not go where the facts regarding these matters may be ascertained and where the responsibility for what has been done must be assumed by somebody.

For one, knowing and believing, as I know and believe, that Major Gardener, according to his own statement, can come here long before this session will adjourn, I am not, as one member of that committee, willing to order a cablegram to be sent to him to come here in hot haste in advance of his regiment, in order that he may appear before the committee and testify. I am willing that he shall come, and I am anxious that he shall come before we adjourn, and I am sure he will come. Therefore I am opposed to asking the Secretary of War to send a cablegram to him when we know that he will come in time to testify.

Mr. BEVERIDGE. And Major Gardener's statement is already before us.

Mr. ALLISON. As the Senator from Indiana very properly suggests to me, we have already before us a long statement from Major Gardener respecting what he has done and his observations in the Philippines.

Mr. President, whatever may be the motive of my friend from Colorado—and I am sure it is a proper and just motive—there is no haste to have this witness here within two weeks or three weeks or four weeks. Therefore it is that I am opposed to sending off a cablegram to Major Gardener, or instructing or requesting the Secretary of War to cable for him. It is a play to ask for it, and it ought not to be done.

Mr. CARMACK. Mr. President, the only question presented by the resolution offered by the Senator from Colorado is whether or not we shall have the testimony of Major Gardener before the committee. According to Major Gardener's letter, which has been read, he may not leave the Philippines before the 1st of June; he may not leave then; he may not leave before the 1st of July; and all the chances are, in my opinion, that he will not get to the United States until after this Congress shall have adjourned.

Now, the question presented by this resolution is simply whether or not his testimony shall be had before the committee. He will be coming home some time during the summer. This resolution will simply expedite by a short time his coming home, but within a time which will enable the committee to have the benefit of his testimony.

If the committee or if the Senate want the testimony of Major Gardener, it will vote for this resolution. If it does not want his testimony, it will vote against it.

In my opinion, if this committee had been at all eager to secure information; if it had been at all eager to carry out the purposes, the objects, and the duties with which it was charged, it would have asked the Secretary of War or the President to cable for Major Gardener to come to the United States.

Major Gardener has presented a statement of unusual and exceptional interest. There is no sense in attempting to place every other officer in the Philippine Islands upon the same footing as he. He has presented a statement of such importance and gravity that the Secretary of War deliberately suppressed it and sought to keep it from the knowledge of this committee and from the knowledge of the American people.

Now, sir, under those circumstances, I say it is a matter of the gravest importance that Major Gardener's testimony should be had and that the statements he has made in a general way should be made more in detail. This Congress and the people of the country should have the benefit of his knowledge. To refuse to have him summoned here is simply to say that this committee shall not have the benefit of his testimony. That is what it means, for I repeat that, in my judgment, unless this resolution is passed Major Gardener will not get to the United States until after this Congress shall have adjourned.

Mr. CLAY. Mr. President, this testimony is exceedingly important, and if we are going to have an investigation to find out the condition of affairs in the Philippines, we ought to do so in a manly and a fair way. Simply to subpœna three or four officials from the Philippine Islands to come before this committee, who have declared all along that they are in sympathy with the policy which we are pursuing in those islands and leaving out those who lean toward the other side and who could give that side of the question is manifestly unfair and unjust and will not enable us to reach an intelligent conclusion.

I have before me a short synopsis of a report which Major Gardener laid before the Secretary of War in 1901, and the Committee on the Philippines had this statement before them on the 10th of April, 1902. The Committee on the Philippines knew the contents of this statement two weeks ago and had ample time to send for and to get this witness and to have him here in a few days. Now, let us see briefly what he says:

> The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers.

This is a very important witness. He continues:

> The work of the Commission in the establishment of provincial governments is ridiculed, even in presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years. Outrages committed by officers and soldiers against natives in an organized municipality and province, when reported by the presidente or governor to the military authorities, are often not punished.

This is from the governor of a province, stating to the Secretary of War the condition of affairs existing in his province and existing in the Philippine Islands. He says further:

> This, in my opinion, is unfortunate, because loyal natives begin to fear that local self-government promised them will not last long, and that any slight disturbance in a province may at any time be made the pretext to again place it under military rule, and this is just the thing the insurgents at heart most desire.
>
> It has been stated that a Filipino or any Oriental does not appreciate just or kindly treatment and that he considers it an evidence of weakness, and that severe and harsh measures are the only ones that are permanently effective with Filipinos. I have found that just and kind treatment, uniform and continued, is the only way by which these people can be made permanently our friends and satisfied with United States sovereignty.
>
> Having been stationed six years on the Rio Grande, I am well acquainted with the natives of the State of Tamaulipas, Mexico, and while stationed in the province of Santa Clara, Cuba, I visited every town in that province, and was able to observe the intelligence and education there. I believe that the people of Tayabas Province are in every way superior in education, intelligence, morals, and civilization to the people of Tamaulipas or Santa Clara.
>
> As an officer of the Army I regret that my duty as civil governor of this province impels me to state the attitude of the majority of my fellow officers toward civil government in these islands and its effect upon the people, but I feel that the interests of the Government involved and the future of these people, for whose welfare we are responsible, are of such vast importance that I ought to report things as I see and know them, in order that my civil superiors may be able intelligently to order what the situation demands.
>
> Very respectfully, your obedient servant,
>
> CORNELIUS GARDENER,
>
> *Major, Thirteenth Infantry, U. S. Army, Provincial Governor.*

This statement is dated Lucena, P. I., December 16, 1901. That is only a part of the matter addressed to the Secretary of War, and this letter was before the Secretary of War within a few days after December 16, 1901, and was before the Philippine Committee on the 8th of April, 1902.

Mr. BEVERIDGE. Will the Senator from Georgia permit me to ask him a question?

Mr. CLAY. Certainly.

Mr. BEVERIDGE. Does the Senator from Georgia or any other Senator upon the other side attack or question any statement made in this letter and report?

Mr. CLAY. In which letter and report?

Mr. BEVERIDGE. The one the Senator has been reading from and to which he has referred.

Mr. CLAY. The letter I have read?

Mr. BEVERIDGE. Yes; Governor Gardener's letter and report.

Mr. CLAY. No.

Mr. BEVERIDGE. Does the Senator know of anyone upon the other side who does?

Mr. CLAY. I do not know. I desire——

Mr. BEVERIDGE. Then I desire to ask the Senator from Georgia this question. Since the Governor's statement and letter are before the Senate and before all the Senators upon the other side, and since they do not question it and they do not assail it or attack it, why make a special distinction by sending by cable for this man whose statement is already before them and which they do not attack?

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. CLAY. With pleasure.

Mr. CULBERSON. In answer to the Senator from Indiana, as a member of the Committee on the Philippines I will state that we want the testimony of Gardener because the truth of his report is attacked by Governor Taft and the Secretary of War. That is the reason why we want his testimony.

Mr. CLAY. This report was made in December, 1901. It is simply a short letter addressed to the Secretary of War. The witness could come before the Committee on the Philippines, and he could give his experience previous to that time and since that time, and go over the entire situation, and, I hope, would be able to convince my friend the Senator from Indiana of the cruelty and outrages which we have committed in those islands.

Now, it should not be said that simply because he wrote a letter a year ago to the Secretary of War he ought not to be brought here. He ought to be brought here, and he ought to be required to give a statement from the beginning to the end as to our method of conducting the war in the Philippines. If we have not been cruel, let us clear our country from the charge that has been made against our Army.

Mr. President, it does seem to me that our friends on the other side of the Chamber and on both sides of the Chamber should be perfectly willing for any truthful and upright witness to come before the committee and make a statement and give the truth as to our transactions in these islands. All we want is the truth. I am not here for the purpose of assailing any Army officer, and for one I would say nothing against an Army officer until he was tried and until the proof was before us and we could see exactly what the testimony was; but the Philippine Committee ought to have the right and privilege of hearing both sides of this question, presented in an intelligent and fair way.

Mr. MCCOMAS. Mr. President, this is an empty controversy. This witness will be here. He may be on his way to-day or to-morrow. He will be here before this bill is passed and long before the committee finish their investigation.

As has been well said by the Senator from Iowa [Mr. ALLISON], he is one civil governor, and there are other civil governors, and we should send for all and examine all if we send for one. The one whom the minority profess to want so much will be here very soon and will be examined.

This four-page report, as was said by the Senator from Indiana, covers the whole sweep and scope of his experience in the islands as civil governor of Tayabas; and my purpose in rising was to remind the Senator from Georgia [Mr. CLAY] that he happened to omit a pertinent part of the report, which I desire to read as a supplement. It is not the sentence in which Major Gardener complains that "almost without exception soldiers, and also many officers, refer to the natives in their presence as 'niggers,' and the natives are beginning to understand what the word 'nigger' means." I think the Senator from Georgia and I understand how that offense might be committed if the soldiers happened to come from a slave State.

Then he speaks of the other conduct of some of the soldiers over there. Here is a sentence which makes the majority eager and anxious to secure Major Gardener's attendance. It is found on the fourth page of the long report:

> The work of the Philippine Commission and the laws that have been enacted by it are everywhere favorably commented upon by the natives. The efforts being made for the general education of the people are appreciated by all. The provincial government and municipal governments established are slowly bringing order out of chaos and anarchy, and there begins to be visible everywhere in this province progress and prosperity.

That is the testimony of this soldier, who has been made civil governor, and who therefore has a feeling against the remaining power of the military in his province. He is eager, instinct with the American sense for liberty and freedom, that there should be more of the civil and less of the military there, and he informs us,

and when he comes here he will tell us, that the current has been one of progress and prosperity, peace and happiness, not only in the province where he has been governor, but wherever he has been in the Philippines.

We, too, want him here, but we do not want to squander unnecessary money or to consume unnecessary time in sending a cable to a man who may be coming here now, and whose story will be one of credit to the country and faith in the future of civil government in the Philippines. I wish he were here to give his testimony on this most important question, when the military is being taken away and the civil authority is everywhere coming to the front. I wish he were here now to testify as he will testify in behalf of this very government bill. It might persuade some of the Senators, who seem eager that there shall not be a temporary civil government established by Congress, to cease their delaying and hasten the time when this government bill may become the law and be put in force, with all its beneficence and with all the progress and prosperity which he will testify will follow.

Mr. PATTERSON. Mr. President, I never for a moment supposed that there was anything partisan or partial in the attitude of Major Gardener. I never heard of Major Gardener until his suppressed report was given to the country, and upon reading that report I became quite convinced that if there was a military officer in the Philippines who looked upon the situation from an impartial standpoint and impelled by patriotic motives, that man is Major Gardener. I have no doubt in the world that he will give his countenance and support as a military officer to the civil government under the Philippine Commission in the Philippine Islands. We want to hear him talk upon that subject, as well as upon the others.

I was more than pained when the usually serene and impartial senior Senator from Iowa [Mr. ALLISON] closed his remarks by suggesting that the effort to get Major Gardener here was a play upon the part of somebody. Senators upon the other side will not deny for a moment the importance of the information that Major Gardener can give to the country. Surely when he tells his superior officer that 33⅓ per cent of the population of a province which before the war contained 300,000 people have disappeared from the face of the earth as the result of war and famine and sickness we, as part of the legislative body of this nation, should not be content with that simple statement. If it is a fact, we want to know it. If it is a fact that 100,000 people out of 300,000 are resting in graves, brought there within the past two or three years by war and famine and sickness, we want to know the particulars. We want to know the details of the circumstances that have resulted in that horrible end. We want to know if there is anything that can be done by the Congress of the United States to arrest the mortality; whether or not help is needed in the nature of food or medicine or medical attendance; whether that mortality is continuing or not. We want to know all about it in a perfectly fair, impartial, and nonpartisan way.

If it is true that the civil government is to bring peace and prosperity to the islands, we want to know it. But, Mr. President, we also want to know whether or not it is the promise that has been held out to the Philippine people of self-government, of the right to make their own laws, of a voice in the disposition of their lands and their money and their taxes, which is making the Philippine Commission and its government pleasing to many of the Philippine people. If it is, we know and we will be able to point out that the measure which is now before the Senate takes from the Philippine people the last vestige of self-government, for it is a measure which deprives them of participation in their own domestic affairs and places the disposition of the lands and mines and all the property in the Philippine Islands and the taxes those people will be compelled to pay under the sole control of a band of foreigners—foreigners to them, foreign in civilization and foreign in feeling.

It is important to have this Army officer here before the bill is disposed of in the Senate, not only that we may obtain information of the dreadful mortality which has swept over that island within the past two or three years, but with respect to what the real expectations of the people of the Philippine Islands are as to the kind and character of the government that the Congress of the United States will give to them.

It is not a question of decorating Major Gardener with a cable. Again, if the Senator from Wisconsin will permit me to use a word which if he has not coined he seems to have taken out a copyright for, I was amazed that the genial, the prudent, the conservative senior Senator from Iowa [Mr. ALLISON] should urge an objection such as that. One reason stated why he and those who believe with him do not desire to secure the prompt attendance of Major Gardener was that they did not want to decorate him with a cable message to him.

Mr. President, I do not understand that there is any decoration in the summoning of any witness, wherever he may be. It gives him no particular distinction. The people of the Philippine Islands and the Army and the people of this country know that Major Gardener, as governor of the province of Tayabas, made a report, probably without any expectation upon his part that it would even receive publicity, or that it would be commented upon by the press or by the people or by the Congress.

As governor of one of the civil provinces of the Philippine Islands, Major Gardener was requested by the Philippine Commission to send to the Secretary of War or to it a report from the province of which he was governor, and it was in response to that command from his superior officer that he sat down in the field of his labors and his observations and penned the report and forwarded it to the president of the Commission, and the president of the Commission delivered it to the Secretary of War. Major Gardener was hardly known to any considerable number of the people of the country at the time when, in his honest and straightforward and, I am inclined to think, uncolored manner, he told his Government the condition of the province of which he was appointed civil governor.

This is the condition in which the senior Senator from Iowa, and I do not believe I transgress any rule of practice or propriety when I say that this is the condition in which the majority of the Philippine Committee, place this investigation. We are denied access to residents of the Philippine Islands as witnesses, and we are permitted to call no one as a witness who has not been in the Philippine Islands.

Requests have been made for subpœnas for persons who live in the Philippine Islands and they have been denied. Suggestions have been made to call witnesses who have not been to the Philippine Islands and they have been denied. So the minority of the committee is practically confronted with this condition on the committee. It is prohibited from calling anybody here as a witness who has not been in the Philippine Islands, and it is prohibited from sending to the Philippine Islands by the process of the Senate for any witness who is in the Philippine Islands.

We are compelled to rely upon the witnesses whom the majority of the committee will call before the committee, or upon such information as is voluntarily supplied to the minority of the committee by testimony and facts that may not be palatable to the majority. We desire to break these chains. We desire to have the shackles stricken from the limbs of the minority of the committee. We want to get testimony from the Philippine Islands, and we do not wish to be retained in the condition of being compelled to rely upon those alone who have been in the Philippines and be limited alone to those with information who happen to be in the United States.

Now, Mr. President, recurring again to the resolution, no man can say that Major Gardener will return. Major Gardener, in the letter that is spoken of—it was not a letter to any of the minority of the committee—states that his regiment may sail by the 15th of May. It may not until the 1st of June and, for aught that appears in the letter, it may not sail until the 1st of July.

Why should the Senate balk at the cost of a cablegram? The Senator from Maryland [Mr. MCCOMAS] urges seriously as his objection to sending by cable for Major Gardener the cost that the Government would be put to in sending a cablegram to him. It may relieve the Senator from Maryland to know that the Government of the United States has special rates over ocean cables, that the Government of the United States does not pay nearly so much for cable messages as do private citizens, and that the cost, therefore, of cabling to bring the Major here probably would not exceed two or three or four or five dollars; and if that is in the way of absolutely securing the presence of Major Gardener before Congress adjourns for the present session, then I can speak for the minority of the committee when I say we will advance the sum of money necessary to send the cablegram.

Mr. WELLINGTON. Mr. President, I should like to understand the parliamentary status of the resolution offered by the Senator from Colorado.

The PRESIDING OFFICER. As the Chair understands it, objection being made, the resolution went over.

Mr. WELLINGTON. Then I presume the whole debate has been by unanimous consent.

The PRESIDING OFFICER. The whole debate is——

Mr. WELLINGTON. I should like further to ask whether the Senator from Colorado has consented to the modification of his resolution?

Mr. PATTERSON. I have consented to modify it so as to request the President to do so by cable.

Mr. WELLINGTON. Then, I believe neither side can afford to object to the resolution.

The PRESIDING OFFICER. The Chair will state to the senior Senator from Maryland that the discussion is upon the bill for the establishment of civil government in the Philippine Islands.

Mr. WELLINGTON. I understand that.

The PRESIDING OFFICER. The discussion has been on that

bill, which is now in Committee of the Whole and open to amendment.

Mr. WELLINGTON. However, the whole debate which has been going on has not been with respect to the Philippine bill, but as to the resolution of the Senator from Colorado. I desire to say only one word concerning the resolution.

Having been modified, as the Senator from Colorado has consented to have it modified, I believe neither side should object to it. If it be true that the majority of the Committee upon the Philippines are anxious for the testimony of this officer, then they should not object to it, and I am sure that the minority does not object to it. I believe the majority can not afford to object to it. If the majority intend to pass the bill now before the Senate, they owe it to themselves; they owe it to the country to have a full and fair and just examination of all the light that can be offered upon this great question.

I believe that Major Gardener will be an important witness. I believe he should be brought here as quickly as possible, and the absurd objection made by one member of this body that the expense should stand in the way is positively not to be considered. But if the majority are in earnest about this matter, then they owe it to themselves not to object to the resolution.

The Senator from Wisconsin objected to the resolution, and, I think, very properly so, because it was not worded as it should have been. I do not believe the Senate has the right to direct the Secretary of War to summon an officer, but I do believe that the Senate has the right to request the President of the United States to direct the Secretary of War to do that thing.

Now, then, if that be the situation, there should be no more words about it. Let us pass the resolution and say that we are all engaged in the same matter—engaged in finding light upon this great question, without which the present bill should not be passed.

Mr. LODGE. Mr. President, in my short service in the Senate I have never known it to be the practice to drag the affairs of committees in here for discussion. That is a pleasing fashion which the Senator from Colorado [Mr. PATTERSON] has originated. However, in defense of the committee, as it has been brought in here, I desire to make a few statements of fact to the Senate.

The committee began on the 31st day of January its hearings under a resolution passed on the 29th day of January. Between that time and a week ago Monday, when I made up the figures, there had been 67 working days when the Senate was in session. We had sat and held hearings on 43 of the 67. I think, in view of the great pressure of business on Senators, that is a very creditable record in the work of the committee, for in addition to the 43 days of hearings we prepared two bills and the subcommittee on the matter of coinage involved in this bill held a number of hearings which are not included in the 43 I have mentioned.

We have called a large number of witnesses. With the exception of Governor Taft and Mr. Barrows, who had been assistant superintendent of education in the Philippines, every one of the witnesses was asked for by the minority. The minority submitted lists of names. One name has been refused. He is a gentleman, a citizen of this country, who has never been in the Philippine Islands, whom they desire to have come here and give his opinions, no doubt of exceeding value, upon the Philippine question. The committee decided, as I think wisely, that if they were going to admit as witnesses citizens of the United States who had never been in the Philippine Islands, and who had no more knowledge than that which the committee itself had or the Senate had or any man had who could read, if they were to open the door to endless argument and discussion of that kind, all witnesses from whom facts could be obtained would be driven out and the committee would become a mere debating ground for advocates of the opposing sides. He is the only witness for whom a summons has been demanded with respect to whom the request has been refused, with the exception of the list of to-day, to which I am coming.

Major Gardener's report was made in December, and reached this country at the end of February. It made some sweeping attacks upon officers of the Army in the Philippine Islands. The Secretary of War thought, in justice to the officers thus attacked, it was proper that the matter should be investigated by the commanding general in the Philippine Islands, and that both the charges of Major Gardener and the defense of the officers and soldiers within his province whom he had attacked should be laid before the Senate together. The existence of the report was subsequently made known by General Miles. It was asked for and was sent in. It contains, as I have said, reflections of a general character upon the conduct of our soldiers and officers there. I think Major Gardener ought to appear before the committee. I have every intention, so far as I am concerned, to bring him before the committee.

A private letter was written by Major Gardener, I think before the question of his report had been raised in this country at all, to a member of the majority of the committee. In pursuit of their policy of suppression, that private letter to one of the members was laid before the committee in order to give the committee knowledge of Major Gardener's desire to testify and of the period at which he expected to return. He stated in that letter that his regiment was ordered home and that he was coming with it, and had resigned his civil governorship for that purpose. But he said the regiment might not start until the 15th of May or the 1st of June. The committee does not know, it has not had time within the last twenty-four hours to inquire and has not apparently desired to know as a committee, where that regiment is, when it is going to start, and when it may be expected here. All we know is that some sixty days ago Major Gardener thought it might not start before the 15th of May or the 1st of June. As a preliminary to sending for him it seems to me it would be well to find out where the regiment is and when it is coming home.

Now, I desire to have Major Gardener here, and I desire to have him here before Congress adjourns. I want to hear his testimony and every word he has to say. If we can get him here in the usual manner, by his return with his regiment, I think it is much better that it should come about in that way. If we are going to send a special cable to Major Gardener and bring him over here to testify, then I want the other 30 governors and more whose reports are printed brought here by cable to testify.

Of course Senators on the other side think Major Gardener is of enormous importance. Every witness is of importance who happens to agree with them. No witness is of importance who happens to think that the United States civil government and military government has done well in the Philippine Islands. I think the testimony of those men who think well of the government and make good reports is just as important as that of the man who had charges to make. I want to hear both sides and all sides. I am not here to bring out one man alone or one side alone. If we are going to cable for the one man among the thirty-odd governors who has got an attack upon the Army in his report and we ought to hear him, then I want to hear from the rest of the 30 governors whose reports are here, and not one of whom has made such an attack. Let us have them all.

Mr. PATTERSON. Mr. President, I will ask the Senator from Massachusetts whether he has made any suggestion about bringing the other governors here or not?

Mr. LODGE. I make it now.

Mr. PATTERSON. Very well. I want to say, and I know I speak the sentiments of the majority, from frequent conversations with them, that so far as the minority is concerned in the case of any and every man whom the honorable Senator from Massachusetts and the majority of the committee desire to have before the committee, whether he is in the Philippine Islands or in China or at the furthermost parts of the earth, we will vote with them to bring them here, however expeditiously they may desire to have them.

Mr. LODGE. Mr. President, now that we know the position of the minority, I may be allowed to proceed. I say if we call one governor we must call all. If we are going to enter on that course, we are entering on a very large field, and one which I think the Senate ought to consider very carefully. I think before we enter upon it at all we want to consider very carefully the question whether we are going to bring 10,000 miles many, many witnesses here, as we should have to do, or whether we should send a special committee there. I think that is a matter which ought to be carefully considered. I do not think that the question whether Major Gardener gets here a week sooner or a week later is of any special importance. I do think it is of great importance whether we enter upon the policy of cabling out there to have civil governors and other officers of the Army brought over here, or whether we should intrust that work, if the Senate thinks it ought to be done, to a committee to go into the islands. It was for that reason that the majority of the Committee on the Philippines decided that it was not worth while at this time to cable to Major Gardener alone, as he was coming home in any event.

Mr. President, as I have said, we have called all these witnesses already—every one with the approbation of the minority, all but two at their request. We have a list of seven or eight witnesses, who are requested by the minority, whom we are now endeavoring to get in various parts of the country, from California to Massachusetts. The committee has agreed to summon Admiral Dewey and General Anderson, both requested by the minority of the committee. The minority of the committee also requested that we should bring Aguinaldo from Manila, Mabini and Pilo Del Pilar from Guam, Howard W. Bray, an Englishman, who has done most of the writing for the Philippine junta and has been their adviser, from Hongkong, Sixto Lopez, who is in this country, and two Associated Press correspondents, one of whom is in Pekin and

the other of whom is in Venezuela, I believe, watching the revolution there. Those names were submitted to the committee.

Supposing at the time that the two Associated Press correspondents were in this country the committee agreed that they should be called. The others the committee voted not to call. One of them was a British subject. I think there was no great desire to hear what a British subject, resident in Hongkong, had to say about our Army or our management in the Philippine Islands, especially as he was the manager of the Filipino junta. As to the others they are prisoners of the United States, with the exception of Lopez, who has carried on his part of the revolution in this country.

Now, Mr. President, the feeling in the committee after a great deal of discussion was that it was not desirable to invite men who had been in arms against the United States, and who were now prisoners of war, to testify; that in any event, even if it was desirable to bring men who had been recently in arms against the United States to testify as to the conduct of the American Army, it was not worth while to bring them to this country; that if we were going to enter upon that inquiry and hear witnesses of that character it had better be done by a special committee sent to the Philippine Islands. There are witnesses now on the list and names of witnesses suggested who are coming before the committee which will occupy the committee in all the time it can give (and it has been sitting as a rule every day in the week) from now until adjournment, whenever that adjournment occurs.

Mr. President, I have made a perfectly fair statement of the business of the committee, of the action which has been taken, of the witnesses we have called and have refused to call. I think the committee has been diligent in business. There has been no desire on the part of any member of that committee on either side to suppress any testimony whatever. There is no desire on my part or on that of any member of the majority to suppress the testimony of Major Gardener. We want to hear from him. I expect we shall, without any doubt, before the present session ends. The reason why we refused to cable to him, the reason why we have refused to enter upon the consideration of witnesses in the Philippine Islands, is that it opens up so large a field at such vast expense and brings in so many other questions that the majority of the committee did not feel that we ought to enter upon it at this time.

If the Senate desires to continue this investigation and get the testimony of all the witnesses in the Philippines, in my judgment the only proper way to do it is to send a subcommittee out there. I do not think that it is physically possible to bring before the committee here from islands 7,000 miles from our shores this shoal of witnesses, for they would be very numerous, and get any practical result. You can not hear more than a certain number of witnesses in a week. We all of us are obliged to be in the Senate; we all of us are obliged to attend to meetings of other committees, and the time that we have is limited. If the inquiry is to be carried into the Philippine Islands to hear the natives, to hear the insurgents, then we ought to have a special committee for that purpose to go to those islands and devote months to the inquiry. Here we have to keep the inquiry within some practicable and possible lines.

With the exception of last week, when, owing to the absence from town of three of the members of the committee, who asked for a postponement, desiring to hear the completion of General MacArthur's testimony, we have been sitting, I repeat, every day when it was practicable for us to do so. There has been no loss of time. We have taken, together with the material that we have asked for and received from the War Department, a record now of more than 2,000 pages. We are ready to go on with the work. We are ready to do the best we can and get all the testimony that is possible. But if the Senate is going to broaden this inquiry into all officers of the provinces there, into the leaders in the insurrection there, among all the Army officers there, and hear the accused as well as the accuser, then the Senate must take that decision upon itself and must decide whether it desires to enter upon that larger field. Every moment of time that this committee can give or that any committee can give to this inquiry here and now, in the midst of the session, will be occupied by the witnesses already on the list and by those who are obviously to come forward still.

Mr. President, the names of that committee are before the country and before the Senate. I do not believe that anyone who will take the trouble to read the names of the majority of that committee will suppose for one instant that there is any man on it who wants to suppress testimony or hide facts. There is no sense in that. If it is to be a political question merely, the poorest kind of politics is the politics of suppression. It would not only be wrong to suppress facts; it would be inconceivable stupidity; and there is no desire on the part of any member of that majority to suppress facts. I feel that I have done wrong to my colleagues of the majority in even saying thus much in their defense.

Mr. CARMACK. Mr. President, the Senator from Massachusetts, with a good deal of heat, charges that we are influenced by some partisan motive in seeking to secure the testimony of Major Gardener and in not demanding the testimony of every other provincial governor in the Philippine Islands.

The fact is that Major Gardener has disclosed a state of affairs that demands investigation by the Senate. He has made a statement which constitutes a grave accusation against the military conduct of our officers in that particular province, and that demands investigation. Where governors of other provinces make no statement of anything wrong, bring no charges and no accusation, there is nothing in particular to investigate. But here is something to investigate. Here is a statement made by a military officer, acting at the time as the governor of a province, who says that the conduct of the military officers in that province has done much to incite the natives, to destroy their kindly feeling, and to perpetuate their hostility to the United States.

Now, that presents a statement which demands investigation. If the governor of another province makes a report which does not disclose any state of affairs demanding investigation, there is no particular reason why the governor of that province should be summoned here to testify.

So far as this investigation is concerned, Mr. President, the scope of the investigation has never been fixed either by the Senate or by the committee itself. It is simply just as wide and just as narrow as the committee chooses to make it. It may say, "We will hear this witness upon this question and we will not hear this other witness upon the other question;" not because it is not pertinent to the inquiry, because the scope of the inquiry has never been defined. You can not say that any question or any particular line of investigation before the committee is not pertinent, because the committee itself has never defined what is to be the scope and character and purpose of the inquiry.

The Senator from Massachusetts spoke of the exclusion of a witness who was presented to the committee. I am not going into the action of that committee, which I believe I have no right to discuss in the Senate, but I say it was distinctly understood, I believe, by every Democratic member of the committee that every member, upon his own responsibility as a Senator, had a right to direct that any witness should be called or subpœnaed and offered to the committee as a witness. Of course, the competency of his testimony was to be passed upon by the Senate.

The Senator says that a certain witness had been excluded because he had nothing but opinions to offer. Why, Mr. President, the committee excluded that witness—refused to have him called or subpœnaed—without any knowledge whatever upon the part of any member of the committee as to what his testimony would be.

Mr. BURTON. May I interrupt the Senator?

Mr. CARMACK. Certainly.

Mr. BURTON. What witness was that?

Mr. CARMACK. I will inform the Senator. Mr. Edward Atkinson, of Massachusetts, was the gentleman whose testimony was to have been offered before the committee as a witness.

Mr. BURTON. Oh!

Mr. CARMACK. The committee decided, without any knowledge whatever as to what his testimony would be, that it should be excluded on the ground that it would not be competent, if they did know what it was, simply because he had not been to the Philippines. And yet, Mr. President, we have had witnesses before that committee who had been to the Philippines but whose testimony had no more to do with any information they acquired or could have acquired by virtue of their presence in the Philippines than any testimony that I might give before the committee. General MacArthur has been testifying to a philosophical disquisition before that committee. If a man has simply touched at the city of Manila in the night, according to the rules of this committee he can come before the committee and testify to a treatise on political economy or to a chapter of statistics, or on the science of war, or upon the policy of expansion and colonialism.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. CARMACK. Certainly.

Mr. BURTON. I notice that the statement was made by the Senator from Massachusetts that all of these witnesses except, I think, two or three had been called for by the minority of the committee.

Mr. CARMACK. That is not so. That is a mistake.

Mr. BURTON. Who called for the witnesses who you say did not know anything, like General MacArthur and others? Did the majority or the minority call for them?

Mr. CARMACK. There has been no call made by the minority for anybody.

Mr. LODGE. Will the Senator allow me?

Mr. CARMACK. Certainly.

Mr. LODGE. Do I understand the Senator to say that no witnesses have been asked for by the minority?

Mr. CARMACK. I do.

Mr. LODGE. I have it in writing.

Mr. CARMACK. I do not say that they have not been called for by certain Senators who you say belong to the minority, but I do say, and the chairman must remember it, when the suggestion was put, I believe by himself, that the minority should submit a list of witnesses, I for one instantly objected to any members of the committee being put in the category of a minority, and the Democratic members of the committee as a minority had no witnesses to present to the committee, and then——

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. CARMACK. No; not now. Then it was agreed upon that any member of the committee should submit the names of any witnesses he wished subpœnaed. We did not care for the committee to be put in the attitude of a majority upon the one side and a minority upon the other, as though we were conducting a trial or taking depositions in a court with the Republicans representing one side in a lawsuit and the Democrats representing the other parties in the lawsuit. So it was agreed upon then that any member of the committee should submit the names of any persons whom he wanted subpœnaed as witnesses.

Mr. BURTON. May I ask the Senator a question?

Mr. CARMACK. Certainly.

Mr. BURTON. Then do I understand that the names of all the witnesses except the two or three mentioned by the Senator from Massachusetts happened to be suggested by members of the minority of the committee?

Mr. CARMACK. I do not think the members of the majority have been suggesting any witnesses at all, so far as that is concerned.

Mr. BURTON. Then these witnesses the Senator was speaking about who did not know anything happened to be suggested by a member of the minority of the committee?

Mr. CARMACK. I do not know what the Senator is talking about. He may know, but I do not.

Mr. BURTON. I call the Senator's attention to the fact that he said a moment ago that several witnesses, or a number of them, who had been called before the committee did not know a single thing about this subject-matter.

Mr. CARMACK. I have never said anything of the kind, Mr. President.

Mr. BURTON. The RECORD will show.

Mr. CARMACK. The RECORD will show that I have not said anything of the kind.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. CARMACK. Certainly.

Mr. DIETRICH. I believe the Senator said the committee should not be considered as a majority or a minority committee?

Mr. CARMACK. Certainly.

Mr. DIETRICH. Then why did the minority make a minority report?

Mr. CARMACK. Oh, Mr. President, I was talking about the investigation. Of course every committee has a majority and a minority. It may be that a part of the majority may be composed of Democrats and Republicans, and similarly the minority may be composed of Democrats and Republicans. I was talking about the investigation. I was not talking about the report made on the bill.

I did not say, as the Senator from Kansas [Mr. BURTON] suggested, that General MacArthur did not know anything as to what he was talking about. What I did say was that, in addition to his testimony as to what he himself saw and what he himself knew, he went on with a long, elaborate, partisan, and academic essay on the question of colonial expansion. He discussed the Philippine Islands with reference to their geographical situation, their strategic value, their value from a commercial point of view, and their value in order to enable us to establish our power and to extend our commerce in the Orient. It was simply an elaborate argument in favor of the policy of the Administration, which had absolutely nothing whatever to do with his own observations and his own experience in the Philippine Islands.

I say if a man, simply because he has been to the Philippines, can be allowed to come before this committee, and, instead of testifying to facts from his observations and knowledge, present magazine articles, academic essays, and philosophical disquisitions with reference to matters of expansion or about our holdings in the Philippine Islands, then the committee in common fairness ought to hear the views of some other people who hold different opinions. If it will not do that, then it ought to have the fairness to say to every witness who appears before it, even if he has been in the Philippines, "You must talk about something as to which you know, and not simply testify by furnishing literary essays and academic disquisitions on the general question of expansion." General MacArthur went back to the time of the French Revolution. He traced the growth of the democratic idea in the French Revolution to Spain, and how it had gone from there to the Philippine Islands. He had learned all that, I suppose, before he ever went to the Philippines; and if he had not, he might have learned it.

Mr. President, so far as the action of this committee is concerned, I have not said that the committee is suppressing information; but I did say that, in my opinion, a majority of the committee is not very eager to get information. I did say that the committee without any good reason recently took an adjournment for eight days, with a witness on the stand and other witnesses here in the city of Washington ready and willing to testify.

The governor of Idaho had come here from his home, and was here in the city of Washington ready to testify before that committee; and he left the city of Washington and went home because the committee took a recess for eight days. He was a brave officer, who had been in the Philippines and had made a record for gallantry there. The committee adjourned simply because my friend from Indiana [Mr. BEVERIDGE] wanted to go home to make a "keynote" speech—a very good one, too, I will say, for my friend from Indiana always makes a good speech.

I noticed, by the way, in one of the newspaper reports of that speech that when it got down to the part of the speech about the Philippine question it said, "Mr. BEVERIDGE discussed the Philippine question with great ability;" and that is all it said about it. [Laughter.] I knew that he did that, of course, but I should have been very glad to have known whether the speech of the Senator from Indiana made before that convention bore any resemblance to the speech he made here two or three years ago on the floor of the Senate of the United States. I refer to the speech that was circulated in the Philippine Islands which incited the people over there to insurrection.

Mr. President, I want to send to the desk and have the Secretary read a statement prepared by Mr. Edward Atkinson, of Massachusetts.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The junior Senator from Massachusetts.

Mr. LODGE. Mr. President, before the Secretary reads that pamphlet, I should like to add one or two words as to the calling of witnesses. I mean to be accurate, and I think I am.

Governor Taft was, of course, called by the general desire of the committee. Every member of the committee desired that he should be the first witness to be heard from, he being the governor-general of the Philippines. Mr. Barrows, who was, as I have said, the assistant superintendent of education, was called at my suggestion. We had before us General Otis, who was also governor-general, and we had General MacArthur.

I have here in writing a request from the Senator from Utah [Mr. RAWLINS] to call Sergeant Riley, J. J. Davis, and Captain McDonald, all of whom have been called, and two of them heard. Captain McDonald we have not yet been able to find with a subpœna. I have here a list of five witnesses, three asked for by the Senator from Texas [Mr. CULBERSON] and two by the Senator from Utah [Mr. RAWLINS], and I have a letter from the Senator from Texas suggesting another witness in California, all of which I submitted in due course to the committee, who alone have authority to call witnesses. All have been called and are to be heard.

I have here also in the handwriting of the Senator from Texas the list of witnesses that I have described: Mabini, Sixto Lopez, Pilo del Pilar, Howard W. Bray, Robert M. Collins, and Harold Martin.

Mr. President, when I said that all the witnesses we have had except Governor Taft and Mr. Barrows had been called at the suggestion of the minority, I thought I was stating the exact fact. All of the committee desired to hear General Otis; all desired to hear General MacArthur. I do not need to place the suggestion of those two names on any particular person, for it was the unanimous agreement of the committee that we ought to hear the governor-general among the first.

As to the adjournment of the committee for eight days, the Senator from Iowa [Mr. ALLISON] was obliged to be away, the Senator from Maine [Mr. HALE] was obliged to be away, and the Senator from Indiana [Mr. BEVERIDGE] was obliged to be away. The committee had been sitting from the 31st day of January three or four days, and sometimes six days, in a week. Those three Senators all expressed to me their hope that a short interval would be allowed, as they were anxious to be present at the hearing of General MacArthur and at the hearings that were to follow.

The Senator from Tennessee [Mr. CARMACK] says there was no reason for adjourning over eight days. The reason, and the only reason I had—and I dare say that may be no reason at all in the estimation of the Senator—was a desire to oblige my colleagues and to show that courtesy to their convenience which is usual in this body. The adjournment was taken, of course, by the committee itself.

Now, as to General MacArthur and his opinion, he was asked to make a general statement, as all the witnesses were, of his views as the result of his study and observation in the Philippine Islands. He made one such general statement at the outset of his testimony, and he made another brief one this morning, I am informed—I was absent in the Committee on Foreign Relations. His first statement struck me as an extremely interesting one. General MacArthur is a very able and cultivated man and has given great thought to this subject—something which has not always been employed upon it—and he made a statement which I consider to be of great value. The Senator from Tennessee, against whose preconceived notions General MacArthur's statement runs, or against whose views General MacArthur's statement runs, thinks that statement is of no value. That is a difference of opinion.

Mr. CARMACK. I did not understand the Senator.

Mr. LODGE. I say the Senator thought the statement of General MacArthur was of no value. I think it was of value. I think it was appropriate, coming from a man who had been long in the Philippine Islands, and I do not think we ought to pass upon what witnesses present simply on the ground of whether they are the kind of statements we want them to make.

Mr. CARMACK. That is what you have done.

Mr. LODGE. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Massachusetts will proceed, and must not be interrupted without his permission.

Mr. CARMACK. I will say that the Senator has the floor by my courtesy. I have the floor.

Mr. LODGE. I beg the Senator's pardon. I thought I was recognized in my own time.

Mr. CARMACK. No; you were not.

Mr. LODGE. I rose before the reading of the paper which had been asked for by the Senator, and that can not be read without unanimous consent.

Mr. CARMACK. Very well, then; I will read it myself.

Mr. LODGE. I beg the Senator's pardon. If the Senator thinks he has the floor, I will yield the floor.

Mr. CARMACK. I yield the floor very cheerfully to the Senator.

Mr. LODGE. I supposed I was speaking in my own time.

The PRESIDING OFFICER. The Chair understands unanimous consent was given to the Senator from Massachusetts to proceed.

Mr. LODGE. Unanimous consent was given to me?

The PRESIDING OFFICER. The Chair so understands.

Mr. LODGE. If unanimous consent was given to me I will wait for the floor in my own time.

Mr. CARMACK. I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Tennessee now yields the floor out of courtesy to the junior Senator from Massachusetts.

Mr. LODGE. I am perfectly willing to wait until the Senator from Tennessee has concluded.

The PRESIDING OFFICER. The Secretary will then read the paper which has been sent to the desk.

Mr. LODGE. That can not be done except by unanimous consent, Mr. President.

Mr. CARMACK. Very well, then; I will read it myself.

Mr. LODGE. If the Senator is going to continue, as he has the undoubted right to do, to read Mr. Atkinson's pamphlet, I will wait until he has concluded; but if he is going to ask unanimous consent for the Secretary to read it, then I object until I have an opportunity to finish what I desire to say about this matter.

Mr. CARMACK. I will read it myself.

The PRESIDING OFFICER. Objection is made to the reading of the paper sent to the desk, and it will be returned to the Senator from Tennessee.

Mr. LODGE. The Senator is entitled to read it, of course.

Mr. CARMACK. I have the right to read it, and I have not the slightest objection to reading it, so far as that is concerned.

Mr. LODGE. The Senator will understand that I have not the least desire to make him read the paper if he will allow me to conclude the statement I was making.

Mr. CARMACK. I understand the Senator simply wants to be a little disagreeable.

Mr. LODGE. Well, Mr. President, I am sorry the Senator——

Mr. CARMACK. I object to any interruption by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. CARMACK] is entitled to the floor.

Mr. SPOONER. Will the Senator allow me to interrupt him a moment?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. CARMACK. Certainly.

Mr. SPOONER. I hope the Senator from Massachusetts will withdraw his objection and let the Secretary read the document.

Mr. LODGE. I have no objection to the Secretary reading it; none in the world, and never have had.

Mr. TELLER. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. TELLER. The rules of the Senate require that when an objection of that kind is made, the Chair shall submit the question to the Senate without debate whether the Secretary shall read the paper or not. That is the rule of the Senate. I suppose by unanimous consent the Senator can withdraw the request for the reading of the paper at the desk and read it himself, if he chooses to do so.

Mr. SPOONER. I ask the Senator from Massachusetts to withdraw his objection to the reading.

The PRESIDING OFFICER. The Chair understands that unanimous consent has been granted for compliance with the request of the junior Senator from Tennessee [Mr. CARMACK], that the Secretary proceed with the reading of the paper which the Senator has sent to the desk. If there be no objection, the Secretary will proceed with the reading.

Mr. SCOTT. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate adjourn. The question is on that motion. [Putting the question.] The "noes" appear to have it.

Mr. DUBOIS. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCLAURIN of Mississippi (when Mr. MONEY'S name was called.) My colleague [Mr. MONEY] is unavoidably absent because of sickness.

The roll call having been concluded, the result was announced—yeas 6, nays 50; as follows:

YEAS—6.

Bate,	Daniel,	Heitfeld,	Scott.
Clark, Mont.	Dubois,		

NAYS—50.

Allison,	Dillingham,	McEnery,	Rawlins,
Bacon,	Dryden,	McLaurin, Miss.	Simmons,
Beveridge,	Fairbanks,	McMillan,	Simon,
Burrows,	Foster, Wash.	Millard,	Spooner,
Burton,	Frye,	Mitchell,	Stewart,
Carmack,	Gamble,	Patterson,	Teller,
Clapp,	Hanna,	Perkins,	Tillman,
Clark, Wyo.	Hawley,	Pettus,	Turner,
Clay,	Jones, Ark.	Platt, Conn.	Vest,
Culberson,	Kean,	Platt, N. Y.	Warren,
Cullom,	Kittredge,	Pritchard,	Wetmore.
Deboe,	Lodge,	Quarles,	
Dietrich,	McComas,	Quay,	

NOT VOTING—32.

Aldrich,	Dolliver,	Harris,	Mason,
Bailey,	Elkins,	Hoar,	Money,
Bard,	Foraker,	Jones, Nev.	Morgan,
Berry,	Foster, La.	Kearns,	Nelson,
Blackburn,	Gallinger,	McCumber,	Penrose,
Burnham,	Gibson,	McLaurin, S. C.	Proctor,
Cockrell,	Hale,	Mallory,	Taliaferro,
Depew,	Hansbrough,	Martin,	Wellington.

So the Senate refused to adjourn.

Mr. CARMACK. Mr. President——

Mr. BATE. Will my colleague yield to me for a moment?

Mr. CARMACK. Certainly.

Mr. BATE. I rise to a parliamentary question, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee will state the question.

Mr. BATE. My colleague [Mr. CARMACK] was on the floor, and a motion was made to adjourn while he had the floor. I desire to know if it was in order to submit such a motion at that time?

The PRESIDING OFFICER. The Chair thinks that perhaps he was in error in recognizing the Senator from West Virginia [Mr. SCOTT], but the Chair was misled by the fact that in the interim some papers were being passed to the desk, and the Chair lost sight of the fact that the Senator from Tennessee [Mr. CARMACK] was on the floor. The Chair, therefore, thinks he was in error in recognizing the Senator from West Virginia without the consent of the Senator from Tennessee.

Mr. BATE. I am sure, Mr. President, while it is understood that a motion to adjourn is always in order——

The PRESIDING OFFICER. The Chair so understands.

Mr. BATE. Neither my colleague nor any other Senator can be taken off the floor by a motion to adjourn.

The PRESIDING OFFICER. The Chair thinks he was in error, for the reason he has stated, that some papers were being

sent to the desk, and recognizing the fact that a motion to adjourn is always in order, the Chair was misled into recognizing the Senator from West Virginia for a motion to adjourn.

Mr. TELLER. Mr. President, with the permission of the Senator from Tennessee [Mr. CARMACK] who has the floor, I want to say a word.

Mr. CARMACK. Certainly.

Mr. TELLER. I wish to say that the reading of a document by the Secretary at the request of a Senator occupying the floor is as much a part of that Senator's speech as if he were reading it himself; and no Senator can be taken from the floor when he is making a speech or having a document read, unless he consents to an interruption for some particular purpose—not even by a motion to adjourn. If the motion had been withheld until the reading of the paper had been concluded, and the Senator on the floor had yielded it, the motion to adjourn would have been in order.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the paper which has been sent to the desk.

Mr. CARMACK. I want to say, Mr. President, that I knew, as a general matter of parliamentary law, that the Senator from Massachusetts could not be taken from the floor by a motion of that sort, but I might be treated in that way, and consequently I did not raise the point.

Mr. ALLISON. Mr. President, I take it for granted that this is a paper pertinent to the matter in hand. If so, I suggest that it be printed in the RECORD without being read.

Mr. TELLER. Oh, no; let it be read.

Mr. CARMACK. I ask to have the paper read.

Mr. ALLISON. Very well; I only made the suggestion to save time.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the paper.

The Secretary proceeded to read the paper referred to:

Mr. CARMACK. I ask unanimous consent that the rest of the paper may be printed in the RECORD without being read.

The PRESIDING OFFICER. If there be no objection, the remainder of the paper will be printed in the RECORD without being read. The Chair hears none, and it is so ordered.

The entire paper is as follows:

BRIEF OF STATEMENT TO BE MADE BY EDWARD ATKINSON BEFORE THE COMMITTEE ON THE PHILIPPINES.

The expenditures of the United States for twenty years, 1878 to 1897, under the Administrations of Presidents Hayes, Arthur, Cleveland, Harrison, and Cleveland—three Republican and two Democratic—averaged $4.97 per capita, varying but little from this constant. (For reference to the figures see The Cost of a National Crime, Senate Document.)

The expenditures of the civil service, the War Department, the Navy, including the construction of the new Navy up to that date, Indians, and postal deficiency amounted to an average per year of $2.57 per head; but deducting the return of the direct tax and the premiums paid for the purchase of bonds, the annual normal cost of the Government during this period was less than $2.50 per head; pensions, $1.51; interest, 89 cents. It may therefore be considered an established rule that the cost of the United States Government with the normal expenditures for war and the Navy in time of peace, under an average economy in appropriations, such as that represented during the twenty years of varied party control and administration, can not exceed $2.50 per head. The pensions are falling absolutely in amount and also relatively to the population; so that except for the abnormal expenses of war the expenditures of the United States Government for 1902 would be about $4.50 per head, tending to diminish relatively to population.

The normal expenditures of $2.50 per head during the twenty years were, as I may say, liquidated by the taxes on the consumption of spirits, wines, and beer, with the accompaniment of tobacco, which yielded $2.50 per head, and have yielded $3.50 under the war-tax bill. We may therefore rightly apply the normal rate of the cost of the Government, $2.50 per head, to the population of the year 1901, 77,647,000 in number.

Normal expenditures, at $2.50	$194,117,500
Actual expenditures for pensions, at $1.79	139,323,622
Interest on public debt, 42 cents	32,342,979
Total normal rate, $4.71 per head	365,784,101

The actual expenditures were at the rate of $6.57 per head, $509,967,353. The difference between $4.71 and $6.57 measures the cost of the warfare in the Philippine Islands and other expenses growing out of the increase in the Army and Navy under the impulse of the Spanish war. The difference, $1.86 per head of the population, amounted to $144,183,239.

The attempt is made to justify this expenditure for the purpose of expanding our commerce, mainly our exports. It has expanded the commerce with the Philippine Islands. Our exports just before the beginning of warfare varied but a fraction from $100,000. In the year 1900 they had multiplied more than twenty-six fold, and had reached a total of $2,640,449; last year about a million more. We have therefore succeeded in exporting at the rate of 3½ cents per head of our population in the year 1900; possibly at the rate of 5 cents a head in the year 1901. These goods consisted very largely of whisky, beer, and supplies for the use of the United States Army. That expansion from a fraction of a cent to 5 cents per head of our own population cost us in the year 1900 $1.86 per head in taxation.

Under the influence of the Spanish war and the cost of armaments and of the warfare in the Philippines we are yielding a considerable part of our advantage over the manufacturing States of Europe, with whom we compete in the export of our manufactures.

All taxation enters into all cost. Taxes measure that part of the annual product which is diverted from productive industry and which is expended in the conduct of the Government—useful and necessary, so far as relates to the civil service and to the police duties of the Army and the Navy on land and on the sea; wasteful and noxious, so far as it relates either to the preparation for or conduct of offensive warfare. The manufacturing States of Europe with which we compete in the great commerce of the world, namely, the United Kingdom of Great Britain and Ireland, France, Germany, Belgium, and the Netherlands, are subjected to a burden of militarism which is destructive in the extreme. Their population numbers in round figures 148,500,000. Our population to-day is a little over half that number. The competition of other States in Europe in the great commerce of the world is a negligible quantity. The States which I have named are those which have applied modern invention and science in the most effective manner to the conduct of manufactures. They are therefore our chief competitors in the supply of other parts of the world with finished goods, but they are also our biggest customers, having developed purchasing power and being dependent upon us in large measure for food and fibers; possibly ere long for coal and iron.

For a long period their expenditures for national purposes have averaged double ours. They are now more than double. The average expenditures of these countries in the year 1901, mainly wasted upon armies and navies, or expended for the interest on war debts and for destructive purposes, averaged $14 per head of their whole population—I think more, if I could get the facts about Germany, where many expenditures which are here paid by the nation are there paid by the kingdoms and duchies and do not appear in the national budget. If the true German expenditures could be ascertained from the Statistical Abstracts, I have little doubt that the average expenditures of these five States named would be $15 per head. In Great Britain, burdened with the folly, or worse, of the Boer war, they are now $18. In France they have long been and are continuously $17 to $18; in Belgium, $11; in the Netherlands, $13; in Germany, apparently only $8; in fact, probably $12.

Now, if we measure the difference between what ought to have been our normal rate of the year 1901, $4.71 per head, and $14, it comes to $9.29—$9.29 advantage over our manufacturing competitors on the average for every man, woman, and child in the United States. Our working group is a group of three, one in three being occupied for gain. The advantage of each one occupied for gain in the United States over their European competitors is over $27 per head, and might have been $30 except for the continuance of warfare in the Philippine Islands. The actual advantage of our working force now occupied in productive industry in the year 1901 over their European competitors was $570,000,000, and might have been $720,000,000 had peace been granted and waste of war stopped. In that fact you have one of the secrets of the gain in our export of manufactures which has appeared to be so remarkable. Whenever common sense prevails here and this country returns to the pursuits of peace we shall indeed become the dominant world power. So long as we persist in the folly of trying to expand commerce by force of arms we cripple ourselves and help to protect our competitors from the full consequences of their own corresponding follies.

A net advantage of $9 to $10 per head of our population over our competitors in the army-ridden nations of Europe is assured for years to come. That advantage is equal to a profit of 4 per cent of our entire national product; that is to say, we make 4 per cent on our entire national product before our European competitors can begin to secure a profit.

Under these conditions it becomes expedient to give a little further attention to what has been not only the cost of the warfare in the Philippine Islands, but the cost of the war upon Spain. Spain stood ready to yield more than Cuba has yet gained by having secured her nominal independence. Except for the Spanish war, we may assume that the expenditures of this country since 1897 would not have exceeded the normal rate of $5 per head of the preceding twenty years, although it might doubtless have been less.

The actual expenditures for the fiscal years ending June 30, 1898 to 1901, inclusive, have been $6.79 per head, a difference of $1.79, which being assessed upon the population of that specific four years amounts in round figures to $540,000,000. In confirmation of this estimate of the cost of war you have merely to refer to the Statistical Abstract of the United States, "Expenditures and their objects," and you will observe that the Army expenditures for four years, 1898 to 1901, inclusive, exceeded the previous four years by $425,000,000. The naval expenditures for the same period exceeded the previous four years by $116,000,000, showing in absolute figures the waste of war to have been what I have estimated it by the per capita method, $540,000,000.

Our expenditures are lessening in some measure, but if the cost of warfare in the Philippine Islands for the present year does not exceed $120,000,000 that will bring the total waste of war for five years to June 30, 1902, to $660,000,000.

This is not as great a sum as I feared when I prepared the pamphlets entitled "The Cost of a National Crime," "The Hell of War and its Penalties," and "Criminal Aggression; by Whom Committed?" in the latter part of 1898 and the early part of 1899, and which will be found recorded as Senate documents. I then anticipated greater power of resistance on the part of the inhabitants of the Philippine Islands and I expected a heavier expenditure than has occurred. But, fortunately for the credit of this country in its military conduct, fortunately also in saving some of the lives of the soldiers, so many of whom have been sacrificed by death and disease in this warfare, and fortunately for the finances of this country, our immense resources have yielded larger revenues than anyone anticipated and the expenditures have been somewhat less than were expected. In fact, the very ability of this country to bear the wrongs and follies of bad legislation stands somewhat in the way of the remedy.

Until the moral sense of the country is aroused as it is now being by the ghastly disclosures which your partial investigation has already brought to light there seems little chance to stop the hell of warfare in the Philippine Islands by merely dealing with the economic aspect of the question. Under existing conditions the economic question may attract more attention now that the moral indignation of the country has been aroused. I trust you will move rapidly on the lines of investigation which you have now opened, and by giving the fullest publicity to the evidence I trust you will remove the distrust as to the intentions of Congress which now prevails.

I may call the attention of the committee to what I deem a delusion in respect to the possibility of commerce with the East, so far as it may be measured by exports. The classes of goods which we make, either products of agriculture, mining, or metallurgy, are those which find their market chiefly among the States which are most fully developed and where the purchasing power of the people has been increased by the application of science and invention to the industries in which they are occupied. This is made plain by the official figures of our trade given in detail in one of my pamphlets which have been called seditious. The exports of the year 1900 were larger than those of any previous year, and have since been exceeded, the increase running proportionately on the same lines as those of 1900.

In that year the United Kingdom of Great Britain and Ireland, the British colonies and dependencies bought from us 53.88 per cent of all that we had to sell; Germany, Netherlands, and Belgium, 22.77 per cent; France, 4.94 per cent; Austria, Italy, and other European countries, 6.80 per cent; making, in all Europe, with British colonies and dependencies added, 88.45 per cent of our entire export. But you will observe that over 80 per cent was with the United Kingdom, her colonies, Germany, Belgium, Netherlands, and France, the countries of the highest purchasing power. South and Central America, Mexico, Cuba, Porto Rico, and other Latin-American States took only 7.50 per cent; Africa (not British), 0.28 per cent; Asia (not British), including China, Japan, etc., only 2.95 per cent; Oceania (not British), Borneo, Java, etc., 0.79 per cent; the Philippine Islands, 0.03 per cent.

The people of these eastern countries, where wages are a few cents a day, where wants are few, have little or no purchasing power, and are not consumers of the classes of products which are most profitable to us to make.

You will remark that the 10,000,000 people of Canada, Australasia, and the British West Indies bought from us in the year 1900 $134,000,000 worth of goods, while the 800,000,000 people of Asia, more or less, bought of us only $65,000,000 worth of goods, and the teeming hordes of Africa only $20,000,000. Trade does not go by numbers any more than it follows the flag. Trade goes by price and quality and according to the demand and purchasing power of those who buy the goods. I do not wish to undervalue the trade of China and Japan. The latter especially is increasing rapidly with the purchasing power of the people as they become habituated to modern methods. The purchasing power of the Philippine Islands will doubtless be largely increased whenever peace is permitted and local self-government established. There may be large contracts for railways and the like in Asia, but it will take generations to bring the masses of the people up to any considerable power of purchase as compared with Europeans. All the dates, facts, and figures are given in my various treatises upon this subject. They are all derived from the official reports of the Government and they have all been justified and proved.

There is but one way in which our exports to and our commerce with Asia, Africa, Oceania, and South America can be expanded, and that is a very simple way—the removal of the taxes imposed under our present tariff upon the crude and partly manufactured materials which may be derived from these continents will give to their inhabitants greater power of purchasing our manufactured products. Such measures will also augment the power of the manufacturers of this county to supply these great populations with the finished goods to the extent of their demand in competition with European manufacturers. The taxes upon wool, hides, and other tropical products protect the manufacturers of Europe, who have them free of duty, while oppressing the manufacturers of this country. They have yielded no benefit to the farmers in whose behalf they have been put on, because they have depressed the branches of industry in which they are needed. The hearty support of business men is now being given to such measures of true reciprocity and of tax reduction as will remove burdens upon our domestic industry while enabling our commerce with the East and South to be expanded rapidly.

Respectfully submitted.

EDWARD ATKINSON.

BOSTON, MASS., *April 16, 1902.*

Mr. LODGE. The Senator from Iowa [Mr. ALLISON], I believe, would like to go on with the sundry civil bill this afternoon. I ask that the unfinished business may be temporarily laid aside for that purpose.

Mr. ALLISON. I shall be glad to have the Senate go on with the sundry civil bill for a little while this evening.

Mr. CARMACK. I have the floor, and I yield for that purpose.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The reading of the bill was resumed, beginning on page 54, line 8.

The next amendment of the Committee on Appropriations was, on page 55, line 14, before the word "and," to strike out "including the employment of inspectors to execute;" in the same line, before the word "enforce," to insert "to;" and in line 15, before the word "of," to strike out "provisions" and insert "requirements;" so as to make the clause read:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to enforce the requirements of the said act, $35,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Treasury Department," on page 55, line 19, after the word "preparation," to strike out "arrangement and transportation," and insert "transportation, arrangement, installation, safe-keeping, exhibition, and return;" in line 25, before the word "decide," to insert "respectively;" on page 56, line 16, before the word "management," to strike out "and" and insert "in the;" so as to read:

Louisiana Purchase Exposition: Government exhibit: For the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and materials as the heads of the several executive departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, and the Library of Congress may respectively decide shall be embraced in the Government exhibit, and such additional articles as the President may designate for said exposition, and for the installation of said exhibit, and for the employment of proper persons as officers and assistants to the United States Government board in the management of the Government exhibit appointed by the President in accordance with the provisions of "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, $800,000, to be immediately available.

Mr. ALLISON. I move to amend the amendment by striking out, in line 6, page 56, the words "appointed by the President."

The amendment to the amendment was agreed to.

Mr. ALLISON. I also move to amend the amendment by inserting in line 1, page 56, after the word "exhibit," the words "including the exhibits of the Bureau of American Republics."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the appropriation for the Louisiana Purchase Exposition, on page 56, line 15, after the word "be," to strike out:

Subject to the approval of said Government board and management and of the Secretary of the Treasury, as now provided by law.

And insert:

Under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury; and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, and the Library of Congress as to prevent any deficiency therein.

So as to make the proviso read:

Provided, That all expenditures made for the purposes and from the appropriations specified herein shall be under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury; and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, and the Library of Congress as to prevent any deficiency therein.

Mr. ALLISON. On page 57, line 1, after the word "Labor," I move to insert "including the exhibits of the Bureau of the American Republics."

The amendment to the amendment was agreed to.

Mr. ALLISON. I ask that the whole amendment be passed over for the moment.

The PRESIDENT pro tempore. The amendment will be passed over temporarily.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 57, line 2, to strike out "*Provided further*, That the" and insert the word "The."

The amendment was agreed to.

The next amendment was, on page 58, line 3, to strike out "*And provided further.*"

The amendment was agreed to.

The next amendment was, on page 59, line 4, after the word "one," to insert the following proviso:

Provided, That the said appropriations herein made under the heading of "Louisiana Purchase Exposition" shall be in full for all and every expense relating to the collection, installation, safe-keeping, and maintenance of the entire Government exhibit in said exposition, and for the safe return of all of said Government exhibit, and no claim against the United States shall be created or made in addition thereto, and there shall be no deficiency under said appropriation or any part of it.

The amendment was agreed to.

The next amendment was, on page 60, line 19, after the word "coin," to strike out "for general circulation;" and in line 20, after the word "so," to strike out "under such regulations as the Secretary of the Treasury shall make;" so as to make the clause read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $100,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

Mint at San Francisco, Cal.: For new machinery and appliances, $30,000.

The amendment was agreed to.

The next amendment was, on page 63, line 10, after the word "buildings," to strike out:

For one general inspector, to be appointed by the Secretary of the Treasury, to perform such duties in connection with the inspection of public buildings, supplies, etc., as may be directed, $3,000; and for actual necessary expenses, not exceeding $2,000; in all, $5,000.

And insert:

For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and for actual necessary expenses, not exceeding $2,000; in all, $5,000.

So as to make the clause read:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and for actual necessary expenses, not exceeding $2,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 66, line 2, after the word "under," to strike out "section 4718 of the Revised Statutes" and insert "the act of March 2, 1895;" so as to make the clause read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $2,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under the act of March 2, 1895.

The amendment was agreed to.

The next amendment was, on page 66, line 19, after the word "dollars," to strike out:

On and after July 1, 1903, section 3687 of the Revised Statutes of the United States is hereby repealed. And it shall be the duty of the Secretary of the Treasury to include in the annual Book of Estimates for the fiscal year 1904, and annually thereafter, estimates specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue from customs at each port of entry in the United States, together with an estimate of the amount required for contingent expenses at each of said ports and for such additional expenses of the service as can not be otherwise specifically provided for. In submitting the estimates herein required for the fiscal year 1904, it shall be clearly indicated in the case of all officers and employees whether any of them are additional to those authorized and employed during the fiscal year 1902, and whether in any case the salary proposed is an increase over or reduction under the compensation actually paid during the said fiscal year.

The amendment was agreed to.

The next amendment was, on page 68, line 1, before the word "clothing," to strike out "and," and in the same line, before the word "to," to insert "and other necessaries of life;" so as to make the clause read:

To enable the Secretary of the Treasury to furnish food, fuel, clothing, and other necessaries of life to the native inhabitants on the islands of St. Paul and St. George, Alaska, $15,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 10 on page 69.

Mr. ALLISON. On page 69, after line 10, I move to insert what I send to the desk.

The SECRETARY. After line 10, on page 69, it is proposed to insert:

Rebate on tobacco: For the payment of drawback or rebate on original and unbroken factory packages of smoking and manufactured tobacco and snuff, as provided in section 4 of an act "to repeal war-revenue taxation, and for other purposes," approved April 12, 1902, $2,700,000, or so much thereof as may be necessary.

Mr. ALLISON. The Secretary of the Treasury, since the committee reported the bill, has sent to us an estimate for the payment of this rebate, which must be paid during the next fiscal year, and probably during the early part of it.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 70.

Mr. ALLISON. On page 70, after line 18, I move to insert what I send to the desk. I call the attention of the Senator from Indiana [Mr. FAIRBANKS] to the amendment.

The SECRETARY. On page 70, after line 18, it is proposed to insert:

Purchase of Census building.—For the purchase of the land and buildings now occupied by the Census Office in the city of Washington, bounded and described as follows: Commencing at the southeast corner of lot 1, square 574, in the city of Washington, District of Columbia; running thence west along the north line of B street NW. 334.4 feet; thence north along the east line of Second street NW. 286.7 feet; thence east 334.4 feet to the west line of First street NW; thence south along the west line of First street 286.7 feet to the place of beginning, containing about 95,872 square feet, $250,000 or so much thereof as may be necessary, to be paid from the unexpended balance of the appropriation made by the sundry civil appropriation act, approved March 3, 1901, for salaries and necessary expenses for taking and compiling results of the Twelfth Census, to be immediately available.

Mr. ALLISON. This amendment proposes to purchase the tract of land upon which the census buildings are now located. Under the Director of the Census in 1900 we made a lease of that ground and the buildings for the sum of $26,000 per annum, which lease runs for a period of five years, during which period an option can be exercised under the lease to purchase the property for $300,000; and if not, another lease for the period of five years shall be executed at the same rental.

I understand, in fact I know, that this property can be purchased at this time for $250,000 if the appropriation is made, and that, of course, will stop the rental, which has nearly three years to run at the rate of $26,000 per annum, and contingently may run for a longer period.

The law which we passed a few days ago makes the Census Bureau a permanent office, and I have the statement of the Director of the Census that nearly, if not quite, all the space he now has will be required in the future for the use of the Census Office. The Committee on Appropriations considered it a matter of prudence and economy to make this purchase in order that the Bureau may continue permanently where it now is. I had the purpose to consult the Committee on Public Buildings and Grounds respecting the matter, but it was not completed until yesterday, and I have not had an opportunity to mention it to the honorable Senator from Indiana [Mr. FAIRBANKS].

Mr. FAIRBANKS. Will the Senator from Iowa allow me just a word?

Mr. ALLISON. Certainly.

Mr. FAIRBANKS. I am familiar with the property and the contract. I think the proposed purchase is a very wise one, and I favor most heartily the adoption of the amendment.

Mr. BATE. May I ask the Senator from Iowa what becomes

of the obligation of rental at $26,000 a year? The amendment does not say anything about that. Is it to stop?

Mr. ALLISON. If we purchase the land.

Mr. BATE. That is understood?

Mr. ALLISON. We will undoubtedly in that case pay the rent to ourselves.

Mr. BATE. That is understood?

Mr. ALLISON. It is understood, of course.

Mr. BATE. Let me ask who put up the buildings on that ground; was it done by the Government?

Mr. ALLISON. The buildings were put on the ground by the owners of the land. It was agreed that they should put up buildings there costing $125,000, I think, perhaps only $100,000, and that the rent should be $25,000 per annum, but that if they expended any additional sum the Government should pay at the rate of 6 per cent upon the additional sum expended during the term of the lease. It was necessary to add, I think, some $25,000 to the cost of the buildings after the lease was made, and thereupon the rental became twenty-six thousand and some hundred dollars per annum.

Mr. TELLER. Mr. President——

Mr. BATE. It has not been before a committee except your committee?

Mr. ALLISON. No.

Mr. TELLER. I am familiar with this ground and with the buildings and am acquainted with the gentleman who leased it to the Government. I am very much surprised to hear the Senator say that the Government can buy it for $250,000. Certainly, if we can do so, we ought not to lose the opportunity. It is very cheap property at $250,000, in my judgment.

Mr. ALLISON. I will say to the Senator from Colorado that the Director of the Census had the written proposition from the owners of this property that they will convey the property for that sum.

Mr. TELLER. From the administrator, I suppose.

Mr. ALLISON. Yes; I think so.

Mr. TELLER. The old gentleman who erected the buildings is dead.

Mr. ALLISON. There is one owner perhaps who is still living, but he has an option from these people to make a deed for the buildings and grounds for the consideration of $250,000.

Mr. TELLER. We had better take it.

Mr. PERKINS. Mr. President, I only wish to extend my congratulations to the chairman of our committee for his able financiering in bringing about these negotiations. I wish to say to the chairman of the Committee on Public Buildings and Grounds that the last proposition came in only this morning, I think.

Mr. ALLISON. It came in this morning.

Mr. PERKINS. Therefore the chairman has made $25,000 for the Government since day before yesterday, for then $275,000 was the lowest proposition to be considered. As the Senator from Colorado has said, almost any business man who had this property would not have thought of yielding it up for less than the option the Government had, $300,000.

Mr. TELLER. It pays good interest, does it not?

Mr. PERKINS. Certainly it does; and I think our thanks are due to the chairman of the committee for his able financiering.

Mr. ALLISON. I thank the Senator for the suggestion he makes respecting me personally, but whatever there is in the way of managing the price at which the property could be bought is due to the Director of the Census and not to myself.

Mr. PERKINS. Well, it was done through your cooperation and assistance.

Mr. ALLISON. I merely want to say that I consider this a very good proposition on behalf of the Government, and I consider it also a very good proposition on behalf of the owners. They get the money and we get the property.

Mr. BATE. It certainly looks as though it were a good proposition from the rental we have paid. That is the only way we can judge of it. We certainly save a good deal by that, and I should say in that view it ought to be purchased.

The PRESIDENT pro tempore. Under the circumstances the amendment is agreed to.

Mr. ALLISON. I am very glad to know that. I wished to make an explanation, briefly.

The reading of the bill was continued to line 1, on page 72.

Mr. ALLISON. Page 71, line 21, after the word "superintendent," I move to insert "at the rate of $1,200 per annum."

The amendment was agreed to.

Mr. ALLISON. In line 24, page 71, after the words "improvements to," I move to insert the words "steam fire-engine house and."

The amendment was agreed to.

Mr. ALLISON. In line 1, page 72, I move to insert after the word "thousand" the words "five hundred;" so as to read "one thousand five hundred dollars." That is made necessary by the former amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Under the Department of the Interior," on page 72, line 1, after the word "dollars," to strike out:

And hereafter the fire-engine house adjoining the Senate stable shall be under the control of the Commissioners of the District of Columbia, and expenses of maintenance and repair thereof shall be paid from appropriations under their control.

So as to make the clause read:

For repairs and improvements to steam fire-engine house and Senate and House stables, and for repairs to and paving of floors and courtyards of same, $1,500.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 72, after line 5, to insert:

For steel shelving for the Senate library, for the principal office room, and for rooms under the roof, $9,750. And the Superintendent of the Capitol Building and Grounds is hereby authorized to pay, out of the appropriation heretofore made for the construction of rooms in the old library space, the sum of $25,117 for steel shelving already contracted for and erected in place in the upper rooms of the Senate library.

The amendment was agreed to.

The reading was continued to page 76, line 2.

Mr. CLAPP. I was not able when the reading of the bill first began to thoroughly understand from the discussion whether amendments which have been submitted should be offered now or later. If now is the time to offer them, I desire to call attention to the amendment proposed by my colleague [Mr. NELSON] to come in on page 75.

The PRESIDENT pro tempore. Unanimous consent was given that the committee amendments should first be considered, and any amendments to be offered will be in order after the committee amendments have been disposed of.

Mr. CLAPP. So there is no necessity for taking that amendment up now?

The PRESIDENT pro tempore. There is no necessity for taking it up at this moment.

The reading of the bill was resumed.

The next amendment was, under the subhead "Surveying the public lands," on page 76, line 23, after the word "by," to insert "the acts approved February 26, 1857, and May 11, 1858;" so as to make the clause read:

For surveys and resurveys of public lands, $325,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the acts approved February 26, 1857, and May 11, 1858, etc.

The amendment was agreed to.

The reading was continued to line 6 on page 79.

Mr. ALLISON. On page 79, line 3, after the word "surveyors," I move to strike out "such;" and in line 4, after "surveys," where it first occurs, to insert a comma; so as to read:

and for making by such competent surveyors fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The reading was resumed. The next amendment was, on page 79, after line 23, to insert:

For repair and protection of the ruin of Casa Grande, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 80, line 7, to increase the appropriation for the salary of the chief clerk in the office of the Director of the Geological Survey from $2,400 to $2,500; and in line 17, to increase the total appropriation for the maintenance of the office of the Director of the Geological Survey from $32,390 to $32,490.

The amendment was agreed to.

The next amendment was, on page 81, line 25, to increase the appropriation for pay of skilled laborers and various temporary employees in the Geological Survey from $16,000 to $20,000.

The amendment was agreed to.

Mr. ALLISON. On page 82, after line 3, I move to insert:

For topographic survey in Porto Rico, in order to meet a like amount appropriated by the legislative assembly of Porto Rico for cooperation with the United States Geological Survey, $5,000.

The amendment was agreed to.

The next amendment was, on page 82, line 12, to increase the appropriation for the preparation of the illustrations of the Geological Survey from $16,280 to $18,280.

The amendment was agreed to.

The next amendment was, on page 83, line 9, after the word "wells," to strike out "in arid and semiarid sections;" in line 11, before the word "water," to strike out "the;" and in line 12,

before the word "hundred," to strike out "of said sections, one," and insert "two;" so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells and the preparation of reports upon the best methods of utilizing water resources, $200,000.

The amendment was agreed to.

The next amendment was, on page 83, line 18, to increase the total appropriation for the maintenance of the United States Geological Survey from $960,570 to $1,066,670.

Mr. ALLISON. The amendment in regard to Porto Rico makes necessary a change in the total. In line 18, page 83, before the word "thousand," I move to strike out "sixty-six," and insert in lieu thereof "seventy-one," so as to read:

In all, for the United States Geological Survey, $1,071,670.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I will not ask the Secretary to read further to-day, but I should like to insert a few amendments, beginning on page 16.

On page 16, after line 3, I move to insert:

Rockland Lake light station, New York: For protection of the light-house including the building of an ice breaker, $6,450, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. After the amendment just agreed to I move to insert:

Orient Point light station, New York: For construction of a breakwater for the protection of a light-house, $18,000, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. After line 10, on the same page, I move to insert:

Schooner Ledge light station, Pennsylvania: For purchase of right of way to the Schooner Ledge rear range light station, $200.

The amendment was agreed to.

Mr. ALLISON. On page 19, after line 21, I move to insert:

Conneaut Harbor light station, Ohio: For constructing a light-house on the new pier head for the front light, and to raise the existing structure on the old pier head to a proper height to have it serve with the proposed new front light as a range for vessels approaching Conneaut Harbor, $8,400.

The amendment was agreed to.

Mr. ALLISON. On page 19, after the amendment just agreed to, I move to insert:

Ashtabula Harbor light station, Ohio: for establishing a light and fog-signal station on the new pierhead at the end of the west breakwater at Ashtabula, Ohio, $18,000.

The amendment was agreed to.

Mr. ALLISON. On page 30, after line 2, I move to insert:

For longevity pay authorized by the "Act to promote the efficiency of the Revenue-Cutter Service," approved April 12, 1902, $115,000.

This amendment is necessary because of an act recently passed by Congress.

The amendment was agreed to.

Mr. ALLISON. On page 42, after line 21, I move to insert:

For printing and publishing the contributions from the United States National Herbarium, the editions of which shall not be less than 3,000 copies, including the preparation of necessary illustrations, proof reading, bibliographical work, and special editorial work, $7,000.

The amendment was agreed to.

Mr. ALLISON. On page 18, line 11, I ask by unanimous consent to modify an amendment already agreed to. After the word "Calumet," I ask to strike out "pierhead" and insert "harbor."

The PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Mr. ALLISON. That is all.

Mr. PLATT of Connecticut. I wish the attention of the Senator in charge of the bill. I desire to move an amendment to the committee amendments on pages 84 and 85. It has been almost reached, and I wanted to ask the chairman of the committee, in case I should not happen to be in the Senate just at the moment the bill is taken up again, if he would pass it over until I come in.

Mr. ALLISON. I will say to the Senator, and also to other Senators, that that is a very important amendment in one respect. It relates to the destruction of various original schedules of censuses that have been taken for many years. I shall be glad to pass the amendment over if the Senator is not in his seat at the time.

Mr. PLATT of Connecticut. If I should be here we will take it up when it is reached.

Mr. ALLISON. If the Senator has the amendment ready I think it might be very well to have him propose it.

Mr. COCKRELL. Propose it and let it be printed.

Mr. ALLISON. Yes; propose it and have it printed, so that it may appear in the RECORD in the morning.

Mr. PLATT of Connecticut. I shall propose to amend the amendment of the committee by inserting in line 23, after the word "cause," the word "them," and then striking out, commencing in line 24 with the words "the schedules," etc., all on the remainder of that page and all on the next page down to and including the word "provided," in line 19. Then, in lines 20 and 21 I propose to strike out the words "the appropriations for contingent" and insert "any general appropriation for the," and to strike out "Interior Department" and insert "Census Office." I ask the Secretary to read the amendment as I propose it in lieu of the amendment proposed by the committee. Let the language as it will then stand be read.

The Secretary read as follows:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census. All expenses arising and requisite under this paragraph shall be paid from any general appropriation for the expenses of the Census Office.

Mr. ALLISON. That, of course, changes entirely the character of the amendment.

Mr. PLATT of Connecticut. It does.

Mr. ALLISON. I suppose the Senator from Connecticut has already observed that in the bill the House proposed to destroy all the population schedules, beginning in 1790 and ending in 1900, and that our amendment is a substitute for that provision.

Mr. PLATT of Connecticut. The committee amendment proposes to preserve some of them and destroy others.

Mr. ALLISON. Yes, sir.

Mr. PLATT of Connecticut. I think they ought to be preserved, and that is the object of my proposed amendment.

Mr. ALLISON. So I understand.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 1, 1902, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate April 30, 1902.

COLLECTOR OF CUSTOMS.

John H. Deveaux, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 30, 1902.

RECEIVERS OF PUBLIC MONEYS.

James M. Rhoades, of Montana, to be receiver of public moneys at Miles City, Mont.

John E. Lewis, of Columbia Falls, Mont., to be receiver of public moneys at Kalispell, Mont.

REGISTERS OF THE LAND OFFICE.

Andrew W. Swaney, of Kalispell, Mont., to be register of the land office at Kalispell, Mont.

Samuel Gordon, of Montana, to be register of the land office at Miles City, Mont.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Simon Snyder, Nineteenth Infantry, April 16, 1902.

Col. William Auman, Twenty-ninth Infantry, April 16, 1902.

Lieut. Col. Charles Bird, deputy quartermaster-general, April 16, 1902.

ARTILLERY CORPS.

Charles D. Winn, of Kentucky, to be second lieutenant in the Artillery Corps, September 23, 1901.

MEDICAL OFFICER OF VOLUNTEERS.

Capt. Joseph C. Reifsnyder, assistant surgeon, United States Volunteers, to be surgeon, United States Volunteers, with the rank of major, April 15, 1902.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. William H. Carter, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, April 15, 1902.

Maj. James T. Kerr, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, April 15, 1902.

Infantry Arm.

Lieut. Col. David J. Craigie, Eighth Infantry, to be colonel, April 14, 1902.

Lieut. Col. Alpheus H. Bowman, Fifth Infantry, to be colonel, April 14, 1902.

Lieut. Col. Morris C. Foote, First Infantry, to be colonel, April 15, 1902.

Maj. John T. Van Orsdale, Seventh Infantry, to be lieutenant-colonel, April, 14, 1902.

Maj. James A. Buchanan, Twenty-eighth Infantry, to be lieutenant-colonel, April 14, 1902.

Maj. Joseph F. Huston, Nineteenth Infantry, to be lieutenant-colonel, April 15, 1902.

Capt. Arthur C. Ducat, Twenty-fourth Infantry, to be major, April 14, 1902.

Artillery Corps.

William McK. Lambdin, at large, late captain, Fortieth Infantry, United States Volunteers, to be first lieutenant, September 23, 1901.

Willis C. Metcalf, of Illinois, late first lieutenant, Second Illinois Volunteers, now first lieutenant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, September 23, 1901.

David Y. Beckham, of Kentucky, late captain, Third Kentucky Volunteers, to be second lieutenant, August 22, 1901.

John V. Green, at large, late first lieutenant, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, September 23, 1901.

Thomas J. Rogers, of Wisconsin, late captain, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, February 2, 1901.

Charles D. Winn, of Kentucky, late captain, Second Kentucky Volunteers, to be second lieutenant, February 2, 1901.

Clark R. Elliott, of Minnesota, late first lieutenant, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, February 2, 1901.

William J. O'Loughlin, of New York, to be second lieutenant, February 2, 1901.

Capt. Pierce M. B. Travis, Eleventh Infantry, to be major, April 14, 1902.

First Lieut. George W. Helms, Nineteenth Infantry, to be captain, March 21, 1902.

First Lieut. Rufus E. Longan, Eleventh Infantry, to be captain, March 28, 1902.

First Lieut. Frank M. Savage, Fourteenth Infantry, to be captain, April 2, 1902.

First Lieut. Thomas T. Frissell, Third Infantry, to be captain, April 5, 1902.

Second Lieut. Charles E. Kilbourne, jr., Artillery Corps, to be first lieutenant, May 8, 1901.

Second Lieut. Paul A. Barry, Artillery Corps, to be first lieutenant, May 8, 1901.

Second Lieut. Jairus A. Moore, Artillery Corps, to be first lieutenant, July 1, 1901.

Medical Department.

Lieut. Col. Charles L. Heizmann, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, April 7, 1902.

Maj. Louis M. Maus, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, April 7, 1902.

Capt. Charles Willcox, assistant surgeon, to be surgeon with the rank of major, April 7, 1902.

POSTMASTERS.

Michael W. Grimes, to be postmaster at Lesueur, in the county of Lesueur and State of Minnesota.

Elijah L. Fisher, to be postmaster at Duluth, in the county of St. Louis and State of Minnesota.

Ziba C. Goss, to be postmaster at Wabasha, in the county of Wabasha and State of Minnesota.

J. W. McFarland, to be postmaster at Homer, in the parish of Claiborne and State of Louisiana.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota.

Elmer T. Beltz, to be postmaster at Laramie, in the county of Albany and State of Wyoming.

Maggie M. Moore, to be postmaster at Yorkville, in the county of York and State of South Carolina.

Fred E. Payne, to be postmaster at Clinton, in the county of Oneida and State of New York.

Frank Foggin, to be postmaster at Port Richmond, in the county of Richmond and State of New York.

Joseph D. Senn, to be postmaster at Morrisville, in the county of Madison and State of New York.

William Pilley, to be postmaster at Wills Point, in the county of Van Zandt and State of Texas.

Henry L. Somerville, to be postmaster at Richmond, in the county of Fort Bend and State of Texas.

William M. Nagle, to be postmaster at Denison, in the county of Grayson and State of Texas.

Anna F. Crawford, to be postmaster at Cameron, in the county of Milam and State of Texas.

William A. Hall, to be postmaster at Hancock, in the county of Delaware and State of New York.

Hiram T. Andrews, to be postmaster at Wolfe City, in the county of Hunt and State of Texas.

Henry C. Turner, to be postmaster at Lodi, in the county of Medina and State of Ohio.

Albert W. McCune, to be postmaster at Bradford, in the county of Miami and State of Ohio.

Henry Riley, to be postmaster at Cornwall, in the county of Orange and State of New York.

John T. Dawes, to be postmaster at Crockett, in the county of Houston and State of Texas.

Carlton A. Dickson, to be postmaster at Cleburn, in the county of Johnson and State of Texas.

James O. Ladd, to be postmaster at Summerville, in the county of Dorchester and State of South Carolina.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 30, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RANDELL of Texas for three weeks, on account of sickness in his family and important business.

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. WADSWORTH, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, with Mr. POWERS of Maine in the chair.

The Clerk, proceeding with the reading of the bill, read:

Bureau of Soils, salaries: One soil physicist, who shall be Chief of Bureau, $3,500; 1 scientist, $2,500; 1 scientist, $2,000; 1 chief clerk, $2,000; 2 scientists, at $1,800 each, $3,600; 2 scientists, at $1,600 each, $3,200; 2 scientists, at $1,400 each, $2,800; 2 scientists, at $1,200 each, $2,400; 1 scientist, $1,000; 1 stenographer, $1,200; 1 clerk class 3, $1,600; 1 clerk class 2, $1,400; 5 clerks class 1, $5,000; 3 clerks, at $1,000 each, $3,000; 1 clerk, $840; 1 watchman, $720; 1 messenger, $720; 1 charwoman, $480; in all, $38,960.

Mr. PAYNE. Mr. Chairman, I should like to ask the chairman of the committee if in line 18, page 32, there is not an increase of salary?

Mr. WADSWORTH. That is one of the increases recommended by the committee.

Mr. PAYNE. I think the chiefs of bureaus ought all to be treated alike.

Mr. WADSWORTH. It is subject to the point of order, and I ask unanimous consent to reinsert it at $3,000 instead of $3,500.

The CHAIRMAN. The point of order is well taken. The gentleman from New York having charge of the bill asks unanimous consent to amend by striking out $500. Is there objection?

Mr. GAINES of Tennessee. I ask that the amendment be reported. I did not hear what it was.

The CHAIRMAN. It is to strike out $500 in line 18, page 32, so that it will read "$3,000" instead of "$3,500."

The amendment was agreed to.

The Clerk read as follows:

General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; for investigations of soils in continental United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties for the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations; rent of buildings, not to exceed $2,000 per annum, for office and laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation and printing of reports, drawings, and illustrations; for materials, tools, instruments, apparatus, gas and electric current, furniture, supplies, and for traveling expenses, freight and express charges, and other necessary expenses, $130,000.

Mr. HENRY of Connecticut. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 17 and 18, page 34, after the word "expenses," strike out "$130,000" and insert "$173,000."

Mr. HENRY of Connecticut. Mr. Chairman, I should like unanimous consent for fifteen minutes' time.

Mr. GREEN of Pennsylvania. I object.

The CHAIRMAN. Objection is made.

Mr. HENRY of Connecticut. Mr. Chairman, the amendment offered increases the lump-sum appropriation for the Bureau of Soils from $130,000 to $173,000, the amount asked for by the Secretary of Agriculture, and is offered because I believe the full estimate indispensable for the completion of the varied and important lines of work and investigations contemplated by Prof. Milton Whitney, the efficient Chief of the Bureau.

The bill before the House is the seventh annual appropriation bill for the Department of Agriculture that I have assisted in preparing. With such an experience I have necessarily become somewhat familiar with the work and requirements of the several bureaus and divisions of this great Department of the Government, and I unhesitatingly say that, in my opinion, the estimates of expenditures submitted by the Bureau and division chiefs and approved by Secretary Wilson are carefully prepared with all due regard for economy and deserve the favorable consideration of Congress. I can further say that, until the pending appropriation bill was reported, never during my term of service has a specific appropriation, represented by the Secretary as necessary, been refused or reduced, and while I deeply regret a difference with the distinguished chairman and members of the Committee on Agriculture, gentlemen whom I highly esteem, yet I must not be held responsible for crippling important experimental work and valuable scientific investigations.

It is not an exaggeration to assert that under the able and competent five years' administration of the present Secretary more has been accomplished by the Department of Agriculture in building up American industries, in extending foreign markets, and promoting the welfare of American farmers than during all the other years since the organization of the Bureau and Department of Agriculture. Secretary Wilson's labors have not been confined to favored localities or limited by difficulties; the scope of his endeavors have comprehensively embraced all sections and all interests. His far-sighted vision foresees possibilities unseen by others. Under his wise supervision the Department of Agriculture covers the entire industrial field, and the work assigned to each bureau or division receives immediate and close attention.

The Weather Bureau service has constantly improved and extended its operations.

The Bureau of Animal Industry, together with valuable scientific work, has supervised an inspection of meat products and opened new markets for American farmers.

Irrigation experiments have taught the settlers in the arid regions the proper use and conservation of water.

The building of good roads is encouraged and better road materials successfully sought.

Forest reserves are planned in the Appalachian and Rocky mountains.

The entire habitable world has been ransacked for new varieties of forage plants, grasses, grain, and fruits, with most hopeful results.

Tea culture is extended in the South, and efforts are in progress to restore to American soil the once promising, but lost, industry of silk culture.

A new variety of rice, introduced through the Bureau of Plant Industry, will soon enable the Southwest to furnish our own and also a portion of the world's supply of that staple article of food.

Recent discoveries in tobacco growing and curing promise to revolutionize the culture and manufacture of that great American product.

The work of the experiment stations in the several States and Territories has been systematized and rendered more helpful and efficient. If time permitted I should refer to the invaluable scientific work of the bureaus of Chemistry and Plant Industry, of the divisions of Entomology and Biology, as well as the efficiency of the Publications and Statistical divisions.

Still unsatisfied and looking for other lands to exploit, this enterprising Secretary is now reaching out to frozen Alaska and to our tropical insular possessions with a view to carry American thrift and methods wherever the flag of our Union waves supreme.

Returning to the appropriation for the Bureau of Soils, I trust the House will grant the full amount asked for in the Secretary's estimates.

It will be remembered that the last Congress reorganized the Division of Soils into a Bureau, with an appropriation of $109,140, of which $10,000 was made immediately available, that a prompt reorganization might be perfected, with the result that under the direction of Professor Whitney and his competent assistants systematic and valuable work has been done in investigating and mapping soils, reporting upon existing industrial conditions, recommending better methods, introducing new or improved crops, and supervising their cultivation, harvesting, and marketing.

The Secretary of Agriculture, in his last report to the President, mentions in the most earnest and appreciative terms the work accomplished by this branch of the Department, and in his estimates for the coming year asks for an increase of $82,000 in the amount appropriated for continuing and extending the work of this Bureau. The Committee on Agriculture, by a majority of 1, refused this increase and recommends a reduction of $43,000 from the Secretary's estimates. It is almost superfluous to say that should such a reduction be made, the field work planned for the coming season will be most seriously crippled, and I might add that the members of the House who anticipate the survey and mapping of areas of soils in their districts may be disappointed, for all garments must be cut with due regard to the measure of cloth furnished.

I would invite attention to some of the results accomplished by the Bureau of Soils since the reorganization went into effect last July. Between July 1 and December 31, 1901, the Bureau completed the soil survey of some 8,700 square miles, or about 5,568,000 acres, with maps showing the distribution of the different soils, and with reports discussing the character of the soils in particular areas; also improved methods of cultivation and the most profitable crops adapted to these areas, together with suggestions of new and improved crops that can be profitably introduced. It is estimated that during the fiscal year ending June 30, 1902, the Bureau will have surveyed 11,600 square miles, or 7,424,000 acres. The work is being conducted in 21 States and Territories without regard to political or geographical divisions, but in the interest of the general agricultural development that is rapidly growing in all parts of the national domain, embracing tobacco, sugar beets, fruit, truck, wheat, corn, and cotton, irrigation and general farming, and other interests only less important than these great staples. This soil-survey work has actually cost a little over $40,000, or an average of about $3.57 per square mile, or only a little over one-half cent per acre.

The report of the field operations of the Bureau for 1900, now being distributed, gives the results of work in 12 areas, with 24 soil maps. The report of the field operations for 1901 gives the results of work accomplished in 24 areas in 15 States, illustrated with 41 soil maps.

For the field season of 1902 about 30 soil experts have been sent out in 15 parties to work in many States, and it is anticipated that if the Secretary's estimates are allowed about 17,000 square miles, or 10,900,000 acres, will be surveyed and mapped during the present calendar year in 25 States and Territories.

The value of the intelligent and scientific investigations made by the Department of Agriculture was never more strikingly illustrated than in the work of the Bureau of Soils in my own Congressional district. So quietly and unostentatiously has this work been accomplished that the soil survey in the Connecticut Valley was completed and the maps published before I was aware that the work had been undertaken, and when it was announced that the results indicated that Sumatra tobacco could be grown on certain soils in the Connecticut Valley the report was received with incredulity by my constituents who had grown for a hundred years the best type of wrapper leaf produced in the United States. An average price of perhaps 20 cents per pound was obtained for this tobacco, while the Sumatra leaf had been encroaching on our markets in rapidly increasing amounts for a quarter of a century, until we were importing annually between thirty and forty thousand bales, each containing nearly 200 pounds, and selling duty paid for $2.50 to $3 per pound, so that we have paid Holland some $6,000,000 a year for wrapper tobacco.

With the remarkable acumen and energy possessed by our Secretary of Agriculture, this investigation was pushed by the skilled experts of his Department, and now, after hardly three years' work, a new and profitable agricultural industry has apparently been established, the habits and prejudices of growers has been overcome, the style of tobacco, methods of cultivation, and handling have been changed, and it is anticipated that this year 800 to 1,000 acres of Sumatra wrapper tobacco will be cultivated under cloth upon soils designated by the Department and with methods laid down in all their details by Department experts, with an investment of nearly three-quarters of a million of dollars and with an estimated profit of a million dollars a year, with a possibility of an increase in the near future to an ultimate annual value of $5,000,000 or $6,000,000. This work has

been prosecuted so forcibly, so thoroughly and tactfully, that the people of my district look upon it as almost a marvel of administrative as well as of scientific and practical skill, and they now comprehend the proper relations of the Department of Agriculture to the individual farmer and understand that every man may avail himself of the advantages offered by the Department investigations.

There are doubtless still improvements to be made in methods of cultivation and handling, as well as in the style of leaf produced, but the great object has been attained in demonstrating that the United States can not only produce our own supply but through this specialized industry we can successfully compete with other nations in the production of a fine type of wrapper-leaf tobacco. Not only have tobacco farmers been convinced that this product can be grown, but they have been shown how to grow it, while dealers and manufacturers both at home and abroad are interestedly watching this noteworthy manifestation of the resources and enterprise of our people. The fact that the United States Department of Agriculture has stood back of this new industry and assisted in its development is a guaranty and assurance to all men that foreign competition can be met and that Connecticut shade-grown tobacco will take a place in the tobacco markets of the world that individual efforts could not have made possible by years of persistent endeavor.

Incidentally the Department experts have demonstrated that it is possible to control and prevent the pole rot, which has been so destructive in all of the cigar-leaf States, and especially in the Connecticut Valley.

We are informed through the Secretary's report that the case rot in Pennsylvania tobacco has been prevented by the introduction of different methods of handling, suggested and applied by the Department agents. We are also informed that in the opinion of the Secretary of Agriculture, after a careful survey of the tobacco soils in the several tobacco districts in the United States, and a careful study of the products grown on different soils, that the Secretary is hopeful of being able to improve the quality of filler tobacco and expects to produce something which will approach the standard of the best Cuban leaf.

He is looking for favorable results from this work in Pennsylvania, New York, Ohio, Texas, and possibly in North Carolina and California. Domestic filler leaf sells for from 6 cents to 12 cents per pound. Cuban leaf sells for $1 to $1.25 per pound, and $8,000,000 worth of Cuban tobacco is annually imported and used in this country. It can not be supposed that the Secretary of Agriculture can carry out these great lines of work, can adequately supply the demand coming from all the tobacco districts for help in preventing disastrous losses from pole rot, case rot, and the like, in establishing new types of tobacco akin to Sumatra tobacco in the Connecticut Valley, and the Cuban type of filler in other tobacco districts; that he can investigate the cause of the present deterioration in the quality and price of the bright yellow tobacco of the South; that he can investigate the cause of the present low prices of the manufacturing and export types of the Southern States, and build up new industries without the expenditure of considerable sums of money. He has only expended about $15,000 all told on the investigations in the Connecticut Valley, and has established an industry which, as before stated, it is believed will ultimately be worth many million dollars a year to that section of the country. He has expended only about $5,000 on the investigations in Pennsylvania, and it is believed that the prevention of the black rot accomplished as an incidental feature of this work will save that State alone an annual loss of several hundred thousand dollars. Urgent demands have come to the Department for similar investigations and soil surveys in many other States, and from all the Southern tobacco-growing districts.

In his estimates for this year the Secretary has asked for sufficient money to increase the allotment for the soil survey work to $60,000 and for the tobacco investigations to about $40,000. The Secretary is always frank in his reports and estimates; he fully explains the details of the cost of the work of the Bureau of Soils as well as of all other branches of his Department, and demonstrates the importance of the work contemplated and accomplished.

I am satisfied through a careful personal investigation and a knowledge of the work that is being done that what has been accomplished in the New England States can be duplicated in other areas and with other crops than tobacco, and I know from an examination of the reports that have been issued by the Bureau of Soils and from information that comes from different parts of the country, that equally valuable possibilities exist elsewhere which may be successfully improved provided Congress grants the necessary appropriations.

I would call the attention of Congress to the relatively small appropriations made for this important Government Department, representing the enormous agricultural interests of the country, and contributing directly to increase the agricultural products and materially adding to the national wealth.

The entire amount asked for by the Secretary of Agriculture is considerably less than 1 per cent of the total appropriations for the administration of the Government, and it should be remembered that the Department of Agriculture is the one Government Department that directly or indirectly returns millions to the pockets of the people in place of the paltry thousands taken from the public Treasury and indispensable to continuing the lines of scientific investigations proposed by Secretary Wilson. [Loud applause.]

During the delivery of the above remarks the time of Mr. HENRY of Connecticut expired, and by unanimous consent it was extended ten minutes, and leave was given to him to extend his remarks.

Mr. GRAFF. Mr. Chairman, I consider that this appropriation is one of the most important contained in the entire bill for the benefit of the Agricultural Department. The inception of this work has been comparatively recent, but it is something which commends itself to us as being practical relative to the investigation and classification of the different soils with reference to the peculiar crop adapted to each particular soil, and has worked out practical benefits already. In the State of Connecticut it has resulted in finding a soil and methods adapted to the cultivation of Sumatra tobacco. It has already resulted in the establishment of the fact that a Sumatra tobacco is capable of being raised in the State of Connecticut equal to if not superior to the original Sumatra tobacco.

Certain areas in the State of Virginia have already been found which are adapted to the raising of this same species of wrapper tobacco. In addition to that a portion of the State of Maryland which heretofore has been thought to be very unproductive has since been found in these investigations to be nonproductive because the people holding those lands were cropping and recropping them with crops which were not adapted to those soils and which were exhaustive of the fertile elements in the soil.

Mr. GAINES of Tennessee. Will the gentleman favor the amendment or is he against it?

Mr. GRAFF. I am in favor of increasing the amount. The Secretary of Agriculture appeared before the committee of which I am a member and testified before the committee that the cut if made would limit the amount of work which this Bureau would be able to accomplish the coming year.

Mr. GAINES of Tennessee. Why did not the committee follow that direction?

Mr. GRAFF. The reason why the committee did not follow the direction was because the majority of the committee claimed that the present appropriation was largely in excess of the appropriation of last year; but there was no pretense by the majority if the cut was made that it was in view of meeting the reasonable demands of the work for the present year.

Mr. TALBERT. This amendment will put the amount just where the Secretary of Agriculture wanted it?

Mr. GRAFF. It will put it where the Secretary recommended it.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. There was no pretense on the part of the majority that the cut——

Mr. GRAFF. I felt that what had been done led me to believe that the cut made in that Bureau would prevent it from doing the work it had mapped out to do in the present year.

Mr. WILLIAMS of Mississippi. If the gentleman, after agreeing to permit me to interrupt him, is not willing for me to make a statement, all right.

Mr. GRAFF. Certainly I am willing that the gentleman should make a statement.

Mr. WILLIAMS of Mississippi. On the contrary, the majority of the committee cut down this amount, and so announced, and so announce it now, on the ground that the work proposed to be done by the Chief of the Bureau of Soils did not require this increase of ninety-odd per cent you propose, and could be done with the increase of fifty-odd per cent which was given.

Mr. GRAFF. That statement reveals the only reason for this cut, and it is that it is such a great increase over the appropriation of last year. That is the reason why I favored in the committee following out the recommendation of the Secretary, and it is the reason why I follow it now, because these estimates were made by the Secretary of Agriculture upon the advice of the Chief of the Bureau of Soils. Professor Whitney stated before the committee that he could not carry out the line of work which he had mapped for the coming year if that appropriation was cut down.

Now, as to the method of this work. Men are sent out in the territory which is desired to be examined, and maps and physical examinations of the soil are made by them. In many

cases there is voluntary tender by the State agricultural colleges of two or three men, who accompany the party from the Department of Agriculture free of charge and assist them in this work.

Mr. WADSWORTH. Will the gentleman allow me a question?

Mr. GRAFF. Certainly.

Mr. WADSWORTH. Is it not a fact that the United States Government gives to the experimental colleges of the several States $15,000 a year, and that therefore it is not free?

Mr. GRAFF. That is not given for this purpose.

Mr. WADSWORTH. It is given to them for all agricultural purposes.

Mr. GRAFF. It is given to them for all agricultural purposes, but this service of these men who accompany this party is simply voluntary upon their part.

Mr. WADSWORTH. We are paying them, and they are not in the employ of the State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAFF. These men are in the employ of the State. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAFF. A physical examination is made of the different soils. Where it is necessary to have a laboratory examination, then it is made. A county is examined, each separate section and each quarter section is mapped out correctly, and the line of demarcation is drawn upon every different section, showing absolutely the area of different soils in the different sections or quarter sections and counties.

After these maps are completed there is printed under the supervision of this Bureau books containing advice applicable to these different maps, giving advice to the owners of the different farms, so that different agricultural sections of the country will receive the latest and most scientific information as to the particular crops that are adapted to their soil. I esteem this one of the most practical and beneficial appropriations that we have in this bill.

Now, then, who is armed with the necessary information as to the amount of appropriations that is large enough to carry on the work that the Secretary of Agriculture has to perform? Certainly the Secretary of Agriculture himself. There is nothing in the hearings we had that indicated that there was any lavishness of expenditure. On the contrary, everything indicated that the work was done most economically.

The Secretary of Agriculture obtains benefit in many cases from students of agricultural colleges, who are glad to come to this Department in the summer when their colleges are not in session and obtain the benefits which accrue to them by being in the employ of the Secretary of Agriculture in the prosecution of this work, at the small stipend of $480 a year.

Since some States bordering on the Atlantic have chiefly received the benefits of this examination of the soil during the past, I am in favor of reasonable expedition in extending the benefits of this examination to other States of the Union, so that following these examinations there can be other examinations under the Bureau of Plant Industry. The result of it will be a great benefit—a substantial, beneficial gain to the farmers of the country. I am in favor of the amendment of the gentleman from Connecticut to increase this amount to the amount recommended by the Secretary of Agriculture.

Mr. WILLIAMS of Mississippi. Mr. Chairman, this is a very much more important matter than it looks like on the surface. If the argument made by the gentleman from Illinois [Mr. GRAFF], who has just taken his seat, is to prevail, then the utility of Congress, the utility of committees in this House charged with the consideration of the proper amounts of appropriations for carrying on executive business, has been absolutely dispensed with. If we are to give a certain amount of money for certain purposes purely and simply because a department chief asks it, or because the chief of a bureau asks it, then we might just as well abdicate our function as a legislative body charged with the duty of fixing the proper amount of expenditures.

Mr. GRAFF. Will the gentleman let me ask him a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. GRAFF. The gentleman does not want to create the impression that the committee was unanimous for the appropriation which was returned by the committee?

Mr. WILLIAMS of Mississippi. How could I be desirous of creating such an impression when I have said nothing about it?

Mr. GRAFF. The committee was almost equally divided on the subject.

Mr. WILLIAMS of Mississippi. A majority of the committee was in favor of the appropriation as reported; I have forgotten just how they stood; it is out of order to talk about how the committee stood, but since the gentleman has referred to it I will say that it was a good majority, and put my statement against his and let it go.

Now, Mr. Chairman, it is to this point that I wish to direct the attention of the House, and that is this: This chief of bureau—who is a gentleman of high character and high competency, an expert on his work, and whose work is work of a very high value to this country in my opinion—came before our committee and asked permission to put fifteen field parties in the field next year instead of ten. Now, a schoolboy can see that an increase of fifteen field parties over ten is an increase of 50 per cent in the work to be done.

Now, this committee has granted him an increase of 55 per cent in the amount of money to do the work, and yet the gentleman is arguing for an increase of over 90 per cent to do an increased work of 50 per cent. It is for that that the gentleman from Illinois is contending. The gentleman from Illinois will not deny that the statement was made by Professor Whitney, the chief of the Bureau. Both in his submission of estimates and in his testimony before the committee he said that what he wanted to do was to put 15 field parties in the field for this soil-mapping business. I do not suppose that anybody will deny that that was an increase of 50 per cent in the work to be performed. The committee has given him an increrse of 55 per cent, because, Mr. Chairman, last year the appropriation for his work was $109,000 and this year it is $169,000, in round numbers, which is an increase of $60,000 upon a basis of a past appropriation of $109,000. That is exactly 55 per cent of increase in money given.

Now, Mr. Chairman, I want to say that I perhaps know more personally about the character of work being done by this Bureau than any man in this House except the gentleman from Connecticut [Mr. HENRY]. I have been with the field parties in the work for two or three days at a time, and I know exactly how they sample their soil; I know how they map their soil; I know how they report the mapping back, and I say, without fear of successful contradiction, that an increase of 15 field parties does not require even a proportionate increase of clerical force at Washington in order to collocate their reports and tabulate them and map them and give them to the country.

Mr. BURLESON. Mr. Chairman, I do sincerely hope that the amendment offered by the gentleman from Connecticut [Mr. HENRY] will be adopted. It does no more than comply with the earnest recommendation of our able and distinguished Secretary of Agriculture, who, thoroughly appreciating the value to the individual farmer of the work being done by the Bureau of Soils, urges that this additional amount be allowed in order that there may be as little delay as possible in giving to him a pittance of the benefits of government.

I regret exceedingly to find myself in opposition to the distinguished gentleman from New York [Mr. WADSWORTH], the chairman of the Agricultural Committee, and my highly appreciated friend from Mississippi [Mr. WILLIAMS]. But, unquestionably, these two gentlemen have underestimated the importance of a speedy prosecution of this work. They realize the necessity for the work. They both recognize and admit its importance. But the gentleman from Mississippi contends that there is no necessity for that rapid progress in the work advocated by those who are best acquainted with the subject.

The gentleman from Mississippi [Mr. WILLIAMS] contends that the amount carried by the bill is sufficient to defray the expenses of 15 field forces and that there is no necessity for the increase provided for by the amendment of the gentleman from Connecticut [Mr. HENRY]. As a matter of fact, a complete answer to that is, what is to prevent the Chief of the Bureau of Soils, with the approval of the Secretary of Agriculture, from increasing the number of the forces in the field? The gentleman from New York will not deny that this work is important and necessary. The gentleman from Mississippi does not deny that it is important and necessary; but they say——

Mr. WADSWORTH. I will ask the gentleman whether the committee has not recommended a sufficient amount to carry on the work according to the plans submitted by Professor Whitney to the committee, with 15 field parties?

Mr. BURLESON. Certainly, if the work is to be limited to 15 field parties——

Mr. WADSWORTH. That is all the work for which plans have been submitted by the Bureau to the committee.

Mr. BURLESON. It is true that for 15 field parties the proposed appropriation might be sufficient; but the Secretary of Agriculture and the Chief of the Bureau of Soils contend that $43,000 should be added to this sum now provided for in the bill, which, of course, will enable them to increase the number of the field forces and more rapidly prosecute this valuable work.

Mr. WADSWORTH. The gentleman is mistaken. The estimate is $215,000 for 15 field parties. There it is [holding out a book].

Mr. WILLIAMS of Mississippi. That is right.

Mr. BURLESON. The gentleman does not mean to be understood and will not contend that the Secretary of Agriculture or the Chief of the Bureau of Soils will fritter this money away if it be appropriated.

Mr. WADSWORTH. I am not quite so sure of that.

Mr. BURLESON. I am quite sure of it. I have supreme confidence in the honesty and capacity of James Wilson, as Secretary of Agriculture, and also of Milton Whitney, as Chief of the Bureau of Soils. As a matter of fact, this work is important to the agricultural section of this country—East, West, and South. Surely gentlemen will not deny that the Secretary of Agriculture is moderate in his estimate for agricultural appropriations, when it amounts to less than 1 per cent of the total appropriations made for the support of this Government. Why should he be denied his estimates?

We are expending hundreds of millions of dollars for the prosecution of a cruel and unjust war in the Orient. We expect to expend tens of millions of dollars for building additional battle ships. We are asked to make a gift, practically, of six or eight million dollars to aid the farmers in a foreign country—in Cuba. Surely we will not deny to the farming classes of our own country this mere bagatelle, this mere pittance, that will save to the farmers of our own country in one year tenfold the amount of money that is proposed by the Henry amendment to be added to this appropriation bill.

I assert without fear of successful contradiction by the gentleman from New York or the gentleman from Mississippi that the work prosecuted by Professor Whitney's bureau has resulted in saving to the farmers of this country already ten times—yes, a hundredfold—the amount that his Bureau has cost the Government. This Bureau has essentially aided the labors of the farmer by suggesting new cultural methods, which have been brought down to the home of the individual farmer, and have saved thousands and thousands of dollars which might have been expended in unscientific or unintelligent working of the soil of our farms. In Texas and Connecticut alone, as the result of the investigation of the tobacco experts, thousands of dollars have been saved and the profits of the farmers of this country increased accordingly.

Do you realize—and I now speak to the representatives of the great agricultural States of this Union, not in the South alone, but in the Middle West and in the East—do you realize that the proposition is simply to make an increase of $43,000 on the appropriation of last year, and that this proposition is supported by an intelligent presentation of facts by the Secretary of Agriculture showing the necessity for the amount asked and the great good which will result to the farmers if it is allowed? Do you realize the results which the expenditure in this direction has brought to your constituents? The question presents itself here now, will you vote millions of dollars for other purposes, and when our Agricultural Department asks for this small increase for soil surveys deny same——

[Here the hammer fell.]

Mr. HENRY of Connecticut. I ask unanimous consent that the gentleman be allowed to proceed.

There was no objection.

Mr. BURLESON. The recommendation comes—not unsupported by requests of the people—it does not originate with some member on this floor who has not given the matter proper study, but the recommendation comes to us from the Secretary of Agriculture. After most careful and painstaking investigation he says to the membership of this body from the agricultural States that this great work will be seriously crippled if this pitiful sum now provided for by this amendment should be denied by this body.

And, Mr. Chairman, why should we deny the agricultural classes this just appropriation? They never come knocking at our doors for legislative favor. When an opportunity comes to aid them by doing nothing more than justice, by observing a recommendation made in their behalf by our conscientious Secretary of Agriculture, who will be found to say them nay?

The State which I have the honor to represent here in part is especially interested in the appropriations made in this bill. Texas is a great agricultural State now, but we have been given only a glimpse of its possibilities. Permit me to direct your attention to some of the resources of this great Commonwealth, some conditions which obtain in this little-known section of our country.

When Texas sprang a full-fledged State into the Union—the only one in the history of our country since the original Confederation—she came as an empire of domain. Her people were few and scattered, but she had maintained her autonomy as the Lone Star Republic for more than ten years against the Republic of Mexico, with its millions of people. Withstanding the constant forays of the Mexicans across the Rio Grande on the southwest and the wild dashes of the fierce and savage Apaches and Comanches on all sides, she had sustained herself. Burdened with debts and worn with war, she ceded to the United States for the sum of $10,000,000 what is now a large portion of New Mexico.

Even then she retained a territory gigantic in extent, keeping her public domain in her own control. As the State is to-day the area is 265,760 square miles, greater than all of New England, New York, New Jersey, Pennsylvania, Delaware, and Maryland combined, larger than the Republic of France or the Empire of Germany, while England, Wales, Scotland, and Ireland placed in the center of Texas as an ocean would be far from the sight of other shores.

Of the 170,000,000 acres of land in the State, only about one-twelfth is now cultivated, while it is safe to say that fully 100,000,000 are susceptible of cultivation, and that of the very highest order.

The population of the State in 1850, the first census taken after her admission, was only 212,592, and by the census of 1900 it was 3,048,710, an increase of more than 14 times, or about 700 per cent, advancing from twenty-seventh to sixth, a more rapid proportionate advance than is shown by any other State.

Texas up to the present has been essentially an agricultural and stock-raising State, and with only one-twelfth of her territory in cultivation is easily first in production, as the following reports will show:

Value of cotton produced in 1900-1901, including cotton-seed products	$173,000,000
Value of corn produced in 1900	32,800,000
Value of wheat produced in 1900	15,000,000
Value of oats produced in 1900	8,500,000
Value of hay produced in 1900	7,200,000
Value of potatoes produced in 1900	2,500,000
Value of barley, etc., in 1900	75,000
Value of vegetables, sugar, tobacco, rice, etc	25,000,000
Giving the astounding total for agricultural products alone of	234,075,000

While the cotton crop, amounting on an average to one-third the total crop of the United States, is at present the main staple of production—though first in the production of cotton and cotton-seed products—yet Texas is rapidly advancing along lines of diversification and fast closing the gap between herself and the leaders in other lines of agricultural production.

Eight years ago not a pound of rice was raised in Texas, while this year there have been planted in rice in the southern counties of the State 212,000 acres, which will produce rice worth more than $7,000,000. There are at least 4,000,000 acres of virgin land suited for rice cultivation in the southern counties of the State, all of which bid fair to be placed in cultivation in the very near future, when they will produce the enormous total of $100,000,000 in value annually.

Fifteen years ago fruits, melons, berries, potatoes, cabbage, and other vegetables were raised for home consumption only. Last year on the "cut-over" timber lands of east Texas and the former grazing lands of the South and Southwest there were raised and shipped over 10,000 cars of early fruits and vegetables to our less-favored countrymen of the bleak West and North, and yet this industry is but in its infancy. The arid lands of the extreme West—once thought fit for absolutely nothing—a large portion of which on the old maps was marked "Llano Estacada" (Staked Plain) as a guide to travelers and regarded as a veritable desert of death, are blossoming into gardens and orchards and vineyards under the kindly influence of scientific irrigation, and produce now fruits and vegetables which rival those of California and Italy.

Along the rich alluvial basins of the rivers in the southern part of the State are to be found the richest sugar lands in the world, capable of producing the highest grades of sugar without the slightest use of fertilizers, and apparently inexhaustible in fertility, some of the plantations having been cultivated for more than forty years.

And all this, with only one-twelfth of the land in cultivation. Lands of marvelous fertility are to be had on practically the purchaser's own terms. Thousands of thrifty and industrious people are annually pouring into the State, and who shall say that in the not far-distant future Texas alone will not be able to feed every man, woman, and child in the United States?

Standing first in the agricultural production of the States, the State occupies the same rank in the raising of cattle, horses, and mules.

Beginning with the far-famed longhorn Texas steer, Texas has has always been first in cattle production. Thirty years ago the public domain of the State was free to the cattle raiser, and much after the fashion of the old pastoral days of ages gone the herds were allowed to roam where they would. At that time no attention was paid to breeding. The half-wild Mexican cattle, with huge horns and scrawny bodies, familiarly known as the "Texas longhorn," together with the equally wild "bad man," brought

the name of the State somewhat into disrepute, and such cattle gradually came to be a veritable drug on the live-stock market.

Conditions have changed; the bad man in Texas is now an extinct species; much of the land is now inclosed. The finest varieties of beef stock have been interbred with the native cattle, producing an animal hardy enough to stand the rigors of our average winters without extra feeding or care, and yet rapidly approaching the point of perfection as a beef producer. Nearly one-sixth of all the cattle of the United States, or 8,567,173 neat cattle, exclusive of milch cows, which number close to 900,000, are in the State of Texas; and she is easily first in this respect, as she is in raising horses and mules, with 1,269,432 head of the former and more than 540,000 of the latter, being more than one-sixth of all the mules in the United States.

As with the "Texas longhorn," so in former years the term "Texas razorback" was a term of disrepute in the hog-raising world. This, too, is rapidly changing, and the finest breeds are being introduced and scientific methods applied instead of the loose and haphazard ways of the past. There are now in the State 2,765,614 head of hogs, and she ranks fourth.

There are in Texas 2,700,000 sheep, and she ranks seventh.

Value of live stock marketed in 1900:

Cattle	$48,000,000
Hogs	6,800,000
Sheep and wool	3,160,000
Horses and mules	10,000,000
Giving a grand total of	67,960,000

While practically undeveloped, the State is rich in minerals, and under recent legislation a comprehensive and accurate survey of these resources is now being made. Only recently great quicksilver deposits have been discovered, as also several wonderful silver mines. Gold, copper, asbestos, talc, graphite, and other minerals exist in many places. Garnets, turquoises, and opals are to be found, and the iron-ore beds are practically inexhaustible. Immense deposits of red and gray granite, the finest building stone known, abound in several sections, while marble and the rarer building stones are found in quantities.

Although it may be said that the surface has hardly been scratched, the mineral output of the State, not including oil, has increased in ten years from $2,360,000 in 1890 to $5,300,000 in 1900, and the work done may be considered a trifle compared with the vast possibilities in store. Lack of proper coal supply has in the past prevented the development of the great iron fields of Texas, but the recent marvelous oil discoveries solved this problem. These wonderful oil fields have been so widely exploited that their existence is matter of common knowledge, but their output is so great as to fairly stagger the imagination.

With this cheap and easily transported fuel at hand, the potentialities of which have not yet been fully appreciated, manufacturing enterprises of all description must rapidly develop. While outstripping all others in agriculture and its kindred branches, largely through the lack of fuel supply manufactures of all kinds have been retarded in Texas. True, in cotton-seed-oil mills (of which Texas has 156 more than all the other States combined), cotton compresses and gins, the State stands first, producing more than one-fourth of the total cotton-seed product output of the United States.

Then, too, the 300 or more sawmills of the State, in the vast pine forests of eastern Texas, last year produced more than $16,000,000 worth of lumber, and, as it is safe to estimate that there are not less than 20,000,000,000 feet of pine yet standing, this will continue to be an important industry for years. But in other branches progress has been slow—that is, slow as compared with the phenomenal development along other lines.

In a decade, however, the value of the manufactured products of the State has risen from $70,433,000 in 1890 to $119,414,000 in 1900, or about 70 per cent. Since the oil discoveries, however, cotton mills are springing up like magic over the State, and many other industries are being projected. In fact, the far-reaching effect this discovery must have upon the development of manufacturing in the State is beyond calculation. Producing practically every description of raw material needed in the arts and industries, with this cheap fuel illimitable possibilities in the industrial line are opened up for Texas, and capitalists will not be slow to see it.

That the manufacturing spirit has been aroused may be seen when it is said that there were built in the State during the three months ending December 31, 1901, 1 brewery, 2 canning factories, 10 compresses and gins, 6 cotton and woolen mills, 5 electric-light plants, 1 flour mill, 1 glass factory, 6 ironworking plants, 1 oil refinery, 1 tobacco factory, 34 woodworking plants, and more than 40 miscellaneous manufacturing enterprises were set on foot. The construction of 6 cotton and woolen mills in this brief period marks a great advance, as previous to this there were but 11 mills of this description in the entire State. Two great packeries are now in course of construction in the State, which, when completed, will rival in production those of Chicago and Kansas City and afford a home market for the live-stock raiser.

So large is the State and so varied the products that to be properly considered it should be divided into sections.

In east and northeast Texas are found the great forests of pine, and on the cut-over pine lands fruits and vegetables of every description are raised with splendid success. From this section alone there were shipped last year more than 3,000 cars of peaches, not to mention the great number of cars of other fruits and vegetables. It is an ideal location for the poor man. This land may be had at a price of from $2 to $5 per acre, and 20 acres will handsomely support a family. The climate is genial, the water supply splendid, the people thrifty and hospitable, the occupation pleasant and congenial, and thousands of weary toilers from the older States are finding in this section what they have long sought in vain—happy homes of peace and plenty.

North Texas, or what is known as the "Panhandle country," produces practically all the wheat that is raised in the State and of a grade without a superior in the world. On the high sunshiny plateaus of this section, too, are to be found countless herds of cattle, thriving upon the nutritious native grasses on ranches so vast in extent that their area is beyond the comprehension of dwellers in cities.

Central Texas and a portion of the southerly region constitute the typical cotton belt of the State, where more than two-thirds of the crop of the entire State is raised. There are in this belt more than 20 counties which raise annually over 40,000 bales of cotton, several of them going above 100,000 bales each, constituting a larger number of counties raising this amount than are found in all the other cotton-raising States of the South. Here, too, corn flourishes, and raising hogs for sale to the Texas packeries offers a most profitable field and is being largely widened.

In the southern tier of counties on the coast, where the land is as rich as the Delta of the Nile, the sugar yield is enormous, while the cotton yield per acre is incredible. Both here and in the southeast as well, rice cultivation is being developed by leaps and bounds.

In the tier of coast counties, with their mild, semitropical climate, all varieties of fruit and vegetables thrive splendidly, and this section is rapidly becoming a great garden.

In the west, where the climate is dry and the rainfall scant, are located the greatest cattle ranches in the United States. The climate in this section is peculiarly suited to cattle raising, and they flourish in the open air throughout the year, while the plains are covered with grasses particularly adapted to their needs. In this section, too, recently water has been obtained in sufficient quantities, through the medium of artesian wells and storage reservoirs, to develop irrigation, and in the dry air and fertile soil grapes and fruits of all descriptions are grown that equal any in the world.

In the southwest and extreme west are found the extensive mineral deposits and beds of building stone, and, when developed, the prosperity of this section is assured.

That some definite idea of the phenomenal growth of the State during the last thirty years may be had, the following percentages should be noted:

Since 1870 there has been an increase in cotton production of 800 per cent, in corn production of 425 per cent, in wheat production of 3,754 per cent, in oat production of 2,653 per cent, in taxable values of 430 per cent, in railway mileage of 1,350 per cent, and the population has quadrupled.

The sum total of the production of the State last year was—

For agricultural products	$264,075,000
For live stock	67,000,000
Mineral products	5,300,000
Manufactures	119,000,000
Giving an aggregate production of	455,789,000

The agricultural and live-stock products alone amounted to $331,075,000, or a per capita of over $100 for every man, woman, and child in the State, while the average production for the United States is less than $50 per capita.

You will pardon me if I digress for a moment to direct attention to three other important features of development and progress in my State. Texas has a magnificent school system. Retaining her public domain on entering the Union, 40,000,000 acres of it were set aside for the common schools, and the fund now equals $64,000,000, which, with moderate taxation, supports this splendid school system, giving employment to more than 15,000 teachers for nine months in each year. The instruction given in the common schools is well supplemented by three splendidly equipped normal schools, a thoroughly appointed Agricultural and Mechanical College, and a State University of the first class, with a princely endowment fund and an assured future of increasing usefulness.

Texas ranks third in railroad mileage, and before the end of this

decade will easily rank first, because annually more miles are constructed within her boundaries than in any other State of the Union. Her protected harbors upon the Gulf coast are rapidly taking rank with the leading ports of the world. Galveston is now the fourth or fifth exporting port in the United States, having 38 regular lines of steamships plying therefrom to foreign ports, and the wonderful development of the country tributary to it will soon make it second only to New York. And when the isthmian canal shall be constructed these ports will at once become the gateways through which perforce the products of the great Middle West must pass on their journey to the Orient.

Possessing millions of acres of unsurpassedly fertile soil, with low land values, genial climate, magnificent schools, great railway systems, splendid ports, progressive and enlightened people, gigantic material resources in the infancy of development, and hospitably welcoming teeming thousands of thrifty and industrious immigrants to her soil each year; if this is the Texas of to-day, is it rash to peer into the future and prophesy that before the next half century shall have been rounded out the Lone Star will glitter foremost in the diadem of the States?

The information I give you can be relied upon. It was prepared originally by an expert connected with the Agricultural Department, subsequently was verified for me by statisticians connected with the Census Bureau, and was finally compiled by a thoroughly accurate and cultured gentleman from Texas, Mr. A. J. Clopton.

In conclusion, gentlemen of the committee, I appeal to you in the interest of the farmer who farms—not of the "agriculturist" we hear so much of on the floor of this House; I urge you, in the interest of the burden-bearing farmer, who is to be benefited by this appropriation, that you vote for the amendment of the gentleman from Connecticut.

Mr. HENRY C. SMITH. Mr. Chairman, in some remarks of mine, reported on page 5137 of the RECORD, near the bottom of the first column, I did injustice to one of the officers of the Agricultural Department, by referring to the Bureau of Plant Industry when I should have referred to the Bureau of Animal Industry. I desire to make a correction in that respect. It was the Chief of the Bureau of Animal Industry who made the argument which I cited in reference to the typewriters.

Now, upon this proposition of the Bureau of Soils, the committee fully considered the work of that Bureau, together with all the evidence and statements brought before it. A few moments ago I desired to interrupt the gentleman from Mississippi [Mr. WILLIAMS] for the purpose of referring to another item that was added to the appropriation of last year for that Bureau.

I desire to call the attention of the committee to the manner in which this Bureau has grown up, and how the appropriations have grown, and how, if that Bureau is permitted to continue in the way Dr. Whitney has mapped out it should be, it would absolutely swamp this Government. In his own statement that he filed with the committee he says that the "Division of Soils was organized in the Weather Bureau in 1894 by an Executive order; in 1895 it became an independent division in the Department, with an appropriation of $15,000; in 1899 the functions were enlarged to include the mapping of tobacco soil and other necessary tobacco investigation"—and if gentlemen will investigate they will find out that is about all of a practical nature that one can see that this Bureau has ever done—"with a total appropriation of $26,300."

See how it grows from year to year. "In 1900 the appropriation was increased to $31,300. In the act approved March 2, 1901, the division was reorganized into a bureau with an appropriation of $109,140." What else? That was not sufficient to meet the average of this Department, and I wonder every day that any of these departments have ever survived, if the statements made on this floor since I have kept any track of public affairs are to be accepted as true, that if you shut off the appropriation a little they will be so crippled that they can not survive. After the appropriation bill passed the Fifty-sixth Congress they got a joint resolution for $20,000 more, and he says in his statement here:

> And in joint resolution No. 8, of the same Congress, provision was made for the printing annually of 17,000 copies of the field operations of the then division at an estimated cost of $20,000.

Now, that is what that bureau got. It used $129,000 in doing what? In mapping about 6,000,000 acres of land, just about what there is in my Congressional district, and that is what has been done, and now my friend here says they just want a little picayune appropriation. This committee has made an appropriation of $168,960, within $40 of $169,000, and that is the way it is picking up, and now my brother here, a member of the committee, proposes to double it and to increase it still further, and for what purpose? I would like gentlemen to read through the report found in the hearings here and see what this Bureau has ever done, if anything, of a practical nature. He says that in Connecticut they have succeeded in raising a few acres—that is the way he puts it, and he puts it just as strong as he could—a few acres of Sumatra wrapper tobacco.

Mr. HENRY of Connecticut. One thousand acres this year.

Mr. HENRY C. SMITH. Forty-two acres, he says, they have a hope of raising this year.

Mr. HENRY of Connecticut. Nearly a thousand this year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Michigan may be extended five minutes more. Is there objection?

There was no objection.

Mr. HENRY of Connecticut. Mr. Chairman, I want to correct the gentleman from Michigan. Just one moment——

Mr. HENRY C. SMITH. Does what you are about to say appear in your speech?

Mr. HENRY of Connecticut. Not at all; I just want to correct the gentleman. In 1900 there was about half an acre of tent-grown tobacco, in 1901 there were 42 acres, and in 1902 there are to be nearly 1,000 acres—between 800 and 1,000 acres.

Mr. HENRY C. SMITH. Conceding that to be true, I think that $169,000 spent by this Government to raise that amount of tobacco is quite sufficient.

Mr. HENRY of Connecticut. The Government does not raise it.

Mr. HENRY C. SMITH. Well, to tell people how to raise it, and to tell people what kind of soil they must use.

Mr. HENRY of Connecticut. The Government has never raised any.

Mr. HENRY C. SMITH. Why, Mr. Chairman and gentlemen of the committee, the farmers of this country by making a test and by actual experience know what kind of soil will raise this and what kind of soil will raise that, without a lot of professors of soils.

Mr. HENRY of Connecticut. That is just what they do not know.

Mr. HENRY C. SMITH. And doctors of chemistry and professors of weeds [laughter] to go around and instruct them as to how they shall raise their crops. The practical farmer is the farmer that ought to be encouraged and the farmer that will succeed in the end, not the farmer who spends his time attending institutes and reading these scientific discourses, but the farmer who gets out by daylight and closes at nighttime, who works no eight hours, but eight hours before dinner and eight hours after dinner; he is the man who will succeed on the farm.

Now, this man, the Chief of this Bureau, as I said last evening, at Government expense, has printed a circular, which he has sent to every member of Congress, indicating where he is going to work this summer and what he is going to do. Look it over and see what he is going to do for $169,000. Fifteen of these parties are to be sent out, and, as I figure it up, that gets into 17 different counties in the United States, and they map out a little soil here and there and tell the people how much soil in this county and that county can raise tobacco and how much can be raised in this and how much can be raised in that. It is absolutely without practicability, and I hope that the conclusion to which the committee came after hearing the evidence and all the statements and the statement of the Commissioner of Agriculture will be sustained. The appropriation is ample.

Mr. GAINES of Tennessee. Mr. Chairman, there seems to be a little confusion as to the information on this subject.

Mr. HENRY C. SMITH. It looks as though there was going to be more.

Mr. GAINES of Tennessee. I doubt it very much, since I have listened to the gentleman from Michigan. There seems to be confusion, Mr. Chairman, as to exactly what the Department has recommended. It seems that the gentleman from Mississippi [Mr. WILLIAMS], a member of the committee, and the gentleman from Illinois [Mr. GRAFF] differ as to what the representative of the Agriculture Department stated before the committee. Now, I have in my possession here a letter from the Secretary of Agriculture, Mr. Wilson, dated subsequent to the committee hearings. The date of it is April 26, 1902, found in RECORD of April 28, pages 5070-5071, in which that distinguished Commissioner says that a part of the work that this Bureau has already done will have to be abandoned unless the appropriation is made as he has recommended—that is, unless the amendment of the gentleman from Connecticut [Mr. HENRY] is agreed to.

Mr. HENRY C. SMITH. Will the gentleman submit to a question?

Mr. GAINES of Tennessee. Certainly.

Mr. HENRY C. SMITH. To give the gentleman an opportunity to prove that there is not going to be any more confusion, I

should like to have the gentleman, who always is accurate in his information upon all subjects, advise me and the committee what reason there is why these experiment stations throughout the country, engaged in the same business, can not do this surveying of soils and everything that the Bureau of Soils now proposes to do.

Mr. GAINES of Tennessee. Mr. Chairman, that is a very pregnant question which the gentleman has asked me. I am not a member of the committee, but I will undertake to answer it as best I can.

Mr. HENRY C. SMITH. I did not ask you because you were a member of the committee, but because of your information.

Mr. GAINES of Tennessee. Well, I thank the gentleman. I will tell the gentleman what the Secretary of Agriculture has mapped out, anticipating that this appropriation would be granted as requested.

I hold in my hand a little leaflet, sent out by the Secretary of Agriculture, prepared by "Milton Whitney, chief of the bureau; approved by James Wilson, Secretary of Agriculture, Washington, D. C., March 12, 1902," which states, Mr. Chairman, that the agents of the Soil Bureau will be sent to the following States. Now, I hope the gentleman from Michigan [Mr. HENRY C. SMITH] will not produce confusion by walking around and not listening to what I am saying.

Mr. HENRY C. SMITH. Oh, I listen better when I am walking around.

Mr. GAINES of Tennessee. Well, doubtless the gentleman will be more entertained if he will talk to himself.

Mr. Chairman, this little official pamphlet states that the "Bennett party" will go to Texas; the "Bonsteel party" to Illinois, Indiana, and Mississippi; the "Burke party" to New Jersey, and later to Alabama; the "Caine party" are going to Kentucky and Alabama, and the "Coffey party" to Illinois and North Carolina; the "Fippin party" to Iowa, Missouri, and Georgia; the "Heileman party" to California and Utah; the "Holmes party" to the State of Washington; the "Jensen party" to Montana, North Dakota, and Minnesota; the "Lapham party" to Kansas, Arkansas, and Texas, and later to Colorado, and that a "new party" will go at a later date to Kentucky. The "Marean party" has already gone to the tobacco districts of Tennessee and Kentucky, and is now to go to the "Pikeville East Tennessee" region. The "Mesmer party" is going to New York and to Florida, and the "Mooney party" to Virginia; the "Smith party" to Ohio and Florida, and the "Taylor party" to South Carolina.

Mr. OLMSTED. There does not seem to be any party going to Pennsylvania.

Mr. GAINES of Tennessee. They have already been there. The first map that was ever made in this kind of work was a map of the State of Pennsylvania.

Mr. HENRY C. SMITH rose.

Mr. GAINES of Tennessee. Now, I hope the gentleman from Michigan will not create too much confusion.

Mr. HENRY C. SMITH. Just one question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Michigan?

Mr. GAINES of Tennessee. Yes.

Mr. HENRY C. SMITH. In the first paragraph of that card it is stated that these recitals have been made with the approval of the Secretary of Agriculture, is it not?

Mr. GAINES of Tennessee. I believe so. I take your word for it.

Mr. HENRY C. SMITH. Does not the gentleman understand what is meant by the next sentence——

Mr. GAINES of Tennessee. Well now, I hope the gentleman will not take all my time.

Mr. HENRY C. SMITH (reading):

> With the understanding that such modifications and changes will be made as are called for by the exigencies of the public service.

Mr. GAINES of Tennessee. Of course the whole plan of work can be changed. Now, I am going to show, if the gentleman and the committee will bear with me——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Kentucky. I ask unanimous consent that the gentleman have leave to conclude his remarks.

The CHAIRMAN. How much time does the gentleman ask for?

Mr. GAINES of Tennessee. I should like ten minutes. I have no personal interest on earth in this. I am not a tobacco farmer, but I am trying to aid them. I am simply trying to enlighten the gentleman from Michigan [Mr. HENRY C. SMITH], and I do not know any man who needs it any more on this subject. An examination has been made in Montgomery County, Tenn., and some counties in Kentucky, and the maps and reports will be ready for distribution in September next.

The CHAIRMAN. Unanimous consent is asked that the gentleman be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. We can look and see from this map how the soil varies in composition, as shown by the varying colors on this map. They will color one piece of land of a certain composition a certain way, and make an index of it, and go to another section of country and color that with another, and another, and so on, so that the farmer will know exactly what the soil he is trying to till will grow and what it will produce and what the farmer needs to make it produce.

Mr. HENRY C. SMITH. What section of the country is that a map of?

Mr. GAINES of Tennessee. I think it is Pennsylvania. I have one here from Pennsylvania.

Mr. OLMSTED. I should not recognize it.

Mr. GAINES of Tennessee. I will send it over to my friend and let him see.

Mr. WADSWORTH. I would like the gentleman to explain what is meant by the coloring on the map he has in his hand.

Mr. GAINES of Tennessee. I have one here which the gentleman can see.

Mr. WADSWORTH. I would like the gentleman to explain one of the maps that he has there. I acknowledge that I could not explain one of them myself.

Mr. GAINES of Tennessee. I am picking up the missing stitches that the gentleman has dropped.

Mr. WADSWORTH. I will admit that, Mr. Chairman, but the gentleman does not explain the map.

Mr. GAINES of Tennessee. But the farmer will if you will give him a chance. [Laughter.] I have never seen a farmer yet who was not at home on the ground floor, and I have been one myself.

Mr. SMITH of Kentucky. This map is of Pennsylvania.

Mr. GAINES of Tennessee. My friend from Kentucky says this map is from Pennsylvania, as I said. The Department sent me these some months ago. You can all get them. Here is the list of these maps: Lancaster sheet, Pennsylvania; then next is Montgomery, Ohio; next is St. Mary County, Md.; the next Carroll County, Md.; next Kent County, Md.; next Cecil County, Md.; the next Utah, and so on.

Now, Mr. Chairman, as a matter of fact they have been in Connecticut, in Massachusetts, Texas, Tennessee, and Kentucky. They have been in all the Eastern States that amount to anything, Mr. Chairman, and you know they all amount to a great deal on the floor of this House particularly. Now, then, the purpose of this appropriation is to send these agents not only on this new work for the next year, as mapped out by Secretary Wilson, but it is to permit these agents to finish the work now incomplete that may not be finished unless this appropriation is made. Now, they are going in every Southern State next year. These agents have been sent to Tennessee, Texas, Massachusetts, Connecticut, and Pennsylvania, North Carolina, Georgia, Mississippi, and Louisiana. The work mapped out for next year is in part for Arkansas, Texas, Tennessee, North Carolina, Virginia, Alabama, Mississippi, and other States South, East, and West.

Mr. WILLIAMS of Mississippi. Will the gentleman from Tennessee permit an interruption?

Mr. GAINES of Tennessee. Yes.

Mr. WILLIAMS of Mississippi. I want to interrupt the gentleman to state that he has misunderstood the Secretary of Agriculture.

Mr. GAINES of Tennessee. I have a letter here from him and I will read it.

Mr. WILLIAMS of Mississippi. The Secretary of Agriculture has never stated that he could not complete the work already in progress, but that he could not complete the work already in progress and also take in all the new work he wanted.

Mr. GAINES of Tennessee. I always listen with great respect to what the gentleman says, and I may be mistaken in what Secretary Wilson has said or meant. To set myself right if I am wrong, and accentuate my position if I am right, I will read the letter which Secretary Wilson addressed to me April 26, 1902—a week ago:

> I inclose a statement of the assignment of the soil-survey parties for the field season of 1902, so that you can see where the work is to be done and how it has been necessary for us to assign parties to a State only for three or six months, instead of giving them the full field season, as economy of time and labor would suggest.
>
> This assignment has been tentatively made on the basis of my estimates, in which I have provided for an increase of 5 field parties over our last season's assignment.
>
> The soil survey in Montgomery County was made as a basis for tobacco investigations such as we have been carrying on in the past in Connecticut, Massachusetts, Pennsylvania, Ohio, and Texas.
>
> It was my plan to increase the tobacco parties next year, and allowance was made for this in my estimates, but as these estimates have been considerably reduced by the committee I have abandoned all plans for extending the tobacco investigations, at least, on the 1st of July, as I had intended, and it may be necessary to reduce somewhat the work of the soil survey.

This, I say, Mr. Chairman, corroborates my statements. This plan of work in these States, he says, was based on his estimates, and this committee has refused to appropriate the amount the Secretary needs and must have.

The Secretary distinctly says:

I have abandoned all plans for extending the tobacco investigations, at least, on the 1st of July, as I had intended, and it may be necessary to reduce somewhat the work of the soil survey. It rests with Congress entirely as to how rapidly this work can be developed, as we are ready now with a nucleus of trained observers to undertake the development of these lines of research to any extent that Congress may authorize.

Now, Mr. Chairman, there it is. He says he has already determined to abandon a part of the work that he had mapped out—that I have read from this leaflet—and simply because the committee by a majority of one, it seems, has failed to follow his recommendation. Now, there is no man in the departments for whom I have a higher esteem than I have for the Secretary of Agriculture. There is no man more faithful, and I do not know of any recommendation that he has made here since I have been in Congress to this honorable body that has not been followed out literally. He has trained agents, and that work he has determined to abandon.

These men go into the tobacco and other fields all over the country, regardless of section, as he says in this letter to me. Here is what he said:

We have tried to develop the work of the Bureau of Soils, as the other bureaus and divisions, without regard to sectional or State lines.

Now, this Bureau cost last year, according to the report of the Secretary—

	Amount.	Per cent.
Administrative expenses	$10,081.68	25.3
Laboratories	5,929.45	14.9
Tobacco investigations	5,609.64	14
Eastern soil survey	8,828.88	22.2
Western soil survey	9,392.45	23.6
Total	39,842.10	100

He further says:

Every impartial reader of this report will concede to me the right to point to the work of the Division of Soils as work which fully and thoroughly meets the supreme test of the Department's practical utility, namely, the material benefits accruing to the tillers of the soil with a very modest expenditure of public funds.

Now, Mr. Chairman, shall we curtail what the Secretary of Agriculture says to me in this letter of six days ago? Shall we curtail this great benefit to the farmer that comes right down to his door, that goes with the farmer, even if he is a member of Congress from Mississippi? He confers on himself the great pleasure of taking a member of Congress out of his cottage, carries him out into God's sunshine, and teaches him how to raise tobacco in Mississippi. He examines the soil of the high and low alike. No distinctions, no class is ignored—all treated alike. Here we are paralyzing what this distinguished officer has mapped out for next year; we are cramping him in executing the work he has to finish up by September next, as his letter states. I wrote him to find out what he had done, otherwise I would not have had this information. He says, "I have already determined to abandon this work." He is to leave the farmer uncared for, though he wanted to care for him all over the country, and all because Congress refuses to appropriate this amount of money that he has asked and what Dr. Whitney has indorsed.

Mr. HENRY C. SMITH. Mr. Chairman, I desire to be advised as to whether or not the Chairman's clock has stopped?

The CHAIRMAN. The time of the gentleman from Tennessee was extended ten minutes, and not five.

Mr. GAINES of Tennessee. There is confusion again from the gentleman from Michigan [Mr. HENRY C. SMITH], who wants to kick this appropriation out of this bill. I venture to say he never saw a morning glory or a sunflower [laughter], and he would not know a cotton boll from a rabbit's tail; and yet, Mr. Chairman, the gentleman is a member of the Agricultural Committee, and comes here, and, I believe for the first time, uses his great power of speech and his great brain force, his charming individuality and glittering words to crush the proposition of this distinguished Commissioner of Agriculture in his efforts, and to restrain the possibility of that Commissioner to aid the farmer, who is the cornerstone of society, our helpmeet in peace, and our soldier in time of war. [Applause.]

Mr. WADSWORTH. Mr. Chairman, the amount of appropriations is simply a matter of judgment as to what amount of money can be expended judiciously during the fiscal year. If the committee will turn to the appropriations for this particular division during the last seven or eight years, as the gentleman from Michigan has already stated, it has grown from $15,000 to $168,960. The increase in this bill—and I ask the attention of the House to this statement—the increase in allowance for scientific work is $540,000.

Mr. SMITH of Kentucky. Will the gentleman allow me an interruption?

Mr. WADSWORTH. Yes.

Mr. SMITH of Kentucky. I want to ask if the great increase in the appropriations for this particular division has not been due to the fact that within that time it has been organized into a separate bureau?

Mr. WADSWORTH. That is true. Now, Mr. Chairman, in the estimate submitted on the card by Professor Whitney, $14,000 was for tobacco-soil service in Porto Rico. Further on in the bill, under the clause of experimental stations, you will find $15,000 given for an experimental station in Porto Rico. We thought that was enough, and we eliminated the $14,000 from the estimate of Professor Whitney; and in that line, if you will turn back to page 33, you find we have limited his work to the United States, because we thought that charity should begin at home. The next item is $27,500 for emergencies. Now, 10 per cent of the whole we thought sufficient for an emergency fund, and that would reduce that to $16,000, giving $14,000 for surveys. The $14,000 for Porto Rico and the $17,000 taken from the emergency fund would make $31,000. So, as a matter of fact, we are within $15,000 of his estimate.

Now, the increase in appropriations for two years is $1,300,000, and I do not think that any member of this committee can charge the Committee on Agriculture with cheeseparing or being parsimonious. Our one single object has been to keep the Department of Agriculture well in advance of the needs of the country.

In regard to the charge that the items were not fully considered in committee, let me say one word. The subcommittee is composed of 5 members, 3 of those members having served on the committee seven years, and I venture to say they have a pretty good knowledge of the Agricultural Department and its wants. Two have served four years. With one exception the report of the subcommittee was unanimous, and the judgment of the subcommittee was sustained by the full committee. I think the Committee on Agriculture has given the committee full hearings, and every bureau chief appeared before the subcommittee once and some of them twice. I hope the amendment will not prevail.

Mr. SMALL. Mr. Chairman, I shall only occupy the attention of the committee a moment. This amendment is of great importance to the agricultural interests of the country. I am obliged to the chairman of the committee for bringing us back again to the question at issue. It appears that the committee increased the appropriation for the Bureau of Soils by $60,000, and this amendment proposes to increase the appropriation for part of the work in that bureau by $40,000 more; and, as the chairman of the committee states, it is merely a question of judgment to be exercised by each individual member of this House as to whether this amendment increasing the appropriation is advisable. If the contention of the gentleman from Michigan is true, we should have no Agricultural Department whatever, and there certainly would not be this broadening and increase of its powers and investigations.

If the gentleman from Mississippi [Mr. WILLIAMS] is right in his contention, then we are brought back to the original proposition, that it is merely a question of judgment for the members of this House to determine. I shall not rehearse the several reasons and propositions which have been laid down by various gentlemen who are in favor of this amendment, except to say that I believe if the members of this House (the House being in confusion at the time) could have heard in full the remarks of the gentleman from Connecticut [Mr. HENRY] when he was giving his reasons why this amendment should be adopted, there would not be a dissenting voice upon the question outside of the members upon the committee who are already committed against the amendment.

Mr. WILLIAMS of Mississippi. Does the gentleman imagine that the members of the committee did not hear the gentleman from Connecticut give his reasons?

Mr. SMALL. If so, I am all the more astonished that they have not been converted.

Mr. WILLIAMS of Mississippi. But I hope the gentleman will not convey the impression that we did not hear the gentleman from Connecticut state his reasons.

Mr. SMALL. I am only surprised that those reasons were not more influential with you.

Now, Mr. Chairman, I wish to say that when this House was considering the sundry civil appropriation bill it increased, by substantial amounts, the appropriation for topographic surveys and for engraving maps based upon those surveys. Now, it must be admitted by those who are familiar with the work of the Bureau of Soils that its work and its maps are as important, and demand as much skill as the topographic surveys made by the Geological Bureau, and as we have increased the appropriation

for topographic surveys, it follows that in considering this amendment increasing the appropriation for the work of the Bureau of Soils, a large part of which is for the making of maps based upon their investigations, there should be less hesitation upon the part of the Committee of the Whole in adopting this amendment. I hope it will be adopted.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman this question: Why should 15 field parties to be employed in doing the work which the Agricultural Department, and particularly this chief of bureau, wants done, cost 90 per cent more than 10 field parties now at work?

Mr. SMALL. I think I can answer that inquiry. The gentleman from Mississippi calculates that the increase recommended by the committee to this House is sufficient to do the work recommended by the Department.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. I ask unanimous consent for a few minutes more.

There was no objection.

Mr. WADSWORTH. Does the gentleman from North Carolina realize that we are now within $15,000 of the estimate?

Mr. SMALL. As I understand, the committee has increased the appropriation for the work of the Bureau of Soils $60,000 over the appropriation of last year. Now, the amendment of the gentleman from Connecticut seeks to increase the appropriation under the heading, "General expenses of the Bureau of Soils." He proposes an increase of that appropriation from $130,000 to $170,000, being an increase of $40,000, and this proposition has the warm recommendation and approval of the Secretary of Agriculture.

The gentleman from Mississippi [Mr. WILLIAMS] has asked why we should appropriate $170,000 for this work when, according to his calculation, the amount recommended by the committee is sufficient. I think the answer to that inquiry is this: It is simply a difference of opinion and calculation and judgment between the gentleman from Mississippi and the Secretary of Agriculture, and with all due deference to the distinguished gentleman from Mississippi, I prefer to accept the judgment of the Secretary of Agriculture.

Mr. WILLIAMS of Mississippi. The gentleman from North Carolina has not answered my question. It does not turn upon any difference of calculation. I asked why the proposed increase from 10 field parties to 15 field parties, which is the proposition made by this Bureau and by the Department (being an increase of 50 per cent in the number employed), should cost 90 per cent additional in money.

Mr. SMALL. As the Secretary of Agriculture says the increase is necessary I prefer to stand by his judgment.

Mr. HAUGEN. Mr. Chairman, this is not a question as to the standing or integrity of the Secretary of Agriculture, as would seem to be implied by the remarks of the distinguished gentleman from Texas. I yield to no one in admiration for the eminent citizen of my State who is now occupying the place of Secretary of Agriculture. I, with every other citizen of the great State of Iowa, entertain for that gentleman the highest regard. We respect him for his ability, his sound judgment, his profound wisdom. But, as I have said, this is not a question as to the standing of the Secretary of Agriculture. The question under consideration at this time is as to the necessity for these appropriations—what should be appropriated at this time for this Department for the next fiscal year?

This matter has received earnest and careful consideration by the Committee on Agriculture, and no one will question the integrity or judgment of the members of that committee. We have members on that committee who have had experience and who have thorough knowledge of affairs and as to the needs of this Department. This bill comes here as the result of weeks and months of labor, earnest consideration, and thought, and no one will question the sound judgment of the distinguished chairman of this committee. He has consulted with the Secretary and the chiefs of the Department, and after due deliberation these appropriations have been made or recommended, believing them to be adequate to meet all legitimate demands on the Agricultural Department that can be judiciously and economically expended, and I submit to you that their recommendations are worthy of your consideration.

I believe that the Committee on Agriculture have dealt liberally with the Department of Agriculture in appropriating $5,158,570, which is an increase of $576,150 over last year, and it would seem that this is a very liberal increase, taking into consideration the appropriations made in recent years. We have an increase of $1,975,668 in six years. The appropriations for the last six years have been—

For 1897-98 the appropriation was $3,182,902.
For 1898-99 it was $3,509,202, an increase of $326,300.
For 1899-1900 it was $3,726,022, an increase of $216,820.
For 1900-1901 it was $4,023,500, an increase of $297,478.
For 1901-2 it was $4,582,420, an increase of $558,920.
This bill carries $5,158,570, an increase of $576,150.

The committee recommend an increase of $540,000 for scientific bureaus over last year.

The bill appropriates for the current fiscal year—

Office of Secretary	$71,670
Weather Bureau	1,148,320
Animal Industry	1,154,030
Plant Industry	496,680
Forestry	185,440
Chemistry	35,800
Soils	109,140
Entomology	36,200
Biology	32,800
Accounts	18,900
Publications	198,020
Experiment stations	789,000

In view of the liberal amount allowed in this bill I trust that this amendment will be voted down.

Mr. HENRY C. SMITH rose.

Mr. GAINES of Tennessee. Just a moment, Mr. Chairman——

Mr. WADSWORTH. Mr. Chairman, I have the floor. Mr. SMITH of Michigan, a member of the committee, desires just a minute.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. HENRY C. SMITH. Mr. Chairman, I want in the first place to complete what I suggested to the gentleman from Tennessee [Mr. GAINES] who suggested that the plans of this Bureau were approved by the Commissioner of Agriculture. I was not permitted to finish what was stated in the card, and that is this:

The following assignments of field parties for the season of 1902 are made with the approval of the Secretary of Agriculture, with the understanding that such modifications and changes will be made as are called for by the exigencies of the public service and may be directed from time to time by Chief of the Bureau of Soils.

I would like to inquire what the Secretary of Agriculture has approved, and why this chief here claims the right to make the changes and modifications. Now, one other suggestion. The gentleman from Mississippi [Mr. WILLIAMS], a member of the committee, and a brighter and more able man is not on the floor of this House, candid and honest every day of his life, has heard every syllable of the testimony before this committee, every sentence of it, and he has heard every argument, and he knows all the facts, and he has put to gentlemen who are in favor of this amendment a proposition that is not answered and can not be answered, and that is, why does it require 90 per cent more of money to do 50 per cent more of work; and I want to make one other observation and then I will leave the subject.

Mr. HENRY of Connecticut. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY C. SMITH. Oh, I have only a minute, and I hope the gentleman will not insist upon it. As the chairman of this committee has shown, and shown conclusively, when you take it——

Mr. HENRY of Connecticut. Surely the gentleman does not want to misrepresent the Secretary of Agriculture.

Mr. HENRY C. SMITH. No; the Secretary of Agriculture makes his reports in just this way——

Mr. HENRY of Connecticut. I would like to ask the gentleman a question.

Mr. HENRY C. SMITH. He calls on the chiefs of these bureaus, and the chiefs of these bureaus make a report to him, and here it is, and the members of the House are familiar with it.

Mr. GAINES of Tennessee. What is the date of that report?

Mr. HENRY C. SMITH. And the Secretary of Agriculture simply transmits it just the same as any other head of a department does. Now, as I was about to say——

Mr. GAINES of Tennessee rose.

Mr. HENRY C. SMITH. The gentleman from Tennessee has had twenty minutes, ten minutes more than I thought he had, and I decline to be interrupted any further. I want to suggest this, as the chairman of the committee has said and has shown, when you take investigations for Hawaii and investigations for Porto Rico, and this contingent fund, which is a dangerous fund, out of the estimates, they are as liberal as could be submitted, and the committee makes allowance for within $15,000 of what is asked, and I submit the conclusion of the committee should be followed.

Mr. HENRY of Connecticut. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. How much time does the gentleman want.

Mr. HENRY of Connecticut. I want only two minutes.

Mr. WADSWORTH. Well, go ahead.

Mr. HENRY of Connecticut. Surely the gentleman does not wish to misrepresent the Secretary of Agriculture. He has been before our subcommittee repeatedly and he has been before the whole committee, and he has distinctly said that unless he could

have the full amount of this appropriation he would have to call in his field parties, that he could not do the work that he had planned, and as I said before, members certainly will be disappointed who are expecting to have field work done in their districts unless they vote this appropriation; there is no question about it. The gentleman from New York [Mr. WADSWORTH], I think, has a letter in his pocket now that says emphatically, more emphatically, what I say in this respect.

Mr. WADSWORTH. I have no such letter in my pocket at all. Now, I move that the debate on that paragraph be closed.

Mr. GAINES of Tennessee. I hope the gentleman will permit further debate.

Mr. WADSWORTH. Mr. Chairman, I hold the floor. I yield two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. BURLESON. Then give me five.

Mr. WADSWORTH. You are not a member of the committee, and I yield only two minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to call the attention of the members who have been induced to take this stand by the hope that they are going to get these survey parties in their respective districts to the language and the manner in which this card was issued.

Mr. BURLESON. Will the gentleman permit a question?

Mr. WILLIAMS of Mississippi. Certainly, if I can answer it in two minutes.

Mr. BURLESON. I do not expect to have any survey parties in my district. I do not expect to apply for them.

Mr. WILLIAMS of Mississippi. I did not mention any names, and it follows from your own statement that you were not meant. I repeat, I want to call the attention of the gentlemen who are induced to take this position by the fact that they expect to get soil-survey parties in their respective districts to this part of the card, and I wish them to listen to me. This is what is in this card: First, there is the inducement and the reward held out, and then there is the threat that follows it. I read:

The allotments for the periods previous to June 30 will be paid out of the appropriation for the current fiscal year.

Here are the allotments stated subsequently in the card, viz, 15 field parties. There is no expression of doubt but what this work can be done out of the present appropriation, and will be done out of it up to June 30. Then there follows:

The allotments for the periods subsequent to July 1 will be paid out of the appropriations for the Department for the fiscal year ending June 30, 1903—

Here is the promise, so that the various Congressmen interested can see the benefit to them, and then follows the threat—

and are therefore subject to such appropriations as may be made by the Congress for that year.

Well, if they can do it up to June 30 on a basis of $109,000, why the need of this threat or intimation of possibility of being left out in the cold on the basis of $168,000 after June 30—left out unless the Bureau can get all it wants? [Applause.]

Mr. WADSWORTH. Now, Mr. Chairman, I move that all debate on this paragraph and amendments be closed.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendments be closed.

Mr. GAINES of Tennessee. I hope the gentleman will not do that. Certain criticisms have been made——

Mr. WADSWORTH. The gentleman has already had twenty minutes. I insist on my motion.

The motion was agreed to.

The CHAIRMAN. The question now is on the adoption of the amendment offered by the gentleman from Connecticut [Mr. HENRY], to strike out, in lines 17 and 18, page 34, after the word "expenses," the words "one hundred and thirty thousand dollars" and to insert "$173,000."

The question being taken, on a division demanded by Mr. HENRY of Connecticut, there were—ayes 15, noes 53.

Mr. GAINES of Tennessee. I make the point of order, Mr. Chairman, that no quorum has voted.

The CHAIRMAN. The Chair rules that the point of order is not well taken.

The Clerk read as follows:

Division of Statistics, salaries: One statistician, who shall be chief of division, $3,000; 1 assistant statistician, who shall be assistant chief of division, $2,200; 3 clerks class 4, $5,400; 4 clerks class 3, $6,400; 5 clerks class 2, $7,000; 8 clerks class 1, $9,600; 10 clerks at $1,000 each, $10,000; 4 clerks at $840 each, $3,360; in all, $46,960.

Mr. CANNON. Mr. Chairman, I ask that the next paragraph may be read, and then the two considered together.

The CHAIRMAN. The gentleman from Illinois asks that the next paragraph may be read, and that and the paragraph which has just been read be considered together. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 29, 1902:

H. R. 11096. An act to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor;

H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes;

H. R. 13031. An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia of Chinese and persons of Chinese descent; and

H. J. Res. 180. Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 12697. An act granting a pension to M. C. Rogers;

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2207. An act granting an increase of pension to Louis Hahn;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 2619. An act granting an increase of pension to William Holgate;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 4821. An act granting an increase of pension to Herbert A. Boomhower;

H. R. 6020. An act granting an increase of pension to Russell A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 7782. An act granting an increase of pension to Thomas P. Smith;

H. R. 7903. An act granting an increase of pension to Ernest Wagner;

H. R. 9140. An act granting an increase of pension to Mary Ann E. Sperry;

H. R. 10532. An act granting an increase of pension to John L. Bowman;

H. R. 10951. An act granting an increase of pension to Pauline M. Roberts; and

H. R. 11550. An act granting an increase of pension to William G. Gray.

On April 30, 1902:

H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

H. R. 12498. An act extending the time for completing bridge across the Missouri River at St. Charles, Mo.;

H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;

H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport; and

H. R. 3379. An act to correct the military record of Calvin A. Rice.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Division of Statistics: Collecting domestic and foreign agricultural statistics; compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts;

stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, including employment of labor in the city of Washington and elsewhere, and necessary traveling expenses: *Provided*, That the monthly crop report, issued on the 10th day of each month, shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published, $94,200, of which sum not more than $40,000 shall be expended for salaries in the city of Washington, Distict of Columbia; in all, for the Division of Statistics, $141,160.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On pages 40 and 41 strike out all of lines 6 on page 40 to 13 on page 41, inclusive, and insert in lieu thereof the following:

"General expenses, Division of Crops and Statistics: Collecting domestic and foreign agricultural statistics; compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscriptions to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, including employment of clerical and other assistants and labor in the city of Washington and elsewhere, and necessary traveling expenses: *Provided*, That the monthly crop report, issued not later than the 5th day of each month, shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be prepared and issued by the Weather Bureau, and be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published, $80,000, of which sum not more than $30,000 shall be expended for salaries in the city of Washington, D. C."

Mr. CANNON. Mr. Chairman, I will ask the attention of the committee for a moment while I explain the effect of this amendment. If adopted, it strikes out absolutely lines 6 on page 40 to 13 on page 41, inclusive, Division of Statistics, salaries, etc., and it leaves the next paragraph—general expenses, Division of Statistics—but amends it by cutting down the amount, so that in the two items together it decreases the appropriation $60,000, and in my judgment has the effect to put all the statistical work in one division of statistics, namely, the Weather Bureau. I have no doubt, if this amendment should be adopted, that it will stop the duplication of work and give us more effective statistical information from the Department of Agriculture for $60,000 less money than we now get. It is along the lines of good appropriation and good administration. It is an open secret, and has been for a long time, that the Weather Bureau, with its service everywhere throughout the country and its daily reports, gathers most of the statistics that are utilized by the Division of Statistics and issues them. Now, all I want to do is to have it well done and done one time. I believe the amendment ought to be adopted.

Mr. SCOTT. Mr. Chairman, it is with a great deal of diffidence that I venture to oppose any suggestion made in this House by the distinguished gentleman from Illinois [Mr. CANNON], for whose opinion on any question, and particularly on any question relating to the public expenditure, we all have so high a regard. But this is a matter to which I have given very careful consideration, and I am so thoroughly convinced that the provisions of this bill as they stand should be retained, I am so thoroughly convinced that the adoption of the amendment now pending would materially embarrass the work of a very important division in the Department of Agriculture that I must give to the members of the House who do me the honor to listen to me some of the reasons which have brought me to this conclusion.

The gentleman from Illinois [Mr. CANNON] offers this amendment for the reason, as he alleges, that the statistical work as at present conducted in the Department of Agriculture is duplicated in a large degree, and that this duplication will be continued under the present bill.

Now, I venture to make the assertion that the statistical work in the Department of Agriculture is not duplicated. I hold in my hand a sample of the reports issued by the Weather Bureau, the climate and crop report issued every seven days during the growing season. It contains simply a map indicating the weather all over the United States during the preceding seven days, a table showing the normal temperature and rainfall and the departures therefrom during the past week, and dispatches from various sections of the Union commenting upon the weather and upon the effect which that weather has had upon the growing crops.

There is not a statistical fact in it whatever. There is no statistician employed in preparing the report.

On the other hand, the Bureau of Statistics publishes what it denominates the "Crop Reporter," an 8-page paper, which is issued every month and which contains data of great value to the farmers of the United States. For example, the November, 1901, number, which I hold in my hand, gives an estimate of the crop of corn, wheat, and other principal farm products for that year, and compares this estimate with the known crop of the preceding year. In other pages of this report there are other crop statistics compiled from previous reports and brought in from foreign countries, the intention being to inform the people of the United States fully as to the crop that may be expected in our own country during the current year and to compare it with the world's crop of the same products for the year preceding. This, it will be easily seen, is quite different from the work of the mere weather report published by the Weather Bureau.

But this Crop Reporter is by no means the only publication issued by the Bureau of Statistics. I hold in my hand, for example, various cards that are issued by this Bureau. Here is one dated July 10, 1901, giving the estimate of the yield of corn, wheat, spring wheat, oats, winter and spring rye for the year 1901, and the actual crop of these products for the year 1900. These cards are sent out by mail to every postmaster in the United States, and he is ordered to post them conspicuously in his office, so that the farmers may be informed accurately as to the condition of the crops respecting which the card is issued.

But that is not all. I have here other publications issued from this Bureau for the past year, the titles of which only I will read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY C. SMITH. I ask unanimous consent that the time of the gentleman be extended for ten minutes, as he is a member of the committee.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Kansas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. I realize, Mr. Chairman, that the debate on this bill is being protracted and the House is weary, and I will therefore be as brief as I think the importance of the subject will admit.

One of these publications is The Course of Prices of Farm Implements and Machinery for a Series of Years; another, Wheat-Growing and General Agricultural Conditions in the Pacific-Coast Region of the United States; another, Rate of Charge for Transporting Garden Truck, with Notes on the Growth of the Industry; another, Estimates of Russian Crops; another, List of Free Employment Agencies for the Use of Farmers; another, Statistics of the Fruit Industry of California; another, The Cotton Crop of 1899–1900; another, Changes in Railroad Freight Classifications; another, Wages of Farm Labor in the United States; another, Statistical Matter Relating to Particular Crops and Farm Animals and Transportation Rates, etc., in the United States—1900.

Now, all this work, Mr. Chairman, is done under the Statistical Bureau. It is done very largely by the men whose salaries are provided for in the paragraph in this bill on page 40, between lines 6 and 16, which the amendment now pending strikes out. I maintain that there is hardly anybody left in the Department of Agriculture to do this work if the amendment shall be agreed to.

Mr. OLMSTED. Will the gentleman yield to an interruption?

Mr. SCOTT. Certainly.

Mr. OLMSTED. In regard to this item on page 41 appropriating $94,200, of which sum not more than $40,000 shall be expended for salaries in the city of Washington, I would like to ask if that $40,000 is paid to persons in the classified service?

Mr. SCOTT. It is my understanding that it is, although I can not state positively.

Mr. WADSWORTH. I will answer the gentleman, it is.

Mr. OLMSTED. It is not so stated.

Mr. WADSWORTH. They may not be entirely within the classified service. There may be some laborers at $40 or $50 a month who are below the classified service.

Mr. OLMSTED. It is simply left to the discretion of the Secretary to employ such persons as he pleases without regard to the classified service?

Mr. WADSWORTH. Not as he pleases, but under the rules of the classified service.

Mr. SCOTT. As I have stated, Mr. Chairman, this work is in many respects the most important work done at the Department of Agriculture, and it is work that can not be done—at least it has never been done—by any other department of the Government. The crop forecast made by this Bureau last year was of almost incalculable value to the farmers of this country. A gentleman from the South, a member of this House, said to me that the estimate furnished by the Secretary of Agriculture as to the probable cotton crop during the year 1901 was worth many millions of dollars to the people of the South. And the accuracy of this forecast is something remarkable, testifying eloquently to the skill with which this work is done. Doubtless all the members of this House have received the sheet that I hold in my hand, giving a statement of the forecast of the cotton crop of 1901 as compared with the returns from the census.

Mr. MADDOX. Will the gentleman allow me to ask a question?

Mr. SCOTT. With pleasure.

Mr. MADDOX. I think the gentleman is correct in regard to the reports of the Secretary of Agriculture as to the cotton crop, but what is the necessity of having the Census Office down here

collect the same data as to the cotton crop and furnish the same thing?

Mr. SCOTT. In reply to the gentleman, I will say that the Statistical Division of the Department of Agriculture simply gives a forecast, a mere guess as to what the cotton crop will be. It is of great value to have that forecast either proven false or proven true by an actual count of the crop after it has been harvested.

Mr. MADDOX. Is it not true that the Secretary of Agriculture gets his report and bases his statement upon the returns he gets from the ginners?

Mr. SCOTT. He has not only the reports from the ginners, but he has reports from a great army of people besides. There are in the United States 245,000 men who voluntarily and without compensation report to the Statistical Bureau of the Department of Agriculture touching the condition of the crops in their locality, and it is from the reports of these correspondents that these forecasts are compiled.

Mr. MADDOX. I want to call the attention of the gentleman to the fact that we have established a permanent Census Bureau, and the main idea as advanced here was the great benefit that was to be derived for the farmers of the South in preparing reports of the cotton crop; they are to be given every week, and there is no way under the sun of getting them except in the manner and in the way in which the Secretary of Agriculture is doing now.

Mr. SCOTT. I do not care, in the limited time I have, to be diverted into a discussion of the merits of the permanent Census Bureau.

Mr. MADDOX. Well, to that extent it is duplicated.

Mr. SCOTT. I will simply say that the forecast of the cotton crop of 1899–1900, using it as an illustration, given by the Statistical Bureau of the Agricultural Department, was in the hands of the farmers in December, 1900, while the report given by the Census Bureau followed fifteen months later.

Mr. HAUGEN. May I ask the gentleman a question?

Mr. SCOTT. Certainly.

Mr. HAUGEN. Could not the reports be made to the Weather Bureau as well as to the Statistical Division?

Mr. SCOTT. That involves the question as to whether or not there might be a consolidation of these two bureaus. I am not prepared to say if there can not be. I am very certain that if the telegraphic facilities of the Weather Bureau for the transmission of its reports could be put at the disposal of the Statistical Division for the collection of crop statistics, it would be of great advantage to the Statistical Division. But I insist that the consolidation of these two bureaus is a subject which involves a great deal of careful thought and very mature consideration. I insist that it can not be done offhand, in the heat of debate, in a single afternoon on the floor of this House.

And I beg gentlemen to remember that the bill we have brought to them has not been brought here without due consideration. As the chairman of the committee stated this morning, this bill was submitted to a subcommittee, composed of five of the oldest in the service and the ablest members of the committee, who had it under daily consideration for many weeks. They then brought it before the full committee, and the entire committee considered it for several days. This question we are now discussing was presented very fully before the Committee on Agriculture. The Secretary of Agriculture appeared before us and was questioned, and the Chief of the Statistical Division and the Chief of the Weather Bureau appeared before us, and they were questioned, and as a result of the most careful investigation the committee brought in the bill in the form in which it now appears. If it should be possible to condense the work of these bureaus, to combine them under one general head, it ought to come up in the regular way; it ought to come from the Department, with the recommendation of the Secretary of Agriculture, with the details carefully worked out and after having been thoroughly considered by the Committee on Agriculture. I submit it would not be safe to do it in this haphazard manner on this bill.

I have talked recently with the Secretary of Agriculture, and while I do not feel at liberty to quote him officially, yet I feel I am violating no confidence when I say to this House that he gave me the impression that it was his most earnest hope that no change would be made in this matter. He declared it to be his conviction——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask unanimous consent, Mr. Chairman, that the gentleman's time be extended five minutes.

There was no objection.

Mr. SCOTT. The Secretary of Agriculture expressed it as his firm conviction that this work could not be done any cheaper than it is done now, even if the bureaus were consolidated; and it is his opinion, as it is the opinion of every member of the committee, I am sure, who has given the matter careful consideration, that to strike out the provision for the payment of the clerks which appears now on page 40 of this bill would be to leave that division without any trained help, and would therefore seriously cripple the work of the Department.

Mr. CANNON. Will my friend allow me?

Mr. SCOTT. With pleasure.

Mr. CANNON. It is upon that point the amendment provides the amount that may be used for clerical assistance in Washington, and every one of these men that are necessary to the service now in the civil service can be transferred. The Secretary can reorganize this office and put it under the Weather Bureau; utilize the Chief of Statistics.

Mr. SCOTT. May I ask the gentleman in what particular he expects the economy to be effective if not in reducing the number of clerks?

Mr. CANNON. I expect a reduction in that respect, and probably there should be a reduction also in the Weather Bureau; I do not know about that.

Now, the Weather Bureau gathers three-fourths of the statistics or more that this officer uses. There are two separate machines——

Mr. SCOTT. If the gentleman will allow me, my information is entirely different from his. My information, derived directly from the Secretary in a conversation not forty-eight hours ago, is that no statistics gathered by the Weather Bureau are used in the crop reports of the Bureau of Statistics.

Mr. CANNON. I think my friend must have misunderstood the Secretary of Agriculture. I have very great respect for that officer. But here are two bureaus doing the same work, and the Weather Bureau doing three times as much as the other. These two bureaus ought to be under one head, and it is my information that if they were consolidated you can save $60,000 and get better results.

Mr. SCOTT. I can only repeat that the Secretary of Agriculture is my authority for the statement that there is no duplication of the work of these two bureaus and that if this appropriation is reduced $40,000, or any considerable sum, it will be utterly impossible to do the work that is now being done by the Bureau of Statistics. I earnestly hope the amendment will not prevail.

Mr. BURLESON. Mr. Chairman, I am not prepared to deny that the suggestion made by the eminent gentleman from Illinois [Mr. CANNON] is along right lines. I know that he is animated solely by a purpose to better the public service and economize in the expenditure of the public money. But, gentlemen, I believe this amendment has not been maturely considered, and I fear its adoption will result in great injury to the farming classes.

To show how thoroughly I am in accord with the gentleman from Illinois in his suggestion I will state that after the adjournment of the Fifty-sixth Congress I called upon Secretary Wilson and suggested and urged the very thing that his amendment proposes. I would not be candid if I failed to say that I now believe the Weather Bureau and the Division of Statistics should be under one head. But as a matter of fact there is not, as I understand it, any duplication of work. I believe the gentleman from Illinois is mistaken about that. I have given the matter as to the labor performed by each the most careful investigation, and the Secretary of Agriculture will bear me out in the statement that the Weather Bureau at present is not engaged in statistical work, and that the principal work of each is not in any sense a duplication of the other.

The gentleman from Illinois is undoubtedly right when he states that better results might be secured if this Bureau and this Division could be brought under one head. But I am sure I am not wrong in contending that they ought not to be brought under one head according to the method now suggested by the gentleman from Illinois. This is a matter of great importance to the section of the country that I have the honor to represent. I stand here to give credit to the gentleman, Mr. Hyde, who is at the head of the Division of Statistics for having saved the cotton producers of the South not thousands or hundreds of thousands of dollars, but during the three years that he has made prognostications of the probable output of the cotton crop he has saved the cotton growers of the United States millions of dollars.

It costs only $100,000 a year to continue this work as now proposed in this bill; and where there is this great, this unquestioned, saving of money to the masses of farmers engaged in raising cotton the matter of consolidating this division with the Weather Bureau should not be lightly or hastily dealt with, as now suggested by the gentleman from Illinois.

As I have stated, I know the gentleman from Illinois [Mr. CANNON] is animated by proper motives. I know that his purpose is good; but I appeal to him to withdraw his amendment. Not that I am opposed to the idea which it embodies, for in all candor and honesty I believe that the gentleman's suggestion is a good one that this Statistical Division should ultimately be transferred to the Weather Bureau; but I do not think it ought to be urged

at this time, and I believe the chairman of the Committee on Agriculture will uphold and sustain the view which I express.

I repeat that the forecasts of Mr. Hyde as to the probable output of the cotton crop has saved the farmers of the South millions of dollars. Some of the shrewdest men in the world, representing the interests of the Lancashire cotton spinners, are constantly undertaking during each cotton season to influence the price of cotton by estimating the output or yield for the year, and these estimates or predictions have fixed or largely influenced the price of this great staple prior to the time when the Department of Agriculture undertook this splendid work. Since that date this division has represented truth rather than any particular interest, and those estimates I have alluded to have at times differed from those of the Statistical Division of the Agricultural Department to the extent of 2,000,000 bales—15 to 20 per cent of the entire cotton output.

Last year, when the final estimate of Secretary Wilson was given to the press, cotton, by reason of the confidence that the people had in the accuracy of the figures prepared by Mr. Hyde, the head of this statistical division, advanced materially, as I now recollect it, from one-eighth to one-fourth of a cent per pound.

I urge the gentleman from Illinois to withdraw his amendment at this time, and if he declines to do so, I hope the committee will join me in voting it down. I believe that at an early date this change is to come; I believe and hope that ultimately all these statistical bureaus and divisions will be brought under the control of the Census Bureau or the Weather Bureau in the Agricultural Department, thereby avoiding all duplication. I am opposed to these duplications, and earnestly favor economizing the public money, but I now prophesy that if the amendment of the gentleman from Illinois be adopted it will result in great confusion, great damage to the service, and incalculable loss to that most deserving class, the farmers, who really bear the burdens of government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURLESON. I ask a few minutes more.

There was no objection.

Mr. BURLESON. Secretary Wilson assured me when I discussed the matter with him that there are many difficulties—difficulties which he believes can ultimately be overcome—but at present many and complicated difficulties in the way of uniting this Bureau and Division. But if the gentleman from Illinois will now withdraw his amendment, what he desires will ultimately be accomplished. I favor the consolidation of this Statistical Division with the Weather Bureau, but not now, and I do earnestly hope that the amendment offered by my good friend from Illinois [Mr. CANNON] will not prevail.

Mr. WADSWORTH. Mr. Chairman, I am heartily in accord with the views expressed by the gentleman from Texas [Mr. BURLESON]. I believe that this consolidation of the statistical business in a single bureau ought to be accomplished. The question is merely whether now is the proper moment to do it. I believe that when it is done it will result in better work and at less cost.

I do not care to say anything further at present. This being a measure of administration, as I said yesterday, the committee deferred to the judgment of the Secretary of Agriculture. This is not a question of appropriation, but a question of internal administration.

Mr. CANNON. Mr. Chairman, one word more, and then I am ready for a vote.

I have no pride of opinion about this matter. I have offered the amendment from a sense purely of what seemed to me to be my legislative duty. All about me concur that it ought to be done, but we are told there are difficulties. What they are, I do not know. I will tell you what I think the difficulties are, and I will say it respectfully. I do not know Mr. Hyde; I would not know him on sight; I do not know that I ever met him; I have nothing against him, and, as far as I know, he is a very excellent gentleman and a very capable gentleman; but I do know when a man is on the salary list at $3,000 a year and is the chief of a division and has a force under him he does not like to give up his job. I do not know that he would have to. It may be that he will be the man to be at the head of the Weather Bureau. I can not tell.

I think I know that the telegraph bills of the agents and the telegraph lines and the expenses for daily reports all over the United States, covering the Pacific and the Atlantic coasts, and the Great Lakes, going down into the West Indies and down upon the coast of South America, in constant daily and hourly touch with all this vast territory, come to one center, and that center is the Weather Bureau in the Agricultural Department, and you get the reports everywhere throughout the country and at every commercial center they are published almost in every paper daily. There it is. It gives you the condition, and I do know that much from these agents that covers the conditions of crop and the forecasting of the weather comes in this way.

Now, that is a great big statistical bureau, an enormously large one, much larger than this other Division of Statistics, and yet they are both running neck and neck, and the one that is under Mr. Hyde—I do not know who it was under before—comes in and gives much that was given earlier. Now, I do think that it is good legislation, with a free hand for administration, if we adopt this amendment, upon the part of the Secretary of Agriculture, and to stop that and put it under one head. Now, that is all there is of it. My friend here confesses so; my friend confesses there and my other friend confesses yonder. There is the situation. I would not be much afraid if I was an insurance company, if this amendment is adopted, to guarantee better service to my friend's cotton constituents, and all the balance of the people, at $60,000 less cost for the coming fiscal year with the adoption of this amendment, than we have if the bill stands as it is. I am ready for a vote, so far as I am concerned.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Illinois.

The question was taken.

The CHAIRMAN. The noes appear to have it.

Mr. CANNON. Mr. Chairman, I will have to call for a division.

Mr. ALEXANDER. Mr. Chairman, I would like to have the amendment reported to the House.

The CHAIRMAN. If there is no objection, the Clerk will report the amendment to the House.

There was no objection, and the Clerk again read the amendment.

The committee divided; and there were—ayes 29, noes 44.

So the amendment was rejected.

Mr. WADSWORTH. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 41, after line 13, insert "And the Secretary of Agriculture shall, on or before July 1, 1903, transfer to and consolidate with the Weather Bureau and under the direction of its chief all work of the Department of Agriculture relating to compilation of statistics by the Division of Statistics."

Mr. WADSWORTH. Now, that is in line with what seems to be the general opinion of the committee. It simply directs the Secretary of Agriculture, on or before July 1, 1903, which will give him more than a year to transfer all these statistical works of the Agricultural Department, except the Foreign Markets Division, to the Weather Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $20,000.

Mr. TONGUE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out in line 11, page 48, after the word "subject," the word "twenty" and insert in lieu thereof the word "forty."

Mr. TONGUE. Mr. Chairman, this is the amendment of which I gave notice the other day. I have very little to add to what I then said. I called the attention of the House to the fact that the Federal Government has been extremely liberal in providing for water and railroad transportation. We have already expended over $400,000,000 in the aid of steamboat and water navigation, and we have just passed in this House a bill appropriating $60,000,000 more.

That bill passed the Senate in two hours, with ten millions additional. I called attention to the fact that the Federal Government had expended in money something over $130,000,000 in aid of railroad construction; that it has given to various railroad corporations an extent of territory equal in area to all of New England, to New Jersey, Pennsylvania, and both of the Virginias thrown in. We have been extraordinarily liberal in aid of these two classes of transportation. The result is that the United States in that class of transportation leads the world. Against this we have expended during the last twenty years toward the improvement of our country roads something like $100,000. In this class of transportation, in the matter of the condition of our roads, we are behind the least civilized country in Europe.

Now, I do not expect the Federal Government to enter very largely into the construction of the country highways. This amendment does not contemplate that. The appropriation of $20,000 during past years has been of unusual benefit, at least in stimulating an interest in the improvement of good roads. There is certainly no subject before us that requires greater energy and greater effort to accomplish an improvement in any one direction than in the improvement of common roads. The department to which this matter has been intrusted has been unusually efficient, unusually active, and has produced unsually beneficial results.

The appropriation provided in this bill will enable them to do much. But in order to accomplish the best work this department finds it necessary to teach some object lessons; to travel in different sections of the country and construct specimen roads. They have done this to a considerable extent. They are equipped with the necessary machinery and a force of men for that service, but the appropriation is so small that they are compelled to work principally in the vicinity of Washington or else depend upon the charity of transportation companies to take their machinery elsewhere.

Now, I should like to see this appropriation large enough so that this department can carry on these object lessons in different sections of the country, including the Pacific coast, which I in part endeavor to represent. I understand that the good-roads department asks for $75,000. The Secretary of Agriculture indorsed this request to the extent of $40,000, and I am asking to include that amount in this bill.

I only want to say one word further, that whatever the Government does toward the improvement of the country roads will reach a larger class of people and will do more good at the spot where it is needed than any other expenditure provided in this bill or in any other bill that passes this House of Representatives. This is peculiarly a farmers' measure. It is peculiarly for the benefit of the farming interests. It is a provision for the exclusive benefit of the farmers. It will not go to the benefit of aggretions of capital or to corporations. I hope the committee will yield to the farming interests and to the western section of the United States at least this small amount of consideration.

Mr. HENRY C. SMITH. Mr. Chairman, I move to amend the amendment by striking out the word "forty" and inserting the word "thirty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out "forty" and inserting in lieu thereof "thirty."

Mr. HENRY C. SMITH. Mr. Chairman, I do not care to continue my remarks. I stated what I desired to say upon this subject the other evening. After consultation with the chairman of the committee [Mr. WADSWORTH] he has become satisfied that $30,000 should be allowed.

Mr. TONGUE. I simply want to say, Mr. Chairman, that with the assurance of my friend, the chairman of the committee, that if I will accept $30,000 he will also accept that, I will accept the amendment of the gentleman from Michigan.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. TONGUE. No; I do not ask to withdraw it. I accept the amendment to the amendment proposed by the gentleman from Michigan, modifying the amount to $30,000.

Mr. PEARRE. Mr. Chairman, I should like to inquire what the parliamentary situation is now with regard to this amendment?

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. HENRY C. SMITH] to the amendment of the gentleman from Oregon [Mr. TONGUE].

Mr. PEARRE. Mr. Chairman, a parliamentary inquiry: Would it be in order for me to renew the amendment of the gentleman from Oregon, making the amount $40,000 instead of $30,000?

The CHAIRMAN. The amendment of the gentleman from Oregon has not been withdrawn. He stated that he did not desire to withdraw it, so the two amendments stand. The gentleman from Oregon said he would accept the amendment of the gentleman from Michigan, but he refused to withdraw his amendment, so it is before the committee.

[Mr. PEARRE addressed the committee. See Appendix.]

Mr. WADSWORTH. I believe now, Mr. Chairman, the question is on the amendment offered by the gentleman from Michigan [Mr. HENRY C. SMITH].

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan to the amendment of the gentleman from Oregon [Mr. TONGUE].

Mr. TONGUE. I accepted the gentleman's amendment.

The CHAIRMAN. That could not be done without unanimous consent.

Mr. PEARRE. I withdraw my amendment providing for an appropriation of $40,000.

Mr. HENRY C. SMITH. I ask unanimous consent that the amendment for $30,000 be considered as pending.

The CHAIRMAN. Without objection, the amendment proposing an appropriation for $40,000 will be withdrawn, and the amendment changing the amount to $30,000 will be considered as pending. The Chair hears no objection. The question is therefore upon the adoption of that amendment.

The question being taken, the amendment of Mr. HENRY C. SMITH was agreed to.

The Clerk proceeded with the reading of the bill.

Mr. GROSVENOR (interrupting the reading). Mr. Chairman, I had prepared a brief amendment to come in on line 5, page 47. But the reading had progressed beyond that point before I observed it. I now ask unanimous consent to recur to that part of the bill for the purpose of offering an amendment.

Mr. WADSWORTH. I have no objection.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 47, line 5, for the purpose of offering an amendment. Is there objection? The Chair hears none.

Mr. GROSVENOR. I move to amend by inserting after the word "laws," in line 5, page 47, the words "as affecting irrigation and the rights of riparian proprietors." This amendment is designed simply to make plain and clear the scope of this inquiry into the subject of irrigation. I am in entire sympathy with the object, but I think that the language as it now stands in the bill is not quite so intelligible as it ought to be.

The Clerk read the amendment, as follows:

In line 5, page 47, after the word "laws," insert the words "as affecting irrigation and the rights of riparian proprietors;" so that the paragraph will read:

"Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws as affecting irrigation and the rights of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, with especial suggestions of better methods for the utilization of irrigation waters in agriculture than those in common use, and upon the use of different kinds of power for irrigation and other agricultural purposes," etc.

Mr. WADSWORTH. Mr. Chairman, I have no objection.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken and the amendment agreed to.

Mr. WADSWORTH. I offer the following amendment, to be added at the end of the bill.

The Clerk read as follows:

Insert as a new paragraph after line 8, page 49, the following:

"*Provided further*, That hereafter the estimates of appropriations for the Department of Agriculture shall be prepared and submitted each year according to the order and arrangement of the act for the year preceding; and any changes in such order or arrangement desired by the Secretary of Agriculture may be submitted by note in the estimates."

Mr. WADSWORTH. Mr. Chairman, the object of that amendment is simply to preserve the order of the bill, so that the committee or any member of the House can readily compare with the appropriations of the preceding year. The estimates now come to us in all sorts of order, and it is hard to get at them.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

The question was taken, and the amendment agreed to.

Mr. CANNON. Mr. Chairman, I offer as a separate paragraph the following amendment, which I will ask to have read.

The Clerk read as follows:

Insert at the end of the bill the following:

"It shall be the duty of the Secretary of Agriculture to submit, in the Book of Estimates for the fiscal year 1904, and annually thereafter, immediately following estimates of each of the respective offices, bureaus, and divisions of the Department of Agriculture, a statement showing in detail the number of persons, other than day laborers, who are employed in the District of Columbia upon regular and continuous work for thirty days or more during the previous fiscal year in or under such offices, bureaus, or divisions under authority of and paid from general appropriations, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid."

Mr. WADSWORTH. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment agreed to.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R.

13895), the agricultural appropriation bill, and had adopted sundry amendments thereto, and had directed him to report the same back with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, the Chair will submit them in gross.

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

AMERICAN JEWS IN RUSSIA.

Mr. HITT. Mr. Speaker, I desire to submit a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Illinois calls up a privileged report from the Committee on Foreign Affairs, which the Clerk will report.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred House resolution 183, calling upon the Secretary of State to inform the House of Representatives whether the Russian Government is discriminating against Americans of the Jewish faith visiting or attempting to visit Russia, have duly considered the same, and report it back to the House with the following amendment:

In line 3, after the word "House," insert the words "if not incompatible with public interests."

As amended the committee recommends the adoption of the resolution.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HITT. Mr. Speaker, before the resolution is voted upon I think it should be read, and I ask that it be read at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives of the United States, That the Secretary of State be, and he hereby is, respectfully requested to inform this House whether American citizens of the Jewish religious faith, holding passports issued by this Government, are barred or excluded from entering the territory of the Empire of Russia, and whether the Russian Government has made or is making any discrimination between citizens of the United States of different religious faiths or persuasions, visiting or attempting to visit Russia, provided with American passports; and whether the Russian Government has made regulations restricting or specially applying to American citizens, whether native or naturalized, of the Jewish religious denomination holding United States passports, and if so, to report the facts in relation thereto, and what action concerning such exclusion, discrimination, or restriction, if any, has been taken by any Department of the Government of the United States.

Mr. HITT. Mr. Speaker, the resolution is a plain resolution of inquiry. The gentleman who introduced it—the gentleman from New York [Mr. GOLDFOGLE]—desiring to make some remarks upon it, I will, before asking for a vote, yield to the gentleman from New York fifteen minutes, or such further time as he desires.

Mr. GOLDFOGLE. Mr. Speaker, the resolution now before the House, for the favorable report on which I render grateful acknowledgment to the Committee on Foreign Affairs and its able and distinguished chairman, does not deal with Russia's treatment of nor her proscriptive policy toward her own subjects, but with a matter that intimately concerns and affects the rights, privileges, and prerogatives of American citizens. It involves the question what duty Russia owes to our own country in the recognition of American passports and whether that country ought longer be permitted to refuse admission to her territory to American citizens, armed with American passports, on the ground of their professed or supposed religious faith.

Shall a nation with which we are at peace and with which we hold commercial and diplomatic relations be permitted to dishonor our passport because of our citizens' religious creed? Ought not the United State insist now that her citizens, when abroad and well behaved, be accorded equal rights to travel freely without regard to race or creed?

So, Mr. Speaker, the resolution calls for information on a subject affecting directly the rights of American freemen and concerns the principles of true Americanism. It will, I am sure, appeal to every loyal-hearted American who believes, as I do, that whether abroad or at home the American citizen, regardless of race, creed, or color, is entitled to the aid and support of our National Government and the fullest protection of the American flag. [Applause.]

The subject of Russian persecution, Russian barbarity, and Russian inhumanity toward the Jews is not altogether new to this House. It has been officially brought to the attention of Congress; it found place in diplomatic correspondence between the State Department and our legation at St. Petersburg, and so appalling were the acts of persecution, and so frightful the atrocities practiced upon this people in Russia, that yielding to those natural and sympathetic impulses which always animate the American people wherever the wail of the oppressed or the woes of the persecuted reach our ears, that in 1890 the House of Representatives gave expression of this country's sentiment by the adoption of a resolution declaring that we heard with profound sorrow and feelings akin to horror, the reports of the persecutions of the Jews in Russia, reflecting the barbarism of past ages, disgracing humanity, and impeding the progress of civilization, and we directed that a copy of those resolutions be forwarded to the Secretary of State with the request that he transmit it to our minister at St. Petersburg to present it to Alexander III, then Czar of all the Russians.

Thus, sir, spoke America when she learned of the stories of the inhuman and barbarous treatment by a friendly power of a people persecuted for no other reason than that they were loyal to conscience and professed the religion of their fathers. Surely not until Russia's hatred and wild fanaticism had culminated in mad ferocities toward an unoffending people was the voice of America officially uplifted in our National Congress in the hope that the condition of an outraged people might be ameliorated and the inhuman and stony heart of the despotic Czar be softened through the friendly counsel of our God-blessed Republic.

For centuries the Jews have been, and indeed they are still at this day, the object of Russia's hate, the butt of her frenzied fanaticism, the target of her savage and tyrannous despotism. Among all the other persecuted people of the earth none have suffered so intensely from the spirit of intolerance and bigotry as the Jews in Russia. In the line of our benign and enlightened policy to extend our sympathy to the downtrodden and persecuted in other lands, and our friendly counsel for the betterment of their condition, in as politic a manner as the etiquette of diplomatic intercourse permits, we sent across the Atlantic, for Russia's consideration, our message, which in the light of the civilization of our age and our country's friendly relations with the land of the Czar, one might well presume would not have gone unheeded.

Yet, alas, the pitiless and merciless heart of the autocrat remained untouched. The unfeeling and obdurate Russian was too steeped in narrowness and bigotry to lend willing ear even to friendly America when enlisted in the holy and consecrated cause of human freedom.

I shall refrain from a recital of the details of Russia's fiendish cruelties and her accursed and horrifying acts of persecution of a people whose only crime is their birth, whose only offense was loyalty to conscience. Nor shall I on this occasion attempt a recital of many of the recorded and authentic reports of the frightful and unnatural crimes, born of malevolent hate and bigoted vindictiveness which blasphemously in the name of religion it has defamed, has blackened the pages of Russia's history.

Though born on Russian soil, the Jew in Russia has been regarded and treated as an alien. Yet by Russian law and imperial decree he has been denied privileges and rights accorded to aliens of other faiths. Persecuted as no people have ever been in any country, he has been treated as an outcast, and hounded and punished in many places in the Czar's dominions as worse than vilest criminal.

He has been denied the protection of the laws; he has been the object of every Russian's rapacity, and his person was assailed by miscreants who felt immunity from punishment, for they knew the attacks rather pleased than offended Russian authority. In some parts, under penalty of fine and imprisonment for its omission, he was compelled to don distinctive garb, which made him the object of Russian scorn and derision and laid him open to personal infliction.

The sanctity of his domestic hearth was invaded, and with his family he was driven, even in the cold and biting winds of winter and Russia's icy blasts, into the streets, to be attacked by excited and infuriated mobs; he and his family, with unspeakable cruelty, were driven into exile and forced in poverty and wretchedness to wander and seek habitation in a more hospitable clime; his home was robbed and pillaged; his possessions became a prey for Russian greed; his women were ravished, and even the innocent babe, nursing at it's mother's breast, was not free from the zealots' rage.

Even the nursling was torn from mother's breast and put to death. Families were separated, their members beaten, despoiled, knouted in the open street or country road; Jewish quarters were razed and fired and made an incident of the work of the fiendish fanatic; and, in the spirit of the fiend incarnate, men were massacred, women and children butchered. Such has been the unfortunate condition of the Jew in Russia.

For many of these brutalities and atrocities, the Government has disclaimed responsibility, but its failure to protect the assailed, its neglect to punish the perpetrators of the dastardly crimes, its

policy of proscription, its intolerant and restrictive laws and imperial decrees, its hundreds of laws and edicts specially directed against the Jew, breathing in every line bigotry, hate, malice, and oppression, and holding him forth as an object of scorn and contempt, places upon Russia the responsibility which she can neither excuse nor, in the eyes of a candid or impartial world, evade.

I have briefly spoken of Russia's treatment of Israelites in her own country, to show the extent and the effect of her proscriptive policy. Now, then, to her treatment of our own citizens.

Some of the gentlemen of this House may not be aware that when an American citizen about to proceed abroad makes inquiry of the State Department as to his right to travel in Russia, he receives a reply in printed circular, containing this significant statement:

The laws of Russia also exclude from Russian territory, except by special permission, all people of the Jewish faith, and while this Government has been endeavoring for some years to secure a relaxation of this restriction, it is only proper to warn those who are in the category to which they refer it has not been able to secure from the Russian Government uniform treatment for all American travelers in Russia without regard to their religious faith or place of birth.

This is the statement made to our citizens whose proud boast it is that our country, thank God, permits no inquiry or inquisition into any man's religious belief. How surprising this language to us, whose glory is that this is the country of civil and religious liberty, where all men are regarded equal before the law! How startling a warning to an American citizen of Jewish birth to keep out of the Czar's dominion, or take the consequences of Russia's barbaric treatment! How plain the caution to an American citizen of the Jewish faith that if he ventures into Russia, though armed a hundred times with American passport, he must expect to be visited with pains and penalties Russia dare not inflict upon citizens of other faiths or creeds! I say this in no spirit of criticism whatever, for unfortunately it is true that Russia makes this discrimination, and it is well and commendable for our State Department to give timely notice to our citizens of that fact.

Let me call your attention to a few of the many hundred cases which forcibly illustrate Russia's intolerant restriction against American Jews, and her bigoted exclusion, save in special and exceptional cases, of the American citizens from her country, for no other cause than their religious faith. Nay, sir, the Russian Government openly avows that whether the citizen be native of these United States or adopted by ties of naturalization, the restriction and exclusion equally applies. Nor does it matter whether the American Israelites be rich or poor, high or low, artisan or merchant, lawyer or professor, unknown or renowned, eminent or distinguished—all, all alike—come under Russia's ban and fanatical interdiction, to which we ought, in no uncertain sound, voice our indignant protest.

But recently a native American traveling abroad applied to the Russian consul at Berlin to visé his passport. Why, sir, the first question propounded was as to his religion. Stating that he was a Jew, he was informed that his admittance into Russia was impossible. After much difficulty and delay he was told that he might be granted a permit for an eight-day stay, after which he must depart. Refusing to accept this limited permit, he was denied admission into the Czar's domain. Yet this man held an American passport.

But a few months ago I applied to the Russian ambassador to visé the passport of a highly respectable American lady who, understanding the restrictions, asked for my intercession. A heart filled with filial love bade her go to the bedside of her dying parent. The ambassador politely declined the request, basing his refusal on the fact that the woman was a Jewess, but advised an application to some Russian consul, who, he said, would investigate into the special circumstances of the case, cable, if necessary, to St. Petersburg at the applicant's expense, and then probably grant a special permit.

I call to mind the case of an eminent and distinguished Jewish divine, an American citizen—I am quite certain, a native American. He, too, held our passport. Members of Congress and Secretary of State interceded in his behalf, yet the Russian ambassador refused to visé, placing his refusal on the ground of the clergyman's religion. His desire to visit Russia to study the condition of the oppressed Israelites there caused him to apply to Mr. Gresham, then Secretary of State. Our minister at St. Petersburg, Mr. White, was cabled to, and he replied to the Secretary, "Russian Government deeply regrets its inability to comply with request in behalf of reverend Jewish divine." Only after much diplomatic correspondence and powerful influence and intercession was it that this reverend gentlemen, a writer and an orator of fame and distinction, was permitted to pursue his travels in Russia.

Still another case of recent occurrence comes to my mind at this moment. A young American, born on our soil, educated in our schools, highly respected, while on a trip abroad learned of his grandparents' serious illness in Russia. What more natural than that he should wish to visit these aged people, bearing to them a message of love and cheer from their children on this side of the water. Yet he experienced no small difficulty in obtaining permission for a few days' stay in Russia, and came very near having his request absolutely refused.

That I may not encumber the RECORD with wearying detail I cite but one more case, though similar cases are legion. A young American citizen while on his journey presented his passport for visé at Berlin. What think you he was compelled to do? He appeared before our consul-general at Berlin, and before he could obtain even a permit for a limited stay in Russia he had to subscribe and make oath to an affidavit, the form of which allow me to read:

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
City of Berlin, Kingdom of Prussia, German Empire, ss:

A. B., bearer of passport No. —, dated ——, issued by the Department of State, being duly sworn, deposes and says: "That he is of the Jewish religious faith, and desires permission to visit Russia for a period not exceeding four (4) weeks."

A. B.

Sworn to before me and subscribed at Berlin this —— day of ——, 1901.
[SEAL.] FRANK M. MASON,
Consul-General of the United States.

He would have been wanting in patriotism and love of our free institutions had the hot blood of indignation not mounted to his cheek when to procure a permit for a brief stay in Russia, though provided with our passport, this man was required to submit before our consul-general to an inquisition, under oath, touching his religious belief. Yet this was the price of manhood Russia exacted—this was the humiliation the Russian autocrat demanded of one of our sovereign citizens.

As an American, fondly loving this Republic, venerating her free, her liberal, her ennobling institutions, and glorying in her marvelous achievements and transcendent genius, as one whose affection for the Stars and Stripes thrills every fiber of my heart with patriotic devotion, and who yields to none in feelings of deepest gratitude and appreciation of our broad tolerance and priceless liberty enjoyed by every man within our borders, I stand in this Chamber solemnly protesting against Russia's policy of proscription and persecution; against her unjust and oppressive discrimination she makes between our citizens merely because they differ in creed. [Applause.]

In the name of the eternal law of justice that Russia, in her maddened hate and blinded superstition, has foully violated; in the name of the divine law of truth and right, whose underlying principles she has brutally offended; in the name of civilization, in whose vanguard we have ever marched triumphant and whose luminous banner we have ever proudly borne aloft, whose refining influence is still stranger to the Despot of the North; in the name of humanity, whose attributes entered into the spirit of our fathers when in the creation of this Republic they declared for liberty of thought and freedom of conscience, which Russia has cruelly outraged; in the name of the brotherhood of man, within whose charmed circle fraternal love and peace and toleration should find their abiding place, but against which Russia has raised her hands like the Ishmaelite of old; aye, sir, in the name of liberty and freedom, the choicest heritage and proudest possession of an American freeman, in whose starry temple is ineffaceably inscribed the recognition of the equality of man, I invoke the Government of the United States to assert its demand that no invidious distinction shall be made between its citizens by foreign powers because of creed, but that in times of peace, when journeying abroad, they shall be accorded, be their origin or creed what it may, uniform treatment and protection. [Applause.]

It was that illustrious American, that distinguished internanational lawyer and eminent statesman, James G. Blaine, who, when Secretary of State, wrote touching this subject to our minister in Russia:

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign powers for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their religion or creed. So that they abide by the laws at home and abroad, it must give them due protection and expect like protection from them. Any unfriendly or discriminatory act against them by any foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty existed or not.

This is American doctrine, this is sound international rule, to sustain which no mere sporadic or occasional mild remonstrance will suffice.

What more did this eminent Secretary of State say on the subject? Let me read:

We have been moved to enter into such international compacts [referring to our treaty with Russia] by the considerations of mutual benefit of reciprocity, by the same considerations, in short, which have animated Russia from the time of the noble declarations of the Empress Catherine in 1784 to those of the ukase of 1860.

We have looked to the spirit rather than to the letter of those engagements and believe they should be interpreted in the broadest way. It is therefore a source of unfeigned regret to us when a Government, to which we are

allied by so many historical ties as to that of Russia, shows a disposition in its dealings with us to take advantage of technicalities, to appeal to the rigid letter and not the reciprocal motive of its international engagements in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrongdoing or of no violation of the commercial code of the land, but of simple adherence to the faith of their fathers.

And further on Mr. Blaine continued:

He conceives that the intention of the United States in negotiating and concluding the treaty of December 18, 1832, and the distinct and enlightened reciprocal engagements then entered into with the Government of Russia gave us a moral ground to expect careful attention to our opinions as to its rational interpretation in the broadest and most impartial sense; that he would deeply regret, in view of the gratifying friendliness of the relations of the two countries which he is so desirous to maintain, to find that this large national sentiment fails to control the present issue, or that a narrow or rigid limitation of the construction possible to the treaty stipulations between the two countries is likely to be adhered to, that is, after a frank comparison of the views of the two Governments in the most amicable spirit and with a most earnest desire to reach a mutually agreeable conclusion the treaty stipulations between the United States and Russia are found insufficient to determine questions of nationality and tolerance of individual faith, or to secure to American citizens in Russia the treatment which Russians receive in the United States, it is simply due to the good relations of the two countries that these stipulations should be made sufficient in these regards.

Yet with all this the proscription goes on, the Hebrew-American citizen is excluded, the discrimination is continued, and the passport is dishonored.

If, notwithstanding Blaine's logical and rational interpretation of the treaty, Russia still finds safety in resorting to cunning, strained technicality, let us insist, in no uncertain or wavering way, upon correcting the defect by supplement or amendment to the treaty so that clearly and specifically our countrymen be afforded equal privileges and uniform treatment in unrestricted travel.

In the light of what I have read from the pen of so great an authority and so profound a statesman as Mr. Blaine, I am not prepared to concede that Russia may hide behind the language of the treaty. The badge of citizenship confers the right on every law-abiding American, in times of peace, to travel unmolested anywhere on God's green footstool. [Applause.]

When the foreigner comes to our shore, whether to travel or to sojourn or seek an asylum and a home, we ask not, we care not, what his faith, what his belief, what his professed religious creed. We judge him by his merits and behavior as a man. We afford him the hospitable shelter of our land, demanding only that he shall not misconstrue liberty for license. And this we do, sir, not as matter of gratuitous favor, but in virtue of the cardinal principles of our Government, thundered out to the world by a Washington, a Jefferson, an Adams, and a Patrick Henry, and the others of the patriot band of our Revolution, when in the City of Brotherly Love they proclaimed America's creed, "Liberty throughout the land and to all the inhabitants thereof."

The sublime doctrine of our national life engrafted in the Declaration of Independence, "All men are created equal, and are endowed by their Creator with certain inalienable rights; among these are life, liberty, and the pursuit of happiness," is the essence and acknowledgment of universal brotherhood.

In the exercise of the highest ideal of America—civil and religious liberty—our country has flourished and prospered as none other since the creation of the world.

Through its means we have cemented the ties of our common citizenship, gave hope and cheer to every man within our borders, and instilled the noblest ambitions and highest aspirations; banished class distinction, dispelled base prejudice, and secured the emancipation of the slave. Civil and religious liberty, consecrated by the suffering and martyrdom of our Revolutionary fathers, jealously guarded through every epoch of our nation's history and our nation's trials, has been the potent factor to upbuild and uplift humanity, and to make this country the foremost, the most enlightened and progressive on the face of the earth. [Loud applause.]

Imbued with this spirit, the hearts of the American people are ever filled with sympathy for struggling humanity. Whether it be the oppressed Irish, whose history is filled with the painful story of suffering and bitter persecution, or the sturdy Burghers of the South African republics, whose brave struggle for liberty and maintenance of self-government has excited the attention of lovers of freedom everywhere, or the persecuted Armenian in far-distant clime, or the struggling Cuban, to secure whose release from the thraldom of Spanish tyranny we won the victories which proved America's prowess and challenged the admiration of the world, or the poor unfortunate Filipinos, who lovingly, anxiously look to us for the grant of liberty and national freedom—all, all alike receive the sympathy of broad, brave, tolerant America. [Applause.]

At this very hour comes flashed across the waters the consoling news that Russia's monarch is to give his people a constitution. God grant it be so, for it will betoken at least that the entering wedge has been made for the betterment of a nation for ages past enslaved by the power of the autocrat. It will be hailed as the rainbow of promise for the amelioration of a people ground down under the iron heel of despotism.

If in the past America has not succeeded in obtaining for her citizens, regardless of creed, uniformity of treatment on their journeys to Russia; if the efforts of our Government in that direction have not met with success, let not those defeats discourage or dismay us.

Mr. SULZER. Will my colleague permit me to interrupt him for a moment?

Mr. GOLDFOGLE. Certainly.

Mr. SULZER. Does not my colleague believe that in view of this nation's greatness and its influence as one of the great world powers, we may meet with better success now in having the unfair restrictions removed? If Russia is discriminating against American citizens, no matter what their nationality or religious belief may be, we ought to know it. The resolution is in the right direction, and I congratulate my colleague from New York [Mr. GOLDFOGLE] in having succeeded in getting it before the House. I sincerely hope the resolution will be adopted without a dissenting vote.

Mr. GOLDFOGLE. I thank my colleague for his inquiry and his compliment. Yes, Mr. Speaker, our nation is greater—more powerful—than it was when those efforts were made many years ago. We enjoy to-day the high respect, the lofty esteem, the cherished friendship of every nation on the earth. Foreign powers court our favor. We have become one of the great powers of the world. Our eminence of station among the nations gives assurance that our friendly counsel and diplomatic intercession will go far to secure now for our citizens abroad what from Russia we were once unable to obtain.

Ever valiant in the defense of right, let America, whose divine mission destines it to spread enlightenment throughout the world, demand from the Government which now unjustly denies them the rights to which every citizen of our dear land is entitled when journeying under what should be his safeguard—an American passport. Who knows but it will be but another step in the ever-onward, irresistible, unconquerable march of human progress and enlightenment which eventually will lead the whole world to recognize the universality of human brotherhood and bring to all mankind a realization of universal love. Then will be the time—

When the war drums shall be muffled, and the battle flags be furled,
In the Parliament of Man, the Federation of the World.

Sir, I ask the passage of the resolution. [Loud and continuous applause.]

The resolution as amended was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

HATTIE M. WHITNEY.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4927), and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SCARBOROUGH, for ten days, on account of important business.

To Mr. FOX, for ten days, on account of important business.

TAXES ON PERSONAL PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

Resolved, That it shall be in order to amend the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1903, by the insertion, on the recommendation of the Committee on Appropriations, of legislation providing for the assessment and collection of taxes on personal property in the District of Columbia.

Mr. DALZELL. Mr. Speaker, the bill referred to in the resolution is the District of Columbia appropriation bill. It seems that there is a pressing necessity at this time for the enactment of some legislation relating to the assessment and collection of taxes upon personal property in the District. The purpose of the rule is to make an amendment of that character relating to taxation in order upon this bill, as otherwise there would not be.

Mr. MUDD. Mr. Speaker, I should like a minute or two for a question.

Mr. DALZELL. I yield to the gentleman from Maryland two minutes.

Mr. MUDD. I want to say, Mr. Speaker, that ordinarily I think a rule of this kind would be highly improper. In conversation with the chairman of the Committee on Appropriations [Mr. CANNON], however, I am led to understand that it is not the intention to provide for any new assessment law, but to recall into being the machinery for the enforcement of the one

now on the statute books, which for the want of that machinery has been declared by the courts to be inoperative. I should like to ask the chairman of the Committee on Appropriations or the chairman of the subcommittee if I am right in that information.

Mr. McCLEARY. The gentleman's statement is substantially accurate.

Mr. MUDD. Mr. Speaker, while ordinarily, of course, as a member of the Committee on the District of Columbia, I should resent anything that looked like an invasion of the jurisdiction of that committee, in view of the present exigency for revenue under which the District is laboring, and after the statement of the chairman of the Subcommittee on Appropriations, I shall not make any strenuous objection to this rule.

Mr. SIMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] yield to the gentleman from Tennessee?

Mr. SIMS. For a question only.

Mr. DALZELL. Yes.

Mr. SIMS. I should like to ask the gentleman from Minnesota whether or not it is a fact that the Committee on Appropriations addressed some communication to the District Committee stating what they were going to do, or giving notice of this proposed rule?

Mr. McCLEARY. The communication which I understand the gentleman to refer to was addressed to the Commissioners of the District of Columbia, and it was published in the newspapers at the time. The District Commissioners are the vehicle through whom the information would regularly come to the District Committee. The communication of the Appropriations Committee was published in the newspapers, as I have said, and was thereby brought to the attention of the Committee on the District of Columbia.

Mr. SIMS. So the District Committee have had full notice of what is proposed?

Mr. McCLEARY. Yes; in that way, at least.

Mr. HEPBURN and Mr. RICHARDSON of Tennessee rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has the floor.

Mr. RICHARDSON of Tennessee. I desire the gentleman from Pennsylvania to yield to me for a minute or two.

Mr. DALZELL. I yield two minutes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, having consented to this rule as a member of the Committee on Rules, I feel that I ought to say a word. Ordinarily I do not favor giving the Committee on Appropriations or any other committee jurisdiction of matters beyond their control under the rules of the House. That is what is done in this case.

That ought not to be done except in case of an emergency. It is the purpose to ingraft upon a general appropriation bill a legislative provision that ought to have been submitted by the committee that under the rules of the House has jurisdiction of questions of that kind, the committee in this case being the Committee on the District of Columbia. That committee should have considered this amendment, and should have reported it. I am not lecturing the committee. I understand that it is absolutely necessary to have consideration, and therefore this rule making it in order to put it upon an appropriation bill.

I say it is rather to be deplored it is to be put upon an appropriation bill. It can not there be considered in the same disinterested way that it could be if it had been submitted as a legislative proposition from the Committee on the District of Columbia. If it goes on a general appropriation bill it goes with all the force that a general appropriation bill carries with it. This is a legislative rider. Gentlemen might not agree to a legislative "rider," but "the rider" gets an immense advantage when placed upon a general appropriation bill. It is known that the appropriation bill must pass, and therefore sometimes obnoxious and objectionable legislation as a "rider" is put upon and ingrafted upon a regular appropriation bill. Under the rules that can not be done. This rule makes it in order to ingraft this legislative proposition on a general appropriation bill, and this appropriation bill will be used as a vehicle to carry it through.

Now, I do not know what the propositions are, or the matters to be submitted by the Committee on Appropriations; but, inasmuch as it is to be presented to the committee, and to be considered here in the Committee of the Whole, an opportunity to be given to discuss it, and amend it, and put it into shape if not already in proper shape, there is less objection to putting it in this appropriation bill. For these reasons, Mr. Speaker, I did not object in the Committee on Rules to make this proposition in order as a part of this general appropriation bill. That is all I desire to say.

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. I yield five minutes to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, so far as I understand this subject it is proposed to consider, I heartily concur in the purpose of this legislation, yet it seems to me that this proposition now before us is of so extraordinary a character that there ought to be some explanation as to why it is necessary. It is violative of two of the well-established rules of this House, namely, that legislation of this character shall not be considered on an appropriation bill; second, it takes jurisdiction of an important matter from a committee of this House that we have the right to assume has carefully considered the subject. It usurps that jurisdiction. Now, to my mind there ought to be some explanation made to the House of why it is necessary. Who has been derelict in duty, if there has been dereliction; who has failed to meet the responsibility, if there is a failure of that kind. I think some explanation should be made as to this extraordinary procedure, and while I expect to aid, so far as I can, in securing the legislation that I understand is sought, believing it to be necessary, yet the procedure is so singular and peculiar that there ought to be a reason assigned for it.

Mr. DALZELL. Mr. Speaker, I quite agree with my colleague on the committee, and with the gentleman from Iowa, that ordinarily it is not the function of the Committee on Appropriations to legislate. But this rule is not an unprecedented rule. Such rules have been adopted in like exigencies in previous Congresses, both Democratic and Republican. Such a rule was adopted in the Fifty-second Congress, when the gentleman from Tennessee [Mr. RICHARDSON] was in the chair, whereby legislation was provided for upon the legislative, executive, and judicial appropriation bill. A similar rule prevailed in the Fifty-fourth Congress, when legislation was provided for upon the District appropriation bill. I understand this to be a case of exigency, and I understand that the rule is not complained of by the Committee on the District of Columbia, after they had been advised of the character of the proposed legislation.

Now, as to the necessity of this legislation, I yield five minutes to the gentleman from Illinois, or as much time as he may want.

Mr. CANNON. Mr. Speaker——

Mr. McDERMOTT. Will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. Certainly.

Mr. McDERMOTT. I have been at a considerable study as to what is meant by the provisions of the personal-tax bill of the Senate, because it affected an interest that I am interested in; but leaving that question aside, I find that that bill was so drawn that in many instances in the city of Washington it would in the way of license tax impose a tax upon people in this city of about 50 per cent of the income derived from the avenues they were taxed for being in. I have not had any opportunity to learn what kind of a personal-tax bill is to be considered as an amendment to this bill. Has it been printed?

Mr. DALZELL. It has not been, I am informed. I will say to the gentleman from New Jersey that I am not informed as to the details of the proposition to be put upon this bill, but it will be subject to amendment as any other paragraph of the bill.

Mr. MOODY of Massachusetts. Let me say to the gentleman from New Jersey that the amendment which is to be offered to this bill is not the Senate tax bill.

Mr. McDERMOTT. There is not a man in this House, in my opinion, I care not how familiar he is with the subject, can take the Senate tax bill and in a week decide which provisions are advisable and which are inadvisable.

Mr. DALZELL. I think the gentleman from Illinois can give the gentleman from New Jersey some light on that subject.

Mr. CANNON. Mr. Speaker, in a very few words I think I can place the House in possession of the facts for the necessity for this rule. If adopted it authorizes legislation to impose taxation on personal property in the District. The Committee on Appropriations never desires to be burdened with matters of legislation. It is an appropriating committee, and when you begin to legislate touching any given question it involves a great deal of work. I do not know of any member of that committee, with the work we have to do, who is standing around wanting to hunt up more. [Laughter.] It is not a matter of love, but rather a matter of necessity, that made this committee appeal to the Committee on Rules for this order for the consideration of the House.

Now, what is the condition? The bill that we report and are to proceed to consider presently is the District appropriation bill, and on its face it recommends appropriations much larger than the District revenues, and a similar sum from the Federal Treasury for the coming year, taking the estimate under existing law as it is administered, so that somebody will not be paid under this appropriation unless there is some provision made to meet the items appropriated for.

Now, there are several ways of meeting them. One way would be to borrow the money; another way would be for the United

States to advance the money out of the Treasury for the District's part, and another way, and the best way, is to pay as we go. Now, then, not knowing what legislation might be had, your Committee on Appropriations reports the provision on this bill providing for a horizontal reduction of 10 per cent of the amount recommended unless on or before the 1st of July next a law shall be enacted imposing a tax upon personal property in this District. That is one way we propose to meet it, so far as the committee is concerned. But, after all, that is not a very satisfactory way to do it. How else can it be done? There is practically no taxation upon personal property in the District. It goes without taxation. It seemed to your committee that personal property ought to pay its share of taxes. We waited for two months for appropriate committees of the Senate and House to report some legislation. None was reported. We waited and waited until we were forced, practically forced, to report this bill. We reported it.

Now, you may say, what kind of legislation are we going to recommend if this rule is adopted? Very short, and I think to the point. In 1877 there was an efficient and sufficient personal property tax bill that passed Congress, and it is the law to-day. In 1878, under a provision in that bill, the District Commissioners consolidated certain offices, and officers necessary to carry out that bill was a board of review of four people. Now, they consolidated three of them out of existence, and there has been no machinery since that time by which there could be an equalization, and there has been no payment of taxes since that time except voluntarily on personal property.

Litigation in the courts found that defect, and there we are. Now, that is a good tax law, in my judgment. Anyhow, it is on the statute book, and your committee, in my judgment, will move, if this rule is adopted, to provide the machinery to carry out existing law under which and by which the stock of corporations that are not otherwise taxed, personal property, choses in action, including the stock of national banks, will be listed for taxation, and when listed the law already in existence will impose a cent and a half tax. We trust that will give money enough so that we can strike off in conference, in the event this legislation is enacted, the 10 per cent cut.

We will have to have a great deal more money than that, though, if we are to do many things that are proposed to be done. There is a municipal building authorized yesterday not provided for here; advances already made by the United States under former legislation not provided for except as we may provide for them by this tax bill; burdens in connection with the terminal legislation a year ago; the construction of a bridge across the Potomac; contributions to the elevation of the railway line; and all that kind of thing, and an appropriation made by that legislation to pay it out of the United States Treasury not provided for unless we provide something by further taxation. I will not enter upon the domain of the $10,000,000 of taxation that is proposed to be levied upon the District and the United States by the new terminal bill, taking substantially all the burdens of the terminal bills of two years ago; it will be sufficient to meet these matters as they come up. But without regard to anything else than what is now actually in sight, it is necessary that we should either borrow money or provide this machinery to enforce existing law for the levying of taxation on personal property. I think it ought to be done; and I believe the House, if it has the opportunity, will so legislate.

Mr. RICHARDSON of Tennessee. Inasmuch as we have not been able to see the legislative proposition which the gentleman's committee is to submit, I wish to ask if it is confined altogether to the assessment of taxation on personal property?

Mr. CANNON. Yes; personal property. Real estate is already taxed.

Mr. RICHARDSON of Tennessee. I ask the gentleman if he does not think it would have been wise, if we are to take cognizance of this question of taxation in the District, to provide also for some way of revising the system of taxing realty in this District? As I understand, the realty is now assessed 1½ cents on the dollar, but the valuation of real estate, if I am not misinformed, is very low.

Mr. CANNON. It is assessed, as I understand, at about 65 per cent of its actual value.

Mr. RICHARDSON of Tennessee. If there were a fair assessment or valuation of the realty in this District, it seems to me we would get all the money we need, so that I think it would have been very well if the proposition of the committee had gone to the extent of considering in some way a measure by which there could be a fairer valuation of real estate for purposes of taxation.

Mr. CANNON. We have taken that question into consideration. The law now provides for the assessment of realty. But, after all, the making of law is one thing, and the enforcing of it is another. Your committee will, I think, offer an apt proposition for securing proper taxation of personal property in this District. Perhaps I might just as well outline this plan as to refer to it in general terms.

At present the District Commissioners appoint the assessor and his assistants. The Commissioners create these assessors, appoint them, dismiss them. They respond to the District Commissioners. Now, these Commissioners are very excellent gentlemen; but heretofore, by their action for almost twenty years, the personal-tax law has been annulled, Congress acquiescing. Now, the Commissioners to a certain extent respond to the local sentiment. When we pass this personal-tax law, will the assessors find the property which it is designed to tax? They will find the stock of corporations, undoubtedly; but will they find the credits and the money? This question is arising all the time in our respective States; and in the main the assessors do find this species of property in the respective States, because they are responsible to the people. Now, I apprehend we shall propose an amendment that the assessor and his three assistants who are to make this assessment shall be appointed by the President—not with the advice and consent of the Senate, but by the President.

In other words, in my judgment, taking into consideration this location and the surrounding conditions—without abusing or criticising anybody, and I am not doing so—the people who are to do this assessing—who are to value this property—ought to be responsible to the Chief Magistrate and receive in the performance of their duty the protection they would thus receive.

But that matter will come up later; I did not intend to refer to it now. I think that when this amendment is reported the House will be satisfied that it makes at least a foundation for sensible legislation to the end desired.

Mr. GROSVENOR. Allow me a suggestion. I assume that these amendments to which the gentleman is now referring will not be reached in the orderly course of business this evening?

Mr. CANNON. Oh, no.

Mr. GROSVENOR. May I suggest, then, to the gentleman from Illinois that the proposition as prepared by the committee be printed in the RECORD of to-day's proceedings?

Mr. CANNON. I do not know whether that will be practicable or not. If it be practicable, no doubt the gentleman in charge of the bill, the chairman of the subcommittee [Mr. MCCLEARY], will do so.

Mr. GROSVENOR. I do not know, of course, whether the amendments are so far ready——

Mr. CANNON. If it be practicable that will be done.

Mr. FITZGERALD. If the gentleman from Illinois will allow me, I wish to ask him whether there has been any estimate made as to how much money will be realized from this system of taxation?

Mr. CANNON. It has been hard to reach such an estimate. Nobody can tell how much property of this kind will be found. If we can devise a law which will find the property, then, in my judgment, we ought to get from this source a million and a half of dollars.

Mr. FITZGERALD. On what does the gentleman base his judgment?

Mr. CANNON. I do not care to discuss details now. I have only spoken of the subject at this time because there seemed to be a desire on the part of the House to know the necessity of adopting this rule.

Now, one further word and I shall sit down. Well, I will not say what I was about to say. I have no criticism to make upon the committees of the District of Columbia. Sufficient is it to say that neither upon the House side nor the Senate side has this legislation been provided for, and it seems we are "up to" it—that it is a matter of necessity.

Mr. DALZELL. I yield three minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Chairman, a remark or two of the chairman of the Committee on Appropriations [Mr. CANNON] might, if unexplained, give this House the impression that the Committee on the District of Columbia of the House has been neglectful of its duty in reference to this tax law. In fact, the remarks of the gentleman might in a certain sense be construed as a direct reflection on the committee.

Mr. CANNON. I had no such desire or intention.

Mr. MUDD. I do not believe such was the intention of the gentleman; but in response to his observations I want to make a brief explanation of what has been done by the District Committee. The subcommittee on judiciary of the Committee on the District of Columbia has been in conference from time to time with the Senate Committee on the District as to the enactment of a personal-tax law for this District, and as to the terms of such a law.

They, so far as I know, had in a large measure, at least, agreed informally upon the provisions of the bill, or had gone to a considerable extent in that direction, so that there has been no neglect upon the part of the District Committee. In fact, there has

been no bill before the District Committee of the House, and it was informally agreed by those who conferred about this measure that the House committee would await action by the Senate committee and the Senate before introducing the bill in this House.

Now, Mr. Speaker, I do not think that a resolution of this character is a proper one as a general proposition. I can not say that I approve it now. There had been no notice given to the Committee on the District of Columbia of its introduction, and I knew nothing of it until I saw it in the newspapers this morning. It is no reason for introducing a resolution of this kind, placing legislation upon an appropriation bill, that the Committee on the District of Columbia of the House and the Committee on the District of Columbia of the Senate have not been able in a day or week or even in a month to prepare a measure of such importance as a general system of personal taxation for the District of Columbia.

I want to state only in conclusion that it was upon the assurance given me by the chairman of the subcommittee of the general Appropriations Committee, in a statement made to me this morning when I first heard of this proposition, that the rule only proposed to reinstate and to recall into being the machinery for the want of which and merely for the want of which a law now upon the statute books was inoperative, that I made up my mind to make no determined protest against the rule. It is not a safe method of legislation and ought never to be resorted to except in cases of great urgency. I do not wish to be understood as approving it now, but that this Congress may not adjourn without any personal-tax law in this District, as would be the case in the event that the Senate and House may not agree upon a measure to be passed through the usual channels, I shall content myself with calling attention to the objectionable form in which, in my judgment, the legislation is sought to be passed, without making further protest or any prolonged or vigorous opposition to consideration by this committee.

Mr. DALZELL. Mr. Speaker, I demand the previous question.

Mr. McDERMOTT. Mr. Speaker, will the gentleman from Pennsylvania yield to me a moment?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New Jersey?

Mr. DALZELL. Yes; I yield three minutes.

Mr. McDERMOTT. Mr. Speaker, the necessity of taxing personal property in the city of Washington and everywhere else is obvious. Property should be assessed according to value and assessed under uniform rules, and all property should be assessed. Those three cardinal doctrines of just taxation have been incorporated in almost every State constitution in this Union. It is now proposed, as a rider to an appropriation bill, to assess, as explained by the gentleman from Illinois, one and a half per cent upon the capital stock of corporations. Is that an assessment upon personal property? It is proposed to assess, if the bill follows the lines of the Senate bill, a license tax upon every broker in the city of Washington, few of whom, as I understand it, has received an income within a year that would amount to double the tax. The Senate bill goes on with inequalities; but let me say to the gentleman from Illinois that the assessment which he proposes is not an assessment upon personal property.

Mr. BELL. May I suggest to the gentleman that I have the statute before me, and it is not upon the stock that the assessment is made, but it is upon the value of the stock?

Mr. McDERMOTT. The value of the stock?

Mr. BELL. Yes.

Mr. McDERMOTT. Well, there are two methods. That assessment is not an assessment upon property. That is an assessment upon franchise, subject to the vagaries of every local assessor who can use it as an instrument of reward or an instrument of punishment. What go to the elements that make up the value of stock which an assessor is to assess? First, the property, the tangible property, and the proper rule for a diligent assessor is to assess tangible property at the cost of reproduction, less depreciation, and that rule is a good rule in every part of this Union, unless there has been a misinvestment in that property, as in the case of a railroad which has been misbuilt; that is, built before its time.

Who is going to find any element of personal property in the difference between what a railroad, for instance, would sell at and what the market value of that railroad is? Take the case of the Louisville and Nashville Railroad. What is the value of that stock? Its value is what it would cost to reproduce the road plus the brains that are managing it. The usual way of assessing a franchise is to find out what, on any particular day, the value of the tangible property of a corporation is, and find out on that day what the market value of the stock and debt that represent the property is, subtract one from the other, and you have, in a majority of cases, the value of the franchise. What is the world bidding for? It is bidding for the franchise, and the difference between the market value of stock and debt, after you have subtracted all speculative aspects and the cost of reproduction, is the value of the franchise.

Therefore, when your assessor assesses the market value of stock against a corporation he does not assess personal property, because he does not assess stock in the hands of the holders. That is not the proposition in the Senate bill, and I understand is not to be the proposition here. If you are going to assess the stock in the hands of the holder, then you are properly within the domain of personal taxation; but if you are going to assess it against a corporation, whether the corporation is created under the laws of the District of Columbia or the laws of West Virginia or the laws of Maryland, then you are making a franchise tax, and it does seem to me that 1½ per cent upon the value of stock of a corporation that does its principal business in the city of Washington approaches confiscation nearer than any tax law that was ever enacted. Let me illustrate it. There has been a proposition to gather the power of the Potomac River.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. McDERMOTT. Can I have a little more time at the courtesy of the gentleman from Pennsylvania?

Mr. DALZELL. How much time does the gentleman want?

Mr. McDERMOTT. Five minutes.

Mr. DALZELL. I yield five minutes.

Mr. McDERMOTT. I want to illustrate just how it can be an injury and an injustice, for it is a proposition that I have recently had to consider. A corporation formed in the State of Maryland for the purpose of transmitting power into the city of Washington for electrical purposes—what is known as water power—would transact its principal business in the city of Washington.

What would you assess it at? One and a half per cent upon its capital stock. That would mean that such a corporation would become an absolute impossibility, and I say to the gentleman from Illinois that such a tax will drive all possible investment of capital from this city. It would be a great deal better, when we come to a tax bill, that we should not consider it in the hurry that necessarily is given to an unprinted proposition to amend an appropriation bill. Let the tax bill be separately printed, and then if it does not pass—well, you can state the consequence in your appropriation bill, that if Congress shall not assess personal property within this District by the 1st day of July, then the items in this appropriation bill shall be cut down 10 per cent. Nearly all of them can stand a cutting of 10 per cent, in my opinion.

Mr. CANNON. Let me remind the gentleman that we merely take the tax law of 1877, which is the law now taxing personal property, and provide the machinery that by unfortunate mistake or by fraud has been dropped out. That is all. My friend may be familiar with that law. If so, he can get the whole thing there.

Mr. McDERMOTT. The law of 1877?

Mr. CANNON. Yes.

Mr. McDERMOTT. That law must have a great deal of merit in it, that after sleeping twenty-five years it is resurrected. Strange that it was not resurrected before. I am not wholly familiar with its provisions, but if I was going to pass the law of 1877 I would like five minutes to read it. I should like to have it in print.

Mr. CANNON. Oh, it is in print already.

Mr. McDERMOTT. I say it is an absolute impossibility, under the oath of a member of this House, to give intelligent and correct judgment to the guidance of his vote by merely hearing a tax bill, that is to impose a million and a half of dollars upon the city of Washington, read from the Clerk's desk as an amendment to an appropriation bill.

Mr. CANNON. Now, if my friend will allow me right there, I think I can remove some of the prejudice from his mind. In some particulars, regarding penalties and otherwise, this law has been amended from time to time. Take the law as amended. There have been various things done. A law has been passed taxing all the street-car lines 4 per cent of their gross earnings in lieu of other taxation. We do not, by our recommendation, propose to interfere with that provision, because we think, in the limited time we have, we probably could not improve it. I think when my friend comes to read the act of 1877, which is in print, he will have less objection perhaps to the proposed legislation than he now thinks he has.

Mr. McDERMOTT. The general proposition in the act of 1877, as stated by the gentleman from Illinois, is to impose a tax of 1½ per cent upon the value of the stock of all corporations, other than tramway corporations, doing business within the city of Washington or doing their principal business here. I say that that tax approaches confiscation. If it was enacted in 1877, and has not been reenacted, there were good reasons for the failure to reenact it.

Mr. CANNON. If my friend will allow me—I will ask an

additional minute for my interruption—at the same time a law was passed taxing real estate 1½ per cent. Now, there is the stock of the corporation on the one hand and the house of the laborer upon the other. If one is confiscated, the other is.

Mr. McDERMOTT. Why, Mr. Speaker, I do not object to the taxation of personal property. I think it should be taxed. As I said in opening, all property should be taxed by uniform rules and according to value; and when you have those three propositions you have absolutely equal taxation. When you waive or alter one of them you have unequal taxation.

Now, Mr. Speaker, as to whether or not it is necessary to raise a million and a half dollars more for the purpose of taxation, I shall speak when we come to consider this bill. I ask consideration of this proposition in answer to the statement of the gentleman from Illinois that it is a question of borrowing. In every community in the United States, in every city, in every State, the work that is proposed to be done under this bill is done under the funded-debt system.

[Here the hammer fell.]

Mr. DALZELL. I demand the previous question.

The previous question was ordered; and under the operation thereof the resolution was adopted.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill.

The SPEAKER. The gentleman from Minnesota, member of the Committee on Appropriations, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 14019. the District of Columbia appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

Mr. McCLEARY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLEARY. Mr. Chairman, after the discussion just concluded it will not be necessary for me to do more than to make a brief general statement concerning the pending bill.

The estimates of the Commissioners of the District of Columbia for the fiscal year ending June 30, 1903, call for $10,441,481.97, payable one-half from the revenues of the District of Columbia and one-half from the Treasury of the United States. In the bill which the Committee on Appropriations has reported the amount reported is $7,744,988.97, or $2,696,493 less the estimate submitted.

The appropriations for the current year are $8,370,581.94, so that the bill reported is a reduction on the present law amounting to $625,592.97.

The principal item of increase in the bill is that which increases the appropriation for the filtration plant from $500,000 to $600,000. The necessity for the filtration plant was obvious a few weeks ago, and the appropriation needs no justification at my hands.

There have been 25 new places provided for in the bill, consequent upon the growth of the city, and the total increase for salaries has been only $23,896. Under the financial exigencies of the District, the committee felt it necessary to make but very few increases of salary.

The estimates for cleaning the streets is increased by about $35,000.

The principal decrease has been for county roads, the decrease being $91,000, in round numbers, and for improvements in the vicinity of Rock Creek in the way of streets, $125,000.

While sewers are extended, the amount of appropriations for them has been reduced from $840,000—the present law—to $560,000 in the pending bill.

The appropriations for schools have been decreased near $300,000. This is due to the fact that during the last two years we have appropriated for practically all the school buildings that the Commissioners estimated for, and with the buildings provided the schools will be well supplied. As a consequence we are making no provision for buildings this year, the result being that the appropriation for public schools, though providing for 45 new teachers, is reduced about $300,000.

Mr. Chairman, I will reserve the balance of my time, and yield the floor to the gentleman from Missouri [Mr. BENTON].

Mr. BENTON. Mr. Chairman, it may be necessary for some members of the House who have not paid any attention to this legislation that is enacted from year to year to know something about the condition of the District of Columbia. There is a debt on the District, which is known as the funded debt, of $14,205,000, with interest and sinking fund, which has to be provided for, and it amounts to $1,213,000 annually. There was an advance made by the Government also of $1,100,000, which we are obligated to pay in four annual instalments, with interest; and we find this year that the amount of money necessary to meet this charge is $280,000.

This bill, so far as I have any knowledge of the legislation, never has been presented to the House so late as it has this time. I can briefly state to the committee the reason for our presenting the District bill at so late a period in the session. The committee assembled in December, and we had the estimates of the Commissioners, which amounted to near $10,500,000. Under the organic law the Government appropriates as much money, if needed, as the District raises by taxation. The estimates that came from the Treasury Department were that the taxes which would be raised by the District for the coming fiscal year would be $3,750,000. So that we were only authorized to appropriate double that sum—$7,500,000.

The estimates of the Commissioners amounted to ten and one-half million dollars. We were met with the request for $3,000,000 more money for the use of the District than we were authorized to appropriate. We called the District Commissioners in and asked them to rearrange their estimates. In doing so they dropped out the filtration plant, which every member of Congress who has had to drink the water in Washington this winter and spring knows we could not afford to do. They also dropped out the building of the sewers, and we did not believe we could defend ourselves before this Congress if we did not look after that as well as the filtration plant.

We then adjourned the committee and insisted on the Commissioners making some effort with the legislative committees connected with Congress to reach personal property by taxation. Now, there is plenty of law on the subject to tax personal property if there was any machinery to move it.

In 1877 a tax law was passed and officers were provided to carry out the law assessing a tax on personal property. A year after the enactment of that law the Commissioners, who were authorized to do it, merged the offices with the real-estate assessment offices and abolished the machinery for the collection of personal taxes, and the personal-tax law has never been carried out in this District.

Four or five times this committee has suggested to the Commissioners that something ought to be done to more nearly equalize taxation by placing a part of it on personal property. Without saying anything disagreeable of the people who live in the District, it is a fact that the large property holders are opposed to the assessment and collection of any taxes from personal property.

We adjourned our committee in December with the hope and expectation that legislation would be enacted before this time that would permit this committee to appropriate money to meet the full amount or nearly the full amount that the Commissioners estimated, because your committee is clearly of the opinion that the greater part of the $10,000,000 of the estimate of the District Commissioners was proper, and that they ought to have the money to pay for the things for which they estimated.

But we did not have the money, and we waited for five months for some legislative machinery by which taxes could be collected, so that when we wanted to make up our bill we were in this condition: There were $10,500,000 estimated by the Commissioners, the greater part of which we were satisfied they ought to have, and we only had authority to appropriate $7,500,000, or a little over, in money. We made up our bill, and then we were $700,000 above the amount that we were authorized to appropriate. What did we do? We put into the bill a clause, which I will read to the committee.

A reduction of 10 per cent on all of the foregoing sums herein appropriated for specified salaries and for all other objects, except for interest and sinking fund on the funded debt of the District of Columbia, shall be made, and no greater amount than 90 per cent of any of said foregoing sums except that for interest and sinking fund shall be expended or obligated for expenditure unless there shall have been enacted by Congress on or before July 1, 1902, a law imposing for the fiscal year 1903 and thereafter a tax on personal property in the District of Columbia other than that owned by the United States.

After we make this cut of 10 per cent in the bill, we find that we are within the estimates and have $203,000 to spare. But I want to call your attention to something else in this connection. We have already provided in the legislative bill and in the sundry civil bill for appropriations of $164,000, chargeable to the District, and we must arrange to raise $280,000 to meet the one-quarter payment on the $1,100,000 which I called attention to a moment ago. That would still leave us $240,000 out of pocket, or, in other words, the appropriation will be that much larger than the revenue.

But, as has been stated by the chairman of the committee, a reassessment of the real property is going on, and while the officers assure us that we ought to get three-quarters of a million, we feel assured that a reassessment of the real property will give us $240,000 at least, so that we are appropriating inside the law when we present this bill to you.

Now, on the subject of the rule. As I say, we waited five months for legislation. We felt that there ought to be appropriated in the next five years funds for the filtration plant, for the opening of streets, for the sewage plants in this city, five or six million dollars extra, and for the payment of our debt and current revenue and current expenses of the District.

There was no way to raise it except to have the owners of personal property bear their just proportion of the taxes. I understand some people think that this is a drastic movement. This proposed measure by which we are authorized under this rule to enact legislation in this bill does not seek to do more than to put the machinery in motion to collect taxes on personal property. We already have a law on the statute book which has been there for more than twenty years, but there has been no machinery with which we could work.

We propose here to make the machinery; and we propose to give authority to the President of the United States to appoint that assessment board, and that it shall not be necessary that the appointments be confirmed by the Senate, and that the power to appoint this board shall be taken away from the District Commissioners; that these assessors shall be an independent body, dependent upon no authority but the Chief Executive of the Government for appointment, so that there shall be no favoritism and that they shall fairly and honestly assess the personal as well as the real property in the District of Columbia. That is all that is intended by this committee.

Mr. HILL. As I understand, the law of 1877 makes the tax on personal property the same as on real estate.

Mr. BENTON. The same percentage; yes, sir.

Mr. HILL. In view of the fact that the interest rate during the last twenty-five years has so far decreased that, for instance, bonds of the Baltimore and Ohio Railroad, which in 1877 paid interest at the rate of 6 or 7 per cent (a large number of them probably being held in this city), now pay only 3 per cent, or, perhaps, counting the premium, 2½ per cent, does the gentleman think it prudent that the old rate of taxation—1½ per cent—should be continued?

Mr. BENTON. If there should be any showing of that kind, why would it not reduce the value of their stock and authorize a lower assessment?

Mr. HILL. I thought the bill merely provided new machinery, but proposed to continue the same rate of taxation.

Mr. BENTON. If you want to amend the bill, it will be here for legislative consideration; the question will be open.

Mr. HILL. Will the law itself be open for amendment?

Mr. BENTON. Yes, sir; of course.

Mr. FOX. I did not so understand.

Mr. BENTON. We open the subject here by proposing amendments ourselves.

Mr. HILL. But will the law itself be presented to the House for amendment?

Mr. BENTON. It will be here. What amendments might be in order would, of course, be a question for decision by the Chair.

Mr. HILL. And the Chair would probably decide against the admission of such amendments as I have indicated.

Mr. BENTON. I can not, of course, say what the Chair would decide.

Now, let me explain this matter for a moment to my friend from Connecticut. If the property of any corporation which in 1877 was worth a million dollars is now worth only one-third of that amount, then it would be taxed not on $1,000,000, but on one-third of that valuation.

Mr. HILL. I am not talking about taxation of a property of corporations. I am referring to choses in action—bonds, and things of that kind; for instance, bonds of the Pennsylvania Railroad. The purpose of this bill, as I understand, is to provide machinery for taxing personal property of that kind.

Mr. BENTON. Yes, sir; personal property.

Mr. HILL. I say that is a dangerous proposition. It would be a dangerous proposition to attempt to reenact the law in force in 1877 and put it into effect now with taxation at the same rate, in view of the fact that the income from such property has very largely fallen off. If you should undertake, for instance, to impose a tax of 1½ per cent on a 3 per cent bond, you would drive the ownership of that bond out of the District, so, instead of getting more money, you would lose money.

Mr. BENTON. We certainly should not get any less money than we do now if parties did leave the District, because now we are not getting any at all. I do not think this legislation would make the case any worse.

Mr. HILL. You might cause less money to be spent in the District of Columbia if you did not get it in taxes.

Mr. BELLAMY. I should like to ask the gentleman a question. What provision does your bill make for collecting tax from a millionaire, who, we will say, resides at a Washington hotel and has no personal property here?

Mr. BENTON. We do not undertake to make any provision for a case of that kind.

Mr. BELLAMY. What would you expect to happen in such a case?

Mr. BENTON. We propose to tax any man here who has any personal property in sight.

Mr. BELLAMY. But suppose he had none in sight?

Mr. BENTON. Then, I presume, we could not reach him any more than we could at home in our State.

Mr. SIMS. As I understand, the committee proposes not to enact a new law, but simply to enforce a law already in existence and unrepealed?

Mr. BENTON. I said at the beginning that we want to put the machinery in motion to carry out a law now on the statute book.

The complaint is made by the gentleman from Connecticut that men do not get as much profit on their property now as they did twenty-five years ago, and that therefore they ought not to be taxed so heavily; and it is argued that such a measure as this might drive property owners out of the District. But we could lose nothing by that, because for twenty-five years we have not received anything from the taxation of this class of people; they have not been taxed at all. But every State in the Union, so far as I have knowledge, has a personal-tax law.

Mr. MADDOX. In regard to the talk of "driving property owners away," where could they go and escape taxation? Would they not be taxed on their personal property wherever they might take up their residence?

Mr. BENTON. If they should go to Missouri, they would certainly find personal-tax laws in operation, with the machinery to enforce them.

Mr. MINOR. Just a question, please. Is it a fact that these mercantile houses in the city of Washington carrying a stock of from $100,000 to $300,000 escape taxation entirely?

Mr. BENTON. Absolutely.

Mr. MINOR. Well, who is going to excuse it?

Mr. BENTON. That is just exactly what this committee wants to ask this House, if there is anybody here going to excuse it.

Mr. MINOR. What effect will that have on real estate if you include the personal property and assess it at its true value, and levy this tax you propose on it?

Mr. BENTON. Well, it certainly will not raise the tax on real estate; it will not increase that tax, and I should think would soon give cause to lower real-estate assessments.

Mr. MINOR. If you want to raise a certain amount of money for District purposes——

Mr. BENTON. Yes.

Mr. MINOR. The more property you have to assess the lighter the tax will be.

Mr. BENTON. The lighter the tax will be on it all.

Mr. MINOR. Is it not to the interest of every real-estate owner in the District of Columbia to see that this legislation is enacted?

Mr. BENTON. Yes.

Mr. MINOR. I never heard of such an unjust thing. I happen to be the owner of a home here in Washington, and I have noticed that the tax is very high. I pay more here than I do in Wisconsin. I have personal property that I moved from Wisconsin here, and I remember one time being caught in filling out an assessment blank from my own home. Where it said such and such personal property in the District of Columbia, presuming it was assessed here, I left it out.

In the next campaign the Democrats caught me up. [Laughter.] They went to the records of the District of Columbia and found they did not assess personal property, and those blanks were distributed all over my district. Now, I say the proposition is infamous. This legislation ought to have been had years ago. It is just and right, and it is the law in every State in this Union. You simply make the city of Washington an asylum for all the rich men whose wealth is invested in personal property to come here to Washington and live. It is a disgrace to the city. Let us enact it.

Mr. BENTON. I thank the gentleman from Wisconsin for his suggestion, because if the needs of the District are $9,000,000 a year and under this law, which we propose, we raise $10,000,000, it will be more than we need, and after a year or two of improvements that we have to make we can lower the assessed value on all the property both real and personal.

Mr. MINOR. That is right.

Mr. RICHARDSON of Alabama. If you have the law and it

has been on the books for twenty years, what else do you want to do than to enforce it?

Mr. BENTON. We have no officers appointed and no machinery to enforce it.

Mr. RICHARDSON of Alabama. What has been the reason you have not enforced it?

Mr. BENTON. For the simple reason that the officials in charge of the District of Columbia have been opposed to a personal-tax law or to the collection of personal taxes, if you want to know the truth. That is exactly what it is. Members of this District of Columbia Appropriation Committee have been moving on this matter for five years, to my certain knowledge, and we have been met with the objection that they did not want to tax personal property because they want people of large wealth to come here.

Mr. RICHARDSON of Alabama. Then the emergency is the only thing that you offer as an excuse for enforcing this personal-tax law.

Mr. BENTON. No; it is not. Plain justice is the main reason. I give that as one of the reasons. It is not alone the emergency. It is an outrage that we have not had a personal-tax law enforced here all the time; but when we found we could not get the legislation from a proper legislative committee, this committee has asked this rule for the purpose of putting this legislation on the District appropriation bill, which is not ordinarily the place for such legislation.

Ordinarily it ought to come from other committees—legislating committees—and ordinarily we would not have asked for any such authority; and we have been waiting here for years and years for some authority to collect personal taxes, and as we have not been able to get it, we have come here and asked for this drastic rule to be made, so that we can legislate on a much-needed matter and in that way get justice done.

Mr. RICHARDSON of Tennessee. I would like to ask, in further answer to the gentleman from Alabama [Mr. RICHARDSON], if it is not true that one great reason and the chief reason why they have not resorted to this personal property for taxation has been that they had a sufficient amount by the $1.50 levied on realty?

Mr. BENTON. That is what they have said.

Mr. RICHARDSON of Tennessee. That is, if you had put the tax on personal property and raised more money you would have lowered it, probably, on real estate. In other words, they have got all they wanted by putting the dollar and fifty cent tax on real estate, and if you had raised more from the personalty the effect of it would have been to draw less from the real estate. You would have drawn about the same amount at last from the people in the District.

Mr. MINOR. But from different people.

Mr. RICHARDSON of Alabama. They have had to borrow, I understand.

Mr. RICHARDSON of Tennessee. Yes; but when they have borrowed they have repaid it. Of course they have had to be economical, and they have cut down expenses by reason of the fact that they did not always have an abundance of money.

Mr. RICHARDSON of Alabama. I understood the gentleman from Missouri that there was a bonded indebtedness of from fourteen to fifteen millions of dollars.

Mr. RICHARDSON of Tennessee. Oh, yes.

Mr. RICHARDSON of Alabama. It seems to me if that existed there was not much excuse for allowing all this personal property to escape for twenty-odd years.

Mr. RICHARDSON of Tennessee. There is no excuse for this condition. The personalty ought to be taxed.

Mr. CREAMER. I would like to ask the gentleman from Missouri if his State taxes personal property.

Mr. BENTON. Yes; and mortgages as well.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question. I understood him to say——

Mr. MORRELL. I would like to ask the gentleman a question.

Mr. SMITH of Kentucky. I will yield to the gentleman from Pennsylvania.

Mr. MORRELL. I would like to ask the gentleman a question. He has stated that an effort will be made to reach the people living in hotels and other places. I would like to ask the gentleman how long they would have to be residents before they would be eligible for taxation on personal property.

Mr. BENTON. If a man is a bona fide resident, no particular time is necessary.

Mr. MORRELL. How can that be determined?

Mr. SMITH of Kentucky. In the same way that it is determined everywhere else.

Mr. BENTON. I will say to the gentleman that it is not the intention to go after members of Congress, because they are supposed to be taxed at home, if they have any property.

Mr. BELLAMY. Is it proposed to try to ascertain whether a man has abandoned his residence in the State from whence he came?

Mr. BENTON. That is exactly what we propose to do if we get the proper man in here as assessor.

Mr. MORRELL. You stated that it had been impossible to get any legislation here in the House in regard to raising the revenue. I should like to ask the gentleman why this was brought in here as a rule instead of as a separate bill, which would have given an opportunity to all members of the House to discuss it on its merits, instead of bringing it in tied onto an appropriation bill, which makes the appropriation fail unless it is agreed to, which is not fair.

Mr. BENTON. I will say in answer to that that if I were to give you a direct and honest answer to your question——

Mr. MORRELL. I should like an honest answer.

Mr. BENTON. If I should do that I think I should be animadverting on another committee of this House. I will state to you in general terms that the Committee on Appropriations have waited and hoped that legislation would come from a legislative committee, which we think the proper one to deal with this question. We have waited for years, and we waited even this session for five months in that hope, and no legislation was proposed by which personal property in this District could be reached. The session is drawing to a close, and unless we reach it in this way there will be no possible way of taxing personal property this year.

Mr. MORRELL. I do not consider that two wrongs make one right, and if one committee is derelict in its duty, that is no reason why this legislation should come in in this shape.

Mr. SMITH of Kentucky. I want to ask the gentleman from Missouri in reference to the bonded indebtedness of the city. I understood him to say that there was a bonded indebtedness of about $14,000,000.

Mr. BENTON. A little over that.

Mr. SMITH of Kentucky. I should like to ask what per cent of interest is being paid upon that debt, and whether or not the Government of the United States is paying any part of the interest upon it?

Mr. BENTON. The rate is 3.65, or nearly 4 per cent, and we are paying our part of it.

Mr. SMITH of Kentucky. I want to know now, in addition to that, if this indebtedness was not incurred by reason of the city's failure to come up with its part of the appropriation.

Mr. BENTON. No; I understand it was away back of the time that the city was organized as now run. The old debt was $22,000,000; and we, in the organic act that was passed, undertook to shoulder our half of it.

Mr. SMITH of Kentucky. That is what I wanted to find out.

Mr. BENTON. In other words, the District of Columbia, under the old government, was swamped.

Mr. SIMS. Is any sinking fund being provided to meet this indebtedness?

Mr. BENTON. Yes; this year we appropriate $1,300,000 to pay interest and for the sinking fund. The total indebtedness is very slowly being decreased.

Mr. CREAMER. Does the gentleman intend to close debate this evening?

Mr. BENTON. Oh, no.

Mr. CREAMER. Because there are some views I should like to submit.

Mr. BENTON. Oh, no. I think we will give the gentleman a fair chance.

Now, gentlemen, on this taxing question all I have to say is this: Some gentlemen believe that the proper thing to do is to issue bonds and let the next generation pay them off. I have been raised and trained in that school of politics that teaches me that that is not business and is not correct. We owe a debt of $14,000,000, and we owe another debt of $1,000,000 or nearly so. If we make a fair assessment of personal property and real property as well, we will meet the requirements of the District as they are growing, and we will gradually pay off that indebtedness in the next ten or twelve years.

If real estate alone is to be taxed, we must tax it higher than it ought to be taxed or we shall have to let our debt run and not be able to meet the necessities of the law for a sinking fund and for an interest fund. Therefore it is the opinion of those of us who have given it study that we ought to have a law which will tax all the property of the District of Columbia that can possibly be reached, just as it is taxed in the sovereign States where you and I live, and when that is done we will lower our debt and keep up with the necessities of the times in the District.

I want to say for the information of some gentlemen who have asked me on the subject of salaries that an effort was made and recommendations were made to increase a large number of salaries, running up into the hundreds of thousands of dollars.

For two reasons your committee declined to go into the salary-raising business. In the first place, we were of the opinion that the greater number of the employees of the District were fairly well paid. In the second place, we were confronted with this condition of affairs which I have recited to you, and we could not afford to raise the salaries of gentlemen who were serving the District. Another effort was made to change a large number from the per diem list to the salaried list.

I do not know whether gentlemen understand it or not, but to change a man from the per diem list and put him on the salary list entitles him to thirty days' sick leave and thirty days' leave of absence. When he is on the per diem list he is not entitled to that. Your committee, after thinking it over, declined to change this great number of persons from the per diem list to the salary list and left it as it is. Not over a half dozen salaries have been raised. Perhaps twenty-four or twenty-five new salaries have been made, and those from the necessities of the public service. If there are no other questions, I shall reserve the balance of my time.

Mr. McCLEARY. Mr. Chairman, in view of the implied promise, I send the amendment that has been under discussion to the desk, simply to have it inserted in the RECORD for the information of the members of the House, and to be considered as pending.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the amendment he sends to the desk be printed in the RECORD, and be considered as pending. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The proposed amendment is as follows:

On page 4, after line 20, insert:

"That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia the act of Congress approved March 3, 1877, entitled 'An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes,' as amended by specific acts of Congress, is hereby declared in full force and effect and to have been continuously so in force since its enactment; and that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they hereby are, clothed with the duties and powers of the assessors mentioned in said first-named act, and, under the direction of the assessor, they shall assess personal property for taxation as required by law; and said board of assistant assessors, together with said assessor, are hereby constituted a board of equalization, appeal, and review of the assessments of personal property; and hereafter said board shall, between the 1st day of September and the 31st day of October in each year, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and of hearing and determining any and all appeals from the valuations theretofore made by them: *Provided*, That the tax on personal property shall be due, payable, and collected as now provided by law: *And provided further*, That each national bank, as the trustee of its stockholders, through its president, secretary, or cashier, shall make the like returns and pay the same taxes as other corporations are required to do in said first-named act: *And provided further*, That the assessor and the three members of the board of assistant assessors authorized by the act approved August 14, 1894, whose salaries are herein appropriated for, shall, within ten days after the approval of this act, be appointed by the President for a term of three years each, except that the terms of each of the three members of the board of assistant assessors shall terminate as follows: One each year, to be determined by lot among the three members of the board first appointed."

Mr. CREAMER. Will it not be possible to have this law of 1877 printed in the RECORD as well, so that we will have it before the committee?

Mr. McCLEARY. I am very well content to have that done; and I ask unanimous consent that the act of 1877 be also printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the statute of 1877 be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statute is as follows:

CHAP. 117.—An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, there shall be levied upon all lands outside of the cities of Washington and Georgetown held and used solely for agricultural purposes a tax of $1.25 on each $100 of the assessed value thereof, and upon all other real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50 on each $100 of the assessed value thereof.

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment, to be made by the Commissioners of the District of Columbia or their successors in office: *Provided*, That before any of said fund shall be expended said apportionment shall be established and published by said Commissioners at least six times consecutively in a daily newspaper of the District of Columbia; and said published apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 3. That one-half of the tax levied by this act upon real and personal property shall become due and payable on the 1st day of November, 1877, and the other one-half of such tax shall become due and payable on the 1st day of May, 1878; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal pro-rata proportion of the payments so made shall be carried to the credit of the respective funds.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid before the 1st day of December, 1877, said installment shall thereupon be in arrears and delinquent; and there shall then be added, to be collected with such taxes, a penalty of 2 per cent upon the amount thereof, and a like penalty on the 1st day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid before the 1st day of June, 1878, together with the one-half of said original tax due before said 1st day of June, a like penalty shall then be added on said last one-half of said tax; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner prescribed by this act.

SEC. 5. That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property upon which the same are levied, in arrears on the 1st day of July, 1878, including all taxes due to the late corporation of Washington City, Georgetown, levy court, and the District of Columbia; and he shall within fifteen days thereafter, publish the same with a notice of sale, in a pamphlet of which not less than 5,000 copies shall be printed for circulation; and it shall be the duty of said collector of taxes to give notice by advertising in the regular issue of two daily newspapers published in said District twice a week for three successive weeks, that said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of said tax collector; and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction, at office of said collector, in the city of Washington, on the second Tuesday of August following, and each day thereafter until all is sold, at a fixed hour, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon of said days to the highest bidder or bidders.

The expenses of said advertising and the printing of said pamphlet shall be paid by a charge of 20 cents for each lot or piece of property advertised. Upon the day specified aforesaid the collector shall proceed to sell any and all property upon which such taxes remain unpaid, and continue to sell the same every secular day until all the real property as aforesaid shall have been brought to auction. Immediately after the close of the sale upon payment of the purchase money he shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner thereof within two years from the day of sale by payment to the collector of said District for the use of the legal holder of the certificate of the amount for which it was sold at such sale, and 15 per cent per annum thereon, a deed thereof shall be given by the Commissioners of the District or their successors in office to the purchaser at the tax sale or the assignee of such certificate, which deed shall be admitted and held to be prima facie evidence of a good and perfect title, in fee simple, to any property bought at any sale herein authorized; and all proceedings prior to said deed shall be presumed to have been regular until the contrary be proved: *Provided*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amounts of tax penalty and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, said property shall thereupon be bid off by the said Commissioners or their successors in office in the name of the District of Columbia; but the property so bid off shall not be exempted from assessment and taxation, but shall be assessed and taxed as other property; and if within two years thereafter such property is not redeemed by the owner or owners thereof by the payment of the taxes, penalties, and costs due at the time of the offer of the sale and that may have accrued after that date and 10 per cent per annum thereon, or if any property two years after having been so bid off at any sale whatever in the name of said District, under this or any other law, and whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, then the Commissioners of the District or their successors in office shall, in the name and on behalf of the District of Columbia, apply to the supreme court of said District, sitting in equity for the purpose of enforcing the lien acquired as aforesaid by said District on the property aforesaid, and until such judicial proceedings shall be had the property so as aforesaid sold for taxes and bid off in the name of the District, either at any sale heretofore made or at any sale hereafter to be made, may be redeemed by the owner thereof by the payment of the taxes and all legal penalties and costs thereon.

Upon proof of the failure of the owner or owners of the property to redeem it as provided by law, unless it shall be shown by the defendant or defendants that the sale for taxes was irregular and void, the court shall, without unnecessary delay, giving these cases precedence over current business, decree the sale of said property to satisfy the taxes, penalties, costs, and interest due to the government of the District of Columbia; and the costs of suit and said sale shall be had in the same manner as of foreclosures, mortgages, or trust deeds in said court. No sale shall be made, unless by express order of the court, for an amount less than the aggregate of said taxes, penalties, costs, and interest. Any surplus received from said sale over said aggregate and the costs of the court, including the commission of the trustee, shall be paid to the person in equity entitled to receive it; and, on confirmation of the sale, the court shall cause to be issued to the purchaser a deed, which shall have the effect to convey to said purchaser all the right, title, and estate of all persons whomsoever claiming an interest to said property, except as hereinafter provided: *And provided also*, That minors or other persons under legal disability be allowed one year after such minors coming to or being of full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, on payment of the amount of purchase money so paid therefor, with 10 per cent per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, 10 per cent per annum interest on the amount of such taxes and assessments.

SEC. 6. That the collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands so as aforesaid sold to the District. Any surplus remaining, after collection of taxes, penalties, and costs, on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 7. That when the installment of one-half of the taxes on personal property so as aforesaid due and payable before the 1st day of November, 1877, shall not be paid before said date, or when the remaining installment shall not be paid before the 1st day of June, 1878, then, and in either such event, the collector of taxes, or his deputy, may distrain sufficient goods and chattels found within said District, and belonging to the person, persons, association, firm, or corporation charged with such tax, to pay the taxes remaining due under the provision of this law from such persons, firm, association, or corporation, together with the penalty thereon and the costs that may accrue; and, for want of such goods and chattels, said collector may levy

upon and sell at auction, in like manner, the estate and interest of such person, firm, association, or corporation in any parcel of land in said District; and in that case the proceedings as to such land subsequent to sale shall be the same as in the case of taxes against real estate, as in this act provided; and thereupon said collector shall immediately proceed to advertise the same, by public notices posted in front of the court-house, in the city of Washington, and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, as hereinafter provided, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained, and the costs and expense which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall not be less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, in front of his office, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale. The collector of taxes shall be allowed, for making such distress and sale, the same fees as are now by law allowed to the marshal of said District for making levy and sale of property under execution. Said collector shall report in detail every such distress and sale, in writing, to the Commissioners of the District, or their successors in office; and his accounts, in respect of every such distress or sale, shall forthwith be submitted by him to the accounting officers of the District and audited by them. Any surplus resulting from such sale shall be paid into the treasury of the District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him.

SEC. 8. That the property exempt from taxation under this act shall be the following and no other, namely: First, the Corcoran Art Building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, almshouses, buildings belonging to institutions of purely public charity, conducted without charge to inmates, profit, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemetery so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is now exempt from taxation by laws of the United States; fourthly, personal property not in said District and taxed elsewhere, but owned by persons domiciled in said District; fifthly, personal property not held for sale and not over the value of $500.

SEC. 9. That from the assessed value of the credits only of any person there shall be deducted the amount of any valid and bona-fide debt or debts which any such person shall individually and absolutely owe, in respect of which he has no remedy over against any other person, upon the same being established by the affidavit of such person claiming deduction as hereinafter provided.

SEC. 10. That the Commissioners of said District or their successors in office shall cause to be prepared a printed blank schedule of personal property, including bonds, deeds of trust, mortgages, credits, and other choses in action or possession owned or held in trust or otherwise subject to taxation under the provisions of this act, together with deductions claimed for exemption or debts, to which shall be appended an affidavit in blank, setting forth that the foregoing presents a full and true statement of all the personal property, bonds, deeds of trust, mortgages, credits, and all other choses in action or possession, together with the amount of indebtedness on account of which deductions are claimed, and the kind of property claimed as exempt, under which class of exemptions, and that the property claimed as exempt under the fifth clause does not exceed in value $500. And when said schedule is ready for delivery, notice thereof shall be given by the assessors by advertisement for six successive secular days, in one or more of the daily papers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of said assessors.

Every person, corporation, or firm in said District liable to taxation hereunder, and every executor, administrator, guardian, or trustee holding property in trust liable to taxation hereunder, shall, within forty-five days after the first publication of said advertisement as aforesaid, fill up the proper blanks in said schedule with a full and true statement in this section above required, and make and sign an affidavit to the truth thereof as aforesaid before one of the said assessors, who is hereby authorized to administer such oath without charge, or before any person authorized by law to administer oaths; and the address in the District of the affidavit shall in each case be given below his signature, and thereupon any one of said assessors shall assess said property at its fair cash value, and enter the same in the columns upon said blank to be provided for that purpose, and the amount thus ascertained after making the deductions provided for in this act shall be entered upon the books for taxation: *Provided*, That if any person, firm, or corporation, administrator, executor, guardian, or trustee shall fail to make for forty-five days after the first advertisement of the notice above required, and deliver to the assessors, or one of them, the schedule of his or its said property held in trust or otherwise, as in this section provided for, any one of said assessors shall, without delay, from the best information he can procure, make an assessment against such person, firm, or corporation, to which he shall add 50 per cent thereof: *Provided further*, That if a majority of said assessors be not satisfied as to the correctness of the return of personal property so made by any person, corporation, firm, executor, administrator, guardian, or trustee, any one of said assessors may, from the best information he can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as to him may seem just; and notice of the rejection of the sworn return shall be given to the party intrusted at the address given by him on the schedule, if he shall have given one; and he shall in all cases have the right of appeal to the board of assessors within the time hereinafter limited: *And provided further*, That if any person shall make a false affidavit touching the matters herein provided for, he shall be deemed guilty of perjury, and, upon conviction thereof, shall be subject to the penalties for that offense now provided for by section 5392 of the Revised Statutes of the United States.

SEC. 11. That the capital stock of all corporations in said District not herein exempted shall be appraised in bulk by the assessor, and the corporation issuing the same shall be liable for the tax thereon according to such value and the shares in the same shall not be assessed against the individual owners thereof; but from the appraised value of the stock shall be first deducted the value of any real estate of said corporation in said District, which shall be separately taxed against said corporation.

SEC. 12. That the assessment of real property made under the provisions of the act of Congress entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, and amendments thereto, is hereby ratified and approved as the assessment except as hereinafter modified, for the fiscal year ending June 30, 1878, and the Commissioners of the District, or their successors in office, shall appoint three competent persons to be assessors, and to hold office for the term of five years, unless sooner removed, the salary of each of said assessors to be $1,250 per annum.

Said assessors shall, before the 1st day of October, 1877, under the direction of the superintendent of assessments and taxes of said District assess the value of all the real property not embraced in the assessment for the fiscal year, ending June 30, 1877, inclusive of all buildings erected, or roofed, improved or enlarged and not heretofore taxed, and all personal property in said District liable to taxation, and shall state the same separately, in books to be kept in a systematic manner; and such value for taxation shall be the true value in the lawful money of the United States of the property so assessed. The assessed value shall have reference to the date of the 1st day of July, 1877, except in regard of buildings erected, roofed, improved, or enlarged subsequent to that date, or, in the case of stock in trade, shall be the average value of the stock of merchandise or other articles kept on hand during the year ending June 30, 1877.

Where a person, coming into the District subsequent to June 30, 1877, engages in trade of a permanent character, he shall pay a tax proportioned to the fraction of the tax year ending June 30, 1878, during which he conducts said trade, and the assessment in said case shall have reference to the average stock in trade for sixty days from the date of commencing business; but when any person shall bring a stock of goods of any character whatever into the District for sale by auction, a tax of 1½ per cent shall be paid to the collector of the District; and it shall be the duty of the auctioneer making such sales to deduct the said tax from the gross proceeds of each and every sale so made by him at the close of each day's sale and pay the same to the said collector; and when goods are so brought into the District to be otherwise disposed of than at auction, and in a place of business temporarily occupied for their sale, then before it shall be lawful to make any sales whatever, the owner of said goods shall notify the board of assessors, who shall assess the entire stock to be sold, at its fair cash value, and the owner thereof shall pay to the collector of the District a tax of 1½ per cent on such assessed value, and shall receive a receipt therefor, which receipt shall be his permit to proceed with the sale of the goods; and any auctioneer or owner of goods who shall violate the provisions of this section, or any part thereof, shall be fined in the police court of said District, on information filed therein, in the name of the District of Columbia, in the manner used for breach of municipal ordinances and laws, not less than $100 and not more than $1,000.

Said assessors shall, between the 1st day of September, 1877, and the 1st day of October, 1877, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuations theretofore made by them. Each assessor shall, at the meetings of the assessors as aforesaid, make full and detailed reports of his acts as such assessor. And during said period they shall have power to revise assessments theretofore made by them or any of them, or by their predecessors in office, appointed under the act of March 3, 1875, by either justly increasing or justly diminishing any particular assessment. Upon the assessment so as aforesaid made and finally revised the tax hereinbefore provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of November, 1877. Said assessors, before entering upon their duties, shall respectively take or subscribe an oath or affirmation, before any officer authorized to administer oaths or affirmations in said District, to faithfully discharge the duties of their said office; which oaths when taken shall be certified by the persons before whom the same shall have been taken, and shall be filed with the Commissioners of the District. In case the assessors shall fail to complete any of the duties in this act to be by them performed within the time provided therefor the taxation provided by this act shall not by reason thereof be invalid; but such assessors shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid as if performed within the time fixed therefor.

SEC. 13. That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for the expenditures authorized by law, and only upon warrants of the accounting officers of the District, and issued under the direction of the Commissioners of the District, or their successors in office.

SEC. 14. That the twenty-third section of the act of the legislative assembly of the District of Columbia, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, clause 20 of the twenty-first section of said act, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed.

SEC. 15. That the corporation of the District of Columbia is continued for all the purposes of this act and other acts for the collection of taxes, for suing and being sued, for causes arising prior to June 20, 1874, and for acquiring and holding real estate for school and municipal purposes.

SEC. 16. That hereafter no two lots or subdivisions of original or other lots in any square of ground in the District of Columbia shall be designated by the same number or by the same letter of the alphabet, and the Commissioners of the District of Columbia, or their successors in office, shall cause the numbers and letters designating lots in all the squares of ground in said District to be revised and changed to conform to this requirement; and they shall make such further changes in the existing numbers or letters designating lots in any of the squares in the cities and villages in said District as may, in their opinion, facilitate and simplify the labor of assessing real estate therein.

SEC. 17. That the Secretary of the Treasury is hereby directed to advance to said Commissioners, between the 1st day of July and the 1st day of November, 1877, such sums as may be from time to time required for the payment of interest on the old funded debt and for the current expenses of the District government, the aggregate sum so advanced not to exceed $400,000; and the Commissioners shall reimburse the Treasury the amount so advanced out of the revenues of the District on or before the expiration of the fiscal year ending June 30, 1878.

SEC. 18. That this act shall remain in force as the tax law of the District of Columbia for each subsequent year after June 30, 1878, until repealed.

Approved, March 3, 1877.

Mr. BENTON. I yield to my colleague from Missouri twenty minutes.

Mr. RUCKER. Mr. Chairman, I will avail myself of the privilege accorded me at this time to make some remarks upon matters not wholly germane to the bill under consideration, but which have more or less application to some of its provisions.

In 1878, when the organic act was passed—the act that created a kind of business copartnership between the District and the General Government—the District was practically bankrupt, hopelessly involved in a debt of $27,225,000 drawing interest at from 5 to 7.3 per cent per annum. Without expectation or hope of reward or of reciprocal benefit to the people at large, but animated and moved solely by generous impulses, to the exclusion, it

would seem, of every consideration that should enter into and govern business transactions, the Government voluntarily assumed the payment of one-half of this vast indebtedness—took the sum of $13,612,500 out of the pockets of the people and presented it as a gift to the District.

Every year since 1878 the sum of $1,213,947.97 has been paid, half by the District and half by the United States, to reduce this debt, and yet there remained on June 30, 1901, an unpaid balance of $15,068,350—more than half of the original debt.

Annual appropriations have been made since 1878 of amounts varying from about $7,500,000 to nearly $10,000,000 to defray the current and ordinary expenses of the District. One-half of the sums thus appropriated has been paid each year out of the funds of the General Government, raised by taxing all the people.

According to the report and recommendations of the Commissioners of the District of Columbia, the sum of $11,067,169.50 is required, in addition to current revenues, to make certain improvements in the District which are now in contemplation. A bill making this appropriation is now pending in the Senate. If enacted into law the people of the United States will be taxed to raise one half of this enormous sum of money to be used in making these improvements, which are wholly local in their character and necessarily local in their benefits, while the other half, $5,533,584.25, will be drawn from the public Treasury in the nature of a loan or advancement to the District, to be repaid, if it is ever repaid, in thirty annual payments, with the unusually low rate of 2 per cent interest added. I sincerely hope this bill will be defeated in the Senate and never reach the House.

The District is already deeply in debt, and has been for years, and good business sense and sagacity suggests that the old debt be satisfied before a new debt is created. As a purely business proposition the enormous loan that is now requested and being urged should not be made. To grant it would be to recklessly and wantonly disregard the rights and welfare of the whole people and impose additional burdens upon them for the comparatively few who reside here—a wrong and an outrage which could not be justified or palliated by the local benefits conferred.

If the proposed improvements are essential and demanded, then the District should increase its annual revenues by increasing its assessments, and thus raise a fund with which to pay its half of the necessary cost of these enterprises. They should assess valuable suburban real estate at a reasonable valuation and stop listing it as "agricultural land" of trifling value. They should assess and tax the hundreds of millions of wealth represented in personal property which now entirely escapes taxation. But these highly favored citizens have enjoyed special privileges so long they are likely to become frantic if one dares to suggest that District revenues can be increased by correcting these abuses.

At a meeting of the East Washington Citizens' Association on January 7, 1902, Mr. M. I. Weller is quoted in the Post of this city as follows:

> He explained that much of the property outside of the city limits is taxed at a rate of $1 per $100 as agricultural land, but which is not used for agricultural purposes, and upon which a very low valuation is placed by the assessors; * * * that the Government recently acquired for $75,000 a plat containing 7¼ acres from a tract of 250 acres. The portion bought by the Government was about one-thirtieth of the whole, and the entire property was valued by the assessors at $85,000. In addition to this, the heirs of the estate to which the tract belonged had gone into court to obtain $500,000 for less than half of the property. The actual valuation of the tract was about $1,200,000. The Government, he declared, recently acquired a piece of property beyond the city limits for which $25,000 was paid. The speaker looked up the valuation on the assessment books and found it to be $1,400.

The Post of January 10, 1902, contains a communication on the subject of taxation from Senator McMILLAN, chairman of the Senate Committee on the District of Columbia, addressed to the District Commissioners. In view of his thorough familiarity with the subject, his utterances will be accepted as conclusive of the facts stated. In the letter quoted the distinguished gentleman said:

> Again, suburban real estate should be assessed at its true value, and the remarkable discrepancies now existing between sale prices and official valuations should be remedied. Property not actually used for purely agricultural purposes should not be assessed as such. It is an absurdity to assess property within the fire limits as agricultural lands.

Senator GALLINGER, in a communication published in the Times February 9, 1902, said:

> I have never been able to discover why valuable real estate lying outside of the compact part of the city should be taxed as farm lands. For the most part such property is owned by men of wealth, who are holding it with the expectation that it will be subdivided and sold for building purposes. A fair valuation should be placed on all such property and taxes assessed accordingly.

I shall only present these three witnesses, one a resident citizen of the District and the others gentlemen of national renown, whose official positions enable them to speak with accuracy in reference to these matters.

I am warranted in asserting that abundance of evidence could be found to establish beyond the cavil of a doubt—to an absolute demonstration—that the capitalists, real-estate agents, and speculators in this city have, in effect, entered into a conspiracy to keep at the minimum the valuation of all unoccupied property, and thus avoid the payment of reasonable and just taxes thereon. Who denies it? Who can deny it?

Mr. McDERMOTT. If the gentleman will yield to me, I will suggest that the differences that the gentleman has discovered are in most instances to be credited to the vagaries of the assessors, as no two men are able to arrive at the same conclusion as to the value of a piece of property. Property in this city is assessed by valuing the land and superstructure separately. I have in mind a piece of property that is valued at $104,000. It has been in use for thirteen years, and could be reproduced to-day for less than $100,000, and yet it is assessed at $100,000. I have in mind another instance, where the property is over ten years old, and the superstructure is assessed at 100 per cent of the value. Take its value at the cost of reproduction, and it is listed at 300 per cent on the market value. The vagaries of the assessor can be found in every city, and not only in the city of Washington.

Mr. RUCKER. Granting the statements made by the gentleman from New Jersey to be true, they do not answer this question: Why is it that rich men owning real property in this city give it in and cause it to be assessed as agricultural lands, and have it taxed at $1 on the hundred, while other real estate is taxed at the rate of $1.50 on the hundred dollars of valuation?

Mr. GAINES of Tennessee. I will ask the gentleman if it has not been repeatedly said upon the floor of this House, by many members, and particularly by the gentleman from Illinois [Mr. CANNON], that Congress should never again submit to a jury in the District of Columbia the question of the value of land in condemnation proceedings?

Mr. RUCKER. I do not know whether the gentleman from Illinois has so stated or not, but such a position would be in line, I think, with what I have heard him say.

Mr. GAINES of Tennessee. We have refused to submit the matter to juries.

Mr. RUCKER. I think it is eminently proper that such course should be taken in every case.

One would think the haughty citizen of this town would hang his head in shame and humiliation at the disclosure of the fact that valuable property "within the fire limits" of our nation's capital is assessed as agricultural lands, while the owners and those who are particeps criminis with them with painful regularity are bewailing the shortage of revenues and zealously petitioning Congress for relief.

As I understand the sentiment of Congress, there is no reluctance and never has been about taking money from the national Treasury by appropriate legislation to the full one-half of any amount ascertained to be necessary to pay current and ordinary expenses of the District. Not only is this true, but Congress has shown a perfect willingness to pay half of any sum within reasonable limitations that may be required to continue improvements of a permanent character here until the dreams of the most optimistic citizen shall have been realized and every tongue shall unite in proclaiming Washington the most beautiful city in the world.

But if they would enjoy the realization of their hopes and the consummation of their desires the citizens of this town must cease tax-dodging and, figuratively speaking, must abandon their efforts to forcibly break into the Treasury, and begin to practice the commendable habit of paying taxes, justly and equitably assessed, like the honest yeomanry of the country, who are taxed to provide many comforts and luxuries for the people here which they themselves do not enjoy.

Unless this reform occurs, so long as I have the honor to represent, in part, the imperial State of Missouri—which, I state for information, is the grandest Commonwealth in the proud galaxy of States composing this Union—I shall oppose, unsuccessfully, perhaps, but nevertheless persistently and vigorously, the appropriation of money wrung from the already oppressed taxpayers of the States for making or extending these improvements.

The introduction recently of a bill which authorizes and provides for the assessment and taxation of personal property in the District has aroused great consternation and caused considerable anxiety in certain circles. Many prominent citizens are quoted as being unalterably opposed to this legislation. They concede the urgent necessity for more money with which to execute their plans for beautifying Washington, but they greatly prefer obtaining it from the Government in the nature of a loan, with the hope, no doubt, that Congress will ultimately cancel the debt.

Numerous meetings of the "boards" and "associations" of this city have been held, and, if the press has correctly reported the proceedings, some remarkable declarations have been made by gentlemen who addressed these meetings. If the accusations made are false the accusers ought to be prosecuted for wholesale slander; if they are true there is no escape from the conclusion that a portion of the citizens of this city, who perhaps enjoy

excellent reputations, ought to be in jail. I neither affirm nor deny these charges. I shall present some of them as they are recited in the newspapers, and content myself to let Congress and the public pass in judgment on them.

The Washington Post of January 11, 1902, quotes Mr. T. E. Roessle, proprietor of the Arlington Hotel, as follows:

So far as a personal tax is concerned, I want to say that its principle is entirely wrong, just as is the principle of the income tax. Neither of these laws should be permitted anywhere, and least of all in Washington. It has been my observation that they make liars out of everybody.

In justice to this gentleman I desire to emphasize the fact that the statement contained in his closing sentence is alleged to be founded upon "observation."

In the same issue of the Post, Mr. Charles J. Bell, president of the American Security and Trust Company, is reported as follows:

I am heartily opposed to a personal tax law for the reason that it is absolutely impossible to execute it.

While he does not so declare, it may be assumed that this gentleman has had some opportunity for "observation," too.

The same paper says:

The president of the National Metropolitan Bank is another financier who is opposed to Senator MCMILLAN'S plan of a general increase in taxes.

I have no doubt that this gentleman's position is correctly stated. The editor could have gone further, perhaps, without seriously endangering his reputation for truth and veracity, and told us that all the "financiers" of Washington are opposed to a tax on personal property.

The Post of February 8, 1902, says:

Prof. Louis L. Hopper stated that he was not in favor of a tax upon personal property, and would exert all of his powers to prevent it. He declared that such a tax would be a tax on honesty.

Mr. BURKETT. Will the gentleman allow me an interruption?

Mr. RUCKER. Yes.

Mr. BURKETT. The gentleman has made a statement that lands in the District of Columbia or in the city of Washington were taxed as agricultural lands.

Mr. RUCKER. The gentleman misunderstood me. I made no such statement. I quoted one of the distinguished Senators who made that statement.

Mr. BURKETT. I was about to inquire where the land was situated.

Mr. RUCKER. I do not know where it is. I am quoting a Senator whose letter was published.

Mr. BURKETT. The gentleman will understand that even the law of 1877 provided that land outside of Washington should be taxed as agricultural land where it was used solely for that purpose.

Mr. RUCKER. But the land I speak of evidently is not used for agricultural purposes.

Mr. BURKETT. The gentleman might have spoken of it as being valued the same as agricultural land, and it may have been outside of the city.

Mr. RUCKER. If it is not agricultural land, it ought not to be taxed as agricultural land; and whether or not it is agricultural land depends upon the use that is made of it. The distinguished Senator whom I quoted says that this land is held by rich men with the expectation that it will be subdivided into lots.

Mr. CREAMER. If the gentleman will allow me, he has mentioned the name of a citizen of this city——

Mr. RUCKER. I merely quoted from a newspaper.

Mr. CREAMER. The gentleman has mentioned the name of Mr. Theodore Roessle. I do not reside at this hotel, but I have known the gentleman for years. The gentleman has quoted him as evidence of those to whom he refers as tax dodgers. I want to ask the gentleman if he does not think that the personal tax should be put on the owner of the hotel and not on Mr. Roessle, who pays the rent? Mr. Roessle is not quoted as a poor man. I am taking this as an instance to throw a little light on the subject. He is not one of the drones of society. He is up every morning at daybreak and has been for the last forty years.

Mr. RUCKER. That is true of all the hotel people in Washington. [Laughter.]

Mr. CREAMER. I want to ask the gentleman whether the tax should be placed on Mr. Roessle or the owner.

Mr. RUCKER. If I understand the gentleman's question the answer is easy. The tax most certainly should be levied upon what a man has and not upon what he has not. It should be assessed against the owner of the property.

Mr. CREAMER. Then the gentleman should quote the owner of the hotel.

Mr. RUCKER. Mr. Chairman, I have tried to do justice to the citizens of this magnificent city. I make no accusation against them; I simply reproduce statements made by them, as published in the papers. The utterances which I have quoted give us warning that not only the "bankers" and the "financiers," but the "professors," too, at the behest of the wealth of this city, have joined the crusade and are going to bombard the representatives of the American people, under the very Dome of our National Capitol, and subject us to a fire of persuasion and sentiment which may cause strong men to surrender. Since the "professors" have joined the adversary it might be well for each of us to fervently pray:

Lord God of Hosts, be with us yet,
Lest we forget, lest we forget.

[Laughter and applause.]

Mr. CLARK. Mr. Chairman, the chairman of the Ways and Means Committee has suggested that the committee rise, and that the gentleman from Missouri finish his remarks in the morning.

Mr. RUCKER. I will consent to that, Mr. Chairman.

Mr. MCCLEARY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. PAYNE] having taken the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14019, the District of Columbia appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 282. An act granting an increase of pension to John O'Rourke;

H. R. 2599. An act granting an increase of pension to John Hall;

H. R. 2660. An act granting an increase of pension to Henry Runnebaum;

H. R. 4426. An act granting an increase of pension to Daniel Sims;

H. R. 4543. An act granting an increase of pension to George W. Parker;

H. R. 5111. An act granting an increase of pension to James D. Bowland;

H. R. 5711. An act granting an increase of pension to James R. Brockett;

H. R. 5789. An act granting an increase of pension to Joseph Seithen;

H. R. 6205. An act granting an increase of pension to Richmond P. Curtis;

H. R. 6356. An act granting an increase of pension to William G. Taylor;

H. R. 7116. An act granting an increase of pension to Alexander F. McConnell;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 9144. An act granting an increase of pension to James R. Wilson;

H. R. 9370. An act granting an increase of pension to John J. Wolfe;

H. R. 10361. An act granting an increase of pension to Alexander Scott;

H. R. 11091. An act granting an increase of pension to James Cooley;

H. R. 11112. An act granting an increase of pension to S. Agnes Young;

H. R. 11168. An act granting an increase of pension to Isaac Phipps;

H. R. 12550. An act granting an increase of pension to James E. Horton;

H. R. 13066. An act granting an increase of pension to Obed D. Jasper;

H. R. 9952. An act granting a pension to William P. Featherstone;

H. R. 11977. An act granting a pension to Sidney Cable; and

H. R. 12504. An act granting a pension to James B. Hashbargar.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9206. An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territories or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, exportation of oleomargarine," approved August 2, 1886; and

H. R. 966. An act for the relief of Edward R. Stakable, collector of customs for the district of Hawaii.

Mr. McCLEARY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for certain contingent expenses of the foreign service—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fredericke Eberhardt, administratrix of estate of Jacob Eberhardt, against the United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5887) granting an increase of pension to Morris M. Comstock, reported the same with amendment, accompanied by a report (No. 1830); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13081) granting an increase of pension to Anthony J. Railey, reported the same with amendment, accompanied by a report (No. 1831); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the Senate (S. 3967) for the relief of Ramon O. Williams and Joseph A. Springer, reported the same without amendment, accompanied by a report (No. 1832); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the Senate (S. 1191) for the relief of the legal devisees of James W. Schaumburg, reported the same with amendment, accompanied by a report (No. 1833); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased, reported the same without amendment, accompanied by a report (No. 1834); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 742) granting a pension to Cyrus Schull, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. LACEY: A bill (H. R. 14106) authorizing the Secretary of War to sell stone from quarries on Fort Sill Reservation—to the Committee on Military Affairs.

Also, a bill (H. R. 14107) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations—to the Committee on the Public Lands.

Also, a bill (H. R. 14108) to grant grazing privileges to homestead settlers and holders of small farms in the arid and semiarid land region, and for other purposes—to the Committee on the Public Lands.

By Mr. FOX: A bill (H. R. 14109) to authorize the Macon Ice, Light and Power Company to construct certain improvements on the Noxubee River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: A bill (H. R. 14110) to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. RODEY: A bill (H. R. 14112) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

By Mr. STEPHENS of Texas: A bill (H. R. 14113) amending the act of January 12, 1899, authorizing the payments due soldiers who die in the Army to be made to the legal heirs or representatives of such deceased persons—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 14114) regulating license taxes in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A resolution (H. Res. 234) asking the Secretary of the Interior for certain information in regard to the wood reservation on the east side of the Comanche and Kiowa Reservation in Oklahoma—to the Committee on the Public Lands.

By Mr. WACHTER: Memorial of the general assembly of Maryland, relative to inland waterway connecting Chincoteague Bay and the Delaware Bay—to the Committee on Railways and Canals.

Also, memorial of the general assembly of Maryland, relative to extending Elk River, etc., in Maryland—to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14115) granting an increase of pension to B. Frank Paris—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 14116) granting a pension to Joseph A. Lumsden—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14117) granting a pension to William Deay—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 14118) granting a pension to Mary C. Bickerstaff—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14119) granting an increase of pension to John B. Colby—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 14120) granting a pension to Letitia M. Leepard—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 14121) granting an increase of pension to Nannie J. McGurkin—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14122) granting an increase of pension to Almerin Peck—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14123) granting an increase of pension to James M. Emmons—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 14124) for the relief of D. W. Stuart, executor of Charlotte Spear, deceased—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 14125) granting a pension to Mary E. Springer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14126) granting an increase of pension to Levi H. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14127) for relief of the administrator of J. L. Fullilove, deceased—to the Committee on War Claims.

By Mr. LESTER: A bill (H. R. 14128) for the relief of the estate of Anton Borchert—to the Committee on War Claims.

Also, a bill (H. R. 14129) for the relief of Richard B. Sconyers—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 14130) granting a pension to Henry Repman—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 14131) to correct the military record of Edmond Dooling—to the Committee on Military Affairs.

Also, a bill (H. R. 14132) granting an increase of pension to Charles Watson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14133)) to authorize the Secretary of War to correct the military record of Henry T. Lloyd—to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 14134) for the relief of H. G. McMillan—to the Committee on Claims.

By Mr. TIRRELL: A bill (H. R. 14135) for the relief of the executors of the estate of Henry Lee, deceased—to the Committee on Claims.

By Mr. VREELAND: A bill (H. R. 14136) granting an increase of pension to John D. Thompson—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14137) granting a pension to Catherine Fritz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14138) to correct the military record of John Barron—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14139) granting an increase of pension to Samuel M. Ellis—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 14140) granting an increase of pension to Henry Hunterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14141) granting an increase of pension to James Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14142) granting an increase of pension to Clementine Stinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14143) granting an increase of pension to Augusta W. Seely—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14145) granting an increase of pension to Benjamin F. Brockett—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 14146) granting an increase of pension to John Murphy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of F. W. Moon, of West Alexander, and J. B. Holland, McDonald, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. ADAMS: Resolutions of the Commercial Exchange of Philadelphia, urging such legislation as will give uniform inland freight rates to all shippers of like commodities—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Resolutions of L. R. Skinner Lodge, No. 276, and Admiration Lodge, No. 101, Locomotive Firemen, of Buffalo, N. Y., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. ALLEN of Kentucky: Petition of John L. Givins and other citizens of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of William H. Ohler and others, of Portland, Me., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. BELMONT: Resolutions of Bricklayers' General Executive Board of Greater New York, and of the New York Produce Exchange, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Iroquois Club, of California, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. CANNON: Papers to accompany House bill 10537, for the relief of Andrew J. Northrup—to the Committee on Invalid Pensions.

By Mr. CROMER: Resolution of the common council of Bridgeport, Conn., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Colonel O. H. Rippey Circle, No. 21, and Ladies of the Grand Army of the Republic, of Turtle Creek, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolution of Polish Society, of Pittsburg, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DRAPER: Resolution of the Central Federation of Labor, of Troy, N. Y., in relation to the beef trust—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of Local Assembly No. 6909, Knights of Labor, Brooklyn, N. Y.; New York Produce Exchange of New York City, and Republican Union of the eighteenth assembly district, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry W. Fisher, of Brooklyn, for the repeal of the duties on meats—to the Committee on Ways and Means.

By Mr. FOERDERER: Petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates and provide penalties for all violations of the laws relating to interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Maritime Association of the Port of New York, that all American sailing vessels under 1,000 tons register, and of rating not inferior to A1½, should participate in all of the general provisions of the ship-subsidy bill—to the Committee on Merchant Marine and Fisheries.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of National Business League of Chicago, Ill., for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Plate Printers' Union No. 1, Railroad Telegraphers' Union No. 30, of Philadelphia, United Mine Workers' Union No. 263, of Wilburton, and Harmony Lodge, No. 263, of Northumberland, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petitions of H. E. & D. G. Yarnell, Jones, Sheibley & Hettrich, L. Dannenbaum's Son & Co., Stevenson Brothers, Smith, Kline & French Company, Shoemaker & Busch, Hanes Bros. & White, James W. Cooke & Co., Joel Baily Davis Company, J. L. Shoemaker & Co., Fourth Street National Bank, George H. West Company, Oglevee, Welsh & Co., Felton, Sibley & Co., Monroe Bros. & Co., George W. Bernstein, E. R. Hawkins, Fleisher Brothers, Vallee Brothers' Electrical Company, S. S. White Dental Manufacturing Company, Bickel & Miller, Pioneer Suspender Company, Brainerd & Armstrong Company, Harrison Bros. & Co., P. P. Mast & Co., Folwell Bros. & Co., Merchant & Co., Hirsh & Bro., and Biddle Hardware Company, all of Philadelphia, Pa., favoring the passage of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of A. J. Suttle, of Blount County, Tenn., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. GILLET of New York: Petition of B. L. Hurd and other citizens of New York, for the repeal of the duty on meats—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of John Ostrand, South Haven, Mich., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Resolutions of New England annual conference of the Methodist Episcopal Church, at Rockville, Conn., for the better observance of the Sabbath on the vessels of the Navy and in relation to the uniform of chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. HILL (by request): Petition of William A. Gordon and others, of Bridgeport, Conn., asking for repeal of customs duties on certain food products—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Resolution of Miners' Union No. 1755, of Mecca, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Somerset County (N. J.) Board of Agriculture, favoring the new oleomargarine bill—to the Committee on Agriculture.

By Mr. HULL: Petition of Confidence Lodge, No. 102, Locomotive Firemen, of Des Moines, Iowa, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of volunteers of the Eighth Army Corps, asking relief for such soldiers as served beyond the time of their enlistment in the Philippines—to the Committee on Military Affairs.

By Mr. KERN: Petition of United Mine Workers' Union No. 1207, of Tamaroa, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Resolutions of Mine Workers' Unions No. 56, of Colfax, and No. 831, of Evans, Iowa, favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McANDREWS: Petition of the Holy Name of Jesus Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of William G. Morris and 43 other citizens of Chicago, Ill., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. McCLELLAN: Memorial of the American Numismatic and Archæological Society, in favor of House bill 13075—to the Committee on the Judiciary.

By Mr. MOODY of Oregon: Petition of Columbia River Fishermen's Protective Union, of Astoria, Oreg., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Multnomah Typographical Union, No. 58, of Portland, Oreg., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

Also, petition of the Board of Trade of Kalispell, Mont., in opposition to a proposed bill affecting the present timber laws—to the Committee on the Public Lands.

By Mr. RICHARDSON of Alabama: Petition of Mahala H. Portlock, asking that her claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RUPPERT: Petitions of George Kirkland, Arnold Simons, and other citizens of New York City, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of the Thirty-third assembly district of New York, and Bricklayers' general executive board of Greater New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Plumbers and Gas Fitters' Union of New York City, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

Also, resolutions of the Maritime Association of the Port of New York, in relation to the ship-subsidy bills—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Resolution of Division No. 69, Order of Railroad Conductors, El Paso, Tex., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. WACHTER: Petition of Catherine Fritz for a pension—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Petition of Ransom Reed Post, No. 113, of Marysville, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to Samuel M. Ellis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Benjamin F. Brockett—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolution of the Commercial Exchange of Philadelphia, for legislation for the establishment of uniform inland freight rates to shippers of like commodities—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill granting an increase of pension to Henry Hunterson—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 1, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a petition of Local Division No. 336, Brotherhood of Locomotive Engineers, of Osawatomie, Kans., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. QUARLES presented a petition of the Wisconsin Conference of the Evangelical Association, of Milwaukee, Wis., praying for the enactment of legislation authorizing the extension and improvement of the "post exchange;" which was referred to the Committee on Military Affairs.

He also presented petitions of Lodge No. 191, Brotherhood of Railroad Trainmen, and of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, in the State of Wisconsin, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. QUARLES. I call especial attention to a petition which I present on behalf of the Sons of the American Revolution, who are now in session in this city. It is their earnest recommendation that the population schedules of preceding censuses shall be preserved. They set forth that in their judgment these schedules will eventually become very valuable for many purposes. In a pending measure it is proposed that they shall be sold for waste paper. In view of the source from which the petition emanates, I ask that it may be printed in the RECORD and referred to the Committee on Appropriations, which has charge of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin that the petition be printed in the RECORD? The Chair hears none.

Mr. CULLOM. I will state that the Senate is now considering the bill that affects the question involved in the petition, so I think it might be printed and laid on the table rather than referred to the committee. The bill is now before the Senate and it will be under consideration from day to day until it is disposed of.

Mr. PERKINS. I will state also, for the Senator's information, that the junior Senator from Connecticut [Mr. PLATT] yesterday offered an amendment on the same line the petition proposes.

Mr. QUARLES. I am very glad to hear it.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas in the making appropriations for sundry civil expenses of the Government which is now on its passage in the Senate a provision has been incorporated looking to the destruction of the whole or a part of the census schedules, which contain the names of the inhabitants of this country at each decennial period since the year 1790; and

Whereas there is danger that these records of inestimable value may be destroyed for want of appreciation of their importance unless expression is given to public opinion upon the subject by parties interested in their preservation; and

Whereas the society of the Sons of the American Revolution, whose fundamental principle is reverence for the patriotic deeds of our sires and pride in their achievements, is the only body now in session which can enter a timely, and, it is to be hoped, an effective protest against the proposed legislation; therefore,

Resolved, That we place upon record our sense of the inexpediency and impolicy of any disposition of the records in question other than their permanent preservation at the national capital, either in the permanent Census Office or elsewhere. They are a treasure-house of original information as to the identity of individuals and families, from the point of view of the genealogist, and not infrequently an aid to the judicial settlement of controversies as to the property rights by inheritance. They shed light which can be procured from no other source upon the social, political, and economic relations of the people of the United States during the past hundred years. Their value to the antiquarian and to students of history will continually increase in proportion to their age. The people have paid many millions of dollars for them, and if destroyed they can not be replaced; if scattered they can never be reassembled. Science and sentiment unite in the demand that this contemplated outrage on both shall not be consummated, and in their name we appeal to the patriots of Congress to prevent its consummation.

Resolved, That a copy of this action by this society be furnished to the chairman of the Senate Committee on Appropriations, Senator ALLISON, of Iowa, and Senator QUARLES, chairman of Census Committee, with a respectful request that he will call the attention of his colleagues in the Senate to our views and this expression of them.

WALTER S. LOGAN,
President-General.

Adopted May 1, 1902.

SAMUEL EBERLY GROSS,
Secretary-General of the National Society of the Sons of the American Revolution.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. BURTON presented a petition of sundry citizens of Great Bend, Kans., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 336, Brotherhood of Locomotive Engineers, of Osawatomie, Kans., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Fort Scott, Kans., and a petition of sundry citizens of Beloit, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Council Grove and Home City and of Manhattan Grange, No. 748, Patrons of Husbandry, of Riley County, all in the State of Kansas, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Local Union No. 458, of Lawrence; of Machinists' Local Union No. 149, of Pittsburg; of Iron Molders' Local Union No. 332, of Pittsburg, and of Team Drivers' Local Union No. 184, of Pittsburg, all of the American Federation of Labor; of Grand Army Posts Nos. 15, 113, 384, 177, 250, and 187, of Cottonwood Falls, Concordia, Kinova, Logan, Topeka, and Madison, all of the Department of Kansas, Grand Army of the Republic, in the State of Kansas, and of Farragut Post, No. 4, Department of California, Grand Army of the Republic, of Vallejo, Cal., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Wichita; of United Mine Workers' Local Union No. 444, of Frontenac; of Local Union No. 915, of Mulberry; of Local Union

No. 421, of Parsons; of Journeymen Barbers' Local Union No. 87, of Leavenworth; of Switchmen's Local Union No. 50, of Parsons; of Tailors' Local Union No. 2, of Leavenworth; of Tailors' Local Union No. 26, of Emporia; of Bricklayers and Masons' Local Union No. 6, of Iola; of Beef Butchers' Local Union No. 4, of Kansas City; of the Retail Grocery and Provision Clerks' Local Union of Leavenworth; of Carpenters' Local Union No. 201, of Wichita; of the Carpenters' Local Union of Topeka; of Local Union No. 499, of Leavenworth; of Carpenters and Joiners' Local Union No. 458, of Lawrence; of Local Union No. 753, of Atchison; of Local Union No. 942, of Fort Scott; of Carpenters' Local Union No. 138, of Kansas City; of Local Union No. 123, of Iola; of the Boiler Makers and Iron Shipbuilders' Local Union No. 221, of Pittsburg; of Retail Clerks' Local Union No. 63, of Leavenworth; of Retail Clerks' Local Union No. 118, of Horton; of Local Union No. 469, of Fleming; of Local Union No. 1580, of Pittsburg; of the Industrial Council of Pittsburg; of the Central Labor Union of Iola; of Local Union No. 4, of Pittsburg; of Local Union No. 270, of Atchison; of Local Union No. 8460, of Stippville; of Federal Labor Union, No. 8454, of Independence; of Packers and Flour Mill Employees' Local Union No. 9501, of Leavenworth, all of the American Federation of Labor; of Local Division No. 28, Order of Railway Conductors, of Atchison; of Local Division No. 137, Order of Railway Conductors, of Osawatamie; of Local Division, Brotherhood of Locomotive Engineers, of Leavenworth; of Local Division No. 179, Brotherhood of Locomotive Engineers, of Parsons; of Lodges Nos. 205, 252, 359, 515, 376, and 374, of Topeka, Arkansas City, Wellington, Caldwell, Horton, and Herrington, all of the Brotherhood of Locomotive Firemen, in the State of Kansas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of Lodge No. 91, International Association of Machinists, of Minneapolis, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Lodge No. 65, Brotherhood of Locomotive Firemen, of Waseca, Minn., and a petition of Local Division No. 420, Brotherhood of Locomotive Engineers, of Two Harbors, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. PRITCHARD presented petitions of Wood Workers' Local Union No. 93, of Winston-Salem; of Typographical Union No. 125, of Durham; of the Central Labor Union of Asheville; of Carpenters and Joiners' Local Union No. 826, of Spray; of Local Union No. 630, of Raleigh; of Boiler Makers and Iron Shipbuilders' Local Union No. 239, of Rocky Mount, and of Marine Engineers' Association No. 94, of Washington, all of the American Federation of Labor, in the State of North Carolina, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HANNA presented petitions of Mrs. S. L. Clark and 124 other citizens of Youngstown, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of J. H. Beard and 80 other citizens of Middletown, Ohio, praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented petitions of Lemert Post, No. 71; of Mitchell Post, No. 45; of Bell Harmon Post, No. 36; of Bowers Post, No. 28; of N. L. Norris Post, No. 40; of Thoburn Post, No. 72; of Zoquett Post, No. 196, and of Robert H. Caldwell Post, No. 439, all of the Department of Ohio, Grand Army of the Republic, in the State of Ohio, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented the petition of M. Stanton and 144 other citizens of Portsmouth, Ohio, and the petition of W. H. Cushman and 44 other citizens of Hillsboro, Ohio, praying for the adoption of certain amendments to the internal-revenue laws, relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Club, of Cincinnati, Ohio, praying for the enactment of legislation to increase the efficiency and change the name of the United States Marine-Hospital Service; which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of the Congregational Church, of the Woman's Christian Temperance Union, and of the Baptist Church, all of New London, Ohio, remonstrating against the regulation of vice in the Philippines; which were referred to the Committee on the Philippines.

He also presented a memorial of the Lake Seamen's Union of Cleveland, Ohio, remonstrating against the enactment of legislation to amend chapter 7 of the Revised Statutes relating to the employment of seamen in the merchant marine; which was referred to the Committee on Commerce.

He also presented petitions of the Stationary Firemen's Union, of Akron; of Marine Engineers' Beneficial Association No. 2, of Cleveland; of the Central Labor Union, of Ashtabula; of Scioto Lodge, No. 77, International Machinists; of the Labor Council of Ironton; of the Central Trades' Council, of Sidney; of the Trades' Assembly, of Marietta; of Valley City Federal Union, No. 8649, of Sidney; of Friendship Lodge, No. 375, Brotherhood of Locomotive Firemen, of Dayton; of the International Association of Machinists, of Youngstown; of the Central Trades and Labor Council, of Coshocton; of the Central Labor Union, of Canton; of Quarrymen's Union No. 9156, of Cleveland; of Piqua Lodge, No. 25, of Piqua; of the Central Trades and Labor Council, of Zanesville; of Painters, Decorators, and Paper Hangers' Union No. 248, of Columbus; of Cincinnati Press Assistants' Union, No. 17, of Cincinnati; of the Retail Clerks' Union, of Hamilton; of Local Labor Union, of Cambridge; of Richland Lodge, No. 185, of Mansfield; of Scioto Valley Lodge, No. 135, of Chillicothe; of International Broommakers' Union No. 79, of Circleville; of Broommakers' Union No. 12, of Cincinnati; of the Oil Workers' Union, of Bays; of Bricklayers and Masons' Union No. 19, of Fremont; of Bricklayers' Union No. 22, of Dayton; of Bricklayers' International Union No. 26, of Marietta; of Stonemasons' Union No. 27, of Reading; of Journeymen Barbers' Union No. 5, of Toledo; of Beer Drivers' Union No. 87, of Toledo; of Stonemasons' International Union No. 15, of Cincinnati; of Bricklayers' Union No. 35, of Lima; of Buckeye Lodge, No. 116, Switchmen's Union, of Conneaut; of Watch Case International Association of Engravers of America, No. 3, of Canton; of the Oil and Gas Well Workers, of Hammansburg; of Safety Lodge, No. 142, Brotherhood of Locomotive Firemen, of Toledo; of Sherman Lodge, No. 366, of Lancaster; of Local Union No. 550, United Mine Workers of America, of Wadsworth; of Local Union No. 1181, Mine Workers, of Minerton; of Parker Union No. 1238, United Mine Workers of America, of Magnolia; of Union No. 1575, United Mine Workers of America, of Washingtonville; of Local Union No. 1614, of Birds Run; of Plumbers, Steam and Gas Fitters' Union No. 50, of Toledo; of the Journeymen Tailors' Union, of Toledo; of the Retail Clerks' Protective Association, of Cincinnati; of Pearl Lodge, of Cleveland; of Federal Labor Union No. 9604, of Fostoria; of Gill Net Fishermen's Union No. 6896, of Cleveland; of Directory Workers' Union No. 9014, of Cincinnati; of Equity Federal Union, No. 9658, of Roseville; of Coremakers' Union No. 90, of Mansfield; of Local Division No. 402, Order of Railway Conductors, of Massillon; of International Jeweler Workers' Union No. 4, of Cincinnati; of the Retail Clerks' Association, of Steubenville; of Retail Clerks' Union No. 100, of Akron; of Barbers' Union No. 255, of Marietta; of Iron Molders' Union No. 145, of Columbus; of Brewers' Union No. 22, of Steubenville; of Brewers' Union No. 60, of Findlay; of the Brewers' Local Union, of Hamilton; of Journeymen Plumbers' Local Union No. 55, of Cleveland; of Plumbers' Local Union No. 59, of Cincinnati; of Plumbers' Steam and Gas Fitters' Union No. 94, of Canton; of Plumbers' Local Union No. 162, of Dayton; of the Plumbers' Local Union No. 140, of East Liverpool; of Journeyman's Gas Fitters' Union No. 260, of Cincinnati; of the Typographical Union of Piqua; of Wood Workers' Union No. 36, of Dayton; of Wood Workers' Union No. 134, of Piqua; of Cigar Makers' Union No. 79, of Sandusky; of Cigar Makers' Union No. 123, of Hamilton; of Cigar Makers' Union No. 260, of Piqua; of the Operative Potters' Union of East Liverpool; of Operative Potters' Union No. 7, of Tiffin; of Operative Potters' Union No. 44, of Sebring; of Flint Glass Workers' Union No. 11, of Newark; of Typographical Union No. 318, of East Liverpool; of Bricklayers' Union No. 21, of Columbus; of Retail Clerks and Salesmen's Union No. 39, of Piqua; of Retail Clerks' Union No. 94, of Canton; of Flint Glass Workers' Union No. 30, of Newark; of American Flint Glass Workers' Union No. 15, of Martins Ferry; of Cigar Makers' Union No. 137, of Massillon; of Amalgamated Woodworkers' Union No. 174, of Columbus; of the Boiler Makers and Iron Ship Builders' Union of Springfield; and of Journeymen Plumbers' Union No. 208, of Lorain, all in the State of Ohio, praying

for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SIMMONS presented a petition of the Business Men's Association, of Edenton, N. C., praying for the establishment of an inland water route from Chesapeake Bay to Beaufort Inlet; which was referred to the Committee on Commerce.

Mr. PATTERSON presented petitions of Local Division No. 375, Order of Railway Conductors, of Canon City; of Carpenters' Local Union No. 726, of Denver; of Glass Bottle Blowers' Local Union No. 30, of Denver; of Machinists' Local Union No. 44, of Denver, and of Bricklayers' Local Union No. 1, of Denver, all in the State of Colorado, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bakers' Local Union No. 26, of Denver; of Miners' Local Union No. 56, of Central City; of Woodworkers' Local Union No. 99, of Colorado Springs; of Woodworkers' Local Union No. 3, of Denver; of Switchmen's Local Union No. 49, of Pueblo; of Typographical Union No. 82, of Colorado Springs; of Operative Plasterers' Local Union No. 58, of Pueblo; of Operative Plasterers' Local Union No. 149, of Colorado Springs; of Cigar Makers' Local Union No. 492, of Colorado Springs; of Operative Plasterers' Local Union No. 201, of Denver; of Cigar Makers' Local Union No. 306, of Pueblo; of Operative Plasterers' Local Union No. 180, of Canon City; of Switchmen's Local Union No. 94, of Golden; of Miners' Local Union No. 89, of Gilman; of the Painters' Local Union, of Leadville; of Bakers' Local Union No. 162, of Pueblo; of Local Division No. 81, Order of Railway Conductors, of Woodland Park; of Cigar Makers' Local Union No. 397, of Cripple Creek; of Barbers' Local Union No. 254, of Canon City, and of Local Division No. 94, Order of Railroad Telegraphers, of Swallows, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of the board of directors of the Chamber of Commerce of Norfolk, Va., remonstrating against the adoption of the so-called London landing clause in bills of lading; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to make an appropriation for salaries of diplomatic and consular representatives of the United States to the republic of Cuba, intended to be proposed by him to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

LIGHT KEEPER'S DWELLING, ECORSE STATION, MICHIGAN.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan, to report it without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SIMON introduced a bill (S. 5561) for the relief of S. R. Green; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. DEBOE introduced a bill (S. 5562) for the erection of a public building at Bowling Green, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DILLINGHAM (by request) introduced a bill (S. 5563) to further protect the first day of the week as a day of rest in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 5564) granting an increase of pension to Ahimaoz E. Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5565) granting an increase of pension to Nathan Bigham;

A bill (S. 5566) granting an increase of pension to William W. Rollins; and

A bill (S. 5567) granting a pension to Moses Kettering.

Mr. CULLOM introduced a bill (S. 5568) granting an increase of pension to Emma R. Cropsey; which was read twice by its title, and, with the accompanying affidavit, referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 5569) for the relief of Gustavus A. Balzer; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5570) granting an increase of pension to Austin W. Scoville;

A bill (S. 5571) granting an increase of pension to John Ryan;

A bill (S. 5572) granting an increase of pension to James P. Carnes;

A bill (S. 5573) granting an increase of pension to John Day;

A bill (S. 5574) granting an increase of pension to John A. Grover;

A bill (S. 5575) granting an increase of pension to George A. James;

A bill (S. 5576) granting an increase of pension to William R. Partridge;

A bill (S. 5577) granting an increase of pension to George W. Sopher (with accompanying papers);

A bill (S. 5578) granting a pension to James M. Littrell;

A bill (S. 5579) granting a pension to Thomas Martin (with accompanying papers); and

A bill (S. 5580) granting a pension to John R. Clark.

Mr. PRITCHARD (by request) introduced a bill (S. 5581) for the relief of the estate of Joseph W. Green; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5582) granting a pension to Wesley A. Hampton;

A bill (S. 5583) granting a pension to Richard Tew; and

A bill (S. 5584) granting a pension to Willis Hix.

Mr. WELLINGTON introduced a bill (S. 5585) for the relief of Francis M. Brabham; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5586) to establish a railroad commission for the District of Columbia and authorizing said commission to construct a monumental union passenger station and railroad terminals for the said District, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KEAN introduced a bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5588) granting an increase of pension to William M. Hardison;

A bill (S. 5589) granting an increase of pension to George Gantz;

A bill (S. 5590) granting an increase of pension to Francis S. Wolfe;

A bill (S. 5591) granting an increase of pension to John D. Priest;

A bill (S. 5592) granting an increase of pension to Watson B. Vaughn;

A bill (S. 5593) granting an increase of pension to Henry R. Wheeler;

A bill (S. 5594) granting an increase of pension to W. B. Yates; and

A bill (S. 5595) granting an increase of pension to James W. Linkin.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5596) granting an increase of pension to Allen King;

A bill (S. 5597) granting an increase of pension to Owen Gerry; and

A bill (S. 5598) granting a pension to Albert Hempstead.

Mr. PATTERSON introduced the following bills; which were each read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5599) granting a pension to James A. Crank; and

A bill (S. 5600) granting a pension to I. W. Becksmith.

AMENDMENTS TO BILLS.

Mr. KEAN submitted two amendments intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of

certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HANNA submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purpose; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. SIMMONS submitted an amendment authorizing the Director of the Census, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish them with copies of so much of schedules of the First, Second, and Third censuses as may be requested at the discretion of the Director of the Census, upon payment of the actual cost of making such copies, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON submitted two amendments intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. FOSTER of Louisiana submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY ORDERS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CULBERSON as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information:

1. Whether the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8, 1901, on the subject of reconcentration, addressed to all station commanders, have been officially received by the War Department, and if so, when they were received, by whom they were forwarded, whether they were issued by authority of the major-general commanding in the Philippines or were approved by him, and whether they have been approved or acquiesced in by the War Department.

2. A copy of the order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila, if the same were in writing, or the date and substance thereof if they were verbally given. Also (*a*) whether said order or orders were authorized or have been approved by the major-general commanding in the Philippines, and if so, when they were so approved; (*b*) when said order or orders were received by the War Department, if they have been received, or when it was first known to the War Department that such order or orders were issued, and (*c*) whether said order or orders have been revoked or countermanded, and if so, when and by whom, giving the terms of the order of revocation.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

MAJ. CORNELIUS GARDENER.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PATTERSON, as follows:

Whereas the regiment of Maj. Cornelius Gardener has been ordered to the United States, but the exact time of its return is not known, but is stated to be somewhere from May 15 to June 1 proximo; and

Whereas Major Gardener is an important witness as to conditions in the Philippine Islands and other matters connected therewith and has resigned as civil governor of the province of Tayabas, that he may return with his regiment to the United States, but he can not probably reach the United States if he awaits his regiment's return until after the adjournment of the present session of Congress; and

Whereas the Philippine Committee, by a partisan vote, has declined to request the Secretary of War to request Major Gardener by cable to return immediately to the United States to testify as a witness before the Philippine Committee: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to immediately cable the said Major Gardener to return to the United States without delay, to give testimony before the said Philippine Committee.

Mr. PATTERSON. I ask leave to amend the resolution as follows:

In the third whereas, in the first line, strike out the word "partisan" and insert "party."

In the first line of the resolution strike out "Secretary of War" and insert the word "President."

In the second line of the resolution strike out the word "directed" and insert the word "requested;" and between the words "immediately" and "cable" insert the words "cause the Secretary of War to;" so that the resolution will read:

Resolved, That the President be, and hereby is, requested to immediately cause the Secretary of War to cable the said Major Gardener to return to the United States without delay to give testimony before the said Philippine Committee.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment to the resolution, which will be stated.

The SECRETARY. In line 1 of the resolution strike out the words "Secretary of War" and insert the word "President;" in line 2 strike out the word "directed" and insert in lieu thereof the word "requested;" after the word "immediately," in the same line, insert "cause the Secretary of War to;" so that if amended the resolution will read:

Resolved, That the President be, and hereby is, requested to immediately cause the Secretary of War to cable the said Major Gardener to return to the United States without delay to give testimony before the said Philippine Committee.

The PRESIDENT pro tempore. Will the Senate agree to the resolution as amended?

Mr. SPOONER. Mr. President, I presume there will be no objection to the matter being laid aside temporarily until the chairman of the committee comes into the Chamber.

Mr. PATTERSON. None at all, Mr. President.

Mr. SPOONER. I ask that it be laid aside until the chairman of the Philippine Committee comes into the Senate.

The PRESIDENT pro tempore. The resolution will be laid aside as requested.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.;

A bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida; and

A bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.

The message also announced that the House had passed a bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii; and

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had

on the 26th ultimo approved and signed the act (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn.

The message also announced that the President of the United States had on the 28th ultimo approved and signed the act (S. 3449) to establish an additional land office in the State of Montana.

The message further announced that the President of the United States had on the 30th ultimo approved and signed the act (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 1321) to restore to the active list of the Navy the name of James G. Field; and

An act (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt.

HOUSE BILL REFERRED.

The bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Mr. President, I know the Senator from Missouri [Mr. COCKRELL] desires to submit some observations upon this matter.

Mr. HANSBROUGH. Mr. President——

Mr. PLATT of Connecticut. The Senator from North Dakota, I understand, desires to address the Senate.

Mr. HANSBROUGH. Mr. President, I listened with a great deal of interest yesterday and the day before to the discussion of this measure. The debate took a very wide range, altogether too wide, I think, because some of the Senators undertook to criticise the action of the Interior Department in disposing of the lands in Oklahoma and others seemed to assume that quite all of the people who go into the Western country in search of homes are speculators and men of bad character.

I was particularly interested in what the Senator from Wisconsin [Mr. QUARLES] had to say on this latter subject. It is true, doubtless, that the great army of home seekers who have gone out on the Western plains have, from time to time, been followed by a class of people who might be denominated as speculators. The fact is that no army ever moves in any enterprise that is without its camp followers. But as to the intimation that most of these people, or any considerable number of them, are speculators, I desire here and now to make my protest.

I do not know how it was in the State of Wisconsin or in the State of Michigan or any other State where the principal interest is pine lands. I do not know if the speculator dominated the disposition of the pine lands in Wisconsin. Perhaps I ought not to refer to the methods under which those pine lands were disposed of or compare the class of men who go into the country west of the Mississippi River to seek homes upon the prairies with the class of men who have remained in the State of Wisconsin and other pine-land States and taken possession of the pine lands. But I imagine that if an investigation was had it would develop that there were quite as many speculators in the pineries as there are to be found upon the prairies of the West.

Now, a word with respect to the methods under which these Indian lands are disposed of. The Senator from South Carolina [Mr. TILLMAN] yesterday criticised the methods employed by the Interior Department in disposing of the lands in Oklahoma and found fault with the plan known as the lottery plan.

Mr. President, I do not favor lotteries as a general thing. Indeed, while I was a member of the House of Representatives I introduced and had passed in that body what is known as the anti-lottery bill. That bill became a law, and under that law the Louisiana lottery has practically gone out of business. So that I am not, generally speaking, in favor of lotteries. But I submit that under the circumstances, with the great pressure that exists on the part of the masses of the people who are seeking for homes wherever there is vacant land, it was utterly impossible for the Interior Department to dispose of the lands in Oklahoma in any other way than by the method which was adopted; in other words, by the lottery plan.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I yield.

Mr. TILLMAN. The point I tried to make was not so much against the lottery as against the condition which resulted from the lottery, and that was that the speculators or persons who really had no intention or purpose of settling on the lands and making homes rushed in to get advantage of the benefaction or largess of the Government in opening the land to settlement by homesteaders. If the Senator can devise any scheme by which no one but bona fide home seekers, men who have no homes and want to get homes, will be alone allowed to receive the benefits and to make application for homesteads, I can see that such a scheme, if it can be devised, would largely reduce the danger of any future lottery.

The condition which I brought up here was that we ought not to subject ourselves to the charge of injustice to the taxpayers by buying land for which we pay two, three, five, or ten dollars an acre, whatever amount it may cost, and then turn around and give it to a lot of people who do not need it and who are better off than some of us, who rush in and seize upon the opportunity to make a homestead entry. If they draw a prize, they will go and locate, and then they will hire somebody to go in and do whatever is necessary to preserve their homestead rights, and as soon as they get a chance they turn in and sell their claim and get the profit and go about their business, so that the taxpayers are fleeced and the home seekers are robbed of the opportunity to obtain homes. That is the idea which, if the Senator will elucidate, will benefit us a great deal more, I think, than to discuss the question of lotteries.

Mr. HANSBROUGH. Mr. President, I hope to reach that phase of the case before I have concluded, but I desire to say a further word with respect to the lottery system. I think it would have been utterly impossible for the Secretary of the Interior to have disposed of the lands in Oklahoma and on other reservations in any other method than by the lottery method, because there were probably 50 people on the ground for every 160 acres of land to be disposed of in that conntry. Now, I ask the Senator from South Carolina and other Senators, How are you going to select from that number of people the particular individual who shall have the right to take and occupy 160 acres, if not by the lottery system?

Mr. TILLMAN. If the Senator will permit me, I can see the difficulty of the Government officials undertaking to differentiate or to pick out from among the applicants for homesteads those who are bona fide and those who are not, but if the land has a price fixed does it not at once eliminate to a great degree the speculative applicants? Will any gambler be there seeking a homestead if he has got to pay some money? Is it not the gambler who expects to get something for nothing, who is on hand in these large numbers seeking to elbow away and to shove aside the actual bona fide applicant for a homestead, who is poor and wants to get some mother earth under his feet and get a title to it?

Mr. HANSBROUGH. Well, Mr. President, I do not believe——

Mr. TILLMAN. Will not putting a price on the land have a tendency to eliminate the speculator?

Mr. HANSBROUGH. I think not. Wherever the land is valuable there is going to be a very large number of people who are ready to buy it. Then comes the question as to who shall be entitled to make the purchase. Suppose again, that if there are fifty men on the ground——

Mr. TILLMAN rose.

Mr. HANSBROUGH. I do not want to yield just now. We will suppose that if there are fifty men on the ground to each 160 acres of land, and all of them will have to pay $2.50 or $3.50 or $5 an acre for the land, to which individual will you give the right to enter upon that land and make payment if not by the lottery system?

Mr. TILLMAN. Will the Senator allow me now?

Mr. HANSBROUGH. Certainly.

Mr. TILLMAN. In competition for any given land the easiest way and the only sure way to settle it is to put it up to the highest bidder, and if instead of a lottery to determine who shall by chance have the privilege of getting a homestead, if these lands are valuable, you simply say, "Well, here, lot No. 7 is for sale. Bid up for it." If John Smith wants it at $2 and nobody else wants to give any more, let John Smith have it; and so on through the line. You can eliminate the injustice which now obtains by the lottery system by letting the land bring what it is worth and letting the money come back to the United States which has bought it or have bought it. I do not know how to get that noun down to a singular verb, but I believe the courts have decided that the United States are to be considered as is, or in the singular.

We can determine that question very readily and easily and without any friction by simply saying that the lands on a given reservation, having been purchased by the United States and there being more applicants than there are homestead entries, we will, instead of having a fixed rate for all of it, put up each lot separately and "let the longest pole get the persimmon."

Mr. HANSBROUGH. I am afraid that under that system the Senator from South Carolina and myself would fare very poorly as against the class of gentlemen who have more money than we have. I think they would outbid us and we would come away without having procured any land, especially in the case of Oklahoma, where I understand the lands are to-day worth from $30 to $50 per acre.

I call the attention of the Senator from South Carolina to the further fact that right here in this body we decide who shall have seats, sometimes, by the lottery system.

Mr. TILLMAN. I have never known it to be done since I have been here.

Mr. HANSBROUGH. We are obliged to do it.

Mr. TILLMAN. I have never known it since I have been here.

Mr. HANSBROUGH. It has taken place.

Mr. SPOONER. That is because it has not been done since the Senator came here.

Mr. TILLMAN. Was it ever done?

Mr. SPOONER. Yes.

Mr. TILLMAN. When?

Mr. SPOONER. When two Senators——

Mr. TILLMAN. It is done in the House, but this body being a continuing body, without ever dying, and there always being old Senators here who have gotten the best seats, the new ones have to take what is left. It is "first come first served."

Mr. HANSBROUGH. When the State of North Dakota came into the Union, and two Senators were sent here, there was a question who should occupy the two years' term and who should fill the four years' term.

Mr. TILLMAN. That is the term and not the seat.

Mr. HANSBROUGH. And that was decided by lot.

Mr. TILLMAN. I say, Mr. President, if I may be permitted——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I shall be obliged to do so.

Mr. TILLMAN. That was a question of the tenure of the two Senators elected at the same time, as to which should have the short and which should have the long term. I thought the Senator was referring to our chairs here.

Mr. HANSBROUGH. I do not care to prolong the discussion on the lottery aspect of this case, and I will now refer to the bill under consideration.

I think that each of these cases should be allowed to stand upon its own merit. In the case of the Rosebud Reservation I understand that the lands perhaps are not worth $2.50 an acre, the price specified in the bill, and if this bill is passed with that provision in it there is grave doubt whether the lands would be in such demand by settlers as to cause them to be taken by those who are seeking homes in the Western country at the present time.

If there is any such doubt, Mr. President; if there is a probability that there would not be sufficient demand for these lands to cause their occupation by settlers for the purpose of cultivating them and making farms of them, and with the additional purpose of putting white people among the Indians, with a view to their further civilization, then I believe it would be well to eliminate the provision under which it is proposed that $2.50 an acre shall be charged, and allow them to be taken under the free-homestead clause.

I am inclined to think that the amendment offered by the Senator from Colorado [Mr. TELLER] on yesterday should be adopted, eliminating the commutation clause of the homestead act so as to require the settler who goes upon the land to live there five years, and thus eliminating the possibility, to a great extent anyway, of speculation. Of course, after a settler has lived there five years and has acquired title you can not prevent him from selling the land to some man who may want to buy a whole township, butif you have required him to live there five years, the Government has done its uttermost to prevent speculation. For that reason I think a provision should go into the bill eliminating the commutation clause of the homestead law.

I think that each one of these cases should stand upon its own merits, because in the different reservations there are no two cases alike. The land in the Rosebud Reservation is not of a quality which attracts settlers, whereas in my own State, in the Devils Lake Reservation, where we are proposing to throw open about 104,000 acres of land, the lands are worth to-day at least $15 per acre. I think it is no more than fair that the settler upon those lands should pay the price that the Government pays the Indians, and for that reason I yielded to the amendment offered by the Senator from Connecticut when that bill was up for consideration and allowed the free-homestead clause to be stricken from the bill, although the bill had been drawn by the Interior Department and the free-homestead clause inserted.

To-day, Mr. President, there are at least 1,000 people in the vicinity of that reservation anxiously awaiting the passage of the bill so that they may go upon those lands. When the time comes for them to go upon the lands it will be found that there is room for about 650 entrymen, and there are fully a thousand people on the ground now waiting to take advantage of the opportunity of securing a home there. So it would be absolutely necessary, if I may be allowed again to refer to the lottery phase of this case, for the Secretary of the Interior to provide some method whereby these people may decide by lot as to who shall take advantage of the opportunity.

Mr. President, there was a time in the history of this Government, when the homestead law was enacted, when the preemption law was enacted, and when the timber-culture law was enacted, when the Government of the United States was looking in every direction for settlers with whom to populate the public domain of the country. But that time has gone by. At the present moment the settler is soliciting the Government to secure a home for him. The arable public domain of this country is about exhausted. There is but very little of it left at the present time.

It was for that reason that the Senators and Representatives from the arid and semiarid States at the beginning of the present session of Congress got together and formulated the bill known as the irrigation bill, which passed this body some months ago unanimously and which now reposes in the sacred keeping of the leaders of the other branch of Congress. The purpose of the framers of that bill was to provide homes for the home seekers of the United States.

My attention was called recently to a most peculiar situation. Owing to the scarcity of lands in the Western States at the present time thousands of people are now going into Manitoba and the Saskatchewan country, in Canada, to secure homes—leaving the United States and going to a foreign country to secure lands. Could there be any better argument in favor of an irrigation bill, so that we might provide homes for these people and keep them here, keeping our own citizens in the United States?

A prominent official of one of the leading railroads of the country told me the other day that 7,000 people from the State of Iowa had gone to Manitoba in the past sixty days to find homes, which they could not find on this side of the line. I would be surprised if anyone should tell me that any man from the State of Iowa should stand in the way of the passage of the irrigation bill, so that the people who are now going from the State of Iowa to Manitoba and elsewhere in Canada might remain here as citizens of the United States.

So, Mr. President, without prolonging this debate, I want to say in a word that I think in the case of these Rosebud lands, if the Senators from South Dakota think the lands could not be readily sold for $2.50 an acre, perhaps an amendment might be put into the bill providing that they shall be sold for $1.25 an acre. If the Senators from South Dakota think that settlers would not be attracted by fixing the price at $1.25, then I think the land should be purchased and thrown open and settlers should be allowed to go in and live there five years, without paying anything whatever for the land.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I was about through, Mr. President, but I yield.

Mr. TILLMAN. I would ask the Senator, if he supposes there is any doubt about the bona fide settlers being willing to buy these lands at the upset price, what need is there to open up this reservation? Why should we be paying this million dollars, or whatever the amount is that we are going to pay to the Rosebud Indians to get land that nobody wants? Why should we pass a bill here at all? Why not let the Indians alone in the peaceful enjoyment of their reservation, and wait until the demand for homes or for more land by the Caucasians makes it desirable to open the reservation?

Mr. HANSBROUGH. Right on that point, Mr. President, I desire to say that the purpose of throwing open the Indian reservations and allowing white settlers to come in and take the lands is that the Indians may have the opportunity of mixing with the white people and learning something of our methods. I think their civilization will be thereby greatly hastened. That is the object of opening the reservation.

Mr. TILLMAN. The Senator does not, of course, expect me to believe that, though he says it undoubtedly in good faith.

Mr. HANSBROUGH. Certainly.

Mr. TILLMAN. Any man who has been in the West and who

has run up against this Indian problem and the condition of those Indians, with their gradual pauperization and the absorption of their lands by the whites, knows that love of the Indian is about the smallest quality or quantity in the minds of men in the West.

Mr. HANSBROUGH. The Senator from South Carolina is constantly looking for fraud somewhere. He has always got the tail of his eye on some one whom he regards as a suspicious character, and if we come in here with any measure, no matter what the measure may be, the Senator is going to pick flaws in it.

Mr. TILLMAN. I picked no flaws in the irrigation bill; on the contrary, I got up here and advocated the passage of the irrigation bill.

Mr. HANSBROUGH. That is true.

Mr. TILLMAN. Then the Senator ought to apologize for the accusation he has just made.

Mr. HANSBROUGH. I apologize to the Senator so far as the irrigation bill is concerned.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] desires to be heard on this matter. I have sent for him, and I hope he will soon be here.

Mr. TELLER. Whilst waiting for the Senator from Missouri, I want to call attention to the amendment I proposed yesterday, which will be found by looking at page 6, beginning in line 25, striking out the words "except that homestead settlers who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed therein." The price fixed is $2.50. I propose to strike that out; and, not going any further, that would undoubtedly leave the settlers entitled to enter their homesteads at a dollar and a quarter an acre.

What I desire to accomplish by this amendment is not to allow the homesteaders on this land to commute it. I want to avoid what the Senator from Wisconsin [Mr. QUARLES] and some other Senators seem to be disturbed about. I want to avoid speculators going in there and getting the land, and I think the amendment I have offered will accomplish that purpose, because no speculator will go in if he has got to live on the land for five years; but it will enable the poorer class of people to go in and make homesteads on this land.

Mr. President, I want to say a word or two about the complaint which has been made here that we are buying land from the Indians, paying money out of the Treasury to the Indians for the land, and then giving the land to settlers. The policy of the Government of the United States from its very organization has been that the Government was the trustee of the land for the benefit of the people; and when there did not appear to be in this country any speculative disposition the Government allowed, under the preemption act of 1842, entries under some limitations. Before that there had been very little limitation. The settlers had been privileged to go upon the public land, pay a dollar and a quarter an acre for the land, and obtain title to any quantity they saw fit.

After 1842, and perhaps before that time, the practice was this: The settler could go upon land, live upon it about two years and a half, and then pay for it; or if he had enough ready money he could find plenty of land that had been offered for sale. The Government having offered the land for sale and not finding a bidder, it was returned and then was opened to preemption, as we called it, without any occupation of it. The settler could go and buy 160 acres of land, or any other number of acres of land which he had the money to pay for, at $1.25 an acre. There was not under that system, which was an open system, any considerable aggregation of public land in the hands of individuals.

I have seen thousands and tens of thousands of acres of good land that could be bought for $1.25 an acre stand in the market year after year with nobody offering to purchase it. That was true in all the States of the West. That land is worth now a great deal of money, or at least some of it is. Of late years, within the last fifteen or twenty years, or probably twenty-five years, there has been a good deal of a disposition on the part of capitalists to buy lands in large quantities.

Mr. PLATT of Connecticut. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I understand that originally the law was that a person could go and locate land anywhere and pay $1.25 an acre for it.

Mr. TELLER. Yes.

Mr. PLATT of Connecticut. And he could also locate land under military bounty land warrants. But there came a time—and I should like the Senator to explain how it was—when large tracts of land were obtained for small sums per acre. I remember in 1863, when I was out in Omaha, I was told that a man who had been a Senator of the United States had acquired under the land laws, in some way or other, several thousand acres of land which had not cost him more than 10 cents an acre.

Mr. TELLER. Where had he bought the land?

Mr. PLATT of Connecticut. In Nebraska, which was then a Territory. There had been some law in existence under which he had been able to get that land at a low price.

Mr. TELLER. I think that is a mistake as to Nebraska; but this has been the rule for many years: After public land had been offered in the market a certain length of time, the price was changed from a dollar and a quarter an acre to something less, and so on down until the price had got as low us 12½ cents an acre.

Mr. PLATT of Connecticut. Where there was no demand for the land, and it was open for entry and not taken, was it not put up at auction and sold?

Mr. TELLER. In the first place the land was put up and offered at $1.25 an acre to the amount of many thousands of acres. After the land was put up no one would go there, because a man could go the next day and take it at $1.25 an acre, just what he would have to bid, and after the land had been returned unsold, then it was open to any person who wanted it in any quantity. The longer settlers stayed off the land the lower the price went, until sometimes good land was sold in the State of Missouri for 12½ cents an acre. That was under what was called the graduated land act.

There was another method by which land could be acquired, and that was by military bounty land warrants, representing $1.25 an acre in locating lands, which sold in the West sometimes as low as 25 cents an acre. Yet, with all these opportunities, there was no considerable amount of land taken except by actual settlers.

In 1861 the Government of the United States changed its policy by the adoption of the homestead law, and allowed public land to be taken without any payment whatever, provided the settler would go upon the land and stay there for five years. Under that law there has been an immense quantity of land taken, thousands and tens of thousands of acres, and thousands and tens of thousands of homes have been made all over the West. Of course that to some extent reduced the income of the Government. These homesteaders, after they had lived on the land for the given period of time, could go and pay $1.25 an acre and get a good title. A great many homesteaders, after they had lived the required time on the land, so that they could do so, went and paid $1.25 an acre for the sake of having an absolute title and knowing that the property was their own. I think of all the things of which the Republican party can boast the most beneficial act of civil policy they have ever performed was when they freely donated to the people the public lands. The result was an increased settlement in the West and Northwest.

Mr. President, I have seen something of the settlement of the West in at least four or five States. I have been going back and forth through them for the last thirty-odd years—now pretty nearly forty years—and I want to say to the Senator from Connecticut [Mr. PLATT], who seems to think that these people ought to pay $2.50 an acre for this land, that any man who goes upon one of those quarter-sections of land and makes a home there is entitled to the land without paying a single cent for it, and the Government of the United States ought to be delighted to have him do so. There is not an acre of public land left to the United States Government, nor is there an acre inside of any Indian reservation, that the Government ought not to be glad to buy of the Indians and see some settler go on it.

Senators who live in the Atlantic States, and who were born so late in the history of this country that they have not seen that new country developed, do not know anything about what it costs to settle up a country; they do not know what it meant for a man to pioneer in the Dakotas, or in Iowa, or in Nebraska, or in Kansas, or in Colorada, or in Montana, or in any of those Western States. It is true, Mr. President, now that the lands which early settlers got for nothing may be worth $50 or a $100 an acre, but they have made them so. But for their presence those lands would not be worth any more than they were fifty years ago.

For myself, I have not any fear of the Government of the United States being robbed by taking in all the reservations at any price that we are likely to pay for them, and shearing them of all the land which is not needed and giving it to the settlers.

Mr. President, we have some new possessions now. We have ten or twelve million people under our control, whom we declare to be under our protection, who have had no opportunity of receiving the benefit of free homes from the Government. There are supposed to be 500,000 acres of land now owned by a religious order in the Philippines called the friars. I find in a bill pending here a proposition that we shall condemn that land, make it public land, and sell it to the people. I do not know how we are going to condemn it; but, leaving that question out of view, if we condemn it we have got to pay for it, and we probably shall pay twice what that land is really worth—twice what the Government ought to pay. My own judgment is that it would be

well for us to pay almost any price that is demanded of us rather than not get the land.

Mr. PLATT of Connecticut. What is that?

Mr. TELLER. I am referring to what are called the friars' lands in the Philippines. That subject, of course, is not touched in this bill, but I was referring to the principle of this bill, which I think ought to be applied to those lands. What we shall pay for those lands I do not know, but I should think, from the information I have, that we are likely to pay twice the amount the land is worth. I would very much prefer to see the Government buy it for twice what it is worth than not buy it at all. When the Government buys the land at twice what it is worth, I do not want to see it sold to the people who are going to live on it at the price we buy it for.

On the contrary, Mr. President, I do not want to see it sold to them at all. Many of the occupants of this land are men who have lived upon it during all their lifetime and the lifetime of their parents before them. I believe it would be good policy for the Government of the United States to buy that four or five hundred thousand acres of land, divide it into holdings not to exceed 40 acres, and then give it to the people who are living on it. I think we could never invest a few million dollars with half the benefit and profit to us that that would be. I believe it would go far to compose the difficulties which exist there, and that it might create a friendship for the Government which can not be secured by all the armies that may march over that country with all the pomp of war. As it has been the policy of the Government for a good many years to make the land free, or so free that every man, no matter how poor he may be, can get a home upon it, I hope that principle will be applied when we succeed in securing that land. I have simply taken advantage of the pendency of this bill to say this because I have felt like saying it for some time.

Mr. President, I do not know how much land is involved in this bill, but the more land there is involved in it, the more anxious I am that the land shall be made free—the more anxious I am that the people who go upon it shall not be asked to pay a single dollar to the Government of the United States for the title they can get by living on it. I do not believe that the United States ever in its history invested any money that has been so valuable to it and has returned such great rewards as the money invested in these and other lands, and the money that they might have collected, but did not collect, out of settlers in the West and Northwest.

My friend from South Carolina [Mr. TILLMAN], who sits near me, says that he does not want to see the taxpayers burdened by the passage of this bill. Mr. President, I have myself some little interest in the taxpayers, but I lose some of that interest in trifling things of that character from a financial point of view when I see the Government of the United States spending two or three hundred million dollars a year—$200,000,000, at least—on the Army and the Navy, and doing so without embarrassment, when we have a great overflowing Treasury, with $180,000,000 at the command of the financial department of the Government and $150,000,000 more which is locked up in the banks of the country and might, so far as the Government is concerned, as well be in the sea, and that money being kept there for the supposed purpose of the redemption of some obligations of the Government, never to be used. The Government of the United States can not plead poverty; it can not plead distress, with all these great expenditures. I think I shall be safe in saying that there is not any country in the world where the people feel so little the burdens of taxation of a national character as in this country.

I hope, Mr. President, that we shall economize; but I hope that we shall not commence economizing with the settlers. I know that $400 may not appear to be very much to members of this body; but $400 is a great deal of money to a settler. It is more money than a great many farmers in the West ever had together at one time; and there are thousands and tens of thousands of men who have good homes and who have valuable holdings who never could have had them because they never could have raised money enough to buy them if the Government had not said, "That is free land and you may go and take it."

I do not see how anybody, when he looks over the growth of the Northwest and the character of its population, which compares most favorably with any population on the face of the earth, can think we have made a mistake in giving to these people free lands, and I can not see why anybody should be disturbed now that we are going to remit to the settler the payment of $400 if he goes upon a quarter section of land and makes his home there for five years, as he must do under the terms of my amendment if it be adopted. As suggested to me, the Government is paying less than 25 cents an acre for this land when it buys it from the Indians.

Mr. PLATT of Connecticut. What is that?

Mr. COCKRELL. The Government pays $2.50 per acre.

Mr. PLATT of Connecticut. Certainly; the Government pays $2.50 an acre for the land.

Mr. TELLER. The statement I made was based on a suggestion made to me by a Senator sitting near me.

Mr. JONES of Arkansas. More than 4,600,000 acres.

Mr. PLATT of Connecticut. Four hundred and sixteen thousand acres, I believe.

Mr. TELLER. I have not looked into the details to ascertain as to that.

Mr. GAMBLE. The number of acres purchased is 416,000.

Mr. JONES of Arkansas. I thought it was 4,600,000.

Mr. GAMBLE. No; 416,000 acres.

Mr. TELLER. Suppose it is. The property belongs to the people of the United States; they are entitled to it, and they are entitled to have it in such a way as will do the most good to all of them. Of course there are tens of thousands of people who can not go and take homesteads, but they will be benefited by every homestead that is taken. There is not a man, woman, or child in the United States who is not benefited when homesteads on those 416,000 acres are occupied by intelligent American citizens and farmers.

Senators who have lived in the West have seen communities built up there; they know what the settlers have had to do, taking the raw, uncultivated earth, with not a building of any kind in existence, but every building having to be erected, every road and every bridge to be constructed and to be paid for out of the hard earnings of that class of settlers. Mr. President, the very development of the country comes out of those people; and when you go over that country you see fine homes, fine farms, and fine roads, all of which have been built by the toil and the labor of the settlers; and inasmuch as a settled country is better than a desert, so it is better that we should let the people go there and occupy the land, and we ought to let them go upon terms that will cover the country with population as speedily as possible.

I do not know whether this land is distributed amongst the Indians or not, but I judge it is from a remark made by one of the Senators who spoke yesterday. If, however, it is not distributed around amongst them, it is the fact that the Government in giving to these Indians their allotments withholds the lands from the operation of the tax laws of the States. Within the last three years in the State of Colorado the Government has allotted lands to a large number of Indians, throwing open a portion of a reservation to settlement, which the people have taken. This land is to be reserved from the operation of the tax laws, according to my recollection of the treaty, for twenty-five years, during which time they will pay no taxes whatever upon personal property or upon the lands. That means an additional tax and an additional burden upon every settler who is upon those lands.

The intervening sections have been taken up, and a quantity of land on one side has been taken. They are all in the same municipal community or county, and the Indian who has thousands and thousands of acres contributes nothing in any shape or form to the development of the country. What he fails to contribute, or what he would have to contribute if he were a white man living on that land, must be contributed by the white man who lives on the other land.

When all these things are taken into consideration, there is absolute justification for giving these lands to the people without compensation. Nay, more than that, Mr. President, it is an absolute injustice to demand that they shall pay any price whatever for that land; it is contradictory to the policy we have been pursuing, which is to open the public lands to the settlement of an independent farming people just as rapidly as possible.

I do hope that this bill will become a law with that provision left out of it, and that settlers may be allowed to take the land, and not buy it, under the homestead law, with the exception that they shall not commute, but shall live on the land for five years.

Mr. TILLMAN. Mr. President, there is one phase of this matter to which I will briefly refer before we come to any vote, and that is to direct the attention of Senators to the fact that we have fixed charges on the Treasury amounting to some $1,800,000, or something like that, for the land-grant colleges. Under various acts of Congress the several States and Territories have had endowed, out of the fund received from the sale of public lands, experimental stations and schools of agriculture. I want to direct attention to the fact that if we continue to give away the arable land, and if we shall have the act which was passed by this body become a law by being passed by the other body, donating all the proceeds of the public lands to be sold hereafter to the irrigation scheme, unless we get some fund from the sale of the Indian reservations that are thus opened to settlement the source of endowment of the land-grant colleges will disappear, and we shall be called on to take money that will be derived from taxation to support those colleges. That is well worth the consideration of Senators whose States are not interested in this matter.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. TILLMAN. With pleasure.

Mr. GAMBLE. It is my understanding that during the discussion of the bill passed two years ago it was directly stated that the proceeds from the sales of public lands were insufficient to support the agricultural colleges and experimental stations, and that it would come directly from the Federal Treasury; and it is my understanding that for some years it has been paid directly from the Federal Treasury without any regard to the amount received from the sale of public lands. I think it has been so returned in the estimates of the Department.

Mr. PLATT of Connecticut. There has been enough received up to this time to make it good.

Mr. TILLMAN. There has always been more than enough from the sale of public lands to furnish the source of supply to keep the obligations or the implied pledge of the Government to the land-grant schools. But the demand will come sometime or other, when the condition of the country is not so prosperous and taxation bears heavily upon the people, that we shall economize. If we now by legislation dispose of all the public domain the condition will be this: There will be nothing left of the arid region, because all the lands in that region are to go for irrigation, and the only remaining arable land will be Indian reservations; and if we give that away, after buying it at these prices, I want to know where the money is to come from to meet the obligations to the agricultural and mechanical colleges. We have to meet it after we get rid of all of the land, and we should not, like a spendthrift, inaugurate a policy which will bring us face to face with a donation from the Treasury.

Mr. STEWART. I call the attention of the Senator from South Carolina to a paper which I desire to present out of order. It is the memorial of Charles Polkinghorne and sundry other citizens of Nevada, remonstrating against the enactment of legislation to provide for the leasing for grazing purposes of vacant public lands and reserving all rights of homestead and mineral entry, the rental to be a special fund for irrigation.

I would suggest to the Senator that the proposition now before Congress will be worked up to a considerable extent to lease them all to cattlemen. That will dispose of irrigation and dispose of any proceeds to carry on these schools. My constituents all protest against it and hope no such measure will be passed.

The PRESIDING OFFICER. If there be no objection, the petition will be received and referred to the Committee on Public Lands.

Mr. TILLMAN. I merely call attention to this phase of the question. The present endowment of these land-grant colleges and experimental stations, amounting to $40,000 to each—and as there are some 48 States and Territories, I believe, making something like $2,000,000, or in the neighborhood of it—is now derived from the proceeds of the sale of public lands. As soon as we have reached that point where the few remaining patches of arable land which people are willing to purchase and undertake to use in farming operations or in any other other than grazing are disposed of, and if this irrigation scheme shall go through the House, we are going to be face to face with the loss of the endowment fund to the agricultural and mechanical colleges throughout the United States, and I am opposed to any policy which shall handicap us or handicuff us and injure those schools by destroying the fund from which they now receive their endowment and thereby jeopardize those great institutions of learning.

Mr. LODGE. I should like to ask the Senator a question before he takes his seat. He alluded, in closing, to the irrigation bill. Is it not true that the whole of that system, in the bill which we passed, rests on the proceeds of the sale of public lands?

Mr. TILLMAN. Absolutely. The proceeds of the sale of every acre of the public land in a certain list of States west of the Mississippi, and that embraces all the public land practically, will go to the irrigation scheme.

Mr. LODGE. Then the policy of this bill would, in the first place, throw the agricultural colleges and the experimental stations onto the Treasury, and then would throw onto the Treasury the entire system of irrigation that we proposed in the Senate bill; and either the irrigation system must stop or the agricultural and experimental stations must stop, or we must make fresh appropriations for them all.

Mr. TILLMAN. I do not know that I would go so far as to say that, but I will say that my understanding of the condition is this: If the irrigation bill becomes a law all lands in the semiarid region—and that will begin with the Missouri River and everything beyond—will go to irrigation. There are some reservations east of that region involved in the irrigation scheme, but unless we sell the land which we propose to buy from the Indians, in order to get some money, the agricultural and mechanical colleges will be placed under the necessity of coming here and saying to us, "Appropriate out of the money derived from taxation, for the public lands are all gone."

Mr. PLATT of Connecticut. With regard to the effect of the passage of this bill upon the scheme for irrigation, the facts are just these: The bill we passed provided that all moneys derived from the sale of public lands in certain States, among which is South Dakota, should be applied for irrigation purposes, and it was also provided in the bill that if the receipts from the sale and disposal of other lands not within the States enumerated should be insufficient to support the agricultural colleges there should be appropriations directly out of the Treasury for that purpose.

So as it stands now we appropriate for irrigation purposes the proceeds of the sales of public lands in South Dakota and the other States mentioned, and the proceeds of the sales of public lands outside of those States are applied to the support of agricultural colleges; but if there is not enough derived from the sales of land outside of those States, then appropriations are to be made from the Treasury to cover the deficiency. That is the precise statement of this matter with regard to irrigation.

With reference to the Rosebud Reservation, the Government is going to pay a million dollars to the Indians. If it gets it back by selling the land to settlers at $2.50 an acre, there will be a million dollars derived from the Rosebud Reservation to go into the irrigation fund. If the Government is going to let the settlers have the land for nothing, there will be nothing derived from this reservation to go into the irrigation fund.

Mr. TELLER. I feel a great deal of interest in the irrigation fund, but I do not want, and I know the people of my State do not want, to build an irrigation scheme in Colorado at the expense of the settlers of some other State.

Mr. SPOONER. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. SPOONER. I was not here when the irrigation bill was passed, but as I understand it the proceeds of the sales of public lands in a State are not to be devoted to irrigation in that State.

Mr. TELLER. No.

Mr. SPOONER. So the money derived from the sale of public lands in South Dakota or in any other State may be applied to irrigation in another State?

Mr. HANSBROUGH. In Colorado.

Mr. SPOONER. In Colorado.

Mr. TELLER. Under the irrigation bill, if it should become a law, which I do not think it is quite fair to hold up here now, because it is not yet a law, if this land is sold to settlers in South Dakota the money can be taken and invested in the irrigation of Colorado lands.

Mr. SPOONER. If these lands are given to the settlers—and I do not know whether that ought to be done or not—so that the irrigation fund is deprived of that amount of money, money may be taken from the proceeds of the sales of public lands in Colorado and applied to irrigation in South Dakota.

Mr. TELLER. The same thing. But the irrigation bill has not become a law. I am afraid it will not for some time. Anyhow, we ought not to be basing our legislation here upon a bill which has not yet become a law. If I knew that the million dollars to be realized from settlers in South Dakota out of this land would be used in Colorado to build reservoirs, and if by my vote I could give the settlers this land free, I would certainly give it to them. I know we in Colorado do not want anything of that kind. We will not complain if the irrigation fund is depleted to the extent of a million dollars if it is for the purpose of giving free homes to settlers.

What is more, we have one of these land-grant colleges. I guess it is about as good as any in the United States. If the Government shall feel, when the time comes when money can not be derived from the sale of land, that it does not wish to put up the money for the college, I will guarantee that the State of Colorado will take charge of her agricultural college and run it. It will not be abandoned. It will be as good under our administration as it is under that of the Government. It may be, when the revenue from the lands ceases to come in—and it must some day; everybody knows that; we must reach that point ultimately, and it is not a great while ahead either, because there will be very little land that you can ever sell for more than the cost of irrigation—when the time comes when there is no money coming in from the sale of lands and the Government is met with the question whether it will maintain these agricultural colleges, and it says "no, it can not afford it," there is not a State in the Union which is going to abandon its agricultural college. There is not a State in the Union which is not prepared to take up itself and carry on its agricultural college. There may be one or two among the new States which would be somewhat embarrassed by it, but they would do it all the same. The colleges would not be abandoned. I do not think there need be any worry about that.

The simple question is whether it is a proper and just thing to put this burden upon the settlement of that particular part of the country and upon those settlers. I do not think you could put the million dollars to any use on the face of the earth which

would justify this great rich nation of ours in taking it out of the pockets of the poor settlers.

Mr. STEWART. Mr. President, I am in favor of the free-home law, and I have been in favor of the law, but what staggers me is the high price we are compelled to pay the Indians. There is no way of reducing it. There have been one or two bills passed where the price was reasonable. With respect to Montana the evidence shows that the land was good. Most of it will be commuted, so the Government will lose very little. The land is good and there will be no great loss. In North Dakota the Senators from that State had good land and they consented to take it and pay for it.

In this case I have all the while been laboring under the doubt whether the land—after they have selected out a hundred thousand acres, the best of it, along the stream, knowing the land as I do, which is in the semiarid region and is high land—is worth $2.50 an acre. It certainly is a fancy price to pay for it. If it is worth that it has been made so entirely by settlements. Originally it was worth very little for any purpose, and if it is worth $2.50 an acre it is because settlements have crowded in.

I do not think the Government should be forced up in price by the Indians in this way. That is true not only in this case, but in other cases. If there is no way to acquire these lands for reasonable sums, if we are bound to buy them at the Indian prices and then open them to settlement, it is going to burden the Government beyond all reason, and either we must let up at one end or the other.

If we have to pay fancy prices for the lands, more than they are worth, because the Indians say so, then we can not give the lands away. If we can buy them for what they are reasonably worth, all the conditions considered, and benefit the Indians by taking them, we ought to do so. The Indians are not benefited by having a large reservation. It is better for the Indians if you can keep them in close quarters where you can see them and attend to them. If they are permitted to roam over a vast country they will remain wild. These vast regions do them no good. We are educating their children. We are doing everything we can for them. We are supplying them with rations almost everywhere. We are treating them as wards. If we have to have these vast regions tied up until we pay the prices the Indians ask (and in many cases the Indians are not on the land at all, but are living around towns, off the reservation, and the reservations do them no good unless they cultivate them), we will have to stop the whole thing, because the country ought not to be burdened to pay these prices and then give the lands away.

I suggest that as reasonable men we ought to treat our wards as a guardian would be bound to do, for their own good. We educate them and feed them, and we ought to put them where they can learn agriculture. They can not learn it in a vast region. Put them on good land—we are doing it as fast as we can—and give them allotments. When there is a piece of land which the Indians do not want, which is of no use to them, then the Government should appoint a commission, which should state what the land is worth and what ought to be given the Indians for it. We have the power. That ought to be done. If we do that, we can go on and open the country. If we do not do it, if we have to send out inspectors who must make contracts, who must get treaties, who go out and have to do what the Indians say in order to get the treaties, the same result will ensue. We have several inspectors who are good men, who would like to make reasonable bargains, but they can not make any bargain unless they do what the Indians want. Their success has all been obtained by submitting to conditions. It is not only this case, but there are others.

In this case I shall, as it came from the committee, vote to sustain the committee. I shall vote against the amendment and vote with the Senators from South Dakota; but I tell them that from this time on I shall fight every other treaty made with the Indians where the Indians fix the price of the land. You can not open the lands on that condition, and that the country may as well understand. You have to change the policy, or I am in favor of making no treaties, opening no more reservations, unless we can get them at reasonable prices.

Mr. JONES of Arkansas obtained the floor.

Mr. DIETRICH. Mr. President——

Mr. JONES of Arkansas. I yield to the Senator from Nebraska.

Mr. DIETRICH. I should like to ask the Senator from Connecticut if he believes that the money which we would derive from the sale of the lands we acquire from the Indians would be considered money to be used in irrigation?

Mr. PLATT of Connecticut. Certainly. That is the express provision of the irrigation bill. All moneys derived from sales of public lands in South Dakota and other States are to be thus applied.

Mr. DIETRICH. Those lands are not public lands at the present time. They are lands belonging to the Indians.

Mr. PLATT of Connecticut. They will be public lands when they are sold.

Mr. JONES of Arkansas. Mr. President, I was very glad to hear the chairman of the Committee on Indian Affairs make the statement he did a moment ago. I very earnestly believe in the homestead system. I do not believe any law was ever passed by Congress which was wiser or more beneficent than the homestead law. I believe the public domain ought to be devoted to making homesteads in the country, and I do not care whether the land comes from an Indian reservation or from anywhere else. Whenever any land comes into the public domain it ought to be opened to settlement and used for that purpose, wherever it is possible to make homes of it.

I believe there ought not to be any exception in this case to that rule, and I heartily indorse the proposed amendment of the Senator from Colorado [Mr. TELLER] and hope it will be adopted by the Senate. If this agreement is ratified and these lands become a part of the public domain, then they should be used for homestead purposes. But I have been somewhat struck with the fact that this debate has run along altogether on that question. It seems to me there ought to be no difference here. It seems to me everybody ought to be in favor of the settlers having the right to locate their homes on the public domain, no matter where it comes from.

The trouble about this business is the paying of these unreasonable and outrageous prices for the Indian claims on lands that they do not own. Now, we have gone forward with that to a most unreasonable extent. We have been buying lands from the Indians at fancy prices. Of course everybody knows how the Indians are. When they understand that the Government wants to buy what claim they have they will put a fancy price on it and ask just as much as they think they can make the Government pay. As was suggested by the Senator from Nevada one of these agents is sent out by the Government, and he is bound to make some sort of an arrangement, and to do that he must accede to the Indians' demands.

The Indians have a mere right of possession. In a great many cases they do not own the land. They are simply put there for the purpose of occupying it, and the large boundaries which were made in establishing these reservations in the first place were, as a rule, to give them hunting grounds and to keep other people from going in close where the Indians were. That has been changed.

Some years ago we bought the Great Sioux Reservation and agreed to pay 50 cents per acre for the lowest price land. There are thousands upon thousands, if not millions, of acres of that land which have not been used for any purpose, I understand. Nobody goes on it. Nobody can make homes on it. It is not fit for homes, and yet we have paid to the Indians a price at which no American citizen could have sold that land if he owned it.

I believe the time has come when Congress ought to put a stop to that sort of thing; that these extravagant and unreasonable arrangements for buying Indian lands at a fancy price ought to be stopped. We ought to pay a reasonable price for extinguishing their right of occupancy in the land they do not use and never would use, and it ought to be paid with some degree of discretion and common sense.

I do not know whether or not the treaty ought to be ratified as to the purchase of this land. I confess most of the arrangements which have been made for some years past have been contrary to my own judgment. We have been paying unreasonable prices for the lands. I do not know much about this land. I thought it was a very much larger body of land than it is. I misread the bill. I thought it was 4,000,000 acres, and it was I who told the Senator from Colorado there were 4,000,000 acres. I thought 25 cents an acre, perhaps, was not an unreasonable price to pay to extinguish some imaginary Indian title to a lot of this land which they have never seen and which they can not use and a good deal of which they never could use. Much of this land is utterly unfit for use. Some of it is doubtless good, and if private citizens owned it they could sell it for more, perhaps, than the Government will pay the Indians for it.

In the first place, I do not believe the Indians own the land, and I do not believe we should pay them as if they paid taxes and owned the property as other people own property. The Indians can afford to keep it for all time, if we allow it to be done, and thus prevent anybody from having access to it or deriving any benefit from it, as it carries no burden to the Indians, and they can insist that the Government shall pay them a fancy price whenever it wishes to extinguish their title.

That does not affect the fact with which I started out—that I believe any land which becomes a part of the public domain ought to be opened to the use of any American citizen who has not availed himself of his homestead rights to go and locate a home on it; and I hope there never will be any limitation of that kind put on any bill passed by Congress. If there is anything wrong about this—if too much money is to be paid for the land—

let us cut down the amount and bring it down to a reasonable price, but do not undertake to disturb the homestead right, which I believe ought to be kept sacred as long as the Government exists.

Mr. TILLMAN. Mr. President, in that view of it, I think we had better recommit the bill and let the negotiations as to the value be renewed or resumed. There is a million dollars involved; there is a division of opinion and feeling here, the chairman of the committee advocating one policy and the Senators from South Dakota advocating another; and if we are not bound by some obligations in morals and equity and justice to the Indians why pay them anything? Where do the Indians get any title or any show of title? Why do we make treaties with them? We certainly pledged to these people the honor of this Government some time in the past that if they would go within certain limits and behave themselves they would be let alone and the land should be theirs. We now say, "We are going to ignore that pledge, because we want your land. You are no good anyway. Die; and if you do not die we will kill you." That is the sum and substance of this argument.

I recollect here that a year ago we went over into the Pacific and bought from Spain, at $2.50 an acre, some land there which we have given over to the Moros or to the parrots and the monkeys. I do not see why we should be fretting about land in South Dakota at $2.50 an acre, when we are buying land in the Torrid Zone, 10,000 miles off, and paying $2.50 an acre to Spain for it. In fact, I am very badly muddled about this whole business.

Mr. JONES of Arkansas. I do not think the statement made by the Senator from South Carolina should go unchallenged. The Government has made title to the Indian tribes, and when it has it has observed it. Patents have been issued to the tribes. We are undertaking right now to allot land in the Indian Territory among the Choctaws, Chickasaws, Seminoles, Creeks, and Cherokees. The land was given to these people, and the Government has insisted that every square inch of that land shall be given to those Indians. It is not sold to anybody else or opened to settlement or disposed of in any way, but is divided amongst those people equally and amongst themselves.

Mr. TILLMAN. What is the difference between the treaties we have made with the Chickasaws and the Choctaws and with the Indians on the Rosebud Reservation?

Mr. STEWART. It is very different.

Mr. TILLMAN. Just explain it.

Mr. STEWART. I will. The Choctaws and the Chickasaws were in different States, in Mississippi and down through that country, and it was desired to have them moved. They were under no obligations to move. They gave up what possessions they had there, and this land in the Indian Territory was given to them in a trade, a bargain.

Mr. JONES of Arkansas. By treaty we gave them the land.

Mr. STEWART. A solemn treaty.

Mr. JONES of Arkansas. We issued patents, and they own the land.

Mr. TILLMAN. A solemn treaty? Did not we make a solemn treaty with these Indians, or did we make an unsolemn treaty with the Indians on the Rosebud Reservation? What sort of a treaty was it?

Mr. GAMBLE. I will reply very briefly to the Senator. I meant to allude to that in my remarks yesterday. A treaty was made in 1868—I do not know that it is necessary to go back of that—whereby the Great Sioux Indians were confined to the western part of South Dakota; that is, the region west of the Missouri River. In that treaty it was provided:

> And in addition thereto all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named.

It granted to them under the treaty of 1868 absolute and undisturbed use and occupation.

Mr. TILLMAN. Is not that a title?

Mr. GAMBLE. I will follow that by a further suggestion. Then it comes to the treaty of 1889. That was practically an act of Congress, when it was proposed by the Government to segregate the Great Sioux Nation, consisting, I presume, of 18,000 Indians, into different tribes, locating, I think, seven of them in different reservations in the State.

They were described by metes and bounds, the Rosebud Reservation in one place, the Standing Rock in another, the Cheyenne River in another, the Lower Brulé in another location, and the Crow Creek in another. Though the limits of the separate reservations were defined and there was a cession by them of about eight millions and a half of acres that were thrown open to public settlement, it is stated in the act of 1889, speaking of their separate reservations—

> the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

It is further provided in this act of Congress that the surplus lands in each of these separate reservations may be treated for in regard to their cession when, in the judgment of the President of the United States, the surplus lands are unnecessary for the Indians. Last year a provision was placed upon the Indian appropriation bill authorizing the Secretary of the Interior at any time to negotiate with the separate Indian tribes for the cession of their surplus lands, and under that provision of law this negotiation was taken up. So this negotiation is not only in compliance with the law of last year, but it is in compliance with the law of 1889, wherein it is provided—

> That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interest of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress: *Provided, however*, That all lands adapted to agriculture, with or without irrigation—

I do not know that I need read the further provision. So, then, this was an act of Congress which became operative only when it was ratified by the Great Sioux Nation. They did ratify it under the provisions of the treaty of 1868 by three-fourths of the male members of the tribe. The proclamation was issued, I think, on February 10, 1900, proclaiming the ratification, and then this act became operative.

So it does not seem to me, Mr. President, that we can apply here the general provisions as to treatment with other Indian tribes, but we must be bound by this law and this treaty. These Indians have rights of property in these lands, not the fee title, to be sure, but certainly Congress can not by main force and power take possession of the lands and dispossess the Indians, except under the form prescribed in this treaty and law.

Mr. McCUMBER. May I ask the Senator a question and see if we can not follow that a step further?

What practical difference is there between a right to use and occupation perpetually and a fee title, so far as the Government is concerned? When we, by a solemn obligation of Congress, in an enactment or a treaty which has been ratified, absolutely grant to these people the right to the exclusive use and occupation of territory without any limit whatever, have they not a title that is just as good as though they had a fee title as long as we have obligated the Government itself to give them that title and to protect them in it? That being the case, are we not absolutely at the mercy of every one of these Indian tribes that have reservations created by treaty to give them such a price as they may demand, or else break our own contract? Is not that true?

Mr. GAMBLE. I think that is true. It must be at a price mutually agreed upon between the parties under the stipulation of the law and the treaty. However, in further answer to the Senator from North Dakota, Congress having granted to these Indians the sole use and occupation of this territory perpetually, it is practically as good as a fee title unless the Indian title became extinguished, and then it would revert to the Government of the United States.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. GAMBLE. I yield cheerfully to the Senator from Nevada.

Mr. STEWART. The use and occupation is only while they are in a tribal relation. We are proceeding to relieve them of that relation as fast as possible. In the Indian Territory we are breaking it up and giving them their land in severalty.

Mr. McCUMBER. May I interrupt the Senator right there? When we have once given them a tract of land as a tribe and guaranteed them the right to the occupation of that land as a tribe we have placed ourselves in a position so that we can not break up their tribal relations unless we do it by a contract with them. They can still hold the land under their contract.

Mr. STEWART. In the first place, it lasts only during their tribal relation. I am sorry that we have so many contracts in favor of barbarism and cruelty. I believe that while they are our wards we must take care of them whether the relation is tribal or not, but we are not bound to pay more than the land is worth. We need not buy it unless we have a mind to do it.

Mr. McCUMBER. Yes; we need not buy it unless we have a mind to do it, but we are placed in this position. The States need to have the land opened to settlement. There are vast tracts that you forced upon those States years ago when you created these reservations before they had any representation in Congress. Now, we wish to have them opened up. You have placed us, however, at the mercy of these Indian tribes.

Mr. STEWART. I deny that.

Mr. McCUMBER. And we must make some kind of an arrangement.

Mr. STEWART. I deny that. If this land is necessary for settlement, the Government has a right to take it and condemn it for public use.

Mr. McCUMBER. If I may answer the Senator again, I deny the proposition that where the Government has said to a tribe of Indians, "In consideration of your releasing this territory I grant you certain other territory to hold perpetually," we have a right to place a limitation upon that law and take the land without an arrangement with the Indians.

Mr. STEWART. I deny that the title of the Indians is any higher than your title to your farm, and that can be condemned for public use.

Mr. CLARK of Wyoming. But can it be taken for the purpose of selling it to another?

Mr. McCUMBER. It may be condemned for public use, but when it is opened to settlement it is for private use and not public use. No court will ever hold that it is taken for public use under such circumstances.

Mr. STEWART. Opening the land to settlement is a public use. There is no doubt about it. If that is not a public use I should like to know what is. We must have settlement on the land, and I believe it is a public use. I do not believe that we are in the power of those Indians. If we are in their power and have to pay more than the land is worth I do not want to have any more treaties or enactments made.

Mr. SPOONER. Does the Senator say——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. Does the Senator mean that if the Government wants to take 500,000 acres of land for free homes, in order to throw it open to settlement, the Government can condemn it?

Mr. STEWART. That is a different proposition.

Mr. TILLMAN. You are not an Indian.

Mr. STEWART. I am not an Indian. I am not a sham. I am a reality. This is a sham Indian that you are dealing with when you deal with an Indian tribe. If public policy requires land to be taken, whether it is 500,000 acres or any other quantity.

Mr. SPOONER. Would it be any more a public use to take it from the Senator from Nevada than to take it from an Indian tribe?

Mr. STEWART. Public policy might require it to be taken from a dedication to barbarism, where it is used for the purpose of pauperizing and barbarizing and destroying civilization, whereas it would not require it to be taken where it was used for purposes for civilization. Public policy is in favor of civilization. These large reservations are opposed to civilization. Where they have existed there never has been any progress in civilization. We have the spectacle in the United States of the Indians dwindling away and diminishing in number, on account of disease and laziness and misery, where they are fed. How is it with the Indians elsewhere? See the public policy in Mexico. There is a population of 10,000,000, and nine million and a half are Indians. Was it good policy to take the land from them and allow them to become civilized? Up in British Columbia every Indian is at work. Is not that good public policy? If you leave the land to be held by savages you monopolize the land in favor of barbarism, which is contrary to public policy. We are not wholly in the power of these Indians or their friends, the speculators out there.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. McCUMBER. I make a clear distinction between this case and obtaining the original title of the Indians to lands by mere occupancy. They are merely our wards. We may take that land so far as any title by reason of original occupancy is concerned. But we have recognized them as people capable of making a contract and have entered into a contract with them. Thereby we have estopped ourselves from denying their power. When we give them a certain tract of land for occupation simply in consideration of something else we are then in an entirely different position with the Indians, and we must treat them the same as we would treat white men.

Mr. STEWART. Do you think it is good policy to dedicate to barbarism enough land for four or five States?

Mr. McCUMBER. No, I do not; but we have done it already.

Mr. STEWART. No, you have not done it. You have not reclaimed them by the public policy you have pursued. I do not believe that we are in their power, and I shall vote against buying the land. I protested against that in the committee, but the committee reported it here, and I am at liberty to oppose it unless committed to it in committee. I do not think the agreement ought to be ratified, because it proposes to pay more than the land is worth.

Mr. COCKRELL. I wish to ask the Senator in charge of the bill whether a fee title can not pass from the United States to an Indian nation or tribe without the issue of a patent?

Mr. McCUMBER. There is no question about it.

Mr. GAMBLE. I do not know that I understand the question.

Mr. COCKRELL. Can not a title of the United States pass from the United States to a party by a law or by a treaty which is ratified, without the issue of any patent?

Mr. GAMBLE. Yes; I should say so.

Mr. PLATT of Connecticut. If the United States made a treaty with Indians to give them a fee-simple title to some lands which the United States owned, there is no question but that title would pass without the formal document of a patent.

Mr. SPOONER. I should like to ask the Senator from Connecticut a question.

Mr. PLATT of Connecticut. Perhaps I have gotten myself into more trouble than I thought I had. [Laughter.]

Mr. SPOONER. Of course, what the Senator says about an act passing fee is correct. But has the Senator any doubt that an act of Congress vesting a perpetual possessory title is not just as efficacious, as far as it goes?

Mr. PLATT of Connecticut. To convey that kind of a title?

Mr. SPOONER. Yes.

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. Now, the argument of the Senator from Nevada——

Mr. RAWLINS. Will the Senator permit a query there?

Mr. SPOONER. Now I have gotten myself into trouble. [Laughter.]

Mr. RAWLINS. If we pass any sort of a title except temporarily, continuing as long as a status or a tribal condition exists, is it not necessary to have a definite and ascertainable grantee? I put the question to the Senator from Wisconsin, How would the Government convey a title in fee simple to a tribe of Indians, the tribe being the grantee?

Mr. PLATT of Connecticut. A tribe will take——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

Mr. GAMBLE subsequently said: I ask unanimous consent that the bill in regard to the ratification of the agreement with the Indians of the Rosebud Reservation be taken up to-morrow morning immediately after the conclusion of the morning business.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that to-morrow morning, after the completion of the routine business, the bill which has just been laid aside may be considered. Is there objection?

Mr. COCKRELL. I hope the Senator will not make that request until the Senator from Connecticut [Mr. PLATT] is in his seat. It can be done any time as well as now.

Mr. GAMBLE. I will state in reply to the Senator from Missouri that I spoke to the Senator from Connecticut just before he left the Chamber, and he suggested that I make the request.

Mr. COCKRELL. All right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PRITCHARD. Mr. President, I had not intended to discuss the issues——

Mr. CARMACK. Mr. President, I rise to a question of order. If I am not mistaken, I am entitled to the floor. I had the floor when the Senate adjourned.

Mr. SPOONER. That is right.

Mr. PRITCHARD. Mr. President, I was not aware of the fact that the Senator from Tennessee had the floor at the hour of adjournment. I had intended on yesterday at the conclusion of the morning hour to-day to briefly discuss certain provisions of the bill. It escaped my attention that the Senator had the floor at the hour of adjournment. I shall be glad to yield to him.

Mr. CARMACK. I am sorry to inconvenience the Senator from North Carolina at all, but I should like to conclude what I began to say yesterday so that it will go compactly together.

Mr. PRITCHARD. That will be entirely satisfactory to me. Of course I do not wish to interfere with the Senator in what he has to say.

Mr. CARMACK. I shall try not to occupy the floor very long. I am very glad to have the Senator yield.

Mr. President, in the course of the discussion yesterday the Senator from Massachusetts [Mr. LODGE] stated it as a fact that all the witnesses with the exception of Governor Taft and Professor Barrows had been summoned at the instance of the minority. In disputing the accuracy of that statement I did not mean to

deny, as I think I fully explained, that Democratic members of the committee had suggested the summoning of all those witnesses. The point I did wish to make and thought of some importance was that the committee had decided that we should not have witnesses summoned at the instance of a majority or of a minority of a committee.

I assumed in the beginning that this investigation was conducted with a common motive and for a common purpose, and that there was no division in the committee with reference to the objects for which the investigation was being prosecuted; that there were no two sides in the committee composed of a definite and fixed majority and a definite and fixed minority representing two sides of this question. We of the minority had objected to being put in that attitude, and it was therefore agreed that any member of the committee, without reference to the fact of his being a minority or a majority member, might suggest the names of persons whom he desired to have summoned as witnesses. No witnesses were to be presented to the committee as being witnesses of the minority or witnesses of the majority, and we did not desire to put any witness in the attitude of being summoned at the instance of any party, or as the representative of any party, or to sustain any particular contention or policy.

But it is true, Mr. President, as the Senator from Massachusetts suggests, that all of the witnesses have been summoned and examined at the instance of Democratic members, or, if he chooses to have it that way, of the minority of the committee, except two witnesses, and one of those might not have been included in the exception. Governor Taft himself was summoned to testify at the instance of Democratic members of the committee. Therefore the Senator's own statements refute the charge he subsequently made that we have been pursuing this investigation with a partisan spirit—that we consider no witness of importance unless he can be brought here to testify and give evidence to facts that will be regarded as hostile to the Administration—for the fact is that, with one exception, every witness who has been brought before the committee has been brought there at the instance of the minority members.

We have not been governed by any partisan motive in this matter, for we have asked for the summoning of witnesses who we knew were partisans and extreme partisans of the policy we opposed. We have suggested that Governor Taft should be brought before the committee, General MacArthur, General Otis, all of those military officers in the United States who have been in the Philippines. We wanted to give everybody ample opportunity to present his views before the committee, and for the purpose of doing so we have asked for the summoning of witnesses whose opinions we knew were extremely hostile to the policy we support upon this question.

But it is true, as shown by the Senator from Massachusetts, that almost every scrap of testimony that has been brought before the committee, every scrap of information that has been obtained from the War Department, or from whatever source whatever, has been obtained upon the initiative and at the instance of the minority members of that committee. If no other witnesses, except those suggested by the Republican members of the committee, had been summoned you would practically have had no investigation whatever by the committee. If the Senator from Massachusetts wishes to put it in that light and say that witnesses have been summoned by the minority and by the majority, then we are willing to stand by the record.

The Senator referred yesterday to the reason for refusing to summon Aguinaldo, Mabini, and other Filipinos to testify before the committee.

Mr. President, I can not see any good reason whatever in the objections urged against summoning these persons as witnesses and having them testify before the committee, because they have brought witnesses after witnesses to attempt to prove things by statements or alleged statements made by Aguinaldo and by Mabini. We have had testimony put upon the record that Aguinaldo has said so and so; that Aguinaldo has confessed so and so; that Mabini has said so and so; that he has admitted so and so. After the indirect testimony of those gentlemen is placed upon the record, coming from a partisan source, when we ask that they themselves shall be allowed to state their side of the case, the request is refused.

We had the statement made before the committee by Governor Taft, for instance, that Aguinaldo had assassinated Luna. He made that statement, he said, because General Funston told him that Aguinaldo had told Funston that he had assassinated Luna. Now, it so happens that General Funston has made several very contradictory statements on this very question. In the statements he has been making here in the United States he has said over and over again that Aguinaldo had confessed to him that he had assassinated Luna, that he had killed him simply because he was becoming too popular, and that Aguinaldo would be hung for that crime by any court in the world that would try him. Yet, when Governor Taft was before the committee he said that General Funston told him Aguinaldo acknowledged to Funston that he had had Luna killed, and that he did so simply because it was a question whether he should kill Luna or Luna should kill him; that he had killed him to save his own life.

That is the statement General Funston made to Governor Taft. He comes to the United States and makes another statement—that Aguinaldo admitted that he had assassinated Luna in cold blood, simply because he was becoming too popular. The difference between the two statements is the difference between self-defense and murder in the first degree. One statement or the other is false and, perhaps, both.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. With pleasure.

Mr. FORAKER. I should like to ask the Senator whether it makes any difference to us in the discharge of our duty here whether the one story or the other be true. We are now having under consideration a bill providing for civil government in the Philippine Islands. How does it reflect upon our duty here whether Luna was killed by Aguinaldo or by somebody else?

Mr. CARMACK. It seemed to make a great deal of difference to the gentlemen of the majority who are condemning this investigation, because they thought it worth while to have that fact proved and spread upon the record——

Mr. McCOMAS. Mr. President——

Mr. CARMACK. Wait a moment. There is no use of the gentlemen saying anything of that sort, because in their whole policy they have thought it a very important matter to besmirch Aguinaldo and to brand him as a scoundrel, a murderer, a thief, a bribe taker, and everything evil that they could. Now, when these charges are being systematically made and it is sought to bring proof before the committee to sustain them, I say that common decency requires that the man so accused should be allowed to make his own statement. But it is not simply on Aguinaldo's account or on Mabini's account that I say that they ought to be brought here as witnesses to testify before this committee.

Mr. FORAKER. Mr. President——

Mr. CARMACK. We ought to be willing, in common fairness, to hear the other side of the story.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. In a moment.

The very question which now confronts the American people is whether we shall hold and govern the Philippine Islands or whether we shall give them their independence; and the majority are bringing in hearsay testimony indirectly from these very men in order to prove that they should not be given their independence and that they are not fit for self-government. I say in common fairness, and in order to elicit all the truth with respect to the condition of the Philippine Islands, we ought to hear the story on the other side, instead of relying absolutely and entirely upon the reports that come to us from our military officers there, which have been shown to be utterly unreliable.

Mr. BURTON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. CARMACK. With pleasure.

Mr. BURTON. Will the Senator please tell us what were the contradictory statements made by General Funston? I do not understand that General Funston has ever been before the committee.

Mr. CARMACK. No, sir; he has not been; but General Funston's evidence has been brought indirectly before the committee, so that it becomes a proper subject of comment.

Mr. BURTON. I understand that; but, as I understand, the only witness the Senator referred to whose testimony related to General Funston's statement as to what Aguinaldo told him was Governor Taft.

Mr. CARMACK. Yes, sir.

Mr. BURTON. Then how can there be a contradiction?

Mr. CARMACK. The contradiction is in this: General Funston, while he has not been testifying before the Committee on the Philippines, has been testifying in every newspaper in the United States. He has been testifying before every banquet where he could get permission to attend, until the President of the United States shut down on him and stopped him from testifying. He has been making speeches all over the country, and in those speeches and in interviews he made the statement that Aguinaldo acknowledged to him that he had killed Luna, and had killed him because he was becoming too popular, and he said distinctly——

Mr. BURTON. Mr. President——

Mr. CARMACK. Wait a moment. He said distinctly that it was a cold-blooded assassination, and that any court in the world which would try him for the crime would hang him.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kansas.

Mr. CARMACK. In a moment. Governor Taft's statement as to what General Funston told him was, that Aguinaldo had admitted to his having had Luna killed, but said he killed him in self-defense; that it was a question whether he should kill Luna or Luna should kill him.

Mr. BURTON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. CARMACK. With pleasure.

Mr. BURTON. Will the Senator be so kind as to cite to the Senate the testimony of Governor Taft in which he said that General Funston told him that Aguinaldo had said to him that he killed Luna in self-defense?

Mr. CARMACK. I have not a copy of it here, but if the Senator will send to the committee room he can get the report of the hearings before the committee, and if he will look into the index, under the title "Luna" or "Aguinaldo," he will very readily find that the statement I have made is exactly correct. I do not say he used the term "self-defense," but I do say that he said that the question was whether Aguinaldo should kill Luna or Luna should kill Aguinaldo.

Mr. BURTON. Yes; but is not that the conclusion the Senator draws from the statement of Governor Taft rather than anything Governor Taft testified to, and is it not possible that all the statement was not given by Governor Taft?

Mr. CARMACK. I do not know. He did not appear to be concealing anything about it.

Mr. BURTON. My question did not import that at all. What I was saying is this: If I understand General Funston's statement, it was that Aguinaldo killed Luna because Luna was about to become a dictator like himself and might supplant him; or in that rôle would, of course, equal him; but the inference can not be drawn from that statement that Aguinaldo killed Luna in self-defense. What I am trying to get at is whether or not the statement of Governor Taft can be tortured to mean that General Funston told Governor Taft that he had understood Aguinaldo's statement to mean that Aguinaldo had killed Luna in self-defense.

Mr. CARMACK. It does not require any torture at all.

Mr. MCCOMAS. I know the Senator wants to be accurate about this matter.

Mr. CARMACK. Certainly.

Mr. MCCOMAS. I think I can remind the Senator that, in the mass of testimony, he has rather omitted a portion of about five lines on page 69 of Governor Taft's testimony. Governor Taft said:

> Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing. I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Governor Taft, General Funston, and everybody else agreed that Aguinaldo caused the death of Luna, and I believe the Senator from Tennessee is in very great error so far as the majority of the committee are concerned. Whether Aguinaldo had Luna killed, whether he killed him from the first motive or from the second, the material fact is that he caused the assassination of his strongest general at his tent door.

Mr. CARMACK. That is not the part of the testimony to which I refer. Governor Taft was subsequently cross-examined upon that very subject, and he said then that as near as he could recollect what General Funston said to him, it was that Luna was killed at the door of Aguinaldo's tent, and that the question was whether he should kill Luna or Luna should kill him. That is in a subsequent part of the testimony, and I am quoting almost precisely the very language. What I was saying——

Mr. BURTON. May I interrupt the Senator for a moment with a question?

Mr. CARMACK. Yes.

Mr. BURTON. Then, the Senator does not claim that the evidence that has just been read by the Senator from Maryland [Mr. MCCOMAS] would indicate that Governor Taft wanted it understood that the statement had been made that Aguinaldo killed Luna in self-defense?

Mr. CARMACK. I do say that Governor Taft subsequently, in explaining that statement or correcting it, or whatever you may call it, when he was questioned particularly as to what had been stated to him by General Funston, mentioned the date and the occasion on which he had the conversation with General Funston. Then he related what General Funston told him, and that was that Aguinaldo had confessed to Funston the killing of Luna, and stated that it was a question of whether he should kill Luna or Luna should kill him. I say that statement is as different from the statement that General Funston has been making throughout the United States as night is different from day. It is the difference between self-defense and murder in the first degree.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. CARMACK. Yes, sir.

Mr. STEWART. Is there any want of harmony between the statement that Luna was getting too popular and dangerous and that Aguinaldo had him killed for that reason, or he might have added that there was a contest between them, in which he had to kill Luna or Luna would kill him? It seems to me the whole conversation is in perfect harmony with itself, and that there is no contradiction. The reason assigned for killing Luna was because Luna was getting too popular and too strong for Aguinaldo, so that both of them could not live together, and so Aguinaldo took measures to get him out of the way. I do not see any contradiction there. He might have assigned that reason among others in justification, and probably during the conversation he said that Luna had become too popular, and it became a question whether he would kill Luna or Luna would kill him, and that it was a matter of self-defense.

Mr. CARMACK. I think that is special pleading, but I shall not comment on it.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator fron Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Certainly.

Mr. PATTERSON. I desire to call the attention of the Senator from Maryland [Mr. MCCOMAS] to the statement he has made for the purpose of correcting it. I understood him to say, in substance, that it was conceded on every hand that Aguinaldo had caused the death of Luna. Am I correct?

Mr. MCCOMAS. That is gathered from the testimony.

Mr. PATTERSON. The Senator, then, was not present when the testimony was given. The only evidence in the world, so far as our committee has knowledge, that the death of Luna was traceable to Aguinaldo was the statement alleged to have been made by General Funston to Governor Taft and, it is said, to another American officer—I think it was when General Otis was upon the stand, and the question was discussed, that I called the attention of General Otis to the fact, and read him the testimony that, as to whether or not Luna had been killed through the instrumentality of Aguinaldo, had been investigated, and that the result of the investigation was that he had not been so killed, but that he had been killed by one of the guards at headquarters and as the result of a personal altercation between the two men.

Mr. CARMACK. Who said that?

Mr. PATTERSON. It was stated in this investigation, and if the Senator will turn to the testimony he will find that such is the fact. So that we have an investigation upon one side which exonerates Emilio Aguinaldo, and the statement of General Funston upon the other that Aguinaldo told him the story, whatever it was, with reference to the death of General Luna.

Mr. CARMACK. I will say, Mr. President, that General MacArthur's statement before the committee supports that statement. He says the result of the investigation was that Luna was killed at Aguinaldo's headquarters in a violent altercation with the guard. General MacArthur said it had been charged that the guard had been ordered by Aguinaldo to provoke an altercation, but he very seriously doubted this statement, because Luna was a very violent and overbearing man and likely to get into an altercation with anybody or force a difficulty with anybody.

Mr. MCCOMAS. The Senator from Colorado has made the statement here and has assumed that the testimony was taken when I was not present in the committee, but I have the record of February 18, 1902, and the Senator from Colorado and myself were both present. I remember the matter very distinctly, and the Senator himself, taking the account from Sonnichsen's book, asked the question in the course of the examination of Governor Taft, which does put a very bad light upon Aguinaldo's position. The Senator from Colorado, in the question to Governor Taft, read a statement of the circumstances of Luna's death as given before the Schurman Commission, as follows:

> General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters at Cabanatuan, and were informed by the guard that he was absent. "Not finding him there," says the witness, "he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion they (Luna and Ramon) thought the man was half crazy and immediately began shooting and the guard returned the fire."
>
> And the following question was asked in this investigation:
>
> "Q. Did the guard fire at him?
>
> "A. All of them. They wanted to take him, but he had saber and revolver to defend himself and they could do nothing else."

The witness added, in answer to a question as to the effect of killing General Luna there, that "at first the people were much surprised, but afterwards they said it was better so, because he was very cruel."

Were you aware that an eyewitness had testified to that effect?

Finally, Governor Taft said in answer:

I have never heard it denied until now—

That is, the statement that Aguinaldo had caused the assassination of Luna, whatever the motive, whether it be the first or the second that caused his assassination—

I have never heard it denied until now, although it is possible that if I had looked further into the evidence I should have found just the statement that you have read—that the killing of Luna was the result of a factional difference between him and Aguinaldo; that he was killed, as I say, by the guard of Aguinaldo at Aguinaldo's headquarters.

And Governor Taft, throughout his whole testimony, on every page, insisted that the information he had was that Luna was assassinated at the instance of Aguinaldo at his tent door by his own guards, and that the statement referred to was new to him when offered, and that the statement as read by the Senator from Colorado was implicatory, and indicated that this oriental had caused the assassination.

Mr. PATTERSON. Mr. President, I called the attention of one witness to the fact that there had been an investigation, and I want to say that I and the other minority members of the committee were amazed—to again use the word of the Senator from Wisconsin [Mr. SPOONER]—that, without any provocation, without any question being propounded, without the testimony having reference to that which was under investigation, the governor of the Philippine Islands should have volunteered to give hearsay testimony which convicted a then prisoner of the United States of a horrible and infamous crime.

Mr. BURTON. May I interrupt the Senator?

Mr. PATTERSON. Yes.

Mr. BURTON. You say Governor Taft did testify, as you understood, that Aguinaldo had killed Luna or had him killed, not in self-defense, but in a criminal way?

Mr. PATTERSON. I think the honorable Senator from Kansas completely understands me. The way I understood the statement of Governor Taft, which was unprovoked and uncalled for, was that Aguinaldo had practically committed the crime of assassination. Governor Taft was then talking about a man who was at the time and is now a prisoner in the Philippine Islands. Afterwards came the statement of General Funston; and it has ever seemed strange to me that these accusations are brought against this man and that a majority of the committee have been standing like a stone wall against having that man heard in his own defense.

Mr. MCCOMAS. I think the Senator ought not to say what he has said.

Mr. CARMACK. I have the floor, Mr. President, and I am not going to let this discussion continue on that subject in this irregular manner.

Mr. MCCOMAS. Let me say a word.

Mr. CARMACK. Not now.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. The fact of the matter is simply this: Governor Taft did say, in answer to questions from Senators of the majority of the committee, what seemed to imply that a cold-blooded assassination had been perpetrated by Aguinaldo upon Luna; but subsequently, some days later, when Governor Taft was cross-examined as to what was said to him by Funston, he said that Funston had said to him that Aguinaldo had confessed to him that he had killed Luna in order to save his own life. That was the subsequent statement of Governor Taft with reference to the confession which Aguinaldo made to General Funston.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. Yes, sir.

Mr. FORAKER. I know the Senator from Tennessee would not intentionally or knowingly make any misstatement; but he has twice said that this statement of Governor Taft when he was testifying before the committee with respect to the death of Luna was brought out by a question propounded to him by the majority members of the committee.

Mr. CARMACK. No, Mr. President; if the Senator will wait a moment, I said Governor Taft made this statement in the first place. He was subsequently asked by certain Senators of the majority of the committee whether or not he had ever heard it doubted that Aguinaldo had had Luna assassinated, and he said he had not.

Mr. FORAKER. If the Senator will allow me, I want to call his attention to the record, which shows that he is in error as to the first statement made by Governor Taft, which has already been cited and is found on page 69 of the record, and is in response to a question asked by the Senator from Colorado [Mr. PATTERSON]. Governor Taft was not asked any question in that connection by any of the majority members of the committee. So that, in the first instance, the statement was brought out——

Mr. CARMACK. But the answer to that was not responsive to the question of the Senator from Colorado, which, as it seems to me——

Mr. FORAKER. The Senator will also recall his statement that Governor Taft went on and volunteered the statement referred to. There is nothing of that kind manifested upon the face of the record. I was not in the committee and I do not know what the manner of the witness was, but certainly there is nothing in the language which discloses any such purpose on his part. The statement was brought out in a natural way, and he apologized for making the statement because of the serious nature of it, saying that he would not make the statement except only that he had this direct statement from General Funston.

Mr. CARMACK. That statement was not brought out by any question asked of Governor Taft.

Mr. FORAKER. Perhaps not; but he was interrogated, it will be found, in regard to the insurgent forces, and he went on, in what appears to be a very natural way, to state what occurred when the main army was broken up. Then he said that they had broken up into guerrilla bands; and as to whether that method of warfare should be pursued there was a difference of opinion between Aguinaldo and Luna, which resulted in Luna's death.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Certainly.

Mr. PATTERSON. It is better for the record to be complete upon that question as to the manner in which the death of Luna occurred. I read from the record of the hearings of the committee on page 69:

Senator PATTERSON. What was the size of the army in the first instance?

Governor TAFT. I can not give you the figures. I do not know that anybody can exactly, but it certainly went above 10,000 men. I think there were more than that. Possibly Senator BEVERIDGE can say, because he was there at the time and I was not.

Senator BEVERIDGE. Are you speaking of its size originally? Originally it was supposed, at the outbreak of the hostilities, that they had something in the neighborhood of 30,000 men. Luna alone had 10,000 in San Fernando.

Governor TAFT. When that army was scattered——

Senator CULBERSON. Senator PATTERSON was asking about the American troops.

Senator PATTERSON. No, sir. I was asking about the insurgents.

Governor TAFT. I thought the question of Senator PATTERSON was directed to the insurgents.

When that army was scattered the question was, What were the insurgents to do—whether they were to surrender or to make guerrilla warfare, or attempt to gather their forces and make a continued fight, as they had been making.

DEATH OF LUNA.

Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing.

There is how it was brought about.

Mr. BURTON. Was that in self-defense?

Mr. MCCOMAS. Does not the Senator now withdraw his statement?

Mr. PATTERSON. Wait until I finish.

The PRESIDENT pro tempore. Senators must observe the rules of the Senate. The Senator from Tennessee is entitled to the floor. Does he yield to the Senator from Colorado?

Mr. CARMACK. Yes.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. PATTERSON. Governor Taft continues—I was interrupted in the middle of his answer—

I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. Yes, sir.

Mr. PATTERSON. I had not quite completed what I had to say.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Yes, sir.

Mr. PATTERSON. The record shows clearly and conclusively that the injection about the death of Luna was made voluntarily, without being called for by any question that was propounded, and, so far as I was concerned, it was the first intimation I had ever had that a charge of that kind had been placed at Aguinaldo's door by anybody.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. Certainly.

Mr. TILLMAN. Mr. President, I want to get some light from some lawyer, and my friend from Wisconsin [Mr. SPOONER] had better not get out of reach. I want to ask him if it is not a rule of evidence that where a witness himself is obtainable you can not take hearsay or secondary evidence? Is not that a rule of law?

Mr. SPOONER. Does the Senator ask me that question?

Mr. TILLMAN. Yes; I ask that question of the Senator from Wisconsin.

Mr. SPOONER. Does the Senator examine me as an expert?

Mr. TILLMAN. I will examine the Senator as an expert. I am a mere farmer, and I want to get the best legal advice I can without paying for it. [Laughter.]

Mr. SPOONER. I will say to the Senator that the rule is that the best evidence that can be produced should be produced.

Mr. TILLMAN. Then why not take Aguinaldo's own statement in defense of his own reputation, that being the best evidence available, as to charges that have been brought in here rather surreptitiously, so to speak, or indirectly? Is it not a matter obligatory upon us as a people not to smirch this man's character by these charges, bandied to and fro here, when he is our prisoner and can speak for himself if he is allowed an opportunity to do so, but the committee will not bring him here?

Mr. SPOONER. Does not the Senator think this controversy had better be referred to the Court of Claims——

Mr. TILLMAN. I do not know what the Court of Claims have got to do with it.

Mr. SPOONER. Or some other court to dispose of it?

Mr. TILLMAN. The courts have nothing to do with this subject, but it is pending here, and we are wasting a good deal of time apparently in trying to establish the fact that Governor Taft, voluntarily and without any just occasion, brought an accusation against Aguinaldo. That is the charge that is made, as I understand it, and I submit to the Senate, to Senators, and to the committee that it is due to their own self-respect to have this witness examined and let us know what he has got to say about the Philippine situation. He knows more than anybody else knows as to whether he told Funston what has been alleged or not.

Mr. McCOMAS. If the Senator from South Carolina will allow me, as a farmer, if he gives his note for fertilizer, and the note is overdue and the limitation passed—it has not happened to him, but it has perhaps happened to some of his neighbors—and he admitted to a third person that he owed the debt and would pay it, that form of admission is often the most convenient, ordinary, and useful testimony. The admission of Aguinaldo, himself interested, that he had procured the assassination of Luna would be in law an admission among the highest character of testimony to be used in the elucidation of a question of fact.

Mr. TILLMAN. The former professor of law, who has evoluted into the Senate, has given us his profound disquisition on this matter, and I may be pardoned just now for asking him a question. The question I want to ask him is this: Is there any evidence, except Governor Taft's, that Aguinaldo made this statement to General Funston?

Mr. McCOMAS. Yes.

Mr. TILLMAN. Would not Aguinaldo's evidence, if he said he did not make the statement, have as much right to be believed as that of Funston?

Mr. McCOMAS. It has been said by Aguinaldo—and it has not been denied—and perhaps the admissions have been repeated. When a man admits a fact against his own interests, I need no further evidence to satisfy my mind.

Mr. TILLMAN. How do you know he has admitted it?

Mr. McCOMAS. Then I suppose if there were somewhere in jail a man who had admitted guilt of a crime, the Senator from South Carolina would hold that a dozen admissions would not do. He must have a jail delivery and bring every man who was thus involved by his own admission with respect to a particular transaction. It can not be done. It is not practical.

Mr. TILLMAN. Is there any other witness besides Governor Taft who repeats what General Funston told him—that Aguinaldo had admitted that he killed Luna?

Mr. McCOMAS. I have not the time now, but there are half a dozen circumstances and at least three persons, but I can not state them now.

Mr. TILLMAN. Here we are, as a Senate, investigating the Philippines, and here is the former president of the Philippine republic, autocracy, or whatever you may call it——

Mr. McCOMAS. Dictator.

Mr. TILLMAN. Charged with murder, assassination, the dirtiest and lowest form of murder, and you are going to brand him as an assassin on the hearsay statement of a man repeated by somebody else. You do not even bring General Funston here. I do not doubt that Funston told Taft, but I say decency demands that you shall have Aguinaldo brought here and let him speak for himself.

Mr. McCOMAS. Do you mean to say Funston did not tell Taft?

Mr. TILLMAN. I do not pretend to say that Funston did not tell Taft, but I say Aguinaldo may contradict him, and then the people would be allowed to believe for themselves.

Mr. CARMACK. I do not think he told the truth.

Mr. TILLMAN. Our President has had to gag Funston by an order disgracing him because he has been running up and down the country shooting off his mouth, to use a slang phrase, because he had a diarrhea of words and very little argument.

Mr. SPOONER. He is not the only man who has had that trouble.

Mr. CARMACK. I do not know very much about law, but I do know that the kind of testimony referred to by the Senator from Maryland would not be competent in any court in the world.

Mr. McCOMAS. It would not be? The Senator differs from every elementary book.

Mr. CARMACK. The idea of the Senator from Maryland is that it would be perfectly competent for John Smith to come into the court room and testify that John Brown had told him that Tom Williams had committed a murder.

Mr. McCOMAS. No.

Mr. CARMACK. I have attended court rooms and trials enough to know that there is no such rule of evidence, and there never was. That is the kind of testimony you have introduced here on this subject. If the Senator said something else, then it was not at all pertinent to the kind of testimony we have had in this matter.

But I did not intend to spend all this time upon the question whether or not Aguinaldo killed Luna or how he killed him. The point I was making is that it has been thought important to bring in testimony indirectly from Aguinaldo and from Mabini, and to retail it at second hand. General MacArthur has had conversations with Mabini, and he has repeated those conversations before the committee. He has had conversations with Aguinaldo, and he has repeated those conversations before the committee, and General MacArthur has testified that Aguinaldo is a man of character. It is said now that Aguinaldo admits that they can not maintain an independent government in the Philippine Islands.

It is said that he has taken the oath of allegiance to the United States; that he has acknowledged the sovereignty of the United States, but still he is excluded from testifying as to conditions in the Philippine Islands on the ground that he is a traitor and is working to subvert the Government of the United States. They bring witnesses here to prove that Aguinaldo himself has admitted that the cause of independence is a failure, and that he has taken the oath of allegiance to the United States and does not intend any further to prosecute the war of independence, and yet his testimony is excluded because it is said he is a murderer and because he is a traitor to the United States.

Mr. DUBOIS. Will the Senator from Tennessee allow me?

Mr. CARMACK. With pleasure.

Mr. DUBOIS. I wish to call the attention of the Senator from Tennessee to this very pertinent fact, and I am not reflecting on anyone at all. Yesterday morning the committee decided that Aguinaldo should not be summoned, and this morning, for the first time after that ruling was made, General MacArthur stated that Aguinaldo had told him that they could not maintain an independent government over there. He brought it in in his testimony without being asked any questions at all.

Mr. McCOMAS. What is wrong about that?

Mr. TILLMAN. You gag Aguinaldo.

Mr. DUBOIS. There is nothing wrong about it——

Mr. CARMACK. I will tell you what is wrong about it.

Mr. DUBOIS. Except that MacArthur may have misunderstood Aguinaldo, speaking through an interpreter.

Mr. CARMACK. And Aguinaldo may have misunderstood him.

Mr. DUBOIS. All of his state papers go to prove that he wants independence, and now for the first time, after the committee has decided that it will not summon him, you try to prove that Aguinaldo himself admits that they can not maintain an independent government. I am not a lawyer, but it strikes me as a layman that it is not fair.

Mr. McCOMAS. Did the Senator——

Mr. CARMACK. I decline to yield to the Senator from Maryland.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. CARMACK. I decline to yield.

Mr. McCOMAS. The Senator will yield to a question?

Mr. CARMACK. No; I will not yield for any further questions on this line.

Mr. McCOMAS. Mr. President——

Mr. CARMACK. I decline to yield.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. I am trying to be as courteous as I can be, but I can not consume the whole day on one little question when other Senators wish to speak. Later I wish to put into the RECORD the cross-examination of Governor Taft on this matter.

Mr. PATTERSON. Let me read it.

Mr. CARMACK. I will put it in the RECORD.

Mr. BURTON. To what page does the Senator refer?

Mr. CARMACK. Page 373. However, I will read it. Here are the questions and answers.

Mr. BURTON. Will the Senator please state what the page is?

Mr. CARMACK. Page 373 of the Hearings before the Committee on the Philippines.

Senator PATTERSON. * * * Governor Taft, were you aware that it was the subject of an investigation by the previous Commission of which Schurman was president?

Governor TAFT. No, sir. I may have read it, but I do not recollect it.

Senator PATTERSON. Have you ever read Mr. Sonnichsen's book?

Senator BEVERIDGE. Whose book?

Senator PATTERSON. Sonnichsen's.

Senator CARMACK. Ten Months a Captive Amongst the Filipinos is the title.

Governor TAFT. I may have read something of his story about his experience in Ilocos Sur, but I do not remember any such incident as this.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. CARMACK. I do not yield.

Mr. BURTON. I do not want to ask a question. I merely wish to ask the Senator where he is reading.

The PRESIDING OFFICER. The Senator from Kansas is out of order.

Mr. CARMACK. From page 373. It starts about the middle of the page. I told the Senator the page two or three times.

Mr. BURTON. I beg the Senator's pardon. I did not want to interrupt him.

Mr. CARMACK. It continues:

Senator PATTERSON. Are you aware that the following testimony was given on this subject in an investigation before the Schurman Commission and that the circumstances of the killing were as follows:

CIRCUMSTANCES OF LUNA'S DEATH AS GIVEN BEFORE SCHURMAN COMMISSION.

"General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters, at Cabanatuan, and were informed by the guard that he was absent. 'Not finding him there,' says the witness, 'he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion, they (Luna and Ramon) thought the man was half crazy, and immediately began shooting and the guard returned the fire.'"

And the following question was asked in this investigation:

"'Q. Did the guard fire at him?

"'A. All of them. They wanted to take him, but he had saber and revolver to defend himself, and they could do nothing else.'

"The witness added, in answer to a question as to the effect of killing General Luna there, that 'at first the people were much surprised, but afterwards they said it was better so because he was very cruel: '"

Senator PATTERSON continues his question:

Were you aware that an eyewitness had testified to that effect?

Governor TAFT. No, sir. I only knew generally that the circumstances were that Luna was shot at the door of Aguinaldo's tent or his headquarters by his guard.

The CHAIRMAN. That is unquestioned.

Then he goes on with a further statement which I will put into the RECORD.

Now, as I was saying, I did not intend to take all this time in discussing the question of the killing of Luna. I do not regard it as of such vital importance in this debate, but I simply refer to it because it is one of the things which has been brought up against Aguinaldo in the general charge that he is such a man that we have no right to summon him and bring him here to testify before this committee, when they say he has taken the oath of allegiance to the United States; when General MacArthur says he is a man of high character, and has abandoned all purpose of prosecuting any further insurrectionary movements against the United States; that he has confessed that the cause of independence is a failure. But in spite of all that they say he is a man of such bad character, a traitor to the United States, and should not be allowed to testify in regard to conditions in the Philippine Islands.

Here is Mabini, a man of high character, a man of high intelligence, a man who certainly knows a great deal about conditions in the Philippine Islands. General MacArthur has talked with him again and again, and extracted information from him, and he has retailed some of it at secondhand before the committee.

Now, in this way these gentlemen get all they want to get or all they care to put before the public from these men, who are thus indirectly made witnesses to support a particular policy, while the men themselves are not allowed to come and present the other side of the story or to detail the circumstances or to explain statements that are attributed to them.

There is Sixto Lopez, a scholarly man, a man who has written with remarkable intelligence about conditions in the Philippine Islands. They say he is a traitor, but if he can give information to the American people in regard to affairs in the Philippines the fact that he is fighting or supporting those who are fighting for their own country ought not to brand him with infamy or to justify the statement that he is not worthy to be believed on oath in a court of justice.

Mr. President, I have said there has been no great eagerness on the part of the Administration to inform the American people or to keep them informed as to the real facts of the situation in the Philippine Islands or with respect to facts of the most important character bearing upon the very question which we are considering every day in the Senate; that is, the question of our policy in the Philippine Islands.

Sir, here are some resolutions introduced by the Senator from Texas [Mr. CULBERSON], resolutions that certainly have a very direct bearing upon this whole question. How much money is being spent annually in the archipelago for maintaining the army? That is a fact we want to get at. Nobody except the Secretary of War knows, and he is silent. What is being expended upon the Navy? Nobody knows but the Secretary of the Navy, and he does not tell. For what purposes are the millions of dollars of revenue which are being collected in the islands being expended? Nobody knows but the officials in Manila, and their reports are of the most meager character.

I understand that the Senator from Texas wrote to the Secretary of War making inquiries upon this particular matter, and that the letter lay there for a month unanswered. Is that correct, I will ask the Senator from Texas?

Mr. CULBERSON. I will not undertake to be exact about the time, but I am satisfied it was fully a month before the letter was answered, and then it was not answered until his attention was a second time called to it, and the answer was a refusal to give the information.

Mr. CARMACK. That is right. The first time the letter was absolutely ignored—a letter from a member of the Senate; from a member of the committee charged with an investigation of all these matters.

Mr. WELLINGTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. CARMACK. Certainly.

Mr. WELLINGTON. It is just for a moment. I wish to state, in connection with the matter which the Senator from Tennessee is now discussing, that I directed a letter of the same kind to the same source of information and received no reply for quite a long time, and the reply, when a second letter of inquiry was written, was of a very unsatisfactory character.

Mr. CARMACK. That is the way information is being given upon this question. Letters to the Secretary of War from Senators who are seeking for information of the most vital importance to them in the discharge of their public duties—one of them a member of the committee charged by the Senate with an investigation covering that very question—are treated with absolute contempt. No notice is taken of them whatever. And when a second letter is written the Senator gets a reply refusing to give the information. A resolution has now been adopted calling for that very information, and there is no answer to the resolution.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. CARMACK. With pleasure.

Mr. CULBERSON. I will state to the Senator from Tennessee that I happen to have with me at my seat a copy of the letter of the Secretary of War in answer to my second letter, in which he practically declines to give the information, and in order that his exact language may be known to the Senate and to the country, so far as I am concerned I am willing to have it read at this time.

Mr. CARMACK. I would be glad if the Senator would have it read.

Mr. CULBERSON. I will state that my inquiry was in substance the inquiry of the resolution which was adopted on the 16th of last month, asking the Secretary of War to give me a statement of the amounts of money expended annually on account of the Army in the Philippine Islands from May 1, 1898, down to the present time, and his letter, which I send to the desk to be read, will show that he declined to give that itemized account for reasons stated by him, or failed to do it at all events.

The PRESIDING OFFICER. Without objection the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 10, 1902.

SIR: I have the honor to acknowledge receipt of your letter of January 17, 1902, inquiring as to the amount of money expended and the amount for which the Government is liable remaining unpaid, for equipment, transportation, supplies, and military operations in the Philippine Islands for each year of occupation thereof by the United States.

The expenditures on account of the military establishment, embracing the personnel of the Army, exclusive of the cost of fortifications, the armament thereof, arsenals, military posts, and other public works, for the fiscal years referred to in your communication were published in the annual report of the Secretary of War for those years, respectively, and are as follows:

1899	$234,480,206.51
1900	96,484,226.06
1901	109,012,101.02

These expenditures include every item of cost incident to the pay, transportation, subsistence, clothing, equipment, medical supplies, and attendance of all the officers and men of the Army and all contingent expenses of every kind pertaining to the military service during the periods mentioned.

It has not been customary for the War Department to arrange accounts of expenditures with reference to the place where the ultimate service depending upon them is rendered. For example, expenditures are made for clothing and equipage, transportation, subsistence supplies, ordnance stores, etc., and they are charged against the respective appropriations on the books of the War Department, but no separate account has ever been kept of expenditures of the Army according to the different localities in which troops might be stationed for carrying on military operations. It is therefore impracticable to answer your questions without diverting a large number of clerks from the current work of the Department, which can only be kept up by their unremitting efforts.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. C. A. CULBERSON,
United States Senate.

Mr. CARMACK. We have had a great deal of discussion here about the brutal order issued by General Smith for the wholesale slaughter and destruction of people in that province, including everyone above the age of 10. Senators have said here that they had no intimation of anything of that sort until it was developed in the course of the Waller court-martial proceedings. It is true we have not had any definite information of any such order having been given. Yet the Administration and the War Department and the whole country were fairly forewarned months ago that just such things were being done in this very province.

On the 4th day of last February the senior Senator from Massachusetts [Mr. HOAR] presented a petition to the Senate signed by many of most distinguished citizens of the United States, including Carl Schurz, Moorfield Storey, George F. Edmunds, Judson Harmon, J. Sterling Morton, George S. Boutwell, Charles Francis Adams, and numbers of others, and in this petition I find the following quoted from the Manila News, an American paper published in Manila, which has been all through a supporter of the Administration and a supporter of the very conduct which it details in this statement:

The transport *Lawton* returned yesterday afternoon from a two weeks' cruise, touching at Catbalogan, Cebu, Perang-Perang, and Davao. On her outward passage she took 200 Ilocano scouts for the Samar service.

On the arrival of the *Lawton* at Catbalogan Brigadier-General Smith had been in Samar about ten days, and his strong policy was already making itself felt. He had already ordered all natives to present themselves in certain of the coast towns, saying that those who were found outside would be shot and no questions asked. The time limit had expired when the *Lawton* reached Catbalogan, and General Smith was as good as his word. His policy of reconcentration is said to be the most effective thing of the kind ever seen in these islands under any flag. All suspects, including Spaniards and half-breeds, were rounded up in big stockades and kept under guard. Among these were numerous presidentes of some towns on the western coast of Samar who assisted in smuggling rill to the insurrectos. A number of these rascals were gathered in and made to give up the proceeds of their traffic, amounting to thousands of dollars, which were confiscated.

That was published in an American newspaper in Manila, an Administration newspaper, on the 4th day of last November, and it was included in the petition presented to the Senate by the senior Senator from Massachusetts on the 4th day of last February.

But, again, in the same petition there is an extract from the Philadelphia Ledger, one of the oldest and most respected newspapers in Philadelphia, which is in political sympathy with the Administration. In a recent letter to that journal from its correspondent in Manila occurs the following passage:

The present war is no bloodless, fake, opera-bouffe engagement. Our men have been relentless; have killed to exterminate men, women, children, prisoners, and captives, active insurgents and suspected people, from lads of 10 up, an idea prevailing that the Filipino, as such, was little better than a dog, a noisome reptile in some instances, whose best disposition was the rubbish heap. Our soldiers have pumped salt water into men to "make them talk," have taken prisoners people who held up their hands and peacefully surrendered, and an hour later, without an atom of evidence to show that they were even insurrectos, stood them on a bridge and shot them down one by one, to drop into the water below and float down, as examples to those who found their bullet-loaded corpses.

This correspondent goes on to excuse it:

It is not civilized warfare, but we are not dealing with a civilized people. The only thing they know and fear is force, violence, and brutality, and we give it to them.

The new military plan of settling the trouble by setting them at each other is one that looks promising. We have now sent a thousand Macabebes to Samar to avenge the treacherous murder of Company C of the Ninth Infantry. They are hereditary enemies of the "ladrones" and go forth to the slaughter gayly.

Mr. President, a statement of that sort, coming from such a newspater and presented to the Senate of the United States by a man of such distinguished character as the Senator from Massachusetts, and signed by men of such distinguished character as the signers of this petition, does convey something which at least needs and requires investigation from the War Department. That was on the 4th day of February. Yet we have no evidence that any effort whatever has ever been made by the War Department or anybody connected with the Administration to find out the truth in respect to these charges. There is the very statement that is made in General Smith's order, that everybody above the age of 10 shall be killed, whether he has arms in his possession or not.

That statement, I say, was presented to the Senate and published on the 4th day of last February, and the former statement had been published in a Manila newspaper on the 4th day of last November. It was notice, at all events, coming from the source it did, that there was something in the Philippines which demanded an investigation, and no effort, I say, has ever been made on the part of the Administration or the War Department to find out the truth of a single one of these charges or these accusations. It was not until the matter was forced upon them by the reluctant investigation of a reluctant committee, and the committee began to drag facts to light and to show something as to the real conditions in the Philippine Islands, and not until the court-martial proceedings in the trial of Major Waller were brought to light and published in the American newspapers, that the Administration began to bestir itself and undertake something that it calls an investigation.

Why, Mr. President, this policy of suppression, of falsification, of misrepresentation, has been going on from the very beginning of our hostilities with the Filipinos. I will ask the Secretary to read a statement from Mr. Robert M. Collins, Philippine correspondent of the Associated Press. It is an extract from a letter written by him to Mr. Melville E. Stone, general manager of the Associated Press, under date of July 30, 1899, describing the circumstances which led to the protest of the newspaper representatives against the censoring of news by General Otis. This statement, which was written by him, and a similar statement signed by all the newspaper correspondents in the Philippines, shows that there was a deliberate suppression of information in the Philippine Islands from the very beginning, and that it was not done with any view to military necessity, but solely and entirely with a view to the suppressing of information that might hurt the Administration of the Republican party. I will ask the Secretary to read the statement I have marked, beginning at page 131 and ending at page 133.

Mr. SPOONER. If the Senator will pardon me, from what book is it?

Mr. CARMACK. It is a book entitled The Other Man's Country, by Herbert Welsh.

The Secretary read as follows:

But when General Otis came down in the frank admission that it was not intended so much to prevent the newspapers from giving information and assistance to the enemy (the legitimate function, and, according to our view, the only legitimate one of a censorship), but to keep the knowledge of conditions here from the public at home, and when the censor had repeatedly told us, in ruling out plain statements of undisputed facts, "My instructions are to let nothing go that can hurt the Administration," we concluded that protest was justifiable.

* * * * * * *

Three hours of exceedingly plain talk followed. The general did not contradict our statements that the purpose of the censorship was to keep the facts from the public, but said that what we wanted was to have the people stirred up and to make sensations for the papers. We told him that there never had been any subject furnishing more good material for sensations than this war, and that he should be exceedingly grateful to the papers for handling it so temperately.

In that connection we reminded him that the stories of looting in soldiers' letters home had been little, if any, exaggerated. Davis and Bass told him that they had personally seen our soldiers bayoneting the wounded, and I reminded him that the cutting off of the ears of two American soldiers at Dasmarinas had been merely retaliation for similar mutilations of dead Filipinos by the Americans. (No one could possibly tell stronger stories of the looting and blackmailing of our soldiers than Otis has told, although he charges it all to the volunteers.)

We told him that we had refrained from sending these things and others of similar nature because we did not wish to make sensations. We told him that the censorship was purely for the purpose of giving the impression at home that everything was lovely here, otherwise he would suppress the local papers which print all sorts of clippings from American papers denouncing the Administration, and which kept the enemy posted on the position of every company in our Army, and even give advance notice of intended movements.

* * * * * * *

Recently I filed what I thought a most inoffensive statement that the business men who had appeared before the Commission had advocated the retention of the existing silver system of currency. The censor said: "I ought not to let that go. That would be a lift for Bryan. My instructions are to shut off everything that could hurt McKinley's Administration. That is free silver." I explained that the silver system here was not 16 to 1, and, with seeming reluctance, he O. K.'d the item.

The PRESIDENT pro tempore. Has the Senator from Tennessee yielded the floor?

Mr. CARMACK. Yes, sir.

Mr. BURTON. Mr. President——

Mr. LODGE. I think the Senator from North Carolina [Mr. PRITCHARD] desires to address the Senate.

Mr. PRITCHARD. Mr. President, I do not desire to go on at this hour if the Senator from Kansas wants to speak. I give notice that at the conclusion of the morning hour to-morrow I will address the Senate on the pending measure.

Mr. BURTON. Mr. President, it is not my purpose to enter into the discussion of this question. I interrupted the Senator from Tennessee [Mr. CARMACK] because he had made the statement that General Funston was contradicted, first, by the statement he had published that Aguinaldo had told him he had Luna killed because he was afraid Luna would take the dictatorship away from him, and that Governor Taft had testified that General Funston had told the Governor that Aguinaldo had told the General that he had had Luna killed in order to prevent Luna from killing him; or, in other words, to use the language of the Senator from Tennessee, that it was a clear case of self-defense.

In order to show the very irresponsible statements that are constantly coming from the other side and the malevolent and unjust attacks that were made by the Senator from Tennessee upon General Funston at this time, I want to inquire what the basis of the Senator's statements are, and I will be permitted to read from the RECORD.

When that army was scattered the question was, What were the insurgents to do—whether they were to surrender or to make guerrilla warfare, or attempt to gather their forces and make a continued fight, as they had been making?

DEATH OF LUNA.

Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing.

What is the necessary inference up to that time of Governor Taft's statement?

I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Will the Senator pretend for a moment that any kind of a fair construction of that statement is that Aguinaldo killed Luna in self-defense? Can any kind of a construction of that sort be placed upon that language?

Now, turn to page 373 and examine it as far as Governor Taft testifies upon this question. I read, beginning where the Senator read:

Senator PATTERSON. We will see. Governor Taft, were you aware that it was the subject of an investigation by the previous Commission, of which Schurman was president?

Governor TAFT. No, sir. I may have read it, but I do not recollect it.

Senator PATTERSON. Have you ever read Mr. Sonnichsen's book?

Senator BEVERIDGE. Whose book?

Senator PATTERSON. Sonnichsen's.

Senator CARMACK. Ten Months a Captive Amongst the Filipinos, is the title.

Governor TAFT. I may have read something of his story about his experience in Ilocos Sur, but I do not remember any such incident as this.

Senator PATTERSON. Are you aware that the following testimony was given on this subject in an investigation before the Schurman Commission, and that the circumstances of the killing were as follows:

CIRCUMSTANCES OF LUNA'S DEATH AS GIVEN BEFORE SCHURMAN COMMISSION.

"General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters, at Cabanatuan, and were informed by the guard that he was absent. 'Not finding him there,' says the witness, 'he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion, they (Luna and Ramon) thought the man was half crazy, and immediately began shooting, and the guard returned the fire.'"

"And the following question was asked in this investigation:

"'Q. Did the guard fire at him?—A. All of them. They wanted to take him, but he had saber and revolver to defend himself, and they could do nothing else.'

"The witness added, in answer to a question as to the effect of killing General Luna there, that 'at first the people were much surprised, but afterwards they said it was better so because he was very cruel.'"

Were you aware that an eyewitness had testified to that effect?

Governor TAFT. No, sir. I only knew generally that the circumstances were that Luna was shot at the door of Aguinaldo's tent or his headquarters by his guard.

The CHAIRMAN. That is unquestioned.

Senator PATTERSON. Mr. Sonnichsen in his book upon that question says:

SONNICHSEN ON LUNA'S DEATH.

"After stating that it was among the Spaniards that the rumors of Luna's assassination by Aguinaldo's orders were circulating, Mr. Sonnichsen gives the story as told to him by a young Ilocano officer (Lieutenant Villamor), whom he 'certainly put down as a sympathizer with the Ilocano general.' Villamor said that Luna had no mercy on officers or soldiers who shirked their duty or showed cowardice in battle, and that 'on several occasions he had culprits executed or otherwise severely punished for such offenses.' 'This severity,' said Villamor, 'combined with the fact of his being an Ilocano, caused a certain faction of young Tagalo officers to entertain a deadly hatred for him, as many of them had already felt the weight of his iron hand.'"

He then continues as to a statement of this Lieutenant Villamor:

"We as Ilocanos have lost a good deal of sympathy for the cause since then, but none of us have ever accused Aguinaldo of being the cause of Antonio Luna's death."

Governor TAFT. If the Villamor to whom that alludes is the Villamor whom I know, and I know three of them, if he is the judge whom we have appointed, I should place a great deal of credence in his evidence.

Senator PATTERSON. That is the statement in Mr. Sonnichsen's book as to the interview with Villamor.

Governor TAFT. I have never regarded it as a point that needed investigation by me. I can only state to you what has been told to me in Manila by various Filipino gentlemen in the course of casual conversation.

The suggestion made with respect to Aguinaldo's remaining in seclusion and not going abroad has been that he was afraid of being killed by Luna's friends. I do not think that is true. It has been stated, however.

Senator PATTERSON. It is very hard to curtail or suppress statements that reflect upon the integrity and honor of almost any man.

Governor TAFT. That is quite true, but what I do mean to say is that the general impression always has been—I have never heard it denied until now, although it is possible that if I had looked further into the evidence I should have found just the statement that you have read—that the killing of Luna was the result of a factional difference between him and Aguinaldo; that he was killed, as I say, by the guard of Aguinaldo at Aguinaldo's headquarters.

Now, it is not a question of much consequence as to how Luna was killed, as to whether Aguinaldo assassinated him or whether Aguinaldo killed him in self-defense. I did not interrupt the Senator because I thought or think now that that was of much consequence; but the Senator for some reason seems to have a very strong feeling against General Funston. He volunteered the statement here to-day that he did not believe General Funston was telling the truth, and then he proceeds to claim that General Funston had made one statement and Governor Taft had contradicted it. I have read all the evidence, as I am told, that Governor Taft gave about this matter, and I submit to the fairness of the Senator from Tennessee that when he makes the statement that General Funston was contradicted by Governor Taft, when he seeks to put that kind of an interpretation upon the language of Governor Taft, he simply shows that he is being controlled by feeling and not by a discriminating judgment.

Mr. President, I beg the pardon of the Senate for paying attention to this matter at this time. At some opportune time I may take further notice of the attacks against our soldiers.

Mr. LODGE. Mr. President, the Senator from North Carolina [Mr. PRITCHARD], I understand, does not desire to continue the debate to-day, and the Senator from Iowa [Mr. ALLISON], I believe, desires to go on with the sundry civil appropriation bill. I suppose when he returns to the Chamber he will ask unanimous consent to lay the unfinished business aside.

INDIAN APPROPRIATION BILL.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 37, 38, 39, 41, 47, 51, 52, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69, 70, 72, 74, 75, 76, 77, 78, 80, 81, 82, 85, 91, 92, 95, 96, 97, 99, 100, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 122, 123, 124, 128, and 131, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-three;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,800;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of said amendment down to the proviso, so that said amendment will read as follows: "*Provided*, That the Indian inspector who shall be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1902, and so long as he shall remain on duty in said Territory;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That the Secretary of the Interior shall appoint an advisory commission, consisting of three persons, who shall serve without compensation, to aid in the selection of said tract of land, and who shall make their final report and recommendation to the Secretary of the Interior within ninety days after such appointment. And the sum of $1,000, or so much thereof as may be necessary, may be used out of the appropriation herein made for the purpose of paying the expenses of such commission."

And transpose the same so that it will follow the word "location," line 24, page 30 of the bill.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"*Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress: *Provided further*, That all children born to duly enrolled and recognized citizens of the Creek Nation up to and including the 25th day of May, 1901, and then living shall be added to the rolls of citizenship of said nation made under the provisions of an act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, and if any such child has died since the 25th day of May, 1901, or may hereafter die, before receiving his allotment of land and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs and be allotted and distributed to them accordingly: *And provided further*, That the act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, in so far as it provides for descent and distribution, according to the laws of the Creek Nation, is hereby repealed, and the descent and distribution of lands and moneys provided for in said act shall be

in accordance with the provisions of chapter 49 of Mansfield's Digest of the Statutes of Arkansas in force in Indian Territory."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Page 38, line 4, of said bill, strike out "thirty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: Line 5 of said amendment, after the word "reservation," insert: "the remainder of such irrigable land to be allotted to such Indians on said reservation as the Secretary of the Interior may designate, not exceeding 20 acres each;" line 11 of said amendment, after the word "habitations," insert: "for the members of said tribe;" line 11 of said amendment, after the word "allottees," insert: "who are heads of families;" line 13 of said amendment, after the word "agriculture," insert: "to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to John T. Hill for the NE. ¼ of sec. 4, in T. 6 N., R. 18 W., of the Indian meridian, in Oklahoma, the same having been allotted to him under act of June 6, 1900."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

", $10,000 thereof to be immediately available."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows:

Lines 9 and 10 of said amendment, strike out "July 1, 1902," and insert in lieu thereof "the following dates."

Line 11 of said amendment, after the word "dollars," insert ", from July 1, 1901."

Line 12 of said amendment, after the word "dollars," insert ", from July 1, 1902."

Line 13 of said amendment, after the word "dollars," insert ", from July 1, 1902."

And at the end of said amendment add the following:

": *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place in the subtreasury at St. Louis, Mo., to the credit of the national treasurer of the Chickasaw Nation the balance of the said Chickasaw national fund, after deducting the $10,000 appropriated out of said fund for the aid of certain indigent Chickasaws."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments, as follows:

Line 22 of said amendment, after the word "have," insert "in lieu of such lease or permit."

Line 25 of said amendment, after the word "may," insert "in lieu of its lease."

Lines 37 and 38 of said amendment, strike out "to be immediately available" and insert in lieu thereof the following: "whenever a majority of the adult male Indians of said tribes shall have consented to the allotment of lands and the restoration of the unallotted lands within said reservation as herein provided."

Line 50 of said amendment, after the word "Indians," strike out the remainder of said amendment.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment strike out lines 3 to 8, inclusive, page 43 of the bill, and insert the following:

"For support and maintenance of the asylum for insane Indians at Canton, S. Dak.: For pay of employees; for transportation of insane Indians to and from said asylum; for general repairs and improvements, including necessary outbuildings, grading, fencing, etc.; for incidental and all other expenses necessary to its proper conduct and management, $25,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment add the following: "to be paid out of the funds in the Treasury of the United States belonging to the Omaha and Winnebago Indians;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments, as follows: Lines 1 and 2 of said amendment strike out the following: "be, and is hereby, authorized to" and insert in lieu thereof "may, in his discretion."

And at the end of said amendment add the following:

"That the Secretary of the Interior may, in his discretion, pay per capita to the Iowa Indians, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto the sum of $78,000 from their principal now to their credit in the Treasury of the United States.

"That the Secretary of the Interior may, in his discretion, pay to the Sac and Fox Indians of Missouri, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of $79,000 from their principal now to their credit in the Treasury of the United States."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For payment to Robert F. Thompson, for compiling laws relating to Indian affairs under provisions of the Indian appropriation act approved May 17, 1882, and digesting correspondence of the land division of the Indian Office, $3,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of said amendment add the following: "; and the acceptance of said sum by said Cox shall be a complete and absolute bar to any and all claims against the United States for said improvements;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized and directed to pay, under such regulations as he may prescribe, to the Chippewa Indians of Minnesota entitled thereto, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on coded Indian lands under the act of June 7, 1897. (30 Stat., p. 90.)"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Line 3 of said amendment, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "sixty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$39,550;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: Line 3 of said amendment strike out "thirty" and insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted by said amendment insert "$29,650;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For the erection of school buildings on the Tulalip Reservation, Wash., to replace those recently burned, $30,000, to be immediately available.

"For additional amount for construction, purchase, lease, and repair of school buildings; for sewer and water supply and lighting plants; for purchase of school sites or additions thereto, and for improvements of buildings and grounds, $50,000."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and all that portion of the Cherokee and Choctaw nations included in the following described boundaries, to wit: Commencing at the northeast corner of the Creek Nation and running east on the line between townships 19 and 20 to its intersection with the dividing line between ranges 20 and 21 east; thence south on said line to its intersection with the Arkansas River; thence down the Arkansas River to its intersection with the Canadian River; thence up the Canadian River to its intersection with the dividing line between ranges 20 and 21 east; thence south to the intersecting line between townships 7 and 8; thence west on the intersecting line between townships 7 and 8 to the Creek Nation, be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muscogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes,' approved June 7, 1897, shall be the judge of said western district; and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district.

"That each of the three commissioners, with headquarters at Muscogee, Eufaula, and Wewoka, respectively, shall be United States commissioners for said western district for a period of four years from the date of their appointment and until their respective successors shall be appointed and qualified, and the two constables now in office, whose headquarters are at Muscogee and Eufaula, respectively, shall be constables in said western district until their successors shall be appointed and qualified; and said judge may appoint a constable for the commissioner at Wewoka, and the said judge may appoint an additional commissioner, to be located at Checotah, and an additional constable for said commissioner's court. Each of the United States commissioners and each of the four constables now located in the northern district as constituted by this act shall continue to be United States commissioners and constables, respectively, for said district until their successors shall be appointed and qualified. That the clerk's office at Vinita shall also be the recorder's office for the northern district, except that the clerk's office at Miami shall continue to be the recording office for the Quapaw Indian Agency as now provided by law. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of the Senate, a district attorney for said western district and a United States marshal for the northern district.

"The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the towns of Sallisaw, Claremore, Howata, and Pryor Creek, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern and central districts, courts in the southern district shall also be held at Tishomingo and Ada, and in the central district at Durant. The United States judge for the central district of the Indian Territory, after the approval of this act, may appoint a constable for the commissioner located at Durant

"To enable the Attorney-General to carry out the provisions of the act approved July 7, 1896, for the erection of three jails in the Indian Territory, and also to erect one additional United States jail in said Territory, $40,000 is hereby appropriated, to be expended under the direction of the Attorney-General, to be immediately available, and to remain available until expended. And the Attorney-General is hereby authorized and directed to cause to be erected a United States jail at each of the three places already formally designated by him, namely, at Muscogee in the western district, at South McAlester

in the central district, and at Ardmore in the southern district, and one additional United States jail at Vinita in the northern district, at a total cost not exceeding $100,000."

"That for the purpose of acquiring sites for United States jails as provided herein in the Indian Territory, there shall be appointed by the judge of the United States court in the district where such land is situated, on application of the United States by petition describing the land sought to be condemned, three disinterested referees, who shall determine the compensation and damage to be paid any owner, occupant, tribe, or nation by reason of the appropriation and condemnation of such land for the use and benefit of the United States for a jail at any of the places hereinbefore mentioned.

"Such referees, before entering upon the duties of their appointment, shall each take and subscribe before the clerk of the said United States court an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. Before such referees shall proceed with the assessment of damages for any lands sought to be condemned under this act, ten days personal notice of said hearing shall be given to all persons interested, and service may be had upon each tribe or nation in which said land may be located by service upon the principal chief thereof, and in case personal service can not be had upon any person interested, twenty days' notice of the time when the same shall be condemned shall be given, by publication in some newspaper in general circulation nearest said property in the district where said land is situated.

"If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the filing of the award in the court by which said referees were appointed, to appeal by original petition to the United States court sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the land in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive. And upon the payment into court of the amount or amounts awarded as damages, fee simple title to said tract of land shall vest in the United States. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction, and upon the payment of the sum or sums so found due into the court a fee simple title to said land shall vest in the United States.

"Each of said referees shall receive for his compensation the sum of $5 per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this act.

"That if any party or person other than the United States shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person. It shall be the duty of the United States court in each district to promptly hear and determine the rights of all parties if any appeal shall be taken under this act."

And the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
J. L. RAWLINS,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

Mr. STEWART. I ask permission to have inserted in the RECORD a brief statement showing the result of the conference.

The PRESIDENT pro tempore. The statement submitted by the Senator from Nevada will be printed in the RECORD.

The statement is as follows:

INDIAN APPROPRIATION BILL, 1903.

Amount of bill as passed by the House	$8,441,505.69
Net increase made by the Senate	858,834 19
Amount of bill as passed by the Senate	9,300,339.88

Of the increase made by the Senate of $858,834.19, the House has agreed to $638,517.41 and the Senate has receded from $220,316.78, making the total of the bill as agreed to in conference $9,080,023.10.

Mr. STEWART. Mr. President, I suggest that the conference report be printed, and then lie over until to-morrow morning. Some Senators may want to examine it.

Mr. ALLISON. I hope that course will be taken, Mr. President.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the pending order, being the bill for the government of the Philippines, may be laid aside informally, and that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. ALLISON. Before the reading of the bill is resumed, I desire to have acted upon an amendment on page 56 which was passed over yesterday.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 56, line 15, after the words "shall be," the Committee on Appropriations reported to strike out:

Subject to the approval of said Government board and management and of the Secretary of the Treasury, as now provided by law.

And in lieu thereof to insert:

Under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury; and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, the Bureau of the American Republics, and the Library of Congress as to prevent any deficiency therein.

Mr. ALLISON. Mr. President, I ask leave to modify that amendment by striking out all after the word "herein," in line 15, down to and including that portion of the text proposed to be stricken out by the committee, and also including the word "Treasury," in the part proposed to be inserted by the committee, on line 22, and to insert in lieu of the part I propose to strike out what I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment of the Senator from Iowa to the amendment will be stated.

The SECRETARY. After the word "herein," in line 15, on page 56, it is proposed to strike out—

shall be subject to the approval of said Government board and management and of the Secretary of the Treasury, as now provided by law under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury.

And in lieu thereof to insert:

And the number, compensation, and selection of persons not already in the Government service shall be under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury.

Mr. PLATT of Connecticut. How will the whole proviso then read?

The PRESIDENT pro tempore. The proviso will be read as proposed to be amended.

The Secretary read as follows:

Provided, That all expenditures made for the purposes and from the appropriations specified herein, and the number, compensation, and selection of persons not already in the Government service, shall be under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, the Bureau of the American Republics, and the Library of Congress as to prevent any deficiency therein.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I believe there was an amendment adopted in line 2, on page 57, striking out the words: "*Provided further*, That the," inserting a period instead of a semicolon; and then beginning a new clause with the words:

The Secretary of the Interior is authorized to cause to be assembled at the city of St. Louis, etc.

I do not know whether that amendment was agreed to or not.

The PRESIDENT pro tempore. That amendment is agreed to.

The reading of the bill will be resumed.

The Secretary resumed the reading of the bill at line 20, on page 83.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Department of the Interior," on page 84, line 2, after the word "expenses," to insert "including cost of all printing;" so as to make the clause read:

Census Office: The unexpended balance of the appropriation made by the sundry civil appropriation act approved March 3, 1901, for salaries and necessary expenses for taking and compiling results of the Twelfth Census is hereby reappropriated and made available for continuing the work of taking the Twelfth Census, and for all expenses, including cost of all printing, arising under and authorized by the act to provide for a permanent Census Office, approved March 6, 1902, including the purchase of necessary law books, books of reference and periodicals, and manuscripts: *Provided*, That estimates in detail for the expenses of the permanent Census Office for the fiscal year 1904 and annually thereafter shall be submitted in the regular Book of Estimates.

The amendment was agreed to.

The next amendment was, on page 84, after line 9, to strike out:

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published. All expenses arising and requisite hereunder shall be paid from the appropriations for contingent expenses of the Department of the Interior.

And in lieu thereof to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively, and if said schedules or any of them shall be accepted by any or all of the States interested therein within five years from the passage of this act they shall be delivered to the proper authority of said State or States, and all of the said schedules hereinbefore last mentioned not distributed within said period shall be sold as waste paper or destroyed; and a like offer shall be made to the several States as respects the schedules of the Twelfth and all subsequent censuses, which schedules, when completed and the results published, shall be proffered to the States as hereinbefore provided, and if they or any of them shall be accepted within five years from the publication of the results of the said censuses those accepted shall be turned over to said States or any of them in like manner, and if said offer shall not be accepted in whole or in part within said period of five years the remaining schedules

shall also be sold as waste paper or destroyed as hereinbefore provided. All expenses arising and requisite under this paragraph shall be paid from the appropriations for contingent expenses of the Interior Department.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] has offered an amendment to take the place of the entire provision reported by the committee.

Mr. PLATT of Connecticut. If it is in order, I ask that that portion of the amendment which inserts other language in place of that proposed to be stricken out may be so changed that the whole amendment will read in the way I sent it to the desk yesterday.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut will be stated.

The SECRETARY. In place of the words proposed to be inserted by the Committee on Appropriations, beginning in line 19, on page 84, it is proposed to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census. All expenses arising and requisite under this paragraph shall be paid from any general appropriation for the expenses of the Census Office.

Mr. PLATT of Connecticut. I hope the chairman of the committee will, if he feels authorized to do so, accept this amendment, and if he does not that he will not feel himself obliged to oppose it.

Mr. ALLISON. Of course, while the Senator has the floor, I can not do anything that I know of. I will say, however, to the Senator that I am not at liberty to accept the amendment, but I shall be glad to hear what he has to say upon the subject.

Mr. PLATT of Connecticut. Mr. President, the House of Representatives, as it seems to me, did a very unwise thing, if I may so speak of that body without transgressing parliamentary propriety, in inserting the provision that—

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published.

The provision includes the last census.

Mr. ALLISON. Yes, sir; it includes the last census; that of 1900.

Mr. PLATT of Connecticut. Mr. President, I can not conceive of any reason for destroying the schedules of the censuses which have been taken in the United States. The Senate committee, I think, was of the same impression, and proposed an amendment to the House proposition to destroy which provides that—

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively.

That is to say, by the amendment of the committee it is proposed to preserve certain of the schedules of the censuses and to keep them in the office of the permanent census, and as to the others to offer them to the States, and if the States will not take them, to sell them for waste paper or destroy them.

My amendment proposes to keep all the schedules and keep them in the office of the permanent census. A very great interest has been aroused throughout the United States with regard to this amendment by members of associations—literary, scientific, historical, economic, and otherwise—and I think if this matter could have the discussion it deserves throughout the country there would be almost a universal voice in the country against the destroying of any of these schedules and for the preservation of them all.

I understand we have a building for a permanent census in which they can be preserved, and if we have not room there, we certainly hope to have a hall of records. It seems to me the information contained in these schedules is not only valuable, but is going to grow more and more valuable as the years roll on. They will be a great deal more valuable fifty years from now than they are now. I think it is an everyday experience, almost, in the Interior Department that people are asking for information which is only to be obtained from the schedules of the early censuses, and the same demand will exist fifty years from now with reference to schedules of the censuses which have been recently taken.

I can not conceive of any reason for the House proposing to destroy all the census schedules that we have. We have already, in years past, passed an act providing that some portion of them shall be bound for their present preservation; and a certain portion of them have been bound, upon the theory that they were important to be preserved. The more recent ones have not been bound, and now comes this, it seems to me, an act of vandalism, a proposition to destroy them all or to give them to the States. Originally it was the practice of the Government, as I understand, that the schedules, after the census was completed were given to the several States.

It was found that the States were not keeping them and that some of them had been lost, and then a law was passed that they should all be returned to the Secretary of State. Those not lost or destroyed were returned to the Secretary of State, and since then they have been kept either in the State Department or in the Interior Department until this proposition which I present, which is that they shall all be preserved and kept in the office of the permanent census. If there were no room in the Census Building, which I understand there is, we could put them in the hall of records, or we could put them in the Congressional Library. Certainly I hope that these records will not be destroyed.

Mr. ALLISON. The Senator from Connecticut has truly stated that the bill came to the Senate and to the Committee on Appropriations with a provision for the absolute destruction of all these census schedules from the beginning of the Government down to the present time. It also provided for the like destruction or sale of the schedules of all subsequent censuses after they were properly tabulated. So the Committee on Appropriations was confronted with the question of dealing with these schedules. Representing the committee as nearly as I can represent them, there seemed to be a variety of views in the committee as to what should be done. Without particularizing, some gentlemen of the committee were in favor of the House provision.

This difference of opinion, however, led to an examination of the subject, and whilst I do not wish to burden the RECORD unnecessarily, I think it should be stated that the Secretary of the Interior protested against the destruction of any of these schedules in a long letter, able in many respects, and also gave the history of the situation as respects the schedules. I have the substance of that before me, which I should like to call to the attention of the Senate. It will explain why the committee itself recommended the preservation of a portion of these schedules, namely, the schedules of the First, Second, Third, and Eighth censuses. The schedules are all bound——

Mr. PLATT of Connecticut. Up to the last census?

Mr. ALLISON. No; up to the Eleventh Census.

Mr. PLATT of Connecticut. That includes 1880?

Mr. ALLISON. It includes 1880. The Eleventh Census is not bound, and of course the Twelfth is not. There are some very interesting matters connected with these early censuses.

The First Census, taken in 1790, consists of 26 volumes. The committee thought we would be able perhaps to find an opportunity to store those without any very great expense. The census of 1800 contains 27 volumes. The Third Census, that of 1810, contains 44 volumes. So those three censuses which are left contain 97 volumes in all.

Mr. TELLER. How many are there all told?

Mr. ALLISON. Four thousand six hundred and sixteen volumes. The number of volumes of the Tenth Census is 1,329; of the Ninth Census, that of 1870, 826. The Eighth Census schedules are to be preserved with a particular view. That was the census immediately preceding the civil war, and we thought there were in them a great many things of value as respects our country which ought to be preserved in the interest of historical accuracy.

We propose to preserve by our amendment 926 volumes, plus 97, making 1,023, or about one-fourth of all the volumes that are bound.

Mr. TELLER. I wish to ask the Senator what is the objection to taking care of them all and keeping them all? Is it simply the question of storage?

Mr. ALLISON. I think that was the principal objection made, that they were of no historical value, especially the schedules relating to population, which are the schedules the House proposed to destroy.

Mr. PLATT of Connecticut. Why is the census of 1860 to be preserved from destruction rather than any other census?

Mr. ALLISON. I mentioned the fact that it was considered by some members of the committee; in fact, I think it was agreed to by all the members of the committee that it marked the period immediately preceding the civil war, and that the schedule would, at some time in the future, be very valuable historically.

Mr. PLATT of Connecticut. I do not see, if the Senator will excuse me, why the census immediately preceding the war is any more valuable than the one immediately following it.

Mr. TELLER. I was about to make that suggestion—that if the census preceding the war is to be preserved, it seems to me the one that followed immediately after should be—that is, the census of 1870.

Mr. ALLISON. Senators, of course, may not be able to see quite as clearly as the committee did why the schedules of that census especially should be preserved if we were to burn the rest of them.

Mr. TELLER. I should like to say that I think before these schedules are disposed of by destruction there ought to be somebody authorized, a committee or somebody, to look into this question. It has not been examined by anyone.

Mr. ALLISON. It has been examined pretty thoroughly by the Secretary of the Interior and people in his office.

Mr. TELLER. He does not want them destroyed?

Mr. ALLISON. He does not wish to have them destroyed.

Mr. TELLER. If we are to act contrary to his wishes it seems to me we ought to have somebody to look over the matter and see whether or not he is right. I think the best thing we can do is to keep these until a later period, because in the new census building there will be plenty of room until we get ready to take the next census, and by that time I should hope we would be able to build the hall of records.

Mr. PLATT of Connecticut. There is one other thing which I did not speak of, but in which I think there must be some force, and that is that the tabulations and published volumes of the results of the census do not include all the facts that are gathered in the census. Is not that true?

Mr. ALLISON. It is impossible, of course, for those publications to contain more than a synopsis. For instance, all the earlier censuses were taken in schedules containing a hundred names. But I think, beginning with 1870, perhaps 1880, the schedules were changed, so that as respects population and the usual questions answered in the schedules the census was taken by families, and thus the number of population schedules was very largely increased. I think in the last census—the one just taken—there are about 13,000,000 individual schedules, covering every family in the United States, and it was in view of those who specially think they ought to be destroyed that there would be such an accumulation of these schedules in the near future as to make it impossible to find room in the ordinary building for their preservation.

Mr. PLATT of Connecticut. When that does occur, it seems to me, it will be time enough to go into the business of destruction. Of course this is a great country——

Mr. ALLISON. I think so.

Mr. TELLER. With 13,000,000 families, it ought to be.

Mr. PLATT of Connecticut. And all the records of the Government increase in bulk as the country increases.

We used to publish the CONGRESSIONAL RECORD in a very small space, but now it is increasing at a rate, owing to the unlimited debates which we have, in this and the other branch of Congress, where it has become very cumbersome, and it will become much more cumbersome in the future unless there is a change made in the way of preserving the thoughts and wisdom of Senators and Representatives. But I should not think for a moment, because it has become cumbersome, because no private library has room to store all the volumes of the CONGRESSIONAL RECORD and all those which are to accumulate in the future, that we ought to go to work and burn the volumes or sell them for waste paper. Still I think there would be just about as much sense in it as there would be in the destruction of census schedules.

I hope the Senator from Iowa will so insist upon this proposed amendment, but that he will accept an amendment to preserve them all, and then it will go to the House, and the Senate conferees will have to have it out with the House conferees.

Mr. ALLISON. The Senator from Connecticut seems to overlook the fact that in a large degree the Appropriations Committee were in accord with him, because we do not provide for the destruction of any of these schedules. We provide that certain of them shall be preserved in the archives of this great country of ours, as was well stated by the Senator from Connecticut. Then we provide that certain others of them may be offered to the several States. I gave such notice as I could give that I would be responsible for the State of Iowa taking all the volumes and schedules that might from time to time be gathered in that State, because I think our people would have a sufficient interest in its progress and growth and development to have at least the schedules of the State of Iowa preserved. I have no doubt a good many other States will follow the example which I think will be set by my own.

But the Senator will observe that the amendment proposed by the committee is an alternative to an amendment for absolute destruction, and I think the committee generally agreed that it was wise and better at least to give the States an opportunity of preserving these schedules if they desired to do so. Our amendment was somewhat carefully prepared with that view. I do not like myself to see an amendment prepared so carefully mutilated in a very short space of time on motion of the Senator for Connecticut. I would rather, if he will allow me, to pass from this amendment, as the Senate is rather thin, a quorum of course being present. At some stage of the debate I shall be glad to insert in the RECORD a printed statement which I have gathered in some way giving a very accurate historical review of these schedule tabulations, etc.

Mr. TELLER. Put in the RECORD the Secretary's letter.

Mr. ALLISON. I also desire to put in the RECORD a letter addressed to the Director of the Census by Mr. Wines, the Assistant Director of the Census, who has had much experience in statistical matters. Both of these documents I will say are not only valuable for the facts they contain, but the letter of Mr. Wines is also valuable as it supports the view of the Senator from Connecticut. I think it due to these administrative officers that they should have an opportunity of presenting their views.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the papers will be printed in the RECORD.

The papers referred to are as follows:

Through the one hundred and ten years of American census taking these original schedules have been preserved with great care, and the schedules to and including 1880 have been bound up into 4,616 volumes. The plan of enumeration was changed at the Eleventh Census, 1890, by the use of a separate schedule for each family, instead of entering 100 names on a schedule, as was done at the previous census. This change multiplied the schedules to nearly 13,000,000, and, although the census of 1900 returned to the former method of entry, our vast population increased the total of schedules to nearly 8,000,000. No attempt has been made to bind the schedules of either of the last two censuses, and the packages are piled away in storerooms.

All the schedules for the first century of the census are in the custody of the Interior Department. Those for the First to the Fourth Census, inclusive, are in a room on the first floor of the Patent Office, and those for the Fifth to the Tenth, inclusive, are stored on the top floor of the Interior Department building, between F and G and Seventh and Ninth streets. The schedules for the Eleventh Census are stored in the basement of the Union Building, in G street, and those for the Twelfth Census are in the possession of the Census Office.

The original census schedules for the first four censuses are in bound volumes, as follows:

"First Census, 1790, 26 volumes of original population schedules; Second Census, 1800, 27 volumes of original population schedules; Third Census, 1810, 44 volumes of original population schedules; Fourth Census, 1820, 74 volumes of original population schedules and 22 volumes of original manufacturing schedules; total, 193 volumes."

The original census schedules for the Fifth to Tenth Censuses, inclusive, are in bound volumes, as follows:

"Fifth Census, 1830, 190 volumes of original population schedules; Sixth Census, 1840, 273 volumes of original population schedules and 31 volumes of original industries schedules; total for 1840, 304 volumes.

"Seventh Census, 1850, 669 volumes of original population schedules, 101 volumes of original agricultural schedules, 32 volumes of original mortality schedules, 20 volumes of original social statistics, and 21 volumes of original industries schedules; total, 843 volumes.

"Eighth Census, 1860, 760 volumes of original population schedules, 108 volumes of original agriculture schedules, 18 volumes of original manufacturing schedules, 21 volumes of original mortality schedules, and 19 volumes of original social statistics; total, 926 volumes.

"Ninth Census, 1870, 649 volumes of original population schedules, 114 volumes of original agriculture schedules, 28 volumes of original mortality schedules, 4 volumes of original social statistics, and 31 volumes of original industries schedules; total, 826 volumes.

"Tenth Census, 1880, 824 volumes of original population schedules, 322 volumes of original agriculture schedules, 72 volumes of original manufacturing schedules, 51 volumes of original mortality schedules, and 60 volumes of original defective, dependent, and delinquent schedules; total, 1,329 volumes."

There are also 5 volumes of original population schedules for Minnesota Territory, taken in 1857.

The total number of volumes in which the original schedules are bound is 4,616, including 5 for the census of Minnesota Territory taken in 1857. The number of volumes required to contain the schedules for each census is as follows:

First Census, 1790, 26 volumes; Second Census, 1800, 27 volumes; Third Census, 1810, 44 volumes; Fourth Census, 1820, 96 volumes; Fifth Census, 1830, 190 volumes; Sixth Census, 1840, 304 volumes; Seventh Census, 1850, 843 volumes; Eighth Census, 1860, 926 volumes; Ninth Census, 1870, 826 volumes; Tenth Census, 1880, 1,329 volumes; total, 4,616 volumes.

Probably no matter-of-fact American would quarrel with the Government for destroying the schedules for 1890 and 1900. There are two evident reasons for thus disposing of the schedules for these two decades. The first is that the system of electrical tabulation, invented between 1880 and 1890, and applied for the first time to the tabulation of the latter census, tabulates and combines facts with such marvelous rapidity and accuracy that practically all the facts likely to be of statistical value, whether singly or in groups, have been drawn off, and the schedules of these two censuses may be said to have been wrung dry. The other reason is that the enormous number of schedules makes their retention, even if it were clear that they possessed some value, a very great burden upon the Government. The error which the House has fallen into seems to be a failure to distinguish between these recent burdensome and comparatively valueless schedules and the earlier ones, which are not subject to any of these objections, but, on the contrary, deserve preservation by every consideration of good sense and sentiment.

Prior to 1890 all tabulation was done by hand, involving an amount of labor so great in 1880 and involving so much expenditure that the tabulation of certain tables of nativity was suspended when the work for the whole country was about half completed, and from the data obtained up to that point the remainder of the table was "estimated." Moreover, because of the labor and expense the conjugal condition shown by the schedules was not tabulated at all. Therefore the statistics of that subject are not of record back of 1890, but the data for the previous decade are available from the schedules at any time desired, and could be tabulated by the electrical system at comparatively small expense at any time. It is probably only a question of time when this subject will become as serious in the United States as it is now in France and elsewhere. Similar arguments apply to the schedules of the Ninth, Eighth, and Seventh censuses—1870, 1860, and 1850—which all belong to the class known as the modern census.

The schedules for all the earlier censuses, from the Sixth back to the First, constitute only 687 volumes. The reasons for preserving these volumes are entirely different from the practical ones mentioned above in connection with the group of volumes from 1880 back to 1850, inclusive. The volumes for 1840, 1830, 1820, 1810, and 1800 are valuable as sources of national and family history. They were prepared before the days or general use of all the great inventions which revolutionized the succeeding decades. The country was thinly settled; parts of the continent now set off into populous and powerful States were inhabited then by hardy pioneers. Indeed, in such localities the

Indians and the buffalo were the most numerous inhabitants. Difficulties of communication isolated the States, national characteristics were not developed, and private records were carelessly kept. The national decennial record, therefore, becomes of priceless value. It is the official record, by the name of the citizen and the facts about him, of communities which literally have been transformed.

The schedules for 1830 and 1840, for example, would tell the story of the origin and rise of Chicago, with the name and record of each one of the handful of energetic citizens who launched that great community on its successful career. How great is the historical value of these early schedules and their importance to the student and genealogist can readily be surmised.

Quite apart from their actual value, these early volumes are interesting on their own account. Printed schedules were not used before 1830. Paper was scarce and expensive, and the early enumerators used whatever they found at hand. The early volumes, therefore, contain the most extraordinary collection of worn and age-stained blanks, the shape and character of which were as various as the men who ruled them by hand and filled them in. Some were found in newspapers of the period, one or two in wall paper, others were sent in neatly bound and lettered in colors. Many of the margins contain quaint comments, and the descriptions of local boundaries are often amusing and most interesting.

If all this can be said of the census schedules of 1800 to 1840, how much more can be said of those of 1790!

The 26 volumes of irregular, time-stained schedules of 1790 are a national curiosity. They are the original records of the first complete periodic census in the world. The names which there appear are those of every head of a family in the United States when George Washington was President. To men and women of Revolutionary ancestry that record has no counterpart, but its pages are as complete for the Tory as the Continental.

These early census schedules are the decennial entries in the national family Bible. They are of value to us all, for they contain the names and records of all of our American ancestors.

There is no good reason for the destruction of these volumes. They are already bound; they require comparatively little room for storage. On the other hand, sentiment and utility demand their preservation.

CENSUS OFFICE, OFFICE OF THE DIRECTOR,
Washington, D. C., April 30, 1902.

DEAR SENATOR ALLISON: I inclose a letter from Dr. F. H. Wines, Assistant Director, who has some reputation as a statistician, concerning the destruction of the census schedules. You will note he does not approve of the destruction of any of them, and gives his views in regard to the subject. I think he represents a certain phase of thought that is opposed to the destruction of any of the records of the Census Office from a scientific standpoint.

Truly, yours,

W. R. MERRIAM, *Director.*

Hon. WM. B. ALLISON,
Senate Chamber.

CENSUS OFFICE, OFFICE OF THE ASSISTANT DIRECTOR.
Washington, April 29, 1902.

Hon. W. R. MERRIAM,
Director of the Census.

SIR: I have examined H. R. 13123, being an act making appropriations for sundry civil expenses, etc., as printed in the Senate (Calendar No. 1160), especially the paragraphs printed on pages 84 and 85 with reference to the disposition to be made of the census schedules, and have the honor to submit the following observations relating thereto.

The original proposal by the House of Representatives to sell for waste paper or to destroy all population schedules, past, present, and future, so soon as the results therein contained shall have been tabulated and published, appears to be based on a failure to appreciate their value as historical records, forming a portion of the archives of the Government. Our laws require the preservation of other records of far less importance. It is difficult to imagine why the population schedules alone should have been selected for destruction. The agricultural and manufactures schedules are far less frequently consulted.

The impulse to burn and destroy these records, which cost so many millions of dollars to produce, and which can never be reproduced, doubtless had for its occasion the request by the Secretary of the Interior for an appropriation which would enable him properly to bind the schedules for 1890, now stored in the basement of the Union Building, on G street.

It is perhaps unfortunate, for this as well as for other reasons, that in the census of 1890 the population was enumerated on what is known as "the family schedule." The theory of that schedule was that it would be generally written up by parties interested in the accuracy of the return, in advance of the call at each eouse by an authorized enumerator. This expectation was sadly disappointed. The result of the adoption of the family schedule was that in the Eleventh Census the population division had to handle 12,500,000 schedules, or thereabout, as against, let us say, 500,000 separate sheets in the present census, or what would have possibly made 400,000 sheets in 1890. Hence the immense accumulation of material requiring to be bound. All of the schedules prior to 1890 have been bound in 4,616 volumes, which occupy 1,400 or 1,500 lineal feet of shelf space. It is estimated that the population schedules alone for 1890 would occupy four or five times the space required for all the schedules of the 10 censuses prior to 1890.

The Senate amendment to the House bill is less objectionable than the original paragraph, because it provides for the preservation of the schedules of four out of twelve censuses, and because it grants to the several States the option to preserve those of other censuses, if so disposed.

I do not know why the schedules of the censuses for 1790, 1800, 1810, and 1860 are more valuable than those for other years. If any schedules are preserved, why not all? If any are destroyed, why not all?

I further question whether the proposal to sell census schedules to dealers in waste paper is not a virtual violation of the promise of the Government to respect the secrecy of the communications made to it in confidence.

Why should the records prior to 1890, which are already bound and available for reference, and require but 1,500 feet of shelf room—why should they be destroyed? Can any good reason be assigned for such an act of vandalism?

But even if the States should by their separate action rescue these records from the destruction which threatens them, which is very doubtful—some of them may accept the offer made in the act, but others will not—the information contained in them will be so scattered as to be rendered practically inaccessible. And the failure of a portion of the States to provide for their custody and care will destroy their completeness and thus greatly impair their value.

Before 1830 these schedules were in possession of the States. Then Congress required that they should be deposited with the Secretary of State. Many of them had even then been destroyed or lost Will not history repeat itself in this regard?

I am informed that no day passes without the receipt of letters at the Department of the Interior, many of them from courts of justice, asking for information which can be obtained from no other source than from the old census schedules. Their value increases with the lapse of time. The schedules for 1900 will be as interesting to students of history in 2000 as those of 1800 are to students at the present day.

If it were generally known that Congress was considering the question presented in these paragraphs of the sundry civil bill, a storm of indignant protest would be heard from the universities, colleges, and scientific and other learned bodies in the United States, from the National Historical Society, from the National Statistical Association, from the National Economic Association, etc., which would compel further reflection and discussion before what these bodies would regard as an outrage could be consummated. If it should be consummated without opposition or protest on the part of the authorities in charge of the Census Office, when the magnitude and the irreparable nature of the loss thus incurred shall hereafter become apparent to the scientific world, we should share in the reproach visited upon the heads of all concerned in it. For this reason I wish to enter and place on record my most earnest protest, as a statistician, as a citizen, and as a man interested in economic science and in historical research, against the inclusion of this paragraph in the sundry civil act as finally agreed upon and passed.

Besides, these records are needed in this office for further study in years to come. The statistical abstracts published in the census reports are merely tables of figures. They furnish no information as to individuals. At every census some of the inquiries formulated are not included in the fiscal tabulation. There are relations of the facts reported which have not yet been investigated, but for whose investigation the schedules contain much material.

When these new questions are raised and the answer is sought, it will be necessary to go over the former records again in order to secure the proper basis for comparisons.

All of which is respectfully submitted.

FRED. H. WINES, *Assistant Director.*

P. S.—Have I your permission to lay a copy of this communication before the Secretary of the Interior for his information?

Mr. ALLISON. Later on I will ask the Senate to pass over this amendment until there is a larger attendance in the Senate.

Mr. TELLER. The Senator speaks of this amendment as if it had been thoroughly discussed and examined by the committee. I believe the subcommittee did, but I do not recall any considerable examination given by the remainder of the committee. It was passed over rapidly and with very little consideration, I think.

Mr. ALLISON. The Senator may be right as to the details, but the subcommittee went into it very exhaustively, and I may say that I prepared the amendment in accordance with the views of the subcommittee. The amendment was submitted to the general committee for such discussion as they chose to have about it.

Mr. TELLER. So far as I am concerned, I have never given my consent to the destruction of any of these records. I am like the Senator from Connecticut. I think when we reach the point where we can not take care of them it will be time enough to do it; and we have not yet reached that point. With a new Census Office and with a new census force, which we are putting in, there will be abundant room, at least for the next ten years, or until we take the next census, to take care of these records without any embarrassment to anybody, and in the meanwhile we can consider the question whether we shall dispose of them by allowing the States to take such as they wish or whether we will preserve the valuable features, reducing the bulk, or what we will do with them.

Of course, as this country grows the records are going to continue to grow. The CONGRESSIONAL RECORD is getting pretty voluminous. That fact has already attracted attention, and suggestions have been made about adopting a method of eliminating some of the useless speeches. I saw recently a suggestion that in the other body the Committee on Rules might say what should go out, and I believe that met with favor on the part of the committee at least. I do not know how it was with the House generally. In this body we have not any committee with such extraordinary powers, but I suppose we could create one in a short time. We might perhaps reduce the RECORD to a volume, leaving the committee to determine what ought to go in and what ought to go out.

Mr. DEPEW. May I interrupt the Senator from Colorado?

Mr. TELLER. Certainly.

Mr. DEPEW. In appointing a committee of this body or of the House of Representatives to eliminate useless speeches, would the Senator suggest that the committee should be formed of those who make speeches or those who do not?

Mr. TELLER. I do not think it would be a very valuable committee if it were formed of those who make speeches. I think, in order to be effective, it ought to be composed of those who are the silent members of the body. It would hardly do to compose it of the talkative members, I am afraid. However, I suppose we shall do nothing of that kind for a session or two, at least. But I hope we will preserve these records.

Mr. PLATT of Connecticut. Certainly there is no objection to having this matter passed over. I desire that the whole Senate shall understand it. I have only a single word to say now, which is that from the explanation made by the chairman of the committee it seems to me I may draw the inference that the Committee on Appropriations of the Senate were somewhat alarmed, as I have been, at the proposition of the House to destroy these documents, which seem to me to be of great importance, and that, fearing they might not be able to hold their own with the House, they adopted something in the nature of a compromise; that is,

to save some of the records and distribute the rest among the States.

I think we may as well meet the question squarely and have the Senate say that it is unalterably opposed to the destruction of these documents or of the scattering of them. They ought to be in the national capital. If anybody wishes to consult them, he ought not to be obliged to travel to all the States in the Union to get the information desired, and I hope when this matter comes up again before a full Senate there will really be but one opinion on the subject.

Mr. COCKRELL. Mr. President, the Committee on Appropriations had to deal with this matter, and we thought we dealt with it in a better manner than it had been dealt with elsewhere.

Mr. PLATT of Connecticut. I think so, too.

Mr. TELLER. The committee did.

Mr. COCKRELL. As a matter of course, it is for the Senate to determine. It is a very important question. Some of the records are of historic value. I have had occasion once or twice to refer to the old censuses to get a genealogy, a history of transactions, etc., and I found them valuable in that respect.

As a matter of course, the thing that is pressing on the Census Office is room for the records. We are now about to make an arrangement to purchase the present building, and I hope if it has not already been agreed to, it will be.

Mr. PLATT of Connecticut. Such an amendment has been agreed to on the pending bill.

Mr. COCKRELL. Did the Senator from Iowa offer an amendment appropriating $250,000 for that purpose?

Mr. BATE. Yes; and it was adopted.

Mr. ALLISON. It was agreed to.

The PRESIDING OFFICER. The Chair will inform the Senator from Missouri that the amendment has already been agreed to.

Mr. COCKRELL. I knew we had authorized the Director of the Census to see if he could get the building upon satisfactory terms. I did not know the amendment had been agreed to.

But it is for the Senate to determine what disposition shall be made of these records. The Committee on Appropriations is not wedded, so far as I know, nor is any member of it, to any particular thing. We want to do what is for the best. We thought it was far better to distribute these schedules among the States, to keep certain important years for reference here, the years in which the people of nearly all the States would be interested, as some of the new States had come from the older ones and the records would be here. Then the later ones would be given to the States, and would refer very largely to their own population. If they are to be parted with, I still think that the best course to pursue. I do not think any better disposition could be made of them than has been indicated in the bill if we are to part with them, and that is for the Senate finally to determine.

Mr. PLATT of Connecticut. Mr. President, I do not wish to pursue this subject too far, for some of the most interesting of these census schedules appertain to the Territories. There is no provision here to distribute them to the Territories. One of the most interesting of all the schedules relates to the Indian Territory, where we have not any organized government as yet. I happen to know that in the Eleventh Census there was a vast amount of information in regard to the Indian statistics of that Territory which was not published at all and which can only be found in the original papers. That is only one instance where the original papers will have to be consulted to ascertain the facts which they are supposed to contain.

Mr. COCKRELL. As I recollect, a controversy came up about the size of the publication.

Mr. PLATT of Connecticut. Exactly, and so the tables and the returns and what was said about them were cut down and put into a smaller compass.

Mr. COCKRELL. It was very greatly reduced, and some charged that it was the most valuable part that was stricken out.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the present.

Mr. SIMMONS. Mr. President, I should like to ask the chairman of the committee if he will not consent to an amendment which I propose to the paragraph we have been discussing. The amendment is, after the word "censuses," in line 25, page 84, to insert what I will read:

And the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, to furnish such governor with copies of so much of said schedules, files, or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States and placed to the credit of and in addition to the appropriation made for the taking of the census.

A bill embracing this amendment has passed the Senate during the present session.

Mr. ALLISON. That seems to be a very sensible amendment.

Mr. PLATT of Connecticut. That we passed. Is it not now the law?

Mr. SIMMONS. It passed the Senate, but has not passed the House.

Mr. ALLISON. It has not passed the House. I ask the Senator from North Carolina to waive his amendment for the present until we take up this question.

Mr. SIMMONS. Certainly.

Mr. ALLISON. Of course it involves an implication that all these schedules will be preserved.

Mr. SIMMONS. You do provide, I understand, for the preservation of the First Census.

Mr. ALLISON. The First, Second, Third, and Eighth.

Mr. SIMMONS. It is the First Census that I want. My State is now preparing certain records, and we are especially anxious to get the schedules of population of the First Census in order to incorporate them in that record.

Mr. ALLISON. I will not object to the insertion of the amendment later on when we take up the question again.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 86, after line 13, to strike out:

For completing the survey of and marking, under the direction of the Secretary of the Interior, of a portion of the west boundary of the Yellowstone National Park, estimated at 8 miles, at not exceeding $50 per mile, $400.

And to insert in lieu thereof:

For the completion of the survey, under the direction of the Secretary of the Interior, of the eastern boundary of the Yellowstone National Park, estimated at 50 miles, at the rate of $50 per mile, including an examination of the survey in the field, $2,800.

The amendment was agreed to.

The next amendment was, in the items for Government Hospital for the Insane, on page 89, line 5, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For office and administration building, $145,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, line 8, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For central heating and lighting plant for entire hospital, including not exceeding $10,000 for sewers, $260,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, line 11, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For enlarging kitchen for Toner group of buildings, $20,000, to be immediately available.

The reading of the bill was continued to line 19 on page 89.

Mr. ALLISON. After line 19, page 89, I move to insert:

To provide suitable protection against disaster by fire to the buildings of the institution, $3,291, to be immediately available.

Mr. COCKRELL. That is Kendall Green?

The PRESIDING OFFICER. It is Kendall Green.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 90, line 2, to increase the appropriation for the maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, from $29,000 to $30,500.

The amendment was agreed to.

The next amendment was, on page 90, line 16, to increase the total appropriation for the maintenance of the Howard University from $40,600 to $42,100.

The amendment was agreed to.

The next amendment was, under the head "Under the War Department" and subhead "Armories and arsenals," on page 90, after line 21, to insert:

For one artillery shed, $16,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 22, to insert:

For new hospital building, $19,500.

The amendment was agreed to.

The next amendment was, under the subhead "Sandy Hook proving ground, New Jersey," on page 91, line 12, to insert:

For one steamer, 115 to 125 feet long, $60,000.

The amendment was agreed to.

Mr. ALLISON. Before passing from page 91, I move to insert, after the word "projectiles," in line 20, in the item for powder depot, near Dover, N. J., the words:

Increase of transportation facilities and for construction of new wagon roads.

And in the same line, before the word "thousand," I move to strike out "sixty-seven" and insert "eighty-seven;" so as to read "$87,700."

The amendments were agreed to.

The reading of the bill was continued. The next amendment

was, in the items for Springfield Arsenal, at the top of page 92, to insert:

For putting in new flume and water wheel, $5,500.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

For macadamizing roadways, $1,800.

The amendment was agreed to.

The next amendment was, on page 92, after line 4, to insert:

For iron-girder bridge across canal, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds in and around Washington," on page 95, line 2, after the word "the," to strike out "officers in charge of public buildings and grounds" and insert "Secretary of War;" so as to make the clause read:

For improvement of that part of Potomac Park west of and adjacent to Monument Park from the intersection of Virginia avenue and B street NW. to Maryland avenue SW. to be expended under the direction of the Secretary of War, who is authorized to appoint the necessary employees in connection therewith, to be immediately available, $70,000: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 95, after line 22, to insert:

For the improvement of Iowa Circle, $5,000.

The amendment was agreed to.

The next amendment was, on page 96, after line 2, to insert:

For purchase, repair, and reconstruction of granite posts and iron fencing and park vases injured by fire and otherwise in consequence of stands erected for inaugural ceremonies March 4, 1901, $2,500.

The amendment was agreed to.

The next amendment was, on page 96, line 25, before the words "the unexpended balance," to insert "Sherman statue," and on page 97, line 5, after the word "statue," to insert "and, in addition thereto, the sum of $1,500 is appropriated for the same purpose;" so as to make the clause read:

Sherman statue: The unexpended balance of the sum of $8,000 appropriated by act approved June 6, 1900, for stone coping around the Sherman statue is hereby made available for construction of roadways and paths and for each and every object connected with improvement of the grounds about said statue, and, in addition thereto, the sum of $1,500 is appropriated for the same purpose.

The amendment was agreed to.

The next amendment was, following the item for the Sherman statue on page 97, after line 7, to insert:

For completing and unveiling the statue, $4,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 9, to insert:

Grant memorial: To enable the Commission authorized by the act of February 23, 1901, to commence the erection of a memorial to Gen. Ulysses S. Grant, $50,000; and said Commission is authorized to enter into a contract for the completion of said memorial for a sum not exceeding $240,000, including the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 97, line 23, to increase the appropriation for extraordinary repair and refurnishing of the Executive Mansion, from $18,000 to $48,900.

Mr. ALLISON. I ask that the items relating to the Executive Mansion may be passed over for the present. The committee will propose another amendment or two on the subject later on.

The PRESIDING OFFICER. Without objection, the items will be passed over.

Mr. PLATT of Connecticut. All of the paragraphs under this head?

Mr. ALLISON. All down to line 10, on page 98.

The reading of the bill was resumed at line 10, on page 98. The next amendment was, under the subhead "Engineer Department," on page 103, line 18, to reduce the appropriation for improving the channel in Gowanus Bay, New York, from $130,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 104, line 19, to reduce the appropriation for continuing the improvement of Ambrose Channel (formerly known as East Channel) across Sandy Hook Bar, New York, from $234,000 to $150,000.

The amendment was agreed to.

The reading of the bill was continued to page 105, line 10.

Mr. BATE. The last three or four pages are rather peculiar. They involve questions of rivers and harbors which belong to the Committee on Commerce, and I do not understand the matter. I should like to have it explained.

Mr. ALLISON. The committee hardly understands it either. The Committee on Commerce are in the habit of appropriating various sums for rivers and harbors, and then authorizing the Government to enter into a contract for other sums with a view to the completion of the work. It has been decided that the Committee on Appropriations has jurisdiction of this class of appropriations.

Mr. COCKRELL. On the report of the Committee on Commerce Congress authorizes contracts for them, and then they belong to the Committee on Appropriations.

Mr. ALLISON. After the contracts are made the Committee on Appropriations takes jurisdiction of all the appropriations that are to be expended for those particular improvements.

Mr. BATE. Without any further legislation or authority?

Mr. ALLISON. Without any further legislation. They are estimated for by the War Department, transmitted to the Secretary of the Treasury, and sent here and referred to the Committee on Appropriations.

Mr. SPOONER. Being already provided for by law?

Mr. ALLISON. Being already provided for by law. That has been the custom now for eight or nine years, and if the present river and harbor bill shall pass, it looks to me as though it might be the custom for three or four years longer.

Mr. McLAURIN of Mississippi. In reference to one of these appropriations, for improving the harbor at Gulfport, there was a contract made some years ago for the dredging of a channel there from Gulfport to Ship Island, the cost of which it was estimated by the engineer would be more than $600,000. But the contract was taken for $150,000 by Mr. Jones, of Buffalo, N. Y., I believe, who is president of the Gulf and Ship Island Railroad Company. He was to dredge the channel 19 feet deep. That will have been finished before the next meeting of the Congress of the United States, as I am informed by an official of the War Department, and it was necessary to put this provision in here in order to pay the $150,000. There is no provision for that in the river and harbor bill. That is the only item of which I have any knowledge.

Mr. ALLISON. To what page does the Senator refer?

Mr. McLAURIN of Mississippi. The item for Gulfport, Miss., is on page 104.

Mr. COCKRELL. There is no provision in the river and harbor bill for any of these items.

Mr. McLAURIN of Mississippi. I did not know about that. I only know with reference to one of the items. I can not explain about the others.

Mr. COCKRELL. Some years ago great complaint was made against the river and harbor bill concerning the enormous amount that was appropriated in it, and thereupon reasonably small sums were appropriated for a specific object. The Department was authorized to enter into a contract to go through a number of years and not to exceed an aggregate amount, sometimes nearly ten times the amount that was appropriated. Then these liabilities created by law were imposed upon the Appropriations Committee to comply with. Only such as have been created by law and are continuing obligations are taken charge of by the Appropriations Committee. There is no trespassing upon the rights of the Committee on Commerce.

Mr. BATE. Mr. President, it seems to me very peculiar that the Commerce Committee should appropriate so largely as they have for all these rivers and harbors at this session and at former sessions and still have nothing to do with these items. There is, as I understand it, no expression in the legislation of this session in regard to this matter at all, but it just goes to the Committee on Appropriations. This appears to me to be very singular.

Mr. SPOONER. But the river and harbor bill failed a year or two ago. It would have been rather a bad thing if there had not been some committee to take care of these continuing contracts.

Mr. BATE. It seems to me some legislation should have been had. I am not undertaking to criticise the committee at all, but I think it ought to be looked into.

Mr. COCKRELL. It is legislation that creates this condition. It is laws of Congress that authorize the Department to make these contracts.

Mr. SPOONER. River and harbor legislation.

Mr. COCKRELL. It is river and harbor legislation, and now, after the contract is made, just like we authorize other Departments to make contracts, it is incumbent upon the Appropriation Committee to appropriate the amount that the contract calls for. As to the propriety or impropriety of the work, the Committee on Appropriations has no jurisdiction and no power to say a word. But I call the attention of the Senator from Tennessee to the fact that by placing upon the appropriation bill the appropriations to complete these contracts the Committee on Commerce are relieved from a large sum every year, and so the amount for rivers and harbors does not appear except in the bill making appropriations for rivers and harbors.

Mr. BATE. If I understand the situation, Mr. President, there was no legislation in regard to rivers and harbors last year, and so this must be legislation for several years back—two, three, or four years.

Mr. COCKRELL. Yes; some of it going back six or seven years.

Mr. BATE. There has not been any legislation for the last two years, and the continuing contracts have been going on all this time.

Mr. WARREN. Mr. President, I understand this money is all really appropriated in the river and harbor appropriation bill by the Committee on Commerce. That committee, however, are not credited with it, but it is charged up to the Committee on Appropriations, because that committee has become the paymaster for paying debts already contracted by the Committee on Commerce in the river and harbor bill.

Mr. ALLISON. The Senator from Wyoming [Mr. WARREN] states the case exactly as it is. The Committee on Commerce gets credit for providing for all these great works, while the expense is charged up to the Committee on Appropriations. [Laughter.]

I understand the Senator from Tennessee [Mr. BATE] criticises our reporting the several paragraphs in this bill relating to rivers and harbors.

Mr. BERRY. I presume there is nothing personal in that.

Mr. BATE. I had no idea of criticising the Committee on Appropriations, but I thought it rather strange that such items should be contained in the sundry civil appropriation bill.

Mr. ALLISON. There is but one explanation in reference to it, and that is that several years ago, under the guardianship and guidance of the distinguished Presiding Officer of the Senate [Mr. FRYE], who was then, as he is now, the chairman of the Committee on Commerce, that committee devised a scheme whereby appropriations should be made for particular rivers and harbors, and authorized contracts to be made for the entire scheme, thereby assuming—and I think very wisely in some instances—that a contract could be made to greater advantage if the contractor had the opportunity of dealing with the whole subject, as in the case of Galveston Bay—if I may be permitted to introduce a special case—where we provided for the expenditure of $6,000,000 for the improvement of Galveston Harbor. We did not then appropriate the amount, but we authorized a contract to be made not exceeding $6,000,000 for Galveston Harbor, to produce a waterway there, I think, 23 feet deep.

After that river and harbor bill was passed the Committee on Appropriations was given jurisdiction of all that remained of that $6,000,000 and not appropriated in the bill itself. So we kept on for five or six years in the Committee on Appropriations looking into the river and harbor laws to see how much had been appropriated and what was the limit of the appropriation. We have dealt with this subject ever since. Four or five years ago the Committee on Appropriations reported an amendment authorizing the Committee on Commerce to take charge of these appropriations, as seems to be suggested now by the venerable Senator from Tennessee [Mr. BATE]; but it was ruled out on a point of order, and the Committee on Appropriations were unable to get rid of the task.

Mr. WARREN. It is somewhat like the public building appropriations.

Mr. ALLISON. Yes, these river and harbor appropriations are somewhat like the public building appropriations.

Mr. BATE. I understand really, Mr. President, that the Committee on Commerce found the amount too large for them to shoulder, and they tried to divide the responsibility and put part of it on the Committee on Appropriations.

Mr. ALLISON. Not at all. That is not my criticism. I am simply stating that the law having been passed, the jurisdiction of the Committee on Appropriations attached to this subject, because it is the duty of the Committee on Appropriations to appropriate money in pursuance of law.

Mr. TELLER. Mr. President, a good many years ago it was our custom to make appropriations for rivers and harbors, in this way: The engineers would make estimates of the amounts needed for the improvement of the rivers and harbors, and perhaps we would appropriate one-tenth of the total amount. The next time the river and harbor bill came in we might not make any appropriation at all. Then the work stood still until the whole benefit had perhaps disappeared.

I myself recall that I criticised that system in the Senate as much as twenty years ago and suggested that the only proper way for the doing of such work was to make a contract for the entire work, appropriate a certain amount, and then appropriate for it every year, as you would for any other contract. Some years ago that system was adopted, and I want to say that, so far as I have seen and observed, it has been a very desirable change from the old system. There is no question about that.

When a river and harbor bill failed, as would be the case once in a while, all the work upon the improvements of rivers and harbors stopped. We should not have had the Galveston Harbor in the shape it is now for many years yet under the old system. I think the new system is a most valuable and economical one; one that is calculated to carry on river and harbor improvements in a businesslike way. I have never heard it complained of until now, and I do not think it is susceptible of any complaint.

Mr. McLAURIN of Mississippi. Mr. President——

Mr. ALLISON. I wish to say a word further in response to the suggestion made by the Senator from Mississippi as to Gulfport, if that is the one.

Mr. McLAURIN of Mississippi. Yes, sir. If the Senator will allow me, I do not know that it is of any importance, but I wish to make a statement——

Mr. ALLISON. I yield to the Senator.

Mr. McLAURIN of Mississippi. I may be mistaken as to the party with whom the contract was made by the Government for the dredging of the channel, but a contract was made by the Government for the dredging of the channel from Gulfport to Ship Island, which was for $150,000, to be paid when the channel was completed to the depth of 19 feet. I was informed by the War Department, when I inquired there, that that work would be finished before Congress again met, that it was a proper appropriation, and that it should be made in the sundry civil bill.

Mr. ALLISON. I understand that an appropriation for it is already in this bill.

Mr. McLAURIN of Mississippi. I know it is.

Mr. ALLISON. And the appropriation is exactly for the amount estimated.

Mr. McLAURIN of Mississippi. I have made the statement in explanation of the question asked by the Senator from Tennessee [Mr. BATE]. The Senator from Tennessee asked how it came that these improvements in reference to rivers and harbors should be provided for in this bill.

Mr. ALLISON. The provision for the harbor at Gulfport, Miss., was contained in the river and harbor act of 1899.

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. ALLISON. No appropriation was made last year, but this year there is an estimate for $150,000 and an appropriation of the same amount.

Mr. COCKRELL. I suggest, after this animated discussion, that we had better take a little rest.

Mr. ALLISON. The Senator from Missouri suggests an adjournment. Before the adjournment is taken, I inquire of the Chair if all the river and harbor items have been acted upon?

Mr. COCKRELL. Yes; they have all been acted upon.

The PRESIDENT pro tempore. The bill has been acted upon down to the provision for national cemeteries, beginning in line 11 on page 105.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 2, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 1, 1902.

CONSUL-GENERAL.

Thomas Nast, of New Jersey, to be consul-general of the United States at Guayaquil, Ecuador, vice Perry M. De Leon, resigned.

POSTMASTERS.

George J. McCabe, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona, in place of John G. Pritchard. Incumbent's commission expires May 5, 1902.

William D. Ingram, to be postmaster at Lincoln, in the county of Placer and State of California, in place of William D. Ingram. Incumbent's commission expires May 5, 1902.

Charles G. Chamberlain, to be postmaster at Pacific Grove, in the county of Monterey and State of California, in place of Charles G. Chamberlain. Incumbent's commission expires May 4, 1902.

Shelley Inch, to be postmaster at Placerville, in the county of Eldorado and State of California, in place of Shelley Inch. Incumbent's commission expires May 4, 1902.

W. J. Hill, to be postmaster at Salinas, in the county of Monterey and State of California, in place of John G. Joy. Incumbent's commission expires May 11, 1902.

Stephen A. Noyes, to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado, in place of Stephen A. Noyes. Incumbent's commission expires May 4, 1902.

Dick M. Kirby, to be postmaster at Palatka, in the county of Putnam and State of Florida, in place of Dick M. Kirby. Incumbent's commission expires May 2, 1902.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois, in place of Chester B. Claybaugh. Incumbent's commission expires May 4, 1902.

Miles K. Moffett, to be postmaster at Connersville, in the county of Fayette and State of Indiana, in place of John Payne. Incumbent's commission expires May 5, 1902.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana, in place of John C. Fudge. Incumbent's commission expires May 5, 1902.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana, in place of Daniel Lynch. Incumbent's commission expires May 5, 1902.

George A. Watts, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa, in place of George A. Watts. Incumbent's commission expires May 5, 1902.

William Smith, to be postmaster at Galena, in the county of Cherokee and State of Kansas, in place of William Smith. Incumbent's commission expires May 5, 1902.

James M. Wilson, to be postmaster at Falmouth, in the county of Pendleton and State of Kentucky, in place of James M. Wilson. Incumbent's commission expires May 4, 1902.

George Downes, to be postmaster at Calais, in the county of Washington and State of Maine, in place of Willard H. Pike. Incumbent's commission expired February 18, 1902.

Benjamin F. Brooks, to be postmaster at Barre, in the county of Worcester and State of Massachusetts, in place of Benjamin F. Brooks. Incumbent's commission expires May 5, 1902.

Augustus M. Bearse, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts, in place of Augustus M. Bearse. Incumbent's commission expires May 5, 1902.

John D. Smead, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan, in place of John D. Smead. Incumbent's commission expires May 4, 1902.

Henry C. Minnie, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan, in place of Henry C. Minnie. Incumbent's commission expires May 5, 1902.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota, in place of Robert B. Kreis. Incumbent's commission expires May 5, 1902.

Joseph M. Phelps, to be postmaster at Centralia, in the county of Boone and State of Missouri, in place of Joseph M. Phelps. Incumbent's commission expires May 2, 1902.

William W. Arnold, to be postmaster at Fulton, in the county of Callaway and State of Missouri, in place of William W. Arnold. Incumbent's commission expired January 14, 1902.

Charles L. Harris, to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in place of James W. Brocaw. Incumbent's commission expires May 2, 1902.

William H. Haughawout, to be postmaster at Webb City, in the county of Jasper and State of Missouri, in place of William H. Haughawout. Incumbent's commission expired April 21, 1902.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, in place of Frank D. Reed. Incumbent's commission expires May 5, 1902.

Patrick J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina, in place of Patrick J. O'Brien. Incumbent's commission expires May 2, 1902.

Clifton G. Ducomb, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in place of Clifton G. Ducomb. Incumbent's commission expires May 10, 1902.

Atwell E. Ferguson, to be postmaster at Gibonsburg, in the county of Sandusky and State of Ohio, in place of Atwell E. Ferguson. Incumbent's commission expires May 10, 1902.

Manning M. Rose, to be postmaster at Marietta, in the county of Washington and State of Ohio, in place of Manning M. Rose. Incumbent's commission expires May 5, 1902.

John A. Wallace, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in place of Thomas H. Higgins. Incumbent's commission expired April 28, 1902.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania, in place of John Scher, jr. Incumbent's commission expires May 11, 1902.

John P. S. Fenstermacher, to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania, in place of John P. S. Fenstermacher. Incumbent's commission expires May 12, 1902.

John T. Palmer, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania, in place of John C. Bensinger. Incumbent's commission expires May 11, 1902.

Harry D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania, in place of Harry D. Patch. Incumbent's commission expires May 4, 1902.

John D. Cotton, to be postmaster at Parker, in the county of Turner and State of South Dakota, in place of John D. Cotton. Incumbent's commission expires May 4, 1902.

Joseph W. Howard, to be postmaster at Greeneville, in the county of Greene and State of Tennessee, in place of Joseph W. Howard. Incumbent's commission expires May 10, 1902.

Thomas D. Bloys, to be postmaster at Honey Grove, in the county of Fannin and State of Texas, in place of Thomas D. Bloys. Incumbent's commission expires May 10, 1902.

Minnie A. Benton, to be postmaster at Saxtons River, in the county of Windham and State of Vermont, in place of Minnie A. Benton. Incumbent's commission expires May 4, 1902.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in place of Thomas S. Chittenden. Incumbent's commission expires May 10, 1902.

Arthur J. Hudson, to be postmaster at Clifton, in the county of Graham and Territory of Arizona, in place of Elias M. Williams, resigned.

Roger Walwark, to be postmaster at Ava, in the county of Jackson and State of Illinois. Office became Presidential April 1, 1902.

Lincoln Hall, to be postmaster at Burt, in the county of Kossuth and State of Iowa. Office became Presidential April 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1902.

SECRETARY OF LEGATION.

Robert Mason Winthrop, of Massachusetts, to be secretary of the legation of the United States at Brussels, Belgium.

REGISTERS OF THE LAND OFFICE.

Joseph H. Battenfield, of Arkansas, to be register of the land office at Dardenelle, Ark.

John I. Worthington, of Arkansas, to be register of the land office at Harrison, Ark.

RECEIVERS OF PUBLIC MONEYS.

Charles M. Greene, of Harrison, Ark., to be receiver of public moneys at Harrison, Ark.

John G. Chitwood, of Arkansas, to be receiver of public moneys at Dardanelle, Ark.

Edward A. Schicker, of Arkansas, to be receiver of public moneys at Camden, Ark.

John E. Bush, of Arkansas, to be receiver of public moneys at Little Rock, Ark.

POSTMASTERS.

Robert S. Sharp, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee.

Hugo E. Smith, to be postmaster at McKinney, in the county of Collin and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 1, 1902.*

The House met at 12 o'clock m.

Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, from whom cometh our noblest and highest ambition, help us with firm resolve and lofty endeavors to satisfy the demands of our better nature in all that we undertake this day, and hear us when we pray for the member who is so near to death's door. Restore him, we beseech Thee, if it is in accordance with Thy will, to life and strength, that he may return to the place which he has so faithfully and nobly filled these many years. Hear us in the name of Jesus Christ, our Lord. Amen.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. LANHAM. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas wish to correct the Journal or the RECORD?

Mr. LANHAM. I wish to correct the Journal. The application of my colleague [Mr. RANDELL of Texas] on yesterday for leave of absence was intended to be for three weeks, and I notice the Clerk read three days. I would like to have the correction made in accordance with the fact.

The SPEAKER. The correction will be made as indicated by the gentleman from Texas. Without objection, the Journal will stand as approved.

There was no objection.

MILITARY OPERATIONS IN THE ISLAND OF SAMAR.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to submit the following report on a privileged resolution, No. 231.

The Clerk read as follows:

Whereas the question of who is primarily responsible for orders which Gen. Jacob Smith, United States Army, is alleged to have issued (and which by the public press he is alleged to have admitted to have issued) relating to military operations in Samar, Philippine Islands, is involved in doubt and is a matter of public interest: Now, therefore, be it

Resolved by the House of Representatives, That the Secretary of War, if not incompatible with the public interest, be, and he is hereby, requested to furnish to the House a copy of all orders and instructions which have been forwarded to the commanding military officer in the Philippine Islands relating

to the conduct of military operations in the island of Samar, and especially those orders issued prior to and relating to the campaign of said General Smith in said island of Samar.

With the following amendment recommended by the Committee on Military Affairs:

Strike out the preamble.

Mr. BURLESON. Mr. Speaker, inasmuch as the preamble of this resolution has been stricken out, does not the gentleman from Iowa think it would be well——

Mr. HULL. We struck out the preamble because it recites simply what appears in the newspaper, and we did not regard it as adding anything to the resolution.

Mr. BURLESON. I make no point about that; but inasmuch as you have stricken out the preamble, does not the gentleman think he ought to specify what particular Smith is referred to?

Mr. HULL. The whole resolution refers to the island of Samar, and General Smith is the only one in command in the island of Samar.

Mr. BURLESON. I suggest that the gentleman insert the words "Jacob H."

Mr. HULL. I have no objection to that, although it seems to me that it is definite enough as it is.

The SPEAKER. Will the gentleman from Texas send up his amendment?

Mr. BURLESON. I will. It is to insert "Jacob H." after the word "General" in line 8.

The Clerk read the amendment as follows:

In line 8, after the word "General," insert the words "Jacob H."

The amendment was agreed to.

The committee amendment was agreed to.

The resolution was adopted.

Mr. HULL. Mr. Speaker, I am also instructed by the Committee on Military Affairs to report back the resolution which I send to the desk, with the recommendation that it lie on the table.

The resolution was read, as follows:

Whereas it is stated in the public press that at a court-martial held in Manila, P. I., April 25, 1902, Gen. Jacob H. Smith, an officer of the United States Army, charged with conduct prejudicial to good order and discipline, counsel for defense admitted that General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness; that he wanted everybody killed capable of bearing arms, and that he did specify all over 10 years of age: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, requested to report to the House of Representatives if said orders were issued with the knowledge and approval of the War Department; and if not, be it further

Resolved, That the Secretary of War be, and he is hereby, requested to ascertain and report to the House of Representatives whether said orders were issued by General Smith acting on his own responsibility or under the instructions of any superior officer.

The report of the committee was as follows:

Your committee having reported House resolution No. 231, which is for a similar purpose, recommend that this resolution lie on the table.

The SPEAKER. The question is on agreeing to the report of the committee that the resolution lie on the table.

The report was agreed to.

CHANGE OF REFERENCE.

Mr. GROSVENOR. Mr. Speaker, I wish to call attention to the bill (H. R. 13480) to provide an American register for the steamer *Brooklyn*. This bill, by an erroneous reference, went to the Committee on Interstate and Foreign Commerce and was reported by that committee. I ask that the bill be recommitted to the same committee, and that then the reference be changed to the Committee on Merchant Marine and Fisheries. I have spoken with the chairman of that committee, and he agrees with me that this course is proper.

The SPEAKER. The gentleman from Ohio asks that House bill 13480, now upon the Private Calendar, having been reported by the Committee on Interstate and Foreign Commerce, be recommitted to that committee, and that then the reference be changed to the Committee on Merchant Marine and Fisheries. Without objection, the change of reference will be made.

LANDS IN CALIFORNIA.

Mr. BRUNDIDGE, by unanimous consent, submitted the views of a minority of the Committee on the Public Lands on the bill (H. R. 2025) to provide for the examination and classification of certain lands in the State of California; which were ordered to be printed.

EXAMINATIONS AND APPOINTMENTS UNDER CIVIL SERVICE.

Mr. GILLETT of Massachusetts. I desire to present a privileged report from the Committee on Reform in the Civil Service.

The following resolution, introduced by Mr. HAY and reported back from the Committee on Reform in the Civil Service with a favorable recommendation, was read:

Resolved by the House of Representatives, That the Civil Service Commission be requested to furnish to the House of Representatives the following information:

First. The number of persons on the registers of the Commission eligible to appointment.

Second. The number of persons appointed to office in the Government service of the United States from the registers of the Civil Service Commission from July 1, 1901, to April 15, 1902.

Third. The number of persons who ranked No. 1 on their examination who have been appointed to office from the registers of the Civil Service Commission from July 1, 1901, to April 15, 1902.

The question being taken, the report of the committee was agreed to, and the resolution was adopted.

FOG-SIGNAL STATION, PATAPSCO RIVER, MARYLAND.

Mr. WACHTER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland, was read, with the amendments of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. RICHARDSON of Tennessee. I can not consent to the consideration of this bill at the present time. I am compelled to object.

REMOVAL OF PORT OF ENTRY TO ELIZABETH CITY, N. C.

Mr. SMALL. I ask unanimous consent for the consideration of the bill which I send to the desk.

The bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C., was read, as follows:

Be it enacted, etc., That section 2555 of the Revised Statutes of the United States, second edition, 1878, be amended by striking out the word "Edenton" in the last line of the first subsection and inserting in lieu thereof the words "Elizabeth City."

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. SMALL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MANATEE RIVER, IN THE STATE OF FLORIDA.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4768) to authorize the United States and West Indies Railroad Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida, which I will send to the desk.

The Clerk read the bill at length.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill (S. 4768) to construct a bridge across the Manatee River in the State of Florida, which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

LOUDON PARK NATIONAL CEMETERY.

Mr. SCHIRM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to purchase such additional land as may be necessary for the extension of the Loudon Park National Cemetery, near Baltimore, Md., to provide burial for such soldiers, sailors, and marines as are by law entitled to interment in said cemetery; and to provide for the purchase of said land and for the necessary improvement of same the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, which the Clerk has read. Is there objection?

Mr. MADDOX. Mr. Speaker, observing the right to object, I would like to have this bill explained.

Mr. SCHIRM. Mr. Speaker, this bill provides for the extension of the Loudon Park National Cemetery. That cemetery now contains about 3½ acres. There is a certain space reserved for memorial services. Upon this space are built four monuments and a rostrum. It was reported by Lieut. Col. C. F. Humphrey, deputy quartermaster-general, to the Quartermaster-General of the United States Army in 1897 that on the lot set apart for burial purposes there was available space for about 165 graves. Now, to my actual knowledge, we have encroached upon the ground set apart for memorial services, and have already made about 120 graves on the space between the monuments and the rostrum. The bodies of the regular soldiers from Fort McHenry and of the veterans of the civil and the Spanish wars are buried in this cemetery, and unless this extension is made there will be no available space to dispose of them.

Mr. MADDOX. How much does the bill carry? I could not hear it as it was read.

Mr. SCHIRM. Fifteen thousand dollars, or as much thereof as will be necessary. There is a statement appended to the report here, which has been carefully gone over by the War Department and by the Committee on Military Affairs, and it is conceded to be a small estimate for the land and the work required for extending the walls and making the necessary improvements.

Mr. MADDOX. Was it reported by the committee unanimously?

Mr. SCHIRM. Yes.

Mr. MADDOX. This is a national cemetery?

Mr. SCHIRM. Yes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. SCHIRM, a motion to reconsider the last vote was laid on the table.

JAMES M. OLMSTEAD.

Mr. LOUD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13659) to correct the military record of James M. Olmstead, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of James M. Olmstead so as to fix September 8, 1863, as the actual date of said Olmstead's discharge from the service as second lieutenant Company F, Eleventh Regiment Kentucky Volunteer Cavalry, the same being the date to which he was paid and upon which his service terminated.

Amend by striking out in line 4 the words "and directed."

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill (H. R. 13659) to correct the military record of James M. Olmstead. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

THIRD AND FOURTH CLASS MAIL MATTER.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13169) relating to third and fourth class mail matter, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That third and fourth class mail matter shall not be remailed to sender until the proper postage has been fully prepaid on the same: *Provided*, That in all cases when undelivered mail matter of the third and fourth class is of obvious value the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself, or upon his order, at the office where it is held, upon the payment of 1 cent postage for each card notice given him, under such regulations as the Postmaster-General may prescribe.

Amend by striking out the commas after "himself" and "or" in line 8 and by adding a comma after "order" in line 9.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill (H. R. 13169) relating to third and fourth class mail matter, which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. RYAN, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole for the further consideration of the bill H. R. 14019, with Mr. GILLETT of Massachusetts in the chair.

Mr. McCLEARY. Mr. Chairman, at the close of the session last evening the gentleman from Missouri [Mr. RUCKER] had the floor with the understanding that he should continue his speech this morning, and he is to have such time as he wants to finish his remarks.

Mr. RUCKER rose and was recognized.

Mr. BENTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BENTON. I rise to yield such time to my colleague [Mr. RUCKER] as he desires to finish his speech.

The CHAIRMAN. The Chair has already recognized the gentleman from Missouri.

Mr. RUCKER. Mr. Chairman, when the House adjourned on yesterday, I was discussing the proposition of authorizing and requiring the assessment and taxation of personal property in the District of Columbia. In connection with my remarks I took occasion to read the language of certain citizens of this District, as reported in the papers, in opposition to the enactment of such a law. I concede that these gentlemen have a right to the views they entertain, and a perfect right to express those views; but since they have publicly discussed pending legislation, I claim the right to refer to their utterances and to criticise them if the language used justifies criticism.

I quoted declarations of gentlemen to the effect that a law requiring the assessment of personal property in the District could not be enforced; that it would make liars of everybody, and that such a law would be a tax on honesty. I now read from the Washington Post of February 15, 1902:

Mr. Thomas Blagden said he personally opposed personal taxation. He wished to know how the assessor was going to get at the facts. He said it was a tax on honesty.

Another Richmond in the field who entertains grave fears that this law can not be enforced and that its attempt will corrupt and debauch the citizenship of this community. It is strange, passing strange, that so many of these self-constituted guardians of public morals and advocates of the rich men of this town are in such perfect accord and so harmonious in their views as to the practical operation of the proposed law.

If the statements of these eminent gentlemen who are "native here and to the manor born," and who profess personal knowledge, are accepted as sufficient to establish the proposition for which they contend—that a personal tax is a tax on honesty—then perhaps the strongest argument which may be made in opposition to the enactment of this law has not yet been made. The purpose of this legislation is to raise increased revenues for the District; but if its effect will be to put a tax on honesty, as these gentlemen insist, then the result may be disappointing to its friends.

But, Mr. Chairman, in whose behalf have these distinguished gentlemen spoken? Who doubts for one moment that the power behind the throne is the owners of the hundreds of millions of wealth, which, under existing law in this District, wholly, or nearly so, escapes taxation? To suppose that all the energy and activity we have witnessed is prompted by a worthy and righteous desire to protect and shield the poor or those in moderate circumstances would do violence to the intelligence of any gentleman on this floor. What prominent citizen has taken it upon himself to call a public meeting in this town in their behalf, or who has shown the courage to utter one word in defense of this class of people? What newspaper published in Washington has espoused the interests of the humble citizen or contained one line in advocacy of his cause? A tax upon personal property is of benefit to the poor man, because its logical and necessary result is to lower the rate of taxation.

A prominent Washington paper of January 28, 1902, said editorially:

The first requisite for such a personal tax scheme as the Post expects Congress to establish is a liberal exemption provision.

And further it said:

To assess real estate and mortgages on such real estate is to duplicate taxation. Let the tax reach visible assets, tangible effects, such as horses, carriages, etc., and let it avoid the inquisitorial feature and we are confident good citizens will not object.

Who are the good citizens who, after all opposition has signally failed, would welcome with approval a law which "avoids the inquisitorial feature" and imposes a burden upon "visible assets," "tangible effects" not borne by other kinds of personal property? Evidently the newspaper speaks for the rich, for the money lender, for the millionaire. Real estate is "visible" and "tangible," but the debt secured by mortgage is not.

In the absence of the dreaded "inquisitorial feature" this class of property—this token of wealth—might go into hiding, and thus continue to escape taxation. As far as possible double taxation should be avoided, but if either the mortgaged home or the debt secured upon that home must escape, then, I submit, every dictate of reason, every suggestion of fair play and common honesty requires that the mantle of protection should be thrown around the shattered home and give it the benefit of the exemption. But there should be no exemption.

Mr. CLARK. May I ask my colleague a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. Certainly.

Mr. CLARK. Do you not believe that if the right of suffrage was restored to the people of the District of Columbia, as I provide in a bill that I have pending here, they would pass such laws as would hunt out this concealed property and make it pay its part of the taxes?

Mr. RUCKER. Mr. Chairman, answering in a very general way the question of my colleague, I desire to say that I am satisfied every bill he has introduced in this Congress possesses merit, but I am opposed to giving the citizens here any more liberties until they assume more of the burdens. I expect they ought to be allowed to vote.

Mr. CLARK. Couple the responsibilities with the privilege and throw the burden on them instead of having it assumed by the House of Representatives, and do you not think they would hunt up the tax dodgers like they do in the States?

Mr. RUCKER. Judging from the expressions I have read in the press of distinguished citizens of this town, I doubt the capacity of my friend, with all his ingenuity, to devise any scheme which would make a Washingtonian love to pay taxes. [Laughter.]

Other objections urged to the passage of a personal-tax law are of a character which tempts me to exclaim, in the language of Mark Antony, "If you have tears, prepare to shed them now."

Mr. Roessle, according to the Post, said:

> Taxes are so heavy in Washington that people are being driven to suburban towns in Maryland and Virginia.

Mr. Parker is quoted in the same paper as saying:

> It would ruin Washington to increase taxes now. It would drive away from here just the people we have to depend upon. The people who have large holdings of personal property, who would be most affected by the levy of a personal tax, are the rich men who have come here to reside. This is a resident city, not a business city. If a personal tax is imposed on the wealthy resident he will move away.

If this be true, if there be a rich man in this city so purely selfish and so very parsimonious and niggardly that he would change his domicile rather than submit to the just and equitable provisions of a law that exacts of him only the same reasonable tribute it demands of his less fortunate neighbor, then, in my judgment, the sooner he moves the better. If he has no broader conception of the duties of citizenship, if he has no loftier aspiration than to become a parasite upon the community, he is not a desirable citizen here and will not be elsewhere. But, go where he may, he will find no place of retreat, no haven of security from taxation such as is now being enjoyed by the owners of great wealth in Washington.

Yes, he may "take the wings of morning and fly to the uttermost parts of the earth," but when he alights, thank God, he will find on the one hand a vigilant assessor clothed with an "inquisitorial" blank to force him to uncover and disclose his wealth, and on the other a diligent tax collector, armed with legal process to compel him to "render unto Cæsar the things that are Cæsar's." And in the end, when hope has departed and he is engulfed in deep despair, he may be led to proclaim, in the language of the blind poet—

> Me miserable! Which way I fly is hell;
> Myself am hell.

[Laughter and applause.]

I hope a law subjecting all personal property to taxation will pass at this session regardless of all opposition that has arisen or may arise to defeat it. It is a shame that it has been so long deferred.

Mr. Chairman, in no section of the United States are the people treated with such unprecedented and inexcusable partiality and favoritism as in the District of Columbia. The time honored but almost obsolete principle of "equal rights to all and special privileges to none," which we all still profess to respect, seems to have no application here. It has been ruthlessly brushed aside and repudiated in our discriminating and fostering care of the interests and welfare of the inhabitants of this city and District.

The civil-service law expressly provides that appointments to public service in the Departments at Washington shall be apportioned among the States and Territories and the District of Columbia according to population as shown by the last census. This has not been done. This provision of the law has been ignored and defiantly violated in the interest of resident place hunters, in utter disregard of the rights of citizens of the States.

The law as administered has become a doorway which opens easily to the favored citizen of this city and enables him to reach the goal of his ambition—a desirable and lucrative position in public service—and then abruptly closes with a self-acting double-combination lock to the vast majority of applicants from the States. It seems to me the law as administered has become a farce and a fraud, and that it ought to be promptly repealed, unless its provisions can be fairly executed.

In a pamphlet recently issued by the Civil Service Commission I find this table:

SEC. 184. The following table shows the apportionment of appointments in the departmental service at Washington, D. C., from July 16, 1883, to January 1, 1902, under the census of 1900:

State or Territory.	Entitled.	Appointments.			Separations.	Net appointments charged.
		Through examination.	Through reinstatement.	Through transfer.		
Alabama	183	134	14	8	37	119
Alaska	6	2				2
Arizona	10	6	1	1	2	6
Arkansas	131	87	5	3	16	79
California	148	113	6	11	21	109
Colorado	54	33	9	9	10	41
Connecticut	91	78	10	10	14	84
Delaware	18	20		3	2	21
District of Columbia	28	262	96	153	61	450
Florida	53	33	3	8	9	35
Georgia	222	173	22	17	53	159
Idaho	16	9		2	1	10
Illinois	482	361	29	36	65	361
Indiana	252	208	19	22	25	224
Indian Territory	34	3	2	3	1	7
Iowa	223	166	14	15	24	171
Kansas	147	122	14	13	17	132
Kentucky	215	161	14	15	36	154
Louisiana	138	90	1	5	14	82
Maine	69	67	4	7	14	64
Maryland	119	165	37	39	35	206
Massachusetts	281	239	13	18	45	225
Michigan	242	198	9	11	34	184
Minnesota	175	109	10	8	17	110
Mississippi	155	112	3	11	21	105
Missouri	311	233	16	17	40	226
Montana	23	12	2	1	3	12
Nebraska	107	81	4	8	14	79
Nevada	4	5		1		6
New Hampshire	41	38	3	5	5	41
New Jersey	188	136	13	11	26	134
New Mexico	19	12		3	2	13
New York	726	578	74	82	134	600
North Carolina	189	138	9	11	21	137
North Dakota	31	14	2	1	1	16
Ohio	416	365	46	36	46	401
Oklahoma	39	8	1	6	3	12
Oregon	41	30	1	6	9	28
Pennsylvania	630	478	48	63	96	493
Rhode Island	43	30	1	1	1	31
South Carolina	134	103	5	7	19	96
South Dakota	39	22		7	7	22
Tennessee	202	152	14	15	31	150
Texas	305	197	15	11	49	174
Utah	28	22	2		9	15
Vermont	34	37	5	1	3	40
Virginia	185	174	31	45	37	213
Washington	52	33	2	3	12	26
West Virginia	96	66	5	11	11	71
Wisconsin	207	152	16	5	26	147
Wyoming	9	7		3	1	9
Total	7,591	6,074	650	788	1,180	6,332

According to this table the District is entitled to only 28 places in the departmental service, but it has taken 450.

The same pamphlet contains this additional table:

SEC. 185. The following table shows the apportionment on January 1, 1902, of appointments to clerical and recognized trades positions in the Government Printing Office on the basis of 2,521 appointments under the census of 1900:

State or Territory.	Entitled.	Appointments.				Separations since June 15, 1898.	Net appointments charged.
		In the service on June 15, 1898.	Since June 15, 1898.				
			Through examination.	Through reinstatement and transfer.	Total.		
Alabama	61	5	13	6	19	7	17
Alaska	2						
Arizona	3		1		1		1
Arkansas	44	16	11	5	16	11	21
California	39	6	21	6	27	13	20
Colorado	18	9	4	1	5	4	10
Connecticut	30	12	8	6	14	8	18
Delaware	6	10		1	1	2	9
District of Columbia	9	260	5	56	61	58	263
Florida	18	2	9	5	14	5	11
Georgia	74	32	13	24	37	30	39
Idaho	5	1				1	
Illinois	161	72	39	35	74	44	102
Indiana	84	49	7	24	31	18	62
Indian Territory	11		1		1		1
Iowa	74	27	26	7	33	18	42
Kansas	49	27	9	8	17	8	36
Kentucky	72	32	17	25	42	32	42
Louisiana	46	11	9	4	13	13	11
Maine	23	3	13	1	14	4	13
Maryland	40	94	7	49	56	44	106
Massachusetts	94	29	50	9	59	21	67
Michigan	81	35	17	13	30	13	52
Minnesota	58	24	18	5	23	15	32
Mississippi	52	15	6	8	14	11	18
Missouri	104	24	44	15	59	23	60
Montana	8	2	1	2	3	3	2
Nebraska	36	15	16	3	19	11	23

State or Territory.	Entitled.	Appointments.				Separations since June 15, 1898.	Net appointments charged.
		In the service on June 15, 1898.	Since June 15, 1898.				
			Through examination.	Through reinstatement and transfer.	Total.		
Nevada	1		1		1		1
New Hampshire	14	10	4	1	5	2	13
New Jersey	63	50	4	20	24	15	59
New Mexico	6	1	1		1		2
New York	242	303	12	105	117	141	279
North Carolina	63	17	11	4	15	11	21
North Dakota	10	7	2	1	3	3	7
Ohio	131	74	30	54	84	49	109
Oklahoma	13	1	2		2		3
Oregon	14	1	5	1	6	2	5
Pennsylvania	210	161	31	61	92	61	192
Rhode Island	14	3	9		9	3	9
South Carolina	45	10	11	12	23	15	18
South Dakota	13	7	1	1	2		9
Tennessee	67	28	17	19	36	24	40
Texas	102	11	41	6	47	21	37
Utah	9	2	2	1	3		5
Vermont	11	6	1	1	2		8
Virginia	62	50	9	17	26	19	57
Washington	17	2	6	1	7	2	7
West Virginia	32	26		15	15	12	29
Wisconsin	69	9	26	3	29	12	26
Wyoming	3		1		1		1
Total	2,521	1,591	592	641	1,233	809	2,015

In this service the District is entitled to 9, but enjoys 263 positions. In the various departments at Washington there were on January 1, 1902, as shown by the tables just read, a total of 8,347 employees, of which the District was entitled to 37, but enterprising citizens here have managed to secure 718—nearly one-eleventh as many as the entire United States. These official figures render comment unnecessary. They show an abuse of the civil-service system which ought not longer to be tolerated.

Now, Mr. Chairman, in conclusion I desire to say the people of the United States are proud of their capital city, and heartily share with its citizens the worthy and laudable ambition and determination to make it the most beautiful city in this grand Republic. But I shall urge, as earnestly as I can, that the people here must perform their part of this great work. They must stop trying to evade the payment of reasonable and just taxes, and they should also learn to understand and appreciate the fact that all public offices were not created for their sole, separate use and benefit.

It would be well, too, for them to understand that members of Congress can not be swayed or influenced in the discharge of duty by being treated to excursions on the historic Potomac or by invitations to board of trade banquets, where the invited guests are regaled and refreshed with oratorical declamations on the necessity of increased appropriations and additional loans to the District—a torture, I fancy, scarcely less excruciating in its severity than the "water cure," which we are told is being administered without rebuke to our fellow-citizens in the Philippine Islands.

Nor will the ravings and vituperations of the press of this city deter any man in the performance of duty as he sees it. With unwavering confidence in the rectitude of his purpose, pursuing undisturbed the path of duty, ever conscious of his obligations to his constituency, he will view with calmness and serenity the venomed darts hurled by these papers, while enjoying perfect immunity and security from harm in the reflection, "They pass by me as the idle wind, which I respect not." [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range light station, Detroit River, in the State of Michigan.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested.

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year; and

S. 3316. An act to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. MCCLEARY. Mr. Chairman, I would like to ask my friend from Missouri whether he is ready to come to an agreement as to the duration of general debate?

Mr. BENTON. I am not quite able to agree at this time, Mr. Chairman. I have been asked for an hour and a half more time. My impression is that it will be better to leave it open, and I think we will get through by 3 or 4 o'clock. I hope the gentleman will let the debate run on indefinitely for two hours at least.

Mr. MCCLEARY. Mr. Chairman, I ask that the time be controlled one-half by the gentleman from Missouri and one-half by myself.

The CHAIRMAN. It will be difficult to divide the time unless some definite time is set for the close of general debate.

Mr. MCCLEARY. What I had in my mind was the controlling of time by the gentleman from Missouri and myself.

Mr. BENTON. I am willing to make it definite and end it at 4 o'clock.

Mr. MCCLEARY. I accept the suggestion to close the debate at 4 o'clock.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that general debate may close at 4 o'clock, the time to be divided equally, and to be controlled by the gentleman from Minnesota [Mr. MCCLEARY] and the gentleman from Missouri [Mr. BENTON]. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCLEARY. Mr. Chairman, I now yield to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Mr. Chairman, during the time granted to me I propose to review in a very brief manner some of the aspects of the present industrial situation in the United States, particularly as it applies to the interests of the great army of toilers whose brawn and brain contribute so materially to the progress of the Republic and whose welfare should be sought by all. I am aware that, with the best intention to be thorough in my treatment of the subject, I will be able to touch upon the salient points only, but I also know that the good judgment of the members of the House will carry the argument to its logical conclusion. In considering the question it must always be borne in mind also that tremendous changes in methods have been made even within the last decade, new factors have entered into the problem, and long-held theories, applicable to former conditions, have become obsolete when applied to the new environment under which large masses of the workers are now employed.

ELEMENTS OF THE PROBLEM.

It is proper to consider first some of these elements of the problem that affect conditions of employment, labor environment, and rate of wages, such as machinery, immigration, industrial combinations, transportation, and policies of governmental control.

MACHINERY.

First of these in extent and importance is machinery. The inventive genius of the human brain is constantly alert contriving devices to aid, and often to supplant, hand labor in production. How prolific this invention has been is attested by the nearly 700,000 patents issued by the Patent Office; over half of which have been issued since 1885. These devices have not only made possible modern methods, but in many instances they have completely revolutionized whole trades. They have often caused a displacement of skilled by unskilled labor and an entire rearrangement of methods.

For example, the invention of the power loom and the spinning jenny transformed the manufacture of textile fabrics and transplanted the industry from the home of the cottager to the mill. The steam motor on land and sea brought closer together the producer and consumer, while the telegraph and telephone have annihilated space and made the nations of the earth next-door neighbors one to another. What the power loom and spinning jenny did for textile manufactures the McKay and Goodyear sewing machines did for shoemaking, and the huge factories of the shoe manufacturing centers of the country rival in size and importance the mills in which textile fabrics are produced. The invention of the Bessemer process and other similar improvements in the manufacture of steel have caused steel to supplant iron in a great number of uses and created vast enterprises of a character and magnitude unthought of a half century ago.

Electricity, as yet but partially understood and utilized, rivals steam as a motor, drives our street cars and private carriages, and gives us illumination by night the semblance of the noonday sun. And yet it is scarcely more than twenty-five years since the telephone was a toy and the arc light a sputtering suggestion of its present steady brilliancy. The American idea of interchangeability of parts lessens the first cost of the machine, reduces cost of repairs, and facilitates production. Hand labor is given a furlough wherever a machine can be fashioned to do the work of the

man. All these changes have been for the great benefit of mankind as a whole, but they have brought hardship and suffering to those who have been supplanted by the machine and who have been compelled to learn a new trade, or the old trade in a new way, after many years, perhaps of greatest skill, given to old forms of production.

CHILD LABOR.

One of the first effects of the introduction of machinery has been the degradation of labor by the subdivision of labor and by the substitution of the labor of women and children for the labor of men. Incredible as it may seem in these enlightened days, there are States in the Union where children of tender years, as low as 6 years of age, are employed twelve hours per day, and when the mills are run by night these infants are worked from dark to dawn by the side of the adults. It is gratifying to state, however, that enlightened public sentiment in most of the States has compelled the enactment of laws taking children under 14 years of age out of the mills and factories and sending them to school, where they belong.

This sentiment realizes the impossibility of building up a sturdy future manhood and womanhood from a present generation of children who in their tender years are stunted in growth and dwarfed in intellect by confinement at hard labor in the stifling atmosphere of mills and factories. Therefore the workday has been gradually shortened in most States, as I have intimated, from the twelve hours of the past to the nine hours and eight hours of the present.

INTENSIVE TOIL.

But the reduction of the hours of labor has increased the exhaustiveness of toil. To maintain the amount of total product a swift machine supplants a slow machine and the employment becomes more intensive for the worker. Here again new phases of the problem are created. The available years of a man's life in which he may keep pace with the demands of machinery have been curtailed.

Already there is a disposition to set aside the man of 45 years of age and more, and put a younger man, more nimble fingered, in his place. Thus many men now become superannuated at the time of life when in former years they were thought to be most desirable by reason of skill and experience; and a demand is heard for some method by which to provide for the toilers whose usefulness in mechanics has ended and whose opportunity to get employment in gainful mechanical occupations has been barred by the age limit. In foreign countries this condition is being met by systems of state insurance, while trade unions seek to provide for it, in a limited degree as yet, by the establishment of "superannuation funds" for the benefit of their aged members.

IMMIGRATION.

Another serious factor in the problem is immigration. I will not enlarge upon it here, because in support of the bill on that subject, reported from the committee of which I have the honor to be chairman, my views are fully presented. In this connection it is sufficient to say that the addition of 5,000,000 immigrants to the labor supply of our country since 1890 and a current increase of 600,000 yearly form a menace to the labor of our land entitled to serious consideration. It may not be so perceptible now, but should a period of depression again visit our industries the oversupply can not fail to add to the disastrous effect upon American labor. The result will be a positive reduction in the standard of wages, the standard of living, and the standard of civilization. These immigrants have mostly settled in the manufacturing States and in the cities thereof, thus intensifying the perplexities of the situation should depression come.

TRANSPORTATION.

The three primary factors of national progress are production, distribution, and consumption. We must produce to have value; we must consume to make that value useful. When the producer and the consumer are widely separated, distribution sometimes becomes the most important factor. Hence the importance of the transportation problem in our national life. Occupying a territory with an area of over 3,000,000 square miles, not counting outlying possessions, our present attainment would have been impossible without the tremendous growth of our railroad systems, which, with a network of steel, unite the different trade centers. We had but 9,000 miles of railroad in operation in 1850. We now have more than 200,000 miles, giving employment to more than 1,000,000 men, and paying them over $600,000,000 a year in wages. We have 40 per cent of the mileage, and nearly as much of the capitalization, of the world. The value of railroad assets in the United States equals one-seventh of our total wealth, and the annual freight bill on the railroads exceeds $1,600,000,000.

MERCHANT MARINE.

In only one important matter does the United States seem at disadvantage in the struggle for industrial supremacy, and that is in her merchant marine engaged in foreign trade. While our shipyards built 483,489 tons in 1901, we had but 889,129 tons engaged in foreign trade, against 4,635,089 tons engaged in domestic trade and 1,706,294 tons engaged in the commerce of the Great Lakes. The tonnage engaged in domestic trade is a matter of great pride, but it is somewhat humiliating that 90 per cent of our exports and imports of merchandise should be carried under foreign flags. If press reports are true, American capital is about to take over bodily more than a million tons of the best steamships upon the ocean, and even though the flag they sail under will still be alien, the guiding influence and ownership will be loyal to America and to American commerce.

Pertinent to the subject of our merchant marine, past and present, is the following clipping from a recent number of the Scientific American:

THE FLEETS OF THE WORLD.

The latest records of Lloyd's Register show that the fleet owned by the United States Steel Corporation has grown to such proportions that it now ranks as the fifth among the great steamship companies of the world. Considerably the largest of these is the Hamburg-American Company, which owns 134 vessels of an aggregate gross tonnage of 668,000 tons. The next largest is the North German Lloyd Company, whose 120 vessels aggregate 556,000 tons; the third company is the British Elder Dempster Company, which owns 153 vessels, aggregating 431,000 tons. Then follow the British India Steam Navigation Company, with 122 vessels and 384,000 tons, and the United States Steel Corporation, with 113 vessels, aggregating 343,517 tons.

From the same source we gather that in point of total number of vessels owned and of their gross tonnage the fleets of the United States stand second among those of the world. Great Britain and her colonies, out of a total for the whole world (including countries possessing over 1,000,000 tons of shipping) of 29,091 ships, aggregating 30,600,510 gross tons, possesses 10,869, with a total tonnage of 14,708,205 tons, one-seventh of which is composed of sailing ships.

The United States owns 3,286 vessels, with a gross tonnage of 3,077,344 tons, of which two-fifths are sailing vessels; and then follow Germany, with 2,905,782 tons, of which one-sixth are sailing vessels; Norway, with 1,627,220 tons, one-half of which are sailing vessels; France, with 1,406,853 tons, a quarter of which are sailing vessels, and Italy with 1,117,538 tons, of which two-fifths are sailing vessels. While the lead shown by Great Britain is so great, strenuous efforts are being made by competing countries to reduce, by means of judicious subsidies, this great preponderance. Germany and France subsidize many of their lines heavily, and the policy has proved to be, particularly in the case of Germany, a wise one.

The ship-subsidy bill now before Congress would very materially assist in the development of our merchant marine, discourage the purchase of foreign-built vessels, and stimulate the shipbuilding industry on our own seacoast. Contemplating the figures we have given above, there is much food for thought in the fact that about the year 1840 Great Britain possessed under 800 vessels, whose aggregate registered tonnage was less than 150,000 tons, and that during this period the aggregate tonnage of the steamships owned by the United States was about 155,000 tons, or 5,000 tons more than that owned by Great Britain. That was in the days of wooden shipbuilding, and before the advent of steel, and more particularly before Bessemer steel had given that wonderful impetus to British shipbuilding the influence of which still enables her to maintain such a commanding lead.

INDUSTRIAL COMBINATIONS.

In 1893 began that system of reorganization of industry which was partially completed in 1897, and which has now advanced far enough to indicate its ultimate effect upon production, distribution, and consumption, and to justify the suggestion that the fate of nations may hang upon its final culmination. The industrial combination, commonly known as "the trust," is a marvel in purpose and audacity, bringing the highest type of administrative efficiency yet known. With rapidity of action and boundless energy characteristic of our people, the United States in a few years has passed all competitors and now pitches the tune in the concert of nations. In 1897 Pittsburg for the first time undersold Europe in the price of steel. Since then the forces has been assembling in production, transportation, and commerce by which are to be influenced the future currents of industry, and by which are to be transferred to the United States the powers of trade and finance that dominate the industrial world.

I shall not attempt to attack or defend these vast aggregations of wealth and industrial power. It is yet too soon to say if they are to bless or to curse mankind. If they prove to be beneficial, they will not need defense. If they seek to oppress instead of to benefit the people at large, the mightiest power of the Republic—public opinion—will crush them, as in days gone by it has destroyed all forms of human slavery among civilized nations. [Applause.]

As the individual employers gave way to the corporations, the corporations in their turn have merged into the large industrial combinations. They represent one side of the controversy between capital and labor, the employer. They have their counterpart on the other side in the great labor federations, representing the labor. The other interested element, the public at large, is observant of the progress of events, and, though the timid may fear and the pessimist may croak, is calmly confident of final supremacy through the courts and the ballot box when the rights of the people are assailed or the progress of civilization obstructed or endangered. [Applause.]

One thing of great encouragement is patent. These combinations need stability of trade conditions for success fully as much as does labor. Their influence may be safely counted upon, therefore, to prevent violent fluctuations in the markets with their consequent periods alternately of feverish activity and ruinous depression. Thus, by continued employment, the consuming power of labor will be maintained and all the people receive due

meed of benefit in the continued universal prosperity that must result therefrom.

OUR LABOR ARMY.

About eighteen millions of our people, in round numbers, are wage-earners and literally obey the Divine injunction, "In the sweat of thy face shalt thou eat bread." One-quarter of our people, then, toil in mine and field and factory and other gainful occupations to form the aggregate of the vast productive energy of our country, which by its giant strides in recent years has placed us at the head of all the nations in material wealth and prosperity. Shall we not wisely consider the interests of this great army of toilers? And when we conserve their interests are we not building upon foundations broad and deep for future stability and continued prosperity in commerce and industry?

The laborers, as above defined, and those dependent upon them form 90 per cent of the population of the globe. Whatever affects the prosperity of the workers, therefore, affects the general welfare. The heart beats of commerce throb in unison with those of busy, contented, well-employed, and well-paid labor. Let us carry the proposition a little further and see if a guide for intelligent action may not be evolved from the study. Eliminating the comparatively few who live upon inherited wealth and add nothing by the product of their own hands or brains to what their ancestors by honest toil accumulated, it is exact truth to say that all men are workers either by hand or brain, or both combined.

The highest type of labor is that in which the brain guides the hand, thus giving us the skilled worker, who is the last to be discharged in time of depression and the first to be called back to labor when the wheels of industry again begin to turn, and who at all times commands the highest compensation for his toil. Hence the vast majority of our people are closely interested in the welfare of the toiler. They thrive in his time of employment and prosperity; they suffer in his time of idleness and adversity. How true this is may be amply proved by experience so recent as to be within the memory of all.

CONTRASTS OF A DECADE.

From that experience surely many wise lessons may be gleaned and solemn admonition for future conduct. The year 1892 was the most prosperous our country had ever known up to that time. The decade ending with 1890 showed the greatest absolute increase and the greatest percentage of increase in capital engaged in manufactures, the greatest absolute increase in average number of wage earners, and the greatest absolute increase in amount of wages paid of all the decades from 1850 to 1900. What a change came in 1896! What a contrast with 1892! And what a change again from 1896 to 1902! All this was due to something more than accident.

On the authority of Mr. Gompers, president of the American Federation of Labor, in his annual address to the annual convention of that body in 1897, there were then more than 3,000,000 of idle toilers in the land, eager and willing to work, yet unable to find the work to do. No estimate was given of the many millions more for whom there was employment only part time. All agree that those were among the darkest days of our experience during the past thirty years. What a contrast with the present time!

We have a right to ask, Why such a tremendous contrast between conditions in 1896 and in 1902? Why stagnation, business bankruptcy, and financial ruin then, and universal prosperity now? Simply because under widely different policies of governmental management, to which I will later more fully allude, the three or four million workers then idle, because unable to find work to do, are now employed. The twelve to fourteen million others, working then on quarter, or half, or, in specially fortunate instances, three-quarters time, are now working every day in the week and every week in the year.

PRODUCTION AND CONSUMPTION.

Forming, as it does, and with those it represents, 90 per cent of the population, labor becomes at one and the same time the greatest producing and consuming element of the world's products. Whatever affects the power of labor to produce affects the general accumulation of supplies for the world's markets. Whatever affects the power of labor to consume affects the general demand for the products of industry. Thus supply and demand are materially influenced by the condition of labor.

The power of labor to produce depends, primarily, upon its steady employment. The power of labor to consume depends upon the wages received for its toil. The larger the income, the wider the range of demand and the greater the means of gratification. The higher the skill, the better the pay and the more advanced the civilization. Eighteen million workers, receiving but a dollar each per day, and working full time of three hundred days in the year, have the enormous consuming power of over five thousand millions of dollars in a year.

But, according to Col. Carroll D. Wright, the average wages per toiler are a trifle over $400 per year, reckoning together men, women, and children employed. The gross earnings of all yearly are over $7,000,000,000. When we see in the daily press that employers in an industry have made a reduction in wages of 10 per cent we are apt to think, carelessly, that it does not amount to much. When labor makes a strenuous resistance to the reduction, or an equally strenuous attempt to secure an advance of like amount, we sometimes wonder why the battle wages so fiercely and the toilers make such a fight.

WHAT A CHANGE OF 10 PER CENT MEANS.

Reflect for a moment upon this question: What does a change of 10 per cent in wages, or income, mean to the grand army of toilers? It means the vast sum of more than $700,000,000 yearly in power of consumption. It means this much added to or taken from the power of the toilers to get, first, the necessities which they must have; second, the comforts which they ought to have, and third, all the luxuries, some of which, at least, they would like to have. And the sum total of human happiness is in the quantity and quality of these three things—necessities, comforts, and luxuries—within the attainment of the individual.

What does the sum of $700,000,000 mean to the commerce of the country? Take the figures of the Bureau of Statistics of the Treasury Department for the year 1900 on the progress of the United States in its material industries for comparison. It would be $9 per head of the total population. It would pay one-third of the national debt and equal one-third of the money in circulation. It would equal 28 per cent of the deposits in national banks or of those of the savings banks of the country. It would very nearly equal our imports from foreign lands and be more than one-half of our vast exports. It would almost equal five times the value of gold and silver produced. It would pay $3 a ton for all the coal mined. It would pay the expenses of the Post-Office Department seven times over, and more than five times all the salaries in our public schools.

It would have paid the entire net ordinary expenditures of the Government for the year quoted and left a surplus of over $113,000,000. It would exceed by a hundred millions of dollars the capital employed in manufactures and mechanical industries in the 32,398 establishments of my own State of Ohio, as reported in the census of 1900, and be 85 per cent of their gross product, while if the net or true value be taken, it would exceed that amount by nearly $200,000,000. By these comparisons may be realized the stupendous effect upon the economic and social conditions of our country of a change of "only 10 per cent" in the wages paid yearly to labor. It is by such comparisons that we can realize how closely interwoven with the prosperity of our country is the welfare of our laboring people, and how carefully we should legislate in order that this great home market shall not be impaired.

THE INDIVIDUAL CONSUMER.

Let us now briefly apply our reasoning to the individual. I have said that every man must have the necessities of life. These embrace food, shelter, and clothing. However poor in quality, these three things must come to man as the reward of his toil, or he must receive them from public or private charity or as the result of crime. He must earn, beg, or steal them. I need not argue the proposition that the honest, self-respecting American mechanic infinitely prefers to earn rather than to beg or steal. Manly independence is the characteristic of American labor. Granting this premise, how important it is that labor should be employed and its standard of wages at least maintained.

With an average annual income of only about $400 it is evident that only by the closest economy can expenses be within income. Too often it is the case that luxuries are unknown, and even comforts seldom enjoyed in the home of the toiler. To such the suggestion of a reduction in wages means a curtailment, not of luxuries, not of comforts—for these they have not enjoyed—but of actual necessities. To the country at large it means a serious loss in the consuming power of the people, and thereby an equal shrinkage in the home market.

TRADE ORGANIZATIONS.

I am not unmindful of the sharp competition in many, if not most, lines of industry, leading the managers and employers to reduce to a minimum the cost of production in order to keep the enterprise running and thus pay any wage at all to labor. Because of the tendency in times past to make the wages paid to labor the basis of such economy of production, there has arisen a resistance thereto on the part of labor which now finds form in the trade unions and labor organizations of the day.

These organizations naturally met with the fierce and often relentless opposition of the employers from the very beginning. And the struggle between master and man through all these many years, and during the development of modern industry, is responsible for much of the misunderstanding as to the relations existing and which should exist between employer and employed. The master has said: "I have the right to hire whom I please and

pay what I please." The man has replied: "I have the right to be consulted in the matter and to be a party to the bargain."

This "freedom of contract" idea on the part of the employer may be theoretically right, but it is practically wrong. Vast changes have taken place in the manner of production and the status of labor. The individual employer has been supplanted by the corporation, the comparatively small corporation by the gigantic combination. The present situation is the natural outcome of evolution in processes of production. Once it was that a man unwilling to accept conditions of employment offered by one employer could find within easy access another with whom he could bargain. All this has changed in many of the great industries. The terms offered must be accepted or opportunity for employment closes.

Resistance by the individual is futile. What is one man against a great corporation with fifty million, a hundred million, or fifteen hundred million dollars capital? By very force of circumstances the toiler has been forced to put the power of numbers against the power of money and to assert something akin to the doctrine of "vested rights" in the employment at which his lifetime of toil has been devoted and for which alone he is fitted. Hence the "demand for recognition" of the labor organization, often insisted upon more strenuously than the demand for increase in wages or change in trade conditions. This demand is often inexplicable to those unfamiliar with present conditions of labor employment and the changes therein during even the last decade.

LABOR AND CAPITAL GETTING TOGETHER.

Education in economics is progressing rapidly. Strange as it may seem to many, employers and employed are getting together more closely and understand and acknowledge the rights of each other more freely than ever before in the history of trade. Elements are crystallizing which, when potent, will establish a common ground upon which employer and employed will meet and settle trade disputes. In such settlement due regard will be had not only of all which immediately concerns the employer and employed, but also of the indirect but ofttimes equally vital interests of the public at large. The public is frequently the innocent victim and sufferer from the stagnation attendant upon a labor war. Society, therefore, is beginning to demand that some means of prompt settlement shall be found, so that its rights shall not be ignored and it be unduly oppressed by mulish obstinacy of either masters or men.

A FEW FACTS ABOUT OHIO.

I am justified in speaking as I do upon this great labor problem, inasmuch as I represent, in part, upon this floor a State which from 1840 to 1880 ranked fourth, and since 1880 has ranked fifth, among all the States of the Union in the value of her manufactures. During the half century closing with 1900 her capital increased from $29,019,538 to $605,792,266; her establishments from 10,622 to 32,398; her average number of wage-earners from 51,491 to 345,869, the greatest number employed at one time for the census year of 1900 being 451,686; her total wages from $13,467,156 to $153,955,330; her cost of materials used from $34,678,019 to $447,849,677, and the value (gross) of her products from $62,692,279 to $832,438,113.

These figures omit the statistics for governmental, eleemosynary, and penal institutions and establishments with a product of less than $500. They are from the census of 1900, and therefore understate the present conditions in Ohio; but they are the latest available and serve the purposes of my argument in illustrating the wonderful strides of industry in the last half century and the importance of labor and its compensation in the development of the wealth and resources of our country. This brief compendium also shows how well Ohio has utilized her great natural commercial advantages. Her means of communication by river, lake, canal, and rail have always been powerful agencies contributing to the development of her manufactures.

The early settlers from New England, New York, and Pennsylvania brought with them the mechanical knowledge and skill gained in their former homes and the machinery and tools they formerly used. The rapidly developing country west and south of Ohio furnished a market easy of access for their products, and their location was most favorable for obtaining cheaply a bountiful supply of iron, coal, and lumber, the raw materials for their finished products. "As early as 1803," says one writer, "manufactured products were shipped to points along the Mississippi River as far south as New Orleans."

PROGRESS IN FIFTY YEARS.

Living as we do in a period of marvelous industrial activity, we sometimes forget the wonderful progress made in the last half of the nineteenth century in manufactures and mechanical industries. A bare statement of the facts almost staggers belief, while it compels admiration. Capital has increased nineteenfold; average number of wage-earners, about five and one-half fold; amount of wages paid, about tenfold, and the value of products, thirteenfold. During this time the population increased two and one-quarter fold. The apparent value of products per wage-earner has increased from $1,065 in 1850 to $2,451 in 1900. No better indication can be offered of the increasing productivity of labor, due, of course, largely to increased effectiveness of machinery and abundant capital employed.

MANUFACTURES IN 1900.

The census of 1900 showed the gross value of products of all manufacturing and mechanical industries for the census year to be $13,040,013,638. The "gross value" referred to does not represent the final value of the manufactured products of the country, since much duplication of figures results from the fact that the finished products of many establishments become the raw materials of a subsequent stage of development. But the "gross value" represents volume of transactions involved, in the same way that the total of transactions of a clearing house represents the actual banking business of the banks connected therewith.

The "net value" of products may be reckoned safely as about two-thirds of the "gross value." From this "net value" in turn may be deducted the cost of crude materials as they are originally received from farm, forest, mine, and sea, and the sums paid for fuel, freight, etc.; and in the last analysis we have $5,671,902,790 as the value added to materials by the various processes of manufacture. But the gross value fairly represents the volume of internal trade in manufactured articles and the amount involved in preparing these products for retail distribution and consumption. The census experts estimate that this retailing of products and the passing them along to the ultimate consumer represent transactions of a volume equally as great; so that "the total money volume of the wholesale and retail transactions in the manufactured products of the United States is unquestionably greater than the volume of the international trade of the principal countries of the world, which equals the sum of $20,005,884,354 (exports and imports added together)," as shown by the bulletins of the Bureau of Statistics of the Treasury Department.

PROGRESS IN AGRICULTURE ALSO.

While in my argument I have used illustrations based upon the progress and development of manufactures and mechanical industries, I am not unmindful of the great agricultural interests of our country and their controlling influence upon our social and economic problems. I could not very well be indifferent to them, since Ohio ranks third among the States in agriculture as well as fifth in manufactures. But agriculture shares with manufactures the general prosperity. The toiler in the factory, in the mill, in the mine consumes the products of the farm. The nearer the farm to the factory the more valuable the farm, the more varied the crops, the more profitable the results.

We are proud of the fact that the yearly exports to foreign lands of agricultural products have reached the amount of $1,000,000,000, but we are vastly more proud of the other fact that the farmer has a market twenty times as great right here in our own land. We rejoice exceedingly that such a great change for the better has come to the farmer since 1896. His mortgages have been paid to the amount of hundreds of millions. From being a borrower in the money centers of the country he has become a lender, and the accumulations of his years of prosperity have, at times, made him a potent factor in financial affairs during the past four years. He owns 65,000,000 swine, 3,500,000 mules, 62,000,000 sheep, nearly 20,000,000 horses, nearly 70,000,000 cattle, these farm animals alone being worth the enormous total of over three thousand millions of dollars. The value of his farm animals has nearly doubled since 1896, and he is enjoying a condition of prosperity, wealth, and comfort unequaled in the previous history of our country. No, I am not unmindful of the farmer, and I rely upon his sturdy common sense, his sound judgment, his proverbial shrewdness to sustain the public policy which rescued him from financial disaster and brought him again to the Beulah land of corn and wine. [Applause.]

FISCAL POLICY OF VITAL IMPORTANCE.

If I have succeeded in establishing my proposition that the great consuming element of the country's product is the wages paid to labor, it follows in logical sequence that labor must have opportunity to toil in order to receive wages with which to consume. Hence we are forced to carefully consider what policy of governmental management is best calculated to keep labor employed.

Since 1861, with the exception of two Presidential terms, the policy of the present dominant party has controlled the Government. For the most part while that policy has ruled—for thirty-two years out of the forty—the country has progressed with marvelous rapidity, and the condition of labor has grown constantly better.

The periods of greatest idleness and attendant suffering have been when attempts were made to overthrow that policy and to

supplant it with another that promised much, but realized little. Yet, not satisfied with the disasters of the experiments already made, and with the crowning evils of the latest experience only six years passed by, there are those who cry loudly for another attempt in the same direction and, by specious arguments and sophistry, seek to entice the labor of the land to desert the policy which has blessed labor so bountifully since it again controlled the administration of affairs.

It can not be possible that the memory of the toilers is so poor as to forget so soon the bitter days from 1893 to 1897—the idleness of labor, the ruin of industry, the bankruptcy of capital. I have too much faith in the shrewd common sense of American labor to believe that it will destroy the magnificent structure its own thrift and energy have created and be led away by the siren songs which would entice the toilers to their destruction. To think otherwise is to insult the intelligence of American labor. [Applause.]

AN HONEST DOLLAR FOR HONEST WORK.

Not only has the protective policy of the Republican party retained and developed for our own benefit our great home market to an extent far beyond any previous experience, but its financial policy has been none the less vital in its benefit to labor and to the country. The party declared for American goods for American markets, and thus gave labor a chance to earn "an honest day's pay for an honest day's toil." In spite of alluring enticements of policy and expediency, it also firmly planted itself upon the bedrock of commercial integrity, and declared that labor should be paid with an honest dollar for honest toil. Thus it became the defender of the defenseless, for the cheapest coin is always used to pay labor, whereas it should be paid the best, and no one so much as the toiler is interested in sound and honest money. [Applause.]

OUR HOME MARKET.

The greatest and grandest market in the whole world is all our own in our vast internal trade. The present controlling policy, if continued, will retain it for ourselves. In addition to that we are conquering the markets of other lands. The sceptre of marine control is about to pass into the hands of American capital and management of American men, because the sceptre of financial supremacy is held no longer in London, but in the United States.

The gigantic development of our home industries and our home markets during the past six years, coupled with the preeminent skill and productive capacity of our toilers, has given us our industrial supremacy, while the accumulation of capital, made possible concurrently therewith, has given to our "captains of industry" and "Napoleons of finance" the means with which to girdle the globe with continuous lines of transportation virtually under one control, and that control American and inspired with American instincts and American aspirations. The prophecy has been fulfilled. Westward the star of empire has taken its way and time's noblest offspring is the latest.

The limit of possible development has not been reached. Great as has been the achievement of the last half century, it will be dwarfed into insignificance by the commercial conquests of the first quarter of the twentieth century. Industrial development and trade expansion are progressing upon such a stupendous scale that the field of vision is no longer confined to one country, but takes in the whole world. Fully realizing the possibilities and fully equipped to grapple with and secure them, the American Republic advances confidently to its destined commercial sovereignty of the world. [Applause.]

HOLD FAST THAT WHICH IS GOOD.

I plead for such wisdom of action in legislation as shall continue the present wise fiscal policy. I deprecate any act which, for temporary partisan gain or for the spoils of party politics, would paralyze industry, block the wheels of progress, and again turn the busy toiler out of the mill and the mine and the factory to become a tramp upon the highways. I appeal to the toiler himself to let the lamp of experience guide his footsteps, to the end that he shall continue to maintain by his support that wise policy which gives first, the prime requisite to contentment, comfort, and industrial peace, the opportunity to toil; and, second, which pays for the work done in a dollar not ashamed of its creator, good at its face value throughout the realms of civilization.

Let him "hold fast that which is good," and thus continue the conditions under which his share of benefit is so great and destined so largely to increase. Continued prosperity will give ample opportunity to correct all real evils complained of. Improved sanitary conditions of employment will make more healthy the environment of the toiler. A shortened workday will lighten the exhaustiveness of toil. Education for his children will elevate the general standard of civilization. Proper restriction of immigration and the enforcement of proper domestic legislation will prevent undue and unfair competition and maintain the standard of wages. Amicable understanding with employers will minimize the number and severity of trade disputes. And, in the new era about to dawn upon the industrial horizon, the farmer and the mechanic, the employer and the employed, will unite in a common laudable and patriotic effort to secure for our beloved country that exalted station which an All-wise Providence has ordained she shall occupy in the history of the world. [Prolonged applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bill of the following title:

On May 1, 1902:

H. R. 8553. An act granting a pension to Joseph Tusinski.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BENTON. Mr. Chairman, I now yield thirty minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I suppose that it is rather difficult to induce many members of this House to become really interested in the question of the taxation of the District of Columbia. Bills are reported every year involving an expenditure of seven to eight million dollars. That is a very large amount of money, and under our system of government the property and welfare of the people of this District are absolutely committed to Congress. It is therefore incumbent upon members of this House to learn what they may of the condition of this District, and to give to those conditions the same attention that they would give to municipal government at home if intrusted to their care.

The system of taxation in the District of Columbia is without precedent and without parallel. I am speaking, Mr. Chairman, for a population of one-quarter of a million people, representing those who are here because of their love of the beautiful; those who are here because of the repose that may be found in the pursuit of the intellectual within the city of Washington; those who have invested here because of the beauty of the city, and those who are here because of the Government employment, and the minority within the city of Washington who are here to seek their living in the ordinary pursuits of life.

We find that there is imposed a burden of nearly $8,000,000 upon the District—that is, the cost of government within the District is nearly $8,000,000—one-half of which is paid by the people of the United States outside of the District upon the theory that within this District of Columbia one-half of the ratables is owned by the Federal Government. Let us see what principle of taxation is applied to the remainder. These people are our wards. In legislation we deal directly with them, and they own the only taxed property within this Union that is absolutely under the control of Congress. What is the way in which a tax levy is made within the city of Washington? It is directly opposite to that in which a tax levy is made in each and every other municipality in the Union.

Mr. Chairman, in your municipality when you desire to find out what the cost of municipal government shall be for the next fiscal year, how do you do it? Your legislative municipal body ascertains the probable cost of every department of that municipal government, and then your assessors find out what the value of the ratables, real and personal, within that municipality is, and then, by applying to the valuation that is found by your assessors the amount that is fixed by your municipal government as the probable necessary expenditure for the ensuing year, you fix the tax rate. That is, without exception, the method of fixing the tax rate in every municipality in the United States except the city of Washington.

What is the method here? No matter what the appropriation is, whether you run back to 1887, when it was $3,000,000, or to 1902, when it is $8,000,000, you find that, whether the amount to be expended is $3,000,000, $8,000,000, or $20,000,000, you direct the assessors to assess $1.50 upon every hundred dollars of ratables that are included in the District. I venture to say that the parallel of that proposition can not be found in this world. No member of this House, recalling the methods of taxation pursued in the county or in the State that he comes from, can find a parallel for this.

Under this system of taxation what becomes the duty of the assessor? What becomes his necessary duty? To assess enough dollars and a half to meet one-half of the appropriation made by Congress. It will be immediately seen that there is not incumbent upon him any duty to ascertain the true value of property. He is not to assess property; he is not to find the value of the ratables within the city of Washington that should contribute to the public Treasury; but he is to assess enough dollars and a half to meet the appropriations made by Congress, and made, I

believe, without the slightest consideration on the part of 90 per cent of the members of this House. He is to assess enough to raise that one-half. Now, he started in 1887 with the necessity of imposing enough dollars and a half to raise about $1,300,000. In 1888 the total amount necessary to be raised from individual owners and the Government had grown to $4,000,000, in 1898 to $8,000,000, and in 1903 to what? To $10,441,000, in round numbers.

I say to you, Mr. Chairman, that one-half of the appropriation for this year imposed upon the property of this District at a full valuation and levied at the rate of 1½ per cent is not only practical confiscation of property within the city of Washington, but it is saying to the entire world, "Keep your money outside of this city."

You want to assess all personal property? Theoretically it should be assessed. But what are you going to do with the ward whose guardian has invested his money where it is easily ascertainable and produces the current average rate of interest? Are you going to take the 3 or 3½ per cent, the product of that money, and assess it $1.50 per hundred? Are you going to assess 1½ per cent upon the true value of all the personal property in the shops on Pennsylvania avenue? If you do, then the District of Columbia and the city of Washington will receive a greater income in hundreds of cases than the man who puts his mind to the merchandising of those ratables.

The proper way to raise taxes within the city of Washington is to raise them as they are raised in every other municipality. Let Congress fix the budget. Let it be fixed liberally. Let it include, if you choose, as this includes, a quarter of a million dollars for a street-cleaning department, which in my opinion can be conducted for one-half that money. Let it include liberal appropriations for the public schools. On this question I desire to speak to the Committee on Appropriations, to the gentlemen in charge of this bill, who have included and do include each year in the taxation of the District of Columbia items that should have no place in an annual tax levy. I call the attention of the members of this committee to some of the items in this bill. I know that this is a subject in which it is rather difficult to interest anybody. It is not half so enticing as a debate on the Philippine Islands, but it should be interesting from the fact that we are peculiarly charged with its consideration.

I speak specially to those members of the Committee on Appropriations. You have included for improvement of roadways, under the heading "Work on streets and avenues," the Georgetown schedule, the Northwest schedule, the Southwest schedule, the Southeast schedule, and the Northeast schedule, and on these the aggregate is $280,000. That is, you open up streets to the city of Washington, and you charge the cost of opening those streets in the budget of the year when they are opened. Is there any man in this House who ever heard of that being done in any municipality in this Union? Why, sir, the people would turn out any government that attempted it. These streets are not opened for this year, but for all time.

Take another item—for the construction of county roads; that is, for the absolute opening of them—for the construction. You have for this purpose items amounting to $55,000. Those expenditures are for all time, not for this year especially.

Then there is the item, "For the repair of the county roads," a separate item of $80,000. That item is rightly included in the tax levy; but when you come to the construction of a county road, then you are assessing for a new permanent improvement, and the entire cost of that improvement, under the practice of any municipal government in this country, is not included in the tax levy for a single year. Those items are illustrative.

I come to the item of sewers. This will perhaps illustrate something of what is done in this city. Take the item of sewers in this bill. I do not suppose that there are 20 members of the House of Representatives who, being asked on the streets of Washington to-morrow, "How much did you appropriate for sewers in this city?" could tell whether we appropriated $150 or $150,000.

Now, let us see what is imposed on the taxpayers here for sewers.

For continuing the construction of the extension of the boundary sewer to the vicinity of Twenty-second and A streets NE., now under contract, $40,000.
For continuing the construction of the east side intercepting sewer, between Twenty-second and A streets NE. and Twelfth street SE., now under contract, $50,000.
For continuing construction of the sewage-disposal system pumping station, and for machinery therefor, $250,000.
For continuing construction of the low-area trunk sewer, $60,000.

Here we have an aggregate of $400,000 spent on the improvement of the sewer system of Washington. Can you find any parallel in this Union for putting that assessment in the tax levy for a single year?

Mr. BURKETT. You can not find any parallel in the United States, either, for the way in which Washington is governed, can you?

Mr. McDERMOTT. No; and I am thankful for that fact, having looked at some of the ways in which it is governed.

Mr. BURKETT. Now, that expended here to make these improvements does not complete the sewerage system. In any city where you bond, you bond to complete a sewerage system or to complete something. It is the policy here and has been to do just as much of this each year as they have funds to do with. This does not complete these systems. We have been doing something in years past, we do something this year, we continue it along and do not burden the city at once with a large indebtedness, but do this work as we can, as we have money to do it and not put the taxes up to exorbitant rates.

Mr. McDERMOTT. Can the gentleman point to any city in the United States or any city in the world in which there is a tax levied to-day in which there is $200,000 appropriated for absolutely permanent improvements? I mean that class of improvements that are generally made through the system of assessment and not taxation.

Mr. BURKETT. No; nor can I find any other city in the United States or in the world where the government appropriates as much as is raised by taxation, either.

Mr. McDERMOTT. Now, I am coming to that proposition later on. I have now got up to nearly $1,000,000; $400,000 for a permanent sewer system, imposed as taxation, not assessment.

Mr. BURKETT. Well, the Government gives more than that to the city government.

Mr. McDERMOTT. I say that question is entirely irrelevant. I will come to it later on. I am willing, before I finish my argument, to divide the figure by 2. Then I will come to the proposition of the difference between the Federal Government and the individual taxpayer. Nearly a half million of dollars put in a tax levy for building sewers that are supposed to last, if they are properly constructed, for hundreds of years. No such proposition of municipal government can be found anywhere. I come to the next item, the Washington Aqueduct. This is an illustration of why the people of this city complain and why they rightfully complain. For the purpose of building and improving waterworks and adding a filtration plant there is assessed upon the city of Washington and the District of Columbia this year $800,000.

Why, take it in the city of Cincinnati or in the city of St. Louis or in the city of New York, with the millions and millions and hundreds of millions of dollars of ratables, if you attempted to build waterworks in that kind of way, there would be an uprising of the people and the taxpayers; but there are two separate assessments here, one to be selected out of the revenues, as I understand it, of the water department and the other to be paid by another kind of taxation. There you have a million and a quarter of dollars put in an annual tax budget, which should be distributed, in my opinion, over a period of at least twenty years. That is not all. Two hundred thousand dollars is to be appropriated from the revenues of the water department.

Altogether there are items of this class amounting to over a million and a half dollars in this budget. Those moneys are to be expended for permanent improvements in this District. The Government of the United States is to pay one half of the amount. Well, the Government of the United States can afford to pay it out of a filled Treasury and because the issuing of bonds is unpopular, but when you take the other half of the amount, when you take an assessment of over $750,000 upon the District of Columbia for permanent improvements—for waterworks that are to do for this generation and for all time, for sewers that if properly constructed will last practically forever—then I ask, why should those figures be put in an annual tax levy on the property in the city of Washington?

No reasonable answer can be given supporting the proposition. They are permanent improvements, and, in my opinion, the proper way to consider them is that way which puts the hand of government as lightly as possible upon the property owners, and that way has been discovered and is carried out in every other municipality. This waterworks improvement will cost, we will say, some $3,000,000. The idea of distributing that as a matter of bulk taxation is unparalleled in government. What should be done with it is this: The District of Columbia, absolutely independent of the Federal Government so far as recourse for payment is concerned, could to-morrow finish the waterworks by issuing $3,000,000 of bonds bearing 3 per cent interest, and putting 2½ or 3 per cent of the entire issue in every tax levy for the purpose of creating a fund to redeem those bonds.

Why is not that, which is the method pursued in every other municipality of this country, pursued in the city of Washington? I say, Mr. Chairman, that any proposition which imposes permanent improvements in bulk upon the people as a part of a fiscal budget reasonably supposed to be confined to the cost of operating the government during the ensuing year is an outrage upon property, whether that property is personal or real.

Mr. RICHARDSON of Tennessee. Will the gentleman permit an inquiry?

Mr. McDERMOTT. Certainly.

Mr. RICHARDSON of Tennessee. I am interested in the argument of the gentleman from New Jersey, but I think he is attempting to run a parallel between the government of the city of Washington and the municipalities in States, and I do not think you can do that very well. The gentleman's plan, it seems to me, is defective in this, that he would provide for an issue of bonds and would only require a tax levy, as I understand it, each year sufficient to meet the interest upon the bonds, and to provide a sufficient sinking fund. Is that the idea of the gentleman?

Mr. McDERMOTT. That is the plan.

Mr. RICHARDSON of Tennessee. Now, if you can with an ordinary levy, such as we have in the District of Columbia, raise a sufficient sum to do this work of which he speaks with the current taxes, where is the hardship? I do not want to take the gentleman's time, but I want to submit this proposition to him. If the tax rate of $1.50 on the property, as valued in the city of Washington, will raise enough money each year to meet these obligations and pay off this amount in bulk, as he says, why would you issue bonds to raise the money; why not use the money this way, unless there is complaint of excessive taxation. I submit to my friend from New Jersey that he will find, unless I am mistaken, that the rate of taxes of $1.50 in the city of Washington, being all that is levied, is less than that of any other town in the United States of the size of the city of Washington.

That is to say, if you take the State taxation, the county taxation, and the municipal taxation in any city the size of Washington in the United States, you will find that those three rates and sometimes a separate and independent tax for schools will, all combined, exceed the dollar-and-a-half rate paid in the city of Washington. I ask my friend if he knows of any city of two hundred and seventy-five or three hundred thousand population in the United States where the State tax, county tax, and municipal tax, and other special taxes that are levied, in the aggregate, fail to exceed a dollar and a half on a hundred dollars' worth of property?

Mr. McDERMOTT. That depends entirely upon the vagaries of the local assessors in finding out the value of property. There are many municipalities in the United States, and I doubt very much whether you can find any municipality in the United States where the rate for the purpose of meeting one-half of the expenses of the Government is anything approximating 1½ per cent.

Mr. RICHARDSON of Tennessee. I do not profess to know, but I should like the gentleman, who is a business man, to state what the rate is in Jersey City for the three taxes—State, county, and municipal.

Mr. McDERMOTT. The entire rate in Jersey City amounts to about $2.70.

Mr. RICHARDSON of Tennessee. I am told that in New York City it amounts to $3.50 or $4.

Mr. CREAMER. Two dollars and twenty-seven cents.

Mr. RICHARDSON of Tennessee. For all the taxes?

Mr. CREAMER. I should like to ask the gentleman from Tennessee what other city in the United States there is where the Government pays half the taxes?

Mr. RICHARDSON of Tennessee. Why, none; but there is a reason for that, and that is, it is alleged that the Government of the United States owns half the property in the District of Columbia. If you will take the estimate of the valuation of the property owned by the Government of the United States in the city of Washington, as it appears in the printed reports which are accessible, it will show that the Government of the United States owns one-half of the entire property in the District.

Mr. CREAMER. But the same principle applies in every city in the Union. The local government does not tax its own property.

Mr. RICHARDSON of Tennessee. But the city of New York does not own one one-hundredth part of the property in New York.

Mr. CREAMER. It owns several hundred million dollars' worth of the property there.

Mr. RICHARDSON of Tennessee. I do not want to take up the time of the gentleman from New Jersey.

Mr. CREAMER. Will the gentleman from New Jersey permit the interruption?

Mr. McDERMOTT. Certainly; I yield for the interruption.

Mr. RICHARDSON of Tennessee. I am not justifying the principle. I am not called upon to do it, but that is the principle upon which the Government contributes one-half. While I am interrupting the gentleman, as I was saying, I only say I do not see how you can make a comparison between the method of taxation here and the method of taxation in the various States. You very well understand that a city in a State has limitations upon its rate of taxation fixed by the legislature of that State. That is true in nearly all the States. But here the idea is that Congress fixed it, that Congress fixed it at $1.50; the people of the District of Columbia have had no voice in the matter. Congress fixes the amount that it will pay, and Congress is all-powerful—that is, when it comes to dealing with the property of the people in the District of Columbia.

Mr. McDERMOTT. Answering the gentleman from Tennessee, I admit that Congress is powerful, and Congress is the local government, and in the matter of taxation Congress must adjust its action to this rule—that it is not right to impose taxes unless they are absolutely necessary, and the true theory of the construction of permanent municipal works is that they shall be paid for gradually. Then it is entirely immaterial whether the Federal Government pays one-half of the work or not.

Mr. RICHARDSON of Tennessee. Would my friend insist that if the rate of taxation is $1.50 on the hundred—and that is 30 to 50 per cent less than in any other municipality in the United States where the population is as great as in the city of Washington—that you ought not to take the current taxes, but that you shall issue bonds to meet these expenses?

Mr. McDERMOTT. So far as I know, when you start your village, and it grows to be a town, and from a town it grows to be a city, you would adjust the burden according to the total property of the place under the rule I have mentioned. It does not matter whether Congress pays half or whether the tax rate is $1.50, or any other figure, the question is whether the items for permanent improvements are proper burdens here; and my contention is that they are not. The gentleman from Tennessee is reasoning it out on this ground, the tax levy is light, and therefore we will put in a million and a half dollars for the waterworks for all time, and a sewer system for all time.

Mr. RICHARDSON of Tennessee. Would my friend, instead of doing that, issue a million and a half of bonds and levy a rate to meet 3 per cent on those bonds with a reasonable sinking fund? Is that the principle by which the gentleman would proceed?

Mr. McDERMOTT. That is the only just rule upon which you should construct permanent municipal works. That is the only rule that has ever been adopted in any city, or that has been enacted in any State that I have read the statutes of, for building works in a municipality—that taxation shall be made on the property, and for a sinking fund, so that it shall be a continuing contribution by those who receive the benefit of the work, and that it shall be paid for in a series of years. That is the principle underlying the method of assessment for permanent improvements, and when you put a million and a half dollars for the cost of permanent improvements in a single bill you are doing an injustice to those people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENTON. I yield five minutes further time to the gentleman.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. McDERMOTT. Let me briefly in the remaining five minutes call the attention of the House and of the gentleman from Tennessee to this: The gentleman's idea seems to be that you are only paying $1.50 upon property in Washington. It is light or heavy, according to the discrimination on the part of the assessor.

I know a piece of property in this city, as I stated yesterday, the superstructure of which cost—and they separately assess the ground and the superstructure, an entirely proper method of assessment—years ago $103,000, and they are carrying that on the District books, and it is assessed to-day at $100,000. The prevailing idea that property is paying on a 60 per cent assessment in the city of Washington is not true. If you are going—as will be be found on page 56—if you are going to assess $1.50 on each $100 against each piece of property and against all personal property, then in 1887 you assessed it until you got up to one-half of $3,000,000, and in 1902 you are going to assess it at $1.50 until you get up to one-half of about $10,000,000.

You see where that principle and method finally leads to. It means that you will go on and on until, having abandoned every principle of taxation, after having abandoned every known principle of imposing the burdens of permanent improvements, until in the city of Washington you will have found the road to practical confiscation of property.

Coming now to a remark made yesterday in regard to taxing personal property, the gentleman from Illinois [Mr. CANNON] yesterday explained the amendment to this bill under which personal property is to be assessed. It was said that it was a reenactment of the law of 1877.

Nobody can tell, in my judgment, what that law means with reference to taxation, and yet we propose to reenact it by amendment to this bill. As to the taxation of corporations, it means one of two things, and I call the attention of the members of this committee to the propositions that may be evolved from that amendment. It means under one construction that every corporation that does a dollar's worth of business in the District of

Columbia, whether it is organized under the laws of the United States or under a State law, shall be assessed $1.50 on its capital stock. If it means that, then if the General Electric Company, with its capital of thirty or forty million dollars, should come into the city of Washington and open an agency, it would be assessed $1.50 on the entire capital stock authorized.

Now, it means that, or else it means that there shall be $1.50 assessed on the capital stock of every corporation organized under the laws of the United States. In 1877 there was not a general corporation law of the United States and there was not any general corporation law of the District of Columbia. If it deals with the corporations that come in here and organize under the law passed by Congress last year, for business here and elsewhere—organized as they organize in every State in the Union—it means that every one of those corporations would immediately dissolve and go to some State.

Take either horn of the dilemma you please—and I do not believe in passing an act and saying that the Senate will cure the defect—if you mean that the corporations that do business here, whether their life comes from Congress or not, shall be taxed 1½ per cent on the total value of their stock, then you would absolutely prevent any corporation organized under State laws from opening an office in the city of Washington.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I hope the gentleman will be allowed to conclude his remarks without charging up the time to either side. I ask unanimous consent that, without charging it to either side, the gentleman be allowed to conclude his remarks. He is speaking upon a very interesting subject.

The CHAIRMAN. The gentleman from Tennessee asks that the gentleman from New Jersey may be permitted to continue his remarks without charging the same to either of the gentlemen in charge of the time, the result of which will be to carry general debate past 4 o'clock to the extent of the time that the gentleman from New Jersey uses. Is there objection? [After a pause.] The Chair hears none.

Mr. McDERMOTT. Mr. Chairman, this is a very important matter. This body is an intelligent one. Many of its members have had questions of taxation to consider, and to send this bill over to the Senate with a rider that no man can tell the meaning of is not very intelligent legislation. It is vicious legislation. It is a vicious attempt on the part of the House to do that which it does not understand, and I now challenge anyone to say what, under the law of 1877, is the rule of taxation of corporate property in the city of Washington.

I do not mean to say that there exists any single rule. There are various kinds of assessment; one is for the street railroads, one is for the electric companies, and one for the banking corporations; and these various rules ought at some time to be revised and codified. But here you have a proposition, and I ask any member of the committee on the floor of this House to explain it to us. Is there any member of the committee who can tell what this amendment does for foreign corporations? I ask the chairman of the committee, the introducer of the bill, to furnish me with that information. What does that clause do with reference—taking it for an illustration—to the General Electric Company, incorporated with a capital of thirty or forty million dollars, perhaps more, if that company should open an office in the city of Washington to transact business here?

Mr. BELL. Mr. Chairman, I do not rise to answer the gentleman's question, but I wish to suggest that the court that passed upon this bill said that the bill was a good law; that it was the usual statute in pretty nearly every State in the Union, but because the Commissioners of the District had destroyed the equalization board so that the man whose property was taxed could not go before any equalization board and object to the taxation, that therefore the collection could not be made. But the court pronounced that law a good law—the usual law in pretty nearly every State in the Union.

Now, the provision in assessing corporations is that it shall be assessed in bulk. That is the usual way.

Mr. McDERMOTT. On the capital stock.

Mr. BELL. That is, if the corporation is domiciled in the District of Columbia that the corporation itself shall be assessed for the value of the stock just the same as other people, and not the shares of the stock itself. Now, I understand that is the usual law and in the gentleman's own State.

Mr. McDERMOTT. New Jersey has grown rich by assessing corporations, but not in that way. They tax the franchise, tax it one-tenth of 1 per cent on all capital stock that is issued up to the amount of $5,000,000, and thereafter it becomes a nominal tax.

In the State of New Jersey all corporations that have invested a certain percentage of their capital stock in manufacturing are exempted from franchise taxation. Under a constitutional provision that all taxes shall be levied by a uniform rule and according to the value of the property, our court of last resort sustained that tax, saying distinctly that it would not be sustained but for the fact that it was a license or franchise tax and not a property tax.

The tax you proposed here is upon the value of the capital stock of a corporation which, as you say, is a citizen of the District. If this bill passes, then very soon you will not have any corporation that will be a citizen of the District, unless it be a corporation that has received from Congress some privilege and can not get away. Therefore you will not add to the revenues of the District.

Mr. PALMER. What would happen to a foreign corporation?

Mr. McDERMOTT. In answer to that question, let me take New Jersey as an illustration. She is a good illustration in this—that she has been successful in wiping out her State debt; there has not been a dollar of State tax levied there for over sixteen years upon property outside that owned by corporations. In the case the gentleman proposes, let a tax be imposed according to gross receipts within the District. That would be a fair franchise tax upon any foreign corporation transacting business here. But if you propose to tax the entire capital stock, leaving the assessment of the market value (which never can be proved or disproved in nine cases out of ten) to the vagary of the local assessor, who may put it upon the tax bills at any figure he guesses at, you drive away domestic corporations, and you practically prohibit every corporation having its residence outside of the District from transacting business here.

The proper tax upon corporations within this District would be a tax upon gross receipts on business done within the District. That is the proper form of taxation, and the only kind by which you will ever collect any revenue from that source.

Mr. PALMER. The rule in our State is to tax a foreign corporation on the proportional part of its capital stock employed in the State.

Mr. McDERMOTT. In that case it would be almost impossible for the assessor to ascertain anything about the value of the stock.

Mr. PALMER. The taxation was imposed by the terms of the law upon corporations doing business in the State; but that provision has been construed by our supreme court as meaning only that portion of the capital stock employed in business within the State.

Mr. LITTLEFIELD. When the gentleman says "capital stock," he means "capital," I presume.

Mr. PALMER. We use capital and capital stock as synonymous. We undertook to tax the Standard Oil Company on its entire capital stock of—I do not know many millions, possibly thirty or forty. The act of assembly, literally construed, provided for that. But the supreme court held that we could not tax the Standard oil company except on that portion of its capital stock employed in the State of Pennsylvania.

Mr. McDERMOTT. In other words, the Standard Oil Company, doing business in the State of Pennsylvania, which has a constitutional provision similar to that of New York and New Jersey and practically all the States of the Union, that property shall be assessed according to its value, the court ruled that inasmuch as the Standard Oil Company was not a creature of the Pennsylvania law it must be assessed only according to the property which it had within the State; and if you choose, in ascertaining the value of that property, to take the stock as representing it, you assess the portion of stock employed in the State.

But you could not take $100,000 worth of property represented by the Standard Oil Company's ownership of lands within the State of Pennsylvania and then say that it had invested $100,000 of its stock in Pennsylvania; but as the market value of the stock was over $700 a share you would make an assessment accordingly. What the court in Pennsylvania held, and must necessarily have held, under the Federal Constitution, was that you should assess the property in the State according to its value.

If you attempted anything more you would simply confiscate the property. It must be recollected that property within the State of Pennsylvania is guarded, first, by the constitution of the State, and, second, by the Constitution of the United States. But the application of the rules of legislation in a matter of taxation to property in the State of Pennsylvania is entirely different to the rule which would be applied by a court in this District, where the power of Congress is practically unlimited.

Mr. PALMER. I am not antagonizing the gentleman's proposition. I think it is a sensible proposition that a foreign corporation should not be taxed in the District of Columbia on its entire capital stock, but should be taxed on its gross earnings within the District, or on that portion of its capital stock actually invested in the District.

Mr. McDERMOTT. The method of assessing in Pennsylvania is practically under the same idea and ruling, and Pennsylvania was one of the earliest States to assess all property according to

value. A franchise tax can not be imposed upon a foreign corporation upon the basis of an assessment of all its issued or authorized stock.

Mr. PALMER. Yes; and I would like to ask one question. How is the property assessed in the District of Columbia? Is it supposed to be assessed at its true market value?

Mr. McDERMOTT. There is one of the great troubles about the assessment of property in the District of Columbia. In Philadelphia you have a common council or some other body that makes up the annual budget. Then your assessors go out and ascertain the value of the property. You apply one to the other and fix the rate. Here you say to the assessor: "We are going to spend $10,000,000 this year in the District of Columbia. The Federal Government will pay one half. You assess a dollar and a half against enough property to make up the balance."

Mr. PALMER. I do not understand what you mean by assessing a dollar and a half.

Mr. McDERMOTT. Every man is to be assessed $1.50 on every hundred dollars.

Mr. PALMER. Then the amount of tax rate depends upon the amount of the assessment.

Mr. McDERMOTT. The bulk raised depends on the total of the ratables assessed.

Mr. PALMER. It depends on the amount of the assessment, does it not?

Mr. McDERMOTT. It depends on the amount of the assessment.

Mr. PALMER. Yes.

Mr. McDERMOTT. Let me illustrate. Treating the ratables—that is, all the property, personal and real—within the District of Columbia as a unit—and I am illustrating it in this way—taking all the property not owned by the Government of the United States within the District of Columbia as a unit, belonging to one man or to one corporation, when the assessor came to assess that he would not assess it as he would in the State of Pennsylvania, by finding out what the value of it was, but he would say how much, at a dollar and a half a hundred, shall I assess the entire property of the District of Columbia in order to raise $5,000,000; and therefore his assessment would put his mental inquiry, not to the ascertainment of the value of property which it is the duty of an assessor to ascertain, but to the inquiry of how much in the aggregate must I assess all the property not owned by the Government in order to raise, at $1.50 a hundred, $5,000,000. It is vicious in its principle; unheard of in any municipality in these United States, I venture to say; bad in its application, and I trust the day will come when Washington will be relieved from it.

Mr. McCLEARY. Mr. Chairman, I yield ten minutes to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, with all due respect to the Committee on Rules, I beg to take exception to the manner of attaching this amendment to this bill. It simply means to go back to a system of legislation which has received the evil comment of every legislative body. It is going back to the old system of logrolling, as it was commonly called. I also beg to take exception to the fact of this committee usurping the powers of the legislative subcommittees of the District of Columbia Committee. I fail to see why those committees, if they have been properly requested so to do, should not have reported a bill covering this personal tax. I should also like to call attention of the members of this House to those who are to be affected by this tax. The corporations are to be affected by this personal tax.

Certain people who come from a distance are to be affected by this tax, but those coming from a distance affected by this tax—this personal tax—in its present form number scarcely 100. Now, we have also affected by this tax those who have spent their lives in the service of the United States, both in the Army and the Navy. The retired Army officer and the retired Navy officer expect to and do make their homes in Washington. They have lost to a great extent their associations with the States of their birth, and they come to Washington to make it their home. Surely it is not the desire of Congress to tax those people. There is another class of people, namely, the Government employees, likewise living in Washington, who have scraped together perhaps during a long period of service sufficient money to purchase their own little home. Surely the Government does not desire to put a personal inquisitorial tax on that class of people. Then we have also the storekeepers and the merchants, both those who are attracted here to supply the wants of these few tax jumpers, as we might term them, and also those who are attracted here to supply the wants of the other two classes. Surely we do not want to drive them out of business by a personal tax.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MORRELL. Certainly.

Mr. PAYNE. Do you not think these people have been almighty lucky that they have not had to pay any personal tax during the last twenty-five years, different from the citizens of the United States generally in that respect?

Mr. MORRELL. Well, because they have not been obliged to pay a tax for the last twenty-five years is no reason why they should pay it now.

Mr. PAYNE. Is there any reason why they should not be obliged to pay taxes as every other citizen of the United States and every State in the Union—a tax on personalty as well as on realty?

Mr. MORRELL. There is no more reason why they should pay it this year any more than any other year.

Mr. PAYNE. Do you not think they ought to be exempted from all taxes, real and personal?

Mr. MORRELL. Yes; if it was possible to carry on the District government without taxing them I would be in favor of not taxing them.

Mr. PAYNE. Of course the General Government could pay it all.

Mr. MORRELL. Yes.

Mr. PAYNE. And these poor corporations and these gentlemen who have located here could get along without paying anything.

Mr. MORRELL. I am in favor of a limited taxation, but not of the character proposed in the present law.

Mr. SIBLEY. I should like to ask my colleague if he does not think that Washington would soon become the largest city in America if those who lived here were exempted from all taxation, both real and personal?

Mr. MORRELL. I do. But I should also like to ask the gentleman, does he not think that Washington would cease to increase in the ratio that it has been doing if this personal tax was enforced?

Mr. SIBLEY. I should hope not. I should hope that Washington is not dependent upon immunity from taxation for its growth. I think it has too many other advantages.

Mr. MORRELL. I think to a very great extent it is.

Now, Mr. Chairman, we have heard a good deal about this theory of pay as you go. There is no large municipality in this country that pays as it goes. No big business enterprise, no railroad ever was built that paid as it went. Neither does the Government of this country pay as it goes. I have here a statement showing the surplus and deficit at the beginning of each fiscal year up to December, 1901, from July 1, 1889, and the extraordinary expenditures for the same period paid wholly or in part from the District revenues.

This shows that to-day, if the extraordinary expenditures were not included in the District of Columbia budget for this year, we would have a difference between $782,436, which has been expended for these extraordinary improvements, and $716,155, which is the deficit to-day, and which we are trying to make up. Therefore it is not fair, in my judgment, that the Commissioners should be blamed for extravagance. It is not fair that the Committee on the District of Columbia should be placed in the light of spending more money than it has revenue, when these extraordinary expenditures are forced upon the District by the Government. I know of no other municipality in this country where such extraordinary expenditures as the increasing of the water supply and the extension of streets are met directly each year by taxation.

Now, Mr. Chairman, we are also told that this new adjustment of taxation which is in progress will yield a sufficient revenue to supply the deficiency that is at present worrying the members of the Committee on Appropriations. I sincerely trust that this law in its crude condition—because it is crude—will not be attached to this appropriation bill without being amended so as not to be inquisitorial in its conditions or exacting as it is at present.

Mr. McCLEARY. Mr. Chairman, I yield to my colleague on the committee [Mr. BURKETT] such time as he desires.

Mr. BURKETT. Mr. Chairman, I do not know that at this time I care to go into any discussion of the merits or demerits of the proposition to tax personal property. I take it from what has been said that the majority of this House believe that whether a man's money is invested in personal property or in real estate, if he is going to ask protection at the hands of the Government for that property he ought to pay some of the cost of that protection.

One or two things were said by the gentleman from New Jersey [Mr. McDERMOTT] of which I wish to speak. The first is why we should do what he called an unseemly thing in making permanent improvements by these appropriations from year to year. He argues that the money should be borrowed and bonds issued and paid in later years or during a series of years. I desire to call the attention of the gentleman, if he is here, and the attention of the House to this proposition: Take the illustration that he used of the sewer system. For a good many years we have had here in Washington a very good sewerage system. It has answered the demands very well.

Some eight or ten years ago a commission was appointed, who laid out a great plan of sewage disposal, what they called a great

sewage-disposal system, and they said that ultimately we ought to have that system. Now, there were two ways to accomplish that. There was no immediate necessity for it, as is true of some of these other improvements; that is, while it was desirable and a good thing and ultimately we want to reach that ideal sewage-disposal system here in Washington, yet its immediate completion was not particularly necessary.

It was estimated that it would cost about $5,000,000 to complete that sewage-disposal system. Congress could have permitted the borrowing of the money and the issuing of bonds, and could have undertaken that gigantic proposition all at one time just as is done in the majority of instances in other cities, as the gentleman from New Jersey has suggested. But Congress did not do that.

Congress said they would begin it, and that they would keep it up until that sewage-disposal system was completed, building part of it from year to year as we had the money to do it. Now, whether or not that was the better way, that is the policy that Congress has adopted and is the plan we are working on now, and the present bill only continues that established policy. In my judgment, after thinking of it considerably, under our peculiar circumstances it is the better policy, as I am going to try to explain. This year, for instance, in carrying out that sewage-disposal system about $400,000 are appropriated, and from year to year we have appropriated something like that amount. For example, here is a sewer that is called the boundary-line sewer, which runs clear out east of the city and finally into the river. It is probably 4 or 5 miles long, as I understand it. That was begun at the river and we are gradually extending that sewer, building it back further every year as we have money to do it with. In a few years we will have it completed.

There is another sewer in connection with this system on the west side of the city, and from year to year we are appropriating more money to do some portion of the work upon that. When we get it finished we will have it all paid for. The gentleman from New Jersey [Mr. McDERMOTT] says that these are permanent improvements, and that we ought to borrow money and pay interest on it and do all the work at once.

The facts are, if the gentleman will investigate, that we have been able, without raising the taxes on the people of this District to an unseemly figure, to go on with these improvements from year to year and pay for them out of the current revenues, and have been able in this way to appropriate about all the money that the city officials could use advantageously in developing this system of improvements. We might have borrowed the money, but would it have been cheaper? We would have been paying interest on it. Is it not better to put as much money as we can put into this sewage-disposal system from year to year? At the end of twelve or fifteen years we will have this sewage-disposal system completed for all time to come and every foot of it paid for.

Mr. PALMER. Why not let posterity pay for some of it?

Mr. BURKETT. I will come to that. I am willing to do a little something for posterity.

Mr. PALMER. What has posterity ever done for us in the way of paying for improvements?

Mr. BURKETT. I am coming to the posterity part of this matter in a moment. This is our present policy, and of course you may ask the question, Is it the best policy? In answering this question we should always bear in mind the peculiar and unusual circumstances and conditions that pertain here. There is no city in the world in the position of the city of Washington. The United States Government pays one-half of the expenses. There is no city governed like Washington, for the Congress of the United States is the common council.

One administration comes in and another administration goes out; one party comes into control and another party goes out as the politics of the country change. One Congress might plan one thing and another something else; but, sirs, if Congress shall ever start upon that policy of permitting this District to bond itself for the things that the people of this District believe they ought to have or are persuaded they ought to have, then, sir, we will soon have reached such a gigantic system of bonding that posterity will never be able to pay out.

We, as the representatives of this country, coming from all the States of the Union, from the Atlantic to the Pacific, are the guardians of this city. I, for one, think we ought not to begin a bonding system or establish a precedent of this kind for future Congresses to follow or hide behind in what might at some time be reckless and extravagant. Congress legislates for the people of the District of Columbia, but is not responsible to them on election day, and every precaution should be taken to prevent any opportunity for undue expenditure and consequent heavy burdens of taxation. So long as we go on a cash basis there can be no danger. But if we shall once start on the bonding system we will reach in this District a bonded indebtedness that the people will never be able to pay out.

Now, let me reply to the gentleman about leaving something for posterity to do. There will always be plenty for posterity to do. This is the capital of the nation, and there will never come a time when there will not be expenditures of an extraordinary nature. Let me suggest to him this. In this matter of public roads, for instance, that we are building. These are not necessities. Congress knows it is not a necessity to extend Connecticut avenue or Massachusetts avenue away out into the country, but we are doing it. We know it is not a necessity to extend the county roads out to the District line, but we are doing it. We are anticipating the future in this.

But every one of us is doing something for the future. We ought to. We want to leave conditions for the future better than we received them. There will be abundance for posterity to do, as I have said, as this capital grows and as its population is increased. There will be improvements from year to year, and as much as the people will be able to pay for as they are made. The gentleman from New Jersey would complete them all at once and pay for them as years go on; on the other hand, we are making them as the years go on and paying cash as we go.

Mr. PALMER. Are these paid for half and half, for the grading of these roads, by the District and by the Government? Does the District pay one half and the Government of the United States the other half, or do the landowners through whose land the roads are laid pay something on account of the improvement?

Mr. BURKETT. The District pays half, and half is paid by the Government.

Mr. PALMER. If you lay out Connecticut avenue, or any other street, and improve the value by 400 or 500 per cent, the landowner gets the unearned increment, does he not? Why should not the landowner whose land is thus improved be laid under the same contribution that is laid in every civilized country upon the people whose land is thus to be improved?

Mr. BURKETT. Well, the gentleman's question, as I understand it, is: Why not make the landowner pay? You might just as well ask me why we do not make the property owner pave the streets and build the sidewalks, as they do in my city, and I presume in yours.

Mr. PALMER. Why should they not do so?

Mr. BURKETT. Why, because we have adopted here a different policy. When you go to build a sidewalk here the Government and the District pays half, and when you go to pave any of the streets in the city they pay it all. Out where I live the property owner pays for it all. That is the policy here as differing from the policy prevailing in most cities I know anything about.

Mr. LACEY. If the gentlemen will permit me, Mr. Chairman, the effect of this is to induce men who have vacant lands to urge a system of improvements, knowing that no charge is assessed on their property, and thus we are stimulating building streets out into the country beyond where the houses are. Is not that the fact?

Mr. BURKETT. That is the fact in some particulars. But I may say to the gentleman that there are a great many streets in the District paved entirely by private enterprise. Of course, the House will understand this. Here is the capital city. By the Constitution Congress has full power to legislate exclusively for the District of Columbia. We are interested in making this capital city a beautiful city; we are interested in governing it as we want it governed; we are interested in paving it as we want it paved; we are interested in having the streets as wide as we want them—in short, the Congress of the United States comes here to legislate for this city, for all the people of the United States, because it is their capital. For myself, as it has been thought in the past, no doubt, when this policy was established, if we are to construct these improvements, if we are to say how much they shall be from year to year, how good they shall be, what they shall be, it is proper that we should help pay for them. Congress in the past has established this policy, and also that we shall pay for these improvements as they go on.

Mr. McDERMOTT. Let me direct your mind to this, not representing the individual taxpayer in the matter of these improvements: The Federal Government pays one-half of them. Now, if you get this into your mind and make the calculation, I am honestly of the conviction that you will find the result will be this: If you impose the cost of these permanent improvements wholly upon the individual taxpayer and let him pay them according to the rule by which permanent improvements are paid for in every other city, and if the Federal Government contributes nothing, the citizen paying into a sinking fund the amount of interest that has to be met every year, extending over a period of years, the cost would be less to this generation and also to the next generation.

Mr. BURKETT. Well, now, it appears that the gentleman is misapprehending the fact. The gentleman does not undertake to say that we can do just as much improvement and just as good improvement as we are doing in the District of Columbia now if the Government should not contribute anything to the improvements, and at the same time the taxpayer would pay less taxes than now?

Mr. McDERMOTT. I say that taking as an illustration the improvement of the waterworks. Under the law now it is to cost $4,000,000, and the Government pays $2,000,000. Then divide it into five assessments, and assess 4 per cent upon the District of Columbia, upon the private property owner; I say it would be better for the private property owner, for their prosperity, if the Government should subtract or rather withdraw its contribution of $2,000,000 and allow the people to create a sinking fund which would be redeemable, say, in fifty years, and allow the people owning the property in the District of Columbia to sustain the expense of the entire waterworks. It would be a great deal better and would impose less burden upon them than the present method of assessment.

Mr. BURKETT. I must admit that I am unable to see how you can ever make $4,000,000 payable easier in fifty years than you can by paying it at present, if you are able to pay it, and when you get some one else to pay one-half of it. I am unable to see how the District of Columbia, without any contribution from the General Government, could pay any cheaper for the water system in fifty years, and have to pay twice as much then as they will have to pay now, than they can pay under the present system when the Government contributes to it.

Mr. McDERMOTT. I will tell the gentleman how. You would rather have a sinking fund imposed upon your property, even if it runs eighty years, than to be forced to pay for it in four installments. Gentlemen must recollect, further, that there is imposed on the people of the District of Columbia a general expense account fixed by Congress that the people have nothing to do with. If they had anything to do with it, they would cut it in two, as does any other municipal government in the country.

Mr. BURKETT. If there was nothing for the District of Columbia to do but to build a water plant, if there was nothing for the District of Columbia to do but to build a sewage system, if the question was whether they should pay for it in four years or in a longer time, it might be easier or more convenient for them to have the longer time; but that does not get down to the bottom of the question for this reason: A man is not taxed any more in this city than a man that lives out in another city in the United States, and I doubt if he is taxed as much.

Now, so far as we are able to go on and anticipate these improvements, such as building the sewerage system and completing the water plant; so long as we can follow the present plan to complete these things as needed and pay for them as we go and at the same time not impose on the taxpayers of this District a burden larger than the taxpayer pays in the average city of the United States, I do not understand where the taxpayer of this District has anything to complain of.

Mr. McDERMOTT. Do you know of any city where they allow you to fix the tax rate because somebody pays a higher rate in another city?

Mr. BURKETT. No; nobody claims that.

Mr. McDERMOTT. The rule is to make the tax rate as low as possible.

Mr. BURKETT. The rule here is to develop and beautify the city as much as possible, and not be burdensome beyond reason to the people. I say that as long as under the present policy we can go on building up and developing this city, making the permanent improvements that are necessary and pay for them as we go, and at the same time are not unduly—and by unduly I mean taxing any higher than they are taxed in other cities—so long as by that plan and under that system we are not unduly taxing the taxpayer, they have nothing to complain of.

Mr. McDERMOTT. Does the gentleman know of any other city in the United States where they are taxed $1.50 on a hundred dollars, as in the District of Columbia?

Mr. BURKETT. They do not pay that in the District of Columbia.

Mr. McDERMOTT. Because the law is tentative, but does the gentleman know of any city where they collect a tax of $1.50 cents on the hundred dollars?

Mr. BURKETT. I know of a number of cities in the United States where the tax on the actual valuation is higher than it is in the District of Columbia.

Mr. McDERMOTT. I would like to have the gentleman state if he knows of any city where the tax is $1.50 on the full value.

Mr. BURKETT. They do not pay that here on the full value.

Mr. McDERMOTT. But that is the proposition in this bill.

Mr. BURKETT. That is what the law has been since 1877, and you have been paying on a 65 per cent valuation. Now, let me read what it says here:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, there shall be levied upon all lands outside of the cities of Washington and Georgetown held and used solely for agricultural purposes a tax of $1.25 on each $100 of the assessed value thereof, and upon all other real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50—

On what?—

on each $100 of the assessed value thereof.

And that "assessed value thereof" is about 60 or 65 per cent.

Mr. McDERMOTT. What is the sworn duty of the assessor in assessing the value?

Mr. BURKETT. There is nothing said about that here.

Mr. PALMER. Suppose a man has got a hundred-dollar Government bond?

Mr. BURKETT. Oh, the gentleman does not want to use that as an illustration.

Mr. PALMER. Well, suppose he has a mortgage bearing 4 or 5 per cent interest, what will he have to pay on that?

Mr. BURKETT. If it is assessed at its full value, he would have to pay the tax on it.

Mr. PALMER. How could you get the assessor to assess it for any less than that? I am talking about a good mortgage. Take Pennsylvania Railroad stock or the Chicago and Northwestern stock.

Mr. BURKETT. As a matter of fact, the citizens of this District have not been taxed for the full value under the law.

Mr. PALMER. But you are proposing to tax him $1.50 on every $100.

Mr. BURKETT. Yes; and he ought to be taxed to that extent.

Mr. PALMER. I will simply repeat the question of the gentleman from New Jersey. Do you know any place in the world where there is imposed a personal tax of $1.50 on every $100?

Mr. BURKETT. I do not know any place in the world where property is not taxed to the same extent that it is taxed here, on an equal assessed valuation.

Mr. PALMER. But you are proposing to assess the property at its full value.

Mr. WARNOCK. Let me say that there is not a city in Ohio where people do not pay a tax of from 1 to 3 per cent on the full face value of every good mortgage that they own.

Mr. PALMER. How many are honest enough to make the return and pay the tax?

Mr. WARNOCK. A good many.

Mr. BURKETT. Now, I want to go just a step further and suggest one other thing which so far as I have heard has not been brought out in this debate.

In 1877, as has been shown, this general taxing law, as printed in the RECORD this morning, was passed. It has been on the statute book since 1877, and Judge Clabaugh, in the decision rendered the other day, says that it is a good law, an equitable law. Now, gentlemen attack this law and argue as if we were trying to legislate somewhere along that line. We are only undertaking to do what the judge in making that decision said should be done; we are undertaking to create offices to put that law into effect.

Mr. McDERMOTT. Though I dislike to interrupt the gentleman again, will he allow me a single remark? With regard to the judicial opinion to which he has just referred, I do not know what right a judge has to say whether a law is a good and equitable law or not. It is his business to apply the law to particular cases and to decide whether the law is constitutional. But a judicial declaration that a particular law is a good law and is proper legislation is of very little force.

Mr. BURKETT. Very well, I will waive that proposition.

Mr. McDERMOTT. One further question: Does the amendment to be proposed by the gentleman from Illinois [Mr. CANNON] impose this year's taxation alone on personal property, or does it impose every year's taxation that would have been imposed under the law of 1877 if that law had been valid and had been enforced? In my opinion and according to my reading of its provisions it imposes all the taxes that could have been imposed if the law had been valid and the necessary machinery in operation.

In other words, you propose, under the amendment of the gentleman from Illinois, to impose taxation for all past years. That is my view of the reading of the act. Therefore you will impose, in some cases, a taxation of 10 or 20 per cent. I only state this for the purpose of getting the view of the gentleman, and to illustrate that this is not a proper method of legislation.

Mr. BURKETT. I will come to that matter directly. Let me continue the point which I was discussing.

This law of 1877 was passed, covering both personal property and real property. We have been operating under that law. Some personal taxes have been collected under that law during all these years since its enactment. We have assessed and levied taxes, real and personal, during all these years. Several acts have been passed amending the assessment laws pertaining to real estate. For instance, in 1892 a little clause was inserted in a sundry civil appropriation bill providing that the President should appoint three assistant assessors to equalize the taxation on real estate. Two years later, in 1894, an act of considerable proportions was passed providing for the appointment of three assessors to take the place of those provided for by the law of

1892. So that during all this time, or at least since 1892, we have had the machinery to carry on the real-estate side of this law of 1877.

Now, in 1878, as has been stated here, Congress passed the organic law of the District of Columbia, which contained a provision authorizing the Commissioners to abolish any office or to consolidate any two or more offices. The exact words of the part of section 9 pertaining thereto are as follows:

And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law.

On December 21, 1878, after the passage of that act, the Commissioners of the District did abolish two of the assessors that had previously been provided for and consolidated the other office of assessor with the office of treasurer and the office of the superintendent of assessments and taxes under the name of "treasurer and assessor's office." Observe that these officers went on and assessed personal and real property.

In 1892 and in 1894, as I have stated, the law was changed and the machinery was created for equalizing taxes upon real estate. But nothing was ever done in that respect in reference to personal estate. Some persons, however, paid their taxes on personal property; and we have made appropriations from year to year with reference to that object. For instance, I find that we provided an appropriation of $1,500 to pay somebody to go around and coax the people into paying personal taxes in this District; and some persons have paid those taxes.

Some, however, said a year ago "We will not pay this personal tax; you can not collect it; it is not legal." The matter was taken before the courts. The attorneys of the District undertook to uphold the law. I have here a very able and exhaustive brief by the district attorney, Mr. Andrew B. Duvall. He went into the matter very thoroughly. Judge Clabaugh held in his decision that the personal-tax law, as it stood on the statute books, could not be enforced. Why? Because, as he said, there was nobody to enforce it. Let me read briefly from his opinion:

There is nothing in any act of Congress to suggest the thought that Congress intended to do away with the scheme of taxation which it had set up. I believe that scheme is the law to-day—

Referring to the law of 1877—

and if there was any one to carry it out it would still be in force. In my judgment, the law is absolutely and entirely constitutional. I believe it is a good law and a fair law, and if there was machinery to carry it out, I would unquestionably hold these proceedings could not be maintained. * * * The District Commissioners have abolished the very persons that Congress directed should carry the law into effect, and until they are restored the law can not be enforced.

Judge Clabaugh held that when the Commissioners, back there in 1878, within six months after the passage of that organic law, had by consolidating one assessor in with the treasurer made them the board of assessors, they performed an act of legislation which they did not have any right to do and had destroyed the machinery which Congress had provided for collecting taxes. But in 1892 and 1894, as I have said, Congress provided the machinery to collect the taxes on real estate, and therefore we have had taxes on real estate collected. If there was any lack of machinery as to real estate during some of these years the people did not find it out and it was corrected later. Now, we found out this last winter that we were not able to collect taxes on personal property. A great many people had had a suspicion of it for some time. But then it was definitely announced that we could not enforce collection of taxes levied under that law that has stood since 1877.

Why gentlemen attack it: Some of them say it is drastic. To a man who feels, as some of them have said here, that you ought not to pay any taxes on personal property, of course it is a drastic measure, for it was made to collect them. I do not know that it will be possible to reach all the personal property. I surmise there will be a good many notes, a good many things that will be held out and concealed—as they are in every State, as is the common experience—which will never be reached by this board of assessors.

But, sir, what I desire to impress upon the House is this: That this is not legislating any new tax law onto the District. It is not a new revenue system. It is a law that we have had since 1877, and that nobody ever dreamed was not a tax law—I will not say dreamed, because there were a good many who did, but that nobody ever knew certainly was not a valid and enforceable law until last December, when Judge Clabaugh rendered that decision. Then what is intended by this little addition, this little paragraph, these few lines added to this appropriation bill, is only to correct the error that Judge Clabaugh found in the law last winter. It merely provides a way for the collection of these taxes on property which this law, more than twenty years old, has provided for during all these years should be assessed and should be collected.

Mr. BELLAMY. May I ask the gentleman a question?

Mr. BURKETT. Certainly.

Mr. BELLAMY. What is the estimated value of the personal property that may be reached under this rider?

Mr. BURKETT. Well, I will say to the gentleman that I have tried pretty hard to get an estimate. I can not make any better estimate than the gentleman can, personally. I have asked a good many who ought to know, and for some reason we never have been able to get an estimate. It has been roughly estimated that this will, if enforced, pay in a million of dollars in taxes in round numbers, and some say a million and a half.

Mr. BELLAMY. If that is so, if it brings in a million dollars' worth of taxes, then do you not think the rate of one and a half is too high in the District? You would have a million dollars more than you would need.

Mr. BURKETT. I will say to the gentleman this, that it will not bring any more money than the people of the District are ambitious to spend, if the estimates of the Commissioners are a criterion.

Let me say this in connection with that: The Appropriation Committee in this House—it is a matter now in the House—are met with this proposition: Here is a District with 300,000 people, and their wants are unlimited. They want to build a memorial bridge; they want to establish a great park system; they want to keep these beautiful little parks that we have in the city already going and have flowers, and they want the streets swept and cleaned, and they want pure water, and they want a sewage-disposal system. They are here demanding for the building and improvement of these roads. They came in and asked through their Commissioners for Congress to appropriate $10,000,000 in round numbers.

Your committee said to those Commissioners: "We do not believe that we should; in fact, we believe we are bound not to spend a dollar more than we have in hand. In short, in the past you have run in debt; you have got $14,000,000 of bonded indebtedness, and you owe something like $1,300,000 up at the Treasury, you owe some interest and that sort of thing, and we believe we ought not to appropriate a dollar more than you have in sight." We asked them to cut down their estimates. The committee finally took a hand in the paring and finally we got this bill down practically, as we believe, within the available revenues.

Now, if this would raise a million dollars of personal tax, and if Congress would then give another million of dollars on top of that, as they would be obliged to do under the compact by which the organic act was passed, then we would have $2,000,000 more than we have now, and that would still lack $1,000,000 of doing what the people of this District, through their Commissioners, have asked us to do this year. In short, if a cent and a half on the dollar, or on 65 per cent of that dollar, is not too high taxation, I want to say there is no doubt but what we can go on and spend it legitimately, and spend it for the good and for the beautifying and development of this District, and yet not get beyond the specifications of wants of the District. As one member of Congress, as I have said repeatedly, I am in favor of beautifying this District within reasonable bounds.

I am proud of the city. It is my capital, just the same as it is the capital of all of us, and whenever this city is willing to raise a dollar in taxes I am willing to take another dollar out of the Treasury and do $2 worth of improvement. I am also reminded to suggest that we passed a bill carrying a million and a half of dollars day before yesterday, for which we will have to provide in some way.

Mr. PALMER. Your amendment provides that this act is "hereby declared in full force and effect, and to have been continuously so enforced since its enactment." That was in 1877, which is twenty-five years. Now, under the terms of that act what would hinder you from levying $37.50 on every hundred dollars of personal property in the District, if this act has been continuously enforced since 1877?

Mr. BURKETT. I am glad the gentleman suggested that, for I promised the gentleman from New Jersey [Mr. MCDERMOTT] that I would give my idea on it.

Now, if you have taxed personal property in years gone by, if that property has been taxed, the tax stands on the books against the man who owned the property; and whether we pass this law or not, he owes that tax. If in times past a man's property has not been taxed, there is no authority, under this law or any other law that ever I heard of, except as specifically passed for that purpose, to send the assessor out next year and tax a man's personal property ten years ago or five years ago or six months ago. So, in my judgment, this law is not retroactive in that respect. You can not collect any more taxes than have been assessed in times past; and if they have been assessed they are a debt, and they are due, and the owner has got to pay them, and he ought to pay them.

Mr. SIMS. Is it not a common thing that many States have laws by which they back assess property that has not been assessed; and what is to hinder from back assessing the property here, within the limitation?

Mr. GAINES of Tennessee. How much does the present census show there is of personal property in the city of Washington that is taxable? How much was shown by the last census? The gentleman can answer the two questions.

Mr. BURKETT. Well, I do not know that the information is published. At least I have not seen it, and in all our examinations we have not found it.

Mr. GAINES of Tennessee. I think that information has been made public, and it would certainly disclose a great deal if we had it here. I think the gentleman could get it by telephone from the Bureau.

Mr. BURKETT. We have asked for that several times, and we received the response that it had not been published. That was the reply that was made only the other day.

Mr. GAINES of Tennessee. I am satisfied that if you go there and tell them you want to base legislation on it, Mr. Merriam will set somebody at work to give you the information at once.

Mr. BURKETT. I will say to the gentleman that it is very questionable in my mind, if that is true, whether we ought to go into the rating question under this legislation.

Mr. GAINES of Tennessee. Go into what?

Mr. BURKETT. Into the rating question of what should be assessed. We ought not to change the rate, on this bill, even if we knew just how much taxes would be raised. In short, we are only seeking, in this legislation that we hope to pass in connection with this bill, to enforce the old law. If it is not a good law there will be plenty of people to come here next year and advise us of the fact that they have been assessed too much. There will be plenty of people who will be in favor of reducing taxes, whereas there are very few, so far as we can find out, who are willing to help us and encourage us in really trying to impose proper taxes.

Mr. GAINES of Tennessee. Is not personal property taxed at all in the District?

Mr. BURKETT. Some of it; yes. As some one has said here to-day, street-car companies are taxed 4 per cent on their gross income. Insurance companies are taxed 1½ per cent on premiums, and loan and trust companies, I believe.

Mr. GAINES of Tennessee. I mean what we ordinarily term personal property.

Mr. BURKETT. In the main, no; it is not.

Mr. SIMS. Is there any law here providing for the back assessment of property that has escaped taxation?

Mr. BURKETT. I will say that I have not looked this up thoroughly, and this is entirely offhand; but I do not believe that under this law you can go back and assess any property that has not been assessed in times past.

Mr. SIMS. Does not that offer a premium, then, to escape? And if you have a law that will not allow you to back assess, where property has escaped, will not that offer a premium to hold out and dodge?

Mr. BURKETT. You mean in the future?

Mr. SIMS. If this law passes.

Mr. BURKETT. There is plenty of inducement to escape taxation. They have escaped in the past, not for the sake of getting out of it in the future, but for the sake of getting out of it at that time; and if they have escaped in the past, I do not see how under this law you can go back by virtue of this reenacting clause and make good any failure to assess property in the past. I do not see how this clause which puts the old law into force has any effect in that line whatever. Whatever you might have done under that law of 1877 if the machinery had never been abolished you can do now with that machinery rehabilitated, and no more, in my judgment.

Mr. SIMS. Why not let it provide, if it does not provide, for back assessment, where the property has escaped taxation?

Mr. BURKETT. That might be well enough; but on the back-tax question, I think if this tax law itself is not good that it ought to be brought up at some time and amended on its own merits when it comes from the proper committee. It has been on the statute books since 1877. We have taxed real and personal property under it, and there has never been anybody to come in here and attack that law.

Mr. SIMS. Does the gentleman say a great deal has been collected under this law?

Mr. BURKETT. Yes; I understand there has been collected a great deal of personal tax under the law.

Mr. SIMS. Why not have it as perfect as you can get it, and have a back-tax provision that will secure the matter hereafter?

Mr. BURKETT. Well, that is for the House to say.

Mr. SIMS. What does the gentleman say?

Mr. BURKETT. I think if this Government has not got the tax assessed for years and years it ought not to go back. In short, if the Government has not provided the proper machinery for proper assessments in years gone by it is of doubtful propriety, in my mind, to go back, at least very many years back.

Mr. SIMS. Then why not fix it so that it can be attended to in the future, by compelling the assessor to have them assessed?

Mr. BURKETT. Well, I do not know as to that being a good provision. I do not know of any State that has any such provision.

Mr. SIMS. I do not know of any State that has not.

Mr. GAINES of Tennessee. The State of Tennessee in one case got over $300,000 in back taxes.

Mr. WARNOCK. The State of Ohio allows them to go back for five years.

Mr. BURKETT. Since I think of it and understand the question, that statement was incorrect. Some States have that sort of a law.

Mr. McDERMOTT. If the gentleman will permit me, I am not fighting the tax upon personal property. Now, the proposed amendment the gentleman understands is not to assess back taxes. Let me say it is not for that, but it is "for all purposes."

That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia the act of Congress approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes," as amended by specific acts of Congress, is hereby declared to be in full force and effect, and to have been continuously so in force since its enactment (in 1877). And that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they are hereby, clothed with the duties and power of the assessors mentioned in the first-named act.

Now, if the act is to be present declaratory legislation, said to be in force and to have been continuously in force, and the duties under it are imposed upon the board, necessarily under the act these men perform the duties not only then present incumbent upon the board, but those that have been neglected in the past, otherwise our declaration that it should have been continuously in force for the use of the present assessment can not be the purpose. Therefore, as it is drawn, no matter what the intention was, it does not confer power upon the board of assistant assessors to assess property away back from here if it had not been assessed.

That is the plain reading of this amendment as it is now proposed. On the question of whether this kind of legislation should be adopted, I am not quarreling with the taxation of personal property, but what I state is that it is not getting at it in a reasonable way. We ought to have a law that was a good one.

Mr. BURKETT. I will say to the gentleman from New Jersey that in my opinion if that law is not effective and does not reach property then we ought to go at it and amend it. It is subject to amendment.

Mr. McDERMOTT. But the committee reported it, and I do not see any objection to the assessment. The gentleman argued that taxes have been unpaid for a long time; but is that what you want? It is not a question as to the propriety of the legislation, but what does the legislation mean in the minds of those who recommend it to the House?

Mr. BURKETT. I will say to the gentleman that during these years there have been some taxes assessed and collected and paid into the Treasury. Now we have recognized that law. I will say, also, that we have appropriated money to enforce that law, and we have created the office to do the work from time to time. We have recognized it by appropriations, and a specific fund was raised from that taxation from time to time. In short, Congress has always said, by every syllable and word and sentence of legislation in connection with this thing put upon the statute book—and more than a dozen times it has said—that the law is in full force and effect.

And when the committee wrote out that amendment it did not want to unsay what it had said a dozen times before; it did not want to put these people, who had paid taxes into the Treasury, in a position where they would come in and ask to have those taxes refunded. We did not want claims coming into Congress for the refunding of taxes illegally assessed. That law has been on the statute book, Congress says, in full force and effect during all these years, and we have operated under it.

I do not believe that now we can go back, especially by virtue of this act that we propose to-day, and impose a dollar of tax on anybody that has not been assessed and is not upon the books. If you could do it by the terms of that law before, you can do it when this bill is passed. But by virtue of this clause which we propose to add, showing it has been in full force, there is no question in my mind that it does not give a single additional power that you have not had in the law during all these years.

Mr. COWHERD. Will the gentleman allow me an interruption?

Mr. BURKETT. Certainly.

Mr. COWHERD. One reason why the personal tax has not been collected was on account of a decision of the court in the District that the change in the law that occurred shortly after 1877, possibly in the enabling act of 1878, put it in such a shape that it was not enforceable without some mandatory legislation.

Mr. BURKETT. That may have been one of the reasons why the tax has not been collected; there have been a good many decisions, but no decision holding what the gentleman says until

the decision of the 20th of last December. There have been a good many people who contended that you could not collect the personal tax, and a good many escaped it for that reason; a good many dodged it, but all the time a good many have paid a personal-property tax. I want to say that they criticise us for doing this thing, and yet you have not heard any particular complaint from the District of Columbia Committee.

I think a number of members of that committee will say to the House, as they have said to the Committee on Appropriations, that for five years they have been trying to straighten this matter out. The fact is that when you undertake to make a tax law, if you have ever undertaken it in your legislature at home, if you have undertaken to put into force a complete revenue system at one time, you will realize the difficulty you have been up against. In this way you can force this matter through, legitimately, properly, and give full time to consider it and discuss it; not to amend that law my judgment dictates. But if the judgment of the House may think it should be changed, it is certainly open to amendment. But if we pass this little clause we make that law effective which we have said all these years has been operative and, in fact, supposed was in operation.

Mr. SIMS. Will the gentleman from Nebraska allow me a question?

Mr. BURKETT. Certainly.

Mr. SIMS. From the gentleman's statement it appears that some people who have been assessed have paid voluntarily; that is a fact?

Mr. BURKETT. Yes.

Mr. SIMS. Others who have been legally assessed have refused to pay?

Mr. BURKETT. That is true.

Mr. SIMS. Now, if you do not provide for collecting the revenue from those who have been legally assessed and who have refused to pay, will you not raise an equity in favor of those who have paid voluntarily, so that they will claim that the tax shall be refunded?

Mr. BURKETT. No; you will raise the legal question whether we have a right to enforce the collection.

Mr. SIMS. I understood the gentleman to say that he was not in favor of going back and collecting those taxes.

Mr. BURKETT. No; the gentleman misunderstood me. I said that, if there was any property the assessors had not gotten, I did not believe that we ought at this time to go back and hunt up property that had not been found at that time—at least for any considerable number of years back—and which tax was not collected upon by reason of not having the proper machinery. I did not say that that which had been found and assessed, and was on the books of the treasurer against those individuals—I did not say that that ought not to be paid. I believe in collecting every dollar of the tax that is on the books.

Mr. SIMS. Will not this law authorize such a collection?

Mr. BURKETT. Yes; and it will only raise the question whether this tax has been legally assessed. If it has not been legally assessed, of course it can not be collected. The court has said that it was not a legal assessment.

Mr. BINGHAM. May I ask the gentleman a question?

Mr. BURKETT. Certainly.

Mr. BINGHAM. I asked the same question in committee, and I want to ask it now here in the presence of the whole committee. In the enforcement of the requirements of the act of 1877 wherein there has been laches and neglect, does the reenactment in this bill providing that personal taxes shall be paid go back of this year?

Mr. BURKETT. Do you mean the collecting of taxes heretofore assessed, or the assessment of new taxes?

Mr. BINGHAM. Anything and everything. Do you start de novo this year, or do you run back to 1877?

Mr. BURKETT. I have been trying to give my opinion——

Mr. BINGHAM. I want the matter stated specifically.

Mr. BURKETT. I will state to the gentleman what I think this law will do. This clause which we propose to add to the existing law does not confer one additional right on the District, nor does it take away any right of any individual under the law of 1877. We simply, by this little clause, which we propose to add, create officers for the enforcement of the law of 1877.

Mr. BINGHAM. How far back do you run?

Mr. BURKETT. How far back does what run?

Mr. BINGHAM. Your enforcement of the law of 1877.

Mr. BURKETT. Certainly; it runs back just as far as any assessing officers during all these years would have had the right to go.

Mr. BINGHAM. Then, if the gentleman's position is correct, you can enforce upon the residents of this city the payment of taxes from 1877.

Mr. BURKETT. If the tax has been levied and stands against them, if it was levied legally, I answer yes. Of course, there may arise a question of the legality of the assessment. Suppose, for instance, a tax was levied in 1899——

Mr. BINGHAM. I do not care when it was levied; 1877 was the date of the act.

Mr. BURKETT. And suppose that tax stands on the books as an assessment against an individual, John Smith. Now, if under the law you can go back to the time before it was declared there was no machinery for the enforcement of the law and can put the law in force, you can, in my judgment, collect the tax if this clause is enacted.

Mr. BINGHAM. Then this personal tax may run back to 1877. Is that so?

Mr. BURKETT. If it was legally assessed. But the courts have held that in certain cases this tax was not legally assessed.

Mr. BELLAMY. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENTON. I yield to the gentleman from Missouri [Mr. DE ARMOND] thirty minutes or so much thereof as he may desire.

Mr. DE ARMOND. Mr. Chairman, the question which is now before the committee and which will later come before the House would seem to the uninitiated to be a very simple one. It is whether personal property in the District of Columbia shall be subject to taxation as is personal property in the States. If one had not heard here in the discussion of this question or had not read in the newspapers that personal property ought to be exempt from taxation in this District in order to attract here as permanent residents the wealthy men of the country, he could not realize, I think, that such a claim could be entertained or would be advanced by anybody.

The people who are to be attracted here by exemption from taxation, it must be supposed, are to come mainly from the different States of the Union—States having in this body their Representatives and at the other end of the Capitol their Senators. Every rich man who is to be attracted to Washington by exemption from taxation is a man whose personal property is to be taken out of the taxable wealth of the neighborhood in which he now lives. In other words, each vote and every act here to entice these men from the States in which they now dwell to the city of Washington is an effort, and, if accomplished, will be a deed, to take from the taxable wealth of the several communities represented here and to add it to the nontaxable wealth of the great national capital.

Now, at first blush it would seem to me, as merely an ordinary Representative of a country constituency, that there is nothing of fairness or justice, but everything of the opposite of fairness and justice, in this claim and effort at tax exemption for the rich. Attracting wealthy people to the capital by the bait of freedom from taxation and thereby throwing heavier taxes upon the people and the property of the various districts which we represent, enticing those best able to pay taxes, those having the most upon which to pay them, to leave those several communities and come here—legislation in this direction is directly against the interests of our several constituencies, and is, in my judgment, a direct and positive wrong to them.

Passing from that question, why should there be here an exemption from taxation which does not exist elsewhere? It is not because taxation here is heavier than it is elsewhere, for precisely the reverse is true. The limit of taxation in this city, and in the District of Columbia generally, is $1.50 per year on $100; upon agricultural lands, $1.25 upon the $100.

It has been stated in this debate, stated time and again in this House, and is well known, that generally—in every district represented on this floor, I believe I may say—a large share of the people pay a higher rate of taxation than is exacted from the citizens of Washington or the District of Columbia; and it may be said with truthfulness that in a large majority of the Congressional districts the people are taxed very much more than those of Washington City—sometimes two or three or four times as much. Then the claim can not be made that taxation ought to be lowered here because taxation here is excessively high, for, in fact, it is low here and not high.

Another view of the matter. Why should this city of Washington be made an abiding place, through partial and unjust legislation, for the wealthy people of the land, to say nothing of the matter of taxation? What good can come to the country? What good can come to the average American citizen or the average American taxpayer from having congregated in the city of Washington as large a proportion as possible of the wealthy men of the land? I am not going to indulge in any harangue against wealth or any criticism of wealthy people.

I merely say in passing that it can not be best for the masses of the people, who are poor, to gather here in the capital city, and use extraordinary and unjust means to bring here to the capital city an ever-increasing proportion of the wealthy men of the country. They will not be content merely with exemption from taxation, if you give it to them, but they will desire and urge

that new avenues be opened to them by legislation for adding to their large holdings. They will desire and urge that this legislation be passed for their benefit and that legislation be defeated because it will not, according to their view, inure to their benefit.

Then you have, if the proposition here submitted and which I hope will be adopted should fail, first, a continuance of a policy or practice of directly by legislation against the interests of the masses of the American people, advertising that the wealthy can by coming here be exempt from taxation; secondly, you would continue to draw them here at the expense directly of the several communities from which they come, and the expense indirectly of the entire Union, the District of Columbia excepted.

Having gathered the rich here in large numbers—I think they are gathering here now faster than fast enough for the good of the country—having gathered them here in large and ever-increasing numbers, who has a doubt that legislation will be influenced more and more and more and more as the years go by by special interests, represented by millionaires drawn here to promote those interests at the expense of the general public?

I think there is every reason why some such legislation as that proposed for collecting taxes from personal property should be adopted, and I think there is no fair or substantial reason against it.

As to whether expenses for permanent improvements should be paid as the improvements are made, or whether those expenses should be extended along through the years and paid gradually, that is a side question which has no bearing upon the main proposition. If that question were to be discussed I think there would be found two sides to it. There are two sides, I would say, to this question of whether permanent improvements should be paid for at the time they are made or payment should be extended through a number of years.

Theoretically, I think the extending of them through a number of years may be correct; there is a good deal of argument or of plausibility for that view. Against that proposition, however, there is this: The people of the present are making the improvements; the people of the present are determining that they shall be made, and if the policy be adopted of calling upon the people of the future, who now are voiceless, to pay for them, the result is likely to be—there is at least danger it will be—that useless liabilities will be incurred, that works not wise or necessary will be projected and carried forward, and that there will be extravagance and waste in their conduct.

As has been well said by the gentleman from Nebraska [Mr. BURKETT] and others, so long as the levy of taxes here is not excessive, so long as permanent improvements made from year to year may be met and paid for year by year as they are made, without any hardship on the citizen taxpayer, there does not seem to be good reason, any substantial reason, for departing from that practice of pay as you go, in order to secure or adopt one theoretically more correct, but practically more burdensome, probably, to the people of the District, and practically more injurious in its general effects.

The ease with which this rule was adopted, the ease with which the House has come to the proposition of providing for putting into operation the law already existing for the levying and collecting of personal taxes, is a suggestion to the House, I think, of how easily the House, when it chooses to do it, when the majority of the members choose to exert themselves, may pass any law, may consider any matter in which the House is interested, any matter which the majority of the House thinks ought to have consideration. The present opportunity to do what ought to be done has been brought about by reporting and adopting a rule, and while not generally in favor of "rules" I am heartily in favor of this one, because I think it is right. But the same thing could be done, if the majority of the House desired to do it, without a rule.

It would only be necessary for an amendment to be offered, as it will be offered later along in accordance with the provisions of this rule—to offer it anyhow, rule or no rule—and if it be ruled out of order, as it might be, for the majority of the House, or the majority of the committee examining and passing upon the question for the time being, to say: "We will consider this; this is a matter of too much importance to be swept aside by rule or ruling; this is a matter of great public importance, and now is the opportunity to consider it, probably the only opportunity to consider it and deal with it, and therefore we will take it up now and now will dispose of it."

Everybody in this country, I think, Mr. Chairman, has a kindly feeling toward this great capital city and a pride in it. Yet, sometimes it suits the purposes of some persons—I have no doubt some of them are sincere in it—to talk about hostility to Washington City and about indifference to the future and the welfare generally of this beautiful capital city. There may be somewhere a feeling of hostility to it and of indifference concerning it; but, generally speaking, I am satisfied that the disposition in legislative halls and among the people who send legislators here is to deal fairly and justly with Washington. And the city has been dealt with fairly and justly and most generously. Half of all the debts, half of all the outlay from year to year for many years in this city, has been met out of the public Treasury.

The argument is made in the way of justification for this system and for its continuance that the Government owns half or more than half of the property in the District, and therefore ought to pay half or more than half of the taxes. This is merely an incidental matter now, because the question of adjusting that is not up. But that argument, in my judgment, is wholly fallacious and utterly without foundation. I do not say that the Government of the United States does not own any property in the city of Washington which ought to be the subject of taxation, and which, properly treated, would be the subject of taxation; but I do say that the great bulk of all its property, the enormous preponderance of everything owned by the Government in this District of Columbia would, by any just canon of taxation, be free from taxation, and would not be taken into account at all in determining the amount of taxable property.

Here is the Capitol, in which we are supposed to be legislating to-day, a very fine structure, occupying a fine site, surrounded by fine, valuable grounds. If you estimate it all simply as private property it is very valuable; but is it private property? Is it such property as anywhere, by any nation, by any lawgivers, would be regarded as property that ought to be listed with the taxable property of the locality in which it is situated? In the States they do not so estimate the statehouse; in the cities they do not so estimate the town hall.

In the counties they do not take into account, in making up the total valuation of taxable property, the court-house, the jail, or any of the other structures or property belonging to the public. Who owns this Capitol and these grounds? And what applies to this applies to all the other public reservations in the city—to the various parks, the streets, the various public buildings. Who owns them? Why, the people of the United States, including the people of the District of Columbia. The people of the whole country own them. The ownership, if you were to divide it up, would be among all of them as citizens, all of them as taxpayers, all of them as property owners, on whatever basis you choose.

Now, the other property in the District is upon an entirely distinct basis. Take a house and lot down here upon a beautiful avenue, worth, say, a hundred thousand dollars. Who owns that house and lot? Is it owned by all the people of the United States, or all the people of the District of Columbia, or the general public? Is it owned for public purposes? Is it used for public purposes? Not at all. It is private property, owned by Mr. A, as the adjoining private property is owned by Mr. B, and the next by Mr. C. It is subversive of all principles upon which just taxation is based, it is contradictory of all sound reason, as it seems to me, to talk about the Government of the United States owning half the property in the District of Columbia and therefore being bound, as a matter of right, to pay half the taxes, or to put up a dollar for every dollar that the taxpayers in the District of Columbia put up in the way of tax money.

Then there is another view of it. If it were not for these public buildings and these parks and these streets, the ownership of the fee to which, I suppose, resides in the General Government, if it were not for these things where would all your other private property be? What the Government has done, what the Government owns, what the Government is, has made this capital city of Washington what it is. These public buildings, these public parks, maintained at public expense, these magnificent streets and avenues, these, the creations of the Government, have made the city of Washington what is, have been, and are, the principal factors in the creation of its taxable property. If the Capitol had been located 20, 30, 40, or 50 miles away, the forest trees would grow upon these hills to-day and the lowlands would be covered with swamps, as they were before the Government filled them up and made them suitable sites for public and private buildings, parks, and streets.

As a matter of fact, the Government taxes itself for the benefit of Washington because it has made other property than its own valuable. It has made a little strip of land 25 feet front by 100 feet deep worth $10,000 or $100,000; and because it has done that, gentlemen say that, as a matter of right, every time there is a dollar of tax collected from that property the Government should put up another dollar. They must assume against the fact that the Government is the owner of its property in the same sense as the private citizen is the owner of his property. There is no city in the land, there is no city in any land, I think, that has ever been dealt with so munificiently as the General Government has dealt with the city of Washington, and is dealing with it to-day.

In addition to all this, according to the philosophy of some gentlemen, Washington is not only to be the asylum of the wealthy, but it is to be the Mecca to which the wealthy are to be invited from all over the land; to this city of the Government's lavish

expenditure of the public money; to this Capital, where there is everything that money can bring, where there are advantages enjoyed by hardly any other city in the Union; to this city some say the rich must be bribed to come. Already this city is exempt from taxation over $1.50 on a hundred dollars' worth of property; and yet talk about hardship upon the citizen, talk about corporations being unwilling or unable to live here, when taxation almost everywhere in the world, everywhere in the American world, is higher, imposed higher in order to support the local government.

Here taxes are all aggregated and bulked and limited, as I have stated, but in many places in the Congressional districts, even in the country neighborhoods and small towns, the taxes are very much higher. Speaking of my own State, about which I know more than any other, the taxes are 40 cents on the hundred dollars for school purposes, and the people voluntarily, year after year and year after year, by vote at a formal election, by ballots regularly cast, tax themselves another 60 cents, making the taxation a dollar for school purposes.

Schools are maintained here out of the $1.50. Magnificent buildings are erected in the District for the schools—erected for the people in the District, local and personal for the District—erected out of this fund. The police force is paid out of this fund, though a heavy charge upon other municipalities. Here, too, is the water system and the fire department. All these things—everything corresponding to the city tax, county tax, State tax, township tax, local and special taxes—all these are met and covered by a $1.50 tax on the hundred dollars in the District of Columbia.

As to the question of whether this personal tax should reach back, it seems to me that the man who has not paid the tax which the law has imposed upon him ought not to be exempt simply from the fact that he has not paid. If Mr. A and Mr. B owned personal property of the same quality and value and assessed at the same rate and Mr. A paid his tax for years and years and Mr. B did not pay, it seems to me that as between A and B, as a measure of justice between citizen and citizen, as between the citizen and the Government, the delinquent taxpayer ought to be required to pay.

Mr. McDERMOTT. My views of the question of taxation within this District were in the direction of the gentleman's remarks when I first looked into the matter, but I changed my mind, and I suggest this question: There are 275,000 people at present within the city of Washington, and of those not more than 10 per cent, I believe, are what are called the luxurious; 90 per cent in the District of Columbia work for a living. It is not the resort of those who have all their time. Now, the extraordinary part of it is this, that with a city of 275,000 people, they are taxed $8,000,000 and over for the local government of the District.

Does that come from the fact that the Federal Government is located here? If not, then I suggest to the gentleman to find any municipality in the world where the cost of municipal government for 275,000 people is 30 per cent of $8,000,000, including interest upon their debt. I give the gentleman an illustration of what we have in the heaviest taxed place in this country, and taxed heavy because the railroad terminals property worth $50,000,000 or $60,000,000 is exempt, where in Jersey City the tax levy is but slightly over two millions and a half, including the interest on the funded debt.

Mr. BENTON. I desire to call the attention of the gentleman from New Jersey to the fact that of this eight million, $1,500,000 is for interest on the sinking fund, and no part of that for running the government of the District.

Mr. McDERMOTT. Then if you put it at $15,000,000 that makes it practically three to four times more for municipal expenses than can be found in any city of equal population in this country.

Mr. DE ARMOND. That raises another question that I have not the time nor the accurate information to discuss. The people of the District of Columbia are governed by Congress instead of governing themselves. My colleague [Mr. CLARK] introduced a bill that gives to the people of the District of Columbia local self-government, which may be denominated, perhaps, A bill to change from the Empire to the Republic, in the capital city of the Republic. There is opposition to that in this House and in the Senate. There is opposition to that in the city of Washington, and while I believe my colleague is right in theory, and that the effect would be good in practice, I am not very hopeful that the change will be made.

Now, what have been some of the reasons against that change? I intend to dwell on this only a moment, and would not have adverted to it, but it arises out of the suggestion made by the gentleman from New Jersey [Mr. McDERMOTT]. Usually—at least that is our theory of government, and I believe in it—usually people are best governed when they govern themselves, and usually taxation and consideration for taxpayers are better balanced when the people levy the taxes and expend the taxes and see what is done with the tax money than when somebody abroad, somebody not directly interested, has the handling of it all.

If the people of the city of Washington were to determine more things for themselves perhaps there would be an improvement in this respect. If the government is extravagant and wasteful, it is the extravagance and wastefulness of an alien power, an extravagance and wastefulness imposed by men from the four quarters of the Union, on the people of the District of Columbia and upon the people of the whole Union of States. If the people of the District of Columbia are victims of bad legislation and bad government, they deserve our sympathy; they deserve more than our sympathy, because we have the power to extend them relief, and what they deserve of relief we should bring to them.

Mr. McDERMOTT. Will the gentleman allow me another interruption?

Mr. DE ARMOND. Yes.

Mr. McDERMOTT. In that line, if the alien power imposes any burden on these people which is unjust; if the seven millions could be reduced by self-government two and a half or three millions, should not the alien power that imposes the burden bear one-half of it?

Mr. DE ARMOND. No.

Mr. McDERMOTT. Or else restore to the city self-government?

Mr. DE ARMOND. Yours might be the correct conclusion providing the lawmakers responsible for that condition of things were those to bear one-half of the expense; but instead of correcting the injustice, if one exists, it makes another and greater injustice for them to throw that burden onto their constituents.

Now, I think a remedy might be found in allowing the people of Washington to govern themselves. I do not mean that the United States or Congress, inasmuch as the seat of Government is here, ought not to have control in a good many matters, but in a good many other matters, I think, the citizens of the city of Washington might be very well trusted to govern themselves.

Two or three objections are made to this, but they all may be concentrated into one, and if that is a correct one it would suggest that instead of relief coming in the way and to the extent the gentleman from New Jersey would like to have it come the abuse would become greater. The objection to the people of the city of Washington assuming their own government is that the poor of the city, or, as a good many people express it, "the poor whites and the negroes would rule;" that then taxation would be excessive, and the citizen's property would be virtually confiscated.

I do not concede that is true. I do not know but it may be true to a certain extent. I do not know whether it is true or not; but I do not know why, upon the one hand, the citizens of Washington should be denied the right to govern themselves and why, upon the other hand, they should be protected by arbitrary government against the inability to govern themselves, if they are unable, while other communities are left to grapple with a trouble far greater and of the same general character.

Take the poor white man, if you please. Is wealth to be a test? Is a man unfit for self-government if he is poor? Is it true that the poor people in the country desire to rob the rich people of the country; that they would not be just, would not be fairly wise in making and administering the law? No man can afford to subject that argument to such analysis, or to any analysis, and then avow himself a believer in it. We can not rest upon the theory that only the rich people of the land are qualified to govern it.

The great bulk of the people are poor or in moderate circumstances only. It is the history of our country, as the history of all others, that in this class of people, people of moderate circumstances—the working people—lies the hope and reposes the pride of every nation that has accomplished anything in the world, every nation that will accomplish anything good. [Applause.]

Now, then, take the colored people—the negroes. Is there any particular reason why here, in the capital city, whatever danger or menace or harm can come from the participation of the colored brother in the exercise of suffrage should be removed, while the people of whole communities, State after State, are left to grapple as best they can with that problem through the years, and, maybe, through the ages? I think not. [Applause.]

[Here the hammer fell.]

Mr. BENTON. I hope now the gentleman from Minnesota [Mr. McCLEARY] will use some of his time.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. McCLEARY] is exhausted.

Mr. BENTON. I consulted with the gentleman and supposed that we were going to run the debate until 5 o'clock. I have still requests covering about thirty-five minutes more.

The CHAIRMAN. The debate can be extended by unanimous consent.

Mr. McCLEARY. I ask unanimous consent that the time for closing debate be extended until 5 o'clock to-day.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time for closing general debate be extended until 5 o'clock to-day, the time to be divided, as the Chair supposes, upon the same terms as heretofore. Is there objection?

Mr. LIVINGSTON. Before that permission is granted, I wish to ask whether the gentleman proposes that we go on with the bill after 5 o'clock to-day?

Several MEMBERS. Oh, no.

Mr. LIVINGSTON. It is understood distinctly that at 5 o'clock we shall adjourn?

Mr. BENTON. That is my idea. I do not know what the gentleman from Minnesota thinks.

Mr. McCLEARY. It is the purpose, as I understand, that at 5 o'clock the committee rise, and that after the disposition of ordinary matters on the Speaker's table the House adjourn.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? The Chair hears none; and it is so ordered.

Mr. McCLEARY. I now yield ten minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, the gentleman from Missouri [Mr. DE ARMOND] who just sat down said that the measure now presented shows how easy it is to legislate. I wish to suggest not the ease of legislation, but the possible value of the legislation which we are asked to pass resulting in anything.

I do not care to make any opposition to the measure in itself; but I do wish to state for the consideration of the committee very grave doubts as to what will come from it. If the members of the Committee on Appropriations indulge the hope that by the reenactment of the law of 1877 any large deficit in the amount of taxes collected from the District of Columbia is to be filled, I fear they will find themselves sadly disappointed. It is useless to pass a bill without considering the results of similar legislation elsewhere.

The gentleman from Nebraska said, "Why should we not pass this bill? It is the mere reenactment of an old law." Sir, I gravely fear that those who have spoken so earnestly in favor of this proposition as merely the reenactment of an old law will find that they are sadly disappointed in the results. The old law is simply the law that is found in pretty nearly every State—the law that is found in the State of New York, where I live, which says, "All property, real and personal, shall be taxed equally." That sounds well. It may be said "that all men are equal," and that sounds well. But, Mr. Chairman, the experience of all public bodies shows that a tax upon personal property held by individuals has never been to any considerable extent enforced. It never will be enforced, and it never can be enforced. The District of Columbia is not going to be an exception to the operation of the law as it has worked in every other State in this land.

If the gentlemen of the Appropriations Committee, instead of asking us to reenact the old law, had brought in a bill to reach the objects of taxation which experience shows can be reached, certainly everyone would gladly vote for it. What can be reached? The tax on corporations can be enforced, is enforced, because the objects of such taxation can be reached with the same certainty as real estate or franchises.

There is to come before this House next Monday, as I understand, a bill proposing to authorize an increase in the capital stock of the gas company of this city by $10,000,000, upon a statement that this amount represents what the gas company, holding a franchise—a public franchise—has made in addition to the dividends it paid to stockholders. Here is a thing that could be reached with certainty and with propriety.

Take also the tax on successions. There we come to the one time in a man's whole history when his personal property can be got at—when it goes through the courts—when the exact amount of his personal estate can be ascertained and be made to pay a tax. But we have here a proposition merely to reenact the old law in reference to the taxation of personal property. I have seen myself how such a law operates. I know gentlemen get up here and say, "In my State, or in my city, or somewhere else, there is a tax on personal property." But I will ask any member of this House what is the amount of personal property that is brought within the reach of the assessor and collector by means of the imposition of a tax on the personal property in the hands of individuals?

Gentlemen say, Will men evade it? Why, it is too easy to evade it. It is not a tax that depends on honesty; it requires no lack of honesty to escape it; it requires no more than the ordinary means that any man takes to avoid taxation on personal property. I will illustrate by the city of Rochester, where I live, and the members of this committee will find that the same thing will occur in the city of Washington when they seek to enforce this tax law, reading as it does. There is, for instance, to-day in New York State a tax on the statute book such as we are going to enact here, taxing all property, real and personal, equally.

What is the practical result after fifty years of endeavor? The real estate in Rochester is of value about one hundred and ten or one hundred and twenty million. The assessments on franchises, the franchise tax on the street railways, are imposed and collected. But what is the amount that stands on the books to-day of personal assessment under just such a law as we are going to enact here? Between five and six millions. How much is owned by people in Rochester? I can name a dozen people myself who between them own $50,000,000 of personal property, and we have 175,000 people besides. But it can not be reached, Mr. Chairman. Let them attempt to enforce this tax here. First comes the business man, we will say.

Now, in Rochester there is a great shoe manufacturer. He has a half million dollars in his plant, and the assessors say, "Why does the poor owner of real estate pay all the taxes; why is there no assessment on personal property?" The result is they send notice to the shoe manufacturer, or the clothing manufacturer, saying, "Your stock is worth half a million dollars, and we are going to assess you."

Now, what happens? I have seen it in my own experience. The man comes in and he says, "I employ 600 hands in the city of Rochester. The tax I would be forced to pay on that assessment would be $10,000. All I have to do is to move to the village of Batavia or to the village of Rockport, or to other villages that are crying out with open hands that they will receive me and give me a site for nothing, and I will take my 600 men with me," and the next day the office of the assessor is crowded with people saying, "In God's name, are you going to ruin the city of Rochester; are you going to drive away every great industry?"

Then let us take a man who is not in business. Here is an instance that I know of. There is a man there who is worth $3,000,000. The law provides there, as it must here, that deduction can be made for debt. He went to the assessor's office and said: "It is not fair that I should be taxed on $3,000,000, and I will not pay it. If you want to assess me for $50,000, I will pay it and say nothing. If you want to assess me for $3,000,000, I will telegraph down to New York and I will buy $3,000,000 of stock of New York Central road or some other road which pays its general tax to the State, and I will run in debt for $3,000,000, and you can not assess me for one cent."

Now, there is not a man in the District of Columbia who, if he wants to evade his tax on mortgages or stock or any other property that under the provisions of this bill is assessable, can not get rid of it just as easily as turning over his hand. So I say, gentlemen, that if this bill is to be passed in this form, with the hope of the Appropriations Committee that they will get any large sum from it, they will be sorely disappointed; and I want to say a word, too, about this thing, because, gentlemen, when you pass bills—and heaven knows we pass a good many of them in Congress as well as elsewhere—that are contrary to the general laws of trade, that seek to run counter to the laws of trade, we all know how easy it is to escape them. The distinguished chairman of the Committee on Appropriations said yesterday that he believed in a bill that would relieve the man who buys a small house and impose a tax upon the rich man who has his property in securities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY. I yield the gentleman two minutes more.

Mr. PERKINS. Now, gentlemen, that argument, although it has been made by many distinguished gentlemen as well as the chairman of the Committee on Appropriations, I submit is wholly fallacious. Why does a man who has $10,000 buy a 4-per-cent bond and pay $10,000 for it? If he was to be taxed 1½ per cent there is not in Washington or in the United States a man fool enough to pay $10,000 for a bond on which he would get 4 per cent interest, out of which would go 1½ per cent to the taxgatherer. He pays $10,000 for property of that sort because he knows it will not be taxed and he can avoid taxation. But does the real estate man suffer any loss? Not one dollar.

Suppose you go to buy a piece of property in the city of Washington that pays a rental of $400, do you pay $10,000? Not one whit. You say there is a tax on that of 1½ per cent, and instead of paying $10,000 for the property that pays $400 income you buy it for $6,000, and that is so in every city in the land. There is not a man who when he buys real estate does not buy it with the knowledge of the tax falling upon it and does not receive the corresponding diminution in price. Now I say, Mr. Chairman, that if I buy a house paying $400 for $6,000, I have no right to turn around to the man who pays $10,000 for property on which no tax is collected and say that I am wronged.

I buy it with that knowledge and subject to that understanding; and, Mr. Chairman, in closing I do not speak in opposition to this bill. I am perfectly willing to vote for the measure of the Appropriations Committee; but I say that unless they bring in

legislation which shall, by imposition upon corporations, upon franchises, upon inheritances, reach personal property as it can be reached, this bill will not modify the condition of affairs in the District of Columbia by 5 per cent; and the gentlemen on the Appropriations Committee, if they are rushing in with the hope, as they say, that they are going to get a million dollars from this bill, will do well if they get $100,000.

[Here the hammer fell.]

Mr. BENTON. I yield twenty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill has been discussed pretty thoroughly, and if there is anyone who desires to speak I will yield back the time; if not, I will go ahead.

Mr. BENTON. I have promised some time to the gentleman from New York [Mr. CREAMER], but I do not see him present at this moment.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. BENTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CREAMER].

[Mr. CREAMER addressed the committee. See Appendix.]

Mr. BENTON. I have ten minutes more time, and I yield it to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, complaint is going up all over this country against the petty annoyance to which citizens of the United States are subjected on their return from visits abroad, not only on account of the law in force, which prohibits every man and woman from bringing home even a respectable wardrobe, but also places a duty upon little trinkets and souvenirs which may be brought as remembrances of the places they have visited.

In the five minutes allotted to me I have not the time to go into a discussion of the matter, but in order that we may uphold the hands of the Secretary of the Treasury, who, I believe, is honestly endeavoring to ferret out those who are violating the proprieties of the positions which they hold in executing what I believe to be an unnecessary and annoying statute—in order, I say, that we may sustain the hands of the Secretary of the Treasury and that he may know the annoyances that people are subjected to on returning from foreign countries without any purpose to transgress the letter or spirit of the law, who are annoyed by the improper execution of the law in the hands of those at the custom-houses—I wish to read in this presence a letter I received the other day from one of the most prominent men in my city. This letter shows how the law is executed by some of those who are holding positions of trust at the custom-houses throughout the country. This letter is as follows:

WORCESTER, MASS., *April 12, 1902.*

Hon. JOHN R. THAYER.

MY DEAR SIR: I wish to subscribe myself to the following facts for your consideration: I sailed from New York (Ward Line steamer *Yucatan*) February 6, 1902, with my wife, for El Paso, via Habana and Vera Cruz, Mexico. We arrived in El Paso Friday night, February 21, with this experience at the custom-house: Hand baggage was passed all right. Upon opening the trunk in baggage room was asked if I had anything dutiable. I replied, "No."

One Thomas L. Dwyer opened my trunk. In top tray was my wife's sealskin sack, which had been worn for eight or nine years. He also took out some little leather souvenirs, which cost me $3; a souvenir spoon, which cost me 67 cents, and a plate of china, that was painted by my wife here in Worcester last fall. Value of all articles, $4.12, plus the duty, $1.62. And then I was told that I should have to pay four times that amount, or $22.96, and they keep the articles in question, or pay 5 times, or ——, and they would be released, which I did.

The point may arise that my statement was not true when I said that I had nothing dutiable. Will say that I made inquiries at three different stores where I bought the little leather trinkets. They told me there was no duty. When I bought some cigars, they told me that I would have to pay duty on all over 50. Therefore I brought only 45 over the line. I was told that Mexican drawn work and opals were dutiable. Therefore I made no purchases.

Now, what I have to complain of is as follows: First. I do not understand why my wife's sealskin sacque was seized, because I have the addresses of other parties who had sealskin garments that were on the same train and were passed at the same time without any trouble, mine being the only one detained. To prove that my wife had the sacque when she left New York were a number of persons who sailed from New York the same time that we did, and which I had steamer *Yucatan's* sailing list to prove; and these persons were willing to make affidavits that my wife had the sacque on leaving New York February 6.

Yet the only satisfaction I could get was that I would have to wait until the next day to see "somebody" to make a sworn statement when they said the sacque might be released (and right here I wish to remark that I have found in my experience through custom-houses that the proper officials to whom matters are referred is never where he can be got at, and that being the case, think it would be a very good plan to have some one in authority present); this of course could not be done, as we could not wait over, having accommodations secured on the "Sunset Limited" leaving that night for California.

Secondly. I want to know what redress I have for paying a fine on a plate of china painted by my wife here in Worcester during 1901?

Thirdly. I want to know if a custom official is supposed to use care in examining a trunk, or whether he is supposed to throw things out on the floor and cause me at least a three-dollar bill for unnecessary laundry work?

Fourthly. I want to know what redress I have for the breaking of the end of a feather boa which cost me $15, and is practically ruined?

Fifthly. I would like to know if customs officials are supposed to speak courteously? I would say in justice that the other officials were very courteous, but this man (Dwyer) was very much inferior to any human beings I saw on my trip even in Yucatan.

I readily understand "that ignorance of the law is no excuse."

However, two years ago my wife came in with this sacque through the port of New York from Bermuda without a particle of trouble, and never having heard that the sacque should have been declared before I left New York was the reason why it was not done.

The sacque we finally received at Pasadena, Cal., after a good deal of time, trouble, and expense, and when received by us it was done up in a very close, hard package without the least bit of care, and in paper torn in five places, so that the sacque was exposed and the garment was very much injured.

This is a letter which I received from a very influential man belonging to the Worcester Woolen Mills Company in Worcester, Mass.

Mr. KLEBERG. Why did not this gentleman, who says he was abused there, apply to the proper authorities, the Secretary of the Treasury or some officer in that Department, instead of bringing that letter here into the House?

Mr. THAYER. This was a letter he wrote to me personally. He says the reason he made no complaint at El Paso, where he received this treatment, was because he had secured transportation that night which he must use, and it would be greater inconvenience for him to remain there than to pay the $22.90 which he did.

Mr. KLEBERG. It seems to me this is a sensational way of calling attention to this, and that the proper way would have been, if his rights were transgressed, to have presented the matter through the proper channels, to the Secretary of the Treasury or the Department of Justice, or someone who could remedy the wrong. I do not want to protect the officials of Texas. I know nothing about them, but I have not heard such charges against them, and if the officials down there did this it seems to me this party should represent that to the proper authorities and not inject this letter into the RECORD.

Mr. THAYER. I understand that there is a provision in the law now that anyone taking furs out of this country must declare that fact before they leave, even though they are half worn out. This party neglected to do it, or not having it in mind——

Mr. KLEBERG. It seems like the officials have simply done their duty, and that this is an imagined wrong, from what I gather from the letter.

Mr. THAYER. I wish to say to my friend from Texas that this is not applicable especially to El Paso, but all along the coast, and from Maine to New Orleans we get complaints almost every day of these little petty annoyances that come to our people returning to this country. It is not alone applicable to El Paso, but it is the same in the city of Boston, where the people are annoyed in the same way.

Mr. KLEBERG. I do not want to interpose any objection to that or to undertake to defend the actions of the officials at El Paso. All I want to do is to assure the gentleman that he ought to get at the matter properly, and if they have acted wrong, if they have done as indicated by this letter, which reflects upon the performance of their official duty, it should have been referred to the Secretary of the Treasury or the Attorney-General, or some official who has charge of action in such cases.

Mr. THAYER. That may be true. I am not objecting to that. But this simply leads me further to say that the attention of the Treasury Department has now been called to this matter, so that in six months, at least, from now Mr. Thomas L. Dwyer, of El Paso, can be reached, if these facts can be substantiated, and this gentleman says he will go to El Paso, if necessary, and testify to these facts at any time he is required. When I have put the data here before Congress the Secretary of the Treasury will be able to get at the facts, and if this case can be followed up at least one official may be made an example of.

Mr. KLEBERG. Of course, the gentleman knows that the collector of customs must execute the law as he finds it.

Mr. THAYER. Certainly.

Mr. KLEBERG. It seems to me that if there is any fault it is the law, and not the official.

Mr. THAYER. It is the fault of both. I think we are rich enough, grand enough, and strong enough not to put these petty annoyances on every man and woman who returns to this country with a few trinkets or an extra suit of clothes. We can get along very well without the few thousand dollars we collect in duties by inconveniencing and annoying so many of our well-disposed people. In the first place, we treat them as thieves attempting to smuggle goods into the country, and, secondly, after making them make a declaration, their word is not taken, but their baggage is overhauled and they are treated as ordinary prevaricators, to be watched, searched, and detained, and their trinkets and souvenirs confiscated. It is all a penny wise and pound foolish performance.

Mr. KLEBERG. That is the fault of the law and not the fault of the officer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I would suggest to my friend from Massachusetts, if he is really in earnest and wants the facts investigated, that he should go to the Secretary of the Treasury with it and should make his complaint to the Secretary of the Treasury. As the gentleman has now submitted the matter it will be buried in the RECORD. If he really wants this official investigated, make a complaint against him to the proper authorities, who have the power to remove the official. If after investigation the facts are found to be correct——

Mr. THAYER. I will say to the gentleman from New York that quite a number of things I have attempted to make public have been buried in the RECORD here, and can not get beyond it.

Mr. PAYNE. That is right. Now, in regard to this law limiting personal baggage to $100, it arose from this state of facts. Investigation showed that a great many worthy people had taken advantage of a former provision of the law that allowed them to bring in personal belongings.

One citizen of my own State had brought in two or three hundred pieces of dress goods, dress patterns in different pieces, and matters of that kind, and the duty thereon amounted to over $5,000.

One of these officials under that law thought that that was not a reasonable amount of clothing to bring in for a family, and exacted the full duty, something over $5,000. That citizen of my State brought action against the collector and recovered the full amount of the duty which he had paid. The court held that the amount was reasonable, considering his station in life. In considering this personal clause, it was thought best and proper to limit the amount.

The limit was fixed in the law at $100 of personal effects that anybody might bring in. Gentlemen will remember that it is but a very small number of people comparatively that this affects. Perhaps not a hundred thousand of our people visit Europe a year and bring back these various items of personal apparel and goods, and the rest of the 70,000,000 people, who are obliged to stay at home and never have the luxury of buying garments abroad, when they do buy goods of the same kind have to pay the full duty and tax exacted upon them.

So in that view of the case it does not seem to be a very great hardship to require people going abroad to pay duty on the articles they bring back. In enforcing the law you must take human nature as you find it; you can not expect every official, and especially ordinary officials, to be up in all the amenities of life. They can not always use the best jugment and the best common sense in dealing with people.

Perhaps they get suspicious of some people, and perhaps they get it by association with people that come from abroad in bringing back articles that they smuggle in. They may, in carrying out the law on some occasions with some individuals, make mistakes and may not be inclined to believe always the declarations made by the party coming in. If there is any flagrant case of violation of the law, I repeat to my friend from Massachusetts, the proper way is to go to the Secretary of the Treasury and not bury his complaint here in the CONGRESSIONAL RECORD.

Mr. THAYER. I would like to ask the chairman of the Ways and Means Committee if he believes in the law which exempts only $100 of personal apparel coming in from another country, and also whether it is necessary for a person to make declaration of a half-worn-out fur garment before he goes away in order to exempt him from paying duty on it when he returns? I want to ask the gentleman if he will not bring in some measure to rectify that?

Mr. PAYNE. So far as the regulation of the Treasury Department is concerned, I will say no; I will not bring in such a measure, or recommend any measure of that kind to be reported. As far as the $100 limit is concerned, I maintain that the party who goes abroad is put on an equality with the 70,000,000 people who stay at home, and he has no just cause of complaint, whether the limit is $100 or $250.

I have been to Europe myself, and when I came back I never brought $100 worth of the ill-fitting garments that some people on shipboard had with them. [Laughter.] I never had occasion to do that. Uncle Sam's garments were good enough to wear over and wear back again. Still, I was not looked upon as being entirely the most shabbily dressed man on shipboard when I came back. [Laughter.] I think the average American citizen can get along well enough, and if he wants more, if he wants to buy his wife or his family an entire outfit, let him do as the rest of us do—if we buy them abroad, pay the duty on them. [Laughter and applause.]

Mr. KLEBERG. Mr. Chairman, I agree entirely with what the gentleman from New York has stated. There may have been some abuse. But as to this official—if he is the gentleman I think he is, he is a Republican, and I am not here to make any defense of the officials who are in office and have done anything wrong—but if he is the gentleman I have in mind, I do not think he has violated his oath or his duty, but on the contrary has done his duty under the law.

Mr. PAYNE. The right and manly thing to do is to bring the matter before the Secretary of the Treasury and let him call on the official and investigate it; and then the official will have a right to show his side of the case, and it will not be an ex parte investigation. If the official is to blame, let him go; if he is not to blame, let him be exonerated.

The CHAIRMAN. The time of the gentleman from New York has expired, and the time for general debate has expired.

Mr. McCLEARY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14019, the District of Columbia appropriation bill, and had come to no resolution thereon.

DIPLOMATIC AND CONSULAR SERVICE IN CUBA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I report an appropriation bill from that committee.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Foreign Affairs, reports a bill to the House, which the Clerk will read by title.

The Clerk read as follows:

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

The bill was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

Mr. HITT. Mr. Speaker, the committee have unanimously agreed to the report, and are desirous that it shall be passed at the earliest moment, in view of the fact that the 20th of May is near, when we want to be on hand at the installation of the republic.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. GRAFF. Mr. Speaker, in order that the consideration of the bill which we have been considering to-day in Committee of the Whole may be continued to-morrow, I ask unanimous consent that Saturday next be substituted for to-morrow for the consideration of bills on the Private Calendar.

There being no objection, it was ordered accordingly.

PROTECTION OF GAME IN ALASKA.

The SPEAKER laid before the House the following amendment of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes:

Page 6, line 2, after "act" insert: "*: Provided further*, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

Mr. CUSHMAN. I move that the House concur in the Senate amendment with the amendments which I send to the desk.

The amendments were read, as follows:

Amend in line 16, page 4, by inserting after the word "publish" the following:

"*Provided further*, That hides, heads, and parts of game animals and birds taken prior to the passage of this act may be shipped out of Alaska at any time prior to July 15, 1902."

Also in line 12, page 4, after the word "collection," insert "and shipment."

Mr. UNDERWOOD. I wish to inquire whether these amendments have been agreed to by the committee that reported the bill?

Mr. CUSHMAN. This bill was reported by the Committee on the Territories, of which I am a member, and these amendments are satisfactory to that committee.

The SPEAKER. The Chair will call the attention of the gentleman from Washington to the fact that his proposed amendments apply to a section of the bill upon which both Houses have agreed, and not to the amendment of the Senate. The gentleman's amendments, therefore, are out of order.

Mr. LACEY. I ask unanimous consent that the amendments be considered. There is a fact that has come to the attention of the committee——

The SPEAKER. The Chair believes that even the proceeding by unanimous consent can not be used to change the text of a bill upon which the two Houses have agreed.

Mr. LACEY. Then the bill had better go to conference.

Mr. RICHARDSON of Tennessee. As I understand, conferees have no power to change the text of a bill as agreed to by both Houses.

Mr. LACEY. I know; but they always do, when it is necessary.

Mr. PAYNE. Is that the gentleman's experience—that "they always do?"

Mr. LACEY. They often do.

Mr. PAYNE. I think the House had better look carefully at the conference reports brought in by my friend from Iowa.

Mr. LACEY. Oh, no; because I never take advantage of the House. But we have heard instances——

Mr. PAYNE. If there are any "instances," I hope my friend will do his duty and see that nothing of that kind gets into a bill coming from conference.

Mr. LACEY. I was about to explain——

The SPEAKER. What is the motion of the gentleman?

Mr. LACEY. I simply asked unanimous consent that the House nonconcur and send the bill to conference.

Mr. CUSHMAN. That is perfectly satisfactory.

The SPEAKER. What is the proposition of the gentleman from Washington [Mr. CUSHMAN]?

Mr. CUSHMAN. I move that the House nonconcur in the amendment of the Senate and ask a conference.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. KNOX, Mr. CUSHMAN, and Mr. BRICK as conferees on the part of the House.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year—to the Committee on the Judiciary.

S. 3316. An act to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4319) granting an increase of pension to Helen G. Heiner; and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEDGE, for ten days, on account of important business.

To Mr. SCOTT, for four days, on account of important business.

To Mr. LEVER, for ten days, on account of important business.

And then, on motion of Mr. MCCLEARY (at 5 o'clock and 5 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12913) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, reported the same without amendment, accompanied by a report (No. 1840); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BELMONT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2082) to establish a fish hatchery and fish station in the State of Maryland, reported the same without amendment, accompanied by a report (No. 1845); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 1846); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 11849, reported as a substitute in lieu thereof a bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, accompanied by a report (No. 1847); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Florida, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2826) for the establishment of a fish-cultural station in the State of Florida, reported the same without amendment, accompanied by a report (No. 1848); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina, reported the same without amendment, accompanied by a report (No. 1849); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SUTHERLAND, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 3088) to regulate the use by the public of reservoir sites located upon the public lands of the United States, reported the same with amendments, accompanied by a report (No. 1851); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, reported the same without amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRUNDIDGE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2025) to provide for the examination and classification of certain lands in the State of California, submitted the views of the minority of said committee (Report No. 1785, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4992) to provide an American register for the bark Homeward Bound, reported the same with amendments, accompanied by a report (No. 1839); which said bill and report were referred to the Private Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes, reported the same with amendment, accompanied by a report (No. 1852); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 619) providing for the recognition of the military service of officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, reported the same with amendment, accompanied by a report (No. 1853); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7919) to provide an American register for steamer Eagle, reported the same adversely, accompanied by a report (No. 1841); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 3788) to provide an American register for the ship Antiope, reported the same adversely, accompanied by a report (No. 1842); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6035) to provide an American register for the ship Melanope, reported the same adversely, accompanied by a report (No. 1843); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 2705) to provide an American register for the bark Admiral Tromp, reported the same adversely, accompanied by a report (No. 1844); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER, from the Committee on the District of Columbia: A bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, in lieu of H. R. 11849—to the House Calendar.

By Mr. PEARRE (by request): A bill (H. R. 14148) for the

appointment of a railroad commission in and for Washington, and for other purposes—to the Committee on the District of Columbia.

By Mr. FOSS (by request): A bill (H. R. 14163) to amend an act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," approved August 13, 1894—to the Committee on the Judiciary.

By Mr. BURK of Pennsylvania: A joint resolution (H. J. Res. 187) requesting the President to issue a proclamation declaring the shipment of horses and mules contraband of war—to the Committee on Foreign Affairs.

Also, a joint resolution (H. J. Res. 188) of welcome to Stephanus J. Paulus Kruger—to the Committee on Foreign Affairs.

By Mr. RAY of New York: A resolution (H. Res. 235) for the consideration of S. 3653—to the Committee on Rules.

By Mr. PEARRE: A joint resolution of the legislature of Maryland recommending the purchase of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

Also, a joint resolution of the general assembly of Maryland to complete the inland waterway connecting Chincoteague Bay and Delaware Bay—to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 14149) granting a pension to Mary G. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14150) for the relief of the heirs of John Byrnes—to the Committee on Claims.

By Mr. BOREING: A bill (H. R. 14151) for the relief of the estate of Caroline Thompson—to the Committee on War Claims.

Also, a bill (H. R. 14152) for the relief of Densmore & Adams—to the Committee on Claims.

Also, a bill (H. R. 14153) granting an increase of pension to William L. Brown—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 14154) granting an increase of pension to John Klinger—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 14155) granting an increase of pension to Edwin Lake—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14156) granting an increase of pension to John W. Landis—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 14157) for the relief of James G. James and William J. Thomas, surviving executor of Edward Thomas—to the Committee on Claims.

Also, a bill (H. R. 14158) granting a pension to Charles H. Jones—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14159) granting an increase of pension to Lewis Myers—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 14161) granting a pension to Charity A. Seibell—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14162) for the relief of Mattie H. Ligon—to the Committee on War Claims.

By Mr. FEELY: A bill (H. R. 14164) for the relief of Charles W. Carr—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Northwestern Manufacturers' Association, of St. Paul, Minn., approving the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. ALLEN of Kentucky: Resolutions of United Mine Workers' Union No. 1705, of Providence, and No. 1124, of Dekoven, Ky., and Hod Carriers' Union No. 9057, of Henderson, Ky., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Sheet Metal Workers' Union No. 78, of Hopkinsville, Ky., in favor of the exclusion of Chinese laborers, etc.—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Petition of J. S. Raley, J. W. Amason, and other citizens of Macon, Ga., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BEIDLER: Papers in support of House bill granting a pension to Mary G. Williams—to the Committee on Invalid Pensions.

Also, resolutions of Iron Molders' Union No. 27, Lake Seamens' Union, and Pearl Lodge of Machinists, all of Cleveland, Ohio, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

By Mr. BENTON: Resolutions of Mine Workers' Unions Nos. 1870 and 1453, of Minden Mines, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOREING: Petition of Dunsmore & Adams to have refunded to them tax paid on spirits destroyed by fire in warehouse—to the Committee on Claims.

By Mr. BRISTOW: Petitions of citizens of New York and other States and members of the National Afro-American Council, asking for the passage of House bill 10793, relating to the "Jim Crow" law—to the Committee on Interstate and Foreign Commerce.

By Mr. BURK of Pennsylvania: Petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, Pa., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of volunteers of the Eighth Army Corps, asking relief for such soldiers as served beyond the time of their enlistment in the Philippines—to the Committee on Military Affairs.

Also, petitions of citizens of the Second, Third, Fourth, and Fifth Congressional districts of Pennsylvania, declaring sympathy with the South African Republics; also, resolutions of a meeting of citizens, in relation to the war in South Africa, declaring horses and mules to be contrabands of war, and inviting Paul Kruger to visit America—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 14119, granting an increase of pension to John B. Calby—to the Committee on Invalid Pensions.

By Mr. CURTIS: Petition of people of Kansas, for Congressional intervention in behalf of the people of the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

Also, resolution of Brotherhood of Railroad Carmen of Topeka, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Madison Post, No. 187, Grand Army of the Republic, Department of Kansas, favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Retail Clerks' Union of Horton, and Locomotive Firemen, of Horton and Topeka, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Topeka and Atchison, Kans., against the Government building the Pacific cable—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Petition of Burley Clemens and 50 other citizens of Moundsville, W. Va., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of A. S. Province and 50 other citizens of New Cumberland, W. Va., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GARDNER of New Jersey: Petition of citizens of Mount Holly, N. J., favoring the passage of House bill 10793, prohibiting the use of "Jim Crow" cars in interstate business—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolution of Lieutenant Ezra S. Griffin Post, No. 139, of Scranton, Pa., Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 5998, granting an increase of pension to George S. Buzzard—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of citizens of Fort Madison, Iowa, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HULL: Resolution of Group 1 of the Iowa Bankers' Association, Council Bluffs, Iowa, in opposition to the passage of the so-called Fowler bill—to the Committee on Banking and Currency.

By Mr. JACKSON of Kansas: Petitions of Mine Workers' Unions No. 445, of Nelson, and No. 1661, of Weir, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Maryland: Paper to accompany House bill granting a pension to Charles H. Jones—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolutions of the John Ennis Democratic Club, of Brooklyn, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Resolutions of the Southern Kansas Millers' Club, urging the adoption of reciprocal trade legislation and the ratification of reciprocal treaties—to the Committee on Ways and Means.

By Mr. McANDREWS: Petitions of all of the various branches of the Holy Name of Jesus societies, of Chicago, Ill., favoring the erection of a statute to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Petition of American Circle, Brotherhood of the Union, of Pennsylvania, favoring the passage of the Valley Forge National Park bill—to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 11385, granting an increase of pension to Eleanor H. Hord—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of Building Trades Council of Milwaukee and vicinity, Wisconsin, against combinations on the necessities of life—to the Committee on the Judiciary.

Also, petition of J. H. Newman and others, of Milwaukee, Wis., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Way and Means.

By Mr. PATTERSON of Pennsylvania: Resolution of Polish Society of Minersville, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Retail Clerks' Union No. 225, of Pottsville; United Mine Workers' Union No. 1500, of Mahanoy City; No. 1479, of Centralia; No. 1517, of Ashland; No. 1534, of Heckscherville; No. 863, of Forestville, and No. 1562, of Pottsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RAY of New York: Petition of Charity A. Seibell, widow of Joseph S. Seibell, Binghamton, N. Y., to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

Also, petitions of citizens of Ithaca and Ludlowville, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Petition for the relief of Mattie H. Ligon, of Alabama—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany House bill for the relief of Thomas O'Connor—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Harmonia Singing Society, of New York, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. THAYER: Resolutions of Bay State Lodge, No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of residents of Millville, Mass., favoring House bills 11535 and 11536, for the protection of birds—to the Committee on Agriculture.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of H. H. Lipkowitz, of Quakerton, Pa., asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 2, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

BUFFINGTON-CROZIER GUN CARRIAGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 24th ultimo, copies of official reports in regard to the Buffington-Crozier disappearing gun carriage made to the Department or to the Board of Ordnance and Fortification; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of The Eastern Cherokees *v.* The United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT C. JAMESON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert C. Jameson, administrator of David Jameson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. CUSHMAN, and Mr. BRICK managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13169) relative to third and fourth class mail matter; and

A bill (H. R. 13650) to correct the military record of James M. Olmstead.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Lodge No. 414, Brotherhood of Locomotive Trainmen, of Decatur, Ill., and a petition of Local Division No. 404, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of Local Division No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Lodge No. 361, Brotherhood of Locomotive Firemen, of Washington, and of Lodge No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, of Round Lake, N. Y., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Twenty-seventh Assembly Republican Club, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Liberty, N. Y., praying for the repeal of the tariff duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

Mr. BURNHAM presented a petition of Iron Molders' Local Union No. 334, American Federation of Labor, of Laconia, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Antrim, Woodsville, Colebrook, and Exeter, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Lodge No. 301, Brotherhood of Railroad Trainmen, of Woodsville; of Lodge No. 46, Brotherhood of Locomotive Firemen, of Woodsville; of the Central Labor Union of Concord; of Carpenters and Joiners' Local Union No. 538, of Concord; of Bricklayers' Local Union No. 4, of Concord; of Bricklayers' Local Union No. 2, of Portsmouth; of Brewery Workmen's Local Union No. 229, of Portsmouth; of Carpenters and Joiners' Local Union No. 931, of Manchester; of Lodge No. 235, Brotherhood of Railroad Trainmen, of Manchester; of Carpenters and Joiners' Local Union No. 579, of Nashua, and of Lodge No. 266, Brotherhood of Railroad Trainmen, of Nashua, all in the State of New Hampshire, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KEAN presented petitions of Local Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City; of Lodge No. 592, Brotherhood of Railroad Trainmen, of Jersey City; of Lodge

No. 119, Brotherhood of Railroad Trainmen, of Jersey City, and of Lodge No. 72, Brotherhood of Locomotive Firemen, of Camden, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Jersey City, N. J., praying that an appropriation be made to furnish certain comforts and extras for the soldiers of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Third Ward Republican Club of Camden, N. J., praying for the enactment of legislation to prohibit the formation of any or all combinations tending to raise the price of meats and all other necessaries of life; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of Tip Top Lodge, No. 396, Brotherhood of Locomotive Firemen, of Goodland, Kans., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Building Trades' Council, American Federation of Labor, of Milwaukee, Wis., praying for the enactment of legislation to regulate trusts; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, Wis., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

Mr. BURROWS presented petitions of William E. Shoemaker, of Cheboygan; of W. E. Robinson, of Mackinaw; of Charles Mollhagen, sr., of St. Joseph; of the D. A. Trumpour Company, of Bay City, and of Hansen & Jensen, of Escanaba, all in the State of Michigan, praying for the establishment of a biological station on the Great Lakes; which were ordered to lie on the table.

He also presented petitions of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Port Huron; of Park Lodge, No. 55, Brotherhood of Railroad Trainmen, of Detroit; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Good Will Lodge, No. 103, Brotherhood of Railway Trainmen, of Gladstone, and of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented memorials of sundry business firms of Kalamazoo and Muskegon, in the State of Michigan, remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Northwestern Manufacturers' Association, of St. Paul, Minn., praying for the reorganization of the consular service; which was ordered to lie on the table.

LEASING OF PUBLIC LANDS FOR GRAZING PURPOSES.

Mr. GIBSON. Mr. President, no subject at this time deserves more careful attention from the Congress and from the people of the whole country than the disposition of the public domain. Shall the lands owned by the nation, embracing millions of acres, be preserved for homeseekers or shall they be turned over in a body to individuals and nonresident corporations, whose herds and flocks now graze upon them? As several bills are at this time before Congress that provide for leasing to live-stock owners all Government lands, under certain restrictions, between the one hundredth degree of longitude and the Pacific Ocean and extending from our northern boundary to Mexico, I ask that the following able review of Senate bill No. 3311, from the Department of the Interior, be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Montana asks that a communication from the Interior Department, relating to a bill pending in the Senate, be printed in the RECORD. Is there objection?

There being no objection the communication was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

APRIL 14, 1902.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt, by reference from your Department for report, of Senate bill No. 3311 (Fifty-seventh Congress, first session), entitled "A bill to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation." I have the honor to report as follows:

The bill, if enacted into law, will make subject to lease all vacant public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, an area embracing about 525,000,000 acres. The leases are to run for a term of ten years, with the privilege of renewal for a term of ten years more. The annual rental is to be 2 cents per acre. The net revenue derived from the lease is to constitute a reclamation fund for the construction of irrigating works on the arid and semiarid lands. Preference in securing leases is given to three classes of persons:

First. Owners of cultivated agricultural lands for leasable lands abutting on their freeholds, to the extent of 10 acres of leasehold to 1 acre of freehold.

Second. Stock growers who are also freeholders, to the extent of 10 acres of leasehold to 1 acre of freehold. The bona fide holders of State leaseholds also have the privilege, provided such State leaseholds are not held by any one person in tracts exceeding 640 acres in one body. This privilege extends only to lands in counties where the stock of the lessee habitually ranges.

Third. Stock growers, whether freeholders or not, who are in actual use and occupancy of public lands during the year ending January 1, 1901, such lands to be leased to them in proportion to their respective interests and use thereof.

These three preferred classes are to have six months in which to secure leases, after which the remaining lands are to be leased to the first applicant. Freehold rights are not to apply to town-site property, and lands deriving title from Spanish or Mexican land grants are to have freehold privileges only to the extent of 20,000 acres in any one ownership. Only citizens of the United States, corporations created under the laws of any of the States, are to be entitled to secure leases. A lease my be canceled by the Secretary of the Interior when the holder becomes ineligible or for nonpayment of rent.

Any leases may also be canceled at any time as to any land that may be required by the United States or any State for irrigation works as to any lands that may be condemned by any private citizen for such uses and as to any arid lands that shall have been reclaimed and made subject to irrigation. The bill also contains a provision making live stock which are herded or grazed upon any lands so leased without the permission of the lessee liable for all damages done while being herded or grazed thereon. Action for such damages is to be brought in a United States court, and the live stock may be seized under attachment process issued from said court.

The bill is objectionable as well as indefensible from many points of view. While it provides leases for stock-growing purposes alone, it subjects all classes of lands to such lease, and confers upon the Secretary of the Interior no power whatever to refuse a lease to any vacant public land that may be applied for, except it may be such as has been homesteaded or is mineral in character. It may be land proper for disposition under the desert-land law, or it may be valuable for agricultural purposes, or for its timber, yet all such classes are made available for the leasehold privilege. Nearly all of the public domain lying west of the Mississippi River (exclusive of Alaska) is included within the provisions of this bill, and when once leased any disposal which the Government may desire to make of such lands (except under the homestead or mineral laws, or for reclamation purposes) must be subject to the leasehold.

It is not understood why valuable timber and desert lands are not excluded from its operation. Under the desert-land law the Government, during the last fiscal year, disposed of 152,160 acres, while under the timber and stone act there were sold 396,445 acres, for which it received the sum of $1,144,964 in that one year. Nor can it be said that a very large portion of the land opened to leasehold for stock purposes is unfitted for agriculture. The contrary is shown. Should such lands be thus withdrawn from the usual disposition a gross injustice will be done.

In the domain made subject to this bill there never were so many entries made by actual settlers of agricultural lands as in the past year, and the present year will even surpass the rest in the acreage acquired of homestead lands alone. In this same portion of the United States now proposed for lease there were taken during the last fiscal year 53,654 original homesteads, covering 7,874,255 acres, and during the same period there were made 27,904 final homestead entries, embracing 4,135,819 acres. Here were 81,558 persons—and most of them representing families seeking homes in the West. These entries covered more than 12,000,000 acres for actual homesteads in twelve months' time.

Evidence tends to show that great portions of the public domain, thought some years ago utterly irreclaimable and impossible for cultivation, are now successfully farmed and produce abundant crops of the cereals and esculents, and all without the aid of artificial reclamation. Other extensive areas entered under the homestead law are irrigated by private effort from streams near by, and are the making of happy homes. The desert-land law in this respect has also invited energy and capital to its aid and surprising results are accomplished. The demand of last year for such entries on the vacant lands is shown by the figures previously given.

Another objection is noticeable in the low price at which lands are to be leased. It has no parallel either in the leasing of lands belonging to railroad and wagon-road corporations, nor in the leasing of Indian lands by the Government. The minimum price fixed by the Government in its sale of the public lands is $1.25 per acre. Even 3 cents an acre for lease would only represent a fraction over 2 per cent annual interest on the lowest Government price per acre. It is presumable that even at this low figure only such lands will be leased as will produce a good revenue to the lessee. When it is understood that an applicant has his own choice of the millions of acres made subject to leasehold it can be seen how grossly inadequate is the compensation provided, and how unjust is such an imposition upon the public interests. Two cents an acre for much of the inferior vacant lands would be an inadequate price, but when the choice of the public grazing lands is likewise offered at this insignificant price the bill becomes subject to the imputation of being a vast scheme in the interests of a few by which valuable property of the public is taken for private use without just compensation. It practically amounts to a donation. Some might designate it as a huge "graft."

Another most serious objection is that as to the provision making preferences in favor of certain classes. First, the owners of cultivable agricultural lands are entitled to all lands abutting their freeholds to the extent of 10 acres of leasehold to one of freehold. This will be of little value to the owners of small freeholds, since it is known that comparatively few of such people own farms or cultivable lands which are adjacent to the vacant public lands. The real beneficiaries will be those extensive stock growers who already own large tracts of land on the confines of the public domain, of which only small tracts can be cultivated for vegetables or for hay, the great body being primarily used for stock grazing. Second, freeholders who are also stock growers are entitled to the additional privilege of lease of lands which do not abut their freeholds, while the freehold farmer or settler not a stock owner is denied this privilege.

Then again, this last privilege, the bill reads, "shall apply only to lands within the counties upon which their stock habitually ranges." Not only may any portion of the vacant lands of a county be leased if the lessee's stock

grazes in that county, but if the land be insufficient, or for any reasons the herd may be divided and placed in other counties where they can "habitually graze," and thus entitle the same owner to the preference in a number of counties at the rate of 10 acres of leasehold to 1 acre of freehold, wherever such freehold may be. As if this wholesale opportunity were not enough, the same bill allows the further preference to lands not leased under the above provisions to be given, not to settlers, but to the "stockgrowers who were in actual use and occupancy of said lands during the year ending January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof." Why this nunc pro tunc preference should so specifically relate back to that identical year ending January 1, 1901—one year and almost four months ago—is not apparent. It leaves the impression that it is intended for some specific individuals or for some concealed associations. What becomes of the unfortunate stockmen whose occupancy only commenced in the year ending January 1, 1902? Why this unseemly discrimination between stockmen themselves? The bill should be condemned if for only this attempt at what seems to be personal favoritism at the expense of others.

Nor is there any specific limitation fixed for this last act as to area. The language is "to be leased to them in proportion to their respective interests in and use thereof." Does this mean that what is left or not leased and so occupied shall be divided pro rata? What definition shall be given the words "actual use and occupancy?" The cattle of some herds extend over many miles of range, embracing numerous townships. Shall this ranging be interpreted as "use and occupancy?" If so, it may exceed a basis of one thousand of leasehold to one of freehold. It is too indefinite to be understood. This may be of service to those who desire the advantage of such doubtful phrase, but the Government should insist upon certainty and clearness in its legislation, as well as justice in its policy. When, during the negotiations for the acquisition of the Louisiana purchase, Marbois, Napoleon's minister of the treasury, complained to Napoleon that the boundaries of the purchase were very indefinite, Napoleon replied, "that if an obscurity did not already exist, it would perhaps be good policy to put one there." In our country the departments and the courts in the end must interpret provisions of law, and Congress should insist that before final enactment a bill should be positive and unambiguous in its terms.

As another evidence of the extent to which preference rights are given under this bill to certain privileged classes attention is called to the clause providing that even certain leaseholds may be held to be freeholds upon which to base a right to vacant lands.

Where, for instance, a person leases State lands not exceeding 640 acres, although he may not be the owner of a single acre, he may lease Government lands on the basis of 10 to 1 on such mere leasehold. One, therefore, holding 640 acres under a lease from a State can occupy 6,400 acres of Government land, under this bill. It can thus be seen how many convenient ways are provided for one stockman to secure enormous tracts of the public domain, and all for 2 cents an acre, with ten years' tenure, with the privilege of renewal for another ten years. It is practically a twenty years' lease at 40 cents an acre for that whole period.

There remains another portion of this bill more indefensible than all. The first section holds out the hope that settlers shall have the right of homestead—indeed, that the lands "shall be leased for stock-grazing purposes, subject to the right of homestead and mineral entry." This would seem to place the homesteader far ahead. Let what follows expose this fallacy, this vain promise. Section 7 provides "that live stock which are herded or grazed upon any lands so leased without the permission of the lessee shall be liable for all damages done while being herded or grazed thereon, together with costs and reasonable counsel fees, to be fixed by the United States court." The first victim to suffer the penalty of this cruel provision will be the very one the bill assumes first to recognize—the homesteader.

The settlers on the public domain are usually poor, and it is a long while before they are able to inclose much of their 160-acre tracts; as a result their few stock naturally move upon the adjacent uninclosed lands, and if they be leased the settler must suffer the severe penalty imposed for failure to prevent his stock passing over the line. The consumption of the grass by his few head of cattle or sheep the law will hold to be a damage, and then will follow the seizure of the property with a trial in the courts and a judgment for damages, costs, and counsel fees. The suits are not in the near-by State courts, but, as so often happens, are to be held in the far-away Federal courts, and where the court terms are but once or twice a year. It will be noticed, too, that the lessees (who will be mainly the large stock owners) are not made liable for any damages by their herds which may pass over and destroy the grasses upon the uninclosed and unperfected homestead of the settler, and yet he is made liable for damage done by his few stock which may encroach on the unfenced leasehold. With such aggravating conditions what must be the alternative for the settler? He must either construct 2 miles of fence to inclose his quarter section of homestead or he must herd his stock. As he is too poor to do this, he must see his grasses consumed, his stock pursued and seized, his means exhausted, and at last must abandon his little home which the law has given him, or perhaps sell out at a sacrifice to the very occupant of the leasehold who was the author of his misfortunes.

This rank injustice is not only inflicted upon the homesteader, but upon the small stock owner as well. The one upon a limited freehold or upon a desert-land claim on the broad expanse of the vacant domain will alike be subject to this unjust provision. The insincerity of the bill in its profession for the homesteader is made more manifest in its failure to allow him any lease until after he perfects title. During his five years' residence he must witness the leasing by the large freeholders and favored classes of all the lands surrounding him, knowing full well that when he makes his final proof he will be utterly cut off and deprived of any leasehold adjoining him. Why should his homestead before patent not entitle him to the basis of 10 acres of leasehold to 1 of homestead? Why postpone to him this relief until he shall become a freeholder? Such discrimination amounts to a declaration that the homesteader and small owner must either surrender at a loss or move on. The American settler as a general rule is a law-abiding man. He is not seeking trouble or litigation, and will prefer to forfeit his homestead rather than invite contention and sacrifice. There are others, however, more assertive of their rights who will maintain a defiant attitude, and it is with such that the conflict will be continued, as the contests in this office and the proceedings in courts, and sometimes in the field, sadly attest.

Attention is further invited to that clause in the bill making all leases subject to assignment. The effect of this will be to confer upon leaseholders the right to sublet to different persons for valuable consideration, thus giving the original lessee the power to collect large rentals upon the merely nominal price which he himself pays to the Government for the leasehold, and thus to oppress and take advantage of those whose necessities will compel compliance. This right of assignment or sublease will be of immediate value and of special service to the absent landlords, who, residing in the large cities of the East, may thus control the millions of acres of public domain, not alone for their own stock purposes, but for speculation and actual sale to the highest bidders for the preference right of leasehold. The settler and the small stock grower must seek terms from the large associations. Under the right to assign a leasehold an interesting question may arise as to whether a person having already leased direct from the Government large acres can also become an assignee of the leasehold of another. This would seem to be allowable, and if it be conceded then the possible dominion of any one magnate or trust over consolidations embracing enormous tracts of the public domain for twenty years may be viewed with alarm should the bill become a law.

If it be determined to allow any leasehold of vacant lands for stock purposes it would seem that there should be a classification of the lands only fit for grazing, and there should be fixed a reasonable maximum in area for any person or association; and in addition it should be required either that a rental value be designated for certain localities or else that the Department should decide what should be a reasonable rental per acre before approving a lease. If there should be a profit on such leases it should inure to the Government, the proprietor of the lands.

As a further precaution, all assignments should be prohibited. The right should only come direct from the Government. Settlers on the range or residing near the same, and whose stock are in the habit of grazing thereon, should be entitled to a lease thereof, as well as freeholders, and the settlers should have the preference. It might also be considered whether authority should not be given to provide against overstocking the range, in order that the grass supply be maintained; and to do this the capacity of various ranges could be ascertained and only such number of stock permitted as the range will justify. This practice has proven satisfactory in our forest reserves and might be advisable on the unreserved grazing lands.

Nor should we lose sight of another misleading provision in section 6 of this bill, which purports to make only citizens of the United States beneficiaries of the leasehold, whereas in the same section "corporations created under the laws of any of the States" can also become beneficiaries. It is well known that the shares of these corporations may be owned largely by foreigners, and hence the section is inconsistent with itself. If it be, furthermore, the purpose of the sweeping preference given by this bill to protect many large cattle companies and corporations who have inclosed extensive areas of the public domain, and who have maintained fences in violation and in defiance of the law, and who now propose to validate such unlawful structures which the Department has been for years, and is now, endeavoring to remove, this bill, if it becomes a law, will answer that purpose completely.

That suspicious clause which gives a leasehold preference to the favored stock owners who were in the "use and occupancy" of any vacant lands during the year ending January 1, 1901, may perhaps include many who were then behind unlawful fences. The opinion has been expressed by some that the authorities regard the law prohibiting any exclusive control of the vacant lands as inoperative, and, indeed, justify the same, and the suggestion is made in proof that no enforcement of the law is in evidence. This is a mistake. The courts and the departments have been active in numerous prosecutions and removals of inclosures. In the case of Canfield *v.* United States (167 U. S., 524) the Supreme Court, referring to inclosures of vacant lands, said:

* * * "The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. * * * It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain, and thereby practically drive intending settlers from the market. It needs no argument to show that the building of fences upon public lands with intent to inclose them for private use would be a mere trespass, and that such fences might be abated by the officers of the Government or by the ordinary processes of courts of justice."

As to departmental action, it can be said that about 436 cases of unlawful fencing were reported by special agents, and notices to remove served upon the offenders. About 83 removals were voluntarily made after such notice. About 324 suits were recommended and cases reported to the United States district attorneys based upon special agents' reports. In one case, known as the so-called Beales and Royella grant in New Mexico, about 1,079,000 acres of the public domain are alleged to be unlawfully occupied. The time for removal of fences has been extended by the President to July 1, 1902, with a strict injunction that the same must be so removed, and that no application for further extension will be entertained or considered, and the parties were accordingly notified that such direction will be rigidly enforced without further notice. In suits before the courts a number of judgments were reported.

One of the most notable is the case of Jesse D. Carr before the United States court for the district of Oregon for unlawful inclosure of 84,000 acres of the public domain in Oregon and California (mainly in Oregon), the fences being of stone, wood, and wire, which the court decreed should be removed, and which were recently removed under the direction of the United States marshal. Upon departmental reference for report and recommendation of a communication from the honorable Attorney-General in that case, I had the honor, on August 20, 1901, to report and to express an opinion in which it was stated that "the General Government surely has a control over its own land. The act of these parties is in defiance of that control, and these proceedings are merely a vindication of that right. To delay and continue from year to year the enforcement of the law will, in the course of time, make that law a dead letter. If the law means what its language imports, only the most conclusive showing of an existing right to make an inclosure can excuse the offenders. A mere hope that Congress will in the future amend the law, or the plea of probable loss in case existing law is enforced, is not sufficient to suspend immediate action. The defendants ask consideration of the fact that their damages will be large should these fences be removed. In the face of the unjustifiable and indefensible act of placing such fences where they are, such a plea is as illogical and unsatisfactory as it is preposterous. As the Supreme Court once said in a well-known case in reference to the duty of the General Government as to the public domain, 'it will be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market.' Therefore, as the circumstances in this case are particularly aggravated, I can see no reason whatever for interfering with the order of the court or delaying the removal of the Jesse D. Carr Land and Live Stock Company's fence, holding that all such cases should be vigorously pushed in the interest of justice and settlers who are honestly endeavoring to acquire homes on the public lands."

The act of Congress approved February 25, 1885, declares that "the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosures of any of said lands and to employ civil or military force as may be necessary for that purpose." Following this law, the President, on August 7, 1885, issued a proclamation ordering the removal of unlawful inclosures of public lands, and in that proclamation he declared that "the public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such domain shall in no wise be prevented by any wrongful interference with the safe and free entry thereof to which they may be entitled." I commend these words to the attention of Congress. If they were applicable at that time, they are doubly so now, when the public lands available for settlement are becoming so rapidly exhausted and when the demand for homes has so greatly increased. If the law against the fencing of vacant lands is unwise, it should be repealed; but so long as it remains a law it should be obeyed and strictly enforced. This leasing bill, however,

is even more objectionable than the present unlawful fencing. We hold in trust, not only for the present generation, but for those who shall come after us, the great domain. It is the heritage of the people. We are enjoined to so guard and administer it that it shall subserve the greatest possible good for the greatest possible number.

To the public lands of the nation are we indebted for much of the development, the wealth, the population, and the stability of our Republic, and any act that will prevent or discourage that numerous class of heroic people who are seeking, with so much self-sacrifice and privation, new homes in the far West, and who are building up and reclaiming the waste places and preparing the way for organized counties and States, can not be too severely discouraged and condemned. The pioneers are entitled to the utmost aid, protection, and sympathy of the Government. This has long been the policy of our nation, and to restrict or forbid this class, by leasehold or other means, the free approach to the vacant lands and the common use of the same so long as they remain vacant, is a violation of that policy. The highest court of the nation has announced the principle that "the law deals tenderly with one who, in good faith, goes upon the public lands with a view of making a home thereon." A case in point with the bill now under consideration was decided by the Supreme Court of the United States, in Buford *v.* Houtz (133 U. S., 326), wherein it was said "we are of opinion that there is an implied license growing out of the system of nearly a hundred years that the public lands of the United States, especially those in which the native grasses are adapted to the growth and fattening of domestic animals, shall be free to the people who seek to use them where they are left open and uninclosed and no act of Government forbids this use."

In a recent case, equally applicable, the United States court for the State of Oregon decided that "it [the forest reserve] is in furtherance of the policy of the Government by which the public domain is held for settlement that it shall be free to such use by the people as serves the convenience of settlers on uninclosed portions of it without public detriment." (See United States *v.* Tygh Valley Land and Live Stock Company, 76 Fed. Rep. 693.)

I am confident that this bill, if enacted into law, will work incalculable injury to a majority of the people of the Western States, will retard the development of the public domain, will impose additional privation upon the hardy pioneer, will compel the small stock owner and settler to pay tribute and rental to the syndicate owner or drive them from the open field, will encourage great landed monopolies upon the vacant domain which should be free to all, and will engender a feeling of hostility and inequality among those who should be friends and equals. With this conviction I earnestly recommend that this bill be returned to the honorable body whence it came with your recommendation that it be reported adversely.

The bill, with accompanying papers, is returned herewith.

Very respectfully,

BINGER HERMANN, *Commissioner.*

LOUISIANA PURCHASE EXPOSITION.

Mr. COCKRELL. I will thank the President pro tempore to lay before the Senate the communication from the Secretary of State with reference to the Louisiana Purchase Exposition.

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of State, a letter from Hon. Thomas H. Carter, president of the Louisiana Exposition Commission, and also a letter from Hon. David R. Francis, president of the St. Louis Exposition. Does the Senator desire to have them read?

Mr. COCKRELL. I ask that the letter of the Secretary of State may be read; that the other letters may be printed in the RECORD, and that they all may be printed as a document and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, May 2, 1902.

SIR: Referring to section 8 of the act of Congress approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," which provides that the exposition shall be open to visitors not later than the 1st day of May, 1903, and shall be closed not later than the 1st day of December thereafter, I have the honor to transmit herewith for the consideration of Congress a copy of a letter, of this day's date, which I have received from the Hon. Thomas H. Carter, president of the Louisiana Purchase Exposition Commission, inclosing a telegram addressed to him on the 1st instant by the Hon. David R. Francis, president of the Louisiana Purchase Exposition Company, showing the necessity for a postponement of the opening of the exposition for one year.

A letter similar to this has been addressed to the Speaker of the House of Representatives.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. WILLIAM P. FRYE,
President pro tempore of the Senate.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Missouri will be complied with. The other communications will be printed in the RECORD, and the whole will be printed as a document and referred to the Committee on Appropriations.

The communications referred to are as follows:

LOUISIANA PURCHASE EXPOSITION COMMISSION,
ST. LOUIS, UNITED STATES OF AMERICA.
Washington, D. C., May 2, 1902.

SIR: I have the honor to transmit for your consideration the inclosed communication from Hon. David R. Francis, president of the Louisiana Purchase Exposition Company. By section 8 of the act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," it is provided that the exposition shall be opened to visitors not later than the 1st of May, 1903, and shall be closed not later than the 1st day of December thereafter.

The communication of President Francis is in reply to a telegram which I addressed to him on the 1st instant, requesting an expression of the views and desires of the exposition company on the question of postponement of the exposition, in view of the almost universal belief that the exposition could not be properly installed within the next twelve months. Suggestions regarding a probable postponement of the exposition have been so current of late as to introduce a most unfortunate element of uncertainty as an obstacle to progress.

The answer of the exposition company sets forth existing conditions in terse but forceful form. The company has shown great zeal and industry in prosecuting the work of preparation. The site has been selected, the plan and scope devised and approved, rules and regulations have been promulgated, plans and specifications for the central exposition buildings have been prepared and contracts for their construction are well advanced. Many States have made liberal appropriations for buildings and exhibits, and a number of foreign governments are preparing to participate. On the other hand, the legislatures of many States will not convene until next January, and it is obvious that sufficient time will not then remain before May 1, 1903, to make reasonable use of appropriations for State buildings and the installation of exhibits. While foreign governments have considerately refrained from comment on the narrow time limit fixed by the law, there can be little doubt that an additional year for preparation will serve their convenience. According to ascertained facts and reasonable probabilities $20,000,000 will be expended within the exposition grounds for construction by the United States Government, foreign governments, the exposition company, the States, the Territories, and the concessionaires. With the labor and manufacturing forces of the country now in demand to their full capacity, it is clear that the successful marshaling of the necessary labor and material for the completion of this great task within not to exceed ten months of fair weather is questionable, and if accomplished will surely involve wasteful expense and leave little time for the proper installation of exhibits.

In view of the conditions, on behalf of the Exposition Commission, I have the honor to respectfully recommend that the application of the exposition company for one year's extension of time be submitted to Congress for its consideration.

Very respectfully, your obedient servant,

THOMAS H. CARTER,
President Louisiana Purchase Exposition Commission.

The SECRETARY OF STATE.

[Telegram.]

ST. LOUIS, MO., *May 1, 1902.*

Hon. THOMAS H. CARTER,
President Louisiana Purchase Exposition Commission,
Arlington, Washington, D. C.:

In view of the conditions to which you call attention and in the light of all the facts within the knowledge of this company, it is now very clear that, whilst the buildings can be completed, the respective States and Territories and both foreign and domestic exhibitors can not within the present time limit construct the necessary buildings and install exhibits upon the scale commensurate with their desires and the magnitude of the exposition enterprise. The scope of the exposition is enlarging from day to day. We are in continuous receipt of expressions from remote countries manifesting desires to participate in the exposition if more time can be had for preparation. We feel that no effort should be spared to fully meet the expectation of this and other countries as to the character of this exposition, and that it should in every respect be worthy of the great event which it is held to commemorate. We can use one additional year of preparation to great advantage. It is therefore, in the judgment of the company, desirable that the time for opening the exposition be extended one year, if such course meets the approval of the Government, and I am authorized by the executive committee and the directors to request that you present these conclusions to the President and to the Secretary of State for transmission to Congress.

DAVID R. FRANCIS, *President.*

Mr. COCKRELL. I offer an amendment to the sundry civil bill, and ask that it may be printed and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Appropriations.

The amendment is as follows:

Amend at end of line 12, page 59, by inserting:

"*And provided further*, That sections 8 and 12 of an act entitled 'An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri, approved March 3, 1901,' be, and the same are hereby, amended so as to read as follows:

"'SEC. 8. That said Commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said Commission, not later than the 1st day of May, 1904, and shall be closed at such time as the National Commission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

"'SEC. 12. That the National Commission, hereby authorized, shall cease to exist on the 1st day of January, 1906.'

"*And provided further*, That immediately upon the passage of this act the Secretary of the Treasury shall cause to be coined at the mints of the United States 250,000 gold dollars of legal weight and fineness, to be known as the Louisiana Exposition gold dollar, struck in commemoration of said exposition. The exact words, devices, and designs upon said gold dollars shall be determined and prescribed by the Secretary of the Treasury with the approval of the Louisiana Purchase Exposition Company, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coin issued under and in accordance with the provisions of this act. And in payment of so much of the $5,000,000 appropriated by said act of March 3, 1901, to aid in carrying forward said Louisiana Purchase Exposition, the Secretary of the Treasury shall pay said 250,000 gold dollars so coined as aforesaid to the said Louisiana Purchase Exposition Company, subject to all the provisions of said act, except that payment of said gold dollars may be made at any time upon the request of said exposition company, and upon said company filing with the Secretary of the Treasury a bond in a sum sufficient to protect the Government and to satisfy him as to the future performance of all the conditions under which said $5,000,000 so appropriated is to be paid to the said exposition company."

REPORT OF A COMMITTEE.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $2,000 for necessary expenses of two delegates to represent the United States at the International Medical Conference to take place at Brussels,

Belgium, on September 15, 1902, intended to be proposed to the sundry civil appropriation bill, and moved that it lie on the table and be printed; which was agreed to.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5601) granting a pension to John M. Baxter;

A bill (S. 5602) granting an increase of pension to Isaac C. Stone;

A bill (S. 5603) granting a pension to William J. Alexander;

A bill (S. 5604) granting an increase of pension to George W. Long;

A bill (S. 5605) granting an increase of pension to Andrew Auch; and

A bill (S. 5606) granting an increase of pension to Alfred Johnson.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Militia ry Affairs:

A bill (S. 5607) for the relief of John W. Parson;

A bill (S. 5608) for the relief of William Allen; and

A bill (S. 5609) for the relief of William Mauchamar.

Mr. SPOONER introduced a bill (S. 5610) granting an increase of pension to Joseph Twycross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5611) granting an increase of pension to Glennie Ramsay Kidd; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5612) granting an increase of pension to Hiram T. Downing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5613) granting an honorable discharge to James Black (with accompanying papers);

A bill (S. 5614) to remove the charge of desertion from the military record of Peter Calligan;

A bill (S. 5615) granting an honorable discharge to John H. Clark, deceased (with an accompanying paper);

A bill (S. 5616) to remove the charge of desertion from the military record of A. C. Warren (with an accompanying paper); and

A bill (S. 5617) to remove the charge of desertion from the military record of William Dean (with accompanying papers).

Mr. FORAKER introduced a bill (S. 5618) granting an increase of pension to John Thompson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5619) granting an increase of pension to John W. Fellows; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 5620) for the erection of a public building at Grand Island, Nebr.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5621) for the erection of a public building at York, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5622) for the relief of the estate of John W. Adkisson;

A bill (S. 5623) for the relief of the estate of Wilson Cupples; and

A bill (S. 5624) for the relief of H. H. Belew.

Mr. BURROWS introduced a bill (S. 5625) granting a pension to Sarah M. Tracy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. FAIRBANKS submitted an amendment providing for the purchase of a site and the erection thereon of a hall of records in the city of Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to grant to the State of North Dakota 30,000 acres of the unappropriated public lands in that State, to aid in the maintenance of a school of forestry, which institution has been established by the legislature of that State and located at the village of Bottineau, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE, Mr. CLAY, Mr. CULBERSON, Mr. CULLOM, Mr. FAIRBANKS, and Mr. McLAURIN of Mississippi submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 13169) relating to third and fourth class mail matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 13650) to correct the military record of James M. Olmstead was read twice by its title, and referred to the Committee on Military Affairs.

MAJ. CORNELIUS GARDENER.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary proceeded to read the resolution submitted by Mr. PATTERSON on the 30th ultimo.

Mr. LODGE. I ask that the resolution may go over until to-morrow.

The PRESIDENT pro tempore. Retaining its place?

Mr. LODGE. Retaining its place.

The PRESIDENT pro tempore. It goes over, retaining its place.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from Connecticut [Mr. PLATT]. Is the Senate ready for the question?

Mr. CULLOM. I hope the amendment will not be disposed of until the Senator from Connecticut comes in.

The PRESIDENT pro tempore. There is an amendment on the table offered by the Senator from Colorado [Mr. TELLER].

Mr. TELLER. That is an independent amendment, and it may be voted on.

The PRESIDENT pro tempore. If there be no objection, the amendment offered by the Senator from Connecticut will be laid aside for the present, and the Chair will lay before the Senate the amendment offered by the Senator from Colorado. It will be read.

The SECRETARY. It is proposed to amend the amendment of Mr. PLATT of Connecticut by striking out all of line 25——

Mr. TELLER. That is not correct. I do not propose to amend the amendment of the Senator from Connecticut. I offer it as an independent amendment. It strikes out two words that his amendment proposes to strike out, but that does not make it any the less an independment amendment. I have not the bill before me.

The PRESIDENT pro tempore. As the Senator sent it to the desk it is to amend the amendment of the Senator from Connecticut by striking out all of line 25, page 6——

Mr. TELLER. No, Mr. President, I did not send it to the desk; I just made a verbal statement. The clerks misunderstood it; that is all. The Senator from Connecticut is here now, and we may as well vote on his amendment first.

The PRESIDENT pro tempore. The Senator from Colorado moves to strike out two words that the Senator from Connecticut moves to strike out.

Mr. PLATT of Connecticut. What is the present condition?

The PRESIDENT pro tempore. The Senator from Connecticut is now here.

Mr. TELLER. I will withdraw my amendment for the time being, since it has gotten into that shape, and let the vote be taken first on the amendment of the Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] desires to be heard on my amendment; but as he is absent, I will, until he comes in, make some observations about the arguments which have been used against it and in favor of the passage of the bill as originally reported.

First, it is said that every case ought to stand on its own merits and the Government ought to have no policy about the matter whatever, by which I suppose it is intended that where a bargain has been made with the Indians in which they have been paid less than the actual value of the lands to the settlers, we might

require the settlers to make payment for the lands, because in those cases they are going to derive an advantage, but that where we have not paid any more than the lands are worth we ought to give them away. Now, that seems to be a very peculiar argument.

I know other Senators have claimed that no matter what we pay for the lands, we ought to give them away; but the Senator from Minnesota [Mr. CLAPP], the Senator from South Dakota [Mr. MCCUMBER], and the Senator from Montana [Mr. CLARK] insist that every case ought to stand upon its own bottom and upon its own merits, and that except in cases where the settlers are going to derive some unusual advantage we ought not to charge them anything.

It seems to me that the Government must have a settled policy about this matter. It is perfectly apparent to Senators that if we make an exception in any case—that is, if we conclude that on the whole a very moderate price has been paid to the Indians and therefore we will give the lands away to the settlers—that will be the policy of the Government and of Congress. If we pass this bill giving these lands to settlers, there will be no more bills passed in which we charge the settlers for the lands upon which they settle. It does not require very acute perception to see that that will be the result. Neither does it require very acute perception to see that it is a most ingenious argument in favor of the passage of the bill.

We have agreed to pay the Indians $2.50 an acre for these lands. Now, if we allow the settlers to take the lands for nothing, because that is a fair price, and that is the argument which has been made here, we shall not only follow that precedent in all bills hereafter for the opening to settlement of Indian reservations, but in the cases where we have already required that the settlers shall make a payment which will reimburse the Government we shall release them from their obligation.

So the Senate might just as well understand that this is not a case which can be excepted out of a general policy. I think it safe to say that if this bill passes, giving to the settlers lands for which the Government pays $2.50 an acre, every other bill for the opening of Indian reservations will give away the lands to the settlers, and in all those instances in which, by bills already passed, they have been required to make payment they will be released from their obligations.

With regard to these particular lands, if the Senate will indulge me for a moment, the Senator from Nevada [Mr. STEWART] says he thinks we paid a large price for them, and therefore he does not think we ought to give them away to settlers, having paid a large or perhaps an extravagant price for them, but if we have only paid what they were worth, then he thinks we ought to give them away to the settlers. I confess I can not see the force of that argument. But with reference to these particular lands, we have not overpaid for them upon the basis of what they are worth to the settlers. I think we have overpaid for them upon any basis upon which the Indian title ought to be estimated and appraised.

Of course, I do not know the value of these lands from personal observation, and few Senators do. I know that they are greatly desired by settlers. I can only form an estimate as to whether the lands are worth what the Government has agreed to pay for them by the report the inspector who negotiated the agreement makes. He says he thinks it is a fair price, but he says also:

> That he was greatly handicapped in the beginning by the fact that most of the Indians who favored a cession at all held the lands at an enormous price—from $7 to $15 per acre; that only a very few expressed their willingness to accept as low as $5 per acre, and this in cash and all in one payment.

In trying to make these negotiations, I think the Indians estimated their lands by what they knew of the value of the surrounding lands. The inspector says:

> That upon his arrival all the white men connected with the agency, as well as those of the surrounding country with whom he talked, held the lands in question as worth $5 per acre.

Now, Mr. President, why should a white man connected with the agency and those in the surrounding country hold the lands as high as $5 an acre if they are not worth that to settlers. We must all bear in mind the distinction between what we are to pay the Indians for an occupancy title and what the settlers think they are worth if they can get them.

> It appeared that adjacent lands in Gregory County and in Hoyt County, Nebr., were selling at from $5 to $10 per acre; that a syndicate of cattlemen in Sioux City, Iowa, expressed its willingness to pay $5 per acre for the entire tract.

Does not that do away with the claim which is made here that these lands are not worth to the settlers what the Government has agreed to pay the Indians for them? I apprehend that the settlers who are going on these lands, if they are required to pay the Government $2.50 an acre, will think they are lucky in getting lands that are worth $5 an acre and perhaps more than that.

It is said that a portion of these lands are grazing lands and not particularly valuable for agricultural cultivation. I presume that that is partially true. I presume it is also true that the Indians may have selected for their allotments the best lands. But I believe it still remains true that there are many agricultural lands which will be located upon by settlers. They are not going on the grazing lands to take 160 acres of grazing land. What they are after is the agricultural lands in this reservation. I think it will turn out to be true that if the Government charges them $2.50 an acre, they, so far as they settle up this tract, will think they have got lands worth $5 an acre; and that is what is at the bottom of all this pressure upon Congress.

Mr. STEWART. Will the Senator from Connecticut allow me to call the conference report on the Indian appropriation bill?

Mr. PLATT of Connecticut. I will yield to the Senator.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I ask that the conference report on the Indian bill be now taken up. It was read last evening, and I had it laid over to be printed.

The PRESIDENT pro tempore laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes. Will the Senate agree to the report?

Mr. CLARK of Wyoming. Before agreeing to the report, I should like to call the attention of the chairman of the Committee on Indian Affairs to amendment 94, on page 70, which was inserted by the Senate and rejected by the conference committee. Will the chairman explain briefly the reason why the conferees on the part of the Senate receded from the Senate's action?

Mr. STEWART. It was stated by the conferees on the other side, and I believe it is true, that the general appropriation for that purpose covers it; that it can be done and will be done under the general appropriation.

Mr. CLARK of Wyoming. There is no appropriation at all connected with the amendment to which I am calling attention.

Mr. STEWART. What is the amendment? Let me see it.

Mr. CLARK of Wyoming. It is amendment 94, page 70. It provides that the Wyandotte Indians who are nonresidents and own land by allotment may be allowed to dispose of it the same as Indians of other tribes situated in the same way. It extends really the provision of law which now applies to the Pottawatomies and the Shawnees to the Wyandottes. That is exactly what it does, and all that it does. Some of the Wyandotte Indians have taken their allotments, and just as in the case of some of the Pottawatomies and Shawnees, they do not reside upon the reservation. The present law is that the two latter tribes may dispose of their lands, but that the Wyandottes can not. This amendment provides that the same privilege shall be extended to the Wyandottes that is given to the two other tribes.

Mr. STEWART. I understand the amendment now. The House conferees objected to it. They had some reasons which were satisfactory to them. They thought it should not be done at this session.

Mr. CLARK of Wyoming. What I want to get at is what reasons could have been satisfactory to them and satisfactory to the conferees on the part of the Senate to agree to strike out the amendment which was put on by the Senate. What I want to get at is the reason, if there was any.

Mr. STEWART. I do not know that there was any special reason given why the matter should be delayed.

Mr. CLARK of Wyoming. I do not understand on what ground you can make fish of one and fowl of the other.

Mr. STEWART. That is what we contended, but the House conferees insisted that the situation was different, and they did not want to do it now. They said probably they would agree to it at the next session.

Mr. CLARK of Wyoming. Would there be any alleviation of that difference by delay, and can the chairman tell me what the difference is? That is all I am asking for. Is there any probability that there will be any change between now and the next session?

Mr. STEWART. They said they were not ready to do it now and they wanted to look into it further. They did not quite understand it. I do not remember what it was, but there was some little difference, and they wanted to have time to look into it and thought it should go over to the next session.

Mr. CLARK of Wyoming. I am very glad the chairman gives me the very definite information he does concerning the action of the conferees.

Mr. STEWART. I have not very definite information, but the House conferees objected to it. It was a small matter, but they said it ought not to be done at this session.

Mr. CLARK of Wyoming. I am very glad to be informed that if the House conferees object in a conference to what the Senate has done the Senate should very gracefully submit to whatever suits the conferees on the part of the House.

Mr. STEWART. We receded from a great many items in disagreement, and so did they. One has to give and take on a conference committee. The Senator has tried it. It is a considerable labor, and one has to yield sometimes. They did not think this ought to be done at the present session. I contended for it, the same as the other Senate conferees. Then they stated some conditions that were different—I do not remember what they were—and they wanted to look into it. They would not agree to it, and so we had to yield.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

The report was agreed to.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect.

Mr. PLATT of Connecticut. I do not care to make further observations at this time. Other Senators wish to speak.

Mr. CLARK of Wyoming. Mr. President, I do not want to have this bill go to a vote without expressing in just a word or two my views in regard to the matters contained in the amendment offered by the Senator from Connecticut.

I am extremely sorry to differ from him in this matter, as I always am on any subject; but I believe that his amendment does not represent what has been the settled policy of this Government in dealing with the home seekers of the Government. My belief is that the policy of the Government for forty years has not been to sell its lands to anybody. My understanding of the land laws of the United States is that they have been conceived in that wisdom which gives every man who is willing to make a home upon the public domain and anchor himself to a permanent citizenship upon the public domain his home without money and without price. That is exactly what the bill proposes to do.

One of the reasons why I have given my allegiance to the Republican party, and I think one of the greatest acts ever placed upon the statute books by that or any other party, has been the homestead law, passed in 1862, under which the great Northwest has been settled up. I do not want to see any turning aside from that policy. I do not want to see any policy pursued that will result in eventually taking away the free homes upon the public domain and selling to whoever may have the money to purchase the remaining land.

It is urged that the public lands should be disposed of with reference to the man who will go and settle and make his home upon them and that they should not be used for the benefit of the speculator. That is exactly what the treaty as proposed and presented to us does. It is exactly what the amendment of the Senator from Connecticut will not do.

The amendment proposed by the Senator from Colorado [Mr. TELLER], providing for an actual residence of five years upon the land, meets with my approval. The speculator is not going to live five years upon 160 acres of wild land for the purpose of getting a title to it. The speculator may perhaps have money enough to pay the $2.50 an acre for it. I believe it is true that not one in a hundred of the men who are seeking homes upon the public domain, either in this Rosebud Agency land or elsewhere, has enough money to pay $2.50 an acre for the land. Time and time again have the homeseekers in the West and in the Northwest been compelled to mortgage everything they had to raise the $14 or $15 or $16 necessary to pay even the land-office fees for their homesteads.

Mr. PLATT of Connecticut. Can they mortgage it before they get a title to it?

Mr. CLARK of Wyoming. About all they have to mortgage is a canvas-covered wagon, a few chairs and bedding, and a milch cow, and $14 is about all they can get on it. Time and time again, to my knowledge, they have done that in order to pay the land-office fees. I say we ought not to put any impediment in the way of these settlers.

Now, there is another misapprehension, and that is that bills of this sort for free homes are passed for the benefit of the people who live in that country. That is not true. The men who live in that country in some way or other, by scrubbing and scraping and economy and luck, and in spite of hard luck, having been there for some time, have become fastened. These homes are for the men we want to come in there with their families to settle up and develop the country. We want the settlers from Connecticut; we want the men from Iowa; we want the men from South Carolina to come there and build homes under the homestead laws. We want the settlers. The cry in the West to-day is more men and fewer steers, notwithstanding the price of beef. It is more men that we want, and we want them to come from all over this nation to build homes with us.

The Government gets back its money tenfold. Every man who puts his foot to stay upon 160 acres of land pays back tenfold to the Government all that it has cost.

The argument is used that these lands will cost the Government $2.50 an acre in money. That is true. There is not an acre of land under cultivation in this nation to-day that did not cost this people. The land in Connecticut cost this nation something. The land in Illinois cost this nation something. The land to the west of the Missouri has cost this nation something. It has not always been in $2.50 pieces; it has not always been in dollar pieces; but it has been in something. It has been in blood. It has been in American privation. It has been in something, and the Government has got its return a hundred times over.

I am not at all alarmed at the idea that our public domain will soon be all occupied and we shall not have anything more with which to pay for our agricultural colleges. God speed the day, not God speed the day when we shall not have our agricultural colleges properly sustained, but God speed the day when every acre of land all through our West and Northwest shall be taken up and be the homes of honest, toiling settlers, not given up to the birds of the air and beasts of the field, but when every acre and every rood of ground shall maintain its family. That is what the people of the Northwest want. We do not believe that the Government should enter into the policy of selling lands to reimburse itself or for a profit. It is turning back the entire principle of our public-land system.

The land system of the United States is different from the land system of other nations. It is modeled on the idea that the lands are for the good of the people—that they are not to be made a source of revenue to the Government. When the time comes, if it ever shall come, and I hope it is in the near future, that we have no public lands to dispose of to the settlers or anybody else, then we will see coming from the very States that you are populating under a free-homes proposition a wealth that will take care of all our agricultural colleges. As was said by the Senator from Colorado [Mr. TELLER] yesterday, the States are ready to take it up whenever the General Government has to let go.

Now, Mr. President, much of the discussion of this bill has appeared to me to be irrelevant. I do not think the question of title cuts any figure at all. The only difference is between a perpetual occupancy and a title in fee. That is just the difference between the Pottawatomies and Wyandottes, as illustrated here upon the conference report a minute ago. The Pottawatomies have their title in fee simple, and they can sell it. The Wyandottes, exactly in the same position, have their title by occupancy, and they can not sell it. That is all. The Rosebud Indians have not their title in fee, and they can not sell it to whom they choose. Nobody can buy it except by treaty stipulations between the Government of the United States and those Indians. But once purchase it under the treaty stipulation, it is just as good as any fee-simple title that ever existed on the face of the earth, and the purchaser is just as much protected in his title. It carries everything that a fee-simple title possibly could carry.

Mr. President, I hope that the amendment of the Senator from Connecticut will not carry. He says this bill will be a reversal of our land laws. My judgment is that if his amendment carries it will be a reversal, because it cuts under the free homes. It makes the sale of lands for a profit a settled policy of this nation; and I hope the time is far, far distant before we settle upon that policy.

Mr. MCCUMBER. Mr. President, this amendment brings up the entire question that the Committee on Indian Affairs has been considering, the question of opening up Indian reservations and whether the Indians will sell their titles for reasonable compensation or not. That is directly in point in this question. It affects directly the great policy of change in the matter of Indian reservations which is coming before Congress and must be acted upon in a very short time.

Mr. President, the very first thing that we must consider in a matter of this kind is the question of title that we have to deal with, the Indian title, the character of that title, and the rights of the Government to-day, after having made the many treaties that we have made in the past, having now been brought face to face with the rights of the Indians and the rights of the United States in reference to their land. There has been a great deal of refined reasoning on the part of some of those Senators who claim that we have a right to go into these reservations and open them up and pay the Indians what we think the lands are reasonably worth. We are considering that character of title, and I am justified, therefore, in making a few remarks concerning Indian titles in general in order to place ourselves in a position to meet the pending question.

What is the Indian title in the first instance? What is the title of ancient occupancy? What is its force? What is its character? What rights have we in lands occupied exclusively by the Indians where they have not been yet ceded by any act of Indian tribes? That is certainly a very inchoate right. It is a title that has not

much value to it. I admit, as it has been stated here before, that we have a right, perhaps legally, though not morally, to compel the red men to pass beyond the limits of increasing civilization and cultivation of the soil; but when we have driven them to the last extremity, when we have made reservations for them, then we reach a different point in our argument.

Mr. President, in the matter of ancient occupancy the title is so light that we may have the right of possession and exclude the Indians from the possessory title of that land. When, however, we have made a binding obligation with those Indians, in consideration of which they have surrendered that occupancy, which the United States courts have decided time and time again has a sufficient value to make it a legal consideration for cession; when we have received that and in consideration have given them a possessory title of other tracts of country, then we have bound the Government; and when we are in such a position, why not deal with those Indians as we deal with any civilized race? We have got to respect our contracts. We have got to buy those lands back for such price as we can agree upon, and we have no legal authority to open up a single reservation until we have done so.

Now, Mr. President, we have given those people a possessory title. My friend from Nevada [Mr. STEWART] said that we still have some kind of a right there; that theirs being a possessory title there is some way in which we may exclude them and by which, under a law similar to an eminent-domain law, we can compel them, for their own benefit and for the benefit of the United States, to yield up their lands for a fair consideration. I do not think that the Senator from Nevada has considered that very well as a legal proposition. When we open up these lands for public settlement we open them up for private use and not for a public purpose, and as we open them up for a private use we can not enforce the law of eminent domain.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. With pleasure.

Mr. RAWLINS. As I understand the proposition of the Senator, it is that we have no constitutional power to appropriate the lands in Indian reservations in the exercise of the power of eminent domain, because it is not proposed to devote the lands to a public use. Is that right?

Mr. McCUMBER. That is my proposition, if we do not devote the land to a public use after having made a contract and agreement with the Indians, granting them the exclusive use and occupation of the premises.

Mr. RAWLINS. Mr. President, we have pending now in the Senate a bill known as a bill to provide a temporary government for the Philippine Islands, in which that very proposition is involved—namely, the condemnation of lands now held by a corporation, or a religious order, known as the friars, to become a part of the public domain and to be disposed of for private use. I suppose on that matter I shall have the support of the Senator from North Dakota and the Senator from Wisconsin that that is not proper legislation.

Mr. McCUMBER. Mr. President, I have listened with a great deal of pleasure to the expounded knowledge of the Senator from Utah relative to the Constitution of the United States being in effect in the Philippine Islands. There is a time and a place for that discussion. I suppose that the three days' discourse by the learned Senator from Utah has been sufficient to fix his own mind to a certainty as to the effect of our Constitution in the Philippine Islands, and hence I think it would be utterly useless for me to argue that question with him now upon the pending measure.

Mr. RAWLINS. Will the Senator permit me further?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield?

Mr. McCUMBER. Certainly; with pleasure.

Mr. RAWLINS. Mr. President, I did not desire to invite the Senator's attention to the Philippine question upon this measure, but only to the legal proposition involved. As I now understand the Senator's answer to the question I propounded, it is that we have the Constitution applicable to South Dakota and have no Constitution applicable to the Philippine Islands, and therefore in the Philippine Islands we can take property, in the exercise of the power of eminent domain, and devote it to private use, which we can not do in the United States.

Mr. McCUMBER. Mr. President, I have stated nothing of the kind. I have simply declined to argue that question, which has been discussed so fully for three years, and which requires an entirely separate discussion. We have a Constitution of the United States, and there is a State constitution in the State of South Dakota. We have not the United States Constitution effective in all of its parts in the Philippine Islands. When we received the Philippine Islands we received them in the condition in which they then existed, with the land subject to the laws that were in existence at the time we received them, and we have the power to make laws now relative to the disposition of those lands. Congress undoubtedly will act justly and fairly in that matter, and I am perfectly satisfied to leave that question with Congress in the final enactment of a bill that will be before us.

But, Mr. President, going back to the question involved in this measure, the right of South Dakota and the right of the United States to those Indian lands, the position that I wish to state and make clear is this, that to a certain extent, by acts of Congress enacted in the fifties and sixties, we have placed ourselves in a position so that the State is, to a certain extent, subject to the will of the Indians there in reference to whether or not they will sell their lands; that we are in their power to a certain extent, and to an extent that binds the Government. We can not go in and take those lands from them.

I believe, Mr. President, and I believe firmly, that the United States as a Government have no right to place a stumbling-block in the progress of any State in the Union, and if they have done so in the past through inadvertence, the first duty of the Government is to remove that stumbling-block from the progress of the State.

If we take one-third or one-fourth of the State of South Dakota and convert it into an Indian reservation and segregating the good lands there so that you can not get the requisite population in the State of South Dakota without making a contract which will be onerous to the Government, then I claim that it is the duty of the Government to relieve the State of that condition. If by our own act we have in the past placed that obstacle in the progress of the State, it is our duty, even though we are compelled to pay more than a fair and reasonable compensation, to remove it. Whether those lands are worth $2.50 an acre, or whether they are worth $10 an acre, they are a part of the public property of the State, and the State has a right to the use of those lands for the benefit of its inhabitants, and it has a right to ask Congress to make an agreement with those Indians, so that the lands may be utilized, and will themselves make a part of the wealth of the great State of South Dakota.

Have we done this, Mr. President, in this particular bill? It has been intimated that we have paid a high price for these lands. On the whole, I believe that we have purchased them for a reasonable price. Two dollars and a half an acre is not an unreasonable price for all of that land taken together, for we must remember that out of the 520,000 acres, about one-fifth of it, 105,000 acres, of the very best of this land, has been turned over to those Indians. That portion which the Indians have taken, that portion along the streams, that portion which has water facilities, that portion which is the richest for agricultural products, that which is the best for grazing, and which is probably worth two or three times as much as that which is 30 or 40 miles from the streams, the Government itself has taken and given it to those Indians.

If you will take that at five or six or seven dollars an acre and estimate the value of the balance of it, you will find on the whole that the other will only be worth about 60 or 70 cents an acre. So to charge the settlers, the new men who are to go into that country, for the land that the Government has bought from the Indians, after giving them the cream of all the lands in that reservation, is not honest, is not just. It is perfectly right in some instances, Mr. President, that the settlers should be required to pay a fair consideration for the land.

I will compare this with the condition in North Dakota of the Devils Lake Reservation. There we opened up a reservation; we paid $3.90 an acre for the land, and we are charging the settlers exactly the same price. I made no objection, nor did my colleague, to that bill upon the floor of the Senate. Why? Because we knew that for every quarter section of land there is there there will be 100 persons ready to take it. We know also that it is worth from six to eight or ten dollars an acre. So if the Government charges $3.90 an acre for it the settler can not complain if he gets land that is worth in the neighborhood of six or eight dollars an acre.

The conditions are not the same as those described by the Senator from Idaho. Fifty years ago settlement proceeded two, three, four, or even a thousand miles from where there were railroad facilities, but to-day our railroads go ahead of the settlements. We have no such conditions as existed fifty years ago. We have no such privations on the part of those forerunners of civilization in our own new country.

In our Devils Lake country the reservation is surrounded with nice towns, with good cultivated farms, with all of the luxuries near at hand, so that the man who goes there can get a home, and he will get a good one, by paying $3.90 an acre for the land.

That is not true down on this reservation in South Dakota. I believe that after you have taken out the 105,000 acres for the benefit of the Indians, which you have given to them, the balance of the land is not worth $2.50 an acre, although the reservation, taken as a whole, is probably worth more than that sum.

Mr. President, our desire is to open up these reservations. How are you going to open them up? How are you going to get the benefits that you are expecting to get in the civilizing of the Indians by placing white settlers among them, unless you place the land at such a price that settlers will take it up? Land that is not worth $2 or $1.25 an acre probably is not worth settling on. In order to get those settlers you have go to take the land which you have segregated, the poorest portion, which you have not presented to the Indians there and place it at such a price, at least, that white settlers can afford to go in and take it. If it is only pasture land, if it is only grazing land, every Senator knows that land is not worth $2.50 an acre for grazing purposes alone.

But that is not all, Mr. President, Senators seem to think we are throwing away all this money that we are paying to the Indians—$2.50 an acre or five or ten dollars an acre—when really it is going into the Indian fund for the support of the Indians. We are supporting them from day to day, and we are taxing ourselves to do so. Therefore what difference does it make whether we buy their land at $5 an acre, which, we will say, is worth $2.50 an acre, and give them the benefit of it by paying the same money out to them, or whether we take it out of the Treasury of the United States and pay it for the benefit of the Indians?

Mr. President, I say, to support my proposition, that we should open up this reservation, no matter what we may have to pay within the line of reason.

Mr. TILLMAN. Mr. President, the Senator is making some statements that do not seem to be in accordance with the provisions of the bill; at least I do not understand it so. The Senator speaks of this money that is to go into the Indian fund. If he will look at page 5, section 2, of the bill he will see this provision:

That in accordance with the provisions of articles 2 and 3 of said agreement the sums of $250,000, for the purchase of stock cattle, and $158,000, as the first of five annual installments to be paid said Indians in cash.

The money is to be paid to the Indians themselves, as I understand it, and you are not going to set it apart to be used for their benefit hereafter.

Mr. McCUMBER. Mr. President, I was speaking of the provision relating to the opening of Indian reservations in general in my last remark, and not specifically upon this bill. However, it makes but very little difference whether you say you place it into a fund and then pay it out, or whether you pay it out in the first instance to the Indians. In either event the Indian gets the benefit of these funds; and if we pay him in this way, there is so much less that comes out of the Treasury for his support; and we are bound to support the Indians.

Mr. TILLMAN. Another question, Mr. President, if the Senator will allow me.

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Do I understand that this block of 416,000 acres of land is scattered about; that the Indians are all mixed in, through, and around it, and that they have had the pick and choice of this whole Indian reservation, and the remainder of the land is only what they do not want?

Mr. McCUMBER. That is correct. The map, which was exhibited by the Senator from South Dakota [Mr. GAMBLE], showed the location of the Indian allotments. They followed along the streams and the branches of those streams, of course naturally taking the best land there was in the entire reservation.

Mr. TILLMAN. Then, Mr. President, I notice here on page 6, beginning in line 17, this provision:

That the price of said lands shall be $2.50 per acre; but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions.

This provides for two methods of disposing of these lands, as I understand it, one by homestead and the other by sale, and whatever you sell is to be sold at $2.50 an acre. Is that it?

Mr. McCUMBER. That is not it. The Senator must remember that we are now discussing the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. TILLMAN. No; I am discussing the bill. I want to know just how you propose to dispose of these lands. It is proposed that they shall be subject to homestead entry only. That is the amendment, I think, of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. No.

Mr. TILLMAN. The Senator said something about striking out the right to commute. If he does not propose that the homesteaders shall get the land, then he proposes that it shall be obtained by purchase at $2.50 an acre and sold to any cattle company that chooses to come in and pay that sum, or else I do not understand what the Senator means.

Mr. TELLER. Will the Senator from North Dakota allow me a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. With pleasure.

Mr. TELLER. Here is a provision on page 6 of the bill, beginning in line 16:

And provided further, That the price of said lands shall be $2.50 per acre—

Then there is the free-homestead provision, from line 18 down to line 25, inclusive, as follows:

but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

Then follows a provision for commuting. The Senator from Connecticut proposes to strike out all about free homesteads. My amendment is to strike out all about commuting. If we defeat the amendment of the Senator from Connecticut it will be necessary, to make the language of the bill harmonious with the idea of free ownership, to strike out the words:

That the price of said lands shall be $2.50 per acre.

Mr. McCUMBER. I understand that means when it is commuted.

Mr. TELLER. Yes; that is what it means; but if we do not allow them to commute at all, then that language must go out.

Mr. McCUMBER. Then the settlers will get the land free.

Mr. TELLER. Then the settlers will have free homesteads, and there will be no opportunity at all for speculators to get in.

Mr. McCUMBER. I do not understand that any of this land is going to be put on the market at $2.50 an acre.

Mr. TELLER. No; but the $2.50 an acre refers to the commutation.

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Referring to the top of page 6, I find a provision that the lands—

shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon.

If it is found that the restrictions on the conditions of settlement will require the usual plan, whatever it is, to get a title, keep the people from going there, and the President then says, "Well, as I can not sell the land to homesteaders I will sell it to the cattle companies or to whoever else wants to use it for grazing purposes," what is going to prevent that being done? This law will not.

Mr. McCUMBER. Is the Senator through?

Mr. TILLMAN. I am considerably muddled, Mr. President, and I will wait until the Senator gets through to see if he throws any additional light upon these dark questions, and I may say something when he finishes.

Mr. McCUMBER. I presume that the land will be opened up by proclamation, the same as any other public domain is opened up for general settlement, and that it may be settled upon under the homestead laws. If a person desires to commute, as the bill now stands he must pay $2.50 an acre. If he lives upon the land for five years, he may receive it from the Government absolutely free. The amendment of the Senator from Connecticut is to compel, as I understand, the payment of $2.50 an acre in every instance.

Mr. President, I think what the Senator from South Carolina is driving at is as to the method of determining who may settle upon these lands or who may hold them. I simply judge that from the criticism he made yesterday, I believe, concerning the method in which settlers were allowed to take up lands in Oklahoma and in other places. His criticism, as I remember it, was against drawing lots. I know the Senator from South Carolina is one who jealously and zealously guards the interests of the poor man, and I want to place before him a condition such as we shall have in the Devils Lake Agency at the time it is opened for public settlement. I say there will be a hundred men for every quarter section. What is the present method? The present method is that a man has to be on the border of the reservation, and the moment he gets word that it is open he has his horses hitched to his wagon, he has a load of lumber on that wagon, and he starts on a five, twenty, or a hundred mile race to get to the particular quarter section, and to get there before anyone else does. The man who has the best horses and the most of them, who can put more of them onto a single wagon, is certain to get into the reservation in the quickest time, and to get onto that quarter section sooner than the other individual possibly can.

With all these hundreds of individuals, how are you going to determine which one shall have the preference right? I believe that the system of drawing of lots that was adopted in the settlement of some of the country a short while ago proved the most satisfactory of anything we have ever attemped; and if the Senator from South Carolina can suggest a better one, one that will be more economical, one that will be better and more just to the

citizen who is so poor that he can not go into that race with a blooded horse and get onto a quarter section of land, I know the Interior Department will be very glad to hear from the Senator in reference to the matter, because it is a question that must be solved.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With great pleasure.

Mr. TILLMAN. The point that presses on me with most force is how to get around the man who is speculating in these lands, and who is trying to get a quarter section by gift.

Mr. McCUMBER. He can not get a quarter section by gift unless he lives on it for five years; and he would not be much of a speculator then.

Mr. TILLMAN. Let me ask the Senator, Is the requirement that a man must live on the land in person strictly enforced? If he goes there, sets up occupancy, digs a well, runs a fence, and once in a while goes to see it, is not that about the way it runs?

Mr. McCUMBER. If the Senator ever got into a contest for public land between two persons claiming it, and went through these departments he would find that the law of residence was very strictly enforced, that actual occupation was required, and that nothing else will take its place.

Mr. TILLMAN. Is that the rule?

Mr. McCUMBER. That is the rule.

Mr. TILLMAN. Is it not a rule that is often relaxed?

Mr. McCUMBER. I have never known of its being relaxed in case of a contest.

Mr. SPOONER. How is it if a man is unable to occupy his homestead by reason of sickness?

Mr. McCUMBER. If, in case of sickness, a person has to go away, that does not relax the law at all.

Mr. TILLMAN. So that under the homestead law actual occupancy and use of the land is necessary before a patent can be obtained?

Mr. McCUMBER. Certainly; and the settler has not only got to show that he has actually occupied the land, if a married man, with his family for five continuous years, but he has also to show the character of his improvements and the amount and value of them, so that the Department may see that he has acted in absolute good faith and that he was not acting for the purposes of speculation; and he must show that not only by his own testimony, but by the testimony of two other witnesses.

Mr. TILLMAN. Now, as I understand, the struggle of the hundred for one quarter section, who, the Senator says, will be on the border when the Devils Lake Reservation is opened, will resolve itself into the swiftness with which any given man can get to a given quarter section, set up his pegs, and do something which will give him a right to claim the land.

Mr. McCUMBER. Yes; unless some arrangement is made by the Interior Department similar to the arrangement that was made in opening up some of the reservations in Oklahoma Territory.

Mr. TILLMAN. And in that case we have another lottery. It is the lottery I am opposed to. How are you going to find out whether a claimant of any given quarter section is a bona fide settler or not; whether he is merely a speculator, and is only doing enough to get title to the land, and then sell it at a profit?

Mr. McCUMBER. The Senator evidently does not thoroughly understand the method of settling upon Government land.

Mr. TILLMAN. I do not, and I am trying to get some light.

Mr. McCUMBER. As I have before stated, the determination of whether the settler is acting in good faith or for speculative purposes is that he must hold the land for the period of five years unless he commutes, and even in the case of commutation he must show to the absolute satisfaction of the Department by his own oath and that of witnesses and by corroborating circumstances that he did not take up this land for speculative purposes; that he had taken it up for a home and for nothing else, and that he had not attempted to sell and does not intend to sell it. I think that ought to make that part clear to the Senator.

Mr. TILLMAN. In this instance in Oklahoma with which I happened to come in contact last year by accident I discovered that there were men on the border there at the agency where the drawing was held, and that one out of six or seven got a prize, and the others did not. I knew of cases in which men were there with their applications for one of the homesteads who had no business applying for a homestead, because they never intended to go there and live; and now many of those men who drew the lots by lottery are not on the lands, but have commuted and sold out at a profit.

Mr. McCUMBER. That may be possible. I know nothing about it.

Before closing, I wish to say one word in reference to the position taken by the Senator from Connecticut [Mr. PLATT]. I agree with him entirely in the proposition that it is unjust to the Government to get any bill through here under a false pretense. We have opened up a number of reservations. The measures got the requisite number of votes upon the assumption and the pledge that the money which the Government had to spend in purchasing the right of the Indians to the reservation should be paid back to the Government as soon as the lands were sold. Then immediately after that became a law and the lands were settled upon, then we would have petitions to make them free homes. I myself will not vote for any more legislation of that kind. It seems to me when we have purchased the reservations with that understanding, with that character of agreement, we should carry it out; but I will not sustain a proposition that we shall keep lands from being settled upon by the public simply because we have been compelled to pay for some of them a higher price than they are actually worth.

Mr. COCKRELL. Mr. President, from the remarks which have been made in regard to this bill one would suppose that there were a large number of men with their wives and children settled upon this Indian reservation waiting to make it their home, and that those of us who are opposing the measure are attempting to take from them—citizens of South Dakota—their right to free homes. This is an entire misconception. There is not one solitary homesteader upon the Rosebed Reservation. If he is there, he is there in violation of law, without a right on earth. It is to-day an Indian reservation, and the title is in the Indians. It is not the public domain of the United States. It never has been the public domain of the United States, because the Indians have the proprietary and possessory right to hold it indefinitely—forever. It is just as good as a fee-simple title.

The Senator spoke of Congress putting obstructions in the way of the advancement and development of South Dakota. These Indian reservations existed before Dakota existed. Those who inhabit South Dakota went there knowing of these reservations.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. COCKRELL. With pleasure.

Mr. McCUMBER. I merely want to correct the Senator in one respect. Many Indians from Minnesota and other places were taken into South Dakota and placed in a reservation there. So the reservation did not exist even for the Dakota Indians until we took the Sioux and the Chippewas of Minnesota and placed them in North and South Dakota.

Mr. COCKRELL. When was that done? It was done before it became a State in the Union.

Mr. McCUMBER. In 1851, 1852, and 1863.

Mr. COCKRELL. It was before it was a State. All these reservations were in possession of the Indians before the States existed as States in this Union. Congress is throwing no obstructions in their way, but we are trying to do justice to the citizens of the United States as well as to those who may want to make their homes there.

There are two sides to this question, and there are two parties interested in it. One is composed of the taxpayers of the United States, who have to bear the burden, and the other the favored few who by chance and by lot may secure a right to locate upon these lands.

There are no homesteaders there now. There is no man with his wife and babies and the old prairie schooner which has been referred to traveling there to make a home. There is not a particle of that. There is no right to homestead there. It is not public domain. The only question is, How shall Congress extinguish the Indian title to the lands and make the lands not public domain, but private-purchase property, to be disposed of by the United States as it thinks right and just and honorable?

There is no public domain about it. The question is, How shall we acquire title to the lands? The Indians have title to them. Shall we ratify this treaty? Shall we buy these lands, and then what shall we do with them? The treaty says we shall pay the Indians. What is that? Buying private lands, paying the owner; and then what are we asked to do with them? To donate them to some persons, we know not who, living we know not where, who may by virtue of a lottery get a right to go on the land.

Mr. WARREN. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. WARREN. As a matter of fact, has not all our public domain been purchased in one way or another, and has it not cost the Government something?

Mr. COCKRELL. Not in this way.

Mr. WARREN. It cost a small sum per acre, but it cost the Government money.

Mr. COCKRELL. None of it was acquired in this way—not one foot of it. It was acquired for political and territorial reasons, in large quantities, unsettled and uninhabited, a wilderness,

subject to the possessory and proprietary right of the Indians who were scattered here and there over it.

Mr. WARREN. Nevertheless, I will ask the Senator if it does not stand of record that while it may have cost but 10 or 15 or 20 cents an acre, all the public land open to homestead to-day is that which has in some way been purchased and for which something has been paid by the United States Government? It is simply a matter of difference in price as I look at it.

Mr. COCKRELL. I do not look at it in that light. It was not purchased as a part of the public domain. We did not pay the inhabitants of the Louisiana purchase a nickel of money for anything they had in it. It was a political transaction between the United States and France. We bought the land there. The people who were on the land and who had title to the land continued to have title to it. The balance was public domain.

Now, here are individuals, a band of individuals, with a clear title to the land, and this bill proposes to buy that land from them and pay the money to them. If we have the right to do that, and then to turn around and donate the land to those who may by lottery get a right to settle upon it, we have the same right to go into the State of Arkansas, the State of Missouri, or any other State of this Union and buy land from individuals, citizens, and open it up for free homes. No man can gainsay the proposition. One is just as fair and honest as the other. They are upon an equal footing. That is what this bill proposes to do; nothing more, nothing less, nothing else.

I say it is not just; it is not right; it is burdening the taxpayers of this country with that which should not be imposed upon them. It is not for the poor man, not for the man struggling with his wife and babies for a home, but for the man worth millions, perchance, who may have a technical right to make a homestead and may be fortunate enough to draw a prize in the lottery. That is the kind of people we are appealed to to benefit and bless—men who have homes, and yet have never exhausted their homestead rights. Any of them can go there, I care not who it is, from any part of the United States, and, possessing the homestead right, get a free home, no matter what his property is.

Mr. CLARK of Wyoming. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. CLARK of Wyoming. I know the Senator intends to be exactly correct and accurate, but is it not a fact that nobody can enter upon those lands under the proposed amendment who has a homestead elsewhere; that he must comply with the five years' residence upon the land; that he must absolutely comply with the homestead law, and if he has a large amount of land elsewhere, the homestead law absolutely prohibits him from taking advantage of this law?

Mr. COCKRELL. Any man who has the right to a homestead would have the right to go into this drawing.

Mr. CLARK of Wyoming. But if he goes into the drawing he goes into it subject——

Mr. COCKRELL. As a matter of course.

Mr. CLARK of Wyoming. Just one moment. But if he goes into the drawing he goes into it subject to the regulations and the law of homesteads, and is it not a little far-fetched to assume that a millionaire will spend five years upon the Dakota prairies in order to get a hundred and sixty acres of land worth $2.50 an acre?

Mr. COCKRELL. Anyone having his homestead right unexhausted has a right to take his chance in getting a claim. The terms upon which he will get it after he has acquired that right is a different matter. He must comply with the law before he can get a patent. There is no question about that. But I say this measure is not for the benefit of persons who have a right now. It is not for the benefit of citizens of South Dakota that this bill is pending. Not at all.

We recently opened the Kiowa, Comanche, and Wichita land in the Indian Territory. I wish Senators to pay attention to this: That land was divided into 13,000 tracts of a hundred and sixty acres each. There was a registration called for of those who were eligible to make a selection and 165,416 people registered, claiming the 13,000 acres, over a hundred applicants for every tract of land. Now, does anybody suppose those were poor, struggling young men with their wives and babies who were there ready to make homes upon that land? How did they settle the contest? A hundred and sixty-five thousand applicants and 13,000 prizes. There was but one way—a lottery, pure and simple. Tickets were drawn and the wheel of fortune started on its round and the lucky ones, 13,000, had the right to go upon the land.

The Senators from South Dakota and from other States are here pleading and urging the passage of this bill. Probably a hundred thousand people will go there and apply for this land, and in the lottery the land will be divided into how many tracts——

Mr. TILLMAN. About twenty-four hundred.

Mr. COCKRELL. About twenty-four.

Mr. TILLMAN. Prizes.

Mr. COCKRELL. About twenty-four hundred prizes will be drawn, and these twenty-four hundred—Infinite Wisdom alone knows who they will be—are the objects of charity and sympathy, in whose behalf appeals are made to the Senate for the passage of this bill.

Senators, it is not right to pass it, because the bill is not right. I am as sympathetic as any man in the world, and no man has a warmer sympathy for the young man who is struggling in life to get a home for his wife and children, but I am not willing to tax the millions of young men with wives and children starting in life for the purpose of giving free homes to a few people—twenty-four hundred—who may be fortunate in the lottery. That is all there is in this bill. Shall we tax the struggling man to give twenty-four hundred men the chance of drawing a prize in a lottery? I can not see that it is just or right.

Now, it is claimed that we are reversing the policy of this Government; that it has always been the policy of this Government to give free homes. When did that policy originate? When was it the policy? Was it the policy when the pioneers from the Eastern States crossed the Alleghanies and went into the bloody land of Kentucky, or into Ohio, or Indiana, or Illinois? Not a bit of it. At first the Government charged $2.50 an acre for the public land, and the people who went on them were pioneers. They went there with their trusty rifles and ammunition. They went there to hew a home out in the wilderness and to drive back the Indians. They took all the chances, and yet they had to pay $2.50 an acre for their land.

Finally the price was reduced to a dollar and 25 cents an acre. Practically all the lands in Indiana and Illinois were disposed of at a dollar and a quarter an acre. The settlers paid the money into the Treasury. The people of the United States have received the benefit of it. In Missouri it was largely the same way. In Iowa it was largely the same way. Nine-tenths of the people there had to pay for their homes at a dollar and 25 cents an acre, until the graduated law of 1853–54, which reduced the price according to the number of years the land had been subject to entry, reducing it down as low as 25 cents an acre or less.

Mr. President, when did free homes arise? In 1862, for the first time in the history of this Government, the homestead law was enacted. It had been pending in Congress since the days of Mr. Benton, who had advocated it early in his career, and yet it was never enacted into law until 1862. There were reasons for it then. There were political reasons for it then. There were just reasons for it then. Our country was then engaged in the most fearful civil strife which ever paralyzed the energies of any great nation.

Mr. TELLER. Will the Senator from Missouri allow me to make a suggestion to him? Before the war, when I suppose nobody expected a war, Congress passed a free-homestead act, and it was vetoed by the President.

Mr. COCKRELL. It was not a law.

Mr. TELLER. No; it was not a law, but it was the Congressional mind and intention to have free homes.

Mr. COCKRELL. Now, in that struggle we had enlisted in the Union Army thousands upon thousands of men, many of whom had come from foreign lands and had no homes here. They had rendered their adopted country a great service. We passed this bill giving the right to the soldier to go and homestead the land and count his service as a part of the five years. It was a generous act, a just act, a liberal act upon the part of the Government. It induced many thousands of foreigners to become citizens and to go upon the lands and make their homes; and they have been doing it since.

Then we had millions of acres of tillable land, arable land, with all the climatic conditions necessary for supporting a population and developing the agricultural resources of the country. We had them in abundance; we had public lands in Missouri; we had public lands in Iowa. Lands were not scarce; they were abundant, and in justice, and in right, and in munificence this Government passed the homestead law. It was right then.

If we had the same condition, it would be right to-day. Nobody ever dreamed that that munificent law would be perverted to the idea that this Government has a right to go and buy private land at $2.50 or $5 an acre and then turn around and call it public domain. No, Mr. President, there was never any such contemplation.

This is not public domain in the strict or correct sense of the word. We would have the same right to go into Iowa, or into Minnesota, or into any other State of this Union and buy private lands, and call them public lands, and make them a part of the public domain, and give them away as homes to people as we have to go and buy land from the Indians and do it. There is no justice in this.

But from the arguments it would seem that the Government had already established a policy of making free homes out of

Indian reservations. Let us see when the free-homes law was passed. The free-homes law in regard to Indian land was passed May 17, 1900. Was it a general law? Was it a law for the future or was it a law for special cases which then existed? Senators who were then here will remember that upon the opening of the lands in Oklahoma and that part of the country thousands of people flocked there. There was a drought one or two seasons in succession. The people failed to raise crops. They had promised to pay for the land. Congress was called upon to extend the time of payment. It was extended.

Still appeals were being made; sympathy was aroused; another extension of time was given by Congress for the payment of the purchase money for the land. The sympathy of the people was appealed to. The forlorn condition of the settlers was painted in grewsome colors, and we were asked to let them have their homes. They were there; they were in debt; they could not pay the price the Government was exacting, and out of sympathy and because of these appeals a law was passed, not for the future, but for these cases of supposed suffering. I will read it.

That all settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this act—

"Which have already been opened to settlement, acquired prior to the passage of this act"—

by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. COCKRELL. Certainly.

Mr. TILLMAN. I will remind the Senator also that in the appeals made to us here it was stated that unless we did grant that relief by giving these homes, the capitalists who had loaned money to help build houses and improve the holdings would absorb and gobble up the whole business, and it was to prevent the absorption by capitalists of those homesteads that we put that bill through here.

Mr. COCKRELL. I thank the Senator from South Carolina for his suggestion. Everyone remembers that we were told they were going to be sold out under deeds of trust, and the only salvation was a donation of the land and free homes. That bill was passed through sympathy. If this bill is passed it will be by sympathy. It will not be passed upon the broad basis of equal and exact justice to all and special favors to none. It will be a law of favoritism, pure and simple, a law of gratuity to twenty-four hundred people who may in a lottery be the successful drawers of prizes for this land.

Therefore, Mr. President, under no circumstances can I vote for the provision that is now in the bill.

Mr. CLARK of Wyoming. Mr. President, we might relieve the situation in the question of the taxation of the old States for the benefit of the new if the older States would return a small part of the $28,000,000 which the Government received from the public lands a great many years ago and loaned to the States subject to call, which has never been returned, nor will it ever be returned.

Mr. TILLMAN. Mr. President, I hope the Senator who has just spoken does not lay claim to any money the United States has received for its own property before any State which was created later had any existence.

Mr. CLARK of Wyoming. No; this is what I mean to say: Complaint is made that taxation is to be imposed upon the people of the whole United States to pay for this land in buying it from the Indians when the only beneficiaries will be the 1,300 or 1,400 people. I say we can relieve that situation and prevent the tax from being levied if the older States, who have received from the Government loans on the money heretofore received from the sale of the public lands of the Government to the amount of $28,000,000, will turn back into the Treasury about $1,000,000 of that sum and thereby save those taxes.

Mr. TILLMAN. If that is the programme, I suppose some one will introduce a bill to require those loans to be returned.

Mr. CLARK of Wyoming. No; that is not the question. The question is simply this: It comes with bad taste from those States which claim that the buying of this land for $1,000,000 of public money works a hardship when they have already in their coffers $28,000,000 of the Government's money which was loaned to those States and never has been returned.

Mr. TILLMAN. But I do not think——

Mr. CLARK of Wyoming. Nobody is questioning the right of the States to keep it, and nobody will. It is simply an illustration.

Mr. TILLMAN. The illustration does not seem to illustrate, for the simple reason that those older States at that time were the United States. They divided among themselves their own property, and the Government reserved the right to call for the loan in an emergency, when the States would respond.

Mr. CLARK of Wyoming. I do not think the Senator fully understands the loan of which I was speaking.

Mr. TILLMAN. I will be very glad if the Senator will enlighten the ignorance of the Senator from South Carolina.

Mr. CLARK of Wyoming. The Senator from Wyoming does not assume any ignorance on the part of the Senator from South Carolina.

Mr. TILLMAN. He only asserts it.

Mr. CLARK of Wyoming. I am speaking of only this one particular thing.

Mr. PLATT of Connecticut. Mr. President, I regret that the Senator from Wyoming has introduced the subject to which he has just alluded. There is no sectionalism about this measure. There is no question in it as between the older States and the newer States. I think the new States have been pretty well dealt with by the older States. We had in every new State great numbers of acres of public land, and when they were made States we have given it to them as a free gift. If you come and consider the question as to whether the new States or the old States have derived the most advantage from the public lands, the benefit is all, I think, in favor of the new States. In this very bill it is proposed to give the State of South Dakota two sections of land in each township, when by the act which admitted South Dakota into the Union it was provided that the grant of land of two sections in a township should not apply to the Indian reservations in that State. We are not dealing unjustly by the new States. We are giving them over and over more than the old States ever derived from the distribution of the proceeds of the sale of the public land.

Mr. GAMBLE. I will ask the Senator if it is not true that the act for the admission of the State of South Dakota also provided that when Indian-reservation lands were restored to the public domain there should be carried to the State sections 16 and 36 for school purposes? Was not that in the same law?

Mr. PLATT of Connecticut. I read the provision here the other morning. I simply rose to say that I regretted the Senator from Wyoming should attempt to inject into this debate any question between the older States and the newer States.

Mr. CLARK of Wyoming. Will the Senator permit me?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. I do not want to stand in a false light on account of the remark of the Senator from Connecticut. I simply replied to the observation of the Senator from Missouri that it was unjust to tax the older States for lands purchased in the newer States.

Mr. PLATT of Connecticut. Mr. President, speaking for myself, I well remember the time when as chairman of the Committee on Territories I helped to get six of the Western Territories into the Union, very much against the views of some people whom I represented; but I thought it was just. In each one of those acts thousands and hundreds of thousands of acres of the public land were given. I think 500,000 acres of the public land were given as a free gift to each of those States.

Mr. DIETRICH. Mr. President, I should like to call the attention of the Senate to one proposition. When this land is opened for settlement, one-fourth of the land will be owned by Indians. They will own the best portion of that tract of land. Those Indians will not be obliged to pay any taxes, all the taxes falling upon the whites who will own the land. The expense of all the improvements, public highways, public schools, and public buildings must be borne by the whites. Therefore I believe that we ought to act generously with those settlers who are willing to go among those Indians, and who are to pay the taxes and make the improvements which will be placed there for the benefit of those Indians.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment may be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In section 3, page 6, line 18, after the word "acre," strike out the remainder of line 18, all of lines 19, 20, 21, 22, 23, 24, and 25, down to and including the word "that," and insert the word "and;" so that if amended the proviso will read:

And provided further, That the price of said lands shall be $2.50 per acre, and homestead settlers, who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

Mr. BACON. Will the Secretary please read the language proposed to be stricken out by the amendment?

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out the following words:

but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry, except that—

And to insert "and."

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The Secretary proceeded to call the roll.

Mr. GIBSON (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. I am informed that if he were present he would favor the bill and would oppose this amendment. I will therefore vote on this question. I vote "nay."

Mr. HANSBROUGH (when his name was called). I transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present I should vote "yea."

Mr. MCLAURIN of Mississippi (when Mr. MONEY'S name was called). My colleague [Mr. MONEY] is unavoidably absent on account of sickness. He is paired with the junior Senator from Iowa [Mr. DOLLIVER]. My colleague has a general pair with the junior Senator from Iowa.

Mr. CLAPP (when Mr. NELSON'S name was called). My colleague [Mr. NELSON] is confined to his room by illness.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]; therefore I will withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). My colleague [Mr. TALIAFERRO] is unavoidably absent. He had a general pair with the junior Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. PERKINS. I desire to state that my colleague [Mr. BARD] is unavoidably absent from the Senate, on account of sickness.

Mr. BATE. I will state that my colleague [Mr. CARMACK] is absent, and is paired with the Senator from Wisconsin [Mr. SPOONER].

The result was announced—yeas 19, nays 38; as follows:

YEAS—19.

Allison,	Daniel,	Lodge,	Platt, Conn.
Berry,	Dillingham,	McComas,	Platt, N. Y.
Clay,	Foster, La.	McLaurin, Miss.	Tillman,
Cockrell,	Hawley,	Martin,	Wetmore.
Cullom,	Kean,	Morgan,	

NAYS—38.

Bacon,	Dietrich,	Heitfeld,	Rawlins,
Bate,	Dubois,	Jones, Ark.	Simmons,
Beveridge,	Fairbanks,	Kittredge,	Simon.
Blackburn,	Foraker,	McCumber,	Stewart,
Burnham,	Foster, Wash.	McMillan,	Teller,
Burrows,	Gamble,	Millard,	Turner,
Burton,	Gibson,	Mitchell,	Warren,
Clapp,	Hanna,	Patterson,	Wellington.
Clark, Wyo.	Hansbrough,	Perkins,	
Deboe,	Harris,	Pritchard,	

NOT VOTING—31.

Aldrich,	Dryden,	McEnery,	Proctor,
Bailey,	Elkins,	McLaurin, S. C.	Quarles,
Bard,	Frye,	Mallory,	Quay,
Carmack,	Gallinger,	Mason,	Scott,
Clark, Mont.	Hale,	Money,	Spooner,
Culberson,	Hoar,	Nelson,	Taliaferro,
Depew,	Jones, Nev.	Penrose,	Vest.
Dolliver,	Kearns,	Pettus,	

So the amendment of Mr. PLATT of Connecticut was rejected.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. GAMBLE. I ask that the bill in regard to the ratification of the agreement with the Indians of the Rosebud Reservation be taken up to-morrow morning at the close of the routine morning business, in the hope that it will then be finally disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota. The Chair hears none, and it is so ordered.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

[Mr. PRITCHARD addressed the Senate. See Appendix.]

[Mr. SIMMONS addressed the Senate. See Appendix.]

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PLATT of Connecticut. What is the pending amendment, Mr. President?

The PRESIDENT pro tempore. There is not any amendment pending.

Mr. PLATT of Connecticut. Then let us vote on the bill.

The PRESIDENT pro tempore. On the bill itself? The bill is open to amendment as in Committee of the Whole.

Mr. COCKRELL. What bill is it that is open to amendment?

The PRESIDENT pro tempore. What is known as the "Philippine bill."

Mr. COCKRELL. We shall have to have the yeas and nays on it, I reckon.

Mr. PLATT of Connecticut. Why should we not vote upon it?

Mr. COCKRELL. It seems there is no pending amendment to the Philippine bill.

Mr. PLATT of Connecticut. Then let us have a vote on the bill.

Mr. COCKRELL. I thought the committee had some amendments.

Mr. LODGE. The committee amendments have all been adopted.

Mr. COCKRELL. I thought the minority of the committee had some amendments.

Mr. ALLISON. They have not been offered.

Mr. LODGE. No amendment has yet been moved to the bill by the minority.

Mr. TELLER. The senior member of the minority of the committee in special charge of the bill on this side is not here; but I do not suppose it is seriously expected to get a vote on this bill to-day.

Mr. PLATT of Connecticut. I had supposed the debate had been exhausted on the bill, as it seems to have been running for the last few days on everything but the bill; and so I supposed that we might vote on it.

Mr. TELLER. I do not suppose anybody really expects to vote on this bill to-day. Certainly we shall not get a vote on it to-day.

Mr. ALLISON. Then we might perhaps fix a time for a vote on it, if the Senate is not ready to vote on it to-day.

Mr. TELLER. I do not think we ought to proceed to fix a time for voting on the bill, or do anything else regarding it, until the senior Senator of the minority who has the bill in charge for the minority is present. You can do this to-morrow morning, if you want to, but he is not here now.

Mr. ALLISON. I should be very glad to have the Philippine bill disposed of. I am endeavoring to get in at intervals with an appropriation bill, all the time hoping that the Philippine bill would reach an ending.

Mr. TELLER. The Senator can take up the appropriation bill now, so far as we on this side are concerned.

Mr. ALLISON. Well, then, Mr. President, I ask unanimous consent that the pending bill be informally laid aside.

Mr. TELLER. There is no use disguising the matter. You will not be allowed to vote on the Philippine bill to-day.

Mr. ALLISON. After that statement I hope the bill may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that what is known as the Philippine bill be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF GAME IN ALASKA.

The PRESIDING OFFICER (Mr. MCCOMAS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURTON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. BACON, Mr. KITTREDGE, and Mr. GIBSON were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I now ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the

Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill at line 11, on page 105. The next amendment of the Committee on Appropriations was, under the subhead "National cemeteries," on page 106, line 15, after the words "District of Columbia," to insert:

or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof.

And in line 19, before the word "dollars," to strike out "forty," and insert "forty-five," so as to make the clause read:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

Road to national cemetery, Springfield, Mo.: For repairing and improving the Government road from Springfield, Mo., to the national cemetery near that city, $20,934.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects. War Department," on page 108, line 14, after the word "posts," to insert "and for the acquisition of such lands and leases in lands;" in line 20, before the word "hundred," to strike out "five" and insert "eight," and in the same line, after the word "dollars," to insert:

And from this amount there shall be expended for additional buildings at the military post at Fort Meade, S. Dak., $100,000; and for additional buildings at the military post at Fort Lincoln, N. Dak., $75,000. The Secretary of War is hereby authorized to accept donations of land or interests in land in connection with the establishment and maintenance of military posts and national cemeteries whenever it may be necessary for the use of said military posts and national cemeteries.

So as to make the clause read:

Military posts: For the construction of buildings at and enlargement of such military posts and for the acquisition of such lands and leases in lands as, in the judgment of the Secretary of War, may be necessary, and for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, $1,800,000; and from this amount there shall be expended for additional buildings at the military post at Fort Meade, S. Dak., $100,000; and for additional buildings at the military post at Fort Lincoln, N. Dak., $55,000. The Secretary of War is hereby authorized to accept donations of land or interests in land in connection with the establishment and maintenance of military posts and national cemeteries whenever it may be necessary for the use of said military posts and national cemeteries.

Mr. HANSBROUGH. I inquire of the Senator from Iowa if it will be in order to offer an amendment at this time to the committee amendment?

Mr. ALLISON. It will be.

Mr. HANSBROUGH. Then I move to amend the amendment in line 24, after the name "North Dakota," by striking out "seventy-five" and inserting "one hundred."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 108, line 24, it is proposed to amend the amendment of the committee after the name "North Dakota" by striking out "seventy-five" and inserting "one hundred;" so as to read:

And for additional buildings at the military post at Fort Lincoln, N. Dak., $100,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 109, line 12, to reduce the appropriation for the purchase of the necessary land for a military post in the vicinity of Manila, P. I., in accordance with a provision in the act approved February 14, 1902, from $75,000 to $55,000.

The amendment was agreed to.

The next amendment was, on page 109, line 19, before the word "small," to strike out "some;" so as to make the clause read:

For the purchase of small tracts of land adjoining the military reservation at Fort Leavenworth, Kans., necessary for the maneuvering of the troops, $9,300.

The amendment was agreed to.

Mr. QUARLES. I ask unanimous consent to offer a little amendment, in line 22, page 129, which I have had printed and laid upon the table. It involves the expenditure of $3,000 "for the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., and for the purpose of purchasing a suitable approach to such cemetery." I hope the distinguished Senator in charge of the bill will not object to this amendment.

Mr. ALLISON. I hope the Senator will waive the offering of that amendment until we get through with the committee amendments.

Mr. QUARLES. I was fearful I might not be here when the bill was again under consideration. I will consider it a very great favor if the Senator will permit the amendment to come in now.

Mr. ALLISON. If the Senator will hand it to me, I will endeavor, if he is not here, to take care of the amendment. I think it is a proper amendment, but I do not wish to set a precedent that may give rise to trouble.

Mr. QUARLES. Very well, Mr. President; that is entirely satisfactory to me.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 110, to insert:

For the purchase, on such terms as the Secretary of War deems fair and reasonable, of the land forming the roadway from the Aqueduct Bridge to Fort Myer, in Alexandria County, Va., where the said land has not been dedicated to the public and is owned by private parties: *Provided*, That the United States shall acquire said land free from any obligation to keep said road in repair or open to the public, and that the parties from whom the land is purchased shall warrant the same to the United States against all claims of every kind and nature whatsoever, $4,500.

Mr. PLATT of Connecticut. I should like to have some explanation of this amendment from the chairman of the committee. I presume the amendment is all right, but on reading it it looks as if it provided for a roadway in the State of Virginia, and whether it has been dedicated or not is not very fully set forth. I am not quite sure about it and I should like to have some explanation regarding it.

Mr. ALLISON. This is an appropriation for what is known as the Memorial Bridge across the Potomac River, to connect the District of Columbia with our possessions at Fort Meyer and also with the National Cemetery. I am not so sure whether all the land necessary for the purpose has been dedicated or not. I think it very likely that some of it has not been; but there is an existing hope that so much of it as may be necessary will be dedicated if we appropriate the amount of money here proposed and continue the appropriations hereafter.

Mr. PLATT of Connecticut. Is there not a road from the Aqueduct Bridge to Fort Myer, which has been traveled for years and years?

Mr. ALLISON. I beg the Senator's pardon. There is. That is another matter. There is a portion of this road which has been used for many years, which, it is claimed, has never been dedicated to the public. The object of this amendment is to acquire a proper title. It is a small matter. I thought the Senator had in view the amendment regarding the Memorial Bridge.

Mr. PLATT of Connecticut. I know it is a small matter, but the road is not to be a United States road, and the United States is to be under no obligation to keep it in repair. It seems to be buying land on which a road runs and which it is said has not been dedicated to the public. There is no provision for any investigation to ascertain the facts in regard to it and whether or not it has been dedicated.

Mr. ALLISON. There is a long document regarding this question, for which I have sent. The provision was inserted at the request of the Attorney-General, who considered this the wisest and best way to dispose of a disputed and rather complicated question.

Mr. PLATT of Connecticut. I am not opposing it.

Mr. ALLISON. I shall be very glad to have the letter of the Attorney-General read, which gives information on the subject.

Mr. PLATT of Connecticut. I hope it will be read. The provision simply struck me as peculiar.

Mr. ALLISON. It is peculiar. The object of it is to settle a difficulty which has arisen respecting the road to Fort Myer.

Mr. PLATT of Connecticut. In most States—I do not know how it is in Virginia—where a road has been for a long time traveled by the public that itself is evidence of dedication which you can not go behind.

Mr. ALLISON. That question has been raised, and there is some doubt about it. The Attorney-General recommends this provision as the wisest and most economical method of settling the controversy. I shall be glad to have the letter read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., September 27, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in which you ask my opinion as to whether or not the interests of the Government require a final adjudication of the questions involved in the criminal proceeding (instituted in September, 1899, in a court of Alexandria County) in behalf of the Commonwealth of Virginia *v.* Howard P. Marshall and H. Rozier Dulaney, charged with obstructing the Rosslyn-Fort Myer military road, before the land is acquired, as contemplated, by purchase.

The proceeding in question resulted in the conviction of the defendants and the imposition of a fine, from which judgment a writ of error to the circuit court of said county has been sued out. There the matter stands.

At the request of the United States attorney for the eastern district of Virginia, in whose request you concurred, the Attorney-General appointed Francis L. Smith as special counsel in the case, and subsequently employed him to act as legal adviser to the board of Army officers appointed by you to investigate and report upon the title to the road, etc.

In reporting upon the case, the United States attorney stated that the verdict in the county court was really obtained upon the ruling of the trial judge to the effect that, although there was no legal dedication, the defendants or those under whom they claim had, after long usage by the public, closed the original road and substituted the land over which the road runs in part for the land originally occupied as a road, and then the judge decided as a "question of first impression" against the accused.

The doctrine laid down by the supreme court of appeals of Virginia (Kelly's case, 8 Grat., 632; Gaines *v.* Merryman, 95 Va., 660, and Buntin *v.* Danville, 93 Va., 200) is that the mere user of a road by the public for however long a time will not constitute it a public road, and that a road dedicated to the public must be accepted by the county court upon its record before it can become a public road, not necessarily a formal acceptance; any entry on the records of the court showing that it is regarded as a highway will be sufficient.

Further action by the circuit court in the criminal proceeding was suspended pending your consideration of the offer of the defendants to sell to the Government the land involved at the same rate, $1,000 per acre, at which they acquired it years ago. This offer was submitted as the result of a conference between the special assistant United States attorney and counsel for the defendants.

It seems to be the judgment of the Judge-Advocate General that, in the event the State is successful in the pending prosecution of Dulaney and Marshall, the Government will not need to purchase their interest in the land. This view of the matter would appear to be correct and controlling were it not for the opinion expressed by the United States attorney and the special assistant attorney who was in immediate charge of the case that, in the light of the decisions of the supreme court of appeals as to what constitutes dedication, and in the absence of record proof of dedication, the prosecution will not result in the conviction of the defendants.

Viewing the case as they do, counsel for the Government recommend the acceptance of the offer of compromise and regard that disposition of the matter as a highly satisfactory adjustment of the controversy, and, under all the circumstances, I agree with them.

The refusal to accept the offer of compromise will doubtless result in the trial of the case upon the writ of error, in the reemployment of special counsel, and probably, if the State is unsuccessful, in the failure of the War Department to secure as reasonable terms as those now offered.

I may add that upon being informed on June 7, 1901, by the board of Army officers that Mr. Smith's services had been completed and were highly satisfactory, the Department directed the payment of $500 to him, making $750 in all for his service in the prosecution of the case and as legal adviser to the board, and that Mr. Smith's connection with the matter has been closed.

The papers sent with your letter are herewith returned.

Very respectfully,

P. C. KNOX, *Attorney-General.*

The SECRETARY OF WAR.

Mr. PLATT of Connecticut. That seems to be satisfactory, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, after line 11, to insert:

For construction of macadamized road 30 feet wide and 3,450 feet long on Fort Sheridan Military Reservation, Ill., for the purpose of connecting present road on reservation with that known as the Sheridan road at the northern boundary of reservation, $8,000: *Provided*, That the use of said road shall not be permitted to interfere with or obstruct the garrison in any of its military exercises, drills, maneuvers, target practice, etc., or to disturb the quiet of the garrison at night.

The amendment was agreed to.

The next amendment was, on page 112, line 24, after the word "carriages," to strike out "and model in relief of the Nashville and of the Atlanta battlefields;" so as to make the clause read:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical, and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, and for the purchase of land already authorized by law; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 113, line 6, before the word "civilian," to strike out "three" and insert "two;" and in line 10, before the word "thousand," to strike out "forty" and insert "thirty-seven;" so as to make the clause read:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tenn.; for the compensation of two civilian commissioners and the secretary, clerical and other services, labor, land, iron gun carriages, and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, $37,000.

Mr. BATE. In the sixth line on page 113 I should like to have inserted the words "an assistant in historic work."

Mr. ALLISON. I had a conversation with the Senator about this matter yesterday. I do not quite understand the proposal of an assistant engaged in historic work. I do not think it has been estimated for.

Mr. BATE. They have them elsewhere in some of these national military parks. And if it is consistent with the Senator's idea of right, I should also, in this connection, like to have the amount restored to $40,000. The committee of the Senate have reduced it to $37,000. Forty thousand was recommended by the House committee.

Mr. ALLISON. I will ask that the amendment be stated from the desk.

Mr. BATE: I will state it. After the word "commissioners" in line 6, on page 113, I wish to insert "an assistant in historic work and". The Senator who has this bill in charge can see at once the necessity for a historian to get up the histories, in connection with this battle, of the various regiments that fought in it.

Mr. ALLISON. Has it been estimated for? Does it meet with the approval of the War Department?

Mr. BATE. I am not aware of any objection.

Mr. ALLISON. There is no estimate for it. It creates a new office. I trust the Senator will not press the amendment, and I will waive the amendment in line 10, so that they will have a little more money to use.

Mr. BATE. I will see the War Department about it, as the Senator seems to regard the approval of the Secretary of War essential.

Mr. ALLISON. I prefer to pass the paragraph over until the Senator shows some recommendation of the War Department.

Mr. BATE. In addition to that, and in connection with this section, I should like to call the Senator's attention to another amendment. I wish to insert after the word "dollars" in line 10, page 113, the following:

For the construction and extension of the metaled or macadamized road leading from Pittsburg Landing through Shiloh battlefield in the direction of Corinth, Miss., so far as that amount will build it, $10,000.

Mr. ALLISON. Then I ask that the amendment also may go over until the Senator can secure some recommendation of the Secretary of War. I am not familiar enough with the matter to allow the amendment to go in without further information.

The PRESIDENT pro tempore. The entire paragraph in reference to the Shiloh National Military Park will be passed over for the time being.

Mr. BATE. And also the amendments which I have offered.

The PRESIDENT pro tempore. If the Senator from Tennessee will send his amendment to the desk it will be printed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 21, before the word "civilian," to strike out "three" and insert "two;" and in line 25, before the word "dollars," to strike out "seventy-five thousand" and insert "seventy-one thousand one hundred;" so as to make the clause read:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of two civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $71,100.

The amendment was agreed to.

The next amendment was, on page 114, line 3, before the word "civilian," to strike out "three" and insert "two;" and in line 11, before the word "dollars," to strike out "one hundred thousand" and insert "ninety-six thousand four hundred;" so as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of two civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $96,400.

Mr. CULLOM. I hope the chairman of the Committee on Appropriations will not insist upon the amendment, but will allow it to be disagreed to and the provision as it passed the House to stand.

I desire to say that the Vicksburg National Park stands in a different attitude toward the country from either of the others, because of its newness. It is only a little while since they began to improve the park, and the full commission, so far as I can learn, is very much needed. With the older parks, which have been in a state of improvement for ten or fifteen years, of course there is no necessity for retaining three commissioners. Certainly if ever three are required in any park, they are required for the Vicksburg park. I am especially interested in it because it so happens that the State of Illinois, which I have the honor to represent in part, had more troops there on the Federal side, by two to one, than any other State in the Union.

There is very great need of a full commission for some years yet, and I hope the chairman of the committee will allow the Senate provision to be disagreed to and the full commission of three to remain. I have documents here, which I could read, showing the facts in reference to it, but I do not think it is necessary. The mere suggestion of the fact that that is a new work and that we

have practically just commenced upon it, while the others are old, it seems to me, should be sufficient. I think some of them are thirteen years old, some of them eleven years old, some of them seven years old, and so on. I can see that there might be some reason for reducing the number of commissioners in connection with them.

Mr. ALLISON. I am familiar with the situation in this park. The Senator from Illinois did not quite state the condition as I understand it. If he will turn his eye to the paragraph just below he will observe that as the bill came to us there was added a provision whereby at all these parks there should be but one commissioner.

Mr. CULLOM. That, I understand, is recommended by the Senate committee to be stricken out. I hope we will strike it out.

Mr. ALLISON. I hope so, too. The Committee on Appropriations believed there should be at least two commissioners at each of these parks, and they so provided in the amendments proposed, and some of which have already been agreed to.

There is some force in the suggestion that the large expenditure—because it is a large expenditure—made at Vicksburg is exceptional as compared with some of the other parks. The real work of laying out the park and of doing the things necessary for the park has already been done in all other cases except Vicksburg Park, so far as I know. I merely call the attention of the Senator to the fact that if we do not in some way amend this paragraph, and then if we are obliged at some stage of the proceedings to accept the subsequent paragraph, he may be in a worse condition than he is now. I shall leave the matter to the Senate.

Mr. CULLOM. If the amendment proposed by the committee on the part of the Senate is rejected and "three" remains, and the subsequent paragraph is stricken out——

Mr. ALLISON. Finally.

Mr. CULLOM. Finally; then would there be any other amendment necessary?

Mr. ALLISON. There would not be; but suppose at the final conclusion of the bill the paragraph now in the text, and which we recommend shall be stricken out, can not be removed from the text of the bill. Then the Senator will be in a worse condition than he is now.

Mr. CULLOM. That is true.

Mr. McLAURIN of Mississippi. Will the Senator from Illinois permit me?

Mr. CULLOM. Certainly.

Mr. McLAURIN of Mississippi. It will also be necessary for the chairman of the committee to waive the amendment, offered in line 10, where it proposes to strike out "one hundred thousand" and insert "ninety-six thousand four hundred."

Mr. ALLISON. Undoubtedly; and waiving these amendments will place this paragraph beyond our control hereafter, without stating in what way, as is quite well known to the Senator from Illinois.

Mr. BATE. Will the Senator from Illinois permit me? There is an additional reason. I was one of those interested at the beginning in these national parks on battlefields. Several of us had a meeting. I remember there were present General Manderson, General Walthall, and, I think, General COCKRELL and others. It was generally understood that there would be more than one commissioner—certainly two, if not three—and at most places three were provided for. The reason was that we wanted both sides of the battle to be represented; that is, that the Federal side should have a commissioner and one should be appointed likewise from the Confederates. It is required as the law stands now that each shall have been in that particular battle, one on the Confederate side and the other on the Federal side. And that is the way the number three came to be agreed upon. I think the Senator from Illinois gives a very good reason why perhaps in this instance there should be a third one.

I am against the House proposition in regard to this matter because it gives but one. Take Shiloh, for instance, for which I was speaking a while ago. There would be but one commissioner. If he belonged to either the Confederate or the Federal side it would be exceedingly embarrassing. I think the committee has shown great wisdom in making it two, if they can not make it three, because we must do justice to all parties. It would certainly be unjust otherwise, for the commissioner has to get up the history of all who were engaged in the battle, and see that the monuments are properly placed, and supervise everything connected with it. Therefore, you must have one Confederate to be en rapport with his people and secure proper information, and you must have one from the Federal side for a like purpose.

Therefore I think the amendment which the committee have recommended to the bill is correct, unless three commissioners can be obtained. There should be two, and we should not take any less at any rate.

The Secretary of War has acted with us all the while. He has agreed to it, and has made the appointments with the idea expressed in the law. The preceding Secretary of War, General Alger, once made a different appointment, and some of us from both sides went to him and told him the history of matter, how it originated, what the original understanding was, and he corrected the mistake.

Mr. CULLOM. The Illinois commission had recently been at Vicksburg, and it has been at work for a week or two weeks, perhaps. One of them wrote to me that he had been climbing hills and running down hollows and through the brush and bushes and briars until he had worn out all his clothing pretty nearly, and he says it is a tremendous work, and that three commissioners certainly ought to be retained in connection with that commission. They ought to be, as the Senator from Tennessee says, men who are familiar with the siege of Vicksburg. The delegation from Illinois was composed of old soldiers who were engaged in that siege. I hope in the end the chairman of the committee will take care of this matter.

I will say to the Senator from Mississippi that I think we had better leave the total as it is, so that the conference committee can have control of it when they come to dispose of it finally.

Mr. BATE. I think the Senator from Illinois will join with me in regard to the Shiloh matter. He spoke of the number of Illinois troops engaged at Vicksburg. They had 34 regiments at Shiloh, according to history; and in praise of his State I will say that they have already erected that many monuments or markers. So have Ohio and Indiana erected monuments and made arrangements for others, as have many other States.

Mr. CULLOM. I am not as familiar with Shiloh as I am with Vicksburg. It is a little older——

Mr. BATE. And much larger.

Mr. CULLOM. And in that view I was not disposed to make any question about any of the parks except Vicksburg, where the work has but recently been entered upon.

Mr. McLAURIN of Mississippi. I have no objection, as suggested by the Senator from Illinois, to leaving the amendment of the committee in line 10, inserting "ninety-six thousand four hundred" instead of "one hundred thousand." I supposed, though, that when the committee struck out "three" and inserted "two," causing a reduction of $3,600, the reduction was with reference to the reduction in the number of commissioners. If the number were reduced to two instead of three, I suppose it would be understood by the committee that one of them, as suggested by the Senator from Tennessee, should be from the Confederate side and one from the Federal side. But for the reasons which have been given by the Senator from Illinois I think it very proper to provide three commissioners in this case.

Mr. CULLOM. I think General Lee——

Mr. McLAURIN of Mississippi. General Stephen D. Lee.

Mr. CULLOM. He is the Confederate soldier in connection with that park?

Mr. McLAURIN of Mississippi. Yes, sir; he is now one of the Park Commissioners.

Mr. BATE. And is chairman of it?

Mr. CULLOM. No.

Mr. McLAURIN of Mississippi. He was a lieutenant-general.

Mr. CULLOM. I think a gentleman from Iowa is in charge of the Commission, and then there is General Lee, from Mississippi, and an Illinois man.

Mr. COCKRELL. Mr. President, if there is necessity for three commissioners anywhere, it is at Vicksburg. The line of the Confederates there was over 7 miles long—from river to river. The line of the Federal forces being exterior to it and at some places a quarter of a mile distant, while in other places almost hand to hand, was much longer—13 or 14 miles, my recollection is.

Mr. CULLOM. A communication which I have here says 13 miles.

Mr. COCKRELL. It was fully that. There is a dense growth there.

Mr. McLAURIN of Mississippi. And the country is hilly.

Mr. COCKRELL. Very hilly. In some places the hills are almost straight up and down. I had occasion to visit it during the summer, in connection with Confederate and Federal officers, to try to locate the position of the Missouri troops on both sides. It was a very difficult task. It was much more difficult to locate the Federal troops than it was the Confederates, because there was a line that we could trace all the way around where the fortifications had been. They had not entirely disappeared, and some of them were very distinct. But where the Federal line was is now in the woods. A dense growth has grown up where there were no trees at all at the time. There are now trees 6 or 8 or 10 inches in diameter where there was not a thing at the time the battle ended. It makes it very difficult to mark out the line.

I do not think the amount is excessive there. It ought to be a liberal allowance to mark out the lines. It will take some time to place markers along the lines where the troops were. It is very difficult to learn where a regiment was, and the right and the left of

the regiment, because everything has disappeared which was there at the time when the fighting occurred. If three commissioners are needed anywhere, they ought to be there, because of the immense work that has to be done.

Then, in my judgment, as long as we have commissioners, until the work is practically done and the lines occupied by the forces marked out and markers placed, there ought to be at all parks two commissioners, so that the lines may be shown and marked and the positions of the troops on each side marked.

The PRESIDENT pro tempore. The amendment will be divided. The question will first be put on agreeing to the amendment in line 3, page 114, to strike out "three" and insert "two."

The amendment was rejected.

The next amendment was, on page 114, line 10, to strike out "one hundred thousand" and insert "ninety-six thousand four hundred;" so as to read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $96,400.

The amendment was agreed to.

Mr. FORAKER. I gave notice some days ago that I would introduce an amendment to the bill at page 107. I had the misfortune to be called out of the Chamber just before that point was reached, and I did not return until after the clause had been reached which is at present under consideration. I therefore ask the Senator from Iowa having the bill in charge to allow me to offer the amendment, to be inserted on page 107, at the end of line 5. It is as follows:

For reconstruction of stone wall inclosing the Confederate cemetery at Camp Chase, Ohio, $2,000.

Mr. ALLISON. I hope the Senator will withhold the amendment for the present until we complete the amendments of the committee.

Mr. FORAKER. Very well. I do not understand in what way the amendments are now being considered.

Mr. ALLISON. If it is inserted it should be inserted as a separate paragraph.

Mr. FORAKER. Very well. For information I will make an inquiry. Do I understand that after we get through with the consideration of the committee amendments we will go back, that such amendments as Senators may desire to offer may be submitted?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 114, after line 11, to strike out:

No part of the foregoing sums for national military parks shall be used during the fiscal year 1903 for the payment of more than one commissioner for service in connection with each of said parks under the direction of the Secretary of War, nor shall more than 10 per cent of the sums for either of said parks be expended for salaries of clerks or other employees.

The amendment was agreed to.

The next amendment was, on page 114, line 25, after the word "charts," to strike out "and bulletins;" so as to make the clause read:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts, and of investigating lake levels, with a view to their regulation, to be immediately available and to remain available until expended, $150,000.

Mr. ALLISON. Those words were rather improvidently recommended by the committee to be stricken out. I understand from the War Department that the words should be retained. I hope the amendment will be disagreed to.

The amendment was rejected.

The next amendment was, on page 116, line 3, after the word "therefor," to strike out "under a contract to be made with the Board of Charities of the District of Columbia;" so as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 116, after line 20, to insert:

Governors Island, New York: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, $200,000; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 21, 1900, $60,000; in all, $260,000.

The amendment was agreed to.

The next amendment was, on page 117, after line 4, to insert:

Memorial bridge across the Potomac River: To enable the Secretary of War to begin the construction of a memorial bridge connecting the Potomac Park with the Arlington estate property, $100,000: *Provided*, That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress: *And provided further*, That the cost of said bridge and the approaches thereto shall not exceed $2,500,000.

Mr. PLATT of Connecticut. Mr. President, I should like some explanation of this item. What is the necessity for saying "to begin the construction of a memorial bridge," when the amendment provides that the plans are "to be subject to the approval of the President and Congress?" How can such a bridge be commenced if the plans are to be subject to the approval of Congress before, as I suppose, anything is done? They would not be approved by this Congress, I suppose; perhaps by the next Congress.

Mr. ALLISON. The Senator means at the present session?

Mr. PLATT of Connecticut. By Congress at this session.

Mr. ALLISON. It might not be, I will say to the Senator.

Mr. PLATT of Connecticut. Let me make a further inquiry. Is it intended by this amendment to really begin the construction of a memorial bridge before plans for it are approved by Congress?

Mr. ALLISON. It is not.

Mr. PLATT of Connecticut. If that is the understanding of the amendment I have no objection to it, but it looks as if it was to be begun immediately.

Mr. ALLISON. If the Senator will read the proviso he will see——

Mr. PLATT of Connecticut. I have read it.

Mr. ALLISON. It reads:

That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress.

I do not see very well how they can expend any portion of this money except whatever may be necessary to secure the plan until after it has received the approval of Congress.

Mr. WARREN. I think the Treasury Department rules that the expense of the drawing of plans is a part of the construction or cost of a public building. I assume that a Government bridge would come under the same rule. Therefore it is necessary to provide some fund for drawing the plans in order to make the initial commencement.

Mr. PLATT of Connecticut. If the plans are not yet determined I think we ought not to do anything in the way of actually commencing the construction of the bridge until those plans have been determined and approved by Congress.

Mr. ALLISON. That is the understanding of the amendment.

Mr. PLATT of Connecticut. If that is meant by it I have no objection.

Mr. ALLISON. If more apt phraseology can be used I shall be glad to have the Senator suggest it.

The amendment was agreed to.

The next amendment was, on page 117, after line 16, to insert:

Establishment of Apache prisoners at Fort Sill, Okla.: For the erection of buildings and repairs to same, purchase of draft animals and live stock for breeding purposes, farm and household utensils, blacksmith and wheelwright tools and repairs to same, and all other necessary articles absolutely needed for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Okla., under control of the War Department, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 123, after line 3, to insert:

For new barrack, $30,000.

The amendment was agreed to.

The next amendment was, on page 123, line 10, to increase the total appropriation for the support of the National Home for Disabled Volunteer Soldiers from $305,275 to $335,275.

The amendment was agreed to.

The next amendment was, on page 130, line 16, before the word "hundred," to strike out "four" and insert "nine;" and in line 22, before the word "hundred," to strike out "three" and insert "eight;" so as to make the clause read:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; general treasurer, who shall not be a member of the Board of Managers, $4,000; inspector-general, $3,000; assistant general treasurer and assistant inspector-general, $2,500; two assistant inspectors-general, at $2,500 each; clerical services for the offices of the president and general treasurer, $10,500; messenger service for president's office, $144; clerical services for managers, $3,900; agents, $1,800; for traveling expenses of the Board of Managers, their officers and employees, $15,000; for outdoor relief, $1,000; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $8,000; in all, $58,844.

The amendment was agreed to.

The next amendment was, on page 130, line 23, to increase the

total appropriation for the maintenance of the National Homes for Disabled Volunteer Soldiers from $3,693,469 to $3,724,369.

The amendment was agreed to.

The next amendment was, on page 131, line 2, after the word "and," to strike out "of" and insert "officers under;" so as to make the clause read:

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 133, line 21, to increase the appropriation for defraying the necessary expenses of defending suits in claims against the United States from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 133, line 24, before the word "For," to strike out "Defense of suits before Spanish Treaty Claims Commission" and insert in capitals "DEFENSE OF SUITS BEFORE SPANISH TREATY CLAIMS COMMISSION;" so as to make it a subhead for the clause following.

The reading was continued to page 134, line 10.

Mr. ALLISON. On page 134, line 10, under the subhead "Defense of suits before Spanish Treaty Claims Commission," after "dollars," I move to strike out the period and insert a comma and the following:

Of which not exceeding $1,000, to be immediately available, may be expended for law books and books of reference.

The amendment was agreed to.

The next amendment was, on page 135, line 19, to increase the appropriation for actual and necessary expenses of the judges and clerks in the district of Alaska when traveling in the discharge of their official duties from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 136, line 8, to reduce the appropriation for the employment of counsel for the Mission Indians of southern California from $1,000 to $500.

Mr. PLATT of Connecticut. Did not the Attorney-General request an appropriation of a thousand dollars there?

Mr. ALLISON. Yes, sir; he estimated that sum.

Mr. PLATT of Connecticut. Did not the committee think it was necessary? The chairman of the Committee on Indian Affairs is perhaps better informed on the subject, but I had understood that the work of special counsel there was to be important, and perhaps $1,000 would not be too much.

Mr. ALLISON. I should be very glad to have an explanation from the Senator from Nevada.

Mr. STEWART. What is the amendment?

The Secretary read as follows:

Counsel for Mission Indians: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $500.

Mr. PLATT of Connecticut. One thousand dollars was appropriated by the House, and the amendment strikes it out and makes it $500.

Mr. STEWART. I do not think there is much in that.

Mr. PLATT of Connecticut. All right.

Mr. ALLISON. I think there is nothing in it. Indeed, I think we could omit the entire appropriation, but we thought some good service might be done during the year. He has been paid $1,000 for a long time.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 137, line 4, after the word "dollars," to insert:

The Commission may pay a fixed compensation, not to exceed $2,500 annually, with allowance for subsistence, instead of fees, to commissioners, not exceeding two in number, whom the Commission under existing law may appoint to take testimony in the island of Cuba. The Commission may, in the place of two clerks now in service, employ an assistant clerk at the rate of $2,000 per annum and one clerk at the rate of $1,400 per annum.

So as to make the clause read:

Salaries and expenses, Spanish Claims Commission: For general expenses of the Commission for all the purposes mentioned in the act approved March 2, 1901, in addition to the continuing annual appropriation of $50,000 provided in said act, $5,000. The Commission may pay a fixed compensation, etc.

The amendment was agreed to.

The reading of the bill was continued to line 3, page 138.

Mr. ALLISON. On page 138, after line 3, under the heading "Judicial," I move to insert:

For salary of the additional circuit judge in the second circuit authorized by the act approved April 17, 1902, $6,000.

The amendment was agreed to.

The reading of the bill was continued to line 15, page 138.

Mr. ALLISON. I offer the following amendment, to be inserted after line 15, page 138:

And provided, That from and after July 1, 1902, all the fees and costs in extradition cases shall be paid out of the appropriations to defray the expenses of the judiciary, and the Attorney-General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign governments requesting extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury of the United States.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 138, line 24, to increase the appropriation for payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, from $185,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 139, line 5, after the word "dollars," to insert the following proviso:

Provided, That each clerk of the district and circuit courts shall, on the first days of January and July of each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, written returns for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, and of all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year; and the word "emoluments" shall be understood as including all accounts received in connection with the admission of attorneys to practice in the court, all amounts received for services in naturalization proceedings, whether rendered as clerk, as commissioner, or in any other capacity, and all other amounts received for services in any way connected with the clerk's office: *Provided further*, That no amount in excess of $5 shall be received from any attorney in connection with his admission to practice in a circuit or district court.

Mr. ALLISON. In line 14 I move to modify the amendment by striking out the word "accounts" and inserting "amounts."

The PRESIDENT pro tempore. The amendment will be so modified, in the absence of objection.

Mr. ALLISON. I will state briefly that this amendment comes to us from the Department of Justice. It is deemed important in settling accounts.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment was, on page 140, after line 6, to insert:

To pay the rental of suitable rooms and accommodations for holding the circuit and district courts in the northern district of Georgia at Athens, Ga., and at Rome, Ga., $1,000 for each place, $2,000.

The amendment was agreed to.

The next amendment was, on page 140, line 24, after the word "appeals," to insert "when on duty outside the State of their residence;" so as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit court of appeals when on duty outside the State of their residence, not to exceed $10 per day; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $160,000.

Mr. ALLISON. I ask unanimous consent to amend the amendment by adding after the word "residence" in line 25 the following:

Which expenses shall be in lieu of those authorized by section 8 of the act of March 3, 1891.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 142, line 9, to increase the appropriation for support of United States prisoners, including necessary clothing and medical aid and transportation to place of conviction or place of bona fide residence in the United States, etc., from $650,000 to $725,000.

The amendment was agreed to.

The next amendment was, in the clause for miscellaneous expenditures in the discretion of the Attorney-General for fuel, forage, hay, light, water, stationery, etc., on page 143, line 24, after the word "dollars," to insert the following proviso:

Provided, That this appropriation and the appropriations heretofore made for this purpose shall be available also for the expense of the care and medical treatment of guards who have been or may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny, and for the payment of burial expenses of guards killed while so engaged, which have been or which may hereafter be incurred.

The amendment was agreed to.

The next amendment was, on page 147, after line 15, to insert:

DEPARTMENT OF STATE.

Toward the proper proportional expenses of the United States for the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada along the forty-ninth parallel west of the

summit of the Rocky Mountains, as established by the Commission of 1856 to 1869 under the treaty of 1846, $100,000, to be expended under the direction of the Secretary of State and to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 148, after line 2, to insert:

Toward the proper proportional expenses of the United States for inspection and repair of the monuments marking the boundary line between the United States and Mexico, to be expended under the direction of the Secretary of State, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 148, after line 8, to insert:

Senate: To enable the Secretary of the Senate to pay to Thomas G. Garrett, as provided by Senate resolution of March 9, 1901, for compiling the debates in the Senate and the House of Representatives, the reports of committees, and other papers and documents by the direction of the Committee on Interoceanic Canals, $300, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 148, after line 15, to insert:

To enable the Secretary of the Senate to pay to William B. Turner, for preparing table of contents for reports of the Isthmian Canal Commission, being Senate Document No. 54, parts 1 and 2, and Senate Document No. 123, Fifty-seventh Congress, first session, as provided by resolution of the Senate of date March 14, 1902, $77.40, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 148, after line 23, to insert:

To enable the Secretary of the Senate to pay William M. Mulloy for reporting hearings before the Committee on Foreign Relations of the Senate, and securing and translating treaties between France and European countries, for use of the committee, $100, to be immediately available.

Mr. ALLISON. The name which appears to that amendment is misspelled. I move to amend the amendment by striking out the "u" in the name as it appears, "Mulloy," and inserting "a;" so as to read "Malloy."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 149, after line 4, to insert:

For rent for the storage of public documents of the Senate, $1,800.

The amendment was agreed to.

The next amendment was, on page 149, after line 18, to insert:

Busts of Justin S. Morrill and Daniel W. Voorhees: To enable the Joint Committee on the Library to procure and place in the Congressional Library building marble busts of the late Justin S. Morrill, a Senator from Vermont, and the late Daniel W. Vorhees, a Senator from Indiana, at a price not to exceed $1,500 each, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Public Printing and Binding," on page 150, line 21, to increase the appropriation for the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, etc., from $5,037,000 to $5,257,000.

The amendment was agreed to.

The next amendment was, on page 151, line 22, after the word "Commission," to insert "and excluding the Census Office;" so as to make the clause read:

For the Interior Department, including the Civil Service Commission, and excluding the Census Office, $325,000, including not exceeding $10,000 for rebinding tract books for the General Land Office.

The amendment was agreed to.

The next amendment was, on page 152, after line 8, to strike out:

For engraving the illustrations necessary for the report of the Director, $15,000; and said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

For engraving the illustrations necessary for the monographs and bulletins, $10,000.

For printing and binding the monographs and bulletins, $20,000.

And in lieu thereof to insert:

For printing the annual report of the Director and engraving the illustrations necessary for the report, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $65,000.

For printing and binding the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $150,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey.

Mr. ALLISON. I wish to amend the amendment which the committee propose to insert. After the first word, "For," in line 18, I move to strike out "printing the annual report of the Director and;" and in line 19 to strike out the word "report" and insert "annual report of the Director;" so as to read:

For engraving the illustrations necessary for the annual report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $75,000.

The amendment to the amendment was agreed to.

Mr. ALLISON. On line 23, in the next paragraph of the same amendment, on page 152, after the word "binding," I move to insert "the annual report of the Director;" so as to read:

For printing and binding the annual report of the Director, the monographs, professional papers, bulletins, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 153, line 5, to increase the appropriation for the printing for the Post-Office Department, exclusive of the Money-Order Office, from $275,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 153, line 9, to increase the appropriation for the printing for the Department of Agriculture, including $20,000 for the Weather Bureau, from $150,000 to $175,000.

The amendment was agreed to.

The next amendment was, on page 154, line 3, after the word "Treasury," to strike out:

To the credit of the appropriation for public printing and binding; and the Public Printer shall credit the allotment for printing and binding for the Library of Congress with such moneys.

So as to make the clause read:

The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and 10 per cent added, and all moneys received by him shall be deposited in the Treasury.

The amendment was agreed to.

The next amendment was, on page 154, after line 22, to strike out:

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I wish to return to page 30. After line 14, on that page, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 30, after line 14, it is proposed to insert:

For the construction of revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service in the waters of Hawaii, $100,000; and the total cost of said revenue cutter, under the contract which is hereby authorized therefor, shall not exceed $200,000.

The amendment was agreed to.

Mr. ALLISON. On page 48, line 16, I ask unanimous consent to modify the amendment relating to the pay of the foreman at the San Marcos (Texas) station. I move to strike out "$1,000" and insert $1,200." An amendment to the text there has already been agreed to, but it was a mistake.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 48, line 16, by striking out "$1,000" and inserting "$1,200."

The amendment was agreed to.

Mr. ALLISON. I ask that the total be changed to correspond with the amendments which have been made.

The SECRETARY. It is proposed to amend the total so as to read "$5,250."

The amendment was agreed to.

Mr. ALLISON. I wish to state that that amendment was offered upon the recommendation of the Commissioner of Fish and Fisheries.

On the recommendation of the Secretary of the Treasury, on behalf of the committee, I move to amend on page 2, line 4, after the word "hundred," by inserting "and fifty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 4, after the words "one hundred," it is proposed to insert "and fifty;" so as to read:

For custom-house at Baltimore, Md.: For continuation of building under present limit, $150,000.

Mr. COCKRELL. Does that increase go beyond the limit of cost provided for that building?

Mr. ALLISON. It does not; it is within the limit.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in

executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 3, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1902.

CHIEF JUSTICE OF THE COURT OF PRIVATE LAND CLAIMS.

Joseph R. Reed, of Iowa, to be chief justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

ASSOCIATE JUSTICES OF THE COURT OF PRIVATE LAND CLAIMS.

Henry C. Sluss, of Kansas, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

William W. Murray, of Tennessee, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

Wilbur F. Stone, of Colorado, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

Frank I. Osborne, of North Carolina, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

PROMOTIONS IN THE NAVY.

Asst. Surg. Alfred G. Grunwell, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. Cary D. Langhorne, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. Frederick L. Benton, to be a passed assistant surgeon in the Navy, from the 21st day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. William H. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of September, 1901, to fill a vacancy existing in that grade.

P. A. Surg. William C. Braisted, to be a surgeon in the Navy, from the 26th day of January, 1902, vice Surg. Samuel H. Dickson, promoted.

Gunner Charles Morgan, to be a chief gunner in the Navy, from the 17th day of October, 1901, in accordance with the provisions of an act of Congress approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

ASSISTANT SURGEONS IN THE NAVY.

Robert Eustis Hoyt, a citizen of New Hampshire, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

Joseph Paul Traynor, a citizen of Maine, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

APPOINTMENT BY BREVET IN THE ARMY.

To be lieutenant-colonel by brevet.

Capt. Frank B. Andrus, Fourth Infantry, for conspicuous gallantry in action near Dasmarinas, Luzon, P. I., June 19, 1899, to rank from date.

NOTE.—This officer was nominated to the Senate March 20, 1902, for appointment as major by brevet, United States Army, for gallantry at Santiago, Cuba, July 1, 1898, and also for the action above named, June 19, 1899. This message is submitted to correct error in the brevet rank to which he should have been nominated for the action near Dasmarinas, Luzon, P. I., June 19, 1899.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1902.

POSTMASTERS.

George L. Holliday, to be postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania.

George W. Shaeff, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania.

George J. Price, to be postmaster at Flora, in the county of Clay and State of Illinois.

Albert Magnin, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

Edwin G. McGregor, to be postmaster at Burgettstown, in the county of Washington and State of Pennsylvania.

John H. Martin, to be postmaster at Greenville, in the county Mercer and State of Pennsylvania.

John P. Yates, jr., to be postmaster at Comanche, in the Chickasaw Nation, Indian Territory.

Richard H. Jenness, to be postmaster at Okmulgee, in the Creek Nation, Ind. T.

Otto F. Menger, to be postmaster at Clayton, in the county of Union and Territory of New Mexico.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 2, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF REPRESENTATIVE WILLIAM H. MOODY.

The SPEAKER. The Chair lays before the House a communication containing the resignation of a member of this body, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 1, 1902.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of the Commonwealth of Massachusetts my resignation as a Representative in the Congress of the United States from the Sixth Massachusetts district.

I have the honor to be, your obedient servant,

WILLIAM H. MOODY.

The SPEAKER. The communication will be included in the Journal and will lie on the table.

ROBERT J. SPOTTSWOOD AND HEIRS OF WILLIAM C. M'CLELLAN.

Mr. GRAFF. Mr. Speaker, I desire to call up a privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the words stricken out by the said amendment insert "twelve thousand five hundred."

And the Senate agree to the same.

JOSEPH V. GRAFF,
D. J. FOSTER,
PETER J. OTEY,
Managers on the part of the House.

BOIES PENROSE,
H. C. LODGE,
A. S. CLAY,
Managers on the part of the Senate.

Mr. LOUD. Mr. Speaker, that does not give the House the information as to what has been done.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask if there is any statement filed.

Mr. GRAFF. There is no statement filed with the report, but I can make a statement.

Mr. LOUD. But the rules of the House require a statement, Mr. Speaker.

Mr. GRAFF. I did not file a statement. That I thought was not necessary—that I could make an oral statement.

Mr. LOUD. Mr. Speaker, the rules of the House require a statement.

The SPEAKER. The rules are explicit on this matter. A written statement must accompany the report. The gentleman will please recall his report until the statement is furnished.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14019, with Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14019. By unanimous consent general debate has been concluded, and the Clerk will read.

The Clerk read as follows:

For assessor's office: For assessor, $3,500; 2 assistant assessors, at $1,600 each; 2 clerks, at $1,400 each; clerk, arrears division, $1,400; 4 clerks, at $1,200 each; draftsman, $1,200; 4 clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; 2 clerks, at $900 each; license clerk, $1,200; 2 clerks, at $1,000 each; inspector of licenses, $1,200; messenger, $600; for temporary clerk hire, $2,500; 3 assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,200; messenger and driver, for board of assistant assessors, $600; in all, $42,900.

Mr. McCLEARY. Mr. Chairman, an amendment was pending, offered the night before last, and I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw the amendment which is offered and is pending. Is there objection?

There was no objection.

Mr. McCLEARY. As a substitute I offer the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 20, on page 4, the following:

"That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia, the act of Congress approved March 3, 1877, entitled 'An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes,' as amended by specific acts of Congress, is hereby declared in full force and effect and to have been continuously so in force since its enactment; and that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they hereby are, clothed with the duties and powers of the assessors mentioned in said first-named act, and, under the direction of the assessor, they shall for the fiscal year beginning July 1, 1902, and subsequent fiscal years, assess personal property for taxation as required by law; and said board of assistant assessors, together with said assessor, are hereby constituted a board of equalization, appeal and review of the assessments of personal property; and hereafter said board shall, between the 1st day of September and the 31st day of October in each year, hold daily sessions for the purpose of equalizing the assessments theretofore made by them and of hearing and determining any and all appeals from the valuations theretofore made by them: *Provided*, That the tax on personal property shall be due, payable, and collected as now provided by law: *Provided further*, That each national bank, as the trustee of its stockholders, through its president, secretary or cashier, shall make the like returns and pay the same taxes as other corporations are required to do in said first-named act: *And provided further*, That the assessor and the three members of the board of assistant assessors authorized by the act approved August 14, 1894, whose salaries are herein appropriated for, shall, within ten days after January 1, 1903, be appointed by the President for a term of three years each, except that the terms of each of the three members of the board of assistant assessors shall terminate as follows. One year each, to be determined by lot among the three members of the board first appointed."

Mr. MUDD. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. This is an amendment to the amendment?

Mr. MUDD. Yes.

The CHAIRMAN. The gentleman from Maryland offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add to the proposed amendment:

"No person shall be appointed as assessor or assistant assessor as aforesaid unless he shall be a freeholder and an actual bona fide resident of the District of Columbia."

Mr. MUDD. Now, Mr. Chairman, I have another amendment which I wish to have read in my time.

The CHAIRMAN. The Clerk will report the amendment for the purpose of information.

The Clerk read as follows:

Strike out the last proviso of the proposed amendment.

Mr. MUDD. Mr. Chairman, I have offered one amendment, and had another read. I might have offered both and had them pending at the same time. The first amendment proposes to perfect the clause or section giving the President the power of appointing the assessors, and the second proposes to strike it out, so both would be in order under the rule, the first having priority as to order of voting. The first amendment proposes that in case the President shall appoint these assessors he shall appoint actual, bona fide residents of the District of Columbia and persons who are freeholders. I do not deem it necessary to discuss that at all. It seems to me very clear that if the method of appointment of these people is to be changed, actual residents and freeholders of the District of Columbia, who are interested in property matters here and who are at least fairly qualified to pass judgment upon those questions, ought to be the ones appointed.

I suppose, Mr. Chairman, if I wanted to get some one from my district appointed to one or all of these places it might be a pretty good thing from my standpoint to leave this provision as it was originally reported. This happens to-day, however, to be just the one office under the Government of the United States that I have not at this moment of time any applicant for. I have no doubt I shall have a great many in due season should the provision be enacted as it stands. But, Mr. Chairman, seriously speaking, I want to say that I do not desire any applicant from my district to be considered for these places, because I think in all good faith and fairness these people ought to be appointed from the District of Columbia. Now, if the committee does not see fit to adopt that amendment as to the residence and property qualification of the appointees, or even in case it does adopt that amendment, I propose to move to strike out the proviso, because it strikes me that if we are to give any regard whatever for the theory of local self-government to the extent that it can be given in this District, the District Commissioners ought to be allowed to continue to appoint these people.

These are the objects of my two amendments. The first one, I repeat, is to the effect that the President, if he be given the power of appointing, shall appoint actual bona fide residents and freeholders of the District. I should like to have a vote on that amendment.

Mr. HEPBURN. I should like to ask the gentleman if that is the present provision of law. Are the officers as now appointed necessarily residents or freeholders of the District of Columbia?

Mr. MUDD. I do not know that that is the case, Mr. Chairman.

Mr. HEPBURN. Why the necessity for the change at this time?

Mr. MUDD. Because I apprehend that the Commissioners, in making their appointments, will appoint from the District of Columbia. I take it for granted that they are so wedded to the idea of local self-government that they can be fairly trusted to make appointments from the District of Columbia, or people who are practically residents here, who have property here, who are freeholders of the District, and who know the needs and understand the business conditions of the District.

Mr. HEPBURN. Would the gentleman be willing to apply that provision to all the other employees of the District government?

Mr. MUDD. Well, I am not sure that I am prepared to say, or that it would be altogether consistent in me to say, that I stand committed to a literal adherence to that doctrine as to all the employees of the District. I apprehend that would be, as a general proposition, the better theory. But whether that be true or not, it is clear to my mind that the administration of a law that so deeply and peculiarly affects the local property interests that lie within this District and the intangible properties of people who live and make their permanent home here ought not under any conditions be placed under the control of men who shall be quartered upon this District merely to provide them with offices, and who know nothing and care nothing about the needs and the interests of the District or its people.

Mr. McCLEARY. As to the first amendment offered by the gentleman from Maryland, I see no objection to its adoption.

Mr. BENTON. What is it?

Mr. McCLEARY. That the assessors shall be actual residents and freeholders of the District.

Mr. BENTON. Mr. Chairman, I am opposed to that amendment. The assessor and his assistants are now appointed by the District Commissioners. The object of your committee in the amendment which it offered was to put that power of appointment in the hands of the President of the United States.

Mr. MUDD. I think the gentleman misunderstands the purport of the first amendment. The amendment that I now ask for a vote upon is simply to require that in case the President shall appoint, he shall appoint from among the freeholders and actual residents of the District. That is the amendment now pending.

Mr. BENTON. That is what I am talking about. The President has now authority to appoint the Commissioners. He can appoint one from the Army; he can appoint one from New York, and one from Louisiana, Virginia, or Missouri. The object of our committee was to have this question placed in the hands of the President, divorcing the appointment of the assessors from the Commissioners and from the authority in the Senate to confirm, so that the assessor and his assistants should be subject alone to the public opinion of the United States and to the opinion of the President as to whether they were faithful officers. I do not believe that he should be compelled to appoint the assessors from bona fide residents of the District of Columbia. If it is done they are more or less under local influences, and the very object of the amendment, in my opinion, would be destroyed. I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MUDD. Division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question now is on the adoption of the amendment offered by the Committee on Appropriations.

Mr. MUDD. I have another amendment, to strike out the last proviso.

The CHAIRMAN. That was not offered.

Mr. MUDD. I move to strike out the last proviso.

The CHAIRMAN. The gentleman did not offer it, because it was not in order. The gentleman now offers the amendment to strike out the last proviso, giving the President power to appoint. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the last proviso of the proposed amendment, as follows:

"*And provided further*, That the assessor and the three members of the board of assistant assessors authorized by the act approved August 14, 1894, whose salaries are herein appropriated for shall, within ten days after January 1, 1903, be appointed by the President for a term of three years each, except that the terms of each of the members of the board of assistant assessors shall terminate as follows: One each year, to be determined by lot, the three members of the board first appointed."

Mr. COWHERD. Mr. Chairman, as I understand the amendment of the gentleman from Maryland, it is to strike out the proviso last read by the Clerk. I take it that the sentiment of the House was sufficiently expressed in the last vote, and that that amendment can not carry. It would make the entire amendment ineffective. The purpose of this amendment is to raise taxes upon personal property. The purpose of the proviso is to take the entire appointment of the assessors of the District of Columbia away from local influences of the District, and I trust that the amendment may stay in such condition that that purpose may be enacted into law.

I want to say just a word about the amendment itself. The Committee on the District of Columbia have been criticised somewhat on the floor of this House for not bringing in a bill on this question. This matter has been called up on the floor of the House one way or another ever since I have been a member of this body; and I remember distinctly, some five years ago, when the matter was discussed a little on the floor, that gentlemen opposed any consideration of the matter, because they said the District was then raising as much taxes as the Government was willing to appropriate to meet, and for that reason there was no necessity for taxing personal property. Later on, as the revenues of the District began to be eaten up by the increased expenses, there appeared in the House some disposition to tax personal property; but then it was discovered that in places in authority in the District, and especially with the Commissioners of the District and many influential citizens, there was a very strong disinclination to any such law.

The matter has been considered once or twice in our committee. I introduced rather an extensive bill in the last session, and, I believe, reintroduced it in this session. I want to say, on behalf of the committee, that we have been favoring legislation along this line, but we thought it was best—in the interest of effective legislation—that it should first come from another Chamber. We felt that if we passed a law through our committee, and if the House should approve the work of the committee and pass it through the House, it might be sufficient to get large appropriations on this bill and might not in the end become a law. For that reason the Committee on the District of Columbia, and especially the subcommittee in charge of this work, concluded that it was best—for the benefit of legislation and effective legislation—that they should not act on this matter prior to action had in another body.

Now, let me say, in passing, of this measure, I am heartily in favor of it. It is quite possible—in fact, it is more than possible; it is a fact—that the legislation may be considered crude——

Mr. McDERMOTT. If the gentleman will permit me, I have considered this matter somewhat, and I want to arrive at a conclusion as to what this amendment means. What does this committee do with a foreign corporation that has an office here and transacts business outside of the District of Columbia? Illustrating it, as I did on yesterday, take the General Electric Company. If the General Electric Company establishes an office and works here and invests capital in it, does this bill subject the entire capital of that company to taxation here?

Mr. COWHERD. I do not think so, unless its capital is here.

Mr. McDERMOTT. Then it has no effect on a foreign corporation whatever.

Mr. COWHERD. It would have no effect on property that they owned outside of the District of Columbia, and ought not. I have not investigated that subject particularly, but that is my idea.

Mr. McDERMOTT. The gentleman thinks the tax would not be on the capital stock of a foreign corporation?

Mr. COWHERD. Not unless it has its chief place of business here.

Mr. McDERMOTT. I say it has its office here. The gentleman thinks the amendment would not have anything to do with a foreign corporation?

Mr. COWHERD. No.

Mr. McDERMOTT. I think we might spend a few moments on this and get an understanding of it.

Mr. BENTON. I will state, by way of interruption, that the gentleman from New Jersey is arguing on the main proposition, which is not now before the committee. The question is on the amendment offered by the gentleman from Maryland, striking out the proviso.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COWHERD] has expired.

Mr. COWHERD. Mr. Chairman, I ask that I may have five minutes more, and I will only use part of it.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. COWHERD. Mr. Chairman, I want to say a word in regard to the old law. There was a law on the statute book that provided for the assessment of taxes on personal property, and under that act it was provided that the Commissioners should publish an assessment list which should be sent out, and the police were sent out to deliver them to every householder. There was not in that law, and will not be if reenacted, a proper provision for the collection of the lists and the return of them, but it is the best that we can do at this time. It is the best we can do in this way, and I want to say that, in my opinion, after wrestling with this question a little in the last three or four years that I do not believe that we can ever enact a law in this District to tax personal property unless it is in some such way. You have got to put it on an appropriation bill or in some way force it through both houses of Congress or you will not get it. While I believe this law is crude and will not be a perfect law, it is the best we can do at this time. We may have to amend it at the next session of Congress, but as soon as it goes on the statute book and once is enforced I think every man in the District will be in favor of amending it and perfecting it. I am heartily in favor of the legislation, and I am heartily in favor of the way in which it is brought before the House.

Mr. GROSVENOR. Mr. Chairman, I agree with the statement that has been made in regard to the necessity of some law to tax personal property in the District of Columbia. I think at the door of the Commissioners of the District, or whoever it was that was at fault when the former statute was dismantled and wrecked, lies much of the blame for the situation which we have now in this District. But I am very doubtful about whether we are going to do justice by the passage of this law. I heard the statement of the chairman of the Committee on Appropriations in regard to the great expenditures that have been made on behalf of the District, and I am impressed with the fact that some, indeed a great deal of injustice appertains to that criticism. To illustrate: We took out of the funds of the District of Columbia one-half of the cost of the great improvement of the water supply and spent that money under the jurisdiction of the General Government. And then we find ourselves again taking the funds of the District for the building and completion of the same improvement of the water supply. I do not believe there was any equity or any justice in that performance from the beginning to the end. The cost of that work, the double cost of that work, the much more than double cost of the work, was caused by a blunder, to use no stronger term than that, of the representatives of the Federal Government and not of the District of Columbia, and I believe injustice was done for that reason.

Another criticism I make is as to the manner in which the funds of the District of Columbia have been handled. I do not know whose fault this is, but driven out into the outer country, in many instances beyond the line almost of the District—certainly beyond the residential portion of the District—we find enormous expenditures for streets. I was told this morning that three quarters of a million dollars had been expended on the extension of a few streets that have no beneficial effect to the District of Columbia or the people of it whatever, and yet they are taxed with their share of it. The real benefit goes to a coterie of real estate speculators in that section of the District.

Now, I am told that the real estate of the District of Columbia is now taxed at about 1½ cents on the dollar, and that the appraisement for that purpose is put at about 70 per cent of the nominal value.

Mr. BENTON. The gentleman means on the hundred dollars?

Mr. GROSVENOR. Certainly; a dollar and a half on the

hundred, but that the appraisement is 70 per cent of the nominal value.

Mr. BENTON. It is 65 per cent.

Mr. GROSVENOR. Well, 65 per cent. I was told that it was 70. In most of the States, and I have full knowledge of one of the States, where our assessment reaches far less than a cent and a half, and is put on an estimated value generally not above one-third of the nominal value of the property. I think if you are going to put the full assessed tax on the personal property in this District at the rate of $1.50 on the hundred, and then superadd that to the 1½ per cent on real estate, that you have got a condition of taxation that will be destructive rather than beneficial.

Mr. COWHERD. When the gentleman states that the tax in his State is much less than 1½ per cent, does he mean to include the State and county tax?

Mr. GROSVENOR. Not so far as I know. I think in Cincinnati the tax falls under 2 per cent all told, of every description.

Mr. COWHERD. Here the dollar and a half per hundred covers all.

[Here the hammer fell.]

Mr. GROSVENOR. I ask an extension of my time for five minutes.

There was no objection.

Mr. SHATTUC. Did I understand my friend to say that in Ohio the taxes are less than 1½ per cent?

Mr. GROSVENOR. On the average much less than 2½, I said.

Mr. SHATTUC. I wish to say that on the tax list of Hamilton County, Ohio, we have 30 houses which are all assessed at 65 per cent of what they would sell for, and on all bonds and stocks returned I pay 3 per cent.

Mr. GROSVENOR. Something depends upon the locality. In the small town in which I live the little property which I have is taxed only as I have stated, but in a city of the size of Cincinnati there is, of course, no such tax as that.

Mr. SHATTUC. Just a word more. In Cincinnati real estate, on an average, is taxed on a valuation of over 65 per cent, and on the income of bonds of the city of Cincinnati, selling at par and bearing 3 per cent interest, we pay 3 per cent tax.

Mr. GROSVENOR. And every time Cincinnati offers bonds for sale she gets a large premium.

Mr. SHATTUC. And none of them are sold in Cincinnati. They are all sold in New York or other points in the East.

Mr. GROSVENOR. The gentleman used some language just now which seemed characteristic of him. He said: "All the bonds and stocks that I return." I do not know why he uses just that expression.

Mr. SHATTUC. I noticed that the gentleman from Iowa [Mr. HEPBURN] prompted you to make that statement.

Mr. GROSVENOR. That shows the importance of concentrating the wisdom of the House on "trusts."

Mr. SHATTUC. I said just exactly what I meant. I thought you might "get onto" that yourself; but you did not.

Mr. GROSVENOR. Now let me go on.

Mr. SHATTUC. I will ask that your time be extended, if necessary.

Mr. GROSVENOR. The gentleman lives in a village—a very beautiful village—where large expenditures are made for schoolhouses and fine streets and other improvements. A great many people living there do business in Cincinnati, and it is sometimes convenient—I do not say that I know of any case of that kind—but it is sometimes convenient for a property owner to be in doubt as to where he ought to return his property. That is one of the difficulties we have had in the District of Columbia; and therein I think the people of this District have brought upon themselves a condition that justifies Congress in enacting and enforcing or seeing to the enforcement of some law that will bring in additional money needed for public purposes in the District.

We are all interested in that. We are not only interested in reducing the taxation where it falls too heavily, but we are interested in making this section of the country a little too warm to be a convenient place for a large number of gentlemen who from time to time have seen fit to hazard the doubtful question where they live so as to get rid of paying taxes anywhere.

Not very long ago, in the matter of a large estate, it was solemnly urged upon a judge of the United States court in Cincinnati that the trustee of the estate ought to be appointed in the District of Columbia for the reason that here no taxes would be levied upon the estate. That argument was made very seriously and very earnestly. But when he got through the judge said that he was not in the business of issuing orders for the protection of tax dodgers, and he very promptly appointed a trustee in the State of Ohio.

Mr. BROMWELL. As there has been some little question raised in regard to the tax paid in Cincinnati, allow me to say that I pay at the rate of 2.6 per cent on my property in the village of Wyoming, and on a farm which I own just below Cincinnati I pay, on a valuation of $500 more than I paid for the property, very nearly 2.5 per cent.

Mr. GROSVENOR. It will be seen that when one puts his money into a farm, even a Congressman can not get away from the taxgatherer. But in regard to personal property, we all know its remarkable transitory quality in the matter of taxation.

Now, all I appeal for is this: In the swinging of the pendulum the other way, let us not do that which will be injurious and unjust and which may produce reaction. I believe the people of this city are willing to pay a reasonable tax; but I should be sorry if this old enactment, which never ought to have been evaded as it was, should now be reenacted in gross without the opportunity for the people of the District to come before a committee of Congress and make known any criticism that they have to make in regard to it. They are very anxious on this subject, so far as I know.

Mr. McCLEARY. Mr. Chairman, the immediate question before us is the amendment by the gentleman from Maryland as to the method of appointing assessors.

Mr. GROSVENOR. Allow me to add that I am wholly opposed to that amendment. I think the bill as drawn is far better.

Mr. McCLEARY. Mr. Chairman, the question before us is this: Shall the assessors charged with the assessment of persoual property be appointed by the President or by the Commissioners of the District? Your committee recommends that they be appointed by the President. In so recommending, the committee means no disrespect to anyone; it intends no reflection on the present Commissioners or on the present assessors, all of whom are men of high character.

But the local feeling against a personal-tax law seems to have been for many years very strong. Fifteen months after the law of 1877 was passed, the Commissioners then in office, under the authority granted to them in the act of 1878 to consolidate offices, wiped out the officials provided for the assessment of personal taxes. The law granting the Commissioners this power to consolidate offices is still in force. Under it they would, in the judgment of your committee, be under great pressure to negative the law again. To remove from them this pressure, the committee has recommended that the appointment of the assessors be made by the President, who represents the entire country, from whose treasury one-half of the expenses of the District is paid. Therefore the committee hopes that the amendment offered by the gentleman from Maryland will be voted down.

Mr. BURKETT. Mr. Chairman, I desire to say just a few words with reference to this matter, about which there has been a great deal said in the press lately, and particularly since it has been suggested by the distinguished gentleman from Ohio [Mr. GROSVENOR]. Considerable talk has been had as to what the United States should pay for the running expenses of the District of Columbia and how much taxes this District should pay. We hear a good deal of complaint and a good deal of fault finding about the District of Columbia having to pay so much of the taxes. The people complain that they are compelled to help open up Rock Creek Park, and they complain that they ought not to help pay for the water system; they complain of a good many things they have to pay for, that Congress has laid upon them, as they say. I have been interested in looking this matter up to find out that there is another side to this question, and if we will investigate it we will find, and the gentleman from Ohio will find, that Congress has never been slow in paying her full proportion of the expenses of running the government of the District. Congress has paid for a great many things exclusively that would very properly be charged to the District.

I find that from 1878 down to 1892 the Freedman's Hospital, for example, was appropriated for entirely out of the revenues of the Government. The District did not pay any of it. I find also that from 1878 to 1896 the maintenance of the District of Columbia jail was paid for entirely out of the revenues of the United States Government, and if the District of Columbia had been required to pay one-half thereof, at the low average of $20,000 per annum, it would have amounted to a total of $280,000. I find also that from 1878 to 1893 the salaries of the supreme court in the District of Columbia, now costing about $30,000 a year, were paid out of the revenues of the United States Government, and at an annual charge of $15,000 for the whole sixteen years would have been $240,000. I find also, from 1878, the date of the organic act, until 1899, inclusive, Providence Hospital, now costing $19,000 per annum, was paid for solely out of the revenues of the United States Government, and that from 1886 to 1899, Garfield Hospital, now costing $19,000, was paid for exclusively out of the United States Treasury, and if the District's proportion during those years had been the low average of $8,000 it would have amounted to $98,000.

I also find that from 1878 to 1900, inclusive, there was paid for improving, policing, and for lighting all the city parks around the city, costing now more than $100,000 per annum, but at the

low average of $40,000 per annum for the District's share would have made a total of $920,000. And there is another thing that we will find the United States Government has paid for exclusively, as has recently been developed—a sum over and above the charge that has been made to the District, for caring for the insane persons and patients of the District, an amount that will aggregate, probably, as near as can be estimated, $500,000 that we have been undercharging the District of Columbia for caring for insane persons.

Another thing I desire to call attention to is that the United States Government has been paying every dollar of juror and witness fees for the courts here in the District of Columbia. The foregoing items will aggregate $2,589,000, that properly under the act of 1878 should have been provided for from District revenues.

We have also appropriated a sum total out of the United States Treasury of $2,359,000 on river and harbor bills from time to time. And for what? To reclaim the Potomac Flats, to clean out the lowlands and the miasma, and to better the condition along there; and that is for what? For the benefit of the people of the District of Columbia, but all paid for out of the United States Treasury. It has been suggested that I ought to state that 700 acres of land also has been reclaimed to the District as the result of that expenditure and dedicated for the purposes of a public park.

Now, we see in the papers and we hear complaints—and I speak of it now particularly because the gentleman from Ohio brought it out—that the people of the District are improperly charged, first, with a million and eight hundred and eighty thousand and odd dollars for the water supply of Washington; and yet we know that the water system was originally installed at the expense of the Government of the United States. But, sir, that water system is a matter of necessity for the people of the District, and yet through the press we hear them complaining about their having to pay half of the cost of subsequent extension and maintenance. Then there is the Zoological Park, something almost entirely and exclusively, we may say, for the use and enjoyment of the people of this District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from Minnesota may be extended five minutes. Is there objection?

There was no objection.

Mr. BURKETT. Well, I did not have a great deal more to say.

Mr. SIMS. Give the total of all that.

Mr. BURKETT. I have not the total here, but if there is no objection, when correcting my remarks, I will give the total of it and put a summary of all this matter into the RECORD.

Mr. SHAFROTH. I would like to ask the gentleman a question, as to whether or not in every city in the United States where street paving is done from two-thirds to the entire cost of the street paving is not assessed upon the abutting property owners, and as to whether that is the case in the District of Columbia?

Mr. BURKETT. It is not the case in the District of Columbia. As I suggested yesterday in my remarks, the joint fund of the Government of the United States and the District of Columbia pays entirely for the paving. The abutting property is not taxed at all for paving. It is taxed one-half for sidewalks.

Mr. SHAFROTH. Why should not the abutting property be taxed for a betterment of that character?

Mr. BURKETT. Well, the policy here has been to pay it out of the general fund.

Mr. SHAFROTH. Does it not arise from the fact that the National Government pays half, and that is the reason we have a different rule in this District from anywhere else in the country?

Mr. BURKETT. I think, perhaps, that has something to do with it; but I can say this to the gentleman, that in most cities where the abutting property pays for pavements you can not put a pavement down in front of a piece of property or in front of a block unless a certain per cent of the property owners in that block or district ask for it—two-thirds, I believe it is.

Mr. SHAFROTH. A majority usually.

Mr. BURKETT. That is the rule in my city, and I presume it is the rule in Denver, where the gentleman comes from. Now, here in Washington, this is our national capital. We control it and we do not want to have to go and ask the property owners if we can put a pavement down in front of their property. We are not in a position to do that as Congress, and if we are going to control this, it is probably better that we should put it down and raise the revenue for it by taxation.

Mr. SHAFROTH. Do you think the property owner should pay nothing for this direct improvement to his property?

Mr. BURKETT. Well, the property owner does pay his proportion of the one-half. Whether that is a proper division of the burdens or not I will not pretend to debate at this time, but I am really constrained to believe that the better way for us here, as we want to develop this city in our own way and in our own time, is to retain absolute control of the pavement question.

Mr. SHAFROTH. Do not other cities get paved in the same way? New York is well paved.

Mr. BURKETT. But we know that other cities do not get pavement put down where they want it, nor the kind they want in all cases.

Mr. SHAFROTH. They do not have it on the outskirts, and they should not have it on the outskirts, even in this city, if property does not justify it.

Mr. BURKETT. I submit, to be printed in the RECORD, a summary as I have mentioned before.

SUMMARY.

The following objects of expenditure now conceded and accepted as a proper charge on the Federal Treasury and the District revenues jointly under the act of 1878 were for many years subsequent to 1878 borne entirely by the United States Government, namely:

From 1878 to 1892, inclusive, Freedmen's Hospital, now appropriated for at $54,000, an average annual charge of only $26,000 on this account against the District for the fifteen years would amount to $375,000.

From 1878 to 1896, inclusive, maintenance and expenses of District of Columbia jail, now costing $48,000 per annum, an average annual charge of only $20,000 on this account for nineteen years would be $280,000.

From 1878 to 1893, inclusive, salaries, judges of the supreme court, now costing $30,000 per annum, an average annual charge of $15,000 against the District for sixteen years would be $240,000.

From 1878 to 1899, inclusive, Providence Hospital, now costing $19,000 per annum, an average annual charge of $8,000 against the District for twenty-two years would be $176,000.

From 1886 to 1899, inclusive, Garfield Hospital, now costing $19,000 per annum, an average annual charge of $8,000 against the District for fourteen years, would be $98,000.

From 1878 to 1900, inclusive, for improving, policing, and lighting city parks, now costing more than $100,000 per annum, an average annual charge against the District of $40,000 for twenty-three years would make $920,000.

It has recently been developed that the District has been undercharged for the care of her insane at the Government Hospital for the Insane by at least $70,000 per annum. The Commissioners acquiesce in if they do not concede this contention. An average for ten years on this account of only $50,000 would aggregate $500,000.

The foregoing sums aggregate $2,589,000. On river and harbor acts up to date the sum of $2,359,000 has been appropriated for the reclamation of the so-called Potomac Flats, resulting in the reclamation of a body of land of more than 700 acres that has already been dedicated as a public park for the District of Columbia.

Mr. COWHERD. I agree with the gentleman's conclusion as to the policy, but is not that still another argument as to the low rate of taxation in the District, that there is practically no special tax imposed here, whereas these special taxes are borne by property owners in nearly every other city in the country? It simply shows that while other people are paying 2 per cent or 3 per cent, they still, in addition to that, pay these special assessments. Here in Washington they pay a cent and a half, and do not have to pay any paving assessment. They get their ashes hauled out, they get their allies cleaned out, and all that sort of thing that in most cities we have to pay for in addition.

Mr. SHAFROTH. Do they not also get the benefit of having trees planted in front of their premises, and is there any other city in the Union that gets such an advantage as that?

Mr. BURKETT. There is an appropriation in this bill for trees in the District of Columbia.

Mr. McDERMOTT. The policy that the gentleman praises now is one that involves a hardship to everybody except the line owner. The abutting property owner is assessed in every other city except this by assessors who estimate the benefit to the abutting property owner by reason of the improvement, and the surplus, if any, is assessed upon the district or city at large.

Mr. BURKETT. Does the gentleman state that that is the way it is done in all other cities?

Mr. McDERMOTT. I know of no other city in which it can be done in any other way.

Mr. BURKETT. I presume in nine out of ten cities the amount that the paving costs is divided into ten equal assessments, and these assessments are taxed up against the lot under the law.

Mr. McDERMOTT. That is because the property owners do not test the law by going to the courts, because under the Federal and State decisions you can not take a man's property for nothing, and when you assess any improvement by linear frontage so much per foot, without regard to the benefits acquired by the property owner, you confiscate his property, and that proposition has never been submitted to any court in any State in this country that the assessment has not been set aside.

Mr. LOUD. I beg the gentleman's pardon. The supreme court of my State has determined that question.

Mr. BROMWELL. In the city of Cincinnati they assess half on the city and half on the property owner by linear feet, and without reference to the benefits.

Mr. McDERMOTT. Then that assessment is sustained on the idea that the linear property owner is benefited to that extent.

Mr. BROMWELL. That may be the theory, but that is the fact.

Mr. BENTON. I ask that the pending amendment may be again reported.

The amendment was again reported.

Mr. McCLEARY. Unless some other gentleman desires to debate the amendment, I ask for a vote.

Mr. MORRELL. Mr. Chairman, I should like to take exceptions to the remarks which were made by my colleague on the Committee on the District of Columbia in regard to the manner in which the business of assessing and carrying out the provisions of the tax law by the gentleman in charge of that bureau has been done. Now, I understand that Mr. Darneille, who is the gentleman probably referred to, has not only carried out the law, but he has gone further, and has attempted to carry out this law, which lacks something to make it operative to-day.

Mr. COWHERD. I hope the gentleman did not understand me to make any reflection upon the way the law had been enforced which was on the books?

Mr. MORRELL. I so understood you.

Mr. COWHERD. I certainly did not state my feelings clearly or the gentleman did not understand me. The statement I made was that the Commissioners of the District of Columbia were opposed to assessing a personal tax.

Mr. MORRELL. Yes.

Mr. COWHERD. And had opposed the passage of the bill—had opposed it in our committee. I did not intend to make any reflection upon the way the assessor had enforced the law now on the books.

Mr. GROSVENOR. Why do they not enforce the law that is on the books?

Mr. COWHERD. I could state that, but it would come out of the gentleman's time.

Mr. MORRELL. In answer to that, I would like to read from the report of the hearings before the Committee on Appropriations. On page 8, Mr. Macfarland, in answer to a question of Mr. BURKETT, says:

> I may say, at the request of Senator McMILLAN the assessor of the District has drafted the outline of a personal-tax law which will be effective, our former tax law having been within the last few weeks put on trial and within the last few days practically declared invalid by our supreme court of the District.

Mr. GROSVENOR. Does the gentleman know why it was declared invalid?

Mr. MORRELL. The report goes on as follows:

> Mr. MOODY. It has been declared invalid?
> Mr. MACFARLAND. Yes, sir; on the ground that a necessary cog in the machinery of assessment was lacking.

Mr. GROSVENOR. Who knocked out that cog?

Mr. MORRELL. That I do not know.

Mr. GROSVENOR. It is a matter of history that the action of the District Commissioners destroyed the machinery, and practically the law stands hung up in the air, as I understand. I ask the gentleman from Missouri if that is not true?

Mr. COWHERD. As I understand, there were formerly 12 district deputy assessors, 1 for each district. The Commissioners consolidated 3 offices, known as assessor, superintendent of taxes, and treasurer, and then Congress passed an act creating an assessor and 3 deputy assessors to assess real estate. That left nobody to assess personalty, and he has no power, at least, for personal assessment. That is my understanding of the matter.

Mr. GROSVENOR. And no one came to Congress asking for a change or to make any legislation, and so we have stood here for twenty years.

Mr. BENTON. And that was done by the Commissioners themselves.

Mr. GROSVENOR. That is what I understand.

Mr. COWHERD. That was done by the Commissioners, and the act of 1894 was an approval of it.

Mr. MORRELL. I can not understand that the Commissioners willfully in this amalgamation that took place left out the proper officer to assess this personal tax with the intention in their own minds in any way of doing away with this tax.

Mr. GROSVENOR. But they must have found out that it did when they found that no taxes were being assessed.

Mr. MORRELL. I presume they have found it out.

Mr. GROSVENOR. And they waited twenty years or upward while they did not complain about it, and they are now opposing revesting the machinery with activity.

Mr. MORRELL. I do not think the Commissioners are opposed to it. I would like to read from this report of the hearings before the House Committee on Appropriations. In that report the Commissioners say that they are in favor of this tax.

Mr. Chairman, I ask unanimous consent that I may print in the RECORD as a part of my remarks a portion of the hearings before the subcommittee of the Committee on Appropriations on the District appropriation bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. McCLEARY. The Commissioners have kindly come this morning to make a general statement of the plans and methods of the revision which they have been laboring on for some time, and we are ready to hear them.

Mr. MACFARLAND. Mr. Chairman and gentlemen of the committee, may I ask leave to present first, briefly, a general statement as to our financial situation, so that it may be a matter of record?

The present financial situation of the District of Columbia, which now faces an estimated deficiency in revenue on June 30, 1902, of at least $1,491,365.55, is due to the fact that the revenues of the District of Columbia for over ten years have been continuously diverted by Congress from the general expenses of the District to extraordinary expenditures, or extraordinary projects of improvement. The District had a surplus at the beginning of every fiscal year from July 1, 1889, to and including July 1, 1900, varying from $83,767.19 to $917,581.91, except on July 1, 1892, when there was a deficiency of $5,088.04, caused by extraordinary expenditures taken from the District revenues. In the period referred to $5,383,589.20 was taken from the general revenues for extraordinary expenditures. Of this amount, the sum of $1,426,777.12 was taken exclusively from District revenues to pay for the purchase of land for street extension, and the sum of $227,578.50 was taken exclusively from District revenues for miscellaneous purposes.

Besides these, large amounts, which of themselves are more than twice as large as the deficit in the revenues on the 1st of July, 1901, when the consequences of this method of appropriation became conspicuous.

Besides these amounts, $1,881,760.54 was taken for increasing the water supply; $1,120,473.04 in carrying out the sewage disposal plan, and $727,000 for the purchase of Rock Creek Park and the National Zoological Park, in each case, of course, to meet the one-half of the expense which had been charged to the District. The enormous appropriation for increasing the water supply was taken from the general revenues instead of from the revenues of the water department, notwithstanding the provision in the act of July 5, 1884, for advances from the Treasury to be reimbursed from the water revenues in twenty-five annual installments, with interest at 3 per cent per annum upon the deferred payments. If Congress had adhered to the "half-and-half principle" of the organic act of 1878 in providing for the street-extension purchases instead of charging them wholly to the District revenues, leaving the District to recover later what it could under the head of assessments for benefits, or if it had adhered to the provision of the act of July 5, 1884, in providing for the increase of the water supply, we should be facing a large surplus instead of a large deficit.

The Commissioners brought the financial condition of the District to the attention of Congress at the last session, with the recommendation that Congress should provide the necessary funds by general legislation for extraordinary expenditures and to meet the impending deficiency, so as to leave the current revenues of the District free for the current needs of the District government. The principle presented was that here, as elsewhere, all extraordinary expenditures should be especially provided for by anticipating in some way the revenues of the future, which would, presumably, share the benefit of the extraordinary projects. Congress accepted the recommendation of the Commissioners, and provided for the present fiscal year advances from the Treasury, to be repaid out of the revenues of the District, with interest at 2 per cent—these advances covering also the deficit in District revenues on July 1, 1901, which amounted to $716,155.38.

This provision, however, was but a makeshift. The time has come when Congress, it is believed, is ready to make a permanent arrangement adequate to the demands of the situation. It is obvious that it must be done by providing in some way for the anticipation of District revenues sufficiently to meet extraordinary expenditures without interfering with the current needs. This can be done, the Commissioners believe, most wisely either by continuing the advances from the Treasury, or by authorizing an issue of bonds to cover the District's obligations in the matter of these extraordinary expenditures.

The Commissioners understand perfectly, of course, that the legislation for this purpose must be matured by the Committees on the District of Columbia, and that the Committee on Appropiations has taken the ground that it can only appropriate or recommend appropriations to the amount of the estimated revenues. It is necessary, however, that this matter should be brought to the attention of the Committee on Appropriations, with the statement that the Committees on the District of Columbia are preparing to bring forward legislation designed to meet the need it presents. Knowledge of this fact makes it proper for the Commissioners to present, and for the Committee on Appropriations to consider in connection with the appropriation of the estimated current revenues, the necessities of the regular budget.

In presenting their estimates to Congress the Commissioners therefore desire to distinguish clearly between the items which should come under the head of extraordinary expenditures, and which, therefore, should be provided for in an extraordinary manner, and those which come under the head of ordinary expenditures and should be provided for out of the ordinary revenues. It would be manifestly improper, for example, for the Commissioners to recommend a cut of a million dollars in the appropriations for the regular District services, which would practically stop the wheels of the District government, in order to provide out of the current revenues of next year for the continuation of work on the filtration plant. Therefore the Commissioners, in complying with the courteous request of the subcommittee on Appropriations to point out the items in the estimates which can best be omitted or reduced, so as to bring the total sum within the estimate of revenue made by the Secretary of the Treasury, began unhesitatingly by picking out items for extraordinary projects of improvement to be set aside for consideration later on, when provision shall have been made by general legislation for such expenditures.

Even after doing this the Commissioners, in order to meet the subcommittee's wishes, have had to select a large number of items necessary for the ordinary improvement of the District of Columbia and to meet the ordinary growth in its current demands. The diversion of the District surplus to the extraordinary expenditures has prevented the District from receiving annually that increase in its regular appropriations which its natural growth has required, and it has, therefore, suffered in many of the departments of its work. If Congress had applied this money to current needs, appropriating, according to the spirit of the organic act, dollar for dollar from the National Treasury, the District services could have been properly kept up and the current needs of the District would not be so much in arrears as they now are.

Revenue estimate, District of Columbia, 1902.

Deficiency in the revenues of the District of Columbia June 30, 1901, in the event that the appropriations for the fiscal year 1901 are entirely expended, as follows:		
On account of street extensions	[a]$298,732.64	
On account of general expenses	417,422.74	
		$716,155.38
NOTE.—The amount of the actual deficiency as shown by the advances was but $220,182.57.		
Payments on account of street extensions to December 1, 1901, fiscal year 1902		[a]451,325.46
Appropriations chargeable to the revenues of the fiscal year 1902.		4,108,148.97
Total		5,275,629.81
Revenue, fiscal year 1902, based on the assessor's addition of the tax ledgers, and the estimated collection on account of miscellaneous items		3,784,264.26
Deficiency in revenue June 30, 1902, estimated		1,491,365.55

[a]NOTE 1.—The foregoing deficiency of $1,491,365.55 embraces [a]$750,058.10 advanced on account of street extensions, as provided for by the act of February 11, 1901.

NOTE 2.—The deficiency of June 30, 1902, may be increased by the following items:

(1) Appropriation for highway bridge across the Potomac River; District's one-half, $282,250.

(2) Extension of streets, etc., Sixteenth street, award now pending, charged wholly to the revenues, $729,952.29.

(3) Deficiency appropriations during the fiscal year 1902.

(4) Immediately available appropriations, fiscal years 1902, 1903.

Estimate of revenue by the Treasury Department, fiscal year 1903	$3,750,000.00
Commissioners' estimates of appropriations, fiscal year 1903, $10,441,481.97, one-half of which, payable from District revenue, is	5,220,740.98

The committee will understand from what has been said the method which the Commissioners took in regard to the revision of the estimates. Of course it is unnecessary to say that the Commissioners do not desire the omission or reduction of any item. Our estimates were made carefully. They were, of course, not the estimates submitted to us in the first place by our subordinates, but were cut down very considerably in order that they might come within reasonable bounds; but at the same time, as I have said before, the neglect of current needs in past years has made it imperatively necessary that we should ask for larger things than might have otherwise been necessary. The constant diversion in recent years of District funds from what we believe to have been the purposes for which they ought to have been used has prevented the District from receiving what is needed for current improvements and enlargements.

The gentlemen of the committee have in printed form, I believe, the revised estimates, but we have here a summarized statement of them all, showing where the estimates can be cut $2,947,431, which might be summed up as follows: Take the largest item first, which is under the head of the Washington Aqueduct filtration plant, $1,000,000, which we have cut out, for, while we believe it should be provided for, we think that it, with all other extraordinary projects, should be provided for by extraordinary means. The next largest item is for the high-pressure water service proposed for the business section of the city of Washington, $500,000; then the item for sewers, bringing them all together, either directly as a part of the sewage-disposal system or as an auxiliary to it, $705,000. Then in that same class comes the work of the Connecticut avenue bridge over Rock Creek, for which $100,000 was estimated.

Mr. MCCLEARY. Do you eliminate that?

Mr. MACFARLAND. Yes, sir; that is to say, with the suggestion that it is one of the extraordinary projects that ought to be deferred. Another large item which does not come under that head—there is where we stop so far as extraordinary projects are concerned—is for the compensation of clerks, overseers, inspectors, foremen, and other employees other than day laborers, who are employed under the authority of and paid from general appropriations and are engaged upon regular and continuous work, and whose services will be required during the fiscal year 1903, and who have been omitted from the revised estimates of the expenses for the support of the government of the District of Columbia for that fiscal year, $117,565. In making the estimates originally we estimated for per diem employees and left the lump sums out of which they had been paid as they were to meet the increases which ought to be made in the different services which they represented.

Now, we suggest that either this sum shall be deducted from the general appropriations, or if you prefer the system of paying the per diem men out of the general lump appropriations, simply continue the general appropriations as we have estimated. In either case $117,000 can be taken out. The other items are items in the ordinary expenses of the District of Columbia in each case suggested to us as preferably to be cut by the boards or departments under which they come. In the order in which they appear here we have streets; certain asphalt pavements which are desired on Seventh street between Pennsylvania avenue and E street and between G and K streets NW., $24,000; P street from Rock Creek to Twenty-ninth street, $11,500, and C street from New Jersey avenue to Fourth street NE., $17,500.

Next we come to the disposal of city refuse. There is a great desire—Commissioner Ross, who is in charge of the department, knows more about this than I do—for an extension of the service of the removal of ashes so as to take in miscellaneous refuse from hotels, apartment houses, markets, restaurants, and other business establishments, and we had hoped under that item of $35,000 to meet that desire, but under this stress we suggest the omission of that item. Here is a small item of a new hay scale for the Center Market, $450. The old one ought to be replaced, it having been in service a long time, but we leave that for another time. Under the electrical department there is an item for raising roof of fire-alarm headquarters, $4,500, which we suggest may be omitted. This is for the fire-alarm headquarters, where the men swelter in the summer nights, and days, too, for that matter, and where we believe a change should be made.

Under the head of public schools we very reluctantly suggest these omissions: For a public playground, $7,028; four-room building and site, seventh division, near Conduit road, $25,000; for reconstructing the Henry School, second division, for use of normal school, $22,500; for eight-room building, second division, in the vicinity of Henry School, $65,000 (those two are linked together) for purchase of lot to rear and west of Western High School, $7,000; purchase of lot adjoining Brent School, $8,300; purchase of parts of lot 5, square 796, for additional playground for Gidding School, $1,944. Gentlemen of the committee, I need not have to tell you that we do not wish to omit any of these.

Mr. BURKETT. Are not these on the same ground as the others—part of the permanent improvement?

Mr. MACFARLAND. They might be so considered; it might be proper to put all municipal buildings in the general scheme for extraordinary projects.

Mr. BURKETT. As I understand, you expect the District of Columbia Committee to bring a proposition for a bonded system or something of the kind to care for these things?

Mr. MACFARLAND. Yes, sir; I think there is no doubt, from the conferences we have had informally with Senator MCMILLAN and Mr. BABCOCK, chairmen of the two committees, that a scheme will be provided for all extraordinary projects and improvements, but what shape it will take we can not yet tell. Senator MCMILLAN has, I think, publicly, so there is no reason why we should not speak of it (and Mr. BABCOCK, I understand, takes the same position), stated that there should be an effective personal-tax law enacted in the District of Columbia which would provide additional revenue, and that may be one of the things which they will bring forward; but whether this is so or not, provision will have to be made toward anticipating even that revenue, and that we understand will be done. Both of those gentlemen believe their committees will be ready to do it. I may say, at the request of Senator MCMILLAN, the assessor of the District has drafted the outline of a personal-tax law which will be effective, our former tax law having been within the last few weeks put on trial and within the last few days practically declared invalid by our supreme court of the District.

Mr. MOODY. It has been declared invalid?

Mr. MACFARLAND. Yes, sir; on the ground that a necessary cog in the machinery of assessment was lacking.

Mr. MOODY. Is that opinion printed?

Mr. ROSS. It has been printed, and I will send you a copy.

Mr. MOODY. I would like to have it.

Mr. MACFARLAND. Last summer the assessor of the District made an assessment of personal property in a large number of cases, especially in order to bring this matter before the court. It was on one of these assessments that the case was tried. It was very fully discussed and so fully covered by the decision that the Commissioners thought it not worth while to take an appeal, for it was very evident to us, and especially Commissioner Ross, the legal member of the board, that it would not be worth while to take an appeal. So that is the situation as far as that is concerned.

Mr. BENTON. Can such a tax law be of service to the District this year?

Mr. MACFARLAND. No, sir.

Mr. MOODY. You assess taxes on the 1st of May?

Mr. ROSS. They are assessed in the summer, between July and September.

Mr. MOODY. But are they assessed as of the 1st of May?

Mr. ROSS. The taxes are payable in the latter part of May.

Mr. MCCLEARY. Is there not a tax date at which the value is considered?

Mr. ROSS. My impression is under the old law it was during the summer months—that they are assessed between July and September.

Mr. MCCLEARY. The actual assessment, but it must refer to some tax date, because a man may have changed his property from one place to another.

Mr. MOODY. In our State the assessors begin their work the 1st of May and continue until the 1st of September, when the tax bills are sent out, but the date selected as the day of assessment is the 1st of May, and that of course has to be so in order to determine the question of residence.

Mr. MACFARLAND. I had understood that was the date.

Mr. MOODY. Of course it would not be possible to do anything until the taxes of the next fiscal year.

Mr. MACFARLAND. Yes; and I think the gentleman will have to consider for the next fiscal year some extraordinary means must be provided. It is perfectly evident from the statement of our financial situation that we put before you the estimated deficiency on July 1 next is $1,491,365.55 without counting the possible payments for the awards for damages on Sixteenth street, for the purchase of land for the extension of Sixteenth street, which is $729,932.29, and of course without counting the deficiency appropriations which may be made in this fiscal year and any appropriation which might be made for the highway bridge across the Potomac River. I do not believe this is likely, because the board of Army engineers has reported that the project must be revised and a larger estimate of cost must be made, so I take it we will not be called upon for our half of that. Possibly our proportion of $150,000 a year of the amount provided last year for the Baltimore and Ohio terminal may be required. It was not required the 1st of last July, but simply passed over, and therefore I presume on the 1st of next July we will be in debt $300,000 under that act.

Now, if you will allow me, I will go on with these items and finish them. Under the head of police department we suggest the omission of the item for the erection of a station house and stable in southeast Washington, on site of the present fifth precinct, $30,000. That is a matter we have brought to the attention of Congress frequently. It is very much needed; but if we must cut, this seems to be the thing we can best spare in regard to buildings. Also, the item for rent of building to be occupied temporarily during the construction of the new fifth precinct station, $900, and also—and this is a thing that we give up most reluctantly—25 policemen, class 2, $27,000.

Now we come to the fire department. This is especially interesting to me, because it is immediately under my care and has been unquestionably neglected by Congress in the past—for example, in its pay, which is below normal, because in these years when we have been paying out of our revenues these large sums it has not been kept up.

Mr. BURKETT. You did not take out the new police station here?

Mr. MACFARLAND. Yes; that is $30,000.

Mr. BURKETT. I thought that was the southeast one; have you not got in here an item for a new police-court building?

Mr. MACFARLAND. Simply for the plans for that; that does not come under the police department. However, we make these suggestions as to the fire department——

Mr. MCCLEARY. I must confess, after witnessing the splendid display you gentlemen made of the fire department a week or ten days ago, I was impressed with the efficiency rather than the deficiency of that department.

Mr. MACFARLAND. It is very efficient for its size, but it is very deficient in comparison with the extent of the territory it has to cover. Later on I shall be very glad to bring up a map which we have, which shows the distribution of these companies and how very meager the service is compared with the 70 square miles it has to cover. You gentlemen must remember that this territory is unusually large. In this publication of Col. Carroll D. Wright, the September (1890) bulletin of the Bureau of Labor Statistics, which is very instructive in some points, giving the comparative statistics of municipalities of 30,000 population, including the area of the different municipalities, the District here, or rather what is called the city of Washington, which extends all over the District, is very much larger——

Mr. MCCLEARY. What publication is that?

Mr. MACFARLAND. It is the September bulletin of the Bureau of Labor Statistics. Congress in 1898 directed the Commissioner of Labor Statistics to furnish each year the comparative statistics of the municipalities of over 30,000 inhabitants, and for the last three years he has done that.

Mr. MOODY. Does that include indebtedness, rate of taxation, and all points of comparison?

Mr. MACFARLAND. It contains everything; it is very comprehensive and

very interesting, and as I have studied it it puts the facts in a very favorable light for the District of Columbia.

Mr. McCLEARY. It is an arsenal for you?

Mr. MACFARLAND. Yes; I think it could be used that way.

Mr. McCLEARY. People who rest their contention on rock proof may fear no trouble.

Mr. MACFARLAND. I think we have nothing to fear. The items of the fire department we suggest may be deferred are: First, increases in pay and increase in amount of pay for proposed new companies now to be omitted, $80,040; house and site, southwest Washington, $25,000; house and site, northwest $30,000; house and site, northeast, $25,000; house etc., chemical engine at Good Hope, $15,000; school for fire department, $5,000——

Mr. McCLEARY. What is that?

Mr. MACFARLAND. A practice school, such as they have in New York and other cities, where the raw recruits are given actual practice before they go into active service. It would be a small building especially fitted up for the purpose, and they would be put through a course there which would prepare them for their duties. The next item is three engines, $15,000, for the three new houses; three combination engines, $5,400; one chemical engine, $2,500; one truck, $3,500; net reduction miscellaneous items, $8,000, making a total of $214,440. Now, health department, purchase of site for isolation buildings, $10,000; erection and equipment of isolation buildings, $10,000. These buildings are now rented, and this is to take the place of them. Under the head of care of the insane at the Government Hospital for the Insane—that is, the insane of the District who are boarded there—we suggest the possible omission of $65,000, which is the additional amount that the institution and the Secretary of the Interior, who has the administration of it, desire now to collect on District patients. It has been claimed now that the District has been paying too little for the maintenance of its patients there and that it ought to pay $65,000, and we submitted that estimate in the estimates of the board of charities practically at the request of the Secretary of the Interior.

Mr. McCLEARY. And you submitted it as a separate item?

Mr. MACFARLAND. Yes, sir; with the estimates of the board of charities; but the present arrangement has gone on for a number of years, and it might seem in the wisdom of Congress it might go on for another year. We simply suggest that because——

Mr. McCLEARY. That is one of the things you think you can dispense with without prejudice?

Mr. MACFARLAND. In other words, we have no great interest in it.

Mr. BURKETT. I do not quite understand where you make the saving; you say the District does not pay for the keeping of the insane?

Mr. MACFARLAND. The District has been paying a certain amount for the support of the insane at the Government Hospital for the Insane. Now, the new superintendent has suggested to the Secretary of the Interior that we have not paid enough and that we ought to pay more.

Mr. BURKETT. What have you been paying it out of—the general fund?

Mr. MACFARLAND. No, sir; from the appropriation each year of so much for the support of the District insane in the Government Hospital for the Insane. It is our only insane asylum, and all the indigent insane of the District of Columbia must go there.

Mr. BURKETT. It is one-half paid out of the Government funds and half out of the District fund?

Mr. MACFARLAND. Yes, sir. We pay board for these people, but the Government pays half of this and we pay half of it.

Mr. BURKETT. Instead of making the District stand it you make the Government stand it, and if their pay is $65,000 short the Government can stand that another year?

Mr. MACFARLAND. It has been going on for years and it may be that it is a proper charge. I do not remember the details of the estimate on their part, but I think they claim sufficient attention was not given to working out the actual cost before.

Mr. McCLEARY. In other words, this omission you contemplate with complacency?

Mr. MACFARLAND. Yes, sir; it is the only one on which we look in that way. Gentlemen will see we have not hesitated to apply the knife to the estimates for our current needs. We have done so in every case on the advice of the boards and department chiefs under us. In other words, besides the large projects, we found it necessary in order to come within the desire of this committee to cut very considerably our——

Mr. MOODY. Your estimates you have brought down within the possibilities of appropriation?

Mr. MACFARLAND. Within $7,500,000, which was the estimate of the Secretary of the Treasury for the revenues for the next year, and which may or may not turn out to be correct. For example, the assessor of the District of Columbia says if Congress should pass a bill which has been introduced allowing the payment of arrears of taxes with only 6 per cent penalty, he believes that something like $500,000 would be paid in next year. That of course would be in addition to any estimate made heretofore of what the revenues would be. Then, gentlemen must remember, if we had this money which was diverted in these extraordinary expenditures we should have a very large surplus on which we could call, or rather that we wish it had been spent from time to time in improvements, so we might not now have the difficulty which confronts us.

Here is a statement in detail of the surplus or deficit at the beginning of each fiscal year from July 1, 1889, to December 1, 1901, and extraordinary expenditures for the same periods paid wholly or in part from District revenues, which I desire to submit:

Statement showing the surplus or deficit at the beginning of each fiscal year from July 1, 1889, to December 1, 1901, and extraordinary expenditures for the same period paid wholly or in part from District revenues.

Date.	Surplus revenues.	Deficit in revenues.
July 1, 1889	$512,958.11	
July 1, 1890	105,512.53	
July 1, 1891	112,210.64	
July 1, 1892		$5,088.04
July 1, 1893	83,767.19	
July 1, 1894	625,207.74	
July 1, 1895	429,090.99	
July 1, 1896	845,335.93	
July 1, 1897	683,936.80	
July 1, 1898	917,581.91	
July 1, 1899	603,255.28	
July 1, 1900	387,577.18	
July 1, 1901		716,155.38

EXTRAORDINARY EXPENDITURES.

Fiscal year.	Increasing the water supply.	Purchase of parks.	Paid wholly from District revenues.	
			Street extensions.	Miscellaneous.
1890		[a] $100,000.00		
1891				[b] $3,000.00
1892		[c] 150,000.00		
1893		150,000.00		[d] 90,000.00
1894		159,000.00	$10,000.00	
1895	$300,000.00	177,000.00	22,500.00	
1896	300,000.00		17,991.00	
1897	300,000.00		121,686.00	
1898	83,921.38		16,000.00	
1899	297,210.50		250,576.03	[e] 134,578.50
1900	100,000.00		235,465.99	
1901	169,517.17		301,232.64	
1902	331,111.49		451,325.46	
Total extraordinary expenditures	1,881,760.54	727,000.00	1,426,777.12	227,578.50

[a] National Zoological Park.
[b] Bathing beach.
[c] Rock Creek Park.
[d] Grand Army encampment.
[e] Northern Liberty Market claims.

NOTE 1.—It is apparent from the foregoing statement that during the period covered thereby the revenues of the District were more than sufficient for ordinary demands, and that the present shortage is due to summary drafts for expenditures extraordinary both in purpose and amount.

The sum of $1,426,777.12 for street extensions was paid wholly from District revenues, and the further sum of $1,881,760.54 for increasing the water supply was paid out of the general fund instead of being charged against the revenues of the water department. Leaving out of the account, however, the amount thus paid for street extensions and the equitable liability of the Government for one-half thereof, if the sums making the aggregate of $1,881,760.54, expended for increasing the water supply, had been advanced by the Treasury and reimbursed from the water fund in 25 annual installments, the arrangement would have been fair to the United States, and the District would show a large surplus instead of a deficit in its revenues.

NOTE 2.—In addition to the foregoing there have been expended on account of the sewage-disposal plan $520,473.04 for completed work, and in round numbers $630,000 for work which is still in progress; total $1,120,473.04.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was disagreed to.

Mr. McDERMOTT. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the amendment "all property assessed by such assessors shall be assessed under uniform rules and according to true value."

Mr. McDERMOTT. Mr. Chairman, my attention has been called to the discrepancy in the assessments in this city. In some cases property is assessed at 100, in other cases at 110, and in other cases at 60, at 30, and even 20 per cent of its true value. The gentleman from Tennessee called my attention yesterday, as an offset to a case I had illustrated with, to a case where the assessed value of the property was about 20 per cent of what it was sold for at a private sale. Of course what property brings at condemnation or public sale affords little criterion for its true value, but while the statute provides that the assessors shall assess according to value, and, theoretically, it is assessed at 100 per cent, yet we have had the statement made several times that it is assessed at 65 per cent. The truth is that there is no rule of valuation in the District of Columbia. There should be a rule. I know that wherever you elect your assessors, men who have voted against the assessors on election day are liable to find their property suddenly enhanced in value. Here we appoint the assessors.

What I want is this: You have an appeal here the same as you have in any other municipality, and that appeal is on the value of the piece of property that is brought before the commissioners. The commissioners of appeal will require you to prove that your property is assessed for more than 100 per cent. They do not have before them the entire assessment, and they do not deal equitably with the whole assessment, but with that individual property owner and the piece that he complains of. What I want is that they shall act, in their investigation, upon the question, Is all the property assessed according to the rule? What is that rule? To-day there is none. If you are assessing the real estate at 65 per cent of its market value, well and good. It is no matter whether you assess the property at 10, 20, or 60 per cent, if you assess all alike.

Mr. BURKETT. What does the gentleman understand that a board of equalization is for, if it is not for that very purpose?

Mr. McDERMOTT. It is absolutely impossible for a board of equalization to equalize taxes on individual pieces of property. What they may deal with is sections. You have a county board of equalization——

Mr. BURKETT. The board of equalization may deal with every piece of property.

Mr. McDERMOTT. But I want them to deal with it under a rule.

Mr. BURKETT. The very word "equalization" provides that it shall be according to a rule. If two men own property alongside of each other and A is assessed for $6,000 and B is assessed for $5,000 and the property is presumed to be of the same value, A comes before the board of equalization and says, "My property is assessed $1,000 more than my neighbor, B, and it is worth the same amount."

Mr. McDERMOTT. That equalizes the taxes of those two men. But if the gentleman will study this question of taxation a little further he will find that right here is one of the great troubles of taxation in all sections of the country. When you have equalized the taxation of A's property and B's property, you have not equalized the taxation of A and B in relation to all the relatables in that district.

Mr. BURKETT. The business of the board of equalization is to equalize the taxation of all the property in that community where the owners make complaint.

Mr. McDERMOTT. I understand that; but they deal with specific cases. How many of such cases are there in your district? Take your own tax board of appeal. I venture to say that not one out of every thousand people who are taxed in your district appeal to that board.

Mr. BURKETT. Certainly not; but everyone who does appeal gets a hearing.

[Here the hammer fell.]

Mr. BENTON. Mr. Chairman, the law to which the amendment offered by the committee seeks to give virility affords an opportunity for an equalization of the assessed values of property. The board of assessment, after assessing the property, are required by law to give notice to the taxpayers interested, any of whom are entitled to come in and show that they have been unfairly dealt with by the assessors.

The amendment proposed to the committee amendment by the gentleman from New Jersey would be a fruitful source of litigation. Men may come in continually and say, "My property is assessed higher than its true value, while that of my neighbor is assessed below its true value." Thus there will be created a hotbed of litigation. I hope the amendment to the amendment will be voted down.

Mr. McDERMOTT. Let me ask the gentleman a question. Suppose that the property of A in the city of Washington is assessed at 40 per cent of its market value, while the property of B in the same city is assessed at 80 per cent of its market value. What is the remedy of the man who thus suffers from having his property valued at a higher rate than that of his neighbor?

Mr. BENTON. He can come before the assessors and show the facts.

Mr. McDERMOTT. But what is the result of his doing so?

Mr. BENTON. If the assessors are honest they make an equalization between those two men.

Mr. McDERMOTT. Between A and B?

Mr. BENTON. They make an equalization as to all the people affected.

Mr. McDERMOTT. In order that that might be done there must be a review of the assessment of every single piece of property in the city of Washington.

Mr. BENTON. It is the duty of the board to make such an assessment.

Mr. McDERMOTT. That would be impossible.

Mr. BENTON. It is their duty to go over all the assessed property and see that no such inequalities exist.

Mr. McDERMOTT. My object in introducing this amendment was that there might be an equalization of all the property—to provide that this equalization be obtained in the first instance by the assessors making their assessment under uniform rules. Take the case of a man whose property we will suppose has been assessed at 20 per cent of the actual value. Suppose I, his neighbor, go and make complaint that my property has been assessed at 60 per cent of its actual value. What can the board of equalization do? Can they find out what all the property in the city of Washington has been assessed at and then undertake to equalize the whole assessment? That is an absolute impossibility. They may say, "Here is A's property assessed at 20 per cent of its value and B's property assessed at 60 per cent; we will strike an average and make the assessment in both cases 40 per cent." Will such a proceeding establish a rule of assessment? Absolutely, no. It will simply settle something in those individual cases; it establishes no rule of assessment.

Now, what I want is this: That the assessors when called before the board of equalization shall be able to say, "We assess property upon a uniform rule, at a certain percentage of the market value—say, at 65 per cent." Then every man whose property is assessed at over 65 per cent can come in and say, "Your rule has been violated. That is what I complain of; not that the particular property of A or B has been improperly assessed." If there is a uniform rule, the citizen will have the right to insist that the rule be uniformly followed. The want of conformity to a uniform rule in this respect is one of the troubles in this city, as it probably is in every other city. But unless you have a uniform rule, according to which all property is to be valued, every individual citizen is subject to the vagaries of the assessor.

The question being taken on Mr. McDERMOTT's amendment to the amendment, it was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Minnesota [Mr. McCLEARY], a member of the Appropriations Committee.

Mr. MUDD. Mr. Chairman, I move to amend by striking out the last word. I do not feel called upon in any particular sense to rise here in defense of the Commissioners of this District; but there have been made one or two remarks in this discussion which, in my judgment, place those officials in a false light, and which I think ought not to be permitted to pass without notice. From some of the remarks made here this morning it might be inferred that the Commissioners of the District of Columbia are opposed to a personal-tax law, and were in some way endeavoring to prevent the passage of such a law. That is not the fact. On the contrary, they prepared a bill for making provision for such a tax, which bill I understand has been for some time pending before the Senate committee. Whether reported yet to the Senate I do not at this moment recall, but that bill has been under consideration by the committees of both Houses.

Mr. COWHERD. Is it not a fact that at least two members of the Board of Commissioners appeared before the committee last year, and that the president of the Board made a statement that they did not think personal property ought to be taxed in the District of Columbia.

Mr. MUDD. Well, I am not going back to ancient history. I am not now looking after last year's birds' nests. I know that these Commissioners have prepared a bill and the gentleman from Missouri [Mr. COWHERD] has been assisting in the consideration of that very bill prepared by those Commissioners this year and submitted to this Congress.

Further than that, Mr. Chairman, it would be supposed from the discussion here that these Commissioners had in some way connived at or given their approval of the abolition or destruction of the machinery by which this personal-tax law was intended to be put and kept in operation. That is far from being the fact. The truth is, and the whole of the truth is, that in 1878 the Board of Commissioners that were then in existence, by the abolition of some offices—not a very bad thing, I submit, to be done by the Commissioners of the District of Columbia—and by the consolidation of some offices took a step which Judge Clabaugh decided, less than a year ago, to have destroyed this machinery. These men acting at that time did not mean to destroy the machinery, because they went on in the exercise of the powers given under the bill which the machinery was to put in force, and it was not until about the latter part of last year that Judge Clabaugh's decision was rendered, when for the first time it was ascertained and judicially declared that the machinery was ineffective or did not exist.

Mr. GROSVENOR. Were they collecting a tax on personal property until about a year ago?

Mr. MUDD. Yes; up until about a year ago.

Mr. GROSVENOR. How much money was collected, we will say, for 1900 on personal property in this District?

Mr. MUDD. I am not contending that this act was carried out very vigorously or very successfully, but I am contending this, that the fact they did collect taxes shows that the Commissioners never intended by their act of consolidation to destroy the machinery which was intended to have collected the taxes.

Mr. GROSVENOR. Then the machinery was broken, and the Commissioners did not find it out.

Mr. MUDD. The machinery was broken about twenty-odd years ago before the present Commissioners were heard of as such, or were thought of as probable incumbents of the positions they now occupy.

Mr. GROSVENOR. Oh, well, the other Commissioners.

Mr. MUDD. Well, it would seem that the effect of the act done twenty years ago was to destroy that machinery, but that effect was not declared or known in this District until Judge Clabaugh's decision rendered less than a year ago.

Mr. GROSVENOR. Then I assume they were collecting taxes under it.

Mr. MUDD. They were.

Mr. GROSVENOR. To what extent?

Mr. MUDD. I do not know; I can not say that, but they were collecting taxes. So far, therefore, as it may appear to be the purpose to charge the present Commissioners with any manifestation of hostility to the enactment by this Congress of a personal assessment law, the charge would be absolutely groundless. It

might be further stated also, as negativing the intimation that the Commissioners who were in office in 1878 meant to nullify the provisions of the law for the collection of personal taxes, that their act of consolidation of the offices of assessor and treasurer, which Judge Clabaugh held to destroy the necessary machinery for the collection of such taxes, had the same effect as to taxes on realty as upon those on personalty.

Now, it is not to be thought for a moment that these men or any other men in their position would deliberately take a proceeding that would end the collection of all taxes in the District of Columbia. Judge Clabaugh held that the act of Congress of 1892, amended by the act of 1894, repaired or replaced the machinery for the collection of taxes on realty, but omitted to do it with reference to the taxes on personalty. So that the defect in the status of the law, for the first time made manifest by this decision, would seem to be chargeable to Congress as much as, if not more than, to this old Board of Commissioners.

Now, one other thing. From the general tenor of the remarks of the gentleman from Nebraska [Mr. BURKETT] yesterday they would seem to convey the impression that the Commissioners had subjected themselves to complaint and to criticism for requesting here an unreasonable expenditure in the face of the amount of revenue at their disposal, and this ought to be said in that connection, that the Commissioners of the District of Columbia in asking this year for, if I am not mistaken, some extraordinary expenditures expected the revenues to be provided outside of the usual channels and in an extraordinary way, and they have always represented, so far as I know—they certainly have to our committee—that if those expenditures were provided for they would expect Congress, and in the exercise of their duty and their legitimate functions under the law would ask Congress, to provide for the requisite additional revenue, either by a personal-taxation bill or by a further advance out of the National Treasury.

I make this statement because I think it ought to be made in justice to the District Commissioners. They have done their duty and nothing outside of their duty in this matter. They have recommended some extraordinary expenditures of pressing and urgent importance, in response to an almost universal popular demand. They have asked Congress to provide the extraordinary revenue to meet these requirements and suggested the means of doing so. It is for Congress to determine just what action it shall take.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BELLAMY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after the last word of the committee amendment the following:

"Any person who shall be a bona fide resident of the District of Columbia and liable for the assessment for taxes and who shall, after having been notified in writing by the assessors, unlawfully and willfully refuse to return the schedule of his property as required by the act, being chapter 117 of the Statutes at Large, ratified March 3, 1897, shall be guilty of a misdemeanor, and punished by a fine of not less than $1 nor more than $1,000, in the discretion of the court, provided said notice shall be given at least ten days before the time for returning the said schedule shall expire."

Mr. BELLAMY. Now, Mr. Chairman, I am in hearty sympathy with the committee amendment, but unless there be a provision inserted in it, a compulsory provision, requiring the owner of personal property in the District of Columbia who owns no real estate and no tangible personal property, to return it, the committee amendment would be totally inefficient. It is a well-known fact, Mr. Chairman, that all through the United States there are citizens who have acquired either through personal exertion or by inheritence large sums of money in the places where they do actually reside, who fail to give in their taxes there because they claim they are residents of the District of Columbia.

I have seen in the papers from the town in which I live, this morning, where a resolution was yesterday introduced into the city council requiring the city attorney to see if there can not be devised some plan to cause the assessment of nearly $1,000,000 worth of personal property which escaped taxation in that town, by reason of certain residents flocking to other places and claiming to reside there, while they do business in, possess homes, and have all the habiliments of residents of that city. It is well known that these people, when they get to Washington, spend a day or two at a hotel, claim Washington as their residence, give in no property for taxation here, and none for taxation at their homes. There ought to be some machinery, some means to get at that class of citizens. Washington has really become the Mecca of the tax dodger, and there ought to be provided some plan of reaching those men who claim to reside here in order to escape taxation in their true homes and actual places of residence.

Now, Mr. Chairman, if this amendment is adopted it will be carrying out a provision similar to that which is contained in the laws of many of the States of the Union. I was informed this morning by my friend Governor POWERS, of Maine, that in that State if a man liable for personal-property taxes failed, after being notified to do so, to return his property for taxation within twelve days he is liable to be fined and jailed for a misdemeanor, and is only allowed to take the insolvent debtor's oath to escape the tax. That provision is similar to many that exist in other States in the Union, and I do not see why it should not exist here. It is as much the duty of a man to contribute to the expenses of his government by taxes as it is in time of war to serve his country in the army.

Mr. McDERMOTT. I wish to suggest to the gentleman that the most efficient means of providing for the case that he illustrates is to allow the assessor, in case no return is made, to assess the personal property at such sum as he may fix, and this prevents the delinquent who has not made his return from appealing from the amount so assessed. That was the original idea of the income-tax law during the war. It has been ingrafted upon the laws of many municipalities, and has been found excellent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDERMOTT. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. POWERS of Maine. I desire to make a suggestion. I think the gentleman did not exactly understand me. In the case of the personal tax in Maine, if, after twelve days' notice from the collector that the party should pay it, he does not do so, he is not fined, but is subject to arrest and commitment to jail, to be released therefrom by a disclosure under the poor debtors' act.

Mr. BELLAMY. So the provision that I have inserted in this amendment is even more liberal to the residents of the District than is the law of Maine to its residents. But to reply to the gentleman from New Jersey [Mr. McDERMOTT]. He says that the assessors can assess against the individual whom I have mentioned, the tax, with 50 per cent additional for the failure to return it, against any property that he may own. Now, I ask him, how is it possible for the assessor to ascertain what property that man owns, when it is invisible and intangible? And where do they find the property against which to assess the tax, much less the penalty of 50 per cent?

Mr. McDERMOTT. The law would make the estimate of the assessor beyond appeal, no matter what figure he fixes it at.

Mr. BELLAMY. From what will you collect it?

Mr. McDERMOTT. If the man has no property, there is no use in assessing him. You would collect it the same as you would any personal tax.

Mr. BELLAMY. But if the individual has no tangible personal or real property here?

Mr. McDERMOTT. Then you can not collect anything from him.

Mr. BELLAMY. The purpose of this amendment is to make that man return his taxable property, and if he does not do so to make him subject to a penalty. It is easy enough to get at the individual.

Suppose, for example, a man claims Washington as his home, and he is really a resident of North Carolina. Suppose he is from the city of Wilmington, from which I come, and claims he is a resident of Washington. You can easily find that he has not listed his taxes in Wilmington. If he has not then he is liable for his taxes here, and if he fails to return them here the assessor can have him indicted for a misdemeanor for failing to make a return. It is as much a part of his duty to bear the expense and the burdens of this Government as it is the duty of the man who has a little home and a little tangible visible property. He is better able generally to bear the expense, because of the value of his property, and I contend that an amendment of this kind is absolutely necessary to make this committee amendment effective, so as to get at the taxable personal property. No good citizen ought to object to such a statute, when it simply compels him to discharge an honest public duty to his country.

The system of taxation existing in this District is abominable. The very idea of having a rate of $1.50 on the $100 valuation, inflexible and unalterable! A just system would require first to find out the amount of the taxable property, then the amount of

taxes desired to be raised and then make your levy of such a per cent as is necessary to raise the amount. And again, too, we have been informed that for twenty years in this District, although the law requires the levy to be made on real and personal property alike, that all stocks of goods, furnishings of hotels, and similar property has never been required to be given in by the taxpayer. A large department store in Washington having over $100,000 of stock does not pay a cent of ad valorem taxes. This is a great wrong and injustice to the owner of real estate.

Mr. MORRELL. Mr. Chairman, the gentleman from Illinois asked me a question a few minutes ago in regard to why the Commissioners had not, previous to the present day, made some effort to have an officer appointed to assess and collect this tax. I should like to read from the hearings before the subcommittee of the House Committee on Appropriations for 1900, on the collection of personal taxes:

Mr. ALLEN. Did you notice some remarks on this question in regard to the failure to collect taxes on personal property in the House on Saturday?

Mr. WIGHT. Yes, sir; I saw a reference thereto made by Mr. Moody.

Mr. ALLEN. Mr. Moody and Mr. COWHERD. Mr. COWHERD said that it had been stated to the District Committee that taxes were not collected on personal property because the District did not have any use for the money.

And that is probably the reason why the commissioners did not bring in a bill to provide for the officer to collect this personal tax, simply for the reason that the District did not need the money at that time. The Chairman goes on:

The CHAIRMAN. That was a year or two ago, when you were flush.

Mr. ROSS. We have recently had a commission to revise the whole subject of taxation, and the Commissioners are now considering that revision, which will make the collection of taxes on personal property much more complete than heretofore. There have been defects in that law.

The CHAIRMAN. Are the defects in the law or in the machinery?

Mr. ROSS. In the law itself.

The CHAIRMAN. The present machinery is sufficient to collect the taxes if the assessment was made, is it not?

Mr. ROSS. It will be difficult to enforce the collection of them.

Mr. BENTON. For what reason?

The CHAIRMAN. To enforce the collection or the assessment?

Mr. ROSS. The collection. I would like to have the assessor state in regard to that.

Mr. H. H. DARNEILLE (assessor, District of Columbia). The defects in the law are that, as it stands to-day, it requires a board of assessors, which is not in existence, to prepare and have printed blanks and schedules and publish in the newspapers a certain number of times information as to those notices. That board being out of existence, if we were to go into court to prosecute a delinquent the court would throw the case out on that ground alone.

Mr. BENTON. That is when you try to enforce collections?

Mr. DARNEILLE. Yes; and in the collections it is equally as bad.

Mr. MORRELL. Now, Mr. Chairman, that is just exactly the point.

Mr. McDERMOTT. Does the gentleman think that the Commissioners did not have intelligence enough to go on and levy the assessment and then come for the confirmatory act of Congress? That is what would be done, it seems to me, by any other body where they were authorized to tax—first to make the levy, and then furnish the office to cure the defect in the mere matter of procedure.

Mr. MORRELL. I am going on to show that. Immediately after this hearing, in 1900, Mr. Ross prepared a stringent personal tax bill, which was carried, according to Mr. Darneille's statement to me, to General Grout, chairman of the subcommittee of the Committee of the District of Columbia. What came of that I do not know, but this shows that the Commissioners, instead of being opposed to such a bill in 1900, prepared a bill and had the bill taken by the assessor of the District to the chairman of the subcommittee. That was in 1900. In January 29 of this year——

Mr. COWHERD. If the gentleman will permit me, I will state that there was a change in the Commissioners, and that bill never was perfected.

Mr. MORRELL. The bill was prepared by the Commissioners.

Mr. COWHERD. The bill was prepared by the Commissioners, but about that time there was a change in the Board of Commissioners; one of the Commissioners went out and another Commissioner came in, and the bill was withdrawn and never again presented. Afterwards I got a copy of it from a newspaper.

Mr. MORRELL. My information was that the bill was drawn by Commissioner Ross and carried by Mr. Darneille personally to the chairman of the committee, which showed conclusively in the year 1900 the Commissioners were interested in having such a law.

Mr. COWHERD. The information I am trying to give the gentleman—and I got it from the clerk of the District, as I remember, when I wanted to see what had become of that bill—is this: I was told that it had been withdrawn on account of the fact that there had been a change in the personnel of the Commissioners, and I got a copy from the newspapers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I should like to ask leave to print a letter of January 29, 1902, addressed to the Hon. JAMES MCMILLAN, chairman of the Committee on the District of Columbia of the Senate, and signed by Hon. H. B. F. Macfarland, in which he states his views in regard to the matter.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the letter which he has referred to.

Mr. BENTON. I object.

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. BENTON. I move that all debate close on the amendment of the committee.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota representing the Committee on Appropriations.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That hereafter when differences arise in the rendition, examination, or settlement of the accounts of the disbursing officer of the District of Columbia which would seem to render necessary the suspension or disallowance of any item in said accounts, the Treasury Auditor shall notify the auditor of the District of Columbia, who shall be authorized to present in explanation such facts or arguments as may, in his opinion, tend to the prevention or removal of such suspension or disallowance. When the auditor of the District of Columbia is in doubt as to the legality of an account or voucher for payment upon which he is required to act, he may apply to the Comptroller of the Treasury for a decision upon the question involved, and that officer shall render the same, and the decision so rendered shall govern the accounting officers of the Treasury in subsequently passing upon the account aforesaid. The auditor of the District of Columbia shall continue to prepare and countersign all checks issued by the disbursing officer, and no check involving the disbursement of public moneys by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia.

Mr. PEARRE. Mr. Chairman, I raise the point of order upon that paragraph that it is new legislation and therefore not in order upon a general appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For attorney's office: For attorney, $4,500; first assistant attorney, $2,500; second assistant attorney, $1,600; special assistant attorney, $1,600; law clerk, $1,200; stenographer, $720; messenger, $600; in all, $12,720.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 6, in line 13, strike out the word "attorneys" and insert in lieu thereof "city solicitor;" and in lines 13, 14, 15, and 16 strike out the word "attorney" wherever it occurs and insert in lieu thereof the words "city solicitor."

Mr. McCLEARY. This is simply to have the title of this office conform to the code.

The CHAIRMAN. Without objection the several amendments offered by the gentleman from Minnesota will be considered together. [After a pause.] The Chair hears no objection, and it is so ordered. The question is on the adoption of the amendments offered by the gentleman from Minnesota.

The amendments were agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For rent of District offices, $9,000.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to amend in line 22, page 13, by striking out the word "nine" and inserting the word "ten," and I would like to have the Clerk read the two letters I send to the desk in my time.

The Clerk read as follows:

WASHINGTON, D. C., *January 4, 1902.*

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: My duty, as President of National Capital Investment Company of the District of Columbia, compels me to write plainly respecting the status of our building which you have occupied wholly since March 1895, with a lease beginning July 1, 1895.

Colonel Ross, who was Commissioner at that time, will remember that the health, police, fire, street sweeping, charities, and Board of Children's Guardians departments were already in our building.

On February 26, 1895, you asked us to vacate all the other tenants and give your executive offices rent free to July 1. We completed the construction of the east side of building, making many changes to suit your purposes, constructed many more windows and 16 additional water closets, at an additional cost of $4,500. We were obliged to pay $1,500 for the use of side lot for lighting purposes. We made the elevators and steam service practically new before your entry. We sustained heavy loss by reason of other tenants ejected.

There was no question as to your ability to pay $10,000 yearly rental, and the deficiency then contemplated was expressly stated as only for the year 1895, until the Commissioners could secure the balance. The rent demanded by us was $12,000 for this fireproof building with nearly 70,000 feet of floor space, and the $10,000 agreed upon was a compromise. Let me be frank to say that had there then been any doubt as to your ability to secure the $10,000 yearly rental we would not have been willing to make the lease.

We wish to thank the honorable Commissioners for their unfailing courtesy in presenting this claim yearly to Congress, as by the lease they are required to do, and we most respectfully insist that we have paid our taxes, low as they are as compared with the cost of construction, and we have complied with both the letter and spirit of the lease in anticipating necessary repairs.

Gentlemen, if you can not correct the past deficiency by an appropriation now you should at least insist upon the current appropriation of $10,000 rental hereafter called for in lease.

Our people have expended in construction, changes, and charges $168,057.66, but we can not sell without great loss at present rental, nor can we pay such a dividend to our 85 stockholders as other like property in this city pays

The low rate of assessment is a partial compensation in the taxes paid, but not by our solicitation. You will acknowledge that the property has lost part of its value by reason of the severe usage of the large number of citizens who daily attend at the offices, and somebody will have to pay a large sum to restore the property to its proper condition when you vacate.

We do not appeal to you as mendicants asking for your bounty, but as citizens and taxpayers, who know the honorable Commissioners are controlled by the Golden Rule of justice to all and partiality to none.

We will welcome the day when you can secure a suitable municipal building upon the City Hall site, the center of business and population, and stand ready to contribute our time and money with you to secure this end.

Very respectfully,

THE NATIONAL CAPITAL INVESTMENT CO.,
By S. H. WALKER, *President.*

NATIONAL CAPITAL INVESTMENT COMPANY
OF WASHINGTON CITY, D. C.,
OFFICE, No. 458 LOUISIANA AVENUE,
Washington, D. C., February 6, 1902.

Hon. JOHN W. ROSS,
Commissioner, District of Columbia.

DEAR SIR: When the National Capital Investment Company rented to the District the buildings designated as 462, 464, and 466 Louisiana avenue, the rent was fixed at $10,000 per annum. At that time, however, the offices of the government were housed in different buildings, for which the aggregate appropriation was not quite $9,000.

The Investment Company offered to take the amount appropriated provided the Commissioners would, in their next estimates, ask for the sum of $10,000 per annum, agreed upon between the company and the Commissioners as a reasonable rental.

In accordance with this understanding the Commissioners, at the ensuing session of Congress, asked for an appropriation of $10,000 per annum, but that body allowed only $9,000. At every subsequent session Congress has been asked, as a simple matter of justice, to appropriate in accordance with the agreement aforesaid, but has so far taken no action to this end.

The Investment Company intends to present the matter to the Committees on Appropriations, and in order to a perfect understanding of the question at issue, desire you to state, as the surviving member of the board which selected and first rented the building, whether or not the foregoing statement is in accordance with the facts.

Very respectfully,

NATIONAL CAPITAL INVESTMENT CO.,
By S. H. WALKER, *President.*

On the back of the last letter was the following indorsement:

FEBRUARY 7, 1902.

According to my recollection and belief the facts herein stated are substantially correct.

JOHN W. ROSS, *Commissioner.*

Mr. McCLEARY. Mr. Chairman, some five or six years ago the various offices of the District were housed in different buildings. About 1897 they were gathered into the building in question. The aggregate of all the rent paid in the separate buildings was about $8,000. The owners of this building in question have been heard in person and by attorney by the committee. The judgment of the committee is that $9,000 is all that it is authorized to recommend, and therefore we hope that the amendment will be voted down.

Mr. SAMUEL W. SMITH. Will not the gentleman concede that the contract was to pay $10,000?

Mr. McCLEARY. No, sir.

Mr. SAMUEL W. SMITH. I understand that is the fact, but that you have always pleaded poverty.

Mr. McCLEARY. The law forbids the Commissioners to make any contract exceeding an appropriation.

Mr. SAMUEL W. SMITH. That is not the question. I submit that the Commissioners did agree to pay $10,000.

Mr. McCLEARY. The Commissioners agreed to recommend to the committee that $10,000 be appropriated, and they did so recommend, but, in the judgment of the committee, that sum was not proper to be paid.

Mr. SAMUEL W. SMITH. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. Without objection the gentleman from Michigan will be permitted to withdraw his amendment.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including livery of horses, and necessary incidental expenses, and work done under existing contracts, as well as hand work done under the immediate direction of the Commissioners without contract: *Provided*, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; $190,000, and the Commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

On page 20, line 17, strike out the words "livery of horses" and insert in lieu thereof the words "purchase, maintenance, and livery of horses, purchase, maintenance, and repair of wagons and harnesses."

The question was considered, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding $65,000: *Provided*, That not more than $72 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to permit the erection of poles and the stringing of overhead wires thereon outside of the fire limits and east of Rock Creek for electric lighting purposes only.

Mr. GROSVENOR. Mr. Chairman, I make a point of order against the proviso beginning on line 8, to the end of line 12, on page 26. It is new legislation and never has been authorized by law.

Mr. McCLEARY. Mr. Chairman, the point of order is conceded.

The CHAIRMAN. The Chair sustains the point of order.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 25, lines 23 and 24, strike out the words "sixty-five thousand" and insert the words "sixty-six thousand six hundred and fifty-six."

The question was considered, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, the new reservoir, and Washington Aqueduct tunnel, $33,000.

Toward establishing a slow sand filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, $600,000, to be available immediately and until expended: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary for prosecuting the work, or the materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,768,405, exclusive of the amount herein and heretofore appropriated.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 27, line 4, strike out the words "exclusive of" and insert in lieu thereof the words "in including."

The question was considered, and the amendment was agreed to.

Mr. PALMER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee to give the Committee of the Whole House a little information about this water business. I observe that somebody has bought 34 acres of land to establish a filtration plant, at the rate of $18,000 an acre. And they propose to spend $2,069,000 more in establishing what they call a sand filtration plant for the water. I will agree that the water needs filtering, because there is no place on the top of the civilized earth where the water is so bad so many days in the year as it is in the city of Washington. In quality and consistency it is about like good consommé soup, and if cleanliness is akin to godliness we have mighty little godliness in the city of Washington.

I observe from the testimony of Colonel Miller, the man who seems to have everything in charge and who makes all the contracts, that he is furnishing 200 gallons of water per capita per day to the people of this District. That is over 5 barrels to every inhabitant, big and little, white, black, and copper colored, including pickaninnies.

Mr. LIVINGSTON. A large part of it is mud.

Mr. PALMER. Yes; but they do not charge anything extra for the mud, and it is good mud, part of the sacred soil of Virginia. It would be curious to know what becomes of 200 gallons of water a day for every inhabitant in the District of Columbia. My esteemed colleague [Mr. LIVINGSTON] says that he does not get over a barrel a day in his house; that they do not use over a barrel a day, and they have six people in it; so that he does not get by 29 barrels what he is actually entitled to. What becomes of 200 gallons a day? How are they going to use $2,069,000 on filtrating that amount of water—60,000,000 gallons? Twenty-four filter beds, costing $10,000 apiece, would do the business, because you can filter 2,500,000 gallons of water through an acre of ground, and do it well.

Mr. NEWLANDS. If the gentleman will permit me a moment, I think I can answer his question regarding the waste of water in this city.

Mr. PALMER. I shall be very glad to hear the gentleman. I know he is an expert on the subject of irrigation.

Mr. NEWLANDS. Mr. Chairman, in no city in the United States is there such tremendous waste of water as in Washington. I am somewhat familiar with waterworks, for in my early days I was counsel of the Spring Valley Waterworks, a private corporation that furnished water to the city of San Francisco. There the

per capita consumption was about 50 gallons per day. Here, as has been stated, it is about 200 gallons. In Liverpool the consumption is only about 20 gallons per day per head.

Now, a great many years ago an inquiry was made in the city of San Francisco regarding the consumption of water. The waterworks at that time proposed an increase in the plant, involving an expenditure of some millions of dollars, but before entering upon that enlargement they came to the conclusion that they would try to restrain the waste, and they did this by inaugurating the meter system. The result was that for years they were able to postpone the extraordinary expenditure which had been contemplated for an enlargement of the plant.

Now, in this District an effort has been made by the District Committee on several occasions to introduce the meter system—not so much with a view to charging every person with every drop of water he receives or uses, but with the view of checking or restraining the waste. That measure, I am sorry to say, has been defeated in the House every time it has been brought up, and Congress has insisted on going on with the present wasteful system. Over two-thirds of the water that comes into the city of Washington goes through the sewers without serving any useful purpose. We have gone on expending large amounts of money every year for increasing our water supply, without thinking of the advantage it would be to limit the waste and purify the supply that we already have; for if we should attempt to purify this immense volume of water which serves no beneficial use, we of course simply increase the expense of the administration in this city. The fault in this matter is, I think, in Congress in refusing, whenever the question has been presented, to authorize the meter system.

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. PALMER. I move to amend by striking out the last two words. The point I am trying to make is this: The bill carries an appropriation of $600,000 for expenditures in connection with the water supply for the coming year, and it provides for constructing a slow sand filtration plant for this city at an expense not exceeding $2,700,000. Now, I wish to say that if 60,000,000 gallons of water daily are necessary for this city (which is not the fact) that quantity could be filtered through 24 filter beds. There is no mystery about a sand filtration bed. It is the simplest problem in engineering; and such sand filters as would be necessary would be, if constructed, dear at $10,000 apiece. I should be glad if the chairman of the committee would tell me and tell this House what they are going to do with $2,700,000 for the construction of a filtration plant for this city, even supposing that 60,000,000 gallons of water are needed every day.

I do not understand how those who have submitted the estimates could possibly expect this House to authorize a payment of $18,000 an acre—over $600,000—for 34 acres of land on which to establish a filtration plant. And if the House had been consulted no doubt the land never would have been purchased. It is stated that the land selected is within the city limits. But what necessity was there for purchasing land within the city limits for such a purpose? Why was not land purchased at the point where water is taken out of the river—20 miles up the Potomac—a suitable place for the construction of a filtration plant, and where land ought to be purchased for $50 an acre?

I have read all the testimony taken before this committee, and it consists of a statement of Colonel Miller. I suppose Colonel Miller is a very good man; I do not know anything to the contrary. But he gives as little information as any human being possibly could within the space occupied by his testimony. It seems he does the whole water business. He makes all the contracts; nobody else knows anything about the matter but Colonel Miller. It does seem to me that it would be an excellent plan to look into this water business and to ascertain whether filtered water can not be furnished to the city of Washington for far less money than it is proposed to expend. If the committee has any information on this subject besides that furnished by Colonel Miller in his testimony or that which is found in the Book of Estimates, I for one should be glad to hear it.

Mr. McCLEARY. Mr. Chairman, the Committee on Appropriations bases its appropriations upon the estimates furnished to it, exercising such judgment as it may in regard to the wisdom of those estimates. We thrashed out this question in the last Congress as to the kind of filtration plant we should have, and the provision in the bill expresses the best judgment of the committee.

The Clerk read as follows:

INCREASING THE WATER SUPPLY.

For fence around reservoir grounds, to cost not exceeding $5,000; walks, ditches, and drains on reservoir grounds; house over west shaft, and fencing; and for fencing, grading, and clearing at Champlain avenue shaft; in all, $12,000.

Mr. McCLEARY. I move to amend by inserting at the end of the paragraph just read the words "to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

For the enforcement of the provisions of the act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, and the act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, under the direction of the health officer of said District, $20,000.

Mr. McCLEARY. I move to amend by inserting after the word "District," in line 19, page 40, the words "including purchase and maintenance of necessary horses, wagons, and harness."

The amendment was agreed to.

The Clerk read as follows:

For maintaining the disinfecting service, $5,000.

Mr. McCLEARY. I move to amend by inserting after the word "service," in line 21, page 40, the words "including purchase and maintenance of necessary horses, wagons, and harness."

The amendment was agreed to.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of the act approved January 31, 1899, $1,500.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 43, after line 2, insert:

"Justices of the peace: For 10 justices of the peace at $2,000 each, and the further sum of $250 each for rent, stationery, and other expenses; in all, $22,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment to follow that.

The Clerk read as follows:

After the amendment last considered insert:

"Hereafter any justice of the peace designated to serve as judge of the police court, as provided by section 51 of the act to establish a code of law for the District of Columbia, shall receive no additional compensation while so serving."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, now I offer the following amendment to follow the last amendment.

The Clerk read as follows:

After amendment last considered insert:

"Hereafter justices of the peace in and for the District of Columbia who are also notaries public shall account for and pay over to the collector of taxes all fees earned as such notaries public as they are required by law to do as to fees earned by them as justices of the peace."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After amendment last considered insert:

"Hereafter the District of Columbia shall not be required to pay fees to the clerk of the supreme court of the District of Columbia.

"Hereafter the salary and compensation of the clerk of the supreme court of the District of Columbia shall not exceed $3,500 per annum; and the excess of fees received by him above said salary, after defraying therefrom the necessary expenses of his office, shall be paid into the Treasury of the United States.

"The permanent indefinite appropriation made by section 229 of the act to establish a code of law for the District of Columbia, approved March 3, 1901, to pay the reporter of the court of appeals for volumes of the reports of the opinions of said court, is hereby repealed. And the Commissioners of the District of Columbia shall hereafter annually submit estimates for the amounts required to pay said reporter for volumes of the reports authorized to be furnished by him under said section 229."

Mr. GROSVENOR. Mr. Chairman, I reserve all points of order on that.

Mr. BENTON. Mr. Chairman, I would like to ask the chairman of the committee if that is a committee amendment.

Mr. McCLEARY. Yes, it is; they are all committee amendments.

Mr. GROSVENOR. I do not know anything about it, Mr. Chairman, but it seems to me that last is an amendment of the code, which we passed after some considerable trouble, tacked on to an appropriation bill. I do not want to make any technical opposition to it if it is a matter that has been considered.

Mr. McCLEARY. I will say to the gentleman from Ohio that it is a matter that has been considered very carefully in committee and which has the unanimous approval of the committee. The first amendment provides salaries for justices of the peace.

In some way estimates for such salaries were omitted, and as the bill was first printed there was no provision for any salaries for these justices of the peace provided for by the code. The further amendments relate to their duties and to other matters whose propriety is regarded by the committee as beyond question.

Mr. GROSVENOR. Well, it is all right then.

The CHAIRMAN. Does the gentleman from Ohio insist upon his point of order?

Mr. GROSVENOR. I do not.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

That section 1178 of the "act to establish a code of law for the District of Columbia," approved March 3, 1901, shall not be construed to amend, alter, or repeal the rate of interest fixed at 4 per cent per annum on judgments against the District of Columbia by the act approved September 30, 1890 (Supplement Revised Statutes, page 811, paragraph 3).

Mr. McCLEARY. Mr. Chairman, I move, as an amendment, to strike out all of line 13 on page 43. It is a mere reference.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

For the Columbia Hospital for Women and Lying-in Asylum, for the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum, by the board of charities, not to exceed $20,000.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 49, in lines 17 and 18, strike out "the Columbia Hospital for Women and Lying-in Asylum, for."

Mr. McCLEARY. I will state that that is simply to correct the language.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 49, after the word "dollars," in line 21, insert the words "and the further sum of $6,000 is hereby appropriated for improvements and repairs at Columbia Hospital for Women and Lying-in Asylum."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

The Clerk read as follows:

For the care and maintenance of children, under a contract to be made with the German Orphan Asylum by the Board of Children's Guardians, not to exceed $1,800.

Mr. KLEBERG. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in lines 5, 6, and 7, page 52, the words "under contract to be made with the" and "by the Board of Children's Guardians" and insert before "German," in line 6, the word "in;" so that it will read:

"For the care and maintenance of children in German Orphan Asylum, not to exceed $1,800."

Mr. KLEBERG. Mr. Chairman, in explanation of the amendment, I send to the Clerk's desk and ask to have read a letter.

The Clerk read as follows:

WASHINGTON, D. C., *May 1, 1902.*

Hon. RICHARD BARTHOLDT,
House of Representatives.

DEAR SIR: The board of directors of the German Orphan Asylum of this city direct me to request that you will bring your influence to bear to have the objectionable phrase in the District of Columbia appropriation bill, H. R. 14019, page 52, lines 5, 6, and 7, viz, "under a contract to be made with the German Orphan Asylum by the Board of Children's Guardians," struck out.

We have received an appropriation of $1,800 for the last twenty years (independently of a special contract) under supervision of the Commissioners of the District of Columbia and audited by the Treasurer of the United States, but if the said clause remains in the bill the management of our institution will be crippled, as we can not afford to surrender the control of our institution to the Board of Children's Guardians.

Aside from this, it seems that our institution is singularly singled out from among others to be burdened with the above-mentioned provision—for instance, the appropriation for St. Ann's Orphan Asylum, the Washington Hospital for Foundlings, etc., has not the said condition annexed to it.

Hoping that you will meet with success in your efforts, I remain,

Very respectfully,

WM. F. MEYERS.
Secretary German Orphan Asylum.

Mr. KLEBERG. Mr. Chairman, in addition, I wish to say that I am informed that for the last four years Congress has stricken out a similar provision. It ought not to be in the bill, and I hope the amendment will be adopted.

Mr. McCLEARY. Mr. Chairman, this provision was inserted in accordance with the recommendation of the Board of Children's Guardians, and the statement was made at the time of the hearing that the amendment was acceptable to the officers of the German Orphan Asylum. I will say, in addition, Mr. Chairman, that this is in harmony with the policy which is sought to be inaugurated of placing all of these private institutions which call for public money under the direction of the Board of Children's Guardians. On the preceding page, page 51, we find:

For the care and maintenance of children, under a contract to be made with the National Association for the Relief of Destitute Colored Women and Children, by the Board of Children's Guardians—

And so forth. Now, the reason why these other three that are referred to—the Newsboys and Children's Aid Society, the Washington Home for Foundlings, and St. Ann's Infant Asylum—were not similarly specified, is that they were recommended to be stricken out, and we simply inserted them as they stand in the current law.

Mr. KLEBERG. I am informed that the same reason prevails for striking out this. I am informed that for the last four years the same item, reported by the Committee on Appropriations, has invariably been stricken out.

Mr. GROSVENOR. If the gentleman will allow me a word, he could have stricken out this provision on a point of order if he had chosen to do so, if this appears here for the first time.

Mr. KLEBERG. As new legislation.

Mr. GROSVENOR. Certainly.

Mr. KLEBERG. Then, Mr. Chairman, I make the point of order that this should be stricken out as new legislation.

Mr. McCLEARY. It is too late to make that point of order, Mr. Chairman.

The CHAIRMAN. It is too late to make that point of order.

Mr. KLEBERG. Then I appeal to the committee to adopt this amendment to strike out this provision. It has been stricken out in every preceding Congress, and I am informed that it will cripple the institution if it is not stricken out.

The amendment was agreed to.

The Clerk read as follows:

For the Women's Christian Association, maintenance, $4,000.

Mr. GROSVENOR. Mr. Chairman, I want to ask the gentleman in charge of the bill if this item—for the Women's Christian Association, $4,000—is the usual sum. There was some discussion about it, and an attempt was made by the Board of Children's Guardians to cut it down to $2,000, I think. What I want to know is whether this is the usual amount which has been given heretofore.

Mr. McCLEARY. I will say to the gentleman that this is the usual amount.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. McCLEARY, the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McCLEARY. Mr. Speaker, I move the previous question on the bill and amendments to their passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, they will be submitted by the Chair to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

CUBAN DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I would like to call up the diplomatic and consular appropriation bill covering the offices for Cuba. The bill was referred to the Committee of the Whole House on the state of the Union, and I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13996.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURTIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the diplomatic appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

Be it enacted, etc., That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service of the United States in the republic of Cuba for the fiscal year ending

June 30, 1903, and from May 20, 1902, until and including June 30, 1902, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of minister and secretaries: Envoy extraordinary and minister plenipotentiary to Cuba, $10,000; secretary of legation to Cuba, $2,000; second secretary of legation to Cuba, $1,500.

For salaries of consul-general and consuls: Consul-general at Habana, $5,000; consul at Cienfuegos, $3,000; consul at Santiago de Cuba, $3,000.

Mr. HITT. Mr. Chairman, this bill is to provide for the service, consular and diplomatic, to represent our Republic in the republic of Cuba, which will be installed on the 20th of this month. It is an important consideration that our minister, especially, should be on hand at the time of the installation of that government, as our interests are most important and it will be well that our minister be the dean of the diplomatic corps from the beginning. The provisions of the bill are so plain and simple that they need little explanation. The salaries were determined by the Department upon a comparison with the past. The minister will receive a salary of $10,000. We now pay to the minister to Costa Rica and the Central American posts a salary of $10,000, and the minister to the tiny Republic of San Domingo $7,500.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. HITT. Certainly.

Mr. KLEBERG. Has not the President recommended a salary of $10,000 for the minister?

Mr. HITT. That is the salary here fixed. The officers who are subordinate to the minister, as secretaries, are paid the usual rates in the service. At Habana, which is the principal port and place of business on the island, the salary of the consul-general is fixed in this bill at $5,000. Formerly the salary of the officer there, who was accredited to the Government of Spain, was $6,000. It is here reduced $1,000; but it is believed that the notarial fees and other sources of revenue will be sufficient to compensate him fairly.

Cienfuegos by this bill is paid $3,000. It was formerly $2,500. At Santiago de Cuba it is here fixed at $3,000 and was formerly $2,500; but we have, while establishing these posts at that rate, dropped Cardenas, $1,500; Matanzas, $3,000; Sagua la Grande, and Neuvitas. It was felt best that with the small fees of those places, where trade is quite subordinate, the business could be transacted by unsalaried agencies where we do not have any hope of a large business to justify a salary. The service is somewhat experimental. It is hard to say anything that would enlighten anyone generally well informed as to what and how great the commercial relations of our country with the new republic will be, but it is manifest that we should be represented, and that it should be immediately done. I will now gladly yield to anyone for suggestion or question.

Mr. CLARK. Mr. Chairman, I desire to indorse the statement made by the chairman of the committee. These salaries are what the President recommended. Of course everybody recognizes the importance of putting ourselves on the very best possible relations with the new republic that is coming into being over there on the 20th of the month. Some people might think that the title of "minister plenipotentiary and envoy extraordinary" was a little top heavy for so small a republic, but Congress raised the minister to Mexico and changed that to ambassador, the very first one that America ever sent out. It was done for commercial reasons and because Mexico is our nearest neighbor on the South, and it is of the utmost importance, as the chairman has stated, that we have our representative on the ground in Habana at the time this republic is installed.

Mr. HITT. I will not detain the committee further, unless gentlemen desire to ask questions. I move that the committee rise.

The CHAIRMAN. General debate has not been closed. Without objection, general debate will be considered as closed.

There was no objection.

Mr. HITT. The bill has been read.

The CHAIRMAN. Without objection, the reading of the bill for amendments will be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Illinois moves that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, and had directed him to report it back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

Mr. SHERMAN (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, at the request of the gentleman from Minnesota [Mr. TAWNEY], who has been called out of town, I ask unanimous consent that that committee may be passed, the bill under consideration not being prejudiced by that action.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Interstate and Foreign Commerce be passed without prejudice. The Chair will state, before presenting that request, that that committee has had one day and is entitled to one further day, so this must be understood. The Chair now submits the request. Is there objection to the request? [After a pause.] The Chair hears none.

The Committee on Foreign Affairs was called.

Mr. ADAMS. Mr. Speaker, I ask for the consideration of the bill H. R. 8129, to amend sections 4076, 4078, and 4075 of the Revised Statutes.

The SPEAKER. Is this by authority of the committee?

Mr. ADAMS. I am instructed by the Committee on Foreign Affairs to call this bill up.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 4076 and 4078 of the Revised Statutes of the United States are hereby amended by substituting for the phrases "citizens of the United States" and "citizen of the United States" the phrases "persons owing permanent allegiance to the sovereignty of the United States" and "person owing permanent allegiance to the sovereignty of the United States."

SEC. 2. That section 4075 of the Revised Statutes is hereby amended by inserting after the phrase "consular officers of the United States" as follows: "and by such chief or other executive officers of the insular possessions of the United States."

The following amendment was recommended by the committee:

Strike out all after the enacting clause and insert the following:

"SECTION 1. That section 4075 of the Revised Statutes of the United States is hereby amended by inserting after the phrase 'consular officers of the United States' the following: 'and by such chiefs or other consular officer of the insular possessions of the United States.'

"SEC. 2. That section 4076 of the Revised Statutes is hereby amended so as to read as follows: 'No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.'

"SEC. 3. That section 4078 is hereby amended so as to read: 'If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any person owing allegiance, whether a citizen or not, to the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.'"

Mr. ADAMS. Mr. Speaker, I will ask for the reading of the report, which consists mainly of a letter from the Secretary of State setting forth the reasons for the passage of the bill.

The SPEAKER. The report will be read in the time of the gentleman from Pennsylvania.

The Clerk read the report (by Mr. ADAMS), as follows:

The Committee on Foreign Affairs, to which was referred the bill (H. R. 8129) to amend sections 4076, 4078, and 4075 of the Revised Statutes, reports the same back with amendments, with the recommendation that the bill as amended be passed.

The draft of this bill was transmitted by the Secretary of State, with the subjoined letter in support of the necessity for its passage:

DEPARTMENT OF STATE,
Washington, January 4, 1902.

SIR: I have the honor to inclose herewith a draft of a proposed amendment to sections 4076, 4078, and 4075 of the Revised States of the United States, which now limit the issuance of passports to citizens of the United States.

Since the treaty of peace with Spain the Department has received applications for passports from residents of the Philippine Islands, Porto Rico, and Guam. On the occasion of an application to the ambassador of the United States at London by several Filipinos the Department instructed the ambassador to issue the passports, but no passports have been issued to the residents of our insular possessions by this Department, nor has it authorized such issuance by our diplomatic or consular agents abroad, except in the instance above mentioned.

The diplomatic and consular officers have, however, been instructed to extend to all loyal residents of our insular possessions traveling or sojourning abroad the same protection of person and property as is accorded to native citizens of the United States, and to effect this purpose they have been instructed to issue such documents as are required by the foreign authorities and are not prohibited by our laws and regulations. This expedient has proved satisfactory for the time being, but it can not properly become a permanent practice for the reason that a passport is absolutely necessary in order to obtain admission to some foreign countries and is required for protection during sojourn in others.

The purpose of the amendment to existing legislation herewith submitted is to secure the sanction of law to the granting of passports to residents of our insular possessions, and thus enable this Government to extend to them a full measure of protection abroad.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. R. R. HITT,
Chairman Committee on Foreign Affairs,
House of Representatives, United States.

Strike out all after the enacting clause and insert the following:

"SECTION 1. That section 4075 of the Revised Statutes of the United States is hereby amended by inserting after the phrase 'consular officers of the United States' the following: 'and by such chiefs or other consular officers of the insular possessions of the United States.'

"SEC. 2. That section 4076 of the Revised Statutes is hereby amended so as to read as follows: 'No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.'

"SEC. 3. That section 4078 is hereby amended so as to read: 'If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any person owing allegiance, whether a citizen or not, to the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.'"

The reasons for the necessity for the passage of this bill are so fully set forth in the letter from the Secretary of State that your committee does not deem it necessary to make further suggestions.

Mr. ADAMS. Mr. Speaker, the letter from the Secretary of State sets forth so fully the reasons for the necessity of this legislation that I do not think it necessary to say anything further. The fact is simply this, that the Revised Statutes uses the term "citizen of the United States;" and under that the State Department deem themselves prohibited from writing or issuing passports to citizens of the insular possessions. The Secretary of State has asked this legislation in order to put the Department in a position so to do.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. ADAMS. I will yield to the gentleman.

Mr. MADDOX. Is this a unanimous report from the Committee on Foreign Affairs?

Mr. ADAMS. It is a unanimous report from that committee.

Mr. HITT. Mr. Speaker, this is a bill which was carefully considered by all the committee, and was discussed fully at the time. There have been cases in the past where the Government officers have given certificates in one form or another instead of passports. Certificates may be available for some purposes, but some countries absolutely and in terms exact passports from persons coming from the United States. By our law now passports can be granted only to citizens of the United States. Now, there is a body or class of persons whom the gentleman from Pennsylvania has referred to who owe allegiance to the United States, living in Porto Rico and other insular possessions, to whom it is our duty to afford protection, but who have not yet been decided to be citizens. In the bill presented that protection is authorized to be extended by diplomatic officers granting passports to those owing allegiance to the United States.

Mr, SMITH of Kentucky. Does this bill undertake to deal with the inhabitants of Porto Rico, and Hawaii, and the Philippine Islands in any other capacity than as citizens of the United States?

Mr. ADAMS. It does not. This bill simply provides that all persons who owe allegiance to the United States shall be entitled to passports. All people under the sovereignty of any nation are entitled to the protection of that Government, and this law will enable the Department of State to issue passports to all people who have a right to claim protection from this Government.

Mr. CLARK. That is provided for by this language:

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

Mr. SMITH of Kentucky. The committee have undertaken to say by inference that persons who owe allegiance to the United States are not citizens of the United States.

Mr. CLARK. No; the committee did not undertake to say anything of the sort. The situation, Mr. Speaker, is simply this; some of us believe that the very minute the Philippine Islands were annexed to the United States the people of those islands became citizens, as we had it stated here in the debate on the Porto Rican tariff; but there are a great many other people who do not believe anything of the sort, and it was necessary, in the judgment of the State Department and in the judgment of this committee, that some arrangement be made to grant a passport to these people in the Philippine Islands and other islands that are hung up like Mohammed's coffin, between heaven and earth. But in order to avoid that very difficulty of undertaking to decide whether they are citizens or not citizens, we used the language in the second section, which I have read, evading the whole thing. It leaves them exactly where we found them.

Mr. SMITH of Kentucky. Well, Mr. Speaker, I desire to say that I believe that every man that owes allegiance to the United States is a citizen of the United States. I believe that is a sound proposition of law.

Mr. CLARK. If that is your position, this section of the bill does not run counter to it.

Mr. SMITH of Kentucky. This bill is a legislative construction of our laws relative to citizenship.

Mr. CLARK. Oh, no; it is not.

Mr. SMITH of Kentucky. I so understand it to be.

Mr. CLARK. It takes your view and my view.

Mr. SMITH of Kentucky. Let me ask the gentleman a question. If I support this bill, am I not conceding by that support that there are people who owe allegiance to the United States who are not citizens of the United States?

Mr. CLARK. Oh, no; if you support this bill, you will simply retain your political and constitutional integrity and at the same time allow the State Department to be authorized to issue passports to the Filipinos, whether it shall turn out ultimately that they are American citizens or not; and that is the reason this language is put in there—so that everybody here can vote for the bill and so that if a Filipino wants to go anywhere in the world before it is determined whether he is a citizen or not, he can, somehow or other, get a passport under the provisions of this bill.

Mr. SMITH of Kentucky. One other question. Would not this bill serve the same purpose if the words "whether he be a citizen or not" were stricken out?

Mr. CLARK. I do not think it would.

Mr. SMITH of Kentucky. It would then include everybody who owes allegiance to the United States.

Mr. CLARK. Nobody can tell when the Supreme Court of the United States is going to decide whether these people are citizens; and what is a good deal more important, nobody can tell when Congress is going to act under the treaty of Paris and define the status of those people in the Philippine Islands. It is more than three years since that treaty was ratified; yet Congress has sat here and done absolutely nothing, so far as I have been able to ascertain, in the way of taking action under that section of the treaty which empowers Congress to fix the status of the people of the Philippine Islands.

Because Congress has not acted, because it has shown precious little disposition to act, because the Supreme Court has not decided and never will decide it until it is driven right up to the proposition, what the status of those people over there is, and because some of them want to travel around like other people, we have inserted this language which some gentlemen may call equivocal. That is the most you can make of it. If I thought that this language bound me for half a second to the declaration that any people under the American flag are not citizens of this country, I never would vote for it. But I do not feel that I should ever be precluded by this bill from taking any position that I pleased in regard to the status of those people in the Philippine Islands.

Mr. KLUTTZ. Does not the language imply a doubt whether they are citizens now?

Mr. CLARK. No; there is no such implication. We simply say, "If you take one man's view and say they are citizens, they can get their passports; and if you take another man's view and say they are not citizens, they can still get their passports."

Mr. SMITH of Kentucky. The gentleman did not answer my question. I asked whether this bill, with the words "whether they be citizens or not" stricken out, would not accomplish the purpose intended and desired, without committing men who take the different views, one way or the other, upon the proposition of citizenship?

Mr. CLARK. If I felt like the gentleman from Kentucky does on this question, I should vote against the bill.

Mr. SMITH of Kentucky. Well, I shall vote against it if those words "whether they are citizens or not" are retained, because I think that to vote for the bill with those words included is tantamount to saying that people may owe allegiance to the Government of the United States without being citizens thereof. I do not believe any such doctrine.

Mr. KLEBERG (to Mr. CLARK). Does not the language of the bill imply that certain persons may be citizens of the United States and certain others subjects?

Mr. CLARK. It does not imply anything of the sort.

Mr. KLEBERG. That is exactly what it does.

Mr. CLARK. I do not think it does. A man may owe allegiance to the Government of the United States while here in the United States without being a citizen. I will give you an illustration. There are in the United States at the present time somewhere in the neighborhood of 300,000 Chinese. Every one of them owes allegiance to the United States as long as he stays here; he is subject to our jurisdiction. Now, if I felt as my friend from Kentucky does and my friend from Texas does, I would not vote for the bill. That is all there is about it.

Mr. SMITH of Kentucky. Let me say to the gentleman from Missouri [Mr. CLARK] that the instance he cites is an instance of temporary allegiance.

Mr. CLARK. That is all true.

Mr. SMITH of Kentucky. It does not cover the allegiance required of every citizen of the United States.

Mr. CLARK. I hope from the bottom of my heart that that is all the allegiance these Filipinos will ever owe to the United States—a temporary allegiance—for I would gladly get rid of them by next Fourth of July, if it were possible.

Mr. SMITH of Kentucky. If they are persons owing only a temporary allegiance, we ought not to grant them passports.

Mr. CLARK. But they are in the country and they can not get out without a passport. We have, as it were, got them in jail.

Mr. SMITH of Kentucky. I think that the provision of law which says that we may issue passports to citizens of the United States covers these people as much as it does those fully endowed with citizenship.

Mr. CLARK. I have stated all I know about the measure. I do not care very much about it anyhow.

Mr. ADAMS. I ask for a vote.

Mr. MADDOX. Allow me to make a suggestion to the gentleman from Pennsylvania [Mr. ADAMS]. There seem to be some objections to this bill on this side of the House; we have no quorum here, and there was a general understanding, I believe, that no business would be taken up this afternoon after we got through the District bill.

Mr. ADAMS. Mr. Speaker, I know of no such understanding.

Mr. MADDOX. Mr. Speaker, I think it would be better to pass it, say, until to-morrow, so that we may have somebody here.

Mr. ADAMS. The trouble is that if we pass it I will lose my position on the call of committees. I will say to the gentleman that this bill was reported unanimously from the Committee on Foreign Affairs over a month ago.

Mr. MADDOX. Then the gentleman will simply force us to raise the question of no quorum.

Mr. ADAMS. Well, I do not wish to do that.

Mr. MADDOX. I think you can get unanimous consent to fix this at some time when we have a larger number of members present in the House.

Mr. ADAMS. Then, Mr. Speaker, I ask unanimous consent that to-morrow morning, after the reading of the Journal, this bill be made a special order.

The SPEAKER. To-morrow is set for claims, the Chair will state.

Mr. SMITH of Kentucky. Mr. Speaker, how would it be to set it over until Monday?

The SPEAKER. Monday is set for District of Columbia matters, by order of the House.

Mr. SMITH of Kentucky. Then Tuesday morning.

The SPEAKER. The Chair will state to the House that Tuesday morning the Committee on Territories have given notice that they will call up the Territorial bill. The Chair will submit the request to the House if desired.

Mr. ADAMS. The matter will not take long.

Mr. ROBINSON of Indiana. Then I shall have to object to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be made the special order for Tuesday morning next. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Indiana.

Mr. ADAMS. Then I shall have to take a vote on the bill. I move the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill and amendments to its passage.

Mr. SMITH of Kentucky. I think if the gentleman will suggest Wednesday morning that will be satisfactory. The objection is, as I understand it, because it will interfere with the Committee on the Territories. Make it Wednesday morning and I believe there will be no objection.

Mr. ADAMS. Then I ask unanimous consent, Mr. Speaker, that Wednesday morning next be set as a special order.

The SPEAKER. Does the gentleman withdraw his demand for the previous question.

Mr. ADAMS. I do, temporarily.

The SPEAKER. The demand for the previous question is withdrawn.

Mr. LLOYD. Mr. Speaker, I have no objection to the consideration of this particular bill at any time that may be fixed, excepting that I do not wish it fixed at any time which will interfere with the statehood bill. If the gentleman will make his proposition such that it shall be taken up immediately after the consideration of the statehood bill, then I have no objection.

Mr. ADAMS. Mr. Speaker, I renew the demand for the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman demands the previous question on the bill and amendments to its passage.

The question was taken; and, on a division demanded by Mr. ADAMS, there were—ayes 64, noes 13.

Mr. MADDOX. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The gentleman from Georgia makes the point there is no quorum present. The Chair will count.

The Chair proceeded to count, when

Mr. MADDOX said: Mr. Speaker, I withdraw the point, in order that the gentleman from Pennsylvania may make another request.

The SPEAKER. Does the gentleman withdraw his point of no quorum?

Mr. MADDOX. Yes; in order that the gentleman from Pennsylvania may make another suggestion.

The SPEAKER. The Chair will submit the question. Unanimous consent is asked to vacate the order to proceed to ascertain whether there is a quorum present or not. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMS. Mr. Speaker, I now ask unanimous consent that this bill be considered after the bill for the admission of the Territories as States.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be made the special order for the consideration of the House after the Committee on Territories has disposed of the statehood bill.

Mr. SMITH of Kentucky. Mr. Speaker, I wish to suggest to the gentleman from Pennsylvania that he include in that request that the order for the previous question be vacated.

Mr. ADAMS. Oh, yes.

The SPEAKER. The previous question was not ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will proceed with the call of the committees.

Mr. PERKINS. Mr. Speaker——

The SPEAKER. Is this from the Committee on Foreign Affairs?

Mr. PERKINS. Yes. By direction of the Committee on Foreign Affairs I call up the bill H. R. 11576, which I will send to the desk and ask to have read.

The Clerk read as follows:

A bill granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. PERKINS. Mr. Speaker, I will state——

The SPEAKER. The Chair would advise the gentleman that this bill is on the Private Calendar and not on the House Calendar.

Mr. PERKINS. Then it can not be called up under the call of committees?

The SPEAKER. Not under the call of committees. On the call of committees only bills on the House Calendar can be called up. The gentleman can only get it up under this call by unanimous consent.

Mr. PERKINS. Then I ask unanimous consent for its consideration, to get it out of the way.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be considered now, under the call of the committees. Is there objection?

Mr. WHEELER. Mr. Speaker, I object.

ORDER OF BUSINESS.

Mr. BELL. Mr. Speaker, I want to know if we can raise the point of no quorum being present?

The SPEAKER. The gentleman has that right.

Mr. BELL. Evidently there is no quorum here.

Mr. RAY of New York. I trust the gentleman will not raise the point now. I have a matter or two that I want to bring up.

Mr. BELL. The only reason I make it is that several members, including the gentleman from Tennessee [Mr. RICHARDSON], went away thinking nothing would be done except to pass the appropriation bill. A great many went away with that understanding. I do not want to object to anybody's bill, but we ought to have a quorum. What is the gentleman's bill?

Mr. RAY of New York. I want to return to the Judiciary Committee on the call. The gentleman can raise the point then, if he desires to.

Mr. BELL. Well, I withdraw the point for the present, Mr. Speaker.

The SPEAKER. The gentleman withdraws the point of no quorum.

Mr. JONES of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JONES of Washington. I rise for the purpose of asking unanimous consent to return to the Committee on the Merchant Marine and Fisheries. I was present when the call was made and was listening, but did not hear the call of that committee.

The SPEAKER. Is there anything further from the Committee on Foreign Affairs?

Mr. HITT. Mr. Speaker, unanimous consent was just asked by the gentleman from New York [Mr. PERKINS] to proceed with a certain bill.

The SPEAKER. The gentleman from Kentucky [Mr. WHEELER] made objection. Has the gentleman from Illinois, or any other member of the Foreign Affairs Committee, anything further to bring out from that committee? [After a pause.] The gentleman from Washington.

Mr. JONES of Washington. I ask unanimous consent to return to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Washington asks unanimous consent to return to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

VESSELS OWNED BY CORPORATIONS.

Mr. JONES of Washington. Mr. Speaker, I desire to call up the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes.

The SPEAKER. The gentleman from Washington calls up a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That section 4139 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4139. Previous to granting a register for any vessel owned by any incorporated company the president or secretary of the company, or any other officer or agent thereof, duly authorized by said president in writing, attested by the corporate seal of the company, to act for the president in this behalf, shall swear to the ownership of the vessel by such company without designating the names of the persons composing the company, and the oath of either of said officers or agents will be sufficient without requiring the oath of any other person interested and concerned in such vessel."

SEC. 2. That section 4314 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4314. Previous to granting enrollment and license to any vessel owned by any incorporated company the president or secretary of such company, or any other officer or agent thereof, duly authorized by said president in writing, attested by the corporate seal of the company, to act for the president in its behalf, shall swear to the ownership of such vessel by such company without designating the names of the persons composing such company, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel."

The following amendments recommended by the committee were read:

In line 8, page 1, before the word "company," strike out "the" and insert "such."

In line 9 strike out the word "president" and insert the word "company."

In line 10 strike out the words "of the company" and insert the word "thereof," and strike out the word "president" and insert the word "company."

In line 14 strike out the word "will" and insert "shall," and after the word "be" insert the word "deemed."

On page 2, in line 4, strike out the word "to" and insert "for."

In line 6 strike out the word "president" and insert the word "company."

In line 7 strike out the words "of the company" and insert the word "thereof."

And in line 8 strike out the words "for the president."

Mr. JONES of Washington. Mr. Speaker, the only effect of the amendments to the sections of the Revised Statutes referred to is to allow the regularly authorized agent of a company to make the oath in addition to the president or secretary. The present law allows the president or the secretary to make the oath of ownership required by the statutes. This simply extends it to an agent duly authorized by the company, under the seal of the company, to make the oath, in addition to the president or secretary.

Mr. CLAYTON. Does this come from your committee with a unanimous report?

Mr. JONES of Washington. The unanimous report of the Committee on the Merchant Marine and Fisheries.

Mr. MADDOX. Is that all the change it makes?

Mr. JONES of Washington. That is all the change.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

CALL OF THE COMMITTEE OF THE JUDICIARY.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent to return to the Committee on the Judiciary. I was busy when the committee was called, and did not apprehend that a call of committees would be made to-day. Coming in later, I found that the Committee on the Judiciary had been passed.

The SPEAKER. The gentleman from New York asks unanimous consent to return to the call of the Committee on the Judiciary, he having been absent from the House when the call was made. Is there objection?

There was no objection.

LIMITING THE MEANING OF THE WORD "CONSPIRACY."

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases.

The bill was read, as follows:

Be it enacted, etc., That no agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia or in any Territory of the United States, or between employers and employees who may be engaged in trade or commerce between the several States, or between any Territory and another, or between any Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained.

Mr. RAY of New York. Mr. Speaker, if there is no comment desired, I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF CIRCUIT AND DISTRICT COURTS, DISTRICT OF SOUTH DAKOTA.

Mr. RAY of New York. Mr. Speaker, I desire to call up the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That hereafter the terms of the district and circuit courts of the United States in and for the State of South Dakota shall be held as follows: At Sioux Falls, the first Tuesday in April and the third Tuesday in October; at Aberdeen, the first Tuesday in May and the second Tuesday in November; at Pierre, the second Tuesday in June and the first Tuesday in October; at Deadwood, the third Tuesday in May and the first Tuesday in September.

SEC. 2. That the provisions of statute now existing for the holding of said courts on any day contrary to the provisions of this act are hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said courts on the days now fixed by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not have been passed.

SEC. 3. That when the circuit and district courts are held, as provided in this act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts, and all grand and all petit juries for the circuit and district courts of the district of South Dakota shall be drawn from the body of said district and from the inhabitants of the State of South Dakota who are liable according to the laws of said State to do jury duty in the courts thereof, in the manner now provided by law.

SEC. 4. That this act shall be in full force and effect on and after July 1, A. D. 1902.

Mr. RAY of New York. Mr. Speaker, I desire to say to the House that this bill has passed the Senate and is unanimously reported from the Committee on the Judiciary. The act fixes the times and places for holding the courts in South Dakota, and is just as the Senators and Representatives from that State desire to have it to accommodate the courts. It creates no additional offices or expense. Mr. Speaker, I ask for the previous question or a vote.

The SPEAKER. The gentleman from New York demands the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. RAY of New York. Mr. Speaker, if I can without yielding the floor, I desire to permit a gentleman who passed a bill here a little while ago to move to reconsider and to lay that motion on the table.

The SPEAKER. Is the bill from the Committee on the Judiciary?

Mr. RAY of New York. The bill was passed.

The SPEAKER. What committee was it from?

Mr. RAY of New York. It was from another committee. The bill was passed.

The SPEAKER. It can only be done by unanimous consent.

Mr. JONES of Washington. I only wish, Mr. Speaker, to move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. The gentleman from Washington asks unanimous consent to recur to the Committee on Merchant Marine and Fisheries, for the purpose of moving to reconsider the vote by which a bill was passed, and also to move to lay that motion

on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMENDMENT TO THE BANKRUPTCY LAW.

Mr. RAY of New York. Mr. Speaker, I now call up the bill H. R. 13679.

The bill was read, as follows:

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

Be it enacted, etc., That clause 15 of section 1 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, be, and the same is hereby, amended so as to read as follows:

"(15) A person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, or which is exempt from being taken on execution under the laws of the United States or of the State or Territory in which the proceedings in bankruptcy were begun, shall not, at a fair valuation, be sufficient in amount to pay his debts."

SEC. 2. That clause 5 of section 2 of said act be, and the same is hereby, amended so as to read as follows:

"(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services;"

SEC. 3. That clause 4, subdivision a, of section 3 of said act, be, and the same is hereby, amended so as to read as follows:

"or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for or been put in charge of a receiver or trustee, under the laws of a State or Territory, or of the United States."

SEC. 4. That section 4 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 4. WHO MAY BECOME BANKRUPTS.—a Any natural person and any unincorporated company owing debts shall be entitled to the benefits of this act as a voluntary bankrupt.

"b Any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits shall be entitled to the benefits of this act as a voluntary bankrupt, on petition of an officer or stockholder of such corporation, duly authorized at a meeting of stockholders held for that purpose by the vote of a majority in amount of the total stock of the corporation.

"c Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits, owing debts to the amount of $1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts.

"d The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

SEC. 5. That subdivision b of section 14 of said act be, and the same is hereby, amended so as to read as follows:

"b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtained such property on credit; or (4) made a fraudulent transfer of any portion of his property to any person; or (5) been granted or denied a discharge in bankruptcy within six years; or (6) in the course of his proceedings refused to obey any lawful order of or to answer any material question approved by the court."

SEC. 6. That section 17 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 17. Debts not affected by a discharge.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

SEC. 7. That subdivisions a and b of section 18 of said act be, and the same are hereby, amended so as to read as follows:

"a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within ten days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be not more than twenty days after the first publication.

"b The bankrupt, or any creditor, may appear and plead to the petition on or before the return day, or within such further time as the court may allow."

SEC. 8. That subdivision a of section 21 of said act be, and the same is hereby, amended so as to read as follows:

"a A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this act: *Provided*, That the wife shall not be so examined except as to business transactions to which she is or has been a party, and she may be examined to determine that fact."

SEC. 9. That subdivision b of section 23 of said act be, and the same is hereby, amended so as to read as follows:

"b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b, section 67, subdivision e, and section 70, subdivision e."

SEC. 10. That subdivision a of section 40 of said act be, and the same is hereby, amended so as to read as follows:

"a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of $20 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 50 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1 per cent commissions on all moneys received and paid out by the trustee, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition."

SEC. 11. That subdivision a of section 48 of said act be, and the same is hereby, amended so as to read as follows:

"a Trustees shall receive for their services, payable after they are rendered, a fee of $10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered such commissions on all moneys received and paid out by them as may be allowed by the courts, not to exceed 10 per cent on the first $500 or less, 5 per cent on the next $1,000 or part thereof, 3 per cent on the next $8,500 or part thereof, and 1 per cent on such moneys in excess of $10,000. In the event of the confirmation of a composition after the qualification of a trustee, the court may allow such trustee not more than one-half commissions on the moneys or property received by him."

SEC. 12. That subdivision g of section 57 of said act be, and the same is hereby, amended so as to read as follows:

"g The claims of creditors who have received preferences, voidable under section 60, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section 67, subdivision e, or section 70, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances."

SEC. 13. That subdivisions a and b of section 60 of said act be, and the same are hereby, amended so as to read as follows:

"a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted, or, if not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property transferred."

"b If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 14. That subdivision a and clause two of subdivision b of section 64 of said act be, and the same are hereby, amended so as to read as follows:

"a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, except such taxes as are a lien on a homestead claimed by or set off to him as exempt from being taken on execution, in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax, the same shall be heard and determined by the court."

"(2) The filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered by the efforts and at the expense of one or more creditors, the reasonable expenses of such creditors in so doing."

SEC. 15. That subdivision e of section 67 and subdivision e of section 70 of said act be, and the same are hereby, amended by adding at the end of each such subdivision the words:

"For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 16. That said act is also amended by adding thereto a new section, section 71, to read as follows:

"SEC. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: *Provided*, That said bankruptcy indexes and dockets, as well as the indexes of judgments in the several courts of the United States, shall at all times be open to inspection and examination by all persons or corporations for the purpose of transcription or otherwise without any fee or charge therefor."

Mr. BELLAMY. Mr. Speaker, I hope the gentleman from New York will postpone the consideration of this bill. I do not know of a more important bill that has been brought before this session of Congress than the bankruptcy bill, or a radical amendment to the bankruptcy law, which affects every section of the country. There is no quorum here this evening, and the bill ought to be postponed for consideration, so that we can examine the bill.

Mr. RAY of New York. Mr. Speaker, I desire to say, in answer to the suggestion, that I do not desire to be unfair about this or to disappoint anyone or to cut off proper debate. I would say here that this bill meets the unanimous approval of everybody favorable to the continuance of the bankruptcy law, and

most of those who favor the repeal of the law favor the amendments. There are but one or two of these amendments that those who want to repeal the law find any fault with. Perhaps I might say two or three. There are some gentlemen who desire to repeal the law.

This bill has been sent to and has been in the hands of business houses, merchants, manufacturers, and lawyers, North and East, South and West, all over this country, for more than six months, and every business interest, lawyers, judges, from all directions, favor these amendments. I think those who have received communications on the subject, those who have studied the bill, speak in that way. But, Mr. Speaker, there are a number who favor a repeal, and I think three—is it three members of the committee?

Mr. CLAYTON. Four members.

Mr. RAY of New York. Four members of the committee have joined in a minority report in which they favor the repeal of the law.

Mr. CLAYTON. I think it fair to say in that connection that the minority who have presented their views oppose this bill, and oppose nearly every principal feature in this bill; and they also favor the repeal of the original bankruptcy act, and also are opposed to these amendments.

Mr. RAY of New York. Then this is the first time I have heard objections to the amendments, except as I stated. I do not desire to be unfair. Now, if it is the desire of gentlemen and the wish of the House, I am perfectly willing to let this matter stand over until there is another call of committees, and that will give everyone an opportunity to prepare themselves for the debate and study the bill.

Mr. LANHAM. It might be possible to fix a day in the future when the bill might be considered and given ample time.

Mr. RAY of New York. There is some confusion, and I did not hear what the gentleman said.

Mr. LANHAM. It might be possible to fix a day for the consideration in the pretty early future, when sufficient time could be devoted to the consideration of the bill to satisfy all.

Mr. RAY of New York. That may be, but——

Mr. LANHAM. We might reach an agreement by unanimous consent.

Mr. RAY of New York. It might interfere with the business of the House.

Mr. CLAYTON. I did not understand the statement of the gentleman from Texas.

Mr. LANHAM. I suggest that there might not be sufficient time to consider the bill, and that we might agree upon some day—say next week, or in the early future—when it be taken up.

Mr. PAYNE. I suggest to the gentleman that he let this bill go over until the next call of committees.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman whether it is his purpose to move the previous question so as to prevent those in favor of the repeal of the law to have an opportunity to vote for that repeal. I would like to see the bill called up and have a chance to aid in the repeal of the law. I think there is a general feeling of that kind in the House that the law ought to be repealed, and I know there is a general feeling throughout the country to that effect, and this evening is not any too soon.

Mr. RAY of New York. When the gentleman says that, I say in answer that I know there is no such general feeling, because I have tested the feeling. As I said, I have in the committee room from all quarters of the country more than 20,000 letters favoring these amendments.

Mr. RICHARDSON of Alabama. I agree with the gentleman from New York that there is no sentiment for the repeal, but I do not think a bill of such vast importance as this ought to be considered without all the members having an opportunity to investigate it and vote upon it. I do not believe there is a general demand throughout the country for the repeal of the bankrupt law, but I do believe there is a general demand for amendment to many of its features. I do do not know myself what this bill provides; I am not able to tell right now taking up this bill.

Mr. RAY of New York. If the gentleman will take the report he can see.

Mr. RICHARDSON of Alabama. I have not had time to read it; I have just received it.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If the House should adjourn now, would this matter come up on the next call of committees?

The SPEAKER. If the House should adjourn now, the first unfinished business will be that of the Committee on Interstate and Foreign Commerce, as the House has by unanimous consent reserved its right. After that the Committee on the Judiciary will be next in order.

Mr. PAYNE. Well, I suggest that that is the best way to dispose of this matter.

Mr. DE ARMOND. Mr. Speaker, the time ordinarily given to the call of committees is insufficient for the consideration of this bill. It has taken twenty or twenty-five minutes to read it.

Mr. PAYNE. You will have two days to consider it under the rule.

Mr. DE ARMOND. Two days would be about the time that ought to be given to it.

Mr. CLAYTON. Not less than that.

Mr. PAYNE. That is all that can be given under the rule of the House.

The SPEAKER. The Chair did not understand whether the gentleman from Missouri made a point of order or not.

Mr. DE ARMOND. No, sir; I did not.

The SPEAKER. The Chair will say in respect to the time that on the call of committees each committee has two days to call up a bill, but the bill being once called up, consideration of it may be continued through the session.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Does the gentleman from New York [Mr. RAY] yield to his colleague for that purpose?

Mr. CLAYTON. Mr. Speaker, I hope the gentleman will withhold that motion for a minute.

Mr. PAYNE. I will withhold it, Mr. Speaker.

Mr. CLAYTON. I request unanimous consent, Mr. Speaker, that 1,000 copies of this bill with the report of the majority and the views of the minority be printed. They have been exhausted.

Mr. RAY of New York. They have been exhausted, Mr. Speaker, and I would like to have the gentleman make it 2,000.

The SPEAKER. The gentleman from Alabama asks unanimous consent that 1,000 copies of the bill and report and the views of the minority be printed for the use of the House, and the gentleman from New York [Mr. RAY] moves to amend by making it 2,000.

Mr. CLAYTON. That is agreeable to me.

The SPEAKER. Is there objection to the request as amended by the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn, and pending that, the Chair lays before the House the following personal requests:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOREING, indefinitely, on account of important business.

To Mr. TAWNEY, for two weeks, on account of illness.

To Mr. BOWERSOCK, for two days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted Mr. HENRY C. SMITH to withdraw from the files of the House, without leaving copies, papers in the case of Jehu F. Wotring, Fifty-sixth Congress, no adverse report having been made thereon.

The motion of Mr. PAYNE was then agreed to.

Accordingly the House (at 4 o'clock and 24 minutes) adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting copies of communications from officials of the Louisiana Purchase Exposition relating to an extension of time for opening said exposition—to the Committee on Industrial Arts and Expositions, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13354) to continue the publication of the Supplement to the Revised Statutes, reported the same without amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901, reported the same without amendment, accompanied by a report (No. 1871); which said

bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 1977) to incorporate the Lake Erie and Ohio River Ship Canal Company, and defining the powers thereof, reported the same with amendments, accompanied by a report (No. 1872); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 66) appropriating $1,500 to investigate the fishery interests on the Pacific coast, reported the same with amendments, accompanied by a report (No. 1873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Texas, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3123) to make Port Arthur, Tex., a subport of entry and delivery in the customs district of Galveston, reported the same without amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5052) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War, reported the same without amendment, accompanied by a report (No. 1875); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3375) relating to the construction of a dam across Rainy River, reported the same without amendment, accompanied by a report (No. 1876); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2336) granting a pension to Rebecca Coppinger, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4506) granting an increase of pension to Ann E. Collier, reported the same with amendment, accompanied by a report (No. 1856); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3279) granting a pension to John Coolen, reported the same without amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2036) granting an increase of pension to Etta Adair Anderson, reported the same without amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3331) granting a pension to Ada V. Park, reported the same without amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12428) granting an increase of pension to Elizabeth G. Getty, reported the same without amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13807) granting a pension to Jeremiah Horan, reported the same with amendments, accompanied by a report (No. 1861); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13395) granting a pension to Arthur J. Bushnell, reported the same with amendment, accompanied by a report (No. 1862); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7906) granting a pension to Martha G. Young, reported the same with amendments, accompanied by a report (No. 1863); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6030) granting an increase of pension to William G. De Garis, reported the same with amendments, accompanied by a report (No. 1864); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11395) granting a pension to Mary Pitman, reported the same with amendments, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12379) granting a pension to Nancy M. Richmond, reported the same with amendments, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13423) granting an increase of pension to Elizabeth Wall, reported the same with amendments, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13332) granting an increase of pension to W. G. Cantley, reported the same with amendments, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11495) granting an increase of pension to Mary A. Bailey, reported the same with amendments, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 5228) for the relief of George E. W. Sharretts, reported the same with amendment, accompanied by a report (No. 1877); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13355) granting an increase of pension to William H. Snyder, reported the same with amendment, accompanied by a report (No. 1878); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13266) granting an increase of pension to Elbert N. Remson, reported the same with amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14055) granting an increase of pension to Samuel Brown, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAWRENCE: A bill (H. R. 14165) to prohibit the sale of intoxicating liquors in immigrant stations owned or used by the United States Government or in the grounds appertaining to the same—to the Committee on Immigration and Naturalization.

By Mr. SULZER: A bill (H. R. 14166) to establish the Department of Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 14186) to abolish all duties upon live cattle, hogs, and sheep imported from foreign countries—to the Committee on Ways and Means.

By Mr. HAY: A resolution (H. Res. 236) calling for information from the Secretary of War as to cost of army in the Philippines—to the Committee on Insular Affairs.

By Mr. NAPHEN: A resolution (H. Res. 237) requesting information from the Secretary of the Interior relating to leased public lands—to the Committee on the Public Lands.

By Mr. SUTHERLAND: A resolution (H. Res. 238) requesting information from the Secretary of the Interior relating to recent surveys of the agricultural lands and water resources of the Uintah Indian Reservation in Utah—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Texas: A bill (H. R. 14167) for the relief of Edward P. Alsbury—to the Committee on War Claims.

Also, a bill (H. R. 14168) granting a pension to J. B. Anderson—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 14169) granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14170) granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, a bill (H. R. 14171) granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, a bill (H. R. 14172) granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 14173) to correct the military record of Jonathan King—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 14174) granting an increase of pension to Griffith T. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) for the relief of Miss L. V. Belt, administratrix of estate of Alfred C. Belt, deceased—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 14176) for the relief of the heirs of James W. Fennell, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 14177) granting a pension to James M. McKeown—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 14178) for the relief of George W. Goolby—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 14179) for the relief of W. A. Galloway, of Jacksonville, Ark.—to the Committee on Claims.

Also, a bill (H. R. 14180) for the relief of Daniel Guffey, of Casa, Ark.—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 14181) granting a pension to Moses G. Coates—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14183) to reimburse the members of the Fifty-first Iowa regimental band for the use of musical instruments and music during the war with Spain—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting an increase of pension to Albert Blood—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 14187) for the relief of Louis J. Souer, collector internal revenue, district of Louisiana—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Will F. Stewart Post, No. 180, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of N. R. Tannehill, of Canonsburg, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. BELL: Petition of S. Honig, L. E. Rass, and other citizens of Colorado, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BENTON: Paper to accompany House bill granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14169, granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14171, granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, papers in support of House bill 14170, granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, papers in support of House bill 14172, granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Polish Society of Carnegie, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DEEMER: Resolutions of Colonel D. L. Montgomery Post, No. 264, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolutions of the Maine State Board of Trade, for the establishment of lobster hatcheries on the coast of Maine—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS: Resolutions of the Eastern Montana Wool Growers' Association, Miles City, Mont., urging the enactment of House bill 6565, providing for the inspection of mixed goods and the proper marking of the same—to the Committee on Ways and Means.

Also, memorial of the same association, for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. HEPBURN: Resolutions of Mine Workers' Union of Seymour, Iowa, against foreign immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same union, favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the General Conference of the Reorganized Church of Jesus Christ of Latter-Day Saints, held at Lamoni, Iowa, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, resolution of the Iowa Bankers' Association, Council Bluffs, Iowa, in opposition to the passage of the so-called Fowler bill—to the Committee on Banking and Currency.

By Mr. HOWELL: Petition of citizens of Third Congressional district of New Jersey, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LASSITER: Resolutions of Norfolk (Va.) Chamber of Commerce, favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of Twenty-seventh District Republican Club, New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MEYER of Louisiana: Papers to accompany House bill for the relief of Louis J. Soner—to the Committee on Claims.

By Mr. REID: Papers to accompany House bill 14179, for the relief of W. A. Galloway, of Jacksonville, Fla.—to the Committee on Claims.

Also, paper to accompany House bill 14180, for the relief of Daniel Guffy—to the Committee on Invalid Pensions.

Also, petition of citizens of Conway County, Ark., in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also (by request), petition of citizens of Perry County, Ark., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SCHIRM: Resolutions of Lodge No. 193, Boiler Makers and Iron-ship Builders' Union, Baltimore, Md., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of the Piano and Organ Workers' Union of Derby, Conn., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

Also, resolutions of the common council of Hartford, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Retail Butchers and Grocers' Protective Association of New Haven, Conn., favoring a Sunday-closing law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of Louis Bloom and others, of New York City, for the repeal of the duties on meats—to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 3, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

DENTAL SURGEONS IN NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 14th ultimo, certain information furnished by the Surgeon-General of the Navy relative to the enlistment and detailment of dental surgeons to treat the officers and men of the Navy, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

EXTENSION OF THE CAPITOL.

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, plans for the extension of the central portion of the Capitol and for the renovation and decoration of the Rotunda; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BUFFINGTON-CROZIER GUN CARRIAGE.

Mr. ALLISON. Yesterday I asked that a communication to the Senate from the Secretary of War, transmitting, in response to a resolution of the 24th ultimo, certain reports in regard to the Buffington-Crozier disappearing gun carriage, be referred to the Committee on Appropriations, supposing that the communication was pertinent to the fortifications appropriation bill. I find on looking into the matter that the letter and accompanying papers should have been referred to the Committee on Military Affairs. I ask that a change of reference be made.

The PRESIDENT pro tempore. The Senator from Iowa asks that the Committee on Appropriations be discharged from the further consideration of the communication referred to by him, and that it be referred to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Nordyke & Marmon Company, of Indianapolis, Ind., praying for the adoption of certain amendments to the national banking laws; which was referred to the Committee on Finance.

He also presented petitions of L. A. Thomas Division, No. 492, Brotherhood of Locomotive Engineers, of Indianapolis, and of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of George Merritt & Co., of Indianapolis, Ind., praying for the continuance of the so-called protective tariff policy, and remonstrating against the ratification of reciprocity treaties with foreign countries; which was referred to the Committee on Finance.

He also presented a petition of Terre Haute Division, No. 92, Order of Railway Conductors, of Terre Haute, Ind., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of William Smith Post, No. 103; of Boothroyd Post, No. 31, of Delphi; of James Beard Post, No. 433, of Lawrence; of Stone River Post, No. 65, of Frankfort; of Otterbein Post, No. 277, of Otterbein; of General Lyon Post, No. 34, of Otwell, and of Cory Post, No. 477, of Cory, all of the Department of Indiana, Grand Army of the Republic, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Boonville; of Federal Labor Union No. 9482, of Chandler, and of Machinists' Local Union No. 150, of Huntington, all in the State of Indiana, praying for the enactment of legislation providing for an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 138, Order of Railroad Conductors, of Garrett; of Huntington Division, No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Terre Haute Division, No. 92, Order of Railway Conductors, of Terre Haute; of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, and of Tried and True Lodge, No. 361, Brotherhood of Locomotive Firemen, of Washington, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. SPOONER presented a petition of Lake Superior Division, No. 13, Order of Railroad Telegraphers, of West Superior, Wis., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of the Piano and Organ Workers' Local Union, of Derby City, Conn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. COCKRELL presented a petition of Louis Duemler Post, No. 465, Department of Missouri, Grand Army of the Republic, of St. Clair, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on March 13, 1902, proposing to appropriate $40,600 for grading and macadamizing Fourteenth street from its present terminus to the northern limit of the Saul tract, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1681) granting a pension to Erma G. Harvey;

A bill (H. R. 13439) granting an increase of pension to William Blanchard;

A bill (H. R. 12713) granting an increase of pension to Bernard McCormick;

A bill (H. R. 12015) granting an increase of pension to Edgar T. Daniels; and

A bill (H. R. 6434) granting a pension to Mary J. Fitch.

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred to the joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound 1,100 copies of the same, uniform with the editions printed for the Navy Department, as provided in section 73, paragraph 5, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents; 100 copies for the Senate, 400 for the House, and 600 for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of New York. I enter a motion to reconsider the vote by which the Senate passed the bill (S. 4872) providing for the printing of the American Ephemeris and Nautical Almanac.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

Mr. PLATT of New York. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 500 additional copies of the Report of the Delegation of the United States to the Second International Conference of the American States for the use of said delegation.

COMMEMORATIVE TABLET OF VICE-PRESIDENT WILSON.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. HANSBROUGH, from the Committee on the Library, on the 26th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the expense incurred by the Superintendent of the Capitol Building and Grounds, authorized by Senate resolution of January 16, 1885, in procuring and placing a commemorative tablet in the room in the Senate wing of the Capitol where Vice-President Henry Wilson died, be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 5626) for the relief of Larkin Holt; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEITFELD introduced a bill (S. 5627) for grading V street from North Capitol street to Lincoln avenue east; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BEVERIDGE introduced a bill (S. 5628) granting an increase of pension to Catherine Hendricks; which was read twice

by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5629) granting an increase of pension to Mary Goodrich; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5630) for the relief of the heirs of Anna Holmes Bernard; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 5631) declaring the construction of sections 2304, 2305, 2306, and 2307 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5632) granting an increase of pension to Isum Gwin;

A bill (S. 5633) granting an increase of pension to William Comstock;

A bill (S. 5634) granting an increase of pension to James Towey; and

A bill (S. 5635) granting an increase of pension to James Harrison.

Mr. DILLINGHAM introduced a bill (S. 5636) granting a pension to John W. Holcomb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5637) making an appropriation for the support of the W. T. Whitaker Orphan Home, in the Indian Territory; which was read twice by its title.

Mr. JONES of Arkansas. In connection with the bill I send to the desk a letter from the Secretary of the Interior addressed to the chairman of the Committee on Indian Affairs. I move that the letter and accompanying papers be printed, and that they be referred, together with the bill, to the Committee on Indian Affairs.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate $100,000 for the purchase of a site and toward the erection of a building for a business high school in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MORGAN submitted an amendment proposing to appropriate $5,683 to pay the claim of Mrs. Flora Adams Darling, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment relative to the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 to pay one cataloguer in the library, Navy Department, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. COCKRELL submitted an amendment authorizing the board of Capitol police to place upon the roll of the Capitol police, as an additional member thereof, E. D. Turmure, formerly belonging to that force, and to pay him a salary of $900 per annum, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON, Mr. CLAY, Mr. GALLINGER, and Mr. McENERY submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLARA P. ELLIOTT.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara P. Elliott, mother of C. B. Elliott, late a laborer on the rolls of the Senate, a sum equal to six months' salary at the rate of $720 per annum, said sum to be considered as including funeral expenses and all other allowances.

MAJ. CORNELIUS GARDENER.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following bill.

Mr. LODGE rose.

The PRESIDENT pro tempore. There is a resolution coming over from a previous day.

Mr. LODGE. I wish to say a word in regard to it.

The PRESIDENT pro tempore. The Chair lays the resolution before the Senate.

Mr. LODGE. The resolution need not be read. The Senate is familiar with it. It is the resolution in regard to summoning Major Gardener from the Philippine Islands.

Day before yesterday, on learning that Major Gardener's regiment would not sail from Manila until the 15th day of June, I asked the committee on its assembling to authorize me to summon him in the usual way employed by the committee in case of other Army officers, through the Secretary of War, and that resolution was adopted by the committee. Later in the day I was informed, which was a great surprise to me, that a cable had been received from General Chaffee a few days before, stating that Major Gardener had filed no specifications of his charges, and that the Department had cabled to know what the condition of the investigation was and whether Major Gardener had filed any specifications.

On learning that, the committee yesterday, in order to await the coming of the answer from Manila, rescinded their resolution authorizing me to call him. That answer has just been received, and I will read it:

[Cablegram received at the War Department May 2, 1902, from Manila.]

ADJUTANT-GENERAL, *Washington:*

With reference to your telegram of 1st, Maj. Cornelius Gardener has filed few specifications, very general in character, and practically paraphrasing his report. In one instance he gives the name of an officer. The board—

That is, the board of inquiry—

consists of Col. Theodore J. Wint, Lieut. Col. Joseph W. Duncan, and Capt. William T. Johnston, sitting at Lucena, under instructions to afford Major Gardener full opportunity to substantiate every allegation. Major Gardener has telegraphed Luke E. Wright that investigation has developed into attack on him, and has asked for counsel. First Lieutenant Trent has been authorized to aid him. Wint has been directed to afford Major Gardener every opportunity. The following is his reply:

"Capt. Harry H. Bandholtz, governor, has since yesterday acted counsel for Major Gardener, who, up to the present, declined furnish names any witnesses to board. He has brought several witnesses, but so far his procedure indicates he does not desire full investigation as ordered. Board has had no desire attack Major Gardener, but is pursuing rigid investigation his allegations irrespective what he wishes, and will not permit him shape or dictate the course investigation."

Think any objection Major Gardener lays in fact that the board desires to test accuracy of his information and the condition Tayabas when he was governor. Some time must necessarily elapse before the report is completed. Probably many witnesses to be examined.

CHAFFEE.

Also the following telegram:

WAR DEPARTMENT, *May 2, 1902.*

CHAFFEE, *Manila:*

Cable in full Major Gardener's specifications. Your directions to board to afford Gardener every opportunity are approved. Board should be especially enjoined not to permit the proceeding to assume a character giving the least color to a claim that there is an attack on him or allow it to be in any way diverted from a full and fair investigation of the truth of his charges.

ROOT.

Under the circumstances, the investigation pending, the witnesses abroad, the accused persons before the board of inquiry in the Philippine Islands, where Major Gardener can best prove his allegations and those whom he accuses can meet them if they can, it seemed to the committee it was not desirable to take further action at present.

I ask that the resolution may lie on the table and that these papers, which include all the telegrams which have passed, may be printed as a part of my remarks for the information of the Senate.

The papers referred to are as follows:

[Hearings before Senate Committee on the Philippines, p. 886.]

WASHINGTON, D. C., *February 7, 1902.*

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

SIR: I herewith transmit to you reports of the condition of Batangas and Tayabas, disturbed districts in the archipelago, with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in those two provinces.

Very respectfully,

WM. H. TAFT.

[Hearings before Senate Committee on the Philippines, pp. 886-887.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1902.

GENERAL: At the instance of the Secretary of War I inclose herewith a copy of a report of Maj. Cornelius Gardener, Thirteenth United States Infantry, as provisional governor of the province of Tayabas, the same having been made by him to the civil governor of the Philippine Islands.

There is so much contained in this report reflecting not only upon officers of the Army, but the general conduct of affairs and the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and, if they be found true, that the necessary administrative and disciplinary measures be applied to correct these evils.

Your particular attention is invited to the portions of the report which are underscored.

You are requested to make a full report of the investigation herein directed as soon as possible.

Very respectfully,

H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

Maj. Gen. ADNA R. CHAFFEE,
Commanding the Division of the Philippine Islands, Manila, P. I.

[House Document No. 518, Fifty-seventh Congress, first session, p. 6.]

Referring to that part of my communication which states that the warfare in the Philippine Islands has been conducted with marked severity, and to the remarks of the honorable Secretary on that point, it is proper to say that I had in mind such information as is conveyed in the letter of Governor William H. Taft, addressed to the honorable Secretary dated Washington, February 7, 1902, as well as other communications that have been referred to these headquarters or received by me.

[House Document No. 518, Fifty-seventh Congress, first session, pp. 8, 9.]

The reference in the memorandum to the letter of Governor Taft to the Secretary of War dated February 7, 1902, is to a letter transmitting, for the purpose of an investigation by the military authorities, a report by the civil governor of the province of Tayabas, containing, in general terms and without specifications or names, serious charges against the military administration in that province and against the conduct of the Army generally in its relations to the civil government. This report was on the 19th of February sent to General Chaffee with the following direction:

"There is so much contained in this report reflecting not only upon officers of the Army, but the general conduct of affairs and the administration of the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and if they be found true that the necessary administrative and disciplinary measures be applied to correct these evils;" and also "to make a full report of the investigation herein directed as soon as possible."

There has not yet been time for the report to be made, and the direction for the investigation can only just now have reached Manila. It is to be regretted that the officer of the highest rank in the Army should assume the truth of charges reflecting upon the credit of the Army in advance of the investigation which has been ordered, and without giving General Chaffee, upon whose particular command the charges reflect, an opportunity to be heard. Governor Taft's letter shows that the civil governor of the Philippines was unwilling to accept the charges as true without an investigation.

As the Lieutenant-General's memorandum of March 24 was not made until after the introduction of a resolution in the House of Representatives calling for all correspondence and papers in the matter of his application to go to the Philippines, the putting into those papers of the specific reference to the letter transmitting the charges plainly evinces a design to procure the publication of the charges, and of the Lieutenant-General's acceptance thereof as true, in advance of the investigation of their truth, and of a report thereon by General Chaffee. In the interest of good discipline and effective service such a course is much to be regretted. Such charges ought not to be published against our countrymen whom we have sent to labor and fight under our flag on the other side of the world before they can be heard in their own defense.

ELIHU ROOT,
Secretary of War.

[Hearings before Senate Committee on the Philippines, p. 887.]

[Copy cablegram.]

ADJUTANT-GENERAL'S OFFICE, *April 2, 1902.*

CHAFFEE, *Manila:*

Secretary of War desires that investigation directed by letter of the Adjutant-General of the Army, February 19, into truth of the charges made by Cornelius Gardener be prosecuted, and report made thereon with all speed which is consistent with thorough and searching investigation. Full facilities should be afforded Cornelius Gardener to establish truth of the specifications, which, of course, he will be called upon to furnish.

CORBIN.

[Telegram.]

APRIL 8, 1902.

CHAFFEE, *Manila:*

Cable progress investigation charges by Cornelius Gardener directed in letter February 19.

CORBIN.

[Telegram.]

APRIL 9, 1902.

CORBIN, *Washington:*

With reference to your telegram of 8th. Your letter, February 19, and inclosures received April 4. Same day Cornelius Gardener directed submit specifications; not received yet. Investigation expedited as quickly as possible.

CHAFFEE.

[Hearings before Senate Committee on the Philippines, p. 1548-1549.]

ADJUTANT-GENERAL'S OFFICE, *Washington, April 15, 1902.*

CHAFFEE, *Manila:*

On February 19 a letter was sent you inclosing, for investigation, copy of charges made by Governor Gardener, of Tayabas Province, which contained general allegations of cruelties practiced by troops on natives, and generally of an insolent and brutal attitude of the Army toward natives.

On April 2 a cable dispatch was sent you urging action with all speed consistent with thorough and searching investigation.

On the 4th of March a cable dispatch was sent you directing disciplinary measures to produce obedience to the President's instructions, subordinating military officers to civil government in pacified provinces, and instructing you to relieve Maj. Edwin F. Glenn and Capt. James A. Ryan from duty and order them to Manila to await investigation into their conduct, in accordance with instructions to follow by mail.

On the 24th of March instructions were mailed you containing statement of charges against those officers and Gen. Jacob H. Smith as the basis of the investigation ordered by the cable of March 4.

Further instructions in both matters are required by the following facts:

Press dispatches state that upon the trial of Major Waller, of the Marine Corps, testimony was given by Waller, corroborated by other witnesses, that Gen. Jacob H. Smith instructed him to kill and burn; that the more he killed and burned the better pleased General Smith would be; that it was no time to take prisoners, and that when Major Waller asked General Smith to define the age limit for killing, he replied, "Everything over 10."

If such testimony was given, and the facts can be established, you will place General Smith on trial by court-martial.

Yesterday, before the Senate Committee on Philippine Affairs, Sergt. Charles S. Riley and Private William Lewis Smith, of the Twenty-sixth Volunteer Infantry, testified that the form of torture known as the "water cure" was administered to presidente of the town of Igbarras, Iloilo Province, island of Panay, by detachment of Eighteenth United States Infantry, under command of Lieut. Arthur L. Conger, under orders of Maj. Edwin F. Glenn, then captain, Twenty-fifth Infantry, and that Capt. and Asst. Surg. Palmer Lyon, at that time a contract surgeon, was present to assist them. The officers named, or such of them as are found to be responsible for the act, will be tried therefor by court-martial. Conger and Lyon are in this country. Both the Twenty-sixth Volunteer Infantry and the Eighteenth Infantry having returned to the United States, most of the witnesses being presumtively here, the Secretary of War directs that Maj. E. F. Glenn, Twenty-fifth Infantry, be directed to proceed to San Francisco and report to the general commanding the Department of California, with a view to his trial by court-martial under charges alleging the cruelties practiced by him upon a native of the Philippine Islands, at Igbarras, on the 27th of June, 1900.

If you can discover any witnesses still in the service in the Philippine Islands who can testify in support of the charges, or if Major Glenn desires the attendance of any persons now serving in the islands as witnesses for the defense, you will direct them to proceed to San Francisco for that purpose. As the two years allowed for the prosecution by the statute of limitations is nearly at an end, no time is to be lost. You will take such course in advancing or postponing the investigations previously ordered into the conduct of General Smith and Major Glenn as shall be required to enable you to execute these instructions. It is believed that the violations of law and humanity, of which these cases, if true, are examples, will prove to be few and occasional and not to characterize the conduct of the army generally in the Philippines; but the fact that any such acts of cruelty and barbarity appear to have been done indicates the necessity of a most thorough, searching, and exhaustive investigation under the general charges preferred by Governor Gardener, and you will spare no effort, in the investigation already ordered under these charges, to uncover every such case which may have occurred and bring the offenders to justice.

The President desires to know in the fullest and most circumstantial manner all the facts, nothing being concealed, and no man being for any reason favored or shielded. For the very reason that the President intends to back up the Army in the heartiest fashion in every lawful and legitimate method of doing its work, he also intends to see that the most rigorous care is exercised to detect and prevent any cruelty or brutality, and that men who are guilty thereof are punished. Great as the provocation has been in dealing with foes who habitually resort to treachery, murder, and torture against our men, nothing can justify, or will be held to justify, the use of torture or inhuman conduct of any kind on the part of the American Army.

By direction of the Secretary of War:

H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

[Telegram.]

MAY 1, 1902.

CHAFFEE, *Manila:*

Has Major Gardener filed specifications under investigation ordered February 19? What is condition of investigation? Cable fully.

CORBIN.

Mr. RAWLINS. Mr. President, it appears from the papers which have been offered to the Senate by the Senator from Massachusetts [Mr. LODGE] that Major Gardener evidently thinks his case is in unfriendly hands. In his official report as civil governor of the island Major Gardener made certain complaints against the military officers in the islands, including the highest officers of the islands. Thereupon the President of the United States, deeming this matter one which should be investigated, directed General Chaffee to organize a court of inquiry to make an investigation of the subject. The bias of that court, the bias of the military officers who are the objects of the complaint in the report made by the civil governor, is manifest.

It appears from the cablegram from General Chaffee read to the Senate that Major Gardener is reluctant to submit himself and his case to the determination of those who are the very object of his complaint. Now, it is proposed by the committee to delay sending for Major Gardener in order that he may be required to go through the farce of——

Mr. SPOONER. Mr. President——

Mr. RAWLINS. One moment. I will yield to the Senator presently.

Mr. SPOONER. I only wanted to ask a question.

Mr. RAWLINS. When I have finished my sentence I will yield. It is proposed by the Committee to delay sending for Major Gardener in order that he may be required to go through the farce of awaiting the specifications and the inquiry and the determination of this court, composed of military officers selected by the commanding general in the islands.

I appreciate, Mr. President, and sympathize with the motive of the officials in Washington who desire that a thorough and impartial investigation of these charges shall be made, but I do wish to say that it seems to me we would have a better manifestation of that purpose if it were possible to select some tribunal whose impartiality in dealing with it would be beyond question.

The cablegram of General Chaffee, showing his bias, is answered by a direction of the Secretary of War enjoining upon him the duty not to put Major Gardener upon trial, but to make an honest and fair investigation of the specifications or charges made against the military authorities in the islands furnished by the civil governor of Tayabas. Ought we to refuse to send for Major Gardener and demand his presence here in order that the facts may be laid before the Senate committee and the Senate until this court of inquiry in the Philippine Islands, composed of individuals of whom Major Gardener complains, have rendered their verdict for their own exoneration and for his condemnation?

General Chaffee informs us he himself complained of the officers of the Army being complained of, that he has designated some members of the Army to act as this court. He advises us in the cablegram that he has selected the attorney to act in behalf of Major Gardener, that poor privilege not being accorded to the civil governor of the province of Tayabas. He further informs us that he will see to it that Major Gardener is not permitted to give this inquiry the turn which he desires, but that he, Chaffee, and the court will see to it that it is made to assume the direction which they desire.

This is but another example of the character of administration we are having in the islands, a dual government, one civil and the other military, and each acting in conflict with the other; one making accusations against the other; and the question of the trial of such accusation being submitted to the person accused for his own determination.

Mr. President, I do not think there is a sufficient reason shown in the documents which have been presented to the Senate by the honorable Senator from Massachusetts, who is the chairman of this committee, why it should not be insisted that this witness be summoned and that this case be laid before a tribunal which will dispose of it impartially.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. With pleasure.

Mr. SPOONER. I thought the Senator had taken his seat.

Mr. RAWLINS. I understood that the Senator wished to ask me a question.

Mr. SPOONER. I did not. I thought the Senator was through.

Mr. RAWLINS. I will yield to the Senator, because I am always glad to hear him.

Mr. SPOONER. I do not ask the Senator to yield to me, Mr. President. Is the Senator through?

Mr. RAWLINS. I yield the floor to the Senator.

Mr. SPOONER. I decline to accept the floor from the Senator. Under the rules I have a right to take it myself when the Senator yields it.

Mr. RAWLINS. I do not tender it to the Senator as a matter of courtesy or favor. I yield the floor, and the Senator may occupy the whole of it.

Mr. SPOONER. I occupy it then, Mr. President, as a matter of right, and not by the grace of the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Wisconsin will proceed.

Mr. SPOONER. Mr. President, the observations which the Senator from Utah [Mr. RAWLINS] has submitted to the Senate are, in my view, quite characteristic of this debate thus far in its conduct, so far as the other side of this Chamber is concerned. I do not intend to enter into a general discussion of the Philippine question this morning, but only to refer for a few moments to the question presented by the resolution. I have not discovered anything in the cablegram from General Chaffee indicating a bias upon his part as the Senator from Utah did. So far from it, Mr. President, I undertake to deny that there is a word in it which indicates any bias upon the part of General Chaffee against Major Gardener, or any desire to influence in any way or to color this investigation or interfere with its conduct.

The Senator seems to be, if he will permit me to say it, blinded by suspicion of the Army and of everyone else who has been charged with public duty in the Philippines. He says he sympathizes with the efforts of the authorities here to secure a thorough investigation of the truth of the charges made by Major Gardener. I was glad to hear that assertion from the Senator, for I had not supposed he entertained that feeling of sympathy.

There seems to have been a great willingness here to impeach the whole Army in the Philippines. The Senator asks the people of the United States in the few moments in which he occupied the floor to believe that there can not be constituted a board of Army officers in the Philippines who like gentlemen and honorable men will fairly and searchingly investigate the truth of these charges. He says the cablegram indicates that Major Gardener is not satisfied with the court. That is true. But when the Senator said it was a court of officers who had served in the province who were subject to the criticism of Major Gardener's report, so far as I understand the facts, I deny it. I rose to ask the Senator, when he declined to permit a question, whether he intended to say that the officers who compose this board, which is a mere board of inquiry, not a court, are officers who had served in the province of which Major Gardener was the governor. I understand it not to be true.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. RAWLINS. The Senator asks me a question. I only rose for the purpose of answering.

Mr. SPOONER. I did not ask a question. I said that I rose for the purpose of asking the Senator that question when he was on the floor. He declined to permit me to do so.

Mr. RAWLINS. I beg the Senator's pardon; I did not intend any such discourtesy. I was in the midst of a sentence. I had only a few remarks to make. I desired to be entirely courteous, and to yield the floor to him to ask any question that he desired to propound. If the Senator supposes that I did not so intend, I wish to correct that erroneous impression.

Mr. SPOONER. Now, Mr. President, I understand the fact to be, and I was so informed at the War Department yesterday, that these officers are none of them officers subject to the charges contained in Major Gardener's report.

Mr. RAWLINS. Will the Senator yield to me just a moment?

Mr. SPOONER. Certainly; I yield to the Senator.

Mr. RAWLINS. I will state what I intended to say. Major Gardener said in his report:

> The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to the civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed even in the presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years.

Here is a charge involving the conduct of the army generally throughout the islands and its highest officers, and all I desired to suggest was the question of propriety in submitting the inquiry into the conduct of these very men thus charged to themselves for determination. That is what I meant to imply and nothing more.

Mr. SPOONER. Mr. President, I was not directing my remarks to what the Senator intended to say; I was directing them to what the Senator did say, as I understood him.

Mr. RAWLINS. I submit that that is in substance all I did say and that no other inference or implication from my remarks could arise than that which arises from the language which I have read from the report of Major Gardener.

Mr. SPOONER. Then it gets down to this, that Major Gardener, or Governor Gardener, whichever it may be, has made a general impeachment of the conduct of Army officers in the Philippines, and therefore there are not to be found in the Philippines American officers to whom can be safely and properly committed the duty of investigating and reporting upon these charges of Major Gardener. The American people, Mr. President, will not believe that, because they know that that is not and can not be true of the American army in the Philippines or any American army that ever has existed.

There seems to be a disposition here to reflect without limit upon Army officers in the Philippines and upon named officers. This attitude of Senators is a strange one. Of course it has nothing to do with this bill. If an Army officer, stung to the quick by the belief that an attitude here in the United States has prolonged insurrection in the Philippines, that utterances here have given strength and vigor to attack upon our troops, who traces to such utterances responsibility for the death of brave men whom he has seen fall around him, speaks a word of criticism upon it, he is called to book in the Senate; it is demanded that he be reprimanded.

And yet Senators here do not hesitate to make savage attacks upon the Army almost as a whole and upon specific officers. They stand here and speak of Funston, who may have talked too much. If he has he has followed the example of many not in military life. We all talk too much, I expect, at some time or other in our lives. It is said that Funston fought his way to fame with the jawbone of an ass. Funston's lips are sealed. I do not defend what General Funston said, but when he was fighting all unknown as a volunteer in the island of Cuba for Cuban liberty he was not fighting with the jawbone of an ass, and when again and again and again, offering his life every moment at the head of as brave men as were ever led into battle, he won fame as a soldier and the commendation of President McKinley, as brave and pure a knight as ever lived or carried sword, he did not accomplish that with the jawbone of an ass; he accomplished it with a sword in his good right hand, which he knew how to use.

Chaffee's bias! Who ordered Major Waller before a court-martial? Chaffee, on information which he derived over there and under no order from here.

It will not do, and here of all places it ought not to be attempted, to smirch the whole American Army or the great band of officers who have led our troops in the Philippines. That there have been outrages committed there by the Army I have no doubt. That any man here wants to conceal them I do not believe. I do not. Whether there have been outrages in the conduct of the war and, if so, what provocation there was for them, is a matter yet to be determined.

Mr. President, there will be an investigation of the conduct of the war. Wherever officers are found to have violated the rules of civilized warfare, to have forgotten the honor of the soldier, they will be punished. The American people will demand it.

The American people, however, will convict no man without a hearing. They will convict no man on the CONGRESSIONAL RECORD. The American people are not constituted in that way. They hear before they strike. They will demand condign punishment upon those who deserve it, but they will suspend judgment until the charges are proven.

I intended to vote for this resolution when it should have been amended to make it constitutional and other than a palpable invasion or attempted invasion by the Senate of the constitutional prerogative of the President. As it came here, it directed the Secretary of War to order an Army officer home. I suggested that we had no right to do that, because the President would have a right to order that he be not sent home, and that is a test of our right to pass a resolution directing the Secretary of War to order him home. Amended so as to request the President to call him home, I intended to vote for it, for I resent for one the intimation constantly made here that on this side of the Chamber we are for suppression and unwilling that investigations which ought to be made shall go on.

But whether the Army in its military operations in the Philippines has or has not observed the rules of civilized warfare, I take it nobody will dispute that we ought to pass, perhaps not the pending bill without amendment, but that we ought to pass some bill for the better government of the Philippines.

I am not willing to vote for this resolution, Mr. President, and briefly I wish to state why. The Senator from Utah thinks that on the present showing this officer ought to be ordered home and permitted at once to appear before his committee. I think not.

What is the history of this business? This report of Major Gardener was not made to General Chaffee. This report of Major Gardener was not made to the Secretary of War. It was made by him as military governor of a province and sent by him to Governor Taft, who at the time was ill.

Governor Taft brought it with him from the Philippines, and about the 7th day of February he brought it to the attention of the Secretary of War, who remarked to him that it required investigation because of the serious charges which it contained. I am not referring now to the opinion of the military officers as to civil government or municipal government, but to the other charges contained in the report, which was transmitted by Governor Taft, and the record of the committee's proceedings shows it on the 7th day of February. The Secretary of War, it is said, suppressed it. I deny that the Secretary of War did with it other than his duty, Mr. President.

Senators seemed to think the Secretary of War should immediately have given it to the Associated Press; that he should have sent it broadcast all over the world, with its general charges against the army in the Philippines. That has not been the practice, and it never ought to be the practice.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes, sir.

Mr. CARMACK. Mr. President, the complaint was not that the Secretary of War did not give it to the Associated Press, but that when Governor Taft, having that report in his possession, was testifying before the committee charged with the investigation of affairs in the Philippines, and was asked for the reports of the governors of provinces, that and another report were withheld, because they had been retained by the Secretary of War.

Mr. SPOONER. Yes.

Mr. CARMACK. And that report was kept from the committee.

Mr. SPOONER. In other words, it was kept from the public. It had been sent to the Secretary of War and had been retained by the Secretary of War. What did the Secretary of War do with it? He wrote on the 19th day of February this letter, or rather General Corbin did so for him:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1902.

GENERAL: At the instance of the Secretary of War I inclose herewith a copy of a report of Maj. Cornelius Gardener, Thirteenth United States Infantry, as provincial governor of the province of Tayabas, the same having been made by him to the civil governor of the Philippine Islands.

There is so much contained in this report reflecting, not only upon officers of the Army, but the general conduct of affairs and the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and if they be found true that the necessary administrative and disciplinary measures be applied to correct these evils.

Your particular attention is invited to the portions of the report which are underscored.

Relating to the operations of the Army and to the strictures upon Army officers, a matter within the jurisdiction of the Secretary of War.

You are requested to make a full report of the investigation herein directed as soon as possible.

Very respectfully,
H. C. CORBIN,
Adjutant-General, Major-General, U. S. Army.

Maj. Gen. ADNA R. CHAFFEE,
Commanding the Division of the Philippine Islands, Manila, P. I.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. There was another report that was also withheld.

Mr. SPOONER. I am now talking about this report.

Mr. CARMACK. Well, at the same time——

Mr. SPOONER. No, sir; I am dealing with this report now. I will take up the other report and a good many other things when the proper time comes.

What should the Secretary of War have done with that report other than what he did with it? There come here every day hundreds of charges against civil officers throughout the United States; they come to the heads of the departments; they come to the President—charges involving honor, charges of malfeasance and of misfeasance. If the officers to whom they come should immediately give them to the press they would start, in ninety cases out of a hundred, slanders upon good men which would hurt them in their hearts and in their homes. They would act upon a presumption of guilt without investigation. That has never been, to the credit of all our Administrations, the method of transacting public business of that kind.

They direct an investigation; they notify the accused of the charges against him, and they instruct efficient Government officers to look into those charges; and in ninety cases out of a hundred, I am told, the charges are found to be utterly without foundation, to be based upon malice, upon some personal grievance, or upon a misconstruction of something that has been done. That is the right thing to do, Mr. President, and when a charge is made against Army officers, affecting their honor, imputing to them cruelty and a violation of the rules of civilized warfare, general in its terms, mentioning no officer, what should the Secretary of War do with it?

Mr. RAWLINS. Mr. President——

Mr. SPOONER. In a moment. I undertake to say, Mr. President, he should do with it just what Secretary Root did with it. He should send a copy of it to the commanding general in the Philippines, with instructions to thoroughly, searchingly, and fairly investigate the truth of the charges and report thereon.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Yes; I yield.

Mr. RAWLINS. Mr. President, this was an official report of one civil governor to another civil governor of a government created by the authority of an act of Congress, the conditions of that government being a subject of investigation, under the authority of the Senate, by a committee of the Senate; and the civil governor-general, to whom the report was made, being before that committee, and testifying fully as to all the conditions of that government, being operated under his authority, had this with other reports in his hand relating to those conditions, all pertinent to a bill which was pending before Congress for consideration, and which had been before that committee. He laid before that committee all except two reports; he carried those away to the Secretary of War, and the Secretary of War withheld them until by accident the fact of their existence long after came to the attention of the committee, and it was the unanimous opinion——

Mr. SPOONER. I did not yield to the Senator to make a speech.

Mr. RAWLINS. It was the unanimous opinion of that committee that they were entitled to that information, and upon request they obtained it.

I ask the Senator, in connection with that statement, whether he believes a republican government like ours can be carried on if a military commander can suppress information derived from civil governors, or those upon whom devolves the duty of civil government? That was the question, and the only question—not to smirch a commander, but to give us information as to the nature of a government being carried on under the authority of the Congress of the United States.

If the Senator will permit me further——

Mr. SPOONER. Will the Senator yield to me?

Mr. RAWLINS. I want to say to the Senator——

Mr. SPOONER. Does the Senator think it fair to inject a repetition of his speech into the few remarks I am making?

Mr. RAWLINS. Mr. President, I will yield if the Senator will withdraw the implication. If I had been——

Mr. SPOONER. I will answer any question the Senator wants to ask me, if I can, and if I can not I will say I can not.

Mr. RAWLINS. Then I will ask the Senator—and that was the question I intended to ask him—what objection does he have to our obtaining that information, and what reason can he give why we are not entitled to that information?

Mr. SPOONER. Mr. President, this was a military officer, assigned by military authority to the discharge of civil functions, as I understand it. He sent this report to the civil governor; it

necessarily found its way through him into the hands of the Secretary of War; it contained imputations upon Army officers in the Philippines. The Secretary of War, long before this committee called for this report, had acted upon it. He wrote a letter to General Chaffee directing a thorough investigation into these charges. That was his duty as Secretary of War. It was a manly thing to do, not only in discharge of his duty as Secretary, but a just thing to do to the men who had been impeached by this report of Major Gardener.

Under date of April 2, this cablegram was sent to General Chaffee:

[Copy cablegram.]

ADJUTANT-GENERAL'S OFFICE, *April 2, 1902.*

CHAFFEE, *Manila:*

Secretary of War desires that investigation directed by letter of the Adjutant-General of the Army February 19 into truth of the charges made by Cornelius Gardener be prosecuted, and report made thereon with all speed which is consistent with thorough and searching investigation. Full facilities should be afforded Cornelius Gardener to establish truth of the specifications, which, of course, he will be called upon to furnish.

CORBIN.

What carping criticism is made of that? Does it afford justification for imputing to the Secretary of War a desire to suppress the charges uninvestigated made by Major Gardener against his comrades in arms? It called upon him, as every man in the Army or out of it who makes sweeping charges upon the honor of men ought to be called upon to do, to file a bill of particulars, to name the men and the outrages, and to furnish a list of witnesses in order that those who are guilty, if any be guilty, may be singled out and punished, and the rest be vindicated.

Nor was that all in this record, Mr. President. Under date of April 8—and although most of this, I think, was given in evidence before the committee, we have heard nothing from the minority members of the committee who have addressed the Senate except suppression; suppression, suppression, and general accusation of misconduct on the part of the Army in the Philippines—under date of April 8 this cablegram was sent:

[Telegram.]

APRIL 8, 1902.

CHAFFEE, *Manila:*

Cable progress investigation charges by Cornelius Gardener directed in letter February 19.

CORBIN.

The Secretary of War was not forced to do these things by the pressure of the minority of this committee. He ordered this investigation before they ever heard of this report, and they never did hear of it, as I understand, until it was mentioned in a letter of the Commanding General of the Army.

Under date of April 9 Chaffee replies, and I get to the reason now why I think this resolution ought not to pass and this man ought not to be summoned by cablegram to testify before this committee:

[Telegram.]

APRIL 9, 1902.

CORBIN, *Washington:*

With reference to your telegram of 8th. Your letter February 19 and inclosures received April 4. Same day Cornelius Gardener directed submit specifications; not received yet. Investigation expedited as quickly as possible.

CHAFFEE.

Then, in answer to a cablegram asking whether Major Gardener had submitted specifications, comes this cablegram, that a board of officers has been appointed, giving their names—Colonel Wint, Colonel Duncan, and Captain Johnston, said to be fair-minded and able men, with honorable military records behind them, Captain Johnston being a member of the bar of the Supreme Court of the United States—who are investigating the truth of these charges, and that Major Gardener up to this time has produced several witnesses, but has furnished but one name.

Now, while this investigation is pending, Senators propose to bring Major Gardener quickly away from the Philippines in order that he may furnish, if he has them to furnish, the particulars of the charges against the Army officers before this committee of the Senate; to go to the world 7,000 miles—yes, 8,000 miles or more—from the witnesses and the officers who would be impugned and impeached by his charges, a proposition which shocks the common sense and decency of every fair-minded man.

Mr. President, there will be plenty of time for Major Gardener to be examined before this committee. Why he was in such haste to get away from there I do not know, but it has been stated on the floor of this Chamber that he wrote asking that he be summoned by cablegram to testify before this committee. I make no reflection on Major Gardener.

I am told he is a brave man, with the record of a brave soldier. If I were given to insinuation, which I am not, I would indulge in some of the suggestions which have been with the utmost generosity poured out in volumes in this debate as to Army officers and the conduct of the Army in the Philippines from the other side of this Chamber. But I respectfully submit that the Secretary of War as to this matter has done his duty; that he acted with alacrity; that he ordered a searching investigation; that he sought by every means in his power to obtain from Major Gardener specifications of these charges, so far as they relate to the Army and to Army officers, and that the place for Major Gardener first to make his charges against his comrades in arms is where the Army and Major Gardener are, where the witnesses are, and where the officers are whom he accuses, if he accuses any.

So in this situation, Mr. President, as a matter of fair play to the Army over there, and in order to give Major Gardener an opportunity, which an honorable soldier ought to court, he ought to remain in the Philippines until he has formulated and presented these charges, directing attention to the men whose honor he impugns furnishing some testimony, at least his own, to sustain them, and not for the first time to file his accusations before this committee, to go at once to the public to smirch men far away, helpless for the time being, and leave to them later, after conviction has fastened upon the public mind or a part of the public, to remove by evidence those accusations. A man never does succeed, when you put a charge in circulation against him, in removing it from the mind of everybody. Many, many people remember the charge, and they forget or do not even know of the vindication.

If there were no other opportunity to examine this witness, I might feel a little differently about it, but this Congress will not die with the expiration of this session; and, as we have been proceeding, it looks as if this session would not die until the expiration of the summer. I do not think it will until we have passed a bill for the government of the Philippine Islands. I have not read this bill, and I may want to amend it, but there will be plenty of opportunity, Mr. President, to investigate Major Gardener, and to obtain his testimony before one of our committees, as to what happened in the Philippines, and opportunity, either here or over there, to investigate the conduct of the war there on both sides. So I shall vote against this resolution.

Mr. FORAKER. Mr. President, I desire to add just a word to what has been so well said by the Senator from Wisconsin [Mr. SPOONER], and the word I wish to add is a word of defense, if it is proper to use that term, of Governor Taft.

It has been stated in this debate, and it was twice stated here this morning, that Governor Taft was guilty, when a witness before this committee, of withholding the two reports which have been referred to, and I find in the RECORD that he was charged with lack of candor in doing so.

The record of the hearings before the committee, Mr. President, shows conclusively that such a statement is unwarranted. Governor Taft went to the Philippines as president of the Philippine Commission, under an order and appointment with which we are all familiar. In the order issued by President McKinley to Secretary Root, announcing the appointment of this Commission and defining its powers, it was expressly stated as an order to the Commission that they will, from the exigencies of the situation while there, be constantly under the control and direction of the Secretary of War. Therefore, while Governor Taft was civil governor, yet all his powers were to be exercised under the supervision and direction of the Secretary of War, and his reports were to be made to the Secretary of War.

When the two reports referred to were made to him, as he relates in his testimony, they were handed to him as he was leaving for the United States, and he did not see them until he was on the ocean. When he arrived in Washington he presented them to the Secretary of War. The Secretary of War at once directed Governor Taft to deliver the reports to him, not that he might suppress them, but, as the Senator from Wisconsin has so well pointed out, in order that he might order an investigation, such as has been referred to, into the truth of the charges that were made in those reports—the one made by Major Gardener and the other made by the secretary of the province of Batangas.

When Governor Taft was upon the stand testifying he did not withhold anything that he had in his possession or control. He was asked to testify and he undertook to testify as to the reports that were in his possession, and all those reports he did give to the committee, and they are to be found in the record. It is due to Governor Taft to put in the RECORD in this connection what he himself said in regard to this matter.

On the 8th of April, 1902, having learned that a charge of this nature was made against him, he sent to the Secretary of War, from Cincinnati, Ohio, where he then was, the following statement:

[Telegram.]

CINCINNATI, OHIO, *April 8, 1902.*

SECRETARY OF WAR, *Washington, D. C.:*

I send to you for transmission to Senator LODGE the following:

I am advised by morning dispatches that I am charged with disobeying the rules of your committee in not producing before it a report made by Colonel Gardener, governor of Tayabas, on conditions in that province.

The report was handed to my secretary, with many others on various subjects just before I sailed from Manila, December 24 of last year. I did not read it until I was well on my way across the Pacific. On reaching Washington I submitted it to Secretary Root, with the statement that Colonel Gardener was successful as military commander in Tayabas in keeping it peaceful; that he was a good governor, and was popular with the people, and

that I would believe implicitly anything stated of his own knowledge, but that I feared the great friction between him and those officers succeeding him in military command had so influenced his judgment that charges made by him, necessarily based on evidence of others, against the conduct of military affairs in the provinces ought not to be acted on without giving those accused an opportunity to be heard, and that had I read the report before leaving Manila I should have referred it to General Chaffee for investigation and comment.

The Secretary of War accordingly directed me to transmit the same to him for the purpose of forwarding it to General Chaffee, and I did so under date of February 7. At the same time I submitted to him a report from secretary of Batangas Province (also delivered to me on the steamer), a report which by law could only be called for by the military governor. and this was also transmitted to the Secretary of War. Thereafter, on the same day, in my testimony before your committee, I produced reports from 23 governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.)

In other words, Mr. President, it appears from the statement of Governor Taft that what he testified about, and all he undertook to testify about, were the reports from the provinces that were pacified, and as to reports in his possession; but these particular reports had been, under the order of the Secretary of War, transmitted by Governor Taft to the War Department, in order that there might be this investigation made.

Now, I want to suggest just one other thought in addition to that which was suggested by the Senator from Wisconsin, or rather I want to elaborate one point a little more than he did. We are asked here to require that Major Gardener shall be summoned to Washington to testify in regard to charges which he has already made in a general way, but with respect to which he has refused to furnish any specifications or to give the names of any witnesses whatever. Why should he be brought here in order that there may be an inquiry into these matters when Senators must know that he can not give evidence without naming the offenses and without naming the witnesses who are in the Philippines, and if we are to have an investigation after we have heard Major Gardener, we must then send to the Philippines for the witnesses to either confirm him or to disprove that which he may have to say here.

If it be a question of having this matter investigated before Congress adjourns, it seems to me that the delay of the investigation until he can be brought here will be to make it absolutely impossible that we shall adjourn, even at the end of the summer, as the Senator from Wisconsin suggested we might possibly be able to do.

So it seems to me that the place where these charges ought to be investigated is in the Philippines, where they were made. Look over the report of Major Gardener and see the nature of it, and you will find that every charge he makes has reference to something that is alleged to have been done there; something that is alleged to have been said there; something that is alleged to have been done in the province of which he was governor, or something which is alleged to have been said in the Philippine Archipelago, and particularly something which is alleged to have been said at Manila by officers of high rank. That is his statement. If that be true, what he is talking about is not the statement of some indefinite somebody, but of somebody whose name can be given, somebody who can be found, somebody who can be brought before the board of inquiry, and somebody who can give a statement upon which these officers will be enabled to arrive at a conclusion as to whether or not there is any truth in what Major Gardener has said, or whether it has been in any manner whatever exaggerated.

There can not be, Mr. President, it seems to me, any abuse of the rights of Major Gardener in this matter. Every word of testimony that will be taken before this board of inquiry we have a right to assume will be taken down stenographically—it will be reported; and if he has heard witnesses say thus and so, he has but to name them there, and the records will show whether or not he was warranted in imputing to them what he says they have said, and we can judge when the record is made up and has been transmitted here whether or not the board has acted fairly.

I agree with the Senator from Wisconsin that we have a right to rely upon the honor of the officers of the American Army, and we have a right to rely upon it that what men with such military records behind them as have the officers constituting this board will do will be honestly done, be truthfully and justly done, and be done without any malice or without any intent whatever except only to arrive at the truth.

Mr. LODGE. Mr. President, when I made the request that the resolution lie over I supposed I was consulting the convenience of Senators upon the other side.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I should like to finish what I have to say. I did not suppose debate would arise upon it. I now wish to withdraw the request. I hope the resolution will be brought to a vote if we are to pass upon this matter. It seems to me it is perfectly monstrous to bring a man here to make charges in the safe shelter of a Senate committee, with the accused and the witnesses 10,000 miles off in the Philippines. I hope it will be met here and voted down and that the Secretary of War will be sustained in his action.

Moreover, I for one do not believe that by Senate resolution we can dissolve a board of inquiry now proceeding in the Philippine Islands.

Mr. MORGAN. I wish to ask a question about that matter of the chairman of the committee.

Mr. LODGE. I yield to the Senator from Alabama.

Mr. MORGAN. Is that court of inquiry in organization?

Mr. LODGE. It is organized and sitting.

Mr. MORGAN. And Major Gardener is before the court answering an inquiry?

Mr. LODGE. He is.

Mr. MORGAN. I do not understand how the Senate of the United States has the right to dissolve the court or take him out of its custody for the purpose of bringing him here to testify as a witness.

Mr. RAWLINS. Mr. President, I did not rise when I submitted the remarks I did this morning for any purpose of provoking a general discussion on the question of the Philippines. I simply rose for the purpose of calling attention to the peculiar situation of this case and of the inquiry which is proceeding, or about to proceed, in the Philippine Islands based upon the report of Major Gardener, and that the result of the inquiry would, in all probability, not be satisfactory. I did not, in the remarks which I made, insist that Major Gardener should be summoned at this time and heard before the Committee on the Philippines.

Mr. SPOONER. Will the Senator from Utah allow me to ask him a question?

Mr. RAWLINS. Permit me to complete my statement, in order that I may be understood, and then I will yield.

Mr. SPOONER. Certainly.

Mr. RAWLINS. But I did make the suggestion for the purpose of calling attention to the status of that case as it now appears to the Senate. I now yield to the Senator from Wisconsin.

Mr. SPOONER. Did the Senator rise for the purpose of telling the people of the United States that, in his opinion, these three officers, who have not really begun yet this inquiry, could not be trusted to conduct it fairly and justly, and make an honest report upon it?

Mr. RAWLINS. If the Senator will allow me to answer his interrogatory, I will say I know neither of the officers who have been designated as members of the court of inquiry. For aught I know they may be thoroughly honorable and fair-minded men. They may do exact justice in this inquiry. What I desired to call attention to is the fact that the Army as a whole, including the highest officers of the Army, were embraced in the accusation in the official report of Major Gardener, and that under those circumstances it is scarcely possible to obtain officers in that very Army who would hold the scales of justice even in that inquiry; because officers of the Army, like all other men, are human, and in the administration of justice everywhere, whenever it appears that the presiding judge has an interest in the controversy, is one of the objects of the inquiry, and that the result of the decision is to be to his injury or his benefit directly, in no civilized country is he permitted to sit. Indeed, it has been so held everywhere, as the Senator from Wisconsin well knows.

But this inquiry is instituted. Major Gardener is there, and is called upon to make his specifications and furnish his evidence. They have designated for him some person to act as his counsel, and under those circumstances I know that the Senate is not going to demand him to appear here at this time. Mr. President, I did not rise for the purpose of insisting that it should make that direction.

Now, in answer to some suggestions and statements made by the Senator from Wisconsin, I will say that I agree with him that we should presume no man guilty, whether he be an Army officer or a private soldier or simply an American citizen, unless there is clear and satisfactory evidence of the fact of his guilt.

The minority has made no general charge against the Army; it has made no general imputation against officers of the Army; and I challenge any Senator upon the other side to point to a single instance where we, on this side, have made any accusation other than by the simple presentation of the proofs and the evidence and official documents and orders, concerning which there has been no dispute.

In that connection I said I was loath to hold up the officers, the men who are fighting in good faith the battles of the Republic, to criticism of any description whatever, and I would not do so except as the evidence conclusively proved the things which were made matters of accusation.

The effort of the minority has been not to besmirch the Army or any officer or man in the Army, but that before a competent committee of the Senate there might be a full, a fair, and a complete inquiry in order that those who are guilty may suffer the censure of the American people and the just punishment which

the proof may show them to merit, and that those who are not guilty may be exonorated and receive the benefit of the exoneration in the mind of every fair and reasonable man in the country.

When, therefore, we ask that Major Gardener or any other witness be invited to appear before a committee of the Senate charged with this inquiry by a resolution passed by the Senate, we do so in order that we may ascertain the truth, in order that the charges made in the report of Major Gardener may be sifted, in order that we may ascertain how much of foundation there may be in them.

It will not do for Senators upon the other side to obstruct our efforts to obtain a full investigation in order to ascertain the truth, in order that we may not make general accusations, in order that we may not hold up to ignominy Major Gardener, in order that we may show the facts in this case. We are met everywhere with obstructions.

Mr. LODGE. I rise to a point of order.

Mr. RAWLINS. Even when we ask to have a witness summoned——

Mr. LODGE. I make the point of order that no Senator on the floor is entitled to charge other Senators with obstructing an investigation.

Mr. GALLINGER. Especially when they are not doing it.

Mr. LODGE. Especially when they are not doing it.

Mr. FORAKER. If I may be allowed to make a suggestion, I want to say to the Senator from Utah that, notwithstanding all he has said, he could very well wait until after the investigation in the Philippines is concluded before examining this man. Nobody is objecting to the committee having this witness here; but inasmuch as he is there, yonder, we feel it is due to truth and justice that they shall first conclude that examination before this one is commenced.

Mr. RAWLINS. The Senator from Massachusetts says I am out of order because I have stated that we have been obstructed in obtaining a full and complete investigation of this case. The Senator from Massachusetts, as a rule, has summoned witnesses, who have been suggested, who might have competent knowledge to give to the committee upon the question under consideration. When other witnesses have been suggested, the committee have decided that they ought not to be summoned for one reason and another. The sufficiency of the reasons I do not care to discuss. It may be satisfactory to those Senators who make the objection. They are entitled to their judgment as well as I am entitled to mine. I am going to pass from that question. I desire to call attention to a matter to which the Senator from Wisconsin alluded, namely——

Mr. FORAKER. Will the Senator allow me to ask him a question? I dislike very much to interrupt, but I do it simply for information. I am not a member of the committee, and I have not been present at the hearings, and I do not know what witnesses were asked for who were subpœnaed, except as I have learned from the newspapers. I wish to ask the Senator whether any witnesses were asked for and not subpœnaed except only Edward Atkinson and Aguinaldo?

Mr. RAWLINS. Well, I do not know.

Mr. FORAKER. Were there any except those two? I have not heard of any.

Mr. LODGE. I will tell the Senator, if the Senator from Utah will allow me. I stated it on the floor of the Senate the other day. We refused to summon Edward Atkinson, Aguinaldo, Mabini, Pilo Del Pilar, Howard M. Bray (an Englishman at Hongkong), and Sixto Lopez.

Mr. FORAKER. I beg pardon for not being familiar with it. I did not, I suppose, happen to be in the Senate when the Senator from Massachusetts made the statement.

Mr. RAWLINS. The Senate committee decided, and I think the Senator from Massachusetts will agree with me, that no witnesses should be summoned who had not been in the Philippine Islands. Without desiring to detain the Senate at length, in regard to some of these witnesses testimony has been elicited, hearsay in its character, as to statements made by these men whom we desired to summon. We thought it but fair that they should be brought here and be permitted to make their own statements in their own way rather than have a repetition of those statements made to us secondhand by others; that if the statements made by them were material, it was wise to have the best evidence of their statements and their declarations and their opinions. As the committee was determined to have those opinions from the men whom we asked to have them summoned, our contention was that the persons whose opinions were desired ought themselves to be summoned and be permitted to state them.

There is Aguinaldo, who has acknowledged allegiance to the United States, who advised the insurgents who were formerly under his control to surrender their arms and do likewise; Aguinaldo, who is acknowledged to be the most influential man in the islands among the native people there, a man who is very highly spoken of by General MacArthur and others. We thought it but fair to him, as the majority were eliciting from other witnesses declarations claimed to have been made by him, that he should be summoned and be permitted to tell his own story.

The Senator from Wisconsin properly desires to protect the reputation and honor of the men who have gone out to fight the battles of the Republic. I share that desire with him. As for the Secretary of War, so far as he is concerned in the protection of the honor of the men who have gone out to fight the battles of the Republic——

Mr. SPOONER. Mr. President——

Mr. RAWLINS. Just a moment. I have here in this book a series of cases, some forty in number, statements made by men who have gone out and borne the heat and trial of battle in the Philippine Islands. One of them is Sergt. Charles S. Riley. He told a truthful and plain story of certain occurrences which had happened there. They were of importance to the American people, and the person to whom the letter was addressed furnished it to the press. The attention of the War Department was called to it, and it assumed to make an investigation of it. Did they permit Riley to be heard before announcing their determination as to the truth or falsity of that charge? It has been investigated, and I have what the Secretary of War has said about it:

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth United States Volunteer Infantry, which was published in the Northampton (Mass., Herald) about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igbarras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general, Department of California, for reference to the commanding officer Twenty-sixth United States Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth United States Volunteer Infantry, dated April 24, 1901, with his report, as follows—

This was given to the Associated Press—

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,
UNITED STATES VOLUNTEERS,
Presidio of California, ——, ——.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated.

Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge——

Mr. LODGE. The Senator ought to say that he has been reading from the report of the lieutenant-colonel of the regiment.

Mr. RAWLINS. I was going to say that. But upon investigation by the committee we found that every statement made by this sergeant was true. It was proved so conclusively that members of the committee declined to hear further testimony of the facts, because it was no longer a matter of controversy. Riley was before the committee, and his testimony, which is no longer disputed, is that he told the colonel, to whom this reference was made by the Secretary of War, that the things which he had stated in that letter were true. And the Secretary of War thereupon makes publication of the report of Colonel Dickman.

The Secretary of War perhaps relied upon the truth of this report made by Colonel Dickman. But it shows what reliance we may put upon these investigations. There are 40 of them published, involving the character for truth and veracity of men who have gone out and done battle for the Republic, and in every instance where the committee has had an opportunity to investigate we have found that the charges made in those letters were true. The attempt on the part of these official documents, published broadcast, to brand these men who have simply told the truth——

Mr. LODGE. The Senator, I think, in justice ought to state that this is the only case of the 40 which has been sustained.

Mr. RAWLINS. If I may be permitted, this is the only one of the 40 which has been investigated by the Senate committee. If time will permit us ever to complete an investigation of these numerous things, the Senator will find, I think, that the Riley case is a sample one.

In every statement which I have made to the Senate I have scrupulously avoided referring to letters and newspaper articles and declarations which have not been furnished under the sanction of an oath before a competent tribunal. I have my desk full of information which I believe would be supported by the oath of those from whom it emanates. I do not intend to allude to it. I have alluded to no case except that which has been conclusively shown to be founded in fact, and I make no innuendo or implication against any officer or any soldier beyond those things which have been proved to be true.

Mr. CULBERSON obtained the floor.

Mr. LODGE. Will the Senator from Texas permit me to give a notice?

Mr. CULBERSON. Certainly.

Mr. LODGE. I desire to give notice that on Monday at 2 o'clock I shall ask the indulgence of the Senate to address it on the Philippine bill.

Mr. CULBERSON. Mr. President, there is a statement in the hearings before the Committee on the Philippines questioning the candor of Governor William H. Taft with reference to the report of Major Gardener, civil governor of the province of Tayabas. I made the suggestion of lack of candor, and I take it that I am the Senator to whom the Senator from Ohio [Mr. FORAKER] referred in his remarks.

When Governor Taft was testifying before the committee, he stated that he had the reports of the civil governors of certain organized and pacified provinces in the archipelago which he would submit, and as others were received he would submit them to the committee as a part of his testimony in the case. After he had submitted the reports of the civil governors of 23 of those provinces the question came up as to why other reports had not been made, and I desire to read to the Senate a brief extract from the proceeding before the committee.

Mr. PATTERSON. Will the Senator from Texas state from what page he is about to read?

Mr. CULBERSON. I will read from page 293:

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces.
Governor TAFT. Whatever the number may be.
Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?
Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think, not longer than a week before I left, by telegram, and the reports had not all come in. Shall I proceed?

Mr. President, the province of Tayabas was an organized province in the archipelago. The Philippine Commission had appointed a civil governor of that province, and he was discharging the duties of that office. Governor Taft said in substance and led the committee to believe that he had delivered to the committee all of the reports which he had received from the governors of organized and pacified provinces in the archipelago.

That is not all about this matter, Mr. President. The direct question was put to him why there were no letters from the "other organized provinces on the question of pacification," and he answered evasively that the reports which had been received from pacified provinces had been submitted, when at that very time, at the very moment the Governor was testifying, he had in his possession or subject to his control in the War Department this extraordinary report of the governor of the province of Tayabas.

Is that candor, in the opinion of the Senator from Ohio? Was that a fair, a manly, a candid statement upon the part of Governor Taft to say, in effect, that he had submitted to the committee all the reports of the civil governors of organized provinces in the archipelago on the subject of pacification when he had at that time, in conjunction with the Secretary of War, withheld, and, in my judgment, undertook, to that extent and for that time, to suppress from the committee and from the American people this report, which was from the civil governor of an organized province?

There is yet another phase of this question.

On the 27th day of January of this year the Senator from Massachusetts [Mr. LODGE] submitted a resolution, which was at once adopted, from the Committee on the Philippines, empowering the committee to examine into all the conditions in the islands, and since that date the committee has been engaged in the exercise of that duty; and while it was proceeding one of these reports was withheld, and the Secretary of War is now attempting to take from the Senate committee and from the Senate an examination into the condition of that province as directed by the Senate.

This effort on the part of the Secretary of War to take from the Senate committee and from the Senate the right which it was proceeding to exercise of examining into these conditions is indorsed by the Republican side of this Chamber, and when we suggest that we ought to be allowed to proceed they answer us that the procedure should be under the direction of the Secretary of War because he had first assumed jurisdiction, when as a matter of fact the Senate had first assumed jurisdiction. The Secretary of War took from the committee, through Governor Taft, a portion of the testimony to which it was entitled, and he now endeavors to take this examination into his own hands and out of the hands of the committee.

Mr. SPOONER. Will the Senator allow me?

Mr. CULBERSON. Certainly.

Mr. SPOONER. Is it not a fact that the Secretary of War had ordered this investigation before the Senate committee ever heard of the existence of such a thing?

Mr. CULBERSON. That is not the question.

Mr. SPOONER. That is the question I put.

Mr. CULBERSON. The Senator might put it a little more mildly.

Mr. SPOONER. I beg pardon; I did not mean to be offensive.

Mr. ALLISON. Mr. President——

Mr. SPOONER. Anything seems to be offensive that is not all on one side in this business.

Mr. CULBERSON. Oh, no. I will not say all that I feel about it.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. CULBERSON. Certainly.

Mr. ALLISON. The Senator read from Governor Taft's testimony partially, and he read from page 293. I notice on page 292, when this very matter was before the committee, Governor Taft said:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called "guerrilla warfare," part of Laguna, part of Tayabas, and all of Samar, and possibly, though there is a difference of opinion about that, a little tract in Misamis, the difference of opinion being as to whether Rufino is an insurrecto or a ladrone.

What I wish to call the attention of the Senate to as respects Governor Taft is that in submitting to the committee the reports of governors he only submitted the reports from the provinces that were pacified at the time, and he expressly omitted Tayabas, and the committee did not make inquiry concerning it.

I have great regard for the Senator's statement that Governor Taft by this may have misled some member of the committee, but it would have been quite easy, in view of his testimony, to have asked Governor Taft as respects the provinces that were not pacified, which he especially excepted. So I do not think from the statements on pages 292 and 293, taken together, it can fairly be charged that Governor Taft in any way sought to mislead the committee upon that subject.

Mr. CULBERSON. Mr. President, Governor Taft said in his testimony that the province of Tayabas had been organized, a civil governor had been appointed, and that with the exception of a small portion of it it had been pacified. The reference which the Senator from Iowa makes to the record in the hearings is as to the testimony that Governor Taft was giving and not with reference to any report of the governors of provinces. In order that I may be thoroughly understood, I want to read again my question to him. It was as follows:

Why are there no letters from the other organized provinces on the question of pacification?

I did not ask him why he had not submitted any letters from other organized provinces on the question of pacification, but I asked him why there were no other letters on that subject; and the governor was uncandid enough to evade it and suggest that he had submitted all of the letters he had received from what he called the pacified provinces, when, as I have repeatedly said, he had at that time this unfavorable report of conditions in the province of Tayabas, which was organized.

Mr. FAIRBANKS. May I interrupt the Senator from Texas?

Mr. CULBERSON. Certainly.

Mr. FAIRBANKS. I have before me the record from which the honorable Senator has read. He is more familiar with it than I am, but it seems to me that the two following questions and answers do not quite sustain the Senator's charge that Governor Taft was suppressing the truth.

Mr. CULBERSON. I did not expect to convince anybody over there to that effect.

Mr. FAIRBANKS. Well, I do not know the purpose of the Senator's argument.

Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think not longer than a week before I left, by telegram, and the reports had not all come in.

Showing that he did not have full reports and did not pretend to present them.

Mr. CULBERSON. But he had this particular report.

Mr. FAIRBANKS (reading):

Shall I proceed?
Senator CULBERSON. Certainly.
Governor TAFT. It is quite possible that before I get through there will be in the mail other reports; and if so, I will be glad to submit them to the committee, if they desire.

Mr. CULBERSON. Now, what is the question?

Mr. FAIRBANKS. It seems to me that that is a thoroughly frank statement.

Mr. CULBERSON. What is the question of the Senator?

Mr. FAIRBANKS. I propounded no question. I suggest whether the Senator's stopping where he did in the testimony gave a fair inference and whether he did Governor Taft justice. I understood him to say that Governor Taft had suppressed reports; that he had pretended that all the reports from pacified provinces had been furnished. I read the testimony following the point at which the Senator stopped to show that Governor

Taft did not pretend to have furnished all the reports from the pacified provinces.

Mr. CULBERSON. The trouble with the suggestion of the Senator from Indiana is that Governor Taft did, up to the time he spoke and by the testimony from which the Senator has read, leave the committee under the impression that he had presented all of the reports from organized provinces which he had received, promising that if any other reports came in afterwards he would submit them to the committee; but at the very time he was testifying, from which the Senator has just read, the Governor had in his possession this report, which was with reference to the condition of pacification in one of the organized provinces of the archipelago; and when I asked him why there were no letters from other organized provinces with reference to pacification he evaded it. He left the committee under the impression—and, in my judgment, designedly so—that there were no other letters from governors of organized provinces on the subject of pacification.

Mr. President, reverting for a moment, and a moment only, to the other suggestion which I have made, that this is an effort upon the part of the War Department to take from one of the committees of the Senate an investigation with which it had been charged long before the Secretary pretended to take any action in the matter, I call attention again to the fact that this resolution was reported on the 27th of January, 1902, by the chairman of the committee and adopted, and this committee was proceeding with an examination into the condition of that very province, among others, when the Secretary of War, in connection with the civil governor of the archipelago, took from the committee, about February 7, one of the reports to which it was entitled, and it is now insisted that he has jurisdiction of the subject instead of the committee of the Senate.

The fact that the Secretary of War had ordered an investigation before the committee came into possession of the report, as suggested by the Senator from Wisconsin, is of no consequence; it is but a phase of the scheme to take from the committee an examination into the matter upon which it was proceeding when the report was withheld from the committee and delivered to the Secretary.

Mr. PETTUS. Mr. President, I ask the attention of the Senate merely for the purpose of requesting the Senator from Utah [Mr. RAWLINS] to withdraw this resolution, because we are in a situation where the witness can not be had, and why press it, and why press this discussion, which leads only to bitterness at last?

Mr. FORAKER. Mr. President, the Senator from Texas [Mr. CULBERSON] has talked to us about a lack of candor, lack of frankness, about evasion, about intentional suppression of the truth, and has charged all these offenses to Governor Taft. I have the highest respect for the Senator from Texas. I believe that he thinks he believes everything that he says. But, Mr. President, he has said some things here which I am sure he will not adhere to when his attention is called to the record from which he has quoted. He has told us not only once, but repeatedly, in the course of the remarks he has just made that when Governor Taft made the answers to his questions which he read from page 293 of this record he had in his possession, these two reports, one from Major Gardener and the other from the secretary of the province of Batangas.

Mr. CULBERSON. I said he had them in his possession or subject to his control in the War Department.

Mr. FORAKER. At one time the Senator added that qualification but when he was answering the Senator from Indiana [Mr. FAIRBANKS] he said without any qualification whatever that the trouble with Governor Taft's answer was that when he said he had given these reports he had in his possession two reports which he was withholding, and he not only said he was withholding these reports, but he said he was withholding these reports for the purpose of keeping the truth from the committee that had a right to the reports. I may not quote his exact words, but I do not exaggerate the statement the Senator from Texas made. I think I have quoted almost identically the language that he employed.

Now, what is the truth? That testimony was given by Governor Taft on the 14th day of February, 1902, before the committee. In his letter which I read a moment ago, when I last had the floor, Governor Taft tells us that on the 7th day of February, seven days before that time—in response to an order made upon him by the Secretary of War, whose order he was bound to obey—he had transmitted both these reports to the Secretary of War.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. I simply want to ask the Senator from Ohio to give us the date of the letter from which he quotes.

Mr. FORAKER. April 8, 1902. Governor Taft at that time had concluded his testimony before the committee, and had returned to his home at Cincinnati. While in Cincinnati he learned, from what was published in the daily papers, that it was being charged here that he had withheld these two reports from the committee. Thereupon he wired to the Secretary of War the telegram which I read, and requested him to furnish the same to the chairman of this committee. I called attention a moment ago to the fact that he is bound by the orders under which he is acting, to be governed and directed in all things by the Secretary of War. He is bound to make all his reports to the Secretary of War, and to communicate all his proceedings through the Secretary of War.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. With pleasure.

Mr. CULBERSON. I will ask the Senator from Ohio——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

EXPENSES OF MILITARY OPERATIONS, ETC., IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, memoranda from the Quartermaster-General, the Surgeon-General, and the Chief of the Signal Corps, showing the difficulties involved in securing information relative to the amount of money paid by the United States for or on account of the Philippine Commission to the date when such expenses were paid out of the Philippine treasury, also as to the amount of money paid by the United States for or on account of railway transportation for troops to and from the Philippine Islands since the ratification of the treaty of peace between the United States and Spain, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

TREATIES WITH INDIANS IN OREGON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 25, 1902, a report from the Commissioner of Indian Affairs, relative to the treaties negotiated with tribes of Indians in the Territory of Oregon, under the act of June 5, 1850, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

HELEN A. B. DU BARRY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry; which was, in line 9, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BURTON, and Mr. PATTERSON were appointed.

CHARLES D. PALMER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SCOTT, and Mr. GIBSON were appointed.

ELIZABETH A. BURRILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER were appointed.

OLE STEENSLAND.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FOSTER of Washington, Mr. PRITCHARD, and Mr. TALIAFERRO were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. H. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes;

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba; and

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also communicated to the Senate the intelligence of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.;

A bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River in the State of Florida;

A bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.;

A bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

A bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.

The message also announced that the President of the United States had on the 2d instant approved and signed the act (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba was read twice by its title, and referred to the Committee on Relations with Cuba.

The bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. FORAKER. Mr. President, I wish to conclude the few sentences I want yet to speak before taking my seat.

The PRESIDENT pro tempore. The bill touching civil government in the Philippine Archipelago is before the Senate.

Mr. FORAKER. So I understand.

This interruption has been so long continued that I am afraid I have forgotten just what I was saying when it commenced, but my recollection of what I was saying is that I was undertaking to point out to the Senator from Texas that at the time when Governor Taft answered the questions cited by him from the record, namely, on February 14, for that is the date given in the record, when he was giving that testimony, he did not have in his possession these two reports. He could not therefore have withheld the two reports, and it is not true, as I understand it, Mr. President, that he had any control whatever over these reports. It was his business to obey the order of the Secretary of War with respect to that as with respect to everything else, and when he received an order from the Secretary of War to turn over to him these two reports and he complied with it that was the end of his control over the reports.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Well, I will yield.

Mr. CULBERSON. Just a moment. The Senator undertakes to defend the action of Governor Taft in withholding these reports on the ground, as he puts it, that he had been ordered by the Secretary of War to deliver them to him, and that he was compelled to obey, whereas the facts, undisputed in the record, show that Governor Taft voluntarily delivered the reports to the Secretary of War himself.

Mr. FORAKER. Mr. President, the Senator from Texas is again in error. If the record shows any such thing as he now states, I do not know where in the record it can be found. I can point out to him, and I have already pointed it out to him and to the Senate, that the record shows just the contrary, for Governor Taft says in this communication——

Mr. CULBERSON. I will read it.

Mr. FORAKER. Mr. President, I will yield, of course, if the Senator wants me to, but I should like to utter at least two sentences without being interrupted.

Mr. CULBERSON. I will read it.

Mr. FORAKER. What is the page?

Mr. CULBERSON. The Senator was replying to what I said, and he charges distinctly that there is nothing in the record such as I suggested.

Mr. FORAKER. I said, Mr. President, that I did not know where you could find in the record what the Senator said was in the record, and I said I knew where I could find the contrary in the record.

Mr. CULBERSON. I will show it to you.

Mr. FORAKER. Very well; but could you not wait a little while until I conclude?

Mr. CULBERSON. It comes in very good just now.

Mr. FORAKER. Very well; I will yield to the Senator.

Mr. CULBERSON (reading):

WASHINGTON, D. C., *February 7, 1903.*

Mr. FORAKER. On what page?

Mr. CULBERSON. Page 886 of the record.

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

SIR: I herewith transmit to you reports of the condition of Batangas and Tayabas, disturbed districts in the archipelago, with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in these two provinces.

Very respectfully,

WM. H. TAFT.

Mr. FORAKER. Mr. President, I submit that what the Senator has read does not show that Governor Taft voluntarily placed these reports in the hands of the Secretary of War. He states in his communication that he transmits them pursuant to their conversation, his language being—

with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in these two provinces.

Now, Mr. President, let that be read in connection with what I have already called attention to, the statement of Governor Taft, as found on page 889 of the record. Governor Taft there says:

The Secretary of War—

After he had acknowledged the receipt of these reports—

The Secretary of War accordingly directed me to transmit the same to him for the purpose of forwarding it to General Chaffee, and I did so under date of February 7. At same time I submitted to him a report from secretary of Batangas Province (also delivered to me on the steamer), a report which by law could only be called for by the military governor, and this was also transmitted to the Secretary of War.

Now, Mr. President, we have it in the record upon this statement of Governor Taft that he did not act voluntarily, but by

direction of the Secretary of War. While the Senator from Texas talks as though he did not want to believe him, I submit that other Senators here will believe him, for no man who has ever known Governor Taft has ever, so far as I am aware, questioned his candor or his frankness down until this occurrence. If there is a man in all the world absolutely faithful to the truth in any statement that he may make, and conservative in the statement of it, that man is Governor William H. Taft. I have known him all his life. I know whereof I speak when I pay to him that high compliment, for a high compliment it is.

Now, here is his statement in this record. It is a statement that when he arrived here, having received these reports at the steamer, not knowing anything about them until while he was on his voyage, he acquainted the Secretary of War with them, as it was his duty to do, he being his superior officer to whom he must make report. Thereupon the Secretary directed him to deliver these reports to him in order that he might order an investigation, which it at once occurred to them ought to be made as to the truthfulness of these charges.

So, Mr. President, I say that when the Senator from Texas said to the Senate—and he said it without excuse, Mr. President, for he is a member of the committee; he helped make this record; he was familiar with it, or at least he should have been; and when I say without excuse, I mean there was no excuse for his not knowing what the record showed, for he undertook to tell us what was in it, and we had a right to believe that he thoroughly understood every page of it—when the Senator from Texas said, in reply to the Senator from Indiana, that on the 14th day of February Governor Taft had these reports in his possession and withheld them, he was stating what this record shows conclusively he was not warranted in saying. He did not at that time have them, and he had no more control over them than had the Senator from Texas.

Now, Mr. President, another word. The Senator says that is the only defense I have to make for Governor Taft. Mr. President, that is the only one I need make, in view of the remarks made by the Senator from Texas, but it is not the only defense to the charge he makes. The Senator from Iowa [Mr. ALLISON] called attention a while ago to what, I think, is at the bottom of all the misunderstanding there is here, and it could not be anything but a misunderstanding, for I have that respect for the character and the integrity and the sense of justice of the Senator from Texas to believe that he would not intentionally do any man an injustice. At the bottom of it all is exactly what the Senator from Iowa called attention to. On page 292 of this report Governor Taft testified before the committee, and on the same day, at the same moment almost, for it immediately precedes what the Senator from Texas calls attention to—on the same day he made the statements the Senator takes exception to. He said, prefacing it all, when asked in regard to these various reports, as follows:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—

I want Senators to notice the language—

conditions prevailing in the pacified provinces—

And then he adds this parenthetically:

I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called guerrilla warfare, part of Laguna, part of Tayabas, and all of Samar, and possibly, though there is a difference of opinion about that, a little tract in Misamis, the difference of opinion being as to whether Rufino is an insurrecto or a ladrone.

In other words, Mr. President, there were, at the time when Governor Taft was testifying, pacified and unpacified provinces—pacified provinces, in which civil government had been established, and provinces not pacified, still being governed by military officials acting as their governors. Therefore, when he came to testify he said—speaking of pacified provinces, not only saying that he leaves out the unpacified provinces, but naming the pacified provinces to which he refers, and in that connection naming the very province where Major Gardener was acting as governor—he said: "I am speaking of them, and them only, and not of the others," thus and so——

Mr. ALLISON. Mr. President, I should be glad if the Senator would yield to me for a moment.

Mr. FORAKER. I yield to the Senator with pleasure.

Mr. ALLISON. I wish to call the Senator's attention to page 293 of the testimony, where Governor Taft states that a few days before he left the Philippines Acting President Wright had sent for the report of the pacified provinces, showing that he drew this distinction very clearly and fully.

Mr. FORAKER. I thank the Senator from Iowa for calling my attention to that fact, for it is true, as stated by the Senator from Iowa, that on page 293 of this record Governor Taft does make exactly that statement.

But, Mr. President, it must be perfectly clear, it seems to me, to any man who wants to judge this without bias or without prejudice that it must have been a misunderstanding—for it could not have been anything else—that led the Senator from Texas to impute to Governor Taft a lack of frankness or a lack of candor. The Senator should understand the fact that Governor Taft had specified the unpacified provinces, and Tayabas as one of them, and that he then simply dismissed them from his mind. He was talking, as the Senator from Iowa [Mr. ALLISON] calls my attention to the fact, about the pacified provinces, and about them only. That is not all. Governor Taft speaks again on that very point in the communication from him that I have already read, at page 889 of the record. After having made the statement I have read, he says:

I produced reports from twenty-three governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.) I did this for the purpose of discussing tranquillity in those provinces (see record, p. 292 and following)—

That is just what I have been reading—

and I expressly omitted from such discussion Batangas, Samar, Laguna, and Tayabas, where there was insurrection. While Tayabas had not been formally turned over to military government, the writ of habeas corpus had been suspended in cases of prisoners in military custody. My attention was called to the fact that only twenty-three reports had been submitted, and I explained that all the reports from pacified provinces had not been obtained before I left Manila, and offered to file all reports as they came by mail. I was asked to file all reports I might receive while in Washington, and I agreed to do so. (See p. 293 of record.) From time to time I have complied with this request, and all reports from pacified provinces are now on file. (See p. 349 of record.)

I have on hand three formal annual reports from the governors of Romblon, Capiz, and Isabela, reports from whom have already been filed, and these annual reports will be also filed. I submit to your honorable committee that I have not disobeyed your rules in failing to produce any reports called for from me or agreed by me to be produced.

WM. H. TAFT.

Mr. President, the only criticism the Senator from Texas, it seems to me, has any right to make on Governor Taft is that when he was being examined on this point he did not volunteer to him the information that a report had been received from one of the unpacified provinces of which mention is made. That is explained by the fact that he had been required by the Secretary of War to turn that report over to the Secretary of War in order that the Secretary might order an investigation, and have it conducted, of the charges therein made. I can understand how the Senator might think that Governor Taft ought to have said that, but, knowing the character of Governor Taft as I do, I know that it never occurred to him that he was evading anything when giving his testimony.

It seems to me that, on the contrary, his frankness is marked by statements that indicate that he was not withholding anything, but that he was verbally painting a picture of the conditions exactly as they existed; and it is no breach of confidence for me to say that, in the course of a conversation I happened to have with Governor Taft while he was on the stand as a witness—I do not mean while he was on the stand actually testifying, but I mean during the period while he was in attendance upon the committee—he said to me that he had no responsibility for consequences, and the truth, the whole truth, and nothing but the truth, would be the statement he should make on any question he might be asked about. I know it never occurred to him that he was withholding any truth; it never occurred to him that he was evading the point of any question the Senator from Texas or any other Senator was asking him or might ask him.

Therefore, I submit, Mr. President, that Governor Taft can not be charged here in the Senate, after the full and frank and truthful—manifestly truthful—statement made, with attempting to evade, or with a lack of candor, or with misleading the committee, for he expressly stated to the committee, and the committee was given to understand—and it was not the fault of Judge Taft if they did not understand—that he was speaking only of the pacified provinces, and not of Batangas, Laguna, Tabayas, and Samar; and when he made that announcement to the committee any fair-minded man should have concluded that Governor Taft had a right to believe that every man on that committee would know that the questions propounded to him, unless they were specified otherwise, would have direct relation to the provinces about which he was testifying and concerning which he had a special responsibility.

Mr. PATTERSON. Mr. President, the Senator from Texas [Mr. CULBERSON] has stated that, in his opinion, Governor Taft was guilty of a want of frankness in dealing with the Committee on the Philippines. I think that when the entire record—and it has not yet all been called to the attention of the Senate—is understood, it will appear that the Senator from Texas is more than justified in the statement that he makes.

Senators have been proceeding upon the theory that the 14th of February was the first time at which, before the Committee on the Philippines, the question of reports from the Philippine provinces was presented. Such is not the case. On the 7th of February the record shows the following——

Mr. FORAKER. On what page?

Mr. PATTERSON. On page 189. While Governor Taft was

being examined, in a lull in the examination, the chairman of the committee, the junior Senator from Massachusetts [Mr. LODGE], made the following statement:

The CHAIRMAN. Governor Taft has advised me that he has reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed.

Governor TAFT. I should be glad to have it done, with the permission of the committee.

The Senator from Ohio will observe that in that statement by the chairman of the committee, in the presence of Governor Taft, no reference is made either to organized provinces or to pacified provinces; but the plain blunt statement that Governor Taft had advised him that he had "reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed."

Mr. FORAKER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I wish to call the Senator's attention to a feature of the record which seems to have escaped him. It is true that that occurred on the 7th. I was not, however, aware of it until the Senator called my attention to it, for I have not had an opportunity to familiarize myself with this record, as have the Senators on the committee.

Mr. PATTERSON. I suppose not.

Mr. FORAKER. But I call the Senator's attention to this:

The CHAIRMAN. Governor Taft has advised me that he has reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed.

Governor TAFT. I should be glad to have it done, with the permission of the committee.

What the chairman said was that Governor Taft has reports in his possession; and then, to accommodate Governor Taft, the permission of the committee is asked to have them printed.

Governor Taft, at page 889, speaking of the delivery of this report to the Secretary of War, says:

Thereafter, on the same day—

After he had made this delivery—

in my testimony before your committee, I produced reports from 23 governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.)

On page 190 of the record is the testimony I read a while ago.

Mr. PATTERSON. I will say to the Senator that I intend to refer to all these matters, and I shall treat them fully, frankly, and justly.

Mr. FORAKER. What I want to call attention to is the fact that Governor Taft did not have those two reports in his possession at the time when this colloquy occurred in the committee, which the Senator now reads, but he had already theretofore, although on the same day, delivered them to the Secretary of War, pursuant to order of the Secretary theretofore given.

Mr. PATTERSON. The Senator from Ohio, I think, has made himself plain. What he has now stated is simply a reiteration of what he said before, but based upon this new item in the discussion of February 7. These reports were present in the committee room, they were turned over to the official stenographer, and the reports from twenty-three provinces were regularly printed, according to the rules of the committee, within a day or two thereafter.

The contention the Senator from Ohio is making is that Governor Taft laid great stress upon the proposition that he had certain papers in his possession. What I maintain, and what the Senator from Texas maintains, is this: That since there was nothing in Governor Taft's statement to indicate that he had disposed of the reports from other provinces in any other manner than the manner in which they were disposed of at that time, the committee had a perfect right to suppose that he, through the chairman of the committee, was producing to the committee the reports from all the provinces that he had had in his possession.

Mr. FORAKER. Mr. President——

Mr. PATTERSON. Now, I trust the Senator from Ohio will allow me to proceed.

Mr. FORAKER. I will not interrupt the Senator, of course, if it is not agreeable to him.

Mr. PATTERSON. I clearly understand the distinction the Senator is making.

Mr. FORAKER. I simply want to call the Senator's attention to the fact that the committee had no right to suppose that these were all the papers of this kind that Governor Taft then had in his possession or "ever had had" in his possession. That was the language employed by the Senator from Colorado. There was not a word said to indicate it. He simply said: "I have certain papers here in the nature of reports," and they were ordered to be printed. There was no description given of them, and later he testified in regard to them.

Mr. PATTERSON. I will come to that a little later on if the Senator will permit me to proceed.

Mr. FORAKER. Very well, I will not trouble the Senator any more.

Mr. PATTERSON. Before I get the statement completely made, I trust the Senator from Ohio is not going to desert the Chamber. I would rather agree to have him interrupt me as often as he pleases.

Mr. FORAKER. I do not want to desert the Senator; but if he will not allow any interruption and will not allow any debate—if we can not correct what we think are misstatements of the record—then I do not care to sit and hear him, when I have an urgent and pressing demand to go to the restaurant.

Mr. PATTERSON. Mr. President, I suggested that if the Senator would remain he might interrupt me as much as he pleases, but since he has become the special champion of Governor Taft, I suppose because Governor Taft is from his State——

Mr. FORAKER. On that statement of the Senator I will change my mind and stay here.

Mr. PATTERSON. I think it is due to Governor Taft, if not to myself, that the Senator should remain.

Mr. PETTUS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. PETTUS. This conversation is absolutely to the disorder of the Senate.

The PRESIDING OFFICER. The point of order is well taken. The Chair will admonish Senators to address the Chair and get permission from the Senator having the floor before proceeding with their remarks. The Senator from Colorado.

Mr. PATTERSON. I want to finish my statement that it is at least due to the gentleman whose cause the Senator is especially championing that he should remain here during the entire controversy upon the subject.

I was suggesting that the Senator from Ohio bases all of his defense upon the proposition that Governor Taft was invariably talking of orders that he had in his possession, while at the time he made the statement certain papers that had been in his possession were not then in his possession, but had been delivered to the Secretary of War. But, Mr. President, it was on the morning of February 7, the date upon which, in his letter of April 8, he said he had delivered reports from the two disputed provinces to the Secretary of War; that, through the chairman of the committee, in general terms, he submitted to the committee reports from different provincial governors, heads of constabulary, etc., which the chairman desired to have printed.

I maintain that logically, though not in language, the committee had a right to suppose at that time that the governor was delivering to the committee the reports of all the provinces that he had under his control, and not that before coming to the committee he had surrendered two of the reports to the Secretary of War, in order that technically he might at some subsequent period say that at the time he turned over the other reports he did not have those particular two reports with him.

Mr. President, we come now to what occurred on February 14, and I call the attention of the Senate to a distinction that the Senator from Ohio did not attempt to make.

Governor Taft was giving extensive verbal testimony, oral testimony, concerning the different provinces. He had detailed to us the provinces that had been organized, and according to his testimony both Batangas and Tayabas had been organized and civil governors appointed to preside over them; but, by reason of the disturbances subsequently occurring, a part of the provinces had, for the time being, been turned back again to the military authorities.

There are two classes of provinces in the islands, distinguished by Governor Taft himself—organized provinces and unorganized provinces; provinces organized by the Philippine Commission and provinces that had not been organized by the Philippine Commission. The reason that some of the provinces had not been organized was because they were in a state of war; but Tayabas and Batangas had been organized, although troubles had broken out there subsequently.

Mr. President, Governor Taft was testifying verbally, orally. The matter of the reports from the provinces had nothing to do with the oral statement he was making concerning the different provinces. The first information the committee had was on the 7th of February, that he had reports concerning these provinces, when he made the proposition to submit these reports from Philippine provinces and have them printed, and until the 14th of February the minority committee, at least—we do not know what information the majority or some of the majority of the committee had—until the 14th of February we of the minority of the committee believed that we had every item of written testimony concerning all of the provinces of the Philippines that Governor

Taft either had or brought with him. There was no suggestion that a report that had been in his possession had been surrendered by him to the Secretary of War or to any other person.

It is true that so far as the oral testimony is concerned he made this statement:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called guerrilla warfare, part of Laguna, part of Tayabas, and all of Samar.

That was simply a notification to the committee that he would not discuss those particular provinces for the reasons stated. But after he made that statement then comes the colloquy between Governor Taft and several of the minority Senators on the committee, and all of that has not yet been read to the Senate.

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces.
Governor TAFT. Whatever the number may be.
Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?

Batangas and Tayabas were organized territories.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. Governor Taft had, in the paragraph read by the Senator from Colorado only a few moments ago, expressly exempted Tayabas from the list of those provinces that were organized.

Mr. PATTERSON. Oh, no.

Mr. FORAKER. I beg pardon of the Senator. If he will look at the record he will see that that is exactly what Governor Taft said; and in the letter which I read a moment ago, printed on page 889 of the record, Governor Taft says that although Tayabas had been given a civil governor, yet the writ of habeas corpus had been suspended, and the conditions were such that it had been exempted from the pacified provinces, about which he was talking, as organized; all these inquiries are in regard to organized provinces, and all of Governor Taft's answers are confined to organized provinces.

Mr. PATTERSON. But there is a distinction between organized provinces and pacified provinces. If the Senator will read all the testimony given by Governor Taft in the earlier part of the record, he will discover that these two provinces had been organized, both Tayabas and Batangas, and because of the troubles subsequently arising by reason of guerrilla warfare they had, in part, been given over to the military, but the civil governors were yet there and the civil secretaries were yet there. Therefore, when the Senator from Texas [Mr. CULBERSON] asked Governor Taft about organized provinces, he was asking him about the very provinces concerning which Governor Taft had spoken as organized provinces. Now, let us see.

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces.
Governor TAFT. Whatever the number may be.
Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?
Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think not longer than a week before I left, by telegram, and the reports had not all come in. Shall I proceed?
Senator CULBERSON. Certainly.
Governor TAFT. It is quite possible that before I get through there will be in the mail other reports; and, if so, I will be glad to submit them to the committee, if they desire.
Senator PATTERSON. I think we ought to request the Governor to submit anything he gets while he is in Washington.
Governor TAFT. All right. I will do that.

Mr. President, if Governor Taft wanted to be entirely frank when he distinguished between organized provinces and pacified provinces, when these two provinces in dispute were organized and had been pacified, but had relapsed by reason of guerrilla warfare in certain portions of them, he would have said, in response to these questions, "there are reports from two of the provinces that were organized that I received, and for some reason or other I have turned them over to the Secretary of War," but he was as silent as the grave, Mr. President, upon the subject of these two provinces, the reports of which were the most momentous and startling of any that have been published either through Governor Taft or the War Department.

Mr. President, it is suggested to me by the Senator from Arkansas [Mr. JONES] that a message has been received from the House of Representatives transmitting resolutions of that body touching the death of Representative CUMMINGS; and I give way at this point, in order that the resolutions from the House of Representatives may be presented to the Senate.

AGREEMENT WITH INDIANS ON ROSEBUD RESERVATION.

Mr. GAMBLE. Mr. President, I ask unanimous consent that the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, be taken up for consideration on Monday morning immediately after the morning business, and that its consideration be proceeded with until disposed of.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the bill referred to be taken up for consideration on Monday morning after the routine morning business. Is there objection to the request? The Chair hears none, and that order is made.

DEATH OF REPRESENTATIVE AMOS J. CUMMINGS.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 3, 1902.*

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved (in recognition of the long and distinguished term of service rendered in this body by Mr. CUMMINGS), That appropriate services be held in the Hall of the House on Sunday, May 4, 1902, at 3 o'clock p. m.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The Speaker announced the appointment of Mr. MCCLELLAN, Mr. WADSWORTH, Mr. SULZER, Mr. RAY of New York, Mr. FITZGERALD, Mr. SHERMAN, Mr. RYAN, Mr. YOUNG, Mr. CLARK, Mr. FOSS, Mr. WILLIAMS of Mississippi, Mr. MCCLEARY, Mr. TATE, and Mr. OTEY as members of the committee on the part of the House.

Mr. DEPEW. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers resolutions, which will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

The PRESIDING OFFICER, under the second resolution, appointed as the committee on the part of the Senate Mr. PLATT of New York, Mr. KEAN, Mr. PENROSE, Mr. JONES of Arkansas, and Mr. BAILEY.

Mr. DEPEW. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 48 minutes p. m.) the Senate adjourned until Monday, May 5, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 3, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, once more brought face to face with the mystery of mysteries in the death of one of the members of this House, we look up to Thee, source of light and life and love, for strength and consolation. We bless Thee for his long and faithful career as a journalist and statesman.

Conservative in his views, strong in his convictions, he stood fearlessly, boldly, for what he conceived to be right, on the field of battle, in his writings, and on the floor of this House.

Be very near to those who knew and loved him best, his friends and colleagues, and especially those who were near and dear to him in the ties of kinship.

Peace be to his ashes and repose to his soul. With faith in Thee may we look forward with hope to the future, that on some near or distant shore we shall finally meet where sorrows never enter and joys are eternal; in the name of Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on

the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. KITTREDGE, and Mr. GIBSON as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.; and

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4932. An act providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.;

S. 3361. An act providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.; and

S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River in the State of Florida.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 966. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii; and

H. R. 9206. An act to make oleomargarine and other imitation dairy products subject to laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, and exportation of oleomargarine," approved August 2, 1886.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MINOR, for ten days, on account of important business.

To Mr. BISHOP, for one week, on account of important business.

REPRINT OF REPORTS.

Mr. KNOX. Mr. Speaker, I am informed that the supply of Report No. 1309, relating to the admission of certain Territories as States of the Union, is entirely exhausted. I ask unanimous consent for a reprint, and I give notice that I shall call up the bill on Tuesday next.

The SPEAKER. Is there objection to ordering a reprint of Report No. 1309, relating to the statehood bill? The Chair hears none; and it is so ordered.

Mr. FOSS. Mr. Speaker, I ask unanimons consent for a reprint of the naval appropriation bill and the report thereon.

There being no objection, it was ordered accordingly.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. GRAFF. Mr. Speaker, in view of the proposed adjournment to-day, I ask unanimous consent that on the day following the disposition of the statehood bill it be in order to consider bills on the Private Calendar reported from the Committee on Claims.

The SPEAKER. The chairman of the Committee on Claims asks unanimous consent that immediately after the disposition of the statehood bill, reported from the Committee on the Territories——

Mr. GRAFF. Mr. Speaker, is there any prior order which would interfere with claims business?

The SPEAKER (after a pause). The Chair finds that a bill reported by the gentleman from Pennsylvania [Mr. ADAMS] from the Committee on Foreign Affairs has been made a special order, to come up immediately after the disposition of the statehood bill.

Mr. GRAFF. Then I modify my request, and ask unanimous consent that it be in order immediately after the disposition of the passport bill to consider bills on the Private Calendar reported from the Committee on Claims.

The SPEAKER. The gentleman from Illinois [Mr. GRAFF] asks unanimous consent that immediately after the disposition of House bill 8129—the passport bill, affecting our foreign possessions—which, as the House will remember, was made a special order to come up after the disposition of the statehood bill, bills reported from the Committee on Claims be made the special order. Is there objection to this request?

Mr. PERKINS. I wish to inquire whether, under this proposed order, the Calendar will be called in the same way it would have been to-day, or whether only bills on the Calendar reported from that committee will be in order?

The SPEAKER. Only bills from the Committee on Claims will be in order under this request. Is there objection? The Chair hears none, and it is so ordered.

DEATH OF HON. AMOS J. CUMMINGS.

Mr. PAYNE. Mr. Speaker, it becomes my sad duty to announce to the House the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York, which occurred at Baltimore last evening.

Of his loyalty and courage, his devotion to duty, his unswerving patriotism, and his long and distinguished service as a member of this House, I shall defer to speak at length until at a later day the House shall set aside a day to pay fitting tribute to his memory. I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved (in recognition of the long and distinguished term of service rendered in this body by Mr. CUMMINGS), That appropriate services be held in the Hall of the House on Sunday, May 4, 1902, at 3 o'clock p. m.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to take orders concerning the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously agreed to.

The SPEAKER announced the appointment of the following-named members as the committee on the part of the House: Mr. MCCLELLAN, Mr. WADSWORTH, Mr. SULZER, Mr. RAY of New York, Mr. FITZGERALD, Mr. SHERMAN, Mr. RYAN, Mr. YOUNG, Mr. CLARK, Mr. FOSS, Mr. WILLIAMS of Mississippi, Mr. MCCLEARY, Mr. TATE, and Mr. OTEY.

The SPEAKER (at 12 o'clock and 14 minutes p. m.). And now, in pursuance of the action of the House just taken, this body stands adjourned until 12 o'clock noon on Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding filed by the court in the case of Pinkney Daniel and Josephine Berry, heirs of estate of Mary Dees, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Superintendent of the Capitol Building and Grounds, transmitting a report relating to the extension of the Capitol building and renovation of the Rotunda—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13967) to change the terms of the United States circuit courts within the first circuit, reported the same without amendment, accompanied by a report (No. 1880); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11613) to establish a fish-hatching and fish station in Yakima County, in the State of Washington, reported the same without amendment, accompanied by a report (No. 1881); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4335) to establish a steam fog-signal station at the entrance to Holland Harbor, Michigan, reported the same with amendment, accompanied by a report (No. 1882); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3492) to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, reported the same without amendment, accompanied

by a report (No. 1883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 1884); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14188) for the appointment of authorized surveyors in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic—to the Committee on Printing.

By Mr. NORTON: A bill (H. R. 14190) to amend the third subdivision of section 3244 of the Revised Statutes—to the Committee on Ways and Means.

Also, a bill (H. R. 14191) to amend section 45 of an act entitled "An act to reduce revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 14192) to correct the military record of Palmer G. Percy—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 14193) granting an increase of pension to Warren C. Plummer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14194) granting an increase of pension to Esther A. Clark—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14195) granting an increase of pension to David T. Towles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14196) granting an increase of pension to M. W. Dunkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) granting a pension to Harriett Wheatley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14198) to correct the military record of William G. Dougherty—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 14199) granting an increase of pension to Jesse Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to Franklin Stauter—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A resolution (H. Res. 239) to pay Cash B. Herman for services rendered under the Doorkeeper of the House—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURLEIGH: Papers to accompany House bill granting a pension to Joseph M. Foster—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of citizens of Kingston, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Thompson & Leavitt and other citizens of Boston, Mass., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Resolutions of Branch No. 551, Polish National Alliance, of Camden, N. J., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RYAN: Petition of Jacob Springweiler and 34 other citizens of the Thirty-second Congressional district of New York, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Unions No. 951, of Sato; No. 710, of Casterville, and No. 1941, of Johnston City, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *May 5, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HOSPITAL AT FORT RILEY, KANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the construction of a hospital at Fort Riley, Kans., $100,000; which, on motion of Mr. PROCTOR, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

LEVI HATCHETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hatchett, which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PRITCHARD, Mr. DEBOE, and Mr. CARMACK were appointed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Columbia Encaustic Tile Company, of Anderson, Ind., praying for the adoption of certain amendments to the national banking laws; which was referred to the Committee on Finance.

Mr. DRYDEN presented a resolution adopted by the Arlington Flag Association, of Arlington, N. J., favoring the official recognition of Dr. Theodore R. Timby for his invention of the revolving gun turret of the *Monitor;* which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Rahway, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of Cigar Makers' Local Union No. 138, of Newark, N. J., remonstrating against the present high prices of beef and praying for the removal of the protective tariff on all imports of meat; which was referred to the Committee on Finance.

He also presented a petition of Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Local Union No. 121, of Paterson, N. J., praying that an investigation be made into the so-called beef trust; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jersey Central Division, No. 307, Order of Railway Conductors, of Somerville; of Lehigh Valley Lodge, No. 33, Brotherhood of Railroad Trainmen, of Jersey City; of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, of Trenton; of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden; of Jersey City Lodge, No. 119, Brotherhood of Locomotive Engineers, of Jersey City; of Palisade Lodge, No. 592, Brotherhood of Locomotive Engineers, of Jersey City, and of Jersey City Division, No. 53, Brotherhood of Locomotive

Engineers, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PROCTOR presented a petition of Local Union No. 683, United Brotherhood of Carpenters and Joiners, of Burlington, Vt., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Lumpers, Boxers, and Derrickmen's Local Union No. 9584, of Barre, Vt., and a petition of Federal Labor Union No. 9635, of Vergennes, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HOAR presented resolutions adopted by the Springfield Turn Verien, of Springfield, Mass., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Boot and Shoe Workers' Local Union No. 122, of Randolph; of Federal Labor Union No. 9477, of Lenox, and of Fish Skinners, Cutters, and Handlers' Local Union No. 9582, of Gloucester, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 439, Brotherhood of Locomotive Engineers, of Boston; of Lodge No. 57, Brotherhood of Locomotive Firemen, of Jamaica Plain; of Lodge No. 73, Brotherhood of Locomotive Firemen, of Worcester; of Lodge No. 553, Brotherhood of Railroad Trainmen, of Worcester; of Lodge No. 486, Brotherhood of Railroad Trainmen, of East Boston, and of Lodge No. 404, Brotherhood of Railroad Trainmen, of Bunker Hill, all in the State of Massachusetts, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. MCMILLAN presented a petition of International Longshoremen's Local Union No. 49, American Federation of Labor, of Detour, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Thunder Bay Lodge, No. 568, Brotherhood of Railroad Trainmen, of Alpena; of Local Division No. 6, Order of Railway Conductors, of Battlecreek; of Park Lodge, No. 55, Brotherhood of Railroad Trainmen, of Detroit; of Standard Lodge, No. 158, Brotherhood of Locomotive Firemen, of Detroit; of Good Will Lodge, No. 103, Brotherhood of Railroad Trainmen, of Gladstone; of Gladstone Division, No. 340, Order of Railway Conductors, of Gladstone; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson; of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Detroit, and of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Tile Layers' Local Union No. 7, of Detroit; of Bolt and Nut Workers' Local Union No. 7375, of Detroit; of Lithographers' Sun Association No. 9, of Detroit; of Retail Clerks' Local Union No. 168, of Detroit; of Switchmen's Local Union No. 13, of Detroit; of Bricklayers' Local Union No. 2, of Detroit; of the Allied Printing Trades Council of Detroit; of the Council of Trades and Labor Unions of Detroit; of Carpenters' Local Union No. 334, of Saginaw; of Team Drivers' Local Union No. 287, of Saginaw; of Bricklayers' Local Union No. 7, of Saginaw; of Carpenters' Local Union No. 226, of Traverse City; of Bricklayers' Local Union No. 8, of Traverse City; of Bricklayers' Local Union No. 13, of Pittsburg; of Bricklayers' Local Union No. 17, of Kalamazoo; of Carpenters' Local Union No. 654, of Jackson; of Boiler Makers' Local Union No. 64, of Jackson; of Retail Clerks' Local Union No. 18, of Grand Rapids; of Retail Clerks' Local Union No. 356, of Hancock; of Carpenters' Local Union No. 585, of Port Huron; of Carpenters' Local Union No. 512, of Ann Arbor; of the Bricklayers' Local Union of Marquette; of Carpenters' Local Union No. 958, of Marquette; of Carpenters' Local Union No. 871, of Battle Creek; of Bricklayers' Local Union No. 11, of Bay City; of Barbers' Local Union No. 15, of Flint; of the Central Labor Union of Flint; of Typographical Union No. 168, of Muskegon, and of Typographical Union No. 166, of Adrian, all in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PLATT of Connecticut presented a petition of the Court of Common Council of Hartford, Conn., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Lodge No. 423, Brotherhood of Railroad Trainmen, of Waterbury; of Lodge No. 118, Brotherhood of Railroad Trainmen, of Hartford; of Lodge No. 285, Brotherhood of Locomotive Firemen, of Hartford, and of Lodge No. 496, Brotherhood of Railroad Trainmen, of New London, all in the State of Connecticut, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. HALE presented a petition of the Maine State Board of Trade, of Portland, Me., praying for the adoption of certain amendments to the national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of the American Federation of Labor, of the Brotherhood of Locomotive Engineers, of the Brotherhood of Locomotive Firemen, of the Order of Railway Conductors, of the Brotherhood of Railway Trainmen, of the Order of Railroad Telegraphers, of the Sailors' Union, of the Pacific and International Seamen's Union of America, of the Chinese Exclusion Commission of California, of Iron Molders' Local Union No. 248, American Federation of Labor, of Portland, Me., and of Masons Local Union No. 7, American Federation of Labor, of Bangor, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Troy Annual Conference of the Methodist Episcopal Church of Saratoga Springs, N. Y.; of the Methodist Preachers' Meeting of Chicago, Ill., and of the New York East Conference of the Methodist Episcopal Church of Torrington, Conn., praying for the enactment of legislation placing the chaplains of the United States Navy in the matter of their pay and general treatment on an equal footing with the other officers of the same rank in the service; which were referred to the Committee on Naval Affairs.

Mr. BAILEY presented petitions of Bricklayers' Local Union No. 9, of Waco; of Davy Crockett Lodge, No. 145, Brotherhood of Locomotive Firemen, of San Antonio; of Barbers' Local Union No. 11, of Fort Worth; of Street Railwaymen's Division No. 84, of Houston; of Carpenters' Local Union No. 55, of Temple; of Tyler Division, No. 201, Brotherhood of Locomotive Engineers, of Tyler; of Lone Star Lodge, No. 70, Brotherhood of Locomotive Engineers, of Longview; of Sunset Lodge, No. 177, Brotherhood of Locomotive Firemen, of Marshall; of Mission Lodge, No. 281, Brotherhood of Locomotive Firemen, of Yoakum; of Signal Mount Lodge, No. 372, Brotherhood of Locomotive Firemen, of Bigspring; of William McKinley Lodge, No. 422, Brotherhood of Locomotive Firemen, of Greenville; of Barton Spring Lodge, No. 491, Brotherhood of Locomotive Firemen, of Austin; of Ivanhoe Lodge, No. 492, Brotherhood of Locomotive Firemen, of Smithville; of Neches Queen Lodge, No. 590, Brotherhood of Locomotive Firemen, of Beaumont; of J. J. Kress Lodge, No. 492, Brotherhood of Railroad Trainmen, of Commerce; of Terrell Lodge, No. 20, Brotherhood of Locomotive Firemen, of Paris; of the Trades and Labor Council, of Palestine; of the Trades Assembly, of Cleberne; of the Plumbers' Local Union, of Houston; of Lodge No. 368, Brotherhood of Railroad Trainmen, of Palestine; of Brewery Workmen's Local Union No. 182, of Fort Worth; of the Retail Clerks' Local Union, of Hillsboro; of the Painters' Local Union, of San Antonio; of Boiler Makers' Local Union No. 293, of Smithville, and of the Galveston Labor Council, of Galveston, all in the State of Texas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of Kramer & Kaufman and 40 other citizens of Indiana, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, Ind., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of sundry citizens of Macon, Mo., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the Nord St. Louis Turn Verein, of Missouri, expressing sympathy for the people of the South African Republic and Orange Free State; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12788) granting a pension to Elizabeth McDonald;

A bill (H. R. 6645) granting an increase of pension to Ann E. Austin;

A bill (H. R. 11662) granting an increase of pension to Albion P. Stiles; and

A bill (H. R. 6441) granting an increase of pension to William H. Wood.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1184) granting a pension to Mary Florence Von Steinwehr;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson; and

A bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4790) directing payment of pension to Stephen A. Seavey, reported it with amendments, and submitted a report thereon.

He also (for Mr. SCOTT), from the same committee, to whom was referred the bill (H. R. 13416) granting an increase of pension to Isabella H. Thompson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12489) granting an increase of pension to Ebenezer Wilson, to submit an adverse report thereon, the soldier having died since the bill passed the House of Representatives. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5190) granting an increase of pension to Alvin J. Hartzell;

A bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence; and

A bill (H. R. 5183) granting an increase of pension to William Holdridge.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin, reported it with an amendment to the title.

He also, from the same committee, to whom was referred the bill (S. 3888) granting a pension to Jesse H. Hubbard, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit, reported it without amendment.

Mr. CARMACK, from the Committee on Pensions to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3277) granting a pension to Frances J. Abercrombie; and

A bill (H. R. 8351) granting a pension to Matthew V. Ellis.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 8007) granting an increase of pension to James W. Lewis; and

A bill (H. R. 7840) granting an increase of pension to Oliver Kerr.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 712) granting a pension to John Housiaux, reported it with amendments and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Depredations, to whom was referred the bill (S. 3544) to amend an act entitled, "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE. I present a memorandum relating to the bill just reported by me, and move that it be printed as a document and referred to the Committee on Indian Depredations.

The motion was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3506) granting an increase of pension to Stanley M. Casper, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4710) granting a pension to Anna M. Hogan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2436) granting an increase of pension to James W. Roath; and

A bill (H. R. 12239) granting an increase of pension to Agnes Clark.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city, reported it with amendments, and submitted a report thereon.

Mr. PLATT of Connecticut. I am directed by the Committee on Relations with Cuba, to whom was referred the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, to report it back and to ask that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Foreign Relations.

Mr. CULLOM. I desire to state that a few days ago I reported favorably from the Committee on Foreign Relations an amendment making appropriations for the diplomatic and consular service in the republic of Cuba, intended to be proposed to the sundry civil appropriation bill, which contains provisions identical with the bill just reported by the Senator from Connecticut [Mr. PLATT].

The PRESIDENT pro tempore. The Committee on Relations with Cuba will be discharged from the further consideration of the bill referred to by the Senator from Connecticut, and it will be referred to the Committee on Foreign Relations.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4727) granting an increase of pension to Isaac Rhodes; and

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 4982) granting an increase of pension to John Fler, reported it with amendments, and submitted a report thereon.

REPORT ON THE DISEASES OF CATTLE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle, and I ask for its present consideration.

The joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date, under the supervision of the Secretary of Agriculture, 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON THE DISEASES OF THE HORSE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse, and I ask for its immediate consideration.

The joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse

was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought up to date under the supervision of the Secretary of Agriculture, 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE FIRST JUDICIAL CIRCUIT.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5387) to change the terms of the circuit courts of the United States in the first circuit, to report it favorably without amendment, and I ask that the bill may be put on its passage. It is recommended by all the judges, including the district judges in that circuit, and merely makes the terms of the circuit courts and district courts coincide.

Mr. SPOONER. I should like to have the bill read by title. It is not the bill reorganizing the circuits?

Mr. HOAR. No; it is merely to make the terms of the district courts and the circuit courts in the New England circuit come on the same day instead of different days.

Mr. SPOONER. I did not hear the title; that is all.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. In the sixth line of the first section the word "at," which is repeated, should be stricken out. It is a misprint.

The PRESIDENT pro tempore. It will be stricken out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY C. MIX.

Mr. BACON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4446) for the relief of Harry C. Mix, to report it without amendment and to ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to relieve Harry C. Mix, of Bibb County, Ga., from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of $1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds. But Harry C. Mix shall first pay to the Government of the United States all court costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga., to report it favorably without amendment.

Mr. TILLMAN. That is a matter of some importance to some people in my State. It will take only a minute, if it is not objected to, and I should like to have unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 5638) granting an increase of pension to Rudolph Reinhart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE (for Mr. HOAR) introduced a bill (S. 5639) granting a pension to William H. Durham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5640) granting an increase of pension to Hiram F. Raymore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 5641) granting a pension to Charlotte J. Closser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5642) granting an increase of pension to Nicholas Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5643) granting an increase of pension to George W. McMullen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCLAURIN of Mississippi introduced a bill (S. 5644) for the relief of Piazza and Botto; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5645) for the relief of Mrs. Eliza A. Curlee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5646) granting an increase of pension to James Hill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5647) to amend the Revised Statutes of the United States relating to the collection district of Genesee, and providing for the appointment of an appraiser in said district and fixing his compensation; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLATT of Connecticut introduced a bill (S. 5648) granting an increase of pension to Frederick Bulkley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 5649) for the erection of a public building at Knoxville, Tenn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5650) granting an increase of pension to William R. Raymond; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5651) granting an increase of pension to Samuel G. Magruder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5652) granting an increase of pension to Simeon Slusher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5653) to provide bail after conviction, in the Indian Territory, in certain cases; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 5654) for the erection of a public building at Oakpark, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 5655) providing for the erection of a public building at Moberly, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5656) providing for national trophy and prizes for rifle competition; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Forest Reservation; which was read twice by its title and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. MCMILLAN submitted an amendment providing for a change in the force of the street-sweeping office of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HOAR submitted an amendment providing for the establishment in the Department of the Interior of a laboratory for the study of the abnormal classes, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. DOLLIVER submitted an amendment authorizing the

Secretary of War to lease any stone or grazing lands within the Fort Sill Military Reservation and wood reserve belonging thereto, in the Territory of Oklahoma, and use the proceeds of such leases for the support and benefit of the Apache Indians now held as prisoners of war on that reservation, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table and to be printed.

Mr. BAILEY, Mr. BURROWS, Mr. CULLOM, Mr. DOLLIVER, and Mr. MARTIN submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SEACOAST GUNS AND MORTAR BATTERIES.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish for the information of the Senate copies of all official reports received by the War Department and the Commanding General of the Army from officers of artillery or from officers of the Inspector-General's Department since January 1, 1900, which show the service condition of the magazines and emplacements of seacoast guns mounted on disappearing carriages and of the magazines and emplacements of mortar batteries.

JAMES H. WALKER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4868) granting an increase of pension to James H. Walker; which was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-morrow thirty minutes be given to the consideration of unobjected pension bills and bills to correct the military record of soldiers, not to interfere with appropriation bills.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow, immediately after the conclusion of the routine business, thirty minutes be given to the consideration of unobjected pension cases and cases unobjected to involving the record of soldiers. Is there objection?

Mr. LODGE. I make no objection to the request, but I give notice that after to-morrow I shall call up the pending Philippine bill immediately after the routine morning business.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

MAJ. CORNELIUS GARDENER.

Mr. PATTERSON. Mr. President, I ask the Chair what is the status of the resolution for the calling of Major Gardener?

The PRESIDENT pro tempore. It is on the Calendar, its right on the table having been exhausted.

Mr. PATTERSON. It seems to me that the resolution ought to remain unfinished morning business until it is disposed of.

The PRESIDENT pro tempore. There is no such thing as unfinished morning business, except by unanimous consent.

Mr. PATTERSON. I was going to ask that such might be the case by unanimous consent. During the debate on Saturday the chairman of the Committee on the Philippines expressed a desire that the resolution should be voted upon and called upon his friends to vote to defeat the resolution. The debate upon it was not finished on Saturday, and it seems to me that it ought to be definitely passed upon by the Senate at the earliest possible time. I ask unanimous consent that it may remain before the Senate in the morning hour until it is disposed of.

Mr. LODGE. The Senator from Colorado can move to take it from the Calendar at any time. He can move now to take it from the Calendar.

The PRESIDENT pro tempore. Hardly now, because there is a bill to come before the Senate in the morning hour by unanimous consent.

Mr. LODGE. The Senator can move to take it up at any time. If he will let us have a vote on it, I shall be very glad.

AGREEMENT WITH INDIANS OF THE ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud reservation in South Dakota, and making appropriation to carry the same into effect.

Mr. TELLER. There is an amendment pending which I offered. It is to strike out in section 3, line 25, page 6, after the word "entry," and the balance of the section, which takes the first three lines on page 7, and then to insert:

No person taking a homestead under the provisions of this act shall be allowed to commute under the provisions of section 2289 or 2301 of the Revised Statutes.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. In section 3, page 6, line 25, after the word "entry" strike out the remainder of the section, in the following words:

Except that homestead settlers who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

And to insert:

No person taking a homestead under the provisions of this act shall be allowed to commute under the provisions of section 2289 or 2301 of the Revised Statutes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. PLATT of Connecticut. Mr. President, this matter has been so long before the Senate that the Senate is tired of it, and yet it is an important matter and it ought not to be disposed of without full consideration.

With regard to the pending amendment, the proposition is to apply a different rule for the securing of homesteads to this reservation and the lands which are to come into settlement from what is applied to any other lands in the United States. I do not think that there should be an exception made with regard to this reservation. The law as it now stands, if I am correct, is that upon any of the public lands of the United States a person may obtain a homestead entry, and it requires him to live upon the land for five years, at the end of which time he may obtain a patent without any payment to the Government. But the law also provides, if I am correct, that in all such cases of homestead entries the person who goes upon the land as a homesteader may commute his holding at the end of fourteen months by paying to the Government a dollar and a quarter an acre, unless other rates have been fixed by different acts of Congress.

Now, that is the general land policy of the United States. If we are ready to repeal as to all lands the commutation provision, then it is all right; but so long as we are to keep it with reference to other lands, I know of no reason why it should be repealed as to these lands, which are to be opened for settlement.

There has been a good deal said to the effect that the commutation clause is the one which leads to fraud or speculative entries upon the public lands, but it is a clause which is both for the benefit of the Government and the benefit of the settler. It is for the benefit of the Government in this way: If the entry is commuted, the Government receives pay for the land. It is for the benefit of the settler in this way: He can put no mortgage upon his property; he can neither encumber it nor sell it until the end of five years without the commutation privilege. He can, with the commutation privilege, if he can find friends to advance the money, get a perfect title to his land in fourteen months from the time he settles upon it. That enables him to acquire the means by which the better to improve his holding. It has been for many years the settled policy of the Government that he should have that opportunity.

I do not wish to take up more time with this matter, but I wished to make this statement of the situation. I do not believe it wise to make one section of land which is open to homestead entry subject to the commutation law and another one not subject to the commutation law.

Mr. STEWART. Mr. President, what troubles me about this case is the price of the land. We have not sufficient information on the subject, it seems to me, to pay $2.50 an acre for the land. The best of it, along the streams, has been already allotted to the Indians, and inasmuch as the treaty may remain pending until next March, I think it would be a wise course to recommit the bill and let us have an investigation of the price of the land. There is not enough evidence to satisfy my mind that it is worth $2.50 an acre, and I am not prepared to vote for the bill with the knowledge I have. It seems to me that the price is too high. If we go on in this way we shall have to spend a vast amount of money for the land.

In order to test the sense of the Senate, I move to recommit the bill to the Committee on Indian Affairs, so that we may have more information as to the price of the land before it is finally acted on by the Senate. I make that motion.

Mr. MORGAN. Mr. President, I desire very much indeed to vote for any bill that would facilitate the improvement of the

State of South Dakota or any of the Northwestern States, but there is a principle involved in this bill that I can not reconcile myself to support. It is the lottery principle. Why should the United States Government condemn in a criminal and highly penal statute all lottery arrangements of every kind and then turn around and by a statute invite the people from all over the United States to come and enter into a drawing of lands in South Dakota? We simply stultify ourselves, in my judgment, in abandoning that principle which has worked so much good in this country. The suppression of the lottery system in the United States has worked one of the greatest moral reforms we have ever inaugurated in this country.

I notice that other governments, particularly the Government of France, resort to the lottery scheme for the purpose of raising money out of the people to carry on works of improvement, and it seems to encourage a disposition to gamble and to sanction the principle that gambling must be resorted to here to get rid of public lands.

It is true these men do not put up anything except their homestead qualifications against a tract of land, but there are hundreds of thousands of tramps and hoboes in this country who are entitled to qualify. If I were living in a State like South Dakota, or any of the Northwestern States, I think I would not like to fill up the population of that State by men invited in under such circumstances. I would rather wait and let a decent, strong, earnest population come in there who are able to take care of themselves, and not bring in the poorest off scourings of the earth, or men who might gamble themselves into an opportunity to make a settlement there.

The principle of the bill, in my judgment, is wrong, and I am obliged to vote against it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nevada [Mr. STEWART] to recommit the bill.

The motion was not agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

Mr. GAMBLE. I submit the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Amend the bill, in section 3, line 16, page 6, by striking out after the words "*And provided further*, That" the words "the price of said lands shall be two dollars and fifty cents per acre, but;" so as to make the additional proviso read:

And provided further, That settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall be entitled to a patent for the lands so entered, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. GAMBLE].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HANSBROUGH. Mr. President, in connection with this measure, I desire to have inserted in the RECORD that portion of the report of the Secretary of the Interior describing the manner of disposing of Indian lands by lot. It is a very interesting report, and I will also ask that it be printed as a document.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the papers sent to the desk by him may be printed in the RECORD and also printed as a document. Is there objection? The Chair hears none, and that order is made.

The report referred to is as follows:

REPORT OF W. A. RICHARDS, ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE, RESPECTING OPENING OF KIOWA, ETC., LANDS IN OKLAHOMA.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, October 9, 1901.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following report respecting the opening to settlement and entry of the Kiowa, Comanche and Apache, and Wichita lands situated in the Territory of Oklahama, ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

Acting under instructions dated May 13, 1901, I subdivided the territory embraced in the above-named lands into three counties, after having first attached to some of the surrounding counties small portions of the lands more properly belonging to those counties.

The county embracing the lands to the northeast was named Caddo County; the one embracing the lands to the northwest was named Kiowa County, while the one embracing the lands to the south was named Comanche County.

Sites were also selected for the county seats of these new counties, that for Caddo County being in the immediate vicinity of Anadarko station on the Chicago, Rock Island and Pacific Railroad, which was named Anadarko; that for Kiowa County being near the station of Kiowa on the above-named railroad and named Hobart, while the site for the county seat of Comanche County was located 5 miles south of Fort Sill and named Lawton. These town sites each embraced 320 acres and were surveyed into blocks, lots, streets, and alleys. The surveys of these town sites were made by examiners of surveys detailed from the General Land Office for that purpose.

The location of the boundaries of the three new counties and of the town sites for their respective county seats was completed upon June 11, 1901, and a detailed report of my action in connection therewith was submitted and approved.

The expenses incident to the surveying, subdividing, and platting of the town sites, reimbursable to the Government from the sale of lots by the act of March 3, 1901, were $5,284.24, as set forth in the itemized statement herewith submitted.

REGISTRATION.

In accordance with your letter of June 20, 1901, under which I was instructed to take charge of the prospective opening of the Kiowa, Comanche and Apache, and the Wichita reservations, I proceeded to Elreno, Okla., arriving at 2 o'clock a. m. of July 10, the day upon which registration was to begin.

Under date of July 4, 1901, the Commissioner of the General Land Office, by direction of the President, established two new land districts in Oklahoma—the Elreno land district, which includes the Wichita Reservation and the northern portion of the Kiowa Reservation, with the land office at Elreno, and the Lawton land district, which includes the remaining portion of the Kiowa and Comanche and Apache reservations, with the land office at Lawton.

By the proclamation of the President of July 4, 1901, Elreno and Lawton were designated as places of registration, it being provided that the registration at each office should be for both land districts, but that at the time of registration each applicant should be required to elect and state in which district he desired to make entry. It was calculated that under this plan three-fourths of those desiring to make entry would register at Elreno and one-fourth at Lawton, which estimate proved to be practically correct. Thirty-three clerks were detailed from the General Land Office to make the registration, 8 of whom went to Lawton and 25 to Elreno.

The proclamation also provided that the office at Lawton should occupy provisional quarters in the immediate vicinity of Fort Sill until suitable quarters could be provided at Lawton. Under authority obtained from the honorable Secretary of War, the registration for the Lawton district was made at Fort Sill, where a commodious building was furnished for the use of the clerks. The registration at this point was very greatly facilitated by the efficient service rendered by the commanding officer, Maj. G. L. Scott, and the officers and men under his command. A very large proportion of those who registered at Fort Sill came there in wagons and went into camp in the valley of Cache Creek, upon the military reservation. During a portion of the period of registration this camp contained more than 10,000 people. Good order prevailed both in the camp and at the registration booth, which speaks well for the efficiency of those in charge of the registration, the military, and the people themselves.

The registration at this place proceeded in a perfectly orderly manner throughout the entire period and was concluded at 6 p. m. of July 26 with a total registration of 29,000, and no qualified applicant was left unregistered at the close of business. Upon the conclusion of the registration, the clerks in charge were transported to the railroad station, 30 miles distant, in Government ambulances kindly furnished by Major Scott, and at 5 o'clock a. m. of July 27 reported for duty to me at Elreno.

The clerks who were to make the registration at Elreno reached that place at 2 a. m. of July 10, and at 10 a. m. of that day began the registration at six booths, which had been previously secured and furnished. Four clerks were placed in each booth to work under the direction of one of their number designated as chief.

Upon the opening of the booths several thousand people were in line before them, some of them having been there more than twenty-four hours. There being a great many women in the lines, I proceeded to secure and furnish a booth to be used exclusively by women, and opened the same at 1 o'clock p. m. of July 10 with two land-office clerks and two clerks temporarily employed, the places of these two clerks in their respective booths being filled by hiring two additional temporary clerks.

The establishment of this booth was heartily indorsed and highly appreciated by the women, of whom about 8,000 were registered there. As they were not prohibited from registering at the other booths, it is estimated that about 2,000 were so registered, making an estimated total of 10,000 women who were registered at Elreno.

Upon July 10, the first day of registration, 4,018 people were registered, which was very satisfactory, all things being considered.

As it was necessary that applications for registration should be sworn to before being presented to the registering clerks, notaries public, clerks of courts, justices of the peace, and others authorized to administer oaths engaged in the business of preparing such papers. At first exorbitant charges were made for such services. To correct this practice I refused to furnish blanks to any officer who would not agree to charge but 25 cents for his services in each case, which resulted in fixing that amount as the general charge. At Fort Sill, where, on account of the military supervision, the matter could be more easily controlled, the charge was fixed at 10 cents.

Upon July 13, through an accident to the pumping machinery at the waterworks, water was shut off from the mains supplying Elreno with water. The weather was very hot, and there were not less than 15,000 transient people in the city, making the situation one of great seriousness. Unless it could have been remedied at once it would have been necessary to have transferred the registration to some place where there would have been sufficient water. In conference with the city officials, this fact was impressed upon them and it was urged that immediate steps be taken to repair the waterworks. It was also suggested as a means of temporary relief that casks, with drinking cups attached, be placed at convenient places upon the streets and kept filled with water obtained from wells, with a cake of ice in each cask. These suggestions were acted upon without delay, the waterworks were speedily repaired, and the public drinking places provided and found to be so useful that they were maintained during the entire period of registration.

In this connection I take pleasure in stating that during the registration and the drawing which followed it the people of Elreno put forth every exertion to provide for the comfort and convenience of the strangers who visited their city. There was no raise in the prices of any of the commodities or accommodations necessary to their comfort, and while for thirty days the city contained more than ten times its normal population, there were no hardships nor suffering, but all were well cared for and made comfortable at very reasonable expense.

The registration progressed in an orderly manner, but on account of the applicants being largely in excess of the number which had been expected it became necessary to employ additional assistance. Booth No. 1 was so situated that a greater number of people applied for registration there than at any other point, and the largest number of clerks employed in one place were in this booth. It was used as a training school, from which clerks could be taken as needed for use in other booths. By keeping fully informed of the

movement of trains upon the railroads entering Elreno I was enabled to so arrange the clerks as to be continually prepared to speedily register the great numbers of people who arrived daily. After the second day no unregistered people were left in front of the booths when they were closed for the night. The time appointed for the opening of the booths was 8 o'clock a. m., but they were frequently opened earlier by the voluntary action of the clerks. The hours of closing were regulated by the number of people who arrived during the day, but 5 o'clock p. m. was the general hour for closing.

Upon Wednesday, July 24, the reports from the railroads and the numbers of people present indicated that the registration would be unusually large, for which we were fully prepared. Between the hours of 8 a. m. and 12 o'clock noon 11,556 people were registered. As eight heavily loaded trains were due to arrive between 4 and 6 p. m., it was arranged that the booths should be kept open until 8 o'clock or until everybody who so desired had been registered. We were disappointed by the railroads, however, and only two of the trains arrived before 8 o'clock, the total registration for the day being something in excess of 16,000.

Registration was effected by the applicant presenting a sworn statement of his qualifications and his desire to be registered, which was received and filed. A small blank was then filled out with the description of the applicant, the name of the land district in which he desired to make homestead entry, and his post-office address, which he signed, after which he was given a certificate of registration.

Upon July 11 a force of clerks was engaged and, in charge of an experienced clerk, was employed in separating by districts and arranging in alphabetical order the applications and identification cards received at the booths on the preceding day. After having been placed in order, each identification card was compared with its corresponding application, and by this means any errors which might have occurred in the registration were corrected. At the same time a typewritten list was made for each district, embracing the names of those registered for that district, each day's work alphabetically arranged.

The applications, identification cards, and lists for each district were subsequently placed in the respective land offices and afford a means of detecting any frauds which may have been attempted through double registration or the attempt to impersonate another person in making an entry.

After the first week of registration the applications of soldiers to register by agent became so numerous and so impeded the registration of others that it became necessary to organize a separate booth for the registration of soldiers by soldiers' agents, which booth was placed in charge of an efficient clerk, and in which were located the register and receiver of the Elreno office, who rendered faithful and efficient service.

It is believed that the fact that all soldiers' agents were required to register at one booth prevented some designing men from attempting to act as agent for more than one soldier, which they might have done successfuly if allowed to register at any of the other booths.

Upon Friday, July 26, registration was closed in every booth simultaneously at 6 o'clock p. m., the chief of each booth having set his watch by city observatory time, in addition to which the city fire bell was struck at that hour. At the time of closing there was no unregistered person in front of any booth in the city.

The total registration at Elreno was 135,416. Upon the first day of the registration there was considerable disorder at several of the booths at this place, the people appearing to have an idea that it was necessary for them to secure and hold their positions in line by force and to take every means to guard their own interests. In a very short time they appeared to become satisfied that they were to receive fair treatment; that there would be no favoritism, and that the entire matter was to be honestly managed, after which there was absolutely no disturbance of any kind in connection with the registration. In fact, there was very little disorder of any character in the city at any time, notwithstanding its overcrowded condition.

Upon the conclusion of the registration all of the land-office clerks were immediately employed in placing the identification cards in proper envelopes and sealing the same, which had been delayed until this time by the fact that it was impossible to obtain the envelopes in time to place the cards in them when the regisration was made.

I consider that it was an advantage to those who registered that the cards should not have been placed in the envelopes at the same time that the registration was made, as by the delay an opportunity was afforded to compare each identification card with the sworn application, thus affording a complete check upon the registration and a means of correcting any errors that might have been made in the rush of work.

The identification cards were carefully guarded during the day, at the time of registration, by being placed in locked cash boxes through a slit cut for that purpose, no one but myself having a key to any of these boxes. At night these cards were placed in the vault of the Citizens' State Bank, of El Reno, and were taken out only upon my order.

No one but land-office clerks were employed in placing these cards in the envelopes, which was completed about 4 o'clock of Sunday, July 28, this being the only Sunday upon which we found it necessary to work.

THE DRAWING.

By your letter of July 20, 1901, Hon. David P. Dyer, of Missouri; Hon. Frank Dale, of Oklahoma, and myself were appointed a committee to have the supervision of the drawing to determine the order in which registered applicants would be permitted to make entry in conformity with the President's proclamation of July 4, 1901, of which committee I was appointed chairman.

This committee first met at Elreno on the evening of the 25th day of July and readily agreed upon the plan by which the drawing should be conducted. In pursuance thereof a platform 32 feet square was erected in one of the streets of the city, fronting the high-school grounds, which rose gradually from the platform, affording ample space for those desiring to witness the drawing. A canvas roof covered the platform and canvas curtains were provided with which to inclose its sides in case of a storm.

Two boxes were constructed in which were to be placed the envelopes containing the names of those who had been registered. Each of these boxes was 10 feet long, 2½ feet deep, and 2½ feet wide, with an iron rod running the entire length through the middle of each box, securely fastened. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings about 2 feet apart for the purpose of receiving the envelopes. On another side of each box there were five holes, each separately numbered, large enough to admit the hand and arm of a person and through which the envelopes were to be drawn. These holes were covered with slides except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's proclamation for the drawing, these boxes were taken upon the platform and placed upon trestles, upon which they could be revolved. The envelopes, containing the names of all who had been registered, were also brought upon the platform. These envelopes had been separated according to the respective land districts, were of two colors, one being buff and the other white, and bore no distinguishing mark other than the name "El Reno" on those for one district and "Lawton" on those for the other. The envelopes were in pasteboard boxes, each of which contained 400 envelopes, and the boxes for each district were consecutively numbered. Small cards had been prepared bearing numbers corresponding to the numbers upon the envelope boxes, which cards were placed in a receptacle, from which they were drawn at random, and the envelope boxes taken in the order in which the cards were drawn and their contents placed in the larger boxes, a portion of each box through each of the three larger openings, and well scattered throughout the entire length of the box.

When all of the envelopes had been thus placed, these openings in the drawing boxes were closed and securely sealed, and the boxes revolved until the envelopes were thoroughly mixed. Ten reputable young men had been selected, all of whom were under age and therefore not registered and in nowise interested in the drawing, to draw the envelopes from the boxes. These young men were assigned to the holes in these boxes by lot, and it was also determined by lot which one should begin the drawing at each box. The young man at the hole numbered 3 drew the number entitling him to take the first envelope from the Elreno box, and the young man at the hole numbered 4 drew the number entitling him to take the first envelope from the Lawton box, the drawing thereafter to continue in numerical order.

The drawing began with the Elreno box by the young man at hole No. 3 drawing an envelope, which he handed to Mr. Dale, of the committee, who caused the same to be numbered 1. He then opened the envelope and took therefrom the identification card and caused the same number to be placed upon it, and then handed the card to Mr. Richards, of the committee, who inspected the same and in turn handed it to Mr. Dyer, of the committee, who announced the name and description of the person to the people. This course was followed until 25 envelopes had been drawn from the Elreno box, after which the box was closed and 25 envelopes were drawn from the Lawton box in the same order and disposed of in the same manner, after which this box was closed and both boxes securely sealed and adjournment taken until 2 o'clock p. m.

Great interest was shown by the people in this part of the drawing, and it was estimated that there were not less than 30,000 present to witness it. The location of the stand and the elevation of the grounds surrounding it were such as to enable all to have a fair view of the proceedings. There was no disorder of any kind, and the announcement of the names drawn was received with great applause.

In the afternoon of this day the drawing was continued until 500 names had been drawn from each box, the same order observed in the drawing of the morning being followed, except that instead of the announcement being made from the platform typewritten lists were prepared, which were taken out into the midst of the audience and read and then posted upon bulletin boards which had been provided for that purpose.

Provision had been made upon the stand for the accommodation of newspaper reporters, of whom a large number were in attendance, and to whom manifold copies of these typewritten lists were furnished and by them supplied to their respective newspapers. All of the daily papers of Oklahoma and many of those of the States of Kansas, Missouri, and Texas published complete lists of the names and numbers of the first 6,500 drawn for each land district, thus affording notification to those interested.

While the drawing of names was in progress a force of land-office clerks was engaged in preparing postal-card notices to those whose names had been drawn, which were placed in the post-office upon the evening of that day. This course was followed during the entire drawing of the 6,500 names from each land district, the postal cards being mailed on the same day upon which the names were drawn.

At the close of the first day's drawing the boxes were sealed up and left in charge of some of the land-office clerks and a guard of deputy United States marshals, which course was pursued during the entire period of the drawing.

The drawing was continued upon the platform at the rate of 2,000 per day for each land district until the total of 6,500 envelopes had been drawn for each district, which covered a period of four days. The drawing of this number might have been concluded in a shorter space of time, but it was not deemed advisable, as the number drawn per day was as large as the newspapers could conveniently handle. As it was estimated that there was only a sufficient amount of land in each land district to supply 6,500 entrymen, only that number in each district were notified to appear at the respective land offices upon stated days.

Upon the conclusion of the drawing of these 6,500 names for each land district the boxes were removed to a building where the drawing could be more expeditiously conducted and where it was continued in the same manner, each envelope and identification card being given corresponding numbers. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered.

The postal-card notices for all of the 6,500 names drawn for each land district were mailed by land-office clerks, who exercised great care in this work in order that each one might be properly notified. Upon the conclusion of the mailing of these essential notices a force of clerks was employed, who were nearly all residents of Elreno, and placed in charge of a competent land-office clerk and proceeded to mail notice of the number drawn by each of the remaining ones in each of the land districts. This was done in accordance with the requirements of the President's proclamation, and was a wise provision, as by it each applicant had the satisfaction of knowing that his name had been placed in the box of the district in which he desired to enter and had been drawn in its order.

The commission duly certified to the land officers at Elreno and Lawton the lists of 6,500 names for each land district drawn from the box, showing the order in which those whose names were drawn might make their homestead entries.

While the greatest interest was shown by the people in the first day's drawing, and a larger number were present that day than upon any subsequent day, a very large number of people remained at Elreno until the conclusion of the drawing of 6,500 names in each district. There was the same good order which had prevailed throughout the entire period of registration. No dissatisfaction was at any time expressed as to the plan of the drawing or the manner in which it was conducted, but, upon the contrary, both were very generally commended. Even those who met with disappointment in the drawing of numbers had no criticism to offer, but expressed themselves as satisfied that they had been treated with absolute fairness.

SALE OF TOWN SITES.

By your letter of July 19, 1901, I was instructed to take charge of and superintend, subject to the provisions of the act of March 3, 1901, and the regulations contained in said letter, the offering and sale of the town lots in the county-seat town sites of Lawton, Anadarko, and Hobart, in the respective and duly formed counties of Comanche, Caddo, and Kiowa, which instructions

were supplemented by your telegram of July 26, 1901, relating to the appointment of commissioners.

Acting under these instructions, I appointed J. R. Hampton as commissioner for the sale of the town site of Lawton, C. F. Nesler as commissioner for the sale of the town site of Anadarko, and E. P. Holcombe as commissioner for the sale of the town site of Hobart, and designated the auctioneers and clerks who were to assist them. These commissioners gave the required bonds, which were approved by the Department, entered upon their duties, and began the sale of the town lots promptly at 9 o'clock of August 6 in each of the three town sites. The sales were continued from day to day without any special incidents worthy of note. There was no occasion to suspend the sales and no evidence of any combination among the bidders to suppress competition or prevent the sale of lots at a reasonable value, nor was there any disturbance among the bidders or those present which prevented the orderly progress of the sale. All lots purchased were immediately paid for in cash, and the money received therefor was transmitted by each commissioner, without delay, to the subtreasury at St. Louis. Every precaution was taken for the safe-keeping of the money while in the possession of the commissioners. The greatest precaution taken to protect the money received from these sales was at Lawton.

When the sales began at this place, on the 6th of August, the nearest railroad station was Rush Springs, Ind. T., a distance of 30 miles, the road from Lawton to which place ran through an unsettled country. A military escort of 10 cavalrymen, in command of a sergeant, was provided by Major Scott, the commanding officer at Fort Sill, and as it was necessary to make this trip of 30 miles six times a week, it required two details upon the road all the time. Subsequently the Chicago, Rock Island and Pacific Railroad was completed to a point 12 miles north of Fort Sill, at which point an express office was established, after which the funds were taken to that point, and at the conclusion of the sale the road had been completed to Fort Sill.

A guard of cavalrymen was also furnished each day for the protection of the money during the sale and during its transmission from Lawton to Fort Sill, where it was necessary that it should be kept overnight, which was also done under guard. The money paid for town lots at Lawton was under a military guard from the time it was paid to the commissioner until it was delivered to the express company. The same was true of the money received from the sale of lots at Anadarko, a detachment of cavalry being stationed at that place for the purpose of guarding the receipts of the sale of that town site.

There were no troops stationed at Hobart, the protection of the funds received there being provided by deputy United States marshals. The deputies furnished by the United States marshal also rendered very efficient services at Anadarko and Lawton, in conjunction with the military guard. There was no loss of funds of any kind at either of these town sites.

The sales progressed without interruption, every lot in each of the town sites being sold and paid for and the sales concluded within the time prescribed by your instructions. The receipts from the sales of these town sites were as follows:

Town site.	Number of lots.	Total receipts.
Lawton	1,422	$414,845
Anadarko	1,129	188,455
Hobart	1,308	132,733

making the total receipts from the sale of the three town sites $736,033.

The expenses incurred in making the sales of these town sites are as follows:

Lawton	$2,489.62
Anadarko	1,544.53
Hobart	1,797.00
Total	5,831.15

which is a little less than four-fifths of 1 per cent of the total receipts.

Under the authority of your telegram of August 3, 1901, these expenses, which included the pay of the commissioners, were paid from the receipts of the respective sales, and the net receipts only were deposited in the subtreasury at St. Louis to your credit as trustee for the respective town sites. These amounts so deposited are, respectively, as follows:

Lawton:		
Total receipts	$414,845.00	
Total expenses	2,489.62	
Amount deposited		$412,355.38
Anadarko:		
Total receipts	188,455.00	
Total expenses	1,544.53	
Amount deposited		186,910.47
Hobart:		
Total receipts	132,733.00	
Total expenses	1,797.00	
Amount deposited		130,936.00
Total amount deposited		730,201.85

It is provided in the act of March 3, 1901, that "the receipts from the sale of these lots in the respective county seats shall, after deducting the expense incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior, in the following manner," etc.

A statement has heretofore been submitted of the expenses incident to the surveying, subdividing, and platting of the town sites of Lawton, Anadarko, and Hobart. As these town sites embrace the same number of acres, and the expenses incident to their survey were practically the same in each case, no attempt has been made to keep an account with each town site, but the expenses incident to their survey are submitted in one account, with the suggestion that in my opinion they should be divided equally between the three town sites, one-third of the gross amount to be charged to each one.

These accounts have all been audited in the General Land Office and paid from the appropriations to which they are properly chargeable.

It appears that the entire amount of expenses so incurred and paid and which should now be deducted from the receipts of sales of said town lots on account of said expenses, and deposited to the credit of the Treasurer of the United States, is $5,284.24, one-third of which is $1,761.41, which amount it is recommended should be charged against the receipts from the sale of each town site.

If the distribution of expense of survey is made as herein suggested, the net balances to the credit of the town sites will be as follows:

Lawton:			
Gross receipts		$414,845.00	
Less expense of survey	$1,761.41		
Less expense of sale	2,489.62		
Total expense		4,251.03	
Total net receipts			$410,593.97
Anadarko:			
Gross receipts		188,455.00	
Less expense of survey	1,761.41		
Less expense of sale	1,544.53		
Total expense		3,305.94	
Total net receipts			185,149.06
Hobart:			
Gross receipts		132,733.00	
Less expense of survey	1,761.41		
Less expense of sale	1,797.00		
Total expense		3,558.41	
Total net receipts			129,174.59
Total net receipts from sale of three town sites			724,917.62

Great credit is due to the commissioners and those associated with them for the successful manner in which the sales of these town sites were conducted. At the beginning of the sales there were no buildings upon either of the town sites which could be used by the commissioners, and it was necessary that temporary platforms should be erected, upon which the sales were conducted. At Lawton a small building was also constructed, which was occupied by the commissioner and his clerks, while they occupied sleeping apartments and boarded at Fort Sill. At Anadarko the commissioner and his assistants obtained board and lodging at the Indian agency, adjoining the town site, while at Hobart the commissioner and his assistants lived in a tent adjoining the platform upon which the sales were made.

While the time devoted to the sale of lots was from 9 a. m. until 4 p. m., it was necessary that the commissioners and their assistants should begin work much earlier than 9 o'clock, while the making up of their accounts and reports occupied their time for several hours after the sales were closed.

At each one of the town sites it was necessary that the money received from the day's sales should be retained by the commissioner over night, as the express company would not receive it until the following day. This necessitated a night guard upon the money, and was a constant source of care to the commissioners.

The sales were conducted to the entire satisfaction of those who participated in the purchase of lots, while the amounts received were larger than had been expected. The expenses incident to the survey and the sale were as small as the conditions under which they were made would permit, and the net receipts are sufficient to place each of the new counties upon a good financial basis.

THE ENTRIES.

In accordance with the President's proclamation, the land offices at Elreno and Lawton were duly opened for business upon the qualification of their respective registers and receivers. Prior to August 6, 1901, the business of these officers was principally confined to passing upon applications for reservations for town-site purposes, of which there were seven in the Elreno district and three in the Lawton district which finally received your approval, and to receiving the additional entries of those entrymen having entries adjoining the ceded lands of less than 160 acres. While not so employed the local land officers of these districts were engaged upon the registration in progress at Fort Sill and Elreno, in which they rendered valuable assistance. Upon August 6, at 9 o'clock a. m., these officers were opened for the receipt of entries by those holding numbers entitling them to make homestead entries. Both at Lawton and Elreno buildings suitable for land-office purposes had been erected and furnished.

In addition to the usual supply of blanks, maps, and plats, each office was provided with a map of its district, drawn upon a scale sufficiently large to distinctly show each smallest legal subdivision of land. Each of these maps was in charge of an experienced land-office clerk, and was accessible to those desiring to make entries. As soon as made each entry was marked off upon the map, and thus it constantly showed the land open to entry in that district, which was of very great assistance to the entrymen. In addition to the regular clerks allowed the local land offices, several detailed clerks from the General Land Office were on duty in each of these offices. With this force no difficulty was experienced in receiving and recording the 125 entries per day provided by the proclamation. Those holding low numbers entitling them to make early entries, generally selected land contiguous to some one of the town sites, preference being given to those designated as county seats. Upon the land adjoining these town sites, and especially at Lawton, large numbers of people had congregated prior to the day of opening. This unwarranted occupation was not brought to my attention until August 5. As the entries were to begin at 9 o'clock a. m., of August 6, and these occupied lands would be the first applied for, immediate action was necessary. I therefore prepared the following order to the register and receiver of the Lawton office, a copy of which was also filed in the Elreno office:

"The occupation of the south half of section 31, township 2 north, range 11 west, or any other portion of the unreserved lands in your district, by any person for purposes of residence, trade, or business, except after having made a legal entry of the same, is in violation of law and the President's proclamation, and gives such persons no rights whatever. You will allow homestead entries of said lands by qualified entrymen, notwithstanding any such occupation. Acknowledge receipt."

A copy of this message was filed in the telegraph office, and another mailed, but as both these means of communication were very uncertain owing to the great pressure of business, another copy was intrusted to a clerk going to Lawton by way of Rush Springs, while a fourth copy was given a clerk going to Anadarko, who placed it in the hands of an Indian courier, who left that place at midnight and made the ride of 40 miles to Lawton before 9 o'clock of August 6. The first two entries made at the Lawton office were for the half section of land mentioned in this order. Several attempts have been made to contest one of these entries upon grounds covered by this order, but all have failed.

The entries at the land offices continued without interruption throughout the prescribed period of sixty days. The numbers of those entitled to make entry each day were called in their order. Anyone failing to respond was passed until after the other applications assigned for that day had been disposed of, when he was again called both by name and number, and if he still

failed to appear he was held to have abandoned his right to make entry under the drawing.

In accordance with your telegraphic regulations of August 5, appeals from the action of the local land officers at Elreno and Lawton rejecting applications to make or amend entries could only be taken within one day, Sundays excepted, after such rejection. When such appeals were taken, the papers were immediately forwarded to the General Land Office, where they were at once carefully examined and forwarded to you, with appropriate recommendation, when the cases would be promptly decided and closed.

Applications to contest entries made during this sixty-day period were treated in the same manner.

This course provided an adequate and speedy method of correcting any material errors in the local offices, and it is believed that at the same time it tended to discourage groundless appeals and contests. While there were quite a number of applications to contest entries sent up from each of the local offices, such contests were allowed and hearings ordered in but a comparatively small number of cases in each office. Hearings were ordered only in cases where it was shown beyond a reasonable doubt that the entryman was disqualified at the time of making entry, which fact he had concealed from the land officers, or in some other manner had made what might be termed a fraudulent or illegal entry.

During the entire period occupied in opening these ceded lands to settlement and entry suits at law were in progress calculated to prevent such opening in whole or in part. Of those brought in Oklahoma, the suits in equity brought by Lone Wolf and others in the district court of Canadian County, Okla., asking that the Government be restrained from disposing of said ceded lands were, prior to August 6, 1901, decided in favor of the Government. Subsequent to August 6 temporary restraining orders, granted by the probate judge of Canadian County, Okla., against the disposal of certain described tracts on the application of Rebecca Young and other alleged Indians, were modified by the district judge of Canadian County, permitting the disposition of said lands, subject to the rights, if any, of the said alleged Indians.

Restraining orders were issued by the probate judge of Canadian County, Okla., on the application of William H. Brintle and ten other alleged settlers on the western boundary of the Wichita Reservation. The two suits last above mentioned have not been disposed of, but the Attorney-General has directed the United States attorney for the district of Oklahoma to appear for the Government in said cases.

The suits of Lone Wolf and others did not in any wise interfere with the registration, drawing, or disposition of said lands. Those of Rebecca Young and others temporarily prevented the disposition of a small number of tracts, and those of Brintle and others affected less than a dozen claims, and were not filed until near the close of the sixty-day period.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land officers at Lawton and Elreno, a very close estimate of the same can be made, as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated)	$8,271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return	3,100
Incidental expenses of registration and drawing, as shown by advances made to the local officers	5,920
Salaries of registers and receivers for two months	2,000
Salaries of 10 local land office clerks for two months	1,500
Total	20,791

In addition to other fees of which no account is now available, the land offices at Lawton and Elreno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of $162,932, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of $142,141 is left to the credit of the Government upon this account. This is a net sum accruing to the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation, it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were $724,917, which, added to $142,141, the net receipts of the homestead entries, makes a total of $867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

During the first days for making entries there were very few who failed to appear and make entry when their names were called. As the entries progressed, however, and good claims became more difficult to find, the proportion of those failing to appear increased. This was not entirely due to a failure to find a desirable piece of land, but partly to the fact that many holding a high number and living at a distance from the land district abandoned the idea of making an entry without visiting the district and making an effort to find an acceptable claim. A few were prevented by sickness from making entry, and several deaths were reported of those holding numbers entitling them to make entry. The entries under the proclamation were concluded at each of the land offices upon October 4, 1901.

At the Lawton office 5,895 entries were made, including soldiers' declaratory statements filed, and 605 either failed to appear or were found to be disqualified.

At the Elreno office 5,743 entries were made, including soldiers' declaratory statements filed, and 757 either failed to appear or were found to be disqualified.

There were filed at the Lawton office 243 soldiers' declaratory statements, and 275 such filings were made at the Elreno office. There were 346 women who made entries at the Lawton office and 424 women who made entries at the Elreno office.

During the sixty days prescribed by the proclamation 11,638 filings were made, of which 518 were soldiers' declaratory statements and 770 were made by women, while 1,362 holding numbers entitling them to make entries failed to do so.

The period during which these ceded lands could only be taken in accordance with the President's proclamation ended upon October 4, and reports since received from the Lawton and Elreno land offices are to the effect that the lands remaining open to entry by reason of the failure to make entry of some who were entitled to do so are being rapidly settled upon and entered under the general homestead laws, without confusion or disorder.

In the foregoing statements I have endeavored to report everything of importance pertaining to the action taken under your direction in disposing of these ceded Indian lands, in accordance with the acts of Congress pertaining thereto and the President's proclamation. It is believed that the intent and purpose of those acts and of the proclamation have been fully carried out. There has been no complaint of discrimination or unfairness, and there were but little of the hardships and suffering usually encountered in the settlement of a new country. Without strife or contention, but in a quiet, peaceful, and orderly manner, these lands have passed from the condition of an Indian reservation to that of a populous, thrifty, peaceable agricultural community.

Very respectfully,

W. A. RICHARDS,
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1901.

Hon. W. A. RICHARDS,
Assistant Commissioner of the General Land Office.

DEAR SIR: I am in receipt of your report dated the 9th instant, respecting the opening to settlement and entry of the Kiowa, Comanche, Apache, and Wichita lands, situated in the Territory of Oklahoma, and ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

I have read your report with care and the greatest satisfaction, and beg to cordially thank you and every member of your staff for the very thorough, economical, and successful manner in which you, with their assistance, conducted and completed the somewhat unusual, extremely laborious work, and for the systematic, business-like method in which you discharged the duties imposed upon you by the Department, you having made a record which, I trust, will be accepted as a precedent for all future openings of the public domain.

The quiet and orderly manner in which the opening was accomplished is most gratifying, especially when contrasted with the utter disregard of law and order, the outrages, and the contests which characterized the former openings on the "sooner" plan, and the spectacle of 151,000 disappointed applicants quietly retiring in favor of the 13,000 successful ones is a characteristic demonstration of the willingness of the American people to respect and obey the law when its enforcement is accomplished by such rules and regulations as to provide an absolute equality of opportunity to all, as was the case in the opening which you have conducted with so much credit as to have also secured the unqualified approval of all who were interested therein.

Again thanking you and your assistants, I remain,

Yours, most respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
OFFICE OF THE ASSISTANT COMMISSIONER,
Washington, D. C., October 16, 1901.

Hon. E. A. HITCHCOCK,
Secretary of the Interior, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant relating to my report respecting the opening to settlement and entry of the lands in Oklahoma ceded by the Kiowa, Comanche, Apache, and Wichita tribes of Indians.

It is a matter of great satisfaction to me to be so cordially assured that my efforts to carry out your plans and instructions are so highly appreciated and the results obtained meet with your approval. While I and those associated with me put forth our best endeavors, the success which was achieved is in a large measure due to the perfection of the plans and to the hearty support and excellent advice received from you.

I fully appreciate the trust and confidence shown in giving me such great latitude in this work, and prize your letter more highly because it assures me that you were not disappointed.

Thanking you for your kindly consideration and expressions of approval, I remain,

Very respectfully, yours,

W. A. RICHARDS,
Assistant Commissioner.

Mr. STEWART. Mr. President, since the motion to recommit was made there have been other proceedings in the Senate, and I inquire if it is now in order to renew my motion to recommit the bill?

The PRESIDENT pro tempore. The bill is now in the Senate, and a motion to recommit is in order.

Mr. STEWART. Then I move to recommit the bill to the Committee on Indian Affairs, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. I do not see him present in the Chamber, and therefore I withhold my vote.

Mr. HEITFELD (when the name of Mr. DUBOIS was called). My colleague [Mr. DUBOIS] is temporarily absent. If he were present, he would vote "nay."

Mr. KEAN (when his name was called). I am paired on this question with the junior Senator from Utah [Mr. KEARNS]. If he were present, I should vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER], and therefore refrain from voting.

Mr. CLAPP (when Mr. NELSON's name was called). My colleague [Mr. NELSON] is necessarily absent. He is paired with the Senator from Missouri [Mr. VEST].

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY], and therefore withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "yea."

Mr. RAWLINS (when his name was called). I have a general pair with the Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is not

present, and I do not know how he would vote if here. If I were at liberty to vote, I should vote "nay."

Mr. VEST (when his name was called). I inquire whether the Senator from Minnesota [Mr. NELSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. VEST. Then I withhold my vote, as I am paired with that Senator. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BAILEY (after having voted in the affirmative). I desire to inquire if the Senator from West Virginia [Mr. ELKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BAILEY. As I have a general pair with that Senator, I will withdraw my vote.

Mr. RAWLINS. I am informed that the senior Senator from Ohio [Mr. HANNA], with whom I am paired, would vote "nay" if present. I therefore take the liberty of voting, and vote "nay."

Mr. CLAPP (after having voted in the negative). In view of the fact that the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, is absent, I will withdraw my vote.

The result was announced—yeas 12, nays 35; as follows:

YEAS—12.

Clay,	Hoar,	Morgan,	Stewart,
Cockrell,	Jones, Ark.	Pettus,	Tillman,
Dryden,	Lodge,	Platt, Conn.	Wetmore.

NAYS—35.

Allison,	Clark, Wyo.	Gamble,	Money,
Bacon,	Cullom,	Gibson,	Patterson,
Bate,	Deboe,	Hansbrough,	Perkins,
Beveridge,	Dietrich,	Harris,	Platt, N. Y.
Blackburn,	Dolliver,	Heitfeld,	Rawlins,
Burnham,	Fairbanks,	Kittredge,	Teller,
Burrows,	Foraker,	McComas,	Turner,
Burton,	Frye,	McMillan,	Warren.
Clark, Mont.	Gallinger,	Millard,	

NOT VOTING—41.

Aldrich,	Elkins,	McLaurin, Miss.	Quay,
Bailey,	Foster, La.	McLaurin, S. C.	Scott,
Bard,	Foster, Wash.	Mallory,	Simmons,
Berry,	Hale,	Martin,	Simon,
Carmack,	Hanna,	Mason,	Spooner,
Clapp,	Hawley,	Mitchell,	Taliaferro,
Culberson,	Jones, Nev.	Nelson,	Vest,
Daniel,	Kean,	Penrose,	Wellington.
Depew,	Kearns,	Pritchard,	
Dillingham,	McCumber,	Proctor,	
Dubois,	McEnery,	Quarles,	

So the motion to recommit was rejected.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. ALLISON. Mr. President, there is about an hour now remaining before the time for taking up the unfinished business, and I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa moves to consider what is known as the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. There is an amendment on page 84 which was passed over. The amendment will be stated.

The SECRETARY. On page 84, the Committee on Appropriations reported an amendment to strike out the clause from line 10 to line 18, inclusive, as follows:

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published. All expenses arising and requisite hereunder shall be paid from the appropriations for contingent expenses of the Department of the Interior.

And in lieu thereof to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively, and if said schedules, or any of them, shall be accepted by any or all of the States interested therein within five years from the passage of this act they shall be delivered to the proper authority of said State or States, and all of the said schedules hereinbefore last mentioned not distributed within said period shall be sold as waste paper or destroyed; and a like offer shall be made to the several States as respects the schedules of the Twelfth and all subsequent censuses, which schedules, when completed and the results published, shall be proffered to the States as hereinbefore provided, and if they or any of them shall be accepted within five years from the publication of the results of the said censuses those accepted shall be turned over to said States or any of them in like manner, and if said offer shall not be accepted in whole or in part within said period of five years, the remaining schedules shall also be sold as waste paper or destroyed as hereinbefore provided. All expenses arising and requisite under this paragraph shall be paid from the appropriations for contingent expenses of the Interior Department.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] has offered an amendment to the amendment of the committee, which will be stated.

Mr. PLATT of Connecticut. It is a substitute for the committee amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut to the amendment of the committee will be stated.

The SECRETARY. It is proposed to strike out the words proposed to be inserted by the Committee on Appropriations, beginning on line 19, on page 84, and ending in line 22, page 85, and in lieu thereof to insert the following:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census. All expenses arising and requisite under this paragraph shall be paid from any general appropriation for the expenses of the Census Office.

Mr. ALLISON. Mr. President, as I understand, the Senator from Connecticut simply proposes to strike out the words after the word "census," where it occurs in line 24, on page 84, down to and including the word "provided," in line 19, on page 85. Do I understand the Senator to move to amend by striking out the whole paragraph and inserting what has been read, or does he propose to amend by striking out a portion of the amendment of the committee?

Mr. PLATT of Connecticut. Either way, Mr. President, arrives at the same result. I thought perhaps it would be more easily understood by an amendment in the way of a substitute for the committee amendment than by passing on different amendments. What I have suggested as a substitute for the committee amendment will make it read as it would read if a series of separate amendments were offered and adopted. I do not care in which way the amendment shall be acted upon. The proposition of the House of Representatives is, I believe, to destroy all the population schedules of the census. The Senate Committee on Appropriations does not wish to do that. It proposes that all the schedules of some of the earlier censuses shall be preserved in the office of the permanent census, and that others shall be offered to the States; and, if they are accepted within five years, shall be delivered to the States; if not, then those schedules are to be destroyed or sold for waste paper. I believe I state the difference between the purpose of the House of Representatives and that of the Senate Committee on Appropriations.

The difference between my amendment and the amendment proposed by the Committee on Appropriations is that I propose that none of the schedules shall be destroyed, but that they shall all be kept by the Government rather than be distributed to the States.

I said what I had to say on this subject at a former period when the Senate was thin; but I know that the proposition to destroy any of these census schedules has excited considerable discussion and has aroused a good deal of interest and opposition to it among literary and scientific men, men who are interested in the historical records of the country. Senators and Members of the House of Representatives, not to to speak of historians, are continually writing to the Secretary of the Interior to ascertain facts which can be found only in these records, and certainly I do not think, because there may be a temporary lack of room, that these records should either be destroyed or distributed among the States.

Since the House provision was inserted we have in the Senate provided by an amendment for the purchase of the present Census building; and I hope that amendment will be adopted by the House. In that case I think there can be no valid reason why these somewhat cumbersome records can not be preserved. I should very much regret to see any of them destroyed or to see any of them scattered among the different States. I think the Senate may as well present this proposition to the other House as a plain disagreement with them as to the destruction of any of these records in any manner. I think the Senate ought to say that it wants to preserve them all. Here at the national capital they will become more valuable as time goes on.

While considerable of the matter has been tabulated and published, a great variety of it has not been tabulated and published, and the information contained in the various schedules is required for historical, for literary, and for scientific purposes. They are useful in the courts; they help to establish titles, and there are a variety of uses for them. I had hoped that the chairman of the committee would assent to this amendment.

Mr. ALLISON. I have said upon this subject about all that I think it is desirable to say. I will only add that the committee

dealt with this question as best they could. We have submitted the proposition to the Senate, and we shall be content with any decision the Senate may make regarding it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over is on page 97; which will be stated.

The SECRETARY. On page 97, beginning with line 18, the paragraphs relative to the Executive Mansion, down to and including line 9, on page 98, were passed over.

Mr. ALLISON. I ask that those paragraphs may be passed over a little while longer.

The PRESIDENT pro tempore. There was an amendment passed over on page 113 relating to the Shiloh Military Park. The amendment will be stated.

Mr. ALLISON. I believe the amendment in line 5 of that paragraph, changing the number of civilian commissioners from three to two, was agreed to.

The PRESIDENT pro tempore. That amendment was agreed to. The amendment not acted upon is the one found in line 9, reducing the total amount of the appropriations for the Shiloh National Military Park from $40,000 to $37,000.

Mr. ALLISON. I ask that that amendment be disagreed to.

The amendment was rejected.

Mr. ALLISON. I am authorized by the Committee on Appropriations to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 83, after line 20, it is proposed to insert the following:

Office of Commissioner of Railroads: For Commissioner, $4,500; 1 clerk, $1,000; 1 assistant messenger, $720; in all, $6,220: *Provided*, That the office of Commissioner of Railroads is hereby continued until the 30th day of June, 1903, when the same shall terminate.

Mr. CULLOM. I should like to ask the Senator if a provision to abolish that office has not heretofore been adopted, and if this is not an extension of the period when the office shall terminate?

Mr. ALLISON. Yes; this is an extension for another year.

The amendment was agreed to.

Mr. ALLISON. On behalf of the Committee on Appropriations, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 108, line 23, after the word "dollars," it is proposed to insert:

For additional buildings at Fort Ethan Allen, Vt., $227,512.

The amendment was agreed to.

Mr. ALLISON. By direction of the Committee on Appropriations, I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 115, line 23, after the word "dollars," it is proposed to insert:

For reconstruction, in part, of the present Providence Hospital building and finishing of nurses' home, $50,000; in all, $69,000.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer an amendment to come in on page 116, after line 7.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 116, after line 7, it is proposed to insert:

For the purchase of land belonging to heirs of M. H. Schneider, adjoining the present Garfield Memorial Hospital land on the west, from the boundary street back to Clifton street, in Washington, D. C., containing about 67,000 square feet, $50,000, to be expended under the direction of the Commissioners of the District of Columbia, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States: *Provided*, That the land shall be graded by the present owners to an elevation satisfactory to the trustees of the above hospital: *And provided further*, That the District of Columbia assume all special assessments pending against said land of the heirs of M. H. Schneider.

The amendment was agreed to.

Mr. ALLISON. I offer, by direction of the committee, an amendment to come in on page 59, line 12, after the word "it," which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, after the word "it," at the end of line 12, it is proposed to strike out the period and to insert a colon and the following:

And provided further, That sections 8 and 12 of an act entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, be, and the same are hereby, amended so as to read as follows:

"SEC. 8. That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said commission, not later than the 1st day of May, 1904, and shall be closed at such time as the national commission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

"SEC. 12. That the national commission hereby authorized shall cease to exist on the 1st day of July, 1905: *Provided*, That upon the approval of this act the Secretary of the Treasury shall cause to be coined at the mints of the United States 250,000 gold dollars of legal weight and fineness, to be known as the Louisiana Exposition gold dollar, struck in commemoration of said exposition. The exact words, devices, and designs upon said gold dollars shall be determined and prescribed by the Secretary of the Treasury, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coin issued under and in accordance with the provisions of this act. And in payment of so much of the $5,000,000 appropriated by said act of March 3, 1901, to aid in carrying forward said Louisiana Purchase Exposition, the Secretary of the Treasury shall pay said 250,000 gold dollars so coined as aforesaid to the said Louisiana Purchase Exposition Company, subject to all the provisions of said act, except that payment of said gold dollars may be made at any time upon the request of said exposition company, and upon said company filing with the Secretary of the Treasury a bond in a sum sufficient to protect the Government and satisfy him as to the future performance of all the conditions under which said $5,000,000 so appropriated is to be paid to the said exposition company."

And provided further, That the proviso of section 21 of said act, approved March 3, 1901, be amended so as to read as follows: "*Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than three years, beginning not earlier than July 1, 1902, and closing not later than July 1, 1905."

And provided further, That the Secretary of the Louisiana Purchase Exposition Commission shall hereafter receive a salary of $4,000.

Mr. ALLISON. Perhaps I had better briefly explain the amendment. Its effect is to extend by law the opening of the exposition one year, but all the other incidents are a part of the amendment, except the last proviso, which increases the compensation of the secretary from $3,000 to $4,000. That would not be in order. I therefore ask unanimous consent that it may be considered a part of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment presented by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee I offer the amendment which I send to the desk, to be inserted on page 7, after line 18. It is a matter which has come to the attention of the committee only within the past two or three days.

The amendment was read, and agreed to, as follows:

For court-house and post-office at New York, N. Y.: For completing the mezzanine story over an area of approximately 5,000 square feet, including necessary changes in arrangement, $35,000.

Mr. COCKRELL. If the Senator from Iowa is through, I would like to offer an amendment. I submit the amendment I send to the desk, to be inserted on page 150, after line 2.

The amendment was read, and agreed to, as follows:

Capitol police: The board of Capitol police is hereby authorized and directed to place on the roll of the Capitol police, as an additional member thereof, E. D. Turnure, formerly belonging to said force, who was injured for life in the discharge of his duties, and pay him at the rate of $900 per annum, which sum is hereby appropriated; and when appointed under the authority of this act the said E. D. Turnure shall be assigned to duty as a watchman in the Dome of the Capitol.

Mr. ALLISON. I have an amendment which has been recommended to the Committee on Appropriations by the Committee on the Judiciary, and I had a request from the Senator from Massachusetts to introduce the amendment, which I will do in his absence. It is to be inserted on page 148, before line 8.

The amendment was read, and agreed to, as follows:

Department of Labor: To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887, $25,000, to be available until exhausted, and should this sum not be sufficient the Commissioner of Labor is authorized to complete the investigation under the regular appropriations for the Department of Labor.

Mr. ALLISON. I will say there are two other amendments which the committee desire to offer before the bill is disposed of. The Senator from Indiana [Mr. FAIRBANKS] also has an amendment. I shall ask that the committee amendments be passed over for a moment, and I will yield to the Senator from Ohio to offer and amendment.

Mr. FORAKER. On page 107, in line 5, after the word "dollars," I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

For reconstruction of stone wall inclosing the Confederate cemetery at Camp Chase, Ohio, $2,000.

Mr. CLAPP. I desire to offer the amendment I send to the desk.

The SECRETARY. On page 109, after the word "storehouse," in line 24, insert "and such other purposes as the Secretary of War may designate."

Mr. ALLISON. That seems to be a matter of detail. I am not familiar with it, but will allow it to go into the bill to be considered later on.

The amendment was agreed to.

Mr. FAIRBANKS. I offer the amendment which I send to the desk.

The SECRETARY. On page 9, after line 2, it is proposed to insert:

That the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior be, and they are hereby, appointed a commission to

select a site upon public land in the Mall, within the city of Washington, in the District of Columbia, for the erection thereon of a public building for a hall of records, and if said commission shall be unable to find available public land in the Mall for such site, it shall select a site elsewhere in the city of Washington, D. C., outside of public land, and the Secretary of the Treasury is hereby authorized and directed to acquire the same, as soon as practicable, at such prices as may be fixed by agreement between the said Secretary and the respective owners, and approved by the said commission, not exceeding the cash value therof, and payment shall be made to the respective owners by the Secretary of the Treasury upon the release and conveyance of said lands to the United States by good and sufficient deeds, executed in due form of law: *Provided*, That no money hereby appropriated shall be expended for the purchase of said land or any part thereof until the written opinion of the Attorney-General shall be had in favor of the validity of the title to said land. And if the Secretary of the Treasury shall be obliged to institute condemnation proceedings in order to acquire said site or any part thereof, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. 837). And the cost of said site shall not exceed the sum of $500,000. And the said commission shall cause plans to be made for said building, the same to be selected after competition of architects designated by said commission for the purpose or otherwise. Said building when completed shall contain not less than 5,000,000 cubic feet. And the Secretary of the Treasury is directed to cause to be erected upon the site selected by said commission a suitable building with fireproof vaults, heating and ventilating apparatus, elevators and approaches, to contain, approximately, 1,800,000 cubic feet for immediate necessities, the same to be in conformity with the plans for the completed building, approved by the said commission for the use and accommodation of the hall of records. The cost of that part or wing of said building, exclusive of site, shall not exceed the sum of $500,000. The sum of $250,000 shall be immediately available for the purposes hereof. The Secretary of the Treasury shall report to Congress at the commencement of the next session a detailed statement of all the proceedings under the provisions hereof.

The amendment was agreed to.

Mr. CULLOM. I desire to offer an amendment, to come in on page 148, after line 7.

The amendment was read, and agreed to, as follows:

For compensation and expenses of two commissioners, to be appointed by the President, by and with the advice and consent of the Senate, to investigate and report the resources of each of the Central and South American States, the location and condition of the railway lines now in operation, the existing condition of their commerce, and the prospect for business for an intercontinental line of railway, and also to ascertain and report what concessions each of the respective Governments is willing to grant to the enterprise, in pursuance of the recommendation of the Second International Conference of the American States, recently held at the City of Mexico, and incidentally to investigate and report upon the means of extending the commerce of the United States within those regions, $20,000, or so much thereof as may be necessary.

Mr. QUARLES. I offer the amendment which I send to the desk, to be inserted after line 22, on page 109.

The amendment was read, and agreed to, as follows:

For the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., and for the purpose of purchasing a suitable approach to such cemetery, $3,000.

Mr. GALLINGER. I offer the amendment which I send to the desk, to which I desire the attention of the chairman of the Committee on Appropriations. I do not know exactly where it ought to go in, but the clerks will find the proper place, if it goes in at all, as I trust it will.

The SECRETARY. It is proposed to insert the following:

Fort Constitution, Newcastle, N. H.: For acquiring, by purchase or condemnation, the land in the square surrounding Fort Constitution, at Newcastle, N. H., to be used for barracks and quarters for troops, $25,000, or so much thereof as may be necessary, in addition to the $30,000 specially appropriated for this purpose by the sundry civil appropriation act of June 6, 1900.

Mr. GALLINGER. Mr. President, I will make a brief statement concerning this matter. Fort Constitution, in Portsmouth Harbor, is a very important strategic point, and the Government now owns about 6 acres of land there. It is utterly inadequate for the purposes of a fort, such as the building of barracks, etc. There are 6 additional acres of land which it was attempted to purchase some three years ago. My former colleague, Mr. Chandler, and I supported an amendment providing for an adequate appropriation for that purpose.

The owners of the land at that time demanded $72,000 for it. The committee of conference allowed $25,000, which was so inadequate as to be of no use whatever, and no proceedings have been taken under that appropriation. The matter was placed last year in the hands of the United States district attorney for the district of New Hampshire, and after careful investigation and negotiation with the owners of the land he secured an option on the whole tract for the sum of $55,000, which option will continue until the 1st day of August of the present year, the amount being a decrease of $17,000 from the amount demanded three years ago and $25,000 in excess of the former appropriation.

Mr. President, I gave notice of a proposed amendment, which was printed and sent to the War Department some six weeks ago. For some reason or other it was somewhat neglected there, and the return was made only last Saturday. That return shows that the Acting Quartermaster-General does not recommend the appropriation, nor does he oppose it, but he says it is barely possible that the money might be expended to better advantage somewhere else.

The Chief of Artillery makes the following indorsement:

HEADQUARTERS OF THE ARMY,
OFFICE OF THE CHIEF OF ARTILLERY,
Washington, April 16, 1902.

Respectfully returned to the Assistant Adjutant-General, Headquarters of the Army.

The garrison required to man the guns projected for the defense of Portsmouth Harbor is 219, and two companies of coast artillery were, by General Order 126, Adjutant-General's Office, series of 1901, assigned to this harbor. Whatever may be the ultimate distribution of the troops, Fort Constitution will be a most important point and used largely as the base of supplies for the other two forts in the harbor. The submarine mining material is stored at Fort Constitution.

The present reservation is about 1,000 feet long and 270 feet wide, containing approximately 6 acres. One-third of this area is occupied by the old brick and stone fort and another third is occupied by a battery of two 8-inch disappearing guns, leaving between the two ends of the reservation thus occupied only about 2 acres for buildings for garrison and other purposes.

Any location which could be obtained on this ground for building is open to the serious objection that it comes within the sector of fire of at least one of the two 8-inch guns.

In view of the above, and of the importance of adequately defending the navy-yard at Portsmouth, N. H., it is recommended that the additional six and two-tenths acres be acquired, and that Congress be asked to appropriate $25,000 for that purpose, in addition to what has been specifically appropriated heretofore.

WALLACE F. RANDOLPH,
Chief of Artillery.

The Lieutenant-General of the Army makes an indorsement, as follows:

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 17, 1902.

Respectfully submitted to the Secretary of War and concurring in the views of the Chief of Artillery expressed in the third indorsement.

NELSON A. MILES,
Lieutenant-General.

So the Chief of Artillery and the Lieutenant-General of the Army warmly recommend this appropriation; and I feel sure the chairman of the committee will see the propriety of letting the amendment go into the bill, and I trust it may be retained there. We now have $30,000 appropriated for this purpose. Twenty-five thousand dollars more will complete the purchase, and I hope that the amendment may not only be allowed to go into the bill, but that it will be retained there.

Mr. ALLISON. The committee had this matter under consideration, as the Senator stated, two or three years ago. Of course the details of the matter have passed from my mind. But from the statement now made I should think this purchase necessary——

Mr. GALLINGER. Undoubtedly.

Mr. ALLISON. Although I regret very much to hear that land is so valuable in New Hampshire.

Mr. GALLINGER. There are valuable buildings on this land, I will say to the Senator, and the Government will be somewhat reimbursed by their sale. Those buildings are now being damaged by the fire from these guns. That is what makes the land valuable. If the buildings were not there, the land of course could be purchased for a much less amount.

Mr. ALLISON. I should like very much to have the words "or so much thereof as may be necessary" inserted, if they are not already in the amendment.

Mr. GALLINGER. Those words are already in the amendment.

Mr. ALLISON. I hope there may be some little remission in the price; but perhaps there can not be.

Mr. GALLINGER. I think that is improbable, because there has been a remission already of $17,000, which the United States district attorney secured after very diligent work on his part.

I omitted to say, Mr. President, that the amendment was referred to the Committee on Coast Defenses, and a majority of the committee have recommended it; in fact, all of the members of the committee who could be seen.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer the amendment which I send to the desk.

The SECRETARY. On page 97, line 23, strike out "eighteen thousand" and insert "one hundred and sixty-five thousand;" so as to read:

For extraordinary repair and refurnishing of the Executive Mansion, $165,000, to be expended by contract or otherwise, etc.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer the amendment which I send to the desk.

The SECRETARY. On page 97, after line 21, it is proposed to insert:

For a temporary building to accommodate the offices of the President, and to be located in the grounds of the President's House, $30,000; and for furnishing the same, $10,000; in all, $40,000, to be expended under the direction of the President and to be immediately available.

Mr. SPOONER. I should like to have the amendment read again.

The Secretary again read the amendment.

Mr. ALLISON. I ask that the words "Executive Mansion" may be inserted instead of "President's House."

Mr. COCKRELL. Why not put it White House?

Mr. ALLISON. The words "Executive Mansion" seem to be used all through the bill.

Mr. SPOONER. I think the words "White House" would constitute a better phrase. There are executive mansions all over the United States. "White House" is distinctive. It is the only one in the United States. However, I do not care anything about it if the Senator from Iowa does not.

Mr. ALLISON. I do not, either; but the words "Executive Mansion" are already found at two or three places in the bill.

Mr. BATE. Will this conform to the contour of the building?

Mr. ALLISON. It is to be an additional building.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Iowa as modified.

The amendment as modified was agreed to.

Mr. ALLISON. I ask that there may be printed in the RECORD a brief statement concerning the two amendments just adopted.

The statement referred to is as follows:

REPAIRS TO THE WHITE HOUSE.

After as careful an examination of the White House as could be given while the house is being occupied, it appears that it is necessary, first, to support the floors of the second story by placing a steel truss or trusses in the attic and hanging the floors therefrom. The attic itself should be provided with a stairway, access at present being by elevator only. The rooms on the second floor should be converted from offices into chambers.

A new elevator should be provided for the house, and throughout the first floor the old beams should be relieved of the undue strain now placed upon them, a strain which makes certain of the rooms dangerous to the large number of people that frequently congregate in them.

In portions of the house the original trimmings, mantels, and doors remain. These are of such a character as to indicate pretty clearly the line on which the restoration in the house shall be conducted, the idea being to reinstate the house as it was originally built and to rid it of those excrescences which follow the temporary fashion in the days when taste was not so well developed as it was at the time when the house was built and as it is to-day. There should be no changes from the original structure of the house, nor any interference with the architectural features of the exterior; but the building should be restored in such a dignified and permanent manner as to be lasting.

It is impossible in so short a time to state in full all the items that are necessary to be done in refitting the building, but a rough estimate of $165,000 is made, subject to such revision, either by way of decrease or increase, as may be found necessary on a detailed examination of the house.

The most economical practice of to-day in regard to such constructions and reconstructions is to place the plans in the hands of a thoroughly competent and reliable builder and to hold him responsible for thorough work and completion within a given time; to have him submit the items of cost and to receive a reasonable amount for his work. If Congress shall see fit to place in the hands of the President the work of reinstating the White House and give him the same authority that he has frequently exercised in connection with very much larger and more important public works, the President is satisfied that the White House can be restored so as to be ready for occupancy in December next at an expenditure which can be properly guarded and economically used.

In this connection it may be well to state that it is not contemplated to discontinue the public access to the East Room under the limitations which it is now visited, nor is it proposed to make any such structural changes in the White House as will eliminate any of its historical features.

A one-story temporary office building, approximately 100 by 50 feet, can be erected in the space immediately west of the White House conservatory in such a manner as to be not inharmonious with the White House. A driveway, with a turn, connecting with the main driveways in front of the White House, can be constructed.

The building itself would be of brick, painted white. It would have high ceilings and would be comfortable for work in summer. It would contain a cabinet room, a room for the President, a room for the secretary to the President, a room for one of the assistant secretaries to the President, a telegraph room, a room for the executive clerks, a room for the press, toilet rooms, and file rooms. The executive offices would thus occupy from 50 to 75 per cent more space than is now allowed to them.

The cost of the building itself would be not to exceed $30,000, and it could be finished in ninety days from the time of beginning.

The furniture now used by the executive clerks in the White House is not suited for further use; and for the furniture, rugs, etc., necessary for the new building, in addition to the furniture which for historic reasons the President may see fit to transfer, will cost about $10,000.

Mr. CLARK of Wyoming. After the word "dollars," in line 21, of page 73, I move to insert what I send to the desk.

The SECRETARY. After the word "dollars," in line 21, page 73, it is proposed to insert the following:

And timber procured from forest reserves created under section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall not be used outside of the State or Territory where cut, except in cases in which, in the discretion of the Secretary of the Interior, the exigencies are such as to render it advisable to permit the use of the timber elsewhere.

Mr. ALLISON. The Senator from Wyoming presented the amendment to the Committee on Appropriations. It is pure legislation, but I think there is perhaps need of some such legislation. I am willing that the amendment may go in for consideration in conference, if the Senator will be content with that.

Mr. CLARK of Wyoming. I hope it will not only be received for consideration, but that it will receive favorable consideration.

Mr. ALLISON. Of course the conference committee will give it such consideration as is possible, but I do not now commit myself to the amendment as one which ought to remain in the bill. I will hear the Senator from Wyoming in any statement he may desire to make, and I think it might be wise for him to explain the necessity for the amendment.

Mr. CLARK of Wyoming. Mr. President, briefly I will state the condition which exists under the present law creating forest reserves or providing legislation for them, which has largely been done upon appropriation bills, and much of it on this particular bill. The condition of the law is such that timber upon the forest reserves can only be disposed of to citizens of the State wherein the forest reserve is located. Oftentimes the forest reserve is located near a State line, where all the timber that can be of use must of necessity be taken across the State line. This can not now be done even by permission of the Secretary of the Interior.

The amendment proposes that the Secretary of the Interior shall be allowed to use his discretion; and in a letter, which I ask to have published in connection with the amendment, the Commissioner of the General Land Office says that this legislation is needed. The amendment is in the exact form of a bill which he proposes, and which has already been introduced in the other House.

It is an amendment of much local interest where these forest reserves are, and is especially called for at this time because of the burning down of a schoolhouse just across a State line from one of these reserves. The district can not afford to pay a large sum of money for lumber, to be hauled for 40 or 50 miles from the railroad. The Secretary of the Interior would be only too glad to give them timber to rebuild their schoolhouse, but he is unable to do it under the present status of the law. It is to cure such conditions that the amendment is introduced. It leaves it entirely in the discretion of the Secretary of the Interior when and where and under what conditions and circumstances he will permit such timber to be used in other States. I make this statement so that the matter will be understood.

Mr. COCKRELL. Let the letter referred to be printed in the RECORD.

Mr. CLARK of Wyoming. That is the request I make.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.
Washington, D. C., January 10, 1902.

Hon. C. D. CLARK, *United States Senate.*

SIR: I beg to acknowledge the receipt, through you, of a letter addressed to you by Thomas Widdop, on November 27, 1901, inclosing a petition signed by a number of residents in the extreme southern part of Uinta and Sweetwater counties, in the State of Wyoming, which sets forth that that region is devoid of timber for ordinary domestic, ranch, and homestead purposes, all the timber available for the purposes of fencing, corrals, and houses being located south of the State line, in the State of Utah, in a locality where there are few settlers requiring said timber; in consequence of which facts the petitioners pray that some action may be taken or some recommendation be made by this Department to Congress to make the timber in question available for the legitimate domestic requirements of the petitioners.

In reply, I have the honor to inform you that this office fully appreciates the stress of circumstances pleaded in this case. Many similar cases have come up from other localities, and this office has given the matter most careful consideration. Under existing legislation, however, it does not appear that any relief can be afforded, the laws granting public timber privileges in the locality in question being plain upon the point of limiting the use of the timber to the State where cut.

For your information on this point, I inclose herein copies of circulars issued by this Department under dates of January 18, 1900, and February 10, 1900, containing regulations governing the use of timber on unreserved public lands in said locality, under the respective acts of June 3, 1878 (20 Stat., 88), and March 3, 1891 (26 Stat., 1093).

It appears that the only relief in this matter as regards timber upon the unreserved lands would be through an act of Congress, modifying the restriction in question in cases in which it would operate to work a hardship.

Since the Uinta Forest Reserve lies in the immediate vicinity of these petitioners, a few miles across the State line, your attention is also invited to the fact that the act of June 4, 1897 (30 Stat., 34-36), providing for the administration of forest reserves, expressly stipulates that timber procured therefrom, either by purchase or without charge therefor, shall be used within the State or Territory within which the reserve lies.

I inclose herein existing regulations respecting both the free use and sale of forest reserve timber under said act, and also the form of application in cases of public timber sale.

Appreciating the hardship worked in many cases by the restriction in question, this office, on the 28th ultimo, invited the attention of the Secretary of the Interior to the fact that in administering the act of June 4, 1897, it has been found defective in requiring that all timber procured from forest reserves shall, without exception, be used in the State or Territory in which the reserve lies, since while such limitation is undoubtedly well in some instances, yet cases arise in which it results in working a serious hardship. For instance, persons living in the State of Wyoming near the Black Hills Forest Reserve and others in Idaho and Montana near the Teton and Big Horn Forest reserves are compelled by their necessities to violate the law, since they live on prairie land and can only secure timber from the said reserves lying across the State line. While these reserves contain their natural sources of timber supply, they are deprived of it. Another instance of the defective working of this restriction has been found in the fact that in the timbered districts of Washington, Oregon, California, and Idaho the practical working of the act is to cause much of the timber in these States to be left to waste and decay, since there is not a sufficient demand in the local market in each State to utilize all of it.

It appears that, while leaving this restriction operative in general, the Secretary of the Interior should be given discretionary powers in exceptional cases, and I accordingly submitted, with my said letter of the 28th ultimo, for the approval of the Secretary, the draft of a bill so modifying the restriction, by empowering the Secretary of the Interior to exercise his discretion in all such cases.

For your information in the matter I inclose herein a copy of the draft of said proposed bill.

Should Congress enact such a law, it would undoubtedly afford much-needed relief in many cases.

I return herewith Mr. Widdop's letter and copies of petition therewith.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk. I trust it may be adopted. I wish to make just a word of explanation.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 66, after the word "courts," in line 11, it is proposed to insert:

Provided further, That the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the proper accounting officers of the Treasury Department, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner.

Mr. GALLINGER. Mr. President, the junior Senator from South Dakota [Mr. KITTREDGE] is especially interested in this matter, and if the amendment goes into the bill he will undoubtedly seek an opportunity to explain it to the committee of conference. I have not had time since it was called to my attention to examine it very carefully, but I believe it to be all right. The existing law provides that any "person" caring for a soldier in his last sickness shall be reimbursed. A court somewhere has has decided that the word "person" as used in the law applies to municipal and other corporations, and this is intended simply to provide that the payment shall be made only in case an individual cares for the soldier. It may or may not be wise to incorporate it in the pending bill, but I trust it may be allowed to go in, and that the Senator from South Dakota, who has investigated the matter very carefully, will be given an opportunity to talk with the committee of conference about it.

Mr. COCKRELL. Will the Senator from New Hampshire yield for a question?

Mr. GALLINGER. Certainly.

Mr. COCKRELL. Does this change the present method of adjustment?

Mr. GALLINGER. Not at all, as I understand it.

Mr. COCKRELL. It leaves it still with the Auditor for the Interior Department?

Mr. GALLINGER. Yes; with the accounting officers.

Mr. ALLISON. The Senator from South Dakota [Mr. KITTREDGE] presented this matter to the Committee on Appropriations, and was heard before the committee.

Mr. GALLINGER. I did not know that.

Mr. ALLISON. But the committee was not able, from the investigation it could make, to ascertain whether or not it would change the law as it now exists upon this subject. It was with hesitation that we considered it at all. With that view, supposing that the Pension Committee would present bills for correction, I referred the Senator from South Dakota to the Senator from New Hampshire, knowing that he is familiar with all these statutes and would be able to state to the Senate whether this was a wise provision to insert and whether it changed existing law. I am willing that it may go into the bill with a view——

Mr. GALLINGER. To inquiry.

Mr. ALLISON. With a view to inquiring into it later.

Mr. GALLINGER. That is all I can ask. I am sure it does not change existing law at all, but simply limits the payment to individuals rather than to individuals and corporations.

The amendment was agreed to.

Mr. SPOONER. On page 69, after line 10, I move to insert:

To enable the Secretary of the Treasury to investigate and report to Congress through a special commissioner, to be appointed by him, with the approval of the President, the general subject of Government receipts and expenditures and what changes, if any, should be made in the methods of classifying and reporting the receipts and expenditures of the Government to the Congress, $4,000.

The amendment was agreed to.

Mr. ALLISON. Now I ask that the bill may be reported to the Senate.

Mr. CLARK of Wyoming. I have an amendment which I wish to present. I desired to have time for consultation with the Interior Department, but I will present the amendment now if the Senator wishes to get the bill through. It is in line with the other amendments.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 74, after line 12, insert:

: *Provided*, That in granting permits for grazing on the Uintah Forest Reserve no preference shall be given to the flocks or herds of one State over those of another, nor shall authority, direct or indirect, be given to any person not in the service of the United States nor to any association or corporation to grant any permit or permits to graze sheep or other live stock on said reservation.

Mr. ALLISON. That is pretty radical and serious legislation. I trust the Senator from Wyoming will not ask it to be put on this bill.

Mr. CLARK of Wyoming. An explanation of the amendment would require some time, and I hope the Senator will allow it to become a part of the bill with a view of my presenting the matter to the conference committee. Otherwise I shall feel it to be my duty to discuss the subject at some length. It is a very serious proposition so far as our people in the immediate locality of this particular reservation are concerned.

Mr. ALLISON. I think a matter of so much importance should not be put upon the bill without a thorough understanding of the question. I had hoped to complete the bill this morning, but if the Senator insists upon his amendment, of course I shall listen to him, and reserve the right to make a point of order on it.

Mr. CLARK of Wyoming. Mr. President, I will state the exact situation, and I shall address myself more particularly to the chairman of the committee, in order that he may be fully informed of the reason why I offer the amendment at this time.

Under the law the Secretary of the Interior is permitted, in his discretion, to allow grazing upon the forest reserves under such rules and regulations as to him seem proper. I call especial attention to the fact that the Uintah Reservation is situated and located differently from any other reservation in the United States. It lies immediately over the line south of Wyoming. All the sheep that pasture on that reserve in the summer come from the State of Wyoming and are driven in there.

This portion of the reservation is inaccessible to sheep coming from any other locality. On the contrary, two-thirds of the sheep grazing in the southern part of Wyoming are owned by flock masters in the State of Utah. The result is that after the grazing of sheep in southwestern Wyoming during the late spring and early summer when the lands have been depastured the sheep are driven to the mountains for pasturage. They are of necessity driven and herded toward this forest reserve, where permission is granted to graze sheep during that season by the Secretary of the Interior.

Under the rule, as it now stands, when the sheep that have been grazing side by side all the winter and all the spring upon the public lands within the State of Wyoming seek to go south into the higher regions where there is grass, on this reservation, and the band of Wyoming sheep and the band of Utah sheep, having grazed side by side and eating the same grass all the spring, come to the State line, as the regulations provide that the pasturage in the reservations shall be confined to the States in which the reservations are situated, the Utah sheep pass over the line into the rich pasturage of this reserve and the Wyoming sheep are turned back upon the barren land that has been already pastured over.

It is not strange, Mr. President, that in cases of that sort quarrels arise between the different herdsmen. It is not strange that a herdsman, believing that he has as good a right to the public grass as another, should feel that he was outraged by a law of this kind. It is not strange, as it happens time and time again, that personal encounters have taken place and Winchesters have been used and life lost. The situation is more acute at this particular season than at any other time.

It is a matter not only of property rights, but it is a matter in that locality of life and death. It is a matter that the Congress of the United States ought to take hold of, and I sincerely hope that the amendment may be adopted in that particular.

The other part of the amendment which I have proposed provides that the power of the Secretary of the Interior shall not be delegated to any private person or to any corporation or association to grant these permits. Under the decisions or regulations or rules, or whatever you call them, of the Interior Department, the authority to grant the right to graze upon these reserves is given to the sheep associations of the various States. In other words, a corporation formed of sheep owners is given authority absolutely to shut out from any of these reserves flocks of sheep that do not belong to the particular persons composing the association. This works untold hardship. It gives an absolute monopoly of all the grass within the reserves to a local association or corporation. This we believe to be altogether wrong. We believe that the Secretary of the Interior should grant these permits. We believe that his powers should not be delegated to any sheep or stock association. We believe that the grass should be apportioned without respect to the State line, which is often arbitrary, and in this case is a geographical line drawn without reference to national boundaries or the people who live there or the business conditions.

The PRESIDING OFFICER. The question is on agreeing to

the amendment submitted by the Senater from Wyoming [Mr. CLARK].

Mr. COCKRELL. I wish to ask the Senator the meaning exactly of the last clause of his amendment, and whether it conveys his idea. It says:

That in granting permits for grazing on the Uintah Forest Reserve no preference shall be given to the flocks or herds of one State over those of another; nor shall authority, direct or indirect, be given to any person not in the service of the United States, nor to any association or corporation to grant any permit or permits to graze sheep or other live stock on said reservation.

Has it been the custom to give authority to a corporation to grant permits?

Mr. CLARK of Wyoming. It is not the authority given to the corporations to grant permits, but the permits are granted on the recommendation of the corporation. What I want to get at is the indirect granting of permits through a corporation.

Mr. COCKRELL. I do not think the language covers it at all.

Mr. CLARK of Wyoming. I am perfectly willing that it shall be amended.

Mr. RAWLINS. I should like to ask the Senator from Wyoming what is the particular object of this amendment?

Mr. CLARK of Wyoming. The object of the amendment is, as I explained, that there shall be no discrimination made in regard to this particular reservation between the sheep of Wyoming and the sheep of Utah.

Mr. ALLISON. If this matter is to be tested between Senators from States having different interests, I must make the point of order on the amendment.

The PRESIDING OFFICER. Does the Senator from Iowa make the point of order?

Mr. ALLISON. I do if it is to lead to debate. I wish to finish the bill this morning.

Mr. RAWLINS. I can not consent to the amendment as I am at present advised about it. This is a forest reservation in Utah. There have been some permits granted, of a limited character, to graze sheep upon the reservation. I doubt whether any permit of that kind ought to be granted, but certainly I should seriously object to having permits indiscriminately granted to sheep owners in Utah and in surrounding States. The object of the amendment is to give Wyoming access to our forest reservation, as well as Utah. I am willing that Utah should be shut out, but I am not willing that Wyoming should be let in.

Mr. CLARK of Wyoming. If the Senator is willing that Utah sheep shall be shut out from Wyoming, I will make that trade with him.

Mr. RAWLINS. No. I am willing to have Utah sheep shut out of a Wyoming forest reservation.

Mr. ALLISON. I hope the Senator from Wyoming will withdraw this amendment. If it is a matter of pressing importance, as suggested by him, it can be taken up any morning by the Committee on Public Lands which, I understand, has not considered the amendment at all, and be considered in the Senate at a later day. It is as much in order upon any other bill as the one pending.

Mr. CLARK of Wyoming. If the point of order is raised, I shall not discuss it, although I believe it is in order, because nearly every bit of forest-reserve legislation we have had has been on appropriation bills.

Mr. ALLISON. Mostly by unanimous consent.

Mr. CLARK of Wyoming. I will not insist upon the amendment, but I will say to the Senator from Iowa that this is a matter of greater importance than he believes. It is a matter that even now is arming men upon that State line, and I greatly fear the result of delayed action in regard to it. We have had difficulties of this kind in the Western country before, not because of the inherent wickedness of men, but because the destruction of property impels men to defend their own. I had hoped that the amendment might go on the bill as mere matter of justice, a mere matter of equity and right.

Mr. COCKRELL. How near is the reservation to Wyoming?

Mr. CLARK of Wyoming. It is within 6 miles of the Wyoming border. All the summer grazing land is up there, and it is the natural place for all the sheep that graze over twenty or thirty thousand square miles in Wyoming at this season of the year and earlier. As I said before, two-thirds of those sheep at this time and heretofore in the grazing season are Utah sheep grazing in Wyoming, and just the moment they begin to cross the line the Wyoming sheep are sent back to the exhausted range and the Utah sheep go up to the reservation. The bands have been grazing side by side in Wyoming, and it is no wonder that armed conflicts have arisen, and it is no wonder that they will continue to arise. You can not prevent them under present conditions. I hope the amendment may be allowed to go in the bill.

Mr, ALLISON. I make the point of order against it.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LODGE. I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert the following:

For the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies, now or heretofore forming the United States, and any acts of Congress relating thereto, $25,000, the same to be expended under the direction of the Joint Committee on Printing.

Mr. ALLISON. The Committee on Appropriations examined this amendment very carefully and found that an employee of the Senate has completed a revision of the constitutions and charters, and that the revised edition is about ready to be published. The committee did not think it was wise to make this appropriation. I do not know whether it comes from any committee or not.

Mr. LODGE. If the work is being done, as the Senator from Iowa suggests, I have no desire to press the amendment.

Mr. ALLISON. It is almost completed by a very competent employee of the Senate. I ask that the bill may be reported to the Senate.

Mr. CLAY. I wish to call the attention of the Senator from Iowa to an amendment, but I shall not press it if he will not agree to it.

Mr. ALLISON. If the Senator from Georgia will allow me a moment, I have prevailed upon the Senator from Tennessee [Mr. BATE] to withdraw an amendment which he thinks is all important, and about which the committee has not sufficient information to allow it to go in at this time. The Senator expects further information on the subject.

Mr. BATE. As to the amendment touching the battlefield of Shiloh, on page 113, I regret that we can not have it considered now.

Mr. HOAR. Does the Senator expect to pass the bill now?

Mr. ALLISON. I hope to do so.

Mr. HOAR. I shall be obliged to call the attention of the Senate to one amendment.

Mr. ALLISON. What is it?

Mr. HOAR. An amendment referring to the transportation of some coin.

Mr. ALLISON. Well, Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee was not understood at the desk.

Mr. BATE. I only said that I regret exceedingly that my amendment could not be considered now, as we are about closing the bill, and it is but a few minutes before the regular order is called. I merely call attention to it now to say that it proposes a worthy and needed appropriation, touching the battlefield of Shiloh Park, increasing the amount $10,000 for the purpose of building new roads to the sites of the old Confederate hospitals, where numbers of Confederate soldiers lie in unmarked graves. I will not go into it now, as there is no time in which to do it. As the commissioners of that park failed to make an estimate for it, I can not reasonably ask it in its present shape, but shall look to it hereafter. I therefore withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CLAY. I will say to the Senator from Iowa I shall not press my amendment unless he consents to it. I conferred with him, and I thought at one time I would readlily accept the $50,000 and not ask for any more. During the present session Congress passed a bill providing for a marine hospital at Savannah, Ga., at a cost of $175,000. I see on page 11, line 15, "For marine hospital at Savannah, Ga.: For commencing construction of hospital under present limit, $50,000."

I would be glad, if the Senator can do it, to insert "$75,000" instead of "$50,000," because I am informed that $75,000 can be used by the time Congress will convene in December. I told the Senator that I would be satisfied with $50,000, but I hope, under the circumstances, the Senator will accept it. If he can not, of course I will not press it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other puposes.

Mr. ALLISON. I would be glad to have unanimous consent to complete the appropriation bill, which I think can be done in a few minutes.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. ALLISON. I will not press it if it is to occupy any length of time.

Mr. HOAR. I wish to call the attention of the Senate to one amendment which has been made.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Iowa that the unfinished business be temporarily laid aside?

Mr. HOAR. It will take five minutes to say what I have to say, and I think the matter will lead to some debate.

Mr. ALLISON. Then I will not press my request.

The PRESIDING OFFICER. The unfinished business is before the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts:

An act (S. 636) to remove the charge of desertion against David A. Lane;

An act (S. 1881) to correct the military record of Peter Connell; and

An act (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas.

OMNIBUS CLAIMS BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows:

On page 8 of said Senate amendment, between lines numbered 15 and 16, insert the following:

"To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, $23,357."

On page 10 of said Senate amendment, between lines numbered 18 and 19, insert the following:

"To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, $5,083.

"To William S. Tildon, of Harford County, $330."

On page 14 of said Senate amendment, between lines numbered 23 and 24, insert the following:

"To John W. Hancock, of Iron County, $1,160."

On page 24 of said Senate amendment, between lines numbered 17 and 18, insert the following:

"To William B. Horner, late of Shelby County, $1,250.

"To W. H. Robertson, administrator of Emma Robertson, deceased (formerly Emma M. Mayo); H. P. Hobson, administrator of Lucy Mayo, deceased, and Sarah Agnes Bumpass, heirs of F. W. Mayo, deceased, of Fayette County, $874."

On page 25 of said Senate amendment, between lines numbered 9 and 10, insert the following:

"To Mary E. O. Dashiell, late of Norfolk County, $810."

On page 29 of said Senate amendment, in line numbered 22, strike out the words "James C. Hays, administrator de bonis non," and insert in lieu thereof the words "Titus C. Hammond, administrator with the will annexed."

On page 76 of said Senate amendment, in line numbered 2, strike out the words "Hannah E. Boardman" and insert in lieu thereof the words "Fannie J. Nagle."

On page 78 of said Senate amendment, in lines numbered 6 and 7, strike out the words "forty-four thousand and fifteen dollars and eighty-four cents" and insert in lieu thereof the words "forty thousand three hundred and twenty-one dollars and three cents."

On page 79 of said Senate amendment, in line numbered 18, strike out the words "J. Simonson" and insert in lieu thereof the words "the legal representatives of J. Simonson, deceased."

On page 79 of said Senate amendment, in lines numbered 21, 22, and 23, strike out the words "to the contractors or their personal representatives, $113,543," and insert in lieu thereof the words "to the surviving partner of the constructors, $87,615.67."

On page 86 of said Senate amendment strike out lines numbered 6, 7, 8, 9, 10, 11, 12, 13, and 14 and insert in lieu thereof the following:

"That the claim of the State of Nevada for costs, charges, and expenses incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861–1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or disallowed by the accounting officers of the Treasury, shall be examined, allowed, and paid out of any money in the Treasury not otherwise appropriated."

On page 87 of said Senate amendment strike out lines numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

On page 88 of said Senate amendment, in line numbered 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 88 of said Senate amendment, in line numbered 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 90 of said Senate amendment strike out lines numbered 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"To James M. Seymour, jr., the sum of $2,500, for services as assistant commissioner to the International Exposition at Barcelona, Spain."

On page 92 of said Senate amendment, in line numbered 11, strike out "M. M. Defrees, of Indianapolis, Ind.," and insert in lieu thereof "the State of Indiana."

On page 92 of said Senate amendment, in lines numbered 22, 23, and 24, strike out the words "eight thousand three hundred and five dollars and thirty-eight cents, that being," and insert in lieu thereof the words "five thousand dollars, that being in lieu of."

On page 101 of said Senate amendment strike out lines numbered 19, 20, 21, 22, 23, 24, and 25, and on page 102 of said Senate amendment strike out lines numbered 1, 2, and 3.

And the Senate agree to the same.

OMNIBUS CLAIMS BILL, 1902.

Amount of bill as passed by the House	$213,105.51
Net increase by the Senate	2,929,252.09
Amount of bill as passed by the Senate	3,142,357.60

Of the increase made by the Senate of $2,229,252.09, the House has agreed to $2,451,746.60, and the Senate has receded from $477,505.49, making the total of the bill, direct appropriation, as agreed to in conference, $2,664,852.11.

F. E. WARREN,
H. M. TELLER,
WM. E. MASON,
Managers on the part of the Senate.

THAD. M. MAHON,
HENRY R. GIBSON,
Managers on the part of the House.

The report was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, I shall ask Senators to excuse me if I decline interruptions in what I have to say to-day. I desire to trespass as short a time as possible upon the attention of the Senate, and I have a special reason for not wishing to extend the time further than I possibly can. I also have many facts to state in support of the propositions which I shall advance, and I desire to present my argument, such as it is, as a coherent and connected whole and not be diverted from it. After I have concluded, if Senators desire to ask any questions I shall be only too glad to answer them so far as I may be able to do it.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield.

Mr. PATTERSON. The only purpose I have is to request the Senator, when he cites testimony or authorities, to kindly give us the page, so that there will be no necessity of interruption on that account.

Mr. LODGE. Certainly; I will do that with great pleasure.

Mr. President, I think there has been a marked improvement in this debate over the last debate which was held upon the question of Philippine affairs, because in this debate, so far as it has proceeded, there has been more or less said about the pending measure. I am aware that we devoted one afternoon to a discussion of politics and election methods in North Carolina, but possibly it was not amiss to consider the quality of mercy exhibited in certain parts of our common country as well as in the Philippines. It is true also that we devoted one afternoon to trying to decide whether Aguinaldo caused the assassination of General Luna, whether he had him assassinated in self-defense, or whether Luna was merely killed by the guard because the guard did not like his manners. But all these things, Mr. President, have more connection with the matter before us than the discussions about the Revolutionary history and the character of a judge at Nome, in which we before indulged. I think, Mr. President, I am not too optimistic, therefore, if I express the hope and the belief that the time will come, and come before long, when we shall discuss measures in regard to the Philippines as we discussed the Chinese-exclusion bill, with a view to getting the best legislation possible in the interests of the people of the islands and the people of the United States, and when we shall cease to make the affairs of the Philippine Islands a field for the investment of political capital by a party whose ventures in other directions have not of late been very successful.

The Senator from Tennessee [Mr. CARMACK], with the grace of phrase characteristic of his eloquence, asked if anyone would have the effrontery to defend the pending bill. In all humility, Mr. President, I will say that I have the effrontery not only to defend the bill, but in my feeble way to advocate it. I believe it to be a well-considered measure, dealing with subjects of great difficulty, to which the committee have given careful attention, over which they have labored assiduously, and to parts of which the minority of the committee have made valuable contribution, for which I am happy to make acknowledgment.

The mining provisions of this bill occupy 28 pages. The mining law on which the provisions of the bill are founded was prepared by the Philippine Commission with great labor and attention. It has been revised by a subcommittee of the Committee on the Philippines, consisting of the Senator from Maryland [Mr. MCCOMAS], the Senator from Nebraska [Mr. DIETRICH], and the Senator from Utah [Mr. RAWLINS], and I believe, speaking as a layman in regard to mining laws, that we have embodied in this bill as excellent a mining law as stands on any statute book. I think the obligation for it is due to the subcommittee of the Committee on the Philippines, and in a large measure to the Senator from Utah, who brought to the work an expert knowledge which was of great value. I shall not detain the Senate by discussing the details of those mining provisions. That is a task which I leave to the better instructed members who prepared it.

The coinage sections of the bill occupy 6 pages and provide

for coinage in the Philippine Islands. I will only say in regard to the coinage provisions that the committee were satisfied after a careful investigation of the subject, unanimously, with one possible exception, that no greater mistake could be made than to change the system of currency now in existence in those islands and to alter the standard to which the people have been accustomed for many years. It is always a dangerous thing to change the money standard of a people; and it seemed to the committee that at this time it would be exceedingly perilous. They are now, and have long been, upon the single silver standard, with the free coinage of Mexican dollars as the unit of value and the current coin of the islands. We make no change in the standard. We simply substitute for the Mexican dollar an American Filipino dollar, to be coined at the mint of Manila and at the mints in the United States, following in that respect the example of Great Britain in Hongkong, Singapore, and the Straits Settlements, for which she has coined what is known as the Bombay dollar, which has been of very great advantage to her and to her trade in the commerce of the East. I shall not go further into this question. The sections were prepared by the Senator from Iowa [Mr. ALLISON], and I shall leave him, abler and more skilled than any other man in public life to deal with such a question as this, to explain these provisions fully and in detail to the Senate.

The remainder of the bill occupies 19 pages. We begin by continuing the present Philippine Commission. The only change we make in the existing conditions is to require that the Commissioners shall be appointed by the President and confirmed by the Senate, and we apply the confirmation of the Senate also to the judges of the supreme court. That, Mr. President, is necessarily a temporary and tentative arrangement. It is designed to leave the government of the islands in the hands of the present Commission until the provisions of the succeeding sections may be carried into effect. Those sections provide for taking a census of the islands, which shall give not only the numbers of the people, but all the information that can possibly be desired, in order to enable us to establish there "permanent, popular, representative government."

It will require, in the nature of things, some time to take such a census, and it is impossible, as it seemed to the committee, to enter suddenly upon the establishment of representative government until we know the numbers of the people, until we have differentiated the wild tribes, who are said to number nearly a million, from the Christianized Filipinos, and also to determine our relations with the Mohammedan tribes of the south. The object of the census sections is to enable Congress to legislate intelligently with a view to giving those people a "popular representative government;" in the meantime, while we take the census to which I refer, the bill instructs the Commission to continue, and to extend as far as possible the municipal and provincial governments, to be chosen by the people, with the suffrage to be enlarged as rapidly as they think it safe; and to continue to build up in that way the self-government of the people of the islands.

We provide also for the public lands. That, again, is a temporary provision. There is a vast body of public land in the Philippine Islands. The total area of the islands is estimated at 72,000,000 acres, and it is believed that not more than 5,000,000 of those 72,000,000 acres are now in private ownership. That leaves in the hands of the United States, as the heir of Spain, some 67,000,000 acres of public land. The committee felt that it was necessary to have a proper land law—one adapted to the conditions of the islands. It has been left to the Commission to prepare such a law, to be transmitted to Congress for its consideration and approval. Until that land law is enacted, we give to the Commission power only to make leases of the public lands.

We also provide that they shall give good titles to the occupiers of public lands, of whom there are a great many among the natives, who have never been able to secure from Spain any title to the little homesteads or farms which they live on and cultivate, and which, in many cases, they have lived on and cultivated for generations. I think that that is one of the most necessary and beneficent provisions of the bill.

There are also sections which provide and give authority for the issuance of municipal loans, intended for municipal improvements, which are greatly needed, especially in the city of Manila.

We also have provisions in the bill in regard to timber lands, and we have followed the same careful policy in regard to those lands that we have pursued in regard to the public lands generally. We permit the Commission only to issue licenses to cut timber, and not to sell any more land than is necessary for the establishment of a sawmill or the opening of a road to give access to the forests.

We have also made provision for the purchase of the friars' lands, as they are called. That is a difficult and unusual question. We authorize the Commission to buy the lands of the friars for the purpose of selling them immediately to the people who now occupy them. However witnesses or experts may differ in regard to the affairs in the Philippine Islands, there is but one opinion as to the necessity of taking these friars' lands and giving them over to the people who actually live upon them and cultivate them. The possession of the lands by the friars was one of the bitterest grievances of the Filipino people against Spain. The testimony is universal as to their desire to have those lands restored to them. The sections in regard to these lands, of course, in the nature of things, give a large power to the Commission, but there is no other way that I have seen suggested to get those lands out of the hands of these religious corporations and back into the hands of the people who cultivate them.

We have also clauses in the bill providing for franchises. They are guarded with the utmost care. I can not now undertake to read, and I shall not detain the Senate by reading, those franchise clauses, but I invite Senators to examine them with the utmost care. They are guarded in every possible way compatible with giving any reasonable opening to capital to enter into the islands with the hope of profitable investment.

The main object of the bill, Mr. President, is, in a word, to replace military by civil government—to advance self-government; and yet it is delayed in this Chamber and opposed by those who proclaim themselves the especial foes of military rule.

The second object of the bill is to help the development of the islands, and yet, as the committee felt, to help that development only by taking the utmost pains that there should be no opportunity given for undue or selfish exploitation. The opponents of this legislation have dwelt almost continuously, when they have spoken on this bill, on the point that it is intended to open the islands to exploiters, to syndicates, and to carpetbaggers. Why, Mr. President, if we go on the proposition that it is a crime for an American to make money, undoubtedly there is opportunity in this bill for men or associations of men to enter into the islands and to make money in a legitimate way. I am aware, after many years of experience, of the hostility of the Democratic party to any man who has made money or to any man making money, and it was that one of their principles, the only one, I think, which was carried out with complete success during their last tenure of power. Few, if any, Americans at that time made money. But these exploiters, these syndicates, these carpetbaggers, who march back and forth through the speeches of Democratic Senators like the sceneshifters' army, have as little reality as the air-drawn dagger of Macbeth. It is continually reiterated that they are to be brought into the Philippines by this bill; and while Senators in opposition are declaiming against this bill as throwing the islands open to improper exploitation and speculation I have had many gentlemen come to me who desire to invest money in the Philippine Islands and who say that the bill is so drawn that it is impossible for capital to go in there to any large amount. When gentlemen who desire to invest take that view and the Democratic party takes the view that the bill is simply for purposes of exploitation my own conclusion is that we have got a pretty good bill.

We are also told that the Chinese are to be poured in there. Mr. President, as we have excluded the Chinese from the Philippines by legislation already passed, how absurd that proposition is. Passing lightly from the proposition that the Chinese are to be poured into the Philippines, from which our laws expressly exclude them, the dismal picture is then drawn of what will happen to the islands if we do not let the Chinese in. The testimony is very clear to my mind that the Filipino people, if they have an opportunity to earn good wages and to have them regularly paid—something which has never happened to them under Spanish rule—will be found quite capable of doing all the work that is needed in the islands. They are skillful workers in the factories they have there, such as the cigarette factories; they are noted as good machinists; they are deft and ingenious with their hands; they work in the rice fields under a sun which is too much even for Chinamen, and they carry on all the cultivation of the islands. If we once give them an opportunity to perform this new work and receive regular wages and be properly paid, I am sure we shall find that the labor is there, so that the Filipino people can develop their own territory. It may be a slower process than if we should throw the islands open now to sudden exploitation in large masses of territory, with great bodies of capital and with Chinese labor; but that it is simple justice to the people of those islands, and that it is infinitely better to give them the arrangement that we have given them, is, to my mind, too clear for argument.

In connection with these exploiters and syndicates and carpetbaggers, we have been told on the other side of the Chamber that the Moro war was started in order to open the southern islands to exploitation. The Senator from Utah [Mr. RAWLINS] criticised us with the utmost severity on that ground, whereas the Senator from Tennessee [Mr. CARMACK] reproached us because the war with the Moros was not being pushed with sufficient vigor, they being brave, wild Mohammedans, instead of peaceful, Christianized Filipinos.

Mr. CARMACK. Which I did not do at all.

Mr. LODGE. I so understood the Senator; and if I misquote him, I shall be glad to correct it.

The facts are very simple. The Moros seized and put to death some American soldiers. Indemnity was demanded and the delivery of the murderers. The President warned our generals there to avoid a general war if it could possibly be done. The Moros, as I understand, declined, and engaged in continued hostilities. The news of events there is in the newspapers to-day.

Mr. President, what we have done in the islands so far in a short three years is to establish schools, to establish courts where there can be quick justice instead of long denial, to establish the writ of habeas corpus, to erect civil governments throughout all the pacified provinces, and in this bill we propose to restore to the Filipinos the friars' lands and to give the people title to those portions of the public land which they now occupy. All those things are great and beneficent measures—measures which we ought to enact, no matter what our opinion may be as to the ultimate disposition of the islands.

The charge has been made, and has been made as frequently as the charge about exploitation, that we are intrusting these islands to a commission—a commission of foreigners, of outsiders, as it is called. Mr. President, it is well enough to say "commission," as if it were some kind of vague, ill-defined monster; but a commission is made of men; and when we discuss the commission we ought to look at the men who compose it, to whom we intrust this great work until a popular and representative government can be established. It would not be right for us to say that until a census was taken and all the arrangements, which may occupy many months, possibly some years, are completed for the establishment of a representative government—that during all that time no city shall borrow money; the friars' lands shall not be returned; no railroad shall be built; no street lighted; no electric roads put in; that we should hold the islands back from all progress, when we have there a commission perfectly suited to deal with all those matters.

What is that Commission, Mr. President? The head of it is Judge Taft, known throughout the United States. The Senator from Texas [Mr. CULBERSON] and the Senator from Colorado [Mr. PATTERSON] on Saturday last were at some pains to try to prove that Judge Taft was lacking in candor. I think, Mr. President, that there is no one who knows Judge Taft who is not perfectly familiar with the fact that a more honorable, candid, fair-minded man does not live. I believe that wherever he is known the suggestion that he is evasive or uncandid will be an opinion enjoyed in solitude by the Senators who hold it. He had an assured judicial career, or, if he preferred, he could have gone back to the bar and commanded a great income. He gave up all those prospects, went out into the East as disinterestedly and from as pure motives as ever caused any man to undertake a great work. He has devoted to it his time, his health, and strength. He has come back here with impaired health, and yet he is going to return to those islands because he is devoted to the interests of their people. He regards himself as their guardian and their trustee. No man ever acted from better motives; no man ever labored more disinterestedly than he has done or with greater industry and intelligence.

Judge Taft is a Northern man and a Republican. The acting governor, Luke E. Wright, is a Southern man, an ex-Confederate, and a Democrat. All that I have said of Judge Taft, I believe, from everything I have ever heard, I can also say of Governor Wright. Those are the two men at the head of the Commission to whom we propose to give this great trust in the years to intervene between this time and the day when we can establish a general representative government in the Philippines. It is not a mere name—the Philippine Commission—it is just those two American gentlemen whom I have named and their associates—associates in every way worthy to be with them. Are they not honorable men? Do they not stand high in their community? Is there one who knows them who would not be glad to make them trustees for his wife or his child? Are they not eminently men "secundis temporibus dubiisque recti?" They stand high before the people of this country; there is not one of them we would not trust with our own affairs; and is it to be supposed that we can not trust them with this great public duty? If we can not trust them, there is no man in the length and breadth of the United States fit to be trusted, and I have not yet reached the point when I am ready to admit that there are not Americans fit to be trusted with the interests of other people in the sure faith that they will administer them with an eye single to the benefit of their wards and the honor of their country. [Manifestations of applause in the galleries.]

Mr. President, I have stated the provisions of the bill. I have tried to speak in regard to some of the points of attack upon it; but the real attack which has gone on in this Chamber for the last ten days has not been upon the bill. So far as the civil government goes, with anyone who has read the testimony and knows the facts and has considered the bill the attack upon it has broken down. The real attack here has been directed against the Army of the United States by those who are delaying this bill, which seeks to replace military with civil government.

Why this attack upon the Army? Because, it is said, it has been guilty of cruelty and torture to natives of the Philippine Islands. Ah, yes, Mr. President, perhaps so; but it has been guilty of a greater crime than that. It has been guilty of a crime not yet brought against it upon this floor, but which rankles deeper than all the tortures and all the cruelties laid to its charge—it has been guilty of the crime of success. It has been a victorious Army; it has put down the insurrection, and it meets now, as it met after Appomattox, abuse and attack. The days have dropped into history when Grant, too, was called a "butcher," but they are not forgotten. This charge is brought now against the Army of the United States because they have been victorious, because they have crushed the insurrection and disappointed those who sympathize with the insurgents. That is one reason for the assault upon our soldiers, and that is a sin for which in some quarters no forgiveness is possible.

But I am not going to deal with the crime of victory. I am going to deal with the cruelty and the torture of the natives with which the Army has been charged. The Senator from Tennessee [Mr. CARMACK] said that he thought no exaggeration was possible. I think he wronged himself. The charges can be for they have been greatly exaggerated. Why, Mr. President, the American Army has been held up here as guilty of greater atrocities than all history can show. The Senator from Utah [Mr. RAWLINS] said:

> My God, Senators, will anyone rise and tell me when and where among the most barbaric peoples you ever read such an act of brutality as that? When was anything like that disclosed elsewhere upon the face of the earth?

Mr. President, I can not suppose that the Senator, with his wide reading, has forgotten such a notorious fact as the Neronian persecution of the Christians, when they were tied to pillars and burned to give light in the streets of Rome. I have heard of nothing of that sort in the Philippines. Is it not true, and does not history show, to take another familiar example, how the Tartar hordes swept over Russia; that they impaled the people in the villages, and that those they did not impale they tied to stakes with their hands above their heads and dipped them in tar and lighted them and left them there to burn, so that affrighted Europe called them Tartar candles? I have heard of nothing of that sort from the Philippine Islands, and yet we are told that the atrocities there are worse than anything that even the most barbaric nations in history can show.

Indeed, Mr. President, the wide knowledge of the Senator from Utah was exhausted in finding comparisons to portray the infamy of the American Army. Not only have the conventional torturers of history, Philip II, Alva, and Torquemada, flitted across the debate, but Quintus Cicero, the nephew of the great orator, has been brought in here, and has had his piteous story told. We have been informed also that Julius Cæsar in all his campaigns never was guilty of such cruelties as the American Army has been guilty of in the Philippine Islands. I am afraid for the moment the Senator's classical learning betrayed him. He has forgotten that it was Julius Cæsar, in truth, the most merciful as he was the greatest Roman, who, nevertheless, in his early days, when he captured pirates in the Mediterranean, crucified them at Pergamus, and so gave them over to one of the most cruel and agonizing forms of death that men have ever known.

But not content with all this, Mr. President, not content with what history furnished, the Senator from Utah in his zeal for comparisons made some contributions to history himself.

Mr. RAWLINS. Mr. President, the Senator has alluded to an instance in my speech where I asked if there had been anything in history comparable to the particular matter to which I was then referring, and that reference was to the order of General Bell, which I quoted.

Mr. LODGE. I have a right to proceed, Mr. President.

Mr. RAWLINS. The Senator will permit me——

Mr. LODGE. I should like to go on with my speech.

The PRESIDENT pro tempore. The Senator from Massachusetts declines to yield.

Mr. LODGE. I am not misquoting the Senator. I am reading his own words.

The Senator, I said, not content with exhausting history, made some contributions to it himself. He said:

> While in that situation the interpreter, doubtless compelled to perform this infamous service, stooped over him and said, "Confess, confess." It makes us think of Copernicus when he was subjected to the torture and thrown down. They wanted him to announce that the world did not revolve upon its axis, and was promised if he would say so that they would let him go, or else they would take his life, and, he refusing to say so, they took his life.

Mr. President, the great astronomer and mathematician Copernicus died at the age of 70, in his bed, a canon of the church, in the bosom of the church, and his great work about the revolution of the celestial orbs was only published to the world as he lay dying. He was never tortured. It is possible——

Mr. RAWLINS. Mr. President——

Mr. LODGE. It is possible, Mr. President, that the Senator was thinking of Galileo, but Galileo recanted, and lived ten years longer. [Laughter.] So that, as the story applies neither to Copernicus nor Galileo, it must be some other tortured astronomer the Senator has in mind. [Laughter.] Ah, Mr. President, if the Senator had only told the right story of the right man, if he had only described Galileo reciting his recantation and then as he arose from his knees muttering under his breath the famous words which have come down to posterity the Senator might have taken that golden opportunity to teach the party to which he belongs the lesson, which they seem to be as slow in learning as the Roman curia in the sixteenth century, "that the world moves." [Laughter.]

Now, Mr. President, to pass from these fascinating historical studies to the facts of to-day. The American Army is accused of atrocities in the Philippine Islands. Some cases, far too many, have been proved of cruelties to native prisoners and to hostile natives, and more, I fear, will be proved. To me it is a source of bitter, bitter regret that any American, whether soldier abroad or civilian at home, should ever have tortured anyone, or that any order should ever have been issued by an American general which, on its face, and without knowledge of the conditions, seems, as I said the other day in the Senate, revolting. But we as Senators, representatives of great States of this great Union, are not here to indulge in frothy denunciation, but to get at the truth, to punish the guilty when they are proved guilty, to mete out judgment upon proved offenses, and thereby in strict justice to clear our honor and good name and keep the fame of our Army without spot or blemish.

There has been an ingenious effort made here from time to time to separate soldiers from officers. Soldiers are more numerous than officers. They have more votes. They have larger connections, more friends who vote, because there are a hundred thousand of them and only a few officers, comparatively. But, Mr. President, this separation can not be made.

There was brought before our committee, on the demand of a philanthropist—one of the kind evidently who never feels that his philanthropy is well exercised unless it involves in its exercise some shame to his country and some discredit and disgrace to his fellow-citizens—there was brought before us a young officer of the Thirty-fifth Regiment, named Grover Flint. He testified that at Candaba, in the island of Luzon, Macabebe scouts tortured a number of Filpinos—20 or more—with the water cure in order to make them reveal the places where their arms were concealed. He said that in the morning of the day after the town was taken, while this was going on, American soldiers volunteered to go down to the well where it was being done; that there were no orders given; that he said to the major commanding—Major Geary—"I think I had better go down there and see whether excesses are being committed," and that he went down there. He was asked if he interfered. He said that he did in two or three cases where he thought excesses were being committed. I asked him, as was my duty—it was a painful question to ask and I disliked to put it—as to other cases where he did not interfere, "Did you approve at the time what was being done or did you not?" He answered that question with a fearless truth, painful as it was to him to do it, that he did approve it at the time; and I honored him for his brave, true answer.

Mr. President, there were our own soldiers and the young officer all engaged together. You can not part officers from men. Mr. Flint himself comes of a family eminent for three generations in the practice of one of the noblest of professions. He is a graduate of Harvard College; he is an honorable man; he is a brave soldier; he has been wounded in battle—battle for the Republic. There must be some reason for these things, and presently I shall try to state it.

Let me give another example to show that you can not separate the soldiers from the officers. Only last night I heard from a young officer who commanded a company that at the first skirmish in which they were engaged they drove back the insurgents and took the town. The insurgents in retreating carried off three of our men, carried them to a neighboring town, stripped them naked, and said that if they would cry, "Long live the Filipino republic!" they might run away into the bush as they were. One man refused, and stood up there naked, in the midst of that hostile crowd, and cried, "Long live America!" They tied him to a tree, and the women and children stoned him to death. The other two, who lost heart and cried, "Long live the Filipino republic!" were cut to death with bolos; and the young officer said when they next went into battle the men cried out as they charged the enemy, "Remember Parnay!" Do you wonder that they did? I do not. I am not here to excuse torture or cruelty to any man, but I can not forget that there is, and ought to be, human nature in an American soldier under such circumstances as those.

The effort has been continued to separate the officers from the commander. Listen to what the Senator from Utah [Mr. RAWLINS] said about General Chaffee:

> Mr. President, I do not believe that Bell himself ever conceived this iniquity, this outline of policy. Perhaps it may have been Chaffee, who received his education in savagery—

Mark the words: "Who received his education in savagery"—

> and in cruelty and in barbarity over in China, where we are informed the allied forces took little children and brained them upon posts, threw them into rivers, and slaughtered and persecuted without mercy and without limit helpless women. After he had received that training he superseded the more humane officer, General MacArthur. Then it was that this diabolical programme seems to have been adopted and carried out in all its hideousness and rigor.

Against those cruel words I set the record of General Chaffee. I will print it in the RECORD, with my speech, just the dry official phrases, through which shines the story of a brave life given to the service of the country.

Adna R. Chaffee. Born at Orwell, Ohio, April 14, 1842. Served as private, sergeant, and 1st sergeant, 6th U. S. Cavalry, 22 July, 1861, to 12 May, 1863; 2d lieutenant, 6th Cavalry, 13 Mar., 1863; 1st lieutenant, 22 Feb., 1865; regtl. adjt., 11 Nov., 1864, to 12 Dec., 1866; regtl. qm., 12 Dec., 1866, to 12 Oct., 1867; captain, 12 Oct., 1867; major, 9th Cavalry, 7 July, 1888; lieutenant-colonel, 3d Cavalry, 1 June, 1897; colonel, 8th Cavalry, 8 May, 1899; brigadier-general, volunteers, 4 May, 1898; major genl., vols., 8 July, 1898, to 13 Apr., 1898; brigadier-general, volunteers, 13 Apr., 1899; major-general, volunteers, 19 July, 1900; major-general, U. S. Army, 4 Feb., 1901.

Brevetted 1st lieutenant 3 July, 1863, "for gallant and meritorious services in the battle of Gettysburg, Pa.;" captain 31 March, 1865, "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va.;" major 7 March, 1868, "for gallant and efficient services in engagement with Comanche Indians at Point Creek, Tex.," and lieutenant-colonel 27 February, 1900, "for gallant service in leading a cavalry charge over rough and precipitous bluffs held by Indians on the Red River of Texas August 30, 1874, and gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882."

SERVICE.

He served with his regiment in the Army of the Potomac until wounded in the Gettysburg campaign at Fairfield, Pa., July 3, 1863; absent on account of wound to September, 1863; commanding troops to October 11, 1863, when wounded at the battle of Brandy Station, Va.; absent sick to November, 1863; with regiment in Army of the Potomac to August, 1864; in the Shenandoah Valley, Virginia, to February, 1865, and in the campaign against Richmond, Va., to May, 1865, during which period he participated in all the battles, engagements, etc., in which his regiment was engaged (about fifty), from the siege of Yorktown, Va., April, 1862, to Appomattox Court-House, Va., April, 1865.

With regiment at Frederick, Md., June to October, 1865; en route to and at Austin, Tex. (also depot quartermaster at same place December, 1866, to February, 1868), to February, 1868; commanding troop at Fort Griffin, Tex., to September, 1868, being frequently in field on scout and engaged in action with hostile Indians at Point Creek, Tex., March 6, 1868; commanding troop at Sulphur Springs, Tex., September, 1868, to March, 1869; at Canton, Tex., to July 17, 1869; at Tyler, Tex., to January, 1870; at Corsicana, Tex., to May, 1870; at Fort Griffin, Tex., to September, 1870; at Fort Richardson, Tex., to March 20, 1871, being frequently in field on scout against Indians and engaged in action with them November 14, 1870; commanding troop on the march to and at Fort Riley, Kans., to January 28, 1872; at Oxford, Miss., also commanding post to December 6, 1872; at Fort Harker, Kans., to April 2, 1873; at Fort Supply, Ind. T., to August 19, 1874; in the field on expedition in Indian Territory and Texas to March 23, 1875, being engaged in actions against hostile Indians at Mulberry Creek, Tex., August 30, and near Washita River, Indian Territory, October 17, 1874.

Commanding troop at Fort Supply, Ind. T., March 23 to April 29, 1875; at Fort Dodge, Kans., to August 2, 1875; on the march to and at Fort Verde, Ariz., to May 30, 1876; at Fort Grant, Ariz., to June 21, 1876, and at Fort McDowell, Ariz., to Septembdr 13, 1876; on recruiting service, October 23, 1876, to October 1, 1878. He rejoined his regiment November 12, 1878, and commanded his troop at Fort McDowell, Ariz., to July 1, 1879; in charge of the San Carlos Agency, Ariz., to May 31, 1880, commanding troop and post of Fort McDowell, Ariz., being frequently in field in active operations against hostile Indians, to September 11, 1882, being engaged in action with them at Big Dry Wash, Arizona, July 17, 1882, and was highly commended for services in the field in General Orders, No. 37, Department of Arizona, July 31, 1882.

On leave September 11, 1882, to January 5, 1883; commanding troop at Fort McDowell, Ariz., to October 17, 1883; being absent in the field with General Crook in Arizona and Mexico, operating against hostile Apache Indians, March 24 to July 9, 1883; commanding troop and post of Fort Huachuca, Ariz., to June 5, 1884; at Fort Craig, N. Mex., to September 12, 1884; on leave to November 10, 1884; commanding troop at Fort Wingate, N. Mex. (in field and at Fort Cummings, N. Mex., May 22, 1885, to October 19, 1886), to August 8, 1888.

He joined his regiment, the Ninth Cavalry, August 28, 1888, and commanded post of Fort DuChesne, Utah, to September 27, 1890; acting inspector-general, Department of Arizona, October 6, 1890, to July 6, 1893, and of the Department of Colorado to October 4, 1894; on duty with regiment at Fort Robinson, Nebr. (in the field commanding expedition against hostile Indians in Idaho and Wyoming, July 23 to October 29, 1895), to November 7, 1896; on duty as instructor of cavalry at the infantry and cavalry school, Fort Leavenworth, Kans., November 27, 1896, to April 19, 1898, when he accompanied his regiment to Chickamauga, Ga., where he commanded a brigade to May 20, 1898, a division in the Fifth Army Corps at Tampa, Fla., to June 16, 1898; in the campaign against Santiago and in Cuba, to August 21, 1898.

He was highly commended by General Lawton for especial distinction in successfully planning and attacking the Stone Fort at El Caney, Cuba, July 1, 1898; from August 21 to September 27, 1898, he commanded his division en route to and at Montauk Point, New York; commanding First Division, Fourth Corps, November 1 to December 5, and Fourth Army Corps to December 14, 1898; chief of staff to Major-Generals Brooke and Wood, of the headquarters Division of Cuba, Habana, Cuba, December 29, 1898, to May 16, 1900.

Highly commended by Generals Brooke and Wood for services rendered in the latter position, the former stating, "The Army has no better example

of efficiency," and the latter that he "has filled the position with ability and assiduity rarely seen among public men."

He left Cuba May 25, en route to Washington and thence to San Francisco, sailing from the latter place July 3, and arriving at Taku, China, July 29, 1900, when he assumed command of the China relief expedition, which he commanded to May 26, 1901, when he proceeded to the Philippines.

Highly commended by the President and Secretary of War "for the brilliant achievement in which the courage, fortitude, and skill of the American forces under his command in China played so honorable a part."

He arrived at Manila, P. I., June 5, 1901, and, after making a tour of inspection of the Islands, on July 4, 1901, assumed command of the divisions of the Philippines and duties of military governor.

WM. H. CARTER,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
January 29, 1902.

Thus it appears that he entered the Army as a private; that he rose to be a sergeant and a first sergeant in the Sixth United States Cavalry, serving from the 22d of July, 1861, to the 12th of May, 1863; that he won his first commission in battle for gallantry on the field; that he got his promotion in the same way; that the first brevet came for services at Gettysburg, and the second for gallant and meritorious services at the battle of Dinwiddie Court-House, Va.; that he served with his regiment until wounded in the Gettysburg campaign at Fairfield, in Pennsylvania; that he was wounded again at the battle of Brandy Station.

I will not go into the details. After the war he passed into the Regular Army. He gave the best twenty-five years of his life to service on the plains as a captain, with slight hope of promotion, serving with small pay in heat, in cold, at remote frontier posts, helping to guard those Western communities against the shock of Indian warfare. He was doing this when the Senator from Utah was making those legal and historical studies and cultivating those gifts which have enabled him to delight a listening Senate. Ah, Mr. President, there are some things to be said for the fighting man who gave his life in silence to that thankless work!

From there Chaffee went into the war in Cuba, and then the long delayed promotions came to him. Let me read you one word of description as to Chaffee in the Cuban campaign, not by an American witness, but by the British military attaché, Colonel Lee, who was down there:

The strong post—

That is El Caney—

The strong post had been carefully reconnoitered by Brigadier-General Chaffee in person on June 28 and 29, and he had submitted a plan of attack which was afterwards carried out almost to the letter.

I feel it only just at this point to mention that, however novel the absence of reconnoissance in other directions, nothing could have been more enterprising or systematic than General Chaffee's exploration of his own theater of operations. I had the pleasure of accompanying him on more than one occasion, and derived much profit from a study of his methods.

Leaving his staff behind, he would push far to the front, and, finally dismounting, slip through the brush with the rapidity and noiselessness of an Indian. My efforts to follow him were like the progress of a band wagon in comparison, but I gradually acquired a fairy-like tread and a stumbling facility in sign language, which enabled me to follow the General without too loudly advertising our presence to the Spaniards. On one occasion we approached so close to the Spanish pickets that we could hear the men talking over their suppers, and until I began to speculate on the probable efficacy of the British passport, that was my sole defensive weapon. In this silent Indian fashion General Chaffee explored the entire district, and was the only man in the Army to whom the network of bridle paths around El Caney was in any sense familiar.

Again, I will read a word about him in battle:

Wishing to see how they were faring, I crawled through the hedge into the field beyond, and incidentally into such a hot corner that I readily complied with General Chaffee's abrupt injunction, "Get down on your stomach, sir." Indeed, I was distinctly grateful for his advice, but could not fail to notice that he was regardless of it himself. Wherever the fire was thickest he strolled about unconcernedly, a half-smoked cigar between his teeth and an expression of exceeding grimness on his face. The situation was a trying one for the nerves of the oldest soldier, and some of the younger hands fell back from the firing line and crept toward the road. In a moment the General pounced upon them, inquiring their destination in low, unhoneyed accents, and then taking them persuasively by the elbow led them back to the extreme front, and, having deposited them in the firing line, stood over them while he distributed a few last words of pungent and sulphurous advice. Throughout the day he set the most inspiring example to his men, and that he escaped unhurt was a miracle. One bullet clipped a breast button off his coat, another passed under his shoulder strap, but neither touched him, and there must be some truth in the old adage that fortune favors the brave.

Such, Mr. President, is the description of an eyewitness of his conduct at El Caney. From there he went to China. The entire world bore witness to the conduct of the American troops in that campaign. No one, not the most jealous or the most envious among the foreigners, ever charged that the American troops were guilty of any of the cruelties or atrocities with which that campaign may have been smirched. It has been left to have this imputation upon American soldiers made for the first time in the American Senate.

Mr. President, those troops went there to save the legations, and when the allied commanders were debating as to whether they should wait a month before starting—wait until the Germans arrived—it was Chaffee who stood up in the meeting after they had been talking and talking and said, "Gentlemen, whatever you may do, I march at once," and the Japanese general rose and said he trusted that the American general would permit him to go with him. Then they all went, and history tells the rest. Here is what General Chaffee himself says in his report for the year ending June 30, 1901:

The unusual conditions which have surrounded the command, while offering many temptations and inducements to wrongdoing, can not be permitted to excuse soldiers of our Army who, as citizens and soldiers, have been accorded instruction, through example in communities where living, that respect for law, protection of personal and public property, and the maintenance of order are special requirements imposed upon all United States soldiers, never to be broken under any circumstances. (Report of operations in China from November 30, 1900, to May 19, 1901, by Maj. Gen. Adna R. Chaffee, U. S. A., from Report of the Lieutenant-General Commanding the Army for year ending June 30, 1901. Part 4, p. 505.)

That is the order he issued to his men. That is the policy he pursued throughout the Chinese campaign. It was he who interfered, and attracted the attention of Europe by his interference, to prevent the loot of the great Chinese observatory. Mr. President, after those brilliant services in China they are referred to here only that we may be told that it was there that our general received his education in savagery.

Mr. President, not content with the attack upon General Chaffee, the effort has been made by implication to carry it still further. The source of military command in this country is the White House. All the world knows what was the attitude of President McKinley. A soldier himself, the most humane and generous of men, we know that his one word from the beginning to the end was to be merciful and kind, to uphold the authority of the United States, to carry on the war firmly and vigorously, because that was most merciful and most humane, but to show the greatest kindness and consideration to the people of the islands. From that policy his successor has not deviated. No orders can be found issuing from the White House of which any American may not be proud. It is only the other day that the order went out from there to investigate and probe to the bottom, and that whoever had done wrong, to bring him to speedy and prompt justice.

Then, passing from the Presidents, the effort has been made to lay the blame upon the Secretary of War. Mr. President, as he has been attacked I desire here in my place to say one word in regard to him. In all the long list of able men of all parties who have held the great post of Secretary of War I think there has been no abler, no more public-spirited man than the one who now holds it. He took it at a time of great trial—with difficulties in China, with difficulties in Cuba, with difficulties in the Philippines, and he has borne that burden with strength, with honesty, with courage. He has wrought for improvements in the Army, many of which have been attained, which will stand in our history as great advances in the improvement of our military organization. He set himself to cure defects which the Spanish war disclosed and his labors in great part have been crowned with success. He is a man of high ability, of irreproachable honor, and of quite as great humanity as any who rail at him. He has been especially attacked in regard to the Major Gardener report and charged with deliberate suppression, because he did exactly what the Senate is doing to-day—leave it to the board there, where the witnesses and the accused are, to make the first inquiry. When those charges, sweeping, nameless, without date or specification, were laid before him he felt that it was his duty not only to probe the matter to the bottom, but also to see that the officers of the Army committed to his charge had fair play and exact justice; that the accuser and his witnesses should be in the same place where the accused and their witnesses were gathered. It was the part of an honorable and a loyal man, true to the service in which he was engaged and of which he was the head. He has ordered investigation of every case of wrongdoing which has been brought to him. More than 350 courts-martial have been held, for great offenses and small, against the natives. There has been no desire to screen a guilty man from punishment. Wherever a reasonable charge has been brought, the man has been ordered before a court-martial and tried. There have been many, many convictions and much severe punishment. That is all any Secretary can possibly do. He has done his entire duty. If gentlemen think that these instances of cruelty in the Philippines are to us, as they are, a source of bitter and deep regret, can they for one moment suppose that to a man like the Secretary of War, with his heart bound up in the fame and well-being of the American Army, they are not an even deeper sorrow? His object is to elevate the American Army, not to pull it down. But he also means, and he will always mean, to have justice, at least, for all the men and officers committed to his charge, and he will not knowingly condemn them unheard and untried.

Mr. President, these attacks, as I have said, strike officers and men alike. They fall upon the entire organization. Senators who have listened, as I have listened, to the speeches which have been made upon the other side will realize the truth of what I say. Senators who listened to or who have read the course of the questioning pursued with witnesses before the Philippine Committee will realize still more the truth of what I say when I assert that these attacks are leveled at the entire American Army, from the

commander to the private. I would not do anyone an injustice, but let me read as an example a single question that was asked on Saturday of a witness before the committee by the Senator from Texas [Mr. CULBERSON]:

By Senator CULBERSON:

Q. You have testified, I believe, that five or six of these men were killed in attempting to escape?

A. Yes, sir.

Q. Do you know whether or not their effort to escape was encouraged by the American officers and soldiers?

A. I do not know, sir.

Q. What I wanted to find out was whether it was a bona fide effort on their part to escape or whether they were ever encouraged to make the effort for the purpose of affording an opportunity to shoot them. How was that?

A. All that I know is that it was reported that they were killed while trying to escape.

Mr. President, that seems to me a terrible imputation upon American officers and soldiers. What is proved?

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I yield.

Mr. CULBERSON. I have just come into the Chamber, and I heard the last portion of the remark of the Senator from Massachusetts.

I desire to say that before propounding that question to the witness I spoke to one of my associates beside me on the committee, and said that I intended to ask the question so that the real truth might be known and that there should be left nothing undone, so far as the committee was concerned, to establish clearly the fact that there had been no connivance upon the part of American troops with reference to that attempted escape.

Mr. LODGE. If the question was asked in order to vindicate and defend the honor of American officers and soldiers, it certainly meets with my cordial approbation; but as it reads it seems to me open to misconstruction.

Now, what is proved? No case of cruelty has been proved before our committee less than a year old, some eighteen months old, and some two years. All the witnesses without exception have testified to the kindness of our troops toward the peaceful Filipino natives. They all have testified to the good care and treatment of the wounded in our own hospitals by our own doctors and nurses. No case of cruelty has been proved that did not occur while guerrilla warfare existed and where war was flagrant.

Towns, it is true, have been burned, and before this towns have been burned in war. Towns were burned where insurgents were sheltered, or where it was believed they had help, or where attacks were made upon our troops after occupancy. It was a military necessity. Towns have been burned before in war. They were burned in our civil war by troops on both sides, and the towns then burned were not composed of nipa huts.

Mr. President, there was the case of young Meiggs, who was shot by bushwhackers in the Shenandoah Valley. General Sheridan sent his staff officers around to the neighboring houses, from one of which this boy had been killed, and gave orders to the inhabitants to leave, and then he burned them to the ground. Let me go outside of our own record. I read from a book entitled "With an Ambulance During the Franco-German War" an account of the burning of Bazeilles.

The French inhabitants had fired upon the Bavarians; they had set their bedding and furniture alight and thrown them on the heads of the Germans, who were packed close in the streets, and after the first repulse of the invaders (Germans), several wounded Prussians had been barbarously butchered; some even had had their throats cut with razors.

Upon retaking the village, when the Germans discovered what had been done, they retaliated by shooting down and bayoneting all before them; nor in some instances did the women and children escape this cruel fate. So exasperated, indeed, were the Germans that not a life did they spare nor a house did they leave intact in that miserable town.

From the same book, chapter 12, page 136:

On coming to Mantes we put up for the night at the Hotel de France. Much consternation had been caused the day before by five Uhlans coming into the market place with a train of wagons and carrying off all the corn and fodder they wanted. Then the Uhlans proceeded to set the station house on fire, as also to saw down the telegraph posts. "What pluck these five men must have had!" will be the reader's exclamation. But the feat was not so daring. Everyone knew that if the inhabitants interfered with these Uhlans the place would be visited the day after and reduced to ashes.

So the Germans treated guerrilla warfare; and the Germans are a kindly people, highly civilized, and were carrying on war against another civilized people under the rules of war recognized by all nations. The burning of towns which shelter guerrillas in a guerrilla warfare is a common incident of war. War is horrible, but it is by such methods that guerrilla warfare is put down and stopped. Now, take the evidence as to a single town, the town of Igbaras. It appears from the testimony of witnesses that the people were warned. The witnesses were asked repeatedly whether women or children were burned in the fire, but they knew of none; and that, I suppose, is a fair instance of the towns which have been burned in the course of the war.

That reminds me of women and children. They have been slaughtered by myriads, in the speeches made on the other side, but, so far as I am aware, there has not been a case proved of the intentional killing of a woman or child by an American soldier or officer in the Philippines. Now, what remains? A certain number of proved cases of water cure, of menaces of shooting, unless information was given up; of rough and cruel treatment applied to secure information. That such cases have occurred in different parts of the islands is incontestible, and we all deeply regret it. We all wish to see justice done upon those who are guilty. We do not like to think of any American soldier or officer torturing a prisoner or a helpless man. But as soon as it was known that this had been done every effort was made to stop it. Most stringent orders went out from Washington not only to stop all such practices where they existed, but to bring to punishment those who were guilty of them. They appear to have stopped, but, as I have said, there has not yet been a case shown that is not at least a year old. What concerns us is to know——

Mr. CARMACK. Will the Senator permit me just a moment?

Mr. LODGE. Certainly.

Mr. CARMACK. I will say to the Senator that it is practically impossible, under the rules of the committee, to prove anything that is going on there now. We can only prove the incidents that have occurred by soldiers who have returned from the Philippine Islands. We can not bring anybody from there at this time to prove what is being done now.

Mr. LODGE. Mr. President, I shall let my statement stand, for it states the evidence as, I believe, correctly. What concerns us, and it concerns us very deeply, is to know why these things ever happened at all at any time, near or remote. Whatever has been done has been done by the American Army. What is the American Army? One would suppose from what has been said here in debate that it was an army of aliens and mercenaries; that we had out there in the Philippine Islands some strange foreign force which we had let loose upon that helpless people.

Why, Mr. President, those soldiers are our own. They are our flesh and blood, bone of our bone, flesh of our flesh. They are volunteers, all of them. There is no conscription in this country. The men in the Regular Army are in it as the result of volunteer enlistment. Thirty-five thousand of the men out there were United States volunteers. They are men drawn from our American communities, from all ranks and conditions of life—graduates of West Point, graduates of Harvard and of Yale, young men who were in the Spanish war and went from thence to the Philippines, graduates of our high schools and our common schools. Amid that great body of men there were no doubt some black sheep. You can not get 100,000 men, young, adventurous, drawn in hither and thither, and have them all good and perfect. But they represent well and they represent fairly the American community which gave them birth. They are not saints; no, and they are not devils, either. They are American soldiers.

What is it which has led them to commit these atrocities which we all so much regret and over which we sorrow? That, Mr. President, is what I want now to explain. I think I know why these things have happened. I think they have grown out of the conditions of warfare, of the war that was waged by the Filipinos themselves, a semicivilized people, with all the tendencies and characteristics of Asiatics, with the Asiatic indifference to life, with the Asiatic treachery and the Asiatic cruelty, all tinctured and increased by three hundred years of subjection to Spain.

Half the story has been told on this floor. I want to tell the other half and I invite attention to it. It may be dry in places, but it deserves attention, for the honor of the American name is concerned in knowing why these things have happened as they have happened.

Let me take the first case, which has been so much talked about—the case of the presidente to whom was given the water cure at Igbaras. He was the presidente of the village. He pretended that he was our friend; that he was favorable to us. He was really a captain of the insurgents and his police force were men belonging to the insurgent ranks. He was living within our lines. He did not wear his uniform. He came within the technical definition of a spy. He could have been taken out and shot after a drumhead court-martial with the same justice that André was hanged. Our men discovered him and believed that he was treacherous. They administered the water cure to him and to two or three of the policemen in order to get information as to where the insurgents had gone. It was administered to him twice. It was not administered in retaliation; it was not administered as a punishment. It was administered to get information, and when they got the information he mounted his horse and rode with them across the mountains to show them where the insurgents had gone, and they then took him to prison at Iloilo.

Now, those are the facts, told without any reduction. Igbaras is situated a little north of Iloilo. In its neighborhood is the town of Dumangas. I ask attention to these towns and distances. In its neighborhood is Dumangas, lying off to the eastward. Dumangas is 40 miles distant. To the south and east Leganes and

Mina and Barota, respectively, 24, 28, and 32 miles. Up to the northeast is Calinog, 28 miles; Dingle, 24 miles; Pototan, 24 miles, and Leon, 9 miles. Those are the towns and the distances I have mentioned. The farthest is only as distant as Baltimore is from Washington. They are a part of the towns of the province of Iloilo, not far from the capital. I now read from an official report:

At Dumangas the body of Corporal Donehy, of Company D, was dug up, burned, and mutilated. Colonel Dickman says details can be furnished of the butcheries at Leganes and Mina and of the burial alive near Barotac Nuevo. There has been no demand from the opposition, so eager for light, for those details. At Calinog Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities. Private Nolan, at Dingle, was tied up while in a stupor; the insurgents were sent for and cut his throat with a sangut. Lieut. Max Wagner was assassinated on the road to Pototan. I happened to know that young officer; he came from my State. I knew him first as a Signal Service sergeant at Nantucket in charge of the Government cable. He went into the Spanish war. He served well in Porto Rico. He then got a commission as lieutenant and went out to the Philippines. He was murdered on the road by Filipinos dressed in American uniform. I have heard from the other side no word of sympathy for him. I feel sympathy for him because I knew him. His widow and three little children are in the town of Nantucket, and there is a bill on your Calendar to give her a pension.

Private O'Hearn was captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. We had a witness who told about the water cure as administered at Leon. It was administered to the men who had seized O'Hearn, burned him for four hours, and slashed him up with bolos. They confessed to it under the water cure. Information was brought by another native who had previously confessed. It was not denied afterwards. His bones are buried out there. He did not get on a horse that afternoon and ride away. It is only Private O'Hearn; that is all. It is an American soldier; that is all. I have not heard of any sympathy from the opposition or from philanthropists for him. I have not heard that atrocity denounced in this debate. And yet there it is, and those are the cases occurring around that town of Igbaras alone.

I read from another official report. On January 10 five bodies of native scouts, who, with one soldier of the Fifth Infantry, were taken prisoners in a barrio off Batac January 1, were found east of Batac. The heads, legs, and arms had been cut off and the bodies otherwise mutilated. One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived, and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

I now read from some of the court reports cases where men were captured, regularly tried, and these cases proved by witnesses.

The accused [Marciliano Vergara] and his semisoldiers wore no uniform, continued in their peaceful occupations, and came together only upon special call. In this manner it is evident that they had no special difficulty in concealing their identification as banded men; but it is plain from the evidence the accused found his prisoners a great embarrassment, as the near presence of the American forces threatened to make it impracticable for him to successfully conceal them and at the same time keep concealed his own status of guerrilla. Hence his resolution to murder his prisoners Five of his followers agree in their testimony that, in obedience to the orders of the accused, they came together at an appointed place and, with bolos in their hands, hacked to death these two men, the accused standing by to witness the execution of his orders. Covering the dead bodies with grass, the band then dispersed, each man going his own way.

Another case:

In the foregoing case it appears that this accused, Damascio Biating, native, about August 17, 1900, with one or more companions, assassinated with daggers Private T. Burgey, Company C, Twenty-sixth Infantry, United States Volunteers, while the latter was acting as a guard of prisoners hauling water for the garrison stationed at Baratoc Neuvo, Panay. It also appears that the accused participated in a similar assassination of a native, Gervacio Besas, August 29, 1900.

To the first charge accused pleaded guilty, and the evidence fully sustains the charge, and also the second charge.

Accused claims to have been a regular insurgent soldier, operating against United States troops, of which Private Burgey was one, and to have been acting under the orders of his superiors. Opposed to this plea is the fact that he was within the American lines uniformed and disguised as a pacifico.

I read only here and there.

In the foregoing case it appears that the accused, Juan Biron, an alleged lieutenant of the insurgent army, captured at Bascaran, Albay, one Felix Losedo, a scout in the employ of the United States, bound him to a tree and then with a razor cut off an ear and slashed his eyes with the intent to blind him, with the result that the sight of one was totally destroyed and that of the other permanently impaired.

Again:

In the foregoing case it appears that the accused, Julian Confesor, native, while holding the respective offices of presidente and vice-presidente of the pueblo of Cabatuan, during a portion of which time he was under oath of allegiance to the Government, systematically exerted his individual energies and official functions to the aid and assistance of the insurgents by supplying them with information, money, and needed supplies. General orders were issued by him to the police to abstract arms from the American soldiers where opportunity presented itself; to kill American soldiers where they could be individually isolated from their companions; and specifically it is shown that he caused two of the policemen of his pueblo to assassinate Private George O. Hill, Eighteenth United States Infantry, and then sent the rifle of the dead soldier to the insurgents.

Another case:

Rosario Espiritu, a Filipino and resident of Bacoor, Island of Luzon, P. I., did, on or about the 15th day of November, 1899, then, as now, a time of insurrection, at Bacoor, Island of Luzon, P. I., then, as now, a place under the United States military occupation and Government, feloniously, willfully, and with malice aforethought kill and murder one Private George A. Wagner, Company F, Fourteenth United States Infantry, then and there present and in the discharge of his duty, by shooting him, the said Wagner, in the abdomen with a revolver, and by stabbing him, the said Wagner, with a sharp instrument commonly called a bolo.

These are all where they were within our lines. I could multiply them. I have pages of them here which I will print as an appendix. Here is another:

At or near the rancheria of Sabed, Union, Luzon, during the month of March, 1900, this accused ordered a squad of his command to kill these prisoners with bayonets at a preconcerted signal. His escort was so disposed in marching as to favor this purpose, and on reaching an isolated part of the road a corporal stepped in front of the victims, took off his hat, which was the signal agreed upon, whereupon the soldiers behind, with fixed bayonets, sprang forward and ran them through from the back. Private Husketh, not dying immediately, was shot with a rifle by order of and in presence of the accused.

Again:

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, seized, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

And another:

In the foregoing case of Clemente de la Cruz it appears from the evidence that the accused was a sergeant in the insurgent forces and was given charge of a detachment of six men, with orders to conduct to a safe distance from the public highway five American prisoners, taken captive by a successful ambuscade two or three days previously, and to kill said prisoners with daggers or bolos. In obedience to his orders, willingly and unhesitatingly undertaken, the accused bound the arms of his appointed victims behind their backs, and, taking them to a distance of about 4½ miles from camp into a marsh known as the Candaba swamp, then and there caused his men to assail them with their bolos until they were dead.

Let me read one more. We shudder, and naturally, at the order which is said to have been given, and quoted in the Waller trial, by General Smith. I take from the press dispatches these brief extracts of the evidence at the court-martial:

Corporal Pritchard, of the Ninth Infantry, who took part in the fight at Gandara, testified that he saw boys of 12 years of age fighting and slashing with bolos.

Sergeant Bonicastle, of the Ninth Infantry, an Apache, testified regarding Capt. P. K. Schoeffel's fight in Dapdap Province, Samar, against Dios's fanatics. He saw a soldier attacked by two boys under 15, one armed with a bolo and the other with a dagger.

Private Nicklo, of the Ninth Infantry, explained the dangers and difficulties of service in the island of Samar.

Private Nanjo, of the Tenth Cavalry, told how Americanistas (natives friendly to the Americans) were butchered there in cold blood.

Sergeant Brumly, of the Ninth Infantry, a survivor of the Balangiga massacre, described that disaster, including the mutilation of the American dead by the Samar natives.

Here is an account which I cut from Collier's Weekly, April 26, report by Stephen Bonsal, whose previous letters the Senator from Colorado [Mr. TELLER] and others have printed in the RECORD:

One more incident of the many that came under my observation and reconciled me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte. The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out, and they tried to make Basay, Admiral Rogers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off.

Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar, and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and, telling his men to wait in the boat, advanced some 50 yards up the beach, where the good samaritans were awaiting him with their water jars. As he drank his first deep draft two of the natives, one a woman, crept behind him and buried their knives in his back.

That little midshipman comes from Chattanooga, Tenn., I believe, and he lies buried there in the Philippines, the victim of as foul a murder as ever was done. We do not whine as a people over our men who die in battle with their face to the foe. Our grief is proud, and we lift them up and bury them with the silent sorrow of a nation. But that boy was murdered, and if justice is sought I want it on his murderers as well as on American soldiers. [Applause in the galleries.]

The PRESIDENT pro tempore. The Senator will suspend for one moment. The Chair desires to say to the occupants of the galleries that under the rules of the Senate no marks of approval or disapproval are permitted, and if repeated it will be necessary to have the galleries cleared.

Mr. LODGE. Mr. President, one more case and I have done. The man was an American sailor, and I ask the attention of the Senate to this case:

With respect to the first specification, it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die.

One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given. When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck, and then the gravedigger called out, "What about this man; he is alive yet;" to which the accused replied, "Go on burying him," and it was done.

Ah, Mr. President, I think when we read cases like that, and I have read only a very few out of many, we can understand at least why the incidents that we all so deplore have arisen.

But, Mr. President, I have read thus far only what has been done to American soldiers and sailors. I have here, and I am going to print as an appendix, the proved cases in regard to friendly natives. I shall confine myself in speaking of the natives to some statistics. I will not weary the Senate by reading case after case. I will print them, with the permission of the Senate, as an appendix to my remarks. They well deserve reading and consideration, but they would consume more time than I can give them now.

The actual number of natives returned by the officers in the different districts who have been assassinated for sympathizing with Americans is 350. The number of natives who have been assaulted and mutilated for sympathizing with Americans is 442. The number of municipal officers friendly to Americans who have been assassinated is 67, and the number of municipal officers who have been assaulted and mutilated is 40.

We are told, Mr. President, that we have no friends among the Filipinos. Apparently the insurgents thought we had enough friends to make up this awful roll of assassination, and they were assassinated for being our friends, for being pacific natives, friendly to the Americans. Why, Mr. President, I have heard torrents of sympathy poured out for the insurgents fighting against the flag and the authority of the United States, and not one word of sympathy for the Filipinos, men of the same race, who are friendly to us, and ask only to live in peace beneath our flag. Has it come to this, that it is a crime to be friendly to America, and that the men who are cut down and mutilated and die because they are our friends are to have no sympathy? No great divine has yet thundered in his pulpit in behalf of those men on that list whose lives were as dear to them as were the lives of those Filipinos who were aiding the insurgents. They were our friends, and there are more of them there. I say that, whatever else may be true or false, if we go out of those islands and leave those friendly Filipinos to a fate like that, we are unworthy of the name of a great nation, and it will be a deeper infamy than any cruelty that has ever been proved. Those people trusted to us, they have been murdered for us, and those who survive and live under our protection are still entitled to our protection. I think that when we are mourning over the hostile Filipinos, we may turn aside for a moment and shed a tear for those who gave up their lives because they were our friends.

Mr. President, I have occupied more time than I intended. I do not stand up here to defend in the remotest way any cruelties practiced upon helpless prisoners. I regret them, as I have said over and over again, as bitterly as anyone can; but, as I have listened to this debate, I confess I have felt shocked beyond measure at the attacks made upon the American Army. It is not a Republican army; it is not a Democratic army; it is the Army of the United States. Their honor is our honor. If they have done wrong, let us punish them; do not let us condone a single proved offense; do not let a single man proved guilty escape; but let us, oh, let us be just, at least, to our own; let us remember when we judge, we living here in sheltered homes, far from the sound and the trials of war—let us remember not only their sufferings, but their temptations, their provocations, their trials. When we condemn Waller for shooting treacherous guides, who lured 10 of his men to death by starvation, when we think of that little band of his that struggled through the wilderness of Samar, where no Spaniard had ever gone, and came out on the other side delirious with suffering, so that Waller himself was reported, when he first reached Manila, to be out of his mind—let us remember the circumstances ere we condemn.

Think of those five or six hundred posts scattered all over those tropical islands with little squads of 15 or 20 men under the command very often of a sergeant, under the command very often of a young second lieutenant, perhaps just a boy from West Point or just graduated from some American college, living there among people apparently friendly, and the first thing this boy in command or this sergeant in command knows is that one of his men has been assassinated in the night. Oh, Mr. President, those are the things that hardened their hearts and made them feel that there was deadly treachery about them.

There is but one testimony as to their treatment of the friendly natives. Soldiers and officers alike have treated them as we should expect Americans to treat a people of that kind—generously and humanely.

Now, Mr. President, I do not seek to defend any cruelty, but I do want to have justice done to the American Army. I want the people of the country to know when they read of cruelties to the hostile Filipino what the provocation has been; I want them to think of what our men have suffered and endured; I want, and we can afford to give, absolute justice to the American Army. I do not wish to be put in a position of being the defender of cruelties; but if I must take my choice between men, then I am for the friendly native, the friend of America, against the men in arms against the United States. I am for the American Army against the insurgents. I do not like to hear that Army assailed as it has been assailed. It is our Army; its glory is our glory. We can not tarnish that glory without tarnishing the glory and the fame of the country abroad. When we heap obloquy upon them on account of these cruelties, I say again, remember the provocation, remember the faces of the dead boys under the sands of Luzon—not dead by battle, but dead by murder; remember the dead and the treatment of captured prisoners, and let us show some little understanding of the trials which those officers and those soldiers have had to undergo.

No, Mr. President, the scheme has been to raise this cry about cruelties in the Philippines in order to make it react upon the party in power. Ah, Mr. President, the American Army ought not to be subjected to experiments like that. It is not made to be the football of politics, and what it does or does not do to be used to raise up or to pull down any political party. It is the Army of all Americans alike. But when justice has been done, when the guilty have been punished for proved offenses, when the whole story has been made up—ah, Mr. President, when that day comes, I believe that after all that has been said, and all the denunciation which has been heaped upon our troops and our officers has fallen into silence, we shall find that in the history of the country the record of that Army, gleaming with victories from Trenton to Manila, will shine bright in the annals of the Republic when those who now villify it are but noteless blots on a remembered name.

APPENDIX.

[Senate Document No. 205, part 1, pages 15, 16.]

OROQUIETA, P. I., *October 13, 1900.*

GEO. A. LICKISS, *Arlington, Iowa.*

SIR: In answer to your communication addressed to the President and by him referred through channels to this post to be answered, I have the honor to write as follows:

The post of Oroquieta, Mindanao, was garrisoned by Company I, Fortieth Infantry, United States Volunteers, upon July 9, 1900, the troops going into quarters in the former convent next the church. The company was sent to the post to open the port as requested in an act formed by the town council, assembled and all members present.

The day following the arrival the people commenced to leave the town, and we received word irdirectly that the insurrectos were going to attack. No word was given by any native of authority, though many knew it before the attack took place. Being the first American troops to land here, the formations for roll calls and all other purposes were watched by large numbers of people daily, and at reveille roll call upon the 12th of July conditions were the same, and though the women had nearly all left town there were a large number of men watching the roll call. Lieutenant Masteller was at the time commanding the post. The soldiers were allowed to leave quarters in groups of not less than two, and then they were required to be armed.

Following the reveille roll call two sergeants proceeded down the street two blocks and just out of sight of barracks to a native store (bakery). Here, while standing in the street with butts of their rifles upon the ground, each was jumped upon by three natives armed with knives, and one was stabbed in the stomach, dying upon the spot, and the other was stabbed under the arm (wound moderate). The former in the scuffle, before being killed, managed to fire his rifle, giving the alarm to the garrison. The other sergeant escaped to the quarters almost immediately. By now the insurrectos had surrounded the barracks and commenced to fire at the barracks from both front and rear. The convent itself is surrounded by a stone wall about a large yard, and behind this wall and the church (distant 75 feet) were about 200 insurrectos, some with rifles, the majority with knives. The insurrectos firing from the front were hidden by an old stone-house foundation, and also by high weeds and brush. The orders were such that in case of attack the most of the company should go to the windows and porch and a squad report to Lieutenant Masteller in front of the barracks.

This squad the latter officer deployed and charged around the church and wall, not knowing what hostile troops were there nor how they were armed. This was where the majority of the 89 "innocent" natives were killed and a firearm or bolo or spear removed from each. The number of firearms taken

was six, one of which was a Krag rifle which had been taken from an American soldier killed at Loculan, 12 miles from here, by the same troops in part that attacked this garrison. There the attack was more successful, as the natives rushed into the house where the American troops were, and before they could be repulsed had stabbed to death seven American soldiers, being the whole guard, and wounding a number of others. The method they follow is to get close and then draw their bolos, always concealed until the moment of using under loose trousers, and you can easily guess what mischief they can do when they are mixed with your own men so the latter can not fire. Vigorous measures have been taken against large numbers, when they are close, to prevent this occurring, as it did in the instance referred to. By each of the prisoners captured that morning we were told that they had come in to fight the American soldiers. From later knowledge it is known that near 1,000 natives were engaged in the attack, but all had not gotten to the quarters when it commenced.

[Page 20.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,
UNITED STATES VOLUNTEERS,
Presidio of California, ——— —, —.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated. Undoubtedly there were violations of the rule and customs of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves.

Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Donehy, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniform. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nuevo. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. DICKMAN,
Lieutenant-Colonel Twenty-sixth Infantry,
United States Volunteers, Commanding.

[Pages 50, 51.]

[Extract from report of Brig. Gen. J. F. Bell, commanding First District, Department of Northern Luzon. Part 3, Report of Lieutenant-General Commanding the Army, 1901, pp. 34, 35.]

I have been in Indian campaigns where it took over 100 soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among Asiatics, the insurrection could have been easily put down months ago; even now, although the seeds of rebellion have permeated all classes, such methods would soon put an end to all active insurrection.

* * * * * * * *

On January 10, five bodies of native scouts, who, with one soldier of the Fifth Infantry, were taken prisoners in a barrio of Batac, January 1, were found east of Batac. The heads, legs, and arms had been cut off, and the bodies otherwise mutilated. One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived, and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

[Page 107.]

In the foregoing case of Damiano Sabido and Mariano Tabanbungua, natives, it appears from the evidence that the accused were regularly appointed policemen of the pueblo of San Miguel under American authority, and that while so employed they were members of a band of insurgents lurking in the vicinity of the said pueblo, and on two occasions secretly joined said band and, contrary to the laws of war, traitorously participated in an attack made upon American troops, resulting in the death of one and the wounding of two other American soldiers.

Being war traitors of a most dangerous class, their sentences, approved by the department commander, are confirmed and will be duly executed, except that the period of confinement in the case of Mariano Tabanbungua is, upon the recommendation of the department commander, mitigated to confinement at hard labor for the period of twenty years.

[Page 115.]

In the foregoing case of Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alexandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio, and Romualdo de la Cruz, natives, who were jointly tried, it appears by the evidence that the accused, while well known as neighbors attending their ordinary peaceful pursuits, were at the same time members of a band of insurgents and were actually present, and so officially reported by the insurgent officer in command, at the attack upon an outpost of the American troops stationed at or near San Mateo, which resulted in the death of one and serious wounding of another American soldier.

[Page 200.]

Specification.—"In that Servillano Aquino did, on or about the 5th day of January, A. D. 1900, then, as now, a time of insurrection in the Philippine Islands against the lawful authority of the United States, in the barrio of Camansi, pueblo of Magalang, in the province of Pampanga, Luzon, P. I., a place, then, as now, within the theater of military operations and within the territory occupied by the armed forces of the United States, then and there being the leader and in command of a band of armed insurgents, guerrillas, and rebels, in insurrection against the lawful authority of the United States, and having in his custody five soldiers of the United States Army, to wit, Private Alonzo Brown, Private Charles C. Cook, Private Joseph C. Cook, all of Company B, of the Ninth United States Infantry, and Regimental Com. Sergt. Christian Pederson, of the Twelfth U. S. Infantry, and Cook Edward E. Norval, of Company B, Twelfth United States Infantry, willfully and maliciously and with malice aforethought kill and murder Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, aforesaid, by then and there ordering and causing nine members, more or less, of the said band, whose names are unknown, then and there under his command and subject to his orders, to shoot and kill them, the said Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, with guns held in the hands of the said nine members, more or less, of the said band, and thereby inflict wounds whereof the said Private Alonzo Brown did then and there die, and whereof the said Private Charles C. Cook did afterwards die, to wit, on the 5th day of January, A. D. 1900, and whereof the said Private Joseph C. Cook did afterwards die, to wit, on the 11th day of January, A. D. 1900."

[Pages 235, 236.]

In the foregoing case it appears that this accused, Hilario Quesada, was a lieutenant of insurgents and in command of an escort having in charge two American prisoners, one, Private James H. Husketh, Company H, Twenty-ninth Infantry, United States Volunteers, and the other, George B. Sullivan, a civilian merchant and noncombatant.

At or near the rancheria of Sabed, Union, Luzon, during the month of March, 1900, this accused ordered a squad of his command to kill these prisoners with bayonets at a preconcerted signal. His escort was so disposed in marching as to favor this purpose, and on reaching an isolated part of the road a corporal stepped in front of the victims, took off his hat, which was the signal agreed upon, whereupon the soldiers behind, with fixed bayonets, sprang forward an ran them through from the back. Private Husketh, not dying immediately, was shot with a rifle by order of and in presence of the accused.

[Page 260.]

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, seized, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

[Page 278.]

Specification.—"In that he, Clemente de la Cruz, a sergeant of a band of guerrillas commanded by one Manuel Gonzales, native, did, in company with five or more other natives, whose names are unknown, feloniously and with malice aforethought, kill and murder five American soldiers, to wit: Private John T. Hickman, Company B, Thirty-fifth Infantry, United States Volunteers; Private William A. Smith, Company C, Thirty-fifth Infantry, United States Volunteers; Private Hamlet Jarvis, Company C, Thirty-fifth Infantry, United States Volunteers; Private Elmer Dane, Company E, Thirty-fifth Infantry, United States Volunteers, and Private Frank H. Wilson, Company E, Thirty-fifth Infantry, United States Volunteers, held as prisoners of war in the hands of the aforesaid Manuel Gonzales, by striking and cutting them, the aforesaid American soldiers, with sharp instruments called bolos, from the effects of which they then and there died. This at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, Philippine Islands, on or about the 4th day of November, 1900, this being in time of insurrection against the authority of the United States and in a region at that time the scene of active military operations."

In the foregoing case of Clemente de la Cruz it appears from the evidence that the accused was a sergeant in the insurgent forces and was given charge of a detachment of six men, with orders to conduct to a safe distance from the public highway five American prisoners, taken captive by a successful ambuscade two or three days previously, and to kill said prisoners with daggers or bolos. In obedience to his orders, willingly and unhesitatingly undertaken, the accused bound the arms of his appointed victims behind their backs, and taking them to a distance of about 4½ miles from camp into a marsh known as the Candaba Swamp, then and there caused his men to assail them with their bolos until they were dead.

The accused admitted in open court the essential facts of the murder in language to the import of the foregoing, but pleaded the order of his company commander, Lieutenant Gonzales, to relieve him of responsibility. He admitted that he knew that order "to be bad," but "was afraid not to obey;" was afraid he "would get a hard punishment," and "might have been shot." He also admitted that he never saw or heard of a Filipino soldier being punished with death for disobedience of orders.

[Senate Document No. 205, part 2.]

[Page 40.]

SENTENCE.—And the commission does therefore sentence him, Albino Villarel, native, "to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years."

In the foregoing case of Albino Villareal, native, it appears from the evidence that the accused was an ex-policeman of Lipa, and that prior to and including the 1st day of July, 1900, was following the occupation of a barber; that on the next day, July 2, a detachment of United States troops early in the morning left Lipa, and about 4 miles out, on the road to Tanauan, at about 8 o'clock, was fired upon by a large body of armed men; that the accused was seen and instantly recognized as one of the assailants, standing in the rear of the detachment, and from a distance, variously estimated from 25 to 75 yards, raise his rifle and fire repeatedly at and in the direction of the men of said detachment.

Before noon of the same day the accused had returned and was acting the part of the peaceful neighbor in Lipa. The evidence leaves no reasonable doubt that the accused is one of a class of men who, while enjoying in their daily avocations the protection of the American soldiers, waylay and fire upon them whenever they fancy they have found a safe opportunity.

[Page 72.]

In the foregoing case of Marciliano Vergara, native, it appears from the evidence that upon the approach of the American forces to Mangatarem two Americans who were held as prisoners in that pueblo were committed to the care of the accused, apparently to be kept concealed in a neighboring barrio. It also appears that a semimilitary organization or militia had been organized by enrolling the "tributantes" of the cabeza of this barrio, the cabeza regarding them as his soldiers, but holding himself subject to the military authorities, represented in this instance by the accused, who was styled "major," and had authority to call these enrolled men together. The accused and his semisoldiers wore no uniform, continued in their peaceful occupations, and came together only upon special call. In this manner it is evident that they had no special difficulty in concealing their identification as banded men; but it is plain from the evidence the accused found his prisoners a great embarrassment, as the near presence of the American forces threatened to make it impracticable for him to successfully conceal them and at the same time keep concealed his own status of guerrilla. Hence his resolution to murder his prisoners. Five of his followers agree in their testimony that, in obedience to the orders of the accused, they came together at an appointed place and, with bolos in their hands, hacked to death these two men, the

accused standing by to witness the execution of his orders. Covering the dead bodies with grass, the band then dispersed, each man going his own way.

[Page 336.]

II. Nicacio Leonor, a native.

CHARGE I.—"Murder, in violation of the laws of war."

Specification.—"In that he, Nicacio Leonor, native, on or about February 2, 1900, then, as now, a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to-wit, Mauser and Remington rifles and bolos, did make an assault upon and did wilfully, feloneously, and with malice aforethought, kill and murder one Albert Votrie, quartermaster-sergeant, Company K, Thirty-ninth Infantry, United States Volunteers, by stabbing him, the said Votrie, with said bolos held in the hands of members of said band, and by striking him, the said Votrie, on the head with a blunt instrument held in the hands of members of said band, inflicting various mortal wounds upon the head and body of said Votrie, whereof he, the said Votrie, then and there died; he, the said Nicacio Leonor, being then and there present aiding and cooperating with said band. This at the time and place above specified."

CHARGE II.—"Assault with intent to murder, in violation of the laws of war."

Specification.—In that Nicacio Leonor, native, on the 2d day of February, 1900, and on each succeeding day to include the 7th day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did make a violent assault upon one Isaac Evans, corporal, Company K, Thirty-ninth Infantry, United States Volunteers, by shooting him, the said Evans, with rifles held in the hands of members of said band, inflicting therewith a wound upon the said Evans, with intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Evans, the said Nicacio Leonor being then and there present participating in said assault. This at the time and place above specified.

CHARGE III.—"Assault with intent to kill."

Specification.—In that he, Nicacio Leonor, native, on or about the 2d day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to wit, Mauser and Remington rifles and bolos, did make a violent assault upon one Edward Behring, private, Company K, Thirty-ninth Infantry, United States Volunteers, by shooting at him, the said Behring, with said rifles held in the hands of members of said band, with the intent then and there, feloniously, willfully, and with malice aforethought, to kill and murder the said Behring, the said Nicacio Leonor being then and there present and participating in said assault. This at the time and place above specified.

PLEAS.—To the charges and specifications the accused pleaded "Not guilty."

FINDINGS.—Of the charges and specifications, "Guilty."

SENTENCE.—And the Commission does sentence the accused, Nicacio Leonor, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

[Page 338.]

CHARGE.—"Murder."

Specification.—"In that he, Rosario Espiritu, a Filipino and resident of Bacoor, Island of Luzon, P. I., did, on or about the 15th day of November, 1899, then as now a time of insurrection, at Bacoor, Island of Luzon, P. I., then as now a place under the United States military occupation and Government, feloniously, willfully, and with malice aforethought kill and murder one Private George A. Wagner, Company F, Fourteenth United States Infantry, then and there present and in the discharge of his duty, by shooting him, the said Wagner, in the abdomen with a revolver, and by stabbing him, the said Wagner, with a sharp instrument commonly called a bolo, thereby inflicting certain wounds, by reason of which wounds the said Wagner died on the 15th day of November, 1899. This at the times and place above specified."

To which charge and specification the accused, Rosario Espiritu, pleaded as follows, to the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—The Commission, having maturely considered the evidence adduced, finds the accused, Rosario Espiritu, of the specification, "*not guilty;*" of the charge, "not guilty."

[Page 339.]

In the foregoing case of Macario Estrella, native, it appears of record that the accused, in concert with companions, all acting the part of peaceful citizens and watching their opportunity, seized hold of the rifle of Sergeant Ray from behind, while the said Ray was proceeding along the highway, and following up their advantage they succeeded with bolos in inflicting upon the person of said Ray many grievous wounds, resulting in the loss of one of his arms.

[Pages 340, 341.]

In the foregoing case of Vincente Prado, native, it is clearly shown by the testimony of many witnesses that the accused established a camp in a strong position, difficult of access, in the mountainous district near Rosario, in Union Province; that he intrenched his camp and erected buildings for the band of armed outlaws which he gathered about him; that he was chief in command and had subordinate officers under him; that while in command of said camp two Americans were brought as prisoners before him and for no assigned reason other than that they were "enemies," they were forthwith ordered to instant death; that about a month later two Igorrotes, a man and a woman, were brought before him charged with being American spies, and, without attempt at proof or form of trial, were also ordered to be forthwith executed. In both instances the accused, from a short distance and in plain view, witnessed the bloody execution of his orders, with bolos held in the hands of members of his outlaw band, upon these unfortunate and defenseless people.

It further appears that the accused ordered his subordinates to proceed with armed detachments of his band to attack and burn the pueblo of San Jacinto and to arrest, and, "if he resisted, kill" the presidente of Rosario, and that in pursuance of these orders the presidente of Rosario and his son were killed, and 103 houses in San Jacinto burned.

That the accused ordered and caused to be executed these awful crimes of murder and arson, that in the fancied security of his bandit stronghold he had entered with set purpose upon his self-appointed work of destroying the lives and property of all who offended against his savage conception of what they ought or ought not to do, and that he had pursued this course until he had become a terror to the inhabitants of a large section of country, are proven beyond all reasonable doubt.

[Page 342.]

Specification 4.—"In that he, Benito Amansec, native, on or about April 10, 1900, a time then as now of insurrection against the lawful authority of the United States, at Nantangalan, a barrio of Pozorrubio, P. I., territory then as now occupied by United States troops, in company of and consorting with a band of armed outlaws to the number of 17, more or less, commanded and led by the said Benito Amansec, did willfully, feloniously and with malice aforethought kill and murder Private James Dawson, Company B, Thirteenth United States Infantry, by shooting him with a rifle held in the hands of Alejandro Galang, native (since deceased), inflicting wounds therewith whereof he, the said Private James Dawson, then and there died, the order for the murder of the said Private James Dawson having been given by the said Benito Amansec in person, and the murder having been committed in his presence. This at or about the time and at or near the place specified."

[Page 358.]

In the foregoing case it appears that this accused, Damascio Biating, native, about August 17, 1900, with one or more companions, assassinated with daggers Private T. Burgey, Company C, Twenty-sixth Infantry, United States Volunteers, while the latter was acting as a guard of prisoners hauling water for the garrison stationed at Baratoc Nuevo, Panay. It also appears that the accused participated in a similar assassination of a native, Gervacio Besas, August 29, 1900.

To the first charge accused pleaded guilty, and the evidence fully sustains the charge and also the second charge.

Accused claims to have been a regular insurgent soldier operating against United States troops, of which Private Burgey was one, and to have been acting under the orders of his superiors. Opposed to this plea is the fact that he was within the American lines ununiformed and disguised as a pacifico.

[Page 359.]

In the foregoing case it appears that these accused, Sotero Calingao and Santos A. Rumbaoa, in company of other natives, did, at barrio Colo, Batac, Ilocos Norte, entice away an American soldier to an isolated place, there kill him with bolos, and bury his body on the spot.

[Page 364.]

In the foregoing case it appears that this accused, Esteban San Juan, was a colonel of insurgents and the ranking officer in the vicinity of Cavite, P. I.: that two American soldiers, while unarmed and unresisting, were captured by insurgent forces near San Francisco de Malabon, and transferred from insurgent station to station until they reached the encampment of the accused, who thereupon ordered and caused these prisoners to be bound to trees and strangled to death with cords.

[Page 366.]

In the foregoing case it appears that the accused, Juan Biron, an alleged lieutenant of the insurgent army, captured at Bascaran, Albay, one Felix Losedo, a scout in the employ of the United States, bound him to a tree, and then with a razor cut off an ear and slashed his eyes with intent to blind him, with the result that the sight of one was totally destroyed and that of the other permanently impaired.

[Page 368.]

In the foregoing case it appears that the accused, Agapito Ygnacio, a major of a so-called band of insurgents, and Pio Sacdalan and Benito Clemor, lieutenants, were officers exercising functions of command in a band, part of whom were dressed in the ordinary clothing of peaceful inhabitants of the country, which lay in ambush within the lines of American occupation on the road from Caloocan to Novaliches about July 1, 1900. On the approach from Novaliches of an officer, evidently First Lieut. Richard H. Brewer, Twenty-seventh United States Volunteer Infantry, and an enlisted man of the same regiment, the band opened fire upon them. These deceased then dismounted, ran to shelter, threw down their revolvers, and raised their arms in sign of surrender. The band then surrounded them, conveyed them to a point of some 50 yards distant, stripped them of their clothing, made them kneel, and killed them by stabbing one in the back with a dagger and shooting the other from behind with a revolver. The accused, Agapito Ygnacio, Pio Sacdalan, and Benito Clemor, personally ordered and participated in the consummation of this barbarous crime.

[Page 353.]

In the foregoing case it appears that the accused, Julian Confesor, native, while holding the respective offices of presidente and vice-presidente of the pueblo of Cabatuan, during a portion of which time he was under oath of allegiance to the Government, systematically exerted his individual energies and official functions to the aid and assistance of the insurgents by supplying them with information, money, and needed supplies. General orders wore issued by him to the police to abstract arms from the American soldiers where opportunity presented itself; to kill American soldiers where they could be individually isolated from their companions; and specifically it is shown that he caused two of the policemen of his pueblo to assassinate Private George O. Hill, Eighteenth United States Infantry, and then sent the rifle of the dead soldier to the insurgents.

[Page 366.]

CHARGE.—"Murder, in violation of the laws of war."

Specification.—"In that they, Juan de Jesus and Roque Escarios, native Filipinos, and each of them, on or about the 13th of February, 1901, then as now a time of insurrection, near the barrio of San Pedro, pueblo of Cordon, province of Isabela, Northern Luzon, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws numbering six, more or less, armed with bolos, did willfully, feloniously, and with malice aforethought kill and murder Privates Alva Feagans and William Gray, Company A, Sixteenth United States Infantry, by cutting and stabbing them with bolos held in the hands of said band, inflicting wounds whereof the said Privates Feagans and Gray, and each of them, then and there died."

[Page 369.]

CHARGE.—"Murder, in violation of the laws of war."

Specification.—"In that Isidoro Torres, native, while occupying the position of general officer in the so-called insurgent army, in the province of Bulacan, Luzon, P. I., territory then, as now, occupied by United States troops, some time during the month of September, 1900, exact date unknown, a time then, as now, of insurrection against the authority of the United States, did willfully, feloniously, and with malice aforethought, procure and obtain the killing and murdering of one Corpl. Crestof A. Fiedler, Company F, Third U. S. Infantry, acting provost-sergeant of Malolos, by ordering and directing that said Corporal Fiedler be put to death, in consequence of which orders and directions, and in pursuance thereof, the said Corporal Fiedler was killed and murdered at the barrio San Vicente, pueblo of Malolos, province of Bulacan, P. I., on or about September 29, 1900, by being struck on the head with iron missiles, by being stabbed with a dagger, and by being shot with a revolver at the hands of Marcelino Trapiel, and by being shot with a revolver held n the hands of one Mariano Cruz, whereby divers and sundry wounds were inflicted, whereof the said Corporal Fiedler then and there died."

[Page 371.]

In the foregoing case of Emilio Santa Maria, native, it appears that the accused was a trusted soldier, and at the time an acting lieutenant in the insurgent forces; that he and his companions, while in the ordinary dress of noncombatants, kidnaped in the streets an American soldier, and, taking him to a safe distance, the accused with a rifle shot his prisoner and caused him to be buried. The accused, upon his trial, admitted facts making him clearly a principal in this wanton murder, and the weight of the testimony of eyewitnesses leaves no reasonable doubt that he conceived as well as executed it.

CHARGE.—"Murder."

Specification.—"In that he, Gabino de la Cruz, a native, on or about the 1st day of June, 1899, a time of insurrection, in the town of Bocaue, Bulacan, P. I., a place then within the theater of active military operations, did willfully, feloniously, and with malice aforethought, kill and murder one American soldier, name unknown, by stabbing or cutting said American soldier, name unknown, with the weapon commonly known as a 'bolo,' said American soldier being asleep in the street and in a helpless condition from intoxication, inflicting wounds whereof said American soldier, name unknown, then and there died. This at Bocaue, Bulacan, P. I., then within the theater of active military operations by the United States forces, on or about the 1st day of June, 1899, a time of insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—And the Commission does therefore sentence him, Gabino de la Cruz, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds (⅔) of the Commission concurring therein."

In the foregoing case of Gabino de la Cruz, the alleged crime was committed in June, 1899, and the commission has found the accused guilty of all the allegations of the specifications without exception, whereas there is not a word of evidence, oral or documentary, that the deceased soldier had been killed by a bolo or that he was "asleep in the street and in a helpless condition of intoxication." No one saw the accused strike decedent. Subject to the foregoing remarks the finding is confirmed.

A strong chain of circumstantial evidence connects accused with the crime. He was the first man seen with the dead body, and he called others to assist him in removing it and to obliterate traces of blood from the place where the body had lain. He was also the last man with the body in a banca in which he caused it to be placed and by which he alone conveyed it down river toward the open sea. All this was done at night under cover of darkness. This evidence, all circumstantial as to the fact of the killing, is supported by the testimony of one witness, who testified that the accused volunteered the statement that he, accused, killed the soldier.

In view, however, of the fact that this crime was committed a long time ago, when the hostile feeling occasioned by active warfare was very great, and the people of these islands had practically no knowledge of the laws of war, and also moved by the fact that the sentence first imposed was less than death, the sentence as finally imposed by the commission under its lawfully invited action to reconsider its first sentence, while confirmed, is commuted to imprisonment at hard labor for the term of thirty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL.

TOOK THE WATER CURE—FORMER LIEUTENANT JAMES TELLS HIS EXPERIENCE—HAD NO BAD EFFECT—HE WAS A PRISONER AT THE TIME—FILIPINOS ADMINISTERED IT TO HIS COMPANIONS ALSO—NO ONE WAS INJURED.

LOS ANGELES, CAL., *April 28, 1902.*

Charles E. James, formerly first lieutenant of the Thirty-sixth Regiment United States Volunteers, who is now a resident of Los Angeles, is quoted as having said that the present agitation against the use of the "water cure" in the Philippines is due to reports which magnify the cruelty of the operation.

"I have taken the 'water cure' and know what it is, since it was administered by the Filipinos," said Lieutenant James. "I have seen it administered to several hundred natives and know its effects. Let me state that I never knew of the 'water cure' killing a victim. When the statement is made that the subject is given water until his lungs are filled it is an untruth. Anyone of common sense knows that a man would strangle to death in a very short space of time in such circumstances.

TOOK THE CURE HIMSELF.

"My own experience took place in June, 1900. Capt. Jack Robert, a son of General Robert; a private of the name of Gallion, and myself were scouting just north of Biacanabato Pass, out from San Miguel, when a force under General Treson surrounded us. We were taken into the mountains and forced to march three days without food. We made from 18 to 22 miles a day. This starvation was carried out with the intention of forcing us to divulge army news. It did not succeed, however. At the end of that time we were introduced to the 'water cure,' which by natives is called 'tubig.'

"Regarding the effects of the 'cure' I will state that the distension of the stomach and the accompanying pain is all there is to it. I strangled once, but one quick cough ended it. The 'cure' is not pleasant, but I would rather take it than receive a beating. My companions suffered no after effects that I could notice."

SMITH'S ORDER TO WALLER—LATTER TESTIFIES "KILL AND BURN" TACTICS ENDED WAR IN SAMAR—TESTIMONY ADDUCED TO SHOW THAT YOUNG BOYS FOUGHT IN NATIVE RANKS—OUTBREAK NEAR MANILA.

MANILA, *April 28, 1902.*

The trial by court-martial of Gen. Jacob H. Smith on the charge of conduct prejudicial to good order and discipline was resumed here to-day. Maj. Littleton W. T. Waller, of the Marine Corps, testified to receiving from General Smith the orders to "kill and burn" and render Samar "a howling wilderness," previously referred to in these dispatches. The natives of Samar, said Major Waller, were more treacherous and implacable than the tribesmen of the Soudan. Without General Smith's drastic measures the war there would not have been ended yet. General Smith never intended killing women or children.

Corporal Pritchard, of the Ninth Infantry, who took part in the fight at Gandara, testified that he saw boys of 12 years of age fighting and slashing with bolos.

Sergeant Bonicastle, of the Ninth Infantry, an Apache, testified regarding Capt. P. K. Schoeffel's fight in Dapdap Province, Samar, against Dios's fanatics. He saw a soldier attacked by two boys under 15, one armed with a bolo and the other with a dagger.

Private Nicklo, of the Ninth Infantry, explained the dangers and difficulties of service in the island of Samar.

Private Nanjo, of the Tenth Cavalry, told how Americanistas (natives friendly to the Americans) were butchered there in cold blood.

Sergeant Brumly, of the Ninth Infantry, a survivor of the Balangiga massacre, described that disaster, including the mutilation of the American dead by the Samar natives.

Five men of the constabulary have been ambushed at San Juan del Monte, near Manila. One of the party was killed and one was wounded. The Filipino band consisted of 30 ladrones, well armed, nearly all of them carrying Mauser rifles. A force of constabulary is scouring the neighborhood for the bandits.

The surrender of the insurgents of the island of Samar, headed by General Guevarra, who succeeded General Lucban in that island, has been officially effected, though some southern ports are yet to be heard from. It is believed, however, that the insurrection in Samar is ended.

[Collier's Weekly, April 26, 1902.]

THE RIGHT TO KILL.

There seems to be no doubt as to the guilt of the men. This plea was not raised in the course of the court-martial. The charge seemed to be that Waller had no right to execute the men so summarily, even if they were guilty. And what becomes of the thousand and one drumhead courts-martial, followed by summary execution for treason and espionage, which the annals of the rebellion reveal—and that, it will be remembered, was the most civilized war ever waged?

One more incident of the many that came under my observation and reconciled me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte.

The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out and they tried to make Basay, Admiral Rodgers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off. Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and telling his men to wait in the boat, advanced some 50 yards up the beach where the good Samaritans were awaiting him with their water jars. As he drank his first deep draft two of the natives—one a woman—crept behind him and buried their knives in his back.

STEPHEN BONSAL.

[Senate Doc. No. 205, part 2.]

[Page 346.]

In the foregoing case of Teodorico Novicio, a captain in the insurgent forces, a single witness relates how, in obedience to the orders of the accused, he enticed Rodriguez from his home and beat him to death with a club, and he produced what purports to be a written order of the accused to do this murder.

A comparison of the writing and the signature of the accused as they appear in his alleged written order to the witness with his letters and signatures known to be genuine reveals an unlikeness between them which, while not precluding the possibility that the accused wrote the order to kill Rodriguez, yet leaves a strong impression that he did not in fact write or sign it.

The disappearance of the deceased and the unsupported word of his confessed murderer is all there is to show that the deceased may not yet be living, no effort having been made to verify the presence of the body at the place where the witness says he buried it.

In view of the serious doubts here pointed out the finding upon the second specification is disapproved.

With respect to the first specification it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die. One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given.

When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck and then the gravedigger called out, "What about this man; he is alive yet?" to which the accused replied, "Go on burying him," and it was done.

That dissolution was close at hand and the victim nearly, if not quite, unconscious is probably true; that he was still alive when the earth was finally heaped above his head can not be doubted. Some of the party may have thought the sailor was dead, but the accused had notice to the contrary, and there is no evidence that he made in person, or caused to be made, any examination to ascertain whether the fourth man was actually dead when under his orders the burial was completed.

[Senate Doc. 205, part 1.]

[Page 52.]

MANILA, *December 3, 1900.*

Maj. Gen. ARTHUR MACARTHUR, *U. S. Volunteers,*
Military Governor in the Philippine Islands, Manila.

SIR: I am directed by the Commission respectfully to request that, if not inconsistent with the public interest, a circular letter be sent through the ordinary military channels to all commanders of Army posts making an answer to the following questions:

First. How many natives have been assassinated for suspected sympathy and assistance rendered to the American cause within your jurisdiction?

Second. How many persons have been assaulted for the same reason?

Third. How many of those persons killed under the circumstances mentioned in the first question were municipal officers?

Fourth. How many persons assaulted under the circumstances mentioned in the second question were municipal officers?

I have the honor to be, very respectfully, your obedient servant,

WM. H. TAFT, *President.*

The following responses to the four questions were received by officers in whose jurisdiction assassinations and assaults have been made:

Col. S. S. Sumner, commanding first district, Department of Southern Luzon, under date of Santa Ana, Manila, January 4, 1901, incloses reports from all the stations in his district and gives a compilation of the same as follows:

Natives assassinated for sympathizing with Americans	14
Natives assaulted for sympathizing with Americans	104
Assassination of municipal officers	1
Assaults upon municipal officers	1

The following details are noted from the reports of the subordinate officers in this district:

At Bacoor the vice-presidente was killed.

Two natives living in or about Alfonso, named Faustino Vidaldon and Manuel ——, were assassinated for having acted as guides to our forces.

Col. C. C. C. Carr, commanding the Fourth Cavalry in this district, reports from Pasay that one man, named Marcello Blas Versaval, who was employed as a tailor by Troop E, Fourth Cavalry, was assassinated October 3, 1900, because he refused to rejoin the insurgents, whom he had abandoned some months before. Also that one Eulalio Santiago was reported to have been buried alive at some place in the vicinity of Pasay cavalry barracks, on or about October 6, 1900, because he persisted in accepting employment from the United States quartermaster's department as an overseer of laborers in violation of the orders issued by the chiefs of the insurrection.

Brig. Gen. Robert M. Hall, U. S. Volunteers, commanding second district, Department of Southern Luzon, forwards from Calamba, P. I., January 12, 1901, reports from stations in his district, which may be summarized as follows:

Natives assassinated for sympathizing with Americans (1 Chinaman)	17
Natives assaulted for sympathizing with Americans	106
Assassination of municipal officers	3
Assaults upon municipal officers	12

The following details are noted from the reports of the subordinate officers in this district:

At Los Banos, Señor Quisumbang, secretary to the presidente, and three policemen appointed by the presidente were assassinated.

Under the jurisdiction of the provost-marshal of Manila, Lieut. Charles R. Trowbridge, in charge of the department of secret service of Manila, reports under date of December 14, 1900, as follows:

Natives assassinated for sympathizing with Americans	5
Natives assaulted for sympathizing with Americans (one of them was assaulted twice)	3
Assassination of municipal officers	4
Assaults upon municipal officers	3

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In addition, Lieut. Col. W. E. Wilder, Forty-third Infantry, superintendent of police of the city of Manila, under date of December 21, 1900, reports to the provost-marshal the following:

Natives assassinated for sympathizing with Americans	10
Natives assaulted for sympathizing with Americans	3
Assassination of municipal officers	4
Assaults upon municipal officers	3

The commanding officer first district, Department of Northern Luzon, transmitted reports of subordinate commanders showing—

Natives assassinated for sympathy with Americans (also 4 Chinamen)	100
Natives assaulted for sympathy with Americans	40
Assassinations of municipal officers	26
Assaults on municipal officers (besides 5 kidnaping cases)	7

The following extracts from reports covering this district give the details:

Col. L. W. V. Kennon, Thirty-fourth U. S. Volunteer Infantry, reporting from Laoag, under date of December 30, 1900, states: "About the middle of January, 1900, Francisco Madrid and 8 Ilocanos were murdered by Tagalogs under a Captain Hernandez between Puncan and Garanglan, province of Nueva Ecija, for having assisted the American forces.

"In July, 1900, 1 man and 3 women, all Ilocanos, were tortured and left for dead near Calipan, barrio of Talavera, for friendliness to Americans. Three died, but one woman was rescued, and with medical attendance in hospital at Cabanatuan recovered."

Lieut. Frank L. Case, Thirty-third United States Volunteer Infantry, reporting under date of December 21, 1900, from Angaqui, states: "One native only has been assassinated within this jurisdiction for any cause that could be attributed to sympathy for the American cause, and this was a doubtful case."

Capt. William H. C. Bowen, Fifth United States Infantry, reporting from Batoc, Ilocos Norte Province, under date of December, 1900, says that 1 native and 4 Chinamen were assassinated in January, 1900; 2 natives had been assaulted. 1 municipal officer assassinated and 1 assaulted.

Lieut. E. G. Davis, Fifth United States Infantry, reported under date of December 24, 1900, from Paoag, Ilocos Norte Province, stated that the following were assassinated: Antonio Pobre, Mariano Dias, Juan Sadomiano, Blanco, Pedro Maximino Eañaga, Ilario Dias, Cecilio Baetteong, Leoncio Cleto Pacada, Saymo, Vidal Clemente, Lino Magamaspad, Eusebio Cabuntasan.

Maj. S. M. Swigert, Third United States Cavalry, reporting from Namacpacan, under date of December 25, 1900, states: "One councilman, who was a cabeza de barrio, killed for assistance rendered. Nine men killed by insurgents for suspected assistance and sympathy."

Major Swigert also reported that at Balaoan there had been "1 scout and 2 policemen killed for assistance rendered; 4 men killed for suspected sympathy."

He also states that of those reported below from Bangar, "3 men—presidente local, delegarde de justicio, and industrial—were killed for suspected sympathy; 1 policeman, 4 scouts, and 1 boy killed for assistance rendered."

Maj. H. P. Kingsburg, Third United States Cavalry, reporting under date of December 20, 1900, from Badoc, province of Ilocos Norte: "Eight natives have been assassinated; 4 natives have been assaulted and wounded; 2 policemen killed; 2 policemen assaulted; 5 policemen have also been carried off to the mountains."

Capt. F. H. Hardie reported from Cabagoo, province of Ilocos Sur, under date of December 23, 1900, that one native who was friendly to the Americans had disappeared, his body was not found, and the natives believed that he was done away with.

Col. Richard Comba, —— Fifth United States Infantry, under date of December 21, 1900, reported from Bangued, Abra Province, that 14 natives had been assassinated for suspected sympathy and assistance rendered the American cause, viz, Bernado Damamal, Dimas Bahias, Carlos Biloy, Sinfaroso Espejo, Pedro Blanes, Calixto Santa Maria, Gregorio Balamseda, Mariano Bandarel, Benito Espejo, Efipana Bacarile, Calixto Banderal, Maximo Belasco, Julio Balencia, Pauciano Bringinas. One was assaulted. Eight of those killed were policemen, and one the head of a barrio.

Maj. J. C. Chance, Fifth United States Infantry, reported under date of December 18, 1900, from Bucay, that one native had been assassinated for being in sympathy with or rendering assistance to the American cause, and one native assaulted for the same reason.

Lieut. H. C. Price, Fifth United States Infantry, reported from San José, under date of December 18, 1900, that Perfecto Cruz, school-teacher; Hilario Crisologo, presidente, and Manuel Tavier, director, were killed for refusing assistance to the insurgents.

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Brig. Gen. S. M. B. Young, commanding the first district, Department of Northern Luzon, reported on December 21, 1900: "On September 2, 1900, Justo Sonido, who had been appointed justice of the peace at Cabugao, appeared before the judge of the court of first instance in Vigan and took the oath of office. When he arrived at the bridge near San Ildefonso, on the same date, he was taken by a lot of scoundrels who called themselves insurgents, and, it is supposed, murdered him, for he has never been heard of since. His offense was accepting office under the United States Government."

Lieut. Richard P. Cordill, Thirty-third Infantry, United States Volunteers, reported from Santo Domingo, under date of December 19, 1900, that the acting presidente of that municipality was assaulted and badly injured with bolos.

Maj. William A. Shunk, Thirty-fourth Infantry, United States Volunteers, reported under date of December 24, 1900, from Piddig, that two natives had been assassinated for openly expressing their sympathy with the American cause within the limits of that jurisdiction.

Captain Grant, Forty-eighth Infantry, United States Volunteers, reported on December 20, 1900, from Rosario, that 2 natives, 1 a presidente, had been assassinated, and 2 natives, 1 likewise a presidente, had been assaulted.

Lieut. William H. Allen, Forty-eighth Infantry, United States Volunteers, reported from Bangar, on December 22, 1900, that 9 natives had been assassinated and 30 persons or more assaulted for suspected sympathy and assistance rendered the American cause. Three of those killed and 2 of those assaulted were municipal officers.

The following is a summary of the answers made by the several commanders of stations in the Third district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans	106
Natives assaulted for sympathizing with Americans	131
Assassination of municipal officers	11
Assaults upon municipal officers	15

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. W. N. Hughes, jr., Thirteenth Infantry, Alava, P. I., under date of December 21, 1900, states that while no natives had been assassinated, 6 persons were sequestered in September, 1900, and that they had not been heard of since then. Two of this number were municipal officers. He further states that the presidente, tieniente of police, and secretaries would undoubtedly have been killed if they had not been rescued by a squad of soldiers twenty minutes after their capture. When rescued they were securely bound and were preparing to be hacked with talihones and buried alive because they had surrendered three rifles to us and were considered friendly with us. The other two municipal officers, who were sequestered September, 1900, have never been heard from.

John W. Bubb, lieutenant-colonel Twelfth Infantry, writes from Tarlac, P. I., under date of December 19, 1900, as follows:

"It is believed that there have been many cases of assault and even killing of natives by others for real or suspected friendship to the Americans in this subdistrict. But conditions that existed in the past and still exist in a large measure prevent our having knowledge on the subject. Fear is the predominating element of control over natives, and insurgents, ladrones, and their sympathizers exercise it to such an extent over neutral and friendly natives that information of misdeeds is very hard to obtain."

Lieut. George H. Shields, Twelfth Infantry, provost marshal, Tarlac, P. I., under date of December 18, 1900, states that while it has been impossible for him to obtain any actual information owing to the short time since the Twelfth Infantry occupied the pueblo of Tarlac, from hearsay 3 natives have been assaulted for suspected sympathy and assistance rendered to the American cause.

The commanding officer at Cuyapo states that "no natives are known to have been assassinated for friendship to the United States; 1 has disappeared, and it is rumored that he has been assassinated for that reason."

Capt. R. K. Evans, Twelfth United States Infantry, commanding at Moncada, reports that Presidente Placido Cucliapian was fired on by Gregorio Vallero November 11, 1900, presumably because Cucliapian held office under the American Government.

Maj. J. W. Duncan, Thirteenth Infantry, commanding at Binalonan, under date of December 29, 1900, reports that 2 natives who acted as guides to part of General Lawton's command from Binalonan to Pozzorrubio, November, 1899, and 4 natives, in February last, who depended upon Americans to protect them in refusing to contribute supplies to a so-called insurgent band, had been assassinated.

He also states that 1 native was killed and 1 left for dead by a band of outlaws, who accused the two of being spies to the Americans.

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He further states as follows: "When the 4 natives were killed, in February, as above noted, assault was made on the people in a cluster of houses in the barrio of Aruas. While the band of insurrectos seemed to want to kill the men only, they beat a number of women, probably in the endeavor to get them to tell where their husbands were."

Lieut. Hector A. Rochiben, Thirteenth Infantry, commanding at Mangaldan, reports, under date of December 29, 1900, as follows: "Although no absolute proof, 5 of the people murdered in the town since the American occupation are supposed to have been murdered for suspected sympathy or assistance to the American cause."

Capt. Edgar W. Howe, commanding at Camiling, Tarlac, reports that in addition to the 13 natives given as assassinated, 5 disappeared because of suspected sympathy to the American cause, and that 2 members of the police force had also disappeared.

Capt. Robert W. Barnett, commanding at San Jacinto, reports, under date of December 31, 1900, that in addition to 5 natives murdered for sympathy to the American cause, 2 were carried away and heard from no more.

Of the 2 persons assassinated at Cabangan, 1 was a municipal officer and the other was a member of the police force, while 1 of those assaulted was a sergeant of police.

Reports from the Fourth district, Department of Northern Luzon, show:

Natives assassinated for sympathy with Americans	7
Natives assaulted for sympathy with Americans	16
Municipal officers assaulted	3

The following extracts from reports covering this district give the details:

Maj. Joseph Wheeler, jr., Thirty-fourth Infantry, reports from Capan, under date of December 28, 1900, that 1 man had been held a prisoner by the insurgents on account of sympathy with or assistance rendered Americans.

Lieut. L. L. Deitrick, Thirty-fourth Infantry, reports from Penaranda, under date of December 18, 1900, that the alcalde of the pueblo was assaulted for suspected sympathy with Americans.

Capt. R. L. Hamilton, Twenty-second U. S. Infantry, reports from San Antonio, under date of December 26, 1900, that the following-named natives have been assassinated for suspected sympathy and assistance rendered the American cause: Alvina Pas, Balthazar Nasa, Luncinda Villaforte, Emiterio Romero. He also reports that 13 natives had been assaulted for the same reason.

Lieut. L. A. Curtis, Twenty-second U. S. Infantry, reported from Santa Rosa, under date of December 31, 1900, that since his arrival at that place, September 29, 1900, none had been killed, but that "the vice-presidente of the pueblo was taken from his house one night in November and dragged several miles into the country by masked men and harshly treated. This was because of refusal to contribute funds and of loyalty to the Americans."

Lieut. David P. Wheeler, Twenty-second Infantry, reporting from the post of Jaen, Nueva Ecija Province, under date of December 23, 1900, states: "There have been two natives assassinated in this vicinity for assistance rendered to the American cause."

Capt. J. F. Kreps, Twenty-second U. S. Infantry, under date of December 23, 1900, reports from San Isidro: "Eduardo Bantug disappeared about one month ago, and it is now believed that he has been assassinated for suspected sympathy with the Americans."

The following is a summary of the answers made by the several commanders of stations in the fifth district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans	77
Natives assaulted for sympathizing with Americans	36
Assassination of municipal officers	17
Assaults upon municipal officers	6

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. R. R. Stogsdall, Third Infantry, commanding at Lolomboy, reports under date of December 10, 1900, that the presidente of Bocaze was assassinated on account of his sympathy with the Americans.

Capt. A. Williams, Third Infantry, commanding at San Fernando, reports under date of December 12, 1900, that the alcalde of Angeles, Florentina Paminapuan, a rich man, had been formerly carried away and required to pay a ransom of 9,000 pesos.

Capt. W. C. Buttler, Third Infantry, commanding at Apalit, reports under date of December 11, 1900, that two natives, Francisco Salaveria and Tolesforo Ponce, were assassinated for suspected sympathy and assistance to the American cause. These men, he states, had given information against the insurgents and thieves to the commanding officer of the United States troops.

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Lieut. J. T. Moore, Third Infantry, commanding at Maycauayan, reports under date of December 10, 1900, that "two natives who acted as guides for American troops of this place disappeared afterwards, one in April and the other September 25, this year, and rumors indicate that they were killed."

Lieut. John M. Shook, Twenty-second Infantry, commanding at Pilar, reports under date of December 11, 1900, that in addition to the one native reported assassinated, one had been kidnapped, and that one native policeman had been assassinated.

Maj. C. E. Cabell, commanding at Dinalupigan, Batann, under date of December 13, reports as follows:

"There have been natives assassinated for suspected sympathy and assistance rendered to the American cause within jurisdiction of this post according to my best information, though the following natives have disappeared from this post and it is believed they were forcibly taken away by insurrectos: Roman Mendoza, barrio Dagat Dagatanm, disappeared while searching for a cannon in mountains April 28, 1900; Alejandro de la Cruz, Dinalupigan, disappeared while acting as messenger to Balanga, September 7, 1900; Vicente Lapan, telegraph lineman, disappeared December 2, 1900, having gone ahead of detail contrary to orders."

Captain Griffith, commanding at Hermosa, reports under date of December 16, that of the 6 natives reported assaulted, 2 of them were captured and have never since been heard from, and that of the 3 persons reported assassinated, 2 were policemen, and the third was a son of a policeman and a boy.

The two natives reported assaulted by Capt. W. R. Standiford, Forty-first Infantry, commanding at Bacolor, were named Ignacio Mendoza, barrio de Concepcion, and Benito de Jesus, barrio de Patrerio.

Capt. John H. Boston, jr., Forty-first Infantry, commanding at Magalang, under date of December 15, 1900, reports as follows:

"Pedro Perez, killed by soldiers of Elias Pacson, at barrio Dapdap, about June 15, 1900. Angel Torres, killed at barrio Bical, about August 10, 1900, by soldiers of Gregorio Lasamani. Domingo Suma, killed at barrio San Jose Molina, about November 8, 1900, by Lorenzo Camaya. None of these natives were municipal officers, but were killed for giving information."

Capt. Fred L. Davidson, Forty-first Infantry, commanding at Santa Ana, reports under date of December 12, 1900, that "in the month of January, 1900, Alberto Borja, a native, was killed in San Pablo, a barrio of the municipality, by parties unknown, for being suspected of spying in interest of the United States forces." He further reports that "in January, 1900, Inocencio Cunanan and son, Felipi Cunanan, natives of Santa Ana, who were working in Lackmit, barrio of Arayat, were taken to the mountains by Lieut. Eurojio Gamboa (now dead) by General Alejandrino's order and assaulted for being suspected of spying in the interest of United States forces. In April, 1900, Leoncio de Onjio, lieutenant, of San Pablo, was assaulted by Major Camaya, in San Pablo, a barrio of this municipality, for being suspected of spying in interest of United States forces. In June, 1900, Angel Lancangan, lieutenant, of barrio San Jose, was taken to the house of Alejandrino and then to Mount Arayat, where he was threatened with death until he paid the sum of $1,500 Mexican currency. Lancangan paid this amount to escape death and was then liberated."

Capt. T. C. Siviter, Forty-first Infantry, commanding at Mexico, reports under date of December 16, 1900, that in addition to those reported as assassinated and assaulted "there may have been more, and probably were, as it is commonly reported that Camaia has killed and robbed a great many natives, though those reported are all that can be traced back to the reason given."

Capt. James Clark, Forty-first Infantry, commanding at Candaba, reports under date of December 11, 1900, in answer to the first question, as follows:

"First. Two men have disappeared; both were friendly to Americans, one being the father of an interpreter and the other a policeman. No trace of either has been found. The body of one woman with the throat cut was found in the river. She was known to be friendly to the Americans."

The commanding officer, sixth district, Department of Northern Luzon, transmitted reports from that district showing:

Natives assassinated for sympathy with the American cause	14
Natives assaulted for sympathy with the American cause	3
Municipal officer assassinated	1

The following extracts from reports from this district give the details:

Lieut. Col. John H. Beacom, Forty-second Infantry, United States Volunteers, reported under date of December 15, 1900, from Malabon, stating: "Seven natives had been assassinated and two assaulted." He adds: "I am of the opinion that there have been many cases of assault that were not reported."

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Capt. D. T. E. Casteel, Twenty-seventh Infantry, United States Volunteers, reported from Montalbon, under date of December 15, 1900, regarding those assassinated for sympathy with the Americans: "None definitely. One probably, he having disappeared after acting as guide."

Capt. C. S. Burns, Forty-second Infantry, United States Volunteers, reported on December 11, 1900, from San Felipe, that a native named Bengino was assassinated early in 1899.

Lieut. Charles H. Roessing, Forty-second Infantry, United States Volunteers, on December 18, 1900, reported from Taytay that one native had been assassinated and one assaulted for sympathy with the Americans or assistance rendered them.

Col. Albert S. Cummins, Twenty-seventh Infantry, United States Volunteers, reported under date of December 14, 1900, from San Mateo:

"Number killed, 5. Victorino Rodriguez and Gregorio del Rosario, natives of San Mateo, were suspected of being in the American secret service. They disappeared in March, 1899. It was afterwards learned that they were killed by the insurgents in the hills north from Montalbon, where they had gone to look after some of their land. Euaristo Soto, native of province of North Ilocos, killed about February, 1900, for suspected sympathy with American cause. Señor José Monojan and Marcelo Cayetano, his servant, were killed near San Mateo in March, 1900. It is not positively known, but it is believed they were killed for being friendly with the Americans. Of the killed, Señor José Monojan was the vice-presidente of San Mateo."

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On page 133, General Young, from Vigan, February 3, 1901, referring to the assassination of the presidente and a schoolmaster, said:

"Captain Van Way reports from Bangued that courier brought information that at 6 p. m., February 1, an officer and seven insurrectos entered San Jose and shot and killed Presidente Hilaron Crisologo, Schoolmaster Perfecto Cruz, and Manuel Javier, the latter having been a guide for American forces. The party then left, presumably to join Villamar in the mountains."

On page 136, General Young, from Vigan, in a telegram to the chief of staff, referring to the murder of the presidente, said:

"Following just received from Lacag:

"'Regret to inform you that the presidente of Pasuquin was taken off yesterday morning and killed by a band of about 20 ladrones. Have two detachments after them. Hope to kill the whole band, but difficult to find.

"'HOWZE, *Commanding*.'"

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On page 143 General MacArthur, referring to the conditions at Cabaruan, said:

Colonel Smith saw nine women and several children who had been tortured by bolo cuts inflicted on all parts of their bodies. It is also a fact that this part of Pangasinan has been terrorized by these people, the large town of Malasiqui being almost entirely depopulated in consequence of their depredations.

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In the report of the first Philippine Commission, made in January, 1900, on pages 177, 178, referring to a report from General MacArthur on the taking of Malolos, the Commission say:

"When General MacArthur began the movement which ended in the taking of Malolos, the natives, at the order of General Luna, fired their towns before his advancing columns. Those who were unwilling to leave their homes were driven out by insurgent soldiers, who burned their houses. The object of this inhuman procedure was to compel the inhabitants to flee before us, and thus prevent their learning from experience that the fearful tales concerning our soldiers, with which they had been deceived, were myths. This method of procedure, eminently successful at first, in the end recoiled on its authors, provoking so much opposition that the obnoxious order was revoked.

* * * * * * *

"A visit to those towns at this time revealed a greatly changed public sentiment. The inhabitants had neither burned their homes, nor, as a rule, abandoned them, but had quietly awaited the arrival of the American troops. Those who had remained soon learned that their confidence had not been misplaced, and those who had fled speedily returned. We found their condition to be most pitiable. They had been plundered by the insurgent troops, who had robbed them of jewels, money, clothing, and even food, so that they were literally starving. Peaceable citizens had been fired upon. Women had been maltreated, and there was general satisfaction that the Americans had come at last.

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"We found them thankful for the considerate treatment they had received from our troops, and willing to aid us against the insurgents, at whose hands they had suffered so severely. They seemed, however, powerless to act on account of lack of organization, and there was a universal desire for the establishment of some form of municipal government."

On page 384 of volume 2 of the same Commission's report, Benito Legardo, a witness before the Commission, testified as follows:

Q. "What was this kidnaping by Pio del Pilar?

A. "He ordered people to be seized who favored the Americans, or even people who had strongly favored the Spanish. Some were carried away and flogged, and others were taken off in the hills and disappeared and were never heard of again. Then, the principal agitators of Aguinaldo, who were Sandico and others, established here in Manila the 'popular clubs,' which was a society similar to the Katipunans, and this society became very widespread here, and its principal object was to prevent Filipinos from getting in sympathy with the Americans.

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[Extract from "Operations in the Third district, Department of Southern Luzon, January 1 to March 5, 1901." (From report of Brig. Gen. James M. Bell, commanding, p. 440 of part 3, Report of the Lieutenant-General Commanding the Army, 1901.)]

[Inclosure 60.]

On February 28, 1901, Corporal Merkel and six men, Company F, Forty-seventh Infantry, United States Volunteers, left Daraga at about 8.30 a. m. and scouted to the north as far as Buctong in search of bolomen who had waylaid and cut the eyes out and the ear off of a native. Two prisoners were taken in Buctong and identified as the parties who had maltreated said native. Returned to Daraga about 11.30 a. m. Distance marched about 8 miles.

[Senate Document 205, part 2.]

[Page 2.]

II. In the foregoing cases of Silvestre Tarug, Joaquin Pider, and Pascual Gutierres, natives, the evidence shows that these three accused, with a band of Negritos, armed with a rifle, bolos, and bows and arrows, entered the

barrio of Dayacdac, pueblo of O'Donnell, province of Tarlac, P. I., on or about February 16, 1900, and murdered seven natives, including one woman. The established motive of the crime was robbery. The two accused who have received sentences of death, Joaquin Pider and Pascual Gutierres, are shown by the evidence to have tied up two of the victims of this murderous assault, and, compelling them to lie on the ground, chopped them with bolos, in this way causing their death. The third accused, Silvestre Tarug, who has received sentence of imprisonment for twenty years, is shown to have been present with this band, aiding and abetting these murders.

The remarks of the reviewing authority in the case of Antonio Morales and Faustina Gonzales, published in General Orders, No. 16, March 8, 1900, Headquarters Department of the Pacific and Eighth Army Corps, apply in this case. The crimes alleged were committed by a band of native outlaws against fellow-natives and under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization,

[Page 12.]

SENTENCE.—And the commission does therefore sentence them, Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Sarabay, and Hilario Nicolas, as follows: "Buenaventura Gamboa to be hung by the neck until he be dead, at such time and place as may be designated by the reviewing authority, two-thirds of the members present concurring; Felizardo Mariano, Cipriano Saribay, and Nicolas Melinderas, and each of them, to be confined at hard lubor, at such place as the reviewing authority may designate, for twenty years; Cipriano Villapa to be confined at hard labor, at such place as the reviewing authority may direct, for fifteen years, and Hilario Nicolas to be confined at hard labor, at such place as the reviewing authority may direct, for ten years."

In the foregoing case of Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melinderas, Cipriano Saribay, and Hilario Nicolas, natives, it appears that the Macabebe, who was murdered by the defendants, was unarmed at the time, was engaged in peaceful pursuits and was going on foot along the road leading through the barrio of Quitaquita, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., when suddenly he was set upon by a band composed of the accused persons, armed with knives and clubs, and of which Buenaventura Gamboa was the ringleader; that he was severely beaten and was finally stabbed to death by Buenaventura Gamboa. The said Gamboa makes no denial of the assault or of the killing, but freely admits it, stating that the deed was committed in pursuance of orders received from the vice-president of the town of Bulangao. The vice-president denies this and says that he sent no such orders. However this may be, there can be no doubt about the physical facts nor about the criminality of the deed. The sentences are, therefore, approved. The sentence of death by hanging awarded Buenaventura Gamboa will be duly executed in the barrio of Quitaquita, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., on the 13th day of July, 1900, under the direction of the commanding general, Department of Northern Luzon. The sentence of twenty years' confinement awarded to Felizardo Mariano, Cipriano Saribay, and Nicolas Melinderas; the sentence of fifteen years' confinement awarded Cipriano Villapa, and the sentence of ten years' confinement awarded Hilario Nicolas, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent, under proper guard.

By command of Major-General MacArthur.

[Page 13.]

SENTENCE.—And the commission does therefore sentence him, Jacinto Ebron, native, "to be confined at hard labor, for the period of five years, in such penitentiary as the reviewing authority may direct."

In the foregoing case of Jacinto Ebron, native, it appears that the accused was a member of a band of armed outlaws.

This band operated in Cagayan Province, Luzon, during the early part of this year, committing various outrages upon the natives and keeping the whole population in a constant state of terror.

The identity of the accused as a member of the band, and as having been present upon the occasion of the crime here charged, is clearly proven. The proceedings and findings were approved June 28, 1900. The sentence of confinement at hard labor for the period of five years was approved on that date and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur.

M. BARBER.

[Page 23.]

SENTENCE.—And the commission does therefore sentence him, Basilio Lalu, a native, "to be hanged by the neck until he be dead, at such time and place as the reviewing authority may direct, a unanimous concurrence therein."

In the foregoing case of Basilio Lalu, native, it is clearly shown by two witnesses for the prosecution that a band of men, of whom the accused was one, armed with rifles and bolos, and none of them in uniform, beat and wounded Francisco Salaveria with these weapons for several hours, his arms being tied behind him, conducting him while so doing to a secluded spot, where, as testified to by two other witnesses, he was stabbed with a bolo in the hands of the accused and where he died and was buried by these witnesses, at the command, as one of them testifies, of the accused, who threatened them with death if they should divulge the crime which they had been compelled to witness.

The accused, though represented by counsel, offered no evidence to meet this convincing testimony. Sworn at his own request as a witness for himself, and informed of his rights and privileges, while accusing two of the witnesses against him as being equally guilty with himself, he admitted "taking Francisco away and killing him," and he attempted no justification therefor other than that "the people of the barrio were making so many complaints about Francisco being a detective for the Americans that our captain, Simeon Mamangun, ordered us to seize and kill him."

[Pages 29, 30.]

SENTENCE.—And the commission does therefore sentence them, Terega Pagarigan and Raymondo Bergora, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Terega Pagarigan and Raymondo Bergora, natives, the evidence that the accused deliberately beat to death with the butts of their rifles three natives who were bound while their murder was being accomplished, is overwhelming and conclusive, and established the further fact that the accused are ladrones or guerrillas. Both of the accused, after being informed of their privileges, were at their request sworn in their own behalf. One, Terego Pagarigan, admitted that the murdered men were tied, as previously testified to, but claimed that this was done by people from San Juan, and denied that the men were killed, claiming that they died from lack of food. The other, Raymondo Bergora, contented himself with saying that the murdered men had robbed him of two carabaos, and that when he arrived upon the scene they were already tied. He explained that he did not untie them, because he was afraid of his companion in crime, Pagarigan, who he says was armed with a gun. The evidence of these accused in no way discredits the testimony against them, which is complete and convincing.

That the prosecution was unable to prove the names of the murdered men is explained in the testimony of record, from which it appears that they had lived in another locality than that in which the murder was committed. The fact in no way affects the correctness of the findings or sentence. The gist of the crime was proved when it was shown beyond a reasonable doubt that the accused beat to death, in the manner and form as charged, the three natives, the burial as well as killing of which a number of witnesses have testified to.

[Page 32.]

SENTENCE.—And the commission does therefore sentence him, Edwardo Mamangum, a native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct—an unanimous concurrence therein."

In the foregoing case of Edwardo Mamangum, native, it is clearly shown by the testimony of several witnesses that the accused was one of a band of outlaws armed with rifles and bolos; that he gave directions and appeared to be in command of said band which, about midnight, took by force Francisco Salaveria from his home and with threats and blows compelled him to go with them to a distant and secluded place, where the following morning, with a bolo in the hands of a member of the band, their prisoner was murderously assaulted, the accused also aiding in the fatal wounding by thrusting a dagger held in his hand through the neck of his victim. Two witnesses who were present at the killing of Francisco Salaveria testify that they were taken by the band from their work and compelled to be present at the time of the murder for the declared purpose of burying the body of the victim. Sworn in his own behalf, the accused first denied and then admitted that he was present with the band. His admissions make conclusive the chain of evidence against him and leave no reasonable doubt that more than any other member of the band he was responsible for and was an active principal in a most brutal and deliberate murder.

[Page 35.]

SENTENCE.—And the commission does therefore sentence him, Roman Santiago, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case of Roman Santiago the evidence conclusively establishes that the accused was in command of a guerrilla band of outlaws, of thirty or more, armed with bolos and rifles, which descended in the night-time upon the barrio of Namipitan and forcibly seized and dragged from their homes and barrio Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, natives; that within two weeks thereafter the dead bodies of these persons, with the exception of Dolores Dingli, of whom no trace has since been had, were discovered in a field near the said barrio, mutilated with wounds that must in each case have resulted in death, and inflicted by weapons similar to those with which the accused and his band were armed.

The identification of the accused as the leader of the band, and his commands to it for the seizing and taking away of his victims, are established by evidence that is absolute, positive, and direct. Though represented by counsel, he had no witnesses to call, did not desire to be sworn in his own behalf, and attempted no denial of the testimony against him.

The evidence of the murder by the accused of the four persons spirited away by him and his band, and whose dead bodies were subsequently found close to the scene of their forcible and illegal kidnaping is presumptive only, but considered with the indisputable proof of the death by violence of these persons and of the accused's clearly and directly established connection with their kidnaping as the leader of the band who gave the commands therefor, and with the absence of all evidence to weaken or rebut the presumption of guilt to which these established facts give rise, is so cogent and convincing as to preclude a reasonable doubt that the accused is guilty in the manner and form as found by the commission.

[Page 35.]

SENTENCE.—And the commission does therefore sentence him, Pablo de la Cruz "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing cases of Roman Santiago and Pablo de la Cruz, the finding upon the first charge and its specification in each case is disapproved, the offense being "kidnaping" instead of "abduction." The evidence is conclusive that these accused were members of a band of guerrilla marauders, which, armed with rifles, violently attacked upon the highway two natives, Antonio Estrada and Angel Acosta, while these were engaged in peaceful and legitimate pursuits; that the band tied and bound them and robbed them of their money, accusing them in the meantime of being "spies of the Americans," and then took them to the barrio of Baag and tied them to a telegraph pole; that thereupon the band, including these accused, arranged themselves about and fired into their victims a volley, the command for which was given by the accused, Pablo de la Cruz, and as a result of which Estrada fell dead and Acosta received three gunshot wounds; that the latter, though left for dead by the accused and his band with the body of Estrada, revived and reported the crime to the authorities, with the result that the dead body of Antonio Estrada was recovered at the place where he fell.

[Page 37.]

SENTENCE.—And the commission does therefore sentence Guiliermo Garcia and Florencio Semana, natives, and each of them, "to be confined at hard labor, for the remainder of their lives, at such place as the reviewing authority may direct."

In the foregoing case of Guiliermo Garcia and Florencio Semana, natives, it appears from the testimony of many witnesses that two men, one woman, and a young girl were killed by bolo wounds in the neck, and that the accused confessed that they inflicted these fatal wounds because they were ordered to do so by a neighbor.

What motive other than the mere lust for taking human life may have actuated the accused is not disclosed in the record.

[Pages 39, 40.]

SENTENCE.—And the commission does therefore sentence them, Pedro Dacoco and Lazaro, natives, and each of them, "to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Pedro Dacoco and Lazaro Daro, natives, it appears in evidence that upon the approach of a troop of United States cavalry to the pueblo of Asingan, the presidente and others of said pueblo fled for safety to the barrio of Cocalditen; that three days later they were surrounded in their place of refuge by a band of armed outlaws, natives, and the presidente and five other men of the refugee party were assaulted and driven forth with blows inflicted with bolos in the hands of said outlaws, and that from that day until the present no one of the assaulted party has since been seen among living men. One of the refugee party testified that upon the first appearance of the outlaws he fled and screened himself from view, and that the

outlaws afterwards passed so close by him that he was able to recognize the accused, who were acquaintances of his, and saw them strike Cirapion Altre with bolos held in their hands, and that after falling to the ground the body of said Altre long remained motionless and until the witness, through fear, fled from the spot. Witness also heard men among the outlaw band say they had "dispatched" the other kidnaped men.

Why these men while hiding from the American troops should have been ruthlessly murdered by their own people does not appear.

[Page 43.]

SENTENCE.—And the Commission does, therefore, sentence him, the accused, Pedro Negranza, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Manuel Bautista, Isidoro Ramires, Maximo Roldan, and Pedro Negranza, natives, who were jointly tried, the evidence clearly establishes that on the night of January 10, 1900, a band of thirty or more outlaws and guerrilla marauders, armed with rifles and bolos, of which the accused Maximo Roldan was the captain, and in whose criminal acts of that night these other accused took part, descended upon the town of Bangar, province of La Union, Luzon, P. I., and forcibly seized and dragged from their homes Cipriano Gavino, Pio Lopez, and Antonio Morales, at the same time robbing them and the members of their families of money, clothing, and other valuables; that shortly after the band departed with their prisoners shots were heard, and within twenty-four hours thereafter the dead bodies of Hilario Aquino, Cipriano Gavino, Pio Lopez, and Antonio Morales were found within a mile of the town with gunshot and knife wounds that must in each case have proven fatal.

The evidence of the murder, as charged, by these accused of Cipriano Gavino, Pio Lopez, and Antonio Morales, though circumstantial and presumptive, is so cogent and convincing as to preclude a reasonable doubt of their guilt.

[Page 46.]

SENTENCE.—And the Commission does therefore sentence them, Mariano Buen and Roman Melindez, natives, and each of them "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case of Mariano Buen and Roman Melindez, the evidence establishes that an armed band of guerrilla marauders, under the leadership of one Benito Amansec, descended in the nighttime upon the pueblo of Pozorrubio, and, after surrounding their houses, forcibly dragged therefrom Doroteo Bautista and Augustine Castillo, together with three other native residents, and, after tying their prisoners, removed them a short distance, where four, including Doroteo Bautista and Augustine Castillo, were shot to death, their dead bodies being recovered on the following morning. Both of these accused are positively identified by the wife of one of the murdered men as two of four men who entered her house and dragged therefrom her husband, and Mariano Buen is further identified as among the band by one of the five natives kidnapped by it and whose life was spared.

The unlawful kidnapping of the murdered men by these accused and the departure of the band with them as prisoners toward the place from which shots were shortly afterwards heard, and where the bodies of the murdered men were found the next morning, are established beyond a reasonable doubt. These accused were represented by counsel and offered no testimony to rebut their positive identification as members of the band, except that one witness attempted to establish an alibi for Roman Melindez, which was so vague and general in its nature as to be valueless against the convincing evidence to which it is opposed. The established facts in this case preclude a reasonable doubt of the murder by these accused of Doroteo Bautista and Augustine Castillo and of their guilt in the manner and form as charged.

[Page 43.]

In the foregoing case of Agipito Mendoza, Apolonario Lantano, and Apolonio Garcia, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws, armed with rifles, talibones, and bolos, forcibly seized and carried away from their homes on or about March 2, 1900, Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused Agipito Mendoza being in command; that no trace has since been had of Arcadio Jacobe, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenza Soriano and Gelasio Jacobe, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

Of these accused, all of whom were represented by counsel, Agipito Mendoza and Apolonario Lantano attempted to prove an alibi, but failed to shake thereby the direct, positive testimony of the numerous eyewitnesses to the kidnapping. The accused Apolonio Garcia attempted no defense.

The evidence connecting these accused with the murder of Lorenza Soriano and Gelasio Jacobe is presumptive, but establishing, as it does, their participation in the forcible and criminal seizing and carrying away of these persons in their lifetime, who are not again seen or heard of by anyone outside of this band until their dead bodies were discovered in a well, covered with wounds, prove beyond a reasonable doubt that they are guilty of the murder of this man and woman in the manner as charged.

[Page 50.]

In the foregoing cases of Severo Entialbo (who was jointly tried with Primo Tibis, Tomás Entialbo, Pedro Entialbo, Francisco Estiqueta) and Sotero Magbanua, natives, it appears from the records that a number of neighbors had assembled in the evening at the house of one Salvador to condole with him on the death by drowning of his little boy. That at the suggestion of Salvador seven or eight men left his house and accompanied him to the house of Victor Pere, where, with the active assistance of these accused and two others of the party, Victor Pere and his wife, Martina Pincao, were taken by force, their arms bound behind them, and, with the threat that the last day of their lives had come, were conducted to the Panay River, where the woman, first being struck by one of her assailants with a bolo, was thrust into the stream, from which her dead body, with pinioned arms and bearing the bolo wound, was recovered a few days later. The husband of the deceased, witnessing her murder and anticipating his own, sprang into the river and, notwithstanding his arms were tied, succeeded in swimming to the opposite shore. From his testimony, supported by other eyewitnesses, the facts attending the taking of the life of a helpless and unoffending woman, and the active part these accused took therein, as related, are proven beyond any reasonable doubt. The witnesses all agree that the motive for the crime was a superstitious belief that the murdered woman was a witch, the plain inference being that her ignorant assailants attributed to her the possession of occult powers whereby she had, in some mysterious way, brought to pass the death of Salvador's child.

[Pages 51, 52.]

In the foregoing case of Luis Ordona, alias Catubig, native, several policemen and other eyewitnesses agree in their testimony that an armed body of men, about 9 o'clock at night, entered the official residence of Gregorio Arenas, who was at that time presidente of Aguilar, and placing all the other inmates under fear of death and removing them from the room in which said Arenas was held captive, then with bolos in their hands killed the said Arenas and by decapitation mutilated his body. The evidence is conclusive that the accused took an active and leading part in this bloody deed, and that in this and in the murder of Juan Rosario he and the band of outlaws and murderers with whom he consorted were actuated chiefly, if not solely, by a desire to rob the unoffending but reputedly rich men whose lives they took in each case by the savage and barbarous method of decapitation.

[Page 56.]

In the foregoing case of Catalino Untalan, Feliciano Cortes, Juan Seguig, Alberto Marana, Melicio Gayiton, and Ambrosio Zuelacio, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws armed with rifles, talibones, and bolos forcibly seized and carried away from their homes, on or about March 2, 1900, Lorenza Soriano, Gelasio Jacobe, Arcadio Jacobe, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused, Catalino Untalan, taking an active and leading part; that no trace has since been had of Arcadio Jacobe, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenza Soriano and Gelasio Jacobe, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

The evidence connecting these accused with the forcible and criminal seizing and carrying away of Lorenza Soriano and Gelasio Jacobe is direct and positive and so intimately connects them with the murder of these persons as to leave no reasonable doubt of their guilt in the manner charged.

[Pages 59, 60.]

In the foregoing cases of Mariano Castillo, alias Macabat, Paustino Pascoa, Pioquinto de Jesus, and Rufino Bacarizas, natives, the evidence of many witnesses, including the confessions of three of the accused before the commission trying them, makes it conclusive beyond all reasonable doubt that the accused belonged to an organized band which, under the assumed style of "Guardia de Honor," had for its declared object the exercise of unlawful power, and, as the murder of their peaceful and unoffending victim in this case exemplifies, if found necessary to gratify either a desire for revenge against anyone falling under their displeasure or a feeling of envy against the rich, to resort to the foul crime of assassination. The evidence reveals the orderly methods of the band in first issuing through its chief, Mariano Castillo, alias Macabat, the order to kill, in the employment of force through a detail of men, of which the defendant Rufino Bacarizas was one, led by the defendant Paustino Pascoa, to kidnap their selected victim, and in the designation of an executioner in the person of the defendant Pioquinto de Jesus, to deliver with a bolo the fatal blows whereof said victim did at once die.

These inhuman methods remove all the participants, whether chief or willing follower of the band, from the pale of the law, and place them among that class of cowardly and secret assassins which all civilized men the world over hold to be enemies of mankind.

[Page 61.]

In the foregoing case of Leon Pascual and Paulino Madarang, natives, it appears from the testimony of many witnesses that an armed band of outlaws entered the pueblo of Infanta at night, and, surrounding the house of Mamerto Mirador, three of their number forced an entrance, and with bolos in their hands and with threats of death assailed said Mirador, who, defending himself, repelled his assailants, whereupon the band set fire to the house, thus forcing their victim to come out, when the band rushed upon him and, striking him down with their bolos, took his life.

Leon Pascual, one of the accused, was recognized by the inmates as one of the three men who entered the house and assailed the deceased.

The evidence also clearly shows that Adriano Mayor and Estevan Mapa were at the same time taken by force by these outlaws from their homes in Infanta, that they had not since been seen in life, and that the remains of two men were later found unburied in the forest and articles of their clothing recognized with sufficient certainty to leave no reasonable doubt of the murder of the men named at the hands of this band of outlaws.

[Page 63.]

In the foregoing case of Moices Lomabao, native, it appears from the evidence that an armed body of ladrones, about thirty in number, entered the barrio of Namipitan at night and, taking four men and a woman by force and violence from their homes, disappeared with them; that, after search was made for the captives, the bodies of all but the woman were, three days later, found shockingly mutilated and decaying in death. It further appears that the accused was active and cruel in taking captive these unoffending people and that no motive other than robbery and a savage delight in taking life appears to explain this act of wholesale murder.

[Page 71.]

In the foregoing case of Marcelino Versosa, Narciso Garcia, Bentura Barcena, Gabriel Espenosa, and Estarvan Estrada, natives, who were jointly tried, it appears from the evidence that the deceased had been banished by the Spanish Government to the Caroline Islands; that by permission of the American authorities he returned in February, 1900, to his home in Uli and was, at the time of his death, making preparations for changing his place of residence to Dasol, which was occupied by American troops. His apparent friendly relations with the American authorities appears to have given offense to these accused, who came together at night under the active leadership of Marcelino Versosa, and they, with five or six other men, armed with bolos and carying among them a rifle and a pistol, proceeded to surround the house where the deceased was staying for the night, and, threatening to burn the house, compelled him by force and fear to come out; when, the deceased attempting to escape by running, these accused followed, shot him down, and inflicted upon his prostrate body fifteen or more bolo wounds, from which he immediately expired.

[Page 74.]

In the foregoing case of Hermogenez Lorian and Tomas Caliboso, natives, it appears from the evidence that one Cirapion Altre, presidente of the pueblo of Asingan, and a small party of men, women, and children had, through fear of the approach of American troops, fled from Asingan to the barrio of Cocalditen, and while there, in hiding in a deserted house, were set upon in the nighttime by a band of armed outlaws, which had long infested the locality; that said outlaws seized the said Altre and four other men, bound them, and, with blows and wounds of bolos and threats of death, drove them forth and so far fulfilled their threats that these men have never since been seen among the living, and have been dead to their families and friends.

One of the refugee party, who escaped on the approach of the outlaws, testified that, from his near-by place of concealment, he witnessed these accused take part, with bolos and daggers in their hands, in striking to the ground Cirapion Altre, and that they and others thereafter inflicted many cutting and stabbing wounds upon his prostrate body, which long lay motionless after his murderers had left him for dead, and until, with the coming of morning, the witness fled in terror from the place.

The testimony of this witness is supported in part by that of other witnesses, who were present when the band assailed the refugee party, recognized the accused among them, heard their threats of death, and saw them beat and with bolos wound the persons of the men they carried away.

[Page 78.]

In the foregoing case of Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, natives, who were jointly tried, it appears from the record that a band of outlaws entered the pueblo of Unisan and with bolos proceeded to murder Gabriel Castillo, the father-in-law, and Feliciano Maxino, a nephew, of Antonio Maxino, and to kidnap his family, consisting of his wife, daughter of 14 years, and three sons, one aged 11 and one 4 years and an infant aged 5 months; that they robbed his house of all the money and valuables they could find; that a few days later, in a secluded spot in the forest, the mother and helpless children were murdered with clubs, with which the accused and other members of the band beat out their brains; that the mother was then buried in a shallow trench, and the bodies of the children were folded up and forced into two other small, shallow holes, and all loosely covered with earth, wood, and leaves.

It is clearly revealed by the evidence that while Antonio Maxino was absent, a prisoner in the hands of the American troops, and his home, as a consequence, left without his protection, this band of assassins practically exterminated his family, not sparing the unoffending wife, innocent maid, nor helpless infant.

All the accused save Eliseo Adulta admit their participation in this crime, but claim either that they did not deliver any fatal blows upon their victims or were present with the band from compulsion. But the evidence of many witnesses proves beyond a reasonable doubt that they were willing and principal actors in these murders, and all agree that, of the accused, Eliseo Adulta planned and was present and directed the horrible details of their execution.

[Page 79.]

In the foregoing case of Francisco Frani (alias Quicoy Frani), native, many witnesses testify that the accused gave the order to kill two peaceful men, and, in pursuance of his said order, these men were killed and buried. Before the commission trying him the accused admitted that he did cause the death of these men and among other things said:

"The killing of the two prisoners, Medina and Badel, was done pursuant to a general order from General San Miguel. This order was to the effect that those prisoners who had committed acts against the Filipino republic should be killed. * * * I was simply carrying out the orders of my superior officer, General San Miguel. I had no discretion whatever. If I had not carried out these orders, I should have been killed myself."

The accused could not, however, produce written orders from his superiors to do this murder, nor was he able, although he made the attempt, to support his statements by the testimony of others. Whether or not the accused murdered these men in obedience to orders from his superior or upon his own unprompted will is not, however, material. It is a principle of law, long recognized by all civilized and peace-loving people, that no man shall deliberately kill another who is a prisoner, as were the deceased at the time they were murdered, unless such killing be done under an "imperative duty prescribed by law," such as the execution of one found guilty of a capital crime by a court of competent criminal jurisdiction and sentenced to suffer death by execution. In this instance the deceased, who appear to have been peace-abiding men, were first unlawfully deprived of their liberty, and without the sanction of either the laws of war or peace, and while bound and helpless, were deliberately put to death.

The defense of the accused, that unless he had killed these men his superiors in authority over him would have taken his life, is, in the first place, not borne out by the evidence, and, in the second place, is not good in law, which does not suffer that one man, through fear of a remote danger to his own life, shall obey the unlawful commands of another to kill peaceful and law-abiding men.

[Page 84.]

In the foregoing case of Regino Antonio, Jose Madamba, Toribio Lopez, and Augustin Echevarri, natives, who were jointly tried, it appears from the testimony of many witnesses and from the statements of three of these accused, made before the commission trying them, that three men who had taken service as policemen in a pueblo under American control were, for some purpose not clearly revealed by the evidence, sent by a native official to the neighboring pueblo of San Nicolas, where they arrived about midday and repaired to the presidencia for rest and a siesta; that while asleep they were seized by a band of men, about ten in number—chiefly citizens of San Nicolas—armed with a pistol, bolos, and clubs; that first tying the arms of their captives behind their backs, the band proceeded to beat and wound them with bolos; that they were then taken into the sacristy of the church to be confessed by the padre, then put into a carromata and taken to the outskirts of the pueblo, where, bound and helpless, but resisting as best they might, they were thrown into a well "about 'six varas' deep" and literally buried alive with earth thrown upon them until the well was partly filled.

[Pages 85, 86.]

In the foregoing case of Ysidro Cacho, native, it appears from the evidence that the accused was an officer of militia having two barrios under his jurisdiction; that, upon his own orders or the orders he had received from higher insurgent authority, he caused the deceased, who at the time was employed as a cook for the American officers in the pueblo of Bolinao—and apparently for this reason only—to be seized and delivered to him at his residence in the barrio of Natulang; that the accused and one Bonifacio Bonson took the deceased to the fields one-half mile from the house of the accused and proceeded to kill him by striking him with a bolo over the head, stabbing him with a dagger in the breast, and then cutting off his hands and feet and cutting out his tongue.

[Pages 97, 98.]

In the foregoing cases of Enrico Alarcon, Esteban Palaganas, and Leopoldo Salvador, natives, it appears of record that the first named was the leader and the two others active members of a band of ladrones, that, armed with rifles and bolos, about midnight entered the pueblo of Malasiqui and, surrounding the house of the presidente, induced him by threats to give orders that the cabezas and other officials of the pueblo should assemble at his house, which being done, the band bound them, and after a delay sufficient to accomplish the looting of the houses of their captives, marched them to a point a few yards beyond the limits of the pueblo and there with rifles shot them to death.

[Page 100.]

In the foregoing case of Julian Robillos, Dalmacio Robillos, Eugenio Soverano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoas, and Garciano Mislang, natives, who were jointly tried, it appears of record that a band of men armed with rifles, pistols, and bolos, seized in the nighttime a family of five persons, and taking their captives less than 400 yards away, killed them with bolos, and left their bodies lying dead upon the margin of a fish pond. One of the family, a woman, escaped after she had been threatened with violence by these accused, whom she had long known, plainly recognized, and saw them carry away her relatives—the deceased. Her testimony is confirmed by many witnesses in relation to the kidnaping, finding the dead bodies, and their burial. One witness, an ex-policeman, testified he followed the band, and from a short distance saw them deliver with bolos the fatal wounds whereof their victims died.

The motive for the murder—clearly brought out in the evidence—was the punishment of a family that had refused to pay taxes for the support of the insurgent forces. There being no reasonable doubt that these accused are guilty as charged, their sentences—approved by the department commander—are confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which place the prisoners will be sent under proper guard.

[Page 103.]

In the foregoing case of Roberto Mendoza, native, it appears from the evidence that the accused was a "teniente" of a band of insurrectos under the leadership of one Lieut. Col. Bonifacio Morales; that the said Morales had caused Juan de Vera to be seized and delivered to him, and without accusation or form of trial had directed the accused to kill him. In obedience to this unlawful order the accused took the deceased, who was bound and helpless, into the fields, where he was made to sit down, and while the accused held his hands, "his assistant," Juan de la Cruz, held his head and with a knife cut his throat and thereby inflicted a wound from which the said Juan de Vera then and there died.

Officers and soldiers of the band of insurgents to which the accused belonged testify that he did this murder in the manner described, and say that the only reason for taking the life of this unoffending man was because he was a kinsman of Juan José, who was chief of police of Santa Maria under American authority.

The law absolves all officers and soldiers who disobey the unlawful orders of their superiors, and they fall under its condemnation if, in obedience to such unlawful orders, they take the life of any person. As an officer of insurgents the accused must be presumed to have had sufficient intelligence to have understood the reason, well known by his comrades, why he was called upon to take the life of the deceased, whom he well knew had done no wrong. It was the plain duty of the accused to refuse to act the part of a murderer.

[Page 108.]

In the foregoing case of Eusebio Rojas, native, a superior officer of the accused, a major of insurgents, testified that the accused had recently commanded one of three "groups;" that the men of each "group" were "distributed among three barrios;" that "they wore the ordinary dress of the country;" that "sometimes they would go armed for a specific purpose and at others they would hide their arms." There also appears of record a writing purporting to appoint the accused a "1st teniente of infantry," signed by one Alejandrino, and a translated copy of a general order issued by the said Alejandrino as commanding general, Central Luzon.

Sections 1 and 2 of this order read as follows:

"First. All who perform official duties or who have materially contributed to the establishment of the pretended American civil government in the territory within my command, if caught, will be punished from a fine not less than $100 up to the death penalty, by the most summary trial in accordance with the circumstances, and if committed by educated people the guilt will be considered increased. Second. The property of persons comprised in article 1 will be confiscated for the need of the Filipino army."

Given command of armed men and authorized as quoted to exercise summary power over the lives and property of his neighbors the accused, as is made unmistakably plain by the evidence, conceived it to be his duty to rob and murder the peaceful and law-abiding people living within his so-called military jurisdiction.

Going in ordinary dress and taking with him a few trusted followers—five or six at most—he secretly seized his unsuspecting neighbors, a man at a time, and taking them into the forest, he proceeded in two instances to bury them alive. The witnesses, some of whom were guilty participants and others who were compelled to be present and dig the graves of the waiting victims, relate the horrible details by which men in the full vigor of life were suffocated under the mass of earth thrown upon them.

Before the commission trying him the accused admitted that in obedience to orders he attacked a nonmilitary train which resulted in the death of a passenger, a native, and while denying his presence or responsibility for the murder of the men buried alive, concluded by saying: "All my actions have been in pursuance to the orders of my superior officers."

That, at his discretion, the accused were authorized by his superiors to take the property and lives of his neighbors the evidence plainly shows, but those who are responsible for the written authority under which he acted, by the terms of that authority, revealed themselves as banditti and as men who, being outside the pale of all law, seek to rule solely by the terror they inspire by their inhuman deeds. Being therefore without any authority, no so-called insurgent general or chief can issue a lawful order in these islands, and they and all who execute their commands to kill and murder must expect the most extreme penalties.

[Page 112.]

In the foregoing cases of Eugenio Fernandez and Juan Soriano, natives, it appears of record that these accused were leaders of armed bands of outlaws with which the late notorious bandit chief, Vincente Prado, ordered and directed so many acts of kidnapping, robbery, and murder of law-abiding men, women, and children that his name, and that of these accused and others of the trusted leaders of the said Prado, became a terror to the inhabitants in La Union and Pangasinan provinces.

That these accused were principal actors in these crimes and guilty as found by the commission trying them there is no reasonable doubt.

[Page 118.]

In the foregoing case of Ambrosio Loreto it appears from the record that the accused was a member of a band of outlaws that entered the pueblo of Unisan, and, first murdering the father-in-law and a nephew of Antonio Maxino, then proceeded to kidnap and carry away the family of said Maxino, consisting of his wife, a daughter of 14 years, and three sons, one a mere infant. The accused appeared to be in command of the band, and then and there proclaimed himself "captain" and "king." Three days after the kidnapping of the family he was again present, with members of his band, in a secluded place in the forest, where the helpless wife and children were murdered with clubs, with which the band beat out their brains, the accused, with a club in his hands, aiding in inflicting the fatal blows.

No motive other than robbery appears of record to explain this barbarous slaughter of men, women, and children, in which the accused, it is plainly evident, actively and willingly engaged.

[Page 133.]

In the foregoing case of Isabello del Rosario, native, it appears that the accused, while exercising his authority as chief of a band of so-called insurgents, summarily condemned to death by burial alive one Leoncio Torres. His reasons therefor were that decedent was reported to be a horse thief and that two women informed him that he had made inquiries of them regarding the location of the insurgent forces, from which it was inferred he was an American secret-service man.

Many eyewitnesses testify to the horrible details by which a strong man in unabated vigor of life was, under the orders and in the personal presence of the accused, with fiendish cruelty, suffocated by the mass of earth heaped upon his prostrate body, in the grave especially prepared for the purpose.

Upon the stand the accused admitted there was no form of trial of his victim; admitted the resistance and protests of the young girl he is charged with carnally knowing, and practically admitted his part in extorting 9,000 pesos from Florentino Pamintuan. He, however, opposes his bare denial to giving the order to kill Torres and his presence at the newly dug grave when decedent was buried alive, and claimed his subordinate, Eusebio Rojas, did all this unknown to him, and denied also that he persisted to the actual consummation of the rape of the maid. That, however, he did issue the order for and witness the burial alive of the deceased, and that with the aid of two of his soldiers he did consummate the rape, there is no doubt.

[Page 136.]

In the foregoing case of Glecerio Villandres, Jacinto Gabona, Victoriano Lastamoso, and Damaso Javelina, natives, the department commander, in approving the sentence, remarked as follows:

"From the record in this case it appears that Juan Crisostomo Benedicto, an unoffending, law-abiding citizen of the pueblo of Jaro, had left his home for the purpose of calling on some friends in the pueblo; that when he returned to his house and gave the usual alarm at the front door, this alarm was answered by his servant, Glecerio Villandres, who took the bicycle from his master's hand; who, following him inside of the house, was immediately assaulted by Jacinto Gabona and Victoriano Lastamoso with bolos, and that as soon at Glecerio Villandres could dispose of his bicycle he immediately joined in the attack upon his employer with a bolo that he had taken from the kitchen table, and the three of them then and there assassinated the deceased upon the threshold of his own house, the fatal blow having been given by his own 'muchacho;' and that all of these, before assaulting him, were or had been employed by the deceased or members of his household.

"It appears that the money, watch, and other jewelry upon the person of the deceased was left intact, and further that there was no reason for any animus in the breasts of any of these assassins for the killing of the deceased. It does appear, however, that the fourth accused, Damaso Javelina, was a member of an association known as 'Ducots,' and further that the object of this society was to assassinate certain persons designated by it who consciously or unconsciously became the subject of their edicts, and that previous to the assassination of the deceased, at a meeting of this society in the pueblo of Jaro, which meeting was attended by the chief of this society and by the accused, Damasco Javelina, it was decided that the deceased should be killed, and that thereafter this chief sent and caused to be delivered to Damaso Javelina, twenty dollars ($20) in Mexican money, and also a pistol loaded with five cartridges. That before the assassination twenty dollars ($20) in Mexican currency was actually turned over by this Damaso Javelina to the other three accused who actually assassinated the deceased."

The society of "Ducots" to which the accused Damaso Javelina belonged is known in other localities as "Mandoducats," and organized to kill so-called "American spies," extends to the assassination of all natives friendly to the Americans. Deciding the deceased to be one of these, his death was formally determined upon. Damaso Javelina was chosen as the agent to undertake his assassination and he corrupted, procured, and hired the domestic servants of deceased to consummate the deed.

A more treacherous crime it would be difficult to conceive. The instruments employed were those holding positions of confidence within the home circle of the victim, who was under the protection of and in the near presence of the American troops and hence oblivious to any apprehensions of danger. The audacity and base nature that actuated these accused brand them as the lowest order of criminals—those who kill for hire, and in this instance for so small a sum each that an honest man might win it with a day's toil.

With such men the laws of civilization can have no compromise; to all kinds and classes of banditti the warning is given that all persons who, like the accused, take human life for hire, the laws designed to secure life and property and to maintain justice between man and man, now in force in these islands, require that the price they receive for their bloody trade shall be the price by which they also under the law forfeit their own lives.

[Page 141.]

In the foregoing case it appears that the accused, Luis Plana, was a captain or "Jefe principal" of a band of outlaws known as the "Sandatahans," the members of which were bound together by an oath to collect contributions for the insurgents and to kill all who did not obey the orders of its chiefs. In pursuance of the band's methods one Luis Flores, in August, 1900, at the barrio of Paratong, Santa Catalina, was delivered, bound, by Luis Plana, to the three accused, Lazaro Reg, Eulogio Rebodan, and Severino Reboldela, with orders to take out the victim to a spot near the sea and kill him. The order was executed by the three accused last named, each stabbing deceased with sabers and daggers, at the brink of a grave in an isolated spot selected for his interment, and in which grave the victim was immediately thereafter buried.

[Page 144.]

In the foregoing case of Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Ermonjenis Mansa, and Potenciano Nery, natives, who were jointly tried, it appears of record that these accused, armed with guns and bolos, entered the pueblo of Misamis, and, seizing a policeman of that place, carried him away by force to the house of one of these accused, where they tied him to a post and brutally beat him with a gun. The band then took their victim out upon the highway a short distance from Misamis, where they inflicted several fatal bolo wounds upon his body and left it lying lifeless upon the road with a paper pinned to the breast bearing the inscription: "Countrymen, don't imitate me, for I am an Americanista and have talked with the Americans." The evidence of many witnesses, fully corroborated by one of these accused from the witness stand, leaves no reasonable doubt that, as principals, they are all guilty of murder. With respect to four of these accused the commission has found otherwise, but confirms against these the charge of "Abduction with intent to do bodily injury."

[Page 145.]

In the foregoing case of Teborcio Mabola, native, it appears from the record that the accused belonged to a band of men armed with bolos and clubs that secretly assembled within the territory occupied by American troops and, watching its opportunity, attacked a party of four native policemen, who had been sent by the presidente of San Fernando to obtain wood for the use of a detachment of said troops; that they killed one of the policemen outright, and pursued the three other men as they fled for their lives and inflicted upon one of them wounds in consequence of which he lost an arm.

The friendly services being rendered the American troops appear as the evident motive for this murder. Such savage and inhuman methods of unlawful partisan warfare fall under the condemnation of all law, and, under the laws of war and military government, all who so offend are subject to the penalty of death.

[Page 149.]

In the foregoing case it appears that the accused, Augustin Miranda, was the leader of an armed band of ladrones, whose unlawful operations were carried on in the vicinity of Santa Ana, San Luis, and adjacent localities. On or about November 29, 1899, the band, led by accused, ambushed, shot, and boloed to death and robbed of their money two brothers, Adelardo Alfaro and Ricardo Alfaro, the accused personally firing one of the fatal shots. On the 3d of February, 1899, the accused led his band against the country house of one Pascual Tison, set it afire, looted its contents, and carried off into the fields three daughters of the owner, from whom they also robbed their earrings, diamonds, and rings. Three days later the accused and his band attacked the town house of Pascual Tison and thoroughly sacked it. In the latter part of October, 1899, accused and two armed followers, prompted by his inamorata, who kept a gambling house, carried off and cruelly shot one José Rivera, who was then boloed until dead by the companions of accused, and this for the sole reason that their victim was unable at that time to pay his gambling debt.

[Page 154.]

In the foregoing cases of Mariano Aragon, Prudencio Llanes, Nicasio Llanes, Mamerto Llanes, Tomas Asinan, Fermin Cortes, Placido Quiton, Castor Alcausen, Laureano Querubin, and Catalino Natividad, natives, it appears of record that Mariano Aragon and Prudencio Llanes were two of a triumvirate of chiefs of an oath-bound band of armed men, styling themselves "Sandatahans" and of which all of these accused were members; that they appointed a chief executioner, assistant executioners, a requisite number of grave diggers, and then, with set purpose, proceeded to assassinate all persons who manifested reluctance to join them or to contribute of their means to their support or to the support of the insurrectos in the hills, whom the leaders of the band claimed they were serving. They operated secretly at night, the leaders usually selecting their victims one at a time, and, having first secured, conducted them to a secret rendezvous on a sandy beach covered with very tall grass where, by timely notice, the grave diggers had dug the number of graves required and the chief executioner and his assistants had assembled for their appointed work.

Here, in the presence of the assembled band, men and women, bound and helpless, were, from time to time, placed upon the brinks of their opened graves, their bodies run through with swords and bolos, and then buried. The members of the band would then separate, each going to his own home, trusting to the rise and fall of the near-by waters to slowly hide the traces of their work. These hideous operations were continued with industrious persistency through two months or more until the lengthening row of graves reached, in the language of one of the witnesses, "about thirty, more or less."

Why a populous community of men should calmly submit to gradual and certain extermination at the hands of a few men banded together for secret assassination, possessing no lawful authority and weak in numbers, can only be explained by those who prefer a reign of terror to the reign of wise, merciful, and equal laws.

[Page 157.]

In the foregoing case of Gregorio Degala, Bonificio Deseo, and Doroteo Degala, natives, who were jointly tried, it appears from the evidence that these accused belonged to an armed band of robbers that forced an entrance into and robbed the house of Alipio Delfin, taking therefrom money, jewelry, and other valuables, forced the inmates to come out and down from the house, bound and maltreated the men and brutally assaulted the women.

[Page 158.]

In the foregoing case of Anselmo Morales, native, it appears that the accused was the leader of a small band of men armed with bolos and two rifles, one of which was carried by the accused. That he had made a requisition or demand of chickens, rice, and other supplies for his band upon the barrio of Soso, which, being refused, he later, with his followers, entered the place and killed two men and one woman, and that he then and there proclaimed his reason for murdering them to be the refusal of the people of the barrio to obey his orders and provide him with supplies. When captured, and on subsequent occasions, the accused freely admitted this to be true, and that the murders were committed in compliance with the orders of his insurgent superior officer. Eyewitnesses of the murder confirm his admissions. As it does not appear that he could not have secured the supplies he unlawfully demanded without resort to taking the lives of his law-abiding neighbors, some of whom were also, doubtless, blameless of even refusing his unlawful demands, there is no escape from the conclusion that he acted more from vindictive and malicious motives than a belief, however mistaken, of justifiable necessity.

[Page 159.]

In the foregoing case of Felix Medina it appears that the accused was one of a band of armed insurgents who entered within the lines of the United States forces at San Nicolas, Cavite Province, and lay in ambush for the approach of Severino de Guia, vice-presidente of Bacoor, who was returning in a carromata with his two young sons from the fiesta of San Nicolas. On the approach of the carromata accused and his companions sprang out, struck the coachman senseless, and led off as a prisoner Severino de Guia, followed by the two lads. Arriving at the barrio of Pomplona, Las Pinas, the accused, who was one of two leaders, from a distance of about two paces opened fire and shot deceased in the presence of his children, who were standing in his immediate proximity. The body was then flung into a pile of rocks and the murderers moved off.

[Page 163.]

SENTENCE.—And the Commission does therefore sentence him, Eugenio Inasuria, native, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the Commission concurring therein."

In the foregoing case of Eugenio Inasuria, native, the accused was one of six armed men, who in the daytime seized two men in a house, dragged them therefrom, and after securing such valuables as they could find took their victims into the fields and with rifles and war bolos killed them.

[Page 166.]

In the foregoing case of Rufino Zamudio, Gilio Alicante, Isidro de la Llagas, Higino Agabo, Tranquilino Santiago, Nicholas San Buenaventura, and Pedro San Juan, natives, it appears from the record that Rufino Zamudio had been an insurgent soldier, and, while residing at Cabusao, conceived the idea of styling himself a chief; that, aided and abetted by two or three Tagalog insurgents and a few confederates of the barrio, he caused notice to be served upon the people to assemble at a given place in order to be presented to one General Santos, who would punish them if they failed to obey. Men, women, and children obeyed the mandate, and, in coming together, the men were told by the said Zamudio that they were required to take an oath to resist the Americans to the death. After the oath had been administered and the men made to kiss and pass under crossed swords, they were formed in ranks and given orders to take certain persons to another place, there to be presented to General Santos. As the evidence shows, the use of the name of General Santos by the leaders of this band of assassins was but a cruel

deception whereby they veiled their sinister design of introducing their intended victims, by death, to another world. Their victims were selected from the relations and friends of a native pilot on a steamboat engaged between Manila and Nueva Caceres. Upon the slender pretext that this pilot must be an Americanista, eleven persons, among them one aged woman and four children of tender age, were taken into the fields, on their way to be presented to the fictitious General Santos, and there brutally assaulted with clubs and bolos until left for dead. Three of the victims revived, two succeeded in reaching succor and safety, while the other, being betrayed in the house she had reached, was again seized by three men—one of whom was Higino Agabo, of the accused—and her almost lifeless body taken on a carabao cart to the fields again, since when she has not been seen.

[Page 171.]

In the foregoing case of Faustino Mago and Fortunato Abanlog, natives, it appears that the former was the leader and the latter a member of an armed band of outlaws, which on about December 11, 1899, sequestrated and murdered by stabbing with daggers one Santiago Ramos, suspected of being an American spy. The actual killing was consummated by Faustino Mago and Fortunato Abanlog, the latter acting under the orders of the former, though undoubtedly a willing member of the band of outlaws and participator in its general criminal operations, but in this particular crime it is apparently shown in the case for the prosecution that he participated under the direct order and immediate coercion of Mago, who threatened him with his gun. This circumstance must be considered in fixing the degree of crime.

[Page 172.]

In the foregoing case it appears that the accused, Querino Biday, was one of a band of five armed outlaws, who seized and carried off from the sitio of Taririg, Camarines Sur, one Donicio Noqui, who was subsequently accused of being a Macabebe and American spy, and upon his denial, the accused plunged a dagger into his heart from the effects of which he died.

[Page 174.]

In the foregoing case of Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives, who were jointly tried, it appears that in obedience to the orders of a local outlaw or guerrilla chief these accused, while following the usual avocations of peace, kidnapped a Macabebe because he was "working for the Americans," and, taking him beyond the sight of the passersby, stabbed him to the heart with a dagger. Armed followers of the chief stood by to witness the execution. As in many like cases where the temporarily impressed followers of the chiefs of banditti do murder, it is impracticable to define the degree of willing acquiescence or the extent of the duress under which they act. It is known that these chiefs hold over their followers the threat of death, which they are swift to execute upon the disobedient. Moved apparently by these considerations, the department commander, in approving the sentence, has recommended its commutation to life imprisonment in the cases of all these accused except one.

[Page 179.]

In the foregoing case of Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, it appears that these accused, prompted by the secret accusations of the Katipunans to the effect that their victim was an American spy, lured Esteban Versosa, chief of police of the pueblo of Pura, province of Tarlac, to the outskirts of the town on the pretext of necessity for visiting his guard, and there boloed him to death. The actual participation in this crime by all of these accused is fully established by direct evidence, and they offer no evidence, explanation, or statement to meet the proof.

[Pages 180, 181.]

In the foregoing case of Fructuoso Sembrano, native, it appears of record that the accused had taken the oath of allegiance to and the office of presidente local of the pueblo of Gerona, Tarlac, under the Government of the United States; that thereafter, in secret ways, he devoted his abilities to furthering the cause of the insurrection, until being suspected of treachery and criminal misdeeds, he fled to the hills and engaged in active warfare against the Government he had sworn to support.

For his fidelity to the insurgent cause he was rewarded with the office of civil and military governor of Pangasinan. In his new capacity as an insurgent chief, he issued instructions to his subordinates, from which the following extracts are taken:

"Also order all persons in your jurisdiction to employ great astuteness in trying to capture arms from the enemy, and if any of the enemy are in the habit of taking a walk, your people must try to kill him and take his arms. You will immediately advise me the name of the person who captured the arms, that I may advise our government. The money that may be found on the enemy must be given to the brother (Katipunan) who obeyed this order. Return this order and comply. November 14, 1900."

[Translated from "Ilocano."]

"MOUNT BINGBATO, *September 9, 1900.*

"*To the chief of the town of Pura:*

"By this present I nominate you chief of this town, and you may from this date order its affairs and inhabitants. You will follow strictly the following rules: 1. Make out an act signed by all the brotherhood, using their nicknames, that they will defend the cause of their mother country. 2. Cause all those to disappear who oppose this measure or who become traitors to our holy cause. 7. The town that does not revolt with us will be at once destroyed and the people punished accordingly. 10. All secret spies will be killed (translated 'murdered') or sent alive to this camp."

[Page 183.]

In the foregoing case it appears that these accused, José Avila and Paulino Casio, natives, in company with a band of outlaws, entered the houses of one Juan Legaspi, at the pueblo Iriga, in the nighttime, actuated by no higher motive than robbery and degenerate cruelty and inhumanity, boloed to death five natives, including a child 3 years of age and a young girl 11; cut, wounded, and tortured three women, one small girl, and one man, with the intent to kill them.

[Page 184.]

In the foregoing case it appears that these accused, Hermanagildo Viscara and Ramon Nicomedes, natives, were members and officials of a band of assassins whose purpose was to inspire the community in which it operated with obedience to its will through terror by secretly assassinating those coming within its displeasure. In pursuance of this purpose, it is shown that these two accused sequestrated and conveyed to an unoccupied house at Pozorrubio, Pangasinan, one Calistro Fernandez, and there killed him by choking and crushing in his skull with some cutting weapon. They then compelled natives to convey the body to an isolated spot, where the legs of the victim were cut off, the body doubled up and forced into a shallow hole, head foremost, and then covered with earth. The motive of the crime is found in the fact that deceased was too friendly to the Americans and had acted as a guide for them.

[Page 185.]

In the foregoing case it appears that the accused, Pedro Abad Santos, native, was the adjutant, secretary, and adviser of General Hizon, the insurgent political military governor of Pampanga Province, having "command of everything" therein, and that the military authority of accused arose from this connection. It appears that this accused was present at the barrio of San Rafael during the month of May, 1900, together with two insurgent officers of the line, Lieut. Eusebio Rojas and Capt. Isabello del Rosario, the last being in command of the detachment of insurgent troops there stationed; that a native, Leoncio Torres, was brought a prisoner before these three officers, charged with being an American spy, and by them condemned to death by burying alive. The victim, with arms bound behind him, begged of this accused for mercy and was answered by a blow, which knocked him down, and an order to the soldiers to take him out and bury him, which was done.

[Page 186.]

In the foregoing case it appears that the accused, Gregorio Decasin, was an active member of an armed band of outlaws that entered the pueblo of Malasiqui, Pangasinan, November 23, 1899, seized and bound the presidente of the town, the justice of the peace, and five cabezas or headmen, conveyed them to a point at the outskirts of the town, and there murdered them by shooting, stabbing, and cutting with guns, bayonets, and bolos. The motive was robbery and retaliation for friendliness on the part of the murdered men for the American Government.

[Page 197.]

In the foregoing case it appears that these accused, Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambalgui, natives, were members of a band of outlaws operating in the vicinity of Pozorrubio and terrorizing the inhabitants into submission to their rule by the assassination of various members of the community. Accused, Doroteo Orbino, was a captain; Jose Tambalgui, a lieutenant, and Juan Seraloy and Domingo Seraloy, so-called soldiers of this band.

These four accused, about March 10, 1900, sequestrated, killed, and beheaded with bolos, two natives, Vicente de la Cruz and Felisardo Pasag, accused of being "Americanistas," such charge being founded on the fact that these victims had been in the habit of supplying beef for the American garrison. After the killing these accused forced several of the natives to carry the bodies to an isolated spot and cast them into the mud on the banks of a stream, where they were subsequently found and identified. No denial of the deed is made by these accused, three of them simply resting their defense upon the statement that they were soldiers of accused, Doroteo Orbino, and that they acted under his orders through personal fear.

[Page 200.]

In the foregoing case it appears that this accused, Benito Dorotan, native, attacked and killed with a dagger one Feliz Buenaventura, on the alleged ground that deceased was an "Americanista." It also appears that this accused in frequent prior declarations declared his intention of killing deceased and several other natives accused by him of being friendly to the Americans.

[Pages 203, 204.]

In the foregoing case it appears that the accused, Benancio Cueto, alias Venancio Queto, alias Captain Benancio, was a reputed captain of insurgents and captured in a barricaded native house at Bay, Laguna Province, armed and accompanied by two of his followers. No evidence of his violation of the laws of war, as specified under the first charge, appears of record, and, indeed, two of the specifications under that charge do not state facts sufficient to constitute a crime. For these reasons the findings of the commission on the first charge and its specifications were properly disapproved by the department commander.

Under the additional charge of murder, it appears that the accused, together with an armed band of insurgents, shot to death, at his residence at Bay, Laguna Province, Domingo Punsalan, presidente of the pueblo, for no other apparent motive than the fact that his victim had accepted the office of presidente under the American Government.

[Page 205.]

In the foregoing case it appears that the accused, Noverto Pré, was a lieutenant-colonel of insurgents, and that he personally killed by stabbing in the neck with a poniard one Claudio Orpilla, because the victim did not desire to join the insurgents. It also appears that the accused wantonly murdered two other natives December 2, 1900, because they were suspected of being spies of the Americans. All three murders were wantonly committed by the accused in person.

[Page 206.]

In the foregoing case of Augustin Botobara, native, it appears that the accused was one of a band of ununiformed men claiming to be insurgents, who lay in wait in a barrio of Barotoc for a police officer; that one of the band assailed this officer as he was entering the door of a house from the top of the steps leading thereto; that the blow felled deceased, his body falling to the ground, when the accused dispatched him with a bolo and afterwards superintended the burial of his body. The crime is one of a long series of like deliberately planned assassinations of men friendly to the American Government and in policy or purpose is so wanton and cruel that clemency can not be exercised in cases of those participating therein.

[Page 207.]

In the foregoing case it appears that the accused, Pio Balugbug, native, voluntarily joined a band of armed outlaws operating in the province of Misamis, Mindanao, and on or about January 8, 1901, captured and murdered a native, Luciano Magdales, accused of being a spy for the Americans, and in conjunction with another outlaw stabbed him to death with daggers. The crime is fully proven and not denied by the accused, who, however, seeks to justify it on the plea that he was acting under orders of a superior. That superior denies that he gave orders for the death of the victim, but if he had it would constitute no defense in law. Men being banded together for the commission of crime are all principals in the execution thereof.

[Page 208.]

In the foregoing case it appears that the accused, Eusabio Rabanal, was the leader of a band of outlaws; that he caused to be seized and bound one Guillermo Crisostomo, suspected of being an American sympathizer at Batac, Ilocos Norte, in February, 1900, and handing his dagger to a member of his band directed him to kill Crisostomo under penalty of death in case of refusal.

The killing was accordingly consummated in the presence of accused and under his direction.

[Page 219.]

In the foregoing case it appears that the accused, Tedorico Cuyanan, was one of a band of armed insurgents which, on October 14, 1900, forcibly entered the house of Jacinto Salunga and Pedro Salunga, at San Juan, Mexico, Pampanga, bound them and buried them alive in an isolated spot in the vicinity, the alleged motive being that the victims were spies for the Americans.

[Page 220.]

In the foregoing case it appears that these accused, Gregorio Ybasco and Agapito Tucay, were active and directing members of a band of armed outlaws, organized for robbery and assassination; that they seized, bound, and robbed eight peaceable natives at San Nicolas, Pangasinan, in December, 1899, conveyed them to an isolated spot on the banks of a river, where seven men were assassinated with guns and bolos, because suspected of being friendly to the Americans. The eighth prisoner escaped by slipping into the river, bound as he was, and, climbing to a log of wood, floating downstream. No doubt of the guilt of these accused arises from the evidence and no mitigating circumstance suggests clemency.

[Page 222.]

In the foregoing case it appears that this accused, Francisco Celedonio, a commandant of guerrillas, with 20 followers, on December 20, 1899, entered the town of Cabugao, Ilocos Sur, then within the occupation of the United States troops and under United States government, seized and bound several inhabitants, including Basilio Noviega, presidente, and Benigno Sison; caused these last two to be bayoneted to death and affixed to their foreheads a paper bearing the inscription "Traidor de la Patria."

[Page 225.]

In the foregoing case it appears that the accused, Enfrasio de la Cruz, alias Clemente de la Cruz, was a controlling member of a band of armed outlaws that seized, bound, maltreated, and carried off as prisoners two natives, Leandro Fernandez and Roman Martin, near Camiling, Tarlac, October 21, 1900, then delivered them to a band of ladrones, who killed them for their friendliness to the Americans. Again, this accused and his band, impelled by like motives, on November 11, 1900, seized and bound one Hilario Antonio, held him prisoner for twenty-four hours and then murdered him with bolos.

[Page 231]

In the foregoing case it appears of record that Egino Gamurot, one of the accused, was a corporal of police at Victoria, Tarlac, and by virtue of his authority over the other accused, Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, who were also policemen, ordered them to assist him in arresting two natives, Simplicio and Angelino Daniel, which being accomplished they took their captives to the fields, where the accused Gamurot, without further assistance from the other accused, conducted the deceased to a still greater distance and when beyond observation killed them with a bolo. The motive for this murder is found in the accusation that the deceased had given information to the Americans regarding the location of an insurgent camp.

[Pages 232, 233.]

In the foregoing case it appears that the defendant, José Antienza, was associated with an armed band of outlaws, not a part of any recognized military organization, and that he, with others, at Capas, Tarlac, October 31, 1900, seized, bound, and conveyed to a newly prepared grave one Manuel Dantes, suspected of friendliness to the Americans. Here the accused personally shot Dantes through the head from behind while the latter was bound and helpless.

[Page 239.]

In the foregoing case it appears that this accused, Felix Atienza, native, was a leader of an armed band of outlaws, directing its operations, in violation of the laws of war, against the peaceful inhabitants of the pueblo of Capas; that he ordered and caused to be consummated the murder with bolos of an unarmed and bound native, Civilio Lombay, at the brink of a newly-made grave near the sitio of Sampaloc, Tarlac, on the suspicion of the victim being a spy of the Americans; that, again, he similarly and for like motive, caused two Igorrotes to murder two natives, Eusebio Ramos and Clesento Ramos, and on another occasion he caused one Manuel Dantes to be bound, conveyed to the brink of a grave, and shot from behind by the brother of accused.

[Page 240.]

In the foregoing case it appears that accused, Francisco Dizon and Pedro Layug, in company of other armed outlaws, under the command of accused Francisco Dizon, and acting under his direct orders, carried one Juan Rojas, suspected of being friendly to the Americans, to an isolated spot and there killed him with a dagger.

[Page 240.]

In the foregoing case it appears that these accused, Simplicio Alfonso and Juan de la Cruz, were insurgent lieutenants at Tepangbuhe, Concepcion, Tarlac; the former the senior and the latter the junior, that both of these accused ordered their soldiers to capture and kill one Esteban Carlos, suspected of being a spy of the Americans, and such order was duly executed, the accused, Juan de la Cruz, being present at its consummation.

[Page 242.]

In the foregoing case it appears that the accused, Juan Barcena, in company of an armed band of outlaws, at the places and on or about the times alleged, seized, bound, and murdered, with bolos, a native, Fito Balisalisa, suspected of friendliness to the Americans; that he and his band shot to death with rifles another native, Pedro Arbilla, and that he personally shot and killed with a rifle a child of one Braulio Bustamente, because the latter was unable to meet the demand of accused for a contribution of rice.

[Page 242.]

In the foregoing case it appears that these accused, Tomas Bacolor, Emeterio del Rosario, and Andres Rebillido, in the barrio of San Andres, pueblo of Victoria, Tarlac, about September, 1900, seized and conveyed to an isolated spot a native man, a woman, and a boy, and then and there murdered them with bolos, on the alleged suspicion that the victims were spies of the Americans.

[Page 243.]

In the foregoing case of Florentino Garbo, native, it appears that the accused was an ununiformed boloman, as were the men of arms-bearing age generally in Santa Cruz; that he was under the command of insurgent officers whenever called by them from his usual peaceful occupations to assist in criminal depredations upon the community. In this instance the deceased was a very lame man and had come from a neighboring barrio to that of Quinsabungen on a friendly visit. Here he was forcibly seized in the house of his entertainers, accused of being a spy, and without hearing or form of trial, in open day and and in the most public manner, hurried to the near-by forest and there killed and buried.

[Page 244.]

In the foregoing case it appears that the accused, Francisco Peralta, was a leader of an armed band of men living within the lines of the United States forces. Wearing by day the ordinary native dress and seemingly following peaceful occupations, the band came together at night, or, in localities not immediately occupied by American troops, by day and night, for the purpose chiefly, it appears, of summarily killing those of their neighbors who were friendly to the American Government.

[Page 248.]

In the foregoing case it appears that these accused, Deogracias Doria and Roque Doria, in company with an armed band of outlaws, seized, bound, and conveyed to an isolated spot on the banks of the Matabuey River four native policemen, three of whom they shot and boloed to death and threw into the river. The fourth was boloed, but not fatally, and also thrown into the river. Subsequently he escaped, and appears as a witness herein for the prosecution.

[Page 250.]

In the foregoing case it appears that this accused, Aniceta Angeles, native, a leader of a band of insurgents, ordered and caused to be murdered with bayonets one Faustino Ressurrecion, a peaceful native of Namacpacan, Union Province, on the alleged suspicion that the victim acted as a spy of the Americans. No reasonable doubt as to the guilt of accused arises from the record, and his own admissions on the stand fully establish his criminal responsibility for the deed charged. The victim was in no sense a spy, was kidnaped within the American lines, and murdered without a trial or hearing.

[Page 250.]

In the foregoing case it appears that Tomas Torres and Fermin Directo, two of the accused, in company of other armed outlaws, sequestrated and conveyed to an isolated spot one Mariano Peralta, who was friendly to the Americans. There the victim was murdered by a blow in the head with a palma brava club and his throat cut with a knife, both of the said accused participating in the consummation of the crime. The accused Timoteo Viloria is not shown to have been connected with the crime.

[Page 251.]

In the foregoing case of Perfecto Flores, native, it appears by the evidence that the accused was one of a band of men wearing ordinary dress, who lay in wait for the two tailors who were working for the soldiers of Pasay cavalry barracks, and seizing them as they were going home in the evening from their day's work, killed deceased and took the other, Domingo Tancio, captive, in the manner and form as charged. It also appears from the documentary evidence filed in the case that these crimes were committed in compliance with orders received from insurgent chiefs. The sole case of offense appears to have grown out of the fact that their victims were earning a livelihood by taking service as tailors for the American soldiers. The wanton killing of a peaceful man the dullest intelligence can comprehend is not war, but must in truth be characterized as the most cowardly form of murder. Such murder disgraces any cause in the name of which it is done, and marks all who engage in it, from the chief giving the order to the follower who executes it, as assassins, dangerous to friend and foe alike, and rightly classes them under the laws of war as enemies of mankind. Upon all such offenders the best good of humanity demands that the law shall take its course.

[Page 252.]

In the foregoing case it appears that these accused, Leoncio Macalaguin, Leoncio Tabordan, Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, natives, in company of an armed band of robbers, entered the house of one Tomas Ragudo, first seized, bound, and hung up by a rope his son, then finding the father and mother, tied their elbows behind their backs and hung them to a rafter in their house. They then demanded money from Tomas Ragudo, and unsatisfied with the amount he yielded up, proceeded to wrap rags saturated with oil about his feet and legs and set them afire. From a half hour to two hours the torture was continued, accompanied with blows from butts of rifles, flats of bolos, and fists, and the young daughter of the victim was struck down by a blow from a bolo over the head. For five days the victim lingered in agony from the effects of his burns and then died.

[Page 258.]

In the foregoing case it appears that this accused, Eulogio Alomia, alias Toyo, at the pueblo of Biñan, province of Laguna, P. I., about July 8, 1900, kidnapped from his house one Mateo Carabo, and thereafter killed him with a dagger. It further appears that accused was one of the official executioners appointed by and acting under the orders of Lieut. Col. Eustacio Castelltor, but the crime was not committed in the immediate presence of said Castelltor, and it does not appear that accused had not ample opportunity to avoid obedience to this illegal order and seek protection from the American authorities.

As illustrative of the methods pursued by his superior officers, the following quotation is taken from a written confession of the accused, made in the presence of witnesses, prior to his trial and admitted by him on his trial to be true and correct: "I carried a letter of authorization * * * to act as a special agent, which means authority to commit murder. Each time a murder was ordered, a letter was sent to one of (above named) four men, by one of the chiefs (naming them). Afterwards the letter was taken up and burned. * * * If a man did not pay his contribution to the insurgent co lector he was ordered to be killed." This confession is so in line with numberless well-established cases that its substantial truth may be accepted with little doubt.

[Page 259.]

In the foregoing cases it appears that these accused, Ciriaco Rivilleza and Mariano Belarmino, in company of a band of outlaws, laid in ambush for the approach of a patrol of three native policemen, of whom deceased was one, and on the approach of this patrol sprang out and captured deceased, Marcelo Gasal. A few days afterwards the body of deceased was found in a neighboring river, weighted with a heavy rock and containing many wounds, one through the heart and one in the neck.

[Page 265.]

In the foregoing case it appears that these accused, Leon Obras, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, under the leadership of the first named, repaired to the house of one Hugo Mendoza, at Balaoan, Union, in February, 1900, seized, bound, and conveyed said Mendoza to the fields, and there accused Obras killed him with a bolo, because the victim was suspected of friendliness to the Americans.

[Page 268.]

In the foregoing case it appears by the evidence that the accused, Lucas Claudio, was a lieutenant of insurgents living as an ordinary citizen in the environs of Manila at Pasay, and in a neighborhood noted for the treasonable and turbulent character of its residents; that his band of ununiformed followers on about the 3d day of October, 1900, lay in wait for two natives who were returning in the evening from their day's work as tailors for the American garrison of Pasay Barracks, and, seizing them, killed one upon the spot and took the other to the house of the accused, where under threats of death if he complained to the authorities or left the premises, he was practically deprived of his liberty and made to work at his trade for his captors for several months and until the band was broken up by the police force of Manila.

[Page 270.]

In the foregoing case it appears that these accused, Diego de Guzman and Feliciano Borja, in company of a band of outlaws, of which the former was leader, seized and carried away to the fields, near the barrio of San Nicolas, Nueva Ecija, the wife and daughter of the sergeant of police of San

Isidro, and killed and murdered these two women by cutting and stabbing them with bolos.

It further appears by the evidence in the case of the accused, Diego de Guzman, that the dead bodies of two men, one a cousin and the other a coachman of the sergeant of police, were found lying dead with the bodies of the murdered women. From this fact the conclusion is forced upon the mind that these men were killed by violence and for the same motive which inspired the murder of the women, to wit, to inflict an appalling vengeance upon a man who had taken office under American authority.

[Page 271.]

SENTENCE.—And the commission does therefore sentence him, the said Wenceslao, alias Estanislao Rosales, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, all of the members concurring therein."

In the foregoing case it appears that this accused, Estanislao Rosales, about April 17, 1900, in company of an armed band of outlaws, seized and bound three native policemen who had been sent from Laoag to San Nicolas, Ilocos Norte, on duty, there took them before a priest to be confessed and then flinging them alive into a well, filled up the same with dirt, thus causing their death. Their acceptance of service under American rule is the apparent motive for their barbarous murder.

[Page 274.]

In the foregoing case of Francisco Braganza, native, it appears that this accused had been a lieutenant of police of San Fernando and recently appointed a major in the insurgent forces. That at Minalabag a party, by roll call, of 173 Spanish prisoners were delivered to him for the ostensible purpose of being conducted to a place of greater security from the approaching American troops. It appears that from high sources of authority among the insurgent chiefs the most stringent orders had been given to prevent their rescue by the Americans.

At the time the accused took charge of these prisoners they were footsore, weary, and half starved; their hurried marching and large number apparently overtaxing the available means of support which the presidentes of the pueblos through which they passed had at their ready disposal.

Apprehension of the sudden appearance of the American troops caused confusion and disorder among the guard and police which composed the escort, under the orders of the accused, who, on the 23d day of February, 1900, the morning following the day he assumed charge of the escort, proceeded to have the arms of his prisoners bound at the elbows with cords drawn across their backs, so as to render them comparatively helpless. This was the first act of unmistakable indignity imposed upon the prisoners, who, up to this time, had been treated with some kindness. Knowing the habits of the people in whose hands they were, to bind and make helpless one doomed to death, the prisoners must have readily interpreted its sinister meaning. The next act of the accused was to cause the prisoners to be searched for money and valuables and to appropriate the lion's share to himself. The prisoners were then told off in detachments of 10 men, more or less, with a suitable guard placed over each. They were then conducted to the rice fields, a short interval being preserved between the detachments. At a preconcerted signal, the blowing of a whistle by accused, the guards fell upon their victims and slaughtered them with daggers, bolos, clubs, and spears, the accused standing by, encouraging, directing, and urging on the barbarous assault.

Those of the victims who were strong enough, bound as they were, made a break for liberty, and accused ordered them pursued and killed. On the following morning it was reported to accused that thirty of the escaped prisoners had been recaptured at Lupi, whereupon he proceeded there, ordered them bound, conveyed to the woods, and again the scenes of the preceding day were enacted. Returning to Lupi, accused found another party of his recaptured victims, and these in turn, were bound and led to death.

[Page 276.]

In the foregoing case of Timoteo Dhalan, alias Doroteo del Rosario, it appears that the accused was a major of guerrillas of the so-called insurgent forces; that on the 30th day of October, 1900, one of his subordinates, First Lieut. Manuel Gonzales, successfully ambushed a detachment of the Thirty-fifth Infantry, United States Volunteers, taking five soldiers prisoners, and with the prisoners one Señor José Buencamino, presidente of San Miguel de Mayumo. The accused, having had report of the foregoing, sent orders to his subordinate, which appear by translated copies below:

"Señor First Lieut. Manuel Gonzales and Capt. Dionisio Santos:

"Inside of twelve hours you will report to me what has happened in the ambuscade that you have done; at what hour, in which place, how many they were, how many rifles captured, and also prisoners, and if José Buencamino, of San Miguel, was with them. With great care you will obey the following:

"First. Separate José Buencamino from the Americans, and with these Americans do as if you were to take them to the general; but when you reach the tall grass do with them what we are accustomed to do; but I strictly recommend to you not to let anyone know, even to our soldiers, but to those of much confidence and with the lips shut.

"Second. To José Buencamino do with him what you know the suffering of the reason in a hidden place, and take great care with the woman, so she may not escape.

"Third. Once you have done all these, give me a report of all that has happened in the ambuscade, so I may make the report to the general; what captains and officers were present, so that I may make the recommendations.

"God keep your life many years.

"The chief major of the guerrillas:

"TIMOTEO DHALAN.

"Now November 1, 1900."

Three days later the accused sent the following:

"Señor First Lieut. MANUEL GONZALES:

"I have received your communication for Captain Santos, and when you receive this you will obey, without excuse, the following:

"First. Once the prisoners are in the place where the enemy do not pass do with them what I have ordered; but no one must know, even many soldiers; only those who will do it; do not use bullets, but daggers. Buencamino must not know of this.

"Second. If Buencamino would request you anything, treat him well and that I will go there very soon; but you are responsible if he escapes. What you are going to do with the prisoners should be far from Buencamino, and he must not know.

"Third. Give to each of our soldiers undershirts.

"Fourth. I repeat you again that to hide Buencamino well, also our rifles, separate them from the places where the enemy pass, so that they may not be captured. Hereafter you should be more careful.

"You will receive five pesos for the soldiers.

"God keep your life many years.

"The chief major of the guerrillas.

"T. DHALAN.

"Now November 3, 1900.

"P. S.—What you should tell Buencamino is that the prisoners will be taken to the general; but do what I have ordered."

[Page 284.]

In the foregoing cases it appears that these accused, Pedro Atendido and Cornelio Largo, in company of and consorting with an armed band of tulisanes, killed with bolos, rifles, and daggers eleven members of the Echevarria family at Naro, Masbate, August 14, 1900, for the sole reason that the victims were Spaniards. Women and children were included in the killings, and the dead bodies were subsequently tied up in sacks and thrown into the river.

[Page 286.]

In the foregoing case it appears that this accused, Juan Olivar, was the leader of a band of ladrones that made an attack upon the house of Teodoro Labrador, then presidente of Mina, Panay, captured him, his brother, wife, grandmother, godmother, small daughter, and a policeman. The grandmother, godmother, and daughter were shot to death in the vicinity of the capture, Labrador, his wife, and the policeman were conveyed to an isolated spot and killed with bolos, while the brother affected his escape. Incidentally the accused and his band robbed Labrador of 78 carabao, 1 cow, 800 pesos, 2 guns, and 1 revolver.

[Pages 287, 288.]

In the foregoing case it appears that this accused, Ygnacio Siaotong, was an insurgent leader of volunteers operating against the American Government after having taken the oath of allegiance to that Government; that on September 15, 1900, at Barotac Nuevo, Panay, he forcibly seized a native woman suspected of friendliness to the Americans and caused his followers to convey her to an isolated spot in the fields, where a newly made grave had been prepared. Into this grave his victim was made to lie down and be suffocated with the earth filled in upon her.

[Page 288.]

In the foregoing case it appears that the accused, Luis Bernabe, an insurgent sergeant, in company of soldiers under his command, seized at Culoong, San José, Bulacan, about October 31, 1900, two natives suspected of friendliness to the Americans, conveyed them to an insurgent camp and there stabbed them to death.

[Page 298.]

In the foregoing case of Gabino Santa Inez, native, it appears from the evidence that the accused was a captain of insurgents; that in April, 1900, two muchachos, one a servant of an American presidente, were delivered to him as prisoners, and merely because they were suspected of being Americanistas he caused them to be first hung up until nearly dead and then dispatched them by shooting them with firearms.

[Page 307.]

In the foregoing case it appears that this accused, Nasario Valle, a commissioner of the Katipunan Society at Ibung, Nueva Viscaya, compelled the inhabitants to take the oath of that organization, issued orders that all who should refuse to follow the dictates of the same should suffer death, and in pursuance of such orders did in fact cause to be killed in the following barbarous manner: Tiburcio Baltazar and Juan Oarang, by beating them to death; Eulalio Saridon, by burying him alive; and Raymunda Alejo and Federica Asuncion, native women, by burning at the stake.

[Page 317.]

In the foregoing case of Baltizar Saldivar it appears that the accused was an active member of an armed band of outlaws commanded by one Julio Roda, engaged in depredations, robberies, and assassinations in and near Jiminez, province of Misamis, which band was sworn to "war to the knife" against all friendly to the Americans; that he personally aided and participated in the murder of an unknown native at Macpan by stabbing and cutting him to death with knives and bolos, actuated by a suspicion that the victim was an American spy, and that he similarly and with like motive killed one Santiago Maglipac at San Vicente, pueblo of Oroquieta, Misamis.

[Page 319.]

In the foregoing case it appears that this accused, Roberto Sangalang, was one of a band of armed outlaws that went to the house of Tito Balisalesa, at Balanbag, P. I., in the nighttime, and, after calling him out, shot and boloed him to death, on the suspicion that he was an American spy, and that the accused personally struck and cut the victim with his bolo.

[Page 321.]

SENTENCE.—And the Commission does therefore sentence them, Simplicio Molina and Dionicio Tabay, each and both of them, "to be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members of the Commission concurring therein." In the foregoing case it appears that these two accused, Simplicio Molina and Dionicio Tabay, at or near Santo Domingo, Ilocos Sur, in January, 1901, seized one Teodorico Gallardo, suspected of being an American spy, and while one held the victim the other stabbed him to death with a dagger.

[Page 323.]

In the foregoing case it appears that these five accused, José Santa Maria, Alberto de los Santos, Donato Ariones, Carlos Quinones, and Fulgencio de la Cruz, and other armed outlaws and participators in its crimes, seized, bound, and carried away from the barrio of Cabusao, Camarines Sur, five native men and four women, two of whom were mere children. Conveying them to isolated spots these accused, José Santa Maria, Donato Ariones, and Fulgencio de la Cruz, viciously assaulted them with bolos and clubs and with intent to kill, and did, in fact, kill Pedro Vicente, Euduviges Guerrera (a girl), Valerio Guerrera, Cabaltea, a man named Alejandro, and a woman, Aquilina, while the woman and girl, Euphemia Tortones and Maria Guerrera, were grievously wounded and left for dead where they fell. No other motive for this barbarous crime other than that of attempted intimidation of the community and enforced recognition of the authority of these accused as so-called insurgents and "defenders of their country" appears of record.

[Page 331.]

In the foregoing case of Silvestre Bollecer, Graciano Bolosanes, and Francisco Carlos, natives, who were jointly tried, it appears that a party of natives, men and women living in Alang Alang, went into the country in the near vicinity of said pueblo for the purpose of digging camotes and securing other means of leaving; that while engaged in loading their carabaos with the result of their labor, they were approached by a band of bolomen, of whom Silvestre Bollecer and Graciano Bolosanes were active and aggressive members; and first accusing these people of being Americanistas because they lived in Alang Alang under American authority and protection, made a murderous assault upon and killed four of them. They then seized and drove away seven carabaos belonging to their victims. For such wanton crime the laws, both of war and peace, fix the penalty of death.

[Page 332.]

In the foregoing case of Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, it appears from the evidence that these accused had been appointed representatives of one Valle, who had recently appeared in the province of Nueva Viscaya as a commissioner of the Katipunan society; that he claimed and exercised despotic powers over the

people, and with the aid of his newly appointed officers, these accused, he proceeded to establish respect for his authority by committing the barbarous crimes of burning to death helpless women and murdering with savage cruelty two law-abiding men in the manner and form as charged.

This case is but an example of many others where "commissioners" have been sent forth by the Katipunan chiefs, which is but another form of designation of the chiefs of insurrection with instructions to terrorize peaceful communities into taking the oath of the Katipunan society and joining hands with the so-called guerrilla, but now degenerate, bands, whose chief occupation is robbery, enforced by murder and assassination of their own people. Patriotism long since ceased to be the guiding motive of these bands. The number of men and women who have been destroyed by their own countrymen under guise of making war upon the American forces now reaches high into the thousands, and the work of these cowardly assassins, now misnamed insurrectos, still goes on in a few districts where they profess to be making war against the United States, but where, in fact, they engage only in terrorizing the people into the surrender of enough property to enrich the leaders and support their ignorant and vicious followers.

Mr. RAWLINS. Mr. President, at the beginning of the remarks of the Senator from Massachusetts [Mr. LODGE], he gave us notice that he would decline to yield to any interruption. This, of course, the Senator had a perfect right to do; but now, at the conclusion of his remarks, I may with propriety call the attention of the Senate to what I really said, and to which the Senator, by a partial quotation, undertook to make response.

I used this language, Mr. President, in some remarks which I had the honor to make and to which the Senator has made allusion:

I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor; I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

Mr. President, the Senator quoted this language from some remarks which I made:

My God, Senators, will anyone rise and tell me when and where among the most barbaric peoples you ever read such an act of brutality as that? When was anything like that disclosed elsewhere upon the face of the earth?

And other language followed it, which was quoted by the Senator from Massachusetts. That language, Mr. President, had reference to a military order which I quoted from the official records laid before us by the Secretary of War, and from which we have this language:

In addition to this punishment, any presidente or cabeza discovered to be concealing or protecting the enemy or furnishing false information or guides may be impressed as guides themselves and may be marched on foot daily at the head of columns or detachments until they have had a drastic lesson.

These people were to be taken out and marched in front of the expedition on foot, until they had "a drastic lesson," and to receive the shots that might be aimed at the soldiers belonging to the expedition. I wondered if anything of that kind had ever happened in the annals of history. The distinguished Senator from Massachusetts is a historian; I do not profess to be. He has already convicted me of the fact that I am not a historian, and I plead guilty; but that Senator, who is so good a historian, failed to give an instance in history of the kind that is contemplated in this official order which I read to the Senate.

The Senator has called attention to other acts of atrocity and cruelty which have prevailed elsewhere in the world, but he has alluded to nothing of this kind, and nothing of this kind that I know of has ever been called to my attention. Of course, it may have escaped me, but it would not have escaped the Senator from Massachusetts.

The Senator quoted this language employed by me:

Mr. President, I do not believe that Bell himself ever conceived this iniquity; this outline of policy. Perhaps it may have been Chaffee, who received his education in savagery and in cruelty and in barbarity over in China, etc.

Following that is the language which I have already quoted:

I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor. I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

But, Mr. President, here is a line of policy outlined by American officers in the Philippines in their orders to their subordinates to which I made allusion. It may be that these orders were necessary to the pacification of the Philippine Islands; it may be that our army in the islands under the command of Otis, under the command of MacArthur, and finally under the command of Chaffee, came to the conclusion that no other policy would be effectual for the subjugation or pacification of those people than the destruction of their homes and the extermination of the inhabitants.

That seems to be the conclusion at which these Army officers arrived. These instances of torture, of the infliction of the water cure in different parts of the islands, were frequent and of such common repute that it was well known throughout the archipelago that it was but a part of the general policy which it was deemed necessary to employ in order to accomplish the subjugation of those people and the pacification of those islands. That may be an arraignment of the Army of the United States; but I do not charge these cruelties to the Army of the United States.

The Senator from Massachusetts seeks in vain in this Senate to have us make an accusation which we do not make, namely, that the responsibility for these things rests upon the Army of the United States. The Senator would have better made an effort to follow this policy to its original source, and to have fixed the responsibility where it properly belongs. He has truly said that cruel torture has been inflicted upon American soldiers in the Philippine Islands. No one denies it. He admits that American soldiers have inflicted cruel torture upon the inhabitants of the islands, and no one can dispute it. He says the Army of the United States have been performing a duty which was incumbent upon them, and for which they are not responsible. I admit it. I then raised the query—and it was but a query—that possibly these orders emanated from Chaffee; but, Mr. President, I do not think Chaffee is responsible in any degree for these orders and for this line of policy which has been pursued.

I desire now and here to exonerate him and every other officer in the Philippine Islands. The Army of the United States and these officers have been the victims of that policy, and those Filipinos over there, whom we have been unable to protect against the assaults and cruelties of their former compatriots, their brethren and their friends—those American soldiers who, performing a thankless and unhonored task, have gone down to unhallowed graves; those officers, upon whom will ever rest the stain of the promulgation of the military orders to which I was compelled to make allusion in the remarks which I presented to the Senate, in order that the truth of history might be made manifest and that the iniquity of this policy might be disclosed to the American people, not for partisan ends—God forbid it—but for the sake of humanity and civilization and for the sake of the honor of my country.

I have deemed it proper to allude to these things, Mr. President. I shirk no responsibility for a single fact which I presented, and the Senate will note that the Senator from Massachusetts was enabled to allude to but two things stated by me in response to the speech which I had the honor to make. One was an inadvertence, an oversight upon an incident of history as to whether I meant Copernicus or Galileo, a lapsus linguæ, made in the course of extended remarks in the Senate, and the other an attempted misapplication of words which I employed in order, upon a fabrication, to base the charge that we on this side were assailing the Army of the United States.

No, Mr. President, we invited your attention in the inception of this business to the consequences which would ensue. The honored Senator sitting upon my right [Mr. BACON], all will remember, in January, 1899, alluded to the practice of cruelty in India, clearly foreboding what would ensue if that line of policy were pursued in the Philippine Islands. Ah, Mr. President, I do not lay these things at the door of Chaffee or of any soldier in the Philippine Islands. They are not there of their own choice. They are there performing a thankless task; they are there doing that which has been done by honored men elsewhere in the world.

I allude to Lord Elgin, an Englishman, a man of high character and good repute, a man whose career would disclose as many deeds of honor and of humanity as could possibly pertain to any of the men whom we have sent to the Philippine Islands, but who was sent as the agent for the execution of an iniquitous policy of aggression and subjugation into Asia, and as he surrounded the towns and cities which were to be destroyed in the execution of that policy he said, to use his own words: "I feel as if there is to be a fourth term added to the litany of misfortune. Hereafter it will be war, pestilence, famine, and Elgin." And in the Philippine Islands hereafter we, too, shall have a new litany, and it will be war, it will be pestilence, it will be cruelty—reciprocal, retaliatory cruelty upon a helpless people, not assailing us or our institutions, the victims of criminal aggression—all the result of a cruel and remorseless policy. That policy I lay at the door of the Senator from Massachusetts and other Senators who have been foremost in its promotion.

Mr. President, I have deemed it proper to say so much; but there is one other thing that I ought, in justice, to say. The Senator from Massachusetts alluded to the circumstances, and detailed them, of the death of one O'Hearn, a soldier of the United States, one of the victims of this policy. He was tied to a tree, burned for four hours, hacked to pieces, and buried. How does the Senator from Massachusetts know that? Why, twelve Filipinos were seized, put into the custody of American soldiers, and information as to how this soldier of the United States came to his death was unascertainable.

This system which prevails over there, started about two years ago, was brought into application, and what was the result? Twelve men were thrown down and subjected to the water torture. They were called upon to confess that they had been in-

strumental in bringing about the death of O'Hearn. They were tortured one day, but the necessary information was not derived; they were tortued the second day, and then, being unable to endure the torture longer, those twelve men, each and every one of them, said, "For God's sake, we can not endure this torture longer. What do you want us to say?" The interpreter, listening attentively, said, "Confess the charge which has been made against you." "What was that charge?" "That you burned this man for four hours; that you hacked him to pieces." Thereupon these men did confess, and that is the sole basis upon which is built up this fabric of alleged cruelty perpetrated by Filipinos upon this American soldier.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I decline to yield at present. The Senator can read the history of that as disclosed in our testimony before the Philippine Committee.

I rose but for one purpose, and I want those upon the other side to understand our position. Whenever any act of cruelty and atrocity is perpetrated by whomsoever, whether by Filipino or by American, it is a disgrace to any who participate in it—a disgrace to the semicivilized people of the Philippine Islands, if you are pleased to call them such, but doubly a disgrace to the people of our country and our race who are supposed to set an example of civilization and humanity to the rest of mankind.

You may as well understand now as at any time that no plea that two wrongs make one right will divert us from our purpose, if we can accomplish it, to bring to light these iniquities. When they are brought to light it will be to one end, namely, to show that you can not go into the Tropics except you carry with you degradation, abasement, and turpitude, that good men, men of the highest character can not do that which is interdicted in the providence of the Almighty without being degraded, and those who go there and do these things, who have heretofore been honorable men, are but the victims of this, your policy. Stop it to-day and you may take the reins of the Government for the next fifty years, and I will cease to refer to it any more. Retrace your steps. Put this country back in the line of policy in accordance with the traditions of those who founded it, and you may have all the offices in this country from the highest to the lowest during all the years of my life, whatever they may be. I will return to my native heath and live in satisfaction to know that this Government, created for and by the people, to uphold the principles of liberty and dispense justice and humanity, is still going to live, and that the course of this Government is not going to be turned aside from the pathway which the fathers who started it intended it to follow.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the unfinished business may be temporarily laid aside, in order that the Senate may complete the sundry civil appropriation bill.

The PRESIDING OFFICER. If there be no objection, the Philippine bill will be temporarily laid aside, and the Chair lays before the Senate the sundry civil appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments made as in Committee of the Whole be concurred in in the Senate in gross?

Mr. HOAR. I desire to say a word or two about an amendment which was adopted in my absence where I think the majority of the committee were misled in adopting an amendment to the bill as it came in. I should like to state the point. I ask unanimous consent that the amendment may be treated as open.

Mr. ALLISON. It is open. If the Senator will allow me, it is the amendment of the Senate to the provision on page 60 of the bill, relating to the transportation of silver coin. The Senator from Massachusetts would like to have the amendment left open. I ask that all the other amendments may be concurred in, and then this will be reserved for a separate vote.

Mr. HOAR. Very well. Has the bill gone into the Senate?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOAR. It makes no sort of difference. I merely wish to state once what I have to say.

The PRESIDENT pro tempore. Without objection, then, the other amendments made as in Committee of the Whole will be concurred in. The question is on concurring in the amendment on page 60.

Mr. HOAR. Mr. President, Congress some years ago passed a measure providing for the transportation free of charge of silver coin from the Treasury. It was intended to promote, as far as possible, the use of silver, and it was provided that whenever silver coin was sent from the Treasury to any bank or business organization whatever it should be transported free of charge. Ever since there has been, I suppose, an annual appropriation to cover that expense. It was a part of the policy of the law to urge and press into circulation, as far as possible, the siver coinage of the country, which was losing its place, according to the judgment of a very large portion of the Senate.

Now, this year the House of Representatives put into the paragraph providing for that expense a provision that silver should be transported free "for general circulation," "under such regulations as the Secretary of the Treasury shall make." It is to be for the purpose of general circulation, not for any private speculation, and the Secretary of the Treasury is to make the proper regulations.

The purpose of that was to strike at this abuse. Some banks in some parts of the country make a charge for collecting checks. The banks in our part of the country in general will collect your check for nothing. You have a check on your domestic bank and you put it into a bank here, and that bank sends it to the bank where you have a deposit, and they pay it without any charge to you and generally are glad to do it. Some banks within a few years have established the practice of making a charge therefor, and there are some banks which make a good many thousand dollars a year income off such charges.

The banks in general in New England, all but 40 or 50—all the Rhode Island banks, and all the Massachusetts banks, and the largest part of the banks in Maine, although there are a few that hold out, making some five or six hundred as against 60—do this for nothing. It is as much for their interest as for the owner of the check that it should be done for nothing.

In order to avoid that charge, the bank to which the check is sent, to be forwarded for collection to the bank where the depositor has his deposit, instead of sending it by mail and having the bank which receives it send back a check, making no charge for it, sends it by an agent, which it has a perfect right to do. If I want to draw a check in Worcester, where I have a deposit, I go to the bank and they will pay it to me, but if I send it by an agent they have to pay it also across their counter. Otherwise they would be liable for damages.

The banks which do not want to have their customers submit to this extortion send the check by express, and the bank where the deposit is has to make payment, of course without charge, to the full amount of the check.

So they have hit on this device: They say if there comes under these circumstances a check for $10,000 or $5,000 or $1,000, they will pay it only in silver coin, silver dollars, I suppose, or whatever sized coins they choose. The express company has to carry back $10,000 or perhaps $20,000 or $5,000 in silver coin, or else they have to submit to the extortion. Those banks not only do that, but they make the Government of the United States send the silver to them at its own expense. So, if my honorable friend the Senator from Arkansas has a check on his home bank or against a deposit in New York, and he puts the check into a bank in Washington, the bank which tries to do this thing will either make him pay the exchange, or, if he gives the check to some agent to pass across its counter, it will pay him $10,000 in silver. His agent has to lug back the $10,000 in silver, or he has to send it by express at a cost of three or four dollars.

This the banks are able to do by requesting the United States Treasury first to send them that amount of silver free. Thus the banks make the Government pay three or four dollars in order that they may get this tax of 1 per cent or whatever they charge. They get the Treasury to send them the silver for nothing. Then they make the man who holds the check pay three or four dollars to have the money carried back to the place where he drew the check. There the silver is put on deposit, and eventually is sent back to the Treasury or subtreasury, and then the process is gone all over with again. That trick, for it is nothing but a poor, cheap trick, is played by abusing a provision which was made to get silver into general circulation as far as possible.

The House put in this clause. They maintain the policy that we shall send silver, for general circulation, at the Government's expense, into the remotest corners of the country, but they say that it is to be sent for general circulation only.

This use of the banks does not in the least help the circulation of silver. The silver merely goes in one mass into a bank, back again into another bank and into the subtreasury, and comes around and around again. The House say that it shall be for general circulation and that the Secretary of the Treasury shall make the regulations.

That, I understand, is the performance, and the Senate committee, under some strange misapprehension, has struck out the House clause and left the old performance. I should like to ask

my honorable friend the Senator from Iowa, chairman of the Committee on Appropriations, if I am mistaken in any degree in what I have said; if everything I have said is not literally and absolutely true and the whole truth?

Mr. ALLISON. My colleague on the committee, the Senator from Maine [Mr. HALE], or the Senator from Vermont [Mr. PROCTOR]——

Mr. HOAR. I guess the Senator from Vermont is president of or director in some bank which does it.

Mr. PROCTOR. No, sir; I have not a dollar of stock of, nor do I hold any office in, any bank.

Mr. HOAR. The Senator has a bank close to him that does it.

Mr. PROCTOR. There is one close to all of us.

Mr. HOAR. That is the story. I leave it to the Senator from Iowa whether I am right.

Mr. ALLISON. I yield to the Senator from Vermont.

Mr. PROCTOR. Mr. President, the history of this matter is briefly this: There is in Boston a great money institution known as the Boston Clearing House, which is autocratic in banking matters in New England. All checks that come into Boston on any bank are sent to that institution, and by it sent to the bank on which drawn for collection. It is no new thing, as the Senator from Massachusetts has said, but from time immemorial there has been a small charge by the country banks for transmitting its funds to Boston. It is a just charge. It is obliged to keep a deposit in Boston on which to draw such drafts, which deposit draws no interest, of course.

In my early recollection, which is more than half a century ago, it was a quarter of 1 per cent. Those were stage times, and there was better reason for it, but it has been reduced until now it is one-tenth of 1 per cent. That has been the custom, as I have said, from time immemorial.

Two years ago last January the Boston Clearing House issued its order that all checks of country banks must be paid at par in Boston; that is, they must remit by draft and pay it at par to the clearing house. The banks said that was an entirely new and unjust and arbitrary exaction, and resisted. Some seventy-odd banks in Maine, Vermont, New Hampshire, and Connecticut resisted. Determined to enforce its edict, the clearing house adopted the plan of sending checks by express and demanding the money over the counter of the country bank. Of course the checks were good, and the banks paid over the counter, but if they had silver they paid in silver.

Mr. HOAR. Does that come out of the customer or out of the city bank?

Mr. HALE (to Mr. PROCTOR). Go on with your statement.

Mr. HOAR. I have a right to ask a question.

Mr. PROCTOR. The clearing house found that that process was a good deal more expensive than the one-tenth of 1 per cent, so they stopped it after a while.

But at this session they sent their agent to the House, and, unbeknown to the country banks, they got this provision put in which would stop the shipping of silver. The country banks were not represented. It was a surprise to them, and it was only when the matter was laid before the committee in the Senate that any attention was drawn to it. I submitted to the committee a letter from our State treasurer, who is president of one of our country banks, and the letter is printed in the hearings. Perhaps I will ask that it be printed in the RECORD. All we ask is to let the law remain just as it has been for years. It will cost the Government nothing. They never again will undertake, if the law remains as it is, to send their checks by express. But I can not answer for what necromacy they may try next. However, I think they will gracefully yield to what has been the custom, as I have said, from time immemorial—a very moderate charge.

Mr. HOAR. May I ask the Senator from Vermont a question before he sits down? Is not the practice of charging 10 cents for collections entirely new within the last three years?

Mr. PROCTOR. Oh, no.

Mr. HOAR. I have myself been a bank director. It is absolutely new in general. It may have been done in some few cases. I think Senators have enough knowledge of the subject to know that this is a new practice.

Mr. PROCTOR. I was a director in a little country bank nearly fifty years ago.

Mr. HOAR. I thought so.

Mr. PROCTOR. Then the charge was a quarter of 1 per cent. It was gradually reduced, as I have said. For a few years I was president of a little bank, twenty years ago, and the charge had then been reduced to one-tenth of 1 per cent. I have reformed, and, as I have said, I am not now connected with any bank, but I know the custom.

Mr. HOAR. I do not doubt that my honorable friend has reformed, but I have noticed that some reformed persons get back to their old practices very easily on temptation. There is just one practical fact about this matter. If I have a deposit in a bank, I am entitled to have that bank pay me my money without any deduction, whether I go there myself with a check and put it across the counter or whether I send my agent.

Mr. PROCTOR. Mr. President——

Mr. HOAR. Allow me to finish this proposition, and I will yield. The arrangement which these few banks, against about 600, are trying to keep up is this: I am entitled to a thousand dollars, and the bank has agreed to pay me. They have had the use of my money, without interest, perhaps for six months or a year. When I send a check by my agent, they say, "You shall pay out of it our charge for collection or we will pay it to you in silver." I have to take the thousand dollars in silver coin. Where do they get the silver? They get from the Treasury free the silver which I have to pay somebody, an express company, two or three dollars to take to the point where the check was drawn, or if I have sent my check from Washington to my agent in Rutland, Vt., I have to pay $5 to have the thousand dollars brought to me, including insurance and transportation charges.

How are the banks able to do it? They are able to do it by getting the silver sent to them by the Government for nothing from the exact place where it is brought back to me. They keep up that process around and around, under the shelter of a law which was intended to put silver into circulation. It does not put a dollar into circulation. On the contrary, if anything can make silver odious it would tend to do so and to hurt the circulation of silver. Now I will listen to my honorable friend, the Senator from Vermont.

Mr. PROCTOR. If the Senator from Massachusetts has a check for a thousand dollars on any one of these seventy-odd banks it will be paid at par over the counter to him or any agent whom he sends there.

Mr. HOAR. No, sir.

Mr. PROCTOR. What they will not do is to depart willingly, or unless compelled to do so, from this custom, going back to time immemorial, of a slight charge for transporting the money to Boston to the clearing house.

Mr. HOAR. They do not have to transport it. They send all their other funds in a check on Boston by mail free. They have their funds in Boston, where the Senator says they do not get any interest, and they do not pay anything for the privilege of using the bank as a place of deposit for their funds, instead of having them in their vaults, and having this bank make all their accounts and exchanges. They do not have to pay anything.

This is not a question between the banks in the city and the banks in the country. It is a question solely of extorting money for doing that which other banks are glad to do without extorting from the customer, and they are doing it at the cost of the Treasury of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. PETTUS. What is the amendment?

The PRESIDENT pro tempore. The amendment will be stated.

Mr. HOAR. I hope it will be voted down.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 19, it is proposed to strike out the words "for general circulation," and in line 20, to strike out "under such regulations as the Secretary of the Treasury shall make;" so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $100,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so.

Mr. HOAR. Let me say one word. The very amendment itself, the very thing they want to strike out, confesses their case. The House provision is that silver shall still continue to be transported at Government expense for general circulation, but they want to have it transported at Government expense where it is not for general circulation.

Mr. HALE. At first blush in this matter I thought the House proposition was right. I did not think it was right for the reason the Senator from Massachusetts thought it was when he started—that the bank charged on a check when presented at their counter. That was not the grievance that I thought was cured, because I knew enough about banking to know that was not so. It never was so. When the Senator stated with great circumstantiality that it was a grievous burden to the bank that when you presented a check they charged to you a percentage, he was all wrong about it.

Mr. HOAR. The Senator will pardon me; I did not say so.

Mr. HALE. I leave that to the apprehension of Senators. The Senator very quickly changed his ground when he found he was wrong; and nobody can do it more quickly than he.

The truth is all this came up just as the Senator from Vermont has said. I found out about it by correspondence with banks. The Boston Clearing House undertook to dragoon the country banks into doing this business in their way, and in order to dragoon them sent down their checks to be cashed by the banks at their counters.

Mr. COCKRELL. Through express?

Mr. HALE. Through express. It was never done before until within the last year or two. No city association of banks, with their immense power, tried to do that. They said, "We will break down the country banks on this proposition, and we will send the checks by express right to your banks." The average countryman has not lost his wit. He is about as bright, even, as the city bankers are supposed to be, where he is interested. The bright men in the country banks said, "Very well; if this association are going to dragoon us by sending their checks by express to be paid we will send them legal currency; we will send them silver." It operated at once.

The whole thing is ended. The Boston association are not trying to do this now. The moment that the bright countrymen in the banks resorted to this remedy and sent on silver they quit. They have quit and they will never try it again unless we agree to the House provision.

Mr. COCKRELL. And then they will.

Mr. HALE. It came up in the committee. The Senator asked if the committee did not act under misapprehension. It acted under apprehension, which is different from misapprehension. It found out just what there was to this trouble, and it naturally sympathized with the country banks against this performance of the city banks.

Now, as to almost all the banks in New England having yielded to this, I know from my correspondence that most of them were dragooned to back down. They were afraid of this great association in the city, and they declined.

Mr. HOAR. May I ask my friend a question?

Mr. HALE. Yes; half a dozen.

Mr. HOAR. I will ask one first, and hear what the Senator says to it, and I will then see about the other five. I want to know if the Senator thinks it is not a legal obligation of a bank to pay my check by whatever instrumentality I want it when I present it at its counter.

Mr. HALE. That is just what I say; they have a right to do it.

Mr. HOAR. Very well. Then that is question No. 1. It is a legal obligation to pay that check without deduction. Next, have they a right, if I choose to present that check in the way I want to do it, to say, "Unless you take out a certain sum for us, we will pay you in silver, which is going to cost you a large sum to cart across the country to where you want it, and we get the Government to cart that silver to us for nothing?"

Mr. HALE. Undoubtedly they have that right, and that is the only protection they have against this city association.

Mr. HOAR. I will now ask question No. 3. I have six that I can ask. What does the Senator mean by the only protection to a bank against complying with its precise, legal, just obligation to pay me my check when I present it by any other agency I choose at their counter?

Mr. HALE. If the Senator had been a director in one of these frugal country banks——

Mr. HOAR. I have been a great part of my life.

Mr. HALE. He would have known what the protection was, because the moment the association resorted to this expedient to break down the country banks, and they countered by sending it silver by express, it stopped. The banks in Maine say that they agreed to it because they were afraid of this Boston concern; they were under the shadow of the Boston concern, and they backed down; but I am very much obliged to the Senator from Vermont and the country banks that stood their ground and naturally fell back upon this resource. It is all right; the Government will not be burdened a cent if this remains as the Senate committee, after full deliberation, put it on the bill. That is all there is to it.

Mr. HOAR. Mr. President, I want to say one word more. Of course there are a great many banks which would like to get two or three thousand dollars a year out of their customers for doing what by their contract they are bound to do for nothing. That is very likely. But can you say that it is a protection against wrong? The Senator from Maine might just as well say, if he owed you a thousand dollars, he was going to be protected against your asking for it when you wanted it by paying it all to you in silver. That is just what he is doing.

Mr. HALE. If the Senator sent it to me by express, he would have a right to have it sent me in silver.

Mr. HOAR. That is it exactly. That strips the whole thing and comes to the point the Senator will have to come to with his clear head. If the Senator owes me a thousand dollars and I want it, he has a perfect right to pay me in legal-tender silver. Now, that being so, has he the further right at Ellsworth, Me., to go to the United States Government and say, "I am going to use legal-tender silver to pay Mr. HOAR to prevent his asking me to pay it down to him for nothing?"

Now, we are not interfering with these rights of the country banks the least in the world. We are only saying that the country banks shall not charge the United States three or four dollars expressage on every thousand, or whatever it is, to enable them to make two or three thousand dollars out of their customers every year for doing what the law requires them to do for nothing.

Mr. COCKRELL. Mr. President, just one word. I hope the Senate will agree to the amendment proposed by the committee. It is right. A Boston clearing house undertook to dominate and dictate to the country banks, and they had the manhood and the courage to deal with them legally and justly, in my opinion. They sent their checks there to take the money from out of the banks, and they paid them in the current coin of the kingdom. They paid them in standard silver dollars, a full legal tender. It is not for the Senate to inquire where they got those dollars. They got them legally. They got them according to law. We want the law to remain just as it has been ever since we commenced the use of silver. There has been no harm heretofore from this provision of law; and that the Senate of the United States shall be called upon to modify the law, so as to enable the clearing-house institutions to oppress the country banks and make them yield to their terms, whatever they are, I think is asking a great deal, even for the State of Massachusetts.

Mr. BEVERIDGE. Mr. President, there are some Senators on this side of the Chamber who have listened very attentively, but have not been able to catch very much that was said. Not only for myself, but for others, I should like to know from the chairman of the committee, or anyone else, just what will be the effect if the amendment of the committee is agreed to. What we want to know over here is what would be the difference. We have caught little scraps of the debate, but not very much of it.

Mr. COCKRELL. It would leave the existing law just as it has been ever since we commenced the use of silver. The Government transports silver wherever it is demanded.

Mr. HOAR. May I ask the Senator a question?

Mr. COCKRELL. The provision of the House places it in the hands of the Secretary of the Treasury to say, "You do not want this money for general circulation, and you shall not have it sent to you."

Mr. BEVERIDGE. It makes it discretionary with him?

Mr. COCKRELL. It makes it discretionary with him to refuse or not refuse to allow the money to be transported. There has never been a complaint, from the enactment of the law down to the present time, except this one complaint made by the Boston Clearing House because of the country banks.

Mr. HOAR. May I ask the Senator before he sits down——

The PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. BEVERIDGE. I wish to ask the Senator from Missouri this question: As I understand it, if the amendment of the committee is adopted the result will be that it is then taken out of the discretion of the Secretary of the Treasury, whereas if the amendment of the committee is not adopted it is left discretionary with the Secretary. Is that the situation?

Mr. COCKRELL. The Secretary of the Treasury never has refused; when applications were made for the transfer of silver it was done. There were great quantities transported at different times from one place to another.

Mr. BEVERIDGE. I understand that.

Mr. COCKRELL. If this provision of the House for general circulation under such rules and regulations as the Secretary of the Treasury shall make is put in the bill, then he can make just what regulations he chooses and determine whether it is for circulation or not.

Mr. BEVERIDGE. It is solely in his discretion, then?

Mr. COCKRELL. It is solely in his discretion.

Mr. BEVERIDGE. Whereas the committee amendment takes it out of his discretion?

Mr. COCKRELL. It leaves it just as it has been all the time.

Mr. BEVERIDGE. I understand it now.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 189) making additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington; in which it requested the concurrence of the Senate.

The message also communicated to the Senate the intelligence of the death of Hon. PETER J. OTEY, late a Representative from the State of Virginia, and transmitted resolutions of the House thereon.

The message further announced that the Speaker of the House had appointed Mr. JONES of Virginia, Mr. SWANSON, Mr. RIXEY,

Mr. HAY, Mr. LAMB, Mr. RHEA of Virginia, Mr. FLOOD, Mr. HEPBURN, Mr. MEYER of Louisiana, Mr. JENKINS, Mr. LANHAM, Mr. OLMSTED, Mr. DE ARMOND, and Mr. MCCALL as members of the committee on the part of the House.

DEATH OF REPRESENTATIVE PETER J. OTEY, OF VIRGINIA.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 5, 1902.*

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. PETER J. OTEY, a Representative from the State of Virginia.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral, at Lynchburg, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. JONES of Virginia, Mr. SWANSON, Mr. RIXEY, Mr. HAY, Mr. LAMB, Mr. RHEA of Virginia, Mr. FLOOD, Mr. HEPBURN, Mr. MEYER of Louisiana, Mr. JENKINS, Mr. LANHAM, Mr. OLMSTED, Mr. DE ARMOND, and Mr. MCCALL as members of the committee on the part of the House.

Mr. DANIEL. Mr. President, I beg leave to offer the following resolutions.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. PETER J. OTEY, Representative in Congress of the Sixth Congressional district in Virginia.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer of the Senate to join the committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

The PRESIDENT pro tempore. Will the Senate agree to the resolutions submitted by the Senator from Virginia?

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as members of the committee on the part of the Senate Mr. DANIEL, Mr. MARTIN, Mr. BATE, Mr. CLAY, Mr. GALLINGER, Mr. CLARK of Wyoming, and Mr. MILLARD.

Mr. DANIEL. Mr. President, I move that as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 6, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 5, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God our Heavenly Father, surely Thou hast laid a heavy hand upon us; and oh, how forcibly are we reminded of the uncertainty of life. Our cup of sorrow already full, Thou hast touched another member of the Congressional family and borne his spirit to the realms beyond. Genial and kindly of disposition, buoyant of heart, he had won the affection of his colleagues and friends; and by industry, courage, and devotion to duty, their respect and confidence. He will be mourned and missed here and by a devoted constituency at home; and O God, be very near we pray Thee to the stricken wife and mourning children. Put Thy loving arms about them and give them sustaining grace, and help them to look forward with bright anticipations to that future where life is eternal; in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, May 3, was read and approved.

STATUE OF MARSHAL DE ROCHAMBEAU.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for the present consideration in the House, as in Committee of the Whole, of the joint resolution which I send to the desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the resolution which he sends to the Clerk's desk, to be considered in the House as in Committee of the Whole.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 189) making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the additional sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State for the purpose of carrying out the provisions of the joint resolution entitled a "Joint resolution authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington," approved March 21, 1902.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FLETCHER, for twelve days, on account of important business.

To Mr. GAINES of West Virginia, for three days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. GIBSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, MR. DEBOE, and Mr. TURNER as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10782) granting a pension to Ole Steensland, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes on the two Houses thereon, and had appointed Mr. FOSTER of Washington, Mr. PRITCHARD, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry, had asked a conference with the House on the diagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BURTON, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

Joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

DEATH OF REPRESENTATIVE OTEY, OF VIRGINIA.

Mr. JONES of Virginia. Mr. Speaker, it is with deep feeling and profound sorrow that I announce the death of my late colleague, the Hon. PETER J. OTEY, which occurred at his home in the city of Lynchburg at half past 3 o'clock on yesterday afternoon.

At some future time I shall ask the House to set apart a day when members may have an opportunity to pay tributes to the personal virtues and public services of my deceased colleague. I now send to the Clerk's desk and ask to have read the resolutions which I offer and for which I ask immediate consideration.

The SPEAKER. The gentleman from Virginia offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

House resolution 240.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. PETER J. OTEY, a Representative from the State of Virginia.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral

at Lynchburg, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to; and in pursuance thereof the Speaker announced as the committee on the part of the House Mr. JONES, Mr. SWANSON, Mr. RIXEY, Mr. HAY, Mr. LAMB, Mr. RHEA, and Mr. FLOOD, Virginia; Mr. HEPBURN, Iowa; Mr. MEYER, Louisiana; Mr. JENKINS, Wisconsin; Mr. LANHAM, Texas; Mr. OLMSTED, Pennsylvania; Mr. DE ARMOND, Missouri; Mr. MCCALL, Massachusetts.

Mr. JONES. Mr. Speaker, as a further mark of respect to my deceased colleague, I move that the House do now adjourn.

The SPEAKER. The gentleman from Virginia, as a further mark of respect for our deceased friend, moves that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John S. Watkins against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Attorney-General, transmitting an estimate of appropriation to satisfy a judgment in favor of John B. Suttles, jr., et al.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, responding to the inquiry of the House relating to treatment of American citizens of Jewish religious faith—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed by accounting officers of the Treasury—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required to complete the service of the fiscal year ending June 30, 1902—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5832) to establish a fish-hatching and fish-culture station in Sarpy County, near the town of Southbend, Nebr., reported the same with amendments, accompanied by a report (No. 1885); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11476) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region, reported the same without amendment, accompanied by a report (No. 1886); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3989) to establish a fish-cultural station at or near the town of Mammoth Spring, in the State of Arkansas, reported the same with amendments, accompanied by a report (No. 1887); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 11657) allowing the construction of a dam across the St. Lawrence River, reported the same with amendment, accompanied by a report (No. 1888); which said bill and report were referred to the House Calendar.

Mr. EMERSON, from the Select Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation, reported the same without amendment, accompanied by a report (No. 1889); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5464) placing James W. Long, late a captain, United States Army, on the retired list, reported the same without amendment, accompanied by a report (No. 1890); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 6332) granting a pension to Michael Conlon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13612) granting a pension to Margaret Bell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHAFROTH: A bill (H. R. 14201) to protect the coins of the United States from destruction—to the Committee on Coinage, Weights, and Measures.

By Mr. JOHNSON: A bill (H. R. 14202) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of the Iowa legislature, favoring H. R. 8337 and S. 3575—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A resolution of the Iowa legislature, favoring the Nelson-Corliss bill—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 14203) for the relief of Robert S. Hill—to the Committee on Military Affairs.

By Mr. CAPRON: A bill (H. R. 14204) granting an increase of pension to Julia Lawton—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14205) granting an increase of pension to John Hendricks—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 14206) granting a pension to Mary J. Moore—to the Committee on Pensions.

Also, a bill (H. R. 14207) for the relief of the estate of Samuel Bolt, deceased—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 14208) granting an increase of pension to Alexander Murdock—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 14209) granting a pension to Joseph W. Booker—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14210) for the relief of Bettie Wood—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 14211) granting a pension to H. H. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14212) granting a pension to J. F. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14213) granting an increase of pension to Mattie E. Wright—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14214) granting a pension to James R. Hicks—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 14215) granting a pension to George Logsdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14216) for the relief of Edward Merrel—to the Committee on Military Affairs.

By Mr. ZENOR: A bill (H. R. 14217) granting a pension to George M. Smith—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Kentucky: Petition of distillers, farmers, bankers, and other citizens of Daviess County, Ky., in favor of

House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of Narragansett Lodge, No. 478, Brotherhood of Locomotive Firemen, Providence, R. I., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BROMWELL: Petitions of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURKETT: Petition of citizens of Chehalis County, Wash., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. CREAMER: Resolutions of the West End Republican Association of the City of New York and Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Resolutions of Mine Workers' Unions No. 1243, of Boonville, and No. 1491, of Sophia, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HOLLIDAY: Resolution of United Mine Workers' Union No. 1411, of Burnett, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. LITTLEFIELD: Petitions of J. J. Pike & Son, Benjamin Tucker, P. A. Howard, Thomas Frank, and E. E. Hardy, farmers and dairymen in the State of Maine, favoring the new oleomargarine bill—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of G. E. Wood and others, of Ithaca, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany House bill 14195, granting an increase of pension to David T. Towles—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolution of the Credit Men's Association of Columbus, Ohio, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. SOUTHWICK: Petition of D. Hardy and other citizens of New York City favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of citizens of Waterbury, Conn., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

SENATE.

TUESDAY, *May 6, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SANDY HOOK PROVING GROUNDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter addressed to the Chief of Ordnance, United States Army, by Capt. E. B. Babbitt, commanding officer, Sandy Hook Proving Grounds, relative to an appropriation for the protection of the lower end of the Sandy Hook reservation from the inroads of the sea; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

STATUE OF MARSHAL DE ROCHAMBEAU.

The joint resolution (H. J. Res. 189) making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington, was read the first time by its title.

Mr. ALLISON. It is very important that the joint resolution should be passed immediately, as it is necessary to make arrangements for the dedication of the statue on the 24th of May. I ask that it be put upon its passage.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the additional sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State for the purpose of carrying out the provisions of the joint resolution entitled a "Joint resolution authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington," approved March 21, 1902.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESECRATION OF THE FLAG.

Mr. HANSBROUGH. Mr. President, on two or three occasions I have introduced bills to prevent the desecration of the national flag, and they were referred to appropriate committees. Other Senators, I think, have introduced similar bills. The bills are now before committees of this body. I am in receipt this morning of a petition signed by 341 ex-soldiers of the Union Army asking for action on this measure.

Mr. HOAR. What committee is the bill now before?

Mr. HANSBROUGH. It is before the Committee on Military Affairs. I will ask that the petition go to the Committee on Military Affairs.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Military Affairs.

Mr. BURROWS. The Senator will allow me to say in this connection that the bill is before the Committee on Military Affairs and is now receiving the consideration of a subcommittee.

Mr. HANSBROUGH. I am very glad to hear it.

Mr. HOAR. I should like to make a statement, as the Senator from North Dakota has made one.

I have very warmly favored the object of the petition which the Senator has presented. A bill came before the Committee on the Judiciary in the last Congress or the Congress before. It was recommended by myself, and certainly by other members of the committee, but in the discussions in the committee we found so many difficulties in regard to any particular plan proposed, which upon being suggested would appear to everyone, in getting exactly the legislation desired without impairing the reasonable and proper right of citizens to use the flag for public occasions, that we found ourselves unable to devise such a measure. We were not able to agree on such a bill which we could recommend to the Senate, and in the multitude of work before the committee it was put over. The bill has not come to our committee this year. I do not think, however, there has been any want of a full desire on the part of the committee to accomplish the end which my friend has in view. I think I personally favor the bill he presents, but I can not be quite sure about it. There is difficulty in dealing with the details of such a measure.

Mr. HANSBROUGH. Mr. President——

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. HANSBROUGH. I desire to say simply a word in reply to the Senator from Massachusetts.

The PRESIDENT pro tempore. There is nothing before the Senate.

Mr. HANSBROUGH. By unanimous consent I desire to say a word.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed, in the absence of objection.

Mr. HANSBROUGH. The first bill I introduced on the subject went to the Committee on the Judiciary. Later I received a request from a well-known patriotic organization of the country requesting that the bill be reintroduced and referred to the Committee on Military Affairs. That accounts for the fact that I reintroduced the bill and sent it to that committee, and, as the Senator from Michigan [Mr. BURROWS] has stated, the bill is now being considered by the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. HANSBROUGH presented a petition of Local Division No. 202, Brotherhood of Locomotive Engineers, of Fargo, N. Dak., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of sundry citizens of New York City and Brooklyn, N. Y., praying for the repeal of the tariff on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented petitions of the Piano and Organ Workers' Local Union of Derby City; of Lodge No. 480, International Association of Machinists, of Buffalo, and of Horseshoe Nail Makers' Local Union No. 9656, American Federation of Labor, of Keeseville, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the Audubon Society of the State of New York, praying for the enactment of legislation for the protection of game in Alaska, and for the transfer of certain

forest reserves to the control of the Department of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the West End Woman's Republican Association of New York City, N. Y., and a petition of the Woman's Republican Association of the State of New York, praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Division No. 225, Order of Railway Conductors, of Hornellsville, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BURROWS presented petitions of sundry citizens of St. Charles, Mich., praying for the enactment of legislation to reduce letter postage to 1 cent per ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Division No. 33, Brotherhood of Locomotive Engineers, of Battle Creek; of Local Division No. 6, Order of Railway Conductors, of Battle Creek; of Local Division No. 340, Order of Railway Conductors, of Gladstone; of Lodge No. 260, Brotherhood of Locomotive Firemen, of Grand Rapids; of Lodge No. 158, Brotherhood of Locomotive Firemen, of Detroit; of Lodge No. 367, Brotherhood of Railroad Trainmen, of Calumet; and of Lodge No. 568, Brotherhood of Railroad Trainmen, of Alpena, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the International Association of Machinists of Fairhaven, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. BURNHAM presented a petition of Lodge No. 306, Brotherhood of Locomotive Firemen, of Concord, N. H., and a petition of Lodge No. 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented a petition of Carpenters and Joiners' Local Union No. 980, American Federation of Labor, of Rochester, Minn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a memorial of the Minnesota Furniture Manufacturers' Association of Minneapolis, Minn., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Local Division No. 333, Brotherhood of Locomotive Engineers, of St. Paul, Minn., and a petition of Local Division No. 102, Brotherhood of Locomotive Engineers, of Austin, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BARD presented a petition of the First Ward Improvement Club of Vallejo, Cal., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce, of Los Angeles, Cal., praying for the enactment of legislation providing for the reorganization of the consular service of the United States; which was ordered to lie on the table.

He also presented petitions of Machinists' Local Union of Oakland; of Carpenters' Local Union of Watsonville; of Carpenters' Local Union of Oakland; of Carpenters' Local Union of Alameda; of Carpenters and Joiners' Local Union No. 35, of San Rafael; of Local Union No. 829, of Santa Cruz; of Carpenters and Joiners' Local Union No. 944, of San Bernardino; of Local Union No. 642, of East Yard; of Carpenters and Joiners' Local Union No. 668, of Palo Alto; of Carpenters' Local Union No. 235, of Riverside; of Carpenters' Local Union No. 316, of San Jose; of Leather Workers on Horse Goods Local Union No. 57, of San Francisco; of Local Union No. 9, of San Francisco; of Leather Workers' Local Union No. 17, of Benicia; of Wood Workers' Local Union No. 152, of San Francisco; of Local Union No. 1, of Fresno; of Millmen's Local Union No. 262, of San Jose; of the Journeymen Barbers' Local Union No. 317, of Bakersfield; of Local Union No. 252, of San Jose; of Iron Molders' Local Union of Los Angeles; of Brewery Workers' Local Union No. 7, of San Francisco; of Cloak Makers' Local Union No. 891, of San Francisco, and of Cigar Makers' Local Union No. 225, of Los Angeles, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of F. E. Dupell Lodge, No. 231, Brotherhood of Railroad Trainmen, of Terre Haute, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. DOLLIVER presented the petition of Parley B. West, of Lake View, Iowa, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of sundry wholesale and retail liquor dealers of Fort Madison, Iowa, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the general conference of the Reorganized Church of Latter Day Saints, of Lamoni, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Julian Lodge, No. 379, International Association of Machinists, of Dubuque, Iowa, and of United Mine Workers' Local Union No. 869, of Boonsboro, Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the Davenport Business Men's Association, of Davenport, Iowa, praying that permission be granted the Postal Telegraph and Cable Company to establish cable communication between the United States and the Philippines by way of the Sandwich Islands; which was referred to the Committee on the Philippines.

He also presented petitions of Fraser Division, No. 131, Brotherhood of Locomotive Engineers, of Sanborn; of Sioux City Lodge, No. 64, Brotherhood of Locomotive Firemen, of Sioux City; of Twin City Lodge, No. 56, Brotherhood of Railroad Trainmen, of Cedar Rapids; of Key City Lodge, No. 106, Brotherhood of Locomotive Firemen, of Dubuque; of Queen of Midland Division, No. 220, Brotherhood of Locomotive Engineers, of Mason City; of Fort Dodge Division, No. 93, Order of Railway Conductors, of Fort Dodge; of Esther Lodge, No. 352, Brotherhood of Railroad Trainmen, of Estherville; of Evening Star Lodge, No. 112, Brotherhood of Locomotive Firemen, of Lake City; of Clinton Lodge, Brotherhood of Locomotive Firemen, of Clinton; of Sioux City Division, No. 232, Order of Railway Conductors, of Sioux City; of Local Division, No. 410, Order of Railway Conductors, of Belle Plaine, and of Eagle Grove Division, No. 164, Order of Railway Conductors, of Eagle Grove, all in the State of Iowa, and of Local Division, No. 96, Order of Railroad Telegraphers, of South Freeport, Ill., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. SPOONER presented the petition of John Hemull and 103 other citizens of Ashland, Wis., praying for the repeal of the tariff duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented a petition of Local Division, No. 253, Order of Railway Conductors, of Ashland, Wis., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Columbia Encaustic Tile Company, of Anderson, Ind., praying for the enactment of legislation to maintain the gold standard, and providing for an elastic currency; which was referred to the Committee on Finance.

He also presented a petition of Local Division, No. 492, Brotherhood of Locomotive Engineers, of Indianapolis, Ind., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining

orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. DEPEW presented a petition of Steuben Division, No. 225, Order of Railway Conductors, of Hornellsville, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of the International Association of Machinists of Ludlow, Ky., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HOAR presented a petition of Framingham Lodge, No. 236, Brotherhood of Railroad Trainmen, of South Framingham, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. RAWLINS presented petitions of Local Division No. 222, Brotherhood of Locomotive Engineers, of Salt Lake City; of Local Division No. 9, Brotherhood of Railroad Engineers, of Ogden; of Lodge No. 98, Brotherhood of Locomotive Firemen, of Ogden; of Lodge No. 388, Brotherhood of Railroad Trainmen, of Salt Lake City; of Boiler Makers and Iron Shipbuilders' Local Union No. 198, of Ogden; of Typographical Union No. 236, of Ogden; of the Plumbers' Local Union of Salt Lake City; of Tailors' Local Union No. 111, of Ogden; of Broom Makers' Local Union No. 38, of Ogden; of Carpenters and Joiners' Local Union No. 450, of Ogden; of Leather Workers' Local Union No. 78, of Salt Lake City, and of Local Union No. 127, of Ogden, all of the American Federation of Labor, in the State of Utah, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred fo the Committee on Immigration.

EASTERN CHEROKEE INDIANS.

Mr. GAMBLE. I present a statement in relation to the award made the Eastern Cherokee Indians under the act of March 3, 1893, and the findings of the Court of Claims in regard thereto rendered April 28, 1902. I move that the statement be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5467) to remove the charge of desertion against William Persons, reported it with amendments, and submitted a report thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6172) granting an increase of pension to Friedrich Weimar;

A bill (H. R. 7228) granting an increase of pension to Christian Christianson;

A bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning; and

A bill (H. R. 3238) granting an increase of pension to Lorenzo Weeks.

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth, reported it with amendments, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2375) granting an increase of pension to Daniel Ridenger; and

A bill (S. 5047) granting a pension to E. C. Curtis.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2653) granting an increase of pension to Joshua Weaver; and

A bill (H. R. 1724) granting an increase of pension to Daniel F. Thompson.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9544) granting an increase of pension to George W. Barry, reported it with an amendment, and submitted a report thereon.

ABBIE C. BREMNER.

Mr. FOSTER of Washington. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5534) granting an increase of pension to Abbie C. Bremner, to report it without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Abbie C. Bremner, widow of James Bremner, late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and to pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARA P. ELLIOTT.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara P. Elliott, mother of C. B. Elliott, late a laborer on the rolls of the Senate, a sum equal to six months' salary at the rate of $720 per annum, said sum to be considered as including funeral expenses and all other allowances.

TERM OF OFFICE OF SENATORS IN HAWAII.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably with an amendment the bill (S. 4456) to apportion the term of office of seven senators elected at the first general election of the Territory of Hawaii, and I submit a report thereon.

Mr. BEVERIDGE. A similar bill has also been before the Committee on Territories, and I ask that the Committee on Territories be relieved from the further consideration of the bill (H. R. 13076) to apportion the term of senators elected at the first general election in the Territory of Hawaii.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the bill.

Mr. FORAKER. I wish to make an inquiry. There were two of these bills introduced, one in the House and the other in the Senate. The House bill was passed with an amendment and sent to the Senate, and instead of being referred to the Committee on Pacific Islands and Porto Rico it was referred to the Committee on Territories. The Committee on Pacific Islands and Porto Rico were not aware of that reference of the House bill until after they had acted upon the Senate bill, but they had the House bill before them. The Committee on Pacific Islands and Porto Rico determined to substitute the House bill for the Senate bill and did so, and I have just made the report.

Now, the bill as it passed the House is again before the Senate, at the request of the chairman of the Committee on Territories, that committee having been relieved from its further consideration. I now ask that the House bill, from the further consideration of which the Committee on Territories has just been relieved, may be substituted for the Senate bill.

Mr. COCKRELL. And taken up and passed.

Mr. FORAKER. And that the same may be at once considered. There is no objection to the bill. It passed the House, I believe, without objection. All parties concerned are agreed upon the provisions of the House bill, and we have reported it as a substitute for the Senate bill.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill (H. R. 13076) to apportion the term of office of senators elected at the first general election in the Territory of Hawaii, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FORAKER. I move that the bill (S. 4456) to apportion the term of office of seven senators elected at the first general election of the Territory of Hawaii be indefinitely postponed.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. PETTUS introduced a bill (S. 5658) for the relief of the Episcopal Church in Selma, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 5659) granting an increase of pension to Malinda Heard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 5660) granting a pension to George W. Berry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5661) granting an increase of pension to John Purkapile; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5662) granting an increase of pension to Henry Sickles; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5663) granting an increase of pension to Charles Olson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5664) granting an increase of pension to George E. Dillingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5665) granting an increase of pension to Alvin Gray;

A bill (S. 5666) granting an increase of pension to Charles Grass; and

A bill (S. 5667) granting a rerating of pension to John B. Mitchell.

Mr. GALLINGER (by request) introduced a bill (S. 5668) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5669) granting a pension to Charlotte M. Howe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5670) granting a pension to Samuel H. Chamberlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5671) to regulate the height of buildings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURNER introduced a bill (S. 5672) to abolish the circuit courts, to define and increase the jurisdiction of and to simplify appeals from the district courts of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5673) for the relief of the estate of L. M. Flournoy, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a joint resolution (S. R. 93) to authorize the removal of certain greenhouses and plants from the grounds of the Executive Mansion; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a joint resolution (S. R. 94) providing for the printing of the various reports of the officers and boards of the World's Columbian Exposition, held at Chicago in 1893; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. FAIRBANKS, Mr. HOAR, Mr. PLATT of Connecticut, and Mr. SPOONER submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BLACKBURN submitted an amendment providing that the superintendent of meters at the Capitol shall take the statements of the meters in the several departmental and city buildings in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $4,300 for paving Wyoming avenue west of Connecticut avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment authorizing the Commissioners of the District of Columbia to grant not more than thirty days' leave of absence to each per diem employee who has been continuously in the service of the District for one year, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the salary of the sanitarian food inspector, health department, District of Columbia, from $1,600 to $2,400, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to regulate the assessment and collection of personal taxes in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CONSIDERATION OF PENSION BILLS, ETC.

The PRESIDENT pro tempore. The morning business is closed, and the Secretary will announce the first pension bill on the Calendar.

Mr. BATE. I ask if there has been any order about taking up pension bills.

The PRESIDENT pro tempore. The order was that thirty minutes, immediately after the routine business was completed this morning, should be devoted to the consideration of unobjected pension cases and cases correcting military records.

Mr. BATE. So there was an order made?

The PRESIDENT pro tempore. Yes; there is an order to that effect.

HELEN F. LASHER.

The bill (H. R. 9777) granting a pension to Helen F. Lasher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen F. Lasher, widow of Oren E. Lasher, late lieutenant, United States Navy, and to pay her a pension of $25 per month and $2 per month additional on account of each of the minor children of said Oren E. Lasher until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MERRICK.

The bill (H. R. 11325) granting an increase of pension to James Merrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Merrick, late of Company I, One hundred and thirty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. PETERSON.

The bill (H. R. 7982) granting an increase of pension to William T. Peterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Peterson, late of Company F, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK O. CLARK.

The bill (H. R. 12148) granting an increase of pension to Frederick O. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick O. Clark, late of Company H, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES M. ASHLEY.

The bill (H. R. 7507) granting an increase of pension to James M. Ashley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Ashley, late of Company L, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH A. TIMMONS.

The bill (H. R. 11894) granting a pension to Hannah A. Timmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah A. Timmons,

widow of William R. Timmons, late captain Company D, Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUNSFORD Y. BAILEY.

The bill (H. R. 9656) granting an increase of pension to Lunsford Y. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lunsford Y. Bailey, late of Company I, Twenty-third Regiment Indiana Volunteer Infantry, and Signal Corps, United States Army, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN A. VOLKMAR.

The bill (H. R. 11850) granting an increase of pension to Susan A. Vollmar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Volkmar, widow of William J. Volkmar, late major and assistant adjutant-general, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed

HENRY E. WILLIAMS.

The bill (H. R. 11051) granting an increase of pension to Henry E. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry E. Williams, late first lieutenant Company B, Thirty-first Regiment Iowa Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM H. THOMAS.

The bill (S. 5402) granting an increase of pension to Hiram H. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Thomas, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. MANNER.

The bill (H. R. 11787) granting a pension to John J. Manner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Manner, late of Company B, Two hundred and second Regiment New York Volunteer Infantry, war with Spain, and to pay him a pension of $22 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. LYNN.

The bill (H. R. 4622) granting a pension to Frank W. Lynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank W. Lynn, late of Company C, First Regiment Colorado Volunteer Infantry, war with Spain, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEWITT CLINTON LETTS.

The bill (H. R. 7901) granting a pension to Dewitt Clinton Letts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dewitt Clinton Letts, late of Company C, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOANNA ROGERS.

The bill (S. 921) granting a pension to Joanna Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joanna Rogers, widow of Alma Rogers, late of Company C, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES O. BALDWIN.

The bill (S. 2168) granting an increase of pension to Charles O. Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles O. Baldwin, late second lieutenant Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, to be paid to his legally constituted guardian.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VESTA A. BROWN.

The bill (S. 4415) granting an increase of pension to Vesta A. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "I" and insert the letter "F;" in the same line, before the word "Regiment," to strike out "Third" and insert "Seventeenth;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vesta A. Brown, widow of William A. Brown, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE M. WAGNER.

The bill (S. 5202) granting an increase of pension to Jennie Wagner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie M. Wagner, widow of Max Wagner, late second lieutenant, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Max Wagner until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jennie M. Wagner."

ELIPHLET NOYES.

The bill (S. 4712) granting an increase of pension to Eliphalet Noyes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out "Eliphalet" and insert "Eliphlet;" in line 7, after the word "Maine," to strike out "Veteran," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliphlet Noyes, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eliphlet Noyes."

LINDA W. SLAUGHTER.

The bill (S. 1458) granting an increase of pension to Linda W. Slaughter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "surgeon," to strike out "and major;" in line 8, before the word "Infantry," to strike out "Mounted" and insert "Volunteer," and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linda W. Slaughter, widow of Benjamin F. Slaughter, late surgeon Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN N. PERKINS.

The bill (S. 4240) granting a pension to Calvin N. Perkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin N. Perkins, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Calvin N. Perkins."

HESTER A. FARNSWORTH.

The bill (S. 5080) granting a pension to Hester A. Farnsworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Farnsworth, dependent mother of Edward Farnsworth, late of Company C, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL S. WALCK.

The bill (S. 5119) granting an increase of pension to Samuel S. Walch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Walch" and insert "Walck;" and in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Walck, late of Company G, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel S. Walck."

JUSTUS L. DENTON.

The bill (S. 2646) granting a pension to Justus L. Denton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justus L. Denton, late of Company E, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. M'NAIR.

The bill (S. 896) granting an increase of pension to James E. McNair was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. McNair, late first lieutenant Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADAM STUBER.

The bill (S. 5118) granting an increase of pension to Adam Stuber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "captain," to strike out "also" and insert "and," and in line 8, before the word "Illinois," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Stuber, late of Company I, Fifteenth Regiment United States Infantry, war with Mexico, and captain Company M, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN Y. MERCHANT.

The bill (S. 2457) granting an increase of pension to Warren Y. Merchant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren Y. Merchant, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN O. THOMPSON.

The bill (S. 5371) granting an increase of pension to Jonathan O. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan O. Thompson, late of Company G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. COLLIER.

The bill (S. 3551) granting an increase of pension to John P. Collier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Kentucky," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Collier, late of Company A, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. PURINGTON.

The bill (S. 2863) granting an increase of pension to Mary L. Purington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Purington, widow of George A. Purington, late lieutenant-colonel Third Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILBERT BARKALOW.

The bill (S. 5052) granting an increase of pension to Gilbert Barkalow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Battery," to insert "Independent;" in line 7, before the word "and," to strike out "Volunteers" and insert "Volunteer Light Artillery;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Barkalow, late of Eighth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON W. CARLTON.

The bill (S. 1614) granting an increase of pension to Nelson W. Carlton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Carlton, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH A. VAN EATON.

The bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "surgeon," to strike out "major and;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Van Eaton, widow of Flavel H. Van Eaton, late surgeon Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID J. NEWMAN.

The bill (S. 2056) granting an increase of pension to David J. Newman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David J. Newman, late of Company G, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. EVERITT.

The bill (S. 5302) granting an increase of pension to John H. Everitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Everitt, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. DIXON.

The bill (H. R. 5110) granting an increase of pension to William H. Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Dixon, late of Company G, Fifty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY TATE.

The bill (H. R. 1380) granting an increase of pension to Mary Tate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Tate, widow of Waddy Tate, late musician in Captain Poindexter's company, Virginia Volunteers, war of 1812, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH GARBER.

The bill (H. R. 9156) granting an increase of pension to Uriah Garber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah Garber, late of Company F, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WELLS.

The bill (H. R. 12576) granting an increase of pension to Thomas Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Wells, late private, United States Marine Corps, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. HATTON.

The bill (H. R. 11695) granting an increase of pension to George W. Hatton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hatton, late of Company C, First Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT BOKER.

The bill (H. R. 2316) to correct the military record of Albert Boker was considered as in Committee of the Whole. It provides that Albert Boker shall be held not to have deserted from the military service of the United States as a private of Battery F, Second United States Artillery, but to have been honorably discharged from said service and battery August 7, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAUL CRUM.

The bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, after the word "That," to strike out the words "the Secretary of War be, and he is hereby, directed to place the name of;" line 5, after the words "North Dakota," to strike out the words "upon the muster rolls" and insert in lieu thereof the words "shall be held and considered to have served;" in line 7, after the word "Infantry," to strike out "lately engaged in service;" in line 8, after the word "Spain," to strike out "as of date" and insert "from;" in line 9, after "ninety-nine," to strike out "and to grant him an honorable discharge therefrom as of date" and insert "to;" and after the words "ninety-nine," in line 11, to insert the words "and to have been honorably discharged of said last date;" so as to make the bill read:

Be it enacted, etc., That Paul Crum, of the city of Fargo, State of North Dakota, shall be held and considered to have served as a private, Company B, First Regiment North Dakota Volunteer Infantry, in the war with Spain, from February 3, 1899, to March 28, 1899, and to have been honorably discharged of said last date.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT A. PINN.

The bill (H. R. 9819) granting an increase of pension to Robert A. Pinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Pinn, late of Company I, Fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON BROWN.

The bill (H. R. 12855) granting an increase of pension to Milton Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Brown, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL S. LYMAN.

The bill (H. R. 8913) granting an increase of pension to Rachel S. Lyman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel S. Lyman, widow of Joseph Lyman, late major Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELVIN A. ESTY.

The bill (H. R. 10396) granting an increase of pension to Elvin A. Esty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elvin A. Esty, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNIBAL C. ST. CLAIR.

The bill (H. R. 8016) granting an increase of pension to Hannibal C. St. Clair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannibal C. Saint Clair, late first lieutenant Company G, Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MARNANE.

The bill (H. R. 1479) granting an increase of pension to Michael Marnane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Marnane, late of Company G, Fifty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. BURKET.

The bill (H. R. 10122) granting an increase of pension to John S. Burket was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Burket, late of Company K, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. G. SMITH.

The bill (H. R. 3756) granting an increase of pension to James C. G. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. G. Smith, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SHELTON HUSTON.

The bill (H. R. 4993) granting a pension to Mary Shelton Huston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Shelton Huston, late an Army nurse in the Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. ROGERS.

The bill (S. 1471) for the relief of Henry G. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 3, after the word "That," to strike out "the provisions and benefits granted by a certain act entitled 'An act to provide for the relief of certain officers and enlisted men of the volunteer forces,' approved February 24, 1897, are hereby extended and made to apply to;" in line 9, after the word "Infantry," to strike out "the same as though his commission as second lieutenant had borne date prior to June 20, 1863," and to insert "shall be held and considered commissioned a second lieutenant in said regiment from January 2, 1864, with rank from November 25, 1863, and to have been discharged as such lieutenant January 27, 1864;" so as to make the bill read:

Be it enacted, etc., That Henry G. Rogers, late first sergeant of Company B, Twenty-fourth Wisconsin Volunteer Infantry, shall be held and considered commissioned a second lieutenant in said regiment from January 2, 1864, with rank from November 25, 1863, and to have been discharged as such lieutenant January 27, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALEB W. STORY.

The bill (H. R. 12145) granting an increase of pension to Caleb W. Story was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb W. Story, late of Company G, Tenth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. WERTZ.

The bill (H. R. 11920) granting an increase of pension to George W. Wertz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wertz, late of Company A, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. RIGHTMIRE.

The bill (H. R. 12899) granting an increase of pension to William H. Rightmire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Rightmire, late of Company K, Twenty-eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MATTHEWS.

The bill (H. R. 2486) granting an increase of pension to William Matthews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Matthews, late of Company B, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE D. H. KRAUSE.

The bill (H. R. 11181) granting a pension to Alice D. H. Krause was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice D. H. Krause, widow of William Krause, late captain, Third Regiment United States Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH P. SIGFRIED.

The bill (H. R. 5217) granting an increase of pension to Elizabeth P. Sigfried was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth P. Sigfried, widow of Joshua K. Sigfried, late colonel Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. HAMILTON.

The bill (H. R. 11117) granting an increase of pension to William T. Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Hamilton, late of Company E, Twelfth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB WEIDEL.

The bill (H. R. 8788) granting an increase of pension to Jacob Weidel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Weidel, late of Company K, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. STEELE.

The bill (H. R. 10496) granting a pension to James T. Steele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Steele, late of the Hospital Corps, United States Army, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALEB C. BRIGGS.

The bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb C. Briggs, late assistant surgeon, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. MONTGOMERY.

The bill (H. R. 11783) granting an increase of pension to Charles M. Montgomery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Montgomery, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. SANDERS.

The bill (H. R. 5600) granting an increase of pension to John G. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Sanders, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERMA G. HARVEY.

The bill (H. R. 1681) granting a pension to Erma G. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erma G. Harvey, the helpless and dependent daughter of John C. Harvey, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BLANCHARD.

The bill (H. R. 13439) granting an increase of pension to William Blanchard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Blanchard, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERNARD M'CORMICK.

The bill (H. R. 12713) granting an increase of pension to Bernard McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bernard McCormick, late of Company C, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR T. DANIELS.

The bill (H. R. 12015) granting an increase of pension to Edgar T. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar T. Daniels, late of Company C, Twelfth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. FITCH.

The bill (H. R. 6434) granting a pension to Mary J. Fitch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Fitch, widow of Seeley J. Fitch, late of Company D, Second Regiment United States Artillery, and to pay her a pension of $12 per month and $2 per month additional on account of each of the minor children of said Seeley J. Fitch until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH M'DONALD.

The bill (H. R. 12788) granting a pension to Elizabeth McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth McDonald, the helpless and dependent daughter of John McDonald, late of Company I, Fifth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN E. AUSTIN.

The bill (H. R. 6645) granting an increase of pension to Ann E. Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann E. Austin, widow of Joseph O. Austin, late of Company F, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBION P. STILES.

The bill (H. R. 11662) granting an increase of pension to Albion P. Stiles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albion P. Stiles, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WOOD.

The bill (H. R. 6441) granting an increase of pension to William H. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Wood, late of the United States steamships *Santee* and *Marion*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY FLORENCE VON STEINWEHR.

The bill (S. 1184) granting a pension to Mary Florence Von Steinwehr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Florence Von Steinwehr, widow of Adolph Von Steinwehr, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN A. SEAVEY.

The bill (S. 4790) directing payment of pension to Stephen A. Seavey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen A. Seavey, late of Company C, Twelfth Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Stephen A. Seavey."

HORACE L. RICHARDSON.

The bill (S. 5106) granting an increase of pension to Horace L. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace L. Richardson, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA J. SHATTUCK.

The bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "captain," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia J. Shattuck, widow of George F. Shattuck, late captain Company B, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISABELLA H. THOMPSON.

The bill (H. R. 13416) granting an increase of pension to Isabella H. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabella H. Thompson, widow of Francis W. Thompson, late lieutenant-colonel Third Regiment West Virginia Volunteer Infantry and Sixth Regiment West Virginia Volunteer Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN J. HARTZELL.

The bill (H. R. 5190) granting an increase of pension to Alvin J. Hartzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvin J. Hartzell, late of Company K, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERWIN A. BURKE.

The bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erwin A. Burke, alias Burt A. Erwin, late ordinary seaman, United States Navy, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Erwin A. Burke, alias Burt A. Erwin."

WARREN W. H. LAWRENCE.

The bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren W. H. Lawrence, late captain and assistant adjutant-general, United States Volunteers, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOLDRIDGE.

The bill (H. R. 5183) granting an increase of pension to William Holdridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Holdridge, late of Company A, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

Mr. COCKRELL. According to the Calendar, the bill now under consideration and the previous bill were each reported with an amendment.

The PRESIDENT pro tempore. It does not so appear in either print of the bill.

Mr. GALLINGER. Both bills are correct in the way they stand. It is undoubtedly a misprint of the Calendar that either of the bills was reported with an amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE H. HUBBARD.

The bill (S. 3888) granting a pension to Jesse H. Hubbard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second," and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Hubbard, late second lieutenant Company H, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension of Jesse H. Hubbard."

FRANCES J. ABERCROMBIE.

The bill (H. R. 3277) granting a pension to Frances J. Abercrombie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances J. Abercrombie, widow of Abner Abercrombie, late of Captain Ashurt's company, Alabama Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW V. ELLIS.

The bill (H. R. 8351) granting a pension to Matthew V. Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew V. Ellis, late of Captain Townsend's company, Georgia Volunteers, Cherokee Indian disturbance, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HOUSIAUX.

The bill (S. 712) granting a pension to John Housiaux was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Fifth," to insert "Regiment;" in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Housiaux, late of Company K, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Housiaux."

JAMES W. LEWIS.

The bill (H. R. 8007) granting an increase of pension to James W. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Lewis, late of Company K, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OLIVER KERR.

The bill (H. R. 7840) granting an increase of pension to Oliver Kerr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "and," to strike out "to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Kerr, late of Company M, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. Let that amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

STANLEY M. CASPAR.

The bill (S. 3506) granting an increase of pension to Stanley M. Casper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stanley M. Caspar, late of Company D, First Battalion, and Company H, Second Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Stanley M. Caspar."

ANNA MAY HOGAN.

The bill (S. 4710) granting a pension to Anna May Hogan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna May Hogan, widow of John Hogan, late of Company C, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAYTON P. VAN HOUTEN.

The bill (S. 5506) granting an increase of pension to Clayton P. Van Houten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 7, after the word "Infantry," to insert "war with Spain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clayton P. Van Houten, late captain Company D, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. ROATH.

The bill (H. R. 2436) granting an increase of pension to James W. Roath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Roath, late of Company I, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES CLARK.

The bill (H. R. 12239) granting an increase of pension to Agnes Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes Clark, widow of Henry C. Clark, late of Company B, Sixteenth Regiment United States Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH F. BALDWIN.

The bill (S. 2697) granting an increase of pension to Sarah F. Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Baldwin, widow of William O. Baldwin, late surgeon Second Regiment District of Columbia Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC RHODES.

The bill (S. 4727) granting an increase of pension to Isaac Rhodes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Rhodes, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FLER.

The bill (S. 4982) granting an increase of pension to John Fler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "musician," to insert "late;" in the same line, before the word "Twenty-seventh," to strike out "late of;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fler, late musician, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That completes the Calendar of pension cases. The Calendar, under Rule VIII, is now before the Senate. The bill before the Senate when the Calendar under Rule VIII was last under consideration will be stated.

HOWARD LODGE, NO. 13, I. O. O. F.

The bill (S. 92) for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn., was announced as first in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. The bill was read in full when heretofore under consideration.

Mr. PLATT of Connecticut. I do not know that I wish to object seriously to the passage of this bill, but the report, as I remember it, does not carry the impression that there has been any very careful appraisement of the damages which this lodge is said to have sustained. I think that is perhaps the objection——

Mr. BATE. If the Senator will allow me to make an observation, I will state that through a mistake of the Senator who had the bill in charge the testimony in the case does not appear in the report; it has not been printed. But since that time the testimony has been brought here, and it is as convincing and clear as anything can be. Senators who heretofore objected to the passage of the bill have withdrawn their objections when I showed them the testimony.

Mr. PLATT of Connecticut. All I want to say is that when the report was read in the Senate it did not seem that there had been any careful examination of the matter or any careful appraisement of the damages. If the Senator from Tennessee has since furnished the information, that removes the objection which was in my mind.

Mr. BATE. I have done so.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BATE. I ask that the testimony in connection with the bill which has just been passed may be printed so that it may go to the House of Representatives.

The PRESIDENT pro tempore. Does the Senator desire the testimony to which he refers to be printed in the RECORD or as a document?

Mr. BATE. I desire to have it printed in the RECORD.

The PRESIDENT pro tempore. The testimony referred to will be printed in the RECORD, in the absence of objection.

Mr. BATE. It should have been printed before, but owing to an oversight it was not, and that has delayed the passage of the bill.

The testimony referred to is as follows:

STATE OF TENNESSEE, *Sumner County, ss:*

Came before me, George W. Boddie, notary public in and for said county and State, W. C. Blue, who made oath in due form of law that he is now 73 years of age; that he resided at Gallatin, Tenn., during the civil war; that he was then a member of Howard Lodge, No. 13, I. O. O. F., and that he was well acquainted with the property of said lodge destroyed by the Federal Army during the said war. He has had read over to him the report made to said lodge by a committee composed of C. E. Boddie, B. F. Allen, and J. T. Mills, and has read over the same himself and is familiar with the contents therein contained, and assisted the said committee in making up the said report, and knows that the facts stated therein are true and the valuation put upon said articles is reasonable.

The buildings and grounds were taken possession of by the Federal officials as a hospital, and were so used by them from November, 1862, to August 1, 1865. The privies and outbuildings were destroyed by order of said officials, and the material used in building small outhouses where smallpox patients were kept. Gallatin was a military post and occupied by the Federal armies from November, 1862, to the end of the war without any intermission. I here make copy of said report an exhibit to this my affidavit, marked "Exhibit A." I knew the signers of said report and also S. Hermans and T. C. Trimble and the two Wrights, who signed the said report and indorsed the same. They were all loyal men. Hermans was county judge; Trimble, agent of Freedman's Bureau, and G. B. Wright was postmaster. They also used the storehouses and lodge rooms as hospitals, and during the occupancy the property as set forth in Exhibit A was destroyed and damaged.

This property was taken by command of the Federal officers in command of the post here. The storehouse was a three-story brick house with two storehouses below on the first floor, and a public hall or hall used for public purposes on the second story, and a lodge room or rooms on the third story. I was warden of the lodge and had charge of the regalia and lodge property and knew value of said regalia and lodge property, and the value placed upon the same in said report "Exhibit A" is reasonable.

My business was a house carpenter and builder, and I know that the values placed upon the buildings damaged and destroyed is reasonable.

W. C. BLUE.

Sworn to and subscribed before me April 2, 1898.

[SEAL.] GEO. W. BODDIE, *Notary Public.*

Exhibit A to W. C. Blue's affidavit.

To Howard Lodge, No. 13, I. O. O. F.:

We, the committee appointed by Howard Lodge to ascertain the value of the property belonging to the said lodge which was taken by the armies of the United States, beg leave to submit the following report:

We find the Howard Lodge Institute, an educational institution owned by the lodge, has sustained the following losses, viz:

40 double desks, at $10	$400
3 blackboards, at $10	30
2 large brick privies, at $200	400
1 hothouse, brick and glass	300
Lumber fencing	150
Stable and shed	150
1 round center table	20
6 small tables	30
6 coal grates, at $10	60
Plastering and papering	300
1 large stove	30
Rent of building occupied by the Medical Department of the United States Army for hospital purposes from November, 1862, until August 1, 1865, 33 months, at $100	3,300
Total	5,170

The Odd Fellows' Hall property, owned by Howard Lodge, has sustained the following losses:

1 room fitted up for dry-goods stores—counters, shelving, drawers, and desks all removed on the first floor, value	$300
1 room fitted up for drug store—counters, shelving, desks, drawers, all removed on first floor, value	400
1 pair window shutters	10
1 transom light	4
1 stove and pipe	25
6 oilcloth window shades	24
6 windows, glass and sash damaged	25
Papering on wall damaged	40

The lodge room has sustained the following losses, viz:

1 bookcase	20
48 office chairs, at $5	240
1 large desk	50
Lodge regalia and emblems	200
8 window shades, at $5	40
Window sash and glass	100
2 tables	10
8 door locks	30
Damage to plastering, papering, etc	200
Stoves, washstands, buckets, etc	50

Bethel Encampment, No. 9, Independent Order of Odd Fellows, has sustained losses as follows, viz:

All of the camp regalia, tents, crooks, jewels, and furniture	510
Total amount of damages sustained	7,448

The most of the damages sustained by the hall property and lodge room resulted from the action of the following regiments: Eleventh Michigan Volunteer Infantry, Sixty-ninth Ohio Volunteer Infantry, Ninth Indiana Volunteer Infantry. These losses were sustained between August, 1862, and August, 1865.

C. E. BODDIE,
B. F. ALLEN,
J. T. MILLS,
Committee.

STATE OF TENNESSEE, *Sumner County:*

I, S. Hermans, judge of the county court of said county, do hereby certify that I am personally acquainted with C. E. Boddie, B. F. Allen, and J. T. Mills, the committee whose names appear to the foregoing assessment of damages of the property herein stated; that they are gentlemen of good character and standing and their statements are entitled to full credit; also, that I am acquainted with the circumstances and condition of the property as stated, and believe them true.

In witness I have herewith set my hand and fixed the seal of the county court this the 8th day of January, 1866.

[SEAL.] S. HERMANS, *County Judge.*

We fully concur with the statements of Judge Hermans, as we know the parties and are familiar with the facts as stated.

T. C. TRIMBLE, *Superintendent F. M. B.*
WILLIAM WRIGHT.
G. B. WRIGHT, *Postmaster, F. M. B.*

STATE OF TENNESSEE, *Sumner County, ss:*

Thomas H. King, being first duly sworn, states: I am 50 years of age; I was born and reared near Gallatin, Tenn., and have lived here all my life except two years. I was here in Gallatin during the war. I know the property belonging to Howard Lodge, No. 13, known as Howard Female Institute. It was fitted up as a female college and boarding school; the grounds elegantly laid off and planted in shrubbery and well set in grass, with suitable fence around them; there were two brick privies, a hothouse, a stable, and shed. The buildings and grounds were taken possession of by the Federals and used as a hospital from the time of Bragg's retreat from Kentucky till the close of the war. The outbuildings set forth above were entirely destroyed, and the materials used by the Federal Army in making fortifications and other purposes. When they left it or ceased to use it, in 1865, there was nothing left but the bare walls of the college building.

I knew the storehouse, hall, and lodge rooms belonging to the lodge. It was a three-story building, fitted up for storerooms below, a hall on the second story, and the third story was used for lodge rooms. The Federal officers took possession of this building also for hospital purposes and as a storehouse for hospital supplies and occupied it till the close of the war. I was in business in Gallatin during the war as a clerk.

Howard Female College was well furnished and equipped as a female college and boarding school, with all necessary apparatus and furniture, and all this was destroyed.

The town of Gallatin was a military post, with military commanders here from Bragg's retreat till the end of the war. The commanders were General Fry, Gen. E. A. Payne, Colonel Leib, Col. James Gilfillan and Colonel Frudenburg. There were over 2,000 Federals died in the various hospitals in Gallatin during the war.

THOS. H. KING.

Sworn to and subscribed before me April 2, 1898.

[SEAL.] GEO. W. BODDIE, *Notary Public.*

STATE OF TENNESSEE, *Sumner County, ss:*

Came before me, George W. Boddie, notary public in and for said State and county, G. B. Wright, who, being first duly sworn, states: I am the G. B. Wright who signed the proof of loss or damage done to Howard Female College by the Federal troops from 1862 to 1865. I knew the committee making the said report; they were all men of judgment, experience, and integrity, and their statements are entitled to as much credit as the statements of any three men who ever lived in our community. Before the Federals took charge of the college property I lived on the adjoining place and knew the condition of the buildings and grounds; they were in first-rate condition.

The grounds were beautifully laid off and planted in flowers and shrubbery and well set in blue grass. The building was well furnished and equipped for a female college, both the school department and the boarding department. There were two brick privies, one hothouse, one stable and shed on the grounds when the Federal troops took possession of the property as a hospital. They destroyed and removed these, using the brick and lumber in the construction of fortifications, camps, and chimneys. There was a good fence around the grounds, in keeping with the character of the grounds and buildings, and this was all torn away. All the furniture was destroyed, papering and plastering torn off and defaced, and the entire premises badly damaged. The house was occupied by the Federals as a hospital from November, 1862, till some time in the summer of 1865.

Of the committee who made the report as to damages of the college and lodge property, C. E. Boddie is dead, B. F. Allen still lives here, and Mr. Mills lives in the North somewhere. He was a Northern man and a Union man during the war. Judge Hermans is dead, T. C. Trimble is dead, and William Wright is dead. They were all Union men. I was postmaster here for several years during and after the war. Mr. Trimble was superintendent of the Freedman's Bureau and Judge Hermans was county judge.

G. B. WRIGHT.

Sworn to and subscribed before me April 2, 1898.

[SEAL.] GEO. W. BODDIE, *Notary Public.*

STATE OF TENNESSEE, *Sumner County, ss:*

Came before me, George W. Boddie, notary public in and for said county and State, W. F. Holder, who, being first duly sworn, states:

I am now 76 years of age; I live in Gallatin, and was living here before and during the war of the rebellion. I was and am still a member of Howard Lodge, No. 13, I. O. O. F. Howard Female Institute was the property of and conducted as a female college of a high grade by said lodge. I knew the property well; it was situated on East Main street and was the most beautiful property about the town. It was well laid off and planted in shrubbery and well set in blue grass. The building was a large brick building, well furnished for a female school of high grade and for a boarding school. The property was worth twenty or twenty-five thousand dollars. The Federals took possession of the property and used it for a hospital for some three years. They destroyed all the outhouses, all the furniture, the fencing and shrubbery and grass, leaving nothing but the shell of the building.

I knew the storehouse, hall, and lodge rooms belonging to the lodge, and which were occupied by the Federals as a hospital and supply store for hospital supplies. They occupied the same and used it for about the same length of time they did the college property. I have read over "Exhibit A" to W. C. Blue's affidavit, and am acquainted with the facts therein stated. I indorse the same with the valuations therein placed with the exception I think they are too low.

Howard Lodge has never derived any income from Howard Female Institute. The members of the lodge pay tuition and board and incidental fees just like the other patrons of the school, the exception that orphan children of deceased Odd Fellows receive their education free.

W. F. HOLDER.

Sworn to and subscribed before me April 7, 1898.

[SEAL.] GEO. W. BODDIE, *Notary Public.*

CHARTER OF HOWARD FEMALE INSTITUTE.

An act to incorporate the Howard Female Institute, etc.

SEC. 21. *Be it enacted*, That the Howard Female Institute, under the patronage of Howard Lodge, No. 13, I. O. O. F., situated in Gallatin, Sumner

County, Tenn., be, and the same is hereby, constituted a corporate institution, with power to sue and be sued and to use a corporate seal.

SEC. 22. *Be it enacted*, That said institution shall be governed by Howard Lodge, No. 13, I. O. O. F., of Gallatin, Sumner County, Tenn., which lodge shall constitute the board of trustees of Howard Institute, shall be the proprietors of all property belonging to, or that shall belong to, said institution, and shall make and put into execution such laws for governing and conducting said institution as shall to them appear necessary.

SEC. 23. *Be it enacted*, That no alterations or amendments shall be made in the laws of this institution unless proposed in writing, read two successive meetings before the lodge, and sustained by a vote of three-fourths of the members present.

SEC. 24. *Be it enacted*, That the lodge shall elect a board of visitors, of their own body, in whom the executive government of this institution shall be vested. This board of visitors shall consist of six and shall continue in office one year from the day of their election, when they shall be reelected by the lodge or others in their place. The president of the school shall be the president of the board of visitors, three of whom shall constitute a quorum to transact business.

SEC. 25. *Be it enacted*, That the board of visitors shall have full power to confer degrees and grant diplomas usually granted and conferred by first-rate female institutions to such of its pupils as may be adjudged worthy, which shall be signed by the officers of the lodge, the board of visitors, and the president of the institute; and shall have such powers and perform such other duties as may from time to time be imposed by the lodge. They shall have power to fix their own meetings, elect their own secretary and treasurer, attend the examination, and publish annually a report of the progress of the institution, give the names of the officers and number of students, and anything they may deem necessary to promote the cause of education.

NEIL S. BROWN,
Speaker of the House of Representatives.
EDWARD S. CHEATHAM,
Speaker of the Senate.

Copied from laws of Tennessee, 1855-56, chapter 192, sections 21, 22, 23, 24, and 25.

A true copy.
Attest:
GEO. W. BODDIE, *Notary Public.*

MRS. MARTHA E. WEST.

The bill (S. 136) for the relief of Mrs. Martha E. West was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $1,500 in full to Mrs. Martha E. West, of Stevensville, Mont., for mill property of her father, the late Mathew Wright, taken and appropriated by troops of the United States in 1865, in the Sioux Indian war of Minnesota.

Mr. SPOONER. That is a short bill and I ask that it be reported.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JURORS' FEES IN UNITED STATES COURTS.

Mr. WARREN. Mr. President, my attention was turned in another direction for a moment, and I wish to ask if Order of Business 1244, being the Senate bill 4769, has been passed over?

The PRESIDENT pro tempore. The bill was passed over without prejudice at the last call of the Calendar.

Mr. WARREN. I ask unanimous consent that the bill may be considered and acted upon at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4769) to fix the fees of jurors in the United States courts. It provides that the per diem pay of each juror, grand or petit, in any court of the United States, shall be $3 a day instead of $2 a day as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. MOSBY.

Mr. DANIEL. I ask unanimous consent for the present consideration of the bill (S. 5460) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the claim of John S. Mosby for the value of 7,900 pounds, more or less, of tobacco mentioned in an official paper dated at Rocketts Landing, Richmond, Va., July 27, 1865, signed "W. H. D. Cochran, major, depot quartermaster," and purporting to give a "list of captured tobacco marked in the name of Col. J. S. Mosby, transferred to Col. J. S. Loomis, Treasury agent, June 7, 1865," be referred to the Court of Claims, with full jurisdiction to try and adjudicate the claim and render judgment against the United States in such sum as may be found just by said court, without the interposition in behalf of the Government of any bar arising from the existing statutes of limitations. Right of appeal to the Supreme Court of the United States is expressly reserved to the Government and to the claimant. But it is provided that any portions of the sum representing tobacco beneficially belonging to the father, sister, or other relatives of said Mosby shall be held in trust by him accordingly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. PERMELIA J. GETTY, ADMINISTRATRIX.

The bill (S. 576) for the relief of Mrs. P. J. Getty, administratrix, was considered as in Committee of the Whole. It proposes to pay $700 to Mrs. Permelia J. Getty, of Stearns County, Minn., for property of the late Jerome J. Getty, destroyed by troops of the United States in 1864, in the Sioux Indian war of Minnesota.

Mr. GALLINGER. In line 6 let the word "administratrix" be inserted after the name "Getty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Let the title be amended so as to read "Mrs. Permelia J. Getty," in order that it may correspond with the text of the bill.

The title was amended so as to read: "A bill for the relief of Mrs. Permelia J. Getty, administratrix."

MICHAEL HAYES.

Mr. MARTIN. I should like to have the bill (H. R. 6847) to correct the record of Michael Hayes recommitted to the Committee on Military Affairs. I have some affidavits that were not before the committee which I should like to have them see. I move that the bill be recommitted to the Committee on Military Affairs.

Mr. BATE. There is an adverse report in the case.

The PRESIDENT pro tempore. There is an adverse report in the case. The question is on agreeing to the motion of the Senator from Virginia that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

FRANK F. FLOURNOY.

The bill (S. 1874) for the relief of Frank F. Flournoy was considered as in Committee of the Whole. It proposes to pay to Frank F. Flournoy $77.60, in full of his claim for balance due him as United States deputy surveyor, for completing the survey of public lands in township 5 north, range 28 west, San Bernardino base and meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. SMITH AND D. M. WISDOM.

The bill (S. 111) for the relief of William J. Smith and D. M. Wisdom was considered as in Committee of the Whole. It proposes to release William J. Smith and D. M. Wisdom from all liability incident to the forfeiture and judgment upon a certain bond in the penal sum of $3,000 with said William J. Smith and D. M. Wisdom as sureties, conditioned that R. M. Thompson appear at the term of the United States circuit court for the western district of Tennessee, begun on the fourth Monday in October, 1885.

Mr. GALLINGER. Let the report in the case be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MARTIN on the 24th ultimo, as follows:

The Committee on Claims, to whom was referred the bill (S. 111) for the relief of W. J. Smith and D. M. Wisdom, beg leave to make the following report:

A duly certified copy of the records of the United States district court for the eastern division of the western district of Tennessee shows that at the April term, 1885, one Robert M. Thompson was convicted of violating section 5485 of the Revised Statutes of the United States; that after conviction the court allowed said Thompson his liberty upon his giving bond in the sum of $3,000 for appearance at the next term of the court for judgment and sentence; that on May 1, 1885, said bond was given by said Robert M. Thompson as principal and W. J. Smith and D. M. Wisdom as sureties; that for each succeeding term of said court said Thompson failed to appear in court, an alias capias was issued and returned unexecuted by the marshal for the reason that said Thompson could not be found in that district; that the matter was continued in said court from term to term until the April term, 1887, when a judgment was taken on said bond for $3,035.76, principal and costs; that on September 22, 1887, the marshal for said district returned that he could find no personal property in his district belonging to said defendants, but that he had levied upon the property described in the bill (S. 111) as the property of said Smith; that on February 18, 1888, the property was struck off and sold to the United States for $3,209.36, covering in full the principal, interest, and costs.

The affidavit of said Smith sets out that he expended a large sum of money in trying to apprehend said Thompson, and that he succeeded in 1888 in having him arrested; that in attempting to carry said Thompson back to Tennessee the detective brought said Thompson through the District of Columbia, where he was released upon a writ of habeas corpus, rearrested, and again released upon a similar writ.

Duly certified copies of the court records for the District of Columbia show that on June 4, 1888, said Thompson was released from custody upon the order of Justice M. V. Montgomery on the ground that the bond executed by said Thompson, Smith, and Wisdom was void, as there was no law by which bail could be taken for a convicted person to return to have judgment and sentence passed upon him; and that on June 9, 1888, said Thompson was again released from custody by order of Chief Justice E. F. Bingham, of the supreme court of the District of Columbia, for the same reason.

From and after the Forty-eighth Congress bills similar to the ones dealt with in this report have been introduced in both Houses of Congress, but it does not appear that any action has been taken upon any of them except one favorable report was made to the House of Representatives. (House Report No. 1480, first session Fifty-second Congress.)

It appearing from the proof in this case that the said Smith has done everything in his power to return the said Thompson in accordance with the terms of the said bond, and that he was only prevented from doing so by the fact that two of the justices of the United States courts for the District of Columbia separately released said Thompson upon writs of habeas corpus, your

committee is of the opinion that said Smith and Wisdom should be released from all liability incident to the forfeiture and judgment on said bond, and that said Smith should be restored to all his right, title, and interest in said property, and your committee earnestly recommend that the bill (S. 111) do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE.

The bill (S. 4408) to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, was considered as in Committee of the Whole. It proposes to amend the section so as to read as follows:

SEC. 934. Place of imprisonment.—When any person shall be sentenced to imprisonment for a term not exceeding six months, the court may direct that such imprisonment shall be either in the workhouse or in the jail. When any person is sentenced for a term longer than six months and not longer than one year, such imprisonment shall be in the jail, and where the sentence is imprisonment for more than one year it shall be in the penitentiary. Cumulative sentences, except such sentences as may be imposed by the police court, aggregating more than one year shall be deemed one sentence for the purposes of the foregoing provision. When the punishment of an offense may be imprisonment for more than one year, the prosecution shall be in the supreme court of the District. When the maximum punishment is imprisonment for one year or less, the prosecution may be in the police court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LONGEVITY PAY OF ARMY OFFICERS.

The bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was announced as the next business in order.

Mr. PLATT of Connecticut. The Senator who reported the bill is not present. It came from the Committee on Claims, but I am sure the Senator from Missouri [Mr. COCKRELL] knows all about these longevity cases. I wish he would state what is involved in this bill.

Mr. COCKRELL. Let the report be read.

Mr. WARREN. This is what is better known as the Army longevity-pay bill, and touches a subject which has been before Congress off and on, in and out, for a long time. It has been considered on the House side during the present session and favorably reported from committee; and it has also been favorably reported to the Senate from the Committee on Claims. It provides that the longevity accounts of officers shall go to the Court of Claims for adjustment.

Mr. ALLISON. Removing the statute of limitations?

Mr. WARREN. For the purpose of sending the cases to the Court of Claims, yes.

Mr. PLATT of Connecticut. What does it involve—the question of longevity pay for all officers in the Army, no matter how long they may have been in the Army?

Mr. WARREN. No; only those remaining unsettled. It is a matter which was thought to have been provided for by law—in fact, has been provided for—but the Comptroller has not felt that he could pay them. Several cases have been sent down to the Court of Claims and have been adjudicated. I suppose that is the reason why those who seek relief ask that the remaining cases may go to the Court of Claims, rather than that we should legislate directly that the Department should pay the accounts. The Court of Claims and the Supreme Court have both decided favorably upon claims sent them, but the Comptroller still declines to pay the unadjudicated claims.

Mr. PLATT of Connecticut. It seems to be a very important matter; the Calendar is not very full; we can get at the bill almost any morning, and I wish it might be passed over for the present.

Mr. WARREN. Mr. President, I think it is an important matter. It is true that it involves a good deal of money, but it is all legally and justly due, and I think the bill ought to be passed. I am entirely willing, however, that it shall remain on the Calendar without prejudice, to be taken up at some later time rather than have an objection take it back under Rule IX.

Mr. PLATT of Connecticut. I wish to look into it.

The PRESIDENT pro tempore. Without objection, the bill will be passed over, retaining its place on the Calendar.

SOUTHERN JUDICIAL DISTRICT OF WEST VIRGINIA.

The bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia was considered as in Committee of the Whole. It proposes that the time of holding the regular terms of the circuit and district courts of the United States for the southern district of West Virgina shall be as follows:

At Huntington, the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield, the first Tuesday in May and the third Tuesday in October; at Charleston, the first Tuesday in June and the third Tuesday in November.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMUTATION OF HOMESTEAD ENTRIES.

The bill (H. R. 9037) to allow the commutation of homestead entries in certain cases was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That homestead settlers upon the ceded portion of the Sioux Indian Reservation in South Dakota who made entry subsequent to March 3, 1889, shall be entitled to the provisions of the act entitled "An act to allow commutation of homestead entries in certain cases," approved January 26, 1901, and in commuting shall only be required to pay the price provided in the law under which original entry was made.

SEC. 2. That any person who, prior to the passage of an act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May 17, 1900, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act before cited had final entry not been made prior to the passage of said act, may make another homestead entry of not exceeding 160 acres of any of the public lands in any State or Territory subject to homestead entry: *Provided*, That any person desiring to make another entry under this act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: *And provided further*, That said person has all the other proper qualifications of a homestead entryman: *And provided also*, That commutation under section 2301 of the Revised Statutes, or any amendment thereto, or any similar statute, shall not be permitted of an entry made under this act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to allow the commutation of and second homestead entries in certain cases."

HEIRS OF WILLIAM TINDER, DECEASED.

The bill (S. 3209) for the relief of the heirs of William Tinder, deceased, was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. The bill has been adversely reported.

The PRESIDENT pro tempore. It might as well go to the Calendar under Rule IX.

Mr. PLATT of Connecticut. Yes; let it go to the Calendar under Rule IX.

The PRESIDENT pro tempore. Being objected to, the bill will go to the Calendar under Rule IX.

ELISHA A. GOODWIN, EXECUTOR.

The bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue duplicates to Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, late of Vanceboro, Me., in lieu of United States 4 per cent registered bonds, funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 71011 to 71018, inclusive, of the denomination of $100 each, amounting to $800, said bonds alleged to have been lost or stolen.

Also to issue to the said Elisha A. Goodwin duplicates in lieu of United States 4 per cent coupon bonds of the funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 148356 and 148357 of the denomination of $1,000 each; 56961 to 56966, inclusive, of the denomination of $500 each; 66681 and 66829, 168768 to 168787, inclusive, of the denomination of $100, amounting to $7,200: *Provided*, That the said Elisha A. Goodwin shall first file in the Treasury a bond in a penal sum equal to the amount of the missing registered bonds and the interest that would accrue thereon until the same shall become due or payable; and a bond in a penal sum equal to double the amount of the missing coupon bonds and the interest that would accrue thereon until the same shall become due or payable, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim on account of the said lost or stolen bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN RAILWAY COMPANY.

The bill (S. 3237) to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc., was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. I move to insert at the end of the bill the words "and without contributory negligence on the part of the claimants."

The proviso is:

That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the United States or its agents.

I wish to add to it:

And without contributory negligence on the part of the claimants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMPHIS-CHATTANOOGA RAILWAY.

The bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRISCILLA R. BURNS.

The bill (S. 4517) for the relief of Priscilla R. Burns was announced as next in order.

Mr. GALLINGER. Let the bill go over, retaining its place.

Mr. WARREN. What did I understand the Senator from New Hampshire to say? Does he ask that the bill be passed over without prejudice?

Mr. GALLINGER. Yes; that was the request.

The PRESIDENT pro tempore. The bill will go over without prejudice.

CIVIL APPOINTMENTS OF EX ARMY AND NAVY OFFICERS.

The bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex-Army and Navy officers, was read.

The PRESIDENT pro tempore. The first amendment reported by the Committee to Examine the Several Branches of the Civil Service will be stated.

Mr. PLATT of Connecticut. Mr. President, I wish there might be some explanation of the bill. On the face of it the amendments change the nature and meaning of the bill as originally introduced. By the bill as introduced it was provided that these soldiers and sailors are to be preferred in appointments if they have the business capacity necessary. By an amendment of the committee they are only to be preferred if they possess equal qualifications with their competitors. It seems to me that that will practically bar them out entirely, for the reason that other competitors for these offices will be younger and more energetic, and the comparison will be made between the older and perhaps less efficient soldier and the younger and more efficient applicant. In every case that will be to the disadvantage of the soldier and the sailor, as it seems to me upon a cursory reading of the amendment.

As originally introduced by the Senator from Ohio [Mr. FORAKER] the condition was that they should possess the necessary business capacity, not that they should be equal in that respect to any other person who might apply for the office. I wish there might be an explanation on the part of the Senator who reported the bill.

Mr. CLAPP. I have not been able to hear anything the Senator from Connecticut has said. This is a bill which was prepared and introduced by the Senator from Ohio [Mr. FORAKER], and I suggest, if there is any objection to it, that it be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

AGREEMENT WITH INDIANS OF KLAMATH RESERVATION.

The bill (S. 1988) to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect, was announced as next in order.

Mr. PLATT of Connecticut. Let the bill go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. CLAPP. Certainly.

The PRESIDENT pro tempore. The bill will go over without prejudice, retaining its place.

Mr. PLATT of Connecticut subsequently said: I withdraw my objection to Senate bill 1988, which was just passed over.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, reading third time, and passed.

The preamble was agreed to.

M. L. COBB.

The bill (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to insert at the end of the bill the following:

The same being the amount of salary for the unexpired part of the current year in which the said W. W. Cobb, who was consul of the United States at Colon, Colombia, departed this life.

So as to make the bill read:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to M. L. Cobb, administrator of W. W. Cobb, deceased, the sum of $1,755.49, out of any money in the Treasury not otherwise appropriated, the same being the amount of salary for the unexpired part of the current year in which the said W. W. Cobb, who was consul of the United States at Colon, Colombia, departed this life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SPOONER. What committee does the bill come from?

Mr. GALLINGER. The Committee on Claims.

The PRESIDENT pro tempore. It was reported by the Senator from Virginia [Mr. MARTIN] from the Committee on Claims.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 5th instant approved and signed the following acts:

An act (S. 234) granting an increase of pension to James Frey;

An act (S. 319) granting a pension to Ida M. Warren;

An act (S. 324) granting an increase of pension to Nellie Loucks;

An act (S. 694) granting a pension to Jane Caton;

An act (S. 899) granting an increase of pension to George F. Bowers;

An act (S. 1363) granting an increase of pension to James A. McKeehan;

An act (S. 1625) granting an increase of pension to Jethro M. Getman, alias James M. Getman;

An act (S. 1629) granting an increase of pension to James W. Humphrey;

An act (S. 1638) granting a pension to John R. Homer Scott;

An act (S. 1643) granting an increase of pension to Ellen J. Clark;

An act (S. 1814) granting an increase of pension to Anna E. Luke;

An act (S. 2305) granting an increase of pension to Lemuel Grove;

An act (S. 2346) granting a pension to Amanda C. Bayliss;

An act (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow;

An act (S. 2738) granting an increase of pension to James W. Hankins;

An act (S. 2805) granting an increase of pension to Anna L. Cory;

An act (S. 2943) granting an increase of pension to Thomas S. Rowan;

An act (S. 2971) granting an increase of pension to Silas D. Strong;

An act (S. 3108) granting an increase of pension to Ivey E. Perrine;

An act (S. 3217) granting an increase of pension to Charles Dixon;

An act (S. 3252) granting an increase of pension to Jesse W. Bice;

An act (S. 3321) granting a pension to Patrick J. Murphy;

An act (S. 3334) granting an increase of pension to Thomas E. James;

An act (S. 3472) granting an increase of pension to Zeno T. Griffin;

An act (S. 3519) granting an increase of pension to Charles L. Cummings;

An act (S. 3633) granting an increase of pension to Samuel L. Leffingwell;

An act (S. 3634) granting an increase of pension to Elizabeth A. Capehart;

An act (S. 3672) granting an increase of pension to James Scannell;

An act (S. 3820) granting an increase of pension to Warren D. Nudd;

An act (S. 3991) granting an increase of pension to Waity West;

An act (S. 4042) granting an increase of pension to William H. Norton;

An act (S. 4056) granting an increase of pension to Minerva Melton;

An act (S. 4111) granting an increase of pension to Abner J. Pettee;

An act (S. 4335) granting an increase of pension to John Brown;

An act (S. 4381) granting an increase of pension to John S. Robinson;

An act (S. 4514) granting an increase of pension to Mary Beals;

An act (S. 4535) granting an increase of pension to Lydia M. Granger;

An act (S. 4619) granting an increase of pension to Clifford Neff Fyffe;

An act (S. 4650) granting an increase of pension to Delania Ferguson;

An act (S. 4658) granting an increase of pension to Charles F. Rand;

An act (S. 4740) granting an increase of pension to Mariah L. Godfrey;

An act (S. 4749) granting an increase of pension to Eunice A. Smith; and

An act (S. 4969) granting an increase of pension to Abbie George.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. BEVERIDGE obtained the floor.

Mr. BURTON. I desire to make an announcement.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. I wish to give notice that I shall address the Senate upon the pending bill at the conclusion of the morning hour to-morrow.

Mr. BEVERIDGE. Mr. President, I shall not occupy more than a moment of the Senate's time to do at this first opportunity what I arose yesterday in the midst of the remarks of the Senator from Utah [Mr. RAWLINS] to do, and that was to call his attention to an inaccuracy which I am bound to say was not intended before it had gone uncorrected in the RECORD.

During the course of the admirable and I may add the remarkable speech of the chairman of the Philippine Committee, the Senator from Massachusetts [Mr. LODGE], he referred among other incidents to the incident recently testified to in our committee of the discovery of the death and the means of the death of Sergeant O'Hearn. The Senator from Utah, in the course of his earnest and I may even add his volcanic reply to the Senator from Massachusetts, also referred to it. It deserved attention, then, and I arose to call the attention of the Senator from Utah to it, and it deserves attention now, because it illustrates a curious coincidence of misstatement upon the part of Senators in opposition, which I trust will not characterize those statements in the future.

The Senator from Utah, after he had explained that his reference to Copernicus and Galileo was a lapsus linguæ, said:

> Mr. President, I have deemed it proper to say so much; but there is one other thing that I ought in justice to say. The Senator from Massachusetts alluded to the circumstances, and detailed them, of the death of one O'Hearn, a soldier of the United States, one of the victims of this policy. He was tied to a tree, burned for four hours, hacked to pieces, and buried. How does the Senator from Massachusetts know that? Why, twelve Filipinos were seized, put into the custody of American soldiers, and information as to how this soldier of the United States came to his death was unascertainable.

The Senator will remember that I did not interrupt him there, because thus far he might have found himself within the record, and the recent record, but he continued:

> This system which prevails over there, started about two years ago, was brought into application, and what was the result? Twelve men were thrown down and subjected to the water torture. They were called upon to confess that they had been instrumental in bringing about the death of O'Hearn. They were tortured one day, but the necessary information was not derived; they were tortured the second day, and then, being unable to endure the torture longer, those twelve men, each and every one of them, said, "For God's sake—

And this seems to be a favorite phrase of the Senator from Utah—

> we can not endure this torture longer. What do you want us to say?" The interpreter, listening attentively, said—

And mark the detail with which the Senator recounts this testimony—

> "Confess the charge which has been made against you." "What was that charge?" "That you burned this man for four hours; that you hacked him to pieces." Thereupon these men did confess, and that is the sole basis upon which is built up this fabric of alleged cruelty perpetrated by Filipinos upon this American soldier.
>
> Mr. BEVERIDGE. Mr. President——
>
> The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?
>
> Mr. RAWLINS. I decline to yield at present. The Senator can read the history of that as disclosed in our testimony before the Philippine Committee

Mr. President, I did not arise to interrupt the Senator as a matter of discourtesy or as a matter of vexatious interference with his closely connected, logical order of argument. I arose merely that he should not again be the victim of that lapsus linguæ which made him say Copernicus instead of Galileo. But, Mr. President, upon reading the RECORD I found that I had heard aright and that the Senator had stated with a detail of particularity something that had occurred in the testimony before the committee which not only did not occur, but in which the testimony was directly the reverse, and that, too, in spite of the utmost attempts of skilled lawyers to get the witness to testify to what the Senator from Utah now says he did testify to.

Mr. President, the record was before me at the time; it was in recent mind of all of us; and I think it proper at this time, in order that the debate from this moment forward may be accurate, and also let us hope fair, that it should be laid before the Senate as it actually occurred.

I will therefore read the questions and answers which were put to this witness, and place them in parallel columns, with the report of that testimony as given yesterday by the Senator from Utah.

After the witness had testified to the water cure upon points which it will not illumine, although I will read it all if it is desired, this particular point to repeat, I for brevity read the following——

Mr. RAWLINS. From what page does the Senator read?

Mr. BEVERIDGE. I think I will take it in the order in which it comes. I read from page 1978. This is witness Hallock:

> By the CHAIRMAN:
>
> Q. Did you witness any other cases of water cure?
>
> A. No, sir.
>
> Q. These were the only cases that you saw?
>
> A. Yes, sir.
>
> Q. Did the natives confess that O'Hearn was burned before he was murdered?
>
> A. They confessed—perhaps I had better tell you the story of his capture and everything.
>
> Q. Yes; tell the whole story.
>
> A. O'Hearn, in company with two other soldiers from our company, was sent to Iloilo after the mail, I think, and when they arrived back within about 5 or 6 miles of the company, or where the company was stationed, they were ambushed by about 100 insurgents and two of them were captured. O'Hearn made a break to get away. This was on June 30, 1900. He made a break to get to the quarters, or at least we thought he did, and fell in, as we supposed, with friendly natives. They captured him and on the next day, July 1, he was tied to a tree at 7 o'clock in the morning and was tortured by cutting with bolos and by slow fire until 5 o'clock at night. So the natives confessed.
>
> Q. The natives confessed to that?
>
> A. Yes, sir.
>
> Q. When they applied the water cure to these natives in order to get their confession, did you know that he had been tortured before being killed?
>
> A. No, sir; we did not know anything about it.
>
> Q. Then the infliction of the torture was entirely a voluntary confession?
>
> Senator CULBERSON. He has not said it was voluntary.
>
> A. The confession was gotten from the natives by means of the water cure.
>
> By the CHAIRMAN:
>
> Q. But did they ask them whether he was burned or whether he was murdered?
>
> A. They asked him through the interpreter how they killed him.
>
> Q. And then they confessed to the statement which you have just made?
>
> A. Yes, sir.

Later on the Senator from Colorado [Mr. PATTERSON] took the witness up and attempted to elicit the account of this testimony which the Senator from Utah yesterday said was elicited, as follows:

> By Senator PATTERSON:
>
> Q. Do you know whether this man denied any knowledge of the missing soldier before they applied the water torture to him?
>
> A. I could not say, sir.
>
> Q. Were you present when the water torture was applied to the other twelve?
>
> A. I was present in most cases.
>
> Q. Do you know whether, before it was applied, they had denied any knowledge of the affair?
>
> A. I think they did deny it.
>
> Q. Were they given to understand what they were to confess to to avoid the water torture?
>
> A. Yes, sir.

Possibly the Senator from Utah based his statement upon that answer.

> Senator BEVERIDGE. Do you understand that question?
>
> Senator PATTERSON. I will keep on asking it, so that there will be no trouble.
>
> Senator BEVERIDGE. I understand your question and its purpose very well.
>
> Senator PATTERSON. No; you do not.
>
> Senator BEVERIDGE. Senator Lodge asked that same question in a direct way, and now you put this question in a way, as we all very well understand, to imply that what to confess was suggested to them.
>
> Senator PATTERSON. Wait until I get through.
>
> The CHAIRMAN. What is the question?
>
> The stenographer repeated the question, as follows: "Q. Were they given to understand what they were to confess to to avoid the water torture?"
>
> Senator PATTERSON. If you will wait I will ask another question that will settle all controversy.
>
> Senator BEVERIDGE. But when you ask a question like that I propose to exercise my duty as a member of this committee to object to it.
>
> Senator PATTERSON. I understand you will.

By Senator PATTERSON:

Q. What was it they were given to understand they were to confess to?
A. They were given the water cure and then asked questions through this interpreter what they knew about the killing of O'Hearn.
Q. Before the water cure was applied to them were they given to understand about the death of a soldier—that is, the soldier that was missing?
A. Before they were given the water cure?
Q. Yes.
A. The only way I know that they could know it would be by talking amongst themselves.
Q. What was the water cure applied to them for?
A. What was the water cure applied to them for?
Q. Yes.
A. To see what information they had in regard to the death of O'Hearn.
Q. Had they been told of the death of O'Hearn?
A. Not to my knowledge.

"Had they been told of the death of O'Hearn?" "Not to my knowledge." And that was the final answer which was elicited after the question had been put to him and the suggestion made to him that what they were to confess to had been suggested to them, and then they were tortured in order to make them admit that the confession was correct.

Mr. President, why should it have been suggested to them even if the witness had not denied it? O'Hearn was missing. They wanted to know where he was. They found a native whom they thought was implicated. For all they knew O'Hearn might have been a prisoner. They did apply a water cure, and the native told them O'Hearn had been tied to a tree, tortured by bolos, burned by a slow fire; and he then told of twelve other natives who had participated in the killing.

And yet, Mr. President, after that testimony in which Hallock says it had not been to his knowledge that any such thing was done as stating what those persons were to confess to, in another place he said the statement was made voluntarily; that they merely asked him what had become of O'Hearn and what they had done about it. The Senator from Utah gives the following account of what took place in this testimony:

And then, being unable to endure the torture longer, those twelve men, each and every one of them, said, "For God's sake, we can not endure this torture longer. What do you want us to say?" The interpreter, listening attentively, said, "Confess the charge which has been made against you." "What was that charge?" "That you burned this man for four hours; that you hacked him to pieces."

So, Mr. President, we see that if the Senator yesterday had permitted me to interrupt him it would have been merely to call attention to the fact that after a most careful and skillful cross-examination by Senators on the other side the witness had not testified to anything of the kind stated by the Senator from Utah, but had testified that they asked him what about O'Hearn, and that finally through this man they discovered what had become of him and where his bones rested, and the native made the statement without suggestion.

Mr. President, I deemed it necessary and perhaps useful for the general course of the debate——

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. Will the Senator from Indiana call attenbeen tion to the fact that, although these twelve men after they had subjected to the water cure and confessed, as the term is used, after the application to participating in the death of O'Hearn, they were sent to prison or put in the guardhouse and kept there for a period of from five to eight months; that the officers got together and held a consultation about the case, and yet none of those prisoners was ever brought to trial? There was no court-martial and no effort at any sort of investigation after the application of the water torture and the imprisonment.

It struck me, Mr. President, in connection with that, that if the identification of O'Hearn had been so complete, if the officers, under whose administration this torture occurred, believed that these men had been guilty of the crime, to extort the confession of which the torture was applied, there would have been a speedy court-martial and a speedy military execution of every one of them. Instead of that they were kept in prison from five to eight months, five of them were killed in an attempt to escape, and the rest of them escaped. There never was any trial.

Mr. BEVERIDGE. Mr. President, I am not surprised that the Senator from Colorado, with his usual fertility of resource, should want to divert the course of the present discussion, which was that a lapsus linguæ, to put it mildly and kindly, had been made here, although the record was before the Senator who made it, and that it perhaps characterized the unintentional moderateness, I will not say inaccuracy of statement, that has distinguished every speech and every remark which has been made by the Senators in opposition. I am not, therefore, surprised to see the Senator from Colorado, with that tropical fruitfulness of resource which distinguishes him, attempt now to divert this controversy to another portion of this mass of testimony. But since he has done so, I am willing to take that up.

Mr. HOAR. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. Gladly; with pleasure.

Mr. HOAR. Mr. President, this, it strikes me, is the essence of this matter. Did the Senator from Indiana find it proven before his committee that American soldiers tortured men, if it be torture, by the water cure, to get out of them a confession that they had committed crime? Is that what they proved? Whether the Senator from Utah said "Copernicus," or "Galileo," I should like, as an American Senator, to know whether or no American soldiers tortured men until they confessed crimes?

Mr. BEVERIDGE. It is proved to my satisfaction—every Senator must speak for himself—that what is known as the water cure was administered in this dreadful case to ascertain what had become of O'Hearn; that it was thereby ascertained that O'Hearn had been ambushed, had been tied to a tree, had been hacked with bolos, burned with a slow fire, and, after being burned and charred, had been buried, and that our soldiers thereupon went to the spot, after they had been told of it, dug up those bones, identified them by the loss of a missing tooth, and from the fact that it was an American skeleton. That much, I think, is proved to my satisfaction; at least, there is no evidence to the contrary.

Mr. HOAR. Was it proved that this was done by any other evidence than the confession which was so extorted?

Mr. BEVERIDGE. Not that I know of.

Mr. PATTERSON. If the Senator from Indiana will allow me——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. The Senator looked at me, and I inferred from that that he yielded.

Mr. BEVERIDGE. Certainly.

The PRESIDING OFFICER. The Chair must insist on Senators who wish to interrupt other Senators first addressing the Chair.

Mr. PATTERSON. Very well, Mr. President.

I suppose the Senator from Indiana will admit that, after the first confession and, as he states, the finding of the body, the remaining twelve Filipinos had the torture inflicted upon them to compel them to admit that they had participated in the offense?

I think he will further admit that the only evidence of the identification of O'Hearn was the fact that there was a tooth missing.

Mr. BEVERIDGE. Do you deny the identification of O'Hearn?

Mr. PATTERSON. I am telling you what the facts are.

Mr. BEVERIDGE. I know, but by inference, from the facts, what is your opinion?

Mr. PATTERSON. I have not formed any opinion, nor do I care to form an opinion in regard to that. I simply know that, according to the clear and explicit testimony of the witnesses, the only means of identification of O'Hearn was the missing tooth. Then, further, the question may be asked, How did this Filipino know it was O'Hearn?

Mr. BEVERIDGE. One fact at a time; one argument at a time.

Mr. President, the remark of the Senator leads me to suggest that it only seems that he is interested in convicting some American soldier of some crime, and since he has spoken about the identification of O'Hearn, it affords me simply an illustration of how proof strong as Holy Writ can not convince the Senator from Colorado or those who follow in his wake when it is the American soldier they are attacking.

This incident of the identification of O'Hearn—while I do not think it is illuminative of this question, or that any of these things are illuminative of this great question or of the policy which is involved in it—is illuminative, Mr. President, of the fact that no matter how much evidence, how cumulative it may be, the Senator from Colorado and other Senators upon his side will not admit it so long as it refers to the American soldier.

Let us see the application of that. Our men did not know where O'Hearn was. He had been sent after the mail. It was known that he was returning with the mail sack. He was missing. A man was found who it was believed had been implicated in his taking off. Whether he was a prisoner, whether he was still alive, or whether he was in his grave nobody knew. So this water cure was inflicted. That is all past.

Now, let us see as to the identification of O'Hearn; how unwilling the Senator from Colorado is to accept, in the same, testimony that he would accept in a court of justice. First, O'Hearn was missing; second, those men who confessed that they had killed O'Hearn, and, mark you, burned him. We are now talking about identification. Our soldiers went to the spot where those men said O'Hearn's charred bones were buried. At that spot they found those bones thus charred. The best preserved bones, the bones most intact, were those of the head, in which

there was a missing tooth. The bones were taken to headquarters; they were examined by our surgeon; there they were identified by him, and the most conspicuous single item of evidence was the missing tooth; and it was said the skeleton of this man was not that of a Filipino. If there is any succession of circumstances which would convict any man charged with murder before any American jury, I can not conceive of a stronger case than that, and yet the Senator from Colorado is not willing to admit that O'Hearn is even dead.

I take this much time merely to show the methods that are employed by some of the Senators upon the other side of this question and to show they are not convinced by the most overwhelming, cumulative, and undisputed testimony. That is the only use of that incident; and I am very much obliged to the Senator from Colorado for affording it to me.

Since the Senator from Colorado goes into another feature of this testimony, why does he not go into the whole of it? Why do not he and the Senators on the other side of this question go into the whole of the testimony? Why did you not repeat what every single witness, save one, said who testified to the water cure, that kindness, consideration, and gentleness have been the ordinary, usual, and habitual practice of our men toward the Filipino people who were working in peace, and more so as to those who were taken as prisoners of war and confined in our prisons?

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly; gladly.

Mr. PATTERSON. I suppose the Senator from Indiana will also admit that this prisoner stated that from about the time when the application of the water cure was commenced there were but four Filipinos taken as prisoners during the entire period?

Mr. BEVERIDGE. That witness so testified, Mr. President; but I ask the Senator whether it was not true of every prisoner which the witness had the opportunity of seeing, and I ask the Senator whether it was not proven by this record that this soldier testified that every prisoner he saw had the same treatment from our physicians, from our nurses, and in our hospitals that our own soldiers had? Is not that true?

Mr. PATTERSON. He stated that there was but one such Filipino of whom he had knowledge, and but four Filipinos had ever been taken prisoners up to the time the army commenced the application of the water cure.

Mr. BEVERIDGE. Is it true or not true that he stated that this wounded Filipino had the same treatment that our own soldiers had?

Mr. PATTERSON. He said this wounded Filipino was taken from the hospital to another hospital, and that was all the knowledge he had of him. He also stated, I am quite sure, that the prisoners were compelled to do the work—no one could find any fault with that—and that they were supplied with the ration which was most desired by them, and that was rice. That is the statement, but what then? When it came to his knowledge—which is quite significant—I asked him how many prisoners were taken from the time they commenced the application of the water cure, and he said: "Do you mean by my company or my command?" I said: "No; I mean by the entire command." He stopped, and evidently with care and precision recalled the number and said: "Four." He had knowledge of 1 wounded man and 4 prisoners from the time the application of the water cure commenced.

Mr. BEVERIDGE. Mr. President, when I rose it was merely to make correction of the Senator from Utah [Mr. RAWLINS]. I had no idea that we should become involved in a debate here; and although the records at my desk are not complete, I do not know but that this is as good a time as any for pointing out some certain other unaccountable omissions with reference to the testimony before this committee by every Senator who has spoken upon that side of the question.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Yes; but I hope the Senator will ask me a question and not make a speech.

Mr. PATTERSON. I simply want to suggest that the character of the reflections in which the Senator is indulging is not calculated to produce harmony in debate in the Chamber, impugning the motives of Senators in their course of proceeding. I have heard Senators corrected a number of times for a procedure of that kind, and heard the admission that the correction was always proper. The character of the remarks the Senator is making will do no good.

Mr. BEVERIDGE. Mr. President, I for the first time agree with the Senator from Colorado that it is not wise or right to reflect upon the motives of Senators, nor do I do so now. On the contrary, when I began what I thought would be merely remarks of one or two minutes, I said that I exonerated even the Senator from Utah, and all the Senators, from having intentionally suppressed information, and yet the only note we have heard struck upon their side of the Chamber has been suppression, suppression, suppression, concealment, concealment, concealment.

Was that a reflection upon the motives of Senators upon the other side of the question? When Senators are confronted with the fact that they have merely omitted certain vital portions of the testimony taken before the Senate committee, when we do not use the harsh words "suppression" or "concealment," "purposed" and "intentional," the Senator from Colorado rises to read us upon this side of the Chamber a lecture. In whose mouths have the words "suppression" and "concealment" been found? Not in the mouths of Senators upon this side of the Chamber. What was my remark? That there had been omissions in your statements to the Senate of the testimony of these witnesses.

I had not intended to go into this matter to-day, and probably not at all, but some of the RECORDS are before me, and one of them contains the other speech made by the Senator from Utah, for whom personally I have the highest regard, as he knows. There was some testimony of witnesses referred to by him, but the testimony, which immediately followed, referring to the kindness of the Americans to the Filipino people and the Filipino prisoners received at our soldiers' hands, was not mentioned by him. I do not ask you why you did not mention it. I leave that to yourselves. You can answer the question. I merely note the fact.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly; gladly.

Mr. CARMACK. Mr. President, I want to say, in order that my position in this matter may not be misunderstood, that the conduct of the American soldiers in the Philippines toward the natives was uniformly kind wherever it was permitted to be so; and further——

Mr. BEVERIDGE. May I interrupt the Senator right there?

Mr. CARMACK. In one moment, if the Senator will permit me.

Mr. BEVERIDGE. Very well.

Mr. CARMACK. Further, where their conduct was otherwise, they were driven to it by the command of their superior officers. The Senator from Massachusetts [Mr. LODGE] yesterday accounted for the cruelties perpetrated in the Philippines on the idea that the soldiers were inflamed with a passion for revenge; which was not true. The complaint on the part of their officers uniformly was that the feelings of the soldiers toward the Filipinos were too kindly; and they were constantly being driven by their officers into acts of cruelty which were abhorrent to their own nature.

Mr. BEVERIDGE. Mr. President, I am delighted to hear, even at this late stage of the debate, an apology to the American soldiers from the Democratic side of the Chamber.

Mr. CARMACK. If the Senator will permit me, he has not heard any apology whatever, and he will not hear any from me.

Mr. BEVERIDGE. I am sorry I misinterpreted the Senator.

Mr. CARMACK. I am sorry on the Senator's account.

Mr. BEVERIDGE. The Senator made at last a very handsome reference to the American soldiers and most eloquently referred to them. We all admire the talent of the Senator from Tennessee, but I have heard him refer to that same Army as being composed of vandals, as ravagers and murderers, or some such words. If those are not the words of the Senator, I will withdraw the remark and give the Senator an opportunity now to say whether or not the statement is correct.

Mr. CARMACK. It is not correct at all, Mr. President.

Mr. BEVERIDGE. Since the Senator is on the floor, will he remain on the floor a minute longer?

Mr. CARMACK. Yes, sir.

Mr. BEVERIDGE. The Senator now says that it is not the fault of the American soldier that the water cure was administered. We have got it removed at last from the soldiers to the officers; that it is due to orders of the officers. I ask the Senator whether he can name an officer, except in the first instance of the administration of the water cure, testified to before our committee (there have been many others testified to since) where one of the officers ordered it? On the contrary, I ask the Senator, in order to give him time to think, whether it is not true that the testimony of every witness except one has been that it was inflicted by the men themselves?

Mr. CARMACK. Does the Senator yield to me?

Mr. BEVERIDGE. Yes; I do.

Mr. CARMACK. I was not speaking of any special order with reference to any special act. I was speaking of the general orders of Chaffee and Bell and Smith, in which orders—which I

will hereafter present to the Senate—complaint was made that the feelings of the soldiers toward the natives were too friendly and too kindly and urging and demanding that they should cease to entertain those friendly feelings.

Mr. BEVERIDGE. Mr. President, we are tracing it down at last. First, it was the American soldier. He is exonerated. Thank you. Then it was his officers, under whose command he did these things. I remember the Senator's words well. When I asked him—and he was one of the most alert and attentive members of our committee—whether or not there was a single instance, except one, in which it appeared that an officer had ordered one of these water cures, he refers in a diaphanous way to the general orders of Chaffee and Bell.

Let us get the responsibility fixed. We heard an apology yesterday—beautiful, forcible, and most appropriate, though long delayed—by the Senator from Utah, as to General Chaffee and his record and his conduct. He was exonerated. That is No. 1. We hear to-day an exoneration of the American soldier from the Senator from Tennessee. That is a most proper exoneration; No. 2. Then I asked him, when he charged that these atrocities were traceable to the orders of our officers, whether there had been a single bit of testimony to that effect by any except one witness, and he said, "No." That is exoneration No. 3. Perhaps we can dispose of this attack upon the American Army to-day.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly; gladly.

Mr. CARMACK. I will say to the Senator, if he wants further specifications, that Major Waller, in the first place——

Mr. BEVERIDGE. Now it is Waller.

Mr. CARMACK. Major Waller protested against the inhuman orders of General Smith, and the soldiers under Waller protested against the inhuman orders of Waller; and my information is that the court-martial of Waller came about through the protests and complaints of the soldiers under him of his cruel and inhuman conduct.

Mr. BEVERIDGE. Now you testify to your understanding.

Mr. CARMACK. My understanding comes from a newspaper published in Manila. Of course, Mr. President, there are a great many things going on there of which we can not now get direct testimony, because we can bring no witnesses from the Philippines.

Mr. BEVERIDGE. Ah!

Mr. CARMACK. We have to take the best testimony we can get. Here is a statement published in the Manila Times to the effect that the court-martial of Waller was brought about through the complaints and the protests of his soldiers against the brutal and inhuman conduct he had forced them to perpetrate. Waller himself declared that he protested against the brutal and inhuman order of Smith, and I have cited the order of General Chaffee, in which he complained that the officers and men were too friendly toward the Filipinos.

Mr. BEVERIDGE. You stated that once before. I yielded; but not for a repetition. I will yield for a speech, but not for a repetition of a speech, because I want to get on.

Mr. CARMACK. The Senator is repeating one now.

Mr. BEVERIDGE. No; I am not. I am following as best I can the changing positions of the other side. The Senator made an unfortunate remark when he said they had to get along with the best testimony they could. All I ask him is that he shall stick to the testimony; all I ask him is that he shall stick to the record; all I ask him is that he shall produce that record before the Senate and the American people complete and ungarbled.

I had no intention at this time to go into this portion of the debate, and I doubt whether I should at all, Mr. President; but I have heard attack after attack; I have heard references to witness after witness by Senators upon the Democratic side wherever it will reflect upon the American soldier or the American officer or the American general; and although that record is full of testimony as to the contrary, and as to the kindly care by our soldiers of the Filipinos, that the Filipinos had the same physicians as our American soldiers, that they had the same medicine as our American soldiers, that they had the same nurses as our American soldiers, I have not heard one word of that upon the Democratic side of the Chamber.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. The Senator from Indiana, I know, desires to deal fairly and justly with Senators on this side of the Chamber.

Mr. BEVERIDGE. Certainly, and I always do so.

Mr. PATTERSON. Senators upon this side have paid as full and eloquent and as heartfelt eulogies to the American soldiers as have been uttered on the other side of the Chamber, and I do not want to say anything further upon that subject.

The Senator from Indiana, however, wants to know whether there was any instance but the one in which there was an order from an American officer to administer the water cure. My sole aim, I will say to the Senator, is to be correct. I want to say to the Senate, Mr. President, that in every instance in which the water cure was administered—sometimes to as many as 20 Filipinos, then again to 12, and sometimes to lesser numbers—in every instance an officer was in the immediate vicinity.

Mr. BEVERIDGE. Ah!

Mr. PATTERSON. One moment, now. "Ah!"

Mr. BEVERIDGE. "In the immediate vicinity" is what I said "ah" to.

Mr. PATTERSON. I know it was.

Mr. BEVERIDGE. That is as near as you can get an officer—"in the immediate vicinity."

The PRESIDING OFFICER. The Senator from Colorado [Mr. PATTERSON] has the floor by the courtesy of the Senator from Indiana [Mr. BEVERIDGE].

Mr. PATTERSON. In the immediate vicinity, when the water cure was applied all night, commencing early in the evening and running until broad daylight in the morning, the officer in command of the troops was sitting under the shade of a tree, within less than 100 yards from where the process was being conducted.

Mr. BEVERIDGE. Great heavens, Mr. President, sitting in the shade of a tree at night! [Laughter.] We have it at last, I am glad to say. In the courts, both Federal and State, if a lawyer who is confused presents some half a dozen theories upon which he desires to proceed no one knows better than the Senator from Colorado that the court requires him to elect the theory upon which he proposes to try his case.

Mr. PATTERSON. Mr. President——

Mr. BEVERIDGE. Just wait a moment. I want to get through with that officer sitting at night under the shade of a tree. [Laughter.]

Mr. PATTERSON. Ah!

Mr. BEVERIDGE. Mr. President, I started out with the expectation of occupying the attention of the Senate for three or four minutes in a kindly way to call attention to what I said was an unintentional error of my friend the Senator from Utah [Mr. RAWLINS]. Immediately a diversion was required; and the Senator from Colorado proposed another subject of discussion. That was taken up, and then my friend the Senator from Tennessee took up another subject of discussion, and that was the American soldier. He exonerated him, and then he attacked the American officer. I then asked the Senator to name the American officer, to file his specifications, and he said it was not a subordinate officer, but it was Chaffee and Bell; and yet we had Chaffee yesterday exonerated by the Senator from Utah. Then comes again the Senator from Colorado to the rescue, and says, "Yes, there is more than one instance; there is a horrible and dramatic circumstance of water cure given all night long until broad daylight, and during the whole of it an American officer sat within a few yards under the shade of a tree." [Laughter.]

Mr. PATTERSON. Mr. President, the important question——

Mr. BEVERIDGE. That, Mr. President, illustrates the accuracy with which so acute a lawyer as my friend from Colorado, who looks sanely upon all other subjects, looks upon this. It is a question which seems to have created some queer and curious and unexplainable psychic state in the minds of Senators upon the Democratic side, and, at least, upon that theory we exonerate them.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. Does the Senator from Indiana deny that the witnesses themselves, whom the Senator from Massachusetts [Mr. LODGE] yesterday extolled to the extent of his eloquence and ability, testified that they commenced administering the water cure and kept it up until the next morning, and then on the next day it was administered to 20 and more Filipinos, and that during that time the officer in command of the company or the battalion was within less than a hundred yards of the proceeding. Whether or not he was sitting under the shade of a tree, the important question is, Did or did not Mr. Flint, who, as I said before, the Senator from Massachusetts eulogized, state that the man in command of the battalion was in immediate proximity to the place and knew what was going on?

Mr. BEVERIDGE. Certainly, I admit it. Do you admit that it is not true, although it was claimed, that Major Geary, the officer, had ordered these things done?

Mr. PATTERSON. Oh!

Mr. BEVERIDGE. Oh!

Mr. PATTERSON. Mr. President——

Mr. CARMACK. It was proved he had knowledge of it.

Mr. BEVERIDGE. But your charge was, and you must stick to your statement——

Mr. PATTERSON. Mr. President——

Mr. BEVERIDGE. The Senator charged that it was done under the orders of the officer.

The PRESIDING OFFICER. One Senator at a time.

Mr. PATTERSON. The Senator from Indiana asked me a question.

Mr. BEVERIDGE. Now answer it.

Mr. PATTERSON. I will. Mr. Flint swore that he did not hear the orders given, but he supposed——

Mr. BEVERIDGE. Ah!

Mr. PATTERSON. One moment. He supposed that the men were acting under the command of the man in charge, who had full knowledge of what was going on.

Mr. BEVERIDGE. "Supposed," Mr. President, is now what we have—supposition, shades of trees, and shades of everything else, but no definite charge.

Now, then, does not the Senator also know that Mr. Flint, his star witness, stated under examination that he himself approved what was going on?

Mr. PATTERSON. In substance, he did.

Mr. BEVERIDGE. Yes; in substance.

Mr. PATTERSON. Yes; there is no doubt about that.

Mr. BEVERIDGE. Since you have driven me into it, I must call attention to it. Since you will not specify any more than Major Gardener specifies, but since all your statements are vague and diaphanous, however beautiful rhetoric may make them, let us come down to what you gentlemen omit. What is the gist of this charge? It is the cruelty of American soldiers. That is it. You have produced instances, and they are not denied. I hope I may never see the day in the Senate when anything which is true will ever be purposely denied, whatever its effect, by the side to which I have the honor to belong. In the trial of the question of cruelty was it not proper, unless you were acting the part of attorney for a client, trying a cause one-sidedly, when presenting the case, to present both sides? If you produce an instance of the water cure, was it not also proper, honorable, and necessary that you should produce the testimony given by the very same witness of the uniform and universal kindness, care, and consideration unparalleled in the history of warfare shown by American officers and men to the natives. Did you do it?

Did the Senator from Tennessee [Mr. CARMACK], in his most remarkable and ingenious speech, do it? Did the Senator from Utah [Mr. RAWLINS], who quoted the testimony of one of these witnesses, do it? And yet, Mr. President, every witness, except Mr. Riley (and I should have asked him if I had been conducting the examination on that subject that day) testified to these facts. I will repeat them to economize time and save the reading of the record, and will leave them to be challenged. Wherever a Filipino prisoner was taken, he received the same kind care and consideration that our own prisoners in the guardhouse received. Nay, more, that when any native was sick and wounded, he was taken to our hospitals. He was put upon our cots. He was attended by our physicians and surgeons. He was nursed by our nurses. He was ministered to by our medicine. He was fed with our food, and when it was not good enough, and he preferred the food to which he was habituated, we gave him that instead of ours.

It is also testified to by every witness who has testified to the water cure except one that this was the uniform and universal treatment which the Filipino prisoners received from American officers and men. I ask the Senator from Utah, who so ably leads this attack here, why he did not mention that when he was quoting the testimony of one of these witnesses? I ask all the Senators here why they have not mentioned that fact? Why is it that you have presented the instances of cruelty and refused to produce a single item of evidence of the unbroken current of kindness of American soldiers and officers to the Filipinos? Was it because that kindness was shown by American soldiers? Was it because it was not consistent with the exigency in which you find yourselves to tell the American people that the Filipinos have been treated with a uniform kindness and consideration which the whole history of war even in civilized countries can not parallel?

Since you are going to refer to the testimony in the trial of this cause, either admit that you are trying it in a partial manner; that you have taken a fee and a brief against the American soldier and the American authorities, or else produce all the testimony. I do not think the American people are going to be very greatly impressed by a case which produces a small part of the testimony against American soldiers and which refuses to produce the mass of testimony in their favor.

Mr. President, I will not take the time to read this record, because I have given the gist of it. At some time in the future I may. As I remarked two or three times already, I rose merely to correct my good friend the Senator from Utah in order that another one of his lapsus linguæ might not be perpetuated in the CONGRESSIONAL RECORD.

But, Mr. President, since the matter has come up we might as well get through with it. I admit that the Senators on the other side have not intentionally suppressed testimony. They have omitted to mention it. I admit that it has not been with the intention of presenting only one side of this case, and that the black side, to the American people. But I ask you to explain why you did not produce it all?

Mr. President, much may be allowed for partisan enthusiasm; much may be allowed for honest zeal even in a mistaken cause; much may be allowed for the heat of debate, and still more for the exigencies in which gentlemen sometimes find themselves in debate; but none of these, nor all these put together, ought to blind us to facts—facts not of rumor, but of record. What those facts mean, what their interpretation is, may be a matter of honest difference of opinion; but in the statement of those facts in the trial of your suit against the American soldier I beg you to be fair and accurate, even if, because of the political emergency in which you find yourselves, you are not willing to be fair in their interpretation.

Mr. RAWLINS. Mr. President, I do not know that there is any occasion for an attempted response to the remarks which have been submitted by the Senator from Indiana [Mr. BEVERIDGE]. He rose, he said, to put a statement made by me yesterday evening in parallel column with the testimony delivered by a witness before the Committee on the Philippines. He has put the testimony and the statement, according to his claim, in juxtaposition, and he admits that while he rose to make a correction, the statement which I made was in every particular accurate.

I stated in substance that O'Hearn, it was claimed, had come to his death by being burned for several hours and then cut to pieces and buried, and that the basis of the information to that effect was derived from witnesses speaking after and under and by reason of the application of the so-called water cure. The testimony already read by the Senator from Indiana from the record is a verification of every one of those statements. Let me repeat it.

O'Hearn disappeared. Captain Glenn, who was a judge-advocate upon General Hughes's staff, subjected a Filipino to the water torture. Thereupon the confession was obtained from him that the soldier O'Hearn had met with his death. The skeleton of the soldier was subsequently found. Captain Glenn reported also that 12 Filipinos, according to the statement of the man who had been subjected to the torture, had participated in the killing of O'Hearn. These 12 Filipinos were thereupon arrested and subjected to the torture for two days, when it is alleged they confessed that they had participated in that killing. The sole knowledge we possess in relation to this case is that the soldier disappeared; that a skeleton or remains, identified, or claimed to have been identified, as the remains of O'Hearn, were produced, and that the 12 Filipinos, as a result of the application of the water cure, confessed that they had participated in taking his life by means of burning and hacking to pieces in the manner which is described.

I do not undertake from memory to quote the exact phraseology of the testimony, but to give the substance of it, and the substance of it is that these men were induced to make these statements by the infliction of this torture, which the witness stated was carried on for two successive days.

The Senator from Indiana [Mr. BEVERIDGE] works himself into a fever heat. He is not guilty of any volcanic eruption. It scarcely rises to the dignity of an eruption. He repeats the imputation, which now is the only stock in trade of our friends, that we on this side are arraigning the American soldier; that we are responsible for all the facts which have been elicited by the Committee on the Philippines, a considerable majority of which committee is composed of members of the Republican party.

That committee, under the direction of the Senate, is pursuing an investigation into the conduct of affairs in the Philippine Islands. That may be conducted for partisan ends. If so, it is conducted by the majority for partisan ends. No witnesses have appeared before that committee except upon the direction of the committee itself. Every person who has been brought before it and who has testified has testified in answer to questions which have been propounded by the members of the committee and with the approval of the committee.

Mr. President, the American soldier and officer I have no doubt have treated with humanity persons who have become their prisoners of war. Nobody has contended otherwise. That is not a matter which has been made the subject of an accusation against anybody, and it has not therefore been necessary to make any inquiry into the subject. It has been charged through the newspapers and from various sources that the Army in the Philippines, or some part of the Army, have engaged in the practice of inflicting torture for the purpose of securing information. That

was a thing so unheard of in our history that members on the other side of the Senate, as well as upon this side of the Chamber, deemed it a proper subject for investigation, and the committee has summoned witnesses in order that the truth of the matter might be ascertained.

Why waste the time of the committee in going into an inquiry about something which was not in dispute or which was not the subject of any charge? Nobody declared that prisoners of war in the custody of our Army were being starved to death or were being tortured simply because they were prisoners. And only the Senator from Indiana, of the majority, has deemed it worth the while to propound to witnesses questions relating to a matter which is entirely irrelevant, so far as this subject is concerned.

Mr. BEVERIDGE. Will the Senator yield for a question?

Mr. RAWLINS. With pleasure.

Mr. BEVERIDGE. I infer, and I hope it is true, and therefore I ask the Senator whether he will now admit that it is established and not to be further discussed, that the treatment at the hands of American officers and men of Filipino people engaged in peaceable pursuits has been uniformly kind, considerate, and full of regard and care? Is that admitted or not?

Mr. RAWLINS. The Senator by his question is now seeking to make a new diversion.

Mr. BEVERIDGE. No; I stated that in my few remarks.

Mr. RAWLINS. The Senator was talking about the treatment of prisoners of war in the custody of the American Army. The Senator now asks the question whether inhabitants who are not prisoners of war were uniformly treated with kindness by the American soldiery. That is another question—is a question concerning which there may be discussion.

Mr. BEVERIDGE. Mr. President——

Mr. RAWLINS. If the Senator will permit me, that is a question which I think the Senator will not desire me to answer until there has been a fuller investigation, and I do not intend to be drawn into that controversy until we have had matters which justify a discussion of it. I could invite the attention of the Senator to official reports made by civil governors in different provinces in the Philippine Islands bearing upon that question which would be of tragic interest. But I do not care to go into it. I was simply endeavoring to speak with reference to the accusation which the Senator from Indiana deemed it necessary to make in this case against those of us who constitute the minority in the Philippine Committee and the minority in the Senate.

Mr. BEVERIDGE. Will the Senator yield?

Mr. RAWLINS. There is one other matter, if the Senator will permit me.

Mr. BEVERIDGE. Will not the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I yield for a question.

Mr. BEVERIDGE. I always yield to the Senator, and I always invite his questions. The Senator did not listen so carefully to my remarks as I had flattered myself he was doing, for I stated that it was the testimony of every witness who testified as to the fact except one, Mr. Riley, who was not questioned on that point, that the treatment which the Filipinos received at the hands of the American officers and men was universally kind and considerate, and that was true not only of the people, but of all prisoners taken in war.

I referred then to prisoners more at length, because it was a conspicuous illustration, and therefore it was pertinent, since the Senator was saying that our kindness to the Filipino prisoners was not pertinent to the discussion; and I ask him whether he admits now, in the course of this discussion, that the evidence shows, without an exception, that we have been kind, considerate, full of care and humane regard for the Filipino prisoners in our possession and for the Filipino people? I ask the question again.

Mr. RAWLINS. Since the Senator repeats the question in its enlarged import, I am going to answer it.

Mr. BEVERIDGE. I wish the Senator would.

Mr. RAWLINS. I will answer him upon the testimony which the Philippines Committee has taken. According to the uncontroverted testimony which has been taken by that committee we find that the American soldier under the direction of American officers have inflicted the water torture and other cruelties for the purpose of extorting information. We have found that when, by reason of such information, cities, towns, and barrios have been declared to contain or to harbor insurrectos or persons hostile to the United States the penalty which has followed the obtaining of such information has been the wiping out by fire and sword, if you may so speak, of such towns, villages, and cities.

We have had many cases of that kind testified to by witnesses. There was one this morning, where an officer in command of about 50 men led by a Filipino guide arrived at a barrio expecting to find there some insurrectos. Failing to find them, the guide was first whipped and then given the water torture until he could not stand upon his feet, and being unable to obtain any information, as, according to the statement of the witness, he had no information he could give, the commander of the squadron directed that the houses constituting the barrio should be burned to the ground. One of those houses was occupied by two women, one helpless and paralytic, unable to stand upon her feet, and when that order was given the other woman dragged her out as best she could, sufficiently far from the house so that she would not be consumed in the flames, and thereupon the torch was put to the building and it was burned to the ground, with all its contents with the exception perhaps of a little rice.

In another instance to which I have alluded towns containing as many as ten and twelve thousand inhabitants were under similar circumstances burned to the ground, and men, women, and children, the well and the sick, were turned out without shelter and without food.

In the report made from the province of Bohol, which will be found in our records, we find that upon that island 24 such barrios and such towns were swept from the face of the earth by fire; and we find there, too, a petition from a certain barrio, stating that the inhabitants of that barrio did not wish to suffer annihilation, but would be dutiful and obedient if they were committed to the authority of the United States.

Mr. President, there are many things which have not yet been disclosed. They are not the work of the soldier. They are not the work of subordinate commanders. They are the commands of the highest military authorities in the islands, and the Senator from Indiana will not lead me to depart from a strict and fair interpretation of the facts which have been developed thus far in this investigation by saying that the superior officers in the islands have not been the source through which the direction for these things has come. But here, here in Washington; here, the seat of power of this nation, here where policies are devised, and here where the responsibilities of government must rest, it must be here that you are to place that responsibility, if it is to be placed anywhere.

I was reluctant to believe, until recently, but that these things were sporadic, accidental, fortuitous, the manifestation of individual perversity and brutality; but as the facts have developed and the evidence has been disclosed step by step we have been forced to the inevitable conclusion that the general plan of campaign in the Philippine Islands was to become as drastic and severe as it could possibly be made, and that that was the only plan by which the pacification of the islands could be secured, and that, according to the opinion of those who were to carry into execution that plan, would be the most humane war. It was necessary to make of Samar a howling wilderness as an example to other provinces and other islands, that they would not dare raise their hands in insurrection or to the disturbance of the peace.

Mr. President, we may consider these men, not moved by malice or malevolence, sitting down and considering the question, "How shall peace come to the islands of this archipelago? If we have to proceed against these people (bent upon establishing their own freedom or independence or whatever their own conceptions may have been) according to the rules of civilized warfare, this insurrection will continue through the years." How many years it would be difficult to conceive.

Therefore to pacify the islands it was necessary to bring to every man, woman, and child the fact, inevitable and remorseless as it may be, that the failure in all respects to submit, as well in deed as in word, to the authority of the United States meant to suffer the inevitable consequences. There are people, I think, within the sound of my voice who know that, as to some of these islands, our troops appeared upon the borderland and issued their proclamation giving the people so many hours or so many days to come within a defined district, with the announcement that all those who failed so to come would suffer the penalty, such as is indicated by the order of Smith and its fulfillment by Waller—that is, their villages were swept away by fire and the lives of all indiscriminately taken. No vestige of food was permitted to remain upon which even a bird could live.

If the Senator from Indiana wants to know our position upon this question, we say, "There—there is the picture. There is your policy." The American soldier has treated the prisoner of war within his custody, so long as he remained in his custody, humanely, and has given him the necessary food, because in that condition he could no longer contribute to the insurrection. Mabini was taken as a prisoner and fairly treated, but they deemed it unsafe even to permit him, the ablest and most influential man, perhaps, next to Aguinaldo, in the island, to remain in Manila. In order that the indirect effect of his influence might be destroyed, they deported him to Guam.

Mr. President, this torture to gain information has been widespread and is imputed to have been practiced for two years everywhere by every commander in the islands to the full knowledge

of those in authority there and those in authority here, because their attention has been called to it; and although there have been very many cases of soldiers arraigned and tried for various offenses, not one soldier, so far as the record has thus far disclosed, has been tried for the infliction of the torture known as the water cure.

Ah, Mr. President, it goes to the extreme. Sometimes it is the water cure, sometimes it is the revolver held at the head of the school-teacher, sometimes it is digging a hole and placing the Filipino in it and covering him to his neck with dirt, and then sprinkling sugar over his head to attract the voracious ants of the islands to torture him until he makes a declaration of the desired information. And when the information has been obtained in this way, inculpating whole cities or towns as having in some degree participated in the insurrection, based upon such information, elicited by such torture, the torch has been applied to the towns, and the habitations of men, women, and children have been swept from the face of the earth.

Ah, the Senator from Indiana says that we on this side are moved by partisan considerations. My friend from Indiana, I believe, has not lost all of the instincts of humanity. It may be that things like this—the slaughter of little children and helpless women, the punishment of the innocent in order that possibly no guilty man should escape—can not arouse him to any expression as if any of these things were not bringing some dishonor upon the glory of the American name.

Mr. President, I think that those of us who stand here and are willing to make these statements, based upon facts and the record, are not being exactly treated with that degree of respect which the cause which we espouse entitles us to. It seems strange, indeed, that the Senator from Massachusetts and the Senator from Indiana seek to spend their time in quibbles about Copernicus and Galileo. They may find flaws in my history, but they have never, so far, been able to dispute a fact or destroy the force of an argument.

Senators upon the other side, you who are true representatives of the spirit of American institutions, do not, I believe, feel in your hearts that we on this side are moved wholly by partisan or unworthy motives. If you think we are, let the American people be our judges. Let history pronounce upon our acts. Whatever our political fortune may be, I will be satisfied with it, only that in the end the American people remain true to its instincts of humanity and to the purpose to preserve the integrity and the honor and the glory of this country with all that it implies.

For a century and a half in the winning of the West, in the struggles which, step by step, we have moved from the Atlantic to the Pacific and encountered foes, savage and brutal in the highest degree, in what time in our history has anyone representing the authority of this Government ever dared to resort to the brutality which was supposed to be characteristic only of the darkest ages?

Mr. President, I have no apology to make for any statement or explanation which I have made. When I have gone through these facts, when I have seen these things developed, startling to every man moved by a sentiment of humanity, I confess that at times I have cried out, and cried out perhaps in extravagant language, which in cooler moments might not probably be uttered; but it has been the exclamation of an honest purpose and a sentiment of indignation aroused upon the establishment of facts which no one could have believed a year or two ago would have ever been brought into existence in the history of this Government.

Mr. BEVERIDGE. Mr. President, I should not again intrude upon the time of the Senate but for the statement by the Senator from Utah that the testimony of the universal kindness of American soldiers and officers to Filipino prisoners and to the Filipino people as well was not relevant to this discussion. It seems to me that it is most highly relevant to this discussion, since the question is the treatment of those people by our soldiers and officers and the relations existing between them.

I noted with surprise, and I may say with concern, when I read the very able speech of my friend from Utah, that he did not state any of the testimony upon that side. I can not find it now, but the Senator can tell me if I am wrong when I say that I think he referred to the testimony of one Mr. Davis. Since the Senator said that it is not relevant, and since the Senator denied that there has been testimony here not only as to prisoners, but as to Filipino people in general, I will take a little time to read such of the record as I have on my desk, deferring to a future time for the rest of the record, and while it seems to concern my friend from Tennessee [Mr. CARMACK], as is perfectly natural, I assure him that it will not take long.

Mr. CARMACK. What did my friend from Indiana say?

Mr. BEVERIDGE. Nothing but a very pleasant reference to the Senator from Tennessee. This is the examination of this man Davis:

Q. How long were you in the islands?
A. I was there from October 30, 1899, to March 4, 1902.
Q. During this time you were in active service in the suppression of the insurrection?
A. Yes, sir.
Q. The place where you were, the American military authorities were actively engaged in establishing peace?
A. Yes, sir.
Q. And conditions of war prevailed?
A. Yes, sir.
Q. You were serving under General Hughes, were you not?
A. Yes, sir.
Q. You know General Hughes?
A. Yes, sir.
Q. General Hughes, in his statement before the committee, testified as to the humanity and kindness shown by American soldiers and officers to Filipino prisoners. You have observed, have you, in your service Filipino prisoners in our possession?
A. Yes, sir.
Q. You may state to the committee what the treatment was of American soldiers and officers as to kindness or otherwise.
A. Yes, sir; they received all kinds of kindness.
Q. When sick were they or were they not taken to our hospitals?
A. Yes, sir.
Q. By what physicians were they attended, if any?
A. I could not tell you.
Q. Was the food furnished Filipino prisoners abundant?
A. Yes, sir.
Q. Was there any hardships inflicted on them?
A. No, sir.

By the CHAIRMAN:

Q. What was the general treatment of the Filipinos by the soldiers, as you observed it?
A. It was very good, as far as I know of, by the Twenty-sixth Regiment.

By Senator BEVERIDGE:

Q. Very good as far as you saw?
A. Yes, sir.
Q. This was true not only with reference to the Filipino prisoners, but with reference to the natives in general?
A. Yes, sir.
Q. What instructions did you have, if any, from your superior officers concerning your kindness and deportment and consideration to the natives?
A. To treat them well.

In the statement of this man's testimony I ask the Senator from Utah why he did not refer to that most pertinent statement? This is not all. The Senator from Texas [Mr. CULBERSON] took it up in order to find out whether he would stick to the statement that his instructions were to treat the people at large kindly, generously, considerately.

Q. In answer to Senator BEVERIDGE, you said that the conduct of soldiers toward the natives was kind and considerate?
A. Yes, sir.
Q. I do not suppose you mean by that that the water cure inflicted was pleasant and agreeable, did you?
A. No, sir.

By Senator BEVERIDGE:

Q. You meant, did you not, the general conduct?
A. Yes, sir.
Q. And the everyday attitude and action of the soldiers toward the natives and prisoners?
A. Yes, sir.

Now, Mr. President, this is not all, but I shall not detain the Senate further this evening. I arose, as I explained in the first instance, only to correct a mistake which it seemed to me my duty to answer on the spot. The sum of it all is that if you are going to repeat some of the testimony of the witnesses, and not only repeat it, but dress it up in language of your own where it is against the American soldier, I beg of you in fairness to repeat such of their testimony as is in favor of the American soldiers, and in the current of whose testimony there is not a break.

Mr. TURNER. Mr. President, since we have had the O'Hearn incident elucidated, so far as the very limited testimony before the committee is capable of elucidating it, and now that my distinguished friend from Indiana [Mr. BEVERIDGE] has finished his remarkably eloquent and active effort, pitched on high and statesmanlike grounds and not for political purposes at all, intended to satisfy the country that every one on this side of the Chamber is engaged in assailing the honor of the American Army, and that he and his confrères on the Republican side are the sole and only defenders of the Army, I wish to say a few words pertinent to the bill now under consideration. I shall not follow the Senator from Indiana further than to express the hope that his brilliant effort will have the statesmanlike effect which it was designed to have in the State of Indiana.

I listened to the speech which the junior Senator from Massachusetts [Mr. LODGE] delivered yesterday, I will not say with pleasure, but with a weird kind of fascination. His recital of the bloody incidents in history, his portrayal of the brutalities practiced upon American soldiers by our future Filipino brothers, his admissions of the cruel reprisals practiced by American soldiers in return upon our future Filipino brothers, all pictured out with that literary finish of which he is a master, and with that historical accuracy on which he so justly prides himself, held me in my seat against my will, and enchained my mind as a bloody tragedy enacted before our eyes holds us spellbound with awe and horror. It was not until after he had concluded that the reflection came to my mind, how easy it would have been, with the aid of a little reason and common sense at the time the Spanish treaty was before us, to avoid the necessity for that horrid

and bloody recital, and how certainly we would have avoided it if we had been able to project our minds forward to this year of grace 1902 and see that which the Senator portrayed to us so vividly.

My purpose in rising now is not to attempt to answer the speech of the Senator from Massachusetts. It could not be answered. It does not need any answer, because, barring a few unseemly flings at Democratic Senators and considering it apart from its spirit and purpose and tone, it was the best speech that has yet been delivered in this Chamber against the passage of the bill now under consideration. My purpose here and now is to supplement that speech in my feeble way, and to drive home, if I can, the one certain and inevitable conclusion which necessarily follows from the facts which he portrayed with so much vividness. That conclusion is that it is unwise and unjust and unpatriotic, in view of the facts which he has stated to the American Senate and the American people, to attempt to chain to ourselves and make a part of our permanent territories for all time to come the Philippine Archipelago. Yet, Mr. President, with the details set forth by the Senator from Massachusetts ringing in our ears and freezing our blood with horror, we are told that this bill is to be put through Congress under whip and spur, without a moment's surcease for consideration and for the gathering of additional facts on which to base intelligent consideration. Not even the testimony at hand which might be brought here and given to us before we are to vote upon this bill are we to be permitted to have, because it has only been two or three days since the Philippine Committee turned down the demand of the minority for the summoning here of witnesses whose testimony would have been of incalculable value to Senators in making up their minds concerning the wisdom of this measure.

We are told that we can not have Aguinaldo and Mabini here because they were insurgents, and yet General Bell wrote to our commissioners at Paris when they were formulating the Spanish treaty that Aguinaldo was an honest man and an able and an upright man; that he had the faculty of commanding the confidence of the people, and that he did command, more than any other man, the confidence of the Filipino people; and this refusal, based on the fact stated, was in the face of the fact that hundreds of insurgent officers who have surrendered and taken the oath are now in the employment of our civil government in the Philippine Islands, and in the face of the further fact, told to us by the dispatches some time after Aguinaldo was captured, that he and others of the prominent officers of the Philippine insurgent government had taken the oath of allegiance to the Government of the United States. We ought to have their testimony here, because the Filipino side of this controversy has never been heard from beginning to end.

We are told that we can not have Howard W. Bray here because he is an Englishman, as if that militates against his truthfulness. Howard W. Bray lived in the islands for eighteen years before the outbreak of the Spanish war, and his letter, considered by our commissioners in Paris, stated with entire accuracy—with an accuracy almost amounting to prophecy—the result of attempting to take the Filipino Archipelago without the consent of the Filipino people.

We are told that for some reason—I do not know what—we can not have a couple of correspondents here to testify concerning that which they saw.

Mr. LODGE. Because, on inquiry, it was found that one was in Pekin and the other in South America. I have been since informed that the one who was supposed to be in South America is here, and it is the intention of the committee to call him.

Mr. TURNER. If Major Gardener can come here, leaving Manila on the 15th of May, in time to testify at this session of Congress, we can get these correspondents here, whether they are in Pekin or South America.

We are told that we can not have Major Gardener here until, within the sound discretion of the Secretary of War, he sees fit to permit him to come. That is the most remarkable proposition I ever heard. The several statements made by our friends upon the other side as the reason why we can not have Major Gardener here form the strongest proof, to my mind, that they do not want him to come, and do not propose that he shall come until after the present session of Congress shall have concluded. The junior Senator from Maryland [Mr. MCCOMAS] said that we ought not to have him come because it would be necessary for us to go to the expense of a cablegram to bring him. That is the first idea which appears to have occurred to the other side. My distinguished friend the senior Senator from Iowa [Mr. ALLISON] thought that the sending him a message to come here would be decorating him with some kind of an honor. He seemed to think that he had been a very swift witness and that we ought not to confer any honor upon him. But my distinguished friend the senior Senator from Wisconsin [Mr. SPOONER] brought the heaviest batteries to bear, as he always does, against the proposition to bring Major Gardener. He said, "My God, are you going to invade the province of the Executive Departments? Can you constitutionally do anything of that kind? Can you interfere with the operations of war?"

Mr. SPOONER. Mr. President——

Mr. TURNER. I believe he did not say "My God;" I think I put that in myself. [Laughter.]

Mr. SPOONER. I will allow the Senator to withdraw that. I want to call the Senator's attention to the fact that the objection I made to the resolution when it was first presented had no reference whatever to the question whether Major Gardener should be called or not, for I expected to vote for the resolution if properly amended to call him. But I will ask the Senator, for whom as a lawyer I have the profoundest admiration and respect, if he considered the objection I made to the resolution as it was introduced a sound or an unsound one. Does he think the Senate could pass a resolution directing the Secretary of War to order an officer to come from Manila here or to go anywhere? I did not object to a request of the President.

Mr. TURNER. In so far as there was an implication in the Senator's objection that the Congress of the United States could not bring any officer here at any time it pleased, no matter in what service he was engaged, I say that it was unsound. The idea that Congress, legislating for 80,000,000 people and dealing with the rights of 10,000,000 other people, can not bring here at any time any individual, without regard to the particular service in which he is engaged, is a proposition that does not meet with my assent. I do not believe there is anything in it.

Mr. SPOONER. Does the Senator think——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. TURNER. Yes, sir.

Mr. SPOONER. I ask the Senator whether he thinks Congress could have brought General Thomas from the battle of Chickamauga to give testimony before a committee?

Mr. TURNER. I think Congress could have sent for General Thomas to come here at any time if it needed his testimony, and could have brought him here. I think it could have brought him from the field in the middle of the battle of Chickamauga if it had wanted to do so. The Congress did all through the civil war exercise that right through its Committee on the Conduct of the War, and so far as I know the proposition was never made at that time that Congress, in legislating and in securing the data upon which to legislate, could be hampered by the discretion of the President of the United States or the Secretary of War.

But now it has been discovered, as an additional reason for not bringing Major Gardener, that General Chaffee has ordered a court of inquiry to look into the matters reported about by him, and it is said we can not take him away from that. Mr. President, that court of inquiry was ordered by the Secretary of War for disciplinary purposes, as stated in the order. He wanted to discipline somebody, and it is said, "My God"—no; it was not said "My God" either [laughter], but it is said, "Are you going to take away this officer and interfere with this procedure in the Philippine Islands, brought in the interest of justice? Can that be done? And the distinguished senior Senator from Alabama [Mr. MORGAN] rose in his seat and very gravely said if those were the facts it could not be done. The idea that Congress, legislating for the government of ten millions of people, is to be hampered in the securing of the information that it needs in order to reach an intelligent judgment by some little court of inquiry somewhere, held for disciplinary purposes, is the most remarkable proposition that I have ever heard stated in any legislative body. Must we adjourn Congress or postpone necessary legislation to give the Secretary of War an opportunity to discipline somebody?

This matter of obstruction placed in the way of ascertaining facts necessary to enable Congress to deal intelligently with the Philippine question satisfies my mind that a great change has come over the dreams of our Republican friends since the beginning of the present Congress. The attitude which they maintain to-day is very different from that which they took at the time the investigation of affairs in the Philippines was first entered on some months ago. That investigation was forced, if I remember aright, by the resolution of the senior Senator from Massachusetts [Mr. HOAR], providing for the appointment of a select committee to proceed to the Philippine Islands and there investigate the condition of affairs in the islands, and particularly concerning the extent to which they had been pacified and the manner and method of their pacification. I well remember the aggrieved tone and manner of the junior Senator from Massachusetts [Mr. LODGE] at this proposed invasion of the prerogative of his committee, and his confident assertion that his committee could meet and fulfill here in Washington every office which it was proposed that this special committee should perform in the Philippine Islands, and that it was ready and willing and anxious to summon here and examine

every witness suggested by any Senator who it was thought could throw any light, even the most remote light, upon the affairs in those far-off islands. I wish to be respectful to my fellow Senators and to observe the rules of the Senate provided to secure orderly debate, but I shall feel constrained to believe and to declare, if the present method of the Philippine Committee be continued, and particularly if it continues to decline to summon witnesses who have peculiar means of knowledge, that its purpose is not to secure a full and fair investigation, but a one-sided and partial investigation; that it does not want the truth, the whole truth, and nothing but the truth, but has determined to strangle the truth, as our armies, under the compulsion of superior authority, are strangling liberty in the Philippine Islands.

Mr. President, I complain not alone at the tardy and dilatory tactics displayed by this committee and of its evident purpose to shut out, as far as it can, pertinent facts; but I complain that it has apparently failed to understand and appreciate the breadth and scope of the investigation which the present situation requires, and which the American people demand and have a right to expect at its hands. We are called upon to-day to take an irrevocable step in the development of our policy toward the Philippine Islands. We have never before been brought face to face with a proposition of that kind. Hitherto everything has been tentative and in the subjunctive mood. No one has ever undertaken to say what our permanent relations to the Philippine Islands should be. The proposition has been wait, wait for developments; wait until American authority has been established there, it has been said, and then trust the American people to deal justly and generously with the Filipinos in the spirit of our institutions and in accordance with our American traditions. But to-day we are asked to legislate in such a manner as to fix forever the status of those islands as a part of the territories of the United States, and a bill, called by courtesy a civil-government bill, is being pressed upon our consideration, and it is expected that we will enact it into law. It seems to me, before we take an irrevocable step of that kind, that there are many facts not now patent to Congress which we ought to know, and concerning which there ought to be a full and fair and honest investigation. Do the Filipino people as a whole want our rule? Are they satisfied to come into political union with us? Can we ever educate them up to a conception of Anglo-Saxon ideals of government and make them useful, happy, and contented citizens of the American Republic? Or have we, in the attempt to bring about that humanitarian and philanthropic object, entered upon a never-ending struggle, which will cost us so much in blood and treasure and demoralization that we ought, in justice to our own people, to abandon the struggle while we may still do so without too great a loss of prestige and reputation? That our institutions will make for the happiness and well being of any people who can understand and appreciate them no one on this side of the Chamber is disposed to deny; but do the Filipinos understand and appreciate them, or will they ever do so, and are they now, or will they ever be, well affected toward them and toward the American people? Or are they like the caged eagle which beats its wings and bruises its breast against the bars, but ever, so long as life lasts, remains wild and untamed? Mr. President, wild things, under the providence of God, have rights in the world; and it is cruel and impracticable to attempt to constrain them to an order of things which they can not understand and will not accept. If the Filipinos are to be placed in that category, if they love us not, and are determined to be not happy in union with us, it is not only cruel, but it is the very height of impracticable folly for us to attempt to constrain their will to our own desires in the premises.

Who knows anything certain upon these subjects? Nobody. We are in a state of profound darkness, with only an occasional ray of light straggling through, and that of such a character as to bring disquiet to our minds rather than assurance. Pride may bid us go forward in a preconceived course; greed and avarice may urge it, temporary political advantage may seem to make it desirable, but enlightened statesmanship and exalted patriotism demand light before shaping a final and irrevocable course.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nevada?

Mr. TURNER. Yes, sir.

Mr. STEWART. I should like to inquire of the Senator if we should pass this bill or any other bill in the same direction, to remain in force for twenty years or any indefinite length of time, Congress might not then allow the Filipinos to set up an independent government, if they felt so disposed and found that it was proper for them to do so? In other words, does this bill commit Congress to a policy to continue indefinitely, with no possibility of change, the present government in the Philippines? I understand that to be the argument of the Senator, and I want to know if his position is that if this bill is passed the thing is finally determined?

Mr. TURNER. Mr. President, I base my argument upon the decision of the Supreme Court of the United States, that whenever civil government shall have been established in any one of our newly acquired possessions, then and thereby and from that moment it becomes a part of the territory of the United States for all purposes, and upon the proposition of the distinguished Senator from Wisconsin [Mr. SPOONER], which I heard him present here with great force some months ago, that territory having once been incorporated in that manner there was no constitutional power in the Government of the United States to part with it.

Mr. STEWART. Does the Senator indorse that doctrine?

Mr. TURNER. Which doctrine does the Senator mean?

Mr. STEWART. I mean the doctrine of the Senator from Wisconsin [Mr. SPOONER], as stated by the Senator from Washington [Mr. TURNER].

Mr. TURNER. It seems to me to have a great deal of force. I know that Senator to be one of the ablest constitutional lawyers in the country, and I am disposed to accept as sound the position which he took with reference to that matter.

Mr. STEWART. Then will the passage of this bill end discussion on the question of retaining the Philippines?

Mr. TURNER. Yes; it will end the discussion if these propositions be true; but at what a cost? I say that we have enough before us to justify us in demanding light before we take an irrevocable step of that kind; and I say that we do not have that light before us now; and that it does not appear that the Philippine Committee or the Senate of the United States proposes that we shall have that light before we are forced to vote upon this bill.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nevada?

Mr. TURNER. Yes.

Mr. STEWART. The Senator has made me very much in favor of this bill by his discussion, because I am in favor of retaining the Philippine Islands, and if we can end our troubles regarding them by the passage of this bill I shall be very anxious to vote for it.

Mr. TURNER. Do I understand that before I rose to speak the Senator from Nevada was opposed to the bill?

Mr. STEWART. Oh, no.

Mr. TURNER. Mr. President, if we had waited for light before our initial action in the Philippines we would now have no step to retrace. But we did not do so, and we have been stumbling ever since along a rough and stony road, without any visible ending in the direction whence we are traveling and with every finger board pointing in a contrary direction and saying to us, "Go back, go back." The leaders of the Filipino people begged us to hear them before we took the first step. But no; we were sufficient unto ourselves. The junior Senator from Connecticut [Mr. PLATT] gave the watchword and set the pace on this subject at the very outset, when, in the endeavor to stir the zeal of the flagging and to buoy up the spirits of the faint-hearted, he exclaimed: "Oh, for the faith and the courage of the fathers!" as if any government was ever conducted on faith and courage was of any value except in aid of the resolutions of prudence.

We went forward not only without light, but in the face of light. We would not hear the Filipinos. It was nothing that they had stood by our side as friends and allies in the war with Spain; it was nothing that we were dealing with them and their liberties and their country; it was nothing that they begged and implored us to listen to their entreaties and to give heed to their warnings. We were a great and mighty nation, and they weak and insignificant. We were a world power, and they insects in the dust to be crushed under our victorious chariot wheels, or to light on the hubs and revolve with their revolutions, as they might think best; but listen to their weak and puny voice we would not, because some of us thought it would be in derogation of our dignity as a great and powerful and mighty nation. This was sinning for the want of light.

But in our pride and arrogance we sinned in the face of light. For months before the ratification of the Spanish treaty, in the fall of 1898 and the spring of 1899, the Filipinos had maintained toward us a state of armed neutrality. They were careful not to resort to acts of hostility, because they could not believe, as many minds in this country could not believe, that without provocation we would turn and rend our friends and allies, and they continued to believe to the very last, in spite of the many cumulative evidences to the contrary, that we would ultimately withdraw our pretensions to their country. But they were careful to leave no doubt in the mind of any person that they were prepared to fight even our country, if necessary, in defense of their dearly bought and highly prized independence. The reports of our military officers, and particularly those of Merritt and Otis, to the President were full upon the subject. The letter of General Bell to our peace commissioners at Paris was also full upon the subject. Here is what Bell said to our peace commissioners—

and it is well to recur to a little ancient history occasionally—General Bell said:

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. What they would like best of all would be a Filipino republic with an American protectorate, for none realize their inability more clearly than they to maintain a republic without protection of some stronger power. Though they would prefer protection from America, they would accept it from any government save the Spanish.

But, notwithstanding these warnings, we went forward. We were not only blind to that which was transpiring before our eyes, but we were deaf to that which was dinned into our ears. A magnificent vision of empire had arisen before us—we could not believe that it was a mirage—and it made us blind to the most significant happenings. The whisperings of ambition had entered into our minds, and they made us deaf to the most insistent warnings. I want to put this proposition to the Senate: If any Senator had conceived at the time the Spanish treaty was pending here that it would lead us into war with the Filipinos in the effort to establish our rule over their country, would that treaty have received a single affirmative vote in this Chamber?

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nevada?

Mr. TURNER. Yes.

Mr. STEWART. Is not the Senator aware that war was raging and that a battle had occurred the day before the treaty was ratified? The newspapers were full of it that morning. War was actually going on when the treaty was ratified.

Mr. TURNER. We were informed of the fact that there had been a collision, but I presume that no Senator at that time imagined that the application of the Filipinos for a cessation of hostilities would be denied by the commander of the American forces—an application made, in the language of those leaders, for the purpose of permitting the Congress of the United States to determine concerning the fate of the islands.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nevada?

Mr. TURNER. Yes.

Mr. STEWART. Is not the Senator aware that he is on debatable ground all the time when he states what we propose to do or what we ought to do? Does the Senator not know that at the time the treaty was ratified war was existing and hostilities were going on?

Mr. TURNER. We did not know anything.

Mr. STEWART. We had knowledge of that at the time we ratified the treaty, but we were not advised that the Filipinos had made any advance toward peace at all. The fact is, war was going on, and that is a fact upon which we had to act when we ratified the treaty.

Mr. TURNER. We did not know anything then, and we do not know very much more now. That is my objection to the attempt to force this bill through Congress at this time without giving all the facts to it and to the American people. We did not know that that step of ours would lead to permanent and continuous war, and in that respect we sinned in the face of light, and then and thereby opened a Pandora's box of evils upon the country which should forever be a warning to us against hasty and illconsidered action. But we became involved in war. Then we were told that, since we had taken the Philippine Archipelago without the consent and against the wishes of the people of those islands, it was our duty to make our right good. And now we are told that we have made the right good, but that, I respectfully submit, depends upon more than the mere question of physical dominion. That depends upon more than the mere question of peace and order in the islands. Peace and order may be enforced upon any people by arms, if only the arms be strong enough and rigorous enough. But the answer to the question whether we ought, in justice, in fairness, and in good conscience, to remain in the archipelago is written in the minds and the hearts and the disposition of the people of those islands. That is where we ought to look for it; that is where we have scrupulously refrained from looking for it up to this time. Are the islands in truth pacified? Are they pacified outwardly as well as inwardly? If not, it is a great crime against the Filipino people, and it is a monumental crime against the American people for us to undertake to enforce our rule upon them. Next to the misery of those who suffer slavery is the the misery of those who inflict it. The sting is mutual; the bane, in the long run, equally harmful to both. And let no man say that it is impossible to inflict slavery under American rule. American rule without American constitutional limitations is as much slavery as would be the rule of Russia, or of Germany, or of England, or of Spain—just as much. Daniel Webster declared—and a greater philosophic truth was never declared by any man since government began—that no government imposed by a foreign power upon another people, no matter how just and how mild and equable it might be, could ever bring happiness to that people. If that be true, to constrain the Filipino people to our government against their will is to constrain them to misery and unhappiness, and therefore necessarily to constrain them to slavery.

Mr. President, because we misjudged conditions in the Philippines in the outset is no reason why we should continue to do so. One mistake does not necessarily call for another. Since we are still free to pursue any course that we may please in the Philippine Islands, we ought not to part with that freedom which we still preserve, not only for the protection of the Filipinos, but for the protection of our own people, until every possible source of light has been exhausted and the conscience and the judgment of Congress enlightened and informed to the fullest extent. We have never yet heard the Filipino side of this controversy. Why should we not hear it to-day before we act? We have never, in fact, heard the American side, which involves the truth as to the conditions now prevailing in the Philippine Islands, except from our returned officials. Why should we not call before us others who have equal knowledge upon the subject and who are free from the bias produced by the war and the strife which has been going on in that unhappy country?

The examination of a few private soldiers, of three general officers, and of one distinguished civilian is the sum and substance of the work done by this committee during the four or five months that it has been in session. Those soldiers have deposed to acts of cruelty and of barbarity which might be expected on the part of the soldiers of any nation in a warfare such as that which we have been compelled to carry on in the Philippine Islands.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. TURNER. With great pleasure.

Mr. BEVERIDGE. Does not the honorable Senator know when he refers to the small number of witnesses heard before our committee that most of the time in the examination of the general officers he mentions was taken up by the Senators of the minority with their examination of the witnesses, and that it is not due at all to any delay or even to any particular length of time consumed by the Senators composing the majority of the committee, most of the time having been occupied—nearly all of it, in fact—by the examination of witnesses by Senators who oppose the bill?

Mr. TURNER. I know but little about the testimony taken before the Philippine Committee. I have not read it in its full detail, but have contented myself with the summary published from day to day in the newspapers. I heard more of it to-day in the parts read by the Senator from Indiana than I ever heard before, and the thought struck me as he was reading that he himself appeared to be the chief impediment to the progress of the committee, because every time a question was asked my distinguished friend would get up or sit in his chair—I do not know which—and say, "Well, I do not think that is pertinent," or "You are trying to make this witness say something he does not intend," or something of that kind, and the colloquy would run through five or ten minutes of the time of the committee and the witness would not get an opportunity to answer until after the Senator had run all through the gamut of interruptions and objections.

Mr. BEVERIDGE. If anything of the kind occurred, it does not appear in the testimony which I read. The testimony I read related to the bringing out of the other side, and the questions asked went directly to the point, all of them very brief, as to the general treatment of Filipino prisoners and people by our soldiers. So the statement which the Senator makes must be derived from some other source than the testimony read by me.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. TURNER. Certainly.

Mr. CARMACK. I simply wish to state for the information of the Senator from Washington and as a matter of history that the Senator from Indiana has been exceedingly pestiferous in the committee. [Laughter.]

Mr. BEVERIDGE. I accept that from my very good friend, the Senator from Tennessee, as a decoration of distinction,

Mr. TURNER. I have stated the nature of the testimony of the private soldiers. The three distinguished general officers to whom I have referred—I do not want to do them an injustice; I have read nothing but the summary of their testimony in the newspapers—it seemed to me were spending the principal part of their time in flippant attempts to fence with the members of the committee, and so far as they did depose to anything, it was simply a résumé of the reports made by them when they were in command in the Philippine Islands. The distinguished civilian to whom I have referred, Governor Taft, impressed me as testifying fully and fairly and with appreciation of the gravity of

the proceedings, but his testimony was of little value because of his late advent into the islands and because his tour of the islands, from which, chiefly, he drew his conclusions, was a triumphal progress, supported by the military power, following on the heels of its recent victorious achievements, and designed to gather up and conserve the fruits of those achievements. Of course, malcontents were kept out of his way, and, of course, there were those among the Filipinos, as among every other race on earth, mean enough and craven enough to gather up the crumbs which fell from the table of the conquering hero. And having been wined and dined and courted and feted and flattered, it was natural that Governor Taft should imagine that all was lovely and serene, and that the people were well disposed toward the power which he represented and for which he stood. I have no doubt that he was testifying to his honest convictions upon that subject before the Philippine Committee, but the echo of his voice had hardly died out in this Capitol before the world was startled with the news of the massacre at Balagiga, an act so brutal and ferocious, if you will, that it exhibited with the vividness of a lightning flash the energy of hate felt toward American rule by that people, who only three years ago welcomed the Americans to their country with tears of joy and with acclamations that they were the deliverers and the saviors of the Filipino people. Following on this massacre came the order of Chaffee to his subordinates to treat every Filipino as an enemy until he had conclusively proven a contrary status, and asserting in support of that order that hatred of American authority was the rule throughout the entire archipelago and loyalty was the exception. And this was followed by the reconcentration order of Bell, whereby American arms condoned the inhumanity and the cruelty of Weyler by a servile imitation of his methods and stultified all the high professions with which we took up arms to expel Spain from the Western Hemisphere. And this was followed, it now appears, by the order of Smith, to burn and slay and make Samar a howling wilderness and to spare no one above the age of 10 years.

Mr. President, history records many instances of cruelty and barbarity practiced in warfare. We shudder at the atrocious acts of the Huns when they overran ancient Rome, and the name of Attila, their leader, has become the synonym for all that is ferocious and bloodthirsty. He is known to history as the Scourge of God. But the Huns were barbarians and they practiced that to which they were accustomed. The world stands appalled at the record of cruelties practiced by the Duke of Alva in the Low Countries; but Alva fought in the name of religion, and religious zeal when aroused to the point of war has ever been merciless. Even liberty, when pushed to the wall, has had its votaries of blood. The French Revolution shook the world with its struggle and paralyzed mankind with its ferocity, and it left behind, to be added to the bloody roll of human scourges, the names of Robespierre, Marat, and Danton. But it remained for an American soldier, in the twentieth century, representing the highest type of civilization, in a quarrel having not a single element of religious strife, having for its professed object the accomplishment of benevolent and philanthropic purposes, to raise his name to a preeminence of bloody infamy which places it above the names of any of the scourges of humanity to whomI have referred. This monster in human form, in cold blood, devoted an entire province to extermination; the males over the age of ten years to slaughter, the females and younger children to the no less certain but the less merciful fate of starvation, because, bereft of their protectors, bereft of their homes, wandering with their young through a howling wilderness, what other fate than slow starvation was left for these stricken creatures and their unfortunate offspring?

Mr. President, when the Associated Press telegrams brought us the news of this order I refused to credit it. I said it was impossible that any American soldier could have issued such an order, and I confidently expected that the next wire from Manila would bring us an explicit contradiction. But, instead of that, we have had confirmation of it from day to day in the telegrams giving details of testimony offered before the court-martial for the purpose of justifying or at least extenuating it. I wish to read to the Senate the cablegram which brought us the news of this order. I have it before me. I read it to refresh the recollection of Senators.

MANILA, *April 25.*

The trial by court-martial of Gen. Jacob H. Smith on the charge of conduct prejudicial to good order and discipline began to-day. Gen. Loyd Wheaton presided. Col. Charles A. Woodruff, counsel for the defense, said he desired to simplify the proceedings. He was willing to admit that General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness; that he wanted everybody killed capable of bearing arms, and that he specified all over the age of 10 years, as the Samar boys of that age were fully as dangerous as their elders.

Mr. DOLLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. TURNER. Certainly.

Mr. DOLLIVER. I should like to ask for information whether there is any evidence that in the execution of that order any women or children were killed, and whether the ravages to which the Senator has referred in making that island a howling wilderness actually occurred?

Mr. TURNER. There is evidence that one American soldier, planting himself upon that order, directed his subordinates to take out 20 prisoners and shoot them to death because they declined to hunt roots for his command.

Mr. DOLLIVER. If I understand it, that was the marine command in the interior of the island, which has always been a howling wilderness, practically without any inhabitants at all.

Mr. TURNER. The Senator's understanding is different from mine. I understand that that occurred in Samar and that Waller planted himself upon this order——

Mr. DOLLIVER. But the testimony taken before the committee indicates——

Mr. TURNER. And that a court-martial has acquitted him upon the ground that he was justified by that order.

Mr. DOLLIVER. The testimony, if I have read it correctly, shows that the interior of the island across which Major Waller took a command of marines was an uninhabited country, which had never been penetrated even by the Spanish army throughout all the period of its occupation; and the testimony also seems to indicate that the exècution of the prisoners was upon another ground, personal to the command and not under the order at all.

Mr. TURNER. The officer killed those prisoners after he reached the seashore and in an inhabited town, not because of any threatened demonstration that they were making toward his command——

Mr. DOLLIVER. Were any towns in the island burned?

Mr. TURNER. But because some of the soldiers had reported to him that the prisoners had declined to hunt roots for the command when going through the howling wilderness.

Mr. DOLLIVER. Has the Senator any information that any town in Samar was burned?

Mr. TURNER. I have no doubt towns have been burned in Samar, but I have no information on the subject. I have no doubt they have been burned, because they have been burned in other provinces, where General Smith had no jurisdiction and where the officers did not even have the protection of his order.

Mr. BACON. Will the Senator from Washington permit?

Mr. TURNER. Certainly.

Mr. BACON. The Senator from Iowa is mistaken as to the character of the island of Samar. The island of Samar was a populous island, and the Military Notes—I think that is the name of the publication—to be found in the War Department, estimates that the population was 280,000.

Mr. DOLLIVER. But, if I remember correctly, they were on the seaccast, and not in the interior, which is a mountain range.

Mr. BACON. The Senator is mistaken about that——

Mr. LODGE. That was the testimony of General Hughes, who was for three years in command there. He testified that the population was entirely in the seacoast towns—that the interior was a mountainous wilderness which had never been subdued or crossed by the Spanish troops. I do not know whether he knew anything about it.

Mr. BACON. I do not wish to state anything as a fact, because I do not profess to have personal knowledge.

Mr. LODGE. Hughes did.

Mr. BACON. We have information, however, which sometimes gives us very decided impressions in the absence——

Mr. LODGE arose.

Mr. BACON. I hope the Senator will pardon me for a moment.

Mr. LODGE. I did not mean to interrupt the Senator.

Mr. BACON. We sometimes have decided impressions gained from information which, while it does not amount to a matter of personal knowledge, at the same time is very convincing in its character, and I will state that I believe whenever there is an investigation made it will be found that there was a very active campaign in Samar prior to the time of what is known as the massacre in Samar, and that there had been prior to that time a very large loss of the population of that island as a consequence of the prosecution of the war.

It is a mistake, I am quite sure, to say that the population is or was limited to the seashore; and it is, I am quite sure, equally a mistake to say there had been no large number of towns in the interior of the island. I repeat that I do not wish to be understood as making that as an assertion upon my own knowledge, because I have none, nor do I wish to be understood as having any information other than that which any man gathers in general intercourse with those who profess to be informed. But upon that information I am myself convinced of the fact that Samar was far from being a wilderness and was a comparatively populous island. I am equally satisfied that it is now very far

from being a populous island. I have no doubt that the testimony is as stated by the Senators as to what General Hughes said.

Mr. DOLLIVER. He had been there.

Mr. BACON. Yes.

Mr. DOLLIVER. And he says in his testimony:

> There is not a road across it. I had a road projected, and got it so that it could be used as a trail, but as a road it had not been finished when I left there. There was nothing but trails.

Mr. BACON. I do not want to interfere with the Senator from Washington, but I will state this if he will permit me: As the Senator from Iowa gives information from one officer, I will state that I have information from another officer, who possibly has had more actual experience in the interior of Samar than General Hughes had, to the effect that he had traversed it, and that he found the ruins of a great many cities and towns which had been destroyed; that he found very few people in the interior of the island; that he had seen by a military publication—I have forgotten its name—that, as I have already stated, the population was 280,000, and that in his opinion it would then amount to less than half of that number; that when he inquired of the people whom he found as to what had become of the people of Samar the reply to him was that a great many of them had died, and some of them had moved away.

I did not intend to interrupt the Senator from Washington to this extent, but I thought that the inquiry of the Senator from Iowa was based upon information which was in conflict at least with that which I had upon a matter as to which I do not profess to have personal knowledge.

Mr. BEVERIDGE. Will the Senator from Washington yield to me for a moment?

Mr. TURNER. Certainly.

Mr. BEVERIDGE. I would be the last Senator on this floor to question a statement of the Senator from Washington, as he well knows, but he made a statement concerning the killing of so-called prisoners which my vague recollection made me feel was inaccurate, so I came across and verified my recollection by the Senator from Massachusetts [Mr. LODGE] and the senior Senator from Iowa [Mr. ALLISON].

Those prisoners were killed by Major Waller because they were treacherous guides, and in killing them for that reason he was entirely within the laws of war, even between civilized nations. It was not under the order of General Smith, to burn and kill and make Samar a howling wilderness, but upon an entirely different ground in which he would have been justified, had the general order not been issued, under the general laws of war, as presented in the laws of war of the United States.

Mr. TURNER. We were told by the telegraphic dispatches announcing that Waller had been acquitted that he had pleaded the order of Smith in justification of his conduct, and that it had been accepted by the court-martial as sufficient. My recollection concerning the method and the manner of the killing of these prisoners by Waller is as vague as that of the Senator from Indiana.

Mr. BEVERIDGE. The Senator also remembers that one specification which he pleaded in defense of the charge against him was the specification which I have just named, to wit, the execution of treacherous guides under the general laws of war. That is the case as I understand it, and as I have compared it with the recollection of other Senators whose accuracy is well known and understood.

Mr. TURNER. I was going to say that my recollection is probably as vague as that of the Senator from Indiana. I think I remember, however, that the telegraphic dispatches informed us that these prisoners had been killed after the command of Waller had reached the seashore, and because he was informed by some of his men that some of the prisoners had been treacherous guides and had involved the command in the labyrinths in the wilderness of Samar, and that they had dug edible roots for themselves, but had declined to dig them for the command. Thereupon Waller, who was upon his cot, said to the sergeant in command, "Take these men out and shoot them;" and they were shot upon the seashore.

I do not know what are the rules of war concerning treacherous guides, but I do know that there is no rule of war, there can be no rule of war, which justifies a commander in saying to prisoners of war, "You shall become our guides; and if you will not, I propose to have you shot." I do not believe that any such transaction has occurred since civilized warfare became the rule and barbarous warfare the exception in the settlement of the quarrels of the world.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. TURNER. Certainly.

Mr. McCOMAS. I know the Senator has respect for judgments and for legal findings. The court-martial was composed, so far as the telegram shows, of excellent men. It found in favor of Major Waller. The statement, a little more fully given, was that of the ten guides who had volunteered to help this expedition from the mountains down to the sea on the other side, nine proved treacherous, and that one was faithful; that they would feed themselves by roots and herbs, when food was exhausted, and would not give it to the members of the expedition. And thereafter, when, after unheard-of suffering, the expedition was rescued, Waller, as commander, ordered the death of the treacherous guides.

I have just sent for the rules of war, Dr. Lieber's codification, adopted by the Government, and I know in there is the express statement that when guides in territory volunteer service and are treacherous, they are then war traitors and liable to the penalty of death. That is the rule of war announced by Lincoln and Stanton in 1863, and it was reannounced in 1898 by President McKinley without any of the disapproval of the world. That is the statement.

Mr. TURNER. I leave the Senator from Maryland to wrestle with Lieber and the rules of war. Waller was not acquitted on the ground that these prisoners had done anything which authorized their execution, but he was acquitted upon the ground that he was justified in following the barbarous and inhuman orders of General Smith. That is the ground upon which the Associated Press telegrams tell us he was acquitted.

Mr. McCOMAS. The Senator does not mean to misstate me. I perhaps was not clear. I know that the court decided in favor of Waller. I do not know the decision nor the grounds of it, but the presumption is in favor of the verdict and the judgment until we know more about it.

Mr. TURNER. Have I in anything I have said assailed the correctness of the judgment of the court-martial?

Mr. McCOMAS. I think the Senator has not.

Mr. TURNER. No, sir; I have not attempted to do so.

Mr. CARMACK. Will the Senator allow me?

Mr. TURNER. Certainly.

Mr. CARMACK. Of course I do not know, and none of us knows, what evidence was produced before the court-martial. But I remember a brief report, in the telegraphic dispatches, of the address made by the judge-advocate before the court-martial, in which he declared that the evidence showed plainly that these guides who were charged with treachery had been perfectly faithful and loyal, and that there was no evidence to substantiate that charge. Of course, that was simply his speech, an address made before the court-martial; it may not have had any foundation; but it does seem to indicate that there must have been considerable evidence to the contrary of the accusation or the judge-advocate could not have made such an argument.

Mr. TURNER. It is true that Waller planted himself upon this order of Smith, and it is probably true, although I am not prepared to speak with any degree of confidence upon that point, that the court-martial ought to have acquitted him upon that ground. But if I were an Army officer and were to receive an order of that kind no compulsion which any superior could bring upon me would induce me to do the cruel and inhuman deed which Waller did there upon the seashore. Those who refer to matters of this character in this Chamber and in the other Chamber are not assailing the honor of the American Army. They are sustaining the honor of the American Army, or attempting to do so. Dishonor will not come from any American citizen or any American Senator denouncing such cruel and bloodthirsty acts. It will come from attempts to sustain them, and I advise my friends upon the other side, who are claiming that this side of the Chamber is attempting to derogate from the honor of the Army to bear that fact in mind.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER, (Mr. PETTUS in the chair). Does the Senator from Washington yield to the Senator from Colorado?

Mr. TURNER. Certainly.

Mr. PATTERSON. The Senator from Massachusetts and the Senator from Iowa were entirely mistaken when they suggested that Samar was only populated upon the seacoast or that General Hughes made any statement of that kind. I will read very briefly the statement of General Hughes.

Mr. FAIRBANKS. From what page does the Senator read?

Mr. PATTERSON. I read from page 553, at the commencement.

> I suggested to the governor, General MacArthur, that Samar be transferred to me, in order that I might initiate offensive movements against the insurrectos in that island. This was done. Operations began in May, and were still going on when I left there, and I think are still going on at the present time.
>
> These operations are exceedingly troublesome, not from the force required, but from the fact that there are no roads and that the rivers have to be used as roads, and everything going into the interior has to get there afloat. The bars over which you get into the rivers have about 5 feet of water on them at high tide, and we had very few steam launches that would pass such bars.

The result of it was that the movement had to be made with a good deal of care and a good deal of preparation to see that after you got your troops into the enemy's country you could keep them supplied.

Then again:

The island was nominally subjected to Spanish rule, but they occupied only a few towns along the coast, such as Calbayoc, Catbalogan, Laguan, and Guinan. But they had no possession of the island and could not and did not attempt to go into or visit the interior of the island.

Again:

It was perfecly quiet so long as they would let the fellows in the mountains do as they pleased, but they could not go in there without getting into trouble.

Then again:

While this was going on it became apparent that it would be necessary to occupy some of the posts on the south of the island, not that there was any force there, but the support for the insurgents in the mountains, their rice supply and their ammunition and different things were evidently being sent in by that route, and troops were sent down and occupied the main towns along that side of the island. The entire coast of the island of Samar, you might say, was then occupied by stations at various distances apart.

Then just one more quotation:

General HUGHES. I find in looking over the record of yesterday's proceedings that in the minds of some of the members of the committee there would seem to be a misunderstanding; that they think the only point at which the people of Samar collected was between the Hibitan and the Gandara. That is entirely a mistake. They were allowed to settle along the coast from Muao to La Granja; Lavezares; at the towns of Bobon, Catarman, Laguan, Palapay; on the east coast at Oraz, Borongan, Guiuan; on the southwest coast at Santa Rita, Villa Real, and Catbalogan, and in the interior at Oquendo, Blanco Aurora, Tiveran, and possibly one or two others.

Mr. TURNER. Mr. President, the suggestion of. the junior Senator from Iowa that Samar was already a howling wilderness appears to be very satisfactorily answered by the fact that Smith would not have ordered his subordinates to make a howling wilderness of what was already a howling wilderness.

Mr. DOLLIVER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Washington yield?

Mr. TURNER. Certainly.

Mr. DOLLIVER. It would seem that the general character of the route taken by Major Waller across that island would be indicated by the fact that his command was reduced to the extremity of living on the roots of the forest.

Mr. TURNER. Major Waller's command crossed the mountain from one side of Samar to the other. I assume from what little I have read about it that that part of the island is a dense wilderness, and that Waller's command became involved in great difficulty both in finding their way and in finding food; but that Samar is a populated island, that it was not entirely a howling wilderness at the outset would seem to be proven to the satisfaction of anybody except the Senator from Iowa by this remarkable order of Smith's.

Mr. McCOMAS. Mr. President, will the Senator from Washington allow me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. TURNER. Certainly.

Mr. McCOMAS. I will take but a moment to read the "instructions for the government of armies of the United States in the field:"

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

I do not know Waller's case; I do not know the grounds of his judgment; but I have spoken of that rule, and I wanted to bring it to the attention of the Senator from Washington.

Mr. TURNER. To get back to the order of Smith, from which we appear to have digressed very considerably by this round of interruptions, I want to say that it is the most brutal, ferocious, and bloodthirsty act, in intent at least, of which history gives us any instance in war in the last three hundred years. Nothing comparable to it can be found anywhere in the modern history of the world. It is necessary to go back beyond the dark ages, to the age of positive and absolute barbarism, to find anything at all comparable to it. What a picture this order of Smith presents of the execution of that sacred trust devolved on us by Almighty God, of which we have heard so much from our pious statesmen and our political pietists. "Oh, you ungrateful Filipinos, why will you not accept the religion of our pulpits and the tax-burdened calico tendered you by our statesmen? Why compel us to kill and slay and burn and devastate in order that we may fulfill our God-given mission of uplifting you to the American standard? You perverse creatures, understand one thing: We are filled with so holy a zeal for your welfare, we feel the Almighty mandate lying on us so heavily that we propose to lift you up to our standard whether you wish it or not, and even though in doing so it becomes necessary to wipe you off the face of the earth, and to kill and burn and devastate until not a vestige of your race or your civilization is left for the eye of mankind to behold. We love you as a father loves his children; we yearn for your welfare with the bowels of compassion; but in the meantime let the slaughter and the burning go on that the great God, whose law we interpret and whose sacred will we follow, may snuff the incense of your blood and see a burnt offering in the smoke that rises from the smoldering ruins which mark what was once your homes."

I have another evidence of the remarkable state of peace and amity and love and good will which our generals and governors have been telling us prevail——

Mr. HOAR. Before the Senator passes——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. TURNER. Certainly.

Mr. HOAR. Before the Senator passes to another point I should like to call his attention and that of other Senators to the map of Samar in the Philippine Islands in the official atlas of the Philippine Islands, issued by the director of the observatory at Manila, and published by our United States Coast and Geodetic Survey. It gives the names of the settlements and towns throughout the island, and the interior of Samar seems from this map to be quite populous. While there are a few spaces where there are no such towns, it compares quite favorably with Luzon in that respect.

Mr. TURNER. I am very much pleased to have the information which the Senator offers to the Senate. I have another piece of evidence which indicates very plainly and clearly the great degree of peace and amity and love and good will on the part of the Filipinos toward the Government and people of the United States of which our governors and generals have been telling the Senate through the medium of the Philippine Committee. This is a dispatch which I cut out of the Washington Star two or three days ago, and which I will read for the information of the Senate:

A dispatch from Manila yesterday says: The American chamber of commerce has passed a resolution indorsing the action of the United States army in the Philippines, in an endeavor to counteract what the members of the chamber believe to be the opinion prevailing in the United States that officers and soldiers have acted in violation of the rules of war. The preamble says the chamber is composed exclusively of American business men, who have been thrown into immediate contact with the prevailing conditions everywhere in the archipelago, and it was resolved that without the constant watchfulness and protection of the army in the Philippines no property or business interests would be safe, and that upon its influence depends the stability of the civil government. The resolution eulogizes General Chaffee, "whose earnest effort has sustained and assisted the civil authorities in the difficult task of the establishment of civil government," and praises "his good judgment and humanity, which have won him the admiration and affection of all loyal Americans in the islands."

These representations are made by the American business men of the city of Manila, who tell us that they are familiar with conditions everywhere through the archipelago, and that not only the business interests but the stability of the Government itself depends upon the constant watchfulness and the protecting care of the American Army. At the moment when this fairy story about the love and affection felt toward us by the people of the islands is being whispered into our ears, with Colonel This and General That and Governor Somebody Else assuring us that the people are devoted to our rule and anxious to realize its beneficent results, with the Secretary of War piling petitions upon our desks by the bushel basketful from the agonized communities in the Philippines who fear that their heartstrings will be rent by the withdrawal of our noble Army, this harsh and discordant voice comes to us across the waters from the American business men in the city of Manila, and it says to us, "Sustain and support the armies of the United States, because upon their constant watchfulness and their protecting care depend not only the business interests of this country, but the very life of civil government itself."

Does not this voice from Manila seem to require some further investigation than the Philippine Committee seem disposed to make concerning the present conditions in the islands? Those people fought Spain for three hundred years for liberty and independence. Never once during the entire time was she able to relax her vigilance or reduce her military establishment.

Mr. BEVERIDGE. Mr. President——

Mr. TURNER. One revolution followed the other with the certainty and the regularity of the seasons.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. TURNER. Certainly.

Mr. BEVERIDGE. With reference to the Senator's statement about our not at any time being able to reduce the number of our soldiery there, I ask him whether he has in mind the fact that Spain had at the time of the first outbreak immediately before our war with Spain and for a long time prior to that period only 1,500 Spanish soldiers in the islands?

Mr. TURNER. All I know is that they surrendered some 18,000 soldiers to us on the fall of Manila.

Mr. BEVERIDGE. That, Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. TURNER. Certainly.

Mr. BEVERIDGE. That, Mr. President, is precisely the fact. At the first outbreak of the insurrection, and for a long time

prior thereto, Spain had in the islands altogether about 1,500 Spanish soldiers, with which she maintained all of the government that she cared to maintain, apparently. The 18,000 which she surrendered to us were sent there after the insurrection began, and were kept there under conditions of war. When conditions of peace prevailed, and they had prevailed for years before, Spain did not require a large armament there at all, but had only 1,500 men, of whom 700 were in Manila.

Mr. TURNER. Spain maintained all the time in the archipelago all the force that she could profitably employ. She never was able to profitably employ as many soldiers as we have had there, because in all of her history she never was able to do anything except to maintain her supremacy over a few of the seaports. The balance of the islands were in continual and continuous insurrection against her. As I said, revolutions followed one the other with the regularity and certainty of the seasons. The fighting was fierce and cruel, and the reprisals upon both sides were oriental in their cruelty. Can any man look with patience upon the prospect of such a condition of affairs following as the sequel of American rule in those islands? Can anyone look with patience upon any such a prospect as that? Yet have we not good reason to believe that if we go on and fasten our rule upon those islands so that it will be impossible for us consistently with our constitutional system to release them from our grasp, we are fastening upon ourselves, as Spain fastened on herself, three hundred years of insurrection and rebellion and war, with all of the horrid atrocities which oriental warfare requires both upon the part of the orientals and upon the part of those who war with them? Mr. President, the country wants light upon these questions. It wants further information. It wants to know whether permanent dominion in the Philippines is to mean perpetual war, and, if so, whether it is to be a war which shall cause the blood of civilized men to run cold with horror and loathing.

I received only the day before yesterday a letter from the city of Boston which gives something of an insight into the anxiety of the people of this country for a full investigation of these pertinent and pregnant questions. This letter inclosed a clipping from what the writer says is a Republican paper in the city of Boston. I wish to call the attention of the junior Senator from Massachusetts to what this Boston Republican newspaper says:

We are afraid that Senator LODGE does not "sense" the situation. He thinks it will not pay to summon the witnesses from the Philippines to come to Washington to tell what they know about the "kill all over 10 years old" policy which General Smith put into force in Samar. He says it will cost too much; that some of the witnesses will get here during the summer, anyway, and that others are Filipinos, and that we must not allow Filipinos to be witnesses.

The people of this country are in no mood for trifling. They are being taxed $150,000,000 a year to keep up this wretched exhibition in the Philippines, and now we are charged with atrocities which cause our clergymen and others who weigh their words to find no comparison since the days of Herod. We are humiliated and disgraced as never before in our history. We want the truth, and we want no delay about it. If necessary, spend $1,000,000 to get the witnesses here and give us all the facts. If, as suggested in the news to-day, these horrible orders came from the War Department and Smith and his crew were only obeying instructions, let us know that. The American people are thoroughly aroused, and want no blankets thrown over their heads. They want the truth, and they are going to have it. The man or men who try to get in the way will get hurt.

And why should they not have it? And why should anyone try to postpone or suppress the facts? No matter how bad they are, we want them; and if they are as represented, the people who are responsible must pay the penalty. But the great question is, What is the use of all this vast expenditure of money, this slaughter of Filipinos, this violation of the principle of self-government? Are any of us proud of this Philippines foray?

This is from the Boston Evening Record, of date May 1, 1902. I have a very interesting letter also, from the writer who inclosed this clipping to me. I do not mention his name, because it might be embarrassing to him should I do so; but in view of some parts of the speech of the junior Senator from Massachusetts, his letter is well worth reading.

I am satisfied that the people in Massachusetts at least are stirred to a greater degree than ever before since the civil war. The New England conscience has been reached. Inclosed you will find one or two cuttings which may not have come under your notice. The Boston Evening Record is a strong Republican paper.

It seems to me that one of the points to be presented to the country is the character of the Filipinos, so as to satisfy our people that they are not savages, but a Christian and a kindly people. Would it not be well to present such evidence to the committee? One of my friends, a young man of about 22 years of age, O. W. Woodbury, of Lynn, Mass., where I live, was a prisoner for nine months on the east coast of Luzon. He was wounded and captured at Baler, in Luzon, in April, 1899, being one of the party under command of Lieutenant Gilmore. He traveled the eastern coast of Luzon to the town of Bayombong, when he was rescued about Christmas of the same year. He is a young man of intelligence, of a good family, very reliable, and very loyal. I have his story in typewriting, which he has approved. I will send it to you if you desire it.

I may say that I have sent for it, and I shall take great pleasure in furnishing it to the distinguished chairman of the Philippine Committee when I receive it.

It is a story of kind treatment from the day he was captured to the day he was rescued. He and the other Americans with him were treated more like guests of the towns through which they passed than as prisoners.

Although the Spaniards at Baler had been shooting in cold blood every native that came in sight, no harsh treatment was given to them when they were captured and carried to Bayombong with the Americans. I have thought that perhaps Mr. Woodbury might be a good witness before the committee. He would not volunteer. He intends to leave Lynn very soon, having secured a position as a petty officer on board a merchant steamer to sail soon for Manila and other ports.

Desiring to do what I can to expose to the country the iniquities of our doings in the Philippine Islands, I write this letter to you.

Mr. President, this morning I saw in the Washington Post a telegram from this same town of Lynn; a most remarkable story. I rejected it at once when I read it as being absolutely incredible and beyond belief, just as I rejected the story about this monstrous order of Smith as being incredible and beyond belief. But I feel it my duty to bring it to the attention of the chairman of the Philippine Committee in order that he may investigate, if he cares to do so, into the facts alleged in this letter. It appears to have come to the Washington Post through a special correspondent in the city of Lynn, and it purports to tell of statements made by a clergyman in that city. I think it proper to call it to the attention of the Senator, in order that he may take such steps as his conscience may seem to require to investigate its truth or falsity. The story, briefly, is that a thousand Filipinos were captured by an American command, and, because of the difficulty of provisioning them, they were taken out in squads, made to dig their own graves, and then, standing in their graves, were shot down in cold blood. I say I can not credit this statement; but I ask that it may go into the RECORD as a part of my remarks, so that it may receive the consideration of the distinguished Senator from Massachusetts.

Mr. LODGE. Will the Senator kindly read it?

Mr. TURNER. I will read it.

Mr. LODGE. I should like to have the benefit of the name of the officer who sent it, if it appears on the face of the paper.

Mr. TURNER. The telegram is as follows:

[Special to The Washington Post.]

PRISONERS SHOT IN SQUADS—AMERICAN DECLARES 1,000 FILIPINOS WERE SLAIN NEAR SORSOGON—SENSATIONAL CHARGES CONTAINED IN LETTERS RECEIVED BY REV. W. H. WALKER, OF BOSTON, FROM SON AT THE FRONT.

LYNN, MASS., *May 5, 1902.*

"One thousand Filipino prisoners shot in platoons over the graves themselves had been forced to dig; a priest, who acted in the dual capacity of father confessor and general, hanged before the slaughter of the prisoners and within their sight."

Such are some of the charges made by J. Pennett Walker, a private in Company I, Sixteenth Infantry, now at Sorsogon, in the Philippines, in letters to his father, the Rev. W. H. Walker, D. D., of this city. He is a special instructor at the Gordon Missionary Training School, Boston. Private Walker enlisted at the outbreak of the Spanish war, and was commended for bravery at San Juan.

The Rev. Dr. Walker has more than a dozen letters. He refuses to make them public, however, as he says: "The story is too fearful. My boy has written to me as son to father, and in the face of the inquiry now going on I fear it might bring him into trouble with his superiors.

"He writes of a 'hyke' he went on with men under Lieutenant Burr. A 'hyke' is an expedition in search of rebels. He writes that the detachment went to Trosin, 18 miles from Sorsogon, and took possession of a bamboo church there. They had hardly settled themselves in the church when 300 insurgents attacked them, armed with bolos and daggers.

"The insurgents were routed and 2 captured. The prisoners told of the location of the insurgent army and agreed to act as guides. The entire command was ordered out, the insurgents taken by surprise, 300 of them killed and 1,000 taken prisoners, including a priest, who was their general and father confessor, 2 captains, and 4 lieutenants.

"This band proved to be a secret organization known as the Katyauman. The priest assured them that if by any chance a Yankee bullet did hit and kill them they would come to life again in three days. They were so convinced of the power of the charm that they did not fear any body of armed soldiers.

"The priest was called out to tell the insurgents that they had been duped. He refused to do so, although he was flogged, and, as an example, was strung up to a tree and allowed to remain there a week so that it could be seen he did not come to life at the end of three days. The Katyauman were so superstitious and such fanatics that the thought of liberating them could not be entertained. To keep them prisoners would necessitate the placing of soldiers on short rations if not starving them. There was nothing to do but to kill them. This was done by squads. Every morning three squads of 20 men each were sent out under guard.

"They were taken a mile or so inland, and then furnished picks and shovels and started to work. When they had dug a trench 5 feet deep they were told to stand up in it. The picks and shovels were taken away. A bullet for each man ended his agony, and he lay dead in the grave he had dug in this fashion. The entire 1,000 were put out of the way of harm. While these measures may seem exceedingly cruel to us," said the Rev. Dr. Walker, "my son tells me they are absolutely necessary for the preservation of the American soldiers."

It seems to me that this is so horrible and incredible, both as to the methods employed and the number of Filipinos who are said to have been slaughtered, that there is very grave question of its accuracy.

Mr. LODGE. Will the Senator kindly give me the date of that?

Mr. TURNER. It is dated May 5. It appears in the Washington Post of this morning.

Mr. LODGE. I mean the date when this action occurred.

Mr. TURNER. There is no date given to it.

Mr. McCOMAS. We should like to know the time and place of this occurrence.

Mr. TURNER. I wish to say again that I do not present this telegram with any great belief in its accuracy. I doubt that exceedingly. I do not believe that anything so atrocious could have been perpetrated by an American command, no matter how large

or how small. But the telegram is certainly worthy of the consideration of the Senator from Massachusetts. It comes from his own State, and I present it for his consideration and for such investigation as he thinks it requires.

Mr. LODGE. If the Senator will allow me to interrupt him, I shall be delighted to have the matter investigated. It seems to have been a military action of very considerable size, a battle of which we have never had any information. I should like, however, to read in connection with it the report of the civil governor of the province of Sorsogon, which is a pacified province.

PROVINCE OF SORSOGON, PHILIPPINE ISLANDS,
OFFICE OF THE GOVERNOR,
Sorsogon, January 11, 1902.

SIR: In compliance with section 7, act No. 83, organizing provincial governments, I have the honor to make the following report:

Since the organization of the province of Sorsogon, April 30, 1901, there has occurred but one disturbance of any magnitude. This was the organization of the mountain people into a katipunan society to resist the Government. They were in the lower end of the province, led by ignorant and unprincipled men, who kept the movement alive as long as possible for their own personal gain. The military and constabulary, with the assistance of the more intelligent of the natives, were able to put an end to the disturbance within a few months, and the province is now apparently in a peaceful condition. During the trouble referred to above two natives in the employ of the Government were killed by the anting antings, and detachments of soldiers were twice attacked by bolomen, but they were in each case successfully repulsed with heavy loss to the natives and none to the soldiers.

Ysidro Gallanosa, presidente of the town of Santa Magdalena, was killed November 7, 1901, by a detachment of Company L, Fifteenth Infantry. He was a prisoner in the hands of the military, who report that he attempted to escape and was shot. Full report of this has been made.

Whether or not that statement refers to the same battle the Senator from Washington refers to I do not know. The date of that report, as I have stated, is January 11, 1902. Do I understand the soldier who wrote the letter which the Senator from Washington has read is in the Philippine Islands?

Mr. TURNER. So it is said.

Mr. LODGE. I shall be very happy to take steps to investigate that matter.

Mr. TURNER. I commend to the consideration of the junior Senator from Massachusetts another clipping from the Boston Evening Record of April 30, which I shall not read. It shows the great degree of unrest in the public mind in his State concerning these happenings in the Philippine Islands. The nature of the article is expressed by the following headlines:

Ringing words of Bishop Lawrence to be sent to the President—Convention so votes—Episcopalians go on record as the opponents of the "kill and burn" régime.

I also submit an article clipped from the Spokesman-Review, of Spokane, Wash., containing the narrative of a number of soldiers who lately returned from the Philippine Islands, stationed at Fort Wright, near the city of Spokane, concerning happenings in the Philippine Islands. I wish to have it inserted as a part of my remarks without reading. I call the attention of the chairman of the Committee on the Philippines to the names of the soldiers disclosed in this article, as I think it would be exceedingly desirable to have them here as witnesses.

The PRESIDENT pro tempore. Without objection, the article will be inserted in the RECORD.

The article referred to is as follows:

SAW TORTURE OF FILIPINOS—FORT WRIGHT SOLDIERS TELL OF ATROCITIES BY LIEUTENANT BOLTON—"WATER CURE" WITH SHASTA WATER.

Stories of the "water cure" practiced by American soldiers in the Philippines are confirmed by soldiers of the Seventeenth Infantry who have just returned from Manila. Two companies, K and M, are stationed at Fort Wright. Almost without exception the returned soldiers confirm the press dispatches and give new details which came under their personal observation.

The scouting party under Lieutenant Bolton, of Company L, Seventeenth Infantry, was particularly bloodthirsty in its methods, according to the returned fighters. The "water cure" seems to have been an everyday incident in the career of Bolton and his men, and they added new and original tortures to it to extort facts from Filipinos who refused to give information such as Lieutenant Bolton wanted.

There are two soldiers now at Fort Wright who were with Bolton on his scouting trips. One of them is Private Hines, of Company K. The other is Rufus Wilson, of Company M. They were detached from regular service in the Philippines and were placed in the squad with which Bolton roamed over the islands in quest for arms and information.

TREATED MOST CRUELLY.

"Lieutenant Bolton certainly treated those natives most cruelly," said Private Hines yesterday. "I was with him on a scouting trip seventeen days in the northern part of Luzon. We would ransack the native towns in search of arms and information about the insurrectos. When Lieutenant Bolton got hold of a Filipino from whom he wanted to get information he showed him no mercy. I myself saw the water cure given three times on that trip. One time Bolton was not satisfied with giving the fellow ordinary water. He forced Shasta water down his throat. I wouldn't stand for such cruelty as that and I walked away. That Shasta water is vile stuff. It has a terrible taste, and it sickens a man dreadfully.

"Before I joined Lieutenant Bolton's scouting party, he got information from natives by hanging them to trees. I did not see that myself, however."

HORRORS OF THE WATER CURE.

"The water cure is a simple thing. The native was tied down flat on the ground, and his mouth is forced open with sticks or a string which is tied behind his head. Then water is poured down his throat through a bamboo tube, which is nearly always handy. The native must drink the stuff, and it is poured down him until he can hold no more. As much as about a gallon can be forced into a man in that way. Then the water is pumped out of him by stamping on his stomach or rolling him over. When he comes to, the native is always ready to talk.

"Lieutenant Bolton had only from six to a dozen men with him on his scouting trips, but he would go anywhere. When he came to a village where the insurrectos had been centered he would summon the presidente before him. He would demand information as to the whereabouts of the native troops, or would demand knowledge of hidden rifles. If the presidente was unwilling to talk he would get the water cure. In one place we got 30 rifles.

BOLTON A BRAVE MAN.

"Lieutenant Bolton was certainly a brave man. He spoke all the native languages and Spanish, and he was not afraid of anything. His men would go with him any place."

Private Rufus Wilson, of Company M, who was also with Bolton, refused to talk about the matter. "I don't know anything about the water cure," he said, doggedly, "and if I did I wouldn't tell my own brother, for it might get some officers who are friends of mine into trouble."

MANY FORMS OF TORTURE.

Almost every soldier seen at Fort Wright added his testimony as to the many forms of torture inflicted by the American soldiers upon Filipinos who refused to give up information. Most all the soldiers, however, would not permit their names to be used. They say that a common form of torture, which was particularly exquisite, consisted in interlacing a victim's fingers together. He would then be suspended by the fingers from the limb of a tree until ready to give up the information which his inquisitors demanded. The pain in that treatment is said to be something dreadful. It works like a thumbscrew applied to all the fingers at once.

HANGING TO EXTRACT CONFESSIONS.

The soldiers agree that another feature of the inquisition, as carried on by the scouts, consisted in hanging Filipinos by the neck to the nearest tree until the hapless victim would be almost dead. Then he would be let down and brought to life again. If he would tell what was wanted, the torture was suspended. Otherwise it would be carried forward with new features.

The prisoner was not released after coming out from the inquisition. He was held until a search by the soldiers was made in accordance with the information which he should give as to hidden arms or the hiding places of insurrectos. If no arms or hiding places were found in accordance with his statements he would be tortured afresh until he should give out information satisfactory to his inquisitors.

NO SURGEONS AT WATER CURE.

The water cure seems to have been given by the scouts whenever they wished, regardless of whether an officer supervised the operation. As to having a surgeon there to see that the treatment was not carried to a point where it would be fatal, the attendance of a surgeon seems to have been passed up as superfluous by the Bolton party.

The Shasta water, which Private Hines says was given under Lieutenant Bolton's orders, is a mineral water from Shasta Springs, California. It is peculiarly unpalatable and has strong medicinal effects.

Mr. TURNER. Mr. President, I have but little more to say. I have felt very keenly the perfidy involved in our conduct toward the Filipinos after the close of the Spanish war, and I have not scrupled to express my feelings regarding it, both here and elsewhere. We invited that people to assist us in our war with Spain. We secured unopposed entry into their country by assuring them that we had come there for the purpose of assisting them in waging their warfare against Spain. When the war had been concluded—their war as well as ours—with their aid as well as ours—we made peace without giving them any voice therein, without even deigning to hear them; and we took their country as the spoil of war, although our officers told us that it meant war with them, and although we must have known, had we exercised reason and judgment, that it meant war with them.

A more perfidious betrayal of trust and confidence was never committed by any nation since the history of the world began. A more unjust war was never waged than that which has been waged against that people as a result of this act of perfidy. But I do not believe American officers and American soldiers are any more cruel and bloody-minded than the soldiers of any other nation would be under the same circumstances. A Smith or a Waller might come to the surface in the army of any nation. American soldiers are no better and no worse than those of any other civilized people, but we ought to have known, when we entered upon this warfare, that it would necessarily be conducted upon a lower plane than that which usually accompanies civilized warfare. The Anglo-Saxon looks with contempt on inferior races. He does not scruple to make terrible reprisals when put to it. The lust of blood infects him as it does all men whose trade it is to shed blood. The Filipinos are distinctly an inferior race to ours. Our soldiers so regard them and call them "niggers." Yet they have fought for liberty, and we knew that they would fight even us for liberty, unequal as the contest would be.

We had no right to force the fight on them. If gratitude for their assistance to us in our war was insufficient to deter us, we ought at least to have seen the nature of the conflict on which we were entering and to have drawn back before it was too late. But reckless men drove us on. The rage for innovation, the lust of dominion, the greed of conquest, "the pomp and circumstance of glorious war," to say nothing of the meaner and baser passions, prevailed over the dictates of sober judgment. The task of the patriot to-day should be to recall the country to the sway and dominion of sober judgment. Give us light that we may see, and, seeing, may judge. Give us light, my Republican friends. If you decline it is not because you can not, but because you will not. And, in view of the bloody stain which has appeared on the national ensign, if you will not, it is because you dare not. Yours may not

be the ruthless hand that has dyed our flag in the innocent blood of old age and tender youth, but it can not be forgotten that yours is the power that armed that hand, and yours is the voice of folly that nerved it on to its desperate and its bloody work. You can not escape responsibility if you would, but you may do much to make atonement if you will. And the first step in that direction is to turn on the light that the people of the country may see the extent to which your folly has complicated us, and be enabled thereby to take the necessary steps to counteract the effects of that folly.

I say again, then, turn on the light, turn on the light.

Mr. LODGE. Mr. President, as the Senator from Washington [Mr. TURNER] has referred to the Episcopal Diocesan Convention in Boston, and read from a Boston newspaper, I send to the desk a brief extract, which I ask to have read, from a Republican newspaper.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[Boston Journal, Thursday, May 1, 1902.]

BISHOP WILLIAM LAWRENCE.

The principal feature of yesterday's session of the seventeenth annual convention of the Episcopal Diocese of Massachusetts, which is being held in Trinity Chapel, was the annual address of Bishop Lawrence. Coming so close after the severe comment upon the National Administration made by Rev. Dr. Leighton Parks, rector of Emmanuel Church, last Sunday morning, especial significance attaches to it. The Bishop's closing utterances were these:

"Again, I express my confidence that, regardless of party issues and questions of political policy, the members of our National Administration, who are more intelligent as to the conditions than we, are just as alert as any citizen in the land to get at the facts, and in the spirit, not of revenge, but of justice, mete out punishment upon the offenders; such punishment as will convince the Filipinos, as well as the people of this country, that our work in those islands is not to degrade, but to uplift; not to kill, but to make alive.

"One mistake might be made under the pressure of an indignant people which would add disaster to shame; it would be the hasty and unjust punishment of men who had not been proved guilty. With witnesses and accused separated by an ocean and a continent justice can not be meted out in a day. We have, certainly I have, complete confidence in the justice, the humanity, and the courage of our President. Whether some of you have confidence in the other members of the Administration or not (I have) this President is the Administration. Patience, self-restraint, caution as to our accusation of men still on trial—these, it seems to me, are the qualities that we need just now and a strong support of the Administration in its efforts to redeem the fair name of this nation."

Mr. CARMACK. I want to know from whom that comes.

Mr. LODGE. That is from Bishop William Lawrence, the Episcopal bishop of Massachusetts.

Mr. HOAR. I should like to say something about this matter.

Mr. TURNER. Will the Senator from Massachusetts yield to me for a moment?

Mr. HOAR. I do not know who has the floor. Since the Senator sat down I do not know that it has been awarded to anybody.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. Mr. President, I should like to say that Bishop Lawrence sent me his own statement on this subject, of which a part has been read. I think the whole statement will be interesting, and not merely the part quoted in the newspaper. I should like to supply that to-morrow to be put in the RECORD, or perhaps, if I can get it, I may put it in the RECORD to-night, if there be no objection.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. HOAR. I should like to say, in connection with what has been said by the Senator from Washington [Mr. TURNER], that he misunderstood the circumstances in regard to the ordering of this committee. It was no part of the resolution, or of the proposition when I introduced the resolution for an investigation, to ask the Senate to determine the question whether the committee should go to the Philippine Islands. There was nothing said in the resolution about that. I thought that should properly be dealt with later, after the committee knew what was necessary to be done.

I wish to say, because the matter has been much misunderstood by the country, and I have received reproachful articles from newspapers that I had abandoned a desire for an impartial committee, that when I introduced that resolution I said, before anything else had been said by anybody, the resolution having been read, that if the Committee on the Philippine Islands, of which my colleague [Mr. LODGE] was chairman, would undertake that duty, of course it ought to be consigned to them; that if it were made up by the Chair it ought to be made up of the prominent members of that committee. I added that no reasonable man would expect, of course, that the task of investigating the working of a political policy would be committed by a political body like the Senate to a committee which was antagonistic to that policy. It would be a thing unknown in parliamentary history.

When I had concluded the Senator from Tennessee [Mr. CARMACK] rose and said the minority of the Committee on the Philippines had been consulting together on the subject, and that they also desired that it should go to the Committee on the Philippines. My colleague then rose and said that his committee was willing to take it, and he thought it would be rather a slight on the committee if it were not committed to it. So the course which was taken, so far from my abandoning anything I have proposed, was the course approved by the entire Senate. I have no doubt myself that this investigation, which has disclosed so much already, is going to bring to the knowledge of the Senate and the American people the substantial facts in this case.

But I should like to be permitted to say, in all courtesy and kindness to the committee, that they are considering the destinies of 10,000,000 American subjects, as they call them and think they are, and they are considering whether certain proved cruelties or atrocities which have been committed toward that people, if not justified, have been provoked and extenuated and palliated by their conduct, and they have not so far heard one of them. Not a Filipino has been heard, although there are many of them whom our governors and generals say are able, intelligent, patriotic people. Although many of them are the authors of state papers, among the best state papers in all history, not one single Filipino so far has been heard to give his opinion as to the interests of his people or in defense of the terrible charges made against them.

This investigation is still on the threshold. It is in the hands of honorable men, humane American Senators, just and wise, and I am sure it is only necessary to call their attention to this fact to make it certain that that side will be fully heard before the investigation is over.

Mr. MCCOMAS obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. H. MCKENNEY, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JOSHUA S. SALMON, late a Representative from the State of New Jersey, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. GARDNER of New Jersey, Mr. LOUDENSLAGER, Mr. HOWELL, Mr. FOWLER, Mr. STEWART of New Jersey, Mr. PARKER, Mr. MCDERMOTT, Mr. GRAFF, Mr. BALL of Texas, Mr. LLOYD, Mr. NEVIN, and Mr. CLAUDE KITCHIN as members of the committee on the part of the House.

DEATH OF REPRESENTATIVE JOSHUA S. SALMON, OF NEW JERSEY.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 6, 1902.*

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. JOSHUA S. SALMON, a Representative from the State of New Jersey.

Resolved, That a committee of twelve members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Boonton, N. J., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. GARDNER of New Jersey, Mr. LOUDENSLAGER, Mr. HOWELL, Mr. FOWLER, Mr. STEWART of New Jersey, Mr. PARKER, Mr. MCDERMOTT, Mr. GRAFF, Mr. BALL of Texas, Mr. LLOYD, Mr. NEVIN, and Mr. CLAUDE KITCHIN as members of the committee on the part of the House.

Mr. DRYDEN. Mr. President, I ask for the adoption of the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from New Jersey presents resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. JOSHUA S. SALMON, late a Representative in Congress from the Fourth district of New Jersey.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer of the Senate to join the Committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from New Jersey.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee on the part of the Senate, under the third resolution, Mr. KEAN, Mr. DRYDEN, Mr. BURNHAM, Mr. BEVERIDGE, Mr. HEITFELD, Mr. FOSTER of Louisiana, and Mr. BACON.

Mr. DRYDEN. As a further mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 7, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 6, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, our Heavenly Father, for life and all its rich and varied endowments, and we most fervently pray that we, as individuals, may use our life and the gifts which Thou hast bestowed upon us to the highest and noblest purposes that righteousness, peace, and love may prevail. With painstaking and industry help us to "work while it is yet day, for the night cometh when no man can work;" surely the angel of death, the reaper, has been busy among us. A third desk draped with the emblems of mourning tells us of another visit, leaving our hearts desolate; and oh, Heavenly Father, we most humbly pray that Thy comfort may come to the bereaved wife and all the friends who were near and dear to him. Help us, our Heavenly Father, to be impressed with these lessons, that our lives may be pure and ready when the summons comes to pass over the river; and Thine shall be the praise, in the name of Christ the Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 91. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle;

S. R. 92. Joint resolution providing for the publication of 50,000 copies of the Special Report on Diseases of the Horse;

S. 5387. An act to change the terms of the circuit courts of the United States within the first circuit; and

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4446. An act for the relief of Harry C. Mix.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hatchell, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PRITCHARD, Mr. DEBOE, and Mr. CARMACK to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4868) granting an increase of pension to James H. Walker.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. PETER J. OTEY, Representative in Congress of the Sixth Congressional district in Virginia.

Resolved, That a committee of seven Senators be appointed by the presiding officer of the Senate to join the committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

Resolved, That as a further mark of respect the Senate do now adjourn.

And that in compliance with the foregoing the President pro tempore had appointed as members of the committee on the part of the Senate Mr. DANIEL, Mr. MARTIN, Mr. BATE, Mr. CLAY, Mr. GALLINGER, Mr. CLARK of Wyoming, and Mr. MILLARD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCMAHON, for eight days, on account of important business.

To Mr. CONNER, for ten days, on account of important business.

DEATH OF HON. JOSHUA S. SALMON.

Mr. PARKER. Mr. Speaker, it is with more than sadness, it is with shock and awe, that I have to announce to the House the death of the Hon. JOSHUA S. SALMON, news of which has just reached us. He died at his home in Boonton, N. J., this morning. At some future time request will be made of the House to appoint a day and time when we may pay our tribute to his character; to that modesty and purity, gentleness, kindness, and truth, which in his comparatively short service have made him as beloved by his fellows as he was respected for his absolute conscience, sturdiness, and earnestness of character. At present I beg to move the adoption of the resolutions which I send to the Clerk.

The SPEAKER. The gentleman from New Jersey submits the following resolutions for the present consideration of the House.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. JOSHUA S. SALMON, a Representative from the State of New Jersey.

Resolved, That a committee of twelve members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Boonton, N. J., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. In pursuance of the resolutions just adopted, the Chair announces the following committee of the House: Mr. GARDNER of New Jersey, Mr. LOUDENSLAGER, Mr. HOWELL, Mr. FOWLER, Mr. STEWART of New Jersey, Mr. PARKER, Mr. MCDERMOTT, Mr. GRAFF, Mr. BALL of Texas, Mr. LLOYD, Mr. NEVIN, and Mr. CLAUDE KITCHIN of North Carolina.

Mr. PARKER. Mr. Speaker, as a further mark of respect to my deceased colleague, I move that the House do now adjourn.

The SPEAKER. The gentleman from New Jersey moves, as a further mark of respect to our deceased friend and colleague, that the House do now adjourn.

The motion was agreed to.

And accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr., reported the same without amendment, accompanied by a report (No. 1920); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert, reported the same with amendment, accompanied by a report (No. 1891); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2430) for the relief of Lizana D. Streeter, reported the same with amendments, accompanied by a report (No. 1892); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2623) granting an increase of pension to John Smith, reported the same with amendment, accompanied by a report (No. 1893); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1695) granting an increase of pension to Christopher C. Perry, reported the same with amendments, accompanied by a report (No. 1894); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3517) granting an increase of pension to Stephen Harris, reported the same with amendments, accompanied by a report (No. 1895); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4262) granting an increase of pension to Thomas P. May, reported the same without amendment, accompanied by a report (No. 1896); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7150) granting a pension to Garrett Stanley, reported the same with amendment,

accompanied by a report (No. 1897); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7353) granting a pension to Nancy M. Williams, reported the same with amendments, accompanied by a report (No. 1898); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7401) granting an increase of pension to William Brown, reported the same with amendments, accompanied by a report (No. 1899); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7778) granting a pension to Peter Buckley, reported the same without amendment, accompanied by a report (No. 1900); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1715) granting an increase of pension to Henry P. Hudson, reported the same with amendments, accompanied by a report (No. 1901); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9437) granting a pension to Elias A. Calkins, reported the same with amendments, accompanied by a report (No. 1902); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10201) granting an increase of pension to O. R. Freeman, reported the same with amendments, accompanied by a report (No. 1903); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10752) granting a pension to Harriet T. Milburn, widow of John T. Milburn, deceased, reported the same with amendments, accompanied by a report (No. 1904); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11921) granting an increase of pension to George W. De Graw, reported the same with amendments, accompanied by a report (No. 1905); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12983) granting an increase of pension to Eleanor Emerson, reported the same with amendment, accompanied by a report (No. 1906); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13378) granting an increase of pension to Edwin Beckwith, reported the same with amendment, accompanied by a report (No. 1907); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13646) granting an increase of pension to John G. Heiser, reported the same with amendments, accompanied by a report (No. 1908); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14079) granting an increase of pension to John Miller, reported the same without amendment, accompanied by a report (No. 1909); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14099) granting a pension to Samantha B. Van Brocklin, reported the same without amendment, accompanied by a report (No. 1910); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14118) granting a pension to Mary C. Bickerstaff, reported the same with amendments, accompanied by a report (No. 1911); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12777) granting a pension to George H. Young, reported the same with amendments, accompanied by a report (No. 1912); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5294) granting an increase of pension to William F. Horn, reported the same without amendment, accompanied by a report (No. 1913); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4256) granting an increase of pension to Henry W. Edens, reported the same without amendment, accompanied by a report (No. 1914); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2347) granting an increase of pension to Alfred M. Wheeler, reported the same without amendment, accompanied by a report (No. 1915); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4455) granting an increase of pension to Hallowell Goddard, reported the same without amendment, accompanied by a report (No. 1916); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 500) granting a pension to Samuel S. Beaver, reported the same without amendment, accompanied by a report (No. 1917); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4979) granting an increase of pension to Paul Fuchs, reported the same without amendment, accompanied by a report (No. 1918); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 182) granting a pension to Mary F. Zollinger, reported the same without amendment, accompanied by a report (No. 1919); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 2432) for the relief of A. M. Darling—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2433) for the relief of Frank C. Darling—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3233) for the relief of James C. Slaght—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MERCER: A bill (H. R. 14218) to repeal the law authorizing the sale of the site at Fort Omaha, Nebr.—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 14219) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, and so forth—to the Committee on Indian Affairs.

By Mr. BREAZEALE: A bill (H. R. 14220) to authorize the Shreveport and Red River Valley Railway Company to construct and maintain two bridges across Bayou De Glaize, in the parish of Avoyelles, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWIE: A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 14222) granting an increase of pension to Thomas J. Frasier—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 14223) granting an increase of pension to Marie L. Birchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14224) granting an increase of pension to Margaret S. Tod—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 14225) granting an increase of pension to W. D. Stouffer—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 14226) for the relief of Capt. J. H. Lambert's company, West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14227) for relief of Capt. Michael Mallow's company, West Virginia State Scouts—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 14228) granting a pension to Julius Felix—to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 14229) granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey—to the Committee on Pensions.

By Mr. HEMENWAY: A bill (H. R. 14230) granting an increase of pension to Lemuel M. De Bruler—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 14231) for the relief of Daniel F. Shirk—to the Committee on Military Affairs.

By Mr. KERN: A bill (H. R. 14232) granting an increase of pension to Lucilius C. Moss—to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 14233) granting an increase of pension to William H. Lawton—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 14234) granting a pension to John Williamson—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 14235) granting an increase of pension to George White—to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 14236) granting an increase of pension to William E. Chatfield—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 14237) to grant an increase of pension to Daniel M. Swisher—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 14238) granting a pension to Annie Eliza Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14239) for the relief or Eli Norris—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 14240) granting an honorable discharge to John P. Miller—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 14241) granting an increase of pension to Peter Dugan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) granting a pension to Charles E. Peake—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14243) for the relief of the heirs of James Y. Brame—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of Wexford Exchange Company, Wexford, Pa., and W. T. Kemp, Connellsville, Pa., favoring the new oleomargarine bill—to the Committee on Agriculture.

By Mr. BROMWELL: Papers to accompany House bill 14223, granting an increase of pension to Marie L. Birchard—to the Committee on Invalid Pensions.

Also, paper in support of House bill 14224 granting an increase of pension to Margaret S. Tod—to the Committee on Pensions.

By Mr. BURK of Pennsylvania: Resolutions of 1,000 citizens of Philadelphia, sympathizing with the people of the South African Republic—to the Committee on Foreign Affairs.

By Mr. COWHERD: Petition of wholesale liquor dealers of Kansas City, Mo., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of Irish-American societies of Kansas City, Mo., expressing sympathy for the people of the South African Republic—to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: Petition of citizens of Hobart, Ind., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Polish St. Casimir Society, of Michigan City, Ind., for an appropriation for a monument to the memory of Maj. Gen. Henry Knox—to the Committee on the Library.

Also, resolutions of Order of Railway Telegraphers of Kouts, Ind., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of Chamber of Commerce of Pittsburg, Pa., approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of Polish Turners' Society, of Pittsburg, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. JOHNSON: Affidavits of L. S. Bolt, A. C. Fuller, O. G. Thompson, and others, to accompany House bill No. 14207—to the Committee on War Claims.

Also, petitions of J. A. Sawyer and 10 other lawyers of Union, A. C. Todd and 9 other lawyers of Laurens, J. F. J. Caldwell and 14 other lawyers of Greenwood, S. C.; L. W. Simkins and W. W. Kennedy, of Laurens, County, S. C., in favor of House bill No. 14202—to the Committee on the Judiciary.

By Mr. KERN: Resolutions of Glass Bottle Blowers' Union No. 23, of Belleville; Mine Workers' Union No. 641, of Sandoval; No. 1821, of Shuline; No. 745, of Lebanon; Nos. 750 and 99, of Belleville; No. 52, of Centralia; No. 67, of Breese; Typographical Union No 18, of Belleville, and sundry citizens and laboring men of Percy and Dubois, Ill., all favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of citizens of Watertown, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. LITTAUER: Papers to accompany House bill granting an increase of pension to William H. Lawton—to the Committee on Invalid Pensions.

By Mr. MAHON: Papers to accompany House bill for the relief of George White, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. PALMER: Resolution of United Mine Workers' Union No. 1627, Freeland, Pa., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL: Resolutions of the common council of Hartford, Conn., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Norwich, Conn., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill granting a pension to Annie Eliza Doss—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Resolutions of the Detroit Branch of the Transvaal League, Detroit, Mich., in relation to unnecessary hardship and brutality in the British South African war—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Resolutions of Journeymen Stone Cutters' Union, of Cobleskill, N. Y., with reference to the use of Cleveland sandstone in Federal buildings—to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, *May 7, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PETITIONS AND MEMORIALS.

Mr. PENROSE. I present a petition of the American Wireless Telephone and Telegraph Company, praying for an extension of their patent for the term of ten years from the 4th of October, 1903. I move that the petition be printed as a document and referred to the Committee on Patents.

The motion was agreed to.

Mr. PENROSE presented petitions of Spring Park Lodge, No. 411, of Tuscumbia; of Division No. 450, of Tuscaloosa; of Locomotive Engineers' Division No. 436 and No. 106; of Railway Conductors' Division No. 186; of Railroad Trainmen No. 590; of Locomotive Engineers' Division No. 140; of Birmingham Railway Conductors' Lodge, No. 98, of Montgomery; of Locomotive Engineers' Lodge No. 223, of Selma; of Railroad Trainmen's Lodge No. 411, of Tuscumbia; of Locomotive Engineers' Lodge No. 450, of Tuscaloosa; of Gulf City Division, No. 140, Brotherhood of Locomotive Engineers, of Mobile; of Birmingham Lodge, No. 590, Brotherhood of Railroad Trainmen, of Birmingham; of Great Southern Division, No. 436, Brotherhood of Locomotive Engineers, of Birmingham; of Brotherhood of Locomotive Engineers, Division No. 306, of Birmingham; of Birmingham Division, No. 186, Order of Railway Conductors, of Birmingham; of Brotherhood of Trainmen, Alabama Lodge, No. 161, of Montgomery; of Brotherhood of Locomotive Engineers, of Selma, all in the State of Alabama; of Brotherhood of Locomotive Engineers, of Winslow; of Dewey Lodge, No. 460, of Tuscon; of San Xavier Division, No. 313, Order Railway Conductors, of Tuscon; all of the Territory of Arizona; of Golden Circle Division, No. 546, Brotherhood of Locomotive Engineers, of Canon City; of Division No. 375, of Canon City; of Brotherhood of Railroad Trainmen, of Colorado City; of San Luis Valley Lodge, No. 401, of Alamosa; of Brotherhood of Railroad Trainmen, Snowy Range Lodge, No. 30, of Denver; of Brotherhood of Railroad Trainmen, Silver State Lodge, No. 446, of Denver; of Order of Railway Conductors, Division No. 44, of Denver; of Order of Railway Conductors, Division No. 63, of Durango; of Division No. 325, of Grand Junction; of Mount Garfield Lodge, No. 349, of Grand Junction; of Pikes Peak Lodge, No. 32, Brotherhood of Railroad Trainmen, of Pueblo; of Lodge No. 31, Brotherhood of Railway Trainmen, of Salida; of Division No. 132, Order of Railway Conductors, of Salida; and of Order of Railway Conductors, Division No. 247, all in the State of Colorado;

of Needles Lodge, No. 430, of Needles; of Order of Railway Conductors of San Bernardino; of Division No. 115, Order of Railway Conductors, of San Francisco; of San Francisco Lodge, No. 198, of San Francisco; of Sutter Lodge, No. 340, of Sacramento; of Division No. 283, Brotherhood of Locomotive Engineers; of Lodge No. 74, Brotherhood of Railroad Trainmen, of Los Angeles, and of Order of Railway Conductors, of Los Angeles, all of the State of California; of H. A. Bishop Lodge, No. 111, Brotherhood of Railroad Trainmen, of Bridgeport; of Brotherhood of Locomotive Engineers, Division No. 205, of Hartford; of Hartford Division, No. 50, Order of Railway Conductors, of Hartford; of Brotherhood of Locomotive Engineers, Division No. 71, of New Haven; of Brotherhood of Railroad Trainmen, of Hartford; of Elm City Lodge, No. 201, of New Haven; of R. J. Costello Lodge, No. 423, Brotherhood of Railroad Trainmen, of Waterbury; of Thames River Lodge, No. 496, of New London; all of the State of Connecticut; of Brotherhood of Railroad Trainmen, of Pocatello; of Division No. 209, Order of Railway Trainmen, of Pocatello; of Brotherhood of Railroad Trainmen, No. 607, of Montpelier; of Brotherhood of Locomotive Engineers, No. 324, of Montpelier; all of the State of Idaho; of Jonesboro Division, No. 332, Order of Railway Conductors, of Jonesboro; of W. H. DeFiance Lodge, No. 358, of Jonesboro; of Lodge No. 112, Brotherhood of Railroad Trainmen, of Fort Smith; of Division No. 442, Locomotive Engineers, of Jonesboro, all of the State of Arkansas; of Brotherhood of Locomotive Engineers, Marshall Division, No. 149, of Americus; of Brotherhood of Railroad Trainmen, of Atlanta; Division No. 323, Locomotive Engineers, of Augusta; of New Year Division, No. 311, Order of Railway Conductors, of Waycross; of Brotherhood of Locomotive Engineers, Hiawassee Division, No. 547, of Blue Ridge; of Macon Division, No. 75, Order of Railroad Telegraphers, of Macon; of Macon Division, No. 123, Order of Railroad Conductors, of Macon; of Simpson Division, No. 210, of Macon; of Order of Railway Conductors, Chattahootchee Division, of Columbus; all of the State of Georgia; of Watstoo Division, No. 67, Order of Railway Conductors, of Watstoo; of Queen of the West Lodge, No. 546, of Valley Junction; of Sioux City Lodge, No. 247, Brotherhood of Railroad Trainmen, of Sioux City; of Brotherhood of Railroad Trainmen, L. B. Beardsley Lodge, No. 86, of Perry; of Order of Railway Conductors, of Perry; of Perry Division, No. 203, of Perry; of Lodge No. 12, of Ottumwa; of Montana Division, No. 6, of Boone; of Kate Shelly Lodge, No. 204, of Boone; of Star Division, No. 31, Order of Railway Conductors, of Burlington; of Brotherhood of Railroad Trainmen, of Cedar Rapids; of Chariton Lodge, No. 268, of Chariton, all of the State of Iowa; of Brotherhood of Railroad Trainmen, of Washington; of Division No. 289, Locomotive Engineers, of Washington; of F. E. Dupell Lodge, No. 231, of Terre Haute; of Division No. 2, Order of Railway Conductors, of Terre Haute; of Division No. 39, of Seymour; of Lodge No. 207, of Seymour; of Division No. 343, of Princeton; of New Albany Lodge, No. 16, of New Albany; of Charles Billings Lodge, No. 262, of Michigan City, Brotherhood of Railroad Trainmen; of Tecumseh Lodge, No. 402, of Lafayette; of Island City Lodge, No. 874, Brotherhood of Railroad Trainmen, of Indianapolis; of Division No. 103, Order of Railway Trainmen, of Indianapolis; of Division No. 110, of Indianapolis; of Huntington Lodge, No. 55, of Huntington; of Division No. 120, Order of Railway Conductors, of Huntington; of Division No. 221, of Huntington; of Order of Railway Conductors, of Britton; of Division No. 138, of Garrett; of Division No. 254, Order of Railway Conductors, of Frankfort; of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne; of Fort Wayne Division, No. 12, Brotherhood of Locomotive Engineers, of Fort Wayne; of A. G. Amsden Lodge, No. 23, of Elkhart; of Brotherhood of Railroad Trainmen, Bedford Lodge, No. 615, of Bedford; of Ashley Lodge, No. 586, of Ashley; of Lodge No. 617, Brotherhood of Railroad Engineers, of Rock Island; of Brotherhood of Railroad Trainmen, of Peoria; of Harmony Division, No. 417, Brotherhood of Locomotive Engineers, of Peoria; of Brotherhood of Railroad Trainmen, Big Muddy Lodge, No. 578, of Murphysboro; of Division No. 308, Order of Railway Conductors, of Mount Carmel; of Brotherhood of Railroad Trainmen, of Mattoon; of Order of Railway Conductors, Division No. 101, of Mattoon; of Order of Railway Conductors, No. 377, of Joliet; of Lodge No. 24, Brotherhood of Railroad Trainmen, Galesburg; of Lafayette Division, No. 302, Order of Railway of Conductors, of Lafayette; of C. F. Wilcox Division, No. 376, Order of Railway Conductors, of Ashley; of Order of Railway Conductors, Division No. 19, of Elkhart; of Brotherhood of Locomotive Engineers, of Elkhart, all of the State of Indiana; of Division No. 200, of Savannah; of Order of Railway Conductors, Division No. 118, of Streator; of St. Elmo Division, of St. Elmo; of Order of Railway Conductors, Division No. 79, of Peoria; of Division No. 143, of Urbania; of Division No. 96, of Chicago; of E. T. Jeffrey Lodge, No. 412, Brotherhood of Railroad Trainmen, of Centralia; of Brotherhood of Locomotive Engineers, Division No. 24, of Centralia; of Brotherhood of Railroad Trainmen, Lodge No. 549, of Carbondale; of Blue Island Lodge, No. 530, Brotherhood of Railroad Trainmen, of Blue Island; of Brotherhood of Railroad Trainmen, Cannon Ball Lodge, No. 25, of Beardstown; of Division No. 32, of Aurora; of Division No. 394, of Auburn Park; of Alton Division, No. 388, Order of Railway Conductors, of Alton; of Galesburg Division, No. 83, Order of Railway Trainmen, of Galesburg; of Brotherhood of Railway Trainmen, Lodge No. 505, of Fulton, of Division No. 27, Brotherhood of Locomotive Engineers, of Freeport; of I. L. Burlingame Lodge, No. 320, of Flora; of Brotherhood of Locomotive Engineers, Division No. 127, of Flora; of Division No. 386, Order of Railway Conductors, of East St. Louis; of Brotherhood of Locomotive Engineers, Division No. 49, of East St. Louis; of Order of Railway Conductors, Division No. 127, of Danville; of Decatur Lodge, No. 414, Brotherhood of Railroad Trainmen, of Decatur; of Brotherhood of Railroad Trainmen, Santa Fe Lodge, No. 285, of Chillicothe; of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago; of Brotherhood of Railroad Trainmen, Lodge No. 456, of Chicago; of George W. Tilton Lodge, No. 375, Brotherhood of Railroad Trainmen, of Chicago; of Order of Railway Conductors, No. 96, of Chicago; of Chicago Division, No. 1, Order of Railway Conductors, of Chicago; of Brotherhood of Locomotive Engineers, Jack Christie Division, of Chicago; members of Division No. 404, of Chicago, and of Brotherhood of Locomotive Engineers, Fort Dearborn Division, No. 294, of Chicago, all in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KEAN presented a petition of the Central Labor Union of Hoboken, N. J., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Federal Labor Union No. 7211, of Dover, N. J., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Unity Division, No. 235, Brotherhood of Locomotive Engineers, of Union Hill, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. DRYDEN presented a petition of Federal Labor Union No. 7211, American Federation of Labor, of Dover, N. J., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Hoboken, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the United Trades and Labor Council, American Federation of Labor, of Paterson; of the Third Ward Republican Club of Camden, and of G. H. Atkinson, of Jersey City, all in the State of New Jersey, remonstrating against the present high price of meats and the formation of combinations tending to increase the price of meats or the necessaries of life; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Jersey City, N. J., praying that an appropriation of $1,000,000 be made for the purchase of comforts and extra allowances for the soldiers of the United States Army; which was referred to the Committee on Military Affairs.

He also presented petitions of Lodge No. 72, Brotherhood of Locomotive Firemen, of Camden; of Local Division No. 235, Brotherhood of Locomotive Engineers, of Union Hill; of Local Division No. 176, Order of Railway Conductors, of Camden, and of Lodge No. 145, Brotherhood of Railroad Trainmen, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of United Mine Workers' Local Union No. 677, of Knightsville, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Garrett Division, No. 153, Brotherhood of Locomotive Engineers, of Garrett; of Lodge No. 361, Brotherhood of Railroad Trainmen, of Princeton; of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne,

and of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. HOAR presented a petition of Deerfield Valley Division, No. 112, Brotherhood of Locomotive Engineers, of Greenfield, Mass., and a petition of Boston Lodge, No. 97, Brotherhood of Railroad Trainmen, of Boston, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of New York presented petitions of the Union Republican Club, of New York City; of the Republican Club of the Eleventh Assembly District of New York City, and of Stereotypers' Union No. 1, of New York City, all in the State of New York, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Port Jervis Division, No. 54, Brotherhood of Locomotive Engineers, of Port Jervis, and of Metropolitan Lodge, No. 363, Brotherhood of Locomotive Firemen, of New York City, in the State of New York, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented a petition of Local Division No. 150, Brotherhood of Locomotive Engineers, of St. Paul, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of the Central Labor Union of New Britain, Conn., and a petition of the Retail Clerks' Association of New Britain, Conn., praying for the enactment of legislation making the maximum salary of letter carriers $1,200 per year; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a resolution adopted at a meeting of the Concordia Turn Verein, of St. Louis, Mo., and a resolution adopted at a meeting of the Washington Turn Verein, of Washington, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

Mr. QUAY presented petitions of Colonel O. H. Rippie Circle, No. 21, Ladies of the Grand Army of the Republic, of Pittsburg; of Lieutenant R. W. Smith Post, No. 270, of Wrightsville; of General Welsh Post, No. 118, of Columbia; of General George A. McCall Post, No. 31, of Westchester; of J. W. Reynolds Post, No. 98, of Tunkhannock, Department of Pennsylvania, Grand Army of the Republic, all in the State of Pennsylvania, and of Mercer Encampment, Union Veteran Legion, of Washington, D. C., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented petitions of 48 citizens of Philadelphia and of 22 citizens of Conoquenessing, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented the petition of John M. Irvine, of Clare, Augusta County, Va., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of Aroostook Lodge, No. 393, Brotherhood of Railroad Trainmen, of Houlton, Me., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTUS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4045) for the relief of George F. Ormsby, to report it with an amendment, not to have final action upon it, but to move that it, with the accompanying report which I submit, be referred to the Committee on Naval Affairs, for their consideration and report.

The motion was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5213) providing for the selection and retirement of medical officers of the Army, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, reported the following amendments, intended to be proposed by him to the District of Columbia appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to:

An amendment directing the Secretary of the Treasury to report to the Commissioners of the District of Columbia all changes affecting the revenues of the District of Columbia other than those originating with said Commissioners;

An amendment proposing to appropriate $5,000 for expenses of the excise board in the District of Columbia; and

An amendment relative to the payment of the expenses for a permanent system of highways from the revenues of the District of Columbia.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 6th instant, proposing to regulate the assessment and collection of personal taxes in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 11170) granting an increase of pension to William Kunselman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9606) granting a pension to Charles Blitz, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5865) granting an increase of pension to John C. Campbell; and

A bill (H. R. 10488) granting an increase of pension to Kate W. Milward.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 6625) granting an increase of pension to Mary T. Downing, reported it with amendments, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 4986) to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton;

A bill (H. R. 12978) granting an increase of pension to Charles F. Smith;

A bill (H. R. 10821) granting an increase of pension to Abby T. Daniels;

A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh;

A bill (H. R. 8341) granting a pension to Hannah C. Chase; and

A bill (H. R. 4451) granting an increase of pension to George K. Thompson.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 4103) granting a pension to William C. Hickox; and

A bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4765) granting an increase of pension to H. R. Rutledge, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (H. R. 11133) granting an increase of pension to James D. Lafferty, reported it without amendment, and submitted a report thereon.

PETER J. OSTERHAUS.

Mr. TALIAFERRO. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3567) granting a pension to Peter J. Osterhaus, to report it with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Pensions were, in line 6, after the word "late," to strike out "a;" after the word "major-general," in the same line, to strike out "of" and insert "United States," and after the words "per month," in line 7, to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter J. Osterhaus, late major-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Peter J. Osterhaus."

DIPLOMATIC AND CONSULAR SERVICE IN REPUBLIC OF CUBA.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, to report it with amendments, and I ask that the bill be taken up immediately for consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Foreign Relations was, on page 1, line 12, before the word "thousand," to strike out "ten" and insert "twelve;" so as to read:

Envoy extraordinary and minister plenipotentiary to Cuba, $12,000.

The amendment was agreed to.

The next amendment was to add at the end of the bill:

Consul at Matanzas, $2,500.

The amendment was agreed to.

Mr. SPOONER. I move to amend the bill by inserting after "dollars," on page 2, line 2:

For rent of a proper legation residence and offices, not exceeding $2,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZA A. BROWNLOW.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 13093) granting a pension to Eliza A. Brownlow, to report it without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Eliza A. Brownlow, dependent mother of James P. Brownlow, late colonel First Regiment Tennessee Volunteer Cavalry and brevet brigadier-general, United States Volunteers, and to pay her a pension at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 5674) to grant an honorable discharge from the military service to Joseph Beck; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5675) granting a pension to Elizabeth A. Whitlock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 5677) for the relief of Zachariah Leatherman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MCLAURIN of South Carolina introduced a bill (S. 5679) to authorize the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MARTIN introduced a bill (S. 5680) for the relief of the heirs of William Samuel Custis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5681) for the relief of Thomas Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5682) for the relief of the estate of James P. Moore; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5683) for the relief of Mrs. S. M. Davidson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5684) granting an increase of pension to John McKeone; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5685) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provisions of the act of Congress of March 3, 1893, as set forth in the findings of fact by the Court of Claims of April 28, 1902, in Senate Document No. 334 of the Fifty-seventh Congress, first session; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5686) granting a pension to Margaretha Schroeder; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the verified petition of Margaretha Schroeder, widow of Lewis Schroeder, together with the affidavits of H. H. Elling and D. Busch. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MILLARD introduced a bill (S. 5687) granting an increase of pension to James W. Kinkead; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5688) to provide for the purchase of a site and the erection of a public building thereon in the city of Columbus, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5689) to provide for the purchase of a site and the erection of a public building thereon in the city of West Point, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MCMILLAN introduced a bill (S. 5690) regulating the use of parking, sidewalks, and roadways in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced a bill (S. 5691) for the relief of George L. Watkins, Bettie A. Hamilton, Junius F. Watkins, Louisa J. Jones, and Lottie E. Kidd; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 5692) to allot the lands of the Cherokee tribe of Indians in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5693) to correct the military record of Emil Bott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5694) to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5695) granting an increase of pension to Augusta A. Lellyett;

A bill (S. 5696) granting an increase of pension to John H. Rose;

A bill (S. 5697) granting an increase of pension to Thomas Smith;

A bill (S. 5698) granting an increase of pension to Washington Y. Marshall;

A bill (S. 5699) granting an increase of pension to Joseph Emerson;

A bill (S. 5700) granting an increase of pension to John Emerson; and

A bill (S. 5701) granting a pension to Harriett Badgley.

Mr. FORAKER introduced a bill (S. 5702) granting a pension to Henry Balskey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 5703) to erect a custom-house and post-office building in the city of Paris, State of Tennessee; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL introduced a bill (S. 5704) granting a right of way to the Oregon and Southeastern Railroad Company within the Cascade Forest Reserve, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PETTUS introduced a bill (S. 5705) for the relief of Martha F. Glenn; which was read twice by its title, and referred to the Committee on Claims.

ISTHMIAN CANAL.

Mr. HOAR. I introduce a bill to provide for the construction of a canal to connect the waters of the Atlantic and Pacific oceans, for reference to the Committee on Interoceanic Canals. It is a brief bill, containing only a few lines. It simply makes it the duty of the President, with authority to incur all expense for advice and agencies, to select a route from one ocean to the other, and construct the canal, without attempting to have Congress settle anything. I should like, if there be no objection, to have the bill printed in the RECORD.

The bill (S. 5676) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was read twice by its title and referred to the Committee on Interoceanic Canals, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That it shall be the duty of the President of the United States, as soon as the same can economically and conveniently be done, to cause to be excavated and constructed a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, and such as may be required for any changes in such tonnage or draft as may be reasonably anticipated, from the Atlantic to the Pacific Ocean by such route as may be selected by him, having satisfied himself of the right of the United States to construct and protect such canal; and he shall cause to be constructed or improved such harbors at either entrance to such canal as he shall deem necessary.

SEC. 2. He shall have full authority to employ such agencies and to obtain such advice as he shall find necessary.

SEC. 3. He is authorized to guarantee to any foreign country or state the use of such canal and harbors, on such terms as may be agreed upon, for all vessels owned by said States or citizens thereof.

SEC. 4. He is further authorized to direct the Secretary of War to cause to be employed such engineering assistance from officers of the Army as the President shall think fit, and in general to require of the Secretary of War the performance of such duties in carrying this act into effect as he shall deem expedient.

SEC. 5. The sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated. And the sums required by any contract which may be entered into as aforesaid shall be paid for as appropriations may from time to time be hereafter made, on warrants to be drawn by the President of the United States, not to exceed in the aggregate $180,000,000.

AMENDMENTS TO BILLS.

Mr. CLAPP, Mr. HARRIS, Mr. JONES of Arkansas, Mr. MARTIN, Mr. MONEY, Mr. PENROSE, Mr. SIMON, and Mr. TILLMAN submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $30,000 for certain improvements at the Naval Hospital, Mare Island, Cal., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,050,000 to authorize the Secretary of the Navy to construct three steel sailing training vessels, bark rigged, each of about 2,000 tons displacement, one to be constructed at the Mare Island Navy-Yard, Cal., etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ADULTERATION OF FOOD PRODUCTS.

Mr. PENROSE. On the 29th ultimo I submitted an amendment intended to be proposed by me to the bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was referred to the Committee on Agriculture and Forestry. I move that that committee be discharged from its further consideration, and that it be referred to the Committee on Manufactures, where it properly belongs.

The motion was agreed to.

INTOXICANTS AT IMMIGRANT STATIONS.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Committee on Immigration 1,300 copies of S. 5516 "to prevent the sale of intoxicating liquors in immigrant stations."

MILITARY ORDERS IN THE PHILIPPINES.

Mr. CULBERSON. On the 1st instant the Senate adopted a resolution, which I introduced, asking the Secretary of War for certain information in reference to the orders issued by General Bell and General Smith in the Philippines. I desire to know if there has been any response to that resolution.

The PRESIDENT pro tempore. The Chair is informed that there has been no response as yet.

Mr. CULBERSON. I offer the following resolution, and ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

1. Copies of all orders, instructions, letters, and cablegrams which have at any time been sent by the War Department to the civil or military authorities of the United States in the Philippines relating to reconcentration, and especially copies of any such orders, instructions, letters, and cablegrams which relate to the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, on the subject of reconcentration, and also copies of all orders, instructions, letters, and cablegrams which have at any time been received by the War Department from the civil or military authorities of the United States in the Philippines on the subject of reconcentration.

2. Copies of all orders, instructions, letters, and cablegrams which have at any time been sent by the War Department to the civil or military authorities of the United States in the Philippines in reference to the order of Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, and copies of all orders, instructions, letters, or cablegrams which have at any time been received by the War Department from the civil or military authorities of the United States in the Philippines in reference to said order of General Smith.

Mr. LODGE. The resolution adopted by the Senate, of which this is an amplification, was passed only five days ago. I think some reasonable time should be allowed for an answer of that sort. I ask that the resolution may lie over.

The PRESIDENT pro tempore. The resolution goes over under the rule.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.; and

An act (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes; and

A bill (H. R. 4927) granting a pension to George Tucker.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased; and

A bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

The message also requested the Senate to furnish the House of Representatives with a duplicate copy of the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, the same having been lost.

The message further returned to the Senate, in compliance with its request, the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine islands, and for other purposes.

Mr. MCCOMAS. Mr. President, success in a war with Spain, forced upon a Republican Administration by the Democratic minority, gave us the Philippine Archipelago, called in the East "The Gem of the Orient."

Three years we have held and exercised sovereignty over those peoples. Sovereignty in law, sovereignty in fact, responsibility, and power. These powers must be exercised in the best and highest spirit for the good of those communities. These responsibilities must be met with wisdom and courage.

Our Supreme Court has said in the Diamond Rings case—

that Spain ceded the archipelago. The treaty was ratified; Congress appropriated the money to pay Spain for them. The treaty-making power, the executive power, the legislative power, concurred in the completion of the transaction.

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. * * * Their allegiance became due to the United States and they became entitled to its protection.

The court also decided that, although the Philippines ceased to be a foreign country and became a territory of the United States and domestic, yet that it was merely "appurtenant" territory and "not a part of the United States within the revenue clauses of the Constitution."

The minority have in a prolonged debate ignored all history, ignored the treaty some of them helped ratify, ignored the act of Congress paying for this cession of territory, ignored the acts of the Executive in carrying on government during three years over this territory of ours. They ignore the decision of the Supreme Court that the archipelago is our territory and domestic.

They hark back to the time before the war, and propose to undo the glorious and momentous work of the past four years; to denounce our treaty; to disgrace our Army and Navy; to throw away sovereignty and the twenty millions we paid for it; to undo the action of Congress; to defy the verdict of the people who reelected President McKinley; to reverse the Supreme Court in a series of its most important decisions; to scuttle amid the flouts and jeers of all the nations of the world.

The Democracy have lost skill and courage, the initiative quality. But I concede they are imitative. If by ill luck the Democracy should succeed Republicanism years hence and then take up the Philippine problem in our stead, they would go right in on our track, because no other plan would be safe or honorable; no other is now practicable; no other course is open to us, and they know it.

THE TEMPORARY PHILIPPINE TARIFF.

We have already by law affirmed the liberal tariff adopted by our Commission in the Philippines. The Spanish tariff put a low rate of duty on luxuries and a high rate on necessities.

The new tariff fixes a high rate for luxuries and a low rate for agricultural implements, for food stuffs and all the necessities of the poor. It also lowers our own tariff in favor of articles the growth and product of the archipelago coming into the United States. It turns over to the treasury of the Philippine Islands all money collected upon goods imported into our country from those islands. This substantial aid will help the civil government we are establishing in the archipelago. They need the revenue.

As peace extends over all the provinces civil government expenses increase. We decrease our Dingley tariff to help the Philippines and give them all we collect. We let them exact from us the same customs dues they charge other nations.

THE CIVIL GOVERNMENT BILL.

The pending bill provides a plan of temporary civil government in the Philippine Islands.

Mr. President, I have watched the RECORD for the last few days, and I have seen no discussion of this bill. I think one Senator began to seriously discuss the bill, but like all the rest of the gentlemen in this discussion on that side of the proposition he ran away and began to cry out against American soldiers and their cruelties. This bill has not been discussed, and it is worthy of the serious consideration of Senators.

It ratifies the action of President McKinley, the governor and vice-governor, and the four executive departments of government in the Philippine Islands, and provides for appointment of their successors. It confirms the judicial system already established. It declares that after the establishment of peace the President shall order a census of the Philippine Islands, such as may inform the President and Congress concerning the capacity, fitness, and readiness of the people of those islands, or particular islands, provinces, and municipalities for the establishment and maintenance among them of a permanent popular, representative government.

It requires the Philippine Commission, basing their recommendations upon such census and upon their observation of the operation of the local governments, to report whether or not all or certain of these islands are capable, fit, and ready for such government.

In the meantime the Commission are directed to extend municipal and provincial governments based upon popular representation, provided in the act, with the purpose of gradually extending to all municipalities and provinces whose inhabitants are capable, fit, or ready for such extension permanent popular, representative government.

It provides for the needs of commerce. It gives over to the Philippine government all the property and rights acquired by the United States under the Spanish treaty. It regulates the control and disposition of the public lands. It guards against the exploitation of forest and arable lands by speculators. It affords a system of mining laws most useful and fair. It offers a plan for extinguishing by purchase the title of the friars to their rich lands by equitable methods, just to the friars and to the Filipinos. It empowers the Philippine government to issue municipal bonds for public improvements and to secure the public health. It also permits the Philippine government to issue franchises under most careful restrictions and strict limitations in the public interest. It gives a coinage law to the Philippines suitable to the traditions and trade of the East. It establishes a division of insular affairs in our War Department.

Thus Congress proceeds to establish temporary civil administration to secure personal rights and civil liberty as we enjoy it, and for political government so fast and so far as communities and provinces may be fit, capable, and ready for the establishment and maintenance of popular representative government.

WE CAN NOT OCCIDENTALIZE THE ORIENT.

It is the highest wisdom to resist the temptation to go too fast. We must go slowly if we would educate these Malay races in self-government. Much that is opposed to Western instincts must be allowed to remain. We can not occidentalize the Orient in a day. To explode a republican government upon the Filipinos at once is to make matters worse for them and for us. We can not "hustle" the East. We dare not forget that after all the East is the East. If we would carry to them our institutions we must slowly prepare the way for the free institutions of the West and urge them gently along it. We must avoid too much sentimentality. Blunders are inevitable; therefore we must go slow. If we are blind to the force of oriental ideas in the Orient our failure is foredoomed. The Filipinos must develop along their own racial lines; we can not refashion them into oriental Americans.

Therefore Congress must proceed slowly, and this plan of temporary government is wise, humane, adequate.

Mr. President, without this temporary government we here propose, civil government is rapidly extending over the islands. Progress and prosperity follow in its wake.

THE SIDE ISSUE—CRUELTY OF WAR.

This beneficent work is obstructed by the minority on this floor. The minority seek to draw away the public mind from the dawning of peace in the archipelago. They shrink from discussion of the provisions of this bill, and for days denounce cruelties perpetrated by American soldiers in those islands. They do not denounce barbarities and savagery of the insurrectos and ladrones. Instead they indict our Army, the whole Army—gallant youths; sons of Union soldiers; sons of Confederate soldiers; our volunteer soldiers in arms; our fellow-Americans from the North and from the South.

Is it patriotic for American Senators to denationalize themselves for the sake of a partisan advantage? Is it patriotic to clutch at every charge against our countrymen in arms under the flag across the sea? To assume that Americans are guilty? To deny the justice of courts-martial? To denounce the judgments of the courts without hearing the facts or considering the law upon which these judgments are based? Senators can not gather any laurels from a patriotic people by a crusade against our whole Army. All humane men denounce the "water cure" inflicted by a few to extort confession of the murderers of their comrades.

THE ATTACK ON GENERAL FUNSTON.

The unexampled daring of the little Kansan, General Funston, has endeared him to all who love a brave man. Senators here attack him because he defends his comrades under the flag.

Against Senators who sit here in safety in tranquil seats of ease I array on Funston's side General Otis, his first commander in chief, who says:

The capture of Aguinaldo proves Funston a great scout. He and his officers and men risked their lives in the hands of the natives and their bravery as easily might have led them to death as to success.

Against these Senators I array that great soldier, General MacArthur, who telegraphed to Lawton:

By the splendid daring of Funston we made quite a remarkable passage of the Rio Grande.

I array Wheaton, who reports:

Upon consultation with Colonel Funston a point about nine hundred yards below the railroad bridge was selected as the place that he would endeavor to cross a part of his regiment. The enemy's intrenchments opposite this point were well screened by bamboo thickets.

Colonel Funston advanced to the river bank strong parties that kept up a fire of great volume. The effect of the heavy and continued fire was to drive part of the enemy's force from his works, and privates Edward White and W. B. Trembly, of Company B, Twentieth Kansas Volunteer Infantry, swam the river with a rope and fastened it to a stake on the enemy's intrenchments while yet occupied. Rafts were pulled over by means of this rope, Colonel Funston going over on the first raft.

When Colonel Funston had crossed forty-five officers and men, he attacked the enemy, turning him out of his works near the bridge. I then crossed the bridge with my staff.

Finally, against these Senators I invoke the name of that stainless soldier, humane statesman, and Christian hero, William McKinley, who placed on Funston's shoulders the stars he wears.

Retribution came quick. It came in the same hour when Senators who declared Funston no hero demanded that the common thief and highway robber, the brutal desperado, infamous with a hundred murders, Pio del Pilar, must be heard before the committee of the American Senate in the name of liberty and humanity.

Mr. President, it is true that a few of our soldiers have inflicted the water cure to extort arms, to develop treachery, or to discover the savages who have buried their comrades alive or burned them alive by slow fire. I denounce these instances and deplore them. The President's ringing words make sure he will punish the few and vindicate the Army. It is true that here and there villages have been set on fire. I deplore these acts.

Hear General Hughes state (Senate committee testimony, pp. 558–559) what sort of burning it is and what provoked such punishment:

General HUGHES. I do not know that we ever had a case of burning what you would call a town in this country, but probably a barrio or a sitio; probably a half a dozen houses, native shacks, where the insurrectos would go in and be concealed, and if they caught a detachment passing they would kill some of them.

And again I quote:

Senator DIETRICH. About what does one of these houses or shacks cost, and about how long does it take to build one?

General HUGHES. The cost, as sworn to by women on courts-martial and courts of inquiry, etc., is given as ranging between three and eight dollars.

Senator DIETRICH. Mexican?

General HUGHES. Mexican pesos.

Senator DIETRICH. That would be from $1.50 to $4 of our money?

General HUGHES. Yes, sir. I should not like to be certain as to the length of time it takes to build them. They probably could build them in about three days, but there is a question as to how long it takes to put on the nipa.

The cost of a shelter does not alter the character of the act, however. Guerrillas who conceal themselves in barrios and towns within our lines and fire upon our soldiers are, as international law says, as General MacArthur and General Hughes say, war rebels. Such burnings unhappily have often been inflicted in civilized warfare.

THE CRUELTY OF CIVILIZED WAR AT HOME.

When we condemn, let us remember that war is cruel. Let the country realize that every instance of cruelty urged here is an argument in favor of this civil government bill. Let us pass it that peace may displace military power.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. TILLMAN. I just want to ask the Senator a question.

Mr. MCCOMAS. I yield to the Senator for a question.

Mr. TILLMAN. I wish to ask the Senator whether he feels absolutely certain that the army could be withdrawn from the Philippines with safety and the civil government left to itself?

Mr. MCCOMAS. That is a proper question and I will endeavor presently to answer it. I shall discuss it more fully later on. I will say now that I do not believe the whole army could safely be withdrawn, but I believe within four years 10,000 men, or, at most, 15,000 soldiers, or one and one-half soldiers to each thousand of the inhabitants, will be all that will be required in the Philippines, and the municipal police and provincial constabulary will supplement that force when we take the main army away. From 10,000 to 15,000 men will, I think, be all that will be necessary. Governor Taft says that he is safe in saying that 15,000 men will be the limit of the American army within four years.

Mr. TILLMAN. Does that include Mindanao?

Mr. MCCOMAS. Including Mindanao and all the other Philippine Islands.

Mr. TILLMAN. Governor Taft has made so many predictions and reports as to the pacification of the islands that we might be allowed, it seems to me, to doubt his judgment.

Mr. MCCOMAS. Mr. President——

The PRESIDING OFFICER. Senators must observe the rules of the Senate by first addressing the Chair and not carrying on colloquies of their own motion.

Mr. MCCOMAS. Governor Taft will be vindicated grandly by time in every proposition he has made in the volume of testimony here at my hand.

I said that war was cruel, and this one phrase, this one epigram, of General Sherman will be remembered, that "war is hell," and he said that after experience of unhappy war among civilized people. I will refer to such warfare upon both sides, and I desire to do it without rancor. God knows I have none in my heart. We are a united people; we are a people living together in amity as never before; and I shall refer to instances on both sides to show that amongst civilized people war is cruel, because I want the young generation who now find their Army indicted for cruelty in the Philippines to compare that with what was war among our own people, their fathers and their brothers. Then they can better measure the censure that is meted out by Senators of the minority to the Army of their day and of their generation.

In my youth, I recall how the Confederate General McCausland, followed by his cavalrymen, marched into the court-house in Hagerstown, where I lived, stood with clanking saber in the seat of justice, and demanded many thousands of dollars from the people, and extorted it by his brutal threat to lay the town in ashes.

In the city of Frederick, almost in sight of this Capitol, General Early demanded that the people of Frederick pay him $200,000 ransom within a few short hours, and they paid it to save their city from conflagration and their homes from plunder. The files of our Committee on Claims, as is well known by the chairman of that committee, the Senator from Wyoming [Mr. WARREN], sitting near me, afford an unheeded history of Early's barbarous cruelty. The same General McCausland rode into Pennsylvania and reduced to ashes the beautiful town of Chambersburg.

On the other hand, Sherman marched to the sea. I want to be fair to both sides. Sherman's march to the sea was lighted by the burning of bridges and hamlets. His gallant army was charged with the setting on fire of Columbia, S. C., though Sherman denied it and helped put out the fires. Senators talk here of cruelty, of orders issued in the Philippines, about having prisoners tortured to extort confessions from them, and talk of all the fiends of fiction and of fact, and of all the bad men and bloody monsters of cruelty that have been flung into this debate. The Senator from Utah was historically a little short on astronomers and a little long on war butchers the other day. I am trying to avoid any partisan remarks. I am talking about the cruelty of war. I am talking about General Sherman's proposition that war among civilized people is hell. I want to read the latter part of a dispatch to Secretary Stanton, and then I will read the name of the writer.

The success is brilliant, and you may rest assured that its effects will be of the greatest importance. There shall be no delay in following up the rebels. The rebels have been guilty of the most murderous and barbarous conduct in placing torpedoes within the abandoned works, near wells and springs, near flagstaffs, magazines, telegraph offices, in carpetbags, barrels of flour, etc. Fortunately we have not lost many men in this manner—some four or five killed and perhaps a dozen wounded. I shall make the prisoners remove them at their own peril.

GEO. B. MCCLELLAN, *Major-General.*

That was dated May 4, 1862. He was one of the most humane soldiers, an accomplished and charming gentleman, afterwards a Democratic candidate for the Presidency, and he stated that prisoners of war must go among the torpedoes and the explosives and risk their lives in taking them up lest other men be killed by those torpedoes thus arranged, and he did not hesitate. War at home was hell, Mr. President, even before the war had reached the stage of severe reprisals.

Again, I read another like it to sustain my thesis:

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Big Shanty, June 23, 1864.

Maj. Gen. J. B. STEEDMAN,
Commanding District of the Etowah, Chattanooga.

GENERAL: As the question may arise, and you have the right to the support of my authority, I now decide that the use of the torpedo is justifiable in war in advance of an army, so as to make his advance up a river or over a road more dangerous and difficult. But after the adversary has gained the country by fair warlike means, then the case entirely changes. The use of torpedoes in blowing up our cars and the road after they are in our possession is simply malicious. It can not alter the great problem, but simply makes trouble. Now, if torpedoes are found in the possession of an enemy to our rear, you may cause them to be put on the ground and tested by wagonloads of prisoners, or, if need be, citizens implicated in their use. In like manner, if a torpedo is suspected on any part of the road, order the point to be tested by a carload of prisoners, or citizens implicated, drawn by a long rope. Of course an enemy can not complain of his own traps.

I am, etc.,

W. T. SHERMAN,
Major-General, Commanding.

Mr. HOAR. Will the Senator allow me to make a suggestion to him there in the interest of history?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. MCCOMAS. Certainly; with pleasure.

Mr. HOAR. The Senator has alluded to the matter of the burning of Columbia, S. C. It is well known that it was charged to two very eminent men, both of them men for whom all have the highest respect. General Sherman charged the burning upon Wade Hampton and Wade Hampton charged it upon General Sherman. There has been a very able and thorough investigation of that question within a few weeks by Mr. Rhodes, one of the most able and impartial of modern historians, a near kinsman

of a member of this body, as is well known. He has satisfied all, I think, beyond any question whatever, that the burning of Columbia was accidental, coming from the fires which were set to cotton and other property to prevent it falling into the hands of the victors, a perfectly proper thing, started, perhaps, by some lawless characters connected with one army or the other, but that there was no responsibility for it upon either side or upon the part of anybody in command. I think that is as thoroughly demonstrated by this paper of Mr. Rhodes as any fact in history, and it will be accepted by both sides hereafter.

Mr. MCCOMAS. I hope that is true.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. MCCOMAS. I yield.

Mr. TILLMAN. I had hoped that the bitterness of our old civil strife would never be revived in this Chamber, or out of it, and I for one deprecate it, and I protest that it is not patriotic to interject into this debate any of these bitter reminiscences.

Mr. MCCOMAS. If the Senator from South Carolina desires to make any comment on or answer to my speech, I prefer that he should do so in his own time. I am not making, and I have said that I am not making here, an effort to stir up any such feeling. I have talked of the severity and brutality by one party and the other. I have read here letters from General Sherman, whose memory is dear to every American who admires great commanders and brave men. I have shown that General McClellan and General Sherman gave these orders. I have talked of the burning of towns upon each side. I have avoided that which would stir up strife. I am sustaining the proposition that war among civilized peoples is hell. It is always cruel. Now, I will proceed with several more instances. I read from General Grant's Memoirs (vol. 2, p. 331):

In the Shenandoah Valley Sheridan went to work with his command gathering in the crops, cattle, and everything in the upper part of the valley required by our troops, and especially taking what might be of use to the enemy. What he could not take away he destroyed, so that the enemy would not be invited to come back there.

That fair and beautiful valley was so desolated that the newspapers at the time said Sheridan had so devastated it that a crow must carry his provisions when he flew over that most fruitful soil.

Again says Grant (vol. 2, p. 138):

Forrest, however, went back rapidly and attacked the troops at Fort Pillow. * * * I will leave Forrest in his dispatches to tell what he did with them. "The river was dyed," he said, "with the blood of the slaughter for two hundred yards. The approximate loss was upward of five hundred killed, but few of the officers escaping. My loss was about twenty killed. It is hoped that these facts will demonstrate to the Northern people that negro soldiers can not cope with Southerners." Subsequently Forrest made a report in which he left out the part which shocks humanity to read.

Those cases happened in our war on the one side and the other. I will not suggest other instances because I do not desire to stir up feeling on one side or the other. I have advisedly instanced both sides of our war to show the cruelty of war among highly civilized people. As to many of the cruelties of war, which it has been suggested might be commented on here, I would not comment upon them because they were the acts of a few on the one side or the other, not sanctioned by the whole army of Confederates, not sanctioned by the whole Army of Federal soldiers, nor ordered by commanding officers. Such were the acts of a few people and the cruelty of the few, and are not to be used for the indictment of the many.

The North and the South are now united. The Senator will never find me trying to disunite them. The young men, sons of Confederates, and the young men, sons of Union soldiers, are now in the ranks yonder, from the Senator's State and from my State, and from other States in the Union, following the flag in the Philippines, touching shoulder in the line, are our own, thank God. Though our war is long past, that war was cruel, and it was waged between highly civilized people; and that is the point of my argument.

A united and grateful people love valor and would reward the heroic deeds of our soldiers in the Philippines. I know they will resent this monstrous attempt by a few Senators on this floor, upon evidence of the cruelty of a few of our soldiers, to indict and convict our whole Army, all its officers and men, of waging inhuman warfare in those islands. I observe I have not yet heard any Senator who wore the gray or wore the blue rise to rail at the American Army.

The Filipino barbarities are great. The information is here in a book, and the instances are many. I shall not read them, but they justify this summary of Secretary Root, who declares:

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy and with their own eyes witnessing such deeds should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. * * * The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

LYNCHING IN TIME OF PEACE.

Let us not forget that in our prosperous land, blessed with peace, during sixteen years more than 2,500 lynchings have occurred and that 61 of the victims were women; that only one-fourth of these executions by mob were incited by the most fiendish crime which so strongly tempts men to inflict summary punishment without authority of law. Let us not forget that nearly a thousand of the victims were white men, Indians, Chinese, or Mexicans. Let us not forget that our soldiers who have been guilty have been or will be punished, while the thousands of citizens at home who have abetted this barbarous custom or shared in the horrible practice of lynching have not been and never will be punished.

Our Senate committee were charged to investigate the water torture of natives by the Macabebes. We found that this cruel practice had been pretty nearly stamped out by our armies. Bad as it is, it can not compare in barbarity with lynching or burning at the stake of citizens suspected of crime, in this land of the free, in States under the Constitution. Will the minority join us in a Congressional investigation of these crimes against humanity, these outbursts of anarchy, increasing at home? Let us, if we love liberty, wipe out from our civilization at home this foul blot. Then let us turn next to the far-off islands.

HUMANITY OF OUR ARMY IN THE PHILIPPINES.

President Schurman and his fellow commissioners say:

The commission is not willing to close this statement without paying just tribute to our sailors and soldiers. The presence of Admiral Dewey as a member of this body makes it unfitting to dwell on his personal achievements, but he joins with us in eulogy of his comrades. We were fortunate in witnessing some of the many brave deeds of our soldiers. All that skill, courage, and patient endurance can do has been done in the Philippines. We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes. To those who derive satisfaction from seizing on isolated occurrences—regretable, indeed, but incident to every war—and making them the basis of sweeping accusations, this commission has nothing to say. Still less do we feel called upon to answer idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that a war was never more humanely conducted. Insurgents wounded were repeatedly succored on the field by our men at the risk of their lives. Those who had a chance for life were taken to Manila and tenderly cared for in our hospitals. If churches were occupied, it was only as a military necessity, and frequently after their use as forts by the insurgents had made it necessary to train our artillery upon them. Prisoners were taken whenever opportunity offered, often only to be set at liberty after being disarmed and fed. Up to the time of our departure, although numerous spies had been captured, not a single Filipino had been executed. Such wrongs as were actually committed against the natives were likely to be brought to our attention, and in every case that we investigated we found a willingness on the part of those in authority to administer prompt justice.

The bravery and endurance of our army make an American proud of our citizen soldiery. What remains of war is the terrorism of guerrilla warfare. What remains, says Governor Taft—

is a crime against civilization, because it subjects peoples desiring peace to privation and suffering; because it enlists ladrones and bandits to keep up a system of terrorism in town and country.

These guerrillas, says Governor Taft—

are not fighting for independence nor pretending to fight for independence.

It is easy, though not patriotic, to decry our brothers and sons who have carried the flag to victory all over the archipelago and made peace again settle over that country, the peace that smiles and brings plenty. I believe these soldiers of ours deserve the tribute of Governor Taft, and I again read from his testimony:

I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or others, in which there was more compassion and more restraint and more generosity, assuming that there was war at all, than there have been in the Philippine Islands.

Mr. President, that is a side issue in this debate. I turn now to the main question, the subject of this bill, a temporary civil government for the Philippine Islands.

The Schurman Philippine Commission justly concluded—

that the nation can not withdraw from the Philippines. We are there and duty binds us to remain.

And again Mr. Schurman and Admiral Dewey and Mr. Worcester say that—

the Filipinos are wholly unfit for independence, and if independence were given to them they could not maintain it.

General Otis, the former military governor, testifies (Senate committee testimony, p. 739) that our withdrawal would mean anarchy.

Senator BEVERIDGE. I will ask you, General, what your opinion is as to the condition that would result if the American authority were withdrawn and the islands were turned over to the natives.

General OTIS. It would be anarchy or a military despotism, and they all understand it. There is not a Filipino or anybody else over there who desires self-government. * * * Aguinaldo himself never wanted self-government without outside protection.

General MacArthur, his successor, says (Senate committee testimony, 1918–1919):

American withdrawal from the islands, therefore, would, in my opinion, result in permanent failure of republicanism in the East, and the devastation of the archipelago by internal and fratricidal war, which would continue indefinitely until suppressed by some external force. That such force would be applied there can be no doubt. * * * Chaos would result in the Philippine Islands if we left them.

And then, Senators, mark the further testimony of General MacArthur, an officer and a gentleman of the highest repute, who brings Aguinaldo to confess to him within a year, on July 3, 1901—

that he was satisfied that it would be impossible at this stage of their evolution for his own people to establish a stable independent government.

AMERICAN ACHIEVEMENTS IN THE TROPICS.

President McKinley, the most humane of all rulers; Secretary Root, sagacious, resourceful, and one of the ablest war ministers in our history, have guided and directed our armies in war and our Civil Commission in peace.

President Roosevelt has zealously joined in this great work. The result is destined to be one of the proudest chapters in our history. President, Secretary, and Commission go on with their great work conscious that they hold a trust for a liberty-loving nation, and that they hold a mandate from humanity. Blind partisans abuse them here, pessimists decry their work, cynics sneer, impracticable idealists revile, and timid souls denounce them as untrue to liberty. I say these forceful, masterful men are the statesmen of whom our country should be most proud. Their great work shows that the descendants of the fathers have not lost their cunning in building free States.

In Washington and in the Philippines, with President McKinley's bill of rights in their hands and with peace in their hearts, these statesmen are doing more for liberty, regulated by law, than has ever before been achieved by civilized man in the Tropics.

President Roosevelt well says:

History may safely be challenged to show a single instance in which a masterful race such as ours, having been forced by the exigencies of war to take possession of an alien land, has behaved to its inhabitants with the disinterested zeal for their progress that our people have shown in the Philippines.

DECREASE OF OUR ARMY IN THE PHILIPPINES.

The labors of Governor Taft and the Commission of Americans and Filipinos have been arduous; their achievements remarkable and inspiring. After we acquired sovereignty it was our duty, as the Supreme Court has said, to preserve order and suppress insurrection in territory of the United States. Our American soldiers have practically ended the war. Civil government now controls in all but the three provinces of Laguna, Batangas, and Samar.

I call the attention of the Senator from South Carolina to the fact that only the other day the news came that in Samar the insurrection had been ended. Insurrection remains only in two small provinces, and there is being rapidly reduced.

There are scarcely 2,000 Filipinos in arms to-day. Our army of 70,000 men in the archipelago has been reduced to 30,000. Very soon it will fall to 25,000. The Commission believe that after the remaining provinces have been pacified 15,000 troops will be a sufficient defense to the islands—scarcely one and one-half men to a thousand of the population.

GOVERNOR TAFT AND THE COMMISSION.

President McKinley's instructions to the Commission, who have studied and executed them, leads the Commission to declare that, having watched their operations in the development of the government in the Philippine Islands, this bill of rights constitutes one of the greatest State papers ever issued in operating as they were intended to operate and in bringing about a state of affairs that they intended to bring about, putting into the minds of the people a consciousness of the existence of power in the civil government and gradually placing more and more power in that government, which the instructions contemplated, and so had a marvelous effect in showing the Filipino people what our purpose was.

Mr. President, the men who are building up a civil government in more than a thousand islands of that archipelago, with its 120,000 square miles of land, with its 5,000,000 Christians, its 2,000,000 non-Christian tribes, its 1,000,000 Mohammedan Moros; the men who have framed a code of civil government and a municipal code; who have organized most all the provinces and a thousand towns into self-governing bodies so far and so fast as the people are ready and capable; who are fighting the pestilence among the cattle and beasts of burden; who are stamping out the plague in the cities and towns; who are rapidly reducing the death rate in Manila; who are penetrating the country with public roads through the swamps and over mountains; who have established courts of first instance in every province and an appellate court at Manila; who are now urging us to provide final appeal to our own Supreme Court out of tender regard for liberty, lives, and property of the Filipinos; who are cleaning and making Manila as healthful as Americans have made Habana; who have found time between framing codes and organizing governments in provinces to dig out a harbor at Manila for a fast-growing commerce, to provide sewers, to light the streets, and supply pure water, to send the lepers to a chosen island, to build great ice plants, and care for the sick and diseased in hospitals; these commissioners who are scattering public schools throughout the archipelago, where throngs of children are learning the language of their liberators—I repeat, these men are statesmen whom American Senators ought to be ashamed to decry; statesmen whom the world already admires.

What a splendid achievement it is that carries peace to eighty-four different tribes of men with varying superstitions and faiths and with a confusion of tongues; which is spreading provincial constabulary and establishing municipal police all over the archipelago.

I shall read from Governor Taft's testimony. Here is the spirit of his mission. Here is the spirit of this man who came home sick and who is now turning his face to the East once more, although not restored in health, that he may carry out the great work which he undertook when he accepted the commission of William McKinley to take peace and liberty, light and law to the Philippines. Sick, and sick seriously, he is going back to accomplish his work, and in what spirit? Not that of the doctrinaire, not of the reviler or the critic or the pessimist, but with an enthusiasm which is healthy among sterling men. He says in his testimony:

The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is, training them to a knowledge of self-government, and when they have that the question of what relation shall then exist between the islands and this country may be settled between them and the United States. But to attempt to decide in advance that which is utterly impossible wisely to decide now is unreasonable. It is the duty of the United States to continue a government there which shall teach those people individual liberty, lift them up to a point of civilization of which I believe they are capable, and make them call the name of the United States blessed.

And yet that man in that work moved by that spirit is traduced on this floor by American Senators, and it is unworthy of them. He has been simply sharing the fortunes of other good men before him. So also persecuted they the saints.

Upon the Spanish laws, already the habeas corpus—that fundamental defense of personal rights and liberty—has been ingrafted. So far and so fast our system has been carried, yet with a wise self-restraint in applying modes of government utterly unsuited to the oriental mind.

Mr. President, the achievements and progress of our civil Government is the most striking advance of liberty the world has yet made in the Tropics, and the civil government which this Congress will extend to those inhabitants will carry with it the blessings of liberty, education, and free institutions.

THE MINORITY POLICY OF SCUTTLE.

All this the minority on this floor would abandon. Theirs is a policy of scuttle. They would steal away leaving the archipelago to anarchism or imperialism. The motto of the Senator from Utah, who introduced this substitute for the pending measure, is, "Let the Ishmaelite go"—a policy made more specific by the Senator from Mississippi, who adds: "Let him go to the devil." That is easy, but it is not statesmanship. It is not patriotic constructive statesmanship.

Men who in the Senate voted to ratify the treaty and in the House sanctioned it by a large appropriation ought not to shrink from their duty to go forward and assume the consequences of their act. We made war; we won it. We made a treaty; we must keep it. We took the sovereignty; we can not pass it over to eighty-four tribes in the islands. We can not surrender it to Japan or Germany. How, then, by the passage of this substitute, can we declare "the archipelago shall be foreign territory?"

The substitute would have us relinquish all claim of sovereignty. How could we relinquish sovereignty over the islands and still compel them to secure free trade between our ports and theirs? If we could, as Governor Taft has testified, under our treaty with Spain, all the trade of the world would go into their ports in Spanish or American ship bottoms and there would be no customs revenue in the Philippines to support any government there.

Respecting the proposition that the United States "shall continue to occupy and govern said archipelago until the people thereof have established a stable government," Governor Taft estifies:

I doubt if the people can establish a stable government. If it is to be with the aid of American contrivance and control, then the time taken must be indefinitely in the future—generations probably.

If it means that the agents of the insurrecto forces shall call together a number of delegates and go through the form of making a government, and when that government has its offices filled, at once the transfer of sovereignty shall take place, there would result after that—it might last six months, it might last a year—but there would result anarchy and interference with the rights of individuals, interference with the rights of vested interests in which foreign governments are concerned, which would require the United States at once to go back and begin over the work which it had been doing, and it would find itself where it was two years ago.

The promise to grant independence would drive out capital, discourage the sincere efforts of the educated Filipinos, who are with us to-day, in building up a stable government. If we would turn over the government to the Tagalogs it would lead to a division between them and the Visayans. Neither of these could govern the Moros.

In a word, Governor Taft testifies, and all wise men agree with him, our duty to the people and to foreign powers would compel us to go back again. Our protectorate would make us powerless, but could not divide our responsibility. As President McKinley said:

Neither Congress nor the Executive can establish a stable government in these islands except under our right of sovereignty, our authority, and our flag, and this we are doing.

What a transparent fraud is this substitute! We would never be justified in throwing these people back into anarchy, dictatorship, and revolution without hope of civil liberty.

President Roosevelt is right. "To leave the islands at this time would mean that they would fall into a welter of murderous anarchy." The minority can not deceive the American people by such shams. What folly to cry, "Let us establish a republic and sail away." What republic could long preserve concord between Christians, Mohammedans and pagans, the dwarf Negritos, the head-hunting Igorrotes, the Moros, the Sultan of Sulu and his datos, and the wild mountain tribes scattered in a thousand islands? Governor Taft testifies:

In the Cagayan Valley they speak a language which can not be understood by the Ilocanos across the mountains. The Ilocanos speak a language that can not be understood by a Pangasinan. The Pangasinans can not understand the Pampangans. The Pampangans and the Pangasinans fill up Tarlac, and in the north part of Tarlac they speak Pangasinan. In the south part they speak Pampangan. In Bulacan they speak Tagalog, and a Pampangan can not understand a person from Bulacan.

Coming down, part of Luzon is Tagalog, until you reach the lower part of the Camarines, where you strike another language, Bicol. That language is a very primitive language, and a man who speaks only Tagalog can not understand Bicol.

Here is a population 10 per cent partially educated, partially intelligent; 90 per cent grossly ignorant and superstitious, often savage.

Mr. TILLMAN. What good will we do them?

Mr. McCOMAS. In the long reach of time we will do them good and they will do us good, too.

I have listened to the able Senators of the minority in unsympathetic spirit questioning our fellow-American who is the governor of the Philippines. They have suggested that these Asiatics, used to four hundred years of Spanish institutions and laws, should have trial by jury and the use of grand juries. Senators are eager for dark-skinned juries in the Philippines who dare not advocate dark-skinned juries in their own States.

Governor Taft has told them that corruption is so embedded in ignorance that these methods are impossible and would be most dangerous to life and property. This is plain to the average mind.

Senators, read the splendid story of our civil government there—its work for peace, law, and liberty—and then read the questions of the able Senators who cross-examined Governor Taft; who gave him no generous praise, but questioned him about their suspicions and repeated them here upon the floor. You will exclaim, God help the people if such as these had gone there to put to work this impracticable substitute! The Lord be thanked that President McKinley, with characteristic foresight, chose better instruments to carry out a great work for free institutions in the Tropics, a work such as no nation ever equaled!

The minority, conscious that their substitute is impracticable and unstatesmanlike, do not dare discuss it. They abuse our soldiers, who are our brethren and our fellow-citizens. They decry the achievements of our civil government. They denounce as tyrants Governor Taft and the Commission there, strong men and true,

> Discerning to fulfill
> This labor, by slow prudence to make mild
> A rugged people, and thro' soft degrees
> Subdue them to the useful and the good.

HYPOCRISY—OUR FILIPINOS AT HOME.

The minority talk of the Declaration of Independence. They proclaim their love of liberty and call our government of the Filipinos a tyranny. These Senators can gather no fresh laurels here. They only echo Mr. Bryan's rhetoric and his ill-considered plan. The American people repudiated this programme and its chief apostle. Senators deceive only themselves when they profess to follow Abraham Lincoln. President McKinley said:

If our opponents would only practice as well as preach the doctrines of Abraham Lincoln, there would be no fear for the safety of our institutions.

The Republican party does not need to assert its devotion to the Declaration of Independence. That immortal instrument of the fathers remained unexecuted until the people, under the lead of the Republican party, in the awful clash of battle turned its promises into fulfillment. It wrote into the Constitution the amendments guaranteeing political equality to American citizenship, and it has never broken them nor counseled others into breaking them. It will not be guided in its conduct by one set of principles at home and another set in the new territory belonging to the United States.

Freedom is a rock upon which the Republican party was builded and now rests.

President McKinley, whose humane heart had breasted battle, not for slavery but for liberty, justly complained—

There is a strain of ill-concealed hypocrisy in the anxiety to extend the constitutional guaranties to the people of the Philippines, while their nullification is openly advocated at home.

Would that those Senators whose belated Democracy quotes Lincoln and the Declaration of Independence, who consume themselves with fear that our far-off islanders may not immediately have a republic, or, in the Tropics, be blanketed with the Constitution; would that these gentlemen might turn to their own States and their dark-skinned fellow-citizens. Crowning laurels will be theirs when they secure a government by the consent of the governed to their own Filipinos in their own States.

There will be more time to extend the Constitution to the Filipinos in the islands if they take all the time needed to undo that nullification of the Constitution whereby their Filipinos at home have been robbed of their suffrage and their citizenship.

Why are some so eager that all Filipinos in our islands have votes and elections before they know what a vote and what an election means? Why not first at home secure a free ballot and a fair count to those peaceful citizens, their own Filipinos, in the States where for years such have been denied both?

The Senator from Utah quotes Lincoln, and in tender solicitude over slavery and polygamy among Mohammedans in the Jolo Archipelago denounces us as tyrants because we will not let the Ishmaelites go. While we gradually wean the savage Moros from both practices on the other side of the globe, let the Senator remember that Lincoln called polygamy and slavery twin relics of barbarism, and let him join us in further effort to stamp out polygamy wherever it still disgraces the civilization of his own State.

The Senator from South Carolina and the Senator from Mississippi with tearful voices cry out against the small percentage of voters we begin with in the early elections in the Philippines. We will extend the suffrage gradually until we finally develop a self-governing people in the archipelago. After one hundred and eleven years under the Constitution, what a mockery of a government of the people, by the people, are the governments in those two States. In the Presidential election of 1900 South Carolina cast only 3.8 per cent votes out of her total population; Mississippi cast only 3.8 per cent votes out of her total population.

In each of these States their home Filipinos have been gradually driven away from a part in governing; the whites grow indifferent. Soon, by this steady decrease, a larger percentage of the total population will be voting in the Philippines than in these two States.

And now after one hundred and eleven years of the Constitution having that condition they complain that we begin with 5 per cent of the Filipinos, as the junior Senator from Colorado stated, but it seems to me if we start with 5 per cent and after one hundred and eleven years we have gone back to 3.8 in the States of Mississippi and South Carolina, it is pretty good for a beginning in the Philippines. Senators, pass this bill, and in less than a decade there will be more Government by the consent of the governed in the prosperous, peaceful islands of the Philippines than there will then be, if the present conditions control, in Mississippi and South Carolina.

It is safe to predict that most of the votes for this substitute will come from States where consent of the governed is least practiced, where the Constitution is nullified more and more, while most of the votes for the pending bill will come from States where elections are free and fair and the Constitution is least violated. Never until the past three years was there such effrontery of hypocrisy. We behold Senators from the two States where there is less popular liberty than in any others shouting loudest for constitutional liberty on the other side of the globe.

Can such a motley army, until it restores constitutional liberty to dark-skinned citizens at home, make a mock crusade for liberty halfway around the globe? Let our white people lift up our dark-skinned citizens at home before we protect an Asiatic republic. If this hypocritical solicitude for the rights of 8,000,000 colored men yonder beget real solicitude for 10,000,000 colored citizens at home it could better be endured. Let Senators remove this beam in their own eyes, and then see clearly the motes in the eyes of their brothers.

SECESSION OF TERRITORY AN OBSOLETE DOCTRINE.

Our Supreme Court has decided that we can acquire territory by purchase or by conquest like other sovereign States. It is not our right or duty to surrender territory lawfully acquired when some of the people thereof demand its surrender that they may

experiment with independence. It is a craven policy to surrender our lawful territory to people who will surely miss independence and bring upon themselves anarchy or despotism.

No nation not degenerate has ever done such thing. If the Filipinos upon an island have such inherent right to take our territory for such experiment, upon the demand of its inhabitants, each State at home, each Territory at home, has the right to demand independence. What, then, would become of our Union? What, then, would become of the Territories for future States? We endured a long and bloody civil war to determine whether or not this theory should stand.

In this century we will submit to no secession, to no surrender of our territory. The Administration of President Roosevelt will not haul down our flag in the Philippines.

There the Federal party, several hundred thousand strong, is teaching the Filipino people that to grant independence to the Philippines would be to hand over the islands to disorder and to anarchy, to destruction and to chaos.

Meantime this Administration will follow the path wherein President McKinley walked. It will not ignore the differences which make Orientals unfit for many of the institutions which are essential to the energetic races of the West. A commercial civilization and the Christian faith will steadily help us lift up the lazy and superstitious inhabitants of these tropical islands. This Administration will not be goaded by unthinking demagogues to introduce modes and maxims of government borrowed from our institutions, the long result of time but utterly unsuited to Orientals. We will advance steadily but cautiously, surely, to fit these peoples for and fit them to the free institutions of the Western World.

Modernized Japan has just erected a monument to Commodore Perry for opening that Oriental nation to the Western World. In the Philippines a grateful people will yet rear monuments to McKinley and his coadjutors in the coming time for carrying liberty to our antipodes.

Our flag over this roof comes down in Washington in the evening twilight. At the same hour our flag rises over Malacanan in Manila and salutes the dawn. In the stately procession of the hours somewhere over our territory our ensign forever flies in the light of day. And forever, all around the globe, as it floats over our soil, it will continue the symbol of light and hope, the symbol of liberty and law.

Mr. TILLMAN and Mr. BURTON rose.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Kansas [Mr. BURTON] gave notice that he would address the Senate at this hour to-day.

Mr. TILLMAN. The Senator from Kansas gave notice of a speech which he had prepared and which he can delay for a little while. If he does so, it will give me an opportunity to make a passing allusion to some things the Senator from Maryland has just said, which, I think, require an answer now.

Mr. BURTON. How long will it take?

Mr. TILLMAN. Not very long, because I do not propose to follow the Senator in all his meanderings. I simply want to touch on a few points.

Mr. BURTON. I will yield to the Senator from South Carolina.

Mr. TILLMAN. Thank you.

The PRESIDING OFFICER. The Senator from South Carolina will proceed.

Mr. TILLMAN. Mr. President, Tom Hood in one of his satires has said:

> Of all the pride since Lucifer's attaint,
> The proudest swells the self-elected saint.

In listening to the complacent address of the Senator from Maryland, the ease with which he pooh-poohed the actions which curdle other men's blood, the aplomb, the vanity, if I may be pardoned the use of the word, with which he touches on this grave and serious question, I could not help being reminded of Hood's aphorism.

I do not propose, as I said to the Senator from Kansas, to go into any extensive discussion of this subject now. I had not intended or expected to discuss it at all, but there are some things which have been said which must be answered.

I have in my hand a letter which came to me in the mail this morning, and it is one of many which are continuing to come. The cloud of witnesses who will testify to the infamies which have been perpetrated upon the Filipinos is growing so as to almost darken the sky.

CONCORDIA, CLOUD COUNTY, KANS., *May 5, 1902.*

Hon. BENJAMIN TILLMAN.

DEAR SIR: Another witness of the inhuman outrages upon Filipinos has just been discovered by me. His name is George S. Anderson, of this city, a perfectly reliable young man. His regiment was the Thirty-second Volunteers and his Company I. Place of operations, Luzon.

He saw the "water cure" applied a "good many times." Not a "few," mind, but a "good many." He also saw them tied hands and feet and thrown into a line four and five deep and left until nearly dead and then dragged out. One poor wretch, after being taken out of the water scarcely able to move hand or foot, was run through by a soldier with his bayonet. The colonel of his regiment was L. A. Craig, and he seems to have been possessed of the "regulation order" of brutality. His captain's name was Frank M. Brumbold, and he seems to have been a most inhuman wretch.

I hope the investigation will not cease until the attempt to mislead the public by saying, "Oh, there was only a few isolated cases of brutality. The treatment generally of the Filipinos was humane." There should not have been one case.

Very truly, yours, J. M. HAGAMAN.

I hope the Senator from Maryland will do me the honor to remain in hearing. [To Mr. MCCOMAS, who arose as if going out.] This is only an incidental allusion to another witness who may or may not be summoned by the Committee on the Philippines, but from the leisurely way in which we are proceeding with that investigation and the difficulties which are thrown in the way of the minority of the committee to obtain certain witnesses it is the evident purpose of the majority here to force this legislation to a vote, if possible, before the light shall be fully turned on, knowing that if these infamies are proven conclusively, as we propose that they shall be, if given the opportunity, when the American people come to vote on this question next November there will no longer be a majority at both ends of this Capitol committed to this infamous policy.

They want the law; they want the statute; they want the fixed condition and the vested right that will grow up under this infamous proposition that is now on its passage in order that there can be no change until there is a revolution in both ends of this Capitol, as well as in the Presidency, and I am almost ready to promise you that so far as my own individual efforts may contribute to that end you shall not pass this bill until the light has been turned on and we have all the information which we seek to obtain.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. Yes, sir.

Mr. DIETRICH. I should like to call the attention of the Senator to the fact that the bill provides for the free and unlimited coinage of silver, and it certainly ought to have his support.

Mr. TILLMAN. Oh, please do not bring in all the old gags with which you are loaded. The bill does not provide for the free and unlimited coinage of silver in the United States. It only grants that glorious privilege to your colonial possessions for the purpose of some banker or some other capitalist making some money, turning an honest penny.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. Does the Senator wish to be understood as serving notice on us that the other side will not permit us to act on this bill?

Mr. TILLMAN. No; I only spoke of my own individual desire and wish. I have had no consultation with anyone as to any intention of delaying action on the bill, but I declare that it is the duty of this Senate not to pass any statute affecting the rights and property and liberties of the Filipinos until we have had full opportunity to let the American people determine whether they want this policy continued. That is what I proposed to say, and what I do say in unmistakable language.

I have another letter of a different kind, a most pathetic letter, which came to me some time ago. I will read only parts of it, for the reason that there is in it the natural complaint and sense of wrong and injury of a father who feels that some of his own people, members of this body and the other, have not dealt with him as they ought, and therefore I will not insert all of it:

BEARDSLEY, MINN., *April 20, 1902.*

The Hon. Senator TILLMAN:

Knowing you to be a man of integrity and honor, I take the privilege to urge you to use all honorable means to put a stop to this accursed war in the Philippine Islands. It is too late to save my poor boy, whose name is among those on the inclosed clipping from a Chicago paper.

He goes on and winds up as follows:

May God forgive them for all the tears and misery so many must go through on account of their unjust and unrighteous war.

Yours, very respectfully,

T. K. HUNDEBY,
Late Sergeant, Company K, Fifteenth Wisconsin Volunteer Infantry.

The clipping which he sent me is as follows:

Violently insane—Terrible condition of soldiers who drank the Filipino "vino."

I will mention here that the old man said his son was a sober boy and did not drink any vino, had written to him about its effects, and he does not believe that that was the cause of his trouble.

CHICAGO, *March 17, 1902.*

A car of insane soldiers passed through yesterday. There were eighteen in number, and they are being sent from the Philippines to the soldiers' hospital at Washington.

Every one of the eighteen is violently and incurably insane. Their wild, haggard faces peered menacingly through the windows of their coach, their manacled hands wildly threatened the onlookers, and their fiendish shrieks and laughter echoed through the depot. Few of them were apparently diseased in body.

The affliction is due principally to indulgence in the Filipino "vino" and other harmful liquors sold in Manila, aggravated by the heat. The malady is of a violent and persistent nature and will not respond to any treatment that has yet been discovered.

As the train pulled into the station there was a sound as of a managerie approaching. The imprisoned men were chattering, snarling, moaning, and whining like wild beasts, and the noise was terrifying to the spectators.

Depot employees and trainmen who passed the car, not knowing of the presence of the maniacs, were greatly frightened when they heard a snarl of rage and then looked up into fiendish faces, which had their lips drawn back and teeth exposed.

The condition of the maniacs was pitiable in the extreme. All were absolutely mad and violent. Everyone of them wore leg irons and handcuffs, and some were in strait-jackets and bound to their seats in the car. Most of them are young men.

The guards state that sometimes for hours the men will be perfectly docile and will give no signs of insanity. They will play cards by the hour and chat among themselves. Suddenly something unusual will happen, an excitement arises and then bedlam breaks loose. It requires the combined force of the guards and of the one negro lunatic, who at present imagines himself to be a guard, to quell the disturbance. This negro is constantly on the watch for trouble, and takes a forceful part in it when it comes. His especial enemy is a large German, whom he watches like a hawk.

Among the patients in the car are Geo. Bowers, Company M, Twenty-second Infantry; George Taylor, Company M, Sixteenth Infantry; John Haley, Company F, Nineteenth Infantry; Thomas Petty, Company I, Twenty-fifth Infantry; Martin Spichler, Company D, Fifteenth Infantry; Samuel Steel, Company H, Nineteenth Infantry; George W. Hundeby, band, Sixteenth Infantry; Albert Rath, Troop L, Fifth Cavalry; P. I. Malone, hospital corps; W. B. Kerr, Company I, Twenty-second Infantry; Harry H. Wright, Company F, Fourth Coast Artillery.

I have here another clipping, sent me by another correspondent, from Omaha, Nebr., dated March 21, which reads:

A PATHETIC SIGHT—CARLOAD OF UNFORTUNATES CRAZED BY SERVICE IN PHILIPPINES.

OMAHA, *March 21, 1902.*

Quite a commotion was caused at the Union Station by the arrival of a carload of maniacs from the West.

They were United States soldiers gone insane in the service in the Philippines, and their condition was pitiful. All were absolutely mad and violent.

All wore leg irons and handcuffs, and some were in strait-jackets, being then bound to isolated parts of the car. There were 18 of those maniacs in all.

The guards and caretakers were a squad of Government soldiers stationed at the door of the car and at intervals along it with clubbed guns.

As the train pulled into the station there was a confused sound, as of a menagerie approaching. The imprisoned men were chattering, snarling, growling, moaning, roaring, and whining like so many wild beasts.

Each one seemed to imagine himself some representative of the animal kingdom, and the result was terrifying.

The Chicago, Milwaukee and St. Paul road took the men to the insane soldiers' hospital at Washington.

In connection with this question of the responsibility for the cruelties and infamies that have been perpetrated, some time ago I got a letter from a friend in Charleston, stating that a young man, recently discharged and returned home from the Philippine Islands about the time of this agitation in regard to the water cure and other cruelties was becoming current, or had sprung up here and elsewhere, knew a great many of these things, and a great deal about a good many incidents, and was speaking among his friends on the subject. I got his address and wrote to him, asking him what he knew and what he was willing to testify to. Some days ago I got a reply from him, and I will read it to you. He says:

CHARLESTON, S. C., *April 26, 1902.*

Senator B. R. TILLMAN,
Washington, D. C.

HONORED SIR: Your honored favor of the 18th instant to hand some days ago, and regret very much my tardiness in answering.

In regard to my appearing as a witness before the Committee on Philippines, beg to state that the officer with whom I was most connected is now dead, having committed suicide about six months ago, and as it would seem irreverent to speak of action of the dead, I do not care to testify. Under the circumstances I would ask that I be excused from this unpleasant duty.

Personally, I would consider it an honor to do anything I could for you, but ask that I be excused from the notoriety of appearing before the committee.

Yours, very respectfully, W. F. ADAIR, JR.,
41 Society Street East, Charleston, S. C.

Everyone who has any of the elements of a gentleman in him, or of a brave, true man, must respect this youth for his sensibility and sense of honor, which keeps him from smirching the name or the reputation of a man who has already gone to his account.

Mr. President, there are so many of these things coming from so many sources every day that it is not worth while for any Senator to longer pooh-pooh and sneer away, or attempt to sneer away, the fact that the American soldiers in the Philippines, from the South as well as from the North—because our sons have gone there under the flag like yours have—have begun to deal cruelly with those people, as the history of the human race from the time we have history shows that the white races have been cruel to all the colored races, that they are indifferent to their sufferings and their rights, and treat them with a malignity and sometimes with a cruelty that is simply fiendish.

The Senator from Maryland [Mr. MCCOMAS] injected into this debate for the first time a discussion of a certain phase of the question that I shall briefly allude to and then dismiss, so far as I am concerned, and that is the hypocrisy of the Southern people and the representatives of the Southern people in standing here and demanding that you treat the Filipinos differently from the way in which we treat our Southern negroes. When you get ready, if you ever get ready, again to bring into this Chamber any substantive legislation looking to remedying the conditions in the South from your standpoint, or bringing about a change in those conditions, we will be prepared to make our case clear before the American people and defend the present situation and the causes which have brought it about.

I do not think it is either proper or wise to have this question brought in here in this way, just as I do not think it is wise or proper to inject into a discussion of the condition and the conduct of the war in the Philippines any comparison or allusion to our own unfortunate fratricidal strife forty years ago. I will simply call attention, however, to the fact that the Republican party, in its incipiency, back in the fifties, clamored for the "fatherhood of God and the brotherhood of man," and declared that the Constitution was a covenant with death and a league with hell, or words to that effect. I do not know that I have got the exact quotation.

The agitation which grew up in that unfortunate era led to our civil war. Some five or six hundred thousand men—I do not know how many and it never will be known—offered their lives upon the altars of their country, each side contending for what it believed to be right.

The negro was the casus belli, or his status was, and that brought on the strife, and there is no use for anybody to deny it. The Southern people had a view of the strife, or the war, which they had inherited from their fathers, that their States had entered into the Union voluntarily; that it was a federation, which could be terminated when the conditions which led up to the Union were broken. I do not intend to go back into all this matter, but merely to give a general outline.

It is not worth while to defend secession here because secession failed; it is not worth while to revive these bitter memories of the blood which was shed and poured out freely by brave men on both sides, because it is not worth while for any man to dispute the fact that the Confederates were as patriotic and as true to duty, and their conception of their duty to their States and to themselves, as any man who ever wore the blue. No honest man, no brave man, no decent man disputes that. The war ended; the South was whipped or crushed. We were never whipped, but we wore ourselves out whipping you. [Laughter.]

The claim on the part of the North was, "Restore the Union; give us the Union;" and Alexander Stephens was told by Abraham Lincoln at the Hampton Roads conference to take a blank sheet of paper and write, "Save the Union;" and President Lincoln said, "Aleck, you fill out the balance, and I will agree to it."

The Union was restored; the Union was saved. Every Southern soldier knew when he surrendered at Appomattox and Salisbury that we would be a nation thenceforth. Every man, woman, and child in the South knew that slavery no longer existed. We had gone into that fight, we had cast our all into the balance and lost; but was there ever a hint of a purpose or of an intention that with the cessation of the war, with the restoration of the Union and the destruction of slavery, we would be called upon to submit to the rule and control of our former slaves? Never.

If you had dared at Appomattox or anywhere else to disclose your purpose—I do not know that it was anybody's purpose then—but if it had ever entered into the minds of the Southern soldiers that it was not only to restore the Union and destroy slavery and then put the ex-slaves in charge of the State governments and make them control our affairs, I tell you here there would have been a guerrilla warfare inaugurated throughout the swamps, the woodlands, and the mountains of the South that would have made it impossible that you should have won in the long run. The history of the struggle in South Africa, the history of Marion and Sumter in the Revolutionary strife, will bear out the observation which I make, that with the cessation of the war in 1865 the reason guerrilla warfare was never entered upon was because we believed you were true and honest in what you said, that you only wished to restore the Union and to destroy slavery.

But with the reconstruction period which followed—I am not going to talk about it at length; but when I think of it bitterness surges up; it comes up in such a volume of animosity and recollection of the degradation to which my people were subjected from 1868 to 1876 under the horde of carpetbaggers and thieves and scoundrels and ignorant negroes that I hardly know how to contain myself—but it suffices for me to say for the purposes I have in view right now that after we had seen our ex-slaves—poor, ignorant creatures—given the ballot—after we had seen the

election held under the bayonet and with a numerical majority of 30,000 negroes inducted into the control of the State of South Carolina, and there being to-day 235,000 more negroes in my State than there are whites, and 300,000 more negroes in Mississippi than there are whites—you declared that a man 21 years of age, without regard to any other qualification, was fit to vote, and that the right to vote carried with it the right to govern where they were in the majority.

I could go back, and I have done so during the debate with my friend from Wisconsin [Mr. SPOONER], some two or three years ago, in which I came out boldly and, like a brave and true man, told you when we found we could not overcome this numerical majority by any fair and lawful means, that we simply asserted our manhood as Anglo-Saxons, and asserted it by whatever means we thought necessary, and we took possession of our State and defied you to protest against it or prevent it.

Grant had sent a regiment of ten companies of Union troops into my own county of Edgefield; sent there to repress the "rebels;" sent there to subject us to the government of those negroes and their carpetbag leaders. They were ordered to preserve order, to prevent us from terrorizing the negroes, to keep them from being kept from the polls, and to let them vote. They obeyed their orders as well as they could, but the result of the election was that, with a numerical majority of 2,000 more negroes who were 21 years of age, and who, under the dispensation of my friend from Maryland [Mr. MCCOMAS], were entitled to vote, and ought to be allowed to vote now—with ten companies of troops and 10,000,000 more back here to go down there if it was thought they were needed to keep us down, how did they come out in the struggle against white manhood and white brains? We only beat them 3,900 votes. [Laughter.] But we could have beaten them 6,900, or 9,900, or 99,000 if it had been necessary.

Mr. MCCOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. TILLMAN. Yes, sir.

Mr. MCCOMAS. If the Senator will allow me, I am amazed at their moderation—only 3,900!

Mr. TILLMAN. Well, that was all we needed. We only wanted enough to reestablish decent, honest government and white supremacy, and we did it. Where is the man in this Chamber, or out of it, who will say we did not do right? If there be one, let him hold up his hand and dare get up here and say so. We had to preserve our civilization, our homes, our lives, our wives, our children. Our everything was at stake, and we asserted our rights to live on the earth and to inhabit the land we had won from the Indian before the Revolution, and we had helped to win the Revolution itself. You could not help it then, and you can not help it now.

What is your attitude now? Do we any longer hear anything in behalf of the colored man in the South? You have got to whining around now and saying, "Oh, well, those people ought to have a free ballot and a fair count because the Constitution gives them the right, but we do not see how we are going to accomplish it; and, therefore, we reckon we will have to take your representation away." That would mean in good time the negroes would be turned over to our tender mercies.

Ah, it is so easy to sit off and not be brought face to face with a condition and theorize and sentimentalize about it; it is so easy to lay down a rule of conduct for some other white men in dealing with this question here at home, which you would not follow under the conditions which we have to face; it is so easy to say, before you undertake to establish a policy in the Philippines, "You had better clean before your own doors and give to the colored people of the South the right which the fourteenth and fifteenth amendments guaranteed to them."

I do not want to get into this race question too much; but what I want to ask you is, What has become of your love for the colored people? Where is your consistency about your "fatherhood of God and brotherhood of man" doctrine of forty years ago and of thirty years ago and of twenty years ago?

It is only about ten years, or something like that, when the force bill was endeavored to be passed through this body. It was passed through the other end of Congress and came in here and was only defeated by two or three votes. The purpose of that bill was to forever put the Southern whites under the heels of the negro majority, protected by national legislation and an army, if need be.

In dealing with Porto Rico, in order that a man should vote you required him to be able to read and write, and in dealing with Hawaii, what did you demand? That a man should be able to read and write before he could vote. Now, in the Philippines you want to emulate us of the South; you want to show your hands in dealing with those yellow people or negroes. You want to try your hands to see if you can not eclipse us. We have not had any water cures in the South on the negroes, but one Senator said the other day something about the sand cure. I say, from my knowledge of the situation, that when we get ready to put a negro's head in the sand, we put his body there, too. There is no need for any of this kind of cruelty, and we do not indulge in it. We are simply doing what you forced us to do to preserve our civilization and maintain that control of our affairs which is necessary to decent government and a government under which we can afford to live. You have veered clear around; you have boxed the compass and gone to the other side of it, and you deal with the colored races of the Orient differently from what you deal with them here.

You say that the negroes in the South are fit to govern themselves and fit to govern us if they have a majority, and yet you say the Filipinos are absolutely unfit to participate in government or have anything to do with it; they have got to be educated, and by what? By a military despotism such as you claim that Aguinaldo had established and would have maintained if we had recognized the Filipino people and left them to govern themselves in their own way and had kept out of the miserable mess of indulging in pseudo philanthropy, hypocrisy, infamy, and everything that degrades and disgraces the American people.

I want to call attention before I leave this matter to one fact, and that is that the Northern soldiers who marched South in 1861 believed they were doing their duty by their country; they believed that the slavery of the African was wrong, and they were ready to risk their lives in the issue that he should be emancipated and that the Union should be restored; but the Union soldier of that day and time, fighting the war which had come up, I might say, as an inheritance from our fathers, fighting because there had been a difference of opinion as to the construction of the Constitution, which could only be settled by war—that Union soldier would to-day scorn and spurn the doctrine of commercial expansion which makes you turn the flag into an emblem of tyranny and subjugation after having bought these people, against their protest, and after they had gone to war with Spain for their liberties before we went to war with Spain to release Cuba from its thraldom—those old people of both sides who fought the civil war were a better type of men than we are. Poverty has demoralized the South, and wealth has made you of the North rotten.

Mr. SPOONER. I want to ask if there is anything personal about the Senator's proposition? [Laughter.]

Mr. TILLMAN. "You" is a collective term, meant to embrace every man who approves of this infamous policy in the Philippines. [Laughter.]

But the point to which I wish to direct your attention is, that while the institution of slavery—thank God, I say, it is gone, because it enslaved the whites more than the blacks, and I would not restore it if I could do so simply to the extent of signing my name—but with the sentiment which prevailed all through the North in regard to this matter through the reading of Harriet Beecher Stowe's novel of Uncle Tom's Cabin and the oratory of Wendell Phillips and other abolitionists, you were all taught and educated to believe that the institution of slavery was one which involved a great deal of cruelty and fiendishness and crimes which are unspeakable.

I look back to my childhood on a slave plantation where there were a hundred slaves, and I remember nothing of that. There was an occasional whipping of some one because of laziness or some disobedience, but I recall nothing but kindness in the main, and an effort to give them good clothes, plenty of food, and to take care of them in sickness, and all that kind of thing.

But to prove, if proof be necessary, that your complaint of what was termed "slavery" was erroneous, I want to call your attention to one fact, which stands out like the Washington Monument upon the Mall, and that is, if it had been left to the ingenuity of Machiavelli and the devil in combination to set up and provide a condition which would enable the most horrible retributions and the most fearful revenge—with the absence of every man in the South from 16 to 60 years of age with Lee and Jackson, with the plantations left in the care of negro men, and the daughters and the wives and other loved ones of those absent Confederate soldiers perfectly helpless and at the mercy of 4,000,000 blacks, 1,000,000 of them men—there is not an instance on record of a solitary negro man having ever been guilty of a deed that in the least could be construed into any criminal purpose or act. There is not a rape, there is not a murder, there is nothing to reflect upon the condition of friendliness and of the love which existed between the master and the slaves which he held.

Now, with your new-fangled doctrine of the equality of man, not Jefferson's doctrine, because Jefferson was a slaveholder when he wrote the Declaration of Independence, and the Constitution provided for slavery and protected it, but your new-fangled ideas as to the equality of man and the reconstruction acts, and your organization of the negroes by the Union League, by which every negro man swore on the Bible to vote the Republican ticket for the balance of his life because he had been freed from bondage

by that party; with the inauguration of Republican government, so called, carpetbag government, and negro government in the States; with the indoctrination of the minds of those people—those poor Africans—with the idea that they were as good as the white people, or a little better, and that their former masters owed them something for their unrequited services through long years of servitude; with the impregnation of their minds and hearts with this feeling that the Southern whites had been cruel to them, had wronged them, and had dealt with them unjustly; that they were equal with the whites; that they were now in control; that they had every right that a white man had, and that they were being backed by a majority of the people of the country—by the United States Government and the United States Army, if necessary—what has grown out of this? What has come from your Pandora's box which you opened in 1868, with your reconstruction devilment and your doctrine that the negroes are as good as the white people?

There is not a day that we do not hear of some horrible crime being committed by one of these poor wretches; there is not a day that we do not read of white people who become enraged and lose their sense of civilization and everything else, and seizing him and doing him to death in a brutal and fiendish manner without trial or anything else. Why, even bleeding Kansas has her story of rape and a negro burned for it. I have known of two rapes, followed by murders, within the sight of the Dome of this Capitol since I have been here—white girls, somewhere in the suburbs of this city, robbed of that jewel which is the most precious possession of a woman's life, and then butchered to hide the crime. Throughout the South there is to-day an unnamed horror hanging over every household whose loved ones are left in isolation or segregation on the various farms and obliged to be there. No father leaves his home without the dread that when he returns he may find something horrible to meet him.

We have in the United States a problem which will give you scope for all the philanthropy and all the humanity and all the Christianity and all the elevating, humanizing, Christianizing forces of which you are capable, and yet you turn your backs on that and march to the East and seize ruthlessly and by torture and by infamies, villainies, and cruelties the habitations of the poor Filipinos. And you murder, you butcher, you shoot them in blood, you torture them, you do everything. You have eclipsed the South in your story of infamy under the United States flag in the Philippines. If you make up a catalogue we will not be able to equal it, although we are not trying, the Lord knows, in a century, and you have done it all in three years, and you have done it in the name of Christianity and humanity and liberty.

Well, I do not know what to do about it. I do not know what to tell you to do about it. I see no end to it. I can see only one thing—and in that you are obliged to sympathize with us—that, come what may, the Southern white men intend to govern their own country. We will not submit to negro domination under any conditions that you may prescribe. Now you have got it. The sooner you understand it fully and thoroughly, the better off this country will be.

You say we are hypocrites because we protest against your policy in the Philippines. It is because we realize that the body politic in the United States already has coursing in its veins the blood of 9,000,000 black people, and that is poison enough. We protest because we do not believe (as Southern Confederates we could not believe) that it is right to go into a country and desolate it with fire and war under a claim of sovereignty. I can see some justification for the war of 1865 to maintain the Union. I am catholic enough to grant that you did what you thought you ought to do, and if you will grant us that we did what we thought we ought to do to defend our homes, to resist invasion, to repel from our borders those who came there to take from us the rights of freemen, that is all I ask.

We are in the Union. We are not dissatisfied with our condition, although every day we see discrimination upon discrimination here, and realize that we are a conquered people, and that your purpose is to continue to treat us as such, and to squeeze from us every dollar you can get. We have paid, since the close of the civil strife, in pension burdens and in the payment of the public debt and interest at least two and a half billion dollars tribute, which has gone among you and has been spent to beautify and to broaden out and to lay deep the foundations of your prosperity.

Mr. CLAPP. May I ask the Senator from South Carolina a question?

Mr. TILLMAN. Certainly.

Mr. BURTON. I yield to the Senator from Minnesota. [Laughter.]

Mr. CLAPP. Have you ever figured out how much the South has received since the war in river and harbor appropriations?

Mr. TILLMAN. No; but it will not amount to a postage stamp compared to what the South has paid in pensions.

Mr. CLAPP. Figure it up.

Mr. TILLMAN. You had better figure it up. I make an assertion. Disprove it if you can. I defy you to do it.

But I must not impose upon the good nature and courtesy of my friend the Senator from Kansas. If Senators on the other side care to resume this discussion at some future day, on some bill where it will be germane; if they will content themselves now with defending the Philippine policy without undertaking to dress it off with a gloss of patriotism because Sherman did some devilment in 1864; if they will endeavor to show that their policy is for the best interests of the people, and if a majority say so, I will submit, but do not charge me with hypocrisy when I can see the hypocrite oozing out of you all over.

But do not let us discuss these questions. We want you to vindicate before the people your policy toward the Philippines, to exonerate the American Army from the stigma now resting upon it, and we propose to hold you to the issue. We will discuss the South; we will discuss the negro; we will discuss carpetbag government; we will discuss anything you want if you will bring in a bill affecting those questions, but we are not going to run off after foxes just now. We are after this Filipino coon, and we want his hide.

Now, I may some time marshal the evidence more fully, though I do not want to do it. I think that if Congress had the authority, sustained by the Supreme Court, to pass an act forbidding any member of either body ever injecting into debate any discussion of the civil war or the revival of any of those bitter feelings of the past, it would be a blessing to our country. We of the South are the sufferers. We are the men who were wronged, as I believe. You think you were justified. We are ready to let you think so. But to bring into a debate, on an entirely different proposition, as a vindication for the infamies being perpetrated over there, the fact that something of the kind was done forty years ago by white Americans against white Americans does not make it right. It is not patriotic. Two wrongs do not make a right anywhere, and you can not justify wrongdoing in the Philippines now upon the general proposition that "war is hell."

This is not war. It is slaughter. There has been no war in the Philippines since the first three or four months after Aguinaldo's army was dispersed and his capital taken. It has simply been a guerrilla warfare, oozing out from the people themselves. It has been simply an irresistible impulse on the part of those people. You expect to change human nature. You expect to alter the currents of the human heart. You expect to have these people, in servile and abject slavery, crawl around between the legs of your autocratic Commission or your military officers and submit absolutely, when you do not tell them what you propose to do finally. We have asked you to declare your ultimate purpose, to say whether or not these people may ever expect to have that modicum of self-government to which they are entitled and which your profession as the Republican party would make you hasten to give them if you had not changed and lost all recollection of the glorious past of the Republican party.

But the Senator from Massachusetts [Mr. HOAR], aiding the Senator from Maryland [Mr. MCCOMAS] on a matter of history, to which I refer with sorrow, undertook to show that Columbia burned itself practically, or words to that effect; that it was an accident. I have only one witness present. As I said, I may bring others. I know this. After Sherman's army crossed the Savannah River into South Carolina from the column there marched on either side for 15 or 20 miles foraging parties or scouts, and there was very little left, after the army had passed, except the wells and the chimneys. They did not burn themselves. That was not accidental. I know that there are living in Columbia to-day scores of people who saw Union soldiers running from house to house applying the torch, and who will swear to it. It does me no good to bring this up, but I will produce this one witness. I have in my hand the Memoirs of Gen. William T. Sherman, written by himself, and from page 287 of volume 2 I read this:

> Many of the people thought that this fire was deliberately planned and executed. This is not true. It was accidental, and, in my judgment, began with the cotton which General Hampton's men had set fire to on leaving the city (whether by his orders or not is not material), which fire was partially subdued early in the day by our men; but, when night came, the high wind fanned it again into full blaze, carried it against the frame houses, which caught like tinder, and soon spread beyond our control.

Now, the city of Columbia is a city of homes. It was at that time a city of homes. In recent years manufacturing industries have sprung up in the suburbs. But the city as then constituted had wide streets. The houses had yards around them from a quarter to a half acre in extent; some of them an acre; and no wind that could rise in February, when the roofs were wet, could have spread this fire. Circumstantial evidence would refute the assertion. There was some correspondence and charges immediately afterwards in regard to how the fire originated, and General Sherman charged General Hampton with having burned it. Of

course Hampton would not be expected to have burned the property of his own family, of his own kindred and friends in the neighborhood. But what does General Sherman himself say:

In my official report of this conflagration—

The document, which doubtless the Senator from Wisconsin [Mr. SPOONER] has near by, because he always has some ammunition ready; if not he, some other—

In my official report of this conflagration, I distinctly charged it to Gen. Wade Hampton, and confess I did so pointedly, to shake the faith of his people in him, for he was, in my opinion, a braggart, and professed to be the special champion of South Carolina.

Here you have the Lieutenant-General of the Army; a man whose memory you revere very highly, and to whom you are going to erect a monument; a man whose services in suppressing the rebellion, if you choose to call it such, every man acknowledges; whose military genius no one can dispute. And what does this paragon say? He confesses, over his own signature, that he had deliberately falsified the record and charged Hampton with doing it. Why? The war was over then and everybody knew it. It had frazzled out to a few dying leaps of the flames, and it disappeared in darkness, so far as the South was concerned, two months later, in April, when they marched through the center of the Confederacy, cutting it in two, and then marched up to Richmond. That was as evidently the end of the struggle as anything could be. Yet he deliberately undertook to smirch the record and fame of the opposing commander and to say he did it. Still men get up here and talk about the burning of Columbia—that it was done by accident or by Hampton.

Mr. President, it is better that we leave these old things alone. There is nothing to be gained by rehearsing them. We can revive, if it is the wish of the people on the other side, the dying embers of that struggle or the almost dead embers, because there is very little left but ashes. I know of no man in the South, except here and there an old unreconstructed rebel, you may term him, who bears any grudge. We are all one people. Our destinies are the same. All that the Southern people demand of you is to maintain the integrity of our institutions and to keep the flag untarnished by any star, pinned to it by a bayonet, which is not an equal star.

We abhor your scheme of subjugation of the Philippines. We abhor your hypocrisy in dealing with a colored race who alone must inhabit that archipelago, because nobody knows better than you do that there is no opportunity for any immigrant; that the conditions are inimical, and that our tenure there is only for the purpose of exploitation, the furnishing of a field for the investment of capital, the possible expansion of commerce by selling to those people, the use of Manila as a depot in the archipelago. We could have got that without spending one dollar. We could have had all we wanted in the way of commercial treaties with those people. We could have had their gratitude and love for all future ages. We could have warned off trespassers and spread the Monroe doctrine to the Pacific, as far as those islands are concerned, by saying to the world, "Hands off! These people have fallen to us as wards in chancery by reason of the war with Spain, and we propose to treat the Filipinos the same as we do the Cubans." But the inordinate greed of some, the desire of some men to get ungodly and indecent wealth, is at the bottom of this bill.

You had a tariff law here some time ago, urged and stressed and pushed with might and main through this Chamber under the plea of necessity when everybody knew there was no such necessity. There is no necessity now for this government bill which you are pushing here. It is simply for the purpose of obtaining what was denied by the amendment which we passed in the last hours of the last session forbidding the sale of public lands or the use of timber or the sale of mines.

The game here is simply to open the islands to the exploitation of those who are on the ground floor and have already mapped out their mines or their forests or their other holdings, which they will speedily obtain through this instrumentality as soon as you shall have passed the bill. And yet you stand here and you endeavor to bamboozle the American people into the belief that your purposes are holy and pure, and you sneer at us in the South because we say to you we have at home Filipinos, as my friend, the Senator from Maryland, calls them. Yes; we have Filipinos, and they are a lower type of men than your Filipinos.

You have entered upon the downward road which will lead this Republic to degradation and ruin. You have begun to educate our people in the use of the Army in governing other people, and you whine about the Southern people and their hypocrisy in dealing with the negroes and taunt us with the demand that we shall take care of our Filipinos before we interfere in your game of water torture, and of murder, and of other deviltries in the Philippine Islands. We are not going to do it.

We inherited the negroes. The present generation of white people in the South had nothing to do with their presence there. They did not have much to do with the war, in fact. Your fathers, you New Englanders—and all of you are New Englanders in one sense—imported these slaves and sold them to us, and then your consciences worried you until you freed them. You used to pray at nights over our infamies and wrongs to the poor black men. Let us quit this deviltry. Help us in the South to get rid of the incubus of negro domination hanging over us like the sword of Damocles. Let us colonize them. Let us do anything you please that will get them away and out from among us. They threaten our civilization.

They teach us inhuman acts when they themselves do inhuman acts. Lynch law will last as long as water runs down hill, if they continue to rape our wives and daughters, and you can not help it. I protest and I beg you to let this question drop with respect to the matter of comparison between the South and the North, because the odium is on you. You have gone out into the Pacific and bought these people against their protest. We of the South have the colored people among us because God Almighty placed them there before we were born.

Mr. BURTON. Mr. President, I have never heard a speech like that just delivered by the Senator from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. No; and you will never hear another one.

Mr. BURTON. I have heard of them. When I was a little child my father used to tell me about speeches of that kind, but I supposed we had passed away from that period.

I have been surprised at the seeming feeling exhibited by certain Senators upon the other side in the course of this debate. It is explained now somewhat. Evil to him who evil thinks. In other words, there is a plain, homely phrase that every man judges others by himself. The man who can stand in the United States Senate and defend slavery and boast of having established and maintained government by the shotgun, and even boast of committing murder, such a man, of course, is liable to misconstrue the benevolent purposes of Senators who are trying to carry the blessings of civilization to the Philippine Archipelago.

I observed one thing, however, while the Senator from South Carolina was talking, and I was right glad indeed to draw, I think, a proper inference from it, and that was that the audience he had was on this side and not on the other. It is a compliment to the wisdom and sagacity of Senators on the other side that they did not want to hear a speech of that kind.

Mr. President, is it not astonishing that a Senator in one breath can appeal to us to maintain the purity of the Government, to keep the flag unsullied, and in the next breath can boast of committing crimes against the Government too hideous to describe?

Mr. President, the pending bill proposes a further step toward the establishment of civil government in the Philippine Islands. It follows the line of policy that the Administration is pursuing and that President McKinley inaugurated, namely, the establishment of civil government for that of the military, and to give to the inhabitants of those islands local self-government just as fast as they are capable of exercising it. How long it will take to bring these people and the future inhabitants of that territory to the high plane of capable citizenship I can not tell, but so long as the Republican party directs the affairs of this Government the effort in that direction will be continuous and never ceasing until it is demonstrated that there is no hope of accomplishing this great work. The task may be an impossible one. We may fail, but if we do, it will be the first time that this country has ever failed in its onward progress in the path of civilization.

Whether we will permanently retain the islands or not is a question not for the present, but for the future.

The position of the opposition is that we should furl our flag, withdraw our troops, and turn over the Philippine Islands to the Filipino. They say it might be well to remain long enough to help the people establish some form of government, whatever form they might choose, but in the meantime it is our duty now to declare our policy to be that we intend so soon as such government is established to withdraw from the islands.

Notwithstanding the bill is for the purposes stated, its discussion so far, by the opposition, has related almost entirely to the operations of our Army in the islands. The demand on the part of the opposition that we pull down our flag and withdraw from the islands causes Senators quite naturally to sympathize with the insurgents.

In a discussion on the Philippine tariff bill a few weeks ago the senior Senator from Ohio propounded the question to the senior Senator from South Carolina as to which side he was on in the contest between our Army and the insurgents, and that Senator, with his characteristic candor, answered emphatically, "I am on the side of the Filipino."

That states the real issue between the contending parties on this floor. We are standing for the American soldier. You are for the insurgents.

In saying this it will not be understood that I am attacking the integrity or the patriotism of Senators. I concede to the opposition the same quality of patriotism and integrity that I claim for myself. But the real situation must not be misunderstood. We contend that our Army, in putting down insurrection in the Philippine Islands, is doing right. Senators on that side of the Chamber contend that it is doing wrong.

I have listened to attacks against our Army, our officers, and men, charging that we are carrying on a war of barbarism and cruelties unsurpassed in the history of the world. Generals Otis, MacArthur, Wheaton, Chaffee, Funston, and others have been assailed upon this floor, time and again, in most vituperative and intemperate language. Up to this hour I can not recall having heard a kind word dropped from the lips of any opposition Senator in favor of our soldiers who have been fighting in the Orient. All the cruelties and barbarism perpetrated by that semicivilized people on our soldiers has not been mentioned, but every act of retaliation or apparent brutality that has been charged or performed by any of our soldiers has been heralded to the world.

All the complaints have been against our soldiers, and no criticism whatever toward the insurgents for their many inhuman and indescribable brutalities.

The Senator from South Carolina a few moments ago read a letter from Concordia, Kans., which he would not have given to the public if he had spoken to my colleague. That is the kind and source of very much of the evidence you are seeking to use against our soldiers.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BURTON. Certainly.

Mr. TILLMAN. The name was signed to the communication, thereby giving evidence of sincerity, and my only purpose was to furnish the name of a returned soldier who would appear as a witness, I presume, if summoned. That was all.

Mr. BURTON. Oh, yes; I understand the purpose of the Senator from South Carolina. It was for the same purpose that he told about a carload of maniac soldiers. He can go to his own insane asylum in South Carolina and find far more than a carload of insane people, if they should happen to be on cars. No one can hear insanity described without having a feeling of horror. There are insane people all over the country. If the Senator——

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. BURTON. Certainly.

Mr. TILLMAN. If I had not received a letter from an old Union soldier calling attention to the fact that his own boy was among this list of unfortunates and asking me to exert myself to stop this horrid war, I would not have dragged it in here.

Mr. BURTON. Are you through?

Mr. TILLMAN. For the present.

Mr. BURTON. The purpose of the Senator from South Carolina was very apparent, I think, and he is certainly not prepared to deny it. It was for the purpose of giving color to the charges that not only the officers and men there, but, in the language of the Senator from Utah [Mr. RAWLINS], that Senators upon this side of the Chamber, the President, and the Secretary of War have inaugrated a policy of brutality and cruelty that is unsurpassed in the history of the world; and in order that the Senator may furnish something like a tangible piece of evidence to support this vagary he read letters from some persons nobody knows anything at all about. As it happens, I know one of them.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. BURTON. I will yield.

Mr. TILLMAN. The Senator has got to the point exactly; the origin of the Filipino rebellion—if you choose, the insurrection over there. The infamy rests upon the head of the Senators who ratified the treaty.

Mr. CLAPP. Mr. President——

Mr. TILLMAN. I am afraid the Senator from Massachusetts [Mr. HOAR] will draw the rule on me that was incorporated here the other day, that I must not reflect upon Senators, but as he and I are about together on that proposition it may be that he will let me slide by this once.

Mr. CLAPP. I suggest to the Senator from South Carolina that he withdraw his reflection as to Senators, and let his remarks apply to Mr. Bryan alone.

Mr. BURTON. As I said before, evil to him who evil thinks. A man who does not think well himself does not believe that anybody else can. A man who is not inspired by good motives certainly does not expect good motives from other people.

If I may be permitted to make a few quotations from the speech made by the Senator from Utah, I think it will fully explain the attitude of opposition Senators toward the insurgents and toward our soldiers.

After charging, as he does, that the war was wantonly begun by the American troops, he says:

> Mr. President, there are facts which cry out for utterance. There are things which demand revelation. Across the water there are more than 10,000,000 of suffering people silent and unheard, but whose souls doubtless cry out against wrongs, cruel, unspeakable, beyond the ken of mortal language to describe.

Here, then, is a champion of the insurgents upon the floor of the Senate. I quote further:

> We know now, although it has been repeatedly, time and time and time again, officially denied by the Secretary of War, that this war has embraced features of barbarism and cruelty and torture equal to any in the history of the most barbarous peoples in the blackest ages.

Continuing further the Senator says:

> Mr. President, the war was begun in the manner which I have pointed out. Those who came in conflict with the American troops were slaughtered. It finally developed that no wounded were left upon the field. I say no wounded because the official reports of the wounded among the Filipinos do not disclose any wounded to speak of. Whether the marksmanship of the American troops was so unerring that in every instance they struck the fatal spot—a theory which was propounded in the testimony of General MacArthur—I must leave the Senate or those interested in this question to determine.

The foregoing is a charge, if not direct, by innuendo at least, that General MacArthur and other officers in command have raised the black flag in their efforts to put down insurrection, and that the order of "no quarter" has been given by our officers, and obeyed by our soldiers.

I will give another quotation:

> First the war was waged against men in arms, and they were slaughtered. Next it became stiffer by waging it against men and women and little children.

Note the language:

> Next it became stiffer by the burning of villages and, irrespective of age, sex, or condition, sweeping the land of every vestige of shelter and of food. Next it became still stiffer, following precedents of the Dark Ages, when tyrants resorted to excruciating torture to compel information and inflict punishment against people struggling to be free; tortures devised under the supervision of a Torquemada and the Inquisition; tortures employed by a Philip the Second in the Netherlands; the water torture and other hideous tortures so infamous that modern language fails to furnish terms in which to adequately and properly characterize them were applied to the racking of the nerves of a sensitive people, loving justice, music, and the higher arts of civilization.
>
> But the Secretary of War has denied this, and General Funston, coming back from the midst of its very universal practice, said: "It is an atrocious lie," and proceeded to describe it in a manner which showed his familiarity with the practice as it prevailed in his presence. These denials have been so impudent that it has really been astonishing that they could be made in the face of the overwhelming testimony of the universal and systematic practice of these brutalities everywhere where our soldiers penetrated in the Philippine Islands.

The foregoing presents the charge, among other things, that we are waging war against women and little children. I have not read all the evidence taken by the committee, but what I have read and from information given me by members of that committee I risk nothing in saying that not one single syllable of testimony has been presented that even tends to show that any child or woman has been intentionally shot by our soldiers.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BURTON. Yes, sir; I yield.

Mr. CULBERSON. Did I understand the Senator to say that not an instance can be presented in which a child has been shot?

Mr. BURTON. Intentionally, I said.

Mr. CULBERSON. Do you deny that the sentries have shot children in the Philippines?

Mr. BURTON. I do not understand the question.

Mr. CULBERSON. I do not exactly understand the Senator when he lays special stress on the word "intentionally."

Mr. BURTON. I am surprised that a lawyer does not understand the meaning of the word "intentionally." A person may be accidentally shot or he may be shot in a town that is being stormed. I am talking about a case where the shooting was intentional.

Mr. CULBERSON. Will the Senator allow me to read three or four sentences from the report of a civil governor of a province on that subject?

Mr. BURTON. Yes, sir.

Mr. BEVERIDGE. What governor?

Mr. CULBERSON. Governor Ross.

The companies were assembled——

Mr. FAIRBANKS. From what page of the record is the Senator reading?

Mr. CULBERSON. I read from page 476 of the hearings before the Committee on the Philippines.

> The companies were assembled, guards, patrols, and outposts established, and, notwithstanding that it soon developed that the alarm was a false one and that the local authorities assured the military officers that no danger existed and that the police were perfectly able to guard the town, the troops closed the roads leading out of town and stopped and examined people in the streets, with orders to fire upon all who failed to comply with an order to

halt. Between 6 and 7 o'clock in the afternoon a native child, a girl of 9 years of age, while passing along one of the public streets, was ordered to halt by a sentinel, and, failing to stop, was shot and killed. This unfortunate occurrence brought forth a protest from the municipal authorities and a request that the practice of halting civilians in the streets be discontinued. No attention was paid to the request, and while at Daet recently I renewed the same on behalf of the municipal authorities, to the commanding officer, who at first appeared to be indignant that the people should object to the practice, but finally gave a qualified promise to remedy the matter. However, up to the time of my departure from Daet, four or five days after our conversation, the order still remained in force. I consider it my duty to protest in the strongest terms against this useless, annoying, and dangerous practice, and request that steps be taken to secure orders to put an end to it.

I have read from the annual report of the provincial governor of Ambos Camarines, dated January 14, 1902, at page 476 of the record before the Philippine Committee. The report is signed by James Ross, governor of the province, and directed to the civil governor of the Philippine Islands, and submitted to that committee by Governor Taft.

Mr. BURTON. Mr. President, as I stated, I had not read all the testimony, but I was assured by members of the committee that in no instance had any child or woman been intentionally shot. I am not prepared to dispute the statement that has been given by the Senator from Texas, and if any member of the committee can throw any light upon it at this time I have no objection at all to be interrupted now, or I should be glad to hear more about it after I have concluded my remarks. Whether this child was shot accidentally or not, in the nighttime, or whether the purpose of the soldier was to shoot down a little girl, I do not know.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BURTON. I do.

Mr. PATTERSON. There was laid upon the desks of the Senate a communication from the Secretary of War which embraces general and other orders made by different commanders of different grades touching the war in the Philippines. I wish to read two short orders, and at the same time to state——

Mr. BURTON. Mr. President, I do not understand what the Senator says he wants to do.

Mr. PATTERSON. I should like to read two short orders.

Mr. BURTON. No; I object.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. BURTON. If the Senator wants to ask me a question, all right, but I am not going to allow the Senator to interject a speech in my speech.

Mr. PATTERSON. But I am not interjecting any speech. It is on the subject of killing women and children—orders issued by the American commanders in the Philippine Islands upon that subject.

Mr. BURTON. The Senator has spoken about four hundred times on this question already, and he can speak after I get through. I decline to yield.

Mr. PATTERSON. I simply wanted to give a few authoritative——

The PRESIDING OFFICER. The Senator from Kansas declines to yield. The Senator from Kansas will proceed.

Mr. PATTERSON. Mr. President——

Mr. BURTON. If the Senator wants to ask a question I will yield.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. PATTERSON. Then, the Senator does not want——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. PATTERSON. Mr. President, the Senator——

The PRESIDING OFFICER. The Senator from Colorado is out of order.

Mr. PATTERSON. The Senator from Kansas did not decline to yield, as I understood him. He said if I wanted to ask a question he would yield.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado for a question?

Mr. BURTON. I will yield for a question.

The PRESIDING OFFICER. For a question?

Mr. BURTON. Yes.

Mr. PATTERSON. Then I will ask the Senator this question: Does he care about hearing from Federal officers in the Philippines accounts of the killing of women and children?

Mr. BURTON. Oh, I suppose I care as much about that as the Senator from Colorado. I am inclined to think I am about as humane as he is. He ought not to assume to have all the virtue on that side.

Mr. PATTERSON. That is not the question, Mr. President. I want to see——

Mr. BURTON. I have answered it in my own way.

Mr. PATTERSON. Then I will submit.

Mr. BEVERIDGE. Will the Senator from Kansas allow me?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. Mr. President, there is this to be noted as throwing light upon the few lines of the report read from Governor Ross by my friend the Senator from Texas. The very first person who was complaining of the occurrences which the Senator read about and who was engaged in preventing a continuance of them was the American civil governor. The very first person who was engaged in restoring peace and order and good will in place of the conditions, a sample of which the Senator read about, was the American governor whom he quotes. Further, the Senator from Texas, as has been the case, I regret to say, before, but I had hoped it would not be again, has omitted to read in this same report a most illuminating and agreeable paragraph concerning the progress of schools, of education, the improvement in the financial conditions, and the entire improvement of the civil conditions of the province.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BURTON. Does the Senator want to ask a question? What does the Senator desire?

Mr. CULBERSON. The Senator from Kansas allowed the Senator from Indiana to make a speech within his speech. I presumed that he would allow me an observation or so in answer.

Mr. BEVERIDGE. No, Mr. President; the Senator from Texas is wrong. The Senator from Kansas invited any member of the committee who could throw any light upon it or make any explanation to do so, and the report being at hand and I having noted that the Senator from Texas read of the past condition and omitted to read about the present condition which this very governor is establishing, I thought it was what the Senator from Kansas requested.

Mr. CULBERSON. Mr. President, if the Senator——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BURTON. I will yield this time to the Senator from Texas and see what he wants.

Mr. CULBERSON. The Senator from Kansas is very kind, and I appreciate his courtesy. The Senator from Kansas challenged this side of the Chamber to show a single instance in which a child had been murdered in the Philippines, and I simply accepted that challenge and presented a case. The Senator from Indiana, not answering that proposition, suggested something about education. I suggest, in reply, that life probably is more important to those people than even education.

Mr. BURTON. Mr. President, I did not issue any challenge to that side of the Chamber. On the contrary, I said that I had not read all of the evidence here, but I had been advised by members of the committee that no instance of that kind could be given.

Now, Mr. President, the other day the Senator from Utah, in answer to the Senator from Massachusetts, for the first time tried to make it appear that his attack had not been against our soldiers; but in practicing the barbarities charged they were only carrying out the policy of warfare directed, as he said, by the Senator from Massachusetts and other Senators upon this floor.

In view of that remarkable statement I direct special attention to the closing sentence of the foregoing quotation, wherein he says that testimony, overwhelming testimony, of the universal and systematic practice of these brutalities are shown everywhere where our soldiers penetrated in the Philippine Islands. Not only our officers, mark you, but our soldiers—soldiers mean officers and men as well—not only are isolated cases of brutality and isolated orders that are claimed to be brutal referred to, but the charge is that it was a universal and systematic practice everywhere where our soldiers penetrated to enact these brutalities.

And now the charge is that that infamous policy has been directed by Senators upon this floor, and that men like Generals Otis, MacArthur, Lawton, Chaffee, and others—indeed all of our officers—do not hesitate to carry out this inhuman and barbarous policy. Notwithstanding these officers are men of honor, heroes of the civil war, each having given over forty years of life in devotion to the country, still they are willing, according to the statements of the Senator from Utah, to carry out the barbarous and inhuman policy of the Senators upon this side of the Chamber and of the Administration, and to practice the cruelties and barbarities referred to.

I will do the Senator from Utah the credit to believe that he made these unjust, cruel, and false statements in the heat of passion, and that upon mature deliberation he will be willing to retract them.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BURTON. Yes, sir.

Mr. RAWLINS. If the Senator from Kansas will permit me, I should like him to be more specific and state the language I did

employ in that speech. I will also ask him to state what he means when he refers to false statements made by me. If he will point out any false statement by me, I shall be only too glad to correct it, but if he fails to point out any false statement by me it is due that the Senator should make the apology.

Mr. BURTON. When the Senator says that a policy, a barbarous policy, black as that inaugurated by Torquemada and Philip the Second of Spain, black as the blackest that can be found in all the ages, was inaugurated by Senators on this floor, by President Roosevelt, by the Secretary of War—in short, by the Administration—when he makes statements of that kind, and when he goes further to say that men like Otis and Chaffee and MacArthur and Funston and the other heroes who have been putting down the insurrection over there are perfectly willing to carry out a policy of that kind, what language does he expect me to use in characterizing statements of that kind?

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. BURTON. Yes, sir.

Mr. RAWLINS. When a Senator rises upon this floor to respond to a statement of another Senator or an argument which another Senator has made, it is due to that Senator as well as due to the general courtesies of the Senate to make a reasonably fair statement of what that Senator said. If the Senator will permit me to reiterate what I did say, it was this: That for the cruelties which have been practiced in the islands the Army in the main was not responsible, but the policy upon which this Government had entered was responsible. I stated that it seemed to be impossible to pacify those islands, in the opinion of our military commanders over there, without resorting to the most drastic and severe methods of a military campaign, including the employment of torture for the purpose of obtaining information, and that those cruelties, if so necessary, as deemed by the military commanders, were but the consequence of the policy of this Government in attempting to subjugate and reduce to submission an unwilling and alien people.

I submit to any fair mind whether that statement bears any resemblance to that which has been made by the Senator from Kansas.

Mr. BURTON. Mr. President, I will give another quotation from the speech delivered by the Senator from Utah. I have quoted correctly a whole page from the Senator's remarks, and have made my comments thereon, I now quote him further:

> Oh, my God! that is the logic upon which Chaffee based the brutal orders and instructions which he issued to his subordinate commanders. Did Chaffee, alone, unaided, in coldness, and in brutality and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence, from what diabolical source, was it derived? The American people ought to know. Is there any penalty beneath the sun adequate to be meted out to the merciless wretch who has thus brought such dishonor upon the American name and the American people?

These, sir, are the Senator's exact words.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BURTON. Yes.

Mr. RAWLINS. Now, the Senator has quoted me correctly, and for those words I stand responsible.

Mr. BURTON. And for my comments upon them I stand responsible. [Manifestations of applause in the galleries.]

Mr. CARMACK. Ah!

Mr. BURTON. Notwithstanding the demonstration in the corner by the Senator from Tennessee [Mr. CARMACK].

Since the Senator's explanation, day before yesterday, in which he disclaimed any intention to charge General Chaffee with these barbarities, and said that he was a victim of the vicious policy under which General Chaffee had orders to act, the diabolical source referred to in the quotation must be Senators upon this floor, and especially the junior Senator from Massachusetts [Mr. LODGE]. He is the merciless wretch, doubtless, that was in the Senator's mind. On the head of that Senator especially would he inflict the punishment, providing, of course, any adequate punishment for his heinous offenses could be found.

I could give many more like quotations from the speech of the Senator from Utah, delivered the other day in the Senate, and also from speeches made by other Senators on that side of the Chamber; but these are enough to warrant the statement I have heretofore made, that in the contest that is going on there the Senators on that side are standing with the insurgents.

In perfect accord with this general attack against our soldiers was the unwarranted and malevolent attacks that have been made against General Funston. If the Senate will indulge me, I want to call attention to the record of this distinguished officer, for General Funston, as the world knows, is a Kansan, a Jayhawker, if you please, or, in the language of the Senator from Tennessee, who imagined that he was indulging in sarcasm, "that Jayhawker brigadier from the wind-swept plains of Kansas, the renowned and immortal Funston."

The Senator, I think, before pronouncing his satirical diatribe against General Funston ought to have remembered that a few days before the Senator spoke General Funston had been cautioned by his Commander in Chief not to indulge in criticisms against members of this body. The Senator, in what I suppose he thought was withering sarcasm, ridiculed the idea that Funston was a hero. Is it the Senator's idea of a hero that he would attack an adversary who is manacled?

Talk about your heroes! Talk about your lions! In olden times a hero—a miltary lion or a forensic lion—would meet an antagonist upon even ground and with like weapons. In modern times a real hero, a real lion, is he who can vanquish a doughty warrior who wields the sword with a pyrotechnic display of sarcastic speech. General Funston has met his first defeat upon this uneven plane. When his lips are sealed by an official order, when he has been barred from newspaper columns and from the public forum, a giant warrior with new weapons stalks into the arena and proceeds to do him up in one brief round. Funston is annihilated with rhetorical shot, and is riddled with dum-dum bullets of poisoned sarcasm and suggestive simile. Here are two specimens, picked up from the field after the fray:

> Funston is the lion of the Philippines, and because it is the nature of a lion to do that way, he shakes his tawny mane and swings his tufted tail 10 feet in the air while terror deep hushes the wilderness as his awful roar goes forth upon the trembling and affrighted breeze.

And again:

> In his efforts to bestride the world like a Colossus he has put a strain upon his military trousers with results too shocking for modesty to contemplate or parliamentary language to mention. [Laughter.]

It is terrible to annihilate a man with such ammunition. The language is so chaste. It is far more cruel than the water cure of the Filipinos or the sand cure of Carolinas. Funston ought not to kick after such an onslaught; it ought not only to silence General Funston forever, but to destroy the Republican party in Kansas and to stampede the entire soldier vote into the Democratic camp.

Again, had the Senator been intimately acquainted with the history of Kansas he would have left out the term "Jayhawker" from his list of sarcastic anathemas. "Jayhawker" has long since ceased to be a word of opprobrium. It has grown to be a word of honor. The Kansas Jayhawker was a man who loved liberty and hated slavery. He was a man of the highest intelligence and of Spartan virtue. Two civilizations grew up in this country, commencing, as they did, with the foundation of the Government, and each growing in opulence and power in its westward march of empire, the one developing on the South of Mason and Dixon's line and the other upon the North. The one was symbolized by the whiplash, the auction block, and the bloodhound, and was nourished by the toil of the slave; the other was the product of the church, the schoolhouse, and the home, and was stimulated by free labor.

In the old days we called the one the "Missouri Red Leg" and the other the "Kansas Jayhawker."

In the late fifties these two civilizations, each with the strength of a giant, faced each other in a struggle for the Territory of Kansas. One said "It shall be a slave State," the other said "It shall be free." The days of compromise had gone by. The time had come when the house divided against itself could stand no longer. The Kansas Jayhawker and the Missouri Redleg began the great civil conflict which ended only at Appomattox.

The soil of Kansas drank the blood of the Jayhawker in a struggle between liberty and slavery long before our flag was fired on at Sumter, and his blood dedicated our Territory to liberty long before Abraham Lincoln published his famous proclation. It is said that the blood of the martyr is the seed of the church, and well may it be said that the blood of the Jayhawker was the seed of the proudest, greatest, and best of all our States. For, without boasting, I may be permitted to say that the growth of Kansas in material and moral worth, taking into account her age, population, and opportunity, has no parallel in this country.

I will not stop to speak in detail of that marvelous growth. I will not stop to recount her industries in agriculture, manufacturing, mining, railway building, and in every field of human enterprise. Suffice it to say that, in proportion to her population, Kansas is now producing and growing more of all that ministers to man's necessities and pleasures than any State in the Union. And her moral standard is the highest of all. I will not stop to speak of her churches, her happy homes, her institutions of learning, and her schoolhouses upon a thousand hills; but to give a single evidence of her moral worth, it may be learned by inquiry at the home office of any great insurance company in this country that the moral risk on insurance is higher in Kansas than anywhere else in the country. No more accurate barometer for measuring the morals of a people can be found than this. Why, sir, it is her motto that Kansas leads, but never follows.

Although Kansas really begun the war, it was the first of all the States to blot out all feeling engendered by that awful struggle. It took the Spanish-American war to thoroughly unite our people as a whole; but although Kansas contains more Union soldiers in proportion to her population than any other State, she was the first to extend the cordial hand of friendship and brotherly love to the Confederate soldier. I have a witness to what I say. Ask my distinguished colleague [Mr. HARRIS], who is an honored member of this body and highly respected by all Kansans regardless of party, and who years before the Spanish-American war was elected to the highest office in the gift of the people of our State—ask him and he will tell you that his having been in the Confederate Army was no hindrance to his political advancement.

The Kansas Jayhawker and the Kansas soldier—for they are one and the same—is the bravest and most generous of men. If I might be permitted to step aside for a moment, I can tell the Senator from Tennessee that, although the young and gallant Funston took no part in the civil war, he sprang from the loins of one of the original Jayhawkers whose daring as a soldier, whose ability as a statesman, and whose high character as a man makes the heroic acts of General Funston an imitation of his most worthy sire.

The Senator unwittingly but surely paid General Funston a compliment when he dubbed him "a Kansas Jayhawker."

Mr. President, in order that a better knowledge may be had of General Funston before he became so famous, I want to read the following letter, which fully explains itself:

NEW YORK, *October 5, 1898.*

The PRESIDENT, *Washington, D. C.*

SIR: I am informed that Col. Frederick Funston, of the Twentieth Kansas Volunteers, has been recommended for promotion to the rank of brigadier-general of volunteers.

I have had considerable personal observation of Mr. Funston while he was in my department of the Atchison system, before he went to the Cuban war, and it gives me great pleasure to join in the recommendation in his favor.

I will add also that I am able to say that the appointment would undoubtedly be a very popular one in Colonel Funston's own State, Kansas.

Respectfully,

ALDACE F. WALKER.

The writer of the foregoing letter was at that time the chairman of the board of directors of the Santa Fe Railway Company.

Mr. President, I want to direct attention to certain parts of the remarks made by the Senator from Tennessee. He said, speaking of General Funston:

He is the most valiant captain that ever marshaled a dictionary in battle array.

Again he said:

Funston is a hero officially acknowledged and proclaimed, and with all the rights, privileges, and immunities that go with the title. There have been heroes, sir, who were modest and unassuming. There have been heroes who were something more than licensed swaggerers and braggarts. But Funston is not of these.

I think that is sufficient for us to get the Senator's idea of Funston as a hero.

I want to present some further evidence on this subject. Young Funston went to Cuba on the filibustering steamer *Dauntless* in 1896 and joined the army of Maximo Gomez. I want to stop just here to say that General Gomez, in talking with Mr. Henry Allen, of my State, the present chairman of the board of charities and formerly the private secretary of Governor Stanley (quoting the exact language of Gomez), said: "Funston is the bravest white man I ever saw." That is the first witness that I present as to whether or not Funston is a hero.

In August of that year he was made captain and placed in command of the two Hotchkiss breech-loading field pieces that constituted his artillery, and was in command of these during the eleven days' unsuccessful attempt to take the town of Cascorra, which was garrisoned by a force of Spanish regulars. After Gomez left the province of Puerto Principe and marched to the westward he was assigned to the command of Calixto Garcia and placed second in command of his artillery, the first in command being Major Osgood. Garcia attacked Guaimaro October 17, 1896, and the second day Major Osgood was killed, and Funston succeeded to the command of the artillery. On the fall of the town, ten days later, Funston was promoted to major and took part from that time in numerous engagements in eastern Cuba, the number of pieces in the artillery rising from two to ten. He commanded the artillery in the unsuccessful attack on Jiguani, where the Cubans were disastrously defeated, and also had charge of the guns at Victoria de las Tunas, which town, with its large Spanish garrison and great stores of military supplies, fell into the hands of the Cubans after fifty-one hours of desperate fighting.

In August, 1897, for his gallant services in this action, he was made a lieutenant-colonel. After three months more of hard fighting, and after being badly wounded, he received permission from Garcia to return to the United States.

On the breaking out of the Spanish-American war, four months later, he was commissioned by Governor Leedy, of Kansas, as colonel of the Twentieth Kansas Volunteer Infantry. The regiment remained for five months in a camp of instruction at San Francisco, and on October 27, 1898, sailed for the Philippines, where it arrived on November 30 of that year. In every engagement in which the regiment participated, up to the time of his promotion to be brigadier-general in the Volunteer Army, Funston was in command. In the official report of Gen. Lloyd Wheaton the following extract will be found regarding the engagement at the Bagbag River on April 25, 1899:

Soon after I moved the armored train to the front and advanced several companies of infantry from both regiments to seize all places near the river from which an effective fire might be directed upon the enemy's entrenchments. The converging fire of the two brigades of the division and the artillery now began to shake the enemy. Colonel Funston, Twentieth Kansas Volunteer Infantry, with Lieut. C. M. Warner, First Sergt. Raymond Enston, and Sergt. C. P. Barshfield, of the same regiment, endeavored to rush across the railroad bridge. A span of the bridge being broken, Colonel Funston, Lieutenant Ball, and Sergeants Enston and Birshfield swam the river and drove the enemy out of the entrenchments near the bridge.

By the way, here is the statement with regard to the swimming of the Bagbag River, not made by General Funston, but made by that old hero of the great civil war, Gen. Loyd Wheaton.

Several days later the entire division was heavily engaged at Calumpit, attempting to cross the Rio Grande, where the insurgents, more than 4,000 strong, under General Luna, was making a determined stand. I quote from the report of General Wheaton, the incidents mentioned taking place under his own eyes.

A reconnoissance at night by Colonel Funston made it apparent that the enemy was entrenched in force at all points for a considerable distance down the river. The morning of the 27th I had a 3.2-inch gun brought to the brick house near the bridge and opened fire at short range upon the enemy's works. Upon consultation with Colonel Funston a point about 900 yards below the railroad bridge was selected as the place that he would endeavor to cross a part of his regiment. The enemy's entrenchments opposite this point were well screened by bamboo thickets, but I directed a fire from the brick house near the bridge to be kept up from the 3.2-inch gun and by two companies of infantry. Colonel Funston also advanced to the river bank strong parties that kept up a fire of great volume. The effect of the heavy and continued fire was to drive a part of the enemy's force from his works, and Privates Edward White and W. B. Trembley, of Company B, Twentieth Kansas, swam the river with a rope and fastened it to a stake on the enemy's entrenchments while yet occupied. Rafts were pulled over by means of this rope, Colonel Funston going over on the first raft. Our artillery had during this time kept up a heavy fire from position selected by Maj. Richard Young. Under direction of Lieutenant-Colonel Wallace a heavy and continuous fire was directed upon the enemy near the railroad bridge, the machine guns also being directed toward the same place. When Colonel Funston had crossed 45 officers and men, he attacked the enemy, turning him out of his works near the bridge.

Further on the report says:

I respectfully invite attention to the gallant conduct of Col. Frederick Funston, now brigadier-general of volunteers, during these operations.

That is the testimony of Gen. Lloyd Wheaton as to whether or not Funston is entitled to be called a hero. It will be remembered that this was one of the most important and decisive battles of the war, in which this detachment of 45 men, aided by the fire of other troops on the south bank of the river, charged and drove more than 4,000 well-armed insurgents from the most formidable intrenchments constructed by the Filipinos during the entire war.

The following extract is taken from the dispatch of General MacArthur to General Lawton, April 28:

Many thanks, dear Lawton, for your cordial greetings, which are heartily justified by the actual facts. By the splendid daring of Funston—

Does the Senator note the language? "By the splendid daring of Funston," with his sword, not with a dictionary—

under the skillful control of Wheaton, we made a remarkable passage to the Rio Grande yesterday, with very small loss, but which, in connection with two previous days' work, in which they lost very heavily, so impressed the insurgents that General Luna to-day sent his chief of staff with the information that the Filipino government had ordered a suspension of hostilities and wished to negotiate for peace.

For this conduct at Calumpit Funston was recommended for the promotion to the grade of brigadier-general of volunteers by Generals Otis, MacArthur, and Wheaton, the following being a verbatim copy of General Otis's dispatch:

MANILA, *May 1, 1899.*

The anniversary of the day on which Dewey fought his famous battle.

ADJUTANT-GENERAL, *Washington:*

MacArthur strongly recommends Colonel Funston appointment brigadier-general for signal skill and gallantry crossing the Rio Grande, and most gallant service since commencement of war. I urge appointment. Funston able as a leader of men, and has earned recognition.

OTIS.

General Otis is another witness that I present here over against the statement of the Senator from Tennessee.

Then, as is well known, the promotion of Funston to the grade of brigadier-general immediately followed, the notification being contained in the following dispatch:

WASHINGTON, *May 2, 1899.*

OTIS, *Manila:*

The President directs me to inform you that he takes much pleasure in recognizing the gallant services of Colonel Funston by naming him brigadier-general of volunteers, as requested by you and MacArthur. Have him accept by cable.

CORBIN.

I present this witness, our martyred President, who bears emphatic testimony that Funston was a gallant soldier. President McKinley, on the recommendation of Generals Otis, MacArthur, and Wheaton, awarded the medal of honor to General Funston for this operation in crossing the Rio Grande and driving the insurgent forces from their intrenchments.

From time immemorial, from the time that George Washington commanded the Army of the Revolution down to this hour, it has been the policy of every administration to only award medals of honor to heroes.

I read the following from General Wheaton:

Recommends Col. F. Funston, Twentieth Kansas Infantry, United States Volunteers, for medal of honor.

Here is what General MacArthur says about the above recommendation:

HEADQUARTERS SECOND DIVISION
EIGHTH ARMY CORPS,
San Fernando, P. I., July 22, 1899.

Respectfully forwarded to the adjutant-general, Department of the Pacific and Eighth Army Corps, approved.

General Wheaton was an eyewitness of the events referred to within, and they transpired close by and under my immediate command, although not within my range of vision. General Funston's actions were unusual, outside the line of duty, and entirely voluntary, and were undertaken and carried through at imminent risk. The success attending these efforts was of incalculable importance, and the remote consequences of permanent advantage to the United States. It seems to me that every prerequisite condition has been fulfilled in this instance and that a medal of honor should be issued to General Funston without delay.

The proper commanding officer has been advised to prepare papers for medals for the soldiers who were engaged with General Funston in opening the way for the passage of the Rio Grande.

ARTHUR MACARTHUR,
Major-General, United States Volunteers, Commanding.

That is the language of the brave—of a hero about a hero—and I put it over against the petty snarlings of the Senator from Tennessee.

The following are a few selections from telegrams of congratulation from among hundreds received by General Funston upon his promotion:

MALATE, *May 5.*

To Brigadier-General FUNSTON:

Heartiest congratulations. No man in the Eighth Corps better deserved the star.

CHARLES KING, *Brigadier-General.*

Here is another witness—a hero sending a congratulatory dispatch to a hero.

MANILA, *May 4.*

General FUNSTON:

You know how I appreciate your promotion. Shake, if your wounded hand will permit.

BARRY.

Here is the adjutant-general of the Eighth Army Corps saying, "Shake, if your wounded hand will permit." Well, whether Funston is a hero or not, he was where the bullets were flying. "Shake, if your wounded hand, will permit"—an eloquent witness to the heroism of Funston.

Here is another dispatch:

SANTO TOMAS, *May 5.*

Brigadier-General FUNSTON:

I congratulate you on your promotion to be brigadier-general, United States Volunteers, a promotion gained by distinguished services to your country upon the battlefield.

WHEATON, *Brigadier-General.*

Wheaton says the services were on the battlefield; that they were services to his country, and that the services were distinguished. The Senator says Funston is a blatherskite brigadier. The following letter is from Colonel Devol, at that time chief transportation quartermaster of the Eighth Army Corps:

Nothing since the beginning of the war has given me greater pleasure than the cablegram this morning announcing your appointment as brigadier-general. The appointment is a credit to the Army, and I am sure the entire Eighth Army Corps will rejoice with them that the Administration has in this case recognized true merit.

C. A. DEVOL.

These testimonials are from Regular Army officers, not from volunteers; but they were extended to a volunteer who had been in the Army but a short time.

Funston commanded the Twentieth Kansas in the engagement at Santo Tomas, where he was wounded, his left hand being badly shattered. To show the appreciation of General Funston by his superiors I desire to read the following telegrams:

MANILA, *May 11, 1899.*

General LAWTON:

Would you like Funston assigned to your command? He is available.

BARRY.

Here is the answer:

IN THE FIELD, *May 12, 1899.*

Assignment of General Funston will please me very much.

LAWTON, *Major-General.*

Lawton did not want anybody assigned to his command, especially as a brigadier-general, who had not proven himself to be a hero. Over against the withering sarcasm of the Senator from Tennessee, I put the dispatch of the dead Lawton. It will be remembered that Lawton, in pathetic language, said if he was to be shot, he might as well be shot by one of his own soldiers as by a Filipino bullet, which was instigated by intemperate remarks made here in the United States.

Here is another telegram:

MANILA, *May 12, 1899.*

General LAWTON:

General Funston very anxious to go, but doctor forbids, as his wound is still troublesome, and it might become serious on exposure in the field.

BARRY.

Funston returned to duty two weeks after being wounded, and commanded his brigade, consisting of the Twentieth Kansas and the First Montana, for several weeks with his left arm in a sling, and in that wounded condition commanded his brigade in the engagement of San Fernando on May 24 and June 16. In July of that year he was compelled to return to Manila, and submitted to a severe surgical operation. On September 3 he was ordered to return to the United States to be mustered out of the service, but President McKinley, apprised of his splendid military record, decided, after a short stay in the United States, to return him to the Philippine Islands, where he went in December, 1899. He was assigned to the Third Brigade, Second Division of the Eighth Army Corps. In addition to his duty as the brigade commander he was military governor of the entire province of Nueva Ecija. His district was the section for the next two years of almost unremitting guerrilla warfare, all the inhabitants being Tagalos, and led by some of the most energetic and capable leaders in the insurgent service. In addition to his administrative duties as brigade commander he did a great deal of scouting in the field with small detachments of men, and during the year 1900 rode or marched more than 6,000 miles by actual count, and participated in 20 engagements. The records of these engagements can easily be found by reference to the official report of General MacArthur for the year 1900. Among these engagements was one at Papaya on June 4, 1900, when the insurgent force under Lacuna was defeated with very heavy loss.

The following telegram was received from General Wheaton on that occasion:

HEADQUARTERS DEPARTMENT OF NORTHERN LUZON.

General FUNSTON:

The department commander thanks you and the officers and men of your command engaged in the combat with insurgents yesterday for gallant conduct and for destruction of the enemy. Your conduct and that of officers will be the subject of dispatch to the major-general commanding the division.

By command Brigadier-General Wheaton.

ALVORD, *Adjutant-General.*

And the following was received from General MacArthur, commanding the division:

Please express to General Funston the thanks and warm appreciation of the division commander for the action of his command at Payao yesterday. Request General Funston to communicate the views of the division commander to all concerned, and to state that such prompt and vigorous action in the field is highly appreciated by the division commander.

By command of General MacArthur.

BARBER, *Adjutant-General.*

The capture of Aguinaldo in March, 1901, is recent, and the facts are well known. In this connection I desire to read what General MacArthur said about it. Before I read that I wish to present the other side. I wish to read what the Senator from Tennessee [Mr. CARMACK] said about it:

Funston achieved his title of hero by a violation of the rules of honorable warfare, by an act for which Aguinaldo would have been hanged in ten minutes if he had attempted it on an American officer.

That is what the Senator from Tennessee said about General Funston's acts. I wish to read from the evidence of General MacArthur, taken before the Committee on the Philippines. I read from page 1890:

Senator PATTERSON. You know that General Funston caused a letter purporting to be written by General Lacuna and purporting to be signed by General Lacuna, which was simply a forgery, to be sent to Aguinaldo, and Aguinaldo accepted that as genuine. You know that, do you not?

General MACARTHUR. I know that. I might as well say here that Funston is not responsible in any way for the methods which obtained in the capture of Aguinaldo. I am the responsible man in that respect, in every way and particular.

Senator PATTERSON. I will come to that later.

General MACARTHUR. I know that the letter was written. It was one of the deceptions which are only practiced in war, and whatever responsibility attaches thereto I take.

Again, the next day General MacArthur was before the committee. I read from page 1932:

Senator CULBERSON. One question in connection with what I asked yesterday. You stated yesterday that you were responsible for the methods pursued in the capture of Aguinaldo.

General MACARTHUR. Yes, sir.

I wonder why the Senators were making inquiry about that, anyway.

Senator CULBERSON. I want to ask you if you assumed the responsibility at the time it was done without conference with authorities at Washington, or communication with the authorities at Washington?

General MACARTHUR. Absolutely. They knew nothing of it.
Senator CULBERSON. The authorities here knew nothing of it?
General MACARTHUR. Nothing of it. They had an indirect knowledge to this extent—

I want to lay particular emphasis on what follows—

Funston was under orders for the United States. I cabled the Department that I was going to keep him in the islands for the particular purpose of capturing Aguinaldo.

I wonder if MacArthur wanted a hero to catch Aguinaldo? Of all the soldiers at his command, of all the officers in the archipelago, MacArthur, a soldier of forty-odd years standing, with an honorable record, of great ability, who knows a hero when he sees him, cabled the Department that he wanted to keep General Funston in the Philippine Islands for the express purpose of doing what he did do—capturing Aguinaldo. Here is what MacArthur says about it. I will send it to the desk to be read in order to give me a little rest.

The PRESIDING OFFICER. Without objection the Secretary will read as requested.

The Secretary read as follows:

In consideration of important immediate results, and in the light of remote consequences likely to arise therefrom, the capture of General Aguinaldo may be regarded as the most momentous single event of the year. As a military transaction it was unique, isolated, and complete in itself, the details of which will be found carefully described in the accompanying report of General Funston. Aguinaldo was delivered at Malacanan March 28, 1901, and remained there until April 20, 1901, pending cable discussion with the Department in respect of questions of policy and expediency growing out of the capture, the practical importance of which can not be overestimated.

In the first instance it absolutely dispelled the growing tendency to idealize his personality and to surround him with mythical legends of invincibilty, which millions of natives believed to be true, and which they also believed would ultimately insure the success of the rebellion. With a people so sensitive, impulsive, generous, and imaginative as the Filipinos, the mechanics of sentiment, when well appreciated and rightly applied, afford many powerful instruments of military and political control. Aguinaldo was the incarnation of the insurrection, and as such his death as an incident of combat would simply have translated and magnified the legend, and thereby have placed an ever-ready weapon in the hands of agitators, capable of being utilized at any time, as might be deemed expedient, for purposes of conspiracy and revolt. Accordingly, his capture alive by legitimate military methods, or his voluntary surrender as a result of intellectual convictions, became a prominent feature of the military administration of the islands. The activities in this behalf were necessarily of a confidential nature, and as such were not apparent at the time; but, as a matter of fact, in pursuance of this policy efforts to bring about successful action in either direction were in constant process of development and execution.

In February, 1901, such precise information reached these headquarters in respect of the location of Aguinaldo's camp as to suggest the expediency of an effort to capture the same by a stroke of hand. The conditions were propitious, all resources, including cooperation of the Navy, were abundant and the probabilities seemed to favor the success of a well-organized expedition under a discreet leader. The report upon which this belief was based was transmitted by General Funston through General Wheaton, and the necessary continuity of action indicated that these distinguished officers should control all subsequent arrangements. General Funston was selected to command the expedition in person, and he was requested to confer with General Wheaton as to the details of a plan of action. All the responsibility as to the methods employed must fall upon these headquarters, as the plan, which was evolved by the two generals, was submitted to and approved by the division commander, who simply added thereto most emphatic injunctions to the effect that Aguinoldo must be taken alive and delivered safely into his hands at the palace of Malacanan. All the personal distinction which naturally attached to successful execution must go to General Funston, who on this, as on former occasions, displayed so much fortitude, determination, good judgment, self-confidence, and self-control as to justify the expectation that his future career in conducting operations on a larger scale will be attended with like successful results.

The consequences which have arisen from the capture of Aguinaldo have justified every expectation in the premises. All subsequent surrenders have been more or less influenced and expedited thereby, and many of the most important events of this character must be attributed entirely thereto, notably so the surrender of Tinio, which was made in such good faith and was so complete in every particular as to insure absolute pacification throughout the entire first district of the Department of Northern Luzon, which at the time presented the most troublesome and perplexing military problem in all Luzon.

Mr. BURTON. That statement shows what General MacArthur thought about the capture of Aguinaldo and its importance. If General Funston had done nothing else in his whole military career, the amount of bloodshed that he saved and the amount of treasure that he saved to the country by reason of the capture of Aguinaldo would entitle him not only to be called a hero, but would give him right to the honor that he has received from the President. I do not give my own estimation of that, but I call special attention to what General MacArthur says about it.

The strong recommendations of Generals MacArthur and Wheaton that he be made brigadier-general in the Regular Army was acted on favorably by President McKinley, who sent the following dispatch:

WASHINGTON, D. C., *March 30, 1901.*

The President directs me to express his high appreciation of the gallant conduct of General Funston and officers and men engaged with him in the Palma expedition. Secretary of War personally joins in this expression.

CORBIN.

During the time he commanded the brigade he had captured over 1,500 serviceable rifles and tens of thousands rounds of ammunition in the year 1900. Alejandro, who commanded the insurgents all through central Luzon, surrendered to him, and a few days later Sandico gave up, and on May 19, after several conferences, Lacuna surrendered at San Isidro with more than 300 men armed with rifles, and his district was completely pacified. During his entire service as district commander there was not a town burned by his troops within the limits of his district, nor was there a single unarmed native shot.

In all the criticisms that have been hurled against our soldiers from the other side of the Chamber, and especially because of the severe criticism that was made by the Senator from Tennessee, it is strange that no Senator on the other side is willing to give General Funston credit for the fact that not a single unarmed native was shot and that not a town was burned in all his command.

Upon the surrender of Lacuna General Wheaton, the department commander, sent him the following dispatch:

General FUNSTON, *San Isidro:*

I congratulate you upon the surrender of the enemy's forces under Lacuna, thus ending all armed resistance to the authority of the United States within the limits of this department. This splendid result has been largely due to your personal daring and ceaseless energy in the field.

WHEATON, *Major-General.*

Upon the departure of General Grant for the United States, his command, now called the fourth district of Northern Luzon, was increased by consolidation with the fifth district, and on the departure of Colonel Thompson, commanding the sixth district, that was also consolidated with his command, until he had under him at one time more than 7,000 white troops and 2,000 native.

A severe attack of appendicitis made it necessary for him to enter the hospital at Manila, where he underwent a surgical operation, and, after three months in the hospital, he was ordered to the United States, where, after submitting to a second severe operation, he was assigned to the Department of the Colorado, where he is now in command.

During his service in the Philippines he participated in 38 engagements with the enemy, and in 22 of those was in command of the troops engaged.

Mr. President, I have presented my witnesses who testify that General Funston is a hero, and I think the case is well made out. I do not think it necessary to present anything further, and yet there is another witness whom I do not want to introduce because of the rule of law that an attorney is supposed to vouch for the credibility of a witness that he offers. But the Senator wants him; he will not believe the comrades of General Funston; he will believe this man; therefore I will let the Senator offer him. He, too, will testify that General Funston is a hero. His name is Emilio Aguinaldo.

Mr. McCOMAS. The Senator from Kansas seems to be somewhat exhausted by his speech. I trust it will be agreeable to him to suspend and resume to-morrow at the end of the morning business.

Mr. BURTON. It will not take me very long to get through to-morrow, and I would a little prefer to do so, if it is agreeable all around.

Mr. McCOMAS. I ask unanimous consent that it may be so ordered.

Mr. HOAR. I ask unanimous consent to call up for present consideration Senate bill 3864.

Mr. McLAURIN of Mississippi. Will the Senator yield to me for just a minute or two?

Mr. HOAR. I ask the Senator to let me first get the bill up.

Mr. McLAURIN of Mississippi. Before the bill is taken up, I wish to put into the RECORD some figures in regard to something said by the Senator from Maryland [Mr. McCOMAS].

Mr. HOAR. The bill will take, I think, but two or three minutes; but if the Senator desires, of course I will yield to him.

Mr. McLAURIN of Mississippi. By the courtesy of the Senator from Massachusetts, I will state that I can not understand how the per cent of the vote in the State of Mississippi as compared with the population can have anything to do with the discussion of the bill that was being discussed by the Senator from Maryland when he referred to it this morning. I do not understand how it can throw any light at all on that question. But, inasmuch as he has seen fit to refer to the State of Mississippi and to the vote of that State, I will do again what I did some days ago when I put in the RECORD, in answer to an attack that was made upon the election system in Mississippi, the number of registered voters in the State of Mississippi in 1896. That is the last year for which I have the registered vote of the State.

Our constitution requires that there shall be an enrollment by the assessors of the State of all the male inhabitants between the ages of 21 and 60, and they constitute what are called the polls of the State. The polls, in 1898, numbered 273,297. That was two years after 1896. The registered vote for 1896 was 125,571. There is no process by which you can make men vote, but that is the number of persons registered at that time.

The population of the State, as shown by the census of 1890, was

1,284,887. There were in 1899 an average attendance at the public schools, exclusive of the separate school districts, of 86,060 whites and 94,843 colored, and including the separate schools there was an average attendance of 98,379 whites and an average attendance of 102,447 colored.

I can not state, because there is no record, the exact amount of taxes that are paid by the whites and by the colored, but the general estimate in the State is that about 95 per cent of the taxes are paid by whites and about 5 per cent by colored.

It will be seen that upon a general average there is a larger number of colored children attending the public schools, which are the free schools, of the State than of white children.

Here is the qualification for registration as a voter and for the exercise of the elective franchise provided in the constitution of Mississippi, a constitution adopted in 1890. This constitution has been on more than one occasion in the Supreme Court of the United States and it has been approved. Section 241 of the constitution reads thus:

Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in this State two years, and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid, on or before the 1st day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying, according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified.

Mr. President, I do not propose to be led into a discussion of the question which was being discussed when the Senator from Maryland made reference to elections in Mississippi or the election law. It is, in my judgment, irrelevant to the bill. I think the time has passed for the waving of the bloody shirt. I think the time has passed when invidious reflections should be made upon any State in the Union. I think every State in the Union is entitled to a courteous, respectful reference when a reference is made to it by a Senator in this Chamber.

I again put this matter in the RECORD. I hope it will not be necessary for me to refer to it again, not only in the debate on this bill, but on any other bill that comes before the Senate.

I thank the Senator from Massachusetts for his kindness in yielding to me the floor.

MILITARY ORDERS IN THE PHILIPPINES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 1st instant, certain information relative to the orders of Gen. J. F. Bell on the subject of reconcentration, etc., and also copies of orders issued by Gen. Jacob H. Smith to Major Waller, pleaded by the latter before the recent court-martial, etc.

Mr. LODGE. I ask that the letter of transmittal may be read.

The PRESIDING OFFICER. The letter will be read.

The Secretary proceeded to read the letter.

Mr. FORAKER. I ask unanimous consent, unless some one especially desires to hear it read, that the letter be printed in the RECORD. It seems to be a very long document.

Mr. LODGE. Let it be printed in the RECORD.

Mr. COCKRELL. And as a separate document.

Mr. FORAKER. And as a document.

Mr. LODGE. Let the letter be printed in the RECORD, and it and the accompanying papers be printed as a Senate document, and be referred to the Committee on the Philippines.

The PRESIDING OFFICER. The letter will be printed in the RECORD, and it and the accompanying papers be printed as a separate document, and will be referred to the Committee on the Philippines.

The letter referred to is as follows:

WAR DEPARTMENT, *Washington, May 7, 1902.*

SIR: I have the honor to reply to the following resolution of the Senate, dated May 1, 1902:

"*Resolved*, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information:

"First. Whether the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, on the subject of reconcentration, addressed to all station commanders, have been officially received by the War Department, and, if so, when they were received, by whom they were forwarded, whether they were issued by authority of the major-general commanding in the Philippines or were approved by him, and whether they have been approved or acquiesced in by the War Department.

"Second. A copy of the order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila, if the same were in writing, or the date and substance thereof if they were verbally given. Also (a) whether said order or orders were authorized or have been approved by the major-general commanding in the Philippines and, if so, when they were so approved; (b) when said order or orders were received by the War Department, if they have been received, or when it was first known to the War Department that such order or orders were issued, and (c) whether said order or orders have been revoked or countermanded, and, if so, when and by whom, giving the terms of the order of revocation."

First: Two orders by Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, addressed to all station commanders, copies of which are annexed hereto, were received by the War Department on the 17th day of January, 1902, from Maj. Gen. Adna R. Chaffee, commanding the Division of the Philippines. At the same time the following order by General Bell, dated December 13, 1901, was received at the War Department:

[Telegraphic circular No. 5.]

BATANGAS, P. I., *December 13, 1901.*

To all Station Commanders:

The United States Government, disregarding many provocations to do otherwise, has for three years exercised an extraordinary forbearance and patiently adhered to a magnanimous and benevolent policy toward the inhabitants of the territory garrisoned by this brigade. Notwithstanding this fact, opposition to the Government has been persistently continued throughout this entire period by a majority of its inhabitants. The enemy, long realizing their inability to maintain themselves without the unanimous cooperation and support of the entire population, have, in order to keep up their useless struggle, established a reign of terror by resorting to atrocities and expedients which violate the well-known laws and usages of war, as announced in General Orders, No. 100, Adjutant-General's Office, 1863, approved and published by order of President Lincoln, for the government of the armies of the United States in the field.

First. They have accepted local offices from the Government and taken the oath of allegiance solely for the purpose of improving their opportunities and facilities for deceiving American officials and treacherously aiding and assisting the cause of the insurrection, in violation of section 26.

Second. They have with bolos and other weapons killed helpless prisoners and soldiers lying on the ground, wholly disabled by wounds which prevented their defending themselves in any way, in violation of sections 49, 56, 61, and 71.

Third. In order to confuse their identity and thereby be able the more safely to conduct their skulking operations they have adopted the uniform of our Army and native troops without any plain, striking, and uniform mark of distinction of their own, in violation of section 63.

Fourth. They have improvised and secreted in the vicinity of roads and trails rudely constructed infernal machines propelling poisoned arrows or darts, in violation of section 70, thus placing themselves beyond the pale of the laws and usages of war.

Fifth. Men and squads of men without commission, without being part or portion of the regularly organized hostile army, without sharing continuously in the war, but with intermittent returns to their homes and avocations, and with frequent assumption of the semblance of peaceful pursuits, divesting themselves of the character and appearance of soldiers, have committed hostilities by fighting and making raids of various kinds, after which, concealing their arms, they have returned, posing as peaceful citizens, and secretly lived in the same towns with garrisons of our own troops, in violation of section 82.

Sixth. Armed prowlers have stolen within the lines of our Army to cut telegraph wires and destroy bridges. Armed assassins, designated and controlled by the enemy, have come, disguised as peaceful citizens, into the very presence of our garrisons and have assassinated, in broad daylight in crowded market places, persons unlawfully condemned to death by the enemy for being friendly to or assisting the legitimately organized government—the fear, sympathy, or cooperation of the entire population effectually preventing our apprehension and punishment of the assassin. This in violation of section 84.

Seventh. The apparently pacific inhabitants of towns occupied by the American Army have treacherously risen in arms against it, in violation of section 85.

Eighth. A large percentage of the population, though owing allegiance to the American Government under the provisions of section 26, have acted as spies and war traitors, in violation of the provisions of sections 88, 90, and 92.

Ninth. A very great number of insurgent officials, soldiers, and other aiders and abettors of the insurrection, after voluntarily surrendering and after having been captured, have been pardoned and released from confinement upon taking the oath of allegiance or giving paroles, and have subsequently violated their oaths or paroles without scruple by again entering the service of the insurgent army or aiding or assisting the same, in violation of sections 26, 124, and 130.

Against but one of these flagrant violations of the laws of war, namely, murder, has the United States Government ever adjudged or executed the severe penalties authorized by the sections of the law above cited, in the vain hope that, by this exercise of forbearance and generosity, the people might be conciliated and become reconciled to and convinced of the benevolent purposes of the Government. Instead of having had the desired effect, however, this policy in the provinces of Batangas and Laguna has apparently failed to appeal to even the keenest and most appreciative intellects.

On the contrary, it has been interpreted by many as an evidence of weakness and fear, and puffed up by a childish and ignorant conceit over what they are pleased to consider successful resistance of our power, the people have become so arrogant that they look down upon our Government and scorn its kindliest efforts at pacification. We consequently find ourselves operating in a thoroughly occupied terrane against the entire population, united in a hopeless struggle, using, conniving at, or tolerating barbarous methods which almost reach the limit in outraging the laws and usages of legitimate warfare.

The reckless expedients adopted by the enemy, especially the policy of intimidation and assassination, leaves to the brigade commander no other means of protecting either the lives of his subordinates or those of peaceful or friendly citizens, or the interests of his Government against the repetition of barbarous outrage, except the enforcement of the penalties authorized by the above-cited laws of war, and he has reluctantly concluded it to be absolutely necessary to avail himself of the right of retaliation under the provisions of sections 59 and 148 whenever the duly and carefully ascertained conditions and circumstances warrant the same under the restrictions prescribed in section 28.

The brigade commander therefore announces, for the information of all concerned, that wherever prisoners or unarmed or defenseless Americans or natives friendly to the United States Government are murdered or assassinated for political reasons, and this fact can be established, it is his purpose to execute a prisoner of war under the authority contained in sections 59 and 148. This prisoner of war will be selected by lot from among the officers or prominent citizens held as prisoners of war, and will be chosen, when practicable, from those who belong to the town where the murder or assassination occurred.

It is also his purpose to severely punish, in the same or a lesser degree, the commission of other acts denounced by the aforementioned articles. In this connection the attention of all American officers is invited to the last paragraph of section 29 and to the provisions of section 134. Commanding officers are authorized to enforce the provisions of this latter section whenever they may deem it just and practicable.

J. F. BELL,
Brigadier-General, Commanding.

The foregoing order and the orders mentioned in the resolution refer to and are based upon General Orders, No. 100, Adjutant-General's Office, 1863. That order was as follows:

GENERAL ORDERS, No. 100.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *Washington, April 24, 1863.*

The following "Instructions for the government of armies of the United States in the field," prepared by Francis Lieber, LL. D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:

E. D. TOWNSEND, *Assistant Adjutant-General.*

The President who approved and commanded the publication of these instructions was Abraham Lincoln. A full copy of the instructions is annexed hereto.

The orders mentioned in the resolution and the above-quoted order of December 13, received at the same time, were in strict conformity both with the letter and the spirit of these instructions. The instructions themselves were a contribution to civilization of great and universally recognized value and authority. The distinguished publicist, Professor Bluntschli, of the University of Heidelberg, says of them:

"The Instructions for the Government of Armies in the United States in the Field were drawn up by Professor Francis Lieber at the instance of President Lincoln, and formed the first codification of the International Articles of War (Kriegsvolkerrecht). This was a deed of great moment in the history of international law and of civilization. Throughout this work also we see the stamp of Lieber's peculiar genius. His legal injunctions rest upon the foundation of moral precepts. The former are not always sharply distinguished from moral injunctions, but nevertheless, through a union with the same, are ennobled and exalted.

"Everywhere reigns in this body of law the spirit of humanity, which spirit recognizes as fellow-beings, with lawful rights, our very enemies, and which forbids our visiting upon them unnecessary injury, cruelty, or destruction. But at the same time our legislator remains fully aware that in time of war it is absolutely necessary to provide for the safety of armies and for the successful conduct of a campaign; that, to those engaged in it, the harshest measures and most reckless exactions can not be denied, and that tender-hearted sentimentality is here all the more out of place, because the greater the energy employed in carrying on the war the sooner will it be brought to an end and the normal condition of peace restored." * * *

Within the present month the War Department has received a report of the condition of the natives collected in the concentration camps provided for by General Bell's order of December 8, 1901, shown by an inspection made by Col. Arthur L. Wagner, of the Adjutant-General's Office, by which it appears that the natives collected in these camps were well fed, healthful, and contented. I annex a copy of the report hereto.

From the fact that the report was forwarded by General Chaffee with the following indorsements, I infer that the orders referred to in the resolution had that officer's approval:

[First indorsement.]

HEADQUARTERS DEPARTMENT OF NORTH PHILIPPINES, *Manila, P. I., March 24, 1902.*

Respectfully forwarded to the Adjutant-General of the Army, Washington, D. C.

This report illustrates the conditions existing in the towns where the inhabitants have been assembled. This concentration was made for the purpose of protecting the natives from the guerrilla bands in the provinces of Laguna and Batangas.

After more than two years' occupation of these provinces it has been found impossible to exterminate these bands or capture their leaders, owing to the reign of terror which they exercised over the inhabitants. Their systematic assassination—sometimes by burying alive—of natives who refused to contribute to the support of the insurrection enabled them to wring a steady war revenue from people presumably enjoying the privileges of free government and the protection of the United States. This has now terminated; nearly all the arms in the hands of guerrillas have been captured or have been surrendered, and there is a prospect of an early termination of disturbed conditions in provinces under military control.

It is expected that within sixty days people assembled in the towns can be returned to their several places of former abode.

LLOYD WHEATON, *Major-General, Commanding.*

[Second indorsement.]

HEADQUARTERS DIVISION OF THE PHILIPPINES, *Manila, P. I., March 25, 1902.*

Respectfully forwarded to the Adjutant-General of the Army.

It is useless for me to make an attempt to show the necessity for the course adopted in the Third and Sixth brigades, to put an end to the active insurrection existing there, in such a way that all persons will agree that right action has been taken; it is impossible, of course, for me to do this. I will state, however, that personal contact with the people, a knowledge of their methods and sentiments, a personal acquaintance with the terrain, and what may be done by an enemy as by troops are all essential to determine what should be done before condemning what has been done. It is also necessary that some other method be suggested and positive proof submitted that, had it been followed, more success correspondingly would have followed its adoption than has been secured by the present course.

I do not understand that the authority of the United States in these islands can be indefinitely disputed by armed forces without efforts to terminate the resistance to that authority. On the other hand, I understand that all means which are justified by the laws of war are to be applied in such form as will meet and defeat the method of warfare adopted by the enemy. If desperate in the last case, more desperate must be the attack to end it.

Every care has been taken that people required to remain under military surveillance shall not unduly suffer for food, shelter, or medical attendance, if needed.

ADNA R. CHAFFEE, *Major-General, United States Army, Commanding.*

The following is a statement made to the Commissary-General of Subsistence by the chief commissary of the Division of the Philippines, dated March 17, 1902:

"We are getting along very nicely in supplying rice to the natives who are concentrated in Batangas and Laguna provinces. Last week, in company with General Wheaton, I visited Binan, Calamba, Santo Tomas, Tanauan, and Lipa, and the way the concentration of the natives is carried out up there is a credit to the United States Army. Generals Wheaton and Bell both deserve a great deal of credit.

"Instead of being called 'camps of concentration' the proper name would be 'camps of instruction and sanitation.' The different barrios or little villages are gathered each barrio on a street or avenue by itself. Then these different avenues are separated by about 200 feet from their back yards, where they do their cooking, burn up the offal, etc. They have their fire brigades, armed with buckets of bamboo, about 6 or 8 feet long. These are grouped on racks every two or three hundred feet, and every house is required to keep two of these filled at night. The houses are about as comfortable as those they were required to vacate. They all have an abundance of food, either collected by themselves or furnished by the military authorities.

"The inhabitants are most respectful and very cheerful looking. They all have the appearance of being well fed. No indications of sullenness or discontent. Their herds are taken out to graze, and altogether I really think, outside of a military standpoint, the natives will be decidedly improved by virtue of having lived in these well-regulated camps of instruction and sanitation. The very poor are much better off in every way than they ever were before, and they are subject by the military to less tyranny than formerly by the headmen. From a military standpoint of course the concentration has been most valuable and has resulted in bringing in nearly every gun and every insurgent behind it who has not fled to the provinces of Cavite and Tabayas, which are under the control of the civil government."

The War Department saw no reason to doubt that the policy embodied in the above-mentioned orders was at once the most effective and the most humane which could possibly be followed, and so indeed it has proved. Within a comparatively few weeks after this policy was inaugurated the guerrilla warfare in Batangas and Laguna and the adjacent regions, with all its accompaniments of long-continued suffering, destruction, and assassination, has been ended, the authority of the United States has been asserted and acquiesced in, and the people who had been collected and protected in the camps of concentration have been permitted to return again to their homes and resume their customary pursuits in peace, as appears by the following dispatches:

MANILA, *April 16, 1902.*

ADJUTANT-GENERAL, *Washington:*

Unconditional surrender Malvar to-day to Brig. Gen. J. Franklin Bell. Organized armed resistance to United States terminated Department North Philippines.

* * * * * * *

CHAFFEE.

MANILA, *May 5, 1902.*

ADJUTANT-GENERAL, *Washington:*

* * * * * * *

With reference to your telegram of the 3d, natives Laguna Province collected under orders Brig. Gen. J. Franklin Bell, allowed to return home more than a month ago. Batangas Province, Luzon, last of natives relieved of all Army surveillance, April 16.

* * * * * * *

CHAFFEE.

The War Department has not disapproved or interfered in any way with the orders giving effect to this policy, but has aided in their enforcement by directing an increase of the food supply to the Philippines for the purpose of caring for the natives in the concentration camps.

Second. The Secretary of War has no knowledge of any order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila. No such order has been received by the War Department.

The Waller court-martial was convened at Manila on the 17th of last March, under an order dated March 5, by or under the authority of General Chaffee, upon facts ascertained by him not then known, as far as I am aware, in this country. The conclusion of the proceeding by the acquittal of the defendant was announced to the Department in a telegram from General Chaffee dated April 19, 1902. Immediately upon the conclusion of the trial General Chaffee was directed by cable to mail to the Department the record and proceedings, including all testimony and action taken. These have not been received, and in the ordinary course of affairs can not reach here before the 1st of June. In the meantime, upon reading in the public press a telegraphic statement of portions of Major Waller's testimony, the following instructions were given to General Chaffee by cable on the 15th of April, 1902:

"Press dispatches state upon the trial of Major Waller, of the Marine Corps, testimony was given by Waller, corroborated by other witnesses, that Gen. Jacob H. Smith instructed him to kill and burn; that the more he killed and burned the better pleased General Smith would be; that it was no time to take prisoners, and that when Major Waller asked General Smith to define the age limit for killing, he replied: 'Everything over 10.' If such testimony was given, and the fact can be established, you will place General Smith on trial by court-martial."

To this General Chaffee replied in a dispatch dated April 19, as follows:

"Waller testified incident substance as cabled by you regarding conversation had with General Smith. Captain Porter, marines, testified hearing conversation. Two other officers say Waller told them regarding it very soon after occurrence. Smith now on *Buford*, quarantined, sailing 20th, but as you direct will detain him bring trial. Of course he intended remarks to refer persons hostile to troops, not those friendly—any other inference will do him injustice."

All the written orders made by General Smith relating to the campaign in Samar received by the Department have been transmitted by the Department to the Senate Committee on the Philippines, and are printed in the report of the hearings before that committee. All of these orders are based upon and are in strict conformity with "Instructions for the government of armies of the United States in the field," contained in General Order No. 100, of 1863.

No order has been given and no action has been taken by the War Department regarding the campaign in Samar except the foregoing direction and the formal order convening the court-martial for the trial of General Smith, a copy of which is annexed hereto.

The success of the policy embodied in the written orders referred to appears by the following dispatches:

MANILA, *March 28, 1902.*

ADJUTANT-GENERAL, *Washington:*

* * * * * * *

Brig. Gen. Jacob H. Smith reports that he has agreed to remain inactive until April 15. Has Guevarra's written promise to surrender all followers that date.

CHAFFEE.

MANILA, *May 3, 1902.*

ADJUTANT-GENERAL, *Washington:*

* * * * * * *

Gueverra and 1 colonel, 3 lieutenant-colonels, 5 majors, 14 captains, 42 lieutenants, 12 civilian officials, 241 riflemen, and 496 bolomen surrendered Catbalogan, Samar, April 26 and 27, turning in 115 Krags, 79 Remingtons, 31

Mausers, 14 miscellaneous, and 8,000 rounds ammunition, of which 7,500 were Krags. Prisoners being sent to their homes. So far as at present known to me the largest number of armed men now opposed to the Government in the provinces are in Leyte. They number about 100 rifles. This report delayed to secure figures from Samar.

The ports of Batangas and Laguna provinces and island of Mindoro opened for resumption of trade at noon May 1. The ports of Samar will be opened in the course of a few days. I deem it best to give some days' warning because of the presence of cholera.

CHAFFEE.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The PRESIDENT PRO TEMPORE,
United States Senate.

STATUTES OF LIMITATIONS IN CERTAIN LAND CASES.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives for a duplicate copy of the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians; and, by unanimous consent, the request was ordered to be complied with.

DIAMOND SHOAL LIGHT-HOUSE, CAPE HATTERAS.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I shall not object to its consideration. I understand that it comes from the Committee on Commerce and that it involves no obligation on the part of the Government of the United States. I have not listened carefully to the reading of the bill. I wish to say that this enterprise has been tried twice before, and at least $100,000 have been expended on it. I know that at least two of the light-house boards have reported against such a measure. But I shall not object to its consideration.

Mr. HOAR. I desire to make one observation by way of explanation to the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HOAR. It is the Captain Eads case and the jetties over again in another way. This gentleman is a citizen of the State of Maine. He has been a large shipowner and the president of a steamship company. He is going to make this attempt to erect a light-house in the stormy waters off Cape Hatteras at his own cost, and he is not to have a dollar of pay until, I think, two years after the Light-House Board certifies that he has completed his work. He is very confident indeed of success. He is the author of several most important inventions in regard to commerce. Among other things, the cold-storage system, which is worth millions upon millions to the farming interests of this country, is his production.

Mr. ALLISON. But this is not cold storage.

Mr. HOAR. Let me make my statement, please.

Mr. ALLISON. Certainly.

Mr. HOAR. The subject has had a full and thorough hearing before the Committee on Commerce, who have gone all over it carefully day after day, and the Senator from Michigan [Mr. MCMILLAN] made this report. The bill provides in substance that he may attempt, which he shall do at his own risk, this most important work. He was the president of the company that owned the Portland steamboat which was lost in Boston Harbor some three or four years ago in one of the most terrible storms which has occurred on that coast for a generation. If a light-house which he thought he could construct in Long Island Sound on the shoal had existed, that ship would have been saved. He proposed to do it there. But it was suggested by the Light-House Board that the conditions were such that the channel was constantly shifting, and it might be 2 or 3 miles off in four or five years from where it was then. Accordingly, he said, "This is so important I will take Cape Hatteras; I will take the worst place on the coast, and I will take the entire risk myself."

Now, unless Congress is going to say, "We will not have any advantage from the inventive genius and the capital of the country, when the experiment is made at their own risk," it seems to me we might adopt the conclusion of the Committee on Commerce. It has been submitted to the North Carolina Senators and Representatives, who will, of course, state for themselves their view about it.

I have no interest in it except that the great shipping men of Boston unanimously and in great numbers, representing, I suppose, millions upon millions of capital, have joined in the petition to allow this man, whom they know well personally, to undertake this enterprise. He is a man of mature years and apt to succeed in everything he undertakes, and is absolutely trustworthy in his judgment and discretion.

Mr. PERKINS. Mr. President, in the absence of the Senator from Michigan [Mr. MCMILLAN] who reported this bill I simply desire to state that the Committee on Commerce had it under consideration for many weeks. I am one of the number, and was somewhat of a doubting Thomas. I know the great risks there are, especially off Cape Hatteras, in a light-house or any kind of a structure standing.

However, this gentleman, as the Senator from Massachusetts has said, is a thorough nautical man. He has been the inventor of many devices which have proven successful, although he has not profited financially by them; he has no money himself.

The bill after being considered by your committee was amended in several respects, so as to protect the Government's interest. We did not believe from our knowledge of the man who appeared before us that he would find capitalists who would be willing to advance him sufficient funds to successfully erect this structure, but he returned to Boston and after a week or more came back to this city and was willing to accept the bill under its conditions, which, as the Senator from Massachusetts has stated, fully protect the Government. This structure is to be completed according to the specifications named in the bill, and he is to receive nothing, I think, for two years, and then only a partial payment, and it is to be satisfactory to the Secretary of War.

Mr. HOAR. After the completion of the structure.

Mr. PERKINS. After the completion of it, and that is to be only a partial payment. It is to have a further test, to see if the structure can stand the storms and winds and the breaking of the waves at Cape Hatteras. I think, as the Senator from Massachusetts has well said, that in this case we may depart from the usual rule which has prevailed here, and it is the correct one, that light-houses and light-ships shall be constructed under the direction of the Light-House Board, and I believe we are justified in this instance in trying the experiment. Therefore I trust our friend from Iowa, who perhaps has not given the same thought and consideration to this subject-matter that your committee have, may waive his objection, as I believe the Government's interests are fully protected.

Mr. ALLISON. I am very sure that I have not given the same thought and consideration to this particular bill which the committee has done, and if I had I should probably agree with my friend from California, but I only know that once before, if not twice—I am sure that once before we put just such a contract as this into the sundry civil appropriation bill and appropriated a considerable sum of money, I think $500,000 instead of $250,000.

Mr. HOAR. This bill does not appropriate anything.

Mr. ALLISON. I withdraw the suggestion of an appropriation. I mean to say that we authorized the expenditure to be made by the private citizen at a cost named by him. He undertook the work and put down at the expense of $100,000 a caisson which in a storm of a single night was blown away, and afterwards there was considerable suggestion of a claim for the amount expended because he had made this hazardous experiment.

Now, I understand the Senator from Massachusetts to say that the committee has guarded every avenue that leads toward the Treasury in a way that the Treasury will not be approached, and I should be glad to know that any American citizen has the genius and the courage and the inventive capacity to construct a light-house at the place indicated. The Government has now a light-ship there, and if a light-house can be substituted, of course it will be an advantage, if it can only be so substituted as to remain.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HOAR. I do not want to detain the Senate, but there is one thing I should like to tell in this connection, which, perhaps, may interest some of our friends. I was in the House of Representatives upon the Committee on Railways and Canals. Captain Eads, the engineer, had built the great bridge at St. Louis, which, I will venture to say, though it was so great an achievement, was not to be compared with the achievement that this Captain Eells—curious resemblance in names—made in regard to the one single matter of cold storage. Captain Eells has done a benefit to this country which must be estimated by millions upon millions, and he is entitled to a little grace and favor as a mark of gratitude for that.

Captain Eads went before that committee in the House with his proposed jetty system. The committee sent for the Corps of Engineers, and every one of them except General Barnard, the president, pronounced Eads's proposal totally impracticable, and

said it would not work; that the only way to open the mouth of the Mississippi was to have a canal, which was to be a long distance, I do not remember how long, perhaps 70 or 100 miles. The committee had a patient hearing of Captain Eads and met the next week to vote. They voted unanimously that they could not grant his bill against the opinion of the Board of Army Engineers. He came to the committee room and went away almost a heart-broken man with the disappointment of this great plan of his.

I followed him out of the committee room and asked him to go with me into another room. I said, "Captain Eads, I voted, as the rest of the committee did, against your bill. I thought it would be presumption in me to go against the judgment of the board of engineers; but if you are willing to take a bill upon the principle that you shall not have any money until you have accomplished something—that you will deepen the channel so much and have so much, and then deepen the channel so much and have so much more—I will see if that can not be carried."

Captain Eads said he would accept any condition that could be put upon him; and he accordingly came back with a bill, which I went over and perfected as well as I could. I went into the meeting of that committee the next time, moved a reconsideration, carried the reconsideration by 1 vote, and carried the bill by 1 vote with the aid of a friend of mine and a friend of my friend who sits on my left, Mr. McCrary, who was then a Representative from the State of Iowa and was the chairman of the committee at the time.

In four or five years from that time there were vessels drawing 28 feet of water, I think, entering the port of New Orleans by that channel. It is now, I believe, the opinion of business men that another pass is better. Captain Eads was obliged, on the order of the Light-House Board, to take a pass against his own judgment, the pass he did not think the best, and now it is proposed to substitute the other pass.

Perhaps this is a little garrulous and a little egotistical, but I take some pleasure in the reflection that this benefit to the great commercial port of the South was the result of the action of Massachusetts abolitionists, and it is a pleasant memory. I have Captain Eads's certificate giving a history of the transaction and a statement of those facts. Now, if we can do the same thing for Cape Hatteras we shall benefit the whole Union alike, and I think it is worth while to make the trial.

Mr. CLAY. Mr. President, when this bill came before the Commerce Committee I hardly thought it ought to pass, and I do not believe, as it was introduced, it would have received a majority of the votes of the Committee on Commerce. There were two or three reports from the Light-House Board against its passage. But the bill was amended in such a way that I do not see how the Government can have any trouble whatever if the bill shall pass. I think the second section of the bill saves the Government any possible trouble. It provides:

> That when the said light-house shall be placed in position, in accordance with the conditions herein specified, and ready to be lighted, the same shall be subject to the approval, on behalf of the Government of the United States, of the Secretary of War.

In other words, it provides that after the light-house is built the Secretary of War must first approve it and be satisfied that it is in accordance with the contract. The bill also provides, in the same section—

> That at the end of one year after the said light-house shall have been so approved the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Albert F. Eells, or his assigns or legal representatives, the sum of $300,000.

And it also provides that at the end of two years after said approval the balance shall be paid. In other words, as I understand the bill now, it simply provides that the light-house must be built, it must be completed, and it must be tested at least one year before a single cent is paid; and then, if it continues to stand the test, at the end of two years the balance is to be paid. If the light-house should prove to be a failure—and I should not be surprised if the work does prove to be a failure—there is one thing certain the Government of the United States will have nothing to pay for it. For that reason I am willing to give the bill my support, and for no other reason.

Mr. SIMMONS. Mr. President, I simply rise to say a few words in connection with the pending bill and the project of Captain Eells. I have had during the pendency of this measure before the Committee on Commerce quite a number of conversations with Captain Eells concerning it. In those conversations I inquired particularly into Captain Eells's engineering skill, ability, and experience. He showed to me quite a number of indorsements from the most distinguished engineers in this country, which assured me of their entire confidence in his ability to build a light-house that would stand the storms of Hatteras.

I am satisfied myself that the scheme is entirely feasible; and the large number of petitions which have come to Congress—I have not enumerated them, but I should judge from the space they occupy in the RECORD that there must be at least 150 petitions which have been presented to the committee from various bodies, from various associations and business establishments—express confidence in this scheme of Captain Eells, That confidence is based, as I said before, upon the statement of engineers of national reputation, to whom the scheme has been submitted.

As has been said several times, the Government has undertaken to establish at that point a light-house, and at one time a contractor spent $100,000, and it was all lost. This is an entirely new device, a new design which Captain Eells proposes to put into construction there. My understanding from him is that this is to be in the character originally of a floating ship that is to be taken out into water 30 feet deep, and I believe there it is to be sunk securely down into the sand.

After this is done, after he has borne the expense—and the committee certainly said in this report that they are satisfied that the price which Captain Eells exacts is in itself reasonable, although he takes the entire risk—but after this is done, after he has assumed the entire risk—I say "he," but I do not mean that he is to furnish the money, for I understand he is not a man of means, but he has satisfied other gentlemen in this country, of ample and abundant capital, to the extent that they are willing to risk their money in this scheme—after that money has been thus hazarded he is not to receive a solitary cent, as the Senator from Georgia [Mr. CLAY] says, until that light-house has stood the test of a year, under the supervision and control, as I understand it, of the Light-House Board of this Government. At the end of the year, if the Light-House Board is of the opinion that it is secure and permanent, then they are to pay him one-half of the consideration money, and the balance is not to be paid him until the light-house has stood the test for another year; and at the end of the second year the entire amount is to be paid to him, $575,000.

Now, I say that these gentlemen, to whom Captain Eells has submitted his plans, who are to furnish the money, have enough confidence in the scheme and in Captain Eells to risk this amount of money, and the Government is not to lose a cent if he fails.

The Light-House Board does not approve or disapprove of the scheme. The Board expresses the opinion that a light-house there of this character is very desirable, but it refuses to express an opinion as to the feasibility of the scheme submitted by Captain Eells.

Mr. CLAY. The Light-House Board is against the scheme.

Mr. SIMMONS. I do not understand the Light-House Board, from the extract from the letter published here, as having expressed an opinion against the feasibility of the scheme.

Mr. SPOONER. I should like to know whether that is an accurate statement or not.

Mr. SIMMONS. I can read to the Senator what the Board say about it. I have myself read it very hurriedly.

Mr. BERRY. Will the Senator from North Carolina permit me?

Mr. SIMMONS. Certainly.

Mr. BERRY. There was a member of the Light-House Board who appeared before the Committee on Commerce, and my recollection is that that officer doubted the possibility of the success of this scheme, or whether any light-house at all could be constructed off Cape Hatteras that would stand. I do not know that the Light-House Board has any opposition to the project otherwise, save and except the general idea that all work of this kind should be done under the Government rather than by individuals.

Mr. SPOONER. Will the Senator from Arkansas allow me to ask him a question?

Mr. BERRY. Certainly.

Mr. SPOONER. Has the Light-House Board, as a Board, considered this plan of Captain Eells?

Mr. BERRY. I think probably it has been submitted to them.

Mr. SPOONER. Have they as a Board rejected it?

Mr. BERRY. No, sir. In the first place, the Board had no right to reject it. It is a question for Congress as to whether or not the legislation is necessary.

Mr. SPOONER. Has the Board made any recommendation in regard to it?

Mr. BERRY. I say that the gentleman who was before the committee said he did not believe it was practicable to construct this light-house, and I think that was perhaps the conclusion of the Board.

Mr. HOAR. The letter of the Secretary of the Treasury is very brief. I have it here and will read it:

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, March 10, 1902.*
>
> SIR: This Department has the honor to acknowledge the receipt of a letter from your committee, dated February 14, 1902, inclosing for suggestions a copy of Senate bill No. 3864, providing for the construction of a light-house, with a fog signal, at Diamond Shoal, off Cape Hatteras, North Carolina.
>
> The Department in reply begs to state, at the instance of the Light-House

Board, that without regard to the question of advisability or desirability of establishing a light-house and fog signal in this locality, the bill in question does not permit of competitive bids or plans, and therefore bars out the general engineering profession in connection with the matter.

The Board is of the opinion that works of this character should be open to competition in order to secure the best engineering talent and the best and most responsible contractors, and that regular contracts should be entered into in order that proper inspection of the plans, material, and construction can be provided.

The Light-House Board is also of opinion that no payment should be provided for until final acceptance of the work, after the contractor has maintained the light and fog-signal apparatus for one year at his own expense in strict compliance with light-house regulations, providing that the structure shall still be in good order and condition.

The contractor should furnish and equip the station complete in every particular, according to light-house requirements, with the exception of the lens apparatus to be furnished by the Light-House Establishment.

All this is required in the bill.

The Board finds itself unable to give an opinion in regard to the character of the structure proposed in the bill, either as to its stability or as to its suitability for light-house purposes, for the reason that the data concerning the foundation is too meager to permit of detailed analysis, while no details whatever are given concerning the superstructure. The Board is therefore unable to give a favorable recommendation on the bill in question.

This Department concurs with the Board in that opinion, and finds itself unable to recommend the passage of this bill.

Respectfully,

L. M. SHAW, *Secretary.*

THE CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

The substance of this letter is that the Light-House Board do not indorse the scheme, and do not know enough about it to approve or disapprove it. The Board think that if the work is done by the Government, it should be on competition by engineers; and that whoever does it the Government should furnish the light-house lense, and the payment should not be made until two years, which is provided for in the bill.

Mr. SIMMONS. Mr. President, my statement a little while ago was based upon the last clause in the letter of Secretary Shaw, which the Senator from Massachusetts has just read. My statement was that the Light-House Board neither approved nor disapproved of the scheme, and did not express any opinion as to its feasibility.

The PRESIDING OFFICER. The amendments reported by the Committee on Commerce will be stated.

The first amendment reported by the Committee on Commerce was, in section 1, line 8, before the name "Diamond Shoal," to insert "outer;" so as to read:

That Albert F. Eells, of Boston, Mass., be, and he is hereby, authorized, with such others as may be associated with him, to construct, in the manner and on the conditions herein specified, a substantial and sufficient light-house and fog signal, together with such auxiliary works as will be necessary to maintain the same permanently, at the outer Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, to strike out the clause from line 4 to line 8, inclusive, as follows:

That no such construction, or means employed, shall hinder, delay, or materially interfere with the free navigation of the channel at said point; and the Secretary of the Treasury is hereby authorized to make such regulations as will effectually protect said navigation.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 13, before the word "feet," to strike out "ten," and insert "fifteen," and in line 17, before the word "feet," to strike out "fifteen," and insert "twenty;" so as to make the clause read:

That the foundation and base of said structure shall be sunken not less than 15 feet into the sea bottom, unless solid foundation shall be found nearer the surface, and shall be inclosed in a steel caisson, filled with masonry and concrete, extending from the bottom thereof to a height of not less than 20 feet above mean high tide.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 20, after the word "tide," to insert:

and that part of the said structure filled with masonry and concrete and extending 20 feet above mean high tide shall not be less than 27½ feet in diameter at such height. Sufficient space shall be provided in said solid masonry above mean high tide for the storage of fresh water and other articles. Above said solid structure, beginning at a height of 20 feet above mean high tide, there shall be erected a circular steel structure, containing suitable apartments for living and storage rooms, and extending a height of not less than 20 feet, or as much more as may be necessary, and making a total height of not less than 40 feet in all above mean high tide, and which said circular steel structure shall be 27½ feet in diameter at the base and not less than 25 feet in diameter at the top; and the said superstructure for living apartments and storage room as above provided shall be fully equal in space and accommodations to the living apartments in the light station at Minots Rock, on the coast of Massachusetts.

There shall be erected above said circular steel structure, as aforesaid, a circular steel tower or mast of sufficient diameter to contain a spiral stairway, and which shall extend a sufficient height so that the light to be placed thereon shall be at least 200 feet above mean high tide, all to be substantially and securely constructed.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, line 25, after the word "Treasury," to insert "upon demand, and when the said structure shall be sufficiently completed to place the same in position;" so as to make the clause read:

That the lens and equipment for the said light-house and fog signal shall be furnished by the United States, under the direction of the Secretary of the Treasury, upon demand, and when the said structure shall be sufficiently completed to place the same in position, without expense to said Eells or his associates.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 6, after the word "signal," to strike out "before June 1, 1902," and insert "within sixty days after written request from the said Eells or his associates. During the progress of the construction of said light-house the same shall be inspected from time to time under the direction of the Secretary of War;" so as to make the clause read:

That the Secretary of the Treasury shall designate a suitable and proper place for the construction of said proposed light-house and fog signal within sixty days after written request from the said Eells or his associates. During the progress of the construction of said light-house the same shall be inspected from time to time under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Albert F. Eells, or to his assigns or legal representatives, $150,000 when said light-house is placed in position in accordance with the conditions herein specified, and ready to be equipped and lighted; and an additional $150,000 when said light-house and fog signal are completed in accordance with the conditions herein specified; and $250,000 additional (making in all $550,000) at the expiration of one year after the date of the completion of said light-house and fog signal, provided the same shall have remained in a substantial and good condition during said period of one year.

And in lieu thereof to insert:

SEC. 2. That when the said light-house shall be placed in position, in accordance with the conditions herein specified, and ready to be lighted, the same shall be subject to the approval, on behalf of the Government of the United States, of the Secretary of War. That at the end of one year after the said light-house shall have been so approved that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Albert F. Eells, or his assigns or legal representatives, the sum of $300,000, and at the end of two years after said approval the additional sum of $275,000, making in all the sum of of $575,000: *Provided*, That the same shall have remained in a substantial and good condition during the period of one and two years, respectively.

The amendment was agreed to.

The next amendment was, in section 3, on page 5, line 16, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the section read:

SEC. 3. That $575,000, or so much thereof as may become due and payable under the terms of this act, are hereby appropriated.

The amendment was agreed to.

Mr. ALLISON. Now, I ask that this bill may lie over until some convenient time. I should like to examine it as it reads after having been amended.

Mr. COCKRELL. Let the bill be printed, with the amendments which have been agreed to.

Mr. ALLISON. Yes.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] asks that the bill be reprinted as it has been amended.

Mr. ALLISON. I hope that will be done.

The PRESIDING OFFICER. Without objection, it will be so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 8, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 7, 1902.

CONSUL-GENERAL.

H. Clay Evans, of Tennessee, to be consul-general of the United States at London, England, vice William M. Osborne, deceased.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Edward A. Roche, Fifteenth Infantry, to be captain, April 14, 1902, vice Ducat, Twenty-fourth Infantry, promoted.

First Lieut. William M. Fassett, Fifth Infantry, to be captain, April 14, 1902, vice Travis, Eleventh Infantry, promoted.

APPOINTMENT IN THE ARMY.

Infantry Arm.

Nelson Read Johnson, of the District of Columbia, to be second lieutenant, February 2, 1901.

RECEIVERS OF PUBLIC MONEYS.

Austin B. Dorsey, of Waterville, Wash, to be receiver of public moneys at Waterville, Wash., vice Lucien E. Kellogg, whose term will expire June 14, 1902.

Frank H. Young, of Nebraska, to be receiver of public moneys at Broken Bow, Nebr., to take effect May 25, 1902, at expiration of his present term. (Reappointment.)

C. W. Barnes, of Nebraska, to be receiver of public moneys at McCook, Nebr., to take effect May 29, 1902, vice Joel A. Piper, term expired.

COMMISSIONER-GENERAL OF IMMIGRATION.

Frank P. Sargent, of Illinois, to be Commissioner-General of Immigration, to succeed Terrence V. Powderly, resigned.

PROMOTIONS IN MARINE-HOSPITAL SERVICE.

Asst. Surg. Hill Hastings, of Kentucky, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 29, 1902.

This nomination is made in lieu of the one made April 18, 1902, and confirmed by the Senate April 26, 1902, for the reason that the date from which the appointment should take effect was not stated in former nomination.

Asst. Surg. Claude H. Lavinder, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 27, 1902.

This nomination is made in lieu of the one made April 7, 1902, and confirmed by the Senate April 11, 1902, for the reason that the date from which the appointment should take effect was not stated in former nomination.

Asst. Surg. Taliaferro Clark, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States, to rank as such from March 27, 1902.

This nomination is made in lieu of the one made April 7, 1902, and confirmed by the Senate April 11, 1902, for the reason that the date from which the appointment should take effect was not stated in former nomination.

COLLECTOR OF INTERNAL REVENUE.

Frank W. Tucker, of Arkansas, to be collector of internal revenue for the district of Arkansas, to succeed Harmon L. Remmel, resigned.

UNITED STATES ATTORNEY.

William E. Bundy, of Ohio, to be United States attorney for the southern district of Ohio. A reappointment, his term having expired May 5, 1902.

REGISTERS OF LAND OFFICES.

Robert Barber, of Alabama, to be register of the land office at Montgomery, Ala., his term having expired. (Reappointment.)

Francis M. Rathbun, of Nebraska, to be register of the land office at McCook, Nebr., to take effect May 29, 1902, at expiration of his present term. (Reappointment.)

James Whitehead, of Nebraska, to be register of the land office at Broken Bow, Nebr., to take effect May 25, 1902, at expiration of his present term. (Reappointment.)

GOVERNOR OF ARIZONA.

Alexander O. Brodie, of Arizona, to be governor of Arizona, to take effect July 1, 1902, vice Nathan O. Murphy, resigned.

INDIAN AGENT.

Caleb B. Jackson, of South Dakota, to be agent for the Indians of the Sisseton Agency in South Dakota, now in charge of a school superintendent.

THIRD SECRETARY OF EMBASSY.

Craig W. Wadsworth, of New York, to be third secretary of embassy of the United States at London, to take effect July 1, 1902, vice William Corcoran Eustis, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Edward H. Scribner, to be a lieutenant-commander in the Navy from the 27th day of December, 1901, vice Lieut. Commander William A. Marshall, promoted.

Pay Inspector William J. Thomson, to be a pay director in the Navy from the 29th day of March, 1902, vice Pay Director Henry T. Wright, deceased.

Second Lieut. Hugh L. Matthews, to be a first lieutenant in the Marine Corps, to fill a vacancy existing in that grade.

Asst. Surg. James G. Field (retired), to be a surgeon in the Navy, on the active list, with the rank of lieutenant, not in line of promotion, in accordance with the provisions of an act of Congress (Private No. 579) approved May 1, 1902.

POSTMASTERS.

Charles W. Buckley, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama, in place of Charles W. Buckley. Incumbent's commission expires May 16, 1902.

Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas, in place of Elijah O. Lefors. Incumbent's commission expires May 27, 1902.

Austin Young, to be postmaster at Randsburg, in the county of Kern and State of California, in place of Austin Young. Incumbent's commission expired May 4, 1902.

William R. O'Neal, to be postmaster at Orlando, in the county of Orange and State of Florida, in place of William R. O'Neal. Incumbent's commission expires May 12, 1902.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia, in place of Joseph F. Doyle. Incumbent's commission expires May 23, 1902.

Joseph E. Helfrich, to be postmaster at Carthage, in the county of Hancock and State of Illinois, in place of Charles W. Taylor. Incumbent's commission expired January 10, 1902.

Martin K. Whelan, to be postmaster at Estherville, in the county of Emmet and State of Iowa, in place of Martin K. Whelan. Incumbent's commission expired May 5, 1902.

Frank G. Atherton, to be postmaster at Osage, in the county of Mitchell and State of Iowa, in place of Frank G. Atherton. Incumbent's commission expires May 28, 1902.

Hiram A. Huse, to be postmaster at Bath, in the county of Sagadahoc and State of Maine, in place of Hiram A. Huse. Incumbent's commission expired April 26, 1902.

W. O. Fuller, jr., to be postmaster at Rockland, in the county of Knox and State of Maine, in place of John Lovejoy. Incumbent's commission expired April 26, 1902.

Frederick B. Horne, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts, in place of Frederick B. Horne. Incumbent's commission expired May 6, 1902.

William R. Hall, to be postmaster at Maynard, in the county of Middlesex and State of Massachusetts, in place of William R. Hall. Incumbent's commission expired May 5, 1902.

William Parsons, to be postmaster at Rockport, in the county of Essex and State of Massachusetts, in place of William Parsons. Incumbent's commission expired May 5, 1902.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan, in place of James Buckley. Incumbent's commission expires May 28, 1902.

Frank B. Watson, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan, in place of Frank B. Watson. Incumbent's commission expires May 16, 1902.

Albert C. Krog, to be postmaster at Washington, in the county of Franklin and State of Missouri, in place of Albert C. Krog. Incumbent's commission expired April 12, 1902.

George W. Huffaker, to be postmaster at Helena, in the county of Lewis and Clarke and State of Montana, in place of Andrew J. Fisk. Incumbent's commission expired March 9, 1902.

John T. Welch, to be postmaster at Dover, in the county of Strafford and State of New Hampshire, in place of John T. Welch. Incumbent's commission expired May 4, 1902.

Osmon B. Warren, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire, in place of Osmon B. Warren. Incumbent's commission expired May 6, 1902.

Horace French, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire, in place of Horace French. Incumbent's commission expired May 4, 1902.

Ellery C. Arnold, to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota, in place of Emma C. Arnold. Incumbent's commission expired March 4, 1902.

William B. R. Mason, to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey, in place of William B. R. Mason. Incumbent's commission expired May 5, 1902.

Jacob B. Mathews, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico, in place of Jacob B. Mathews. Incumbent's commission expires May 19, 1902.

William H. Bartlett, to be postmaster at Amenia, in the county of Dutchess and State of New York, in place of William H. Bartlett. Incumbent's commission expired May 5, 1902.

Burt Graves, to be postmaster at Middleport, in the county of Niagara and State of New York, in place of Burt Graves. Incumbent's commission expires May 10, 1902.

Thomas Dye, to be postmaster at Millerton, in the county of Dutchess and State of New York, in place of Lorin J. Eggleston. Incumbent's commission expired May 5, 1902.

George T. Reeve, jr., to be postmaster at Riverhead, in the county of Suffolk and State of New York, in place of George T. Reeve, jr. Incumbent's commission expired May 5, 1902.

Frank N. Webster, to be postmaster at Spencerport, in the county of Monroe and State of New York, in place of Frank N. Webster. Incumbent's commission expired May 5, 1902.

Edwin P. Bouton, to be postmaster at Trumansburg, in the county of Tompkins and State of New York, in place of Edwin P. Bouton. Incumbent's commission expired May 5, 1902.

Reuben F. Hoff, to be postmaster at Union Springs, in the county of Cayuga and State of New York, in place of Reuben F. Hoff. Incumbent's commission expired May 5, 1902.

Henry Osterheld, to be postmaster at Yonkers, in the county of Westchester and State of New York, in the place of Henry Osterheld. Incumbent's commission expires May 24, 1902.

Will S. Fornshell, to be postmaster at Camden, in the county of Preble and State of Ohio, in place of Will S. Fornshell. Incumbent's commission expires May 24, 1902.

Charles A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio, in place of Charles A. McKim. Incumbent's commission expires May 24, 1902.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio, in place of Robert M. Rownd. Incumbent's commission expires May 24, 1902.

Melancthon B. Everitt, to be postmaster at Payne, in the county of Paulding and State of Ohio, in place of Melancthon B. Everitt. Incumbent's commission expired January 12, 1902.

Irwin G. Lukens, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania, in place of Irwin G. Lukens. Incumbent's commission expires May 11, 1902.

Frank E. Britton, to be postmaster at Jonesboro, in the county of Washington and State of Tennessee, in place of Frank E. Britton. Incumbent's commission expires May 27, 1902.

Everton W. Kennerly, to be postmaster at Giddings, in the county of Lee and State of Texas, in place of Everton W. Kennerly. Incumbent's commission expires May 28, 1902.

Henry O. Wilson, to be postmaster at Marshall, in the county of Harrison and State of Texas, in place of Henry O. Wilson. Incumbent's commission expires May 24, 1902.

James M. Sloan, to be postmaster at Navasota, in the county of Grimes and State of Texas, in place of Ida L. Jones. Incumbent's commission expires May 16, 1902.

McClung Patton, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in place of John P. Ackerly. Incumbent's commission expires May 10, 1902.

George H. Richmond, to be postmaster at Northfield, in the county of Washington and State of Vermont, in place of George H. Richmond. Incumbent's commission expired May 5, 1902.

James P. Fitch, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in place of James P. Fitch. Incumbent's commission expires May 24, 1902.

Stephen R. Kirby, to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota, in place of Archibald M. Chisholm, resigned.

Henry E. Langevin, to be postmaster at Curtis, in the county of Frontier and State of Nebraska, in place of Sanford R. Razee, removed.

Edward S. Hance, to be postmaster at Wharton, late Port Oram, in the county of Morris and State of New Jersey, in place of Edward S. Hance, to change name.

Richard B. Harrison, to be postmaster at New Boston, in the county of Bowie and State of Texas. Office became Presidential January 1, 1902.

James Brizzolara, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas, in place of James Brizzolara. Incumbent's commission expires May 18, 1902.

Denny K. Jewell, to be postmaster at Hallowell, in the county of Kennebec and State of Maine, in place of Denny K. Jewell. Incumbent's commission expired May 2, 1902.

Samuel Adams, to be postmaster at Bellaire, in the county of Antrim and State of Michigan, in place of Samuel Adams. Incumbent's commission expired May 4, 1902.

Clark J. Drummond, to be postmaster at Greenville, in the county of Montcalm and State of Michigan, in place of Clark J. Drummond. Incumbent's commission expired May 5, 1902.

James Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in place of James Porter Patton. Incumbent's commission expires May 31, 1902.

Ellsworth F. Pike, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire, in place of Ellsworth F. Pike. Incumbent's commission expires May 28, 1902.

Lewis H. Baldwin, to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire, in place of Lewis H. Baldwin. Incumbent's commission expired May 5, 1902.

Luther H. Morrill, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire, in place of Luther H. Morrill. Incumbent's commission expires May 24, 1902.

Peter F. Wanser, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey, in place of Peter F. Wanser. Incumbent's commission expires May 28, 1902.

George H. Tice, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey, in place of George H. Tice. Incumbent's commission expires May 16, 1902.

Luther M. Whitaker, to be postmaster at Westfield, in the county of Union and State of New Jersey, in place of Luther M. Whitaker. Incumbent's commission expires May 27, 1902.

Walter C. Dolson, to be postmaster at Kingston, in the county of Ulster and State of New York, in place of George M. Brink. Incumbent's commission expires May 16, 1902.

Leonidas Conover, to be postmaster at Covington, in the county of Miami and State of Ohio, in place of Leonidas Conover. Incumbent's commission expired March 30, 1902.

James H. Rabbitts, to be postmaster at Springfield, in the county of Clark and State of Ohio, in place of James H. Rabbitts. Incumbent's commission expired April 21, 1902.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania, in place of James D. Ames. Incumbent's commission expired May 4, 1902.

Charles W. Siglinger, to be postmaster at Webster, in the county of Day and State of South Dakota, in place of John W. Arthur. Incumbent's commission expires May 16, 1902.

Gains L. Burk, to be postmaster at Van Alstyne, in the county of Grayson and State of Texas, in place of Gains L. Burk. Incumbent's commission expires May 28, 1902.

Levi L. Odell, to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin, in place of Levi L. Odell. Incumbent's commission expired May 4, 1902.

George R. Hall, to be postmaster at Oconto, in the county of Oconto and State of Wisconsin, in place of George R. Hall. Incumbent's commission expired May 4, 1902.

Jackson Whiteman, to be postmaster at Marceline, in the county of Linn and State of Missouri, in place of Jackson Whiteman. Incumbent's commission expired February 18, 1902.

Thomas S. Berg, to be postmaster at McIntosh, in the county of Polk and State of Minnesota. Office became Presidential January 1, 1902.

Fletcher E. Wilcox, to be postmaster at Milton, in the county of Umatilla and State of Oregon. Office became Presidential January 1, 1902.

Jesse A. Frye, of Washington, to be United States attorney for the district of Washington, vice Wilson R. Gay, whose term expired February 2, 1902.

WITHDRAWAL.

Executive nomination withdrawn May 7, 1902.

George E. Buckman, to be postmaster at Washington, in the State of North Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7, 1902.

MARSHALS.

Henry Z. Osborne, of California, to be United States marshal for the southern district of California.

John H. Shine, of California, to be United States marshal for the northern district of California.

CHIEF JUSTICE COURT OF PRIVATE LAND CLAIMS.

Joseph R. Reed, of Iowa, to be chief justice of the Court of Private Land Claims.

ASSOCIATE JUSTICES COURT OF PRIVATE LAND CLAIMS.

Henry C. Sluss, of Kansas, to be associate justice of the Court of Private Land Claims.

William W. Murray, of Tennessee, to be associate justice of the Court of Private Land Claims.

Wilbur F. Stone, of Colorado, to be associate justice of the Court of Private Land Claims.

Frank I. Osborne, of North Carolina, to be associate justice of the Court of Private Land Claims.

POSTMASTERS.

Manning M. Rose, to be postmaster at Marietta, in the county of Washington and State of Ohio.

Atwell E. Ferguson, to be postmaster as Gibsonburg, in the county of Sandusky and State of Ohio,

Clifton G. Ducomb, to be postmaster at Ashland, in the county of Ashland and State of Ohio.

James M. Wilson, to be postmaster at Falmouth, in the county of Pendleton and State of Kentucky.

Wray T. Knight, to be postmaster at Richmond, in the county of Henrico and State of Virginia.

Joseph W. Howard, to be postmaster at Greeneville, in the county of Greene and State of Tennessee.

John D. Cotton, to be postmaster at Parker, in the county of Turner and State of South Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 7, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MINORITY VIEWS—HORTON AGAINST BUTLER.

Mr. BOWIE. Mr. Speaker, I have the minority views in the case of Horton against Butler. The time for filing the views was out on Monday, but the House was in session but a few moments on Monday and on Tuesday, and for that reason I ask unanimous consent to be permitted to file the views of the minority to-day.

The SPEAKER. The gentleman from Alabama asks unanimous consent to file the views of the minority in the case, the title of which the Clerk will report.

The Clerk read as follows:

Horton against Butler.

The SPEAKER. Without objection, the views of the minority will be filed and referred to the Committee of the Whole House.

There was no objection, and it was so ordered.

PROTECTION OF CITIES AND TOWNS IN THE INDIAN TERRITORY.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the House bill 53 for the purpose of concurring in the Senate amendment.

The SPEAKER. The gentleman from Texas calls up the following House bill, with Senate amendment.

The Clerk read as follows:

A bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes.

With a Senate amendment, which was read, as follows:

Strike out all after the enacting clause and insert:

"That any incorporated city or town in the Indian Territory having a population of 2,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses; such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *Provided*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: *Provided, however*, That before any election shall be held for the purposes herein named a census shall be taken and the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds.

"SEC. 2. That such bonds shall contain all necessary and usual provisions expressing the contract, shall be signed by the mayor and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent per annum, payable semiannually, and none of said bonds shall be sold at less than their par value.

"SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrepealable, provide for the collection of an annual tax sufficient to pay the interest on such bonds as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act."

Mr. STEPHENS of Texas. I move to concur in the Senate amendment.

Mr. PAYNE. I would like to ask the gentleman to what Territory this bill refers?

Mr. STEPHENS of Texas. The Indian Territory.

Mr. PAYNE. I see there is a general provision for issuing bonds. I could not observe where it is confined to by the reading.

Mr. STEPHENS of Texas. It relates to the Indian Territory alone in its general provisions. The bill passed the House early in the session and went to the Senate and was there amended. The only difference in the House and Senate bill is this: The House bill provided that incorporated towns and cities of 1,000 inhabitants might have the right to issue these bonds under the rules prescribed in the bill. The Senate raised the limit to 2,000 inhabitants. That is the only change.

Mr. PAYNE. What is the limit as to the amount of bonds?

Mr. STEPHENS of Texas. I think the amount of the limitation in the present bill is placed at 5 per cent.

The SPEAKER. The question is on agreeing to the motion.

The question was taken, and the motion to concur was agreed to.

PUBLIC PRINTING AND BINDING.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *May 5, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4872) to amend an act entitled, "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

LOST BILL.

The SPEAKER laid before the House the following resolution; which was read, considered, and agreed to:

Ordered, That the Senate be requested to furnish the House of Representatives a duplicate copy of the bill (S. 4264) providing that the statutes of limitation of the several States shall apply as a defense to action brought in any court for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians, the same having been lost.

ALLOTMENT OF LANDS OF THE LAC COURTE OREILLE RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10698.

The bill was read, as follows:

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille Reservation, in the State of Wisconsin.

Be it enacted, etc., SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation, in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding 80 acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi concluded September 30, 1854.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear. I think I will have to object unless some very good reason shall be given for this unanimous consent. It looks like a very important bill to take up at this hour.

Mr. BROWN. I will say for the information of the gentleman that this provides an additional allotment of land to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin. There have been previous allotments on the Lac Courte Oreille Reservation to 702 Indians, covering 49,040 acres. The timber has been removed from the land which we propose to allot, and it is desired by the Indians interested; also by the agent in charge. It is also recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. RICHARDSON of Tennessee. I would like to ask how much land is involved in this bill.

Mr. CURTIS. If the gentleman will permit me, I will say that there are about 20,000 acres in one reservation and about 30,000 in the other reservation.

Mr. RICHARDSON of Tennessee. I think that is too large a bill to consider under unanimous consent, and I will object.

The SPEAKER. The gentleman from Tennessee objects.

GRANT OF CERTAIN LANDS TO IDAHO.

Mr. GLENN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3800) to grant certain lands to the State of Idaho.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from New York.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 1988. An act to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect;

S. 136. An act for the relief of Mrs. Martha E. West;

S. 92. An act for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn.;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom;

S. 1874. An act for the relief of Frank F. Flournoy;

S. 576. An act for the relief of Mrs. P. J. Getty, administratrix;

S. 5460. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims;

S. 4769. An act to fix the fees of jurors in the United States courts;

S. 3237. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.;
S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander Goodwin;
S. 2276. An act to fix the time of holding the circuit and district courts for the southern district of West Virginia;
S. 4408. An act to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901;
S. 2992. An act to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect;
S. 4982. An act granting an increase of pension to John Fler;
S. 4727. An act granting an increase of pension to Isaac Rhodes;
S. 2697. An act granting an increase of pension to Sarah F. Baldwin;
S. 5506. An act granting an increase of pension to Clayton P. Van Houten;
S. 4710. An act granting a pension to Anna May Hogan;
S. 3506. An act granting an increase of pension to Stanley M. Casper;
S. 712. An act granting a pension to John Housiaux;
S. 3888. An act granting a pension to Jesse H. Hubbard;
S. 5424. An act granting an increase of pension to Cynthia J. Shattuck;
S. 5106. An act granting an increase of pension to Horace L. Richardson;
S. 4790. An act directing payment of pension to Stephen A. Seavey;
S. 1184. An act granting a pension to Mary Florence Von Steinwehr;
S. 1471. An act for the relief of Henry G. Rogers;
S. 5080. An act granting a pension to Hester J. Farnsworth;
S. 4240. An act granting a pension to Calvin N. Perkins;
S. 1458. An act granting an increase of pension to Linda W. Slaughter;
S. 4712. An act granting an increase of pension to Eliphalet Noyes;
S. 5202. An act granting an increase of pension to Jennie M. Wagner;
S. 4415. An act granting an increase of pension to Vesta A. Brown;
S. 2168. An act granting an increase of pension to Charles O. Baldwin;
S. 921. An act granting an increase of pension to Joanna Rogers;
S. 5402. An act granting an increase of pension to Hiram H. Thomas;
S. 5534. An act granting an increase of pension to Abbie C. Bremner;
S. 5302. An act granting an increase of pension to John H. Everitt;
S. 2056. An act granting an increase of pension to David J. Newman;
S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;
S. 1614. An act granting an increase of pension to Nelson W. Carlton;
S. 5052. An act granting an increase of pension to Gilbert Barkalow;
S. 2863. An act granting an increase of pension to Mary L. Purington;
S. 3551. An act granting an increase of pension to John P. Collier;
S. 5371. An act granting an increase of pension to Jonathan O. Thompson;
S. 2457. An act granting an increase of pension to Warren Y. Merchant;
S. 5118. An act granting an increase of pension to Adam Stuber;
S. 896. An act granting an increase of pension to James E. McNair;
S. 2646. An act granting a pension to Justus L. Denton; and
S. 5119. An act granting an increase of pension to Samuel S. Walch.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12239. An act granting an increase of pension to Agnes Clark;
H. R. 2436. An act granting an increase of pension to James W. Roath;
H. R. 7840. An act granting an increase of pension to Oliver Kerr;
H. R. 8351. An act granting a pension to Matthew V. Ellis;
H. R. 3277. An act granting a pension to Frances J. Abercrombie;
H. R. 2129. An act granting an increase of pension to Warren W. H. Lawrence;
H. R. 5183. An act granting an increase of pension to William Holdridge;
H. R. 12552. An act granting a pension to Erwin A. Burke;
H. R. 5190. An act granting an increase of pension to Alvin J. Hartzell;
H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;
H. R. 13093. An act granting a pension to Eliza A. Brownlow;
H. R. 6441. An act granting an increase of pension to William H. Wood;
H. R. 11662. An act granting an increase of pension to Albion P. Stiles;
H. R. 6645. An act granting an increase of pension to Ann E. Austin;
H. R. 12788. An act granting a pension to Elizabeth McDonald;
H. R. 6434. An act granting a pension to Mary J. Fitch;
H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;
H. R. 12713. An act granting an increase of pension to Bernard McCormick;
H. R. 13439. An act granting an increase of pension to William Blanchard;
H. R. 1681. An act granting an increase of pension to Erma G. Harvey;
H. R. 5600. An act granting an increase of pension to John G. Sanders;
H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;
H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;
H. R. 10496. An act granting an increase of pension to James T. Steele;
H. R. 8788. An act granting an increase of pension to Jacob Weidel;
H. R. 11117. An act granting an increase of pension to William T. Hamilton;
H. R. 5217. An act granting an increase of pension to Elizabeth P. Sigfried;
H. R. 11181. An act granting a pension to Alice D. H. Krause;
H. R. 2486. An act granting an increase of pension to William Matthews;
H. R. 12899. An act granting an increase of pension to William H. Rightmire;
H. R. 11920. An act granting an increase of pension to George W. Wertz;
H. R. 12145. An act granting an increase of pension to Caleb W. Story;
H. R. 4993. An act granting a pension to Mary Shelton Huston;
H. R. 3756. An act granting an increase of pension to James C. G. Smith;
H. R. 10122. An act granting an increase of pension to John S. Burket;
H. R. 1479. An act granting an increase of pension to Michael Marnane;
H. R. 8016. An act granting an increase of pension to Hannibal C. St. Clair;
H. R. 10396. An act granting an increase of pension to Elvin A. Esty;
H. R. 8913. An act granting an increase of pension to Rachel S. Lyman;
H. R. 12855. An act granting an increase of pension to Milton Brown;
H. R. 9819. An act granting an increase of pension to Robert A. Pinn;
H. R. 13076. An act to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii;
H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.;
H. J. Res. 189. Joint resolution making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington;
H. R. 2316. An act to correct the military record of Albert Baker;
H. R. 11695. An act granting an increase of pension to George W. Hatton;
H. R. 12576. An act granting an increase of pension to Thomas Wells;
H. R. 9156. An act granting an increase of pension to Uriah Garber;
H. R. 1380. An act granting an increase of pension to Mary Tate;
H. R. 5110. An act granting an increase of pension to William H. Dixon;
H. R. 7901. An act granting a pension to Dewitt Clinton Letts;

H. R. 4622. An act granting a pension to Frank W. Lynn;
H. R. 11787. An act granting a pension to John J. Manner;
H. R. 11051. An act granting an increase of pension to Henry E. Williams;
H. R. 9656. An act granting an increase of pension to Lunsford Y. Bailey;
H. R. 11894. An act granting a pension to Hannah A. Timmons;
H. R. 7507. An act granting an increase of pension to James M. Ashley;
H. R. 7982. An act granting an increase of pension to William T. Peterson;
H. R. 11325. An act granting an increase of pension to James Merrick; and
H. R. 9777. An act granting an increase of pension to Helen F. Lasher.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 8007. An act granting an increase of pension to James W. Lewis;
H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;
H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;
H. R. 12148. An act granting an increase of pension to Frederick O. Clark;
H. R. 9037. An act to allow the commutation of homestead entries in certain cases;
H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; and
H. R. 12552. An act granting a pension to Erwin A. Burke, alias B. A. Erwin.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. JOSHUA S. SALMON, late a Representative in Congress from the Fourth district of New Jersey.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer of the Senate to join the Committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance of the foregoing the President pro tempore had appointed as the committee on the part of the Senate Mr. KEAN, Mr. DRYDEN, Mr. BURNHAM, Mr. BEVERIDGE, Mr. HEITFELD, Mr. FOSTER of Louisiana, and Mr. BACON.

CHANGE OF CIRCUIT COURT TERMS IN FIRST CIRCUIT.

The SPEAKER laid before the House the bill (S. 5387) to change the terms of the circuit courts of the United States within the first circuit, a similar House bill being on the Calendar, reported by the Committee on the Judiciary.

The Clerk read the bill, as follows:

Be it enacted, etc., That the regular terms of the circuit courts within the first circuit hereinafter named, which commence after the 1st day of January, 1903, shall be held at the places now provided by law, but instead of at the times at which the same now commence they shall be changed to commence as follows:

In the district of Maine the April term shall be changed from the 23d day of April to commence on the third Tuesday of April, and the September term from the 23d day of September to commence on the third Tuesday of September.

In the district of New Hampshire the May term shall be changed from the 8th day of May to commence on the first Tuesday of May, and the October term from the 8th day of October to commence on the second Tuesday of December.

In the district of Massachusetts the May term shall be changed from the 15th day of May to commence on the last Tuesday of February, and the October term from the 15th day of October to commence on the third Tuesday of October.

In the district of Rhode Island the June term shall be changed from the 15th day of June to commence on the fourth Tuesday of May.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the bill H. R. 13967, similar to this, will lie on the table.

GEORGE TUCKER.

The SPEAKER laid before the House the bill (H. R. 4927) granting a pension to George Tucker, with a Senate amendment. The Senate amendment was read.

Mr. GIBSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the Indian appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with and that the statement be read in its stead.

The SPEAKER. The gentleman from New York calls up the conference report on the Indian appropriation bill and asks unanimous consent that the reading of the report be omitted and the statement only be read.

Mr. RICHARDSON of Tennessee. Is it a unanimous report, signed by all the conferees?

Mr. SHERMAN. The report is not signed by the gentleman from Arkansas [Mr. LITTLE]. The gentleman from Arkansas desires to oppose the acceptance of the report because of one item only.

Mr. RICHARDSON of Tennessee. The gentleman from Arkansas is in his seat and will take care of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 37, 38, 39, 41, 47, 51, 52, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69, 70, 72, 74, 75, 76, 77, 78, 80, 81, 82, 85, 91, 92, 95, 96, 97, 99, 100, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 122, 123, 124, 128, and 131, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-three;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,800;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of said amendment down to the proviso, so that said amendment will read as follows: "*Provided*, That the Indian inspector who shall be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1902, and so long as he shall remain on duty in said Territory;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That the Secretary of the Interior shall appoint an advisory commission, consisting of three persons, who shall serve without compensation, to aid in the selection of said tract of land, and who shall make their final report and recommendation to the Secretary of the Interior within ninety days after such appointment. And the sum of $1,000, or so much thereof as may be necessary, may be used out of the appropriation herein made for the purpose of paying the expenses of such commission."

And transpose the same so that it will follow the word "location," line 24, page 30 of the bill.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"*Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress: *Provided further*, That all children born to duly enrolled and recognized citizens of the Creek Nation up to and including the 25th day of May, 1901, and then living shall be added to the rolls of citizenship of said nation made under the provisions of an act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, and if any such child has died since the 25th day of May, 1901, or may hereafter die, before receiving his allotment of land and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs and be allotted and distributed to them accordingly: *And provided further*, That the act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, in so far as it provides for descent and distribution, according to the laws of the Creek Nation, is hereby repealed, and the descent and distribution of lands and moneys provided for in said act shall be in accordance with the provisions of chapter 49 of Mansfield's Digest of the Statutes of Arkansas in force in Indian Territory."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Page 38, line 4, of said bill, strike out "thirty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: Line 5 of said amendment, after the word "reservation," insert: "the remainder of such irrigable land to be allotted to such Indians on said reservation as the Secretary of the Interior may designate, not exceeding 20 acres each;" line 11 of said amendment, after the word "habitations," insert: "for the members of said tribe;" line 11 of said amendment, after the word "allottees," insert: "who are heads of families;" line 13 of said amendment, after the word "agriculture," insert: "to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to John T. Hill for the NE. ¼ of sec. 4, in T. 6 N., R. 18 W., of the Indian meridian, in Oklahoma, the same having been allotted to him under act of June 6, 1900."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

", $10,000 thereof to be immediately available."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows:

Lines 9 and 10 of said amendment, strike out "July 1, 1902," and insert in lieu thereof "the following dates."

Line 11 of said amendment, after the word "dollars," insert ", from July 1, 1901."

Line 12 of said amendment, after the word "dollars," insert ", from July 1, 1902."

Line 13 of said amendment, after the word "dollars," insert ", from July 1, 1902."

And at the end of said amendment add the following:

": *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place in the subtreasury at St. Louis, Mo., to the credit of the national treasurer of the Chickasaw Nation the balance of the said Chickasaw national fund, after deducting the $10,000 appropriated out of said fund for the aid of certain indigent Chickasaws."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments, as follows:

Line 22 of said amendment, after the word "have," insert "in lieu of such lease or permit."

Line 25 of said amendment, after the word "may," insert "in lieu of its lease."

Lines 37 and 38 of said amendment, strike out "to be immediately available" and insert in lieu thereof the following: "whenever a majority of the adult male Indians of said tribes shall have consented to the allotment of lands and the restoration of the unallotted lands within said reservation as herein provided."

Line 50 of said amendment, after the word "Indians," strike out the remainder of said amendment.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment strike out lines 3 to 8, inclusive, page 43 of the bill, and insert the following:

"For support and maintenance of the asylum for insane Indians at Canton, S. Dak.: For pay of employees; for transportation of insane Indians to and from said asylum; for general repairs and improvements, including necessary outbuildings, grading, fencing, etc.; for incidental and all other expenses necessary to its proper conduct and management, $25,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment add the following: "to be paid out of the funds in the Treasury of the United States belonging to the Omaha and Winnebago Indians;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments, as follows: Lines 1 and 2 of said amendment strike out the following: "be, and is hereby, authorized to" and insert in lieu thereof "may, in his discretion."

And at the end of said amendment add the following:

"That the Secretary of the Interior may, in his discretion, pay per capita to the Iowa Indians, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto the sum of $78,000 from their principal now to their credit in the Treasury of the United States.

"That the Secretary of the Interior may, in his discretion, pay to the Sac and Fox Indians of Missouri, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of $79,000 from their principal now to their credit in the Treasury of the United States."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For payment to Robert F. Thompson, for compiling laws relating to Indian affairs under provisions of the Indian appropriation act approved May 17, 1882, and digesting correspondence of the land division of the Indian Office, $3,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of said amendment add the following: "; and the acceptance of said sum by said Cox shall be a complete and absolute bar to any and all claims against the United States for said improvements;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized and directed to pay, under such regulations as he may prescribe, to the Chippewa Indians of Minnesota entitled thereto, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June 7, 1897. (30 Stat., p. 90.)"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Line 3 of said amendment, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "sixty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$39,550;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: Line 3 of said amendment strike out "thirty" and insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted by said amendment insert "$29,650;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For the erection of school buildings on the Tulalip Reservation, Wash., to replace those recently burned, $30,000, to be immediately available.

"For additional amount for construction, purchase, lease, and repair of school buildings; for sewer and water supply and lighting plants; for purchase of school sites or additions thereto, and for improvements of buildings and grounds, $50,000."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and all that portion of the Cherokee and Choctaw nations included in the following described boundaries, to wit: Commencing at the northeast corner of the Creek Nation and running east on the line between townships 19 and 20 to its intersection with the dividing line between ranges 20 and 21 east; thence south on said line to its intersection with the Arkansas River; thence down the Arkansas River to its intersection with the Canadian River; thence up the Canadian River to its intersection with the dividing line between ranges 20 and 21 east; thence south to the intersecting line between townships 7 and 8; thence west on the intersecting line between townships 7 and 8 to the Creek Nation, be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muscogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes,' approved June 7, 1897, shall be the judge of said western district; and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district.

"That each of the three commissioners, with headquarters at Muscogee, Eufaula, and Wewoka, respectively, shall be United States commissioners for said western district for a period of four years from the date of their appointment and until their respective successors shall be appointed and qualified, and the two constables now in office, whose headquarters are at Muscogee and Eufaula, respectively, shall be constables in said western district until their successors shall be appointed and qualified; and said judge may appoint a constable for the commissioner at Wewoka, and the said judge may appoint an additional commissioner, to be located at Checotah, and an additional constable for said commissioner's court. Each of the United States commissioners and each of the four constables now located in the northern district as constituted by this act shall continue to be United States commissioners and constables, respectively, for said district until their successors shall be appointed and qualified. That the clerk's office at Vinita shall also be the recorder's office for the northern district, except that the clerk's office at Miami shall continue to be the recording office for the Quapaw Indian Agency as now provided by law. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of the Senate, a district attorney for said western district and a United States marshal for the northern district.

"The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the towns of Sallisaw, Claremore, Howata, and Pryor Creek, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern and central districts, courts in the southern district shall also be held at Tishomingo and Ada, and in the central district at Durant. The United States judge for the central district of the Indian Territory, after the approval of this act, may appoint a constable for the commissioner located at Durant.

"To enable the Attorney-General to carry out the provisions of the act approved July 7, 1896, for the erection of three jails in the Indian Territory, and also to erect one additional United States jail in said Territory, $40,000 is hereby appropriated, to be expended under the direction of the Attorney-General, to be immediately available, and to remain available until expended. And the Attorney-General is hereby authorized and directed to cause to be erected a United States jail at each of the three places already formally designated by him, namely, at Muscogee in the western district, at South McAlester in the central district, and at Ardmore in the southern district, and one additional United States jail at Vinita in the northern district, at a total cost not exceeding $100,000."

"That for the purpose of acquiring sites for United States jails as provided herein in the Indian Territory, there shall be appointed by the judge of the United States court in the district where such land is situated, on application of the United States by petition describing the land sought to be condemned, three disinterested referees, who shall determine the compensation and damage to be paid any owner, occupant, tribe, or nation by reason of the appropriation and condemnation of such land for the use and benefit of the United States for a jail at any of the places hereinbefore mentioned.

"Such referees, before entering upon the duties of their appointment, shall each take and subscribe before the clerk of the said United States court an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. Before such referees shall proceed with the assessment of damages for any lands sought to be condemned under this act, ten days personal notice of said hearing shall be given to all persons interested, and service may be had upon each tribe or nation in which said land may be located by service upon the principal chief thereof, and in case personal service can not be had upon any person interested, twenty days' notice of the time when the same shall be condemned shall be given, by publication in some newspaper in general circulation nearest said property in the district where said land is situated.

"If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the filing of the award in the court by which said referees were appointed, to appeal by original petition to the United States court sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the land in controversy shall be

tried de novo, and the judgment rendered by the court shall be final and conclusive. And upon the payment into court of the amount or amounts awarded as damages, fee simple title to said tract of land shall vest in the United States. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction, and upon the payment of the sum or sums so found due into the court a fee simple title to said land shall vest in the United States.

"Each of said referees shall receive for his compensation the sum of $5 per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this act.

"That if any party or person other than the United States shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person. It shall be the duty of the United States court in each district to promptly hear and determine the rights of all parties if any appeal shall be taken under this act."

And the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

WM. M. STEWART,
O. H. PLATT,
J. L. RAWLINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The Senate recedes from amendments numbered 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133, leaving the bill in those particulars precisely as it left the house.

The House recedes from the following amendments:

1 and 2, which provide for the continuance of the Jicarilla Agency in New Mexico.

3, which is simply a correction in spelling a proper name.

9, which authorizes the Secretary, in his discretion, to use $5,000 of the $40,000 appropriated for contingent expenses for the introduction of the willow industry among the Indians.

12, which provides that the payment of the expenses of the Chippewa delegation shall be paid when authorized by the Secretary of the Interior.

13, which provided for the payment of a commissioner and his expenses for the removal of and allotment to Indians.

14, which is a correction of date.

15, which provides for the payment of the expenses of the Creek Indians who removed themselves from east of the Mississippi River to the Indian Territory, to the amount of $12,220.

16, which is a correction of the spelling of a proper name.

17, which is a correction of a date.

18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 37, which are all simply changes of phraseology.

24, which appropriates $35,150 for the purchase of cattle, the erection of fences, etc., for the Northern Cheyenne Indians.

29, which changes the wording so as to provide "as soon as practicable" instead of "in the discretion of the Secretary."

33, which leaves the number of the Dawes Commissioners at four instead of three, as proposed by the House bill.

34, which changes the appropriation to correspond with 33.

38, which changes the amount of the appropriation from seventy-eight to ninety-three thousand dollars, made necessary by amendments 33 and 36.

39, which changes a fixed date for the wording "as early as practicable."

41, which is the insertion of the word "such," so as to make more clear the meaning and intent of the wording of the bill.

47, which provides for the allotment to each Klamath Indian born since the allotment of such reservation to said tribe an allotment of 80 acres of agricultural or 160 acres of grazing land within that tribe's reservation.

51, which authorizes the Secretary to allot to two Indians lands in severalty on the Red Lake Reservation in Minnesota.

52, which provides for like allotment to another Indian named in said amendment on the same reservation.

54, which authorizes the Secretary to issue a patent to a Pottawatomie Indian who had heretofore received an allotment, but who had not received a patent therefor.

55, which is a like provision for an Indian therein named belonging to the Cheyenne and Arrapahoe tribe.

58, which strikes from the bill a provision which is inserted in another part of the bill.

59 and 60, which strike from the bill a House provision in reference to allotting lands to the Miami Indians, and inserts it in different form.

61, which provides for the maintenance of an Indian warehouse at St. Louis, Mo., and appropriates $10,000 therefor.

62, which authorizes the accounting officer of the Treasury to audit certain expenditures of the Commissioner at the New York Indian warehouse.

63, which inserts the words "when necessary" in relation to an appropriation for the investigation to ascertain who are the beneficiaries of the New York judgment.

The general subject covered by 65 covers that in 64.

65, which provides that with the prior consent of a majority of the adult Indians of the Uintah and White River tribes of Utah their reservation shall be thrown open to entry under the mineral-land laws of the United States, with the provision that the two companies, one of which has an approved lease under which it has been operating for two years or more, and the other of which has a lease negotiated with the Indians under the authority of the Secretary, and which is now pending before him on an application for approval, shall have the prior right, the one to locate 100 mineral claims covering gilsonite, elaterite, and asphaltum of 20 acres each, and the other to locate a claim of 640 acres of contiguous property, mineral lands, supposed to contain precious metals. The amendment also provides that there shall be paid to these Indians $70,064.48 in payment for the lands which have been allotted upon their reservation to the Indians known as the Uncompahgre Indians.

The House receded from amendment 66 which provided for the appropriation of $10,000 to be expended under the provisions of the act relating to the Sioux Reservation in Dakota.

68 and 69 the House receded. These amendments simply change the phraseology of the section.

70, from which the House receded is simply a change of phraseology.

72, which carries no appropriation but authorizes the Secretary to give permission for the construction of a bridge across the narrow of Devils Lake, and permission to use the stone from the border of said lake to be used in the construction thereof.

74, which provides for the purchase of the allotment of an Onedia Indian whose allotments adjoin the Oneida Indian School, Wisconsin, to enlarge the grounds of said school.

75, which provides for an investigation under the supervision of the Secretary of the Interior of the claims of certain members of the Lower Brulé band of Sioux Indians arising out of their forcible removal from their homes south of the White River, and appropriates $1,500 for the purpose of paying the claims that may be found to be valid.

76, which provides for the granting of a right of way through the allotted lands of the Southern Ute Indians, Colorado, for irrigating ditches under regulations to be fixed by the Secretary and with the assent of the allottees.

77, which provides for an investigation of the practicability of providing for a water supply for the Southern Ute Indians in Colorado and for the expenditure of not to exceed $150,000 of their funds in the Treasury for the purpose of supplying irrigation to a portion of their reservation under the direction of the Secretary of the Interior.

78, which provides for the opening up under the mineral-land laws of the United States of mineral lands on the Spokane Reservation in the State of Washington.

80, which provides that of the funds in the Treasury of the United States to the credit of the Indians of Crow Creek $168,335.10 may be expended for the purchase of cattle, the construction of fences, storage reservoirs, etc.

81, which provides for the payment to the attorneys of the Wichita Indians the fees to which they are entitled under contract with said Indians for the successful prosecution of their claims in the Court of Claims and the Supreme Court of the United States, said sum to be reimbursed to the United States out of the proceeds of the sale of the lands of said Indians.

82, which provides for the payment of $150 to James R. Goss for his services in defending two Indian policemen upon the charge of assault, the difficulty having arisen out of the discharge of their official duties.

85, which provides for the payment of $8,050 to several persons therein named to reimburse them for improvements made by them on the Round Valley Indian Reservation in California.

91, which appropriates $1,000 for surveying and locating allotments on the Net Lake Indian Reservation in Minnesota.

92, which provides for the payment out of the funds of the Fond du Lac Indians $2,856 to certain merchants, the legality of whose claims have been established to the satisfaction of the Department.

95, which increases the appropriation for the Chamberlain school, South Dakota, by providing for the enlargement of its capacity and the extension of its sewer system.

96, which increases the appropriation for the Carson City, Nev., school, by providing for additional buildings and for the increase of its capacity.

97, which changes the word "building" to the word "buildings."

99, which makes immediately available the appropriation for improvements at the Riggs Institute, South Dakota.

100, which includes the work of installation in the appropriation for new boilers at the same school.

103 and 104, which increase the appropriation for the Fort Totten school, North Dakota, by providing for the extension of steam heating plant and the electric-light plant.

105, which enlarges the use for which an appropriation of $10,000 can be used at the Genoa school, Nebraska.

106, 107, 108, 109, which increases the appropriation for the Grand Junction school, Colorado, by providing for a greater number of pupils.

115, which strikes from the bill a provision for the maintenance of the Indian school at Mandan, N. Dak.; that school not being sufficiently near completion to warrant an appropriation for its maintenance during the next fiscal year.

116, 117, 122, which are merely phraseological changes.

123, 124, which add drainage to the sewerage as the objects for which an appropriation may be used at the Salem school, Oregon, and makes that appropriation immediately available.

128, which corrects a typographical error.

131, which strikes from the bill the provision that minor heirs may join in a conveyance of real estate, and provides that they can only so join by guardian.

From the following amendments the House recedes with amendments:

1, changing the number of agents from 44 to 43.

5, which simply changes the amount made necessary by the adoption of the former amendments.

From number 8 the House receded with an amendment eliminating from the Senate amendment all of the said amendment except the proviso which gives the same per diem subsistence that is allowed to other inspectors.

From amendment 31 the House recedes from the Senate amendment with an amendment which provides for the appointment of three citizens of California to serve without compensation in locating a new home for the Indians who are homeless because of the decision of the court which removes them from Warners Ranch.

From amendment 35, which provides for the addition to the rolls of the Creek Nation all the children born prior to May 5, 1900.

From amendment 48, providing for the allotments of lands in severalty, and appropriating therefor $40,000.

From amendment 49, which provides for allotment in severalty to the Indians of the Walker River Reservation in Nevada, and for the payment to said Indians who are heads of families $300 per capita.

From amendment 53, which provides for the issuance of letters patent to Nora G. Hazlett and for lands heretofore allotted to her, and providing also for the issuance of a patent to John T. Hill.

From amendment 56, which provides that $10,000 of the appropriation of $40,000 for the support and employment of the Pima Indians shall be immediately available.

From amendment 71, which provides for the erection of bridges in the Omaha and Winnebago Reservation to be paid for out of the funds of said Indians to their credit in the Treasury.

From amendment 79, which makes it discretionary with the Secretary to pay out of their funds to their credit in the Treasury to the Iowa Indians in Kansas the sum of $78,000; to the Sac and Fox Indians of Missouri, located in Kansas, the sum of $79,000, and to the Omaha Indians in Nebraska the sum of $100,000.

From amendment 83, which provides for the payment to Robert F. Thompson $3,000 for services in preparing a digest of laws and correspondence relating to Indian affairs.

From amendment 84, which provides for the reimbursement of Emmett Cox for improvements made by him on the Kiowa Reservation and surrendered to the United States.

From amendment 87, which provides for the payment to the Chippewa Indians in Minnesota money to their credit in the Treasury of the United States derived from the sale of stumpage and from dead and down timber.

From amendment 90, which provides for the payment to the Mille Lac Indians the value of the improvements made by them on the Mille Lac Reservation after they have been examined and appraised, and upon the condition that said Indians remove from said reservation.

From amendment 98, which provides for the establishment of an Indian school at Elko, Nev., and appropriates $40,000 for the purpose.

From amendments 119 and 120, providing for an increased appropriation of $12,000 for the enlargement of the boys' dormitory at the Pipestone School in Minnesota.

From amendments 125 and 126, providing for an increased appropriation of $25,000 for the erection of a new building at the Salem School, Oregon.

From amendment 129, which provides for an increase of $50,000 in the general fund for the purchase, repair, etc., of school buildings and school sites, and also for an appropriation of $30,000 to replace the buildings at the school on the Tulalip Reservation, recently burned.

From amendment 134, which creates a new United States court district in the Indian Territory, to which shall be assigned the judge who has heretofore been designated as "the floating judge" therein. It also provides for the holding of courts in certain places in said Territory and arranges the boundary line between the northern and western districts of said Territory, and also provides for additional United States commissioners, marshals, and other officers therein. It also provides for United States jails in said Territory.

Mr. LITTLE. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Arkansas?

Mr. SHERMAN. My understanding is that the gentleman from Arkansas opposes but one of the one hundred and thirty-odd items in the bill, and so far as our side is concerned, it seems to me that we would not require a great deal of time. I would like to know if we can not agree with the gentleman upon some length of time for the discussion of the proposition.

Mr. LITTLE. I think we can get along with one hour on this side if I can be recognized in my own right.

Mr. SHERMAN. That is rather more time——

Mr. LITTLE. We may not use the whole of it.

Mr. SHERMAN. I suggest, then, Mr. Speaker, that the gentleman from Arkansas be allowed an hour for his side and I be allowed an hour for this side, at the end of which time it shall be understood that the previous question is ordered, and sooner if debate closes before that time.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Arkansas have an hour and that the gentleman from New York have one hour, after which the previous question shall be considered as ordered on the report. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Will the gentleman from New York proceed at this time?

Mr. SHERMAN. I prefer that the gentleman from Arkansas should proceed, if he is willing.

The SPEAKER. The gentleman from Arkansas is recognized for one hour.

Mr. LITTLE. Mr. Speaker, the gentleman from New York, while he states my position in part, does not state fully the position I occupy with reference to this report. While there are a number of propositions in this bill that do not meet my personal approval, yet amendment No. 65, referred to by the gentleman from New York, was the only amendment to which I did not feel under any circumstances I could give my approval, either directly or indirectly.

I realize, too, ordinarily the utter futility of attempting to defeat a full conference report in this House upon any general appropriation bill. I believed when in committee, and believe now, that this amendment No. 65 was of that character that this House itself ought to have the opportunity to pass upon that one question alone, without being put to the extremity of adopting or rejecting the full report. I urged, and I have hope now to that end, that this report may be voted down, so that the important question involved in amendment No. 65, put there by the Senate, may be disposed of by the House with the right of amendment and after due and proper consideration.

The amendment to which I object involves a proposition to open to settlement the Uintah Reservation, in the State of Utah. There has been since 1896, I believe, not only one, but two or three different efforts on the part of the Government to negotiate with these Indians with a view of opening the 2,000,000 acres of their reservation. Every effort on the part of the Government to open this reservation has been thwarted, in my opinion, by means that are not commendable to the parties who did it.

I believe the effort to secure mineral leases by various parties, culminating in the leases which will be so generously protected and cared for if this report is adopted, has been the direct cause of the failure to make satisfactory agreement with the Indians for the opening and settlement of this great reservation, so important to the State of Utah and the country.

We find that early in the nineties—in 1896 and on later—various applications had been made to the Department to secure leases for the working of minerals in the mineral part of this reservation, there being, I believe, from 600,000 to 700,000 acres classified as nonagricultural lands. These efforts have gone along step by step, counteracting every effort that the Government has made to make a decent, plain agreement with these Indians, if an agreement was necessary at the beginning, with the view of opening their reservation.

From time to time these efforts have been made and, as I state, have failed. One of these leases, made with what is known as the Raven Mining Company, has been approved by the Secretary of the Interior. A permit to negotiate a lease has been granted to the Florence Mining Company, but that lease has not been approved by the Secretary of the Interior so far as I know. I suppose, however, that he stands ready to approve it if this legislation fails.

The Florence Mining Company's proposed lease covers 640 acres of contiguous land. In other words, that company may string out its claim just as long, I understand, as the 640 acres can be extended under the form of general mineral claims—some 20 or 30 miles.

Then, as to the Raven Mining Company—the one whose lease has been approved—this bill provides that they shall have a preferential right to locate, not 50 mineral claims, not 75, but 100 mineral claims, in exclusion of everybody else; and that they have from now until September 30, 1903, in addition to the time they have already had, for prospecting and locating these claims.

The lease of the Raven Mining Company applies, as I understand, to asphaltum and kindred minerals. I have been trying to get a copy of that lease; have made application for it, but a copy has not been furnished me. I will ask the gentleman from New York [Mr. SHERMAN] whether he has a copy.

Mr. SHERMAN. No, sir.

Mr. LITTLE. I suppose somebody knows something about that lease, but I do not. I have not a copy of it; as I said, I have not been able to get a copy. I do not know who the organizers of the company are.

Mr. MADDOX. Do I understand one of these companies is authorized to locate 100 claims?

Mr. LITTLE. Yes, sir.

Mr. MADDOX. What is the reason for granting a privilege like that?

Mr. LITTLE. I will read the provision in a moment. They have a lease, ratified or approved some three years ago by the Secretary of the Interior, to operate on this reservation for mineral purposes in locating and operating asphaltum-gilsonite claims.

Mr. CURTIS. Will the gentleman allow me a moment?

Mr. LITTLE. Certainly.

Mr. CURTIS. The lease already approved by the Secretary of the Interior covers 134 claims. This bill reduces the number to 100.

Mr. LITTLE. Has the gentleman a copy of that lease? I have been unable to get it.

Mr. CURTIS. I have a statement of the Secretary of the Interior as to what it covers.

Mr. COWHERD. Could nobody get a lease except these parties?

Mr. LITTLE. No, sir; as I understand. If the gentleman will read the correspondence, etc., in Senate Document 154 he will be in a position to easily see how this company could get that lease. I believe that both these leases, when you track them from the time of the original application down to this time, will be found to involve officers of the Government, especially the local officers connected with this reservation.

Here is the provision of the amendment giving these extraordinary rights to these companies:

And provided further, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate in lieu of this lease under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate in lieu of its lease 100 mining claims of the character of mineral mentioned in its lease.

That is the provision which, in my opinion, is carrying this bill through.

Mr. MADDOX. Are they allowed to locate those claims wherever they please?

Mr. LITTLE. Yes, sir. This amendment, as it now stands, provides, if agreed to by the Indians, that this reservation shall be opened on the 30th of October, 1903, and these companies will have from now until that time, in addition to the time they have already had for the last three or four years, to prospect every foot of that country and cover over everything of mineral that they may find, unless there should be so much that they can not cover it all by stringing out these claims in the manner proposed to be authorized.

Mr. MADDOX. Can the gentleman account for the extreme partiality shown to this company?

Mr. LITTLE. I will endeavor to do so further on.

Mr. SHERMAN. Was it not understood before the conference committee that the Raven Company would be limited to the territory covered by their lease? That was my understanding.

Mr. LITTLE. It was not mine by any means. And this provision does not contain any such limitation.

Mr. LOUD. How could anything be definitely understood on the subject if the committee was not in possession of any information or any data? The chairman of the committee has said that he never saw the lease.

Mr. LITTLE. I have never seen it. My friend from Kansas says he has a statement of what it contains. I applied, through my friend from New York [Mr. SHERMAN], to the Secretary for the Raven lease.

Mr. SUTHERLAND. Will the gentleman permit me?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. Have you a copy of the letter from the Secretary of the Interior which was transmitted to the Senate? That contains a copy of the lease.

Mr. LITTLE. Document 154?

Mr. SUTHERLAND. I do not remember the number of it.

Mr. LITTLE. It contains a copy of the Raven lease?

Mr. SUTHERLAND. Yes.

Mr. LITTLE. I think not. It does of the Florence lease. Have you got a citation of it?

Mr. SUTHERLAND. No; I have not the reference to it. Now——

Mr. LITTLE. I might ask you some questions, directly.

Mr. SUTHERLAND. Permit me to ask one other question. You say you do not know what this lease contains?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. The lease is on file in the office of the Secretary of the Interior.

Mr. LITTLE. I applied for a copy.

Mr. SUTHERLAND. I would ask the gentleman why he has not examined it as a member of the conference committee?

Mr. LITTLE. Because I have no copy. I made application for it and have not been furnished with it. That is the reason.

Mr. SHERMAN. I have seen the lease in the Department.

Mr. LITTLE. I do not doubt it is there, so far as that is concerned. Now, I will get to the material part presently. The Florence Mining Company made its application for a permit to negotiate a lease in 1899. Later on it made another application, in 1901, for a permit to negotiate a lease. Now, I want to call the attention of the House to some correspondence which appears in the document that I have before me.

I want you to understand that one of the main objections to this character of lease is that I do not believe, notwithstanding the Department has held to the contrary, also the Assistant Attorney-General, that this particular reservation is covered by the law governing the lease of minerals.

I refer to the law of 1891, which says the Secretary may lease lands which have been bought and paid for by the Indians; but the construction has been the other way, and these applications for parties to lease from time to time have been held up until, as shown by the last application for permission, all the conflicting interests have been consolidated and united under the Florence Mining Company.

Now, the Florence Mining Company is one of considerable importance in its personnel. That company was organized in 1899. The officers of that company were Henry C. Payne, of Wisconsin, president; William L. Ward, vice-president; Benjamin B. Odell, treasurer; Leroy D. Thoman, secretary. Since the first organization—to wit, in 1900—Mr. Payne tendered his resignation as director, and Mr. Odell also has tendered his resignation as director, and the company has been reorganized in that way.

Now, with that intimation only, I desire to read from the addenda on page 13. It is as follows:

In September, 1896, an application was made by Mr. George F. Timms for a permit to negotiate a mining lease on the Uintah Reservation. Action on the application was deferred from time to time in deference to persistent efforts to induce the Indians to take individual allotments and cede a considerable portion of their land for public entry. No less than three commissions authorized by acts of Congress to negotiate a cession of part of these lands have failed.

Inspectors have been sent by the Department for like purpose, and they, too, have failed. In the last few years Congress has refused to make further appropriations to attempt negotiations for the cession of these lands, presumably because no headway was made by the former commissioners. This failure has not embarrassed the continued introduction of bills seeking that end, and it is possible that these bills have deterred the Department from earlier allowing negotiations for leases to be made.

Now, I read from page 33 of Senate Document No. 154 a more concise statement of how these matters have been managed than I can give myself, being a communication from one R. S. Collett, following the history of these matters:

And here is the story of the origin of these mineral leases: In 1897 one Dr. Hathenbrook was around here with samples of gold ore that were the finest I ever saw. He said they came from the reservation and was trying to get a permit to go on the reservation to prospect. At that time H. P. Myton was a commissioner assisting in the opening of the reservation, E. R. Harper was the secretary of this commission, and S. M. Miller was the surveyor for the same.

They saw these samples of gold, and while they were yet acting on the commission they began to plan for a "mineral lease" on the reservation. The result was, Myton was subsequently made agent and the others hoped to profit thereby.

A plan was formed, with Myton as chief assistant, to obtain this lease. J. H. Mease, post trader at Du Chesne, and John McAndrews, interpreter at Ouray, were taken in to help the matter along. The inclosed letters tell their own tale.

The same plan of action was to be pursued as is now being pursued, and here the hitch came. Mease and McAndrews claim they refused to try to influence the Indians in this way, so they were dropped out and others taken in. Mease, however, failed to burn his correspondence, as he was instructed, and McAndrews has a duplicate of the most of it.

Myton, Miller, and Harper are still in the lease. It was Harper whom Myton went to see at Denver before calling the council of Indians. And you will see by these letters that they joined forces with Timms and have nearly accomplished their object.

I also inclose you a copy of the then proposed lease, also furnished by Mr. Mease, and he informed me that this lease was drawn in the office of Commissioner of Indian Affairs, and the maps furnished from there also, and that while Mr. Ryan, who is still Acting Secretary in the Interior Department, was deeply interested in the lease, he was not alone by any means.

It was some time before Mr. Mease could be induced to give up the papers, and he assures us that Myton et al. think them destroyed. He is not vindictive toward Myton, but says he wishes to protect himself and not have the whole matter thrown onto him.

He has a large stock of these papers and telegrams, the latter mostly in cipher, and they are all at your disposal if you can do anything with them.

Mr. Sutherland, you can not know the manner in which these Indians are being fleeced and robbed and the manner in which this steal has been planned and executed. These papers are placed at your discretion; we hope you can use them. If you could get a thorough investigation of this agency affair you would be astonished at what would be revealed. And it seems to us that this should be had if an appeal had to be made to the President.

No newspaper talk will be made here of these papers. No one knows of them but the committee that has had this matter in hand. In the event you find them of no value you will kindly return them, that Mr. Mease may get them again. But I sincerely hope you may be able to put a stop to this leasing business and to have a measure passed looking to the early opening of the reservation.

Wishing you the compliments of the season, and assuring you of my warmest regards, I have the honor to be,

Very respectfully, yours, R. S. COLLETT.

Now, I will read a short paragraph from a letter bearing date March 8, 1899, sent by Mr. Harper, the party mentioned a moment ago. After referring to the organization of the company, he says:

Several applications have been made for permits to go out to the reservation to secure a mineral lease. We are going to act upon a suggestion made us to-day, by one whose suggestions in such a matter are entitled to great respect, not to wait for any permit, but go right straight ahead and use all our efforts at once to secure a lease. All the applications now on file will be held up for the present and no permits will be issued.

I will write a letter to Myton telling him you are coming, and that at the suggestion of the proper authority no permit is necessary. Were permits issued to all who have applied you would find, probably, several persons on the ground with you trying to get the lease. In that event you would have to proceed boldly but cautiously, and keep a close watch on what the others are doing. Timmes is working from here through Dr. McDonald, the veterinary surgeon at the post. But you need not fear the doctor, as he will very soon be out of the way. It may be advisable to "lay low" until he gets his orders to leave and has gone away.

We have little fear that he can do us any damage, but he must be watched, and if he leaves within a few days, as now seems likely, it would be advisable to wait until he is out of the way. Thoman is the only man we think needs careful looking after. He, or the Raven Mining Company, has just paid in $1,000 for the Indians on the elaterite lease. This money has not been earned, but has been paid in as a bluff to catch the Indians, so as to get from them a new lease.

Thoman has also been trying to get Myton off the reservation so as to get a chance to treat with him and get him away from us if possible. They are desperate and will go to any length to detach Myton from his fidelity to us; however, Myton is fully aware of their intentions and will not be misled by any proposition they may make to him, realizing that our interests are mutual in every particular. As it looks now, however, I am very hopeful that you can get on the ground and go to work with the Indians without any interference from the other parties.

Mr. SUTHERLAND. Will you give the date of that letter?

Mr. LITTLE. March 8, 1899.

Mr. MADDOX. Who was the doctor? In whose service was he?

Mr. SMITH of Kentucky. Who was Dr. McDonald?

Mr. LITTLE. I do not know. He was one of the post agents out on the reservation. The veterinary surgeon at the post.

Mr. COWHERD. Who was going to remove him?

Mr. LITTLE. Well, I do not know. All I can say is that these letters have been public for weeks, and if there has been any denial from any source on the face of the earth of any imputation that they have made directly in these letters, I have failed to hear of it from any source.

Mr. SUTHERLAND. Will the gentleman permit me to ask him a question?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. These letters were sent in response to a Senate inquiry, were they not?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. And they were all before the Senate committee?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. And they were all before the Senate itself?

Mr. LITTLE. Yes.

Mr. SUTHERLAND. Then the Senate committee unanimously reported in favor of this amendment that you are now antagonizing, and the Senate unanimously passed it?

Mr. LITTLE. Yes; and a good part of the Senate committee, together with the gentleman who is now addressing me, have denounced these leases in stronger terms than I can denounce them, because I have not the power of language to do so.

Mr. SUTHERLAND. I am just as much opposed to the leasing system as ever.

Mr. LITTLE. If you are or if any other man is opposed to this system, now is the time to meet it and serve a rebuke to those who grant these leases.

Mr. SUTHERLAND. We are trying to get rid of them on this reservation.

Mr. LITTLE. Yes; and I believe unless you vote with me you will never get rid of them, because I have no doubt, and neither have you, that the assent of these lessees is necessary in order to make any contract or agreement with the Indians upon that reservation, and I believe that you ought to be with me; that these parties who have been able to influence, to say the least, the local employees of the Government at that agency have been able to stay the purposes of the Government in opening up these reservations, and now by this amendment they are to be bought in by giving them all they demand.

Now, I will read the letter dated March 13, 1899, sent by the same Mr. Harper. He begins "My Dear Jim." Now, "My Dear Jim" has been a sort of lost entity to me for some time. It lies between two Jims. I will not charge particularly which one of the Jims it is, as I do not know. It begins "My Dear Jim," and is as follows:

MY DEAR JIM: I am informed that Timms, the man who claims to have a sure hold on the lease if he can secure a permit to go on the reservation, left here last night ostensibly to go West to look after some other business, but I am quite sure he expects to make a dive for the agency. He has been working through Dr. McDonald, and we concluded it best to have doctor given a "change of base" for his health. I wrote to Myton to wire me when doctor goes.

This man Timms has the prior claim for the right to go on the reservation, as his application has been in for a year or two. Hence it is embarrassing to the Department to turn him down, if he is a responsible party. However, it may be necessary for a permit to be given him first. In that case it will be necessary for us to "knock" him until he is out of the way; hence demonstrating that he can not get the lease. At the same time I am a little afraid of that, and prefer that Miller and you boys go ahead independent of permit and try and get the lease, provided you think that best; you are on the ground and know best.

If I find the Department gives Timms a permit I will try and have them grant the same to all applicants. In that case we will have to fight it out and take our chance.

Saturday I was appointed special allotting agent. From now on I will have nothing more to do with the lease matter, publicly. However, it may be found essential (?) that I should accompany Mr. Graves to the reservation to assist in determining which of the proposed ditches will be best for the dear Indians. Do you suppose I can judge that matter correctly?

As I understand the matter, nothing further can be done until Mr. Graves makes his report. Then the Secretary will grant the permit as he deems best. I do not know how soon Mr. Graves will go out there, but I presume it will be a month or six weeks before he gets there. In the meantime have the proper papers duly filed with the Land Department, etc., as I wrote you in my last.

Am just in receipt of the following wire from Judge Thoman, Chicago: "I carry a very important private letter to you; can you meet me in New York Wednesday? Answer quick." My reply will be that I can not meet him there. If important, come here. I am not running after that bluffer.

Sincerely,

HARPER.

Now, where Mr. Harper gets his authority to change men from pillar to post for their health when the application for great mineral leases are pending I will let the other gentlemen explain, if they can. It will be seen that Harper has been appointed a special allotting agent, and will have nothing more to do with the leases publicly. I do not know where the live wire that is sometimes used hides itself in these matters, but that these parties believed themselves in control seems certain.

Mr. LESTER. Who appointed him?

Mr. LITTLE. I read an extract from a letter of March 14 by this same "Dear Mr. Harper," addressed to "My Dear Mease." It is as follows:

Taking all these matters into consideration we came to the conclusion that the only thing to do is to hold back until the Timms crowd have had their chance and failed. Consequently, to-day I wired Appleman at Denver and asked if Miller had left; and if so, when. The reply just received is that "He left last night: can catch him at Price." Still, after consultation, we concluded it best to let him go on to the post, where he can confer with you, Myton, and McA., and be the better posted as to the manner of procedure.

Then when you get this wire from McKay that you are ready to take care of Timms—that is, head him off when he comes—and if you are ready and sure you can knock him out, and we will see that the permit is granted him at once, giving him thirty days to make the trial. Just as soon as he gets through, then a permit will be granted Miller and he can go ahead, thereby getting Timms & Co. out of the road and leaving the way open for us to make arrangements to get his, or, rather, Ryan's assistance here. It is our opinion that it will be best for Miller to be away while he is there, so that they can not make the claim that he interfered with their chances.

Miller might run over to Vernal or out to Salt Lake, under which and all circumstances all expenses will be met by the crowd. However, we leave the question of his staying on the ground to your judgment. Only do not forget that we must not put any officer in the hole by anything we may say or do. I know that it will look bad to have to put it off and take a second chance, but we must consider not only the matter of securing the lease but getting it approved; at the same time protect our good official friends. It occurs to me that you may wish to use the word "Timms" quite a little, so I have entered it in the cipher code, top of page 86, after word "Jaundice." Please make like entry in the code I sent you yesterday, so that in wiring the word "Jaundice" will mean "Timms."

I see that the White Rivers are getting ugly, and I presume that they will not be willing to talk lease to anyone until they are given some attention as to their Colorado land. It occurs to me that it might be a good idea to have a contract ready, with some good attorney, to present at the same meeting Miller expects to capture, and, by thus showing them that the Department is looking after that matter, get them in better spirits to consider and favorably act on our matter. Let me hear your opinion on that matter, and if you agree with me, will try and have it so arranged. There is no doubt but that Major Bryan will have the sanction of the Department to secure the contract, and if you think best, will have him send his contract on for action at that time.

As you have the cipher code, I guess you can pick out quite enough to at least mystify the operators and yet keep matters cleared up with us, and thereby keep in much better touch.

Address Col. N. McKay, and recognize all wires signed by him as the same as signed by me.

Sincerely,

HARPER.

Be sure and have a good conference over all these matters with Myton and McAndrews, so that no move is made without the clear understanding of all.

HARPER.

But I see my time is rapidly coming to a conclusion, and my colleague on the committee wants to be heard, and I can not pursue this evidence further.

Mr. SUTHERLAND. All the letters are from Harper, and all are addressed to "Dear Jim."

Mr. LITTLE. That is "Dear Jim Mease," as I understand.

Mr. SUTHERLAND. There is no misunderstanding about that.

Mr. LITTLE. He seems to have been first taken in on the ground floor of this proposition, and when they kicked him out he fulfilled the old adage where certain characters fall out and fight and honest men get their dues. That is what I understand. Let us see what they are going to get under this conference report. How much time have I remaining, Mr. Chairman?

The SPEAKER. The Chair thinks the gentleman has thirty minutes remaining.

Mr. LITTLE. Thank you.

Mr. SUTHERLAND. I would like to ask the gentleman a question for information, and that is if he knows with reference to the Raven Mining Company, that is permitted under this amendment to locate a hundred mining claims, whether or not the Raven Mining Company has for the past three years been in possession of more than a hundred mining claims, and that they have invested more than $200,000, and from that investment they have not been able to make anything?

Mr. LITTLE. I supposed that my friend and the company's friends knew that the Raven Mining Company have practically been in possession of the mineral part of that reservation and that they have located their claims.

Mr. SUTHERLAND. I know another fact in reference to that; that they have expended more than $200,000, and that they have not received in return to exceed $30,000. In other words, the work on the mineral claims has been a complete failure.

Mr. LITTLE Now, my friend can use his own time in that line. You have stated that they have invested $200,000. Have you any official or detailed statement of what it is? They do not come and ask the right to reserve any particular mining claim, covering improvements, but under this provision they will have a hundred mining claims, and they have the right to locate them up to the time of the consummation of this agreement—the 30th of September, 1903.

My friend understands that. They do not have to hold the claims already located, but they can go on and string out this hundred mineral claims along any line that they see proper on the reservation and abandon those they now have. Not only that, but here is the Florence Mining Company. What has it invested? You can tell probably as well as I can. If you will read this correspondence you can probably see where some of it, at least, has been invested.

What vested rights have they? Why should the Florence Mining Company have the right to be on the reservation with any privilege there or right over miners and prospectors that want to go into that reservation with a view of locating mineral claims? These leases to the Raven Company and the Florence Mining Company, to which reference has been made, have but little equity behind them. I have been informed that the provision as to the one is the same as the other, and their leases are subject absolutely to the right of Congress to open these reservations at any time. Is that correct, I will ask the gentleman from Kansas?

Mr. CURTIS. I do not know.

Mr. LITTLE. I think you stated that you had extracts from the lease.

Mr. CURTIS. No, sir; I did not state that I had extracts from the lease.

Mr. SUTHERLAND. That is correct. I have examined the lease.

Mr. LITTLE. I have already stated to the House the provisions in part, but will read them in full. They are as follows:

8. All rights are reserved to the United States and to the Indians on said reservation to make and accept allotments in severalty for the benefit of said Indians at any time in the future of such lands within the boundaries of this lease as may at any time be deemed by the Secretary of the Interior suitable for agricultural purposes.

9. This lease and all rights and privileges thereunder are made and accepted by the party of the second part, its successors or assigns, subject to existing law or laws, and any law or laws hereafter enacted pertaining to the said reservation.

10. In no event shall the United States or the Secretary of the Interior in

his official or personal capacity be liable in damages or otherwise under the provisions of this lease in connection therewith.

11. No Member of or Delegate to Congress, officer, agent, or employee of the Government shall at any time be admitted to share in this lease or in any wise derive any benefit therefrom.

12. In the event of the extinguishment, with the consent of the Indians, to the Indian title to the lands covered by this lease, then and thereupon this lease and all rights thereunder shall terminate.

They went in there knowing this fact. They accepted this lease upon these expressed conditions, and if the Florence Mining Company has ever made any investment nobody has ever heard of it. I do not believe that the Uintah Reservation belongs to that class of reservations authorized to be leased under the act of 1891, because I think it belongs to the class of Executive-order reservations; but whether I am right or wrong, so long as these leases can be maintained there the result would be that these companies can use these privileges for the purpose of defeating the Government in its purpose to open up this land for public settlement.

I believe apart from the righteousness or unrighteousness of these two leases that this proposition ought to be rejected. Congress has the power to negotiate with these Indians, and if these companies interfere the Government ought to use its power and eject them; but it simply amounts, in my opinion, to this, that the Government of the United States is practically to-day held up by these leases, by the power of the Raven Mining Company and the power of the Florence Mining Company.

They say, in effect, to this Government: "Recognize our leases, give us these privileges at the expense of the rights of other people, and then you can get the consent of the Indians to open these lands. If you do not, you can not get it." I protest that it is wrong; I protest that the policy is venal in itself. It leads to corruption of the lower officials of the Government; it leads to the exercise of improper influence over the Indians; it makes mendicants of the Indians, and counteracts the efforts of the Government to make self-reliant citizens out of them.

The Government ought to open these mineral lands, and, if Congress thinks it right, the Indians should be paid for them; but when they are open, they ought to be open for the settlement of the honest prospectors and laborers of the country. They ought to be opened upon equal terms for all. We ought not by this manner of proceeding to permit these companies to go in and get the cream of the reservation; and then my friend from Utah, who is to defend them, is willing to stand up here and advocate that they are to have these on the ground of vested rights, because he hopes thereby to get the consent of the Indians to open the reservation.

It is an outrage upon the people of this great country. It is an outrage upon Congress. I believe it is due to the House that it should have the right to consider and dispose of the proposition in a legislative way. I did not consent to the report, and I would not do it. I could not approve of it in any particular, for I believe it is pernicious and wrong. I believe it thwarts the wise purpose of the Government to open these reservations to settlement, preserving the rights of the Indians whether these reservations are opened by agreement or by act of Congress.

Therefore, Mr. Speaker, I have not been able to give my assent to this proposition. I could not do it. I do not believe if there was a proper investigation that this measure could go through. Resolutions have been introduced but no investigation has been made, but I believe there is enough now here before us to show a state of things that justify the House in rejecting this report. In so far as the local officers on the reservation are concerned, the agents and others, you will find that they have consolidated their interests.

I hope, Mr. Speaker, that this report may be rejected. I am willing to join any man on any proposition in this bill if thereby we can overthrow this report. It is due to the House that it be done. I believe that it is due to this legislative body that this report be rejected in order that this provision may be legislated upon properly. I urged that a partial report be made to the House for that purpose, but I did not succeed. Now, Mr. Chairman, I reserve the remainder of my time. [Applause.]

Mr. SHERMAN. Mr. Chairman, how much time is remaining to the gentleman from Arkansas?

The SPEAKER pro tempore (Mr. RAY of New York). Twenty-three minutes.

Mr. SHERMAN. I now yield to the gentleman from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker, I am quite as much opposed to the general system of leasing Indian lands as the gentleman from Arkansas. I believe it is a bad and vicious system. It has led to great abuses in the past and will lead to abuses in the future. But, Mr. Speaker, the proposition we have here is not to perpetuate leases but to get rid of some of them and open up one of the great Indian reservations of this country to settlement, so that in the future there shall be no more leases granted upon that reservation. We propose by this amendment pro tanto to get rid of the leasing system.

Now, Mr. Speaker, there are but two leases that are affected by this amendment. The language of the bill, it is true, is general. It provides that before the reservation is thrown open to settlement those persons who have permits or leases for mineral lands shall have the right to locate 640 acres, except the Raven Mining Company, which is given the right to locate 100 mining claims. As will be shown by the records and files in the office of the Secretary of the Interior, there are but two companies that are concerned—one is the Raven Mining Company and the other the Florence Mining Company.

I want to call the attention of the House, first of all, to the fact that almost since the day that this Congress opened the members of the Senate and House from the State of Utah have been devoting more or less time to this very question. It has been considered by the Senate committee. They have held session after session on this identical question. That committee has had before it every one of these letters which the gentleman has read, and many others which he has not read. They have made an exhaustive investigation of this subject.

Senator RAWLINS, a Democrat, is a member of that committee. He agreed to this conference report and this amendment. The other Senator from my State, a Republican, also agreed to it, and I have agreed to it myself. Every Representative from that State in Congress has agreed to it as being the very best thing to do under the circumstances. We have agreed to it with a full knowledge of all the facts and circumstances surrounding these leases. And if we are to be conceded honesty of purpose, it seems to me that our judgment ought to be quite as good as to what is best to be done in that State with this reservation as the judgment of the gentleman from Arkansas or gentlemen from any other State.

Mr. MCRAE. Does the gentleman from Utah advocate the passage of this amendment because he thinks it is right, or because he can not get anything more?

Mr. SUTHERLAND. I will answer the gentleman, and answer him fully, but I wish to do it in my own way. The Raven Mining Company has the largest concession, and I wish to discuss that first—to discuss its attitude and its relations toward this reservation and toward this amendment. The Raven Mining Company procured its lease about three years ago. I think the exact date is November 26, 1898. It is a lease covering the elaterite deposit on that reservation. It has no reference whatever to the precious minerals; it is confined simply to that one class of mineral.

Now, elaterite is a mineral belonging to the hydrocarbons, and thus far has produced comparatively little commercial profit. It is not like asphaltum. It can not be used for street paving. But this company has taken hold of this matter, and for these entire three years has been experimenting with this substance to find some way of dissolving it and making it commercially valuable and profitable. This company has spent thousands and thousands of dollars in that one direction—in making experiments.

I will give the House some figures later on as to what this company has done. In round figures, it has spent nearly $250,000 in the way of improvements upon the grounds, in the way of work upon the various mines, in the way of experiments, in the way of salaries of officials, and so on. It has spent this enormous sum of money in attempting to develop this mining industry under its lease. It has received in return, as shown by its books, less than $30,000; so that there has been an enormous expenditure of money and comparatively small return.

Now, this company took this lease in absolute good faith, so far as I am informed. I know nothing that could in any manner challenge the good faith of the Raven Mining Company. It procured its lease in the ordinary way. First, it had a permit from the Secretary of the Interior to go upon the reservation, to negotiate with the Indians, and to procure their consent to the lease. Later the company secured the signature of the Secretary of the Interior to a lease of all the elaterite lands on the reservation. Under that lease the company went into possession.

Now, whatever may be said by way of criticism on this policy of leasing the Indian lands; whatever may be said in reference to its legality—and I have a pretty positive opinion upon that subject, which I have heretofore expressed upon this floor—whatever may be said with respect to those matters, the Raven Mining Company has proceeded under the law as it has been interpreted by the Department and by the courts and is equitably entitled to protection. It is not to be held responsible because the Government has adopted a policy which my friend from Arkansas believes and I believe to be a bad and a vicious policy.

Mr. STEPHENS of Texas. Does not the gentleman think that the Raven Mining Company, under section 12 of their lease, will be estopped from claiming that they have any vested rights? That section reads as follows:

12. In the event of the extinguishment, with the consent of the Indians, to the Indian title to the lands covered by this lease, then and thereupon this lease and all rights thereunder shall terminate.

Mr. SUTHERLAND. There is no doubt about that provision being effective.

Mr. STEPHENS of Texas. Now, is it not a fact that under that provision we are authorized to open up that Indian country?

Mr. SUTHERLAND. Yes.

Mr. STEPHENS of Texas. Then why not terminate such leases in pursuance of our authority to do so?

Mr. SUTHERLAND. This company has taken possession of these lands in absolute good faith and has rights and equities that ought to be respected. I have been stating facts which go to sustain this position. The company has spent $250,000 there; it has erected its buildings upon the mines; it has spent vast sums of money in developing these mineral deposits; it has surveyed and located its claims; and I submit that if we are to throw open this reservation that company is entitled to some consideration; it has some equities in this matter, in view of all the circumstances.

Now, this company has been given the right to locate 100 mining claims. Some gentleman here, when that statement was made, seemed to think that was a great number of claims to permit this company to locate. These claims under the mineral-land laws can not exceed 20 acres. They are lode deposits and must be located under the quartz-mining laws of the United States, under which no claim can exceed 600 feet in width and 1,500 feet in length. They may be and, in many instances, probably will be much smaller, because the company will not care to locate and pay $5 per acre for barren, worthless land; and the mineral veins themselves can be covered and protected within narrower limits than 600 feet.

So that at the very extreme these claims could not exceed 20 acres each, which would be at the very outside 2,000 acres altogether. Now, as a matter of fact, they have located 134 claims, which would probably exceed this in acreage. We are cutting them down to an even 100 claims. They lose 34 anyhow. The gentleman says they may go upon the reservation and locate other claims than these they have already taken possession of. It is not likely that this company, having already located certain claims, having already spent large sums of money in developing those claims, having already excavations and buildings upon them, would go out into the reservation and take virgin ground.

They have been prospecting that reservation for three years; they have been all over it. Presumably they have located substantially every deposit of that character that they have been able to find since they have been there. We cut them down to this number, and it does seem to me that a mere statement of the fact, as far as this Raven Mining Company is concerned, shows that it is entitled to equitable consideration. This lease, if the reservation is not opened, would continue for something like seven years. During that seven years the company could probably get some return for this money that it has expended. If we throw open the reservations without giving them any rights at all, then we simply condemn them to this perpetual loss of over $200,000.

Mr. LITTLE. If the gentleman would not object to an interruption, I would like to know something about the equities of the Florence Mining Company.

Mr. SUTHERLAND. I will discuss that in a moment.

Mr. SMITH of Kentucky. Will the gentleman permit a question?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Kentucky. How long do these leases continue?

Mr. SUTHERLAND. They are ten-year leases.

Mr. SMITH of Kentucky. Does this bill undertake to prolong them in any way?

Mr. SUTHERLAND. No. It undertakes to give them the preferential right to go on the reservation and make locations. In other words, it gives them the right in advance of any other citizen to locate these claims under the mining law and purchase them from the Government. Of course they must pay the Government for the land at the rate of $5 an acre, and that $5 an acre goes into the Treasury of the United States for the benefit of the Indians.

Mr. SMITH of Kentucky. It does not extend the period for which these leases are operative?

Mr. SUTHERLAND. No; it gives them this right——

Mr. STEPHENS of Texas. Would not the passage of this bill terminate these leases?

Mr. SUTHERLAND. I have said two or three times it will terminate this lease in any event, but we give them this right in recognition of their equities there, in recognition of the fact that they have gone there in good faith and spent this enormous sum of money. Now, let me call the attention of the House to some figures on the subject, and I want to say to the House these figures are taken from the books of the company furnished to me by an officer of the company.

Mr. STEPHENS of Texas. What is that?

Mr. SUTHERLAND. The Raven Mining Company.

Up to January 1, 1902, they had expended $205,628.60 in the following manner:

Real estate	$11,405.29	
Machinery at factory and mines	16,325.27	
Warehouse, premiums, supplies, royalties, expense, salaries and labor at mines	47,009.35	
Salaries and labor at factory	42,923.98	
Freight, improvement, fuel, and teaming	23,448.44	
Experiments and chemists	37,087.72	
Expense	27,448.55	
		$205,628.60

From January 1 to May 1, 1902, their expenses were $41,123.31, disbursed as follows:

Buildings	$5,000.00	
Machinery	7,393.03	
Freights	3,041.38	
Mills	1,635.55	
Development and labor at mines	4,044.90	
Labor and salaries at factory	10,108.62	
Freight, fuel, and expense	9,929.83	
		41,123.31
Total		246,751.91

Mr. STEPHENS of Texas. Will you give me the names of the officers or stockholders of that company?

Mr. SUTHERLAND. I can give you the names of some of them. Charles F. Pfister, of Milwaukee, I think, is president; at any rate he is a member of the company. John T. Beggs, who is the president of the railway and electric-lighting system of Milwaukee, is another. The Bigelows, of the First National Bank of Milwaukee, Cyrus H. McCormick, Capt. O. H. Morgan, Mr. W. S. Potwin, Mr. B. C. Chambers, George R. Sheldon, and Mr. Gilbert Tolman are gentlemen who are connected with this company. These are all I know of. There may be others.

Now, there is another phase of this matter that will apply to the Florence Mining Company as well as to this. Of course, when this reservation is open, the mineral lands are thrown open to entry and location under the mining laws of the United States. Any prospector has a right to go there and make a location; so that the Raven Mining Company, if it were not given this preferential right, would still have the right to go there and make locations if it could get there in advance of other locators.

It is to be presumed that this company, already being thoroughly familiar with the situation, already being upon the ground—and nobody else having the right to be on the ground, everybody else being excluded from the reservation until the actual day of its opening—by the exercise of superior diligence could probably make location of its claims; so that in all probability we are not giving them anything that they would not be able to get by the exercise of superior diligence for themselves.

Mr. STEPHENS of Texas. Does not this give them two years in which to locate those claims on a certain reservation a great many miles square.

Mr. SUTHERLAND. No; it does not give them two years, as I remember it.

Mr. SHERMAN. It gives them until September 1, 1903.

Mr. SUTHERLAND. It will be a very short time after the opening of the reservation has been provided for.

Mr. STEPHENS of Texas. Is it not a fact that the ordinary prospector has sixty days only in which to pay his assessment work of $100? The ordinary individual—any prospector in the West—how long does he have to locate his claim in order to have it recorded and do his assessment work?

Mr. SUTHERLAND. There is no provision in the laws of the United States fixing the time for recording a notice.

Mr. STEPHENS of Texas. Well, in your State?

Mr. SUTHERLAND. That differs in different localities.

Mr. STEPHENS of Texas. About sixty to ninety days?

Mr. SUTHERLAND. No; it is not fixed at any definite time. In some of the districts the by-laws may provide for the record being made within thirty days, others within sixty, and so on.

Mr. STEPHENS of Texas. Do you know of any longer than ninety?

Mr. SUTHERLAND. I can not call to mind any. But this is not a mining district.

Mr. STEPHENS of Texas. Why give these people so great an advantage over the individual miner?

Mr. SUTHERLAND. Well, I have been standing here and trying to show for ten minutes why these gentlemen have equities there that the ordinary miner has not. These gentlemen are entitled to some consideration because they have spent this enormous sum of money without any return; they are entitled to some consideration because they have erected buildings that if somebody else is permitted to take the claims will pass away from them; they are entitled to more consideration than the stranger or adventurer who goes there.

Mr. SHALLENBERGER. I would like to ask the gentleman if he has any information as to the probable extent of those beds and as to whether these 100 claims would probably take the entire deposit?

Mr. SUTHERLAND. I have some information on that subject, and I am very glad that the gentleman called my attention to it. I intended to speak of it before I got through, but I will speak of it now. These deposits of elaterite are in comparatively small veins. The largest vein they have discovered there, as I am credibly informed, does not exceed 14 inches in width. Upon that vein they have been working, and it has narrowed down in places to 5 inches in width, and it may in further development pinch out entirely and nothing remain.

That is the largest, and from that the deposits go down until they have not even the thickness of an inch. They have attempted to make locations upon these with the hope that they may develop sometime. This particular substance, before it can be made of extensive commercial value, must be experimented upon still further. The company has laboratories at Chicago, and is employing chemists to find out what can be done with it. They are endeavoring to find out whether it is of any great commercial value.

Mr. SHALLENBERGER. Is it not a fact that there are several processes already discovered for converting this material into a commercial product—some of them held by the Raven Company and some by other companies?

Mr. SUTHERLAND. Well, there are some processes by which they make this material into a substance which they market; but as I am informed—I am only speaking from the best information I can get, and not speaking as an expert—they have not reached a point where the product can be made in such quantities as to pay for the cost of extraction and shipping it to the market. It costs an enormous sum of money to take the material to Chicago. In round figures it costs about $35 a ton to lay this material down in the city of Chicago, and only about 60 per cent of it is available when that is done.

Mr. SHALLENBERGER. Is it possible to manipulate this lease by one company, which has also one process of manufacturing the commercial product, to the point of monopolizing that product, and destroying the value of the other man's commercial process?

Mr. SUTHERLAND. I do not know of any other than this.

Mr. SHERMAN. Are there not some of these same deposits on the Uncompahgre Reservation?

Mr. SUTHERLAND. They are different. These are small deposits of elaterite. Those on the Uncompahgre are gilsonite, so called.

Now I submit, therefore, that this company is entitled to some consideration at our hands, because of what they have done there.

Mr. COWHERD. If the gentleman will permit me, have rights been granted to any other companies or individuals to go in there besides these two companies—the Raven Mining Company and the Florence Mining Company?

Mr. SUTHERLAND. As to that I do not know.

Mr. COWHERD. What reason is there that these two companies should be given that right and it should be refused to others?

Mr. SUTHERLAND. I can only state that the Secretary of the Interior stated to me that everybody had equal opportunities—every man who showed ability to take care of a proposition of this kind, and who could satisfy the Secretary of the Interior of that fact, would be given the right to go there and negotiate with the Indians.

Mr. COWHERD. A great deal has been read here about their keeping other people out or not allowing them to go in there.

Mr. SUTHERLAND. A series of letters have been written by a man, a clerk, an understrapper of the Indian Department, an adventurer. I do not know who he was or anything about it, except as appears from the letters. A certain series of letters that he wrote to Mr. Myton have been read. He and some others were negotiating for a permit. Well, now, it is to be expected that there will be attempts to influence the officials, and there will be schemes and jobs upon the part of such men so long as this system of leasing Indian lands prevails.

Mr. STEPHENS of Texas. Is Myton still the Indian agent?

Mr. SUTHERLAND. He is still agent.

Mr. STEPHENS of Texas. He is one of the men?

Mr. SUTHERLAND. He is one, and this man Harper is another.

Mr. STEPHENS of Texas. He is one of the men that urged these leases?

Mr. SUTHERLAND. That I can not answer.

Mr. STEPHENS of Texas. I will ask if he is not one of the men acting in good faith, and who has vested rights that are not to be interferred with?

Mr. SUTHERLAND. I do not believe Mr. Myton has any interest in the Raven Company. If he has any connection with the Florence Mining Company I do not know anything about it.

Now, so far as the Florence Mining Company is concerned, that company has obtained a permit to go out and negotiate a lease with the Indians. They have come back here and have reported to the Secretary of the Interior that they have negotiated with the Indians and have obtained their consent. If they are allowed to make their selections they will get 640 acres of land, which would give them 32 mining claims.

Now, as to these precious metals, I want to say further that I am more or less acquainted with this reservation, and I do not take any stock in these stories that they are going to find great metalliferous deposits out there. The gentleman from Arkansas has mentioned the prospecting that has been done out there by a man named Rhodes. I know something about these wild stories of the wonderful gold deposits claimed to exist there. Some years ago a man by the name of Rhodes claimed to have discovered gold in the reservation.

I have been told that Rhodes was a miner in California, and when he came to Utah in early days he brought some gold nuggets there, and that when he went out prospecting he went to where he had them cached, and on his return said that he had obtained them from the reservation. I have been told by men who have gone all over the reservation that in their judgment there was no gold or silver deposits upon the reservation of any consequence whatever. As to this I do not know, but I doubt the existence of any great deposits of the precious metals.

However that may be, the Florence Mining Company claim to have obtained the consent of the Indians to their lease, and undoubtedly upon the showing that has been made to the Secretary of the Interior, if this bill does not pass, he will approve the lease, and if he approves the lease the company would have 640 acres of land for ten years.

It seems to me, furthermore, that in view of the fact that they are already familiar with the situation there; in view of the fact that they have their agents who are more familiar with whatever there may be on the reservation than anybody else, they would be able to make their locations in advance of others whether we confer this right upon them or not; and therefore by conferring it we are not injuring any other person. They say they have spent a considerable amount of money in this enterprise—organizing their company, sending people out to negotiate with the Indians, going over the reservation, and work of that character—and if so, they are entitled to some consideration upon that account.

Now, it seems to me, as I said in the beginning of my remarks, that we are not by this means perpetuating the leasing system. We are getting rid of it so far as this reservation is concerned. Unless you adopt this amendment, then nobody knows how long it will be before this reservation can be opened. There are only about 800 Indians upon it. There are 2,000,000 acres of land, a large proportion of which is capable of cultivation.

It is one of the best-watered spots in the West. It is capable of supporting many thousands of people, and it seems to me it is nonsense for anybody to stand in the way of opening that enormous body of land to the settlement of the people, where homes may be built and farms created in the place of the wilderness and the solitude, for the mere sake of preventing these companies from purchasing this comparatively insignificant quantity of land.

Mr. LITTLE. Why has it not been done heretofore; because these companies have interfered?

Mr. SUTHERLAND. It has been so charged. It has been said that people interested in getting leases have always stood in the way; that they induced the Indians not to consent to it. It is to be presumed that people who negotiate leases in the future may do the same thing, but this measure does enable us to get rid of that condition, open their reservation, and we may not be able to open it in any other way.

So far as I am concerned, so far as the Representatives from my State and the people of my State are concerned, they want to open these lands to settlement. They want farmers to come in; they want them to enter the land, to divert or utilize the streams, and to establish homes and communities. They are not paying much attention to the wild stories about great gold mines. They want to redeem and reclaim the country, and it seems to me we ought not to refuse to pass this bill, and thus condemn the land to the perpetual occupancy of eight or nine hundred Indians who will condemn it to uselessness and idleness.

They have granted leases to stock men upon it, and in the leases of the stock men there is the same provision that is in the mineral leases, that they shall terminate when the reservation is open. The stock men have made no improvements on the land—it would have been impracticable to do so—and so we have not included them in the operation of the bill.

The chairman of the committee calls my attention to another fact that I want to mention. It is true that some years ago, before these leases were granted at all, the Indians rejected an overture of a commission that was sent out with a view to getting their consent to open the reservation. But my judgment about it is that it is a fact that the people who have negotiated for these leases have since that time intensified their objection, and may do so in the future. This amendment gets rid of this stumbling-block in our way, and under its provisions I confidently believe

we shall succeed in obtaining the consent of the Indians and the opening of the reservation.

Mr. LITTLE. Mr. Speaker, I now yield to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I shall not occupy much time, but I want to indorse fully and completely the argument made by my colleague, Judge LITTLE, showing why this report should not be adopted. It has developed during this discussion that two corporations, by questionable methods and of doubtful legality, have secured leases for 2,640 acres of mineral lands in an Indian reservation, and this report confirms them.

Now, if that is true, the House owes it to itself to vote down this report and say to the conference committee that these companies can not secure this valuable privilege in this way. Time and time again we have refused to permit these gilsonite lands in the Uintah Reservation to pass into the hands of a monopoly. Repeatedly we have refused to even open it up under the general mineral laws, because it was believed in the judgment of the House to be too liberal for such mineral as had already been discovered. And yet here, after these repeated efforts to save this reservation from monopoly, it is now proposed to legalize leases that were issued contrary to law.

Now, I know nothing whatever of the value of the mineral rights on this reservation, but I do know that the House ought not to ratify leases in this way. By the very terms of the lease read it is provided that if this reservation should be opened the lessee should take nothing by reason of the leases. They can not then insist that they did not make the lease with the understanding that Congress had the power to declare this reservation open under the public-land laws or with any limitations it might see fit to make. The most that ought to be done is to open the reservation under the public-land laws and let these companies secure, with other citizens, whatever they can of the reservation, and so far as I am concerned, I have always opposed that purpose. Yet we are confronted with the proposition of confirming leases which the gentleman from Utah is unwilling to say were made by any authority whatever.

Why, sir, the testimony in the case shows that those who monopolized them had entered into a conspiracy to obtain them. They adopted a code by which they could communicate by letter or wire without being detected as to the propositions pending and the names connected with them. Yet we are asked here to adopt a conference report which has never been printed and which no member of the House, except the members of the committee of conference, knows anything whatever about—a report confirming leases that are not in the possession of any member of Congress—that have only been read by two or three members.

This is a reckless way to legislate, and one, Mr. Speaker, that may bring shame and disgrace upon the House. The proper course is for us to send back the report with instructions to eliminate from it the ratification of these leases. Let us leave them where we find them. If necessary, let us leave the reservation as it is. If it can not be opened honestly and fairly, without confirming these illegal leases, then leave it as it is.

The gentleman from Utah [Mr. SUTHERLAND] promised to answer me whether he joined in reporting this proposition because he believed it right or because he could not do anything else; yet with ample time at his disposal he took his seat without any reference to my question. He knows as well as I do that this proposition is a bad one. He can not defend it upon any other ground than that there are influences behind it that will not enable him to do what ought to be done.

[Here the hammer fell.]

Mr. LITTLE. Mr. Speaker, in conclusion, I desire to submit only a few suggestions in addition to what I have already said. I find that the first application for this permit of the Florence Mining Company was dated March 15, 1899. In this application this company, through its president, Henry C. Payne, asks the privilege of negotiating a lease with these Indians and submits its reasons why such a lease should be granted. It is as follows:

CHICAGO, ILL., *March 15, 1899.*

SIR: The Florence Mining Company, a corporation of the State of New Jersey, respectfully makes application for a permit to negotiate with the Uintah and White River Ute Indians for a mining lease on that part of the Uintah Reservation lying north of the Strawberry River, the said lease, if negotiated, to cover all of the minerals found in and upon that part of the said reservation.

Very truly, yours, THE FLORENCE MINING COMPANY,
By HENRY C. PAYNE, *President.*

The COMMISSIONER OF INDIAN AFFAIRS.

On October 10, 1901, it submitted another application for a permit to negotiate this lease. I will read an extract from a statement addressed to the Secretary of the Interior and signed by Joseph K. McCammon, attorney for Mr. Timms and others connected with this company:

In the meantime a considerable number of requests were made by other parties for authority to make mining leases on the Uintah Reservation. Believing that it would be to the convenience of the Department in respect of control and supervision, and knowing that it would be greatly to the interest and advantage of the Indians, all the applicants consolidated their interests, and on January 27, 1900, the Florence Mining Company, as now constituted, was organized. The said company was organized and incorporated for the sole purpose of operating a mining lease on the Uintah Reservation should one be obtained. It has, we are informed, no connection with or interest in any other mining company or any other mining lease, present or prospective.

Now, Mr. Speaker, let me say in conclusion, it is no pleasure to me to criticise or impugn any officer of the Government, high or low. But when it comes to such a proposition as is indicated by the saving clauses in this amendment in this attempt to open this reservation, I think it deserves the opposition of us all. I believe this proposition ought to have been brought before this House. I believe it was the duty of the conferees on the part of the House to do that, so that the action of the committee with reference to this particular subject might be debated, rejected, amended, or agreed to.

I would not under any ordinary circumstances ask the House to overturn a completed conference report. But in view of the one hundred and odd disagreements in this bill finally agreed to in conference and after reaching this extreme piece of legislation I did not believe it to be my duty toward the House or toward those whom I represent here to acquiesce in this report. Of course I do not care to criticise my colleagues on the committee, who acted upon their own judgment.

But, sir, I believe it my highest duty to insist upon the position I now take in asking my fellow-members to overturn this report and send the matter back to conference. This action need not delay the bill to any great extent; and it may be the means, it ought to be the means, of bringing this legislation absolutely within the control of the House, either by reported agreement or disagreement on this amendment by the conference committee, so that the House may act upon it separately.

The whole system, as indicated in this proposition, is wrong; it is absolutely pernicious to cover up these lands by leases of this character. It stands in the way of the settled and determined policy of the Government to open these reservations, reserving homes for the Indians and protecting their rights.

I have no doubt that the very fact of permitting these applications has stopped the opening of this reservation for six years; and now, if we confirm these two leases we in effect say that unless the rights claimed by the lessees are conceeded to them, although to grant those rights would fly in the face of those very permits and leases which provided that they should not stand in the way of opening these reservations by the consent of the Indians, we stand here simply, as I think, "held up" by these leases in the face of the provisions contained in them.

I can appreciate the position of the gentlemen from Utah, who bend everything to their anxiety to have this reservation opened. I know its importance to them and their State. I believe it right that the reservation should be opened. But I do not believe that we ought to submit to the provisions of this amendment by adopting this character of legislation at this time and in this way.

With this precedent established, we will meet its bad effects in every effort we may make in the future to open mineral reservations to settlement under the public-land laws of the country. Those seeking the special privileges of leasing these lands will stand in the way. They will influence the local agents of the Government in their interests, mislead and impose upon the Indians, and stand as a barrier to the humane policy of the Government in individualizing the Indian and leading him on toward individual and independent citizenship.

Therefore I have urged my opposition, and I shall leave it to my colleagues on the floor of this House to vote as they please about the matter. Now, Mr. Speaker, not desiring to use more time myself, I desire to yield to my colleague on the committee [Mr. STEPHENS of Texas] such time as may remain to me and he may want to use.

The SPEAKER. The gentleman from Texas has ten minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to enter my protest against this kind of legislation.

Mr. GILBERT. What kind of legislation is it? There are a good many of us who do not quite understand.

Mr. STEPHENS of Texas. There is ingrafted on the bill under consideration—the Indian appropriation bill—an amendment which provides for leasing the Uinta River Indian lands in the State of Utah. These lands are supposed to contain valuable mineral deposits; in fact, it is known that there are valuable mineral deposits on this reservation. Leases have heretofore been granted by the Interior Department to two mining companies, the Florence Mining Company and the Raven Mining Company.

As we believe, political, if not corrupt, influences have been used in the Interior Department, through some means, we know not what, to secure these leases; but in the face of the leases we find a provision that they shall terminate when this land is opened for settlement. This amendment opens these lands for settlement

and would terminate and set aside the leases held by the Raven and Florence mining companies and restore all mineral lands in the reservation to the public domain, so that individual miners and prospectors could locate their mineral claims thereon under the United States mining laws. This is exactly what I think should be done. But if this whole amendment becomes a law these mining companies will have the right, as I understand the reading of it, to hold the claims they have now for ten years. It gives an extension of ten years' time to these companies from the moment that this amendment becomes a law.

I protest against the passage of this bill for the reason that this is an entering wedge to a new policy to be inaugurated by our Government. Heretofore it has been the policy of this Government to turn over the minerals in the public lands to the discoverer or mining prospector under the mining laws of the United States. The man who goes to the West for the purpose of hunting valuable minerals has the right to locate one mining claim in his own name and he has from thirty to ninety days to locate it and to record it, and it then becomes his property; but if we embark in the policy indicated by this bill we will turn over about 50,000,000 acres of lands now in the Indian reservations of the United States to the Interior Department, so that that Department may create a new leasing bureau, to be known, I presume, as the mining leasing bureau.

If we have that leasing department or bureau created within the Interior Department, then it seems that men only who stand in with that Department can secure these leases. It will also be destructive of the rights of the mining prospector and of the individual miners of the entire country, because they will be debarred from going on these Indian reservations and locating claims. I therefore protest against this Indian mining bureau in the name of the honest, hard-working miners and prospectors of the whole country.

If Congress embarks in this dangerous policy of leasing Indian lands for minng purposes, it will compel the Government to employ agents and inspectors to collect from the lessees the royalty coming to the Indian tribes. In many cases this will cost the Government more than the royalties will amount to, so the Indians will get nothing. This mining bureau will be a hospital filled with broken-down politicians belonging to the party in power. The royalties will be payable to the Indian tribes as tribes, and thus perpetuate these tribes and prevent the breaking up of the tribal relations of the Indians, as should be done at once by the Government.

The money paid the tribes on these leases will only furnish the Indians money for an annual drunk and debauch, and will hinder indefinitely the present plan of the Government to individualize the Indians and make them self-supporting. This proposed leasing system will lead to scandals in the Interior Department, as it will encourage leading politicians of the party in power to use their political influence to secure these mining leases. Undue, if not corrupt, means have been used to secure the leases of the Raven and the Florence mining companies.

The following telegram from the secretary of state of New Jersey shows the names of the persons now forming the Florence and Raven mining companies. It is as follows, viz:

[Copy of telegram from secretary of state.]

TRENTON, N. J., *April 19, 1902.*

L. G. JOHNSON, *1016 D street NE.:*

Florence Mining Company: Incorporators, Thomas S. Lennon, T. Frank Farrell, Ernest T. Charles; directors, William S. Potwin, Charles F. Pfister, Leroy D. Thoman, George F. Tunis, T. H. Anderson, William J. Word, Charles N. King; officers—President, Charles F. Pfister; vice-president, G. F. Tunis; secretary, Leroy D. Thoman; treasurer, William L. Word.

Raven Mining Company: Incorporators, Leroy D. Thoman, Charles N. King, Legrand Bouker; directors, B. C. Chambers, W. S. Oppenhein, George H. Miller, H. H. C. Miller, Charles G. Little, Charles N. King, Charles F. Pfister, William S. Potwin, Leroy D. Thoman, Henry C. Payne, Otto H. Morgan; officers—President, Charles F. Pfister; vice-president, William S. Potwin; secretary, Leroy D. Thoman; treasurer, Otho H. Morgan.

H. D. DICKINSON,
Secretary of State.

Mr. Speaker, this telegram shows that these two companies are practically the same. We find that Charles F. Pfister is president of both companies and Leroy D. Thoman is treasurer of both companies, and that they are both incorporated in New Jersey. We find that Henry C. Payne, now Postmaster-General and a Cabinet member, obtained the original lease, and the following letters, found on pages 16 and 17 of Senate Document No. 154, this Congress, give a history of this matter. They are as follows, viz:

CHICAGO, *January 4, 1902.*

SIR: In answer to your letter of January 2, requesting "proofs of the due incorporation and organization of the Florence Mining Company, also a list of its officers, with designation of each, and the post-office address of each," I beg to submit the following:

February 25, 1899.—Incorporated under the laws of New Jersey; principal office, No. 243 Washington street, Jersey City, N. J. Resident agent, New Jersey Corporation Agency. (Exhibit A.)

March 16.—The original subscribers for 10 shares, par value $1,000, being the amount of capital stock with which the company was authorized to commence business, elected as directors Benjamin B. Odell, jr., and Henry C. Henderson, of New York; Henry C. Payne and Charles F. Pfister, of Milwaukee, Wis.; William S. Potwin and Leroy D. Thoman, of Chicago, and J. C. Thompson, of East Orange, N. J.

March 17.—Directors-elect convened at the Manhattan Hotel, New York City.

Mr. Henderson tendered his resignation as a member of the board of directors, which was accepted. Mr. William L. Ward, of Portchester, N. Y., was elected a director to fill the vacancy occasioned by the resignation of Mr. Henderson. The following officers were elected:

Henry C. Payne, president; William L. Ward, vice-president; Benjamin B. Odell, jr., treasurer; Leroy D. Thoman, secretary.

By reference to your files you will find that at or about this date, to wit, March 15, the president, on behalf of the company, made application for a permit to negotiate a mining lease. (Exhibit B.)

October 2.—By reference to your files you will find that the president, on behalf of the company, addressed a letter to the honorable Commissioner of Indian Affairs on the subject of the permit. (Exhibit C.)

January 27, 1900.—The board convened at the Fifth Avenue Hotel, New York.

Charles F. Pfister tendered his resignation as a director. The same was accepted. Mr. George F. Timms, of Washington, D. C., was elected a director to fill the vacancy occasioned by the resignation of Mr. Pfister.

Mr. William L. Ward tendered his resignation as a member of the board of directors, and the same was accepted. Gen. Thomas H. Anderson, of Washington, D. C., was elected a director to fill the vacancy occasioned by the resignation of Mr. Ward.

February 24.—The annual meeting of stockholders. Ten shares, being all of the shares of stock of the corporation issued, elected the following board:

Henry C. Payne, Benjamin B. Odell, jr., William S. Potwin, George F. Timms, Thomas H. Anderson, J. C. Thompson, and Leroy D. Thoman.

The directors-elect convened on the same day and elected the following officers:

Henry C. Payne, president; George F. Timms, vice-president; Benjamin B. Odell, jr., treasurer, and Leroy D. Thoman, secretary.

July 23.—The directors convened at the Manhattan Hotel. Mr. Henry C. Payne tendered his resignation as president of the company and also as director. The resignations were accepted. Mr. Charles F. Pfister was elected a director to fill the vacancy occasioned by the resignation of Mr. Payne. He was also elected president of the company.

Mr. Benjamin B. Odell, jr., tendered his resignation as treasurer and also as a director of the company. The resignations were accepted. Mr. W. L. Ward was elected a director to fill the vacancy occasioned by the resignation of Mr. Odell. He was also elected treasurer of the company.

Mr. J. C. Thompson tendered his resignation as a member of the board of directors, and it was accepted. Mr. Charles N. King, of Jersey City, was elected a director to fill the vacancy occasioned by the resignation of Mr. Thompson.

February 23, 1901.—Stockholders' meeting. The 10 shares of stock, being all of the shares of stock of the corporation issued, elected the following board:

Charles F. Pfister, William L. Ward, Henry C. Henderson, Charles N. King, George F. Timms, T. H. Anderson, and Leroy D. Thoman. The directors-elect convened on the same day and elected the following officers:

President, Charles F. Pfister; vice-president, George F. Timms; treasurer, William L. Ward; secretary, Leroy D. Thoman.

October 16.—Permit issued to Florence Mining Company. (Refer to your files.)

November 4.—Board of directors authorized Henry C. Henderson and George F. Timms to negotiate a lease on the authority granted by the Department in its permit of the 16th of October.

Respectfully submitted.

LEROY D. THOMAN, *Secretary.*

Hon. WILLIAM A. JONES,
Commissioner of Indian Affairs.

I, Leroy D. Thoman, secretary of the Florence Mining Company, hereby certify that the above and foregoing is a true recital of the acts and doings of the company in reference to the subject-matter therein referred to, as taken from the records of said company, in my charge and keeping.

And I further certify that the names and addresses of the directors elected at the last annual meeting of the stockholders are as follows:

Charles F. Pfister, Milwaukee, Wis.; William L. Ward, Portchester, N. Y.; Henry C. Henderson, White Plains, N. Y.; Charles N. King, 243 Washington street, Jersey City, N. J.; George F. Timms, Washington, D. C.; Thomas H. Anderson (resigned), Washington, D. C.; Leroy D. Thoman, Chicago.

And I further certify that the officers of said company at this time are: President, Charles F. Pfister; vice-president, George F. Timms; treasurer, William L. Ward; secretary, Leroy D. Thoman.

And I further certify that of the authorized capital of 300,00 shares, of the par value of $100 per share, but 10 shares have been issued, being the amount of capital with which the company was authorized to commence business.

And I further certify that no authorization for the issuance of any other shares of said capital stock has ever been made by the board of directors of said company.

In witness whereof I hereunto set my hand and affix the seal of the corporation this 4th day of January, A. D. 1902.

[SEAL.] LEROY D. THOMAN, *Secretary.*

CHICAGO, ILL., *March 15, 1899.*

SIR: The Florence Mining Company, a corporation of the State of New Jersey, respectfully makes application for a permit to negotiate with the Uintah and White River Ute Indians for a mining lease on that part of the Uintah Reservation lying north of the Strawberry River, the said lease, if negotiated, to cover all of the minerals found in and upon that part of the said reservation.

Very truly, yours,

THE FLORENCE MINING COMPANY,
By HENRY C. PAYNE, *President.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Mr. Speaker, Mr. Thoman, on page 14 of Senate Document 154, shows that in addition to Mr. Payne's connection with these leases that Mr. James S. Clarkson, another office holder and shining light in the Republican party, was also using his political influence to secure a lease on some of these Indian lands. Mr. Thoman says that—

On the 18th day of December, 1897, the Indians granted to Hathenbruck & Rhoades, citizens of Utah, a mineral lease of these same lands. This lease was negotiated without the parties first obtaining a permit from the Department, and for this irregularity, as we are advised, Secretary Bliss refused to approve the same.

From time to time since the disapproval by the Secretary this lease has "bobbed up" for confirmation in the hands of different claimants, and on the

15th day of May, 1900, Hathenbruck & Rhoades assigned it to Reed Smoot and Hiram S. Young, of Provo, Utah, as trustees, for the benefit of a corporation to be formed under the laws of the State of Utah. A corporation was formed known as the Rhoades Mining and Milling Company, with a capital stock of $500,000.

The officers and directors of the company are Hiram B. Clawson, president; T. B. Beatty, vice-president; C. B. Rhoades, second vice-president; Hiram S. Young, treasurer; William Torten, secretary; and additional directors, James S. Clarkson, Reed Smoot, William H. Dodge, and James H. Mayle.

Among the propisions of the trustee agreement are the following:

That James S. Clarkson, Hiram B. Clawson, and T. B. Beatty procure the approval of said lease by the Secretary of the Interior; that on the approval of the said lease Reed Smoot and Hiram S. Young, trustees, convey the interests which they hold to the corporation; that the stock be divided among the several incorporators (hereinbefore named), less one-fifth, which is to be retained as treasury stock.

It would seem from this that some of the good people of Utah are not averse to leasehold estates on the Uintah Reservation.

Respectfully submitted.

LEROY D. THOMAN.

Mr. Speaker, I will read an editorial from the Salt Lake Herald, which shows why these Indian lands are coveted by these scheming politicians. It is as follows:

[Salt Lake Herald, December 30, 1901.]

FIND SOURCE OF RHODES'S WEALTH—HIDDEN MINE ON UINTAH RESERVATION IS DISCOVERED—INDIANS GIVE UP SECRET WHY EASTERN SYNDICATE DESIRES TO SECURE LEASE.

"Money rock," as the Indians call gold-bearing quartz, is the prize for which the seekers of a mineral lease on the Uintah Reservation are striving. Information came from the reservation country yesterday that at last the secret of Caleb Rhodes, of Price, as to the location of the rich gold deposits on the reservation had been discovered, and that the Florence Mining Company was in possession of the information.

The syndicate of Republican politicians and others, headed by Postmaster-General Henry C. Payne, has been secretive as to the real object of the quest. It has been given out that deposits of asphaltum and of copper were in view. Now it is stated beyond a doubt that the deposits of gold have been discovered, and that they are of great richness.

RHODES AND HIS GILD.

The story of Caleb Rhodes, the Price ranchman, is well known. For years he has slipped clandestinely to the reservation and has returned laden with gold. Sometimes he had brought in sacks of quartz which was plastered with gold. Sometimes he has broken the rock and washed out the metal, bringing in the native gold.

Too many people have seen the gold and the quartz to doubt its existence, and many a plot has been laid to learn the secret of whence it came. All have failed, however, until now.

The information from the reservation is that with the aid of some of the Indians the location of the gold deposits was learned, and that now the syndicate has the information. The lease calls for 640 acres of land, and if this is located all, or nearly all, on rich gold-bearing veins or deposits it is difficult to conceive the enormous amount of wealth which it represents.

Mr. Speaker, the citizens of Utah protested against the corrupt methods used in obtaining these leases, as is shown by the protest and letter which I will now read. The first is from R. S. Collett, of Vernal, Utah. This letter is found on page 30, and the protest on page 31 of the Senate Document No. 154:

VERNAL, UTAH, *November 29, 1901.*

DEAR SIR: We to-day inclose to each of our Utah Representatives at Washington a copy of the inclosed statements, as we wired you on the 27th instant we would do.

Since this paper was drawn up and signed by the city and county officials of Vernal and Unita County the following wire has been received by Senator Bennion and Senator KEARNS: "Send immediately all information obtainable, with affidavits. Matter will be held up till I hear from you."

Now, I wish to state to you, Mr. SUTHERLAND, that there was no white person present at this council except those personally interested in obtaining the lease, hence affidavits would have to come from the Indians, and these we will get if possible. But you can see it will take a little time and the consent of the Government.

At least six different Indians have made the following statements to as many different men, and part of the men, at least, if not all of them, will make affidavit to the fact, or will go on the stand in any court and testify to the fact and will produce, with the consent of the Government, the Indian who furnished the information.

First. That the council was not generally known of among the Indians and that representative Indians usually consulted in such matters were not aware of the council until after it was over. I might mention one of these Indians, in particular, was Charlie Chovaneau, chief of the White Rivers, and one of the most intelligent of them all.

Second. That Messrs. Timms and Henderson were spoken of to the council as being "Washington" men, which, in Indian parlance, means an official of the Government looking after the Indians' rights, when, in fact, these men were the ones who are trying to obtain the lease.

Third. That it was represented that if the lease was consummated the Indians would get their money on the same, whereas if they waited until Congress met action would be taken to open the reservation, and then they would get nothing for their lands, as had been the case with their Colorado lands, and the argument was made stronger by stating that the "Mormons" would be given the reservation lands. Thus were the Indians who were present induced to acquiesce in the scheme to lease. Now, we can get the affidavits of these men to whom the Indians have talked, or we can get the affidavits of the Indians themselves, if the agent will permit us, which is quite unlikely if he can prevent it.

The terms of the lease, if granted, would be an outrage. I am informed they only ask for 640 acres, but they want the privilege of making their selections in mining locations and to have two years in which to prospect before making the same. This would mean that after prospecting for two years they could then make about thirty mining locations on what they might find, while the Utah prospector dare not step onto the reservation. Should they find mineral in paying quantities, they could delay the opening of the reservation indefinitely.

Mr. SUTHERLAND, if you will defeat this measure and secure the appointment of a commission of Western men, allowing Utah to have a good representation on the same, and if this commission will come here and treat with these Indians in honesty and fairness this reservation can be opened within one year.

The Indians are not opposed to selling their lands, but must be assured their money is safe and they will not be robbed out of it, as the White Rivers feel they have been done with their Colorado lands.

If you will kindly wire me on receipt of this whether the affidavits of these men with whom the Indians have talked will be sufficient, or whether you wish the affidavits of the Indians themselves, I shall appreciate it. In the meantime we will do what we can to get to the Indians themselves. Personally the signers of the statement inclosed are convinced that Major Myton is an interested party to this lease and that the Indians are telling the truth.

Very respectfully,

R. S. COLLETT.

Hon. GEORGE SUTHERLAND,
Washington, D. C.

VERNAL, UINTA COUNTY, UTAH, *November 28, 1901.*

DEAR SIR: In explanation of the telegram sent to you to-day, we wish to say that we are deeply interested in bringing about the opening to settlement of the Uintah Indian Reservation in such a way as to give to every citizen an equal chance to share the benefits thereof, and we view with apprehension any attempt to delay the opening or to give to a favored few any undue advantage over the general public.

We therefore take this means of bringing to your notice the following facts gathered from the Indians themselves:

Agent Myton went to Denver and met Mr. Timms and Mr. Henderson, with whom he returned to the agency, and on the following morning held a council with the Indians, evidently prearranged by the agent. In this council it was represented to the Indians that Congress would shortly assemble and that undoubtedly some action would be taken in the matter of opening the reservation; that their lands would be taken from them, and that they would receive no pay for them, even as had been the case with their Colorado lands already given up; that this lease was the only way by which such action of Congress could be forestalled, and that they must act quickly. Only by such argument was the consent of the Indians to the lease obtained.

Through long residence in the county and from close personal acquaintance with many of the leading Indians we are in a position to know that they are willing to dispose of the greater part of their lands whenever they can feel sure that they will receive pay for them, and especially when negotiations are opened by commissioners who are honestly desirous of accomplishing the opening of the reservation, and we desire to enter our earnest protest against the use of any such representations as were made at the council above mentioned.

We also oppose the execution of any lease or agreement that will delay the opening of the reservation, a matter of such vital moment to the people of our whole State, and especially to the citizens of this county.

Agent Myton and several Indians selected as being favorable to the scheme are already in Washington for the purpose of securing the sanction of the Government to the lease, and we therefore urge your immediate and energetic action in opposition to it; and we further assure you that the honest and faithful efforts of a commission, aided by an agent who will assist rather than oppose their efforts, appointed from this State and consisting of men familiar with the Indians and existing conditions, will be able to secure the consent of the Indians to the opening of the reservation and a consequent favorable settlement of this vexatious question.

Very respectfully, yours,

Harden Brennion, State senator; Ward E. Pack, United States commissioner; Peter Hanson, county clerk; W. H. Siddoway, county commissioner; Herbert Tyzvek, county assessor; R. C. Camp, Vernal city councilman; W. P. Vattharp, Vernal city councilman; S. M. Browne, mayor-elect, Vernal; Leslie Ashton, councilman, Utah; S. R. Bennion, councilman-elect; George A. Davis, county treasurer; J. H. Hardy, city recorder; J. H. Mease; R. S. Callett, postmaster, Vernal, Utah; George P. Billings, State representative; O. D. Allen, county commissioner.

Representative SUTHERLAND,
Washington, D. C.

Mr. Speaker, I will now read a letter from Commissioner Peck and another from R. S. Collett, found on pages 32 and 33 of Senate Document No. 154, which show the connection between the Interior Department and these mining companies whose leases we are now about to ratify. Myton, Harper, and Miller all belonged to the Commission and represented the Government, and Myton has been rewarded for his cunning by being made the agent for these Indians, which position he now holds. These letters expose these men fully, and are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1902.

SIR: I transmit herewith for your information and use certain papers, consisting of letters, affidavits, etc., relative to the leasing of lands on the Uintah Indian Reservation for mineral purposes, filed with the Department by Hon. George Sutherland on the 11th instant.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

VERNAL, UTAH, *January 1, 1901.*

DEAR SIR: Your telegram to Mr. R. S. Collett, dated December 23, 1901, stating that the United States commissioner had been authorized to go upon the Uintah Reservation and obtain affidavits of Indians bearing upon the proposed mineral lease reached me at a time when it was impossible for me to go immediately. You were, however, notified of this by telegram.

On December 29 I went over to the reservation, and have spent considerable time among the Indians. However, I only succeeded in getting the four affidavits which I inclose. There are several reasons why I did not get more, among which I report the following: The Indians had been notified, or rather warned, through some person or persons at the White Rock Agency, that a "Mormon" commissioner was coming to the reservation to steal the Indians' talk and send it back to Washington; to look out for him and not talk to him.

I also found many Indians, among them being Sowick, the head chief of the White River Utes, who said that the facts set forth in these affidavits were true, and who also made other statements of the same nature on their own behalf. They would not, however, sign their names to any paper for the reason that they had been misled and tricked so many times they were afraid. They said other men had been to them before now, representing themselves to be authorized commissioners, and after getting the signatures the Indians had been cheated and robbed. For this reason many of them would make statements verbally, and even allow them to be drawn up in writing, but would not sign them because they were afraid it was another trick.

Another reason is that Agent Myton and the five Indians who went to Washington with him had returned to the reservation and were industriously spreading false reports. Mr. Myton arrived at White Rocks on Sunday evening, and on Monday held a council with a few of the Indians, practically the same who were in the former council. The vast majority, however, were not notified of either meeting. I personally saw those who were at this last meeting, and know that the number did not exceed 30. At this meeting Mr. Myton reaffirmed his former statements—that the two men who had been out to see them were representatives of the Government, and that Washington wanted the Indians to ratify the lease, so that the Mormons would not come in and get their lands away from them; that there were now 30 Mormons in Washington trying to get these lands, and if they did not ratify this lease they would not only lose their lands but that their annuity money would be taken away from them. He also told them that the Indian Commissioner had already given the lease, and that next summer there would be a mill put up on the reservation to grind up the rocks, get the gold out, and it would be given to the Indians. Many other stories of a similar nature were told to them and were vouched for by the five Indians who were taken to Washington.

Several of the Indians who were willing to make affidavit were away during my visit to the reservation.

Among all the Indians with whom I talked I found but one who favored the lease. The great majority are opposed to it and to the methods being employed to secure it.

The Indians are very suspicious, and consequently I found it very difficult to get them to understand the nature of my mission, although I had a good interpreter with me, one who is personally acquainted with nearly all the Indians on the reservation.

If more affidavits are desired, others of a similar import can be had at a later date, but, as I stated before, while a large number of the Indians will relate the facts herein set forth and many others of a similar nature, they are not willing to sign anything because of their fear of trickery.

I remain, respectfully, yours,

WARD E. PACK,
United States Commissioner, District of Utah.

Hon. GEORGE SUTHERLAND,
Washington, D. C.

VERNAL, UTAH, *January 1, 1902.*

MY DEAR SIR: Your wire of December 23 was duly received, but unfortunately United States Commissioner Pack could not go to the reservation as soon as it was received, and Mr. Myton, getting home in the meantime, made it much harder for him to get the affidavits of the Indians, as he called them in council and told them the lease was already made; that this Mormon commissioner was coming to steal their talk and send it to Washington, and for them not to talk to him.

The Indians, however, all tell the same story, but the affidavits inclosed in Mr. Pack's report are from the only Indians who dare sign their names to the same; and while this is not as strong as we would like to have made it, we have another story to tell that I think will interest you.

While in Salt Lake Myton gave a News reporter an interview. The inclosed clipping is from the daily News of December 27. When Mr. Mease saw this he said he would show us who was trying to get this former lease, and he showed to Messrs. Browne, Hennion, and myself the inclosed correspondence. Now, we have not been making a personal fight on Myton, but we thought this too good to let go by, so we inclose you the originals, and have forwarded to Senator RAWLINS and Governor Wells a copy each and asked the Governor to call the attention of Senator KEARNS to the same.

And here is the story of the origin of these mineral leases: In 1897 one Dr. Hathenbrook was around here with samples of gold ore that were the finest I ever saw. He said they came from the reservation and was trying to get a permit to go on the reservation to prospect. At that time H. P. Myton was a commissioner assisting in the opening of the reservation, E. R. Harper was the secretary of this commission, and S. M. Miller was the surveyor for the same.

They saw these samples of gold, and while they were yet acting on the commission they began to plan for a "mineral lease" on the reservation. The result was Myton was subsequently made agent and the others hoped to profit thereby.

A plan was formed, with Myton as chief assistant, to obtain this lease. J. H. Mease, post trader at Du Chesne, and John McAndrews, interpreter at Ouray, were taken in to help the matter along. The inclosed letters tell their own tale.

The same plan of action was to be pursued as is now being pursued, and here the hitch came. Mease and McAndrews claim they refused to try to influence the Indians in this way, so they were dropped out and others taken in. Mease, however, failed to burn his correspondence as he was instructed, and McAndrews has a duplicate of the most of it.

Myton, Miller, and Harper are still in the lease. It was Harper whom Myton went to see at Denver before calling the council of Indians. And you will see by these letters that they joined forces with Timms and have nearly accomplished their object.

I also inclose you a copy of the then proposed lease, also furnished by Mr. Mease, and he informed me that this lease was drawn in the office of Commissioner of Indian Affairs, and the maps furnished from there also, and that while Mr. Ryan, who is still Acting Secretary in the Interior Department, was deeply interested in the lease, he was not alone by any means.

It was some time before Mr. Mease could be induced to give up the papers, and he assures us that Myton et al. think them destroyed. He is not vindictive toward Myton, but says he wishes to protect himself and not have the whole matter thrown onto him.

He has a large stock of these papers and telegrams, the latter mostly in cipher, and they are all at your disposal if you can do anything with them.

Mr. Sutherland, you can not know the manner in which these Indians are being fleeced and robbed and the manner in which this steal has been planned and executed. These papers are placed at your discretion; we hope you can use them. If you could get a thorough investigation of this agency affair you would be astonished at what would be revealed. And it seems to us that this should be had if an appeal had to be made to the President.

No newspaper talk will be made here of these papers. No one knows of them but the committee that has had this matter in hand. In the event you find them of no value you will kindly return them, that Mr. Mease may get them again. But I sincerely hope you may be able to put a stop to this leasing business and to have a measure passed looking to the early opening of the reservation.

Wishing you the compliments of the season, and assuring you of my warmest regards, I have the honor to be

Very respectfully, yours,

R. S. COLLETT.

Hon. GEORGE SUTHERLAND,
Washington, D. C.

P. S.—Three hundred adult Indians on the reservation, and the Indians all agree that there were not to exceed 30 at the first council.

R. S. C.

Mr. Speaker, the Senate has amended this Indian appropriation bill, among other things, in a way to approve the leases held by the Raven Mining Company and the Florence Mining Company and other applications approved, on file in the Interior Department, for licenses to negotiable leases.

This amendment enacts legislation in an appropriation bill not germane to an appropriation bill under the rules of this House.

The greatest injustice is done by this amendment to the people at large of the United States, and especially the miners in the State of Utah.

The unfairness of the legislation, as it is attempted to be forced on this House, is that the Senate has had this matter before the Senate Indian Committee and are supposed to have considered it. They have had before them the letters, papers, and reports read by me upon which to base their action, none of which have been before the House committee. The Senate attempts to force the House to accept in a committee of conference a fraud upon the people at large and to give to the so-called mining companies rights that they do not possess by the terms of their leases.

Letters found on pages 473 and 474 of the CONGRESSIONAL RECORD of this session of Congress show that the parties who are now or who have been interested in these leases, who were in the companies in the beginning, were Henry C. Payne, now Postmaster-General; B. B. Odell, now governor of New York; L. D. Thomas, ex-Civil Service Commissioner, and George F. Timms, of Washington, said to be an attorney and promoter claiming special connection and favors from the Indian Department. In these letters there appears the names of E. B. Harper, of Akron, Ohio, ex-secretary of the Indian Commission and ex-member of Indian Commission; H. P. Myton, ex-member of Indian Commission and at present agent at Whiterocks Agency, Utah; J. H. Mease, Indian trader at Uintah Agency; Miller, merchant at Fort Duchesne; McDonald, veterinary surgeon at agency.

The newspaper clipping, Mr. Speaker, which I now read will further unfold the corrupt practices by which these leases were obtained. This clipping is from a reputable Utah paper.

[Copy of newspaper clipping. Friday, December 27.]

MYTON MAKES A STATEMENT—SAYS HE DID NOT GO TO WASHINGTON TO ADVOCATE MINERAL-LAND LEASE—VIEWS OF OUR CONGRESSMEN—POSITIONS OF SENATORS RAWLINS AND KEARNS AND REPRESENTATIVE SUTHERLAND—WHAT WILL BE DONE.

Maj. H. P. Myton, Indian agent at the Whiterocks Agency, arrived last night from Washington and is at the Knutsford Hotel. He says that he did not go to Washington purposely to advocate the lease of the mineral lands on the reservation, but went on instructions from the Indian Commissioner. The Major claimed that the conference at the national capital had been entirely friendly, newspaper reports to the contrary notwithstanding. He had made a full statement of the situation before the Secretary of the Interior, the Indian Commissioner, Attorney Vandeventer, and the three Congressional representatives from this State. Senator Rawlins objected from a legal standpoint. Mr. Sutherland's objection was that the Indians had not been properly notified, many not knowing anything about it. Senator Kearns did not think there was any particular hurry about the matter.

Major Myton said that the Secretary of the Interior had assured him that 1 square mile of the Uintah Reservation would be leased to the Florence Mining Company. Three weeks before the council was called in Washington the Major said he received a letter from the Department stating that authority had been given the Florence Mining Company to treat with the Indians of the Uintah Reservation. The Major said he immediately called a local council and explained that some white men would come and treat with them for the lease of the land. Such a meeting was subsequently held with 300 Indians present, and by the terms of the lease the Florence Mining Company will have two years in which to prospect and choose their 640 acres of land. This will give them 30 claims. Henry C. Payne was president of the company, but he is going into the President's Cabinet, and his place is taken by Mr. Pfister, of Milwaukee, and the secretary is L. D. Thoman, of Chicago. H. C. Henderson, of New York, and George F. Timms, of Washington, are also interested in the company.

Major Myton stated this morning his belief that the lease to the Florence Mining Company would prove the opening wedge to a further move in this line; only it was as the Indians told the Secretary of the Interior, that they preferred to experiment with the one lease at first, and if that worked all right, then they would be ready to lease more, and this would probably be done.

When asked what the source of all the opposition was at Washington, Major Myton said it was undoubtedly J. H. Mease, who had filed a claim for privilege to lease before the Major went to Washington. Mr. Mease called up the agency by telephone from his store while an Indian council was being held prior to the Major's going to Washington, and wanted to know about his claim, which he held should be considered or else there would be trouble. Major Myton replied that he knew nothing about Mr. Mease's application, and the conversation ended after further intimation from Mr. Mease that there would be trouble if his claim was ignored.

The Major did not hear anything of this claim in Washington, but understood that Mease has stirred up the governor and others to object to the lease proposition. However, this objection did not work. Major and Mrs. Myton left this afternoon for Price and Fort Duchesne. He dropped off at Price the Indians he took with him to Washington.

Mr. Speaker, I will close by reading the affidavit of some of these Indians, showing that these leases were obtained by fraud and collusion. They are found on pages 38 and 39 of Senate Document 154:

Affidavit of Francis La Rose, of Uintah Reservation.

Francis La Rose, being first duly sworn, deposes and says:

I was present at the council meeting held at White Rocks on November 16, 1901. Agent Myton stated to the Indians that he had received a letter from Washington; that the two men, Timms and Henderson, were sent out from Washington by the Government and wanted the Indians to make this lease; that the Government sanctioned it. If the Indians did not make the

lease, that the white men would come in and take their lands, but the lease of this land would prevent them from getting it.

There were only a few of the Indians in favor of the lease, and not more than twenty or thirty present.

When they were asked to sign the papers, that all but a few got up and went out and refused to sign it.

FRANCIS LA ROSE.

Sworn to and subscribed before me this 30th day of December, A. D. 1901.
[SEAL.] WARD E. PACK,
United States Commissioner for District of Utah.

Deposition of "Captain" Wood (Indian) or "Bull of the Wood," ex-captain of Indian police, White Rocks, Uintah Reservation, Utah.

Captain Wood, being duly sworn, deposes and says as follows:

I was present at the council of Indians held at White Rocks on November 16, 1901. Happened at White Rocks, and was told there was a meeting. Agent Myton asked me in. Was not summoned to council, but happened to be there, and was invited in.

There were about thirty persons at the council. Among them were Agent Myton and two white men, strangers. Agent Myton stated to the Indians that these two men were from Washington, sent out by the Government for the purpose of making a lease of a certain amount of mineral lands, "about four men's claims;" that they were not "land grabbers," but if the Indians would give them this lease, then that would stop the white men from coming in and getting their lands; if they did not make this lease, then their lands would be taken away from them and given to the white men.

Five Indians volunteered to go to Washington and see what Washington had to say about it. If Washington said it was all right, then they would come back and tell the Indians all about it before any papers would be signed. The Indians who went to Washington were not authorized to sign any papers, but another council was to be held with the Indians at White Rocks.

I don't want the lease made. Didn't want it from the first.

When the vote was taken on the matter of the lease only a few, 3 to 5, voted for it. All the rest were opposed to it and didn't want it.

Bull of the Wood, being first duly sworn, deposes and says that the contents of the above and foregoing affidavit have been read to him; that the same are true to the best of his knowledge and belief.

BULL OF (his x mark) THE WOOD.

Witnesses:
JOSEPH TIMOTHY.
J. M. THOMAS.

Sworn to and subscribed before me this 26th day of December, 1901.
[SEAL.] WARD E. PACK.
United States Commissioner District of Utah.

Affidavit of Joe White, or Little Joe (Indian), Uintah Reservation, Utah.

Little Joe, being first duly sworn, deposes and says:

I was not notified of the council held at White Rocks on November 16, 1901.

I have been told by my boy, who was present, also by others, that these two men who came with Agent Myton to the council were Washington men sent out by the Government to make the lease. If they did not lease the land, then the white men would come in and get their lands away from them.

The Indians who went back to Washington were not chosen by the Indians, but were selected by Agent Myton. He picked them out himself, and refused to send men who were opposed to him, but wanted to go back and see what the Government had to say about it.

There were no representative tribe men in the council, only Tim Johnson. All the others were just picked up by Myton.

I am not willing to make lease of mineral or other lands to these men. All the Indians I have talked with are opposed to the lease.

Before these two men came out here Agent Myton told the Indians that he had got a letter from Washington that these two men were coming out here and that Washington wanted the Indians to give them the lease. He also told them that the Government knew these two men, and that they were good men with lots of money.

I understand English, and can speak it almost as well as my own language. I have heard read the contents of the foregoing affidavit, and the same are true, to the best of my knowledge and belief.

JOSEPH (his x mark) WHITE.

Witnesses:
JOSEPH TIMOTHY.
J. M. THOMAS.

Sworn to and subscribed before me this 30th day of December, 1901.
[SEAL.] WARD E. PACK.
United States Commissioner, District of Utah.

UINTAH AGENCY.

Tabby W. White, being duly sworn, deposes and says:

I can read and write the English language; attended school at Grand Junction. I have read the affidavit of Joseph White, and know that the facts set forth therein are true.

I am opposed to the lease, and almost all the Indians in the reservation are also opposed to it.

T. W. WHITE.

Witnesses:
JOSEPH TIMOTHY.
J. M. THOMAS.

Sworn to and subscribed before me this 30th day of December, 1901.
[SEAL.] WARD E. PACK.
United States Commissioner, District of Utah.

UINTAH RESERVATION.

Affidavit of J. M. Thomas and Joseph Timothy

STATE OF UTAH, *County of Uinta, ss:*

J. M. Thomas and Joseph Timothy, being first duly sworn, depose and say:

We accompanied and were present with Ward E. Pack, United States commissioner, on the Uintah Reservation, on December 29, 30, and 31.

We heard a number of the Indians say that the statements set forth in the affidavits of Bull of the Wood, Joseph White, Francis La Rose, and others were true; that they were present at the council held November 16, 1901, and heard these statements made by H. P. Myton, Indian agent.

They also related in our presence and hearing that Agent Myton had reported since his return from Washington that Government has already granted the lease, and if the Indians did not confirm it their lands would be taken away from them by the Mormons, of whom there were already 30 in Washington working to get their lands. Also that the two men who came out here were sent by the Government, and the Indians must grant them the lease or their lands would be taken from them and their annuity money be stopped.

They also said that there were only a few Indians present at the council held November 16, 1901, probably twenty or thirty, and that of these only a few, three to five, voted for the lease; that the rest were opposed to it. That Myton selected only those Indians whom he knew were favorable to the lease and rejected others who were not, but wanted to go back to Washington and see that the Indians were properly represented.

They further stated that the reason they were not willing to sign these statements was that they were afraid. They had been cheated and robbed so much and tricked into signing papers until they could not trust anyone.

We also know from our conversation with the Indians that nine-tenths of them are opposed to this lease. We are personally acquainted with nearly all of them, and for the past two months they have been talking to us about these matters.

J. M. THOMAS.
JOSEPH TIMOTHY.

Subscribed and sworn to before me this 1st day of January, 1902.
[SEAL.] HARDEN BENNION, *Notary Public.*

Mr. SHERMAN. I understand the gentleman from Arkansas has exhausted his time.

The SPEAKER. He has six minutes remaining.

Mr. SHERMAN. I understand the gentleman does not intend to use it.

Mr. LITTLE. No, sir.

Mr. SHERMAN. Mr. Speaker, the gentleman from Texas [Mr. STEPHENS], my colleague on the committee, seems to misapprehend, I judge from his remarks, the effect of this amendment. The gentleman from Texas assumes or states that this provision provides for leasing. It is precisely what this provision does not do, Mr. Speaker. Instead of providing for leases, it provides, with the prior consent of the Indians and after the allotment has been made to the Indians now there, for opening up the balance of the reservation under the land laws of the United States.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Then, if I am wrong, will you just explain this language in the bill:

That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate 100 mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions; and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians.

Let me ask you the question, If this fact here that you have a permit to lease—if that term "permit" does not give him the right to get a permit from the Indians, and then, after he has the permit from the Indians, to go and select his land?

Mr. SHERMAN. It permits just this, and if the gentleman had read the report he would have noticed that we do not recede from this amendment as it is; we recede from that amendment with an amendment which provides that in lieu of the lease which this Raven Company has, and that in lieu of the right to prospect under a lease which the other company has, they shall have these preferential rights to locate a certain amount of territory, both in lieu of the leases and of the permits they now have.

Mr. STEPHENS of Texas. But if they obtain a permit to get a lease from the Indians, then can they not go ahead and make that lease?

Mr. SHERMAN. It refers to existing leases, but one of which is in existence, I am advised by the Secretary. It relates simply to a permit that had heretofore been granted to a concern called the Florence Mining Company, incorporated, I think, under the laws of New Jersey; it relates to their permit, under which they have negotiated a lease with these Indians and which lease is now pending in the Department awaiting the approval of the Secretary. It relates to that, and it relates to the lease of the Raven Mining Company, which has been approved, and under which they have been operating, as I understand it, for something like three years, and operating upon one hundred and some odd out of 134 claims, and this provision cuts them down from 134 to 100.

Now, it does not provide for leases at all. It does just the reverse. It stops leasing and it opens up this reservation under the land laws of the United States, and in that respect that is where the gentleman from Arkansas [Mr. LITTLE] and I differ. I have heretofore—and I am inclined to think I have perhaps been in error about it—advocated the policy of leasing these lands; leasing, of course, under very stringent safeguards, and under the payment of royalties also properly safeguarded by the Secretary of the Interior, so that the proceeds of these leases should go to the support of the Indians, and to that extent relieve the United States of the burden of caring for them.

Mr. STEPHENS of Texas. If the gentleman will just permit

me. What I want to suggest is this: The very fact that by this provision under these leases we give them this preferential right in order to hold their leases establishes a precedent in the House and in Congress that will operate in every solitary reservation throughout the country where these leases may be obtained and will confront us with the same conditions in the Uintah Reservation. They will first come in the form of obtaining consent of the Indians, and then they will get their permits and leases upon the reservation, and for that reason I object to it.

Mr. SHERMAN. Now, Mr. Speaker, I think where a lease has been granted—and but a few have been granted anywhere in the United States—where a lease has been granted and where acting in good faith, under the lease, the parties have invested large sums of money, invested, as in the case of the Raven Company, more than $300,000—where a case of that kind exists, whether it be the case under consideration or another, these parties should have their preferential rights. I think that is but just, fair, and equitable.

Mr. STEPHENS of Texas. If the gentleman will permit me, I think the application for these leases will tend to stand in the way of negotiation with these Indians to open that reservation. It cuts off all competition or anything of that kind absolutely.

Mr. SHERMAN. The fact that the gentleman may be correct in that, I want to say frankly, has led somewhat to a modification of my views on this question in a half dozen years. But there is no way of meeting that difficulty which he assumes except by legislation with reference to leases. There are very few leases.

I only recall one or two other mineral leases anywhere in the United States. And where these leases exist it does seem to me that if the parties have acted in the utmost good faith—have invested several hundred thousand dollars, and the money is expended for the advancement of the community and the development of the country—that it would be unjust unless those people were allowed certain preferential rights that ought to be respected. Now, the gentleman from Arkansas believes in opening up all these reservations. He is desirous that these reservations should be opened up. My understanding of his objection to the pending provision is simply that in opening it the lessees are given rights which are preferential. I think those who have expended large sums of money ought to be given a preference over others.

There is where the gentleman from Arkansas and I part company. I differ with him. I think these people ought to be protected. I think they ought to have a preferential right when they have expended as much as $300,000 on the leased lands in developing them, in building railroads, in mining the mineral, paying the royalty, and building the factories for preparing the product for market. That is done for the development of the country. The right is given to go in there and locate on that territory, a right which would precede that of the gentleman from Arkansas and myself, or any other resident of the United States, who, under the provisions of this bill, has an absolute right to go after the 1st of October, 1903, and stake out a claim. The right is simply preferential as to time.

This company, notwithstanding they have spent a large sum of money in developing, notwithstanding they have paid thousands of dollars already in royalty to the Indians (which I understand the Raven Company has), must pay for the lands on which they locate precisely the same as any other company or any other individual in the United States who should locate; and all there is in this entire provision is, Is it fair, reasonable, just, and equitable to allow these men who have invested their money there to go in in advance of the general public and take lands upon practically the rights they have already obtained in good faith prior to the general public? That is all there is to it; and it does occur to me that it would be a very strange proceeding if this House, after knowing about that proposition, should vote down a conference report covering 125 items. It would seem to me very strange, indeed, where it involves only 2,640 acres out of 2,700,000 acres.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Has not this question been before the House several times and been voted down?

Mr. SHERMAN. Never in this way. Whenever it has been before the House, as it was in the Fifty-fourth Congress, it was then upon the proposition to open up mineral lands under the mineral-land laws of the United States, which proposition I opposed because I believed in the theory of leases; but eventually I was defeated in that matter, in the closing days of the Fifty-fourth Congress, and because that provision which I opposed was in the bill then the President of the United States gave a pocket veto upon the appropriation bill.

Mr. STEPHENS of Texas. Was it not also vetoed when the gentleman from Utah, Mr. King, was in Congress?

Mr. SHERMAN. The time I have reference to was in the Fifty-fourth Congress. It has been up in other Congresses, but always on the proposition whether or not the land should be opened under the mineral-land laws, or whether the lease provisions should prevail. The lease provision is the law to-day. The law provides for leases, and that has been the form of the contest in the House in every case, and usually, I think without exception, the House has voted in favor of the very proposition covered by this amendment, except that the proposition never has had in it a provision to care for existing leases, because that condition has not heretofore existed when the matter was before the House.

Now, a word in reference to the letters which have been read or referred to. I am advised by the counsel for the Raven Mining Company, Judge Tolman, that these letters were not written by any person ever connected with his company, but were written by those who were attempting to prevent his company from obtaining the lease which they have obtained. They do indicate a questionable method; there is no doubt about that. They do indicate that the writers of these letters better be looked after. We do not differ about that; but they do not relate in any way to either of these companies covered by the provisions in this appropriation bill or in the amendment numbered 65.

Mr. STEPHENS of Texas. Are not these companies in there under leases obtained in that way?

Mr. SHERMAN. I am advised that the people who wrote those letters have never been in any way, shape, or manner connected with these companies, but have been in opposition to them.

Mr. STEPHENS of Texas. The Raven Mining Company is mentioned in the bill, and was not that the company of which Mr. Payne was the first president?

Mr. SHERMAN. Yes; but Judge Tolman advises me that the writers of these letters, Harper and Mease, were never in any way, shape, or manner connected with these concerns, but worked in opposition to them. I give you the information as I got it. I know nothing about it.

Now, Mr. Speaker, that is all there is to it, and I do not care to detain the House longer. I think the report ought to be adopted, and I ask for a vote on the proposition.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. LITTLE) there were 52 ayes and 51 noes.

Mr. LITTLE. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas demands tellers.

Mr. LITTLE. I think I might as well ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 82, answering "present" 21, not voting 149; as follows:

YEAS—99.

Adams,	Douglas,	Lacey,	Ray, N. Y.
Allen, Me.	Draper,	Lawrence,	Russell,
Ball, Del.	Eddy,	Lessler,	Schirm,
Bates,	Emerson,	Lewis, Pa.	Sherman,
Blakeney,	Esch,	Littauer,	Sibley,
Brick,	Foerderer,	Littlefield,	Skiles,
Bromwell,	Gaines, W. Va.	Long,	Smith, Iowa
Brown,	Gardner, Mich.	McCall,	Smith, S. W.
Brownlow,	Gibson.	McCleary,	Smith, Wm. Alden
Burk, Pa.	Gillet, N. Y.	McLachlan,	Sperry,
Burke, S. Dak.	Graff,	Marshall,	Stewart, N. J.
Burkett,	Greene, Mass.	Martin,	Sulloway,
Calderhead,	Grow,	Mondell,	Sutherland,
Capron,	Hanbury,	Moody, Oreg.	Thomas, Iowa
Cassel,	Haskins,	Morris,	Tirrell,
Connell,	Hemenway,	Moss,	Tompkins, N. Y.
Crumpacker,	Hepburn,	Mudd,	Tompkins, Ohio
Currier,	Hildebrant,	Needham,	Tongue,
Curtis,	Hitt,	Otjen,	Vreeland,
Cushman,	Howell,	Overstreet,	Wachter,
Dalzell,	Hughes,	Palmer,	Wanger,
Darragh,	Hull,	Parker,	Weeks,
Davidson,	Jones, Wash.	Patterson, Pa.	Woods,
Deemer,	Knapp,	Payne,	Wright.
Dick,	Knox,	Perkins,	

NAYS—82.

Adamson,	Dougherty,	Lloyd,	Robinson, Nebr.
Allen, Ky.	Edwards,	McClellan,	Ryan,
Ball, Tex.	Elliott,	McCulloch,	Selby,
Bartlett,	Feely,	Maddox,	Shackleford,
Bell,	Gaines, Tenn.	Maynard,	Shallenberger,
Bellamy,	Gilbert,	Moon,	Sims,
Bowie,	Goldfogle,	Mutchler,	Small,
Brantley,	Hall,	Neville,	Smith, Ky.
Breazeale,	Hay,	Padgett,	Sparkman,
Brundidge,	Hooker,	Patterson, Tenn.	Stark,
Burgess,	Jackson, Kans.	Pierce,	Stephens, Tex.
Burleson,	Johnson,	Pou,	Sulzer,
Burnett,	Kehoe,	Pugsley,	Swanson,
Caldwell,	Kleberg,	Ransdell, La.	Thayer,
Cassingham,	Lamb,	Reid,	Thompson,
Cochran,	Lanham,	Rhea, Va.	Underwood,
Conry,	Lester,	Richardson, Tenn.	Wiley,
Cooney,	Lewis, Ga.	Rixey,	Williams, Ill.
Cooper, Wis.	Lindsay,	Robb,	Williams, Miss.
Davis, Fla.	Little,	Robertson, La.	
De Armond,	Livingston,	Robinson, Ind.	

ANSWERED "PRESENT"—21.

Clayton,	Fitzgerald,	Metcalf,	Vandiver,
Coombs,	Green, Pa.	Richardson, Ala.	Wheeler,
Cowherd,	Irwin,	Shattuc,	Wilson.
Davey, La.	Jett,	Talbert,	
Dinsmore,	McDermott,	Tate,	
Finley,	McRae,	Tayler, Ohio	

NOT VOTING—149.

Acheson,	Evans,	Ketcham,	Roberts,
Alexander,	Fleming,	Kitchin, Claude	Rucker,
Aplin,	Fletcher,	Kitchin, Wm. W.	Rumple,
Babcock,	Flood,	Kluttz,	Ruppert,
Bankhead,	Fordney,	Kyle,	Scarborough,
Barney,	Foss,	Landis,	Scott,
Bartholdt,	Foster, Ill.	Lassiter,	Shafroth,
Beidler,	Foster, Vt.	Latimer,	Shelden,
Belmont,	Fowler,	Lever,	Sheppard,
Benton,	Fox,	Loud,	Showalter,
Bingham,	Gardner, N. J.	Loudenslager,	Slayden.
Bishop,	Gill,	Lovering,	Smith, Ill.
Blackburn,	Gillett, Mass.	McAndrews,	Smith, H. C.
Boreing,	Glenn,	McLain,	Snodgrass,
Boutell,	Gooch,	Mahon,	Snook,
Bowersock,	Gordon,	Mahoney,	Southard,
Bristow,	Graham,	Mann,	Southwick,
Broussard,	Griffith,	Mercer,	Spight,
Bull,	Griggs,	Meyer, La.	Steele,
Burleigh,	Grosvenor,	Mickey,	Stevens, Minn.
Burton,	Hamilton,	Miers, Ind.	Stewart, N. Y.
Butler, Mo.	Haugen,	Miller,	Storm,
Butler, Pa.	Heatwole,	Minor,	Tawney,
Candler,	Hedge,	Moody, N. C.	Taylor, Ala.
Cannon,	Henry, Conn.	Morgan,	Thomas, N. C.
Clark,	Henry, Miss.	Morrell,	Trimble,
Conner,	Henry, Tex.	Naphen,	Van Voorhis,
Cooper, Tex.	Hill.	Nevin,	Wadsworth,
Corliss,	Holliday,	Newlands,	Warner,
Cousins,	Hopkins,	Norton,	Warnock,
Creamer,	Howard,	Olmsted,	Watson,
Cromer,	Jack,	Pearre,	White,
Crowley,	Jackson, Md.	Powers, Me.	Wooten,
Dahle,	Jenkins,	Powers, Mass.	Young,
Dayton,	Jones, Va.	Prince,	Zenor.
De Graffenreid,	Joy,	Randell, Tex.	
Dovener,	Kahn,	Reeder,	
Driscoll,	Kern,	Reeves,	

So the report of the committee of conference was agreed to.

Mr. VANDIVER. Mr. Speaker, I desire to ask whether the gentleman from Minnesota [Mr. STEVENS] has voted?

The SPEAKER. He has not.

Mr. VANDIVER. Then I desire to withdraw my vote, which was cast in the negative, and to be recorded present, as I am paired with that gentleman.

Mr. DAVEY of Louisiana. Mr. Speaker, I voted no; but as I find I am paired, I desire to withdraw my vote and be recorded present.

Mr. GREEN of Pennsylvania. Mr. Speaker, I find that my colleague, Mr. MORRELL, with whom I am paired is not here. Therefore I desire to withdraw my vote, and be marked "present."

Mr. TAYLER of Ohio. Mr. Speaker, I wish to ask whether the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] has voted?

The SPEAKER. He did not.

Mr. TAYLER of Ohio. I voted in the affirmative; but I wish to withdraw my vote, as I am paired with the gentleman from North Carolina, and ask to be recorded as present.

Mr. COWHERD. Mr. Speaker, I voted in the negative; but, as I am paired with the gentleman from Wisconsin [Mr. TAWNEY], I desire to withdraw my vote and be marked "present."

The following pairs were announced:

For the session:

Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. METCALF with Mr. WHEELER.
Mr. YOUNG with Mr. BENTON.
Mr. BULL with Mr. CROWLEY.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. WRIGHT with Mr. HALL.
Mr. KAHN with Mr. BELMONT.
Mr. BOREING with Mr. TRIMBLE.
Mr. HEATWOLE with Mr. TATE.

Until further notice:

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. IRWIN with Mr. GOOCH.
Mr. JACK with Mr. FINLEY.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. LANDIS with Mr. CLARK.
Mr. FLETCHER with Mr. RICHARDSON of Alabama.
Mr. CROMER with Mr. ZENOR.
Mr. GILL with Mr. MCANDREWS.
Mr. EVANS with Mr. HENRY of Mississippi.
Mr. TAWNEY with Mr. COWHERD.
Mr. MINOR with Mr. HOWARD.
Mr. SHATTUC with Mr. RUCKER.
Mr. CANNON with Mr. MCRAE.
Mr. GROSVENOR with Mr. SNOOK.
Mr. SHELDEN with Mr. LEVER.
Mr. SKILES with Mr. TALBERT.
Mr. STEELE with Mr. COOPER of Texas.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. RAY of New York with Mr. LANHAM.
Mr. GARDNER of Michigan with Mr. JOHNSON.
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. PRINCE with Mr. GRIFFITH.
Mr. MANN with Mr. JETT.
Mr. BOUTELL with Mr. GRIGGS.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. SOUTHARD with Mr. NORTON.
Mr. LOVERING with Mr. DINSMORE.
Mr. REEVES with Mr. BANKHEAD.

For ten days:

Mr. STEVENS of Minnesota with Mr. VANDIVER.

For one week:

Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.

Until the 11th of May:

Mr. MOODY of North Carolina with Mr. KLUTTZ.
Mr. KETCHAM with Mr. SNODGRASS.

Until the 12th of May:

Mr. HEDGE with Mr. WILSON.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Until Monday next:

Mr. WARNER with Mr. CANDLER.

For this day:

Mr. CONNER with Mr. LASSITER.
Mr. ALEXANDER with Mr. RUPPERT.
Mr. FOSTER of Vermont with Mr. POU.
Mr. ACHESON with Mr. BROUSSARD.
Mr. BARNEY with Mr. BUTLER of Missouri.
Mr. BARTHOLDT with Mr. CREAMER.
Mr. BEIDLER with Mr. FLEMING.
Mr. BINGHAM with Mr. NEWLANDS.
Mr. BISHOP with Mr. FLOOD.
Mr. BURLEIGH with Mr. FOSTER of Illinois.
Mr. BUTLER of Pennsylvania with Mr. FOX.
Mr. CORLISS with Mr. GLENN.
Mr. COUSINS with Mr. HENRY of Texas.
Mr. FORDNEY with Mr. JONES of Virginia.
Mr. FOSS with Mr. MAHONEY.
Mr. GRAHAM with Mr. KERN.
Mr. HAMILTON with Mr. LATIMER.
Mr. HAUGEN with Mr. MCLAIN.
Mr. HENRY of Connecticut with Mr. MICKEY.
Mr. JENKINS with Mr. RANDELL of Texas.
Mr. JOY with Mr. SCARBOROUGH.
Mr. MERCER with Mr. SHAFROTH.
Mr. OLMSTED with Mr. SHEPPARD.
Mr. WATSON with Mr. SPIGHT.
Mr. RUMPLE with Mr. THOMAS of North Carolina.
Mr. WARNOCK with Mr. WHITE.
Mr. SMITH of Illinois with Mr. WOOTEN.

On this vote:

Mr. DOVENER with Mr. HENRY of Mississippi.
Mr. BRISTOW with Mr. FITZGERALD.
Mr. BABCOCK with Mr. CLAYTON.

The result of the vote was announced as above stated.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 3, 1902:

H. R. 4008. An act granting a pension to Christopher Columbus Sheets;

H. R. 4945. An act granting a pension to Shadrack I. Corbett;

H. R. 4994. An act granting a pension to Lydia Carr;

H. R. 5150. An act granting a pension to Mary C. Trask;

H. R. 7678. An act granting a pension to Mary Holmes;

H. R. 8349. An act granting a pension to John Watts;

H. R. 9625. An act granting a pension to Elizabeth L. Beckett;

H. R. 11895. An act granting a pension to Thomas Holloway;

H. R. 12370. An act granting a pension to Ida M. Briggs;

H. R. 13575. An act to grant a right of way to the Warrior Southern Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvements of the Black Warrior River and known as Lock 4;

H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stat., 796), applicable to the State of Utah;

H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.;

H. R. 966. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii;

H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic; and

H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River.

On May 5, 1902:

H. R. 9952. An act granting a pension to William P. Featherstone;

H. R. 11977. An act granting a pension to Sidney Cable;

H. R. 12504. An act granting a pension to James B. Hashbargar;

H. R. 282. An act granting an increase of pension to John O'Rourke;

H. R. 2599. An act granting an increase of pension to John Hall;

H. R. 2660. An act granting an increase of pension to Henry Runnebaum;

H. R. 4426. An act granting an increase of pension to Daniel Sims;

H. R. 4543. An act granting an increase of pension to George W. Parker;

H. R. 5511. An act granting an increase of pension to James D. Bowland;

H. R. 5711. An act granting an increase of pension to James R. Brockett;

H. R. 5789. An act granting an increase of pension to Joseph Seithen;

H. R. 6205. An act granting an increase of pension to Richmond M. Curtis;

H. R. 6356. An act granting an increase of pension to William G. Taylor;

H. R. 7116. An act granting an increase of pension to Alexander F. McConnell;

H. R. 8562. An act granting an increase of pension to Sarah Ciples, now Vandemark;

H. R. 9144. An act granting an increase of pension to James R. Wilson;

H. R. 9370. An act granting an increase of pension to John J. Wolfe;

H. R. 10361. An act granting an increase of pension to Alexander Scott;

H. R. 11091. An act granting an increase of pension to James Cooley;

H. R. 11112. An act granting an increase of pension to Agnes Young;

H. R. 11168. An act granting an increase of pension to Isaac Phipps;

H. R. 12550. An act granting an increase of pension to James E. Horton; and

H. R. 13066. An act granting an increase of pension to Obed D. Jasper.

On May 7, 1902:

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River, between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

RELIEF OF ROBERT J. SPOTTSWOOD AND HEIRS OF WILLIAM C. M'CLELLAND.

Mr. GRAFF. Mr. Speaker, I desire to present a privileged report, and I ask unanimous consent that the statement alone be read.

The SPEAKER. The gentleman from Illinois calls up a conference report and asks unanimous consent that the reading of the report be omitted and that the statement only be read. Without objection, this course will be pursued. [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

The undersigned managers on the part of the House, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClelland, deceased, beg leave to submit in connection with their conference report the following statement:

This claim is for carrying a much larger amount of mail over route 38122, and also over the route from Fairplay to Leadville, than was expected to be carried or could reasonably be foretold at the time the contract was made for the performance of the service. The increase of mail was due to the unprecedented growth of the city of Leadville, Colo., in a few months, from a small mining camp of 200 inhabitants to a community of 15,000 persons, most of whom were men sending and receiving mail daily. The service was in the years 1878 and 1879. The House bill carried an appropriation of $10,000, but was amended in the Senate by striking out the words "ten thousand" and inserting in lieu thereof the words "fifteen thousand seven hundred and thirty-one." The effect of the recommendation of the committee of conference of the two Houses is to increase the amount appropriated by the House from $10,000 to $12,500 in settlement of said claim.

JOSEPH V. GRAFF,
D. J. FOSTER,
Managers on the part of the House.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the words stricken out by the said amendment insert "twelve thousand five hundred."

And the Senate agree to the same.

JOSEPH V. GRAFF,
D. J. FOSTER,
PETER J. OTEY,
Managers on the part of the House.

BOIES PENROSE,
H. C. LODGE,
A. S. CLAY,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LOUD. Mr. Speaker, I would like to be heard a moment on this.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. GRAFF. I yield ten minutes to the gentleman from California.

Mr. LOUD. Mr. Speaker, when this claim was brought up here the other day, not having received the consideration of the House, I took the opportunity to investigate the case, as the report does not seem to me to give the facts to the House. Claims of this character go pretty generally to the Post-Office Committee, although I am willing to admit that the Committee on Claims is entitled to claims, but it has been a custom for many years. Before I was a member of Congress there was a subcommittee of the Post-Office Committee, designated a subcommittee on claims. The Post-Office Committee deals with matters of this character.

Now, here is a case where one side has been heard, and that is the side of the claimant, and some years ago the Senate passed a bill for some $28,000. This year the House passed this bill for $10,000 on the claim that the increase of mail was so great that the claimant was entitled to something. I suppose that is the ultimate conclusion of the committee. Now, the statement was made, I see, in the discussion that this claim was so old that whatever evidence there may have been in the Post-Office Department was not accessible—that it was lost.

I took occasion to go to the Post-Office Department and found all there ever was to this case. This man never made any complaint about an increase of mail until more than nine months of his contract had elapsed, and that was when his contract was cut down the first time—that is, some 20 miles, I think, having been taken off it—and then on a sheet of note paper these contractors claimed that the mail had increased very materially by reason of the fact that they were making better time than schedule time into Leadville, and thereby secured mail that otherwise would have gone by some other route.

Now, then, one of the equities in this case is that they carried locked mail over another route. That is one of the equities urged. Now, permit me to say that these parties were not contractors over that route. I am willing to admit, however, that they may have been subcontractors, but they were not even subcontractors of record; and as subcontractors, admitting that they were, they had no claim against the Government of the United States. There are probably a hundred cases of this kind. I do not know but what there are 500 as old as this, and many of them have much stronger evidence than this case.

Now, while $12,500 is not a great amount of money, yet if Congress shall pass one case where there is not a scintilla of evidence in the Post-Office Department, and where there was no extra work done, then you must necessarily establish a precedent that those who have greater claims should be passed, too. I suppose the case has gone too far. I did not happen to be in the House at the time the case was called up, and probably if I had it would have passed just the same.

I see that the gentleman from Massachusetts (Mr. Moody) had some controversy with either the chairman of the committee or some member of it, and made the suggestion that he hoped this would not be accepted as a precedent, and I think the person questioned said, "Oh, no; it should not be accepted as a precedent." Yet, if it is passed, it must be accepted as a precedent. Now, then, this claim was passed once for $28,000, and if they are entitled to $28,000 they should have it; they should not have $12,500.

But I say to the gentleman and to this House that the Post-Office Department, the parties who should be communicated with in a case of this kind, have not and never have had any evidence in relation to the carrying of any large amount of mail here except this one letter, written on a sheet of note paper, nearly a year after this gentleman began his contract and during the period for which it is claimed the largest amount of his claim accrued—that is, $7,600, where you figure $15,731 was earned before he ever made any complaint—and then it was simply a suggestion that by reason of the fact that they were making better time than contract time that they were getting more mail.

Now, why did they make better time? Because there was opposition and they had to make better time. Another equity urged in this claim, although I see it is not contained in this report, is that they had a contract for carrying this mail for six days and they carried it for seven. Now, they asked to carry it for seven days. They run the stage seven days and they had to carry the whole mail anyway, and they wanted to accommodate the people or they wanted to cut Monday's mail and make two loads of it, and hence came to the Post-Office Department and asked that they might be permitted to carry this mail seven days.

That was another one of the equities urged when this claim was $28,000. I felt as the case was called to my attention that I could not permit this matter to pass without offering these suggestions. I do not believe this case should receive the assent of Congress. I will not deny that the men may have some equities, but the Post-Office Department never has been heard in this case. The gentleman's claim has been presented wholly on his own side, and the Government, which is interested, never yet has had the opportunity to appear in this case.

Mr. SHAFROTH. Will the gentleman yield to me for five or ten minutes?

Mr. GRAFF. I yield to the gentleman for ten minutes.

Mr. SHAFROTH. Mr. Speaker, the facts in connection with this case are plain and, it seems to me, ought to convince anyone that there are great equities in the case. It appears that there was a contract entered into by these parties with the Government to carry the mail from a town by the name of Morrison to Fairplay, and then another contract between Fairplay and Leadville. Whether that latter contract was directly with these parties or whether they were subcontractors is immaterial, because it is unquestioned that they carried the mail. At the time that contract was let Leadville was a place where there were 200 people living. The great carbonate discovery was made at that time, and in less than a year, much less than this contract provided for, say for almost all the time, this amount of mail jumped from 150 pounds a day to over 2,000 pounds.

Now, no one can contend that the contractor contemplated carrying mail of this size at the price he had taken it on an average of 150 pounds per day; and if that is correct, and the mail almost instantly increased from carrying the mail for 200 population to 15,000 population, it seems to me that no one can contend that there is not great equity in this bill.

Now, what is the amount? The Senate committee reported $28,500 as the proper amount to compensate these people. It passed in the Senate at that amount. When it came over to the House it was not considered. This bill has been introduced time and time again. At the last session of Congress it was reported by the House committee at $15,700. It has been passed by the Senate at $15,700. The House cut it down to $10,000. The Senate reported it at $15,700, and it passed the Senate at that. The conferees have now agreed that the amount should be divided, and that $12,500 should be the amount.

Now, Mr. Speaker, when we take into consideration the amount of the cost of transporting goods at that time and transporting express matter at that time between these points and Leadville, it seems to me that no one could contend that this is an exorbitant amount that is allowed. The price of express matter was about 7½ cents. Now, 7½ cents a pound on 2,000 pounds would make the carrying of this mail $52,000 that these parties should get; and by reason of being compelled to carry this mail matter they were compelled to refuse express matter that they might have carried.

Mr. LOUD. They could put on another stage.

Mr. SHAFROTH. Oh, I do not know as to that. They say they had to turn it over to other contractors, to other parties, without any right to have any compensation for the express matter; and if they had carried the express matter that would have resulted in their getting $52,000. Now, in equity it is fixed that the Government is to pay them $12,500. The gentleman from California has stated that one of the equities in this case is that they took their mail by another route, because it was a shorter route; but he does not tell the House that they were also compelled to carry the mail by the long route. There was at the time a desire on the part of the people of Leadville to get their mail in quick, and you make them get from the man who was the agent for the Colorado post-office department, to require them to carry like mail, only a portion of it, by a shorter route, and that route was from a point called the Western Pass.

Mr. LOUD. Will the gentleman allow me? These parties do not appear as contractors over that route or as the agent of that route.

Mr. SHAFROTH. Nevertheless they carried the mail. They may have been subcontractors. It is the same thing. They never expected that the mails would be over 200 pounds, and consequently they have an equitable claim to it the same as they have in the matter of Leadville.

Mr. LOUD. But I say to the gentleman that they do not appear at all to have been the contractors. They may have been subcontractors.

Mr. SHAFROTH. That is all.

Mr. LOUD. But their names do not appear.

Mr. SHAFROTH. But the evidence shows that they carried the mail, and that the mail increased from 150 pounds to over 2,000 pounds a day, and that they were required to carry like mail by a shorter route. That is the evidence, plain, according to the evidence that has been submitted, and it seems to me——

Mr. LOUD. They were not required to carry the mail that way.

Mr. SHAFROTH. They, by virtue of their special contract, were required to do so.

Mr. LOUD. They took another route entirely, and it has nothing to do with this.

Mr. SHAFROTH. Oh, yes; this is in liquidation of both claims. It says so in the bill itself. According to this, they were required to take the locked mail by one route—the shorter route—and at the same time take the heavy mail around by another route which was much longer, and consequently it required double the force, almost double the number of men, double the horses, double the coaches that were required to take the mail by the one route. It was for the accommodation of the people and at the instance and at the direction of General Adams, the superintendent of the Post-Office Department in Colorado.

Mr. GRAFF. What kind of roads did they travel over?

Mr. SHAFROTH. The crudest kind of mountain roads.

Mr. LOUD. Were they any worse than when they took the contract?

Mr. SHAFROTH. I do not know whether they were or not. They took the contract on the supposition that the mail would be a hundred and fifty pounds a day instead of a mail being 2,000 pounds a day, and there is a good deal of difference between hauling a mail over rough mountain roads that weighs 150 pounds and when it weighs 2,000 pounds.

Now, if you compute this on another theory, if you take the amount of mail actually carried and compare it with the amount the Government was to pay on the theory that it was 150 pounds, then the contract would entitle these parties to $46,000 over one route alone. But the Government has allowed only $12,500.

Mr. PAYNE. Did they not carry fifteen times as many passengers on account of the growth of the travel?

Mr. SHAFROTH. I do not know about that.

Mr. PAYNE. Have they made any proposition to divide up the profits on that with the Government to make the thing equitable all around?

Mr. SHAFROTH. The gentleman will find that this mail had to be carried by special wagons and coaches.

Mr. LOUD. Oh, no.

Mr. SHAFROTH. They could not carry 2,000 pounds of mail and carry passengers besides over these mountain roads. Two thousand pounds of mail matter would constitute a load of itself, and they could not carry many passengers besides.

Now, Mr. Speaker, this bill has been considered by a committee of the House, by a committee of the Senate, not alone at this session, but in a number of sessions, and the Senate has passed the bill repeatedly at higher figures than the amount that the conference committee agreed to; and in addition to that the House committee has approved by its own vote on a previous occasion a greater amount than the amount recommended by the conference. It seems to me, under these circumstances, that the conference report ought to be approved.

Mr. GRAFF. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The motion was agreed to.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

Mr. KNOX. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal

footing with the original States. And pending that motion I ask unanimous consent that the time be equally divided between those who favor the bill and those opposed to the bill, and that the gentleman from Tennessee [Mr. MOON] control the time on the other side and that I be allowed to control the time on this side.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12543) known as the "statehood bill;" and pending that motion he asks unanimous consent that the time be equally divided between the two sides of the House, the time on the right to be controlled by the gentleman from Tennessee [Mr. MOON], and the time on the left to be controlled by the gentleman from Massachusetts [Mr. KNOX].

Mr. GROSVENOR. I would like to inquire of the gentleman from Massachusetts if the gentleman from Tennessee and the gentleman from Massachusetts are not both on the same side of this question?

Mr. KNOX. I had already stated that the time should be equally divided between those who opposed and those who favored the bill.

The SPEAKER. That would follow without any request.

Mr. KNOX. I will agree to extend all the time desired to the gentleman from Ohio or any other gentleman he designates, and in the order that he designates.

Mr. GROSVENOR. I think the custom has always been, when there are two sides and the time is to be divided and controlled on the floor instead of by the Chair, that both sides should be represented in the control of the time.

Mr. KNOX. It is customary and usual that a part of the time be controlled on one side and part on the other, and I assure the gentleman that he shall lose no opportunity——

Mr. SHERMAN. Why not let the Chair control it? You fix no limit to debate.

Mr. KNOX. Oh, no.

Mr. SHERMAN. Why not leave it to the Chair, with the understanding that the time is to be equally divided?

Mr. KNOX. Gentleman on one side and the other desire to have an equal division in that regard; that as many shall speak upon that side of the House as upon this.

Mr. SHERMAN. I assume that would be followed as near as might be. On the Cuban bill, for instance, those against the bill occupied more time than those in favor of it, but the Chair divided it as nearly equal as he could, and I assume that course will be followed in this case.

Mr. KNOX. If we have an absolute agreement that it should be divided——

Mr. PAYNE. It is not usual to divide the time this way and farm it out on either side, unless there has been a time agreed upon as a limit to the debate, and I suggest that the gentleman let it go.

Mr. KNOX. I agree to the force of what gentlemen say. The complication arises from the fact that the gentleman from Tennessee is in favor of the bill and I am in favor of the bill, which makes it rather an unusual state of affairs.

Mr. PAYNE. Then it is all the more necessary that the Chairman should control the matter. I suggest to the gentleman to withdraw the proposition. I do not like to object; but if he insists, I shall be obliged to do so.

Mr. KNOX. Very well; I withdraw the request.

The SPEAKER. The question is on the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HEMENWAY in the chair) and proceeded to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KNOX. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KNOX. Mr. Chairman, this is a bill embracing acts to enable Arizona, New Mexico, and Oklahoma to form constitutions and be admitted into the Union on an equality with the other States. The bill has the unanimous indorsement of the Committee on Territories. If there was any doubt whatever in the minds of the committee—and I do not say that there was—upon the question of admitting any Territory, there was no doubt that if any one of the three Territories was entitled to admission they all were. There was no well-defined dividing line of principle or precedent upon the one side or the other. It could not be said that one Territory was entitled to admission and another was not.

Would you undertake to say that a Territory having 500,000 people was entitled to admission and a Territory having 200,000 was not? Then you would have to face the precedents of the past, admitting a majority of the Territories of this country with less population than 200,000. Would you say that a Territory having $60,000,000 of taxable wealth should be admitted and one having $30,000,000 should not? Then you would run counter to the precedents under which a majority of the Territories have been admitted with property of less value. Would you raise an issue in regard to the territorial extent of these communities? Then the decision would still be in favor of admitting all. From the evidence submitted it was impossible to say that the people of any one of these Territories so far excelled the people of any other, either morally or intellectually, that the one should be admitted and the others should not.

Then, in view of the declared policy of both of the great parties of this country, the Democratic and the Republican, that all these Territories were entitled to admission, the conclusion was irresistible that they were entitled to these enabling acts, and the committee accordingly reported the bill.

The three measures embraced in this bill are entirely separate. Although contained in one bill, which has been called an "omnibus bill," they do not run into each other or relate to one another in any way. They are, in fact, separate bills. They are similar to bills formerly passed by Congress for the creation of States from Territories. They are well founded upon past precedents; and while gentlemen may differ in opinion as to the propriety of admitting any or a part or all of these Territories, I do not think it will be found that the bill in itself is not well calculated to carry out the purpose desired, is not sufficient, with possibly slight verbal amendments, for the object in view, if it shall be the opinion of the House that it is just and reasonable at this time to admit these Territories.

The bill provides that the electors of each of these three Territories—those qualified to vote—may choose delegates to a convention. Oklahoma will have a convention of 75 delegates; Arizona a convention consisting of 36 delegates; New Mexico a convention consisting of 111. The house and council of Arizona have about 36 members. The representation in the other two Territories is enlarged, for no other reason that I could ascertain except to arrive at fair fractions in dividing the people of the Territories.

The qualification of electors is generally that they shall be citizens of the United States, 21 years of age, and residents for six months within the Territory, with the exception of Arizona, where a residence of one year is required. The convention is to be called in Oklahoma by a proclamation of the governor within sixty days after the passage of the act; in Arizona and New Mexico within thirty days. The conventions are to be respectively at the capitals of the various Territories. I should have said in passing that the apportionment for the election in Oklahoma is to be made by the governor, the secretary of the Territory, and the chief justice.

Each convention, when it has met, shall adopt the Constitution of the United States, and thereupon is authorized to form a State constitution, which shall contain the general provisions of our constitutions, including the broad guarantees of the rights of citizens—what is called the "Declaration of Rights."

The constitution is to be republican in form, making no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and, of course, is not to be repugnant to the Constitution of the United States. These constitutions are to provide, first, toleration of religious sentiment. No inhabitant shall ever be molested in person or property on account of his or her mode of religious worship.

The people also in this constitution disclaim forever all rights to the public lands lying in these Territories and the lands which have been set apart for the Indians. They still are to remain in control of Congress. Now, there is one special provision in regard to the constitution of Oklahoma to which I wish to direct the attention of the committee. It provides that the Territory of Oklahoma shall in its constitution by irrevocable ordinance express its consent that the Indian Territory, in whole or in part, may at any time be annexed to it and become a part of the State.

There is difference of opinion as to whether the Indian Territory should become a part of Oklahoma, and the power to decide that is in Congress, and this bill leaves it in Congress in the future, but compels Oklahoma in its constitution to consent to whatever act Congress may take in that matter. The convention, after adopting the constitution, provides by an ordinance for submitting that constitution to the people of the Territory. If the people of the Territory ratify it when submitted by a majority vote, then the result is transmitted to the President of the United States. If the constitution is found to conform to the provisions of the Federal Constitution, then he in proclamation announces the result and the Territory becomes a State.

It is also provided that this convention may enact that the Representatives in Congress and the State governments may be elected at the same time that the question of the ratification of

the constitution is submitted to the people, but that the State government shall remain in abeyance until admission to the Union is finally declared. It is provided in the bill that Oklahoma shall have two Representatives until the next census or until Congress shall otherwise enact.

Arizona has one Representative until the next census and New Mexico one Representative until the next census or until Congress shall act. It also provides that after the State is admitted the legislature may meet and elect two United States Senators, and they, with the Representatives, shall be admitted, with all the rights and privileges of Senators and Representatives in Congress. The bill extends to these new States a part of the public lands for school purposes, for public buildings, and for internal improvements. The bill gives four sections to each State—16 and 36, 13 and 33.

New Mexico has already had two, so she takes two by the bill. The lands that are given to Oklahoma have been substantially those given by previous acts of Congress, and upon which it is unnecessary to comment. Ten per cent of the future sales of public lands in these Territories are given for school purposes. This is an increase of 5 per cent of the amount that has been given to Territories in the past, with the exception of Utah, but the committee felt they should be liberal with these three Territories in the matter of public lands and the school funds, and, with the exception of Utah, this is the first time that we have attempted to appropriate what are called desert lands in States that are admitted. The lands are not of the value, of course, of those of the States that possess richer soil.

In lieu of other general provisions for the support of schools which the general law provides the land is given here, naming the amount of acres that go to each State and limiting the purpose for which it is given. The courts are changed to conform to other courts in the States of the United States. Each one of the Territories is made a judicial and an internal-revenue district. A district court is created, with a judge at a salary of $5,000 per annum, and a marshal and clerk are provided, who are to be paid as they are now paid in the Territories.

Oklahoma is placed in the eighth judicial circuit, Arizona in the ninth, and New Mexico in the eighth judicial circuit. Provision is made for the preservation of the status of litigation and the succession of one line of courts to the other, so that the rights of all parties litigant will be preserved and amply carried out. These are the substantial provisions of the bill. When it comes to be read under the five-minute rule, if there are errors or faults they can be easily remedied.

I do not think it is necessary to take the time of this committee to urge the justice and the reasonableness of the claim of Oklahoma to be admitted to the Union. I believe that almost every gentleman on the floor would be quite willing and desirous to vote for the admission of Oklahoma. If Oklahoma needs any credential for admission to the Union, it is found in her brief history of only twelve years. You know what the Territory is. Its extent is about equal to Ohio. It has a mild and healthful climate; it has the rich prairie soil of Iowa, Nebraska, and Kansas. It is more fortunate than her sister Territories of New Mexico and Arizona in having a sufficient rainfall. It is almost the paradise of the agriculturist, and one remarkable thing about it is that nearly all the land in Oklahoma is occupied.

There are but 4,400,000 acres left of all the lands now open to homestead law, and the homestead law has prevailed there in the occupation of land in the past. It is a Territory of homes, and idleness in Oklahoma does not exist from choice. Now, what population is there in this Territory? More than half a million people—people who have come from the States. Men who have gone to better their condition; men who do not seek the prizes of life without being willing to work for them. They are an educated people. The percentage of illiteracy in Oklahoma is 3 per cent, which compares very favorably with any other State or Territory or any other part of the United States.

They have been there, we may say, twelve years, and everybody knows what they have accomplished. They have created $60,000,000 of taxable wealth by the last census returns. They have established 50 cities and towns, containing every necessity and convenience of modern civilization. They have carried there a free press. More than 200 newspapers—daily, weekly, and monthly—are published there, some of them of a very high order of literary merit.

They have established there not only the free press, but they have established the free school, according to the American idea of school, that is represented first in the district school and that culminates in the normal school and university. They have one of the most excellent school systems in the country. They have about 2,500 district schools in Oklahoma and the same number of teachers there. It may truly be said, and is said, that there is not a home in Oklahoma but what is in convenient distance of a good common school. There are 114,000 school children. We have admitted Territories into the Union as States whose whole population did not equal the number of school children to-day in the Territory of Oklahoma.

In addition to this they have higher educational institutions. They have a university there, an agricultural and mechanical college, and two normal schools, and they have a normal university for colored students. In addition, they have in preparation one establishment for a normal school and a university preparatory school, and the buildings for these are already in process of construction. I wish to say here in passing, for the credit of people in Oklahoma, that their public buildings, their schoolhouses, are far in advance of those in many of our oldest communities. The attendance upon these higher institutions in Oklahoma was 1,887 students. In addition to all this, the Government has a number of Indian schools there which have been founded in the past.

They have the free church. The value of church property in Oklahoma is half a million dollars, and the church membership of Oklahoma is 65,000. The commerce of Oklahoma was very extensive last year; and they have the means of carrying on this commerce, as shown by the resources of the banks, $14,000,000; and deposits, $12,000,000. Now, we have in this Territory, a free press, free schools, and a free church; let us give them the free town hall, with a free polling place, where they can vote for their own rulers and their own lawmakers. [Loud applause.] Such is this Territory of Oklahoma; peerless among the Territorial Commonwealths. Its people will be proud of their place in the Union of States; but I believe the people of the nation will be proud when they look upon the new star upon the flag.

While all are substantially agreed as to Oklahoma, there is among members some difference of opinion as to New Mexico and Arizona, and in many respects New Mexico and Arizona may be considered together. New Mexico is the oldest of our Territories. It has been a Territory for more than fifty years. This applies also to Arizona, because Arizona was a county at one time of New Mexico, and was so for many years, Arizona being made a Territory in 1861.

The land which comprises these two Territories was taken from Mexico by conquest, and taken fifty years ago; and since that time the people of this Territory, including Arizona, have seen California admitted as a State; also Colorado and Utah, part of the same Territory, and they have been refused. It is not surprising that there is a feeling of disappointment and a feeling that they have been wronged, that they have been injured—perhaps not entirely just.

Now, we have some claim. I do not go to the full extent of saying that New Mexico was absolutely promised immediate admission into the Union as a State, but there is very much force in the claim that she was promised admission to the Union by the treaty of peace concluded February 2, 1848, known as the treaty of Guadalupe Hidalgo. By that treaty it was provided that—

> Territory acquired by the Mexican war and under the treaty should be incorporated into the Union of the United States and be admitted at the proper time to be adjudged by Congress of the United States to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution

Now, there is no definite time fixed when this most glowing and beneficent promise made to the people of New Mexico should be fulfilled, but I think that lawyers, and, indeed, all members of the House, would agree that it meant that they were going to be admitted early. At any rate it meant they were to be admitted in a reasonable time—not that they were going to be kept out indefinitely. There was no condition about this treaty of Guadalupe Hidalgo that they were to remain a Territory for fifty years. If there had been I do not believe it would have been signed.

Neither do I find in this treaty any provision that they should be admitted as a Territory when a majority of the people are Whigs, Democrats, Republicans, or Know-nothings. We find nothing of that kind in the treaty that was made with these people.

Mr. GROSVENOR. With what people?

Mr. KNOX. Not with the people; the treaty was made with Mexico, but the promise was made to these people.

Mr. GROSVENOR. I do not understand it so.

Mr. KNOX. I am afraid the gentleman is not listening.

Mr. GROSVENOR. Oh, yes; I am listening.

Mr. KNOX. It was the territory acquired by the war which was covered by the treaty. If we made the promise, let us keep it, and if we did not make it, we are not bound to keep it. That is all there is to that.

Now, since that time, the people of New Mexico have been to Congress over and over again for admission as a State. They felt that they were entitled to be admitted at the same time California was, which you all remember came in at once, without any Territorial government at all, practically. At that time they formed a State constitution; they elected Senators and elected Representatives fifty years ago and sent them to Washington, supposing they were to march in, in all the panoply of a great United States

Senator and perhaps the somewhat lesser panoply of a member of the House of Representatives, and be received.

They were disappointed and went home. Since that time they have formed three State constitutions in New Mexico for the purpose of being admitted as a State. Every one of these constitutions will compare favorably with the constitution of any State in the Union to-day. It shows the character of the people, and what laws they would form if you gave them a chance. When they had the chance themselves they formed the most admirable constitution, which shows that they will do it again if we will let them have the privilege that they seek here.

In addition to showing that, it shows that the people of New Mexico want to come into the United States. That is something. If there is a class of people in this great country that want to become a part and parcel of the Union of States, and it is settled that some time or other they are to be a part and parcel, that that is their destiny, that to me is a good reason why the privilege should be granted to them. It shows also that when we do admit them they will take an interest and pride in becoming the equals of the other States.

But suppose we leave out all questions of equity and look at New Mexico as it is for a moment. It is vast in size. It contains about 122,000 square miles. It is as large as the Kingdom of Great Britain, Ireland, and Wales. It is a land of sunshine, good climate, and cloudless skies. Its misfortune is, as well as the misfortune of Arizona, that so much of the Territory is arid land. But it possesses a vast amount of the finest land. They have great grazing lands in New Mexico. Their shipments of cattle at the present time are very large, and New Mexico also is a great sheep-producing and great wool-producing country.

I think it is the greatest in the United States, even exceeding the great wool products of the State from which the gentleman from Ohio [Mr. GROSVENOR] comes. I have some gratification in that, because they made this great increase after we had given them the schedule of the Dingley bill that my friend from Ohio had some slight hand in making.

New Mexico, while it is arid, has a large number of fine streams. The valley of the Rio Grande, the Canadian, the Pecos, the San Juan, and the Gila rivers are broad and fertile domains in themselves—great states in themselves, the valleys of those rivers.

New Mexico is rich in minerals, rich in the precious metals, but the chief mineral wealth of New Mexico is in coal. She has almost boundless resources in the possession of fine coal, which is one of the surest foundations of future prosperity that any Territory can possess—the great power upon which we must depend for years, and, so far as human foresight can see, for centuries to come.

I am not going to read any extracts from reports, but I wish to say just a word in regard to mineral deposits. The coal and coke industry in that Territory gives employment to 2,000 persons. The coal output for the last fiscal year was 1,217,530 tons, valued at the mines at $1,606,000.

The coke production is 42,732 tons. According to official statistics, the percentage of increase of the coal production of New Mexico is greater than the percentage of the whole of the United States or of Colorado or of the great coal State of my friend from Wyoming. There can be no doubt that from now on the coal output of New Mexico will increase rapidly. For this year arrangements have been made or are being made to develop large coal fields heretofore untouched, and in less than a decade New Mexico will surpass Colorado, Wyoming, or any other Western State as a coal producer.

A very significant fact in regard to New Mexico is the impetus that seems to have been given in the last few years to business. There has been a steady growth, as is indicated among other ways, by railroad construction. The railroads are very quick to take advantage of prospective rapid development They examine very carefully at the present time—I will not say they always did, with reference to future development—before they build railroads extensively. There are more than 700 miles of railways now in construction in New Mexico, and the prospect is good for 1,000 miles being added during the present year.

A word about the people of New Mexico. There has been a great deal of talk about those people—about their being Spaniards and Mexicans and "greasers"—people who do not come up to the American standard, who have lain without progress for a great many years. Such is not the fact. As nearly as I can ascertain from the statistics and from the other information obtainable, not over two-fifths of the people of New Mexico are of Spanish or Mexican descent.

The number of people in that Territory was given by the last census at 195,000, but the claim is made by the governor, upon very good reasons, that the population there is much larger; that the census was taken at an unfavorable time of the year, and that the precincts which the census enumerators had to traverse were so enormous in comparison with those usually allotted to enumerators that it was impossible for an accurate census to be taken. In some cases a single precinct was as large as the State of Rhode Island.

Of these people the best information is that about two-fifths are of Spanish or Mexican descent. But you must consider that any Spaniard in New Mexico, unless he be an immigrant, under 55 years of age, must have been born under our flag, is a native American, and is entitled to be designated by some other name than a Spaniard or a Mexican or a "greaser." The immigration into New Mexico from Mexico has not been worth considering. The persons constituting this Spanish population are permanent settlers. They do not possess even the same weakness which our own pioneers had of going forward to a place, staying a little while, and then, when they heard of something better farther on, moving forward. They are conservative; they are loyal; they are patient.

The people of New Mexico have always been patriotic. They sent their soldiers to the field in the war of the rebellion. They furnished some 6,000 men. I think they furnished all the troops that were used to defend New Mexico when it was invaded. There are to-day in New Mexico 1,200 pensioners; men who enlisted from that Territory to serve the cause of the Union; pensioners on account of wounds or disability incurred in that service for the Union. They are good enough for me to sit with as companions, whether in the House of Representatives or anywhere else. [Applause.]

New Mexico furnished her full quota of men for the Spanish war. Her membership in the Rough Riders, which our President commanded, was, I think, larger—I know it was larger per capita—than that of any other State or Territory in the Union. The soldiers they sent to the Spanish war, in all regiments and all branches of the service, were more numerous per capita than those of any other State or Territory of the Union. This is a proud record for the people of that Territory; and I am willing to take them by the hand and admit them here and bid them God speed in going forward with this great nation. [Loud applause.]

They are a cultivated and intelligent people. The immigration into New Mexico in recent years from the Western States has been large. During last year alone there were 7,000 homesteaders who settled in the Territory of New Mexico, and all these entered at a single land office. Hear what the governor of the Territory says:

> The great increase in the number and extent of land entries in the Santa Fe land district during the past fiscal year is an indication that New Mexico is rapidly settling up and that a day is approaching when desirable Government land will be very scarce. During the fiscal year, in this, one of the four land districts of the Territory, 349,189.54 acres were disposed of. At that rate it will be readily seen that it will not take many years before every available acre in the counties of Bernalillo, Colfax, Guadalupe, McKinley, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe, Taos, Socorro, and Valencia, which comprise the Santa Fe land district, will have passed out of the ownership of the United States.

They have an excellent school system. I have heard considerable talk about the schools of New Mexico. I have heard it said by members of the House that they have schools in which Spanish is the language taught, and that that is decidedly objectionable. Generally speaking, that statement is not correct. They have a very excellent school system. It is the district school system of New England and the rest of the United States.

The governor is at the head of the educational board. The only provision in reference to the Spanish language that I can find in their school law is that in certain rural districts where the Spanish language is spoken the teacher who goes there shall be qualified to teach in both languages. And in looking over the list of school books that are authorized to be used in New Mexico I found but two that were in the Spanish language, and those were elementary readers. There are 800 schools in New Mexico. Of these I think there are only 50 where the Spanish language is taught at all.

I have heard it said that the public records in New Mexico were in the Spanish language. That is not so. They are all in the English language, and the only exception that I can find is that in some remote quarters where the Spanish language is spoken, in some outlying districts, if a man wishes to deed his property, where the man to whom he sells is a Spaniard, the deed is made in the Spanish language and when it is received at the recorder's office it is recorded in the Spanish language; but when there is a certified copy asked for to be used in court or in any proceeding, it is accompanied by an English translation.

They have in New Mexico the higher institutions of learning, the university, the College of Mechanics and Arts. The number of school children in New Mexico is 53,000. In this Territory, which the census gives as having a population of 195,000, the school children number 53,000, of whom 47,700 are enrolled as scholars, with an average daily attendance of 31,000, 90 per cent of the whole being enrolled on school rosters, and 60 per cent in actual daily attendance.

But I wish to call the attention of the committee to another fact

in regard to the schools in New Mexico. The legislature of New Mexico voted to tax the people 3 mills on a dollar for the support of the schools in that Territory. That is a larger per capita tax for the support of schools than any State or Territory has ever imposed upon its citizens. If there has been illiteracy in New Mexico, and I agree that there has been, this shows clearly that the people are determined and have made provision for its remedy.

Consider New Mexico previous to 1850. It was an outlying province of Spain and Mexico, entirely neglected. The first census taken showed that the illiteracy in New Mexico was 85 per cent. That was in 1870, and the next time it had gone down to 65 per cent. In the census of 1890 it had gone down to 44 per per cent, and although the returns of the last census are not published yet, I find from inquiry at the Census Office that the illiteracy has dropped to about 20 per cent, just as it was predicted by the governor of New Mexico that it would appear to have done. It shows the advances that they are making in New Mexico.

I will not detain the House to read any figures on this subject. We have in Arizona the same excellent school system. We have fine school buildings; we have compulsory education; we have everything that promises advancement in the future. The resources of railroad building in Arizona equal those in New Mexico. Any fair consideration of the facts, any fair consideration of what we have done in the past with the Territories, will, I think and I hope, convince any man that these people are entitled to admission to the Union of States.

Here we have almost a million people asking Congress for admission to the Union. Why should they not be admitted? They have the population, they have the resources, they have the means for supporting State governments that the Territories have had in the past. I ask my friends here if it is not true that the real reason asserted why these million people should be kept out from the Union is because these Territories will have two Senators each when admitted as States. Is that the fault of the people? If it be a fault, is it not that of our system of government? The Constitution providing for two Senators for each State was in existence when the treaty of Guadalupe-Hidalgo was made, and the United States must have had it in view when they promised these people that they should be incorporated into the Union of States.

We talk about the disproportion. Is there any greater disproportion than there is between Delaware and Pennsylvania, between Vermont and New York, between New Jersey and Illinois? Will not the same disproportion always exist under our Constitution? It is not the fault of the people, and we can not remedy it. We must simply pass upon the rights of these people as they are.

But there is another reason given that does not impress me quite so strongly. Some one objects to the admission of one of these Territories because the two Senators that are likely to be elected will probably belong to the opposite political party from the objector.

Now, I do not place much consequence upon that sort of argument. If that is true, if political considerations are to control in the admission of the Territories, then the proposition is this, is it not, that these Territories must remain Territories until both branches of Congress have a majority of the same political party, and the political complexion of the Territories accords with that political majority in the two Houses?

Now, when will that occur? Will it be after the lapse of another fifty years, while these people shall have remained in Territorial bondage, or will it be never, and will they always remain as they are? I enter my protest against the claim that political considerations should control in the admission of Territories. [Applause.] It is simply saying that the rights of the citizen shall depend upon what he believes and thinks upon great public questions; and when this great nation undertakes to persecute for opinion's sake, then the knell of its doom will sound, and ought to sound.

Now, what other reason is there, besides the political reason, why these people should be kept from admission to the Union? I have found none; I have heard none. The question has been asked, What benefit would the people of these Territories receive from admission into the Union? How much better off are they going to be? What advantage is there in becoming other than what they are? They have a legislature, they have laws, and courts for their enforcement. What advantage is it going to be to them? The advantage is in the first place practical, and in the next place it is sentimental.

The practical advantage is this: Under the law as it is now any law of a Territorial legislature may be unmade by Congress, and the unreasonable provision of the general Territorial law, I think, is that no time is fixed within which Congress may disapprove of a Territorial enactment. It is not provided that they shall disapprove of it in a definite time or within a reasonable time, but it may be disapproved ten, twenty, or thirty years after it is passed, so that any rights obtained under a Territorial law are always liable to be overthrown.

It is never settled that the law of the Territorial legislature shall remain. And this is not a mere general statement. The evidence was conclusive that that is the opinion in the financial centers of the world—in New York, in London, in Berlin, and everywhere where securities are examined. Capitalists will not invest in a Territory. They want a State law, and the reason is because of the power which Congress has to unmake the Territorial law.

The other reason, of course, is sentimental. It is the desire for home rule which is implanted in the breast of the American citizen. There is no home rule under Territorial law. The governor, the secretary, the treasurer, the judges are appointed by a President who perhaps never saw the Territory. The men who govern come as strangers. The citizen has no voice. The dearest right which the American possesses, the right to have a voice in selecting his rulers and those who make the laws, is absent from the inhabitant of the Territory.

And, as a Republican, I am glad that the great party to which I belong has taken this view and proclaimed it in the last great convention of the party in 1900, in the platform which was adopted and upon which we stood when we elected our martyred President. The Republicans in convention declared in so many words: "We favor home rule for the Territories." Oh, I am proud of the Republican party for making that declaration. Did the declaration mean that they were in favor of home rule as it exists at present in the Territories?

There would be no sense in the declaration, because nobody attacked the rule as it existed or intended or proposed to change it. It meant what it said. We, as a party, favor home rule in the Territories, but that resolution went further. It named the Territories under consideration, and declared, "We are in favor of the early admission of Oklahoma, Arizona, and New Mexico." I have been a Republican since I came to man's estate, and I am proud that I belong to that party now, because I believe its principles are the best calculated to serve the interests of the people.

On the brightest pages of its history are inscribed its fidelity to promises, its faithful discharge of its pledges to the people. Was that platform under which we fought our last glorious campaign a true and honest platform, or was it a deceitful and a lying platform? Let the answer to that question be given when the roll call is completed upon this bill which we submit to the committee. [Loud applause.]

Mr. McRAE. Mr. Chairman, at the proper time I shall offer as a substitute for the first section of the pending bill the following. I will ask the Clerk to read it.

The Clerk read as follows:

Strike out the first section and insert the following:

"That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the States of Colorado and Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed, and the constitutional convention hereinafter provided for shall by ordinance irrevocably express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation."

Mr. McRAE. Mr. Speaker, I also have here the following resolutions, which were adopted by the single-statehood convention held in Oklahoma City on the 4th of last February, in which some of the reasons for my amendment are set out:

Single-statehood resolutions of the Oklahoma City Commercial Club.

To the Oklahoma City Commercial Club:

Your committee on State and national legislation beg leave to submit the following resolution:

Be it resolved, That we regard the question of statehood as of overwhelming importance to the people of Oklahoma and Indian Territory; not only to those now living, but all unborn generations. Whether statehood shall come this year or the next, or the next, we regard as of infinitesimal importance when compared with the question whether we shall have one or two States. We favor the creation of only one State out of both Territories for the following reasons:

First. When combined as one State its area as compared with the other Western States would be small. The area in square miles of the States and Territories west of the Mississippi are as follows:

Oklahoma, 39,000; Indian Territory, 31,400; the aggregate area, 70,400.

Minnesota	83,365
Arkansas	53,850
Missouri	69,415
Iowa	56,025
North Dakota, about	75,000
South Dakota, about	75,000
Nebraska	77,510
Kansas	82,080
Texas	265,780
New Mexico	122,580
Arizona	113,020

Colorado	103,925
Utah	84,970
Idaho	84,800
Montana	146,080
Washington	69,180
Oregon	96,030
California	61,562

It will thus be seen that of the 18 States named 14 have a larger area than that of the 2 Territories combined; Missouri and Washington about the same, and Arkansas and Iowa a few square miles less, so that the 2 Territories combined have an area of 25,171 square miles less than the average of the Western States. Oklahoma alone has an area of 56,571 square miles less than the average; the Indian Territory has an area 64,171 square miles less than the average. If combined, the 2 Territories will only make a fair-sized State. If divided, they will both be pigmies.

Second. To impose upon this small area the burden of supporting two separate and distinct State governments would render taxation oppressive. As one State the cost of maintaining the State government and institutions would be very little more than the cost of maintaining each of the separate State governments.

Third. In our judgment it is the desire of not less than 90 per cent of the taxpayers that we should have single statehood.

Fourth. The geographical situation is such as to make nature herself an eloquent spokesman in favor of single statehood. This entire area was originally embraced within the boundaries of the Indian Territory. Oklahoma has been carved piecemeal out of the Indian Territory. Upon the map she now has the appearance of sitting in the lap of the Indian Territory. The two are wedged together; they have the same railroad systems; they have a homogeneous population. The mere geography of the country argues for single statehood.

Fifth. The resources of the two Territories cry aloud for union. Oklahoma is almost wholly agricultural. The great wealth of the Indian Territory is in her mines and forests. With the product of the farm, the forest, and the mine allied in a common cause of building up one State, immediate success and immense achievements are sure to follow.

Sixth. It has always been the contemplation of Congress that this entire area should be one State. Section 1 of the organic act, being the act of May 2, 1890, after describing by crooked and devious lines the boundaries of Oklahoma, contains the following provisions:

"Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning said lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect."

Seventh. We favor single statehood because we believe that with the natural resources of the two Territories combined we can erect a commonwealth which will be a pride to the Union, a source of gratification and of prosperity to ourselves, and a rich heritage to our posterity.

Be it further resolved, That it is our desire that Congress, in legislating upon this subject, should be fair toward the people of the Indian Territory. We think they are entitled to a voice in the location of all public institutions, in the formation and adoption of our organic law, and in the initial steps leading up to the union.

We do most earnestly, presistently, and respectfully petition Congress to heed the wishes of the people of the two Territories on this question; to legislate not for the present but for the vast and unlimited future; to ignore party lines.

We do most strenuously protest against being made the toys of politicians or the tool of any political party. We say it is not a question of politics, but a question of business, of taxation, of the future. We are absolutely indifferent to the possible political complexion of the single State, but regardless of political considerations, we wish that legislation which will best subserve the cause of the people of these two Territories.

Be it further resolved, That the secretary of this club have 500 copies of these resolutions printed, and that from that number he shall furnish a copy to each member of the Senate and of the House of Representatives.

Respectfully submitted.

C. B. AMES, *Chairman*,
R. E. CAMPBELL,
FRANK WELLS,
Committee on State and National Legislation.

Mr. McRAE. Mr. Speaker, in proposing this amendment, which provides for single statehood for Oklahoma and the Indian Territories, I do not wish to be understood as insisting that from the standpoint of population that Oklahoma alone could not meet the test heretofore applied to the new States, but I object to leaving the Indian Territory, with nearly as many people and just as great possibilities, unorganized and unprovided for.

The plea for statehood for Oklahoma, Arizona, and New Mexico is an argument against a Territorial government for the Indian Territory. This bill as reported concedes that one State may eventually be formed out of these Territories. By reason of their size, shape, history, and location they should be together, but on equal and fair terms to the Indian Territory. Is it fair to permit Oklahoma to organize a State government, locate the capital and all the State institutions, elect Senators, and then annex the Indian Territory to her? That is one idea put forward in this bill. The other is that there will be ultimately two States. These propositions are inconsistent. I insist that we should determine which we will adopt before we surrender jurisdiction over Oklahoma. I am opposed to putting the Indian Territory with Oklahoma unless it is done when the State is organized, and I am uncompromisingly opposed to the proposition to attach this afterwards, as is provided in section three.

The Committee on the Territories has not provided for the Indian Territory upon the erroneous idea that the people there are not capable of self-government and not ready for statehood. Without disparaging the patriotism, intelligence, thrift, pluck, and industry of the good people of Oklahoma, for whom I have nothing but praise and good will, and that I have always endeavored to help, I assert that the people of Indian Territory are just as patriotic, just as intelligent, and just as enterprising as they are. Both have substantially the same character of people. The Indian Territory has but few more Indians than Oklahoma and only 6,371 less of population. It has nearly 500 more miles of railroad than Oklahoma and 40 more incorporated towns.

Then why should she remain a political orphan, unrepresented and disfranchised while statehood is accorded the other Territories? I want to say that I have no feeling of unkindness against the Indians, and no prejudice in favor of the white people who reside in the Indian country. I have spent all my life in the Congressional district adjoining the Choctaw Nation, and I know something of its history, character, progress, growth, and of the needs of the present population. For them I demand the same treatment as the other Territories.

I do not hesitate to say that they have both among the whites and Indians as high types of manhood and as good an average of virtue and intelligence as can be found in any sparsely settled Western community where the advantages of schools have not been better. There are, of course, bad men among them, but all of the bad characters do not reside there. The lack of local government and for a long time perfect security from arrest made the country a favorite resort for criminals and rascals who fled from justice in the States, and the great wonder is that there are so few of such characters there now.

While I have assailed with all my power and now condemn as a disgrace to our Federal system the form of government under which the white Indian squaw men for so long a time utilized the common property of the tribes for their personal profit, the methods by which the Indian officeholders and police perpetuated themselves in office by frightening the uneducated members of the tribes, I do not intend to assail them personally or as a race. They have taken advantage of the conditions that existed to get power and make money. Those conditions were the result of the Indian form of tribal government, and no complete relief can ever come until that gives way to an American State and the lands are distributed among the members of the tribes. I am glad to say that something is being done toward making allotments, but it can be proceeded with as well if not better with statehood than without it.

I contend for a government for that country which will rest upon American manhood suffrage, not on tribal affiliation. Congress can not change the disposition of those who rule the Indians, but it can substitute for their tribal governments an American State and thereby better secure to each member of the tribes his share of the property which by law and of right belongs to him or her, inalienable, if necessary, for a period of years. We should, in addition to this, give the male inhabitants the ballot to protect this property and as soon as possible fix its permanent status and not leave their future uncertain, as this bill leaves it.

I admit the Indian tribes own their lands in common, and I want them to get the full value of it. I would not knowingly be a party to any legislation that would destroy or lessen the value of their common inheritance or diminish the personal interest of the individual members of the tribes in it. I believe that statehood will advance the value of their property, and I insist that they have no right to continue within the jurisdiction of the United States their tribal governments, which are destructive of the homestead idea, contrary to the genius and spirit of our institutions, violative of the fundamental principle of equality upon which our Constitution rests, a standing disgrace to the Government we represent, and of no value to them.

The settlement of the Indians in this country was for the purpose of separating them from the whites. Then the Indian country was remote from white settlement. Now it is surrounded by States containing an active, aggressive, enterprising population, whose future, to a great extent, depends upon a different form of government for the Indian country. Then there were no full-blood whites in the Territory; now there are but few full-blood Indians.

Then the residents were members of the tribes; now there are five white citizens for every Indian. Then the Indians had but few houses and lived principally by the chase; now many of them have magnificent residences and cultivate their lands or have it done by their tenants. Then they had no schools except those furnished by the Government; now they have a good system of public Indian schools, with high schools and colleges, for the children of their tribes, for which they spend annually nearly $500,000.

Then there were no churches except missions; now they have in every town and community comfortable churches, representing the different Christian denominations. Then they had no charitable institutions; now they have homes for the old and decrepit, asylums for the insane, and institutions for the maintenance and education of orphans. Then there were no newspapers; now there are over 50. Then there were no towns; now there are 90 incorporated towns, containing from 200 to 6,000 population, with improvements worth over $10,000,000. Then

the coal and other mines had not been discovered; now they are admitted to be the richest in the West and are practically inexhaustible.

Then there was not a mile of railroad; now there are 1,322 miles in operation and many more in contemplation. Then but few whites had intermarried with the Indians; now there is scarcely a family to be found among them without a preponderance of white blood. Then the country was used and ruled by the Indians to whom it was patented; now a large part of all the farms, mines, and towns are operated by whites and mixed breeds who have become members of the tribes by marriage and the manipulations of Indian councils.

I think the courageous, patriotic, just, and manly thing to do is to give the citizens of the Indian Territory an equal show with Oklahoma in forming the constitution under which they must live, and now is the accepted time to do this. They had in 1900 391,960 citizens as good as those in Oklahoma, with a Territory only a little smaller in size than that of Oklahoma. It would then be but simple justice to let them start in their statehood life together and on equal terms. That would be just to the Indian, who could safely count on his white neighbor to protect him against Oklahoma domination, which could not be prevented if the bill passes as reported and the Indian Territory should later be added. If she can not be attached now, then the Indian Territory should have separate statehood, and I am surprised that the committee has not provided for one or the other in this bill.

Oklahoma is beyond the Indian Territory, and is not as fertile, and is not as susceptible of containing as dense a population as the Indian country. Indeed its population is not as dense now. Oklahoma has only ten persons to the square mile, while the Indian Territory has twelve.

The Federal officers and those who control the Indian governments are, of course, opposed to single statehood, and they have probably told the committee that it is not desired; but I know the people want it. There is but little question that the great body of Indians want their lands in severalty, and if we could get at them in the quiet of their humble homes and wigwams they would tell us that they prefer American citizenship and statehood to tribal or even Territorial government.

In thus briefly presenting the views I entertain touching the conditions in the Indian Territory I have endeavored to be fair, and I ask the House to consider them and the necessity for immediate action in the same spirit. I think it is the duty of Congress to see that the flag of the United States, and it alone, shall float over every part of our common country; that the Indian tribal governments shall be promptly and completely abolished; that these absurd, undemocratic, unrepublican, un-American, antiquated ideas of a common inheritance be forever uprooted.

Before the world's fair to celebrate the Jefferson purchase is held, let us wipe out all the Territorial governments within the limits of that great purchase by providing for the Indian Territory with the others named in this bill. Let us now settle for a while, if not forever, the number of States that shall constitute the American Union.

An objection is sometimes urged by some of our Western friends to single statehood, because they want two States for political reasons. They would rather have two small States with four Senators to offset the influence of some of the small Eastern States in the United States than one great State, such as both these Territories would make with only two Senators.

But Mr. Chairman, that is not good statesmanship. It is not best for the people who live there. It is not best for those who are to come after them. I appeal to Congress to lay aside all partisan feeling and all thought of political advantage and legislate for the best interest of all the people of the Union, by making one great, big, independent State, rich enough in resources and large enough in territory to maintain a State government without burdening her people with exorbitant taxes, and one that will be able to educate her children.

The politics of the West is too uncertain to control in forming these States. They will likely support the party that offers the largest freedom for her people and greatest hope of progress. No one can tell what political party will control them, whether organized as one or two States; but without regard to whether it is to be Democratic or Republican, let us admit them as one great State and leave her to fix her party allegiance afterwards. [Loud applause.]

Mr. RODEY. Mr. Chairman, it becomes my pleasant duty at this time to present to this House on behalf of New Mexico her claims to admission into the Union of the United States and to go briefly over her history in this regard.

This effort of New Mexico to come in as a State of this Union is, following the number of Congresses, the twenty-first time that it has made such an effort. And the bill now before the House is the forty-sixth bill that appears in the CONGRESSIONAL RECORD in which New Mexico has made an effort to enter the Union. A similar case does not exist with reference to any Territory of this country. A similar example of national neglect has not occurred in all the history of this nation.

In 1846 General Kearny, who had distinguished himself with the United States Army during the Mexican war, went out West, through Kansas and down into New Mexico, and on the 18th of August in that year, without shedding a drop of blood, he raised "the banner of the free" over grand old Santa Fe, and the people came into this Union expecting that the promises then made by General Kearny would be kept. At that time he made a promise to the people of the Territory that the Government of the United States would establish there a government similar to that which existed in other parts of the nation. The people took him at his word, believed what he said, and came voluntarily into this Union. The promise was in this language:

It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States. * * *

Two years later, at the close of the war, when the treaty of Guadalupe Hidalgo was being negotiated between the two nations, the Mexican Government, at the instigation of the people of New Mexico, introduced into that treaty the provision to which the gentleman from Massachusetts [Mr. KNOX] a few moments ago called attention—a provision that those people should be incorporated at the proper time (to be judged of by Congress) into the Union of States. It is as follows:

ARTICLE IX OF TREATY OF GUADALUPE HIDALGO.

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

It may well be argued that that is not an absolute promise as to specific time. But any one can see that, as the gentleman from Massachusetts said, it meant a reasonable time; and to show that the people then and there believed that it meant within a year or two, or three or four years at most, it may be stated that California in 1850, while still under a system of military government, after the discovery of gold there, adopted a constitution, elected two United States Senators and a Representative and sent them on here to Congress, and they were received and the State admitted.

New Mexico then believed she had equal rights with California, because the ground upon which New Mexico rests, the area out of which she was carved, was acquired at the same time and by the same treaty from the Republic of Mexico. New Mexico, profiting by California's example—in fact, inaugurating her action at the same time California did—also elected two United States Senators, after adopting a constitution, and elected a Representative, and sent the three over the plains here to Washington.

Pending the passage of her Senators and Representative across the plains, Congress passed the organic act of the Territory creating the Territory of New Mexico as such. Congress kept the Representative as a Delegate, and sent the Senators home. That was the first effort of New Mexico to come into this Union. She believed then she had a treaty right to come in; her people so understood it. The matter then remained in abeyance, and the people went on about their business. History shows, however—and, oh, what irony there sometimes is in fate—that the constitution then adopted by New Mexico—ten years before the war—was considered too far advanced, because it prohibited slavery. Twenty-seven years later New Mexico was kept out of the Union because it was said—and the fact might have been charged, as it could have been, to the neglect of Congress in the meantime—that the people of New Mexico were too ignorant to come in.

In 1865 and up to 1872 in about every Congress New Mexico made an additional effort to get into this Union under the promise in the treaty by which the ground was ceded to the United States. In the meantime, as always occurs, the ceding country, the Republic of Mexico, had lost all interest in the ceded country, and left the people ceded to the honesty of the nation that received them. From 1874 to 1876, when the present Senator ELKINS had the honor to represent the Territory of New Mexico as Delegate, a bill for its admission into this Union, after elaborate debate, passed both Houses of Congress, but failed in conference in the closing days of that session. That, as you all know, was twenty-seven years ago.

So, for fifty-five—yes, fifty-six—years, on the 18th day of August next, New Mexico has been a part of the public domain of the United States, and its people have been denied the rights of full-fledged American citizens. In every Congress since, with very few exceptions, the Territory has been here pleading at your door for what she contends is her right divine, for what she contends is her right by virtue of the principles announced in the immortal Declaration of Independence, and every time she has

been turned back without a better reason being given than the mere refusal of her demands.

The present bill, as I said, is the forty-sixth, and I sincerely hope that not only will it be the last bill for her admission as a State of this Union, but that it will also coincide with the star her admission will add to the flag—that she will be the forty-sixth State by virtue of the act of justice we expect you will do when this bill comes up for a vote. For reasons that it would, in my very limited time, take too long to detail; for reasons that are as groundless as are all prejudices, New Mexico was stricken out of the act that admitted the Dakotas in 1889, Wyoming and the other States in 1890, and was refused admission when the last Territory of all (Utah) was admitted in 1896.

The people of New Mexico at a convention held irrespective of political affiliation at the city of Albuquerque last October expressed themselves with reference to the refusal of Congress through more than half a century to admit them to their rights as citizens of the United States in language that, I am sorry to say, is considered slightly ancient in verbiage, but which the people of New Mexico think is just as potent to-day as ever for recording and conveying to the mind the meaning of the principles of the immortal instrument itself. These reasons are stated, and I will take occasion to read the copy I have here, because it sets forth in somewhat coherent language the position of every Territory that is denied its rights in this Union. It is as follows:

We, the people of the Territory of New Mexico, in mass convention assembled at Albuquerque on this 15th day of October, A. D. 1901, in order to enlarge our liberties, secure a closer connection with the American Union, form a more perfect and lasting government, establish justice, insure domestic tranquillity, provide for our common interests, promote our general welfare, and secure the blessings of liberty to ourselves and our posterity, do hereby declare:

That since the organization of the Territory of New Mexico, we have cheerfully yielded obedience to all the laws of the United States, and freely and fully recognized the right of Congress to make all needful rules and regulations respecting the Territory; and

That we now disclaim any purpose of disloyal action, but here renew our fealty to the Constitution of the United States, and in justification of these proceedings call to mind the right of the people to peacefully assemble and by petition present their grievances to Congress; and we therefore state:

That when in the course of human events it becomes necessary for the people of a Territory to make an effort peacefully and legally to dissolve the temporary and inadequate political bonds which have connected them with the nation and to assume among the sovereign States of the Union the separate, independent, and equal station to which our treaty and inherent rights, as well as the laws of nature and of nature's God, entitle us, a decent respect for the opinions of the people of all the existing sovereign States requires that we should set forth the causes which impel us to the action; and in that behalf we most respectfully here state that:

We hold these truths to be self-evident: That all men are created entitled to equal rights; that they are endowed by their Creator with certain unalienable attributes; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Therefore, because of, and for the reasons hereinafter enumerated, we declare that we have been kept entirely too long in a subordinate condition, and that we are now thoroughly fitted to assume and support a higher form of government; and appealing to the Supreme Judge of the world as to the rectitude of our intentions and the justice of our cause, we do now, in the name of and by the authority of the good people of the Territory, solemnly publish and declare that New Mexico of right ought to be a free and independent State of the Union.

And we therefore respectfully demand that the Congress of the United States pass, at the earliest moment possible, an enabling act, whereby our people may form a constitution and State government, and be admitted to the Union on an equal footing with the original States, and for cause of such demand we here state:

That we have an inherent right to such admission by virtue of the principles enunciated in the Declaration of Independence.

That such form of government was guaranteed to us within a reasonable time by the solemn declaration of the treaty of Guadalupe Hidalgo, more than fifty-three years ago.

That both of the great political parties of the nation, in addition to having done so many times previously, faithfully promised us, in their last platforms, that New Mexico should be admitted as a State of the Union without delay.

That our people are ready and anxious for such admission, both of the local great political parties having made demands to that effect in their last Territorial platforms, and our last legislative assembly having adopted and certified to Congress a strong memorial in that behalf, and which said memorial we now here reaffirm. And further, we ask admission because:

A Territorial form of government is intolerable to a free people; it is an incongruity under American institutions, and should be maintained only so long as is absolutely necessary to prepare its people for the higher form, and because—

It is taxation without representation, for while Congress professes to give us representation in the House of Representatives, we are denied a vote therein, and that is the only real element of representation, and as to the Senate, we are remitted to the beggarly methods of the lobbyist.

It is a denial of the right of the people to take part in the affairs of their country, in the formation of its policies, or the election of its representatives or its Chief Magistrate.

A Territory is no part of the United States in the national sense. It has been held that the Constitution of the United States does not, of its own force, extend over it, and it follows that we receive the protection of the great charter only by grace of an act of Congress; that it can be taken away as freely as it was extended over us, and that therefore our status is such that it is probable that our children are ineligible to the Presidency of the land they love, because of not being "natural-born" citizens of the United States; that, in fine our status is such that we could be ceded away by Congress in settlement of a war or for a mere money price at the whim of Congress to some foreign nation.

Congress, by the organization of the Territory, invited settlement and occupancy of the frontier, and by implication guaranteed to its people protection to life and property and enfranchisement as soon as they were fitted for a higher form of government, yet history shows that every effort of our people to obtain their rights has met but with disappointment. Nor is this all, but in addition we are harassed and burdened to an intolerable degree, and we here show to the fair-minded people of the sovereign States what Congress has put upon us:

It has given us a system of courts not only inherently wrong, but wholly inadequate, and while refusing to do so itself prevents us from changing their jurisdiction to meet our needs.

It has arbitrarily fixed the time when our legislature shall meet and adjourn, and denied us authority to call an extra session thereof, no matter how great the need therefor may be.

It has reserved the right to invalidate any law which our legislature may pass, thereby destroying the full faith and credit which our laws ought to command, thus rendering it impossible to command capital for the development of our resources.

It has ever turned a deaf ear to all our prayers for relief, from the many burdens and inequalities under which we suffer, and yet has bound us hand and foot by preventing us from aiding public improvements that would tend to the development of our industries and the progress of our country, and has stifled our progress by preventing us from offering our mining properties for sale in foreign markets, thus and in many other ways putting upon us an embargo not borne by citizens of the States, and while imposing upon us with the iron hand of supreme authority all the obligations and burdens of citizenship has withheld the corresponding blessings and benefits.

In addition to giving away princely portions of the public domain that should be our patrimony, it has exempted scores of thousands of dollars worth of property from taxation, thus forcing upon us a gross inequality of citizenship.

It has withheld from us our proper dowry of public land for the support of our schools, and as to that which it has given us has placed so many restrictions around it as that it is rendered of much less benefit than it otherwise would be.

It refused for nearly half a century to settle our land titles, thus retarding our progress, and now refuses to appropriate sufficient money to prosecute public surveys, and segregate land grants from the public domain, thus rendering it possible for millions upon millions of acres of land to escape taxation and render the burden of the actual taxpayer much greater.

It refused for a third of a century to give our people proper protection against hostile Indians, during which time hundreds upon hundreds of our people were murdered and their property stolen and destroyed by such depredators, and now refuses to properly adjust or appropriate money to pay for the mere property thus lost.

It has ever refused to make any appropriation of money for the education of our people, although it took them by conquest in the first instance, and they spoke a foreign language and needed such aid, but instead turned all the money arising from the revenue laws which were strictly enforced against them, and all the money arising from sales of public land in the Territory into the national treasury, so that the Territory while suffering under almost insufferable burdens and neglect actually became a source of revenue to the nation, and when we tried to remedy this by repeated demands for adequate laws and admission to the Union, were met with a denial and chided with our ignorance.

It has made no appropriations for the establishment of any proper postal facilities among us or the erection of any public buildings, but obliges us to resort to taxation of ourselves for the latter and to do without the former save after all States are supplied.

It has recently threatened and is still threatening us with ruinous national legislation as to the waters in our streams and in our catchment areas, which legislation is for the benefit of and very favorable to the citizens of the Republic of Mexico, while it will forever paralyze our Territory and all its industries, and this even though we are by more than a century the prior appropriators of such waters, and even though the nation to be favored has no right or claim whatever, either in law, equity, or by treaty, in or to any of such waters.

It gives us no voice in the selection of a large part of the officials that govern us, most of them being sent in from the States in violation of the national platforms, and many of them being wholly incapable for the positions they hold, and who but harass the people by their superofficious offensiveness, while on the contrary no citizen of a Territory is ever appointed to any office in the nation outside the limits of the Territory, save as soldiers in time of war.

And all these things were done, conditions permitted to exist, and burdens put upon us in spite of our unceasing and earnest protest against the same, until now more than fifty-five years have passed since the flag of our nation was raised at Santa Fe, and in spite of the same, and of others too numerous to mention, we have arrived at our present advanced condition and always remained loyal to the flag.

We therefore demand admission to the Union, because we have shown our right to it:

By remaining patient and true to the nation for fifty-three years while suffering all the disadvantages above set out and because:

We sent more soldiers to the defense of the nation in the civil and Spanish-American wars than any other State or Territory per capita.

We demand admission because the Territory is now better than ever in its history fitted to assume such higher form of government; in that

It holds the first place in the nation as a sheep-producing and wool-growing section, and is well up toward first place in the number of cattle it raises.

Because the mineral, timber, and agricultural interests of the Territory are vast in extent, and are being developed in a phenomenal manner. Railroads are being built, plants erected, and industries of different kinds are being established everywhere within our domain, the area of the Territory being larger than all of the New England States and the State of New York combined.

We ask admission because we now have a population of upward of 330,000 people, the census to the contrary notwithstanding, as shown by our having registered about 60,000 voters at the last general election, and because since the census was taken about 40,000 immigrants have come among us and settled, and

Because we possess about $300,000,000 worth of property that will be subject to taxation for the support of a State government, and the amount we require being small, we will be the lowest-taxed sovereign State in the nation.

Because we have made more educational progress in the last dozen years than any other part of the nation without exception, and have now more money per capita invested in public buildings and in public and other educational institutions than any other part of the country whatsoever, and because we spend, and there is spent among us, more money per capita for education than in any State or other Territory in the nation.

Our public buildings being a fine capitol building, a university, a science hall, a normal university, several fine normal schools, a school of mines, an

agricultural college and experiment station, a deaf and dumb asylum, an asylum for the insane, a penitentiary, several fine hospitals, and many other minor institutions; and because:

We have within our boundaries 15 cities and towns that are modern, up-to-date places in every respect, and far in advance of places of three and four times the population in the Eastern States, and this without disparaging in any manner the dozens of other towns and villages within our borders, and all of which cities, and most of which towns and villages have the finest kind of buildings in which to maintain and do maintain therein as fine a system of free public schools as can be found anywhere in the nation; and further we make this demand because:

The Territory supports, per capita, more daily newspapers and more newspapers that take the press dispatches and more newspapers and other publications generally than any State or other Territory without exception; and because:

The Territory in proportion to population supports and has within its borders more banks, national and Territorial, showing a larger ratio of deposits to capital stock, than any State or other Territory; and

Because the people of the Territory are a conservative, patriotic, and law-abiding people, more than 90 per cent of them being born American citizens, attached to the principles of the Constitution of the United States, although they have been disfranchised for more than half a century; and because:

The position of a Territory since the recent "insular decisions" of the Supreme Court of the United States is more than ever pitiable and intolerable, and because—

In more than twelve Congresses of the United States the fitness of our people for a State government has been fully investigated and bills passed in one House or both for our admission, all of which failed to become laws through one mishap or another, until now more than half a century has passed, and we have advanced to our present splendid condition materially all through our own unaided efforts, and in spite of the neglect of Congress and the nation and the burdens that have been put upon us.

Wherefore, having endured all these things through all these years, supported the flag and the Constitution in two wars, we most respectfully appeal to the sense of justice and righteousness of the Congress, and pray that it will not permit a government of our people, for our people, and by our people to perish from our hopes, but that, under God, it will grant us a new lease of freedom by granting us statehood.

Mr. Chairman, that is an appeal from the people of New Mexico, made on October 15, 1901, in which, in brief, is recited the reasons for their demands and the present condition of the Territory. Should New Mexico be admitted at this time; and if not, why not? What is the objection that is advanced on this side of the House to its admission? I have not yet had the advantage of hearing what the objections can be. If it is a political one, I contend that New Mexico has the political qualifications, but I also contend that the man who places the rights of American citizens on a partisan basis is unworthy himself to enjoy the blessings of American citizenship. [Applause.]

Has any precedent been set for the admission of New Mexico at this time with its present population? Let me call your attention to the fact that during the federation that existed for a short time previous to the adoption of our present Constitution—that is, previous to 1779—the Continental Congress, when legislating with reference to the territory northwest of the Ohio River, passed an ordinance providing that whenever any part of said territory had a population of 60,000 people it should, as of course, be entitled to be admitted into the Union. There is also preserved in the State Department, in the handwriting of Thomas Jefferson, a copy of an ordinance for the government of the western territory, dated 1784, which reads as follows:

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States.

In a speech delivered by Hon. S. S. Cox, of New York, in this House on January 15, 1889, referring to the subject of the admission of States in President Buchanan's time, he said:

In the admission of States in those early days of Buchanan's Administration, out of all that Red Sea of trouble, we got some little good, because at the end of this struggle we agreed to a certain rule and that rule was that a population equal to the ratio represented by a member of Congress should always be sufficient for the admission of a State, and that was entered of record and a joint resolution passed to give effect to it.

Now, with reference to the States that have been admitted, it may be profitable at this time to refresh the recollection of members of the House briefly—only a line with reference to each—to recall to you the order in which they have been admitted and the amount of population they possessed at the time of admission.

Kentucky was the first State of the Union after the original thirteen to apply for admission, but Vermont, carved out of the State of New York, got in first by the accident of Congress taking up its bill first. So it comes first in the order of admission.

The order and time of the admission of States was as follows:

Fourteenth State, Vermont, which was carved out of the State of New York, was admitted to the Union in 1791, with a population of 85,425.

Fifteenth State, Kentucky, although it applied to come in as the fourteenth State, by an accident Vermont's enabling act passed first, and the State, which had been carved out of Virginia, was admitted February 4, 1791, with a population of 73,677.

Sixteenth State, Tennessee, which had existed some time as a Territory, came into the Union in 1796, with a population somewhere between 35,691 and 66,000.

Seventeenth State, Ohio, came into the Union in 1802 and adopted a constitution before it was admitted. All the detail work of its admission was not finished until February, 1803. Its population was 45,365 in 1800.

Eighteenth State, Louisiana, the first State admitted out of the Louisiana purchase, was admitted April 12, 1812, with a population of 76,556.

Nineteenth State, Indiana, carved out of the Northwest Territory, tried to come in in 1810, but did not succeed until the latter part of 1816. Its population in 1810 was 24,520. The State had no general school law until about 1822. It had a population in 1820 of 147,178.

Twentieth State, Mississippi, which was carved out of Georgia, was admitted December, 1817; in 1810 it had a population of 40,352 and in 1820 75,448.

Twenty-first State, Illinois, was admitted in 1818; its population in 1810 was 12,282 and in 1820 55,211.

Twenty-second State, Alabama, was admitted in 1819; its population in 1820 was 127,901.

Twenty-third State, Maine, which was carved out of Massachusetts, was admitted March 15, 1820, with a population of 298,335.

Twenty-fourth State, Missouri, a part of the Louisiana purchase, was admitted August 10, 1821, with a population of 66,586. This State was admitted after one of the hardest fights over the slave question that had ever taken place in the nation up to that time. The Missouri Compromise, with the line of 36° 30′ as the northern limit of slavery, became the burning question in those days.

Twenty-fifth State, Arkansas, was admitted to the Union in 1836, with a population of 52,240. Its population four years later, in 1840, was 97,574. This State argued that because it was a part of the Louisiana purchase no enabling act was necessary to entitle it to come into the Union.

Twenty-sixth State, Michigan, was admitted in 1837. Its population in 1830 was 31,639 and in 1840 212,267. Michigan was organized as a Territory in 1805. It applied for admission in 1832, and though its enabling act passed several times, refused to come into the Union under the boundaries fixed. This trouble lasted for five years.

Twenty-seventh State, Florida, was admitted in 1845. In 1840 its population was 29,000; in 1850 87,445. It made several efforts for admission from 1839 on.

Twenty-eighth State, Texas, was admitted in 1845 by an act of Congress. In 1850 its population was 212,592. It gained its independence from Mexico in 1835–1837. First act of Congress admitting it was rejected. Slavery question cut a big figure.

Twenty-ninth State, Iowa, carved out of Louisiana purchase, was admitted in 1846. Its population in 1850 was 192,214. This jurisdiction was a part of Michigan in 1834; a part of Wisconsin in 1836; was organized as a Territory in 1838. Its boundaries were fixed in 1845.

Thirtieth State, Wisconsin, was admitted in 1848 with a population of 305,391, or, at least, it had that population in 1850, although it had but 30,945 in 1840.

Thirty-first State, California, was admitted as a free State in 1850, with a population of 92,597, and without ever having passed through a Territorial form of government.

Thirty-second State, Minnesota, was admitted in 1858. It had a population in 1850 of 6,077, and in 1860, two years after its admission, 172,023.

Thirty-third State, Oregon, was admitted in 1859; its population a year later was 52,465. In the admission of this State one of the hardest fights was made by Hon. G. A. GROW, who is still spared as an honored member of this House.

Thirty-fourth State, Kansas, was admitted in 1860, after one of the greatest fights in history. It was first admitted by Congress in 1858, with slavery conditions that it would not accept. Its population was 107,206.

Thirty-fifth State, West Virginia, was admitted June 19, 1863, by a proclamation of the President. Its population in 1870 was 442,014.

Thirty-sixth State, Nevada, was admitted October 13, 1864, by a proclamation of the President. It was created a Territory in 1862. Its population in 1860 was 6,857, and in 1870, 42,491.

Thirty-seventh State, Nebraska, was admitted in March, 1867; its population in 1860 was 28,841; in 1870, 122,993. This State had a fight from 1864 on in every Congress, and its enabling act passed twice in 1867 over the President's veto.

Thirty-eighth State, Colorado, was admitted in 1876; its population in 1870 was 39,864; in 1875, 175,000; in 1880, 194,397. This State was organized as a Territory in 1861. It failed of admission in 1863; refused it in 1864; accepted it in 1865, but its bill was vetoed. Its bill was vetoed again in 1868. but it won out in 1875, and came in in 1876 under the terms of the act.

Thirty-ninth State, North Dakota, was admitted in 1889, with a population of 182,719.

Fortieth State, South Dakota, was admitted in 1889, with population of 328,808.

Forty-first State, Montana, was admitted in 1889, with population of 132,159.

Forty-second State, Washington, was admitted in 1889, with population of 349,390.

New Mexico was dropped out of this bill. It was an omnibus bill in 1889. This was the biggest area ever admitted.

Forty-third State, Idaho, admitted in 1890; population 82,385. This State was admitted after it had adopted its constitution.

Forty-fourth State, Wyoming, was admitted in 1890, with population of 60,705, after it had adopted a constitution.

Forty-fifth State, Utah, was finally admitted in 1896 after many previous efforts; its population was 207,905.

Mr. Chairman, that presents to the House the precedents for the admission of Territories of this Union. And apart from the inherent right of the American people to enjoy equal rights in all parts of this nation when they are fitted to do so, apart from the inherent right that they possess by virtue of the principles of the Declaration of Independence, we submit that to keep these three Territories of New Mexico, Oklahoma, and Arizona out longer would be but adding an outrage to the many things they have been forced to endure. What can be the arguments that reasonable-minded men will advance against admission? What can their constituents say to them for doing so? If they vote for this bill can they be charged with having done wrong? Is not this a unanimous report from a committee that was adverse when it started in to consider the question?

Have we not the right to enjoy the privileges of American citizens? It may not be well for the mere Territories to criticise the action of this Government, but, as children do in the family, we feel that we have a right to complain; that we have no superiors in the family of this nation. We do say that when you turn over the revenues of the Filipinos and the Porto Ricans to themselves and demand that the revenues raised in the Territories of Oklahoma, New Mexico, and Arizona be turned into the National Treasury that you deprive these people of moneys that should be used for their own education and betterment; and when thereafter you charge them with ignorance we say, indeed, that it is an unfair proposition.

It begins to look as if the people of the older Territories had no privileges save to do the work, fight the battles, and pay the freight of this great nation.

The three Territories mentioned in this bill sent two-thirds of the President's regiment to free the Cubans, and, led by him, they did as much fighting as any soldiers there on that occasion. On the 20th instant, in pursuance of the promise of this great and philanthropic nation, Cuba is to raise her own free flag over her own children, while New Mexico, Arizona, and Oklahoma are still to remain Territories.

Now, is it reasonable that these people should be kept in this condition of tutelage? What have they ever done to deserve it? Who will it be, if they are admitted, that can rightfully challenge your action in admitting them to the Union? If you can show me a spot on the flag, show when the country has ever been injured, show me where we have taken one step backward by reason of admitting any State, I care not how small, to this Union—whoever will show me that will show me a piece of history that I have not yet learned of in all my reading.

In 1890 the census of this great country was 62,000,000 and something. In 1900 it was 76,000,000, or thereabouts, an increase of 14,000,000 of people. With that increase of population to start from, with 76,000,000 of people with an Anglo-Saxon civilization, in 1910 we will have 94,000,000 people in the nation, or an increase of 18,000,000. Now, if we are going to have an increase of 18,000,000 of people in the ten years from 1900 to 1910 in this nation, where are those people going to?

Let us sensibly admit that every State of the Union will grow; that every city in the Union will grow; that every place in the Union will grow, and yet will it not be conceded that a large percentage of the population of the cities in the extreme Eastern States, in consequence of their large numbers and overpopulation, will go West, in which the trend of the Empire still is, or where will they go? Will they not go in the direction of the line of least resistance, as they always do? Will they not go to the place where there is the most unappropriated public domain, as is the case now in these two Territories of New Mexico and Arizona that you say have too sparse a population for admission? It will be to New Mexico and Arizona they will go, because those two Territories not only have vast amounts of the most productive land in the world, but also have immense stretches of public domain, not the kind of land that is found in Oklahoma and eastern Kansas, but still susceptible of cultivation and on which people can live and thrive.

If we get between the years 1900 and 1910 one-half million people in New Mexico from that trend of western travel, we will then, as we contend, have a million of people in that great area. So where will the mistake be found of admitting us into the Union? New Mexico has an area of 122,510 square miles, or nearly 80,000,000 of acres. Between twenty-five and thirty millions out of these 80,000,000 acres are taken up in land grants, railroad land grants, Spanish land grants, reservations, etc., leaving about 55,000,000 acres of unappropriated public domain, the largest, I believe, in any section of the nation subject to entry and homestead, that can be taken up by citizens.

Now, I wish to submit, is it not reasonable to suppose that we will go on and progress? Further, let me here state, let no man take the census for any purpose of statistics with reference to New Mexico. I know whereof I speak. The last census, for any statistical purposes as to New Mexico, is absolutely worthless, and it is so admitted to be by the Director. You will ask, Why is that so? It is so for this reason: Three cents a piece was paid for the enumeration of the people. That sort of a law was a good thing for the enumerators in the cities, where you could take five or six wards and enumerate the people and make five or six dollars a day. But the man who would have to travel the country down in New Mexico and enumerate the people there would have to pay from seven to ten dollars a day for a team to get around and do that work, and he only got $5 a day and no per capita allowance at all. What was the consequence? It was never done.

In spite of the fact that the census of 1900 only gives us 195,310 people, we registered within a few hundred of 60,000 voters at last election, and with an area as large as the State of New York, the New England States, and New Jersey combined, I say it is an utter physical impossibility to register more than three-fourths of the voters we really have. Our governor shows in this report that our population at the time the census was taken was about 300,000 people, excluding Indians, and I know it has increased from 30,000 to 60,000 people since, owing to the building of new railroads and the starting of vast industrial enterprises.

Why, in the great Territory of New Mexico, Mr. Chairman, we have perhaps 15,000 people all the time out on the ranges, away from the post-offices and away from communication, herding our vast flocks of sheep. We have ten or twelve thousand people out looking after our cattle. We have perhaps twelve to fifteen thousand prospectors out in the hills nearly all the time, searching for minerals, away out, miles from anywhere. All these people and thousands of others are not enumerated; you can not enumerate them; the enumerators could not find them. The census enumerator does not go after them. What is the consequence? They do not get into the enumeration, and so New Mexico is without her proper quota of inhabitants in the present census record, and everybody takes it as true who does not understand the facts. Our school children alone, as shown by this year's enrollment, just received by me, number nearly 70,000.

I assume, Mr. Chairman, that many gentlemen who are to be heard from will say everything that can be said with reference to the admission of these States. Let me say for Oklahoma—God bless the fair land—she is a splendid community and as well fitted for statehood as any State in this Union, with half a million people and almost every quarter section of her land occupied; and we of New Mexico, with over 330,000 patriotic, worthy, and intelligent American citizens, are we not also entitled to our rights after all these years? It has been said with reference to us that we are Spanish, and they use the term "greasers" as to some of our people. I utterly and absolutely repudiate that slurring term with reference to the good, great, patient, worthy, and patriotic people of New Mexico.

We have no such people there. Every man less than 56 years of age is a born citizen of these United States, although he is without a State, and entitled to all the rights of an American citizen. Let me cite an example: Any jack-legged foreigner, coming here from any foreign country, in five years is entitled to enjoy all the rights of citizenship in any State of the Union, and yet on mere petty political grounds you try to keep a million of American citizens in these Territories from the enjoyment of their rights.

I hope no gentleman on this floor is so small and so narrow in his ideas of the rights of American citizens as to put them upon a partisan basis and deny one jot or tittle of what a person is entitled to by reason of the fact that he may belong to this political party or to that one. I say to my fellow-Republicans on this side of the House that had you done justice, had you placed the Delegates in this Congress in the position that they ought to be placed in before their constituents, you would, as to Oklahoma and New Mexico, have made this a party caucus measure, and carried it through as it ought to have been carried through in both Houses of Congress by a unanimous vote.

If the Republicanism that has lasted a half a century in New Mexico does not satisfy your partisan desires, what will? If the Republicanism in Oklahoma, save as to one term during the last

twelve years of its existence, does not satisfy you, what will? You leave it to the other side of the House, God bless them, to rise above partisanship in a matter like this, with the politics two to one against them. [Laughter on the Republican side.] They say to a man, We will vote for statehood for all these Territories. Every man on the floor will repudiate his political platform for the last generation, be he Republican or Democrat, if he votes in opposition to this bill.

How are you going to get away from that? It is in your platforms. But apart from all that, we have begged long and fervently for a recognition of our just rights. We have done everything that people can do to satisfy the Congress of our fitness. We have endured this tutelage, oh, so long. We now demand it as a unit, without reference to the political views, and ask that every gentleman on this floor vote for the bill and make it unanimous.

I could keep on for hours citing from speech after speech that has appeared in the RECORD, article after article that has appeared in our own press, I could recite speech after speech delivered on the stump all through New Mexico in the campaign, advocating this measure. There are 330,000 people in New Mexico, notwithstanding the census; there are 175,000 people in Arizona, notwithstanding the census; there are half a million in Oklahoma, the census to the contrary notwithstanding, who are watching the action of this Congress to see whether or not the rights of the people will be granted.

I am as good a Republican as anybody, and I believe in keeping the pledges of the Government. You wasted one-half of the time of the present session of this Congress in the consideration of how you will benefit the Cuban people. Our people are left for half a century without any attention being paid to them. Are American rights not as great as those of Cuba? We make no objection to what you are doing for Cuba. It would not be effective if we did. We are willing to help you carry out your pledges to them, if you made any, but do not forget your pledges to us also. We helped you to free them. We shed our blood for their freedom as well as you.

That is the sort of people that we have in the great Territory of New Mexico; and we ask that this Congress, in considering this proposition, consider it in that broad patriotic spirit that ought to animate any gentleman when considering any question of this importance. We appeal to you as the guardians of our welfare. We appeal to you as the only channel through which our rights can come. We appeal to you as men who are endowed with sufficient charity, if you will, to grant that for which we have so long prayed; and we sincerely hope that the vote on this bill will be unanimous. It is a just measure, and no man was ever chided or could be justly chided for doing that which is eternally right.

And after all it is the people that constitute a State. Let me quote a few lines on that subject:

What constitutes a State?
Not high-raised battlements or labored mound,
Thick wall or moated gate,
Not cities proud, with spires and turrets crowned,
Not bays and broad-armed ports,
Where laughing at the storm rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or glen,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and knowing dare maintain,
* * * * *
These constitute a State.

[Prolonged applause.]

Mr. KNOX. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4446. An act for the relief of Harry C. Mix; and

H. J. Res. 177. Joint resolution providing for the printing of the American Ephemeris and Nautical Almanac.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4868. An act granting an increase of pension to James H. Walker; and

S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1934. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.—to the Committee on Interstate and Foreign Commerce.

S. R. 92. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse—to the Committee on Printing.

S. R. 91. Joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTERSON of Pennsylvania, indefinitely, on account of important business.

To Mr. SMITH of Illinois, for two days, on account of important business.

To Mr. SUTHERLAND, for eight days, on account of important business.

To Mr. BURTON, for three days, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the sundry civil appropriation bill and request a conference with the Senate.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY], on behalf of the Committee on Appropriations, requests that the House disagree to all the amendments of the Senate to the sundry civil appropriation bill and ask for a conference. Is there objection? The Chair hears none. The Chair appoints as conferees on the part of the House the gentleman from Illinois [Mr. CANNON], the gentleman from Indiana [Mr. HEMENWAY], and the gentleman from Arkansas [Mr. MCRAE].

And then, on motion of Mr. KNOX (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of a bill for the relief of Capt. S. B. Bootes, United States Army—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a response to the inquiry of the House as to orders and instructions issued to military officers in the Philippines—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14106) authorizing the Secretary of War to sell stone from quarries on Fort Sill Reservation, reported the same with amendments, accompanied by a report (No. 1930); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRUMPACKER, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 5823, reported as a substitute therefor a bill of the House (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public

lands and buildings to the government of Porto Rico, accompanied by a report (No. 1931); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Select Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of death registration, reported the same with amendments, accompanied by a report (No. 1932); which said joint resolution and report were referred to the House Calendar.

Mr. STEWART of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1295) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street-railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., reported the same with amendments, accompanied by a report (No. 1934); which said bill and report were referred to the House Calendar.

Mr. BOWIE, from the Committee on Elections No. 1, to which was referred the contested-election case of William M. Horton *v.* James J. Butler, Twelfth Congressional district, State of Missouri, submitted the views of the minority of said committee, to accompany H. Res. 202 (Report No. 1423, part 2); which said views were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10172) granting a pension to Thomas Finnegan, reported the same with amendments, accompanied by a report (No. 1921); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13398) granting an increase of pension to George G. Sabin, reported the same with amendments, accompanied by a report (No. 1922); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck, reported the same with amendments, accompanied by a report (No. 1923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4293) granting an increase of pension to Elizabeth C. Vincent, reported the same without amendment, accompanied by a report (No. 1924); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 288) granting an increase of pension to De Witt C. Bennett, reported the same without amendment, accompanied by a report (No. 1925); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2755) granting a pension to Ruth H. Ferguson, reported the same without amendment, accompanied by a report (No. 1926); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4865) granting an increase of pension to Joseph D. Hazzard, reported the same without amendment, accompanied by a report (No. 1927); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2951) granting an increase of pension to Maria J. Wilson, reported the same with amendment, accompanied by a report (No. 1928); which said bill and report were referred to the Private Calendar.

By Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11858) for the relief of William E. Anderson, reported the same with amendment, accompanied by a report (No. 1929); which said bill and report were referred to the Private Calendar.

By Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 2637) for the relief of Charles R. Hooper, reported the same with amendment, accompanied by a report (No. 1933); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2977) for the relief of Captain Ferdinand Hansen, reported the same with amendments, accompanied by a report (No. 1935); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14078) granting a pension to Ellwood I. Beatty, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CRUMPACKER, from the Committee on Insular Affairs: A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, as a substitute in lieu of H. R. 5823—to the Union Calendar.

By Mr. RHEA of Virginia: A bill (H. R. 14245) to provide good roads in the forty-five States and four Territories of the United States—to the Committee on Agriculture.

By Mr. HEPBURN: A bill (H. R. 14246) to require the Capital Traction Company to extend its lines, by underground electric system east on Florida avenue from Seventh street west, and for other purposes—to the Committee on the District of Columbia.

By Mr. ELLIOTT: A bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: A bill (H. R. 14248) for the relief of men who enlisted in the United States Army, Navy, or Marines prior to July 1, 1861—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 14249) for the retirement of Government employees in the classified civil service without cost to the Government—to the Committee on Reform in the Civil Service.

Also (by request), a bill (H. R. 14250) to prevent superannuation in the classified civil service, and to create a retirement fund for employees—to the Committee on Reform in the Civil Service.

By Mr. JOHNSON: A bill (H. R. 14275) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.

By Mr. WACHTER: A resolution (H. Res. 243) providing for two additional clerks for the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. SCHIRM: A resolution (H. Res. 244) requesting the Committee on Printing to ascertain certain information from the Secretary of the Interior and convey the same to the House of Representatives, and for other purposes—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Texas: A bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds—to the Committee on Pensions.

By Mr. BLAKENEY: A bill (H. R. 14252) granting an increase of pension to William Dar—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 14253) granting a pension to Christopher C. Lobingier—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 14254) granting a pension to Mary L. Purington—to the Committee on Pensions.

Also, a bill (H. R. 14255) granting a pension to John R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14256) granting a pension to Jessie R. Dewstoe—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 14257) granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14258) granting a pension to Fletcher Duling—to the Committee on Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14259) for the relief of Cave Johnson—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 14260) granting a pension to R. T. Mattingly—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 14261) granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14262) granting a pension to Harriett Robinson—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14263) granting an increase of pension to Frederick Journal—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 14264) for the relief of the estate of Elias Wheat, deceased—to the Committee on War Claims.

By Mr. MOODY of Oregon: A bill (H. R. 14265) granting an increase of pension to Helen N. Packard—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 14266) granting an increase of pension to Solon C. Morgan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14267) granting a pension to Elizabeth Charlesworth—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 14268) for the relief Nathaniel Skeen—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14269) for the relief of R. D. Andrews—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 14270) granting a pension to James K. Shelton—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 14271) granting an increase of pension to George B. Christy—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14272) granting a pension to Henry F. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14273) granting a pension to John H. Whidden—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 14274) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 14276) granting an increase of pension to William Spiegelberg—to the Committee on Invalid Pensions.

By Mr. WARNER: A resolution (H. Res. 245) to pay P. L. Coultry for services rendered as folder and acting assistant foreman of the folding room—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of citizens of Philadelphia, Pa., and Boer Legislation Committee of Philadelphia, in relation to the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

Also, resolutions of the Philadelphia Board of Trade, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles P. Turner and other citizens of Philadelphia, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, petition of the General Society, Daughters of the Revolution, assembled in Denver, Colo., urging the passage of House bill 98, establishing a military park at Valley Forge—to the Committee on Military Affairs.

By Mr. BELL: Petition of J. C. Newberry and other citizens of Colorado, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. BURLESON: Petition of Machinists' Lodge No. 288, Smithville, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Petition of Emil Franklin and others, of the Twelfth Congressional district of Illinois; also, petition of citizens of Danville, Ill., in favor of House bills 178 and 179, to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of General Heintzelman Post, No. 300, of Manheim; Admiral Reynolds Post, No. 405, of Lancaster; W. S. Birely Post, No. 511, of Quarryville; Lieutenant D. H. Nissley Post, No. 478, of Mount Joy, and J. A. Hogendobler Circle, No. 116, of Columbia, Pa., Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany bill for the relief of Joseph A. and Isaac Maple—to the Committee on Military Affairs.

By Mr. CREAMER: Resolutions of New York Stereotypers' Union, No. 1, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Resolutions of Lodge No. 299, of Marshalltown, Iowa, favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of Manhattan Association, of New York City, and Stereotypers' Union No. 1, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Logan Republican Club, of Brooklyn, N. Y., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of Federal Labor Union No. 9635, of Vergennes, Vt., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GAINES of Tennessee: Petition of Cave Johnson, to accompany House bill in his behalf relating to claim for travel pay—to the Committee on Military Affairs.

By Mr. GILBERT: Resolution of Miller Post, No. 142, of Nicholasville, Ky., Grand Army of the Republic, Department of Kentucky, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Petition of Hon. John Kenrick and other citizens of Massachusetts urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers in support of House bill 14261 granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolution of Joseph F. Wernhener and various other citizens of Evansville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Resolutions of the Commercial Exchange, Burlington, Iowa, favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. IRWIN: Paper to accompany House bill 14263 granting a pension to Frederick Journal—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolutions of Mine Workers' Union No. 501, of Chicopee, Kans., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Petitions of J. Simpson and 15 other lawyers of Spartanburg, and members of the bar of Anderson, S. C., in favor of House bill No. 14202—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of Eleventh Assembly District Republican Club and Stereotypers' Union No. 1, New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolutions of the Stereotypers' Union No. 1, of the city of New York, and Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of citizens of Massachusetts in favor of the passage of House bill 10793, relating to the "Jim Crow" law—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Resolution of the Credit Men's Association of Omaha, Nebr., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petition of various voters of Omaha, Nebr., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Commercial Club of Omaha, Nebr., for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

By Mr. MOODY of Oregon: Petition of Portland Division, No. 4, Brotherhood of Railway Employees, Portland, Oreg., for amendment of the immigration laws—to the Committee on Immigration and Naturalization.

Also, paper in support of House bill 14265, granting a pension to Helen N. Packard—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers in support of House bill granting an increase of pension to Solon C. Morgan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Letter of J. J. Duffy to accompany House bill 13443, granting a pension to Sarah G. Williams—to the Committee on Invalid Pensions.

Also, resolutions of Mine Workers' Unions No. 1596, of Cumbola; No. 1598, of Middleport, and No. 1583, of Thomaston, Pa.,

for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Second Congressional district of Iowa, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, petition of Baconian Club, of Iowa City, Iowa, favoring the passage of bill making use of the metric system compulsory throughout the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RUPPERT: Petitions of Edward M. Young, Adolph Kobitzsch, and other citizens of New York City, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of the Eleventh assembly district of New York, Woman's Republican Association and Stereotypers' Union No. 1, of New York, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Mill Hands' Union No. 132, of Buffalo, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Tug Firemen and Linemen's Protective Association of the Great Lakes, of Buffalo, N. Y., and Chicago, Ill., favoring House bill 9053, to enforce the law of domicile—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Union No. 683, of Murphysboro, and Federal Labor Union, No. 9718, New Burnside, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of Eleventh Assembly District Republican Club, Stereotypers' Union No. 1, Woman's Republican Association, and West End Woman's Republican Association, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Society, Daughters of the Revolution, at Denver, Colo., Adaline W. Sterling, president-general, for the passage of House bill 98, relating to military park at Valley Forge—to the Committee on Military Affairs.

Also, petition of Ben Stern, Morris Greenfield, and other citizens of New York City, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

By Mr. THAYER: Resolutions of Temple Ohabei Shalom, Boston, Mass., in relation to violations of treaty engagement with the United States by the Russian Government—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *May 8, 1902.*

Prayer by Rev. FREDERICK LUKE WISEMAN, of Birmingham, England.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules of papers on the files of various offices of that Department, and in buildings under the control of that Department belonging to the United States, and in rented buildings, which are not needed in the transaction of public business and which have no permanent value or historical interest. The Chair suggests that only the letter of transmittal be printed, and that it, together with the accompanying papers, be referred to the Joint Select Committee on the Destruction of Useless Papers in the Several Executive Departments, and that they be ordered to lie on the table.

DISTRIBUTION OF DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, returned from the House of Representatives in compliance with the request of the Senate.

Mr. PLATT of New York. The Senate having passed a similar House bill, I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 4868) granting an increase of pension to James H. Walker;

A bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes;

A bill (H. R. 4446) for the relief of Harry C. Mix; and

A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

PETITIONS AND MEMORIALS.

Mr. DEPEW presented a petition of the Twenty-fifth Assembly District Committee of New York, praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 363, Brotherhood of Locomotive Firemen, of New York City, N. Y., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Local Union No. 677, United Mine Workers of America, of Knightsville, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Lodge No. 55, Brotherhood of Railroad Trainmen, of Huntington; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette; of Lodge No. 361, Brotherhood of Railroad Trainmen, of Princeton; of Garrett Division, No. 153, Brotherhood of Locomotive Engineers, of Garrett; of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne, and of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. HEITFELD presented a petition of the Federated Trades and Labor Council of Boise, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, remonstrating against the giving out of contracts to any foreign firms for the construction of certain Government vessels; which was referred to the Committee on Naval Affairs.

He also presented memorials of Retail Clerks' Local Union No. 560, of Pocatello, and of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, in the State of Idaho, remonstrating against the continuance of the order discriminating against Government employees seeking to better their condition; which were referred to the Committee on Civil Service and Retrenchment.

Mr. SIMMONS presented a petition of Local Division No. 2671, Brotherhood of Locomotive Engineers, of Asheville, N. C., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. WELLINGTON presented a petition of Altamont Lodge, No. 448, Brotherhood of Locomotive Firemen, of Cumberland, Md., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of Local Division No. 157, Order of Railway Conductors, of North Easton, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of a substitute therefor; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of Local Division No. 448, Brotherhood of Locomotive Engineers, of Bluefield; of Lodge No. 236, Brotherhood of Locomotive Firemen, of Hinton; of Lodge No. 395, Brotherhood of Locomotive Firemen, of Benwood, and of Local Division No. 190, Brotherhood of Locomotive Engineers, of Huntington, all in the State of West Virginia, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of the Engineers' Society of Western Pennsylvania, of Pittsburg, Pa., praying for the enactment of legislation authorizing the adoption of the metric system of weights and measures as the standard of weights and measures in the various departments of the United States Government; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. HEITFELD. I present a memorial of the Delaware tribe of Indians, residing in the Cherokee Nation, relative to their several claims against the United States, which they request may be referred to the courts for adjudication. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HEITFELD. I present a petition of sundry citizens of Hilo, Hawaii, praying for the construction of a breakwater in Hilo Bay. I move that the petition be printed as a document and referred to the Committee on Pacific Islands and Porto Rico.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HEITFELD, from the Committee on Territories, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8736) ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona; and

A bill (H. R. 7034) for the relief of Navajo County, Ariz.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 4657) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1022) for the relief of Alvin M. Ryerson, reported it without amendment, and submitted a report thereon.

A PRIMER OF FORESTRY.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," and I ask for its immediate consideration.

The joint resolution (S. R. 95) providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 17,500 copies of Bulletin 24, of the Division of Forestry of the Department of Agriculture, entitled "A Primer of Forestry," 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLIARD AND POOL TABLES.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," to move concurrence therein.

The PRESIDENT pro tempore. The amendments of the House of Representatives will be stated.

The SECRETARY. In line 10, after "any," to insert "billiard or;" in line 10, after "or," to insert "billiard or," and in line 10, after "table," to insert "operated in connection with a barroom or other place where intoxicating liquors are sold."

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate concur in the amendments.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MONEY introduced a bill (S. 5706) for the relief of Mrs. Julia A. Thomas; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5707) for the relief of William Parker; which was read twice by its title, and referred to the Committee on Claims.

Mr. WELLINGTON introduced a bill (S. 5708) granting a pension to Clara J. Lusby; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5709) for relief of the estate of Cyrus Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5710) granting an increase of pension so Jefferson Hoover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 5711) for the relief of the estate of Mary McCaa; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5712) granting an increase of pension to Edwin F. Witham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 5713) for making a grant of alternate sections of the public lands in the district of Alaska to aid in the construction of a certain railroad in said district, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. BARD, Mr. CULLOM, and Mr. QUAY submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes; which was ordered to lie on the table and to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. BERRY. I offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Committee on Privileges and Elections be, and are hereby, discharged from further consideration of House joint resolution No. 41, entitled "A resolution proposing an amendment to the Constitution providing for the election of Senators of the United States," and that such resolution be placed upon the Calendar.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BURROWS. I should like to see the resolution before action is taken, and I object to its present consideration. Let it go over for one day.

The PRESIDENT pro tempore. The resolution will go over under the rule.

FUNERAL OF REAR-ADMIRAL WILLIAM T. SAMPSON.

Mr. PERKINS. I offer the resolution which I send to the desk, and I ask unanimous consent of the Senate that it may be acted upon at this time.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas the Senate having heard with profound grief of the death of Rear-Admiral William T. Sampson, United States Navy, which occurred in this city May 6, 1902: Therefore

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join such committee as may be appointed by the House of Representatives to attend the funeral as a mark of respect to the memory of the deceased officer.

Resolved, That the Secretary communicate these resolusions to the House of Representatives.

The PRESIDENT pro tempore. In accordance with the resolutions just passed, the Chair appoints as the committee on the part of the Senate the Senator from California [Mr. PERKINS], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Wisconsin [Mr. QUARLES], the Senator from Virginia [Mr. MARTIN], and the Senator from Florida [Mr. MALLORY].

MILITARY ORDERS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary proceeded to read the resolution submitted by Mr. CULBERSON on the 6th instant.

The PRESIDENT pro tempore. The Chair suggests, in the absence of the Senator from Texas [Mr. CULBERSON], and on account

of a return made on yesterday to a similar resolution presented at an earlier day, that this resolution lie on the table for the present.

Mr. BAILEY. My colleague, the senior Senator from Texas, is in the room of the Committee on the Philippines. I have just sent a page to notify him, but I presume that the course suggested by the President of the Senate can be taken without any prejudice to the resolution.

The PRESIDENT pro tempore. The resolution will lie on the table to be taken up to-morrow morning. A reply was made on yesterday to a similar resolution.

Mr. HOAR. I understand that the resolution can be taken up to-morrow morning as of right.

The PRESIDENT pro tempore. As of right.

Mr. HOAR. As this morning.

The PRESIDENT pro tempore. As of right, by unanimous consent.

Mr. HOAR. It does not require unanimous consent. That is, if I understand the Chair, unanimous consent is now given that it may be taken up as of right to-morrow without prejudice by going over.

The PRESIDENT pro tempore. Yes; the Chair understands.

INDIAN DEPREDATION CLAIMS.

Mr. GAMBLE. I move that the bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, be recommitted to the Committee on Indian Depredations.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I wish to give notice that on Saturday, immediately after the conclusion of the routine morning business, I shall ask the Senate to proceed to the consideration of the bill making appropriations for the support of the Army.

DIAMOND SHOAL LIGHT-HOUSE, CAPE HATTERAS.

Mr. HOAR. Mr. President, yesterday there was read and discussed the bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras.

The Senator from Iowa [Mr. ALLISON] was the only Senator who expressed any opposition of those who spoke, and the bill went over, at his request, that he might examine it. He suggests, and with my entire approbation, that the third section, containing in three lines an appropriation of $575,000, be stricken out. If that be stricken out, I understand that he has no further objection to the bill. I ask that it may now be put on its passage, in order that it may go to the other House at once with that amendment.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill was read yesterday to the Senate, and all the amendments of the Committee on Commerce were agreed to. The Senator from Massachusetts offers an amendment, which will be stated.

Mr. HOAR. It is to strike out section 3.

The SECRETARY. It is proposed to strike out section 3, in the following words:

SEC. 3. That $575,000, or so much thereof as may become due and payable under the terms of this act, are hereby appropriated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. BURTON. Mr. President, I have at some length given the military record of General Funston. We have seen the estimation in which he was held by Gomez and Garcia in Cuba, winning the confidence and friendship of those intrepid heroes. We have seen how he took a raw regiment of volunteers and in a few months made of them veterans, a regiment that under his inspiring leadership justly won more glory than any regiment in the entire Spanish-American war. We have seen the high estimation in which he was held by those gallant veterans of the civil war, Generals Otis, MacArthur, Wheaton, and the lamented Lawton, and as a fitting reward for his distinguished services at last in the capture of the insurgent chieftain, Aguinaldo, on the recommendation of his superiors, McKinley, in the month of March, 1901, made him a brigadier-general in the Regular Army. Of nearly 300,000 volunteers in the Spanish-American war, General Funston is the only one that attained that high rank who had not seen service in the civil war.

Mr. President, in this splendid age of materialism I can understand how it is that some people treat lightly the course of the young man who puts aside all offers and opportunities that present themselves to make money, to acquire property, to gain wealth, and devotes his life to something that, on reflection, we all know is worth more than gold. It will be a sad day for the country if we should lose sight of the high ideals that have ever inspired us as a people. It will be a sad day when it becomes popular for the lip to curl at the acts of our heroes. It will be a sad day when the dominating influence that controls us will be money. The heroic in our national life must be the inspiration that will keep us going onward and upward in the path of true greatness.

And now, in the face of his magnificent record, what is it that has caused the Senator from Tennessee to ridicule Funston as a hero? What has he done to excite the wrath of the Senator? It was known by the Senator, it was known by all the Senators on that side, that President McKinley had made General Funston a brigadier-general in the Regular Army. But before his commission could be made permanent under the law it was necessary that his appointment should be confirmed by the Senate. Months elapsed before the Senate convened. On the 5th day of last December President Roosevelt sent General Funston's name to the Senate. It was referred to the Military Committee of this body, and on the 18th day of that month he was unanimously confirmed.

What, then, I ask again, has caused this virulent and malevolent attack on the part of the Senator from Tennessee? I infer from his remarks that, among other things, it was because of the way in which he captured Aguinaldo. The Senator says Funston achieved his title of hero by a violation of the rules of honorable warfare, by an act for which Aguinaldo would have been hanged in ten minutes if he had attempted it on an American officer. But General MacArthur says that Funston's plan, and it was his plan, was submitted to Generals Wheaton and MacArthur and was approved by them both, and MacArthur assumes entire responsibility for directing General Funston to carry out his plan in the way he did.

But if the Senator had any criticisms to offer against the way in which Aguinaldo was captured, why did he not offer them when General Funston's name was before the Senate for confirmation? It will not do to say that he was ignorant of all the facts, because by reference to the report of General Funston, filed here last summer in the War Office, every detail of the plan in the capture of Aguinaldo was given, even to the description of the dress and uniform worn by the Macabebes that accompanied him, the detailed account of the letters that he had captured, and the forged letters that were written to deceive Aguinaldo. The press throughout the country published, his report, and particularly that part of it that told of the deceptions. Every detail was published far and wide as to how General Funston captured the insurgent chieftain.

I ask again, What has Funston done that has excited the wrath of the great military chieftain from Tennessee, that he dares to put his judgment over against the judgment of the intrepid Lawton, the courageous MacArthur, and the brave Wheaton? How would the Senator have had Funston to proceed, anyway, in the capture of Aguinaldo? What, sir, would you have had him done; write a letter to Aguinaldo and tell him he was coming to get him? Be candid, won't you, please, Senator? Be as candid as the

Senator from South Carolina was when he answered the Senator from Ohio.

Was it not because he did capture Aguinaldo that you hate Funston? Was it not because he has put down insurrection in the Philippine Islands that you have your feeling against him? Was it not because he did render service to his country, great service against the insurgents, that you oppose him?

The Senator may stand for the insurgents. I prefer to stand for Funston and his comrades. Senators on that side seem to want to make this a political issue in the coming campaign. I am not commissioned to speak for the Republican party, but I will speak for myself, and I dare speak for Kansas, when I tell them that we accept their gage of battle. Go before the people of this country maligning and slandering the American soldiers if you dare. Make that the issue in the coming contest, and we will meet you on the hustings at every turn, and you will learn whether or not the American people will stand by their soldiers and what will become of the party that maligns and slanders them.

But I imagine the Senator from Tennessee would never have exhibited his feeling in this Chamber in the way he has against General Funston but for the speech that he made before the Lotus Club in New York. And now if the Senate will bear with me for a few moments I want to examine that speech and see what it was that General Funston said that has so kindled the wrath of Senators. I quote from General Funston's speech:

To talk about the Philippines and about the war over there is not in all respects agreeable, but I am glad of the opportunity to lay before such a company a few facts. It may aid some of you who have been misled by stories of various kinds to believe that the Army in the Philippines has been doing as well as it possibly could, and it may enable others of you to be prouder than ever of the patience and fortitude and humanity which have distinguished the course of the Army and Navy in the Philippines from the beginning of the war down to the present time. [Applause.]

Ah, I can see now at the very beginning of that speech what it is that has excited the opposition of the Senators. I notice that statement was received with applause. Of course I take it there were no Democrats present. I read further:

When the city of Manila was surrendered to the Navy under Admiral Dewey [cheers] and to to the Army under General Merritt there were in the city some hundreds of Spanish families—men, women, and children—and a great many thousands of Spanish soldiers who were prisoners of war in the hands of our troops.

In the eyes of the world these people, absolutely unarmed and helpless, were dependent entirely upon us for protection. In addition to these there were many European residents; there were German and British merchants with their families, proprietors of banks, commercial houses, warehouses, and railroads representing millions upon millions of dollars worth of property.

To have turned these helpless Spaniards and others over to the mercy of the uncontrollable mob which constituted the army of Aguinaldo would have been a positive crime. The Bulgarian and Armenian massacres would have been repeated on a larger scale, and the whole thing would have constituted the blackest page in American history—a thing we could not have blotted out in a thousand years of repentence. [Applause.]

I am inclined to think, whether the Senator agrees with me or not, that the American people will approve that.

Next he tells us about the kind of men who constituted our army in the Philippines.

I wish to say to you something, however, about the class of officers and men who are serving in the Philippines, and about some of those magnificent men who have lost their lives there.

One would think, from reading the remarks of Senators upon the other side, that we did not have any magnificent men over there.

Of course there are all sorts of men in our Army, Regular and Volunteer, good, bad, and indifferent; but I believe it is a pretty safe guess to say that 95 per cent of the men who constitute our Army are a brave and humane lot of men, who are a credit to the service. [Long applause.]

The other 5 per cent of the men are the kind that write letters to the newspapers at home and tell big stories, and I think it can be taken for granted that the class of men—the men who spread this information that is so prevalent here in the States regarding the Philippine Islands—I say that they are the class of men who have ornamented the inside of a guardhouse more often than they have distinguished themselves in the field. [Applause.]

That is told in language that appears to be true. I submit it to the careful consideration of Senators upon the other side. I think it is a statement of this kind that has so aroused the Senator from Tennessee. It was calling specific attention to the 5 per cent of the soldiers who ornament the inside of the guardhouse and who have been used as tools by the opposition to slander and defame the entire Army that so irritated the Senator. It is not only because Funston is a fighter that they hate him, but he tells the truth, and that hurts the champions of Aguinaldo even worse. I see now why the Senator complained of the General's tongue. And now Funston tells us why the hostilities continue so long:

And now I am going to say something which I hope you gentlemen will will not criticise. I am going to say it just as mildly as I can, but we who have seen our men killed, who have seen our men die of typhoid fever, die of dysentery in the hospitals, and who have buried them in the hundreds of nameless graves in the Philippine Islands, feel bitterly about this subject. All of those men who have fallen since the month of January, 1900, have died not because the Filipinos really had much heart in fighting against us, but because they were kept up by a lot of misinformed and misguided people here in the United States. [Applause and cries of "That is right!"]

It is perfectly proper for us to have all sorts of opinions about the advisability of holding the Philippine Islands—as to whether they are worth anything to us or whether they are a burden to us—we are perfectly justified in having as many opinions about them as there are islands in the Philippines. But for heaven's sake let us keep those opinions to ourselves until the sovereignty of the United States has been established over every square inch of those islands, and then let us get together and pull hair and fight the thing out among ourselves. [Cheers and prolonged applause.]

That is the kind of patriotic advice that the Senator from Tennessee would do well to take. I begin to understand now why it is that General Funston is so disliked by him. I want to quote, however, a little further:

I have been told by a number of insurgent officers of high rank, after their surrender or after their capture, that they were kept up solely after January, 1900, by the hope that the people of the United States would compel the Government to withdraw from the islands. I was told that without any hesitation whatever by even so reserved a man as Aguinaldo himself. I was told that by the notorious Alejandrino, by Luna, by Pablo Tecson. None of these men made any secret of it at all.

I know the Senator from Tennessee the other day volunteered the remark that he did not believe General Funston told the truth. My answer to that is that a brave man will not tell a lie.

When General Funston says that Aguinaldo and the other insurgent chieftains told him that they kept up the fight after January in 1900 because of the hope that the people of the United States would compel the withdrawal of the troops from the islands, I believe that he told the truth. But I quote further:

I hope I may be allowed to combat another impression that is altogether too prevalent in the United States; that is, that the insurgent leaders in the Philippines are of a very high type of men, patriots fighting for the good of their country, and all that sort of thing, and that they are to be compared with the men who won the independence of the United States more than a hundred years ago.

You will remember to have heard in the last campaign much talk about Aguinaldo being the George Washington of the Philippine Islands.

I shall in a few moments—

Says General Funston—

give you a few samples of some of these patriots over there, and allow you to make your own comparisons.

About the ablest military leader of the insurgents was Antonio Luna, who was a brave man, a good officer, accomplished; and as to the capability to handle troops in the field he probably would come up almost to the officers of our own Army. This man on account of his personal courage was gaining such prestige with the insurgents that Aguinaldo ordered him to be assassinated, which was done at the town of Planan, the man being shot down in cold blood by the sentries on guard at Aguinaldo's door when he stated to the sentry on duty that he wanted to see Aguinaldo. I talked with the late lamented dictator himself on that subject and asked him about it. He said:

"Why, yes; I had him killed simply because if I had not he would have been dictator in my place."

Can you imagine George Washington doing such a thing as that? [Cheers.]

The Senator from Tennessee is a master of satire, but I do not think in any of his diatribe against General Funston he said a more cutting thing than the General said right there, and the great merit of the statement over and above the Senator's is it is true, and the American people will believe it. I read further, and since we have had so much about the brutalities of our soldiers, perhaps it is well for us to see what Funston says about the brutalities of the insurgents:

In the town of San Isidro, where I commanded for a year and a half, was a family of the name of Baya, a Filipino family. The father had been an opponent always of rebellion. He was a large landowner and had a considerable family. He had five or six sons, among them the youngest boy, a chap of about 10 years. This boy had gone to school for a couple of years in Manila, but during the war had returned to his home. He came over quite often to visit me and talk with me. He spoke Spanish and was thinking of studying English. Consequently he got hold of a grammar and was working away at the English language, and he came to me half a dozen times to get some aid when he would get all tangled up on some of our beautiful words.

This boy was suspected finally of being a spy because he came over to my headquarters a few times. One day a little over a year ago his father sent him just outside the town to see if the crops on his land were ready to cut. It was considered perfectly safe to allow the boy to go out there; but the insurgent chief Tagunta had ordered this boy captured at all hazards, not only because he was suspected of being a spy, but also because his father had refused to pay taxes to the insurgent government and would recognize no government but that of the United States.

This poor helpless boy, who was innocent of being a spy as anyone possibly could be, and who, in fact, had never discussed any phase of the war with me at all, was taken by these murderers, tied to a stake, and flogged to death. They flogged him for three hours, until he fell dead.

Can you imagine Israel Putnam doing a thing of that kind? [Cheers.]

A few days later the same chief who had the boy flogged and who had been unable to collect any taxes in the town made a raid in the town with a number of guerrillas. He made the raid and burned about 300 houses and killed more than 15 people without any just cause or provocation whatever, in order to compel them to pay taxes to the alleged insurgent government. We had been hunting him fully a year, and lay for him for many a week, and I am glad to say that the next time I had command of a detachment that got him, and now he is with the angels. [Laughter and applause.]

It would be impossible to exaggerate the number of crimes that have been committed by the insurgent leaders—crimes against their own people—the assassination of Filipinos, not only those who were suspected of being in sympathy with the Americans, but people who had refused to pay insurgent taxes, men against whom there was no suspician whatever. The number would run not only up into the hundreds, but even up into the thousands.

There is not a town in the Philippine Islands in which men have not been assassinated by the orders of these men, and there is not a single chief, from Aguinaldo down to the lowest leader of a band of guerrillas, who could not be put on trial and convicted of murder before any jury in the United States—downright, deliberate, cold-blooded murder.

Aguinaldo himself, tried in any court in the world, could be convicted of

the murder of Luna, and there is not one who could not be convicted of the assassination of men, women, and children.

I believe it is safe to say that there has never been a war in this world where the people have shown such patience and such humanity as have the United States troops in the Philippine Islands. [Cheers.] With very rare exceptions all the men executed have been executed after fair trial before a military commission. They had counsel to defend them where the case has gone before the commanding general for review. Of course, there have been exceptions, but probably not more than a dozen altogether, where men caught red-handed in the commission of a crime have been summarily executed. But that is done in every war; it was done in our own civil war; it has been done in every war that the world ever saw. But these cases have been very rare.

I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands. I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now, but all those men who have been writing and talking about this thing and keeping this warfare alive, and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason, hanged for giving aid and comfort to the enemy—than see the humblest soldier in the United States Army lying dead on the field of battle. [Applause and cheers.]

Now, that is severe language; perhaps it was an indiscreet statement to make; but who does not recognize the feeling of the soldier when he recounts the hardships of himself and his comrades and the malignant way in which he has been treated?

Now, Mr. President, I do not want Senators to get the impression that I think Funston is the only hero of the Spanish-American war. I have put his record before the American people in detail for the reason that he has been especially assailed. I remember that Otis, and MacArthur, and Lawton, and Wheaton were all heroes before General Funston was born, and I remember also that the commanding general now in the Philippine Islands was a hero more than forty years ago.

By the way, if you will allow me, General Chaffee is well-nigh a Kansan also. He married a Kansan woman, and the better part of most good men has been brought out by the devotion and the love of some good woman. The trip by General Chaffee from Washington City to where the allied armies were congregated in China, the bold announcement he made to the generals of the armies of other countries that he proposed to move the next morning to Pekin, and his successful march to the relief of our minister and others who were confined in the Chinese capital is one of the brightest pages in the history of modern warfare.

I may be permitted also to point to the fact that the first soldier who scaled the walls of Pekin, under Chaffee, was a Kansas boy—young Titus—who is now at West Point, being the better prepared to make of himself an American soldier.

It is not my purpose to discuss at length the charges made against isolated acts of brutality by the American soldier in the Philippines, nor do I intend to weary the Senate with reciting at length the many cases of barbarous cruelty perpetrated by the insurgents. There are other Senators upon this floor, members of the committee, who are more familiar with the facts than myself; but I must be permitted to say that the record of the men who have been in command, as well as the record of General Chaffee, who is now in command in the Philippine Islands—their whole life given in patriotic service to the country—is a sufficient guaranty that the warfare that we have been carrying on in suppressing this insurrection has not been attended with any more cruelty than was absolutely necessary, unless it be in isolated cases.

It is inconceivable, at least to me, that men of the experience, courage, patriotism, and honor of these generals would sanction a violation of the rules of honorable warfare. There is one thing to be remembered: You can not fight a barbarous foe in the same way that you can a civilized enemy. Andrew Jackson, when he fought the Seminoles in Florida, conducted an entirely different campaign from what he did in the war of 1812.

The Senator from Nevada [Mr. STEWART] called my attention just awhile ago to the fact that we have violated the rules of civilized warfare in our combats with the Indians from ocean to ocean.

Colonel Chivington, in his fight with the Indians at Sand Creek, conducted a different warfare from what he would had he been fighting a civilized foe. The Senator from Colorado [Mr. PATTERSON] will remember that battle. I believe it created an issue in Colorado politics back, I think, in 1864, and, if I am reliably informed, the senior Senator from Colorado [Mr. TELLER] took the side of Colonel Chivington. A man who was in direct command and who really fought the battle was afterwards, for a great many years, an honored member of this body.

General Forsythe, who fought the last Indian battle in this country, at Wounded Knee, killed every single Indian, and was justified, in my judgment, in doing so.

The Senator from Tennessee seems to forget that isolated cases of barbarity are incident to all wars, even among civilized people. Allowances must be made for the passions of men, and especially for the acts of bad men that are connected with all armies.

I was surprised the other day when the Senator arose in his place and said there was no massacre at Fort Pillow. The Senator is not able to efface the history of that transaction by a mere statement that there was no massacre. I do not pretend that the authorities of the Southern Confederacy were responsible in any way for it. It was the act of a few infuriated men under General Forrest; but if everything that has been charged by Senators on the other side were admitted, if every instance of isolated brutality should be as real as has been painted by their ready words and brilliant imaginations, it fails in comparison with the atrocities at Fort Pillow. The Senator will see that the blood of Tennesseeans was shed in that awful slaughter. I mean, of course, Union soldies, not Confederates.

Here I desire to put in the RECORD, and will not stop to read it unless it is insisted upon, the account of that massacre as reported by Benjamin F. Wade and D. W. Gooch in report of committee No. 65, first session Thirty-eighth Congress, pages 1, 2, 3, 4, 5, and 6.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. CARMACK. How many pages does the Senator say?

Mr. BURTON. It takes six pages, the portions of which I have marked I desire to put in the RECORD. I will send the report to the Secretary's desk now and have it read if the Senator so desires.

Mr. CARMACK. If it is not too much, I should like to have it read. However, I will not interfere with the Senator. Let it go.

Mr. BURTON. I have no objection to having it read.

The PRESIDING OFFICER. If there be no objection, the matter referred to by the Senator from Kansas will be inserted without reading.

The matter referred to is as follows:

FORT PILLOW MASSACRE.

Although your committee were instructed to inquire only in reference to the attack, capture, and massacre of Fort Pillow, they have deemed it proper to take some testimony in reference to the operations of Forrest and his command immediately preceding and subsequent to that horrible transaction. It will appear from the testimony thus taken that the atrocities committed at Fort Pillow were not the result of passions excited by the heat of conflict, but were the results of policy deliberately decided upon and unhesitatingly announced. Even if the uncertainty of the fate of those officers and men belonging to colored regiments who have heretofore been taken prisoners by the rebels has failed to convince the authorities of our Government of this fact, the testimony herewith submitted must convince even the most skeptical that it is the intention of the rebel authorities not to recognize the officers and men of our colored regiments as entitled to the treatment accorded by all civilized nations to prisoners of war. The declarations of Forrest and his officers, both before and after the capture of Fort Pillow, as testified to by such of our men as have escaped after being taken by him; the threats contained in the various demands for surrender made at Paducah, Columbus, and other places; the renewal of the massacre the morning after the capture of Fort Pillow; the statements made by the rebel officers to the officers of our gunboats who received a few survivors at Fort Pillow—all this proves most conclusively the policy they have determined to adopt.

* * * * * * *

It was at Fort Pillow, however, that the brutality and cruelty of the rebels were most fearfully exhibited. The garrison there, according to the last returns received at headquarters, amounted to 19 officers and 538 enlisted men, of whom 262 were colored troops, comprising one battalion of the Sixth United States Heavy Artillery (formerly called the First Alabama Artillery), of colored troops, under command of Maj. L. F. Booth; one section of the Second United States Light Artillery, colored, and one battalion of the Tennessee Cavalry, white, commanded by Maj. W. F. Bradford. Major Booth was the ranking officer, and was in command of the post.

On Tuesday, the 12th of April (the anniversary of the attack on Fort Sumter, in April, 1861), the pickets of the garrison were driven in just before sunrise, that being the first intimation our forces there had of any intention on the part of the enemy to attack that place. Fighting soon became general, and about 9 o'clock Major Booth was killed. Major Bradford succeeded to the command, and withdrew all the forces within the fort. They had previously occupied some intrenchments at some distance from the fort and farther from the river.

This fort was situated on a high bluff, which descended precipitately to the river's edge, the side of the bluff on the river side being covered with trees, bushes, and fallen timber. Extending back from the river on either side of the fort was a ravine or hollow, the one below the fort containing several private stores and some dwellings, constituting what was called the town. At the mouth of that ravine, and on the river bank, were some Government buildings containing commissary and quartermaster stores. The ravine above the fort was known as Cold Creek Ravine, the sides being covered with trees and bushes. To the right, or below and a little to the front of the fort, was a level piece of ground, not quite so elevated as the fort itself, on which had been erected some log huts or shanties, which were occupied by the white troops, and also used for hospital and other purposes. Within the fort tents had been erected, with board floors, for the use of the colored troops. There were six pieces of artillery in the fort, consisting of two 6-pounders, two 12-pounder howitzers, and two 10-pounder Parrots.

The rebels continued their attack, but up to 2 or 3 o'clock in the afternoon they had not gained any decisive success. Our troops, both white and black, fought most bravely, and were in good spirits. The gallant *No. 7 (New Era)*, Captain Marshall, took part in the conflict, shelling the enemy as opportunity offered. Signals had been agreed upon by which the officers in the fort could indicate where the guns of the boat could be most effective. There being but one gunboat present, no permanent impression appears to have been produced upon the enemy; for as they were shelled out of one ravine they would make their appearance in the other. They would thus appear and retire as the gunboat moved from one point to the other. About 1 o'clock the fire on both sides slackened somewhat, and the gunboat moved out in the river to cool and clean its guns, having fired 282 rounds of shells, shrapnel, and canister, which nearly exhausted its supply of ammunition.

The rebels, having thus far failed in their attack, now resorted to their customary use of flags of truce. The first flag of truce conveyed a demand from Forrest for the unconditional surrender of the fort. To this Major Bradford replied, asking to be allowed one hour to consult with his officers

and the officers of the gunboat. In a short time a second flag of truce appeared with a communication from Forrest that he would allow Major Bradford twenty minutes in which to move his troops out of the fort, and if it was not done within that time an assault would be ordered. To this Major Bradford returned the reply that he would not surrender.

During the time these flags of truce were flying the rebels were moving down the ravine and taking positions from which the more readily to charge upon the fort. Parties of them were also engaged in plundering the Government buildings of commissary and quartermaster stores in full view of the gunboat. Captain Marshall states that he refrained from firing upon the rebels, although they were thus violating the flag of truce, for fear that, should they finally succeed in capturing the fort, they would justify any atrocities they might commit by saying that they were in retaliation for his firing while the flag of truce was flying. He says, however, that when he saw the rebels coming down the ravine above the fort and taking positions there he got under way and stood for the fort, determined to use what little ammunition he had left in shelling them out of the ravine; but he did not get up within effective range before the final assault was made.

Immediately after the second flag of truce retired the rebels made a rush from the positions they had so treacherously gained and obtained possession of the fort, raising the cry of "No quarter!" But little opportunity was allowed for resistance. Our troops, black and white, threw down their arms and sought to escape by running down the steep bluff near the fort and secreting themselves behind trees and logs, in the bushes, and under the brush, some even jumping into the river, leaving only their heads above the water as they crouched down under the bank.

Then followed a scene of cruelty and murder without a parallel in civilized warfare, which needed but the tomahawk and scalping knife to exceed the worst atrocities ever committed by savages. The rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian. The officers and men seemed to vie with each other in the devilish work. Men, women, and even children, wherever found, were deliberately shot down, beaten, and hacked with sabers. Some of the children, not more than 10 years old, were forced to stand up and face their murderers while being shot. The sick and the wounded were butchered without mercy, the rebels even entering the hospital building and dragging them out to be shot, or killing them as they lay there unable to offer the least resistance.

All over the hillside the work of murder was going on. Numbers of our men were collected together in lines or groups and deliberately shot; some were shot while in the river, while others on the bank were shot and their bodies kicked into the water, many of them still living but unable to make any exertion to save themselves from drowning. Some of the rebels stood on the top of the hill or a short distance down its side, and called to our soldiers to come up to them, and, as they approached, shot them down in cold blood; if their guns or pistols missed fire, forcing them to stand there until they were again prepared to fire. All around were heard cries of "No quarter!" "No quarter!" "Kill the damned niggers; shoot them down!" All who asked for mercy were answered by the most cruel taunts and sneers. Some were spared for a time, only to be murdered under circumstances of greater cruelty. No cruelty, which the most fiendish malignity could devise, was omitted by these murderers.

One white soldier who was wounded in one leg so as to be unable to walk, was made to stand up while his tormentors shot him; others who were wounded and unable to stand were held up and again shot. One negro who had been ordered by a rebel officer to hold his horse was killed by him when he remounted; another, a mere child, whom an officer had taken up behind him on his horse, was seen by Chalmers, who at once ordered the officer to put him down and shoot him, which was done. The huts and tents in which many of the wounded had sought shelter were set on fire, both that night and the next morning, while the wounded were still in them—those only escaping who were able to get themselves out or who could prevail on others less injured than themselves to help them out, and even some of those thus seeking to escape the flames were met by those ruffians and brutally shot down or had their brains beaten out.

One man was deliberately fastened down to the floor of a tent, face upward, by means of nails driven through his clothing and into the boards under him, so that he could not possibly escape, and then the tent was set on fire; another was nailed to the side of a building outside of the fort and then the building set on fire and burned. The charred remains of five or six bodies were afterwards found, all but one so much disfigured and consumed by the flames that they could not be identified, and the identification of that one is not absolutely certain, although there can hardly be a doubt that it was the body of Lieutenant Akerstrom, quartermaster of the Thirteenth Tennessee Cavalry and a native Tennessean. Several witnesses who saw the remains and who were personally acquainted with him while living have testified that it is their firm belief that it was his body that was thus treated.

These deeds of murder and cruelty ceased when night came on, only to be renewed the next morning, when the demons carefully sought among the dead, lying about in all directions, for any of the wounded yet alive, and those they found were deliberately shot. Scores of the dead and wounded were found there the day after the massacre by the men from some of our gunboats, who were permitted to go on shore and collect the wounded and bury the dead. The rebels themselves had made a pretense of burying a great many of their victims, but they had merely thrown them, without the least regard to care or decency, into the trenches and ditches about the fort, or the little hollows and ravines on the hillside, covering them but partially with earth. Portions of heads and faces, hands and feet were found protruding through the earth in every direction. The testimony also establishes the fact that the rebels buried some of the living with the dead, a few of whom succeeded afterwards in digging themselves out, or were dug out by others, one of whom your committee found in Mound City hospital, and there examined.

* * * * * * *

Of the men, from 300 to 400 are known to have been killed at Fort Pillow, of whom at least 300 were murdered in cold blood after the post was in possession of the rebels and our men had thrown down their arms and ceased to offer resistance. Of the survivors, except the wounded in the hospital at Mound City and the few who succeeded in making their escape unhurt, nothing definite is known, and it is to be feared that many have been murdered after being taken away from the fort.

In reference to the fate of Major Bradford, who was in command of the fort when it was captured, and who had up to that time received no injury, there seems to be no doubt. The general understanding everywhere seemed to be that he had been brutally murdered the day after he was taken prisoner.

There is some discrepancy in the testimony, but your committee do not see how the one who professed to have been an eyewitness of his death could have been mistaken. There may be some uncertainty in regard to his fate.

When your committee arrived at Memphis, Tenn., they found and examined a man (Mr. McLagan) who had been conscripted by some of Forrest's forces, but who, with other conscripts, had succeeded in making his escape. He testifies that while two companies of rebel troops, with Major Bradford and many other prisoners, were on their march from Brownsville to Jackson, Tenn., Major Bradford was taken by five rebels—one an officer—led about 50 yards from the line of march and deliberately murdered in view of all there assembled. He fell, killed instantly by three musket balls, even while asking that his life might be spared, as he had fought them manfully and was deserving of a better fate. The motive for the murder of Major Bradford seems to have been the simple fact that, although a native of the South, he remained loyal to his Government. The testimony herewith submitted contains many statements made by the rebels that they did not intend to treat "home-made Yankees," as they termed loyal Southerners, any better than negro troops.

Mr. BURTON. Mr. President, now, since the Senator from Utah has spent so much time in describing the cruelties of some of our soldiers in the Philippines, careful all the while to leave out anything about the cruelties of the Filipinos against our soldiers, one would imagine after reading his pages of criticism and condemnation, and hearing him fairly scream in agony of soul as he recounted them, that he had never heard of any massacre nearer home. I will tell him that when he was a little child, near where he was born, and traced to the leaders, or at least to some of the leaders, of the church of which the honorable Senator is familiar, there was a massacre which for hideous atrocity and devilish slaughter—slaughter of men, women, and children—has never been paralleled, at least on this continent. I refer, as everybody knows, to the Mountain Meadows massacre.

I desire to present parts of three affidavits, which I have marked, published in Senate Executive Document No. 42, Thirty-sixth Congress, first session, pages 80, 81, 82, 83, and 84. I will not stop to read the affidavits now, but I desire to have them incorporated with my remarks.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears no objection, and it is so ordered.

The affidavits referred to are as follows:

MOUNTAIN MEADOWS.

CAMP FLOYD, UTAH TERRITORY, *August 18, 1859.*

SIR: Inclosed herewith you will find an affidavit of Captain Lynch and others in relation to the massacre at the Mountain Meadows. This affidavit I have been permitted to forward to you for your information in relation to the sad affair of which it treats. One thing I think you may regard as certain; that is, that these children never were in the hands of the Indians; were never purchased of anyone, but were parceled out among the murderers, and that Dr. Forney and Hamlin knew it.

This affidavit may also be useful to the Administration in explaining the differences existing among Federal appointees in Utah.

I assure you, sir, that it affords me no pleasure to give you this information. I do so only under a strong sense of duty.

I am, sir, your obedient servant,

D. R. ECKELS.

HON. SECRETARY OF INTERIOR.

NOTE.—I am informed that Captain Lynch has chosen to make a copy of these affidavits public.

D. R. ECKELS.

UTAH TERRITORY, *Cedar County, ss:*

James Lynch, of lawful age, being first duly sworn, states on oath that he was one of the party who accompanied Dr. Jacob Forney, superintendent of Indian affairs, in an expedition to the Mountain Meadows, Santa Clara, etc., in the months of March and April last, when we received 16 children, sole survivors of the wholesale massacre perpetrated at the former place in the month of September, 1857. The children, when we first saw them, were in a most wretched and deplorable condition. With little or no clothing, covered with filth and dirt, they presented a sight heartrending and miserable in the extreme. The scene of the fearful murder still bears evidence of the atrocious crime, charged by the Mormons and their friends to have been perpetrated by Indians, but really by Mormons disguised as Indians, who, in their headlong zeal, bigotry, and fanaticism, deemed this a favorable opportunity of at once wreaking their vengeance on the hated people of Arkansas, and of making another of those iniquitous "blood offerings" to God, so often recommended by Brigham Young and their other leaders.

For more than 2 square miles the ground is strewn with the skull bones and other remains of the victims. In places the water has washed many of these remains together, forming little mounds, raising monuments, as it were, to the cruelty of man to his fellow-man. Here and there may be found the remains of an innocent infant beside those of some fond, devoted mother, ruthlessly slain by men worse than demons. Their bones lie bleaching in the noonday sun, a mute but an eloquent appeal to a just but offended God for vengeance. I have witnessed many harrowing sights on the fields of battle, but never did my heart thrill with such horrible emotions as when standing on that silent plain contemplating the remains of the innocent victims of Mormon avarice, fanaticism, and cruelty.

Many of these remains are now in possession of a Mr. Rodgers, a gentleman who accompanied us upon the expedition. Why were not these remains interred, if not in a Christian-like and proper manner, at least covered from the sight? But no, the hatred of their murderers extended to them after their death. There they lay, a prey to the famished wolves that run howling over the desolate plains to the unlooked-for feasts, food for the croaking raven that through the tainted air with swift wing wended their way to revel in their banquet of blood.

I inquired of Jacob Hamlin, who is a high church dignitary, why these remains were not buried at some time subsequent to the murder. He said the bodies were so much decomposed that it was impossible to inter them. No longer let us boast of our citizenship, freedom, or civilization. Here was 140 poor, harmless emigrants to California butchered in cold blood, by white men, too, with attending circumstances far exceeding anything in cruelty that we have ever heard of or read of being perpetrated even by savages. It is now high time that the actors and instigators of this dreadful crime should be brought to condign punishment. For years these Mormons have possessed an immunity from punishment, or a sort of privilege for committing crimes of this nature, but soon, it is to be hoped, a new state of things must dawn—retribution must come, vengeance must be had. Civilization, humanity, and Christianity call for it, and the American people must have it. Blood may be shed, difficulties may be encountered, but just as sure as there is a sun at noonday retribution will yet overtake the guilty wretches, their aiders and abetters, whether open or hidden under disguise of Government employment.

John D. Lee, a Mormon president, has knowledge of the whereabouts of much of the property taken from these ill-fated emigrants, and, if I am not misinformed, in possession of a large quantity of it. Why not make him disgorge this ill-gotten plunder, and disclose the amount escheated to and sold out by the Mormon Church as its share of the blood of helpless victims?

When he enters into a league with hell and a covenant with death, he should not be allowed to make feasts and entertain Government officials at his table, as he did Dr. Jacob Forney, superintendent of Indian affairs, while the rest of his party refused, in his hearing and that of Lee, to share the hospitality of this notorious murderer—this scourge of the desert. This man Lee does not deny, but admits, that he was present at the massacre, but pretends that he was there to prevent bloodshed; but positive evidence implicates him as the leader of the murderers too deeply for denial. The children point him out as one of them that did the bloody work. He and other white men had these children, and they were not in the hands of the Indians, but in the hands of those who murdered them, and Jacob Hamlin and Jacob Forney know it. The children pointed out to us the dresses and the jewelry of their mothers and sisters that now grace the angelic forms of these murderers' women and children. Verily it would seem that men and women alike combine in this wholesale slaughter.

This ill-fated train consisted of 18 wagons, 1,820 head of cattle, household goods to a large amount, besides money, estimated at $80,000 or $90,000, the greater part of which, it is believed, now makes rich the harems of this John D. Lee. Of this train a man, whose name is unknown, fortunately escaped at the time of the massacre to Vegas, 100 miles distant from the scene of blood, on the California road. He was followed by five Mormons who, through promises of safety, etc., prevailed upon him to begin his return to Mountain Meadows, and, contrary to their promises and his just expectation, they inhumanly butchered him, laughing at and disregarding his loud and repeated cries for mercy, as witnessed and told by Ira Hatch, one of the five. The object in killing this man was to leave no witness competent to give testimony in a court of justice; but God, whose ways are inscrutable, has thought proper, through the instrumentality of the "babes and sucklings" recovered by us, to bring to life this most horrible tragedy and make known its barbarous and inhuman perpetrators.

* * * * * * *

James Lynch, being duly sworn, states on oath that all the material facts stated by him in the foregoing affidavit, so far as he states the same as of his own knowledge, are true, and so far as he states the same as from information derived from others, as also the conclusions drawn from the same, he believes to be true, and further saith not.

JAMES LYNCH.

Sworn to and subscribed July 27, 1859.

D. R. ECKELS,
Chief Justice of Supreme Court.

The undersigned state on oath that the foregoing affidavit has been carefully read to them; that they are the identical persons named in it as having been employed by Dr. Jacob Forney to return with him to Salt Lake City; that they went from Beaver City with said Forney south, and back again, and that we fully concur in the statements made by James Lynch, esq., in the foregoing affidavit, as to what we saw and heard on the trip, and the conduct of Dr. Forney, superintendent of Indian affairs, and further say not.

THOMAS DUNN.
JOHN LOFINK.

Subscribed and sworn to before me July 27, 1859.

D. R. ECKELS,
Chief Justice of Supreme Court.

Mr. BURTON. Mr. President, I have reluctantly called attention to these two terrible massacres. I do not charge anyone living with the responsibility for either. I do not charge the Confederate authorities for the responsibility at Fort Pillow. I do not believe that the Mormon Church as an organization ought to be charged with the Mountain Meadow massacre, but that there were some of the high dignitaries that helped plan and execute that bloody slaughter there can be no question. Nor do I refer to these acts of cruelty and barbarism to be plead in mitigation of any wrongful act that has been committed by any soldier in the Philippines. That there have been barbarous cruelties practiced I have no doubt. They are incidents of war. Bad men will get with the Army. Vengeance will be meted out to those who practice cruelties against our soldiers, and we can not expect but what there will be some cases—and there may be many cases—of seeming or actual cruelty, but, as I said before, we must not forget we are fighting a savage foe, and in doing that the same kind of warfare can not be had that is expected between civilized nations.

I know, Mr. President, it has been said repeatedly upon this floor that the Filipino people are a highly civilized and educated people; that nine-tenths of them can read and write. That may be true as to many of the citizens of the villages and towns, but the great number of the millions who live there are evidently savages, and the testimony is overwhelming to that effect. I do not mean, sir, but what there are different grades, from the savage bushmen up to men like Aguinaldo and Luna, but their practices of torture, their practices of warfare, and those incidents that General Funston and other generals have given go to show that they are not a civilized people.

I am led to inquire now, What is this all about? Why do Senators stand here as the advocates of the insurgents? Why are we called upon to stand here and defend our soldiers? The reason is apparent: In quelling the insurrection in the Philippine Islands, Senators on that side of the Chamber believe we are doing wrong. We believe we are doing right.

They say, Tell the Filipino that he shall have his independence. We answer, He shall submit to the authority of this Government, a part of which now is the Philippine Islands, and when he does that, and when we have established civil government, just in as large measure as he is capable of receiving it we will take up the other question, as to whether we will withdraw from the islands or permanently retain and civilize them.

You may ask me how soon that problem will be solved. That I can not tell. It may be a year; it may be five years; it may be twenty-five years. But whatever the time will be, howsoever long it may take in order to establish civil government in those islands, while they are part of the United States we will keep on in our efforts in that direction.

I know the Senator from Tennessee the other day in a satirical way referred to our President in speaking about the time it would take to civilize the Filipinos. The President needs no defense at my hands. As a soldier, as a statesman, in literature, and in politics—using that word in the highest, purest, and best sense of the term—Theodore Roosevelt is easily the first citizen of the Republic. But the Senator thinks him a little strenuous and that he travels too fast. I will say to the Senator that at the close of the campaign in 1904, when the besotted, bedraggled, and defeated Democracy attempts to gather itself together, he will be more impressed with that idea then than he is now. I also venture to suggest that the Senator will not compare the President at that time to a race horse. That may do now; but then visions of a steam engine will flit through the bewildered brain of the Senator when he thinks of President Roosevelt.

But, Mr. President, in speaking of the time it takes to civilize savages—if I may use the term—or men of a lower order of civilization, it is well to see something of our work in this country. I know, sir, we have mistreated the Indians a great many times; we have mistreated them not only in warfare, but we have mistreated them in treaties we have made with them and in other ways; but I know also that we have been the means of civilizing these people. It has taken a long time to do it. To-day there are in the Five Civilized Tribes men who are capable to sit in either branch of Congress. The governor of the Chickasaw Nation and the chiefs and governors of other of those tribes are men of commanding ability—men who were born there. These Indians now have their churches, their schools, their homes. They have at last entered into agreements that will soon make them citizens of the United States in the full sense of the term. Within two or three years more, at most, the territory of these tribes will become a State or a Territory of this Union. It has taken a century to bring those people up to this high plane of capable citizenship; but who doubts that our work has not been on the whole best for them and best for us.

I desire in this connection, Mr. President, to call attention to something that was said yesterday by the senior Senator from South Carolina [Mr. TILLMAN]. His position is that the Anglo-Saxon hates the black man; that he is not willing to do anything to help civilize him; and the Senator then went on to speak of the way they did in South Carolina. I want to read something the Senator said:

> We have in the United States a problem which will give you scope for all the philanthropy and all the humanity and all the Christianity and all the elevating, humanizing, Christianizing forces of which you are capable, and yet you turn your backs on that and march to the East and seize ruthlessly and by torture and by infamies, villainies, and cruelties the habitations of the poor Filipinos. And you murder, you butcher, you shoot them in blood, you torture them, you do everything. You have eclipsed the South in your story of infamy under the United States flag in the Philippines.

The foregoing is a monstrous slander on our soldiers and is not borne out by the facts.

I am surprised, after I heard what the Senator had said before that, namely, that "when they put a negro's head in the sand that they put his whole body in the sand," he should be willing to admit that the tortures and barbarities of our soldiers in the Philippines were as bad as what he says the people of the South have been inflicting on the negro. Conscious of their infamies, miseries, and wrongs, it seems that the Senator wants company. He says we of the North also lynch the negro. He made reference to my State:

> Why, even bleeding Kansas has her story of rape and a negro burned for it.

Mr. President, that is true. I do not suppose that Senators, when I tried to say something good yesterday about Kansas, imagined that we have no crime at all in our State. I am sorry to say that now and then a criminal develops there; now and then we have a murder; and I am especially sorry to say that on one occasion we had a lynching. Every Kansan is ashamed of it; every man in my State who cares anything at all about good government is ashamed of it. If the Senator from South Carolina is proud of his people doing anything of that kind, I want to assure him that we are not proud of it. In Kansas the negro has the same right and is protected in the same way as the white man. The white man of Kansas does not hate the negro.

No Senator from Kansas has ever boasted that our people have lynched a negro; that distinction, I believe, is enjoyed alone by the Senator from South Carolina. We do not believe in brutalities against the black man, either in this country or in the Philippine Islands. We would help, we would educate, we would civilize him. The North as well as the South paid in treasure, tears, and blood for every wrong against the black man in the past, and the same just God who required that awful sacrifice will hold us to a strict account for every wrong we commit in the future.

Mr. President, I know that the people of the South will not think that I have any feeling against them, born, as I was, just across Mason and Dixon's line. My people for one hundred and fifty years were from the South. Many of my kith and kin live there now. I know them to be a brave and chivalrous people. I know also that there is presented to them a very important and overwhelming problem—What shall become of the negro? But I say to the Senator from South Carolina that his State, and no other State, can maintain government in the way that he described yesterday.

It may be, sir, that we gave the negro the ballot too soon. I shall not stop to discuss that. It may be that a mistake was made there. It may be that it is necessary for certain States to violate the Constitution, or if not directly, then indirectly, in order to suppress a portion of the negro vote. I do not know. But I do know this: That if you inflict the kind of wrongs the Senator from South Carolina admitted upon this floor that you are committing against the negro; if you make it necessary for him to have property in order to vote, or if in other ways you take the right of suffrage away from him, I want to tell you that the law of compensation will assert itself and the negro will get the property. Already that great prodigy of common sense, Booker T. Washington, has begun to advise his people along the right lines. If I understand him aright, he says to his people: "Let politics alone, get a home, develop yourselves in the useful arts." He is having imitators in my State. Rev. William T. Vernon, one of the ablest orators I ever heard, a man of commanding ability, is building an institution there for the purpose of educating the negro, educating him in the useful arts, and that great philosopher, orator, and philanthropist is telling his people to get homes and get property. He has not a drop of Anglo-Saxon blood in his body. His skin is black, but his heart is white. He is doing a very great work. He has the sympathy and he is getting help from the white man.

Mr. President, I have faith to believe that the negro in this country will continue in the future, as he has continued in the past, to advance in civilization, and I believe that the white man will help him. I believe, sir, that, as the last wound of the great civil strife has healed over, there will come a time when the last vestige of prejudice against the man in this country who has a black skin will be obliterated. It may take a long time in certain sections of the country; but even now down South, I am told, that it is difficult to tell the exact color of the skin of a man who is rich. As I said before, shut the negro out of politics, tell him he must have property before he can advance socially or politically, then while you are telling of his inferiority and boasting of your superiority the negro will be acquiring the property.

There is nothing in this world that is real but the good. Every wrong is an illusion, and there are no exceptions to the laws of God Almighty. I know, sir, we have this serious problem before us; but what is the mission of the Anglo-Saxon race? Is it to go on and conquer and oppress? No; it is to go on and conquer and civilize.

We have carried the principles of the Declaration of Independence into every country that we have acquired. We carried the principles of the Declaration of Independence to Florida, to Louisiana, to New Mexico, and to California, and we are now carrying them to far-away Alaska, to Hawaii, and to Porto Rico, and this bill, Mr. President, is a step in the direction of taking self-government into the Philippine Archipelago. We do not belong to that part of the Anglo-Saxon race which believes in oppression, and I do not belong to the party which believes in oppression. Ours is the party of liberty, of civilization. It has done more for the amelioration of mankind than any political organization in the history of the human race.

What, sir, has the Democratic party done for the benefit of anybody, especially in the last forty years? What have you done, except to grumble? You grumbled at Lincoln and you grumbled at Grant. You grumbled because it was necessary to make a great debt in order to save this Government, and then you grumbled because we proposed to pay it in good money. You grumbled at us because we returned to specie resumption, which did so much to give us a splendid prosperity.

You grumbled because we passed laws for the protection of American industries and American labor. You have been grumbling at us while we have been passing laws under which our manufactures have scaled the Allegheny Mountains, penetrated the Mississippi Valley, crossed the prairies of the West, crossed the Rocky Mountains, and reached down to the Golden Gate. You have been grumbling at us while we have been passing laws which have enabled our network of railroads to ramify this entire country. You have been grumbling at us for the past forty years, notwithstanding the fact that in those forty years in every field of human industry that you can now name we have made greater strides of progress than did our fathers from the landing of the Pilgrims down to 1861. We have opened up in the last forty years and planted more acres of ground to the staple crops than did our forefathers from the time Columbus discovered America down to the close of the civil war. We have built more manufactures. We have grown and produced more. Yet during all that time instead of helping us you have been grumbling at us.

You grumbled, complained, and promised, until at last, in 1892, the American people were led to trust you. And what was the result? Inside of six months there was a greater monetary loss, a greater depreciation of property than the total aggregate national debt at the close of the war. You are assuming now the same rôle that you have been playing for the past forty years. You are grumbling. I ask you to quit it. I ask you to come forward now and debate this bill upon its merits. I ask you to quit talking against our soldiers in the Philippines. I ask you to stop questioning our motives. I ask you to stop talking against imaginary policies, policies that exist only in your suspicions, that we are trying to enslave somebody over there.

What we are trying to do is to learn what we ought to do. A nation no more than an individual can do a wrong without punishment. When a man does his duty he builds better than he knows. When a nation does its duty it builds better than it knows. When a man does a wrong the harmful effects are greater than he ever conceived or intended. When a nation does a wrong the evils flowing from it are greater than were ever anticipated. This is the law of our being, the law of God, and can not be violated without punishment.

What I want to know now is, What is the right of this question: what is our duty? How did we come in possession of the Philippine Islands? You all know it was the result of the Spanish-American war. Everybody was in favor of that war. Cuba had kept a butcher shop near our shores as long as we could endure it. We heard the cry of those people for help, and we responded to that cry, and we responded in a way that no nation ever did before. We tendered our blood and our treasure as a sacrifice to help those people and never expected a dollar of money or a foot of land as a reward. We never expected any material benefit. We never expected anything except the satisfaction of having done our duty.

We did our duty, and in doing it we builded better than we knew. Within ten days after war was declared everybody was astonished to see our flag floating in the Orient. Before the war was over everybody realized that we were a reunited people. The soldier who had worn the blue and the soldier who had worn the gray were marching under the same flag, wearing the same uniform, mixing their blood together on the field of battle. Sir, that war was worth all it cost us to have a reunited people. But that is not all.

For a great many years next before 1898 we had been giving all our energies to industries upon the land simply because it paid better. I know it has been said that a protective tariff destroyed our merchant marine. I do not believe that is true. Our merchant marine was allowed to be destroyed because it paid capital better to make investments on land. It paid better to put money in a railroad, in a manufactory, in a farm, or in a mine. We had gone on for a great many years making investments and developments on the land. We cared nought for the sea. We had reached the point, without realizing it, where we could make more and grow more than we could consume. We were ready for foreign markets. We were ready to ship what we made and what we grew to the uttermost parts of the world and we wanted our products to be shipped in our own vessels. Capital was ready about that time to go into ships, but there were two things that deterred it. We had no Navy to protect our merchant marine, as we thought, and, next, other nations were subsidizing ships. Up to this time we had done nothing to protect our shipping interests.

Just here I wish to pay special commendation to a few members in this and the other body who a few years before that time saw the necessity of increasing our Navy. You will remember, my friends, that the men who did this were largely Republicans.

I remember that in the campaign of 1896 in Kansas one of the opposition nominees for Congress made his campaign upon the statement, "What do we want with a navy? A navy can not plow corn." Two years after that it became apparent why we needed a navy.

By reason of our protective tariff, encouragement was given to labor, and the result was the best mechanics in the world. They lifted mechanism almost to the domain of the fine arts; and we discovered during the Spanish-American war that we were making in this country the best guns that were made anywhere, and that the few ships which had been built here were of the very best quality. What is more, we had also been developing and educating the seaman. We had behind the guns the best gunners. We had been breeding shooters in this country for two hundred years, but we did not know it. Capital did not realize it.

After the battle of Manila Bay and after the battle of Santiago, battles that astonished not only ourselves but astonished the world, capital was perfectly willing to invest in ships. Examine the record. Since the close of the Spanish-American war investment in ships has increased to a remarkable extent. The other day, not with your help, but in opposition to your efforts, we passed a bill which will still further encourage the building of ships. What will be the result? In a short time we will build a thousand, aye, 10,000 merchant ships. They will float the American flag; they will be manned by Americans, and they will carry from this great workhouse—for the United States is fast getting to be one vast workshop—what we make and what we grow to every part of the globe, and carry back to us the products of every clime. We have subjugated the land, now we are ready to dominate the sea.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. CARMACK. I have been very much interested in the latter part of the Senator's argument. If I understand his argument, or that part of it with which I thoroughly agree, it is that we have not been investing in ships up to this time because the capital of the country has found more profitable employment in the building of railroads and in the opening of mines. I believe that was the Senator's statement.

Mr. BURTON. And other industries on land.

Mr. CARMACK. And other industries. I believe that was the Senator's statement.

Mr. BURTON. And for the further fear that the merchant ships could not be protected, not knowing that we had the kind of a Navy we did have until after Dewey and Sampson and Schley and the other captains revealed it to us by the battles of Manila and Santiago.

Mr. CARMACK. The economic reason which I understood the Senator to give was simply that capital could find more profitable employment in other directions than it could in the building of ships, but that with the change of conditions the building of ships has begun, because now capital can find profitable employment in building ships. Did I correctly understand the Senator?

Mr. BURTON. That was about half my statement. There is not the same opportunity for capital to make investment on land that there has been in the past. Our railroads are largely built. Our manufactures are developed and other industries upon the land are developed. We were reaching a point, without realizing it, when it was necessary to pay attention to the sea. We did not know that until it was revealed to us by the Spanish-American war.

By reason of the protective tariff which has been in force in this country, by reason of the thorough establishment of the gold standard, which has given confidence to everybody, by reason of the wise laws which have been enacted in the past by the Republican party—by reason of all these things we accumulated an immense amount of property and money and developed in a material way faster since the close of the civil war than at any other time in our history. Indeed, we have not only excelled ourselves, but we have passed, far away passed, the entire civilized world.

We then reached a point where interest was very low. We had a vast amount of capital. We were ready to seek investments elsewhere, among other things in ships. But capital was deterred for two reasons. One was that it did not know that we had a sufficient navy to protect it. Another was that it did not know that it would have sufficient encouragement from the Government. Now we have passed a bill to extend that encouragement. We are going to protect that industry, just as we protect our other industries, and in a comparatively short time, as I said, the result will be that we will have thousands of merchant ships.

I understand what is in the mind of the Senator from Tennessee. He wants me to say that the ships would be built even if we had not passed the ship-subsidy bill. Yes; to a certain extent that is true, but not to the same extent. This is the very time to encourage that industry. It was revealed to us as the result of the Spanish-American war. We have been talking, for instance, for fifty years of an isthmian canal, but the *Oregon* sailing around the Horn was an object lesson that has done and will do more to build the isthmian canal than fifty years of speech making. That is another blessing which has come to us as a result of the Spanish-American war.

Now, sir, along with these blessings that have come to us may come some burdens, some obligations. Here is the Philippine Archipelago with millions of benighted people. What shall we do with them? Turn the country over to them? What is your plan? Shall it be that we will establish a protectorate there? Shall we establish any government at all there? What kind of a government? The kind, you say, that Aguinaldo and his compatriots want. Suppose they want an empire? Shall we let them build it, and shall we help them protect it?

There may be burdens to be borne, but "bear ye one anothers burdens" was given as a blessing and not as a curse. I am not influenced by the argument as to what it will all cost. I do not know how much it will cost to civilize the Philippine Archipelago, but I know that if it is our duty to do it, we are in perfect harmony with the laws of God Almighty by carrying out that duty, and the blessings will come. We gave our blood and our treasure to free Cuba. We expected nothing. In four short months we had Porto Rico and we had all the blessings I have recited, and many more.

Let us do our duty by the Filipinos. Let us first establish civil government there—first put down insurrection. Ah, Senators, listen to the words of General Funston when he says, stop this carping criticism now, and stop it until the insurgents acknowledge the authority of the American Government, a part of which they are, and when that is done, then let us calmly discuss what is best to be done. And that is answered when we learn what is our duty toward these people.

Gen. Robert E. Lee, at the supreme crisis of his life, in writing to his son, said "duty" was the greatest word in the English language. What is our duty?

I want to hear that discussed more. It will not do for Senators to stand upon the other side and indulge in ridicule. It will not do for Senators to think they have made a smart point simply by calling attention to the fact that out of all the evidence which has been presented it is shown that perhaps one Filipino child has been shot. That will not do. It will not do to heap contumely upon the heads of such men as Chaffee, Otis, MacArthur, and Funston. It will not do to do what you have always been doing—grumbling, finding fault, complaining. It does not require any ability to find fault. You can grumble about anything. Go into a forest of a thousand acres and you can not find a perfect tree. Go into a crowd of 10,000 people and you can not find a perfect man.

Mr. President, I have taken up a great deal more time than I intended. I am reminded now that when Dewey summoned his captains after the battle of Manila Bay to report to the flagship, Captain Coghlan was the first to respond. Admiral Dewey, with a look of anxiety on his face, said, "Captain, what casualties?" "There are no casualties on my ship, Commodore." Then came another and another and another, until each and all of the captains had responded, and each made the same report. Admiral Dewey bowed his head and in solemn voice said: "The hand of God is in it."

I know how easy it is to ridicule—I know how easy it is to charge hypocrisy; but I know, or I believe at least, that there is an overruling Providence who has been directing the affairs of this people from the time of the settlements at Jamestown. I believe there was an overruling Providence in the storm of battle throughout the entire civil war, and I believe the people of the South now realize it.

I believe that there was an overruling Providence that sustained Washington and gave him the courage and the strength to at last crush Cornwallis at Yorktown. I believe there is an overruling Providence that is now directing the affairs of this nation, and I believe that the all-conquering, all-powerful, all-dominating Anglo-Saxon race—yes, the better part of both the Teutonic and the Anglo-Saxon races, that give virility and strength to this people—are commissioned to carry a knowledge of our wise laws and our better civilization to the benighted peoples of the Orient. And I believe if we respond to this duty, not stopping to ask what is it all worth or what will it all cost, the blessings that will come to us will be manifold and lasting, or failing to discharge this great responsibility, the misfortunes that ever attend duty neglected will overtake us.

Mr. President, I do not want to take the time to have it read or to read it now, but I should like to be permitted to insert in the RECORD the entire address of General Funston before the Lotus Club. I ask that it be printed as a part of my remarks, as an appendix.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none.

APPENDIX.

GENERAL FUNSTON DEFENDS THE ARMY.

Brig. Gen. Frederick Funston, U. S. A., was the guest of honor at a dinner given by the Lotus Club in New York City on Saturday, March 8, which was attended by about three hundred people. General Funston made a ringing defense of the Army and of the Government's general policy in the Philippines. His remarks were received with the warmest approval and were frequently interrupted with applause. As reported in the New York Sun, General Funston said:

"To talk about the Philippines and about the war over there is not in all respects agreeable, but I am glad of the opportunity to lay before such a company a few facts. It may aid some of you who have been misled by stories of various kinds to believe that the Army in the Philippines has been doing as well as it possibly could, and it may enable others of you to be

prouder than ever of the patience and fortitude and humanity which have distinguished the course of the Army and Navy in the Philippines from the beginning of the war down to the present time. [Applause.]

"I shall take very little of your time, and you will take into consideration, of course, the fact that I am not a public speaker. A man could not by knocking around the world for fifteen or twenty years acquire many graces as a speaker, but I will give you a few plain facts and ask you to draw your own conclusions.

WE COULD NOT SCUTTLE.

"When the city of Manila was surrendered to the Navy under Admiral Dewey [cheers] and to the Army under General Merritt, there were in the city some hundreds of Spanish families, men, women, and children, and a great many thousands of Spanish soldiers who were prisoners of war in the hands of our troops.

"In the eyes of the world these people, absolutely unarmed and helpless, were dependent entirely upon us for protection. In addition to these, there were many European residents; there were German and British merchants, with their families; proprietors of banks, commercial houses, warehouses, railroads, representing millions upon millions of dollars' worth of property.

"To have turned these helpless Spaniards and others over to the mercy of the uncontrollable mob which constituted the army of Aguinaldo would have been a positive crime. The Bulgarian and Armenian massacres would have been repeated on a smaller scale, and the whole thing would have constituted the blackest page in American history, a thing we could not have blotted out in a thousand years of repentance. [Applause.]

MASSACRE AND LOOT FOR MANILA.

"It is not to be supposed that Aguinaldo and some of the other higher officers would have countenanced a massacre of the helpless Spaniards or the looting of the city of Manila; but there is no possible doubt as to what would have happened. The 30,000 armed men who constituted his force would have been absolutely beyond control, and one has but to know that pitiable story of the execution of 200 helpless Spanish soldiers in 1899 by an insurgent major in the province of Albai—he has but to know that awful story in order to realize to what depths these brutal savages could go.

"No joint occupation of the city of Manila was possible. Only one thing could be done, and that was to put the insurgents, bag and baggage, clear outside of the city and make them stay outside, police the city with our own soldiers, and allow things to remain in that state until a final disposition of the Philippine Islands could be settled, either by the treaty of Paris or finally by the people of the United States.

"Accordingly, on the demand of the American authorities, the insurgents went outside the city instead of going up to Malolos, where their government went. They formed a line of trenches running parallel with our own and extending from the sea at Malibon on one side to Peracuna on the other. They dug their trenches to within 100 to 250 yards of our own lines and filled them with twenty or thirty thousand armed men, so that constant vigilance was necessary on our part.

FILIPINOS PROVOKED WAR.

"The insurgents, with ribald jests, with curses and indecent oaths and insults, taunted us as cowards and dared our men to open fire, but stern discipline prevailed in our army, and we obeyed the instructions from General Otis to avoid a conflict under all circumstances or delay it as long as was possible; but day after day the friction became more intense. Nearly all of us, I think, realized that it was not a question of months, but a question of a few days until the clash must come.

"Aguinaldo and his paper government, his cabinet, and his self-appointed congress retired to Malolos and there issued proclamations and sulked.

"Finally, probably two weeks before the beginning of the war, an insurgent captain who refused to respond to the challenge of a sentry on the streets of Manila was shot dead. That was the first actual clash.

"About three days after that a private soldier of the First Montana Regiment, who was on sentry duty outside the city, was approached by a man with a rifle at about 10 o'clock at night. He gave the usual challenge, but the man did not respond, but instead of that fired at him from a distance of a very few yards, but, Filipino-like, missed him. [Laughter.]

"Only two days later a private of the South Dakota regiment on outpost duty, only 2 miles north of the city, was approached by an apparently unarmed native, who asked him for a match. The sentry started to hand him one, when he drew a bolo, a native knife about 2 feet long, and gave him a terrific blow across the face, cutting him from the top of the skull down to the chin, and I am glad to say that within about half a second the native fell dead, shot through the heart.

FISHED FOR IT UNTIL THEY GOT IT.

"A few days later a drunken mob of Filipinos, partly officers and partly soldiers of Aguinaldo's army, attempted to rush through the lines of the First Nebraska near Santa Casa. Only the presence of Colonel Stearns, that magnificent soldier who fell at Cang Co, prevented the fight from opening at that time. He had a great deal of influence over the natives and over his own men, and he induced them to retire.

"Three days later an insurgent lieutenant and two soldiers approached a sentry on the Santa Lucia Bridge, 3 miles east of Manila. The sentry, in accordance with the orders that sentries usually have, challenged the three at once, and instead of halting the men gave him an insolent reply, came forward, started to cross his post, and he fired and by one shot killed the lieutenant and one soldier. [Laughter and cheers.]

"The remaining soldier ran back to the insurgent line after this shot rang out, and the First Nebraska was called out. Of course there was a great deal of excitement and everybody thought it was like the incident of the attempt to assassinate the sentry of the Montana regiment, which resulted in the shooting of the Filipino captain in Manila. We also thought that the thing was ended for the time being, but within a minute or two rifle fire broke out from the insurgent trenches in front of the First Nebraska Regiment, and war had begun.

OH, THE SENTRY BEGAN THE WAR, DID HE?

"It is said that that sentry began the war by firing the first shot, but I think Army officers here will bear me out in the statement that if he had shot his own captain under the same circumstances he would have gone scot free (applause), or even if he had shot the general commanding the Army of the United States. The Secretary of War, or even the President himself, can not force his way past a sentry of our Army. Under the circumstances, there is no possible doubt that he was justified in shooting this man, and the incident should have been closed right there; but the excited insurgents in the trenches, hearing what had happened, opened fire on the First Nebraska, a fire that spread like a prairie fire on the plains of Kansas, for 5 miles to the right.

AND SO THE DANCE BEGAN.

"The Twentieth Kansas, of which I was colonel at that time, was stationed in a district known as Penango, the commercial part of the city of Manila. We had on outpost about 75 men. I had just retired that evening when Major Metcalfe, afterwards colonel of the regiment, came to my door and knocked. I got up and went to the door, and he said:

"'Well, colonel, the dance has begun.'

"I said: 'What dance?' [Laughter.] And he said: 'Come out on the porch and listen to it.'

"We went out and heard that old familiar sound, the rattle of the Mauser rifle.

"Of course there are all sorts of men in our Army—Regular and Volunteer—good, bad, and indifferent; but I believe that it is a pretty safe guess to say that 95 per cent of the men who constitute our Army are a brave and humane lot of men, who are a credit to the service. [Long applause.]

"The other 5 per cent of the men are the kind that write letters to the newspapers at home and tell big stories, and they are the class of men who have ornamented the inside of a guardhouse more often than they have distinguished themselves in the field. [Applause.]

SOME OF THE GOOD MEN WHO ARE GONE.

"I wish to hold up a certain officer who lost his life in the Philippines as a fair type of our Army officer, as humane and kind a gentleman as ever lived. Capt. George J. Godfrey, of the Twenty-second Infantry, who was born here in New York City, was appointed to West Point from here, and served under New York men. He was a very popular man, beloved by his own soldiers and beloved by the natives, too; popular with his own comrades, humane and just, without such a thing as hatred in his heart.

"I was on a campaign one day with Godfrey's company, and owing to the conditions there—ambuscades being absolutely certain—we ran into an ambuscade and had a fierce fight, lasting for about half a minute, and Godfrey was shot through the heart as close to me as the president of this club is. I heard the curses of his men and saw them crying, and I knew what they had lost in their beloved captain.

"Another type of man was a certain Sergeant O'Brien, first sergeant of Troop G of the Fourth United States Cavalry, twenty-five years an enlisted man in the Army, a magnificent type of the professional soldier, sober, attentive to his duties, courteous, and with great pride in his occupation. He had started at one time on a scout from the town of San Isidro with Troop G, now at Fort Leavenworth, Kans.

"O'Brien had been ill in the hospital for some days; he heard that we were going on a scout and he wanted to go with the troop. But his captain, Captain Keeler, said:

"'No, sergeant, you can't go; you are not well enough.'

"O'Brien replied: 'I have been in every fight with my troop for twenty-five years, and I hope I don't have to be left behind now.'

"Captain Keeler said: 'Well, all right; come along.'

"We marched out to the town of Sampaloc. We had information that 250 insurgents, under Lacuna, were going to attack the town that night; the town had a very small garrison. We divided our men up so that our detachment, with which we finally struck them, numbered only about 50 men.

"Within twenty-five minutes after leaving town we struck them, and there was one of those wild minutes that are worth ten years of an ordinary humdrum existence, and when it was over there were 44 dead insurgents on the field, and among our own dead was Sergeant O'Brien, shot through the heart—shot off from his horse.

"I simply wish to hold up those two soldiers, Godfrey and O'Brien, as fair samples of the magnificent men who are being sacrificed in the Philippine Islands.

SHOT IN THE BACK.

"And now I am going to say something which I hope you gentlemen will not criticise; I am going to say it just as mildly as I can, but we who have seen our men killed, who have seen our men die of typhoid fever, die of dysentery in the hospitals, and who have buried them in hundreds of nameless graves in the Philippine Islands, feel bitterly about this subject. All of those men who have fallen since the month of January, 1900, have died not because the Filipinos really had much heart in fighting against us, but because they were kept up by a lot of misinformed and misguided people here in the United States. [Applause and cries of 'That's right.']

"It is perfectly proper for us to have all sorts of opinions about the advisability of holding the Philippine Islands—as to whether they are worth anything to us or whether they are a burden to us—we are perfectly justified in having as many opinions about them as there islands in the Philippines; but, for Heaven's sake, let us keep those opinions to ourselves until the sovereignty of the United States has been established over every square inch of those islands, and then let us get together and pull hair and fight the thing out among ourselves. [Cheers and prolonged applause.]

ALL OVER BUT FOR MISGUIDED AMERICANS.

"I have been told by a number of insurgent officers of high rank, after their surrender or after their capture, said they were kept up solely after January, 1900, by the hope that the people of the United States would compel the Government to withdraw from the islands. I was told that without any hesitation whatever by even so reserved a man as Aguinaldo himself. I was told that by the notorious Alejandrino, by Luna, by Pablo Tecson. None of these men made any secret of it at all.

"It can not be claimed that the first part of the war should have been the end of it at all; the first part of the war was absolutely unavoidable; it could not have been avoided; but when the insurgent army went to pieces in January, 1900, when they broke up into bands of guerrillas, then the thing would have stopped; they would have turned in their arms and given up, and all the hundreds of lives and all the millions of money expended since that time would have been saved.

WAS WASHINGTON AN ASSASSIN?

"I hope that I may be allowed to combat another impression that is altogether too prevalent in the United States; that is, that the insurgent leaders in the Philippines are a very high type of men, patriots, fighting for the good of their country, and all that sort of thing, and that they are to be compared with the men who won the independence of the United States more than a hundred years ago. I shall in a few moments give you a few samples of some of these patriots over there, and allow you to make your own comparisons.

"About the ablest military leader the insurgents had was Antonio Luna, who was a brave man, a good officer, accomplished, and as to the capability to handle troops in the field he probably would come up almost to the officers of our own Army. This man on account of his personal courage was gaining such prestige with the insurgents that Aguinaldo ordered him to be assassinated, which was done at the town of Palanan, the man being shot down in cold blood by the sentries on guard at Aguinaldo's door when he stated to the sentry on duty that he wanted to see Aguinaldo. I talked with the late lamented dictator himself on that subject and asked him about it. He said:

"'Why, yes. I had him killed simply because if I had not he would have been dictator in my place.'

"Can you imagine George Washington doing such a thing as that? [Cheers.]

DID GENERAL PUTNAM MURDER CHILDREN?

"In the town of San Isidro, where I commanded for a year and a half, was a family of the name of Baya, a Filipino family. The father had been an opponent always of rebellion. He was a large landowner and had a considerable family. He had five or six sons, among them, the youngest boy, a chap of about 10 years. This boy was working away at the English language, and he had come to me half a dozen times to get some aid when he would get all tangled up on some of our beautiful words.

"This boy was suspected finally of being a spy because he came over to my headquarters a few times.

"This poor helpless boy, who was as innocent of being a spy as anyone possibly could be, and who, in fact, had never discussed any phase of the war with me at all, was taken by these murderers, tied to a stake, and flogged to death. They flogged him for three hours, until he fell dead.

"Can you imagine Israel Putman doing a thing of that kind? [Cheers.]

"A few days later the same chief who had had the boy flogged and who had been unable to collect any taxes in the town made a raid in the town with a number of guerrillas; he made the raid and burned about 30 houses and killed more than 15 people, without any just cause or provocation whatever, in order to compel them to pay taxes to the alleged insurgent government. We had been hunting him for fully a year, and laid for him for many a week, and I am glad to say that the next time I had command of a detachment that got him, and now he is with the angels. [Laughter and applause.]

EVERY CHIEF A MURDERER IN OUR EYES.

"It would be impossible to exaggerate the number of crimes that have been committed by the insurgent leaders—crimes almost against their own people, the assassinations of Filipinos, not only those who were suspected of being in sympathy with the Americans, but people who had refused to pay insurgent taxes, men against whom there was no suspicion whatever. The number would run not only up into the hundreds, but even up into the thousands.

"There is not a town in the Philippine Islands in which men have not been assassinated by the orders of these men, and there is not a single chief, from Aguinaldo down to the lowest leader of a band of guerrillas, who could not be put on trial and convicted of murder before any jury in the United States—downright, deliberate, cold-blooded murder.

"Aguinaldo himself, tried in any court in the world, could be convicted of the murder of Luna, and there is not one who could not be convicted of the assassination of men, women, and children.

OCCASIONALLY A FEW GET HANGED.

"We had at San Isidro a sergeant of police named Lopez; he had been a soldier in the Spanish army. We appointed this man a sergeant of police, and he was very efficient in the obtaining of information regarding the insurgent tax collectors who came into the town, and also in ascertaining the hiding places of concealed arms. The insurgents made every effort to capture this man, but he slept with our soldiers and they found it impossible.

"One day he and his wife and daughter, a young girl of about 15 years, went in a small vehicle, about as large as one of our buggies, to a little town not far off on a visit. Tecson's men were lying in wait for them and captured them, and they took these two women and this man out into the fields and brought them before a guerrilla chief, who ordered the three to be thrown down a well 35 feet deep. We recovered their bodies a short time afterwards. We captured the murderers and hanged every one of them. [Applause.]

"I believe it is safe to say that there has never been a war in this world where the people have shown such patience and such humanity as have the United States troops in the Philippine Islands. [Cheers.] With very rare exceptions all the men executed have been executed after a fair trial before a military commission. They had counsel to defend them where the case has gone before the commanding general for final review.

"Of course there have been exceptions, but probably not more than a dozen altogether, where men caught red-handed in the commission of a crime have been summarily executed. But that is done in every war; it was done in our own civil war; it has been done in every war that the world ever saw. But these cases have been very rare.

"I suppose that as many as 700 men in the Philippines have been tried and sentenced to death for murder by our military commissions, or probably three-fourths of them for murder. Of those, not more than 200 have been executed. The sentences of the others have been commuted to imprisonment for a number of years, and others for various reasons have been allowed to go free.

"I do not want to say anything brutal, but, as I say, the Army feels bitterly about this business. I have no quarrel with the man who thinks that we should not at first have taken the Philippine Islands; I have no quarrel with the man who thinks a whole lot of things, but who does not say too much about it now; but all those men who have been writing and talking about this thing and keeping this warfare alive and in the field to-day—I say that I would rather see any one of these men hanged—hanged for treason, hanged for giving aid and comfort to the enemy, than see the humblest soldier in the United States Army lying dead on the field of battle. [Applause and cheers.]

WHY NOT WAIT UNTIL ARMS ARE LAID DOWN.

"Those of us who have served with these humble men, these magnificent soldiers, these faithful fellows, feel for them in a way that others can scarcely understand.

NOT FIT FOR SELF-GOVERNMENT.

"It can not be said that these people are fit for self-government. It is perfectly ridiculous to imagine such a thing. Of course, they clamor for it, and, of course, when I say they are not fit for self-government, I do not mean that they are not fit for some such government as has been given to them under Judge Taft, but I mean absolute independence. No; there is no comparison between the Cubans and the Filipinos as far as their capacity for self-government is concerned. I don't lie awake nights admiring the Cubans, and I know them pretty well, but it can not be denied that the Filipino insurgents have not and never had among them such men as that magnificent Maximo Gomez, such a man as Garcia, or such a man as Lacret, and dozens of other insurgent chiefs—such men as Palma, who was one of their leaders in the rebellion of '68.

"These men will see that Cuba is taken care of all right. Garcia put into it every cent he had, with the exception of a few thousand dollars which he gave to his wife to live; the same with Maceo, the same with dozens and dozens of other insurgent leaders.

"Some of them were not worth much, perhaps, but there have been absolutely no men in the Philippine Islands, if we except Antonio Luna, now dead, and Pablo Tecson, who is still living, who have character and real patriotism enough to enable them to form a government over there and keep it going for as long as six months.

OUR WITHDRAWAL MEANS CHAOS.

"If we withdraw from the Philippines to-day, withdraw entirely, and not establish a protectorate, there would be half a dozen kinds of civil war inside of six months. There is no possible doubt of that. Every chief would gather his followers about him, and they would burn and loot and march up and down the country, each man killing those opposed to him, and we would have another Colombia or Venezuela or some other kind of South American trouble on our hands at once, and the world, I am sure, would hold the United States responsible for that."

STORY OF THE CAPTURE OF AGUINALDO.

In response to an urgent demand General Funston proceeded, with much reluctance, to tell the story of his capture of Aguinaldo. He said in introducing his remarks: "Of course you know it was what they call 'a dirty Irish trick' on Aguinaldo." [Great laughter.]

"Aguinaldo," General Funston continued, "told me that he had never returned anywhere near the vicinity of Manila after he had been chased northward by General Lawton. [Cheers for Lawton.]

"He had retired to the little village of Baler, near the northeast coast of Luzon, across an almost impassable range of mountains, and there, accompanied by, I believe, 8 officers and 40 soldiers, had settled down in this small village, which was 50 miles from the nearest town garrisoned by Americans, and I can tell you that 50 miles over those mountains is farther than from here to San Francisco on a Pullman car." [Laughter.]

Then followed the story of the capture of Aguinaldo's letters and the inception and execution of the plot to penetrate his stronghold and capture him. As to his command being disguised, General Funston said, "There seems to be a very general misapprehension of the fact that we had gone to Aguinaldo clothed in insurgent uniforms. The fact is that we had been accustomed to going about in all sorts of uniforms, and sometimes with no uniforms at all. We were merely dressed as if we had gone out to-night in evening clothes, to shoot people, and then come back and hidden our Mausers, and put on regular working clothes again. But we took along some insurgent uniforms, probably about twenty, although not more than half a dozen were worn at all; and it is a fact that having those insurgent uniforms with us had no bearing on the success of the expedition. The insurgent uniform, by the way, was merely the uniform of the Spanish army. They had these uniforms because they had captured them when they drove the Spaniards out of the towns of central Luzon, and consequently when the insurgents began fighting us they uniformed every man in Spanish uniforms, and I do not know but that we had about as much right to put that uniform on the Macabebe soldiers as had the insurgents to wear it. That is a question worth thinking about."

In substance General Funston's account of his expedition was what we have already had, but there were some things of special interest in it and we give the following:

"Hilario Placido and three other officers who accompanied us had been insurgents, two of them had been captured about three months before and the others had voluntarily surrendered. No particular inducement was offered to them to join us, except that we told them we would reward them pretty well and we would have a pretty good time. [Laughter.] They were not informed as to the actual purpose of the expedition until we had sailed from Manila, as it was not considered advisable to take too many into our confidence.

"However, we sailed from Manila on the *Vicksburg*, and, by the way, it was a lucky thing for us to get such a ship as the *Vicksburg*, and so fine an officer as Captain Barry in command of her, and such a lot of sailors as manned her, because if we had to depend on any merchant ship in the world, or any picked up crew of men, I don't know what in hell we—I mean we would never have put that expedition through successfully. [Great embarrassment on Funston's part as he caught the Rev. Dr. Minot J. Savage's eye.]

"The country between the place of disembarkation and his camp was almost impassable mountains—mountains which had never been crossed by a white man, except one, by a Jesuit priest, about twenty-five years before. The country was inhabited mostly by savages, but there was about twenty miles north of our landing place a village known as Casiguran, a small town of not over 500 people. They had a presidente, or mayor, as we would call him, and a small force of insurgent soldiers.

"Before disembarking from the ship we five Americans were dressed entirely as private soldiers, in the uniform of the United States Army, but with no insignia of rank. Each man wore a campaign hat, a blue shirt, and a pair of khaki trousers, and carried no extras, I believe, but a few that did not weigh very much anyhow, and when we reached Casiguran we were turned over to the Casiguran authorities and put in the town jail. In case I ever run for office back in Kansas I do not want that fact brought out.

"It had been our hope that in this town of Casiguran we would be enabled to obtain some provisions that we could carry, but we found the people there living almost exclusively on sweet potatoes and fresh fish. For obvious reasons it was impossible for us to carry enough of those articles to last for seven or eight days.

"It is too long a story to go through—that terrible march. We left Casiguran unable to obtain a full supply of cracked corn; we left with what would be about a three-days' ration, counting on two meals a day, and with probably one day's ration of dried meat. We simply thought we would take chances. If the march had lasted another day, if we had been 20 miles farther away, not a single one of us would ever have got out of the country alive. When we finally reached our destination some of the Macabebes had given up, some of them were crawling on all fours, and I myself had to lie down every half hour for a minute or two, so weak that I could not walk.

"For the first six days we made this cracked corn hold out, with the dried meat; then we caught small snails and ate them; we scraped limpets off the rocks and ate them, for we were marching along the sea, and I regret to say that we also ate an octopus. I know the octopus is supposed to live in New York, and therefore I am afraid to speak about that. This octopus is a sort of small devilfish, and the Macabebes made a stew of it. I took some, and I do not believe I care for any more.

"Hilario Placido, who had been an insurgent officer, who had been shot through the lungs early in the war—back in 1899—was personally acquainted with Aguinaldo, and was standing next to him when the firing began. In the meantime Sigismondo had gone outside and ordered the firing.

"IS IT A JOKE?" ASKS AGGY.

"When the firing began Aguinaldo thought his own men had ordered the fire to greet the reenforcements they were expecting, so he stepped to the window and said:

"'Stop that foolishness.'

"Then Hilario Placido hurled him to the floor and said: 'You are a prisoner; keep still.'

"About that time we five Americans got into the room and Aguinaldo got on his feet, and he was a very mellow individual. He was fearfully excited, as a man would naturally be under those circumstances. He asked us to protect him, and I assured him that he would be protected. He said:

"'This is not true? This is a joke?' I said:

"'No; this is not a joke; this is the real thing.' [Laughter.]

"The turmoil was all over in a very few minutes, but the Macabebes were wildly excited. They had been under a terrible nervous strain, and especially for an hour the situation was very trying for them. They ran around like wild men, and insisted upon hugging us and calling out in Spanish: 'What's the matter with the Macabebes? They're all right. Who's all right? The Macabebes.'

"You will understand that these men had very little faith in the outcome of the expedition. We did not explain to them what we were going to do until we sailed from Manila. They feared that none of us would ever come back, and it was simply by cajoling and threatening also that we kept them up to it.

"They were men no better, nor any worse, than the other Filipinos. They were simply Filipinos and did not constitute a separate tribe, but simply belonged to a certain village; they have never been insurgents simply because of the lack of opportunity.

"The Macabebes had recognized Aguinaldo and were anxious to kill him. They had no particular spite against the other insurgents. It was in 1897 that 300 Macabebes were penned up in a church and burned to death by an

insurgent force under Aguinaldo, and that is the reason they felt so bitterly toward him personally.

"However, we took every possible precaution to protect the prisoners from harm, and treated them with all consideration. They appeared very much surprised that they were not put in irons, and they asked if they were to be sent to Guam—evidently they had heard of that cheerful resort—and also if they were to be executed. We told them that it was very unlikely, but that it would depend very much on their own conduct.

"Just as we reached the coast we saw a black speck of smoke away out at sea, and we knew that the Navy was doing things right, just as it usually does them. The *Vicksburg* steamed in within 2 miles of the shore, it not being safe to come closer; so we arranged a signal. We had brought down with us a bed sheet, and this was rigged on a bamboo pole, and we signaled: 'We have him; send boats for all.'

"We watched with our glasses the signal on the *Vicksburg*, and finally we spelled it out:

"'Bully! We are coming.' But a tremendous surf was running, and we had very serious doubts as to our ability to get on board the ship. All of the ship's boats except the steam launch were lowered, and they came through that surf; and honestly it seems to me as if it was half as high as this room; maybe it was higher; I don't know. One of the boats turned upside down, but finally they came through the surf, and the men cheered and yelled.

CAPTAIN BARRY IN THE FIRST BOAT.

"The commander was in the first boat that came through.

"We ran up and of course there were very cordial greetings. It seemed to me those men never stopped howling and yelling; they just went through the surf and they were drenched through and through from head to foot, but that didn't make any difference. When they got through with their boats they just yelled and whooped it up.

"We got out with a great deal of difficulty. A couple of trips had to be made, but fortunately we got through without any accident at all, and we were finally on board the *Vicksburg*, all drenched through from head to foot. The officers lent us some clothing and we sat down to a very good dinner, and two days later we turned the late lamented Emilio Aguinaldo over to General MacArthur.

"I had a most important talk with Aguinaldo on the way down—and, by the way, he is a very reserved, cautious man, says very little, and you have to get everything out of him by questions. Barcelonia was very talkative, and consequently we concluded that what he said was not of a very great deal of value.

"The most important thing that we got out of Aguinaldo was in his mellow moment, about half an hour after his capture. Just as soon as things calmed down I went to talk with him, before he got his wits collected, and so I asked him a few questions, a little bit impressively. Of course we had all heard this story to the effect that Admiral Dewey and various consuls and naval officers had promised the Filipinos independence. As far as I am personally concerned, Dewey's denial of that thing settles it with me. [Cheers and applause.] But just to see what Aguinaldo would say I asked him the question direct:

"'Did you ever have any promise from anybody, any American Army or Navy officer, that the United States was going to recognize the Filipinos?'

"He hesitated and stammered, and said—this is in confidence; I did not know I was going to tell about this at a Lotos Club dinner; this is between ourselves. [Cries of "Of course."] He said:

"'No, nobody promised us anything; but we had faith in the generosity of the American people.'" [Loud cheers and applause.]

Mr. VEST. Mr. President, I do not rise for the purpose of participating in the present debate, which I am very sorry to say has degenerated somewhat into a sectional discussion. I see, however, in the CONGRESSIONAL RECORD of this morning a statement by my friend the senior Senator from South Carolina [Mr. TILLMAN], made yesterday, which I feel compelled to notice in justice both to the living and the dead.

It seems from the RECORD that the Senator from South Carolina made the statement, which has been found in the public press and heard from the lecture platform for the last three years, that at the historic conference in Hampton Roads during the year 1864 between Abraham Lincoln and William H. Seward, President and Secretary of State of the United States, and Alexander H. Stephens, Vice-President of the Confederacy; R. M. T. Hunter, formerly a United States Senator, and John A. Campbell, formerly a justice of the Supreme Court of the United States, Mr. Lincoln wrote upon a blank sheet of paper the words "Save the Union," and then handed the paper to Stephens, saying, to quote the language of the Senator from South Carolina, "Aleck, take this paper and fill up for yourself the conditions of peace between the two sections."

This remarkable assertion was called to my attention some two years ago in a lecture delivered by that eloquent and very distinguished gentleman, Col. Henry Watterson, of the Louisville Courier-Journal, when he paid the highest tribute to the life and public services of Abraham Lincoln. Colonel Watterson, beyond any question, believed the statement to be true, and said that it came from a neighbor of Alexander H. Stephens, who had the incident from Mr. Stephens's own lips. Hon. John H. Reagan, some few years ago a member of this body from the State of Texas, and the last surviving member of the Confederate cabinet, having been postmaster-general for four years, in an open letter to Colonel Watterson denied the truth of this statement upon information derived from the commissioners of the Confederate States themselves.

Mr. President, I know personally, without having been present at that celebrated interview, that the incident is without the slightest foundation. If true, it would place the Government and officers of the Confederate States in the category of criminals, because, if true, the Confederacy was offered all that it ever demanded in the wildest hopes of the most extreme partisan of that war, if they would only return to the Union. In other words, to show how absurd the statement is upon analysis, it would mean that the Confederacy could have placed upon that blank sheet of paper the perpetual establishment of slavery, the right of secession, the most extreme demand that had ever taken locality even in the dreams of any Confederate.

I happen to know from the lips of two of the commissioners, Alexander H. Stephens and R. M. T. Hunter, that no such incident ever occurred between the representatives of the United States and of the Confederate States at Hampton Roads. Upon the return of the commissioners of the Confederacy I heard their official report, as Mr. Reagan heard it, he being a member of the cabinet, while I was a member of the Confederate senate, and I am to-day the only surviving member of the 26 gentlemen who acted as Confederate senators.

What did happen at Hampton Roads beyond question was this: When the commissioners, if I may so term the President and the Secretary of State of the United States, met the commissioners of the Confederacy, Mr. Lincoln, addressing himself to R. M. T. Hunter, whom he knew very well, said, "In the first place, gentlemen, I desire to know what are your powers and instructions from the Richmond Government?" avoiding, as Mr. Hunter told me himself, the words "Confederate States," but terming the Government that of the Richmond Government. Mr. Hunter, to whom the inquiry was addressed, said, "Mr. President, we are instructed to consider no proposition that does not involve the independence of the Confederate States of America." "Then," said Mr. Lincoln, "the interview had as well terminate now, for I must say to you gentlemen frankly and honestly that nothing will be accepted from the Government at Richmond except absolute and unconditional surrender. I may add," he said, "as the Chief Executive of the United States, in addition to this, that if you lay down your arms and submit to the authority of my Government I will exercise the largest Executive clemency to the leaders and generals of the Government at Richmond."

This terminated the interview, and as the commissioners of the Confederacy retired from the chamber, Mr. Lincoln, addressing Stephens, who was the last to go out of the room, said: "Stephens, you are making a great mistake. Your Government is a failure, and when the crash comes, as it soon must come, there will be chaos, and disasters which we can not now foresee must come to your people."

This account of that interview substantially and almost word for word as I have given it came to me from Alexander H. Stephens and R. M. T. Hunter—one Vice-President of the Confederate Government and the other president pro tempore of the Confederate senate.

But, in addition, to put this matter beyond all sort of dispute, Judge Campbell, than whom a more honest and frank and trustworthy man never lived, took down in pencil at that interview, word for word, what passed between the commissioners. I heard of the existence of that paper after the return of the commissioners, but I never had any interview with Judge Campbell upon the subject. However, his account in writing was exhibited to many of his friends in the city of Richmond, and among others to the Hon. James L. Pugh, the predecessor of my friend the junior Senator from Alabama [Mr. PETTUS] at this time, who read that account and who has stated to me often that it contained almost exactly the same description of the interview which I have attempted to give to-day.

I repeat, Mr. President, that I have considered it my duty to make this statement in order that history may not be falsified, in order that the men who were said to have refused this offer at the hands of Mr. Lincoln should not be made to sin in their graves, for if they had refused what was said to have been tendered to them by the President of the United States they would have been accessory to the murder of every man who fell from that time in defense of the Confederate cause, and they would have given the lie to the intentions which they professed when they risked everything, everything that is held dear amongst men, in defense of the Confederate cause.

It may be but a very short time until I shall join the 25 colleagues I had in the Confederate senate, and I do not want this statement, which I have no doubt the Senator from South Carolina believes to be true, to go into the records of this country without my statement of these facts and my solemn denial that there is the shadow of truth in this assertion which has been going the rounds of the newspapers of the country for the last few years.

Mr. CARMACK obtained the floor.

Mr. BERRY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. CARMACK. With pleasure.

Mr. BERRY. Mr. President, the Senator from Missouri has very properly corrected, in the interest of truth and in the interest of history, a statement made by the Senator from South Carolina on yesterday. I desire for the same reason to correct a statement of more recent history made by the Senator from Maryland

[Mr. McCOMAS] on yesterday, which I find in the RECORD this morning.

The Senator from Maryland in his speech said "the minority have in a prolonged debate ignored all history, ignored the treaty most of them helped ratify."

Now, Mr. President, the speech of the Senator from Maryland was a prepared speech.

Mr. McCOMAS. That should be "some of them."

Mr. BERRY. Ah! I spoke of it as I found it in the RECORD. The Senator said "most of them."

Mr. McCOMAS. I should have said "some," if I did say "most."

Mr. BERRY. I wish to state that on the ratification of the treaty every Democrat voted either for the ratification or against it or was paired. There were 10 Democrats who voted for it, 25 who voted or were paired against it, and of those who were then known as Populists and Silver Republicans there were 4 who voted for it and 3 who voted against it. Instead of its being "most of them," as I found it in the RECORD, the statement I have made is correct, that there were only 10 Democrats who voted for it, while 25 voted against it.

I did not wish the statement to go uncorrected in the RECORD, that a majority of the Democrats had voted for that treaty when the facts were otherwise.

Mr. McCOMAS. I wish to say to the Senator that I will make that correction. I did have it in my manuscript "most." What I said here was "some." The RECORD is wrong. I will have the correction made.

Mr. BERRY. I said that I found it in the RECORD.

Mr. CARMACK. Mr. President, I shall occupy the time of the Senate to-day only for a short while.

I listened with rapt and attentive ear to the labored eulogium which the Senator from Kansas [Mr. BURTON] paid to his friend and hero General Funston. If it will satisfy that Senator to know that he has proved General Funston to possess the qualities of physical courage and physical endurance, I freely concede it. If a few acts of reckless dare-deviltry in the Philippine Islands or elsewhere are enough to make a man a hero, he is entitled to his laurels. I do not dispute anything the Senator has said or that anybody else may say bearing upon the one question of General Funston's physical courage. I am as ready as any man in the country to honor an exhibition of military courage, though as a matter of fact it is the commonest quality of our race, and there are very few men who do not possess it. In an army of 100,000 men gathered from any part of the United States you would not find a thousand, and I do not believe you would find a hundred, cowards. So I say the quality of physical courage, of military courage, is not so very rare that we are to make a demigod of every man who demonstrates the fact that he possesses it.

There is another type of heroism probably as noble as that of the swordsman. The engineer who meets death with his hand on the throttle, the fireman who rushes through flame and smoke to save a woman or a child—the physician, and I have known many of them, who goes into the midst of the pestilence through weary weeks and months, facing death every moment of every hour, day and night—each of these is a hero; but because he is a saver and not a destroyer of life, he does not think that he is the lord of the universe; he does not think that the earth is his, and the fullness thereof; he does not believe that he has been licensed to scourge and kick all mankind into an humble submission of any views he may choose to express, or offer to hang every man who does not agree with his opinions.

So far as I am concerned, Mr. President, I shall never consent that any man shall have unlimited license to insult and slander and defame simply because he has swum a river or charged a fort.

The Senator from Kansas makes pathetic reference to the fact that General Funston's lips are sealed. Who sealed his lips, and how did they come to be sealed? The Senator simply draws attention to the fact that Funston's slanderous and licentious tongue had made him such a common nuisance, had caused such shame and a scandal to the Army and to the Administration, that the President of the United States, in the interest of common decency, was compelled to muzzle him.

The Senator seems to think that I am lacking in magnanimity because I attack a man whose lips are sealed. But what difference does it make that Funston's lips are sealed, so long as the mouth of his Senatorial champion gapes wide as Erebus? What difference does it make that Funston is extinct, so long as the Senator from Kansas is in constant eruption, belching forth fire and smoke and melted lava from his agonized and tumultuous bowels?

Why, sir, so long as Funston has such able champions and defenders on the floor of the Senate whom a man must encounter every time he mentions the name of this doughty hero, I think it an act of dare-deviltry worthy of anything that Funston ever did in the Philippine Islands to assail him on the floor of the Senate. I do not want to boast of my own exploits, but I think the bravest act, the most heroic act that any man ever did was when I dared the vengeance and the wrath of the distinguished Senator from Kansas by expressing my opinion of Funston. Why, Mr. President, as the hangman's assistant he is almost as much an object of dread and horror as the hangman himself. There is a suggestion of the dull, sickening thud in the very tones of his voice; that as he shook his grisly forefinger in the air I could almost see the grease of the gallows dripping from the end thereof.

But I have no desire, to waste any words on Funston. Perhaps, sir, the curse of silence which the President has laid upon his remorseless and incessant larynx is as much punishment as he should be called upon to endure. I hope, now that his attention has been withdrawn from the sound of his own voice, he may have an opportunity for quiet reflection that may teach him that even heroes have no right to slander and defame public men for daring to express their opinions upon a public question.

The Senator proceeded to read at great length testimonials to Funston's character, and he proceeded to read from his Lotus Club speech, the speech which caused the President to put the extinguisher upon his light, or rather upon his mouth, in which he charged that every leader of the Filipinos was a murderer and an assassin, and in which he made the charge that Aguinaldo had burned 300 people alive at one time.

Now, Mr. President, in my opinion, when General Funston made that accusation he willfully and deliberately and premeditatedly lied. I do not believe that there is one word of truth in it. Stop for a moment and think what is involved in this charge, that Aguinaldo was and for a long time had been a common murderer and an assassin, that he had burned 300 people alive at one time. All this is said to have occurred before the American Government engaged in its war with Spain.

Aguinaldo was the man whom Dewey sent for, with whom he sought cooperation, whom he helped to arm and place in charge of an army of 20,000 or 30,000 men and turned them loose in the Philippines when there was not an American soldier there. A common murderer, common assassin, common thief, a man who was in the habit of burning people alive by the wholesale, is the man whom Dewey selected, whom Dewey armed, whom Dewey helped to organize an army and turn loose in the Philippine Islands when there were thousands of Spanish women and children, noncombatants, absolutely at his mercy and at the mercy of the fiendish chiefs and subordinates who constituted his following, according to the statement of General Funston. If that is so, Admiral Dewey violated all the rules of civilized warfare, and instead of being honored as a hero he ought to be court-martialed and turned out in dishonor and disgrace.

Mr. President, General MacArthur, Admiral Dewey, Dr. Schurman (the first president of the Philippine Commission), and Governor Taft (the second president of the Philippine Commission), all unite in denouncing these stories as absolutely false. General MacArthur says they are false. I am not attacking Funston simply because he does not agree with me upon this question. I say, from the evidence and from the record, the man is not worthy to be believed upon any question whatever.

Mr. President, before I take my seat, I wish to make just a few remarks upon another question, and that is the efforts to revive the passions and the bitterness of sectional hatred which have been made upon the other side of the Chamber. It is a deliberate purpose, a deliberate effort in pursuance of a deliberate plan, to divert this debate and to divert the attention of the people from the atrocities you have committed in the Philippine Islands, and which you are attempting to-day, with an almost incredible indifference to human suffering and to the honor of the American Government, to justify and excuse.

A few days ago we saw in the newspapers that the President of the United States had called the leaders of his party together and had demanded of them that they should abandon their policy of contemptuous silence and do something to break the force of the shameful revelations that were being made with reference to your conduct in the Philippine Islands. I suppose, sir, that it is in obedience to instructions from the White House that the effort is now being made to reopen the healed wounds of the country and to fan the flames of sectional hatred and of passion. I suppose it must have been the result of that conference, for a short time thereafter, before a single word had been uttered upon that side of the Chamber, it was given out in the newspapers that the policy of the Republican party would be to divert attention from what was going on in the Philippines by reviving all the stories of atrocities being perpetrated, or which had been perpetrated, in the South away back to the time of the war of secession.

We had been hearing of late a great deal about a reunited country. Are we to understand, Mr. President, that Republicans love the South only when there is a war to be fought and when soldiers are needed, and does your love of the South cease as soon as the war is over and no more Southern blood is needed to be shed in defense of the flag? I do not know; but I

know that at the very first opportunity you have had after the close of the war with Spain you again raise your hideous ensign of the bloody shirt, and again you seek to distract and divide the country into two distracted, hostile, and embittered sections.

Ah, Mr. President, the course of some Senators upon the other side, if it shall be followed by others—as I hope it will not—but the course of some Senators upon the other side of the Chamber seems to indicate that all of your professions have been but shallow hypocrisy, a mere whiting of the sepulcher, behind which are rottenness and dead men's bones.

When Senators upon the other side of the Chamber, who are flaunting the bloody shirt, make their speeches about Southern outrages pertinent to any question that is before this Senate, I shall be ready to meet every slanderer of the South and every defamer of its honor; I shall be ready to meet any man who calumniates the people among whom I was born, when he makes his remarks pertinent to any question before the Senate; and I care not, sir, whether the assault comes from some part of the country beyond the borders of the South or whether it comes from a recreant and degenerate son who has proven a traitor to the womb and the bosom of his mother. I shall be ready to meet him, but I will not be diverted from the issue that is now before the Senate by any number of miserable, crawling, slanderous falsehoods that may wriggle in the dust of this debate.

No man in the country could deplore more than I do any effort on the part of Senators upon the other side of the Chamber, or upon this side of the Chamber, to reopen any of these questions, which we had fondly hoped were buried forever. I am one of those who want to see all such questions hidden forever from the public eye. We have wrongs in our part of the country that we have to deal with; you have conditions in your part of the country that you have to deal with. For God's sake let us let each other alone. We will do the very best we can with the conditions with which we are beset. We are men of the same race and blood as yourselves; we will deal as best we can with the awful conditions that confront us in the Southern States. All we ask of you is not to make matters worse; all we ask of you is to let us alone.

Mr. President, I am not one of those who apologize for, or who attempt to condone or excuse many of the things that have occurred in my part of the country. I have sorrowed for them as much as any man in the United States. No man, I believe, of my humble position and capacity, has done more in the way of protest against lynchings than I have done. I have myself faced mobs; I have done everything that I could to prevent the lynching of negroes, or any other form of lawless violence in the Southern States. We are doing the very best we can on that question. You can not help us by denunciation upon the floor of this Senate. The very best thing you can do is to keep your mouths shut and let us alone.

Mr. President, there is only one view in which speeches of that character can be at all pertinent to the question that is now under consideration. What will Senators upon the other side of the Chamber prove for their cause in the Philippine Islands if they do succeed in proving every horror and every outrage they may allege with respect to the race question here in our own country? If you succeed in proving all the horrors that have been committed and all the crimes that have been perpetrated by reason of the contact of the Anglo-Saxon with the lower race, what does it prove for your policy in the Philippine Islands?

If Senators mean by bringing such things into this debate to justify their course and policy upon the argument that violence and bloodshed and cruelty are the inevitable result of a contact between the Anglo-Saxon and the lower races, it may be some excuse for a people who, without any purpose on their part; who, because of circumstances over which they had no control, have been forced into conflict and collision with a lower race; but it is no excuse whatever for those who would go 7,000 miles away to seek an opportunity for such a conflict with all the inevitable consequences that must ensue. If violence and tyranny and oppression are, as you seem to argue, the inevitable result of a contact between the Anglo-Saxon and the lower races, if that has been true in our own country, what do you expect when you go 7,000 miles away and attempt to establish your dominion over another lower and inferior race? What can you expect except constant tyranny and oppression, and the necessary result of war and insurrection, to be suppressed at the cost of the blood and treasure of the American people?

Mr. President, I shall not attempt at this time to make any extended reply to the remarks made by the junior Senator from Massachusetts [Mr. LODGE]. There were some things in the Senator's speech, however, which struck me somewhat strangely. I want to say, in passing, that upon one part of the Senator's speech, and that the part which he seems to consider the most vital and important in this debate, I must congratulate the Senator from Massachusetts. That was the part in which he convicted my friend [Mr. RAWLINS] of having said "Copernicus" when he should have said "Galileo." Here the triumph of the Senator from Massachusetts was complete. How he towered above my poor crushed friend from Utah in high and scornful consciousness of his own superiority!

The Senator from Massachusetts may not be able to detect a flaw in an argument, he may not see a gap in a logical progress from premise to conclusion, but let a man be guilty of a slip of the tongue, let him fail in a matter of grammar or of pronunciation, and he need expect no mercy from the Senator from Massachusetts. Mr. President, if I believed, as the Senator from Massachusetts seems to believe, that this question of Copernicus and Galileo was the vital point in this discussion, I should abandon this debate right here, but I really think, it is my honest opinion, that we may concede the point as to Copernicus and Galileo and still have a good deal of argument left.

As to the rest of the Senator's speech, if he is proud of his effort in defense of the American Army, as he called it, I think he will enjoy that satisfaction in solitude and alone. The Senator says that we are attacking the honor of the American Army, and doing it for mere partisan purposes. If the Senator from Massachusetts really believes that, it is simply because any other than a low, a narrow, and a partisan purpose is something he can neither appreciate nor understand. I think there are some men on this side of the Chamber who are just as honest and just as honorable as the Senator from Massachusetts.

Assailing the American Army! Because we do not exactly believe that the orders of Smith for the butchery of children, for the extermination of a whole people—because we can not agree that that is exactly wise and just and humane we are assailing the honor of the American Army! My opinion is that the man who stands up in this high presence and seeks to find justification and excuse for such atrocious practices dishonors the American Army and he dishonors the American Senate.

The most effective part of the Senator's speech was that in which he demonstrated that Nero did some things that Smith had not yet done. Why, he told us the old story of Christians being burned in the imperial gardens of Rome, and said, "We have not done anything like that in the Philippines." What a defense, Mr. President! What a defense, and to what depths we have descended when a man will stand up here in the presence of the American Senate and contrast the action of our American officers with the infamies of Nero in order to prove that they are comparatively humane? We have not acted yet as badly as Nero, or we have not acted as badly as the Tartars did. There are some instances in history of cruelty and inhumanity worse even than that of Smith! That is the Senator's plea.

The Senator said that he could remember when Grant was termed "a butcher." He is a little older than I am, and he can remember some things that I can not remember, but the inference seems to be that the time will come when those who are calling Smith a butcher will be compelled to retract their accusations and when Smith, like Grant, will become the idol of the American people.

The Senator brought forth an array of atrocities perpetrated against our own soldiers and of which our soldiers were the victims. That, he seemed to think, excused and justified the atrocities of Smith. Why, he said, we must think how these American soldiers are driven to rage and fury by the tortures and the cruelties perpetrated upon their comrades.

Mr. President, the Senator is attempting to shift the responsibility from the commanders to the soldiers. It is not true that these atrocities have been due to rage or to lust for vengeance on the part of the American soldiers. I say, as I said the other day, that against their own will they have been driven to it by the orders of their commanding officers. Smith himself, in a signed article in the Manila Critic, spoke of the conditions existing in this very province of Samar, and referred to the kindly relations existing between the officers and the soldiers on the one hand and the natives upon the other and of absolute confidence in the natives on the part of officers and soldiers. Smith came upon the scene. He came there with a preconceived opinion, as he declared in his article, that all these natives were enemies; that they were harboring secret treachery in their hearts; and he said he found it difficult to convince the officers and the men that these natives were anything else than white-winged angels.

Mr. DOLLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. CARMACK. Certainly.

Mr. DOLLIVER. If I have the transaction correctly, the massacre at Balangiga was where the peaceful neighbors turned out with bolos and killed an entire command of the American Army, at least a month before General Smith came to the islands, and the order of General Chaffee had devastated every town on the south coast of the island of Samar long before the expedition of Major Waller was ordered to cross that island.

Mr. CARMACK. I am speaking from General Smith's own language as to what the condition was when he went there.

Senators would seem to argue that all the soldiers and all the subordinate officers were burning with hatred toward the natives and with lust for revenge. General Smith himself declares that he found it almost impossible to convince the officers and the soldiers that the Filipinos were not white-winged angels, and he said to them, "All these people are secret traitors; they are secretly supporting the insurgent government and the insurgent army; and we must give them a lesson by showing them that war is hell." That is what General Smith said.

Now, sir, as to the massacre at Balangiga, horrible as it was, it gives no excuse whatever for an order of death which comprehended a whole province, which devoted a whole people to absolute extermination. I have read a statement made by one of the survivors of that massacre, a man who was commended and promoted for his bravery in that very fight. He was awarded a medal of honor for his courage upon that occasion, and he said that weeks before that occurred the captain there in command had seized a large number of natives, had put them into practical slavery, had compelled them to work all day upon the roads, had kept them confined all night—90 of them in two little conical tents, barely sufficient to hold 16 men each—had not allowed them to go home to visit their families, and that they had to be supplied with food by their families bringing food to their tents.

He says that the whole mood and temper and disposition of the people in that little town changed from the time this practice was begun; that the people became sullen and morose, and that he and other soldiers became very apprehensive on account of it that the people would rise up against them. That went on for about six weeks. Finally these people, who had been reduced to and held in slavery, and their friends and neighbors did take advantage of an opportunity and did massacre the American soldiers.

Mr. President, there can be no justification for that massacre; but, at the same time, I say that the uprising of the people in a single town—not a mere act of treachery on the part of pretended friends—but the uprising of men reduced to slavery, executing vengeance, although in a barbarous and treacherous manner, on their oppressors, is no excuse whatever for this brutal and inhuman order of Smith, devoting a whole people to indiscriminate massacre and extermination, an order to kill every male human being above the age of 10, to make the country a howling wilderness, and thus to leave the others to perish from slow starvation. That, sir, is the order which Senators have the devilish impudence to stand up in the presence of the American Senate and seek to justify or excuse, and when other Senators say it is cruel and inhuman, they are denounced as slandering the American Army.

Mr. SPOONER. Mr. President, does the Senator really think "devilish impudence" is a very parliamentary phrase?

Mr. CARMACK. No, sir; and I withdraw it. It is not. I beg pardon for it. I should not have used it,

Why, Mr. President, the Senator has been able to bring a great array here of atrocities of which our soldiers were the victims. I have no doubt that there are many such acts, some of them perpetrated by Filipino insurgents, many of them perpetrated by mere robbers, Ladrones, and outlaws swarming over that distracted country, and General MacArthur tells us that we must not make the mistake of confusing the outrages perpetrated by these mere robbers and outlaws with the operations of the insurgents.

The War Department has been exceedingly diligent; it has gone over the whole country with a fine-tooth comb to find every single outrage of which an American soldier was the victim, and it has been equally diligent in trying to conceal every outrage perpetrated upon the people of the Philippine Islands. What more could you expect of a people like that, not as highly civilized as our own, not having developed the power of self-control, when they are driven to desperation, when they are making their last desperate battle for liberty—what could you expect of such a people, when driven to the last ditch, except a resort to cruelty against their more powerful oppressors, and what could you expect, sir, when there has been practically no effort to stop the perpetration of cruelties upon the Filipinos themselves?

Why, sir, we have here a statement from the War Department of court-martial proceedings against American soldiers and American officers in the Philippines. I went down the list. In one column was stated the charge, in another the finding, and in the third column the punishment fixed by the court-martial. Here was one of the charges: Hanging natives by the neck—torturing natives by hanging them by the neck; finding of the court, guilty; punishment, reprimand. That was an officer in the American Army. Another case, same charge—torturing natives by hanging them by the neck; finding of the court, guilty; punishment, reprimand. There was a multitude of cases of officers of the United States looting and encouraging their men to loot; firing into a populous town and looting; punishment, reprimand.

But finally they determined to make an example. They thought things were getting so bad that they would have to make an example of somebody, and one fellow was tried and convicted of making assaults upon unarmed and helpless natives, and among them he assaulted a helpless Filipino girl, 14 years old, and they fined him $60. What can you expect, when you make no effort to put an end to the infamous and criminal practices that may be resorted to by lawless men in the American Army, except the bloodiest retaliation on the part of the Filipinos?

Sir, it has been proved here again and again that it is the constant practice to subject natives to the water torture, and I notice there has been a disposition to make light of the water torture. Some papers have said that it is simply a rough form of hazing. The water torture in precisely the same form in which it is executed in the Philippine Islands was a recognized form of torture to extort confessions back in the Middle Ages. It was not an invention of the Filipinos. It was an invention of a higher civilization than theirs and was carried by civilization to the Philippine Islands. It is a horrible form of torture when carried to excess, and the only way the victim can keep it from being carried to excess is by confession—either confessing the truth or confessing a lie. It makes no difference to his persecutors. He must confess that he is guilty or that somebody else is guilty in order escape this horrible torture.

We have had proved before our committee numbers of cases where absolutely innocent people were tortured, not because they had done anything, or because they knew anything, but because it was supposed that they might know something. A number of them have been tortured until it was found by their agony and their failure to confess that they could not know anything or they would have confessed—not one case, not two cases, but many cases. They had a regular water-cure detail, whose business it was to torture natives wherever they could seize on anybody who might possibly have some information, not that they had reason to suspect that they had such information, not that they had any reason to suspect they were in sympathy with the insurgents, except on the theory laid down by Smith and Bell and Chaffee that every man in the Philippine Islands was supposed to be guilty of insurrection until he had proved himself to be innocent.

The Senator from Massachusetts [Mr. LODGE] grows eloquent in his appeal for the friendly natives. He says we should have some consideration for our Filipino friends. We on this side of the Chamber, he charges, are thinking all the time of the welfare of the hostile Filipino. He demands that we shall give some consideration to the friendly Filipino. How much consideration have they had from Chaffee, from Bell, or from Smith?

How much consideration did Smith show for the friendly natives when he told his soldiers to go forth and slaughter every human being who came in their path without stopping to ask a single question? "Do not stop; do not waste time to inquire whether these people are friendly or not. As soon as you see a male human being who looks like he might be as much as 10 years old, kill him, and take no prisoners." Consideration for the friendly Filipino! Chaffee and Bell both declare that there are no friendly Filipinos. They say you must proceed upon the presumption that they are all unfriendly, and you must deal with them as enemies unless in certain proscribed ways, usually impossible, they prove themselves friendly, and if they can not do that they are to be dealt with as enemies.

We had before our committee the case of a friendly guide, a man who had been absolutely faithful, according to the testimony of the witness, who had guided the American forces to a place where he had said there was a force of armed Filipinos. When they got there, the insurgent forces had vacated the town and left. Then they asked this guide where they had gone. He did not know. They threw him down, whipped him, and put him to the torture, and when he had nothing to confess they repeated the operation until finally the commander saw that the man was honest, that he had told all he knew, and then they let him alone. There was a friend. But they thought perhaps he knew something which he had not divulged.

How many friends will you leave in the Philippine Islands by this policy you are pursuing? It may be, sir, as Chaffee and Smith and Bell all testify, that there are no people in the Philippine Islands who are friendly to the United States; but there might have been if it had not been for Chaffee and Smith and Bell. Their brutal and inhuman conduct has destroyed the last vestige of friendship and loyalty there ever was in the breast of a single Filipino.

Mr. DOLLIVER. Does the Senator from Tennessee mean to say that General Chaffee has given any such testimony, except as to a single hostile province, where General Bell's brigade was stationed?

Mr. CARMACK. Yes; I do, most emphatically. I say his statement comprehended the whole islands, the entire archipelago. "These islands" was his statement.

Mr. DOLLIVER. Will the Senator be kind enough to cite it?

Mr. CARMACK. I will bring it to the Senator. I did not expect to go so far in this discussion to-day when I started, but I can bring it here. It has been quoted, though, in this debate.

I think my friend the Senator from Utah quoted it. "The whole people"—that was his expression. That was the form of words he used. It was with reference to all the people in the islands. "The whole people" turning war traitors was one of his expressions.

There are the conditions. Senators say we are assailing the American Army. Mr. President, as I have said, the commands of these officers show that in their opinion the feeling of the common soldiers toward the Filipinos was too kindly; they were being driven on to perpetrate these outrages, and the soldiers who have been before our committee did not show any such feeling as that spoken of by the Senator from Massachusetts.

The Senator said, and he seemed to lay a great deal of stress upon it, that we have not proved any outrage in the Philippine Islands less than a year old. In the name of God, how can we do it? How can we prove what is going on now in the Philippine Islands, when we are not allowed, under the rule of the committee, to bring a single witness from the Philippine Islands?

Mr. RAWLINS. If the Senator will permit me, I will read the language of General Chaffee. It is in a letter dated—

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 30, 1901.

MY DEAR GENERAL HUGHES: I inclose to you a copy of the indorsement made by me on your letter of September 10, in which you refer to discharges from the First and Ninth Infantry.

At the bottom of page 1591 General Chaffee used this language——

Mr. DOLLIVER. What page?

Mr. RAWLINS. Page 1591 of the committee hearings.

The condition of mind of officers and men in these islands is largely in error, and they must be given to understand that they are in error; by which I mean their opinion is that the people are far more friendly than they really are, and that they are satisfied with our presence among them In a considerable sense this may be true: women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population, and they must not be trusted. It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action which can not be misunderstood.

Mr. DOLLIVER. If the Senator will permit me, that was addressed to the military commander in the remaining disturbed districts of the islands, and it falls very far short, even supposing it to apply to all the islands, of the statement of the Senator that General Chaffee said we had not a friend in the islands, for he says that the women and children are friendly; and in a domestic population such as has been described there that would indicate at least a degree of toleration on the part of the male inhabitants.

Mr. CARMACK. He says that perhaps 50 per cent are friendly; that they must be treated as enemies whether friendly or not. That is his statement. That while perhaps half of them are friendly, it is your duty to regard everybody as an enemy and force him to prove his loyalty. That is what Bell said. That is what Smith said. He has to prove by actions, and by certain specified actions, that he is friendly, and if he can not prove it he must be treated and dealt with as an enemy.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. I am certain the Senator does not mean to misinterpret General Chaffee's meaning. General Chaffee, in the letter from which the Senator has quoted, explains his purpose, reason, and meaning in saying that everyone is to be suspicioned. He goes on and says it is for the purpose of vigilance:

I hope you will take measures to arouse the officers and men to a sense of their responsibility and the fact of extreme vigilance. They can be vigilant without giving offense, and this is what I mean.

That is all there is in the injunction to suspicion—merely that extreme vigilance should be exercised, and it is followed with the express injunction to be vigilant without giving offense.

Mr. RAWLINS. Will the Senator from Tennessee permit me?

Mr. CARMACK. I yield to my friend.

Mr. RAWLINS. I will read further, in order that General Chaffee's meaning may be correctly interpreted, this language in the same instructions to General Hughes:

While I do not urge inhuman treatment of any person in these islands, it is necessary that we be stern and inflexible, and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary, and that is the wholesome fear by these people of the Army, and that every hostile motion of any inhabitant toward the troops will be quickly and severely punished. This does not interfere at all with our cordial support of the civil authority in these islands; on the contrary, it is the very best aid that we can afford for the establishment of civil government.

I have all the time thought that we do not appreciate the fact that we are dealing with a class of people whose character is deceitful, who are absolutely hostile to the white race, and who regard life as of little value, and, finally, who will not submit to our control until absolutely defeated and whipped into such a condition. It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable. It will probably cost us a hundred lives to get back the guns lost at Balangiga.

Mr. FORAKER. Will the Senator from Tennessee allow me?

Mr. CARMACK. Certainly.

Mr. FORAKER. Mr. President, I think it is due to the truth that another fact should be noted in this connection, and that is that this letter which has been under consideration was written two days after the disaster at Balangiga, and it had reference to that disaster, a disaster which the Senator himself, a few moments ago, described as the result of treachery, a massacre that was absolutely indefensible. It was evidently—and on the face of this letter it so appears—the purpose of General Chaffee to charge his subordinates to be more vigilant, to the end that the lives of American soldiers might be protected and that there might be no more surprises. In that behalf the letter commends to them the idea of regarding everybody with distrust, in view of the character of the people with whom they had to deal, and to do that, however, without giving offense any further than was necessary.

Mr. CARMACK. That has reference to the very point I am making. The Senator from Massachusetts was appealing to us in the most eloquent terms to look after the interests of the friendly natives in the Philippine Islands, and here are the orders of our generals—and that was the order, likewise, of Bell, as it was of Smith, long before this atrocious order was given—to regard all the people there as enemies.

Chaffee did not speak simply of Samar; he did not speak simply of certain provinces, but of all—of the whole islands, of all the people—who were to be regarded as enemies of American sovereignty, and Smith and Bell proceeded upon that assumption. Senators talk about looking after the interests and protecting the welfare and preserving the lives of friendly natives, and yet an officer, a general in the American Army, issues a general order to kill everybody, to make the whole country a howling wilderness, to kill every man and child as you come to him, without pausing to ask a single question. How much consideration was there in that for the friendly natives? How much consideration for the friendly natives when you seize upon a man without any knowledge whatever of his antecedents, just upon the supposition that he may possess some information, and subject him to mediæval tortures in order to extract information that he does not possess?

The plain truth of the matter is that you have been conducting an indiscriminate warfare against a whole people, without seeking to make any distinction whatever between combatants and noncombatants, between friends and foes, a war which has been conducted upon the principle of destroying the fighting force of the people by the extermination of all who are able to bear arms, whether they are bearing arms or not, whether they are enemies or not, whether they are hostile to the American people or not. If they are old enough to bear arms, if they are 10 years old, kill them as soon as you see them, without asking a single question.

That is what Senators upon the other side of the Chamber seek to justify and excuse, and when we denounce it, when we say it is inhuman and brutal, they say we are assailing the honor of the American Republic. I repeat, the man who stands here to excuse it is assailing the honor of the American nation and the American Senate.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. With pleasure.

Mr. FORAKER. I dislike exceedingly to interrupt the Senator, but he has said not only once but repeatedly that Senators on the Republican side of the Chamber have been seeking to justify the order to which he refers as an order given by General Smith. I have not participated in the debate, and so I know he could not have referred to me.

Mr. CARMACK. Of course not.

Mr. FORAKER. But I have been present and have listened to the speeches delivered by Senators on this side of the Chamber, and I have not heard any Senator seek to justify any such order, if it shall prove that such an order has been given. On the contrary, I have heard every Senator who has spoken on this side say explicitly that he did not justify or excuse any such order, and particularly did the Senator from Massachusetts make that statement in the course of his remarks a few days ago.

What the Senator from Massachusetts undertook to do and what other Senators have undertaken to do has been simply to show that this is not the first time in the conduct of war that barbarities have been perpetrated.

Mr. CARMACK. Mr. President——

Mr. FORAKER, I know I am trespassing unduly.

Mr. CARMACK. I am not trying to interrupt the Senator. I merely wish to ask him a question.

Mr. FORAKER. Certainly.

Mr. CARMACK. I should like to know of the Senator what good it does to show that like or worse barbarities have been perpetrated at other times? What good does it do to show what Nero did?

Mr. FORAKER. I do not know which Senator showed what Nero did.

Mr. CARMACK. The Senator from Massachusetts.

Mr. FORAKER. And I do not know just what was the application of the Senator who showed what Nero did of that fact. But Senators, in the latitude which we take here in debate, have been simply, in that connection, undertaking to point out what human nature is—what you may expect when the passions are aroused by war—and they have undertaken to point out that while such an order as General Smith is alleged to have given is utterly indefensible and not to be justified by anybody, we should bear in mind that there may be extenuating circumstances under which such an order may have been given or on account of which barbarities which have been pointed out may have been committed.

Mr. CARMACK. There were and can be no extenuating circumstances whatever for the massacre of a whole people, including little children.

Mr. FORAKER. Will the Senator allow me for just a moment? I dislike to interrupt the Senator and to inject into his speech what he may not want to have there, but if he will allow me to interrupt him to the extent of a very few minutes, I will point out that not only is this not the first time when barbarities have been practiced, but that it is not the first time when speeches such as that which was made by the Senator from Massachusetts have been made on account of them. I do not know whether or not the Senator is familiar with what is known as the Chivington massacre.

Mr. CARMACK. I am not.

Mr. FORAKER. But the junior Senator from Colorado is very familiar with it, and if I do not state it correctly I will thank him to correct me.

Some time during the sixties, I believe it was, in the State of Colorado, to repel the Indians who were attacking the frontier, a regiment of volunteers was raised. The commander was a Colonel Chivington. He pursued the Indians. He fought them and he massacred them. The story of that massacre is one of the most revolting that can be found anywhere. He massacred men, women, and children. The story is not only revolting, but it is almost incredible, such were the brutalities practiced. Not only were men, women, and children killed, but they were mutilated after they were killed. They were disfigured in every possible manner.

Mr. CARMACK. By American soldiers?

Mr. FORAKER. Every shocking brutality that was possible was committed.

Mr. CARMACK. By whom? By American soldiers?

Mr. FORAKER. By these volunteers under the command of Colonel Chivington.

Mr. CARMACK. Was he an officer in the Regular Army?

Mr. FORAKER. No; he was a volunteer officer called to the command of these Colorado Volunteers.

Mr. PATTERSON. Will the Senator from Tennessee permit me?

Mr. CARMACK. Certainly.

Mr. PATTERSON. I do not desire to take the time out of the time to be occupied by the Senator from Tennessee to enter into a discussion of what is known as the battle of Sand Creek. Perhaps as the discussion progresses I may have occasion to refer to it and to show the marked difference between anything that occurred there and the things which are occurring in the Philippine Islands.

Mr. FORAKER. What I want to do is to call attention to the fact that here was a massacre, here was a barbarity, and then there came a speech on account of it, and I desire to show that the speech made on account of it by the junior Senator from Colorado [Mr. PATTERSON] was not in that respect unlike the speech made by the Senator from Massachusetts.

Mr. CARMACK. I should like to know how long the speech is before the Senator reads it.

Mr. FORAKER. That is a very legitimate inquiry under the circumstances, but I will say to the Senator from Tennessee that I wish to read only one paragraph, and that a very short one.

In the course of his remarks the Senator from Colorado, then a member of the House, used this language:

> But I simply ask these men who have been filling this House for days past with stories of atrocities of whites to the Indians to recollect that which produced the state of mind and prompted the brave men of the West for a single moment to forget what was due to the weak and the helpless of any class of people, Indians, blacks, or whites, and become almost fiends themselves. There is palliation for it, there is excuse for it, but to the cause, the direct cause of it, if the cause ever be placed where it belongs, was the inefficiency of the bureau and the men who had control and charge of the Indians of that day and who failed to do their duty by the white men and white women and white children of the frontier.

Mr. HOAR. Will the Senator kindly give the volume and page from which he reads?

Mr. FORAKER. I am reading from volume 4, part 3, Forty-fourth Congress, first session, page 2635. That was in 1876.

Mr. SPOONER. I should like to ask the Senator from whose speech he read?

Mr. FORAKER. I have read from the speech of Mr. PATTERSON, who I understand is the junior Senator from Colorado. He was then a member of the House of Representatives.

Mr. SPOONER. I did not understand that.

Mr. PATTERSON. I am pleased to say that that was my speech. There is no mystery about it.

Mr. FORAKER. I do not cite it for the purpose of criticising the Senator from Colorado at all. I think it is a very natural speech under the circumstances; I think it was a very justifiable speech under the circumstances; but I think if his speech was a proper speech under the circumstances, so, too, was the speech of the junior Senator from Massachusetts an entirely proper speech under the circumstances. I only cited it to show the similarity of thought and of speech.

Mr. PATTERSON. Will the Senator from Tennessee permit me one moment?

Mr. CARMACK. Certainly.

Mr. PATTERSON. The battle of Sand Creek followed the perpetration of the most inhuman atrocities upon men, women, and children by Indians upon the war path. Stages were stopped, men, women, and children were killed and mutilated. The wives of citizens of Denver were brought from the plains to their homes giving evidences of the most horrible atrocities that wild and inhuman men can perpetrate upon women. The Indians attacked the whites; they went where the whites were living, and where, I believe, it is conceded the white people had the right to be. They were there building up a State in the American Union, making laws and observing all the demands which could be made upon people by humanity and religion, when suddenly, without warning, the Indians broke out and committed these atrocities. We have gone with our ships and our soldiers and our cannon and our guns 8,000 miles away for the purpose of shooting an unwilling people into submission to a government that they have no cause to like and in which they are permitted no voice.

Mr. CARMACK. The Senator from Ohio began his interruption by the statement that no Senator upon that side of the Chamber had undertaken to excuse or justify the bloody orders of General Smith. Before he concluded he began himself to find excuses and justification in the butchery of a band of Indians, including women and children. There could have been no object whatever in the Senator's reading that statement to the Senate unless he had expected it to operate to some extent at least as an excuse and a justification for what General Smith is doing or has ordered his men to do in the Philippine Islands.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. CARMACK. Certainly.

Mr. FORAKER. I rose simply to inquire of the Senator if by his statement that Senators have been excusing and justifying this order he means only that which he now explains; that is, you have reference simply to the fact that the Senator from Massachusetts pointed out that there had been barbarities in connection with other wars, and as the Senator from Colorado pointed out the circumstances in connection with them?

Mr. CARMACK. I mean that, so far as the Senator from Massachusetts is concerned, the whole tenor of his speech was a labored piece of special pleading to excuse—I probably used too strong a word when I said justified—I should not have said that, but the whole tenor of his argument was a labored piece of special pleading to find excuse and palliation for the bloody and infamous and inhuman orders of General Smith. The Senator himself suggests that there may be mitigating circumstances for the issuance of a wholesale death warrant against a whole people without stopping to make any discrimination whatever between friend and foe.

The Senator says there may be extenuating circumstances. Mr. President, there can be no extenuating circumstances. The Senator from Massachusetts in the whole course of his speech not only was unable to suggest a single circumstance that mitigated or extenuated in the least degree this inhuman order, but he failed to suggest a single reason why this man Smith ought not to be hanged as a common murderer. He is not quite as bad as Nero was. That is the plea of the Senator from Massachusetts. He has not yet dipped men in pitch and lifted them up on poles to be burned alive. Smith has not done that. That is the defense of the Senator from Massachusetts. He has not lit the tar candles yet. He has done nothing but butcher in cold blood a whole people, including little children, leaving the women and the babes at the breast to starve to death in the land which he had made a howling wilderness.

That is the only defense the champions of Butcher Smith have been able to make on the floor of the United States Senate, and a man who says anything against Smith is dishonoring the American Army. Why do you not say that he is attacking the whole Smith family? Smith is not the American Army; Bell is not the

American Army; Chaffee is not the American Army, neither is Root the American Army. So far as I am concerned, I do not intend to be deterred by any slanderous imputation upon the motive of Democratic Senators from expressing my opinion of any of the brutal and inhuman wretches who have been perpetrating these atrocities in the Philippine Islands.

The Senator from Ohio says that it is just what is to be expected. Well, Mr. President, you knew what was to be expected when you went to the Philippine Islands.

Mr. FORAKER. Mr. President, I do not know that I understood the Senator or not, but I did not make any such statement as I understood him to impute to me just now. I understood the Senator from Tennessee to say that I had stated a moment ago—I suppose he meant——

Mr. CARMACK. Yes, sir.

Mr. FORAKER. That what is occurring is just what was to be expected. I did not make any such statement as that.

Mr. CARMACK. I understood the Senator from Ohio to say not that the order of Smith was what was to be expected, but that this kind of warfare going on in the Philippine Islands is just what was to be expected.

Mr. FORAKER. Mr. President, the Senator is mistaken about that.

Mr. CARMACK. Well, I shall be glad to be corrected.

Mr. FORAKER. When he comes to look at the RECORD he will find that I did not say any such thing as that. I made no such remark. I have never made any such remark at all. I was talking about the speech made by the Senator from Massachusetts, and referred to the facts stated by him that in connection with wars there had been barbarities heretofore, but I made no remark as to what had occurred in the Philippines or as to what we might have expected.

Mr. CARMACK. The remark of the Senator I took down on this paper as he was speaking. After speaking of these barbarities, he said, "What can you expect?"

Mr. FORAKER. The Senator is entirely mistaken. I did not say any such thing. If I did, I have no recollection of it.

Mr. CARMACK. I thought the Senator said that. I do not mean to do him any injustice.

Mr. FORAKER. I am told by Senators who sit near and who could have heard, that I made no such remark, and I do not know why I should have made it.

Mr. CARMACK. I took a pencil and tried to take the words as they fell from his lips; but of course I suppose that the Senator did not mean it, and I accept his disclaimer.

Mr. FORAKER. I wish to say one thing more, that I did not say it and would not say it. There are some things which have happened that I did not expect.

Mr. CARMACK. The Senator would not have been very far wrong if he had said it.

Mr. FORAKER. It is possible that the Senator from Tennessee expected it.

Mr. CARMACK. I did.

Mr. FORAKER. I did not.

Mr. CARMACK. In my place on the floor of the House of Representatives I declared that just such things would happen, and I referred to the atrocities which had been perpetrated by the English army in their wars against other races. Mr. President, we might as well admit that the Anglo-Saxon race, when it comes to deal with a desperate situation, becomes as utterly remorseless as any people in the world, and especially in their wars with inferior races.

The Anglo-Saxon is the proudest and most insolent race on the face of the earth, and when it comes to deal in war with a lower and an inferior race it can be as cruel and as merciless as any race in the world. That has been shown in the history of England's conquests. All history can hardly afford a parallel for the bloody and inhuman butcheries perpetrated by the English army after the battle of Omdurman, when English soldiers under the command of their officers walked over the field deliberately bayoneting and shooting the wounded, and when they turned volleys of musketry and of grapeshot into the narrow, crowded streets thronged with women and children and mowed them down by the hundreds.

I say when the people of our race come to deal with a desperate situation, and especially when they are dealing with a lower and inferior race, they become as remorseless and as merciless as any people in the world. Our officers in the Philippine Islands have been dealing with a desperate situation. They have found a whole people saturated, permeated with intense hostility to American rule. Wherever they have gone they have met it on every side. They have been driven to desperation and despair. In their fury, in their desire for success, they have adopted what they thought was the only means that would accomplish their purpose, and that has been the utmost cruelty, torture, and in the last resort, the extermination of a whole people, the killing of every human being able to bear arms, whether he was bearing arms or not.

Mr. President, every student of history, every student of our race and of the oriental races, knew what would happen when we entered the Philippine Islands under the circumstances in which we entered them, having gone there first as the friends and allies of the Filipinos, knowing that they were fighting for independence, having held out to them the hope of independence, causing them to believe that we were there to help them to achieve their independence. When we turned around and demanded of that people that they should lay down their arms and surrender their every hope of freedom, make themselves abject subjects of our sovereignty and dominion, I say every man of any sense in the United States knew that we were entering upon a bloody and remorseless and devastating war. You knew that when you began it. When you entered upon this task you knew that it meant bloodshed and desolation and ruin to the people who but lately had been your allies and your brothers in arms.

No, Mr. President, the facts alleged by Senators when they tell of the terrible hatred, the terrible cruelty which the Filipinos have exercised, and the remorseless retaliations, as they choose to describe them, which have been perpetrated upon them, although we have slaughtered people and tortured people who have committed no wrong, show that we are entering upon a task that means a century, perhaps three centuries, of constant bloodshed, of war, and of insurrection, that means the shedding of God only knows how much American and Filipino blood and of how much treasure to be wrung from the American people, and all, as I have said before, for no other purpose except that a few carpetbag thieves may have unlimited license to plunder the people of the Philippine Islands. That is what we are asked to do. We are asked to assume all that burden, we are asked to foot the bill, we are asked to tolerate murder and massacre and torture for no other purpose except that a few carpetbaggers may have the opportunity to rob the people of the Philippines as they used to rob the people of the Southern States.

That, sir, is the only question that is presented to the American people. Honor, honor of the flag——

Mr. FORAKER. Mr. President——

Mr. CARMACK. Mr. President, the honor of this nation, the honor of the flag, demands that the American nation shall stand true to its principles and that the American flag shall be planted forever upon the American Constitution.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. Certainly.

Mr. FORAKER. Will the Senator allow me to ask him whether or not he thinks it was the purpose of President McKinley, in doing what he did to secure the annexation of the Philippines, to provide a theater for scoundrelism, for exploitation, a place for a lot of scoundrels who would go there as carpetbaggers?

Mr. CARMACK. I did not understand the Senator's question.

Mr. FORAKER. I ask the Senator if he thinks it was the purpose of President McKinley, in recommending the annexation of the Philippines, to provide this country with a theater of scoundrelism, a place where carpetbaggers could go and exploit and practice bad methods? Was it the purpose of the Senate of the United States, when we ratified the treaty, to acquire a place for the exploitation of carpetbaggers, and was it the purpose of the commissioners who represented this country in the negotiations of the treaty under which we acquired the Philippines to secure a theater for scoundrelism and carpetbagism?

Mr. CARMACK. Is the Senator through with his question?

Mr. FORAKER. I understood the Senator to say that that was the only purpose we had in connection with the Philippines. Now, I want to know where that purpose originated? Whose purpose is it?

Mr. CARMACK. I shall not attempt to trace that purpose back to its origin. I am speaking of the purpose as it exists to-day in the United States. President McKinley's motive, as he asserted it, was benevolent assimilation. The motive of those who now control the Republican party is malevolent dissimilation. [Laughter.]

Mr. FORAKER. Mr. President, I appreciate the humor of that remark, but I do not want to prolong the colloquy.

Mr. CARMACK. The Senator, I have no doubt, feels the truth of it.

Mr. FORAKER. I do not want to prolong the colloquy. It might provoke another sally of that kind at my expense. But I ask the question in all seriousness. The Senator makes a very extraordinary statement, to characterize it as mildly as I can, when he says there is no purpose on the part of this Administration with respect to the Philippines, confining it as he now seems to the present Administration, except only to provide a theater

for carpetbagism, for exploitation. Where did that purpose originate? Whose purpose was it? Who is carrying it out? Are Governor Taft and his associates over there for that purpose? Are all our representatives in the islands there to promote that kind of an idea? I simply want to get the measure of the charge the Senator makes.

Mr. CARMACK. Mr. President, as I have said to the Senator, it will be a little difficult to trace the purpose back to its origin. Of course, every movement of this sort is somewhat complicated. There are some honest fanatics always engaged in every fool movement and every dishonest movement. There are always some honest, misguided fanatics mixed up in it, and also some men with most benevolent intentions. But I will say to the Senator that the very first movement I remember with respect to the seizure of the Philippine Islands appeared in a telegram that went from the Navy Department to Admiral Dewey asking which one of those islands was the best one for us to take, from a naval and commercial point of view.

Mr. BACON. If the Senator will pardon me a moment, in order that that may be stated with accuracy, it was a telegram signed by the Acting Secretary of the Navy to Admiral Dewey, in which he stated that he made the inquiry by direction of the President.

Mr. FORAKER. Can the Senator give us the date of that?

Mr. BACON. I can.

Mr. FORAKER. What is the date?

Mr. RAWLINS. August 13.

Mr. FORAKER. August 13, 1898?

Mr. RAWLINS. Yes, sir.

Mr. FORAKER. Then will the Senator allow me to ask, Does he include the Democratic Senators who voted for the ratification of the treaty subsequently?

Mr. CARMACK. Oh, no.

Mr. FORAKER. And without whose votes the treaty could not have been ratified?

Mr. CARMACK. Why, of course——

Mr. FORAKER. Does he include William J. Bryan?

Mr. CARMACK. Yes, sir. They made their little mistakes. It was an honest mistake, as far as they were concerned.

Mr. SPOONER. They were the honest fanatics?

Mr. CARMACK. They were the honest fanatics; that is right.

Mr. FORAKER. Mr. President, I will ask the Senator, if this is a mistake, as he characterizes it, they should at least bear their share of the burden, should they not?

Mr. CARMACK. They ought; that is right; they are doing it, too. They are bearing it. I heard one of the Senators say the other day, who voted for the ratification of the treaty, that he had been wearing sackcloth and ashes ever since, and that he regarded it as the mistake of his life.

Mr. President, there were men who voted for the ratification of that treaty who, like my friend from Wisconsin [Mr. SPOONER], never intended that the Philippine Islands should be permanently annexed to the United States. There were men on that side of the Chamber and men on this side of the Chamber who voted to ratify the treaty, but who were earnestly opposed to the retention of the Philippine Islands under the sovereignty of the United States. Two men of that sort were William J. Bryan and the Senator from Wisconsin.

Mr. PATTERSON. And the Senator from Ohio also, I believe.

Mr. FORAKER. Mr. President, I omitted to ask the Senator, when I was on my feet a moment ago, a question that I wanted to get an answer to in that connection, or as near to it as possible. The telegram that was sent by the Navy Department, as I understand, was sent on the 13th day of August, 1898, and it was in the nature of an inquiry as to which of the islands it would be best for us to retain, having in view a naval station and commercial purposes. The inquiry I wanted to make is whether or not that is the first time we heard of commercial purposes in connection with the annexation?

Mr. CARMACK. From the Government of the United States, I think it was.

Mr. FORAKER. I mean the first time the Senator ever heard of it?

Mr. CARMACK. Oh, no.

Mr. FORAKER. I understood him to say that was the first time he heard of it.

Mr. CARMACK. Oh, no; I said from the Government of the United States.

Mr. RAWLINS. Will the Senator from Tennessee yield to me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. CARMACK. Certainly.

Mr. RAWLINS. I simply want to say that that is not the whole of that cablegram. It inquired about the best one of the islands, if only one was retained. It also inquired how valuable those islands would be if held as colonies of the United States.

Mr. CARMACK. That is the language, Mr. President. Now, I say that at that time, if that dispatch is to be taken as evidence, the only idea in the mind of the Administration was, How much profit can we make out of the Philippine Islands? That question did not indicate any concern whatever for the welfare of the Filipinos. It indicated a purpose on the part of the Administration undoubtedly to take the very best island we could pick out and turn all the others back to the bloody and remorseless rule of Spain. That seemed at that time to be the idea that was in the mind of the Administration. The question did not make a suggestion that had the remotest bearing upon the welfare of the Filipinos or upon their desires or their wishes. Pick out the richest island there, the best island there from a naval and commercial point of view, and we will take that, whichever one it may be, and leave all the others to the bloody and remorseless rule of Spain.

I say that was the idea at that time, and it seemed to be the only idea in the mind of the Administration with reference to the Philippine Islands—simply the spoils of war. Admiral Dewey, in his answer, showed that there were a number of islands that he thought would furnish valuable coaling stations and things of that sort. Then the idea seemed to grow that we had better take the whole thing. The idea of "benevolent assimilation" did not exist at all in the inception of this business; it never had entered into the mind of anybody connected with the Administration that we were concerned as to the welfare of the Filipinos.

So far as President McKinley is concerned, Mr. President, I do say that if he had lived and could have controlled—as he could not have done—if he had lived and could have controlled the action of this Government in the Philippine Islands, that action would have been benevolent. I do not believe that he ever had any other but a kindly feeling toward anybody in the world. I believe he always tried to be regardful of the welfare of the Filipinos; but, Mr. President, it is simply impossible for a Government like that of the United States to rule a people of a different and an alien race 7,000 miles away and to rule them on benevolent principles.

President Roosevelt, in his able address on "The Strenuous Life," held up England's rule in India as an example of what we can do in the Philippine Islands, and the great blessing that it will be both to us and to the Filipinos.

Mr. President, with the possible exception of Ireland, there is not a worse governed and a more cruelly misgoverned people on the face of God's green earth than the people of India. I will not go into a discussion of that to-day, but at some future time, some time in the course of this debate, I hope to take that question up and to show that India is an absolute burden and a curse to Great Britain and that Great Britain is an absolute curse to the people of India. England derives no profit whatever from the possession of India, and England's rule of India is an absolute and utter curse to the people of that country. So our rule will be of the people of the Philippine Islands. It is simply a natural impossibility to send over a lot of carpetbaggers to islands 7,000 miles away from any sense of responsibility, beyond the eye and the reach of their Government, and expect to have honest government under such circumstances and conditions, to expect to have any other kind of government than the kind of government that will cause insurrection and war and bloodshed again and again.

Mr. President, you are not going to pacify the people of the Philippine Islands. The pacified Filipinos are those who have been laid beneath the sod of the Philippine Islands. The pacified Filipino is the dead Filipino. Every one that is left alive will live with a memory of the horrors of this war, will have an inextinguishable hatred of the American people, and will transmit that hatred to his children and his children's children for generations yet to be born. We are simply taking to ourselves and will transmit to our children a legacy of war, of strife, of bloodshed, of tyranny, and of cruelty that will be a burden and cause shame and dishonor to the American Government and to the American people.

Mr. DOLLIVER. Mr. President, I may as well confess, before I proceed, that I have deplored more deeply than any other thing that has occurred during my service in either House the tone and character, not to speak of the purpose, of this debate. I have indulged the hope of seeing our people in a frame of mind to discuss the problem with which we have to do in the Philippine Islands in a spirit of generosity and with that mutual concession of honest purposes to each other that is essential to any good result in great affairs.

I had the good fortune to hear the speech which the Senator from Tennessee [Mr. CARMACK] made this afternoon before either

of us had left the House of Representatives [laughter], and I congratulate my honorable friend——

Mr. CARMACK. If the Senator will permit me, I have had the honor to hear the speech the Senator is now going to make, before either of us left the House of Representatives. [Laughter.]

Mr. DOLLIVER. Mr. President, I will stand in the main aisle and if what my friend says turns out to be true I will admit that I have been a little adventurous in introducing the subject.

The first thing I wish to speak about in connection with my friend's speech is the fact that, without his intending it, it contains an almost continuous departure from accuracy and from truth. Anybody who listened to it would suppose that as a rule those of our officers and men in the Philippine Islands who have been tried by court-martial have been discharged, after having been found guilty of infamous offenses, with a reprimand. He said that a man convicted of an outrage against a defenseless woman had been convicted and reprimanded. I will leave it——

Mr. MCLAURIN of Mississippi. The Senator from Tennessee [Mr. CARMACK] is not now in the Chamber.

Mr. DOLLIVER. It is not my fault that he is not in the Chamber. I am only indirectly concerned about his departure.

Mr. MCLAURIN of Mississippi. Will the Senator allow me to state that in that instance the Senator from Tennessee said that the soldier had been convicted and fined $50?

Mr. DOLLIVER. Very well; that is almost as bad. But did not the Senator from Tennessee leave the impression upon the mind of my honorable friend from Mississippi that the usual record of these convictions and sentences was a mere reprimand? Now, I hold in my hand a report—I did not have the honor of hearing the testimony before the Philippine Committee—I have here what appears to be the official statement of every court-martial that has been held of men connected with our Army in the Philippine Islands, and I will challenge the Senator from Tennessee to find a case of a single reprimand in all that long list, with possibly one exception. I am told there is one, but this matter being in very fine print, my eye fails to catch it.

I find here case after case which indicates not negligence of duty on the part of the court-martial, but what seems to me to be almost an absurd severity.

Mr. RAWLINS. Will the Senator allow me to ask from what he is reading?

Mr. DOLLIVER. I am reading from the letter of the Secretary of War to the Philippine Committee of May 5.

Mr. RAWLINS. Mr. President, in order that the Senator may not be in error as to the document to which the Senator from Tennessee referred, I will say that it is a document of an earlier date than that.

Mr. DOLLIVER. I have not at hand the document to which the Senator from Tennessee refers. In fact, I think he did not aid us by referring to a document at all. I have the official report, which purports to give a list of 350 officers and enlisted men in the United States Army who have been tried by court-martial for offenses against natives in the Philippine Islands.

Mr. CARMACK. Mr. President, I cited two cases in the document which I had. I do not know what document the Senator has. That was a document that was presented here, and I think has been before referred to in this debate, in which two men—two different cases, and the Senator from Utah [Mr. RAWLINS] I know referred to them in his address—were charged with torture to natives by hanging them by the neck. The finding was guilty, and the punishment was a reprimand in two different cases.

Mr. DOLLIVER. No such case appears to occur in this document.

Mr. CARMACK. I do not know what occurs there, and I do not care.

Mr. DOLLIVER. I wish to illustrate the rigorous character of the courts-martial. I find here as one of many the case of Frank McDonald, of Company L, Twenty-first Infantry. The charge was larceny of $107 Mexican money. He seems to have been convicted and sent up for three years.

Mr. CARMACK. From whom did he steal it?

Mr. DOLLIVER. From a native.

Mr. CARMACK. I do not believe that.

Mr. DOLLIVER. Now, let me give you another case.

Mr. LODGE. These trials are all for offenses against the natives.

Mr. DOLLIVER. Here is the case of a soldier in the Fourth Infantry who was tried for the larceny of one dozen bananas from a native in May, 1899. The record states: "Discharged from Army dishonorably, but remitted. Forfeited his pay; but remitted all except $30," and sent up for three months.

Mr. RAWLINS. If the Senator from Iowa will permit me, the Senator from Tennessee alluded to two cases in regard to a reprimand, and I have them here. They will be found on page 42 of the document furnished by the War Deparment. I will read the two cases to which the Senator from Tennessee referred, and one other.

Memorandum showing trials of officers, enlisted men, and camp followers for offenses of cruelty against natives in the Philippines and for violations of the laws of war.

Name and rank.	Date.	Offense.	Sentence.
Second Lieut. Francis J. Ellison, Thirtieth Volunteer Infantry.	Feb. 4, 1900	Looting and encouraging same.	Reprimand.
Capt. Geo. W. Brandle, Twenty-seventh Volunteer Infantry.	May 26, 1900	Torture, by causing natives to be hung by neck for 10 seconds.	Do.
Second Lieut. Alvin S. Perkins, Twenty-seventh Volunteer Infantry.	.....do.....	.....do.....	Do.

Mr. DOLLIVER. What is the date of that document?

Mr. RAWLINS. The document is furnished by the War Department. I will give the Senator the date in a moment.

Mr. DOLLIVER. That is not material.

Mr. RAWLINS. It is contained in a letter of the Secretary of War of February 17, 1902.

Mr. DOLLIVER. I have here the compilation of May 5, including, I suppose, all the courts-martial held in the Philippines up to that time, and I venture to say that a better showing of inflexible severity and discipline could not be possibly exhibited by the Army in the punishment especially of offenses heinous in character, such as the Senator from Tennessee alluded to. I find here more than once the infliction of punishment of twenty years, and even more, in the penitentiary. I have alluded to it only because of the fact that there appears to be a disposition on the part of——

Mr. SPOONER. In several cases of rape the punishment has been death.

Mr. DOLLIVER. And the sentence has been death, as suggested by the Senator from Wisconsin, for the same offense that I have alluded to in a number of cases. This plain record of the facts serves at least to exhibit the angle of vision at which men, saturated with political prejudices, approach a subject that ought to be free from such an influence.

I have not been one of those who have tried to encourage any discussions calculated, in the very wise language of the Senator from Alabama [Mr. PETTUS], to bring forth the fruits of bitterness and worthless dissension. To my mind it has made no difference, so far as this bill is concerned, what has occurred in the army in the Philippine Islands, for the reason, as the Senator from Massachusetts [Mr. LODGE] has so well said, that the very object of this bill is to displace the military authority and to establish in its stead a self-governing native administration. I have not felt disposed either to abjectly apologize for or to wantonly assail the military orders which have been so often the subject of controversy in this Chamber.

I do not know that I would have brought myself to refer to the subject at all, except that I saw a man in the corridors of the Senate, with tears in his eyes, a veteran newspaper correspondent, honorably connected for many years with the press service of the House of Representatives, asking whether there was not somebody who would speak in the Senate in behalf of our soldiers in Samar.

"My boy was with Major Waller and came out of that dreadful march a skeleton and a wreck," said the newspaper man, and as I saw him standing there crying I made up my mind that if every other man on this floor took refuge in the language of apology there should be one voice to ask at least the charity of the common-law presumptions for the victims of the prevailing mania for court-martials which seems to have taken possession of the War Department. [Manifestations of applause in the galleries.]

I have made an effort to find out something about the island of Samar and the military conditions there. My friend from Tennessee said that it was a blooming garden, or words of like effect, and that even to the eye of General Smith it presented a rosy and beautiful prospect when he went there. I deny it.

What are the facts about Samar? Long before General Smith's order was issued, and just after the horrible atrocity at Balangiga, where a whole command of our troops, who thought themselves secure in the friendly assurances of the neighborhood where they were encamped, were cut down by armed savages, who mutilated the dead as well as the living, the orders were issued by General Chaffee himself for the punitive expeditions which these conditions of barbarous and treacherous warfare required. These expeditions burned the towns which were sheltering and furnishing the savages with supplies, until, as Stephen Bonsal has said, "As far as the eye could see, southern Samar was converted into a wilderness."

Why was that done? It was done because when our boys went there the natives said that they were friendly—were glad to see them; and while they were sitting at breakfast, as they supposed,

in perfect peace and perfect security, they were set upon by savages armed with bolos, and butchered to death with horrible mutilations, not fit to be mentioned here. It was then that General Chaffee issued the order to make a fitting retribution against the authors of this outrage.

I have here a letter of a famous war correspondent, whom I quote with some confidence, because he has been offered as an authority on the other side of this Chamber—Mr. Stephen Bonsal. He was with General Smith in Samar. He went with him there. He tells of the indignation aroused throughout the whole American colony at Manila by the report of the pitiable affair at Balangiga.

He said there was not an American soldier or civilian in all that far-off land who did not approve of the resolution of General Chaffee to send out forthwith his orders to make an end of the conditions which sheltered that unspeakable crime; and in accordance with those orders, long before poor old General Smith ever got to Samar—an island apparently infested by armed savages with the instincts of butchery—before General Smith ever got there those orders had been well and faithfully executed, so that, according to Mr. Bonsal, as far as the eye could reach the coast of southern Samar was already a wilderness.

This, it should be remembered, was several weeks, or, at least, a month, before Major Waller reached the island at all. These native bolomen had retired to the mountains and were relying upon supplies sent up to them from the coast villages; and it was to reach these barbarous tribes in the interior of an uncivilized island that old General Smith issued such orders as he did issue.

I do not propose to pass judgment upon them until I see them printed. The evidence in the court-martial of Major Waller indicates that it was not an order at all; that it was a conversation which General Smith had with Major Waller, in which he told him that those people were hidden in the inaccessible fastnesses of these mountains and it would be his business to go up there and to do what he could to dislodge them.

If he did tell him to convert those mountains into a howling wilderness, Major Waller had an easy task, for according to a speech made here two days ago by the Senator from Washington [Mr. TURNER] the only offense charged against Waller in the execution of that order of General Smith was the shooting of several treacherous guides, who were defended on the ground that the major had no right to ask prisoners to dig roots for his men when they were perishing of hunger.

So that from their own statement the interior of that island was an inaccessible wilderness. I have looked it up, and I do not need the authority of Mr. Bonsal for saying, as he does say, that half a mile from the coast there is not a road in the island.

I for one am tired of hearing the excited exclamations against an old American soldier infuriated by the fate of our boys, a soldier who won his honors and his commissions by a long career of gallantry and who bears in his body three wounds received in the national defense.

Another thing, Mr. Bonsal was by the side of General Smith during his entire operations in this island. He says:

> I went to Samar with General Smith and remained with him almost constantly for the first month of the operation. During the time I can say that I never saw any undue severity exercised upon women and children, nor did I hear from the mouths of credible witnesses of any such unworthy acts having been committed.

I stood up the other day and challenged somebody—I do not recollect what member of the syndicate of vituperation it was—to name the case of one woman or of one child that had suffered by an order of General Smith in Samar. Now, why should we not judge him with a decent charity? We do not quite know his situation. We have some light on it. Mr. Bonsal gives us a little light. The army of the bolomen, as I have been informed, was under the command of a broken-down attorney from the city of Manila, who was not even a citizen of the island of Samar. He had them in charge up in the mountains.

After having described the character of that army of Philippine liberty, Mr. Bonsal says:

> In some portions of the press I find the position taken that our officers, before descending to fight the savages with their own savage weapons, should have made an appeal to Lukban, warning him of the unspeakable horrors that would follow upon the shameless scenes of slaughter inaugurated by his orders. As a matter of fact, this was done, and the answer came in the general orders and proclamations, twelve of which I have seen, that the dictator issued from his mountain camp.
>
> They are addressed to the civilian inhabitants as well as to the enrolled bolomen, and in nearly every one of these orders which I have seen the desirability, in fact the imperative necessity, of showing no quarter, is impressed upon all quarters.
>
> In one of these documents the dictator, now happily in our power—

A circumstance which we owe to the son of Ulysses S. Grant—

> commands:
>
> "Kill all the white men you can lay your hands upon, by fair means or by foul, but spare the white women, that they may serve us as slaves."

That is the testimony of a reliable newspaper correspondent, who read the proclamation of the Manila lawyer, who had put himself at the head of an armed band of savages in the desolate mountains of Samar. When I come to judge General Smith, when I come to judge Major Waller, when I come to judge the footsore company who clambered with him through that wilderness which civilization had never before disturbed, I propose to know all the facts.

The time may come, as the Senator seems to think, when we will in sheer exhaustion abandon our work in the Philippine Islands. Our burdens have been grievous, and sometimes I have thought they have been almost too heavy to be borne; but if the time ever comes for us to go we will not go under the auspices of the minority of the Philippine Committee. Our retreat will be taken up in an orderly way and it will not be conducted by the men who have defamed the uniform of the American Army in the Senate of the United States. [Applause in the galleries.]

The PRESIDENT pro tempore, The Chair would remind the occupants of the galleries that marks of approval or disapproval are not proper under the rules of the Senate, and there must be no repetition of them.

Mr. DOLLIVER. And in after years when nations more robust, moved by other motives, have taken up the burden which was greater than our strength, we will ask permission to go back to the harbor where our volunteers first heard the cheers of Admiral Dewey's squadron, to gather up the ashes of our dead—the poor boys who had faith enough in their country to give their names to its enlisting regiments, to follow its officers with a soldier's reverence, and to die if need be in its service.

If such an experience should come to us within my lifetime I hope to be spared the humiliation of recalling one word uttered here or anywhere that would warrant the surviving comrades of these men in reproaching me for having passed judgment upon them without hearing the evidence, without knowing the circumstances by which they were surrounded, the provocation by which they were inflamed, and the military necessities under which they obeyed their orders.

Another thing. My friend from Tennessee has intimated that we are governed by political motives in this matter. Such a feeling is far from my heart. I have tried to support the Philippine policy of the Government of the United States since we began it, though, like many others, I have looked forward to the outcome with solicitude and with anxiety; but I have never doubted the ability of the American Republic, I have never doubted the fidelity and the resolution of the people of the United States, and I am sorry that current politics have come into the discussion, and sorrier still that the politics of other generations have been dug up and paraded here in the Senate.

But the Senator from Tennessee is not the man to complain of that. The first citation of the dark and bloody past I heard from the lips of the Senator from Tennessee, when for nearly an hour he discoursed, turning to his brethren of the South, of the horrors of General Grant's administration of the affairs of the Government of the United States nearly a generation ago. The fact that I heard it again to-day and the dim recollection that I heard it nearly two years ago, seem to me to indicate that it is a part of the intellectual as well as the political stock in trade of the Senator from Tennessee.

My friend says that the Republican leaders in Congress were notified by the President that some notice must be taken of the arguments on the other side. I deny it. At any rate I venture seriously to dispute it, or at least to doubt it.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. DOLLIVER. Certainly.

Mr. CARMACK. I said it was understood that the President had called together a number of the leaders of the Republican party. The Senator must not understand that I intended to include him in that category.

Mr. DOLLIVER. I know, and the Senator from Tennessee ought not to understand that when I refer to him I refer to him as a leader, for one of the things that has impressed itself upon my mind more than anything else is that in order to keep this debate going at all it has been necessary for the Senator from Tennessee three times to produce a speech that contained exactly the same ideas, and if that is not fair evidence of the fact that my friend needs the cooperation of some of the men——

Mr. CARMACK. Mr. President——

Mr. DOLLIVER. Certainly.

Mr. CARMACK. If the Senator will permit me, I will state that it may be that my three speeches have contained the same ideas. In that respect they differ from all the speeches ever made by the Senator from Iowa, which never contain any ideas at all.

Mr. DOLLIVER. That is an easy fling. I am not a genius. I find that my friend the Senator from Tennessee has that reputation. He thinks that political advantage is to come from his attitude in this Chamber. I do not think so. I do not believe

there is a Republican who fears the moral effect either on Republicans or Democrats in the United States of such a speech as that of the Senator from Tennessee.

I confess when I first heard it I was afraid it might interfere with the faint hearts of some, at least, in the mountains of Tennessee, where the distinguished Senator is an idol in the community, and so I ventured timidly to open the Tennessee newspapers. I did not dare to open a Republican paper, but I thought I would get hold of an orthodox Democratic organ to see how the Senator's performances were striking the people of Tennessee, and by the merest accident I found a journal which gained "the largest circulation in the South" while the honorable Senator was himself its editor, before he put away his pen and put out his tongue to defy the Republican policy now prevailing in the United States. [Laughter.]

I have here a calm, a peaceful, and a very suggestive commentary upon the present labors of the honorable Senator from Tennessee. It is entitled "Senator CARMACK's speech," and it appears in the Commercial-Appeal of the city of Memphis. It says:

Tennessee has every reason to be proud of Senator EDWARD W. CARMACK.

A sentiment in which I graciously concur.

The newspaper fraternity has many special reasons for being proud of his success and achievements. He has given hope and courage to many a struggling worker. He has demonstrated, in his proper person and by his success, that the force of intellect can break the bonds of convention and bid defiance to the glory and power of wealth.

All of which sounds natural. [Laughter.]

ED CARMACK is a man of the people. He is one of God's rare souls—

[Laughter]—

who rise above and become superior to environment and force tardy recognition from unwilling minds. He is a living evidence that there is still some spiritual potentiality in manhood, and that to achieve eminence one must not depend wholly and entirely on the almighty dollar or other sordid considerations.

I have read these opening sentences in order to show that the witness is not prejudiced against the distinguished Senator from Tennessee.

Mr. CARMACK's speech on the Philippine question, as reported in the columns of the Commercial Appeal yesterday, was a rhetorical gem. Those who knew him know that he is capable of such an effort. The country will be amazed and astonished that one man could produce in one speech so much to attract universal attention, but he and his newspaper friends who have labored with him know that he has accomplished greater efforts day after day and week after week in his editorial capacity which were passed over with but an indifferent notice or recognition.

What a tragedy is that—[laughter]—a tragedy that almost suggests the picturesque description of Goldsmith's village schoolmaster—

> And still they gaz'd, and still the wonder grew
> That one small head could carry all he knew.

[Laughter.]

The article continues:

The great public is not insensate, but it is slow to recognize genius, and it can only realize a truth after it feels the repeated impact of that truth.

I reckon that is the reason why we enjoy the impact of that speech so often during this session of the Congress of the United States.

So much in justice to Mr. CARMACK.

Now, the editor, in the cold light of truth and patriotism, takes up the substance of the discourse:

Judgmentally—

That was a word left over by the old editor when he entered the House of Representatives.

Judgmentally his speech, with all its brilliancy, was an error—

That is exactly what other competent and honored leaders have been heard to whisper, so I am advised, among the surviving friends of the Democratic party—

Judgmentally his speech, with all its brilliancy, was an error, in the opinion of The Commercial Appeal. His condemnation of the Republican management of our new possessions was eminently correct and wise, but his declaration that we should abandon islands which we paid for—

There seems to be a little commercial spirit in western Tennessee [laughter]—

which we paid for—

And there seems to be a little patriotism left there, for he adds:

and fought for is merely the refined sentimentality of the academician. It is almost pathetic—

And in this I quite agree with the writer.

It is almost pathetic to see such a magnificent mind and to see a man of such wonderful potentiality drifting away into impractical channels or beating his poor, bruised wings against the bars of irrefragible environment.

[Laughter.]

There is the only reason I can think of which leads me to acquit the Senator of having written that.

Admitting that he stands for the spiritual and better life of the Government, he is out of place and makes of himself no factor in the movement of events. Whether it is right or wrong, we have the Philippines as part of our possessions.

There seems to be a degree of resignation at Memphis which does not even raise a moral question, a thing which can not be said of all sections of our beloved country.

And the national aspiration is to hold them as against all comers. Any man, however great he may be, who sets himself against the inevitable destiny of the nation or who attempts to suffocate or throttle the national aspiration, must expect to go down in defeat.

We would like to see Mr. CARMACK's magnificent intellect render service to his country along the inevitable and destined ways. We would be gratified to see him something else than a stupendous negation. We would like to see him have something else to say than an amplified and eloquent "Don't." But wrong as he is, and insistent in his errors as he may be, we can not withhold from him the tribute of our admiration.

Lord Macaulay said that Edmund Burke had a particular genius for getting on the wrong side of every question and of adorning his error with a transcendent display of genius such as the world had never before seen. Taking Macaulay's estimate of Burke as a standard, all that we desire to say about our distinguished young Senator is that he is a modern Edmund Burke.

All I desire to add is that if Ed Burke can stand that the junior Senator from Tennessee ought not to complain of it. [Laughter.]

Mr. CARMACK. Mr. President, I suppose I enjoyed as much as anyone here the delightful danse du ventre to which the Senator from Iowa [Mr. DOLLIVER] has treated the Senate and the country. I certainly had no idea when I entered into this discussion of crossing jawbones with so renowned and so redoubtable a tongue slugger as the distinguished Senator from Iowa. I do not know of anything quite so appalling to a raw and unskilled controversialist like myself as to see the distinguished Senator from Iowa draw his long red tongue from its scabbard and brandish it in the air.

The Senator from Iowa is very amusing when he tries to be, and he is often very amusing when he does not try to be. His effort this evening was exceedingly amusing. Where his language was not witty his gesticulation was at least ridiculous. [Laughter.] And the Senator from Iowa, when he can not raise a laugh by saying something that is funny, can always produce more or less merriment by doing something that is ridiculous. The Senator's speech was indeed accompanied by his usual refined and happy gesticulations—very amusing—but so far as any contribution to the knowledge of this discussion is concerned the Senator might as well have been engaged, as he usually is, in swinging by his prehensile tail from the leafy bough. I shall not attempt to answer the Senator's witticisms any more than I shall attempt to copy his inimitable gesticulations. I have not that control over my abdominal muscles which would enable me to do so.

The Senator has read an editorial article from a Memphis newspaper. The article was made very amusing by the gesticulations with which it was accompanied and the simian grimaces with which it was adorned. So far as I am concerned, I think the article was about as complimentary a one to myself as I could expect from a newspaper one of the principal owners of which is the Hon. Luke E. Wright, who is now holding a position under the present Administration in the Philippine Islands. [Laughter and applause in the galleries.]

The PRESIDENT pro tempore. If there is a repetition of marks of approval or disapproval the Sergeant-at-Arms will be obliged to clear the galleries.

Mr. CARMACK. Mr. President, if the Senator from Iowa had made his speech or given his performances a little earlier in the game, I might have answered a little differently the question the Senator from Ohio propounded to me. He demanded with some heat to know what Senator upon the other side of the Chamber had undertaken to excuse or to justify murder and butchery in the Philippine Islands. I can now answer him that the junior Senator from Iowa has done so.

"Poor old Smith!" Because the natives in a single town have risen up and butchered a number of our soldiers who were holding them in slavery, it is a "fitting retribution," in the opinion of the Senator from Iowa, that poor old Smith should issue an order to murder little children. Poor old Smith! Poor old scoundrel! Poor old murderer! Poor old butcher! I am proud to say, Mr. President, that up to this time the only man on the floor of the Senate who has been shameless enough to defend that bloody scoundrel has been the junior Senator from Iowa.

A few moments ago when I unguardedly used an expression about the impudence of Senators upon the other side of the Chamber, the Senator from Wisconsin suggested to me that it was an improper expression, and I thought so, and withdrew it. The Senator from Iowa speaks of Senators upon this side of the Chamber as a syndicate of vituperation. I did not call the Senator from Iowa to order. If it had been any other Senator upon the other side of the Chamber I would have done so. But I did not call the Senator from Iowa to order because I know that to require him to speak the language of decency and courtesy in debate would be to condemn him to absolute silence for the rest of his life.

Mr. HOAR. Mr. President, I call the Senator from Tennessee to order.

Mr. CARMACK. I am done. It does not make any difference.

Mr. HOAR. Mr. President, I desire the ruling of the Chair.

My point of order is that the language which I request be taken down is a violation of the rules of the Senate.

The PRESIDENT pro tempore. The words will be taken down and read.

The Reporter read as follows:

A few moments ago when I unguardedly used an expression about the impudence of Senators upon the other side of the Chamber, the Senator from Wisconsin suggested to me that it was an improper expression, and I thought so, and withdrew it. The Senator from Iowa speaks of Senators upon this side of the Chamber as a syndicate of vituperation. I did not call the Senator from Iowa to order. If it had been any other Senator upon the other side of the Chamber I would have done so. But I did not call the Senator from Iowa to order because I know that to require him to speak the language of decency and courtesy in debate would be to condemn him to absolute silence for the rest of his life.

The PRESIDENT pro tempore. The language is very clearly out of order, but the Senator from Tennessee has resumed his seat.

Mr. DOLLIVER. I desire to say that I do not regard it as of sufficient weight to require any attention from the Senate.

Mr. CARMACK. As the Senator from Iowa has decided that it is not entitled to any weight, that settles the whole thing.

Mr. LODGE. Mr. President, now that the Senator from Tennessee has finished expressing his pleasure at the speech of the Senator from Iowa, I should like to have put into the RECORD some papers in regard to an article that appeared in the Washington Post, and which was read here the other afternoon by the Senator from Washington [Mr. TURNER]. I will read the letter that accompanies it, and I ask that the memorandum may be printed as a part of my remarks.

It will be recalled that the article read was a statement purporting to come from a clergyman in Lynn, who quoted his son as saying——

Mr. CARMACK. Will the Senator from Massachusetts yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. I wish to say that I intended, if the Chair thought my language was out of order, to ask permission to withdraw it. If it is out of order, I will do so.

Mr. DOLLIVER. In view of what the Senator from Tennessee has said, I desire to withdraw the remark which I have just made.

The PRESIDENT pro tempore. If there is no objection, the language is withdrawn.

Mr. LODGE. It will be recalled that the article which was read purported to be a statement of the Rev. W. H. Walker, of Lynn, Mass., stating that he had letters from his son which gave an account of an action in the province of Sorsogon, where the army took 1,300 Filipinos; that 300 were killed and the remaining thousand were stood up by open graves and shot.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF INSULAR AFFAIRS,
Washington, D. C., May 7, 1902.

MY DEAR SENATOR: I inclose herewith memorandum respecting publication hereto attached.

It was said that the young man belonged to the Sixteenth Regiment United States Infantry. The letter says:

By said memorandum it appears:

First. Sixteenth Regiment Infantry, United States Army, has never served in the Philippines outside of Cagayan, Isabela, and Nueva Viscaya.

That is, it has never served in Sorsogon.

Second. The Army rolls of Company I, Sixteenth Infantry, United States Army, do not contain the name of J. Bennett Walker.

Third. There is a John B. Walker in Company I, Fifteenth Infantry, United States Army. This regiment (Fifteenth) has been in the Philippines since December 15, 1900. Up to July 14, 1901, Company I had not been stationed or operating in Sorsogon, but on April 24, 1901, Company I was ordered to Albay Province, which immediately adjoins Sorsogon on the north.

Fourth. There are no reports on file in the War Department of engagements in Sorsogon in which Company I, Fifteenth Infantry, United States Army, participated.

Fifth. On January 11, 1902, J. G. Livingston, civil governor of Sorsogon, reports in detail on conditions prevailing since April 30, 1901 (page 458 of the hearings before Committee on the Philippines), and makes no mention of any affair where insurgents were killed or captured after August 26, 1901.

Sixth. No mention is made of the capture of 1,000 prisoners, referred to in said article, in any of General Chaffee's reports. Lieutenant Burr, the officer referred to, has never reported any such capture.

Seventh. No report has been received at the War Department in respect of or referring to the alleged incident detailed in said publication.

Very respectfully,

CHARLES E. MAGOON,
Acting Chief of Division.

Hon. H. C. LODGE,
United States Senator, Senate Chamber.

I have requested that a cablegram be sent to the Philippine Islands, which has been sent, to make further inquiries, but in the meantime a telegram has been put into my hands from the Boston Journal to their correspondent here. They interviewed Rev. W. H. Walker, to whom this statement was attributed. I will read it:

BOSTON, MASS., *May 3, 1902.*

L. A. COOLIDGE, *Washington, D. C.:*

Rev. W. H. Walker, Lynn, denies receiving letters from his son, John Bennett Walker, a soldier in Philippines, describing shooting of 1,000 Filipino prisoners. Says reports grossly misrepresented him. He says: "Instead of receiving 12 letters I personally never received but one. Three in all came to my family; other two addressed to my wife and daughter. All contained practically same information. They were written by my son before last Thanksgiving, and were received by us early in February—over three months ago. They contained nothing but a review of the soldier's life in the Philippines, which at times was hard, according to my son's story. In none of the letters was any reference made to cruelty, nor did my son criticise the American troops in any way."

BOSTON JOURNAL.

I let that go with the rest.

The PRESIDENT pro tempore. Without objection, the papers presented by the Senator from Massachusetts will be printed in the RECORD.

The papers are as follows:

PRISONERS SHOT IN SQUADS—AMERICAN DECLARES 1,000 FILIPINOS WERE SLAIN NEAR SORSOGON—SENSATIONAL CHARGES CONTAINED IN LETTERS RECEIVED BY REV. W. H. WALKER, OF BOSTON, FROM SON AT THE FRONT.

LYNN, MASS., *May 5, 1902.*

"One thousand Filipino prisoners shot in platoons over the graves themselves had been forced to dig; a priest, who had acted in the dual capacity of father confessor and general, hanged before the slaughter of the prisoners and within their sight."

Such are some of the charges made by J. Bennett Walker, a private in Company I, Sixteenth Infantry, now at Sorsogon, in the Philippines, in letters to his father, the Rev. W. H. Walker, D. D., of this city. He is a special instructor at the Gordon Missionary Training School, Boston. Private Walker enlisted at the outbreak of the Spanish war, and was commended for bravery at San Juan.

The Rev. Dr. Walker has more than a dozen letters. He refuses to make them public, however, as he says: "The story is too fearful. My boy has written to me as son to father, and in the face of the inquiry now going on I fear it might bring him into trouble with his superiors.

"He writes of a 'hyke' he went on with men under Lieutenant Burr. A 'hyke' is an expedition in search of rebels. He writes that the detachment went to Trosin, 18 miles from Sorsogon, and took possession of a bamboo church there. They had hardly settled themselves in the church when 300 insurgents attacked them, armed with bolos and daggers.

"The insurgents were routed and 2 captured. The prisoners told of the location of the insurgent army and agreed to act as guides. The entire command was ordered out, the insurgents taken by surprise, 300 of them killed, and 1,000 taken prisoners, including a priest, who was their general and father confessor, 2 captains, and 4 lieutenants.

"This band proved to be a secret organization known as the Katyauman. The priest assured them that if by any chance a Yankee bullet did hit and kill them they would come to life again in three days. They were so convinced of the power of the charm that they did not fear any body of armed soldiers.

"The priest was called out to tell the insurgents that they had been duped. He refused to do so, although he was flogged, and as an example was strung up to a tree and allowed to remain there a week, so that it could be seen he did not come to life at the end of three days. The Katyauman were so superstitious and such fanatics that the thought of liberating them could not be entertained. To keep them prisoners would necessitate the placing of soldiers on short rations, if not starving them. There was nothing to do but to kill them. This was done by squads. Every morning three squads of 20 men each were sent out under guard.

"They were taken a mile or so inland, and then furnished picks and shovels and started to work. When they had dug a trench 5 feet deep they were told to stand up in it. The picks and shovels were taken away. A bullet for each man ended his agony, and he lay dead in the grave he had dug, in this fashion. The entire 1,000 were put out of the way of harm. While these measures may seem exceedingly cruel to us," said the Rev. Dr. Walker, "my son tells me they are absolutely necessary for the preservation of the American soldiers."

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In the matter of charges by J. Bennett Walker, private, Company I, Sixteenth Infantry, United States Army.

The clipping attached appears on the first page of the Washington Post, published Tuesday, May 6, 1902, dated May 5, 1902, from information furnished by Rev. W. H. Walker, D. D., of Lynn, Mass., purporting to have been gathered from letters received from his son, J. Pennett Walker, a private in Company I, Sixteenth Infantry, United States Army, "now at Sorsogon."

By reference to "Roster of troops serving in Department of Northern Luzon," published November 1, 1900, it would appear that at that date the Sixteenth Regiment, U. S. A., was stationed at Aparri, and that Col. Charles C. Hood, of the Sixteenth United States Infantry, was commanding the district comprising the provinces of Cagayan, Isabela, and Nueva Viscaya, and the entire regiment was located within his district.

The roster of troops published October 31, 1901 (eleven months later), on page 6, still shows Colonel Hood in command of the second district of Northern Luzon, composed of the same three provinces, with the entire Sixteenth Regiment within his district and Company I, located at Aparri.

The stations of troops published at Manila, dated February 15, 1902, still shows the Sixteenth Regiment with headquarters at Aparri and Company I located at that point.

The attached article states that the letters received were written by J. Pennett Walker, of Company I, Sixteenth Infantry, "now at Sorsogon."

By reference to the map of Luzon, it will appear that the province of Sorsogon is the extreme southeastern province of the mainland of the island of Luzon and is a part of the Department of Southern Luzon, whereas Aparri and the districts constituting the second district of Northern Luzon are located on the extreme northern coast of the island of Luzon and the two points are as far apart as they can be on Luzon.

If the regiment was at Aparri, with Colonel Hood commanding the second district, on November 1, 1900, as shown by the first roster referred to; was still there October 31, 1901, as shown by the second roster referred to, and continued to be there on February 15, 1902, in the third roster referred to, is it likely that at any time within a reasonable period, when 1,000 Filipino prisoners would have been captured, Private J. Pennett Walker was at Sorsogon? Furthermore, the letter states that he went on a "hyke" with Lieutenant Burr. Neither the roster of the Sixteenth Regiment, United States Army in 1900, nor the roster of the Sixteenth Regiment on October 31, 1901, nor the last edition of the Army Register shows a Lieutenant Burr in Company I or any other company of the Sixteenth Regiment, United States Army. There is a Lieutenant Burr in the Philippines in command of a company of scouts, but not the company of scouts connected with the second division in northern Luzon. Careful consideration of the reports at hand fail to discover any engagement in command of a first lieutenant killing 300 insurgents and capturing 1,000 prisoners, as stated in this article.

The records of the Army, as shown by the rolls, establish the fact that the Sixteenth Regiment, United States Army, left San Francisco May 28, 1899,

and arrived in Manila June 26, 1899, and the undersigned, with J. G. Hudson, of the Army rolls division, have on this 6th day of May, 1902, examined the Army rolls of Company I, Sixteenth Regiment, United States Army, and find that there never has been on the rolls of said company a man by the name of "J. Pennett Walker," "J. Bennett Walker," "J. B. Walker," or "J. P. Walker," either as a private, corporal, sergeant, or commissioned officer, since May, 1899. We did not deem it essential to go back of that date.

An examination of the report of General Chaffee of events in southern Luzon from the arrival of the Fifteenth Regiment United States Infantry, in which Lieut. Frank S. Burr is an officer, to wit, first lieutenant of Company E, on detached service in connection with Philippine scouts (so understood), we find that from the date of its arrival, to wit, September 4, 1900, to August 26, 1901, no report of any engagement in which Lieutenant Burr took part is made, unless it be one on February 8, 1901, in which a battalion of the Fifteenth Infantry was engaged, where there were 3 of the number killed, 1 wounded, and 3 captured.

As in all other engagements of that regiment, the names and companies are given, and his name does not appear in any reports made to or by his regiment.

It might be further added that in the ten months of reports from that regiment on file 11 engagements are reported, wherein the aggregate shows 26 insurgents killed, 25 wounded, and 21 captured.

The report of Governor J. G. Livingston, of Sorsogon Province, dated January 11, 1902, reports in detail conditions in that province since April 30, 1901 (p. 459, Hearings before Committee on Philippines), and he makes no mention of any such affair or of any affair where any number of insurgents were killed or captured after August 26, 1901, date of General Chaffee's report.

Lieutenant Burr himself reported to his proper superior officers from time to time, and we find in the report of the Lieutenant-General Commanding the Army for 1901, part 3, as follows:

"*October 17.*—Fifth district, headquarters scouts and Forty-first Volunteer Regiment scouts, commanded by Lieutenant Burr, Fifteenth Infantry, met a band of insurgents in the mountains west of Balanga, routed them; killed 7 and captured 4 rifles.

"*January 17, 1901.*—Lieutenant Burr, Fifteenth Infantry, commanding Fifth district scouts, met ladrones east of Santa Maria; killed 2 and captured 1 rifle."

He subsequently makes a final report for the month of February, 1901, showing four engagements of his scouts wherein several guns were captured. All the foregoing in southern Luzon.

It would appear but natural that had Lieutenant Burr, either as commanding officer or as participant, been engaged in an engagement as suggested by the article by the Rev. Walker, he would either have reported it himself or have seen that some other officer did so report.

The result of the foregoing would locate Company I, Sixteenth Regiment, at Aparri in a northerly point of Luzon; the affair recited at Sorsogon, in the extreme southeastern part of Luzon, and Lieutenant Burr in the central portion, and Private J. Pennett Walker not located.

There is a John B. Walker in Company I, Fifteenth Infantry, United States Army.

Should it transpire that the man Walker referred to is a member of Company I, Fifteenth Regiment, United States Army, then we submit the following as the record of the Fifteenth Regiment, and especially Company I:

By General Chaffee's report, Appendix N, it is shown that two battalions of the Fifteenth Infantry, United States Army, arrived in the Department of Southern Luzon, one (third) September 4 and the other December 15, 1900. On page 7 of the same appendix it is shown that the battalion arriving September 4 was sent to the towns of Sinoloan, Paquil, Paete, and Santa Cruz, Laguna Province. The battalion arriving December 15 was sent to Legaspi and Tabaco, province of Albay and island of Catanduanes.

It subsequently appears that Company I was a part of the First Battalion, which was stationed at Laguna, as shown on page 16, where, on April 24, the Third Battalion of the Fifteenth Infantry, including Company I, was moved, Company I going to San Jose de Lagoney, Albay Province; Company K to Sorsogon; Company L to Jupat and Matnog, and Company M to Donsol and Bulan.

It subsequently appears, on page 18, that Company I was transferred from San Jose de Laguna to Tobaco, Albay Province. At some time subsequent to July 14, 1901, Company I may have been transferred to Sorsogon, and hence, if the capture of 1,000 and killing of 300 insurgents by Company I, or any part of it, occurred, it must have been subsequent to July 14, 1901.

That our memorandum is correct we submit the following reports of engagements and expeditions by companies and battalions of the Fifteenth Infantry, United States Army, from the time of their arrival in the Department of Southern Luzon up to and including August 26, 1901.

The following, taken from Appendix N, being report of military operations in the Department of Luzon from August 1, 1900, to August 26, 1901 (report of General Chaffee):

"*September 27.*—Engagement by Captain Mitchell with Company L, in which 10 insurgents were killed, 20 wounded, and no captures. This occurred at Laguna, a province situated just south of Manila and several hundred miles north of Sorsogon.

"*December 26.*—An engagement by Company M, Fifteenth Infantry, in which 1 insurgent was killed and 1 wounded and 9 captured. This was also in Laguna Province.

"*December 31.*—Another slight engagement by Company M; no insurgents killed, wounded, or captured.

"*December 31.*—Another engagement by Company L, in which 2 insurgents were killed, 1 wounded, and 1 captured.

"*January 25, 1901.*—Another engagement, company not given; no insurgents killed or wounded; 9 captured.

"*February 8.*—Engagement by battalion, consisting of Companies I, K, and M, in which 3 insurgents were killed, 1 wounded, and 9 captured.

"*February 19.*—Engagement by Company D, in which 2 insurgents were killed, 2 wounded, and 1 captured.

"*March 27.*—Engagement by Company M, in which 2 insurgents were killed, 1 wounded, and 1 captured.

All of the foregoing were in the province of Laguna, above referred to.

"*June 1.*—Engagement by company not named, in which 15 insurgents were killed, 1 wounded, and 1 captured.

"*June 7.*—Engagement by Company D, in which 1 insurgent was killed, 1 wounded or captured."

The last two engagements were in the province of Albay, situated north of Sorsogon. No engagements in Sorsogon reported.

The foregoing, considered in connection with matter previously considered, showing that Lieutenant Burr was operating in central Luzon until at least March 1, 1901, these reports showing engagements of the regiment to August 26, 1901, and the report of Governor Livingston on page 419 of hearing, covering conditions up to January 11, 1902, would exclude the probability, if not the possibility, of any such affair occurring as referred to herein.

Mr. MONEY. Mr. President, it is exceedingly to be regretted that a measure of great public policy, involving such momentous and far-reaching consequences, can not be debated in the Senate of the United States without a display of temper. It is particularly to be regretted that two young Senators, each the peer of any man in the Senate, gentlemen of humor, eloquence, and wit, who are destined to run most brilliant and glorious careers here, should be so moved in the heat of debate as to use language which I know both will regret. It is very easy to indulge one's self in satire and wit and ridicule, but the barb goes very deep and leaves wounds so ineradicable that it must always be regretted by those who participate as well as by those who hear.

It is unfortunate that the debate has taken a sectional turn. I am not here this evening to debate this question, because I am physically unable to do so, besides lacking disposition to enter into a proper discussion of it. But I am on my feet to-day because of the use made of my name yesterday in a carefully prepared written speech by the junior Senator from Maryland [Mr. MCCOMAS]. The Senator has taken me to task for certain speeches which he said I made upon this subject, but he has forgotten that I have not made any. I have not spoken on this question or on the question upon which he then particularly animadverted.

I know the Senator from Maryland. I have served in the House and Senate with him. He has been a good-natured man and has been noted for the exactness, the painstaking accuracy of his methods. He has also been a judge on the bench, and his hand has had to hold untrembling the scales of justice. He has learned from the construction of statutes the value of accuracy in thought and precision in language. If he had said anything in an offhand debate in the Senate which for a moment seemed to involve me, it would have been a matter of no consequence whatever, and I should have allowed it to pass without mentioning it at all.

But when a man carefully writes his speech and reads it the presumption is that he has considered well whatever he has penned, and also the vehicle that communicates the idea to those who hear him. The mind of the Senator from Maryland is clear and strong enough, his understanding of any question he may debate is good enough, and his vocabulary is sufficient to adequately and appropriately convey to his auditors his meaning without the use of manuscript. So when he uses manuscript I understand him to have thoroughly examined into the matter upon which he speaks.

I did not have the pleasure of hearing him yesterday, because I could not attend the Senate at that time. He said of the Senator from Utah:

> The motto of the Senator from Utah, who introduced this substitute for the pending measure, is, "Let the Ishmaelite go"—a policy made more specific by the Senator from Mississippi, who adds, "Let him go to the devil." That is easy, but it is not statesmanship. It is not patriotic constructive statesmanship.

The Senator said yesterday that most of the minority on this side had voted for the ratification of the Spanish treaty. This morning he corrects that, although it was in writing yesterday, and he said that he now means "some of them." So he can see that a man's last interpretation of his own thought, or his last expression of it, is the one that the public should accept.

Now, when the Senator quotes me in this deliberately written article of his, or essay or speech, he did not get from the RECORD any such thing. There is nothing of the sort in the RECORD. I desire to say now that when I delivered that speech I acted as I do in all others. I never see the notes of the stenographer and I never see the proof sheet of the printer. I let go whatever faults may be committed, either in transcription or in printing, and I content myself with correcting the permanent RECORD.

I did say, in the heat of debate, in an offhand way, "Let them go to the devil," but that sentence was accompanied by others which the distinguished Senator from Maryland does not choose to quote. It does not mean our consigning them to hades, by any means. I said, "Let them go to the devil and take care of themselves," and I afterwards said to the stenographer, "That was a rough expression which I would not like to have go into print, and I hope you will put it in, "Let them go where they please and take care of themselves," and that is what appears in the RECORD. So the Senator has misrepresented me, and he has done it deliberately and coldly and mechanically. He had no authority to quote such language as against me in my speech. It is not a matter of record, and I had chosen to express myself differently, and there could be no objection to doing so.

But, Mr. President, before I used that language I expressed the idea that I sympathize with every people in the world struggling for liberty, and at the same time I expressed my confidence in the American Army. I said there was nothing that I would say to disparage our Army, and I never have yet said one single word. On the contrary, Mr. President, I said that I was attached to the Army by more than usual ties, because I have some of my family in Luzon, one of them fighting in the province of Batangas, or he has been, under Gen. Franklin Bell, and I will never believe that he or anybody perpetrated any act of barbarity if he had a thousand commands from poor old Smith and all the balance of the generals in the Army. I use the phrase of my eloquent friend

from Iowa. I do not know how old General Smith is, or how poor he is, but it was used here so often, with such damnable iteration, that it made an impression on my mind, and I suppose he will go down in history as poor old Smith.

Mr. President, I said nothing about the paucity of the votes there. That question was not up when I spoke on the tariff in the Philippines. That question has come up under the pending bill. Yet I am represented as saying that by the Senator. He seems to take pleasure in associating me with the senior Senator from South Carolina [Mr. TILLMAN], who is quite able to take care of himself, I think; at least I will give him no assistance. But the Senator takes pleasure in associating me with him and making certain comments, and I will ask the patience of the Senate for a few moments. He says:

There will be more time to extend the Constitution to the Filipinos in the islands if they take all the time needed to undo that nullification of the Constitution whereby their Filipinos at home have been robbed of their suffrage and their citizenship.

That is, meaning Mississippi and South Carolina. He goes on to state—

It is safe to predict that most of the votes for this substitute will come from States where consent of the governed is least practiced, where the Constitution is nullified more and more.

It is a grave accusation to make against a sovereign State of the Union that it is nullifying now the Constitution and intends to nullify it more and more, and the gravity of it should make a man consider it well before he puts it in print. As a matter of fact, without impeaching the Senator, the statement is not true. I refer him to the decision of the Supreme Court of the United States in the case of Williams *v.* Mississippi, where the court decided there was nothing in the constitution of the State that was against the Constitution of the United States.

That should be a sufficient answer to any charge of nullification. But nullification attributed to a State is as old as the Union. The idea of nullification was proclaimed in New England when the Union was but six years old. It was preached in New England from that time down to the year 1860. I have never quarreled with them for preaching the doctrine of nullification, but the statement is made and the South is placed in this apologetic attitude eternally by these assaults made upon it and called momently to make its defense, and these things are reiterated over and over again until I am tired of explaining to Senators on the other side what is the condition of things in Mississippi. I have quoted the decision of the supreme court of Mississippi and the Supreme Court of the United States over and over again, and it does not require so good a mind as that of the Senator from Maryland to know what that decision was.

He goes on to say what the vote is in Mississippi. The question is not about the vote; the question is about registration, and there are 125,000 people registered in that State. I say now that there is not in the State of Mississippi a single man who has been unconstitutionally disqualified from voting, either by the constitution of the State or the Constitution of the United States. I say there is not a provision in that constitution that bars a man to make it objectionable to the fourteenth and fifteenth amendments of the Constitution, and I can support that contention here against the Senator from Maryland or any other man.

It seemed, however, that it was impossible to get the Senator away from the South. It is in the nature of a hound to follow the first scent; and though the track may be crossed by a hundred other than the fugitive, yet through all the mazes of the different tracks the hound follows the first scent. So, going through the forests and jungles and the rice fields and the mountains of Samar and Luzon, he harks back to his old trail, the scent of the African, and it is impossible to miss what seems to be his stock in trade, the hope of his political preferment hereafter.

The Senator from South Carolina and the Senator from Mississippi with tearful voices cry out against the small percentage of voters we begin with in the early elections in the Philippines.

I do not know that I have ever spoken with a tearful voice. I will not be positive about that, but I will be quite certain about the voice of the Senator from South Carolina. If his voice is a tearful one, then God save us from the vociferous and the explosive and the volcanic. I have been accustomed to speak with moderation. I know what I say when I speak; but it happens that my voice, whether tearful or otherwise, has not been heard upon this question; I have not alluded to it; I have not been mixed in it; I did not intend to be heard upon the question, and I do not know that I ever will be.

Now, these things might not, perhaps, be worthy of notice if they were not carefully written. When I see a man write a speech I generally think that he has written it about a dozen times. I do not know how he feels when he is doing it, as I never did anything of that sort, but certainly the most careful preparation—I am not deprecating the writing of speeches—and the utmost care are demanded sometimes in expression. I suppose the Senator from Maryland wanted to be particularly accurate in all the statements he made for fear that his veracity would be impeached, and therefore he was doubly careful and rewrote and rewrote his speech again and again, and consulting every source of information. The best orators the world ever saw wrote their speeches. Demosthenes wrote his speeches, and generally wrote them twelve times, the last time to measure the sentences and get the rhythm, the cadence, and make music of that beautiful Greek tongue. So did Cicero write his great speeches, except those tremendous harrangues against Catiline, which were drawn out by the exigencies of the moment.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. MONEY. Certainly.

Mr. CARMACK. I wanted to know if the Senator from Mississippi intended to compare the Senator from Maryland to Demosthenes. If that is so, I intended to call him to order.

Mr. MONEY. I did not intend to compare him with anybody. I only instanced a fact.

Mr. MCCOMAS. The Senator from Tennessee desires to have that comparison applied to himself.

Mr. MONEY. Certainly; apply it all around. I am told that Daniel Webster wrote his great speeches very carefully and then dismissed them and spoke them as he remembered them. One of the greatest Southern orators—Mr. Lamar—wrote his speeches and studied them carefully and threw them away and repeated them. I have had the pleasure of having three or four of his speeches rehearsed to me long before he made them. I did not say the Senator was not at perfect liberty to write a speech, and I do not say it is not a good practice, but I do say that when a man takes the deliberate care that is involved in writing a speech he should be exceedingly accurate in his statements, but there must be a latitude allowed to a man who speaks simply upon the spur of the moment and spontaneously, and therefore there is liberty to change his remarks if he finds he has been mistaken in any point.

Well, the Senator goes on to accuse me of hypocrisy and effrontery:

Never until the past three years was there such effrontery of hypocrisy. We behold Senators from the two States where there is less popular liberty than in any others shouting loudest for constitutional liberty on the other side of the globe.

There is another mistake, if I may be allowed to use as mild a word as that, upon the part of the Senator from Maryland. I have not been doing any of that kind of shouting. On the contrary, in every remark I have made upon this floor (and I have spoken more than once upon the Philippine question) I have said distinctly that I spoke from an American point of view; that I spoke in behalf of the American people and American institutions; and that I cared nothing what the fate of the other man was except as I sympathized with any people, however savage, in their struggle for national independence. But I said also that wherever the American flag waved I wanted its foes to fall before it. I am no more concerned about the fate of the Philippines than is the Senator from Maryland about the fate of the negroes. He cares just as little for them as I care for the Filipinos, and he cares as little for the Filipinos as he does for anybody else.

Now, here is a novel idea from the Senator:

If the Filipinos upon an island have such inherent right to take our territory for such experiment, upon the demand of its inhabitants, each State at home, each Territory at home, has the right to demand independence.

I would be glad to believe that that was intended in a sort of Pickwickian sense, for I do not see how any Senator with ordinary information, especially a man of the good mind of the Senator from Maryland, could have used such terms as this, that they are trying to take our territory away from us in order to make an experiment in self-government. Why, the Republican party passed a resolution here the day they ratified the treaty, in which they declared that these people should never become citizens of the United States and their land should never become the territory of the United States, an integral part, at least, of the territory of the United States; and here we talk about our sailing seven or eight thousand miles to a people who are the autochthons of that country, so far as we are informed, and that they are trying to take away from us our territory in order that they might try the experiment of free government and independent government.

I have said over and over again here that I do not believe the mind of the Philippine people could conceive a republican government like ours. I am still in that belief. I said also, and I want the attention of the Senate to that point, that when the officers of the Army reported what they did about the Filipinos, I believed them, because our officers were honorable men and they would not tell lies. That is what I said, and I said, taking them at what they say, and they know better than we do, the sooner we cut loose from such a people the better for the people of the United States, both in its exchequer and in its character.

The contamination of association is inevitable. I recollect,

while I am in reminiscence now, that when I spoke upon the Spanish treaty I predicted the very things that have followed. I said we would lay the bones of thousands of our best men upon the island of Luzon and in the archipelago. I said we would have the plunder of carpetbag government and the hard rule of military government. It is not a weakness or an infirmity or a vice of the American people. The American people are a humane people; they are a brave people; they are a people capable of self-government in the highest conception of what that government means and all that it implies. They are that more than any other people I know of on the face of the globe. Yet it is the weakness of human nature that when you unite, as I said then—I am quoting my language as near as I can recollect it—when you unite irresponsibility with power you must have a condition of things of which this country ought to be ashamed and will be ashamed. So far as I know, that prediction has been in some measure fulfilled and it is going on in fulfillment.

Now, we have the spectacle of a country that was acquired in the exercise of the laws of war, suitable to the occasion, as I will admit, in the exercise of the laws of war, where our armies have been compelled to burn cities and towns, burn men, women, and children at the doors, and kill the people. That has been, you may say, one of the necessities of the military situation. This is what I do not want. This is what I foresaw. This is what I predicted; and this is what I would have saved the American people from; and I say the end is not yet.

Taking it for true that General Smith issued that order, and there does not seem to be any doubt about it except in the mind of my friend from Iowa [Mr. DOLLIVER], think of the condition we have voluntarily placed upon ourselves, the necessity for killing people, whether at war or peace, above the age of 10 years. To make that order ridiculous, which if it is true is cruel and hard, we have letters published in the press from people who profess to know about the Philippines, in which they say that the Philippine boy about 11 years is the most terrible fighter on earth. One man went down to 8 years of age, and said what a magnificent fellow he was with a bolo; that he would just like to chop up an American soldier on sight; and we all say that the men are cowards and can not fight, but that 10-year-old boys are savage and ferocious to the last degree. This is making an opera bouffe of the whole business. Here comes in General Bum, as in the Grand Duchesse, to play the funny part as a counterpart to this order of General Smith. These terrible Filipino boys of 8 are so to be dreaded that they are to be killed as soon as they get to the age of 10. I do not believe there is a Senator in this Chamber—I have too much respect for every single one of them to believe it—who will in his heart indorse the order of General Smith, if it is true as reported by cablegram.

I was glad to hear the junior Senator from Massachusetts [Mr. LODGE] say the other day that his heart revolted at such an order. It would be well for Senators to recollect before they enter into this defense or quasi defense they are making, whether true or not, that they must not allow themselves to be made a part and parcel of this bloody scheme of vengeance. We know there are reprisals in war. We know that sometimes we treat savages with savage methods. But when it comes to a plan of campaign I want to say what we hear on both sides of the Chamber about excesses in times of war has no bearing upon this question at all. The excess of Alva in the Low Countries and the Austrian Haynau in Hungary and the destruction of whole tribes by the Romans, or anything else that you can adduce besides religious persecutions of their own people, have nothing to do with the case whatever. You can not make an army without having brutes and thieves and criminals and fiends in it.

You must have some that are hard hearted and callous, ready to plunder and rob and to murder if need be, and we do not expect any country on earth to be free of these things. But I want to say when it comes down to issuing a plan of campaign the letter of general instruction by which subordinates are to be guided and directed and instructed, which orders they are bound to obey, then when it comes to order the wholesale destruction of people of 10 years of age it has rarely been witnessed, and thank God the pages of human history show few counterparts to any such order.

I hope from the bottom of my heart that there is some mistake about this matter. I hope it will turn out in the end that the whole thing is just such a fake as the Senator has explained in the massacre of 1,200 people, which I did not believe when I saw it in the papers. I did not believe it at first to be true, but as it is to-day the order comes to us so well substantiated that it would be well for both sides to wait to hear what the truth is about that order, and when it is ascertained, when the War Department receives the news authentically, I do not believe there is any Senator in this Chamber who will rise to defend it. I do not believe there is one who can sympathize a moment with it.

Now, it is the disposition of people at home to be humane. The excitement of battle, the joy of combat, as the Latin had it, or still better as Walter Scott had it, the rapture of fight takes men clean off their bearings and leads to wild excesses that they themselves are afterwards ashamed of, when—

> The war's wild blast has blown,
> And gentle peace returned.

Men do not sit at home after their campaign surrounded by their peaceful families and look back with pleasure upon the excesses they themselves have committed in war. They think with pleasure only when they succored the wounded and helpless and never of the time when they exercised an arbitrary brute force in order to inflict injury or death. The people of this country are a humane people. We are, as described by the Senator from Tennessee, an arrogant people, a people confident of ourselves, proud of our power of sustained purpose and our energy, proud of that principle which makes us capable of self-government and has made us so from our forefathers in the forests of Germany.

Now, Mr. President, I did not intend to go so far as this, but I must say another word about Mississippi. I want to ask a question now deliberately and I want a candid answer. We have made a constitution which does not, as I said, disqualify any man in the world contrary to the Constitution of the United States, and as a matter of fact there has not been in the execution of that constitution any law or any act at the polls of an executive officer which has been contrary to the Constitution of the United States. The most jealous scrutiny has been exercised upon the State of Mississippi since that constitution was adopted in order to find if possible a weak part in her armor in which the lance of her assailant might penetrate, and it has been futile.

We have there, according to the census, about 270,000 adult men. One hundred and twenty-five thousand are registered. I have in my office sheet after sheet, in one county over 3,000 names, of people who did not pay the poll tax, and therefore they were disqualified from any right they might have, and I say a man who will not pay a poll tax is not entitled to vote. It is good sense. It is good reason. It is a sound basic proposition for the suffrage.

Now, Mr. President, suppose that they all had registered and that they all had voted. There are in Mississippi a majority of 40,000 or 50,000 adult black people over white people. Would the Senator from Maryland, with his views of civilization, of Christianity, of education, of responsibility for good order in government, be willing to see every one of those men vote and to turn out every white man in this House and in the other? Would he be willing to see every office, from the governor down to the constable of the beat, filled by the black race? Would he be willing to see the institutions of that great State, its property, its education, its religion, turned over to the black race?

Are they the people he and posterity will hold responsible for good order there? Will any Senator say that he would have the Anglo-Saxon subdued to the power of the inferior race because of numerical superiority? When that people attempt to interpose a peaceful, legal, and constitutional inhibition against the qualification and characterization of the colored race and not against him, do you say that we have not the right to do it? I ask any man to show me a complaint made of an election in Mississippi since that constitution went into operation or before. I was seven times elected to the House and twice to this body, and nobody has ever yet raised a single complaint that at any time, at any polling place, there was an illegal vote cast or counted, or that there was any violence at any poll. My right to a seat here has never yet been contested by anybody.

Then what is the use, unless it is to stir up partisan feeling, to inflame sectional hatred and advance a partisan policy, to continually revert to the condition of things in the South, and to inject them into a debate that concerns a people 10,000 miles away? I ask what good can result from this, and what is to be the advantage to be expected? Are we to surrender Mississippi and South Carolina? These are the two States that have been assaulted by the Senator from Maryland [Mr. MCCOMAS] so unjustly here. Are we to surrender our heritage and our birthright and to permit ourselves to be governed by an inferior race? What is good for those two States is good for forty-five States, and it is just as well, if Mississippi is to be represented here by a black man, that every Senator here should be a black man.

This talk about a skin government and skin society is all rot. There is not any sense in it; there is not any philosophy in it. It is not that a man is discriminated against or a race is discriminated against, but we know that a black skin is a badge of inferiority, and there is not a man in this Senate who does not know that and acknowledge it.

While Africa, according to Sir Rhoderick Murchison, is the oldest continent in the world, and they have had their own way there, yet they never have arrived at the dignity of a legislative council. It has been the rule of the strongest arm with the heaviest club. The white man never made them slaves, but the African chieftains themselves sold them to white men—white men

more wicked than they. That was not the fault of the men who owned them in the South, however, for it happened that the slave trade was carried on by the natives, and carried on by men of New England, who derived enormous gain from it, and the most notorious and successful slave ship that ever sailed from an American port was a ship that was owned by what the biographers say were the leading commercial and social people of the town, and a man who was a captain of a slaver was made a Senator of the United States from the State of Rhode Island.

We are dealing with this problem, gentlemen, as God has brought it to us. We are dealing with it not only solemnly and seriously, but prayerfully. It concerns us a thousand times more than it does you men living north of Mason and Dixon's line. It is to us the whole world. Your foreign policy, your tariff policy, your fiscal policy are to us as dust in the balance compared with the one question whether the white man is to rule or the negro is to rule in the South; and this continual reference to this matter, I do not care who the Senator may be here, does not, in my mind, give evidence of the spirit that is tolerant of civilization, of Christianity, of good government, or of good order in society.

The negro has not a warmer friend in this country than I am. I was born on a cotton plantation and I was nursed at the breast of a black mammy, who afterwards died on my plantation, cared for as she had never been before in her life. I looked always with affection upon those employed about me. I never mistreated a single one of them, and none of them will ever lodge a complaint against me; but this does not prevent me from saying, as an intelligent human being, that it will not do for this Government to rest for a part of its foundation upon so unstable an element. It is like a quicksand. It will liquefy the very solid foundations of this Government if your substratum is that.

They are here, and their being here can not be prevented. We must deal with them as wisely and as humanely as we can; and we are trying, with all our might and main, to do that thing; but continually somebody abroad, not involved in the real horror of the situation, throws obstacles in our way, accuses us of oppression, and accuses us of having adopted a constitution which disfranchises them. It is not true. There is nothing of the kind there, though we are denounced. Why do not gentlemen inform themselves and not come in here and make such accusations as were made here the other day by the very genial, accomplished, and distinguished Senator from New York [Mr. DEPEW], without any knowledge whatever of what he was talking about, all sorts of machinery invented in his own mind, or taken from some newspaper, or from a dim recollection of what he had seen in some newspaper report.

I ought not to talk so long on that subject, and I beg pardon of the Senate for having done so; but I have been unwillingly dragged into a discussion of that matter because I owe a duty to the people who sent me here to speak when their honor is assailed—when it has been assailed without provocation, when I have not participated in this debate, when I have not yet uttered a single word concerning the right of suffrage in the Philippines, and have never expressed a wish that was contrary to the success of the American Army, but, on the contrary, speaking always with respect of the American Army. I have put myself in the attitude of endeavoring to bring about a compromise between the two parties, because I said neither one of their plans suited me.

I made a speech when the other bill was pending, the bill of the Senator from Wisconsin [Mr. SPOONER], I believe, which we settled some time ago, when I did animadvert upon the relations we are to enjoy politically with these people. But if all these things are true that are reported, if the things that are admitted by the gentlemen on the other side of the Chamber are true, then I want to ask you what is the compensation for holding on to the Philippine Islands?

We have seen the expense in the last four years of the Army and Navy mount from scores up to hundreds of millions of dollars. We see what it is this year, and we do not know that it is going to decrease soon. On the contrary, if we are wise we will increase our Navy, and we will necessarily be compelled to do so if we use any wisdom or precaution. To think, after having projected ourselves into the future storm center of the commercial world, that we are going to escape its accidents is beyond the lunacy of hope. So we have got to be prepared to meet them, and I do not see how you can diminish your Army or reduce your Navy; but, on the contrary, I see every reason why wise government should increase both if you intend to persist in this policy in the Philippine Islands.

I do not want all that added to the burden of the working people of this country. I do not want an occupation of those distant islands, that is indurating the character of the good soldiers that we send over there, even such good men as poor old Smith. I understand that he himself was compelled by circumstances to issue an order to which his whole soul must have been repugnant. Have we arrived at the bottom? No; for below the lowest depth there is a lower deep, and we are going down; facilis descensus Averni.

I am not talking from a party standpoint; I am not talking from a political standpoint, nor have I ever done so upon this question; but I am talking because I love my country, because I love humanity, and because I love liberty in the abstract as well as in the concrete as applied to myself and to my own motions.

For that reason I would implore the American Congress and the American people to consider the situation in which we are involved and to get out of it. Whether we will get out of it honorably is not the question at all. We can get out of it, because we are so mighty we can do anything we choose. A weak people might consider the loss of prestige; but not so the American Government. The Government of the United States has so preeminent a position before the whole world that it can dare do right, and it is so rich and so abundant in all its commercial blessings that it can afford to be generous.

When we consider these questions we must think about ourselves and about what the effect of these things must be in the reflex action upon ourselves. The dyer's hand is dyed with that in which he works. Rome had no gladiatorial combats until it became a great subjugating power; then the Romans grew hardened, until nothing but the spilling of blood could furnish a Romau holiday.

In every nation in the world, while war brings out manly qualities and great qualities—devotion to country and self-abnegation—yet, when it is persisted in against a weak country in a cause not entirely just the effect may be extermination of the one and the degradation of the other.

Mr. President, the questions in the bill as it stands I had not intended to speak upon to-day at all, but if this debate continues I think I shall. I have been suggesting to myself some things as the discussion has proceeded here which I expect to say. I have now only consumed a few minutes, for I am not able to speak longer. I shall ask the indulgence of the Senate at some other time to continue these remarks.

Mr. MCCOMAS. Mr. President, I propose to occupy but a few minutes——

Mr. FORAKER. Will the Senator yield to me just to give a notice?

Mr. MCCOMAS. Certainly; I yield to the Senator.

Mr. FORAKER. I desire at some time during this debate to make some remarks on this question. I understand there are some other Senators who desire to speak to-morrow and the next day. I therefore take advantage of this opportunity to give notice that at the close of the morning business on Monday next, with the indulgence of the Senate, I shall then make some remarks on this bill.

Mr. MCCOMAS. Mr. President, it is true, as the Senator from Mississippi [Mr. MONEY] has said, that we served together for years in the House of Representatives, as we serve here now, and that there is no reason, and there shall not be cause, to change those pleasant relations.

He omitted to read a part of my speech, which speech was not written twelve times, but only a few hours before my remarks were submitted to the Senate. My honored friend Senator BERRY, from Arkansas, called my attention to an error in my statement that most of the Democratic Senators had voted to ratify the treaty, when I had orally said some had so voted, and I made the correction. Because of that printed inaccuracy the Senator from Mississippi has repeated that statement.

The Senator complains that I made reference to his voice as "tearful." On this occasion, after having heard the Senator from Mississippi, I am prepared to withdraw the expression and to substitute for it any other which may be agreeable to him—cheerful, animated, bright, bird-like, or any other phrase.

I certainly had no motive in using the word "tearful" except to say that when he once complained about Filipino people being governed without their consent in perhaps a lugubrious tone, he did not mention the other Filipinos in Mississippi, the half of the people who are there governed without their consent.

I wish the Senator had read enough of my remarks to learn that I said—and I think I repeated it—that I had not yet heard any Senator who had been a soldier, any Senator who had worn the gray or who had worn the blue, rise in his place and rail at the American Army.

The Senator from Mississippi was a Confederate soldier. He discussed this Philippine government question on the Philippine tariff bill, on the substitute of the minority, which was not germane; but the Senator did discuss this question, and I say to his credit, he did not rail at the Army, and my remarks still hold good.

He was a Confederate soldier, and I have not yet heard a Confederate soldier, including the Senator from Mississippi, rise here in his place and rail at the American Army. I wish the Senator had read that remark in my speech.

Another thing. I thought the Senator might find he erred in his statement when he complained that I said he used, in speaking of the Filipinos, the phrase, "Let them go to the devil;" and thereupon I remarked that that was not constructive statesmanship. The speech of the Senator shows that he is not now proud of that phrase in his speech and is ready to agree with me that to let the Filipinos "go to the devil" is not constructive statesmanship. It is too easy.

I heard him make the remark and I heard the Senator from Ohio call his attention to it. The Senator states that, upon reflection, when he came to write the speech that he made a change and struck out the phrase which I had heard. I will say to the Senator that while it occurs frequently that I hear his remarks with pleasure, I do not always afterwards read in the RECORD what he has said. I only hear what he has said. It may be that the distinguished Senator from Mississippi——

Mr. MONEY. If the Senator will excuse me, I never see the stenographer's notes until printed in the CONGRESSIONAL RECORD, and not always then; but after my speech was reported I said to the stenographer that I thought the expression was a little harsh and that it had better be omitted. I do not wish the Senator to understand that I feel that it is an important point in etiquette or against good manners, but I did not care to have that language printed in my speech.

Mr. MCCOMAS. I accept what the Senator says now as to the notes of the stenographer. If I had known that, I should have been very well satisfied and left it out myself; but now, because the Senator thinks he should withdraw his remark as to the Ishmaelite, "Let him go to the devil," that it is not applicable to this discussion, certainly on his suggestion I withdraw it. Let us unite in trying to prevent the Filipino from going that way.

I meant no personal reflection upon the Senator from Mississippi, but I can not withdraw some facts of the census which I presented. I did say in that same connection that the Senator's State had only cast a vote of 3.8 per cent of the total population of that State. I remembered the remark of the Senator from South Carolina [Mr. TILLMAN] about the small per cent who were to vote in the archipelago under elections held by the Commission. This I could prove to the Senator from Mississippi if I could now take the time to do so.

In the discussion on the first Philippine bill following the remarks of the junior Senator from Colorado [Mr. PATTERSON], who complained that only 5 per cent of the people of the Philippine Islands could vote, or were allowed to vote, and that it was a monstrous thing to support a government with but 5 per cent of the people allowed to vote, I think I can say to the Senator from Mississippi, and I am not in error in saying it, that he then expressed concurrence with the Senator from Colorado and objected to a government with such a limited suffrage as that. Such objection came with ill grace from that quarter.

I repeat, it is startling to observe that after one hundred and eleven years under the Constitution of a popular government, after more than a century, there are States in this Union where of the whole population in the last election for President not more than 3.8 per cent of the population, where we have established a government of the people, by the people, and for the people, a government by the governed, with their own consent—that not more than 3.8 per cent in the two great Commonwealths of South Carolina and Mississippi voted for President in the year 1900.

I will add to those figures these: That in the State of South Carolina by the present census there are found to be 130,375 white males of voting age and 152,860 negro males of voting age, and yet in that election, where the consent of the governed was taken away, only 50,815, not one-fifth of the population of voting age, voted.

Now, I am not going to say unkindly what I do say, but this is a fact, and I will ask, What does it mean? It does mean much, but I do not stop now to comment upon it. In Mississippi, from the census taken in June of the year before last, it appears that there are 150,530 white males of voting age and 197,936 negro males of voting age, and yet in the last election, which was one of the most momentous and important which has ever occurred in this country, in the election for Chief Magistrate, there were returned but 59,103 votes as having been cast in that State.

My argument was not intended to stir up the negro question, but to point the contrast, an inquiry as to what weight should be given to the complaint of Senators from States where the suffrage was only a vestige of popular government, and yet such Senators were eager for government by consent of the governed among our antipodes, when only 3.8 per cent of the whole population at the end of that century are voting in two States of this country. What becomes of the desire of Senators that all men should be governed by their consent, and that no man is good enough to govern another? The condition at home provoked me to speak of this disparity.

I assume the Senator from Mississippi thinks himself sincere in his opinions, but it is impossible, with my habit of thought, to think that a man finding at home such scant suffrage should think 5 per cent of voters to population was such a bad beginning in the Philippines. What say you of our American Filipinos, if you have such uncommon anxiety lest only 5 per cent might be given the right to vote when we begin a civil government over in the Philippines?

Mr. President, I can not therefore withdraw the facts; I can not withdraw the statistics; I can not unsay my comment. The Senator has stated that this is not nullification under our Constitution. He has stated that the Supreme Court has decided the matter, and he has referred to the Williams case.

The Senator is a good lawyer and a very careful man. If he has not already found out, I will undertake to have him agree with me that in the Williams case the point was an inartificial and defective statement of the cause of action and a demurrer thereto, and the court held that the pleading only alleged difficulties that might occur under—not an allegation of the actual or necessary operation of the constitution of Mississippi—which thereby would violate the Federal Constitution, and in conclusion the learned Justice McKenna, in delivering the opinion, said "when it appeared that the constitution of a State in respect of its being in violation of the fifteenth amendment, when it appeared that it was in its operation a violation or that the law was administered with an evil eye and an unequal hand in its operation, then the court would pass on the question of the constitutionality of the Mississippi plan.

And there has been no decision whatever on that point. The time will come when that question, in proper form, will come up to be heard by that great tribunal, and it will decide whether or not these provisions, which take away from the governed the consent of the governed given them under the Constitution of the United States, are in the very teeth of that instrument which forbid such discrimination on account of race or color.

Mr. MCLAURIN of Mississippi. Will the Senator from Maryland allow me to ask him a question?

Mr. MCCOMAS. Certainly; I yield to a question.

Mr. MCLAURIN of Mississippi. What provision of the constitution of Mississippi is it that takes away the right of any citizen to vote?

Mr. MCCOMAS. At another time, Mr. President, if the Senator shall desire to put that question, I shall be glad to answer it. It is now half past 5 o'clock, and I will not go so far afield as Mississippi. I had rather proceed with the matter before us now.

Mr. MCLAURIN of Mississippi. It will take but a moment for the Senator to refer to the section of the constitution of Mississippi.

Mr. MCCOMAS. It will take but a moment, but I will take the right moment to do it on another occasion.

Mr. MCLAURIN of Mississippi. With the Senator's permission, I thought, inasmuch as he was referring to a provision of the constitution of Mississippi, that he had it in his mind and could refer to the section at once.

Mr. MCCOMAS. I have not the constitution of Mississippi in my vest pocket. If I carry a book, I try to carry a better volume than that. [Laughter.]

Mr. President, I myself was born and raised in a former slave State. I know the colored race. I, too, was nursed in my early childhood by a black mammy. I know the affections that arise in such cases, and I know they exist in the heart of the Senator from Mississippi.

But, Mr. President, that question is too wide for this time in the evening. I think Senators are almost too sensitive when they endeavor to dissociate their local Filipinos from the like problem elsewhere respecting dark-skinned people.

The problems are grave enough, God knows. I know they are grave and difficult, but I think the very people who are not solving with any success like Filipino problems at home in their own States should not be the first to rail at us who endeavor manfully to meet the problems in the Philippine Islands.

This country is united. What I have said is not sectional and is not meant to stir up sectional feeling or any rancor in the heart. I myself number and am proud to number among my friends and intimates, my relatives and companions, a great many gallant Confederate soldiers. I know many of them who are full of hope for our country in the expansion of our commerce and confident we must win credit and advantage in this new experiment across the seas. Many of the strongest and most earnest expansionists I know are among Confederate soldiers.

We speak of the States. I love my State, which has honored me, as the Senator loves the State of Mississippi. My kindred and my forebears for nearly two centuries have dwelt there. I love my State, but I love my country. I love to speak of my country. I take no pleasure in making unkind remarks in respect of States. But it is all our country—the men who wore the

blue and the men who wore the gray. When a man rises here to defend the sons and nephews and the brothers of the old Confederate and Union soldiers, shall he be told, when he says war is cruel, that he is reflecting upon some State?

I want to see some other rule of order here. I have heard men on this floor, as we have all heard them, when they are sensitive with respect to a single State, not sensitive in respect of the Union of all the States. Why should men here with bated breath speak about one State and then freely revile the 45 States—the Government of the United States.

Is it a rule of debate here that a man should bate his breath in criticising a State and yet be free, as an American Senator on this floor, to defame the American Army, defame the American Navy, traduce the American Executive, say that the Senate and the House are engaged in plunder and exploitation; that there is no good motive in the legislative and the Executive Departments; that the Government is going to destruction?

I think if there is reason why a Senator should not speak ill here of one of the 45 States, we have 45 reasons why he should not traduce the United States of America and should speak respectfully of the Government of the whole country and of all the States.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. McCOMAS. I yield.

Mr. PETTUS. I simply desire to ask the Senator a question. He says we are now a united people. Does the Senator think it contributes anything to the Union to speak in this way with regard to a State in the Union about which he knows nothing except from what he reads in the papers and books? Does the Senator think it is the part of patriotism to try to tear us apart? We have been living as an inferior race; but we are Saxons, and we can not always live in that way. I merely call the attention of the Senator to the question whether he thinks it contributes to the Union to abuse a State or any part of the Union?

Mr. McCOMAS. The honored Senator from Alabama knows that I do not want to abuse a State. I am sure the Senator from Alabama does not desire that men on this floor with commissions from States should spend hours and days in the vilification and abuse of all the States, the great and glorious Union to which we belong.

Mr. President, I believe the time will come when Senators who will look carefully into this question will find that the idea of carrying the proposition of the consent of the governed to other parts of our possessions had better be left, with some patience and humility, to the brave, honest, and true men who are trying to work it out, and not to hamper them, not to decry them, not to suspect them.

I have listened with amazement to Senators who, having had the benefit of the testimony taken in the Committee on the Philippines, have cited none of the good things which in hundreds of pages are shown, of the achievements of our administration there, none of which have been repeated or commented on or applauded on this floor. But the little and the cruel things, or the iteration of the same cruel things, are brought here to blot and blur the picture of the splendid success we are there making.

The day will come by and by when Senators who are now timid, and who in their timidity are carping and criticising, will look upon the splendid work of our American administrators in the Philippines and they will wonder how it was that with their blind and perturbed vision they could not have seen clearly the good of their country, nor had hope for its future, nor reliance in the justness, the integrity, the humanity of that Anglo-Saxon race to which we belong.

At this late hour I will make no further reply to the observations of the Senator from Mississippi.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. MONEY. I think I am entitled to say a word or two after the speech of the Senator from Maryland. I can go on to-morrow if the Senator from Massachusetts prefers.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. MONEY. It will take but a moment.

Mr. LODGE. If the debate is to go on I will withdraw it.

Mr. MONEY. Mr. President, I merely rise to say that I am very much gratified at what the Senator from Maryland has said about his intentions in the matter of his speech and of his feeling toward me, and also to mention the fact that I have not asked him to withdraw anything, and I never would ask him to withdraw a fact. The figures he states may be absolutely correct for all I know. I have not questioned them or asked him to withdraw them.

I have explained to the Senate more than once the reason for the small vote polled in the State of Mississippi. I explained it in such a manner that it is impossible for anyone who did me the honor to listen to attribute it to anything but the indifference of a great many voters. The registered vote is 125,000. The voters do not choose to go to the polls, but they go to the primaries. There is no contest in the State. If there was as little contest between political parties in the State of Maryland as there is in the State of Mississippi the Senator would find that the vote at the ratification by the people at the polls would be just about as small as it is in the State of Mississippi. That is all I desire to say.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 9, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1902.

ASSOCIATE JUSTICES.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma, vice John L. McAtee, resigned.

J. L. Pancoast, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. An original appointment under the act approved May 2, 1902, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

James K. Beauchamp, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. An original appointment under the act approved May 2, 1902, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

APPOINTMENT IN THE ARMY.

Artillery Corps.

Alphonse Strebler, of New York, first lieutenant Philippine Scouts, late sergeant, Company I, Forty-third Infantry, United States Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1902.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be United States attorney for the western district of Arkansas.

MARSHALS.

J. F. Emmitt, of Nevada, to be United States marshal for the district of Nevada.

Asbury S. Fowler, of Arkansas, to be United States marshal for the eastern district of Arkansas.

REGISTERS OF THE LAND OFFICE.

J. Henry Smith, of Sedro Woolley, Wash., to be register of the land office at Seattle, Wash.

Mathew B. Malloy, of Washington, to be register of the land office at Waterville, Wash.

Fred W. Stocking, of Olympia, Wash., to be register of the land office at Olympia, Wash.

RECEIVERS OF PUBLIC MONEYS.

Alexander J. Cook, of Clarke County, Wash., to be receiver of public moneys at Vancouver, Wash.

Miles Cannon, of Washington, to be receiver of public moneys at North Yakima.

Lyman B. Andrews, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash.

James F. Thompson, of California, to be receiver of public moneys at Eureka, Cal.

APPOINTMENTS IN THE NAVY.

Mr. Cecil S. Baker, a citizen of Maryland, to be an assistant paymaster in the Navy.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 9th day of February, 1902:

William M. Wheeler.

Robert S. Blakeman.

Earle Mason Brown, a citizen of California, to be an assistant surgeon in the Navy.

Howard Francis Strine, a citizen of Pennsylvania, to be an assistant surgeon in the Navy.

Gunner Joseph R. Ward, to be a chief gunner in the Navy.

Robert Eustis Hoyt, a citizen of New Hampshire, to be an assistant surgeon in the Navy.

Joseph Paul Traynor, a citizen of Maine, to be an assistant surgeon in the Navy.

Gunner Charles Morgan, to be a chief gunner in the Navy, from the 17th day of October, 1901.

PROMOTIONS IN THE NAVY.

Commander Albert Ross, to be a captain in the Navy, from the 11th day of April, 1902.

Paymaster Charles W. Littlefield, to be a pay inspector in the Navy, from the 29th day of March, 1902.

Passed Assistant Paymaster John Irwin, jr., to be a paymaster in the Navy, from the 29th day of March, 1902.

Assistant Paymaster Hugh R. Insley, to be a passed assistant paymaster in the Navy, from the 29th day of March, 1902.

Paymaster William W. Galt, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Paymaster Arthur Peterson, to be a pay inspector in the Navy, from the 10th day of April, 1902.

Passed Assistant Paymaster John H. Merriam, to be a paymaster in the Navy, from the 10th day of April, 1902.

Capt. Joseph B. Coghlan, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Capt. James H. Sands, to be a rear-admiral in the Navy, from the 11th day of April, 1902.

Asst. Surg. Will M. Garton, to be a passed assistant surgeon in the Navy, from the 27th day of July, 1901.

Asst. Surg. Alfred G. Grunwell, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Cary D. Langhorne, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901.

Asst. Surg. Frederick L. Benton, to be a passed assistant surgeon in the Navy, from the 21st day of July, 1901.

Asst. Surg. William H. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of September, 1901:

P. A. Surg. William C. Braisted, to be a surgeon in the Navy, from the 26th day of January, 1902.

POSTMASTERS.

Joseph E. Helfrich, to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

Miles K. Moffett, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 8, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MEMBER OF COMMITTEE ON APPROPRIATIONS.

The SPEAKER announced the following committee assignment:

Member of Committee on Appropriations—Mr. GILLETT of Massachusetts.

ORDER OF BUSINESS.

Mr. KNOX. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill, and pending that motion, after consultation with all members who are interested in this matter, I ask unanimous consent that unless general debate be sooner concluded in Committee of the Whole that it end at 3 o'clock.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543, the statehood bill——

Mr. BARTLETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. Mr. Speaker, I would ask the gentleman from Massachusetts to withhold his motion for a moment that I may prefer a request about a matter not connected with this.

Mr. KNOX. Very well.

Mr. BARTLETT. I desire to ask unanimous consent that the minority members of the Committee on Banking and Currency have until to-morrow to file their views on the bill H. R. 13363, known as the Fowler bill, and in doing so I would state that this is prefectly agreeable to the chairman of the committee and to the majority members.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the minority may have until to-morrow to file their views on what is known as the Fowler bill, reported from the Committee on Banking and Currency. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Pending the motion of the gentleman from Massachusetts, he asks unanimous consent that, unless sooner closed, general debate be closed to-day at 3 o'clock. Is there objection to this request? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from Massachusetts, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12543—the statehood bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of the bill H. R. 12543, with Mr. HEMENWAY in the chair.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

Mr. MOON. Mr. Chairman, but little remains to be said in support of this measure after the favorable presentation by the gentleman from Massachusetts [Mr. KNOX] and by the gentleman from New Mexico [Mr. RODEY]. Perhaps it ought not to be said that gentlemen are pledged to support this measure merely because their party platforms declare for the admission of these Territories as States in the Union, for it is possible that in the minds of some gentlemen conditions may have arisen which would justify them in the violation of the pledge made by their party in convention to the people of the United States. If, however, under a sound policy, if in common justice, the constitutional right to admission exists, then this House ought not to hesitate to exercise that discretion which is conferred by the Constitution and the law for the admission of these Territories.

Is there any sound policy that would deny their admission? Are the people of these Territories unlike the people of the States? Do they adhere to any doctrines in government that are in opposition to the principles of republican government? Is the Territory not sufficient in area to make a State? Is the population not sufficient to constitute a State? Are the resources of the country insufficient to support a State government? If so, then this House ought to exercise its judgment in opposition to their admission. If, however, these questions may be answered favorably to the Territories, it is the duty of this House to exercise that discretion which the law confers upon it and admit the Territories. As a matter of justice, taking into consideration the conditions that existed when six of the original States that formed the Union were made a part of it, and when twenty-six of the States that have been since admitted were admitted, it would seem that there ought not to be any hesitancy on the question of their admission; but, sir, the people of the Territories demand admission to the Union upon higher and broader grounds than mere public policy.

I assert, fearing not that it will be contradicted by any lawyer on this floor, that the moral right to admission exists now, and that the denial of admission is a denial of a right perfected under the Constitution. It has been determined by the court of last resort in the United States that when territory is acquired by the Union it is acquired with the ultimate purpose of statehood; that it is clothed with the inchoate right of statehood; that Congress alone has the right and the power to determine when the territory so acquired is fitted for statehood. This is a discretion that can not be overruled by any other power. It is vested in Congress alone. Yet it is not a mere arbitrary discretion; it is a semi-judicial, it is a legislative discretion which Congress is called upon to exercise when the conditions are such as to fit the Territory for statehood.

The facts, therefore, must be such as to invoke this legislative discretion in wisdom and in justice, and not arbitrarily. Hence, if the Territories are numerically sufficient in population; if the resources are sufficient; if they are imbued with the principles of republican government; if they desire admission, then the inchoate right which passed to the Territory at the moment of its acquisition has become completed under the law, and the right of admission is a clear constitutional right which the Congress can not deny without impugning its integrity and exercising the highest order of tyranny which any legislative body can exercise; for when a power is vested in a legislative body to be exercised in judgment and in justice, and that power is exercised arbitrarily, it is the most grievous form of public tyranny.

I will not review the facts, for they are supposed to be in the possession of every member in this House, having been so admirably and tersely stated in the report of the Committee on Territories, and clearly demonstrate the fitness of the Territories for States. Arizona, Oklahoma, and New Mexico are standing to-day at the bar of the American Congress with clasped hands. They come clad in the robes of organized American Territories, the indicia of political bondage. United in one petition, they ask at your hands the scepter of local self-government, the crown of

sovereignty, and the robes of statehood. Who are they? Whence do they come? They are not strangers to your shores, they are not strangers to your institutions, but nearly a million of American citizens, they rest on the bosom of the most fertile portion of the great American domain, rich in resources and magnificent in area. They have performed all the obligations which the law imposes upon them; they ask you to exercise that judgment and discretion which the law imposes upon you.

They come with neither armies nor navies nor other insignia of power, but a brave and virtuous citizenship, all that constitutes a great State. In the name of the Federal Constitution, which they have so long obeyed, they now ask its vindication. Under the shadow of that flag they have so long followed as the emblem of their country's justice and power, they have come to kneel at the altar of American liberty and as free States swear eternal allegiance to the Republic. [Applause.] What patriot will deny this privilege? What partisan is here to protest? Go fix their stars on the flag of the Union, and God grant that in the ages to come they shall burn as brightly as on their natal day, the symbols of States still sovereign, still free, undimmed by the glare and the glitter of imperial power. [Prolonged applause.]

And when they have taken their vows, that they may not depart from the paths of truth and freedom, teach them that liberty is not license, but consists in the power of doing that which just and constitutional laws permit. Tell them the sad but ever beautiful, glorious, and inspiring story of the march of their elder sisters from the night of despotism into the light of day. Warn them of all the dangers that beset the journey. Let them know that devotion to the principles of the Declaration of Independence and obedience to the Constitution is the only hope of the political salvation of the States and of the perpetuity of the Republic; that the Republic itself rests on the rock of the Constitution, and if you shatter not the Constitution the Republic can never fall.

Let them know that the greatest enemy to the Union is the unbroken and unbridled spirit of party partisanship, overriding justice in her tribunals, destroying freedom of speech in the legislative halls, and usurping power for the Executive; that profligacy and corruption are the children of intolerant party spirit; that no government can be purer than the people that sustain it; and that no corrupt people can long sustain a free government. Caution them that inequality in taxation, injustice in administration, legislation for the advancement of special interests, and the unauthorized assumption of power as the very essence of corruption are the potent powers in the destruction of free states.

And, Mr. Speaker, when they take their stand among the great Commonwealths that constitute this Union and look back upon its struggles, its tribulations, and its perils, let no page of that history discourage them, though upon it may be written in blood the infraction of individual rights and the desecration of Commonwealths, for these are but the cruel markers of the progress of a people's national growth, the index to the evolution of government. Let them understand that the high tide of danger can not come to American institutions until the limit of Federal power has been reached and exhausted, and the Government shall be still powerless to contend against the great and gigantic corporations that have grown beyond the control of law, and when it shall assume to itself inherent powers of sovereignty and no longer look to the Constitution as the source of power. Then, Mr. Speaker, and not till then, an imperial democracy may lift the crown of sovereignty from the people and place it upon the head of their tyrant, who in turn will deliver it to the people's oppressors.

If we shall avoid the approaching dangers—if we shall forever defend and protect those principles of free government for which brave men have ever contended—I warn you that the Federal Goverment must be strengthened by Constitutional amendment to the end that no power may exist within the confines of the Union that is greater than the Union itself; that every power under the Federal Constitution must be exercised to its full limit in the protection of the masses of the people; that all men at last may salute the flag, obey the Constitution, and move forward the march of the States in one great Union to that destiny that awaits them in a mighty Republic, where truth, justice, and law triumphs, and liberty like day breaks on the soul, and by a flash from heaven fires all the faculties with glorious joy. [Loud and long-continued applause.]

Mr. GROSVENOR. Mr. Chairman, I find myself in a somewhat anomalous condition; willing to support some portions of this measure and unwilling to support the balance. Therefore I find myself now constrained to refuse to support this bill as it has been reported to the House by the Committee on Territories. Doubtless it was apparent to the Committee on Territories that somewhere in this bill there is a weak spot, else there would have been no occasion for the massing together of Territories stretching almost from British America to the Torrid Zone in one grand combination seeking votes for a measure which could not have received the votes of this House if submitted upon separate propositions.

I am aware that logrolling is an incident to modern legislation. I want to describe one of the old logrolling occasions of the frontier days of my boyhood, and show the House of Representatives that there is nothing new; that this measure has all the elements of the old-time raising or logrolling or grubbing bee. It was too big a job for the farmer and his boys to roll the logs on a given piece of clearing in the springtime, and he did not have any hired man, and there were a number of other neighbors in the vicinity in the same boat. They, too, had logs to roll, and they had too weak a force of their own to undertake the enterprise; and the result of it was all made a logrolling, and in that way the logs of neighbor A were disposed of on one occasion, B on another, and so on down to the end of the list. I find that these occasions have perpetuated themselves in more ways than one in this bill which we have before us. Some neighbors were too lazy or too shiftless to deserve any help, and yet if they could get in and could get themselves attached to the combination they could get their logs rolled in some way; and we find here suspicious circumstances that refresh my memory of the old times when the poor man—that is, poor in spirit, poor in industry, poor in everything except the genius to attach himself to somebody else—was able to get his logs rolled at the same time that the big man, the enterprising man, the industrious man got his logs rolled.

Mr. SMITH of Arizona. Did any of them get so mean that after they had got all their logs rolled they allowed their neighbors to do the rolling for themselves?

Mr. GROSVENOR. That depended upon circumstances.

Mr. SMITH of Arizona. When they got their logs rolled they quit the business.

Mr. GROSVENOR. I will show the gentleman how this occurs. It is quite important to get into the logrolling.

Mr. SMITH of Arizona. I want to hear it.

Mr. GROSVENOR. I want to show him that this claim, as put forward by the gentleman from Massachusetts, has no shadow of foundation in the history of this country or in the logic of the Constitution of the United States.

Mr. SMITH of Arizona. I will be glad to hear it.

Mr. GROSVENOR. I know that this is not the first omnibus statehood bill presented here. I recollect one in which I participated myself, and in favor of it I made a speech, and against which I found the substantial vote of the Democratic party; and they put it upon the broad, high ground, which they had a perfect right to put it, and which has been the true ground that has controlled the action of Congress ever since the foundation of the Government; that there were political reasons incident to the introduction of new States that made the Democratic party on this floor and in the Senate opposed to the introduction of those States. Now, then, the gentleman from Massachusetts tells us that this is not a political question. I tell him that is contrary to all the history of this country; it is contrary to every step of legislation that this country has taken in this behalf ever since the foundation of this Government from the time when the thirteen original States of the Union prescribed the terms upon which the three States to which he has referred should come into the Union, and all the other States from that day to this; and I lay down the broad sweeping proposition that from the days of the introduction of Vermont first, and Tennessee second, and Ohio third, and so on to the rest, this question has been a question of politics, and no statesman of that period ever hesitated boldly to put forward the proposition that he opposed or supported the introduction into the Union as an argument one way or the other of what the effect would be upon the policy and politics of the Union.

Mr. LLOYD. Will the gentleman state whether there was any opposition to the admission of the State of Ohio?

Mr. GROSVENOR. I do not know that there was.

Mr. LLOYD. You have just referred to Ohio as one upon which there was objection. There was no political objection to the admission of the State.

Mr. GROSVENOR. I have not made any such statement. I have said that Congress has insisted upon prescribing the terms on which these States should come into the Union.

Mr. LLOYD. And then referred to the fact that Vermont, Kentucky, and Tennessee, and Ohio were admitted under that kind of a provision.

Mr. GROSVENOR. I say that now.

Mr. LLOYD. Then the gentleman's statement must have conveyed the idea that men then voted with reference to the question of admission purely on their idea of politics.

Mr. GROSVENOR. I said nothing that sounded like it. I said that Congress prescribed the terms on which the State might come into the Union, and then I said from that day down nobody had hesitated to admit that it was a question of politics.

Mr. LLOYD. If I was mistaken, I desire now that the gentleman from Ohio should state upon what terms Ohio was admitted.

Mr. GROSVENOR. There were plenty of them. The enabling act was full of terms, and if the gentleman is ignorant of the fact that Congress on each occasion prescribed the exact terms upon which these States might come into the Union, I shall not deflect now and hunt up statutes that admitted the State of Ohio; but all the terms were prescribed with as much detail as we have in the bill before us.

Mr. LLOYD. The gentleman shows that he has not read the enabling act of his own State.

Mr. GROSVENOR. I have practiced law in Ohio from the time I was admitted in 1857, and I have found the land titles of the State prescribed and defined by the act of Congress admitting the State into the Union. I have found section 16, devoted to public schools, prescribed in the act of Congress admitting the State into the Union. I have found section 29, the ministerial section, provided for in the act of Congress admitting Ohio into the Union. That is not all that happened in the case of Ohio, and in the case of Tennessee, and in the case of Vermont. After the enabling act had been passed by Congress, Congress so far supervised the functions of the new State as to pass laws, notwithstanding the ordinance of 1787, passing an enactment extending the operation of the Constitution and laws of the United States out over the Territory then divided up and of which the State of Ohio was a part, showing conclusively that the State of Ohio was not exempt, notwithstanding that Ohio stood upon very different footing, as the gentleman will find when he reads the ordinance of 1787, from any of the States of the Union except the four other sister States that were carved out of the territory northwest of the Ohio and conveyed by the act of cession.

Mr. RODEY. Does not this bill provide everything with reference to the land?

Mr. GROSVENOR. Undoubtedly it does; and that is the line of my argument, to show that Congress has the right to dictate terms on which States shall come into the Union and prescribe the land titles and gifts of land and all the other things. For instance, the case of Utah; we made prescriptive declarations in regard to her constitution, in regard to her laws, and in regard to many other things that have been omitted in many of the other States.

Mr. RODEY. I do not think anybody has denied that here.

Mr. GROSVENOR. I am stating it, and it does not detract from the force of my statement whether anybody has denied it or not. My friend from New Mexico said a great many things yesterday that nobody denied.

Mr. RODEY. I am glad to hear it.

Mr. GROSVENOR. Congress went so far in the case of the ordinance of 1787 as to prescribe that these States should never go out of the Union. "They shall ever remain a part of the confederation of the United States of America, subject to the articles of confederation." The ordinance of 1787 was passed prior to the adoption of the Constitution. The ordinance was passed in April, 1787, and the Constitution was adopted in September of that year.

Now, then, the argument seems to be this. I have said, however, that from the foundation of the Government down to the present time, the question of politics has invariably found itself operating upon the judgment of Congress. Before the war when the great question of slavery and free territory was the great political question of the country, when it was determined upon the part of the lovers of freedom in the Territories that Kansas and Nebraska should become States of the Union, the battle of the South was made against the introduction of these States as free States, upon the ground that it destroyed the equilibrium of political power in this country. Nobody has ever been heard before to boldly deny it. Read the works of Benton of Missouri, one of the great men of his time, and see how fearlessly he puts forward the proposition that the whole question or the great question always turns upon the question of the politics of the incoming State into the Union.

So we admitted the State of Nevada into the Union for purely political purposes. There is not a man on this floor now, not even the distinguished gentleman representing the State of Nevada [Mr. NEWLANDS], who will not candidly admit that the admission of Nevada was for the purpose of creating a preponderance in favor of the North side of the great question that was presented at that period when the State of Nevada was brought into the Union.

Mr. STEPHENS of Texas. Are not party politics defined in the party platform, or does not the party platform define what political principles are?

Mr. GROSVENOR. I am coming to that point, if the gentleman will allow me to proceed.

Mr. STEPHENS of Texas. Has not the admission of these Territories been supported as a matter of party policy in both the Democratic and the Republican platforms?

Mr. GROSVENOR. So have a great many other things that people pay no more attention to than the barking of a dog in the morning.

Mr. STEPHENS of Texas. Then you declare on this floor that you pay no more attention to those declarations than to the barking of a dog?

Mr. GROSVENOR. I have made my declarations on this subject a great many times before. I do not allow myself to be bound by such a declaration of party policy. I will stop right here and say to the gentleman that when the chairman of the committee in the Republican convention reported those resolutions I was as near to him as I now am to the gentleman from Texas, and I do not believe there were ten men on the floor of that convention who knew that Mr. Quigg had injected any such thing as that into the platform of the Republican party at the time the platform was revised.

Mr. RODEY. But they knew it after it was read, did they not?

Mr. KNOX. Is there any substantial difference between the platform of 1900, when, you say, these resolutions were injected into the platform——

Mr. GROSVENOR. Yes; injected.

Mr. KNOX. Is there any difference between those resolutions of 1900 and the platform of 1896, adopted four years before? Was not the same declaration injected into the platform of 1896?

Mr. GROSVENOR. Well, when I get to that, I will try to talk about it.

Mr. KNOX. You have got to it now.

Mr. GROSVENOR. No; I have not. I am trying to get back to the question I was discussing in spite of gentlemen who go off into the woods and hunt up some question that has no bearing upon what I am saying, and with it try to break up my speech.

Mr. KNOX. I would not break up the gentleman's speech for the world. I want you to make your speech.

Mr. GROSVENOR. The gentleman from Massachusetts [Mr. KNOX] knows as well as I know that there has been a long line of clap-trap perpetrated by both parties upon this question of home rule and the introduction of States into this Union.

Mr. KNOX. I am a humble member of the party who does not know it.

Mr. GROSVENOR. I do. We have been saying for the past twenty-five years that we are in favor of home rule for the Territories, and Mr. Cleveland's Administration went into power upon that basis. Yet he sent Mr. Springer and almost everybody else that wanted a position out there to the Territories, until he had filled the offices all up with nonresidents. And our party, I will say to the gentleman from Massachusetts, is in no better historical position than is the Democratic party upon that same question.

Mr. KNOX. I think I have heard the gentleman take quite a different position sometimes in denouncing the Cleveland Administration.

Mr. GROSVENOR. Not on that question.

Mr. KNOX. Oh, yes.

Mr. GROSVENOR. Never. I will defy the gentleman to show it. The gentleman knows he can not find any such declaration.

Mr. KNOX. I have no doubt I can.

Mr. GROSVENOR. Oh, "no doubt" is another thing.

Mr. KNOX. I think I can show that the gentleman has been on very many sides of very many questions.

Mr. GROSVENOR. Well, you will always find me ready to defend any position which I take. I am not here to have any personal controversy with the gentleman from Massachusetts.

Mr. KNOX. Certainly not.

Mr. GROSVENOR. He has uttered a political and legal doctrine here that was bitterly opposed and denounced by Daniel Webster, and which has been opposed by every leading or distinguished Republican member of Congress, or of the judiciary, ever since the first introduction of new States into this Union. The gentleman has announced this doctrine—and I am ready to meet him upon that proposition at once—that the people of a Territory have a right to be admitted into the Union. I say there is no such thing, either in the law books or in the Constitution or in the declaration of any man on the floor of Congress, until the gentleman from Massachusetts made that declaration yesterday, nor is it in the platform of any political party, nor will it ever be repeated again except in furtherance of some measure of this character.

Now, let me read to the gentleman what jurists and statesmen of New England have said upon this identical question. Bear in mind what the particular position of the gentleman is:

Mr. STEPHENS of Texas. Will the gentleman yield for another question?

Mr. GROSVENOR. Yes, sir.

Mr. STEPHENS of Texas. I was going to ask the gentleman whether the treaty of Guadalupe Hidalgo did not stipulate that New Mexico should be admitted as a State?

Mr. GROSVENOR. Do you know what that treaty said? What did it say?

Mr. STEPHENS of Texas. Did it not say that New Mexico should be made a State in the future?

Mr. GROSVENOR. No. It did not say any such thing.

Mr. STEPHENS of Texas. Let the gentleman read the language of the treaty and see.

Mr. GROSVENOR. The trouble with the gentleman is that he undertakes to interrupt me and does not quite understand what he is talking about. The treaty said in substance that at a suitable or a proper time New Mexico should be admitted as a State.

Mr. STEPHENS of Texas. Is not fifty years—a half a century—a proper time?

Mr. GROSVENOR. I am going to show directly that that is a question for Congress. I take this position, that there is no such thing as a right, a political right—and that is what it must be, if it is anything—in the people of a Territory to demand admission into the Union of the United States, and their exclusion from admission into the United States, if done by the deliberate act of Congress, is conclusive upon all mankind, and this is in accordance with the history of the country from the foundation of this Government down to the present time.

Mr. RODEY. Will the gentleman from Ohio answer this question: Have the Territories, then, a right to secede from this Government if they are not admitted?

Mr. GROSVENOR. No; they have not.

Mr. RODEY. Then they can be kept in eternal bondage, notwithstanding the treaty provision of the Louisiana purchase in the case of Oklahoma and the provision of the treaty of Guadalupe Hidalgo in the case of New Mexico and Arizona?

Mr. GROSVENOR. They can, for the Supreme Court has said so within a very brief period. It has delivered the broad, sweeping proposition that the Territories of the United States, while parts of the country—I will read just what the Supreme Court of the United States has said on this subject——

Mr. RODEY. But are you advocating the doctrine that this Government ought to shut out the Territories of New Mexico and Arizona at this time?

Mr. GROSVENOR. Now, I do not propose to make my speech in pieces.

Mr. RODEY. I should be glad to hear from the gentleman as to that.

Mr. GROSVENOR. Now, the gentleman from New Mexico [Mr. RODEY] yesterday spoke away here by the hour, assailing everybody, abusing everybody, charging everybody with wrongdoing toward the Territory, and all that sort of thing, using language which I will show him has been repeated heretofore and been rebuked by one of the great Democrats of this country, and nobody interrupted him; and now I have not been talking about the treaty of Guadalupe Hidalgo, which the gentleman is trying to make me speak about, and I have not said a word about the nature of this Territorial relation to the United States, and yet the gentleman proposes to get up here and break into my speech in order apparently to disorganize my line of thought. I can tell the gentleman that he is fooling away his time. I know what I am going to say before I get through, and as I have an hour to speak in I shall use that time all up before I will be broken into in that kind of way.

Mr. RODEY. I will state to the gentleman that I have no desire to interrupt at all; all I desire to know is what he is advocating.

Mr. GROSVENOR. Here is what the Supreme Court of the United States says your Territory is, and you might as well understand it; and this identical language of the Supreme Court of the United States has been acted upon by the people of the United States from the days when they organized the Northwestern Territory and put into the Constitution the section that provided that Congress may make all needful rules and regulations for the government and disposition of Territories of the United States. Here is what the Supreme Court has recently said.

Mr. RODEY. From what does the gentleman read?

Mr. GROSVENOR. From the case of the *Gem of the Orient* the Philippine decision—

> The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. * * * Their allegiance became due to the United States, and they became entitled to its protection.

That is the condition in which your Territory has been for fifty years, and that is the condition in which every foot of the territory of the United States stands to-day by the terms of the Constitution.

Mr. KNOX. Will the gentleman yield to a question right there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. Yes.

Mr. KNOX. Do you not think that on account of that decision, placing the citizens of those Territories on a level with the Filipino and Porto Rican, it is time for us to emancipate them and make them American citizens? [Applause.]

Mr. GROSVENOR. Well, the gentleman shall not drive me to discuss the relative position of the citizens of the various dependencies of the United States. I could say some things on that subject that possibly would mar the feelings of the gentleman, and I will not do it. [Laughter.] I think the Spanish language is used pretty fluently in both sections. I think I could go a great deal further and point out to the gentleman a great many things, but I am not going to do that; I will not be driven into assaults upon the Territories or their people.

That, then, is the position of the Territories of the United States. Now, says the gentleman from Massachusetts [Mr. KNOX], they have rights that have been violated, and the gentleman from New Mexico [Mr. RODEY] would have you believe that the Government of the United States has been constantly oppressing and depressing these people out there. Here is what a gentleman said, that I believe in his day has been as good a lawyer as is my friend from Massachusetts, as clear-headed a statesman, and I will not say a greater one. When the Dakota bill was before Congress a nearly solid Democratic war was made against her admission. Why? Just for one reason, and one reason alone, and that was for the same reason that there will be a solid Democratic vote for this bill to-day. That vote was given in order not to strengthen the Republican power in this Government, and this vote will be given in order to strengthen the Democratic power in this Government, and I am not criticising the Democrats on this floor. It has been done in all the history of this country, and it has always been done bravely and openly and aboveboard.

Mr. BOWIE. By all parties?

Mr. GROSVENOR. By all parties, and I glory in it. I voted for the Dakota bill and urged the passage of the Dakota bill, among other things, because in my judgment it would be a Republican State. I did it exactly as the Republican party and the Whig party together introduced the State of California without a Territorial legislature or a Territorial organization, in order that the equilibrium of political power might be sustained in the Senate of the United States.

Mr. LLOYD. Is it not true that in the discussion of the Dakota bill that every Democrat who spoke on the bill announced the proposition that he was decidedly in favor of the admission of Dakota, and that the members of the Republican party who expressed themselves on the floor of the House insisted on the proposition that Dakota should be divided and that there should be two States instead of one.

Mr. GROSVENOR. Yes, and I will read you what was said at that time by a gentleman who was wide-awake and alive on that question. The gentleman from Missouri [Mr. LLOYD] was not here and he does not remember that battle as well as I do.

Mr. Springer led the matter through, to complicate matters, and insisted on a united State, and this was said to him, and he never denied it:

> The bill having passed, Mr. Springer made a motion to amend the title, and upon that motion demanded the previous question; thereupon Mr. GROSVENOR asked unanimous consent to offer an amendment to the amendment, which was refused; thereupon debate ensuing upon the amendment to the title to the bill,
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> Mr. GROSVENOR said: Mr. Chairman, I wanted to have offered what I conceive to be the true title of this bill and one that would have conveyed to the people of the United States the idea which they have already formed. My amendment is as follows:
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> "An act to try to convince the people of Dakota that the Democratic party is willing that Dakota may come into the Union, but, in fact, to keep that Territory and all others which have a Republican majority out of the Union for an indefinite length of time."
>
> Now, Mr. Chairman, the fulsome efforts as to the magnificent Territories of the Union by the gentleman from Illinois [Mr. Springer] will not deceive anybody as to what was and what is the deliberate purpose of the Democratic party on this floor. This bill to admit the Territories on this ground was reported to this House away in March last, and the gentleman from Illinois [Mr. Springer] and his party resisted at every step every attempt made here by the friends of Dakota to call up that bill or to assign any day for its consideration, and they went on in that way through the long session of Congress, baffling every effort that was made by this side of the House to admit Dakota into the Union of States, and that long session, which extended away past the middle of October, ended without a single effort being made by the Democrats to act upon this bill. They presented a solid front in opposition to the admission and in opposition to everything that would enable us to act on any one of the Territories. But gentlemen have heard a voice, not "as one crying in the wilderness," but it has been the voice of a magnificent uprising of the same people whom the gentleman from Illinois now so fulsomely and eloquently describes.

That was what was done precisely, and if the gentleman will wait for a moment I am going to read from a bitter speech made by a leading Democrat against the admission of any part of Dakota into the Union.

Mr. THAYER. Will the gentleman yield to me for a question?

Mr. GROSVENOR. I would rather not, but go ahead.

Mr. THAYER. I heard the gentleman state a moment ago that the Democratic party would vote for the admission of these three Territories because thereby they would receive an advantage from it. Is it not true that two of these Territories are represented by Republicans, and if they are made into free States the Republicans would have four Senators, while the Democrats could get but two?

Mr. GROSVENOR. Does the gentleman believe that statement? [Laughter.]

Mr. THAYER. Is it not a fact? Is it not a fact that New Mexico and Oklahoma are now represented here by Republicans on this floor at this minute?

Mr. GROSVENOR. And is the gentleman dissatisfied about it? [Laughter.]

Mr. THAYER. No; I am not objecting to that.

Mr. GROSVENOR. And the gentleman's district, that is now represented by a Democrat, is that a Democratic district? [Laughter.] But if the gentleman will allow me to go on——

Mr. THAYER. They are pretty well satisfied.

Mr. GROSVENOR. I do not know whether they are or not.

Mr. THAYER. There are many things the gentleman does not seem to know.

Mr. GROSVENOR. I am more than evened up by the gentleman from Massachusetts. [Laughter.]

Mr. THAYER. Will you answer that question?

Mr. GROSVENOR. Let me read what I undertook to read some time ago. I will read it, if the Lord spares me, if it takes a couple of weeks. [Laughter.]

Mr. THAYER. You are imitating TILLMAN. [Laughter.]

Mr. GROSVENOR. Not with a pitchfork. [Laughter.] On that very identical question we have presented here, the right to come and demand, in the language of the gentleman from New Mexico, to come and shake your fist in the face of Congress and demand as a right, vested somewhere and by somebody, that you are to be admitted into the Union. That was the question in the Dakota case, after we had succeeded in pulling it through the House of Representatives and it got over into the Senate. I do not remember whether it was a Democratic Senate or not.

Mr. RODEY. Did the gentleman ever admit——

Mr. GROSVENOR. I am going to read this paragraph.

Mr. RODEY. I desire to ask the gentleman if he will not yield to a question?

Mr. GROSVENOR. Well, go ahead.

Mr. RODEY. You will admit that the Dakotas did not have a treaty like the treaty of Guadalupe Hidalgo, with a specific provision that they should be admitted some time?

Mr. GROSVENOR. Just as binding as the treaty of Guadalupe Hidalgo.

Mr. RODEY. Where did it come from?

Mr. GROSVENOR. It was inherent in their admission as one of the Territories of this Union.

Mr. RODEY. But is not the specific provision that we shall come in, and be admitted at some time—is not that something in addition to the inherent right of the Dakotas?

Mr. GROSVENOR. If you admit the argument of the gentleman from Tennessee, which I do not, in the language of Justice Taney, of the Supreme Court of the United States, that there is no power in the United States to acquire territory only for the purpose of making them States, which I, of course, do not admit, and which I deny, the gentleman has placed himself upon that, and that is the position which you must occupy before you can demand anything at the hands of Congress. You do not stand, therefore, upon any higher ground because of the difference growing out of the treaty of Guadalupe Hidalgo than did the Territory of Dakota, which was acquired for a State. Now, if the gentleman will look at the treaty between the United States and France, under which we acquired the Louisiana purchase, he will see that the people of North Dakota and South Dakota stood upon rights quite equal in all respects with the people in New Mexico, barring the section to which you refer and to which I will come directly.

Mr. RODEY. I will state to the gentleman right here that I do not think that the agreement under which the Dakotas were made a part of that purchase gives them any less rights than the treaty of Guadalupe Hidalgo.

Mr. GROSVENOR. Well.

Mr. RODEY. But do you deny that the people who organized and constituted the Territory, who then resided in it, were assured that at a time to be determined later on by Congress they were to be admitted to the enjoyment of all the privileges of citizens of the United States?

Mr. GROSVENOR. I am coming to that treaty in a moment. I shall not dodge anything if I can help it. I was discussing here and I shall pick up here for the third or fourth time the identical question which the gentleman from Massachusetts and the gentleman from New Mexico spoke about—precisely the idea here that was discussed in the Dakota case, and which was insisted upon at that time by one side of the House and sturdily denied on the other side of the House; and Mr. VEST, of Missouri, one of the ablest lawyers in the Senate to-day, barring the consideration of his feeble health, took issue with the gentleman from Vermont in the idea referred to, and utterly denied that the people of the Territory had any right to demand anything at the hands of Congress, and argued it plainly and thoroughly, that it was simply a question of grace upon the part of Congress to admit a Territory or prescribe as they might the terms upon which it should come in, and then, in order to fortify himself, he turned to the declaration of the gentleman himself, and here it is:

> There is no inherent right in the people of any Territory to be constituted into a State. Congress may never organize a Territory at all; it may never dispose of its public lands there; when organized it may keep it in the perpetual condition of a Territory if it pleases, because all the considerations which govern such questions are considerations which merely appeal to the ordinary legislative discretion of the lawmaking power, and therefore every circumstance and consideration which enters into the fitness of the thing itself which is proposed to be done is a matter that we have no right to set aside.

Now, that is the doctrine laid down by the distinguished jurist of Vermont, Senator Edmunds, and which was stated with approval by Mr. VEST, of Missouri, and I say has been the law unquestioned of this country from the day that the thirteen States of this Union prescribed that Congress might provide for the admission of States into the Union. Therefore the whole argument made yesterday does not come up to the question of fitness and propriety and discretion, and falls to the ground.

The treaty of Guadalupe Hidalgo was made between the Government of the United States and the people of Mexico. As a matter of course, the people of the ceded territory acquired, by comity at least, the rights that have been stipulated between the Government of Mexico and the people of that territory. Now, the argument is made that because of the language of the treaty there is some special claim that takes out of the rule laid down by Judge Edmunds the people of that territory and gives to them a better right to come into the Union than the people of the territory acquired under other circumstances.

Now, let us see how long that argument will bear investigation. In the first place this treaty was made in 1848. Construction, action, things done under acquiescence, cut a great figure in construing the language of documents or contracts of every character, and especially a document the character of which is a treaty between two countries foreign to each other.

The language of the treaty, which I will get directly, I hope, confers upon Congress, and Congress alone, the power to say when this Territory shall come into the Union as a State. Now, what has been the conduct of the contracting parties? We have never heard a word of complaint from Mexico, and doubtless Mexico, it will be said, had no power to complain. We have stipulated certain things, not alone the introduction into the Union as a Territory, but the question of the right of a Mexican to withdraw and expatriate himself from that Territory, and the right to stay there for a year, I think it was, and exercise his right of choice at any time during the year. We had a great many other things of that character—providing for religious freedom and for taxation and for a great many other things that enter into treaties—and it was stipulated that this Territory should be admitted into the Union, the language being in effect "when Congress saw fit to do it." Now, what has been the construction put upon the language of that treaty by Congress itself? Well, it is enough to say in the start that it has been fifty years since that took place, and men have come and men have gone, and yet that Territorial condition has gone on, not forever, but for fifty years.

Congress has exercised the right, and it has come to be the law of the United States in its treatment of New Mexico, that New Mexico had no voice in fixing the time when she should be admitted into the Union. Congress has acted upon that for fifty years; acted under a strict treaty stipulation that clearly gave to Congress the power and the discretion of acting as it did act, and it is too late in the day now to come here and say that Congress is bound by that treaty stipulation and that the time has now come.

Now, that is all I wish to say on that subject. I do that to defend both Democratic and Republican Administrations, for during this period of fifty years we have had Democratic Presidents and Republican Presidents, Democratic Congresses and Republican Congresses, and they have made a history of construction, a record of construction, of that language of the treaty which can not to-day be upset by any appeal to the judgment of Congress to override the history of the country for the past fifty years.

Mr. RODEY. May I ask the gentleman a question?

Mr. GROSVENOR. Well?

Mr. RODEY. Is the gentleman aware that the State of Arkansas, when it came into the Union, at first attempted to get in by adopting a constitution straight out, and stated that it required no enabling act to have it admitted under the treaty of the Louisiana purchase?

Mr. GROSVENOR. How did she get along? Did she get in?

Mr. RODEY. Congress thought it better to pass an act, I think.

Mr. GROSVENOR. We have had a good deal of that, and, coming down to facts, all the Territories of the United States are property of the United States and subject to the will of the United States, as expressed in Congress. There is no power, either in the treaty or the law, to control the discretion of Congress in that behalf.

It is very clear from the language of the treaty that it was intended that there should be a discretion exercised by Congress; because if that had not been the purpose and intent of the treaty, it would have been declared in plain words that this Territory should be admitted into the Union as a State at once. A gentleman near me has very kindly furnished to me the text of the treaty, and I will read it:

> The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time, to be judged of by Congress, to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion, without restriction.

There was the old doctrine that made its appearance within the knowledge of our commissioners that under no conditions would they stipulate that any country or territory could come knocking at the door of this political corporation, the United States, and demand membership in that corporation, without the agreement or consent of Congress. And so they were careful to say that the "proper time" should be "judged by Congress," exercising a reasonable discretion to be decided by the majority of the people of the United States, acting through their legitimate representatives.

Now, then, Mr. Chairman, I have not discussed the merits of this bill, because I have been trying to answer these arguments which were put forth here yesterday—arguments which upset all the bases upon which legislation and treaty had before been established—which overturned the action of Congress declared over and over again—arguments which nakedly hold that the people of a Territory have the right to come and demand admission into the Union by virtue of a stipulation in a treaty or upon some other ground, of which they themselves are to be the judge.

Let me say to you, gentlemen, that whatever may be the result of this issue, the Congress of the United States fixes the terms of the admission of States into the Union. Our Union is a political corporation made up originally of thirteen States, and no State has ever been admitted into this political corporation except with the consent and by the act of the legally constituted agent of that corporation. No Territory has any more right to demand admission into the Union than has any other body of men anywhere on the earth, as a matter of political or legal right. The whole question turns upon what is the proper, what is the right thing to do under all the circumstances.

Population has a great deal to do with the case.

Mr. GROW. Will the gentleman allow me to bring to his attention a decision of the Supreme Court of the United States on this point?

Mr. GROSVENOR. I am very glad to yield to the gentleman for that purpose.

Mr. GROW. I do not remember the name of the case, but when Judge Nelson was on the bench that court, in an opinion written by him, decided that the inhabitants of the Territories of the United States hold their political rights as franchises in the discretion of Congress.

Mr. GROSVENOR. That is it, and that has been the law of our country from the beginning down. It has never been disputed in my hearing on the floor of Congress until yesterday.

Mr. RODEY. One other question, if the gentleman pleases. Does the gentleman contend that under that language of the ninth section of the treaty of Guadalupe Hidalgo Congress, no matter how well fitted New Mexico and Arizona may be, can keep them out of the Union forever without violating that provision of the treaty?

Mr. GROSVENOR. That question answers itself. Congress can do anything that you can not compel it not to do.

Mr. RODEY. That does not answer my question.

Mr. GROSVENOR. Suppose Congress should go on for another fifty years and continue to refuse admission to New Mexico, can you force Congress to take such action? Is there any writ of mandamas that can operate in such a case?

Mr. RODEY. I did not ask that question. I asked whether or not, in the gentleman's opinion, it would be a violation of the ninth article of the treaty of Guadalupe Hildalgo for Congress in that way to refuse admission to New Mexico and Arizona?

Mr. GROSVENOR. It certainly would not.

Mr. RODEY. No matter how well fitted the people of those Territories might be for admission?

Mr. GROSVENOR. That is a question for Congress to decide, and there is no appeal from that decision. The trouble with my friend is that he has an idea—and the gentleman from Massachusetts [Mr. KNOX] laid down that proposition—that Congress is merely a sort of agency that can be coerced in some way to do a thing which is in fact left to their own discretion, there being no power on earth that can affect their discretion.

Mr. KNOX. Will the gentleman allow me a question? Has he not confused the question of legal right with the question of moral right? Does he claim that in my address yesterday I maintained that a Territory has a legal right to insist upon admission to the Union upon its own application?

Mr. GROSVENOR. I do not know that the gentleman used the words "legal right."

Mr. KNOX. Have you not set up a man of straw for the purpose of knocking him down?

Mr. GROSVENOR. I am glad the gentleman is getting a little tired of that straw man.

Mr. KNOX. Oh, no; I refer right to my speech.

Mr. GROSVENOR. The gentleman never made any such distinction, and the gentleman will find in the notes of his speech when he gets them——

Mr. KNOX. They are already published.

Mr. GROSVENOR. That he uses the word "rights," and he does not draw any distinction between a legal and a moral right.

Mr. KNOX. The very fact they are here asking for admission shows the legal right. What is the use of arguing that?

Mr. GROSVENOR. Shows what?

Mr. KNOX. Shows that they can not get admission without the act of Congress. What is the use of arguing a proposition of that kind? Everybody concedes that.

Mr. GROSVENOR. That is what I thought all the time that the gentleman was speaking yesterday.

Ms. KNOX. I never made any such claim and no one can draw any ru fe irence from my remarks. We claim they have the moral right to be admitted under the language of the Constitution, and I do not believe there is a man on the floor misconstrued my language, and I do not believe you did.

Mr. GROSVENOR. I will take occasion, if the House does not object to it, to criticise and analyze the argument of the gentleman on that very point. Let us see where the moral right comes in. That is the weakest spot in the whole of the gentleman's argument. That is fallacious beyond my power of description. A political right now is sought to be asserted, the right of a State to come into the Union and force itself into the councils of a great nation and be put upon an equality with the other States in the power that it has in the Senate of the United States, and that now is called a "moral" right.

Mr. RODEY. Will the gentleman permit me another question?

Mr. GROSVENOR. It is a moral right to override a political question and to do away with the necessity of a legal right. Why, the argument of the gentleman falls to the ground in a moment. What moral right has a man to come and ask a favor, and if a man has not a right to come and ask a favor from another that is based on no consideration, what right has a Territory to come, when they are themselves organized under the provision of the Constitution of the United States that says that Congress alone shall admit States into the Union—what right have they to come here and assert a moral right that is solely addressed to the discretion of Congress?

Mr. KNOX. Does not the gentleman agree that a man may have a moral right and something which he can not get without the action of the power which confers it? And does not the gentleman see the distinction?

Mr. GROSVENOR. No; it is not plain to me.

Mr. GILLETT of Massachusetts. If there is a moral right, when did it begin? If there is a moral right, was there a moral right forty years ago?

Mr. GROSVENOR. Of course.

Mr. GILLETT of Massachusetts. At what particular time did that moral right cease?

Mr. GROSVENOR. Morals ripen with age. [Laughter.]

Mr. RODEY. I would like to ask the gentleman a question. When the treaty of Guadalupe Hidalgo was made, was it not made with reference to the 60,000 citizens of Mexico that were then in the territory?

Mr. GROSVENOR. I suppose so.

Mr. RODEY. It is reasonable to suppose that the Mexican Government, which was one of the contracting parties, and the people left in New Mexico believed that they would have to wait, under the terms of that article that you have just read, until all of those citizens living in the land then ceded to this country died before getting the rights given by that section.

Mr. GROSVENOR. I suppose they have nearly all died.

Mr. RODEY. Yes; they have died without their rights being granted, owing to the neglect of this Government, but can that section of the treaty be so construed as to mean that?

Mr. GROSVENOR. Yes.

Mr. RODEY. Well, that is a doctrine that what little intelligence I have prevents me from subscribing to.

Mr. GROSVENOR. It has been construed by the only power that can construe it. There is the trouble. It has been construed for fifty years by the power that your grantor agreed should be the power to construe it.

Mr. RODEY. Then does the age of a wrong make it a right?

Mr. GROSVENOR. I am not talking about your moral wrongs or your moral rights.

Mr. RODEY. I thought you were.

Mr. GROSVENOR. There is the position you find yourself in. Your grantor has stood by for fifty years while that power that was charged with the discretion in the case has held distinctly that they would not admit this Territory into the Union, and your people had the right for a year with their eyes wide open to leave that Territory and not become citizens of the United States, if they saw fit to do it, and they stayed there for a year and they bound themselves to recognize the discretion vested in Congress, that Congress might act when it got ready, and I deny that upon a question of politics, a question of the political rights of a State, and the political relations between a State and a Territory, there is any question of moral right that can rehabilitate a broken reed of a political claim. I agree with John Bright that the moral law applied to the conduct of nations as well as to the conduct of individuals. But the maxim does not apply here.

Mr. RODEY. Then why do you not vote for its enforcement on the part of the United States here?

Mr. GROSVENOR. Because I deny that you have any such moral right.

Mr. RODEY. You deny that the ninth article of the treaty means anything?

Mr. GROSVENOR. It means just what it says.

Mr. WILLIAMS of Mississippi. Is the discretion vested in Congress an arbitrary one?

Mr. GROSVENOR. It is one that can not be controlled.

Mr. WILLIAMS of Mississippi. Of course it can not be controlled.

Mr. GROSVENOR. My friend is a lawyer. It is a vesting of a discretion without any power to control it.

Mr. WILLIAMS of Mississippi. There is no doubt about that; but does the gentleman think that it ought to be arbitrarily exercised?

Mr. GROSVENOR. That answers the whole of it. If there is no power to control it and Congress itself will not act, then the presumption—the strong presumption and the reasonable presumption—is that Congress has acted wisely for fifty years.

Mr. WILLIAMS of Mississippi. Does the gentleman mean that an uncontrolled discretion is a wise exercise of it?

Mr. GROSVENOR. Not at all; but every case stands on its own bottom, and when it is a question of the introduction of a political factor into a political corporation that corporation has a right to act, and its discretions can not be challenged by the man who wants to come in.

I was going on to say that the question of population and availability for future settlement strongly affects the question of the propriety or the nonpropriety of the introduction of these new States into the Union. Actuated upon this ground, while I believe and think I know that the Territory of Oklahoma would come into this Union as a Democratic State and will send two Democratic Senators and two Democratic Representatives—and I have it from an authority that knows more about it than my friend from New Mexico [Mr. RODEY], many times more, that I am absolutely right in that judgment—yet, notwithstanding all that, under the circumstances of the rapid growth of that Territory, the splendid results that have grown out of the emigration into that Territory of a great body of capable and competent citizens, the fact of her wealth of soil, and especially the rapidity of her growth, I would cheerfully join to vote for a single bill for the admission of Oklahoma into the Union and stand my chances to be criticised, even if the growth of Democratic power should be thereby enhanced.

But, Mr. Chairman, as far back as the admission of Ohio into the Union, that my friend says was never resisted, as far back as the organization of the Northwest Territory, wise men from the East—quite as wise but no wiser than the gentlemen who come from the East here now—called attention to the growing disparity of numbers in the Senate of the United States.

A section of this country has the right to discuss that mighty question. You admit to-day six Senators into the Senate of the United States, whether they be Republicans or Democrats, and you have added power to the west of the Missouri River that, in the Senate of the United State, gives substantial control of the Government of the United States, and you do that without creating any equivalent power in the representative branch of the Government. You will have for each State 2 Senatorial votes in a body of 90; you will have 6 Senatorial votes added to a body of 90, while you have but 4 Representative votes in a body of 384, and with the piling up in that section of the United States of political power that can control and govern this Union in spite of all the protestations that you can make. Now, it may be that there will be——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended fifteen minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Ohio may be extended fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Now, I was saying that it might be—taking up the thread of my thought at the point I laid it down—that these new States and Territories, with these new Senators from those States, might wisely govern the country; but, speaking for a representative body of constituents in the great center of this Union in point of population and of wealth, I say that we have a perfect right here, and it is demanded of us here, in the popular body of the country, not to make haste to strip the East and the center of its political power and turn it over.

Now, there have been complaints made against these States that have come into the Union that they did not do exactly as we thought and hoped they would do; but in God's good time they are getting around all right, and I think will satisfy the people of the country upon some of the questions before the country. But these are political questions about which the people of the United States have a right to be heard and their judgment taken upon so important a question as adding six Senators to the body already constituted.

Now, take this population. Take the population of New Mexico and Arizona—about 250,000, or, if you please, 400,000, a little over the ratio of a single Representative in Congress. We give them two Representatives through this bill. That is not unreasonable. Every State ought to have a Representative; but when you give to them four Senators, equal in political power with the great States of New York and Pennsylvania in the Senate of the United States, upon what ground do you do it? Upon the ground of growth in the case of Arizona; upon the ground of growth of the Territory of New Mexico?

Why, the very argument of the gentleman destroys its own force. For fifty years it has stood, as my friend from Massachusetts has described with great eloquence, as to the richness of that country. Did he make a discovery in richness, or what have the people of the United States been doing as to the splendid soil, the magnificent rivers, the great mineral wealth, and its capacity of production of wool? Have the people of the United States been blind all these years as to that? And yet right through that railroads run, right through it the lines of the great transcontinental railroads run, and yet we find the Territory of Oklahoma, that has been constituted within the past ten years, double, more than double, the population of both of these Territories. How does it happen that these Territories are valuable? Look at the State of Nevada.

Now, the gentleman from Nevada, to whom I will refer, and although he is not present, I shall certainly say nothing unkind about him; a gentleman of great power, of great representative capacity, has never said a word in favor of Nevada's greatness on the floor of the House that was not doubled and quadrupled when she came into the Union; and yet, with six counties in my Congressional district, I have got more people in one county than the State of Nevada has to-day. What is to be predicated of the history of New Mexico and Arizona; what is to predicated except that they will never be any better, in any considerable amount of population, than they are now. I say nothing against them. They have worked out under all circumstances great results, but they have been handicapped by the conditions that a man, one of the chief men in Mexico, who uttered the sentiment that he was rejoiced that the United States was so thoroughly satisfied with a piece of worthless territory. Fifty long years, and that population is 350,000. How many of them are there—the men of 1848 and their descendants—I do not know; but I will assume in Arizona and in New Mexico 50 per cent of the people there to-day, a much larger per cent in New Mexico, and a smaller one in

Arizona, aggregating about 50 per cent of the population of both of those Territories, were there in the Territory at the time of the cession, or are the descendants of Mexicans who were there.

Mr. SMITH of Arizona. Where does the gentleman get any such information about Arizona? The gentleman is making such a reckless statement that I can not help interrupting him.

Mr. GROSVENOR. Will the gentleman from Arizona tell me how many natives and descendants of the people who were there at the date of the treaty there are in the Territory to-day?

Mr. SMITH of Arizona. I do not know; there were none at the date of the treaty, or very few, and very few to-day.

Mr. GROSVENOR. Then, my friend has been arguing about a political right vested in nobody.

Mr. SMITH of Arizona. The gentleman made a statement recklessly, and one he must not have considered, when he speaks about there being anything like 40, 30, or 20 per cent of the people of Arizona who are descendants of those people.

Mr. GROSVENOR. The gentleman can come forward with his figures and demonstrate it if he can. I have said it was an estimate. Let us see how they stand together. The gentleman from New Mexico [Mr. RODEY] has argued that it became a vested right of a great body of people, by the language in the treaty, who have the right to come here and assert and demand admission into the Union. He is speaking of New Mexico. Now, the gentleman from Arizona arises and, resisting that statement, suggests that there was nobody in Arizona at the time.

Mr. SMITH of Arizona. I am not resisting anything that the gentleman from New Mexico said, nor am I bound by what he said. I am trying to relieve this House of the statement which the gentleman from Ohio made and which he has no proof of.

Mr. GROSVENOR. I made no statement that I claimed to have proof of. I said presumably 50 per cent of the present population of the two Territories put together were either men that were there at the time of the treaty or descendants of those people.

Mr. SMITH of Arizona. And that was pure presumption.

Mr. GROSVENOR. Certainly; and I said it was.

Mr. RODEY. And there are not over 30 per cent of that population in New Mexico to-day.

Mr. GROSVENOR. Very well, take it at 30 per cent and nothing for Arizona. Take nothing from nothing and not very much remains. [Laughter.]

Mr. RODEY. And they are as good citizens as can be found in any State in the Union.

Mr. GROSVENOR. There is no doubt about it. The gentleman will get their votes and he need not repeat it. He has been a faithful representative. [Laughter.]

Mr. STEPHENS of Texas. Will the gentleman from Ohio let me read a statement as to the population of Arizona?

Mr. GROSVENOR. I should be glad to have him.

Mr. STEPHENS of Texas (reading):

The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States.

The statement of the gentleman from Ohio was that there were only 250,000 in the two Territories.

Mr. GROSVENOR. Something like that. I have the census to support my statement.

Mr. STEPHENS of Texas. Arizona has a population of 122,221 and New Mexico 195,000.

Mr. GROSVENOR. Very well. How wide of the mark is that?

Mr. STEPHENS of Texas. That makes over 300,000.

Mr. GROSVENOR. Very well; call it 300,000.

Mr. PAYNE. And 125,000 of that 300,000 are Indians untaxed.

Mr. GROSVENOR. Yes; and can not vote. They pad their figures and come at me because I have not mine here. [Laughter.] Now, the gentleman from New Mexico says that not over 30 per cent of the citizens of New Mexico were there at the time of the treaty, or their descendants.

Mr. RODEY. Yes; but not that many of them live there now.

Mr. GROSVENOR. But they have had children. Babies grow there, do they not? [Laughter.]

Mr. RODEY. They do not constitute over two-fifths of the whole population at the present time, and they are as good citizens as live anywhere in this nation.

Mr. GROSVENOR. Two-fifths; then my figures turn out pretty well. Now, I have said nothing against the citizens. I think a great deal of your mixed race down there. You had one of them here, and a very efficient and valuable representative of your Territory, and I am very fond of him.

Mr. RODEY. I am glad to hear you say so.

Mr. GROSVENOR. But what I was arguing was to show how few people, with all this Arcadia and Garden of Eden that the gentleman from Massachusetts spread out, has in fifty years gone out to this particular Territory.

Mr. RODEY. Does not the gentleman know that for many years they were a thousand miles from railroads, with Indians depredating on them, being neglected by Congress, and that Congress failed for half a century to settle their land grants, and that anybody that settled there might expect to have a Spanish claim turn up against him as to his land any day? Is not that a reason for slow development?

Mr. GROSVENOR. How much have you grown within the last ten years?

Mr. RODEY. We have gained about 177,000 in population in that time.

Mr. GROSVENOR. What was your population in 1890?

Mr. RODEY. One hundred and fifty-three thousand.

Mr. GROSVENOR. How large is it now?

Mr. RODEY. Three hundred and thirty thousand.

Mr. GROSVENOR. By the census?

Mr. RODEY. No; by the actual fact.

Mr. GROSVENOR. Oh, actual fact. [Laughter.] I have lived in a country where they have had actual facts. Now, the gentleman from New Mexico is trying to get me to abuse the people of that Territory. I am not going to do it. What I am saying is that the Territories of Arizona and New Mexico have demonstrated in fifty years that there will never be a population that will be respectable in point of density throughout that vast territory, and we shall have two more "rotten boroughs."

Mr. RODEY. I will state to the gentleman——

Mr. GROSVENOR. I can not yield further——

Mr. RODEY. Only one more statement and I shall be through. I wish to state to the gentleman that the Rio Grande Valley and the Pecos Valley in New Mexico are, when properly brought under cultivation, capable of supporting a more dense population than the State of Massachusetts.

Mr. GROSVENOR. The people of the United States are pretty wide-awake to find out those places on this continent which are "capable of supporting a dense population;" and they have rushed into Oklahoma at a ratio that is surprising and gratifying, while they have gone past the Territory of New Mexico and settled over on the Pacific slope.

Mr. RODEY. Because Oklahoma has good land, where irrigation is not necessary.

Mr. GROSVENOR. That is just it; Oklahoma has good land.

Mr. RODEY. Where irrigation is not necessary. The people will go to such a country first every time.

Mr. GROSVENOR. Mr. Chairman, I would vote for the admission of Oklahoma. I believe it would have been admitted upon a single bill. I would vote for it now upon a single bill, and I will vote for its admission if the amendment proposed by the gentleman from Arkansas [Mr. MCRAE] should carry. But I will not vote to load upon the shoulders of Oklahoma the admission into the Union of the two Territories of Arizona and New Mexico. Nor do I believe it is wise to do it. I believe it will defeat the bill for the success of the Oklahoma bill, and I put my decision largely—I do not deny it—upon the ground that in my opinion such an admission would be a disturbance of the political and industrial equilibrium of the people of the United States. I do not go so far as to apply in this case the maxim which I have operated upon for a good many years, "find out what your enemy wants and then do the other thing." I do not apply that maxim here; but I do act upon this proposition, that the introduction of new States into this Union is a political question, and the unanimous vote of the Democratic caucus justifies my statement. In my judgment the time has not come when it is wise and beneficial to the political corporation to which we belong to introduce new members representing those two Territories, and if they continue to be included with the Territory of Oklahoma in this bill I shall be compelled regretfully to vote against the measure. [Loud applause.]

Mr. KNOX. I move that the committee rise informally.

The motion was agreed to.

The committtee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia," and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Whereas the Senate having heard with profound grief of the death of Rear-Admiral William T. Sampson, United States Navy, which occurred in this city May 6, 1902: Therefore,

Resolved, That a committee of five Senators be appointed by the Presiding

Officer to join such committee as may be appointed by the House of Representatives to attend the funeral as a mark of respect to the memory of the deceased officer.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

And that in compliance with the foregoing the Presiding Officer had appointed as said committee Mr. PERKINS, Mr. GALLINGER, Mr. QUARLES, Mr. MARTIN, and Mr. MALLORY.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 4234) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

DEATH OF REAR-ADMIRAL SAMPSON.

Mr. DAYTON. Mr. Speaker, in view of the action of the Senate touching the death of Rear-Admiral William T. Sampson, I desire to ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Whereas the House of Representatives has heard with profound regret of the death of Rear-Admiral William T. Sampson, which occurred in this city on the 6th instant; and

Whereas the Senate of the United States has appointed a committee to join a committee of the House in attendance upon the funeral services:

Therefore, as a mark of respect for the deceased, and as a tribute of esteem for his distinguished services to the nation,

Be it resolved, That a committee of seven members be appointed to join the committee appointed on the part of the Senate to attend the funeral of the deceased.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker announced the appointment of the following-named members as the committee on the part of the House in pursuance of the resolution: Mr. DAYTON of West Virginia, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. WATSON of Indiana, Mr. MEYER of Louisiana, Mr. HOOKER of Mississippi, and Mr. BARTLETT of Georgia.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO.

On motion of Mr. KNOX, the House again resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of House bill 12543, Mr. HEMENWAY in the chair.

Mr. SMITH of Arizona. Mr. Chairman, I rise to a parliamentary inquiry. As I understand, when the House went into Committee of the Whole on the state of the Union it was agreed that the general debate on this bill should close at 3 o'clock to-day. A question arose yesterday as to the division of the time. I now find that the time consumed yesterday by speakers who were not for the bill as it stood has probably been credited to the advocates of this bill. May I ask the Chair how much time is left for the advocates of the bill?

The CHAIRMAN (after a pause). The time used for the bill has been two hours and forty minutes, and the time used against the bill one hour and thirty-three minutes. The time occupied by the gentleman from Arkansas is counted as a part of the time against the bill.

Mr. SMITH of Arizona. In view of the announcement of the Chair, the time still remaining for the advocates of the bill is shortened beyond what I had expected. I had thought that the time occupied to-day would be equally divided. I therefore ask unanimous consent that the Delegate from Oklahoma [Mr. FLYNN] and the Delegate from Arizona, who are of necessity more interested in this measure than others, and who, it is to be presumed, know as much about the facts in this case as anybody else, be allowed the remainder of the time on behalf of the bill, the time to be equally divided between them.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Arizona that the remaining time be divided between himself and the gentleman from Oklahoma.

Mr. PARKER. I do not want to make any objection——

Mr. SMITH of Arizona. There will be opportunity for debate under the five-minute rule.

Mr. GAINES of Tennessee. I wanted to read three or four lines from a decision of the Supreme Court showing that the position of the gentleman from Ohio [Mr. GROSVENOR] is entirely wrong.

Mr. SMITH of Arizona. You can do that under the five-minute debate.

Mr. GAINES of Tennessee. Very well; I make no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona? The Chair hears none, and it is so ordered.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

[Mr. FLYNN addressed the committee. See Appendix.]

Mr. PARKER. Mr. Chairman, it is with hesitancy that I attempt to speak after listening to the splendid oration of the gentleman from Oklahoma [Mr. FLYNN]. He need not fear that Oklahoma exercises no influence upon the House of Representatives and the Government of the United States. When a Territory sends a man of talent like my friend, who combines the two Senators and a Representative in one, and whose policy can not be divided, he carries a power in this House and in the other that is exercised by no other man. But I deny the statement made by himself and the gentleman from Arizona [Mr. SMITH] that they are the men most interested in this measure. No.

The whole people of the whole United States are the most interested in that wonderful balance of power created by our forefathers in the House and in the Senate. The Constitution guarantees to the Senators an equal representation from every State. How better could you destroy that equal representation than by a measure which, as far as Arizona is concerned, with less than 100,000 of population, excluding Indians, would be in its effect like creating two States with four Senators out of any district represented in this House.

In creating new States we owe it to the people to preserve the balance of the Government. There are in this country, in the 45 States, 74,000,000 people in round numbers (74,607,225). The average for each State is over 1,650,000 (1,657,938). It is now proposed to make three States out of territory containing altogether (besides Indians not taxed) less than 700,000 people, or less than one one-hundredth of the present population of the whole Union. To that territory it is proposed to give six Senators, equal to one-fifteenth of the entire Senate.

That is not all. This territory as a whole extends from the watered lands of the East to and beyond the Rocky Mountains. Beginning with the young giant, Oklahoma, of which my friend [Mr. FLYNN] has just spoken, which, taking its start only thirteen years ago, contained in 1900, eleven years after its inception, nearly 400,000 people (398.331), the territory as a whole, comprising Oklahoma, New Mexico, and Arizona, running on substantially the same line of latitude, extends west through what was known as the Great American Desert to and beyond the summit of the Rocky Mountains. It reminds one very much of the State of Texas, which in the east and for several hundred miles back from the Gulf is well watered and contains good agricultural farming land, but afterwards in the interior runs into desert. Of this great territory we have made only one State, having something over 3,000,000 population.

Mr. Chairman, it is 3 o'clock, and as I yielded my right to the floor I will ask the gentleman in charge of the bill whether I may proceed now for ten or fifteen minutes, or whether I shall do so under a motion to amend after the first section has been read.

Mr. KNOX. I will yield to the gentleman fifteen minutes.

The CHAIRMAN. The Chair will say to the gentleman from New Jersey that the House has fixed the time for general debate to close. The gentleman can secure time under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma as at present described may become the State of Oklahoma as hereinafter provided.

Mr. PARKER. I move to strike out the last word.

Mr. MCRAE. I have a substantial amendment which I desire to offer. I do not wish to lose my opportunity.

Mr. PARKER. I hope the gentleman will have an opportunity to offer his amendment.

Mr. MCRAE. I must insist that I do have the opportunity.

Mr. PARKER. There is no question about the gentleman's right.

The CHAIRMAN. The gentleman will be recognized to offer his amendment after the gentleman from New Jersey has concluded his remarks.

Mr. PARKER. I should like to have fifteen minutes by unanimous consent, if I may be allowed.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that he may be allowed to proceed for fifteen minutes.

Mr. KNOX. How much time does the gentleman from Arkansas want?

Mr. MCRAE. Mr. Chairman, I desire to offer an amendment in good faith, and we have reached the point where it is in order. I do not want to lose the opportunity to do it.

Mr. KNOX. I do not wish in any respect to cut off the right to offer amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that he have fifteen minutes to discuss his amendment to strike out the last word?

There was no objection.

Mr. PARKER. Mr. Chairman, as I was saying, there is a good deal of likeness between this Territory and that of Texas, although the population is so much less. There are 265,780 square miles in Texas, and there are 274,630 square miles in this Territory as a whole. There are 3,000,000 people in Texas (3,048,710). There are less than 700,000 in this Territory as a whole (total, 716,572; less Indians, 51,371; balance, 665,201). The growth, as in Texas, has been in the eastern and southeastern part, where it is watered. If the proposition were to put all these three Territories into one State, I would say, "Amen;" but when you propose to take Arizona and New Mexico and Oklahoma and to make three States, you might much better divide my little State, which contains over 2,000,000 people, into three States in order to make six Senators.

Mr. GAINES of Tennessee. How many people did it have when it was made a State of the Union?

Mr. PARKER. I could answer questions, but I have no time to do so. There is no difficulty in answering such questions.

Mr. GAINES of Tennessee. Well, how many did it have? I should like to know.

Mr. PARKER. It contained 184,000 people, out of over 3,000,000. That was about one-fifteenth.

Mr. GAINES of Tennessee. There are over 300,000 people in one of these Territories.

Mr. PARKER. We had our proportion. I am talking of the balance of the Senate. There are 90 Senators, represented by 400 members of this House, under the new apportionment, and you propose by this bill to add to the Senate six Senators, which is out of all proportion to the addition to the House of Representatives. As to Arizona, I have been there. I remember the country through which I passed—the great sage-covered plains, broken by rocky mountains, islands in the middle of those plains, or by canyons absolutely bare and desert, except where little rivers ran in the narrow valley at the bottom of the canyon.

I believe there are better parts of Arizona, but let us look at the census. We can deal with nothing else: In 1900 Arizona has less than 100,000 white population. Its growth, as shown by the census, was 39,930 in white population during the last ten years, and that is all. By the census of 1890 it contained slightly over 1,200,000 acres (1,297,233) of lands fit for farming, which is not much over 1,800 square miles. It has 113,939 square miles of territory, or 73,000,000 acres, and one acre in a hundred only is fit for cultivation. Of that million of acres, 104,000—I do not give the extra figures—or only one-tenth of that fit for cultivation, was cultivated.

The committee report shows that agricultural lands must be irrigated, and that by storing the water they could double that amount. One hundred thousand acres is only a hundred and fifty square miles—say, 12 or 13 miles each way—and with these prospects of development it is proposed to make Arizona into a State. Arizona had 104,000 acres under cultivation, Rhode Island had 274,491 acres, and every other State, except in the Rockies, had from one to twenty-five million. Colorado had 1,823,920, and even Montana, Wyoming, Utah, Nevada, and Idaho had from 475,000 to 915,000 each.

Our Government is organized on the theory of preserving a balance of power between the several States in the Senate and this House.

The Senate represents independent States. Their votes are to be equal. But if we "colonize" the Senate by giving the votes of two Senators to any 100,000 people, what becomes of the equality of the States?

Let us take up the case of New Mexico. The statements made in the census are the only ones that we can really trust. New Mexico was not founded ten years ago, like Oklahoma. It is one of the earliest settlements of the United States. It was explored in 1565, or thereabouts, and (I am speaking but by memory) it was settled in the latter part of the sixteenth century, and it has been occupied ever since. The United States during the last decade, from 1890 to 1900, grew over 20 per cent in population. New Mexico grew less than 20 per cent.

Mr. RODEY. We have increased, according to the last census, 27 per cent, and 100 per cent if the former census was correct.

Mr. PARKER. I take the rate from the report of the statistics of population of 1900, on page 4. New Mexico (No. 34) has an increase in population (outside of persons on Indian reservations) of 29,727, or 19.4 per cent. The gentleman can see. Here is the census report.

Mr. RODEY. I have looked at it a hundred times, and it shows 27 per cent, taken even as the census is given.

Mr. PARKER. The census shows only 195,310 people, including 11,990 Indians.

The population of New Mexico has increased only 19.4 per cent, and has now but 184,000 people, excluding Indians, while that of the United States has increased 20.7 per cent. If this shall continue, then that Territory will never have a proper population to be credited with two Senators.

Mr. RODEY. Would you have made that statement with regard to Colorado when it was admitted, and the conditions are practically the same.

Mr. PARKER. I do not believe that the conditions are practically the same, and if you will look you will see that that is so. I can only point out to those who prize their Government as comprehending States equally balanced that they must beware——

Mr. RODEY. Will the gentleman allow me to ask him one question?

Mr. PARKER. I decline to yield.

Mr. RODEY. Just one question.

Mr. PARKER. They must beware of making the Senate resemble a corporation organized with convertible bonds that can be turned into stock for the securing of a majority. I agree with the gentleman from Massachusetts. There is no politics, or there ought to be no politics, in this question. Those on my side of the House are honestly divided; not so on the other side. Let us hope there is no politics in their agreement to this measure, and that no pledge made here or anywhere will deter men whom we respect on both sides of the House from their doing what they think is right for the maintenance of the Constitution of this Government, which depends so much upon the equality of the States under the Constitution.

Territories ought to have more self-government. They ought to have it as Territories. They should have the right to elect their own governor, and in Territories like Oklahoma they should appoint their own judges, just as the thirteen States that came into the Union had been doing for a hundred years before the Revolution, and before they had received any statehood. Let us give them local independence as Territories. Let us not attempt to give two Senators to 100,000 people, for this is an injustice that never ought to be permitted. There ought to be no politics in this.

Mr. Chairman, a good politician in my State, who was a member of an Episcopal convention, was taken to task by a dear old lady because he had not bowed his head in prayer to be guided in the choice. The old lady hoped he would not be offended, and he answered, "Oh, no; I won't be offended, but you know I couldn't very well pray because I have just been in a caucus and agreed how I should vote." Let no pledges in or out of caucus turn us from our duty.

Mr. Chairman, when we are dealing with that sacred thing, the Constitution, let us not pack the Senate with false ballots which do not represent a real State. Let us not number among the States any Territory which not only is not now able to be a State, but never will be, as far as human prophecy can go. I do not say a word against Oklahoma. It is the little giant of the Sierras; it is surpassed only in its history by that great State of Texas. I do oppose this proposition, however, to divide what ought to be one State into three and to add six Senators and three stars to our Constitution out of such a meager showing of wealth, resources, population, and increase. It is one of the mistakes of which we ought to beware.

Mr. McRAE. Now, Mr. Chairman, I ask to have the amendment read which I send to the Clerk's desk.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the States of Colorado and Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west by the State of Texas and the Territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed and the constitutional convention hereinafter provided for shall by ordinance irrevocably express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation."

Mr. McRAE. Mr. Chairman——

Mr. LLOYD. Mr. Chairman, to that I make the point of order.

Mr. McRAE. I think the gentleman is too late.

Mr. LLOYD. I have been trying to get the ear of the Chair.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. LLOYD. This amendment, as proposed by the gentleman from Arkansas, is not germane to the bill. I wish to call the attention of the Chair to a decision. I will not take the time to read it, but I will call the Chair's attention to the authority in this case. When they were considering the question of the admission of the Territory of Dakota into the Union, a motion was made to substitute in the place of the bill for the admission of the Territory of Dakota a bill providing for the admission of Montana, Washington, and New Mexico. Mr. BURROWS at that time made the point of order that this amendment would not be germane, and, as I understand it, that is the situation here. This is a bill that

provides for the admission of Oklahoma, and the gentleman from Arkansas offers an amendment which provides that there shall be added to Oklahoma the Indian Territory. That would place it on all fours with the case that I have mentioned, which was thoroughly discussed by the gentleman from Michigan [Mr. BURROWS]. The Chair in ruling on the matter at that time said:

The Chair supposes that a mere technical difference between the two bills would not be material; for instance, a correction of a mere clerical error or something of that sort. But it seems that the proposed substitute now offered by the gentleman from Illinois contains provisions of a substantial character and not contained in the original House bill. The Chair thinks, therefore, that the order does not apply to it and believes that, in accordance with the practice of the House and its rules ever since the House overruled its own decision in the case of California, that this substitute is not in order under the rules. The Chair therefore holds that the substitute sent to the desk by the gentleman from Illinois does not come within the terms of the order made by the House, and hence is not in order under the rules and practice of the House.

Now, I call the Chair's attention to this particular fact—that this amendment provides for the admission of two Territories instead of one. The bill now pending before this House provides for the admission of Oklahoma, and the amendment offered by the gentleman from Arkansas provides for the admission of Oklahoma and the Indian Territory, and that is the exact point passed upon in this case. This is a precedent that has never been overruled and is the law in the case, and I insist on the point of order.

Mr. McRAE. Mr. Chairman, there is no analogy between the case cited and the one before the House. In that case there was a special rule, and the ruling of the Chair was to the effect that the rule under which the bill was being considered excluded the consideration of anything not mentioned. In that case it was sought to annex as a new State an organized Territory, and in this case it is to enlarge Oklahoma by adding an unorganized Territory that is contiguous to it, entirely within the jurisdiction of Congress; in other words, to define the boundary of Oklahoma; in the third place, the bill itself in the third section has a proviso which contemplates that this very Territory may at some time be added.

And it is strange indeed that a member of the Committee on Territories should make a point of order against doing now that which he provides may be done at some time.

I do not think it necessary to detain the committee or the Chair by further discussing this proposition. It is untenable on the three grounds I have stated; and I can not believe that the decision cited will give the Chair any difficulty whatever.

Mr. PAYNE. Mr. Chairman, it seems to me there can be no serious question in regard to this point of order. The case cited was a case where a bill was introduced for the admission of the Dakotas, and the proposition was to amend by admitting as States Montana, New Mexico, and Arizona—three distinct propositions.

This bill in its first section gives the boundaries of the State of Oklahoma, which it seeks to create, The amendment proposes merely to change those boundaries, taking in other territory. As the gentleman from Arkansas has well said, the bill itself provides that in course of time, or, indeed, at any time, the Indian Territory may come in as a part of Oklahoma—may be added to the State of Oklahoma. But the distinction between this case and the one which has been cited is that in that case it was proposed to take different Territories and make them separate States. Of course that was not germane. This is a proposition simply to amend the boundaries of one of these proposed States, as defined in the first section, and it must be germane.

Mr. KNOX. Mr. Chairman, I submit that the force of the grave objection advanced against this amendment is not at all weakened by saying that this is merely a proposition to change the boundaries of one of these Territories, because, if such a position could be maintained, then by simply extending the boundaries of one State or Territory by taking in land contiguous thereto you could accomplish all the mischief which the rule was designed to prevent. To say that this is a mere proposition for extension of boundaries seems, therefore, to me a simple evasion of the question.

There is another matter stated by the gentleman from New York [Mr. PAYNE] which the bill does not bear out and which the gentleman who advocates this amendment, it seems to me, does not state exactly as it is. The provision as to the Indian Territory does not provide in any way for the admission of the Indian Territory or for annexing it or any part of it to Oklahoma. That power by the bill is left for future action of Congress. This bill does not disturb it in any way. The only provision in reference to this matter is the following:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

The only effect of this provision is to reserve to Congress the power which belongs to it, by compelling this prospective State to express its consent that when Congress may choose to make this addition or attachment of the Indian Territory to Oklahoma it may be done. The power of Congress with reference to the Indian Territory is left precisely where it is now. If there could be new matter introduced into any bill, if there could be a substantive provision departing entirely from the purview of the bill, it would be a proposition to annex one Territory to another by an amendment of this kind.

Mr. UNDERWOOD. Mr. Chairman, it seems to me that the decision of Speaker Carlisle in the Fiftieth Congress, cited by the gentleman from Missouri, must be clearly in point. I can not see how the gentleman from Arkansas can differentiate the bill to which that decision applied and the bill now before the House. It is true that something was said in the decision about the bill then pending (for the admission of Dakota) having been brought before the House by a rule, but the question that came before the Chair for its decision was not whether an amendment was in order; that point was not raised. There was no question as to whether under the rule any amendment could be offered—that was all that a rule could undertake to provide or limit—but the question was the same as that raised in this case, whether the amendment offered was germane. The Chair did not make any decision whether it was in order to offer an amendment. The decision had relation simply to the question whether the amendment submitted was germane to the bill, and the effect of that decision was very clear—that a bill providing for the admission of Dakota into the Union could not be amended by adding a provision for the admission of other Territories. There is no question as to the effect of that decision.

Now, does that decision cover this case? This bill provides for the admission of three States. Its provisions are limited to those three States as much as the bill in the Fiftieth Congress was limited to the proposed States of North and South Dakota. It is true that the bill now before the House provides that under certain conditions the Territory of Oklahoma shall consent that the Indian Territory shall be added thereto, if the Federal Government so desires. But that is not a provision relating in any way to making the Indian Territory a State of the Union; it does not contemplate any such provision. It is merely a limitation on the constitution that the Territory of Oklahoma may hereafter adopt. It does not relate to the boundaries of the Territory of Oklahoma or the Indian Territory. It is like other provisions of the bill, merely a limitation on the powers of the constitutional convention to be called preparatory to the admission of the Territory into the Union. It is a limitation on the powers that may be placed in that constitution. It has nothing to do with the question whether the Indian Territory may be admitted or not.

Now, as to the germaneness of the proposition to this bill, it seems to me very clear, under all the decisions, that when a committee reports to the House a bill for the admission of one particular Territory as a State, that measure can have no reference whatever to the admission of another Territory into the Union. The fact that the Indian Territory lies adjacent to Oklahoma does not affect the proposition any more than if it were a question of admitting Alaska at the same time that Oklahoma is admitted. I think it very clear, under the decisions already referred to, that if the gentleman from Arkansas, or any other gentleman, should move as an amendment to this bill to admit the Territory of Alaska into the Union the Chair would be bound to hold the amendment not germane to the bill before the House.

And if it is not germane to admit the Territory of Alaska it can not be germane to admit the Indian Territory simply because at one time they constituted the same geographical division, which has since been separated by an act of Congress, or because they lie adjacent to each other. That being the case, if the Chair opened the proposition to any amendment that might be offered on the floor of the House, why, you could offer an amendment for Hawaii or for the Philippine Islands. There would be no limitation on the proposition whatever when it came before Congress, and the object of these rules is to hold the legislation before Congress to the particular subject that is brought before it by the committees. That is the only reason we have rules. Otherwise it would be unnecessary to have rules of this kind. But in order to transact the business of this House orderly and to have it considered properly by the various committees of the House from time to time it has been held that it is not in order to bring legislation before the House by way of amendment that has not first been properly considered in the committees having jurisdiction of the subject-matter.

Mr. HOOKER. Mr. Chairman, it is very evident that the proposition of my friend from Arkansas [Mr. McRAE] changes the whole character of this report from the committee. It is not an amendment germane to the subject-matter at all. If it is held in order, why, then you can move to add any other portion of the country to it which constitutes the territory of the United States. I rise to speak on this question for the reason that I am

going, at the proper time, to offer an amendment to strike out what I regard as the only objectionable feature of this bill, namely, that portion which relates to the admission of the Indian Territory.

Mr. McRAE. Will my friend allow me to ask him right there if he considers the paragraph he wants to strike out as subject to a point of order?

Mr. HOOKER. I think it is subject to amendment.

Mr. McRAE. If it is not subject to the point of order, how could this amendment be obnoxious to the point of order?

Mr. HOOKER. For the reason that we are proposing to do more than the committee proposes. You are proposing to include the whole Indian Territory in this bill to constitute a part of Oklahoma. It is well known to those who are familiar with our territorial history that Oklahoma itself originally constituted a portion of the Indian Territory, belonging to the five semicivilized tribes, the Choctaws, Creeks, Cherokees, Seminoles, and another.

Mr. MADDOX. The Chickasaws.

Mr. HOOKER. Oklahoma was dissevered from the Indian Territory and created a Territory of the United States, subject to the laws, rules, and regulations which pertain to a Territory. This is a proposition to admit that Territory and not anything else; but if my friend from Arkansas can propose to add this scope of territory which the Indians now have, and which I think they are entitled to have as a State of their own, not added to any other, why, then there is no limit to what can be done by way of amendment of this bill.

We ceded those lands to the Indians that you now propose in this indirect way to take away from them. We ceded them in terms of solemn treaties between the five semicivilized tribes and the Government. I allude to this in order that I may show that this proposition of my friend from Arkansas is in violation of the rules which prevail, that you can not offer an amendment to a bill unless it is germane to the bill. Why, sir, the idea of taking that vast territory of the five semicivilized tribes of Indians and making a State out of it without consideration by a committee of this House shocks every idea of parliamentary law as well as of justice and right. His proposition now is to take the whole. The report of the committee proposes that Oklahoma, if it shall accept this inauguration into statehood, shall in its convention provide that such portions of the Indian Territory as they may see fit shall be added to it.

That, I think, is the only objectionable feature of this whole bill. They have no right to take it either in parcels or absolutely and entirely, as the amendment offered by the gentleman from Arkansas [Mr. McRAE] provides. If that could be done, why, then you could make a State out of a Territory without notice to that Territory, without representation by that Territory, and without an expression of opinion by the people of that Territory; and therefore it seems to me that the point of order is properly raised that this is not a subject cognate to the subject-matter which the committee considered, but entirely different from it and proposing to create a State out of the present Territory of Oklahoma, that has metes and bounds properly defined, and to make a State not only of Oklahoma, but to include that vast domain ceded to the Indians, which, when it was ceded, General Jackson said should be theirs "as long as grass grows and water flows."

Mr. WILLIAMS of Mississippi. Mr. Chairman, is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule. If this were a bill for the admission of Oklahoma Territory alone as a State there would be no doubt as to the position taken by the gentleman from Missouri being correct. An amendment to admit some other Territory as a State would not be in order. But this is a general bill covering three different Territories, and an amendment as suggested by the gentleman from Alabama [Mr. UNDERWOOD] to admit Alaska as a State would be in order on this bill.

For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before this House, can be amended by adding another claim. So with public building bills. A bill to erect a public building at Birmingham, Ala., could not be amended by a proposition to erect a public building at Indianapolis, Ind.; but a bill providing for a number of public buildings could be amended by adding another public building. One is a general bill, the other is a bill for a single object; and as the Chair said, if this were a bill to admit Oklahoma alone as a State, this amendment would not be in order. On the other hand, it is a general bill proposing to admit three Territories as States.

In the Thirty-fourth Congress a decision was made by the Speaker that covers this point clearly. On July 17, 1856, Mr. Elihu B. Washburne, of Illinois, reported from the Committee on Commerce a resolution of the Senate for enlarging the custom-house and post-office and court-house at Milwaukee, Wis., and at Detroit, Mich., and for the construction of a public building for the same purpose at Dubuque, Iowa, with an amendment providing for some public buildings at Toledo, Ohio, Ogdensburg, N. Y., Ellsworth, Me., Chicago, Ill., Nashville, Tenn., and other points.

Mr. James L. Orr, of South Carolina, made the point of order that the amendment was not germane to the original resolution, inasmuch as it provided for the construction and enlargement of public buildings in different cities and States from those mentioned in the resolution to which the amendment was offered. The Speaker overruled the point of order. There was the exact question. There was a public-building bill providing for two or more buildings. An amendment was offered to add another building in another State.

The point of order was made, and the Speaker of the House, Nathaniel P. Banks, jr., of Massachusetts, overruled the point of order. There is no doubt, in the opinion of the Chair, that the amendment offered by the gentleman from Arkansas [Mr. McRAE] is in order on this bill, this being a general bill for the admission of Territories. The Chair therefore overrules the point of order.

Mr. UNDERWOOD. Mr. Chairman, recognizing the importance of the decision, I ask to take an appeal from the ruling of the Chair.

Several MEMBERS. Oh, no.

Mr. UNDERWOOD. In deference to the wishes of my colleagues, I withdraw the appeal.

Mr. McRAE rose and was recognized.

Mr. KNOX. I will ask the gentleman from Arkansas how much time he desires?

Mr. McRAE. I will only consume five minutes.

Mr. KNOX. I did not know whether the gentleman proposed to occupy considerable time.

Mr. McRAE. No; I do not. I want to facilitate the consideration of this bill as much as possible, and as I have already spoken in the general debate I have very little to add, except that I want to call the attention of members of the House to the map before us, so as to show the relation of these two Territories, one to the other, and thus get a clearer idea of what is involved in my proposition.

You will find the Indian Territory indicated in red on the east. It is only a little less in area than Oklahoma. It has a few thousand population less, according to the census of 1900, and according to the census it has a denser population than Oklahoma. The Indian Territory has 12 people to the square mile, while Oklahoma has only 10. They are of the same character of people and have a common history. They ought to be in the same State for the good of both.

I submit to the House and to the country that it is unjust to the people of the Indian Territory to provide for the admission of all of the rest of our Territories between the two oceans and leave this one in this uncertain and undesirable attitude. These people deserve a better fate.

If we are to pass the bill to admit three Territories, then we should cover all of them by taking in the Indian Territory.

I do not undertake to speak for the politics of either of these Territories. There has been no election to indicate what the politics of the Indian Territory are, but they are supposed to be Democratic, but if we take the record as to Oklahoma it is Republican. I make no objection on that account, for whether they be Democrat or Republican, it is their right and their privilege to have admission, and then at their own pleasure select their affiliations.

I appeal to Republicans and Democrats alike to consider the condition of those people. They are equally as worthy as the people of Oklahoma. I am willing for Oklahoma to take her own governor, her secretary, and the Dawes Commission and hold this election, and hold the convention in the capital of Oklahoma, giving her any advantage that she can get out of that, but I want the Indian Territory attached now or never. Any other course would be unjust to her. With 800,000 inhabitants the two will have four Representatives on this floor, and they will be worthy of her neighbors, Missouri, Kansas, Texas, and Arkansas.

But, my friends, if you leave them as separate States you will find them both lacking in revenue, lacking in many things necessary to make a great State. Lacking in the money necessary to educate her children, and if they are to become a great people and prosper they must do that. I believe if you will make this State you will make these people glad and do a patriotic duty to all the people of the Union. [Loud applause.]

Mr. HOOKER. Mr. Chairman, I want to say a word in reply to what has fallen from my friend from Arkansas with reference to the adoption of his amendment. He urges it as an act of justice to the Five Semicivilized Tribes. Have they asked, Mr. Chairman, to come in as a State in connection with Oklahoma? Has the Territory of Oklahoma, through its representative upon

this floor, asked it? Whether he be a Democrat or a Republican, it makes no difference to me. No word has been heard in the debate of petitions addressed to this House and referred to the Committee on Territories.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that a convention has recently been held in the Indian Territory, at which resolutions were adopted, requesting that they might be added to Oklahoma and admitted to statehood under this bill. I introduced a similar bill requiring that to be done. As the gentleman no doubt understands, the great majority are white people in the Indian Territory.

Mr. HOOKER. That may be the information of the gentleman. My information is that these Indian tribes have not passed upon this question. They have wanted to be made a State under their own laws, and if there is any portion of the territory of the United States which can appeal more earnestly to the Congress of the United States than another, it is the Indian Territory.

From them we have obtained all of the vast region of territory which the white people now occupy, and when we acquired the country from the Cherokees when removed from Georgia and the Choctaws removed from my own State of Mississippi, they were assured under solemn treaties with the Government that the territory which they were to be moved to should be their own; and under this assurance of territorial condition they ought to have the right to be created a State of their own, with Indian blood and the Indian people and Indian sentiment to represent them. If that appeal has been made, why is it not sent to this Congress expressing that sentiment?

I am informed by the most intelligent Indians representing the Choctaws, the Chickasaws, the Cherokees, the Creeks, and the Seminoles that they want a territory of their own government, and they are entitled to it. Let Oklahoma have her Territory created into a State. If the speech of the honorable gentleman from Massachusetts [Mr. KNOX], the chairman of this committee, is to be relied upon, and it was a speech of great power, backed with figures as to the population and wealth and school advantages and all other things; if his speech is to be relied upon, and I do not think a single position taken by him has been skaken by the argument of the gentleman from Ohio [Mr. GROSVENOR], who said he would vote for Oklahoma if separate, it should be admitted. I am going to vote for it because it is connected with the others, and say that we ought to act upon the report of the committee and permit these Territories to come into the Union as States, and then we can wait for the request of the people of Oklahoma and for the request of the semicivilized tribes of Indians. [Applause.]

Mr. LLOYD. Mr. Chairman, I very much regret to express an opinion differing from that which has been asserted by the gentleman from Arkansas [Mr. MCRAE], for whom I have the very kindest personal regard. I am very sorry indeed, however, that he has presented this amendment. I fully agree with everything he said on yesterday with reference to the condition of the people in the Indian Territory.

I am aware of the fact that those people are without government, that they are practically in a state of rule by justices of the peace, and that the only additional rule is that of the civilized tribes. I concede that they need some kind of government. I fully concur in all that has been said with reference to that particular feature in this controversy.

The Committee on Territories has very carefully considered the question of what should be done for the Indian Territory. Hearings have been given to all parties connected with this matter, and after careful consideration it has been determined that the Indian Territory ought to have a Territorial form of government.

There is pending before this body to-day what is known as the Moon bill, which provides a form of government for them. Gentlemen now insist that they ought to have statehood. Why, the Indian Territory has served no probationary period. New Mexico and Arizona have served their long period of probation; Oklahoma has been a Territory of the United States for these many years, but the Indian Territory has never had government. The truth is the civilized tribes have a rule there of four years more by reason of the treaty relations that exist between them and the Government. The thing that ought to be done, in my judgment, is to establish there a Territorial form of government.

But I am not concerned at this time to give my opinion on this subject. There were hearings before the Committee on Territories, and there has been a great amount said and done with reference to the question of statehood. You would suppose from what has been said thus far in the debate that there is only one opinion in the Indian Territory, and that is that they desire to be a State in this Union, a part of the State of Oklahoma. The people themselves, according to the information that the committee has, do not desire to become a part of Oklahoma and do not desire at this time statehood.

Mr. MCRAE. Will the gentleman tell this side of the House why that provision was put in the bill for emasculating the Indian Territory by piecemeal?

Mr. LLOYD. That was placed there to satisfy an element of which my friend from Arkansas is a faithful representative.

Mr. MCRAE. I deny it. I would not vote for that separate proposition if it cost me my seat in Congress. I regard it as a most iniquitous one, and the gentleman must not charge me with any responsibility for that provision.

Mr. LLOYD. The gentleman did not quite understand me. I have no charge to make against the gentleman as being the author of that clause in this bill. I answer his question by saying that in the consideration of this Territory by the committee, after hearing the parties, there was a concession made to an element which the gentleman from Arkansas represents, and that element insisted that they should be a part of Oklahoma.

Mr. MCRAE. I would like to see the color of the man's eyes who lives in the Indian Territory or has any interest in it that would consent to a proposition like this.

Mr. LLOYD. Now, if the Chair pleases, I am not willing to be called away from the point I was undertaking to discuss at this time. My time, of course, is limited. I wish to call attention to the fact that there was in Oklahoma a statehood convention, and that convention was the largest ever held in the Territory of any kind. It passed a unanimous resolution in favor of separate statehood, and appointed a committee to present their views to Congress, which appeared before the Territorial Committee and demanded the consent of the House to their request.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Chairman, I would like further time.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended. Is there objection?

There was no objection.

Mr. LLOYD. I thank the committee for this compliment.

Mr. STEPHENS of Texas. Will the gentleman allow me an interruption?

Mr. LLOYD. Certainly.

Mr. STEPHENS of Texas. Was there not held in the Indian Territory recently a convention by citizens of that Territory, representing all parts of it, known as the "single statehood convention," in which they passed resolutions asking to be added to Oklahoma, and making it form one State; and is not it a fact that the great majority of white voters of that country are demanding that at the present time; and have not you had petitions before your committee to that effect, and have not you heard arguments before your committee for that to be done?

Mr. LLOYD. We had before the committee a number of petitions from towns in the Indian Territory insisting that they should not be made a part of Oklahoma. There were also petitions asking that it should be made a part of it. They had a convention at the time named, but I can not concede all that is implied in the question. There was another convention in the Indian Territory, composed of both parties, and at that convention they passed resolutions against statehood.

Now I want to call attention to what a citizen of the Indian Territory said about this matter in the hearings before the committee. The individual to whom I refer is Col. R. L. Owen, a very intelligent gentleman. He said:

> I am a citizen of the Indian Territory. I have lived there twenty-three years. My people have lived there ever since it was inhabited by civilized man. My great-grandfather was a Scotchman and took the first band of Indians into that country. I represented the Cherokees in charge of their school for four years and then I represented the United States as Indian agent for the Five Civilized Tribes, and know those people there very well.

In speaking of the single statehood convention he said:

> In their enthusiasm they imagined that they represented all the people of Indian Territory and Oklahoma, but as a matter of fact those who assembled there met under a call which provided that only those who were in favor of single statehood should be there.
> Their meeting was unanimous—

Of course it would be—

> it was harmonious—

Certainly so—

> they passed resolutions embodying their own ideas. They did not invite those that were not in favor of single statehood to attend the meeting. Before that convention for the purpose of resoluting in favor of single statehood, about every business man in Muscogee, including the presidents and cashiers of the banks, and all the business men almost without exception, signed the call for a meeting for the purpose of giving expression to their opinions on statehood.
> I was at the convention and was made chairman of the committee on resolutions and drew them. I drew them in accordance with the sentiment of the Territory. Those resolutions were passed unanimously and were against statehood.

You will find further in the hearings that various individuals have been interrogated with reference to the sentiment in the Indian Territory, and I believe it is true that the portion of the Indian Territory lying next to Arkansas—nearest to that which is

represented by my friend from Arkansas—has many advocates of single statehood; but the testimony of two leading witnesses was to the effect that nine-tenths of the people of the Territory are opposed to single statehood. With reference to the sentiment of the Territory, there can be no question, I think, from the testimony before the committee, that the Territory of Oklahoma is decidedly opposed to single statehood. The people there are concerned to have separate statehood.

One objection raised here is that this Territory has not sufficient area for a State. I was surprised that the gentleman from New Jersey [Mr. PARKER] should insist on this objection, coming, as he does, from a State not one-fourth as large as the Territory of Oklahoma and not one-fifteenth as large as the Territory of New Mexico. Yet he says that the three Territories should be bound into a single State; and that is his argument.

But, Mr. Chairman, so far as I am concerned, I wish to do that which is best. I have no personal concern except to secure that which will inure to the benefit of the Indian Territory and Oklahoma. Their wishes should be consulted to ascertain what they desire; and I believe as firmly as I believe anything that the people of Oklahoma are decidedly opposed to single statehood, and that a majority of the people of the Indian Territory oppose it, and that it should not be imposed upon them.

Mr. Chairman, I desire at this time to submit some general observations on the bill.

No question of higher privilege can be considered by this body than the one enabling a Territory to become a State of this Union. To-day three large areas of country, with a considerable population and great wealth and resources, ask for statehood, and this House is charged with the important duty of voting to enable them to become commonwealths in this great domain or to prevent them from the enjoyment of such privilege. The original thirteen colonies all became States of their own volition. They are responsible for the declaration of their rights and the accomplishment of their independence. They made the sacrifice in the Revolutionary period which resulted in their triumph at Yorktown and their recognition by the nations of the world as a free people and an independent government. They made the Constitution which determined the rights of citizenship and exalted the people to sovereignty. They laid well that foundation on which the governmental structure of to-day so securely rests and sent a triumphant republic on its march to supremacy.

It is my purpose at this time to give a brief résumé of the history of the legislation that has added so many States to the original 13 and to present, if I may, the motives which seemed to actuate Congress from time to time in its consideration of the numerous applications for statehood which have been presented. I shall be pleased also to gather from the records of Congress the requirements demanded for the exalted position of partnership in the American Union, if it may be done.

The Continental Congress, in 1787, two years before it was superseded by the Congress provided by the Constitution, passed an ordinance for the government of the Territories northwest of the Ohio River, the subsequent division of that territory into States, and expressly declared that—

> Whenever any of the several States have 60,000 free inhabitants therein, such States shall be admitted by its Delegates into the Congress of the United States on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government, and, so far as it can be, consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

The act of Congress of May 26, 1790, establishing a government for the territory south of the Ohio River, provided that the inhabitants were to enjoy all the privileges set forth in the ordinance of the late Congress for the government of the Territory of the Ohio. By common acceptation, as well as by these general terms, it was understood that when any organized Territory, on either side of the Ohio River, with 60,000 inhabitants asked for admission it was, as a matter of right, entitled to statehood.

The first division of territory that asked for admission as a State was Kentucky, but the first to be recognized under legal enactment was Vermont. The latter State was at that time a part of the State of New York, but by the consent of that State and through its own earnest appeal its application was considered. On February 9, 1791, President Washington submitted the petition to Congress, and in the accompanying message said:

> I have received from the governor of Vermont authentic documents expressing the consent of the legislature of New York and of the Territory of Vermont that the said Territory should be admitted to be a distinct member of our Union, copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

Within ten days from that date the Green Mountain State was admitted into the Union. It was then the seventh State in area and had a population of 85,425. The glorious flag of victory which had been aloft on so many bloody battlefields was now to have another star, emblematic of the new relation which it sustained by this addition to the family of States.

Kentucky secured the passage of its bill for admission several days before that of Vermont, but by the provisions of the act itself the date of recognition was fixed, and ere that period was reached Vermont had been accepted as a State. In the message of President Washington to Congress in December, 1790, he stated:

> Since your last session I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State, in consequence of which the district is to become a distinct member of the Union in case the requested sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been transacted will be found to do great honor to both the parties, and the sentiments of warm attachment to the Union and its present Government expressed by our fellow-citizens of Kentucky can not fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide in the case submitted to you.

The resolution accepting Kentucky as a State passed the House January 28, 1791, without a dissenting vote, and the Annals of Congress have this record of its passage:

> On motion of Mr. Brown, the House resolved itself into Committee of the Whole and took up consideration of the bill providing for the admission of Kentucky into the Union, Mr. Bodinst in the chair. The Chairman reported the bill to the House without amendment, and, on motion, it was read the third time, and passed.

The Senate had previously considered it, and it only remained for the President to approve the act of Congress, which was done February 4, 1791, and it, with its population of 73,677, became the fifteenth State in the Union. This daughter of Virginia, the first to leave the maternal fold, was then the home of Daniel Boone and a year later became the residence of Henry Clay. What a history one hundred and eleven years has made. How many a son of the West has, within that period, begun his biography "born in Kentucky," and how many living to-day point with pride to their ancestors who migrated from the blue-grass region.

The next applicant for statehood was Tennessee. There was quite a debate over its admission. It was contended that by the compact previously made no Territory could become a State unless it had a population of 60,000; that to determine the question of the number of its inhabitants the Territorial census must have been taken by authority of the General Government. On the other hand, it was claimed that it was optional with Congress whether it accept into the Union organized Territory with less than 60,000 inhabitants and that no law directed who should take the census, and this view was finally accepted. According to the census of 1790 Tennessee had a population of 35,691, but by a census taken by authority of the Territorial legislature in 1795 it had 66,000 inhabitants. In the course of the debate James Madison, afterwards President, in referring to the condition of the Territory, said:

> The inhabitants of that district of the country are at present in a degraded situation; they are deprived of a right essential to free men—the right of being represented in Congress. Laws are made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior authority approved their execution, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.

How well did he describe the condition of the Territories to-day, and before ballots are cast against admission it would be well to measure these Territories by his standard of right and duty. After several days' discussion the bill passed the House by a vote of 43 to 30, the vote in the Senate on the same proposition was 15 yeas to 8 nays. In May, 1796, the bill was approved, and the first organized separate Territory was accepted as a State. Within a short time it elected Andrew Jackson as its first representative in the popular branch of Congress.

Ohio, in 1802, prepared its constitution and demanded statehood. In 1800 it had a population of 45,365, and it is hardly probable that in two years it had reached the number of 60,000 which entitled it to admission. But no question was raised against its coming into the Union, and practically by unanimous consent it was received. Its constitution was voted on in November, 1802, and many claimed that as the date of admission. But the more satisfactory statement seems to be that its admission should date from its first recognition by Congress or the Executive, which was in February, 1803. This Commonwealth has a marvelous history. Virginia may be the mother of Presidents, but Ohio has in recent years been the possessor of them. It is now the fourth in population, and ranks high in education and material wealth. It is entitled to have its centennial anniversary with the people of the Louisiana purchase, because it was admitted by President Jefferson the same year that Louisiana was obtained from France.

LOUISIANA.

The fifth State admitted to the Union was Louisiana, a part of Jefferson's purchase. This legislation was perfected April 12, 1812, a little less than three years before the crowning event of that war, in which General Jackson completely defeated the British at New Orleans. There had been much contention about what should be the boundaries of the new State but at last it

was accepted with its present area. One of the principal advocates of statehood was Henry Clay. The census of 1800 gave Louisiana a population of 76,556, much beyond the limit then required, but no question of the number of inhabitants was raised during the discussion.

Then came, sixth in order, a part of the Northwest Territory, the district of Indiana, and asked for admission under the Federal Constitution. But a serious question was raised here, more important than in the case of Tennessee. Its population in 1810 was only 24,520. Notwithstanding its apparent lack of inhabitants it was accepted and admitted to the full rights of statehood December 11, 1816, and its people were given that freedom which all men may properly demand and which is vouchsafed under the Constitution and Declaration of Rights promulgated by our fathers.

A year later the Territory of Mississippi, then a part of Georgia, through its Territorial legislature, asked for recognition as a State. It had been ceded by the Continental Congress to Georgia, with an agreement that afterwards it might become a State, in these words:

> That the territory thus ceded will form a State and be admitted as such into the Union as soon as it shall contain 60,000 free inhabitants, or at any earlier period if Congress should think it expedient.

In the debate on the resolution it was argued that it should not be accepted, because its area was too great, and that in time its influence would be too powerful. These insisted that it should be divided. Others believed that if it should be divided the population would not be sufficiently large to admit either part of it, and especially the eastern division. After a vigorous discussion that lasted for days, it was determined to admit the western portion, now the State of Mississippi, and the eastern part was formed into a Territory, which afterwards became the State of Alabama. In 1810 the then Territory of Mississippi had a population of 40,352, but in 1820 the State, as limited by Congress, had 75,448 inhabitants. December 10, 1817, marks the acceptance of Mississippi, in the first year of the Administration of James Monroe and about the time of the death of Thaddeus Kosciusko, the great Polish general and patriot for whom one of its counties is named.

Illinois was the next to seek statehood. The bill asking for an enabling act named boundaries which would have made a State no part of which would have touched Lake Michigan. The great city of Chicago, now the pride of the State, would have been part of Michigan. An amendment to the bill was made at the instance of Mr. Polk which fixed the present boundaries. The only contest was on this amendment. The bill passed both House and Senate almost unanimously, and on December 3, 1818, it became a State. The census which followed in 1820 showed a population of 55,211, so that it fell much below the 60,000 limit at admission, but now the city of Chicago alone contains over a million and a half inhabitants. This was eighteen years before the present chairman of Appropriations made his advent into the world and fifty-four years before he was sent to Congress.

From the Southland came the next petition. Alabama, two years before its present junior Senator, Mr. PETTUS, was born, asked for recognition as a State. The census of the following year gave its population as 127,901. There were no serious exceptions urged against its acceptance, and on December 14, 1819, in the year of the birth of Queen Victoria and the cession of Florida to the United States, it was admitted into the Union as the Twenty-second State.

Maine, a part of Massachusetts, sought separate statehood. Quite a contention arose in Congress over an attempt to admit Missouri and Maine together. It was sought by this means to compromise the slavery question, and admit one as slave and the other as a free State. But this proposition failed and Maine was accepted March 15, 1820. It had then a population of 298,335. Its boundaries were practically the same as at present. In 1783, in the treaty with England, the boundary between the two countries was fixed, but in 1827 points of difference had arisen which were referred to the King of the Netherlands for settlement. His award was in the nature of a compromise, but more favorable to England than to this country. At the earnest solicitation of Maine this award was rejected, but after severe and threatening complications the boundary was fixed by the Webster-Ashburton treaty of 1847, which was slightly more favorable to Maine than the previous award but not much different from it.

One of the bitterest sectional debates in Congress up to 1820 was on the bill to admit Missouri as a State. The contention was over the proposition to admit it as a slave State, and finally resulted in a compromise, whereby Missouri was to retain its slaves, but slavery was not to be permitted north of 36° 30′ north latitude in any State to be admitted thereafter. The vote on this compromise in the House was 90 yeas to 87 nays. But few speeches are more interesting than those made on this memorable bill. I wish to quote a few words from Mr. Kinsey, of New Jersey, who said:

> We have arrived at an awful period in the history of our empire, when it behooves every man of this House now to pause and consider that on the next step we take depends the fate of unborn millions. I firmly believe that on this question now before us rests the highest interest of the whole human family. Now, sir, is to be tested whether this grand and hitherto successful experiment of free government is to continue, or after more than forty years of enjoyment of the choicest blessings of heaven under its administration we are to break asunder on a dispute concerning the division of territory. Gentlemen of the majority have treated the idea of a disunion with ridicule, but to my mind it presents itself in all the horrid, gloomy features of reality; and when we unfold the volume of past ages and in the history of man trace the rise and fall of government we find trifles light as air compared with this dissolving the most powerful confederations and overturning extensive empires.

How thoroughly prophetic was this utterance. How vividly did he present the picture of the contest that came forty years later. But the real sentiment of this appeal, devotion to the Union, and a desire that its blessings should be forever enjoyed, applies with equal force to the Territories applying for statehood to-day. No trivial matter should stand between us and our duty, and the voice of 900,000 souls begging for civil liberty, the right of self-control, and the opportunity to participate in the counsels of the country should not be passed unheeded. Missouri, a part of the Louisiana purchase, which now possesses the metropolis west of the great Father of Waters, the place where the great world's fair is to be held, was accepted into the Union August 10, 1821, and Thomas H. Benton became one of its first Senators. This State had at the time of the passage of its enabling act only 66,586 inhabitants, but now it has as great a population as the original States when Washington was inaugurated President. It became a State in the year that Napoleon Bonaparte died on the lonely island of St. Helena.

In 1836 Arkansas claimed the privilege of statehood and insisted that no enabling act by Congress was necessary. It relied upon the provision of the treaty with France made in 1803 which stipulated that—

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and be added as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States.

They sought to have a convention to frame a constitution, but the governor of the Territory endeavored to prevent the people from accomplishing this purpose. He inquired of President Jackson how this could be accomplished, who replied:

> The people undoubtedly possess the ordinary privileges and immunities of citizens of the United States, among them the right to peacefully assemble and to petition the Government for the redress of grievances. If, therefore, the citizens of Arkansas think proper to accompany their petition by a written constitution framed and agreed upon by them in assembly or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so.

The people, however, in order to avoid complications made the ordinary application to Congress praying for admission, and without serious contest their prayer was granted June 15, 1836, and Arkansas became the twenty-fifth State in the Union. It had at that time a population of 52,240, and in the census which followed, in 1840, the population was 97,574.

Michigan was established as a Territory in 1805, and did not apply for statehood until 1832, and then only to receive adverse action. The bill was revived in the next Congress, in 1834, but it likewise met defeat. No satisfactory reason was given for this action, and judging from the record of the vote it must have been rejected on partisan grounds. Undaunted and determined, the application was again renewed, and after a vigorous and prolonged contest, in which the strongest men in Congress participated, the bill passed. In the Senate Benton, Clay, and Calhoun engaged in the discussion; Benton favored admission and Clay and Calhoun opposed it. In this instance the points in controversy were the proposed boundary line and the alleged misconduct of the people. By a close vote it was determined to admit Michigan, but with a changed boundary and on the condition that her people, in a convention to be called for that purpose, should assent to the change of boundary, which assent when obtained should authorize the President to announce the admission by proclamation. A convention was called through the legislature to consider the terms fixed by Congress for admission, but the convention rejected the same and refused to be admitted on the basis fixed by Congress. Later, however, delegates were elected to a convention which did accept the provision of the Congressional act. President Jackson, in his message to Congress on this subject, stated:

> The latter convention was not held or elected by virtue of any act of the Territorial or State legislature. It originated from the people themselves and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention was to be ordered or the time when or the manner in which it was to be chosen. Had these later proceedings come to me during the recess of Congress, I would have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State, for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case

are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper, for the reasons that the whole subject should be submitted to the decision of Congress, to present it to your body. The importance of your early action upon it is too obvious to need remark.

Under the circumstances I have detailed Michigan was admitted into the Union by action of Congress January 26, 1837. In 1830 its population was 31,639, but during the decade following it grew rapidly, so that in 1840 the census showed 212,267 inhabitants. This year was marked by the accession of Queen Victoria to the Throne of England and the inauguration of Mr. Van Buren as President.

Florida became a part of the United States in 1821. It first applied for statehood in 1839, but in 1840 had a population of only 27,943 whites. It had, since the visit of Ponce de Leon, in 1512, been the theater of warfare more or less and had been controlled by various countries. Not until the year 1845 was it ever permitted to enjoy absolute freedom. It was then accepted as a State by Congress without contest.

This was within four years of the birth of all its present Representatives in both branches of Congress. It had in the census of 1850 a population of 87,445, so that at the time of its admission it had evidently passed the 60,000 limit. This was the last of the eleven States known as the Confederate States to join the Union, but it, like all the rest, now renders the most faithful allegiance to that flag which had in its beautiful folds the twenty-seventh star because of its acceptance, and is one of the two States which, following the election of 1876, was in contest, and, because of its doubtful vote, the 8 by 7 electoral commission was called upon to determine who was President, Mr. Hayes or Mr. Tilden.

Texas first declared its own independence the 20th of December, 1835. Shortly after, however, Santa Anna captured the Alamo, whence only three persons were permitted to escape—a woman, child, and a servant. A second declaration of independence was announced March 1, 1836. A government was then speedily established, and in March, 1837, the United States acknowledged the independence of Texas. A treaty was proposed April 12, 1844, annexing Texas to the United States, but was rejected by the Senate June 8 of that year. Joint resolutions providing for the annexation of Texas passed the United States House of Representatives in January, 1845, by a vote of 120 to 98, and were passed by the Senate by a vote of 27 to 25 a few days later. The principal objection to annexation was the slavery question. But another serious trouble was its unsettled relations with Mexico. The President approved the resolution of annexation March 1 thereafter. During the summer following a convention was held by Texas, and it accepted the annexation proposition, and by act of Congress approved by President Polk December 29, 1845, Texas was admitted as a State. The census five years later gave it a population of 212,592.

Iowa, the fourth State of the Louisiana purchase to be admitted, claimed the benefit of the cession from France as Arkansas had previously done. In 1834 it was a part of Michigan, and in 1836 was placed under the jurisdiction of Wisconsin. In 1838 it was organized into a Territory, with Burlington as its capital. In 1845 Congress passed an act fixing the boundary of the Territory, which was accepted through a convention of the people assembled for that purpose, and on December 28, 1846, was admitted as the twenty-ninth State, when the present Speaker of the House of Representatives was but 6 years old. No question of a serious character was urged against its admission after the boundary had been fixed. It had in 1850, according to the census, a population of 192,214, which was an increase of 500 per cent over that of 1840. This State has an Indian name, which is said to mean the beautiful land.

Quite a spirited debate arose in Congress over the proposed boundary of Wisconsin at the time of its application for statehood. Three different boundaries were suggested and each had its warm adherents. At last it was admitted with its present boundary. In the census following it had a population of 305,391, ten times that of 1840. It was March 3, 1847, that Congress provided for admission, when the constitution should be approved by the people. The constitution submitted to the people was rejected. It was afterwards amended and resubmitted and accepted at the second vote. Congress on May 29, 1848, admitted it as the thirtieth State in the Union. It was during this month that the treaty was ratified between Mexico and the United States which ceded California and New Mexico to this country and within a few weeks of the proclamation declaring France a Republic.

The treaty of cession by which California and New Mexico were obtained had the following, among other provisions:

That the Mexicans who remain in the ceded territory and become citizens of the United States shall be incorporated into the Union and admitted at the proper time (to be judged by the Congress of the United States) according to the principles of the Constitution; and in the meantime shall be maintained and protected in the full enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

Attempt was made by Congress in 1848 and 1849 to organize a Territorial government for the new Territory, but owing to the questions of slavery, boundary, and form of government which arose it adjourned without making any arrangements for its government. Thereupon the military governor of California called a civil convention of the people to frame a constitution for themselves June 3, 1849. The convention met in obedience to the proclamation of the governor and framed a system of government for the State, and in it was a provision which accepted any changes suggested by Congress which might be agreed to by the State legislature. In November following the constitution was adopted. The legislature elected at that time convened in December and elected United States Senators. John C. Frémont and William M. Gwin were the persons chosen. In 1849 and 1850 the question of the admission of California was prominent before Congress. It had declared itself a free State.

Southern members were anxious that it be a slave State, and on this rock different elements contested. The Northern States believed that if it came in as a slave State they would lose the balance of power; if as a free State, they could overcome the aggressive movement of the South. For several weeks the agitation continued, with Webster as the leader of the antislavery party and Calhoun as the champion of slavery. It was at last admitted as it had asked, and within a day thereafter, September 11, 1850, its Senators took the oath of office. California had at that time a population of 92,527. This year was marked by the ratification of the Clayton-Bulwer treaty, with reference to the communication by ship canal between the Atlantic and Pacific, and also by the abolition of the slave trade in the District of Columbia.

At the time Minnesota asked for admission two serious questions arose to prevent her progress. One was what should be her boundary; the other whether her electorate should be confined to citizens of the United States in the selection of delegates to the State convention. After a protracted discussion, it was decided that only citizens should enjoy the elective franchise. The boundary question was settled without serious friction, and the enabling act was passed by a vote of 97 to 75 in the House and met but little opposition in the Senate. The date of its admission was May 11, 1858. In 1860 it had a population of 172,023. This State was admitted in the year of the execution of John Brown, of Virginia, and the death of Washington Irving and Lord Macaulay.

Oregon applied for admission near the close of the Administration of Franklin Pierce. The enabling act passed the House, but was defeated in the Senate. The bill was renewed in the next Congress, but met with a vigorous opposition, led by Hon. J. A. GROW, now of the House. The reason assigned was the action of Congress in the preceding session in making objectionable requirements of the people of Kansas. Mr. GROW had made a report favorable to the admission of Oregon in 1857, but was not now willing to admit this as a Democratic State when conditions had been placed on Kansas which, in his judgment, would not be accepted by the people. After a stubborn contest the bill passed the House by a vote of 114 ayes to 103 noes. The bill was approved February 12, 1859. At the census following it had a population of 52,465.

Kansas had a more strenuous and protracted opposition to admission than any State. There were two serious questions on which the people were divided, and Congress as well—slavery and the right of the State to dispose of the Government lands within its borders. Both Houses of Congress, April 13, 1858, passed by majority vote the bill which admitted Kansas to statehood; but certain restrictions and conditions were made with reference to slavery, which it was required to accept before admission. When these propositions were submitted to the people, they were rejected. Again it applied for statehood in 1860. The Committee on Territories, in reporting the conditions of the State at that time, said:

The government under which they have been forced to live began with a desperate, cruel, and bloody establishment by armed usurpation, and was marked in its continuance by the revolting atrocities which characterize savage warfare, emanating directly from the Territorial organization or supported and defended by those clothed with its authority.

After protracted discussion, involving the political conditions of the time, the bill for admission was finally passed, and Kansas, notwithstanding its turmoil, division, and strife, became a State in the Union near the beginning of that fratricidal war which resulted in the loss of so much blood and treasure. It had a population of 107,206.

At the beginning of the civil war many of the mountain counties of Virginia were opposed to secession. Quite a conflict arose between these counties and the other portions of the State. They held various conventions and public meetings, with Wheeling as a headquarters, from time to time, and protested in every way against committing the State to the South and expressed their desire to remain a part of the Union. They conferred by delegates

and otherwise with the State authorities and the members in Congress for Virginia, but with no hope of agreement. The result of this unfortunate condition of affairs led to a division of the State, and West Virginia, by proclamation of the President, became a separate State June 19, 1863, and was recognized as in every way loyal to the Union and in opposition to the sentiment of the South. There was no separate census until 1870. There never was any question about the number of population being sufficient to entitle that part of Virginia to recognition as a State. This division was one of the unfortunate outgrowths of the civil war and was fully justified by the conditions that then existed, and doubtless it is fortunate for both sections of the original State that the division was then made, as well as for the common country.

In 1862 the Territorial legislature passed an act authorizing the framing of a State government in Nevada, but owing to political dissension the people decided against a State government. Mr. STEWART, now Senator from that State, was one of the members of the Territorial convention and opposed statehood. In January, 1864, Congress was again asked to authorize the people to frame a constitution, and it did so, and they by an overwhelming vote adopted the constitution, which had been framed in accordance with the act of Congress, and by the proclamation of President Lincoln Nevada was recognized as a State October 31, 1864. It had at the census following a population of 42,491.

In the midst of the throes of civil combat, with the smoke of battle blackening the heavens with its deadly flame, Nebraska, loyal to the Constitution and the cause of the North, begged for full recognition and the enjoyment of self-government. The country of the Platte was permitted by act of Congress to form a State government April 19, 1864, and the State of Nebraska ratified through its people on January 21, 1866, a constitution by the close majority of 100. In July, 1866, a bill passed Congress for its admission, but did not receive the signature of the President.

In January, 1867, another bill passed both Houses of Congress, but was vetoed on the ground that it embraced conditions not found in the enabling act and on which the people had not decided and to which they had not consented. The conditions to which the President referred were that it should agree that there was to be no denial of the electoral franchise or any other right to any person by reason of race or color. He gave as a further ground for his veto that the people of the Territory were not sufficient. But Congress, on the 9th of February, 1867, passed the act over the President's veto. The legislature within two weeks accepted the conditions named in the act, and the President, on the 1st of March, 1867, made formal proclamation of its admission. The population of Nebraska in 1870 was 122,993, plainly showing that there was no ground for the veto of the President on account of the number of its inhabitants.

An effort was made in 1863 to secure an enabling act for Colorado, but without avail. In March, 1864, however, Congress passed an act enabling the people to frame a constitution. Later in that year an election was held, but the people very properly refused to accept statehood, because they were of the opinion that its expense would be so great as to be burdensome to the people and because the organic act of the Territory restricted the right to vote to free white male citizens of the United States and by specific enactment had provided that no negro or mulatto should enjoy the electoral franchise. Again, in 1865, a convention was called, which promulgated a constitution which, when submitted to the people, was accepted by them. Shortly after Senators were elected and sent to Congress. They were, strange to say, accepted, notwithstanding the Constitutional provision.

Congress agreed to admit the State, but President Johnson vetoed the bill for admission. The reason given for his act was that its population was not sufficient, but the actual cause of this veto, it is claimed, was that the two Senators, Chaffee and Evans, would not pledge themselves to vote against Johnson's impeachment. In 1868 a similiar bill was passed, and another veto was given. The Senate only lacked one vote, however, of having the necessary two-thirds to pass it over his veto. Various other attempts were made, but not until March 3, 1875, was an act for statehood adopted. In July, 1876, a new constitution was formed and adopted by an overwhelming vote, and Colorado became the Centennial State, and elected as one of its first actual Senators the present senior Senator from that State [Mr. TELLER]. The population in 1875, by State census, was 135,000, but in 1880 the Government showed the number of inhabitants to be 194,327.

The greatest contest that was ever waged over the question of statehood was in 1888, when Montana, New Mexico, Dakota, and Washington asked for admission. The discussion came over a bill to divide Dakota and to admit South Dakota as a State. The division was largely on political grounds, although the arguments gave support or opposition for other reasons. One party favored the admission of Dakota, but objected to its division; the other insisted on admitting South Dakota and in making North Dakota a Territory. The question of division had previously been voted upon by the people, and North Dakota gave a majority of 10,388 votes against it and South Dakota 15,259 votes in favor of it. After extended discussion, in which the two Houses of Congress disagreed, it was finally determined in conference on February 22, 1889—on Washington's birthday and in the centennial year of the Constitution—that New Mexico should be dropped from the bill and that Dakota should be divided into two States.

The vote in the House on the admission of these States revealed an opposition which asserts itself here to-day. The House bill as it went to the Senate had the two Dakotas, New Mexico, Montana, and Washington in it. If members will examine that vote, they will learn who were friends to statehood then and that the opposition to this bill is consistent at least with its past record. The several legislatures adopted constitutions in accordance with their enabling acts and were accepted into the Union by proclamation of the President—the Dakotas, November 3; Montana, November 8, and Washington, November 11, of the year 1889. In the year following, the census gave these States the following population: North Dakota, 182,719; South Dakota, 328,808; Montana, 132,159; Washington, 340,390. There was thus admitted the greatest area of territory that ever came into the Union in any one year and the largest number of people were permitted the full enjoyment of the benefits of a republican government in that month of any in the history of our institutions.

Idaho applied for admission after its people had adopted a constitution. An interesting controversy arose in Congress over the question of the ratification of their constitution, mainly because it permitted female suffrage. The old question was also discussed, which had been raised in numerous instances, as to whether it was right to accept a State without having previously directed that it should form a constitution. The final vote on the bill was largely partisan. The State in 1890 had a population of 82,385.

About the same time Wyoming presented its constitution to Congress and asked that it be accepted as a State. The same question of female suffrage that was raised in the case of Idaho became an issue on this application, and, in addition, the question of polygamy was discussed, and some believed that the constitution should not be ratified unless there was a stringent provision in it against the usages of the Mormon Church. It was admitted July 11, 1890, and had in that year a population of 60,705.

Utah asked for an enabling act in 1893. The question of polygamy and the influence of the Morman Church were very thoroughly discussed. There were those who insisted upon the exclusion of Mormans and polygamists from participation at the polls, while others insisted that stringent regulations were not necessary, as the church had abandoned polygamy and had promulgated an edict against it. The act passed enabling them to frame a constitution in July, 1894. The constitution was framed in accordance with the mandates of Congress and submitted to the people and by them ratified. By proclamation of President Cleveland it became a State January 4, 1896. Its population at the last census was 276,749.

The legislation made and attempted on the question of statehood in the past, and the discussions from time to time, show population to have been an important factor in the consideration, and that 60,000 inhabitants was accepted as the number entitling a Territory to recognition. So far as the record discloses no application was ever rejected where there was a population above that limit on that ground alone. And if we shall be governed in our action to-day by the record heretofore made there can be no question about our duty to admit these Territories.

The most annoying division that ever presented itself in Congress was the question of slavery. Recognized Southern States were admitted as slave States without protest, and the Northern States were to be free as a matter of course. But the border and Western States served to agitate the slavery question and to determine its supremacy. Missouri and Kansas bore the burden of this discussion, one forty years before the civil war and the other about the time of its breaking out. The patriot may now rejoice that this question is forever settled and that it will never again enter into the consideration of the right of the State to enjoy the blessings of liberty and self-government.

The question of boundary, which has served to check the progress of statehood in so many instances, does not enter as a factor in determining whether there shall be an enabling act granted the Territories now asking for statehood. Their boundaries are permanently fixed, and, so far as the Committee on Territories is informed, there can no dispute arise in regard to them.

Partisan bias has been a great factor in determining the vote of members in the past, but I see no chance for it to become an element in determining the fate of these Territories. Every

political partisan must support this bill if he would be loyal to party. In 1896 the Republican national platform declared:

> We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interest of the people of the Territories and of the United States.

In 1900 the language of the platform was stronger than before if possible. This language was used:

> We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

The Democratic platform of 1900 commits the party in these words:

> We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise the people of these Territories immediate statehood.

These pledges take the question of statehood out of the domain of politics. Every gentleman on this floor loyal to party is committed by his party to vote for statehood. Is it true that the Democratic charge of insincerity made against the Republicans in the solemn councils of its convention is well founded? Will Republicans enter a plea of guilty to this indictment by voting against admission? This committal is specific. It names the Territories of this bill, and any gentleman, Democrat or Republican, who votes against the admission of any or all of these Territories voluntarily and deliberately violates the injunctions of his party and spurns its demands in this regard.

Aside from any political obligation, we may safely inquire, What are the merits of this bill? There can be no question, if population is considered, that these Territories should be recognized. If area is to be made a factor in determination, they certainly possess the requisite number of acres. The smallest of these, Oklahoma, is larger than Indiana, West Virginia, and a majority of the original States. The largest, New Mexico, is surpassed in size only by Montana, California, and Texas. I take it that it is not necessary to further investigate this phase of the case, for no one would seriously contend that any of them are too small to be free.

It is the duty of Congress to inquire into the ability of these several Territories to maintain the expenses of State government. The assessed valuation of Arizona in 1901 was $38,853,831.37; New Mexico, $38,227,878; Oklahoma, $52,190,365. This is a greater amount of property than was possessed by 12 States at the time of admission. The only added expense is that of the State government, which would add very little to their aggregate taxation as now levied for other purposes. There is not the slightest doubt of the ability of any of these Territories to meet the obligations of statehood in a financial way.

It may be that there are those who believe that speculation and careless business habits characterize those people. But from the commercial reports of the Government it may be learned that there were 1,992 business concerns in Arizona last year and only 2 failures, the best business record of any State or Territory in the Union. New Mexico, with 1,662 business houses, had only 3 failures, and Oklahoma, with 6,862 separate enterprises, had 44 failures. These Territories have made a record that would do credit to any State for careful, cautious business management.

An impartial inquiry as to the character of the people, their education, and habits will show beyond question a superior citizenship, well qualified in every way to perform the duties devolving upon them as citizens of a State. It has been claimed that the percentage of foreign-born population has much to do with determining the character of the population. If this is true, these Territories will not suffer in comparison with the States in the Union. Arizona, which has the largest of this class, possesses a greater per cent of native-born citizens than the North Atlantic States, while New Mexico has 7 per cent and Oklahoma less than 4 per cent of those who are foreign born. There is an erroneous impression as to the nativity of the people of New Mexico especially, for it is supposed by many that its population is largely Mexican; but the census plainly shows that such assumption is untrue. Many of its people are of Mexican origin, but the present population, as a rule, were born in that country.

There can be no question of the patriotism of the people of these Territories. When the call to arms was made in 1898 each of them quickly responded with a full quota of their best citizens, who were willing to enlist in a cause which would remove suffering and oppression and bring the blessings of freedom to a neighboring people, and now they come under the same flag under which they then enlisted and ask that the ban may be removed and the full benefit which their country and ours may bestow may be shared by them. They ask to be sovereigns, not subjects, citizens equal before the law.

Will this earnest and patriotic cry go unheeded? Will gentlemen turn a deaf ear to their appeals? Will partisan pique or personal bias dissuade from recognition? I beg you to listen to their plea, not that of the oppressed, but of those not equal in advantage, and for the sake of liberty, for the memory of our fathers, who bought it with the sacrifice of their own blood; in honor of him in whose memory there stands in New York Harbor a statue to catch the eye of the immigrant as he gazes for the first time on this land of the free, and in remembrance of the Father of our Country, whose monument towers above all else in Columbia and teaches the stranger that beyond all we place the cause of human liberty.

Now, in the high tide of prestige and achievement near the beginning of the twentieth century, with the bright star of hope shedding its effulgent rays in every direction, with Christian civilization and moral progress placing new laurels on the brow of victory, joined by the strong ties of common interest, striving in unison for the upbuilding of cherished institutions, with the fires of love burning on the altars of home, with the people loyal to country and ready to offer the sacrifices of life itself in patriotic devotion, with hearts filled with sympathy for mankind and with the outstretched arm of needed assistance the Congress of United States says to-day in words of tenderest regard to Oklahoma, Arizona, and New Mexico, You are welcome to the glorious Union, and there shall be added as an earnest of interest in your welfare three stars to the flag, that you may be recognized in full fellowship, crowned with all the honors incident to freedom, partners in every conquest in the uplift of the people, and factors in that development which shall continue to astonish the world and make more appreciable the influence for good which shall be exerted by this Government in its onward march. [Applause].

Mr. LACEY. Mr. Chairman, the Territory of Oklahoma has been made up from time to time of land taken from the Indian Territory, and this bill, in my judgment, very wisely provides that the growth of Oklahoma shall continue, and it shall continue after the admission into the Union. They have organized under the Dawes Commission a method of transition from former conditions to permanent civil government in the Indian Territory. As rapidly as any one of the tribes, or the people in territories inhabited by such tribes, become ready for self-government, as soon as the land becomes taxable, this bill provides that it may be added to Oklahoma. The destiny of the Indian Territory should be linked with Oklahoma, ultimately.

It is not ready at this time for the Union. It is not ready for the transition now. It never should be an individual State. The Creek and Seminole country will, within the next two years, be ready for the transfer, and it is better that this transfer should be made on the installment plan, by piecemeal, as the bill provides, and therefore, while I favor the ultimate single statehood of these two Territories, and believe the legislation should be in that direction, the bill in its present form wisely provides for the gradual acquisition of the Indian Territory as speedily as the Dawes Commission can get through with their work, and therefore, while the general purpose that the gentleman from Arkansas [Mr. McRAE] has in view of the final joining of the two Territories is a wise one, it should not be done at this time, because the Indian Territory is not ready for it. We would have an instance of representation without taxation, as the property of the Indians is now untaxable.

Mr. STEPHENS of Texas. Is it not a fact that a great many States have had inside of them Indian reservations; that numerous Indian reservations have been within Western States, and could not Oklahoma take inside of its boundaries at the present time these Indian reservations and let this Commission get through with its work and let it all the while be a part of the State of Oklahoma?

Mr. LACEY. I would like to say to the gentleman that the most indigestible thing that a State ever had in its stomach is an Indian reservation.

Mr. STEPHENS of Texas. It would be nothing new, however.

Mr. FLYNN. Mr. Chairman, this question was discussed before the Committee on Territories. The Committee on Territories, after having given hearings and considering the matter, inserted the proposition which is contained on page 4 of the bill, which provides that before the State of Oklahoma shall be admitted it shall in its State constitution surrender in advance to Congress the right to add any or all of the Indian Territory to it.

Now, the question arises, Why not do it at this time? I will tell you very frankly. The Indian Territory, covering, as it does, an area equal to the State of Indiana, has not within its boundaries one foot of public highway. They have raised two or three generations of people who do not know the color of a public school. It has scarcely one dollar of property taxed for school or other purposes. It was thought best by the Committee on Territories that a Territorial government should first be given it. They have never had any kind of government except the Indian government. The Committee on Territories have unanimously reported a bill for a Territorial form of government for that Territory.

As a representative of the Territory of Oklahoma, asking statehood here, I say that I never will consent to the admission of Oklahoma at this time with the Indian Territory without provision first being made by Congress to protect the Indian Territory, to furnish it money and lands for its public schools.

Oklahoma has gone on and has reared a commonwealth that everybody here is proud of, whether he votes to pass this bill or not, but we do not feel that it is right to take one-half of the property we have and divide it with the people in the Indian Territory, who, as I say, have not one acre of taxable property within the confines of an area equal to the size of the State of Indiana. It will take, if you should admit them, if you had the power to do it—you may say you have the power, but I deny that you have it now in fairness under the treaties, because in the recent treaties made with some of those Indians in order to get them to surrender the titles of their land we said that we would place no government over them other than what they had for six years from the time that we ratified the treaty, and if the amendment of the gentleman from Arkansas should prevail you would repudiate the several agreements made with those Indians, and if you carry out your agreements it will be impossible to add it to Oklahoma until 1906.

Mr. McRAE. I want to ask you if the Territorial bill will not violate this treaty you speak of?

Mr. FLYNN. I do not think so.

Mr. McRAE. Then I should like to know if the Territorial bill brings with it any taxable property?

Mr. FLYNN. No more than it would if it admitted the same Territory to statehood. But I will tell you what you can do. You can have these people under some kind of a civilized government, which is more than they have had. The struggling State of Oklahoma ought to be allowed to go on in its onward march, and let Congress take care of the Territorial government of the Indian Territory just the same as you did for us. That is what you gave Oklahoma first. We had no taxable property when you gave us Territorial form of government. We have gone on now and in the matter of taxable property, as in other things, we have as creditable a showing as can be made.

But let me say to you that it will take $10,000,000 to get public highways alone in the Indian Territory. If you should admit Oklahoma as a State, do you want her to pay for that? Oklahoma has a larger school fund to-day than any State in the Union, and I for one will never consent that one dollar of that shall be diverted to the Indian Territory or any other place. Why? Because the land from which we derived that school fund came from within the boundaries of Oklahoma, and not an acre of it from within the boundaries of the Indian Territory. I believe that eventually Oklahoma and Indian Territory will be one State. The bill I introduced and which is incorporated in this omnibus bill has that object in view, but Congress must first equalize the school fund so that Oklahoma will not be asked to support the schools of the Indian Territory.

Mr. KNOX. I move that debate upon this amendment be considered closed.

Mr. McRAE. I should like to be heard for about a minute.

The CHAIRMAN. The gentleman from Massachusetts moves that debate on the amendment be considered closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question being taken, on a division, demanded by Mr. McRAE, there were—ayes 57, noes 103.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ALLEN of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 3, 1902:

H. R. 1012. An act granting an increase of pension to Patrick Moran;

H. R. 1086. An act granting an increase of pension to Francis W. Pool;

H. R. 1742. An act granting an increase of pension to Alonzo Lewis;

H. R. 4129. An act granting an increase of pension to Lonson R. Burr;

H. R. 5170. An act granting an increase of pension to Frederick Wright;

H. R. 5560. An act granting an increase of pension to Annie L. Evens;

H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;

H. R. 7994. An act granting an increase of pension to Margaret M. Grant;

H. R. 9494. An act granting an increase of pension to Mary A. Andress;

H. R. 10173. An act granting an increase of pension to Richard Trist;

H. R. 10179. An act granting an increase of pension to Theron R. Mack;

H. R. 10449. An act granting an increase of pension to Sarah H. Lake;

H. R. 10795. An act granting an increase of pension to William A. Campbell;

H. R. 11545. An act granting an increase of pension to Caroline E. Boyd; and

H. R. 12468. An act granting an increase of pension to Phineas Curran.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the fifth Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribe; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposal of the United States. And said Indian land shall remain under the jurisdiction and control of the Congress of the United States; that land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the land thus granted from taxation; but such ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe: *Provided*, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

Third. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

Mr. HOOKER. Mr. Chairman, I move to strike out the proviso on page 4 of the bill which makes it the duty of the Territory of Oklahoma to acquire territory from the Indians.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out the proviso in section 3 of the bill from the word "*Provided*," on page 4, to the word "taxation," on page 5.

Mr. HOOKER. Mr. Chairman, I desire to say a word on this subject. This is an entirely abnormal and unusual provision.

Mr. PAYNE. I hope the words which are proposed to be stricken out may be read.

Mr. HOOKER. I will read them to you, if you have not read them yourself. The proviso is:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

I say that this is an unusual and extraordinary provision. You propose to create a State out of Oklahoma by the boundaries and metes now provided by law constituting that Territory, and yet you require by this provision that in the convention which Oklahoma is to call it shall by irrevocable ordinance give consent to the addition of such portions of the Indian Territory from time to time, or all of it, as Congress may choose to determine. I say that such a provision has never been added to any Territorial bill passed by Congress, whether an omnibus bill or a special bill. It

is unjust to the Indians, as I have before remarked. I have given my reasons for it. As has been well said by the gentleman from Missouri, they ought to be put under a Territorial government, and no State ought to be clothed with the power and authority to take any portion of their land in violation of the treaties of the Government of the United States, no matter whether that State be Oklahoma, now proposed to be admitted, or any other State.

The Oklahoma convention could not, under the law, under the treaties, and under the Constitution, clothe herself with the power to do any such thing. It is abnormal and unnatural, and if the committee act properly I think they will agree with me that it is better to strike out this proviso, which has no connection with the bill and ought never to be put into it. If they do that, in my opinion, they will pass their bill as it has been advocated by the gentleman from Massachusetts [Mr. KNOX], the chairman of the committee, and as it has been strenuously advocated by the representatives from Oklahoma, New Mexico, and Arizona.

If this proposition is retained in the bill, it will be the means in the future, in case Congress should determine to do so, to increase by adding the whole of the Indian Territory to Oklahoma. I take it, from the vote upon the amendment offered by the gentleman from Arkansas, that there are many who voted against that amendment who yet believe that at some time in the future, when the conditions in the Indian Territory shall justify it, that Territory, or part of it, at least, shall become a part of the State of Oklahoma.

Mr. CRUMPACKER. Does the gentleman believe that this provision will bind the State of Oklahoma when it shall have been established?

Mr. KNOX. I do.

Mr. CRUMPACKER. Is it the understanding of the gentleman that it is binding on the United States Government also?

Mr. KNOX. It leaves the power in Congress, where it is now. We do not undertake to vacate the power of Congress in any case as to the Indian Territory or any part of it, but as to the State of Oklahoma we do.

Mr. CRUMPACKER. I understand that any time any future Congress, notwithstanding this provision, shall have the right and the power to erect or to make a new State out of the Indian Territory, the same as it has now.

Mr. KNOX. I understand that is so. The enabling act which gives Oklahoma the authority to hold the convention and to form a constitution that governs this whole matter will be binding upon Oklahoma to admit any part of the Indian Territory that Congress shall dictate.

Mr. RAY of New York. I would like to ask the gentleman a question.

Mr. KNOX. Certainly.

Mr. RAY of New York. I would like to inquire if he thinks that under the Constitution of the United States we can create a sovereign State to-day, clothe her with the powers of a sovereign State, and in so doing impose a condition that at some future time, when we see fit, we may attach to her and make a part of that sovereign State some other territory, some other people, against her consent, and that we can bind such new State by such a condition.

Mr. KNOX. I answer that question confidently in the affirmative.

Mr. RAY of New York. Where do you get any authority for it?

Mr. KNOX. Here in the very act that gives to the Territory of Oklahoma its power to have a convention to adopt a constitution on which it will be admitted into the Union as a State. In that very enabling act; and it is granted, and presumably it would be so held, as a binding condition of this irrevocable agreement to admit the Indian Territory or any part of it. It is in her constitution. It is a condition imposed by the United States in the act which enables her to make a constitution. It starts from the beginning.

Mr. RAY of New York. Now, would it not be true if we pass this law, and then under that law admit that Territory as a State, that the newly created State of Oklahoma will have all the powers, all the sovereign powers, that any one of the original thirteen States had, each one of them? It has been decided over and over again that whatever the conditions are or the limitations you attempt to impose that when you have created a new State—and the law enacted by Congress may make whatever condition it pleases to impose—still you have granted and conferred all the powers and sovereignty that each of the original thirteen States had, and you can not reserve or keep from such new State any of those sovereign powers. You may just as well undertake to say that the people of one of the Territories shall be attached to Texas or shall be attached to any other of the States against her will as to put this proviso here in this bill. It has no force whatever.

Mr. KNOX. We do not say that they shall be attached to anything.

Mr. RAY of New York. But what you undertake to say in this proviso is that hereafter Congress may attach the Indian Territory——

Mr. KNOX. Nothing of the kind.

Mr. RAY of New York (continuing). Or a part of it, to Oklahoma.

Mr. KNOX. Nothing of the kind. We say that Oklahoma shall express her consent, and that shall be an irrevocable ordinance.

Mr. RAY of New York. Then under this bill you are not granting sovereign powers to this newly created State. You are seeking to impose restrictions and reserving the right to Congress to tell Oklahoma that she must at a future day receive other people and an extension of territory.

Mr. KNOX. Oh, no.

Mr. RAY of New York. You can not constitutionally enact this proviso. It will have no force.

Mr. KNOX. Now, as to the suggestion that the gentleman makes, this is a primary condition imposed by this bill on the State when it is raised from the condition of a Territory. Do you think that after they have done that that they subsequently can repudiate it, that being one of the conditions upon which this enabling act is passed? Do you think that after the bill creating the Territory of Utah a State that they could enact a law authorizing polygamy, if it were otherwise lawful, under their agreement?

Mr. RAY of New York. We may impose any condition we please that is preliminary to their coming in; and they must accept those conditions when they come in, and make their contract and make their bargain themselves. But once in, the contract can not be enforced. But that is a different proposition entirely from the one contained in this bill. This is a proposition where you undertake to say that we will give Oklahoma statehood, make her a sovereign people, a sovereign power, and she must agree that at some subsequent time, as a sovereign State, she will permit the Government of the United States to attach to her other people and other territory. I refer you to Escanaba Co. *v.* Chicago (107 U. S., 678), and Huse *v.* Glover (119 U. S., p. 546). Such provisions are void.

Mr. KNOX. Not at all. They agree to it; they express their consent to it; it is not a future agreement at all.

Mr. RAY of New York. Oh, no; not at all; not for a moment.

Mr. KNOX. Not for a moment, but forever. [Laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. [Cries of "Vote!" "Vote!"]

Mr. KNOX. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. LITTLE. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. LITTLE. I move to strike out the last word. Mr. Chairman, I hope the amendment offered by the gentleman from Mississippi may be adopted. I believe it will be not only an unwise but an unjust policy toward the future prosperity and hopes of the people of the Indian Territory to have the grab hooks around its neck with a threat or a promise that hereafter that Territory or any part of it may be added to the State of Oklahoma if she should be admitted to statehood under this bill.

We waive for the present the question whether it is within the power of Congress to lay a condition of this character that would bind a sovereign State after its admission to statehood; but passing that by, I want to address myself to the wisdom of the proposition. I happen to personally know hundreds of citizens of the Indian Territory, both Indian citizens and noncitizens, and I can say to you what I believe to be the truth when I say it is the hope of that great people and that great resourceful country that in the near future they may alone represent one of the stars of our flag. I voted against the proposition to unite the two. I did it, first, because I believe it would, if adopted, defeat the pending bill, which I hope may pass; and, second, I believed the policy ought to be defined now—I believe this Congress should say that it is not only its purpose to make a State out of the Territory of Oklahoma but that it is its purpose and intention to ultimately make a sovereign and independent State out of the Indian Territory.

There is there to-day sufficient intelligence, sufficient manhood, sufficient of American citizenship to bear aloft the banner of a beautiful and grand State. Over 300,000 American citizens—not ignorant citizens, as has been indicated—are within its borders. The children, it is true, have no schools except in the towns and cities, but some of the best blood of the surrounding States of the American Union are citizens of that country. They have builded up there prosperous towns and cities all over the country, running up into the hundreds, and so far as that is concerned there is taxable property and privileges sufficient in the Indian Territory to support a splendid Territorial government and to bring the promise of free schools to the people of that Territory.

Therefore I hope that this amendment may be adopted, to the end that the uncertainty, created by the provision sought to be stricken out, in the future toward the people of this Territory may be removed, and that they may go on building up the Territory and building up their country with the certainty, or at least the hope, that this Congress will give them Territorial government, and when the time comes, and in the near future, it will extend to them the privileges and rights and sovereignty of an independent State. [Applause.] Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. HOOKER].

The question was taken; and on a division demanded by Mr. HOOKER there were—32 ayes and 101 noes.

So the amendment was lost.

Mr. ROBERTS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 18, after the word "worship," add "provided that nothing herein contained shall be construed to legalize the practice of polygamy."

The amendment was considered and adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 10. That said sections 13 and 33 aforesaid when sold shall be disposed of at public sale as the legislature of said State may prescribe, preference right to purchase being given to the lessee at the time of such sale; but the same may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe the same shall be leased under existing rules.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask a member of the committee how the schools are supported now?

Mr. FLYNN. By the land that we now have. This confirms to us the lands reserved to us since we have been a Territory, and we are using them now.

Mr. GAINES of Tennessee. That is what I thought; this confirms the lands as the property of the schools?

Mr. FLYNN. Yes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3567. An act granting an increase of pension to Peter J. Osterhaus.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO AS STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 19. That the inhabitants of all that part of the area of the United States now constituting the Territory of Arizona as at present described may become the State of Arizona, as hereinafter provided.

Mr. OVERSTREET. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 19 and insert in lieu thereof the following:

"SEC. 19. The inhabitants of all that part of the area of the United States now constituting the Territories of New Mexico and Arizona as at present described may become a State under the name of Montezuma, or such name as may be finally determined by the convention to be elected under this act."

Mr. OVERSTREET. Mr. Chairman, I wish to have this amendment pending in order that members may see it in the RECORD. As the hour is late, I have no disposition to press it further to-night.

Mr. KNOX. Mr. Chairman, before moving that the committee rise I wish to state that, though to-morrow is, under the rules, pension day, it is our intention to go on with the consideration of this bill to-morrow morning. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb—to the Committee on Claims.

S. 1988. An act to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander Goodwin—to the Committee on Claims.

S. 2276. An act to fix the time of holding the circuit and district courts for the southern district of West Virginia—to the Committee on the Judiciary.

S. 4408. An act to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

S. 3237. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.—to the Committee on Claims.

S. 111. An act for the relief of William J. Smith and D. M. Wisdom—to the Committee on Claims.

S. 1874. An act for the relief of Frank F. Flournoy—to the Committee on Claims.

S. 576. An act for the relief of Mrs. P. J. Getty, administratrix—to the Committee on War Claims.

S. 5460. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims—to the Committee on War Claims.

S. 4769. An act to fix the fees of jurors in the United States courts—to the Committee on the Judiciary.

S. 136. An act for the relief of Mrs. Martha E. West—to the Committee on War Claims.

S. 92. An act for the relief of Howard Lodge, No. 13, I. O. O. F., of Gallatin, Tenn.—to the Committee on War Claims.

S. 2992. An act to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 2056. An act granting an increase of pension to David J. Newman—to the Committee on Invalid Pensions.

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton—to the Committee on Invalid Pensions.

S. 1614. An act granting an increase of pension to Nelson W. Carlton—to the Committee on Invalid Pensions.

S. 5052. An act granting an increase of pension to Gilbert Barkalow—to the Committee on Invalid Pensions.

S. 2863. An act granting an increase of pension to Mary L. Purington—to the Committee on Invalid Pensions.

S. 3551. An act granting an increase of pension to John P. Collier—to the Committee on Invalid Pensions.

S. 5371. An act granting an increase of pension to Jonathan O. Thompson—to the Committee on Invalid Pensions.

S. 2457. An act granting an increase of pension to Warren Y. Merchant—to the Committee on Invalid Pensions.

S. 5118. An act granting an increase of pension to Adam Stuber—to the Committee on Invalid Pensions.

S. 896. An act granting an increase of pension to James E. McNair—to the Committee on Invalid Pensions.

S. 2646. An act granting a pension to Justus L. Denton—to the Committee on Invalid Pensions.

S. 5119. An act granting an increase of pension to Samuel S. Walch—to the Committee on Invalid Pensions.

S. 4982. An act granting an increase of pension to John Fler—to the Committee on Invalid Pensions.

S. 4727. An act granting an increase of pension to Isaac Rhodes—to the Committee on Invalid Pensions.

S. 2697. An act granting an increase of pension to Sarah F. Baldwin—to the Committee on Invalid Pensions.

S. 5506. An act granting an increase of pension to Clayton P. Van Houlton—to the Committee on Pensions.

S. 4710. An act granting a pension to Anna May Hogan—to the Committee on Invalid Pensions.

S. 3506. An act granting an increase of pension to Stanley M. Casper—to the Committee on Invalid Pensions.

S. 712. An act granting a pension to John Housiaux—to the Committee on Invalid Pensions,

S. 3888. An act granting a pension to Jesse H. Hubbard—to the Committee on Invalid Pensions.

S. 5424. An act granting an increase of pension to Cynthia J. Shattuck—to the Committee on Invalid Pensions.

S. 5106. An act granting an increase of pension to Horace L. Richardson—to the Committee on Invalid Pensions.

S. 4790. An act directing payment of pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

S. 1184. An act granting a pension to Mary Florence Von Steinwehr—to the Committee on Invalid Pensions.

S. 1471. An act for the relief of Henry G. Rogers—to the Committee on Military Affairs.

S. 5302. An act granting an increase of pension to John H. Everitt—to the Committee on Invalid Pensions.

S. 5080. An act granting a pension to Hester J. Farnsworth—to the Committee on Invalid Pensions.

S. 4240. An act granting a pension to Calvin N. Perkins—to the Committee on Invalid Pensions.

S. 1458. An act granting an increase of pension to Linda W. Slaughter—to the Committee on Invalid Pensions.

S. 4712. An act granting an increase of pension to Eliphalet Noyes—to the Committee on Invalid Pension.

S. 5202. An act granting an increase of pension to Jennie Wagner—to the Committee on Pensions.

S. 4415. An act granting an increase of pension to Vesta A. Brown—to the Committee on Invalid Pensions.

S. 2168. An act granting an increase of pension to Charles O. Baldwin—to the Committee on Invalid Pensions.

S. 921. An act granting an increase of pension to Joanna Rogers—to the Committee on Invalid Pensions.

S. 5402. An act granting an increase of pension to Hiram H. Thomas—to the Committee on Invalid Pensions.

S. 5534. An act granting an increase of pension to Abbie C. Bremner—to the Committee on Invalid Pensions.

S. 3567. An act granting an increase of pension to Peter J. Osterhaus—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill and joint resolution of the following titles:

H. R. 4446. An act for the relief of Harry C. Mix; and

H. J. Res. 177. Joint resolution providing for the printing of the American Ephemeris and Nautical Almanac.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KNAPP, for one week, on account of sickness in his family.

To Mr. CUSHMAN, until May 12, on account of important business.

SUBSIDIARY SILVER COINAGE.

Mr. COCHRAN. I ask unanimous consent to file the views of a minority of the Committee on Coinage, Weights, and Measures on the bill (H. R. 12704) to increase the subsidiary silver coinage.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none, and leave is granted.

LEAVE TO PRINT.

Mr. LLOYD. I ask unanimous consent to extend in the RECORD some remarks that I made to-day on what is known as the statehood bill.

There was no objection, and leave was accordingly granted.

And then, on motion of Mr. KNOX (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting schedules of useless papers on the files of the various offices of his Department—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers urging the passage of Senate joint resolution 34, authorizing printing of report on testing hydraulic cements—to the Committee on printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians, of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect, reported the same without amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VREELAND, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8729) to establish a fish hatchery and fish station in the State of Utah, reported the same without amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10592) to establish a fish-hatching and fish station in the State of Michigan, reported the same without amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 12704) to increase the subsidiary silver coinage, submitted the views of the minority of said committee (Report No. 1092, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBERT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted the views of the minority of said committee (Report No. 1425, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, submitted his views thereon (Report No. 1425, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. REID, from the Committee on Claims, to which was referred the bill of the Senate (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz, reported the same with amendment, accompanied by a report (No. 1937); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14228) granting a pension to Julius Felix; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. RYAN: A bill (H. R. 14277) to prevent fraud in the sale of boots, shoes, slippers, or other leather foot wear—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 14278) providing for the payment of the award of the Secretary of the Interior in favor of the Cherokees, made under the provisions of the act of Congress of March 3, 1893, as set forth in the findings of fact by the Court of Claims of April 28, 1902, in Senate Document No. 334 of the Fifty-seventh Congress, first session—to the Committee on Indian Affairs.

By Mr. WILEY: A bill (H. R. 14279) to erect suitable buildings, and to improve the grounds around the same for disabled Confederate soldiers, at or near Mountain Creek, Ala.—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 14280) providing for national trophy and prizes for rifle competition—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 14281) to prevent discrimination by common carriers of passengers carried in the District of Columbia on account of race or color—to the Committee on the District of Columbia.

By Mr. ELLIOTT: A bill (H. R. 14304) to authorize the President of the United States to nominate as second lieutenant of infantry in the United States Army on the retired list the oldest

enlisted man on the rolls of the Army—to the Committee on Military Affairs.

By Mr. ROBERTS: Resolutions of the Massachusetts legislature, favoring increase of salaries for United States letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14282) to remove the charge of desertion from the record of William Durst, alias Walter David, United States Navy—to the Committee on Naval Affairs.

By Mr. BALL of Texas: A bill (H. R. 14283) for the relief of the First National Bank of Navasota, Tex.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 14284) granting an increase of pension to B. W. Fortner—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 14285) granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 14286) for the relief of the estate of David R. Hubbard—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 14287) granting an increase of pension to William W. Kingsland—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14288) granting a pension to Edward McCarty—to the Committee on Pensions.

By Mr. LITTLE (by request): A bill (H. R. 14289) for the relief of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14290) granting an increase of pension to Edwin L. Roberts—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14291) granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting a pension to Sarah A. E. McLean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) for the relief of John D. Hicks, sr., of Hampton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14294) for the relief of Edward William Bailey—to the Committee on Claims.

By Mr. MOODY of Oregon: A bill (H. R. 14295) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy—to the Committee on Naval Affairs.

By Mr. POWERS of Maine: A bill (H. R. 14296) granting a pension to Jere Fenno—to the Committee on Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 14297) granting a pension to James E. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) granting an increase of pension to Eldridge Campbell—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 14299) granting an increase of pension to James Dunlap—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14300) for the relief of the Methodist Church at Newhaven, Ky.—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 14301) to allow Sergt. William J. Boone, Troop E, Fourteenth Cavalry, to be examined for promotion to the grade of second lieutenant in the Army, notwithstanding his being a married man—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14302) granting an increase of pension to Samuel Burrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14303) granting an increase of pension to Robert H. Maricle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petition of distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Papers to accompany House bill 14285, granting a pension to Denison L. Brown—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of citizens of Lincoln, Nebr., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. CAPRON: Resolution of Budlong Post, No. 18, Grand Army of the Republic, Department of Rhode Island, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the town council of Charlestown, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: Resolutions of the State Association of Master Plumbers of California, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Engineers' Society of Western Pennsylvania, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. EDWARDS: Resolutions of Anaconda Lodge, No. 614, of Anaconda, Mont., Brotherhood of Railroad Trainmen, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Montana Stock Growers' Association, Helena, Mont., for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. FOERDERER: Petitions of Fisher, Bruce & Co. and A. B. Kirschbaum & Co., Philadelphia, Pa., favoring the passage of House bill 13679, to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. GILBERT: Petitions of sundry citizens of Anderson and Jessamine counties, Ky., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of Post No. 157, of Pittsburg, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 14261, granting a pension to Nathan Hawk—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of the Credit Men's Association of Columbus, Ohio, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Sixth Annual Convention of the American Blind People's Higher Education and various other institutions, favoring the education of the blind—to the Committee on Education.

By Mr. HAMILTON: Petition of citizens of Detroit, Mich., for Congressional intervention in behalf of the people of the South African Republic—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of 21 citizens of Fulton County, Ill., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Resolutions of United Mine Workers' Union No. 1131, of Staunton; No. 24, of Rosedale, and Labor Union No. 139, of Lyford, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Resolutions of the Commercial Exchange of Burlington, Iowa, in favor of the Lodge consular bill—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Republican Club of Brooklyn, N. Y., favoring the construction of one or more war ships in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. MAHONEY: Petition of St. Cecylia Society and Ludwig Nigolewski Society, of Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Resolution of the Germania Turnverein, of Philadelphia, Pa., favoring the adoption by Congress of a resolution of sympathy with the people of the South African Republic and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., favoring Senate bill 5002 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. PALMER: Petition of Edward E. Reynolds and others of Kingston, Hazleton, Wilkesbarre, and other towns in Pennsylvania, favoring House bill 8735, for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. PEARRE: Petition of Freeman West and 35 other citizens of Garrett County, Md., asking for the passage of House bills 178 and 179—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of the Union Republican Club of the Twenty-second assembly district of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Resolution of Lodge No. 105, Brotherhood of Railroad Trainmen, Oil City, Pa., favoring the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of the Methodist Episcopal Church South, New Haven, Ky.—to the Committee on War Claims.

By Mr. SULZER: Petitions of Louise B. Wallace, W. E. Thompson, Alexander Geddes, and 11 others; also W. A. Duvall, Thomas O. Crouse, and 5 other citizens, all of Baltimore, Md., praying for intervention between the Boer Republic and Great Britain to the end that hostilities may cease—to the Committee on Foreign Affairs.

By Mr. WANGER: Resolution of Lieutenant John H. Fisher Post, No. 101, of Hatboro, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Robert H. Maricle—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Resolutions of Local Branch No. 28, United Brotherhood of Leather Workers on Horse Goods, protesting against the President's order prohibiting utterances by Government employees—to the Committee on the Judiciary.

Also, resolutions of Cattle Raisers' Association of Texas, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same association, protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

Also, resolution of the same association, favoring the passage of House bill 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same association, in favor of certain bills affecting the cattle interests—to the Committee on Agriculture.

SENATE.

FRIDAY, *May 9, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the Federated Trades Council, of Madison, Wis., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented resolutions adopted at a meeting of the Turn Verein, of Sheboygan, and of the Gymnastic Association, of Milwaukee, in the State of Wisconsin, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 176, Brotherhood of Locomotive Engineers, of Baraboo; of Local Division No. 68, Order of Railway Conductors, of Baraboo; of Hall of Fox River Division, No. 373, Order of Railway Conductors, of Green Bay; of Hall of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, and of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay, all in the State of Wisconsin, praying for the passage of the so-called Hoar bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union, of Avon, N. J., praying for the appointment of a commission to investigate the practical working of woman suffrage in Wyoming, Colorado, Utah, and Idaho; which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Morris County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Morristown, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Newark Lodge, No. 219, Brotherhood of Railroad Trainmen, of Newark, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Northwestern Furriers' Union, of St. Paul, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. CULLOM presented petitions of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 456, Brotherhood of Railroad Trainmen, of Chicago; of Lodge No. 375, Brotherhood of Locomotive Trainmen, of Chicago, and of Local Division No. 31, Brotherhood of Locomotive Engineers, of Aurora, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were referred to the Committee on the Judiciary.

He also presented the petition of A. Y. Trogdon, of Paris, Ill., praying that relief be granted him for the prosecution of certain pension claims; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted at a meeting of the Rockspring Turn Verein, of Rockspring, Mo., expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 55, Order of Railway Conductors, of Kansas City, Mo., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

Mr. HALE presented petitions of the Board of Trade of Portland and of the Portland Marine Society, of Portland, in the State of Maine, praying for the enactment of legislation granting pensions to surfmen and increasing the pay of superintendents of the Life-Saving Service; which were referred to the Committee on Commerce.

He also presented a petition of Aroostook Lodge, No. 393, Brotherhood of Railroad Trainmen, of Houlton, Me., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was referred to the Committee on the Judiciary.

He also presented petitions of the New Hampshire Annual Conference of the Methodist Episcopal Church and of the Presbytery of New York, praying for the enactment of legislation increasing the pay of chaplains in the United States Navy, etc.; which were referred to the Committee on Naval Affairs.

Mr. BLACKBURN presented petitions of sundry citizens of Jessamine County, Harrison County, Bourbon County, Anderson County, Fayette County, and Franklin County, all in the State of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Central Republican Club of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented petitions of Division No. 215, of Bowling Green; of Simon Kenton Lodge, No. 345, of Covington; of Division No. 239, Order of Railway Conductors, of Lexington; of Adair Division, No. 365, of Louisville; of Cumberland Mount Lodge, of Somerset; of the Order of Railroad Telegraphers, of Russell; of Chesapeake Lodge, No. 454, of Russell; of the Brotherhood of Railroad Trainmen of Louisville; of Division No. 89, Order of Railway Conductors, of Louisville, all of the State of Kentucky; of Local Union No. 278, of Lebanon; of Delaware Lodge, No. 123, Brotherhood of Railroad Trainmen, of Wilmington; of Brotherhood of Railroad Trainmen, Brandywine Lodge, No. 528, of Wilmington; Order of Railway Conductors, Division No. 224, of Wilmington, all of the State of Delaware; of Locomotive Engineers, Division No. 216, of Pine Bluff; of Cotton Belt Division, Order of Railway Conductors, of Pine Bluff; of Locomotive Engineers, Division No. 182, of Little Rock; of Division No. 554, of Little Rock; of Big Rock Lodge, No. 49, Brotherhood of Railroad Trainmen, of Little Rock, all of the State of Arkansas; of Savage Mountain Lodge, No. 22, of Mount Savage; of Monumental Division, No. 52, of Baltimore; of Baltimore Division, No. 337, Order of Railway Conductors; of Brotherhood of Railway Trainmen, Lodge No. 124, of Baltimore; of Good Intent Lodge, No. 447, of Baltimore; of Monumental Lodge, No. 438, of Baltimore; of Brotherhood of Railroad Trainmen of Brunswick;

of Division No. 26, of Brunswick; of Tom Wolfkill Division, No. 437, of Cumberland; of Knobly Division, Order of Railway Conductors, of Cumberland; of D. F. Conner Lodge, No. 502, of Hagerstown, all of the State of Maryland; of Ticonic Division, No. 508, Brotherhood of Locomotive Engineers, of Bangor; of Moorhead Lodge, No. 443, of Bangor; of Pleasant River Division, No. 440, of Henderson; of Brotherhood of Locomotive Engineers of Portland; of Order of Railway Conductors of Portland; of H. W. Longfellow Lodge, No. 82, Brotherhood of Railroad Trainmen, of Portland; of Kennebec Lodge, No. 343, of Waterville; all of the State of Maine; of Division No. 553, Brotherhood of Locomotive Engineers, of Fresno, Cal.; of Division No. 20, of Logansport; Ind.; of Order of Railway Conductors, Atlanta Division, No. 180, Atlanta, Ga.; of Order of Railway Conductors, Division No. 96, of Montgomery, Ala.; of Brotherhood of Locomotive Engineers, Atlanta Division, No. 207, of Atlanta, Ga.; of Phoenix Lodge, No. 216, of Jackson, Tenn.; of Division No. 309, of Jacksonville, Fla.; of Grand Lodge, No. 278, of San Bernardino, Cal.; of Herington Division, Brotherhood of Locomotive Engineers, of Herington; of Brotherhood of Railroad Trainmen of Greenleaf; of Brotherhood of Railroad Trainmen of Goodland; of Emporia Lodge, No. 53, Brotherhood of Railroad Trainmen, of Emporia; of Dodge City Division, No. 300, of Dodge City; of Order of Railway Conductors, Chanute Lodge, No. 265, Chanute; of Brotherhood of Locomotive Engineers of Chanute; of Lodge No. 434, Atchison; of Order of Railway Conductors of Arkansas City; of Brotherhood of Locomotive Engineers, Division No. 396, of Argentine; of Division No. 364, of Wichita; of Brotherhood of Railroad Trainmen, Lodge No. 366, of Wichita; of Division No. 338, Order of Railway Conductors, of Wichita; of Panhandle Division, No. 277, of Wellington; of Topeka Division, No. 179, of Topeka; of De Soto Division, No. 234, of Topeka; of Pittsburg Division, No. 107, of Pittsburg; of Parsons Division, No. 161, of Parsons; of Division No. 179, of Parsons; of Osawatomie Lodge, No. 65, of Osawatomie; of Osawatomie Lodge, No. 63, of Osawatomie; of Fall River Lodge, No. 391, of Neodesha; of Emporia Division, No. 330, of Emporia; of Junction Lodge, No. 342, of Junction City; of F. C. Smith Lodge, No. 155, of Herington; of Order of Railway Conductors, Kansas Division, No. 298, of Herington, all of the State of Kansas; of Armory Division, No. 207, Order of Railway Conductors, of Armory; of Boston Division, No. 122, Order of Railway Conductors, of Boston; of Puritan Lodge, No. 621, of Boston; of City Point Lodge, No. 507; of Bunker Hill Lodge, No. 404, Brotherhood of Railroad Trainmen, of Boston; of Mount Hope Lodge, No. 475, of Fall River; of Hoosac Tunnel Lodge, No. 93, of Fitchburg; of Division No. 191, of Fitchburg; of Deerfield Valley Division, No. 112, of Greenfield; of Bay State Division, No. 413, Order of Railway Conductors, of Lawrence; of Spindle City Lodge, No. 233, of Lowell; of Pioneer Lodge, No. 238, of Merrick; of New England Division, No. 157, Order of Railway Trainmen, of North Easton; of Framingham Lodge, No. 236, of South Framingham; of Springfield Division, No. 63, of Springfield; of City of Homes Lodge, No. 622, of Springfield; of Old Colony Lodge, No. 70, of Taunton; of Woronoco Lodge, Brotherhood of Railroad Trainmen, of Westfield; of Worcester Division, No. 64, Brotherhood of Locomotive Engineers, of Worcester, all of the State of Massachusetts; of Brotherhood of Railroad Trainmen of Cherokee; of Hand in Hand Lodge, No. 183, Brotherhood of Railroad Trainmen, of Clinton; of Brotherhood of Railroad Trainmen of Austin; of Maple Leaf Lodge, No. 585, of Dubuque; of Division No. 113, of Des Moines; of G. E. Boynton Lodge, No. 138, of Eagle Grove; of Order of Railway Conductors of Eagle Grove; of Division No. 181, of Eldon; of Brotherhood of Railroad Trainmen of Estherville; of Fort Dodge Division, Order of Railway Conductors, of Fort Dodge; of Division No. 538, of Marion; of Division No. 2680, of Marion; of Division No. 117, of Mason City; of Oskaloosa Lodge, Brotherhood of Railroad Trainmen, Oskaloosa, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I present an argument submitted to the Board of Trade of the District of Columbia relative to the bill to regulate the assessment and collection of taxes and licenses in the District of Columbia, and for other purposes. I move that the argument be printed as a document, and that it lie on the table, as the bill has already been reported.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. GAMBLE, from the Committee on Indian Depredations, to whom was recommitted the bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported it with amendments, and submitted a supplemental report thereon.

GRAND ARMY ENCAMPMENT.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902, to report it favorably without amendment. It is a matter that will take but a moment, and I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. McMILLAN introduced a bill (S. 5714) to promote the efficiency of the Life-Saving Service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5715) to provide for the opening and closing of alleys and the opening of minor streets in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BARD introduced a bill (S. 5716) for the relief of Capt. Charles Anderson; which was read twice by its title.

Mr. BARD. I present sundry papers relative to the claim of Capt. Charles Anderson, assistant surgeon, United States Volunteers, Manila, P. I. I move that the papers be printed as a document, and that they be referred, with the bill, to the Committee on Claims.

The motion was agreed to.

Mr. BLACKBURN introduced a bill (S. 5717) granting a pension to Laura Shaver; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAPP introduced a bill (S. 5719) granting an increase of pension to Sidney V. Lund; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5720) granting an increase of pension to Amos S. Glenn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5721) authorizing the Secretary of War to procure suitable medals for presentation to certain members of Young's Scouts; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5722) granting an increase of pension to Ezra W. Cartwright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5723) granting an increase of pension to Ole Hexom; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy;

A bill (S. 5725) for the relief of Pay Clerk Charles Blake, United States Navy; and

A bill (S. 5726) for the relief of Omenzo G. Dodge.

Mr. FRYE introduced a bill (S. 5727) granting an increase of pension to Calvin C. Hussey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5728) granting an increase of pension to Jacob Foust; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5729) to correct the military record of John Nott Schermerhorn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 5730) granting an increase of pension to Frederic Lockley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 5731) for the relief of Peter F. Kendall; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va.; which

was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5733) granting an increase of pension to John W. Slack; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5734) granting an increase of pension to Elijah A. Woodward; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5735) to fix the compensation of criers and bailiffs in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENROSE introduced a joint resolution (S. R. 96) to provide for the printing of additional volumes of the reports of the Industrial Commission; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. CLARK of Montana submitted an amendment proposing to appropriate $2,000 for grading, regulating, and macadamizing Kansas avenue, in Petworth subdivision, from Trenton to Utica streets, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments; which, with the accompanying papers, was ordered to lie on the table and to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was referred to the Committee on Indian Depredations, and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the completion of contracts by the Carnegie Steel Company, Limited, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BARD, Mr. BURTON, Mr. CLAPP, Mr. CLAY, Mr. GAMBLE, Mr. MARTIN, Mr. PENROSE, and Mr. TALIAFERRO submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAFETY APPLIANCES ON RAILROADS.

Mr. PATTERSON. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of the reports of its inspectors showing the condition and defects of safety appliances and the practice of operating trains by train or power brakes, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, on the following-named railroads and their leased lines: Baltimore and Ohio; Chesapeake and Ohio; Cincinnati, New Orleans and Texas Pacific; Erie; Illinois Central; Lehigh Valley; Louisville and Nashville; Lake Shore and Michigan Southern; New York, New Haven and Hartford; Norfolk and Western; Pennsylvania; Queen and Crescent; Southern, and Southern Pacific.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. I should like to see it in print. Let it go over for one day. I shall not object to its consideration after I have had an opportunity to look at it.

The PRESIDENT pro tempore. The resolution will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 8007) granting an increase of pension to James W. Lewis;

A bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar; and

A bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin.

The message also transmitted resolutions of the House relative to the death and funeral of Rear-Admiral William T. Sampson.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 4647) to amend section 4929 of the Revised Statutes, relating to design patents.

MILITARY ORDERS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on the 7th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

1. Copies of all orders, instructions, letters, and cablegrams which have at any time been sent by the War Department to the civil or military authorities of the United States in the Philippines relating to reconcentration, and especially copies of any such orders, instructions, letters, and cablegrams which relate to the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8 and 9, 1901, on the subject of reconcentration, and also copies of all orders, instructions, letters, and cablegrams which have at any time been received by the War Department from the civil or military authorities of the United States in the Philippines on the subject of reconcentration.

2. Copies of all orders, instructions, letters, and cablegrams which have at any time been sent by the War Department to the civil or military authorities of the United States in the Philippines in reference to the order of Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, and copies of all orders, instructions, letters, or cablegrams which have at any time been received by the War Department from the civil or military authorities of the United States in the Philippines in reference to said order of General Smith.

Mr. CULBERSON. Mr. President, substantially all of the facts asked for in the resolution are given in Senate Document 347 of this session. There is a question in my mind, however, whether there is a full answer to a portion of the second paragraph. I feel assured that there is no further information in the possession of the Secretary of War on the subject, and I have no disposition to press the resolution. It may be indefinitely postponed.

The PRESIDENT pro tempore. The resolution will be indefinitely postponed.

ELECTION OF UNITED STATES SENATORS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. BERRY, as follows:

Resolved by the Senate, That the Committee on Privileges and Elections be, and are hereby, discharged from further consideration of House joint resolution No. 41, entitled "A resolution proposing an amendment to the Constitution providing for the election of Senators of the United States," and that such resolution be placed upon the Calendar.

Mr. BERRY. Mr. President, on the second day of the present session of Congress the Senator from Oregon [Mr. MITCHELL] and myself each introduced a joint resolution proposing an amendment to the Constitution to elect United States Senators by the people. On the same day those resolutions were referred to the Committee on Privileges and Elections. That has been more than five months ago.

On the 14th day of February a joint resolution, which had come from the House and had been passed by the House for the same purpose, was referred to the Committee on Privileges and Elections. That resolution had passed the House of Representatives unanimously. It was referred to that committee, as I stated, on the 14th of February, which is almost three months ago.

On the 11th day of March I asked the chairman of the Committee on Privileges and Elections [Mr. BURROWS] in open Senate if it was probable that a report would be made on any one of these resolutions. He stated at the time what I will read. I shall not read all of his statement, but I will read a portion of it. In the course of the colloquy which ensued the Senator from Michigan stated:

I will say to the Senator that there is no disposition, so far as I know, on the part of the committee to shirk any responsibility in that matter, and the measure will be considered by the committee and action taken and a report made to the Senate.

Mr. BERRY. In time to secure a vote during the present session of Congress?

Mr. BURROWS. I have no doubt about it.

That was on the 11th day of March, almost two months ago. Some five weeks ago I was told by members of the committee that on the following Tuesday there would undoubtedly be a report made, either favorably or adversely. When that Tuesday had passed I was informed that for some cause a vote could not be secured, but it would certainly be taken on the following Tuesday. I waited until after that Tuesday, and was again told that they had been unable to get a report either one way or the other, but on the next Tuesday it was absolutely certain that a decision would be reached. On the next Tuesday no report came, and I was told then that on account of the absence of the Senator from Massachusetts [Mr. HOAR] no action had been taken, but on the following Tuesday there would be no objection. On last Tuesday, when it was certain, as I thought, that a report would be made, I was told that the committee had met and had not

ordered a report, but that the chairman had called a special meeting for yesterday, in which it was stated that the matter would be finally disposed of.

I was informed yesterday by a member of the committee that the committee had refused to report the joint resolution favorably; that they had refused to report it adversely; that they had refused to report it favorably with an amendment; that they had refused to report it unfavorably with an amendment. Therefore it occurs to me that there is no probability of any report being made. In view of that fact, I felt it my duty to offer the resolution which I submitted yesterday and which is now before the Senate.

I wish to say that so far as the chairman of the committee, the Senator from Michigan, is concerned, I am satisfied that he has done everything in his power to secure a report from the committee; that he is in favor of the resolution, and that he has been diligent in trying to secure a report. I am satisfied from what I have been told by members of the committee that the majority of the committee have overruled him and he has been unable to secure such a report.

Now, Mr. President, I am not going to discuss the merits of the joint resolution. It is wholly immaterial, so far as the pending resolution is concerned, whether the joint resolution ought to pass the Senate or not; but after waiting for more than five months for a report from this committee, when every man in the Senate knows that every member of that committee knew on the day the joint resolution was sent to the committee whether he was for it or against it, I submit that it is not fair to refuse to bring the joint resolution back with either a favorable or an adverse report. I think the Senate is entitled to have the joint resolution go upon the Calendar and to have a vote upon it.

During the last Congress the House of Representatives passed a similar resolution with, I think, ten or twelve dissenting votes on a yea-and-nay vote. The Senator from Massachusetts [Mr. HOAR], when this question was up before, said he thought the joint resolution was passed by the House jocularly, or he used some word to that effect; I do not know what it was. But the House passed it this time unanimously. They passed it in the last Congress on a yea-and-nay vote with only ten or twelve dissenting votes. Legislature after legislature of the different States has called upon Congress to submit the proposed amendment of the Constitution.

I submit, Mr. President, in all fairness, that the committee has had every opportunity given it, and after five months, when it has refused to report the resolution and let it come before the Senate, there is no necessity of its remaining in that committee longer, and the Senate ought to pass a resolution to discharge the committee and place the joint resolution upon the Calendar. Then if the Senate wants to consider it and take a vote upon it, it can do so. If it refuses to do it, if a majority is opposed to it, it has that right, but let us have a vote and do not let us set the precedent in the Senate that any committee of this body can refuse to return to the Senate measures that have been sent to it, important or unimportant, but especially one which commands the attention of so many people of this American Republic, and where so many favor it and want a vote on it. I repeat, it is not fair to smother it in a committee and refuse to give the Senate a chance to vote upon it one way or the other.

Mr. BURROWS. Mr. President, of course it is within the power of the Senate at any time to discharge one of its committees from the consideration of any matter which has been referred to the committee by the Senate. It was therefore entirely proper for the Senator from Arkansas to move the discharge of the Committee on Privileges and Elections and bring the joint resolution to which he refers before the Senate for its consideration.

I am, however, constrained to resist the adoption of the pending resolution, because, in my judgment, the Committee on Privileges and Elections is not subject to the censure which the resolution, if passed, would imply.

The Committee on Privileges and Elections has given the subject most careful and thorough consideration, and I for one have been gratified to note in the committee no feeling of partisanship, but a desire to give the question, which certainly is of the gravest importance, very careful consideration. Party lines have not been drawn, and I think I will be borne out by every member of the committee in the statement that there has been no disposition whatever to smother the joint resolution, as the Senator has intimated.

It is true the joint resolution has been before the committee some time, but the Senator must bear in mind that there are other committees in this body charged with grave responsibilities, and the membership of the Committee on Privileges and Elections can not always attend the sessions of that committee. There has been from the beginning—at least that is my judgment, and I think, as I have said, the committee will bear me out in it—no disposition to smother the joint resolution at all. Sometimes prominent members of the committee have been obliged to be absent, and by courtesy the committee meetings were not called. The senior Senator from Massachusetts [Mr. HOAR], who has taken a lively interest in this matter, and to whose judgment we all naturally defer, has been obliged to be absent, and as a matter of courtesy to him a meeting of the committee was not called in his absence. We are in the midst of the consideration of the joint resolution, and it is fair to the Senate to state just the condition it is in to-day.

An amendment was offered to the joint resolution, and the amendment adopted by a majority vote. At a special meeting of the committee day before yesterday a motion was made that the joint resolution be reported to the Senate favorably with the amendment, and upon that motion the yeas were 3 and the nays 7. A proposition was then made to report the joint resolution adversely, and the yeas were 4 and the nays 5—1 member of the committee not voting and 3 members of the committee being absent. If the entire membership had been present and all voting, the joint resolution would have been reported back to the Senate either favorably or adversely. It is my expectation and belief that the resolution will be reported back to the Senate either favorably or adversely at a very early day, and certainly——

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. BURROWS. Certainly.

Mr. BERRY. Will the Senator be a little more definite and specify what he means by an early day?

Mr. BURROWS. I can not, any further than to say that we have our meetings weekly, and if the membership of the committee is present I should presume that at the first meeting a report will be made.

But I wish to say in addition to that there is a proposition pending before the committee in the nature of a substitute for the joint resolution, or a proposition which will remove one of the objections to the present system of electing Senators by the legislatures. That proposition is now under consideration, and when the Committee on Privileges and Elections is in the midst of the consideration of the joint resolution and a proposition is pending, not possibly in the nature of a substitute, but a measure which tends to remove one of the objections to the present system of electing Senators, I submit the Senate ought not to discharge the committee in the midst of its deliberations, unless in the judgment of the Senate it can better discharge that duty than the Committee on Privileges and Elections. If it shall so order, the committee will submit to the judgment of the Senate, but I insist that the resolution offered by the Senator from Arkansas ought not to pass.

Mr. BERRY. Mr. President, I must confess, in view of all I have heard from members of the committee, that I have been somewhat surprised at the statement the chairman has made. I had stated that he was in favor of the joint resolution and I had understood that he was anxious to get it out of committee. In order to show that I have not shown any undue haste in this matter, I stated that it has been two months since I asked the question and was assured that the report would come in. I wish to repeat what I said a while ago—that I was promised for the last five weeks by members of the committee that a report would certainly come the next week, and the next, and the next. In view of that fact, I am a little bit surprised that the Senator from Michigan should say there has been no undue delay.

Nevertheless, the Senator assures me that it will be reported at a very early date, and he thinks at the next meeting, provided there is a quorum of the committee present. I will rest on the statement and ask that the resolution go to the Calendar for the present, and I will not press it at this time. I do this because I take the word of the Senator from Michigan that we will have a report on the resolution at an early date.

Mr. HOAR. Mr. President, I have been alluded to by the Senator from Arkansas, who stated that one weekly meeting of the committee was omitted because of my absence. I suppose it is proper to say that my absence was occasioned by one of the most important public duties which I have ever had assigned to me in my life, which required my presence at home, and that I offered to the committee to have a meeting instantly on my return at any day which should be chosen by the other members of the committee. But they are all gentlemen who are engaged on other very important committees. Two or three members of the committee are engaged in the great Filipino investigation which goes on every morning. There are three members of the committee upon the Committee on the Judiciary, and all the other members have their important engagements on other committees.

Now, this is one of the greatest questions which can come up for consideration. It is a question of amending the Constitution of the United States in a manner which some persons think destroys the whole scheme on which it was founded and in spirit breaks the agreement that no State should be deprived of its

equality in the Senate without its consent. Some persons think that implies not only that there shall be equality but that there shall be a Senate such as the Constitution defines, the express definition of the Constitution being that the Senate shall consist of persons elected in a particular way. Many believe, as I believe most religiously, that if the amendment be adopted there must be necessarily such inquiries into the elections as are made and have been made for many years in regard to elections in the House, and that it will involve considering every disputed State election, including the arrangement of the State constitution and the suppression of votes, if they be suppressed, or fraud, or anything else, as such things are inquired into in the House.

They may not be good reasons, but my proposition is that such a matter ought to be thoroughly debated in the committee. The Committee on Privileges and Elections has spent the time which the Senator from Arkansas complains of, as every member of the committee will bear witness, in thorough discussions. There have been grave, serious discussions from the time the committee would be called to order until the Senate met, and sometimes going over a little the time of meeting of the Senate. There has not been waste, or delay, or procrastination, or trifling, as I think every member of the committee will agree.

The Senator has referred to me. I have been promptly on hand; I have done everything I could to secure an early vote; I have been ready, and I took special pains that my absence of a week in Massachusetts should not affect this matter injuriously. I am quite prepared to have any member of the committee who differs with me on this question state whether what I say is correct.

This matter has not been in the committee an unusual length of time, in my judgment, considering the other grave questions which are before the Senate, for a measure of such great importance. It ought to be discussed in committee. Although the committee have had one or two votes on the general subject, there is a solution of the question which has been proposed, which is now before the committee to be discussed, and while I agree with the chairman of the committee in the expectation of an early disposition of the matter, I think it ought to be considered in the committee. If it should be reported back now I believe the Senate would send it back to the committee for the further consideration of some matters which they have not yet discussed.

Mr. DEPEW. Mr. President, I have been present at every meeting of the committee which has been called since this question has been before it.

Mr. HOAR. And the committee has given its undivided attention to it.

Mr. DEPEW. The debates on this question in the committee have occupied the whole morning until the meeting of the Senate at every session. At the last meeting before the one of yesterday it was understood that a vote should be had at the next meeting, which was called specially for that purpose yesterday. There were present at the meeting all the gentlemen representing the political faith of my friend from Arkansas, but there were three Republicans absent. The meeting was called for the purpose of making a report, and I was there prepared to vote almost any way which would get the resolution before the Senate. That it is not before the Senate is due to the fact that the political associates of the Senator from Arkansas—I want my friends on the other side to hear me—did not want it to come before the Senate, if their votes were an indication. A resolution was offered first that the resolution be reported adversely. Upon that the yeas and nays were called, and all the Democrats except one voted nay. One Republican voted nay. In that way the report adversely was defeated. Then a motion was made that it be reported favorably.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. TELLER. I rise to a question of order. I insist that it is not in order for the Senator from New York or any other Senator to state the votes in a committee.

Mr. BAILEY. I trust the Senator from Colorado will withhold that point of order for the moment. The Senator from New York has divulged so much of the proceedings that I think it entirely fair that the Senate and the country should understand the entire proceedings.

Mr. TELLER. I will wait until the Senator from New York gets through, and then I will try and get a ruling of the Chair. I withdraw the point of order.

Mr. DEPEW. I do not want to continue the statement unless my friends on the other side have full opportunity to reply. I do not want them to be ruled out on a point of order after I have made my statement.

Then a motion was made that the resolution be reported favorably. On that resolution all the Democrats voted nay, and the Republicans present voted yea. So the efforts yesterday to secure a report of the resolution, as it now stands perfected, before the Committee on Privileges and Elections failed both on an effort to get it out by a vote for an adverse report and a vote for a favorable report. We then took an adjournment, having been in session until after the Senate met, in order to see whether at the next meeting of the committee we could not have every member present, and then secure a vote either favorably or unfavorably.

Mr. SPOONER and Mr. BLACKBURN addressed the Chair.

Mr. SPOONER. I will yield to the Senator from Kentucky. I rose for the purpose of moving to refer the resolution to the Committee on Privileges and Elections.

Mr. BERRY. I am going to withdraw the resolution.

Mr. SPOONER. I want to say a word upon the subject, but I yield to the Senator from Kentucky.

Mr. BLACKBURN. I have no purpose, Mr. President, to say anything upon the merits of the subject.

Mr. HOAR. Before the Senator proceeds, I should like, as my name was mentioned, to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BLACKBURN. With pleasure.

Mr. HOAR. I ask the Senator if he or if any of his associates think that I have been the means, by my absence, of any delay in this matter?

Mr. BLACKBURN. I am satisfied that the Senator from Massachusetts is not under charges here. If he is, I very gladly answer his subpœna as a witness and say that delay, if there has been any, is in no wise attributable to the Senator from Massachusetts. Upon the contrary, he has at every meeting of the committee when he was present evinced a perfect willingness to have the committee take such action as it might be able to reach without the slightest semblance of an effort to delay the consideration of the measure.

There is, I am sure, no criticism to pass upon the action of the Senator as a member of that committee in connection with this joint resolution, nor do I believe that the committee itself is properly amenable to any criticism in the direction of delay. Upon the contrary, meeting after meeting has been had, and they have been, all the conditions considered, fairly liberally attended. It is true that at the last meeting, on the day before yesterday, there were three absentees. I have no doubt they were necessarily absent. It is equally true, as stated by the Senator from Arkansas [Mr. BERRY], that assurances have been given by members of the committee—probably by all of them—that the time was in sight when this resolution would be brought back to the attention of the Senate.

Whether it be a violation of the rules, as suggested by the Senator from Colorado [Mr. TELLER], that the action of the committ should be made public here in the Senate, I hope that the point will not now be insisted upon. As one side of the case has been stated, I think it but fair that, as the Senator from New York [Mr. DEPEW] has very properly suggested, the other side should have an equal opportunity to state its recollection.

On the day before yesterday, Mr. President, we came to a vote on this resolution for the first time. There never was a vote taken in the committee on the resolution as sent to the Senate from the House of Representatives.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. BLACKBURN. Certainly.

Mr. PETTUS. I know the Senator does not want to be inaccurate, but there were several votes taken, probably when he was absent.

Mr. BLACKBURN. I never was absent when that committee was there.

Mr. PETTUS. Very well. Then the Senator will recollect that there were votes taken on the amendments.

Mr. BLACKBURN. I am indebted to my friend from Alabama, but if he will look in the RECORD at what I have said, when it shall be printed, he will find that he is not correcting me, but he is making a mistake himself.

I said that the day before yesterday no vote was taken upon the joint resolution as passed by the House and sent to the Senate. Then two votes were taken. The Senator from New York [Mr. DEPEW] had at a previous meeting offered an amendment, which had been agreed to by a majority of one vote in the committee. At the day before yesterday's meeting two votes were taken——

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. The Senator will allow me to correct him and to say that it was yesterday we had the meeting at which the votes to which he has referred were taken, instead of the day before yesterday.

Mr. BLACKBURN. Yesterday. I stand corrected, and I

thank the Senator from Ohio. At the last meeting, on yesterday, two votes were taken by yeas and nays. One was upon reporting the joint resolution of the House favorably to the Senate as amended on motion of the Senator from New York. That was voted down. The chairman of the committee having overruled the point of order that I had raised, another vote was taken on the motion to report to the Senate unfavorably the joint resolution of the House as amended on the motion of the Senator from New York. I raised the point of order that that vote could not be taken; that a committee of the Senate had a right to report back to the Senate anything that had been referred to it with a recommendation of an amendment or amendments to be incorporated, provided that they reported it favorably and advised its passage, but that it was without precedent in parliamentary law to amend a proposition that comes from the other branch of Congress, and then report it to the Senate with an amendment on it which the House had never seen and which the Senate had never heard of—to report it back thus amended with the recommendation that it do not pass. The point of order was overruled by the chairman, and I have no criticism to pass upon his action. I simply did not take his view of it.

Then when the vote was taken on the motion to report the House joint resolution back to the Senate as amended in committee on the motion of the Senator from New York, with an adverse report, the yeas and nays being called, that motion was voted down.

Now the Senator from New York says that the reason that the Senate gets no chance to pass upon this resolution is because the minority membership of that committee prevent it. That is hardly an accurate statement of what happened on yesterday morning, unless the Senator will go further and say that he found it impossible to get any member of the minority of the Committee on Privileges and Elections to agree to report that House joint resolution back after he had tinkered with it in the fashion that he had with his amendment; neither did he get his Republican associates to agree with him on that proposition. After the New York doctor got through with his handling of this case, it was not, it seems by that vote, acceptable to either the Republicans or the Democrats of that committee. It was an open secret that the majority of the Democrats there were in favor of that joint resolution as it came from the House; it was an open secret that every Democrat in that committee was opposed to it as the Senator from New York proposed to amend it, for his amendment gave the Federal Government absolute supervision and control of those elections.

The chairman of this committee was exactly correct in his statement. The committee did not divide on party lines. One member of the majority said that the committee was in favor of the joint resolution as it came from the House and opposed to the amendment as offered by the Senator from New York. So that it is not fair to say that the committee would have reported the joint resolution back to the Senate but for the action of the minority members. The minority members insisted upon reporting that joint resolution to the Senate exactly as it came from the House, with one exception, and they were reinforced by one Republican—the chairman of that committee. The minority membership of that committee to a man objected to reporting that resolution back to the Senate adversely, either with or without the amendment of the Senator from New York. That is the exact statement of the facts.

Mr. DEPEW. May I ask the Senator a question?

Mr. BLACKBURN. Certainly.

Mr. DEPEW. Is not the position of the minority members of the committee this: That with the resolution as it now stands, amended by the vote of a majority of the Committee on Privileges and Elections, the minority members are opposed to reporting it to the Senate either favorably or adversely?

Mr. BLACKBURN. Precisely. I tried to say that.

When the Senator from New York got through doctoring this resolution, then every member of the minority and some of the majority of that committee were opposed, as shown by a yea-and-nay vote, to reporting that resolution back either favorably or unfavorably or in any other way. In other words, to a majority of the committee, after the Senator from New York had amended the joint resolution, it was absolutely worthless and distasteful for any purpose.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. BLACKBURN. Certainly.

Mr. SPOONER. The Senator is so nearly through that I will not make the point of order upon him which was made by the Senator from Colorado [Mr. TELLER], for I do not wish to preclude him from making any further explanation he desires to make; but I should like to make the point of order and get a ruling upon it.

Mr. BAILEY (to Mr. SPOONER). Allow the point of order to be pending.

Mr. BLACKBURN. It rather surprises me, Mr. President, to see the Senator from Wisconsin [Mr. SPOONER] trying to interrupt or shorten the utterances of one of the silent members of the Senate when he favors us so frequently with his own expositions on everything that comes up for consideration in this body.

Mr. SPOONER. I hope the Senator will not be sensitive as to what I have said.

Mr. BLACKBURN. No; not in the slightest.

Mr. SPOONER. I do not raise the point of order now, but I say if we can get to know, as a matter of parliamentary practice, whether it is proper to repeat in the Senate what occurs in committee I think it would be a very important matter.

Mr. BLACKBURN. I do not think it would be, Mr. President.

Mr. SPOONER. I am not going to make the point of order on the Senator.

Mr. BLACKBURN. I understand that. Mr. President, I wish to say that was my opinion, and when the Committee on Privileges and Elections adjourned yesterday morning I notified the committee that unless objection was then and there made I intended to state to the Senate the result of those yea-and-nay votes that were had there yesterday morning, and no objection was made to it, but I did not claim that privilege nor exercise it.

Mr. MITCHELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BLACKBURN. With great pleasure.

Mr. MITCHELL. Under all the circumstances, would it not be wise that the committee be discharged from the further consideration of the subject?

Mr. BLACKBURN. I should be very glad to see the committee discharged and that joint resolution brought here and placed upon the Calendar, for it is my purpose to insist, and to keep on insisting, and, if possible, to secure a vote in the Senate, not upon something else, but upon the joint resolution which the House has sent to the Senate for its concurrence.

Mr. DEPEW. Mr. President, I merely want to say a word, so that when this debate goes out to the country there may be no doubt as to what is the point of difference. My friend the Senator from Kentucky [Mr. BLACKBURN] says that the whole purpose and object of the joint resolution as it came from the House to have the election of the United States Senators by the people is defeated and destroyed by the amendment which I proposed, and therefore he and his associates are unalterably opposed to having that resolution from the House come before the Senate favorably or adversely reported if it has upon it that amendment.

The amendment which I propose is germane to that resolution, because it is simply this: That if the people are to vote for United States Senators and they are to be elected by the people, then the people shall be permitted to vote; but if they are deprived of that privilege by any State, Congress shall know why they are so deprived and whether they have voted and their votes honestly counted as cast, and have power to legislate to secure open, honest, and fair elections for members of this Senate under this new scheme. That is what my amendment is.

Mr. BAILEY. Mr. President, as a member of that committee I feel that I owe it to myself to state why I voted, as stated by the Senator from New York [Mr. DEPEW], against reporting that resolution either favorably or adversely. I did so purely and only because the committee had adopted an amendment proposed by the Senator from New York, that not only gives to Congress control over the time and manner of electing Senators of the United States, but also commits the question as to the qualification of voters to the Federal Government. Earnestly as I favor an amendment to the Constitution which shall provide for the election of Senators by a direct vote of th people, instead of leaving it as it now stands, to the legislatures o^e the several States, I could not for a moment, in committee or elsewhere, consent to such a change, coupled with the provision incorporated into the resolution by the amendment of the Senator from New York.

Now, Mr. President, having said this much—and I would not have been justified in saying anything about occurrences in the committee except for the statement of the Senator from New York——

Mr. HOAR. Before the Senator passes from the point he is just leaving, I should like to ask him a question, if he is willing.

Mr. BAILEY. Certainly.

Mr. HOAR. Do I understand the Senator to be unwilling, if Senators are to be elected by the people, or, on the other hand, to desire that inquiry into the election, into the legality of the proceedings, whether fraudulent or affected by intimidation or in any other way, shall be made here as they are now made in the House of Representatives?

Mr. BAILEY. Oh, no; I am entirely willing that those inquiries shall be made here, and under our present right to judge

of the elections, returns, and qualification of our own members we have ample power in that respect.

Mr. HOAR. I am quite sure that my question is clear to the Senator, because his answer is clear to me, but I want to have it clear to anybody who may read what is said here. It is expected, then, that if hereafter Senators are elected by the people to this Chamber there are to be inquiries as to the elections in entire States, whether little States like Delaware or great States like New York and Illinois, as to the proceedings at the election, so that seats in the Senate will be awarded or refused to persons who claim them under the practice which has prevailed in the House of Representatives in like cases.

Mr. BAILEY. I am very much afraid that such contests will be determined here, just as they have frequently been in the House of Representatives, more according to party considerations than on their merits.

Mr. HOAR. That is—if the Senator will pardon me one further sentence—instead of having such questions remanded to the State legislatures—and I very reluctantly made the report in the Indiana case, where I believed a great wrong was done—they are hereafter, if this amendment prevails, to be settled by party vote?

Mr. BAILEY. Undoubtedly, Mr. President.

Mr. HOAR. Is that what the Senator proposes?

Mr. BAILEY. The suggestion which the Senator from Massachusetts makes is a very strong argument against the change, which, in spite of that, I shall support.

But the special objection which I urged to the amendment offerred by the Senator from New York and adopted by the committee was that under its operation the Senate should go down into the various States, and not only go into the ballot boxes, as is done in the case of contested elections in the other branch of Congress, but it also gives Congress a power not now possessed by the House of Representatives in respect to its members to prescribe the qualifications of every man who is permitted to vote for a Senator. This question of qualifications has heretofore been left, and, as I think, has been wisely left, to be regulated by the several States.

The Constitution framers contented themselves with the provision that whoever is permitted by each State to vote for members of its most numerous branch of the legislature should also be permitted to vote for Representatives in Congress.

Mr. HOAR. But, Mr. President, if the Senator will pardon me, I do not wish to interrupt him——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. BAILEY. Certainly.

Mr. HOAR. In the case of Representatives in Congress the Constitution provides that if any part of the citizens be disfranchised the representation in the House shall be diminished accordingly. Now, in case of the Senate, the Senator——

Mr. BAILEY. The Senator will permit me to say that even the fourteenth amendment still leaves the qualifications of voters with the States.

Mr. HOAR. That is true; but the point I was making for the Senator's consideration was this: If you disfranchise—I beg that nobody will understand that I am starting up any suggestion about any past or present history, I am only putting a purely hypothetical case—if Massachusetts, by her reading and writing clause, be held to disfranchise those of her citizens who can not read her representation must be diminished accordingly. That makes it equal as to all. But if Massachusetts disfranchises her foreign-born citizens, who are nearly or quite a majority of her whole people, and yet retains her votes in the Senate, her equality is kept just the same. That is the difference between the case put by the Senator and this.

Mr. BAILEY. That difference would exist, Mr. President, whether Senators were elected by the legislatures of the respective States or by the people en masse, and therefore I hardly think, with all deference to the Senator from Massachusetts, that his suggestion would alter the argument of this case.

But, Mr. President, having concluded what I desired to say about the statement of my own position, I desire to join the Senator from Colorado [Mr. TELLER] and the Senator from Wisconsin [Mr. SPOONER] in insisting upon a ruling upon the question of order. My opinion is that if the occurrences of the various committees are to be brought into the Senate Chamber in open session by statements from the various members, we are apt on almost every day to have a repetition of what has occurred here this morning.

I have no objection to stating anywhere, and I believe that Senators who know me will believe I am sincere in saying that I have no objection to stating anywhere how I vote or the reasons for my vote, but it will be so easily perceived that as in committee rooms, there is no record and no stenographer to take down the observations of the members, we might find ourselves involved in interminable disputes as to what was said and sometimes as to what was done in committee.

If we are to have that kind of practice, I should like to have a stenographer for every committee, so that if a Senator, in perfectly good faith, differs with me as to what occurred we shall not present the spectacle of opposing in the Senate the statements of each against the other, but that there will be a record to which we can appeal and satisfy not only our colleagues, but ourselves.

Mr. DEPEW. Mr. President, I will occupy the attention of the Senate but one moment, and that for the purpose of clearing up a doubt or removing a cloud which has been raised by the remarks which have been made in reference to my amendment. I am in thorough accord with what the Senator from Texas [Mr. BAILEY] has said about the proceedings of the committee, and I endeavored to keep myself within proper bounds, and to go no further than the vote of the committee, which had been taken by yeas and nays and recorded, and which I knew had already been revealed, as the Senator from Kentucky [Mr. BLACKBURN] said that he would reveal it if no one of us made any objection. So far in this discussion there has been nothing said as to the transactions of the committee about which there has been the slightest dispute.

As to the amendment which I have offered to the resolution, I shall discuss that when it comes before the Senate, as I trust it will, and think it will after the next meeting of the committee. In order that in this discussion there may be given the reason why I offered that amendment to the resolution, I will read briefly from the Constitution.

The fifteenth article of amendment to the Constitution says:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Everybody knows that that provision of the Constitution is either evaded or it is violated by the provisions which have been made, as Southern Senators say for their own protection—we are not discussing that—in the States where this vote exists.

The fourteenth amendment provided a punishment for the violation of the fifteenth amendment, which was this:

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

When those two amendments to the Constitution were adopted for the purpose of securing the vote which is herein described, no one dreamed at that time that there would ever be a proposition to amend the Constitution of the United States by altering it so that United States Senators should no longer be elected by the legislatures representing, as the framers of the Constitution intended, the sovereignty of the States, and that both the Senate and the House of Representatives should, by amendment to the Constitution, be made popular chambers. While therefore this punishment for violating the fifteenth amendment is provided as to all Federal and State offices for which the people vote, United States Senators are not mentioned. If the amendment should be adopted for the election of United States Senators by the people and any State should prevent, by anything in the Constitution or laws, a large number of its citizens from voting, that State can not in any way be reached for doing this in the election of United States Senators, though it may for all other officers. This amendment to the resolution giving Congress supervision of such elections supplies that deficiency.

Mr. BERRY. Mr. President, notwithstanding all that I have heard from members of the committee with reference to this matter, it seems to me that five months is a sufficiently long time to enable a committee of this body to report upon a proposition which has been argued for one hundred years, and a proposition as to which, I repeat, every member of that committee had a definite and fixed opinion when it went to the committee. To tell me that five months is not sufficient time for them to report either favorably or adversely is, it seems to me, to tell me that which is unreasonable.

In regard to the amendment offered by the Senator from New York [Mr. DEPEW], I give my opinion that it was offered for the specific purpose which it has accomplished, and that was to avoid a direct vote upon the proposition as to whether or not United States Senators should be elected by the people, upon the resolution as it came from the other House. That has been my judgment about it—that the intention was to delay it and to embarrass the situation, so that we could not take a vote on the main proposition.

Mr. DEPEW. Will the Senator allow me to interrupt him for a moment?

Mr. BERRY. Certainly.

Mr. DEPEW. My object was to have the Senator from Arkansas and his associates go upon record as to whether they are willing to have the voters who are declared such by the fourteenth and fifteenth amendments to the Constitution to vote for United States Senators in their respective States. In other words, if an amendment to the Constitution is adopted that United States Senators be elected by the people, are they willing that the people shall be allowed to vote, or only a select party?

Mr. BERRY. The object of the amendment, in my opinion, as I repeat, was to prevent a direct vote upon the joint resolution as it came from the House. I say that the resolution ought to be voted upon as the House passed it. If two-thirds of this Senate are in favor of it, let it go to the States, and if two-thirds are opposed to it they ought to have the courage to put themselves on record. If more than one-third are opposed to it, they ought to have the courage to so record themselves, and let the matter be squarely presented as to how Senators stand upon that proposition. But, Mr. President, in view——

Mr. FORAKER. Mr. President——

Mr. BERRY. In a moment. In view of what the Senator from Michigan [Mr. BURROWS] has said, that he is satisfied that at an early date a vote can be had upon the proposition, I ask leave to be permitted to withdraw the resolution which I have offered.

The PRESIDENT pro tempore. The Senator has a right to withdraw the resolution.

Mr. BERRY. Then I withdraw the resolution, Mr. President.

Mr. SPOONER. Before the Senator withdraws the resolution I hope he will permit me to withdraw my motion to refer it to the committee.

Mr. BERRY. Certainly.

Mr. FORAKER. Before the Senator from Arkansas withdraws his resolution I hope he will allow me to occupy just a moment.

Mr. BERRY. I will gladly hear the Senator, and let my withdrawal of the resolution be understood as pending.

Mr. BURROWS. I hope the resolution will not be withdrawn before the Senator from Ohio can be heard.

Mr. FORAKER. Mr. President, I do not wish to speak at any length, but I do want to say something in view of what has been said here as to my own attitude in regard to this matter.

The Senator has remarked that certainly five months is long enough time for a committee to consider this matter, and there is a great deal of reasonableness in that remark. The Senator will recognize, however, that we are all pretty busy here, and it does not mean when a measure is before a committee for five months that the committee has been for five months struggling with the matter.

But, Mr. President, what I want to say is, it does not take me five months to reach a conclusion in regard to this question. I am opposed to the joint resolution as it came to us from the House, and I shall vote in opposition to it in that form under all circumstances. I am opposed to it, Mr. President, not because I am unwilling that the people of the United States in the various States should have an opportunity to vote in the selection of Senators, but I am opposed to it because if we are to have Senators chosen by popular vote, I want the people to vote. It seems to me also that if we are to change the rule at all as to the power that is to select Senators we ought to choose an electorate that will be the same in every State, as it is the same in every State now. The Constitution prescribes that in each State the legislature shall choose the Senators. I doubt if it would be wise to change that. I think, upon the whole, that provision of the Constitution has worked well, but if we are to change it I am unwilling to make a change that will give to the State of Massachusetts or any other State a right to prescribe a different electorate in choosing a United States Senator from that which may be designated in my State.

I do not propose to comment—it is not necessary that I should—upon the different election laws that obtain in the different States. It is not necessary that we should call attention to the fact that there are differences now existing; but it is at least appropriate for us to take into consideration that it is a possibility that there may be widely different laws in the different States. Massachusetts does have a different qualification for exercising the right of suffrage from that which obtains in Ohio. They have a different qualification in the State of New York. They have different qualifications in many of the States of the Union from those which obtain in my State. It is not necessary for me to say which is the wisest, whether that obtaining in Ohio or that obtaining in Massachusetts or that obtaining in New York or that obtaining in some other State. The point that I want to make is that if we are to elect United States Senators by popular vote instead of, as heretofore, by the legislature, we ought to prescribe an electorate that will be the same in each and every State of the Union and provide for the enforcement of all laws enacted in that behalf.

Mr. MITCHELL. May I ask the Senator from Ohio a question?

Mr. FORAKER. Certainly.

Mr. MITCHELL. Suppose the joint resolution as it passed the House should pass the Senate and be adopted by the necessary number of States and become a part of the fundamental law of the land, does the Senator from Ohio not believe that Congress would have the right, if in its judgment it thought it to be wise, to provide for the qualifications without an amendment to the Constitution?

Mr. FORAKER. I beg the Senator's pardon; but I can not hear him distinctly enough across the Chamber to know what his question is.

Mr. MITCHELL. The question is this: If the House joint resolution should become a part of the Constitution of the United States without any amendment to it, as proposed by the Senator from New York [Mr. DEPEW], does not the Senator from Ohio believe that Congress has the power, without any amendment to the Constitution, if it thought it wise to do so, to prescribe the qualifications of those voting for United States Senators?

Mr. FORAKER. The resolution provides to the contrary, as I understand it, but that is at least, if I am mistaken, a debatable question. It is my opinion that while we are considering the matter, if we are to take action at all we ought to remove all question of doubt about it. Therefore it is that while I would doubt the wisdom of making any change at all, yet I am willing to vote for the House joint resolution with the amendment added to it that has been proposed by the Senator from New York, for then I know that it will be unquestionably in the power of Congress to prescribe the same qualifications for voting for United States Senators in each and every State of the Union, and to enforce such right; but I would be unwilling to vote for it without that.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. CLAPP. I should like to ask the Senator from Ohio if there is not to-day a difference in the States in the qualifications, especially as to age, of those who compose the legislatures?

Mr. FORAKER. Certainly there is.

Mr. CLAPP. Then to-day under the present system all the Senators are not elected by men who possess a uniform qualification throughout the Union.

Mr. FORAKER. Mr. President, it is true, as suggested——

Mr. CLAPP. Now, I want to ask another question.

Mr. FORAKER. I should like to answer that one.

Mr. CLAPP. All right; I beg your pardon.

Mr. FORAKER. I do not wish to interrupt the Senator if he prefers to ask both questions; that is all right.

Mr. CLAPP. No.

Mr. FORAKER. It is true that there is a different qualification for voting for members of the legislature in the different States, and that is objectionable. But while it is true that the legislatures in the various States are chosen by a different electorate, yet the fact remains that the legislature when chosen is the body representing the State and the same body in each and every State chooses the United States Senator. The difference in selecting legislatures is now beyond control, but if we make any change let us strive to secure uniformity. The nearest approach to uniformity at present is that which is prescribed by the Constitution.

Mr. CLAPP. Now, let me ask the Senator another question.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. CLAPP. Suppose that in a State to-day there is a vote of 25,000 men that is suppressed, and in that State a legislature is elected upon a vote wherein there is a suppressed vote of 25,000, we will say. The Constitution is changed, and the electors of that State vote directly for a President with still 25,000 votes suppressed, except in the possible character of the individual who gets the result of that suffrage would it make one whit's difference so far as representation goes from existing conditions?

Mr. FORAKER. Well, Mr. President, there might be a difference of opinion in regard to the point the Senator makes, as I understand the point. But it seems to me, if we are to make any change at all, we ought to make perfectly clear what it is we desire shall be the electorate in each State in the selection of United States Senators, and it is in our power to do that; and we should make it possible, not only to have uniformity of qualification, but also power to enforce it.

Mr. BAILEY. Mr. President——

Mr. FORAKER. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I do not rise to make an inquiry of the Senator from Ohio, but I desire to cordially join with him in saying that whatever is done in this matter shall be so plainly done that nothing may be left to inference or construction. I

apprehend that when this question comes before the Senate the Senate will find itself very much in the attitude of the committee. A majority of the committee are hostile to any change, but one or two are willing to a change in the manner of electing Senators, provided that change shall be coupled with a Federal power over the qualification of voters. When that proviso was adopted then those of us who desire a change in the manner of electing Senators were opposed to the proposition as a whole, and I apprehend that the result will be the same when that resolution comes to the Senate. The majority here will join the Senator from New York in adopting the amendment which he has proposed, and every gentleman in the Senate opposed to the change will vote for that amendment, simply because they know that when that amendment is adopted all men of my belief will vote against it.

Before resuming my seat, I want to say to the Senator from Oregon [Mr. MITCHELL] that if his construction of this amendment is right and its adoption would confer upon Congress the power to determine the qualification of the electors for Senators, I would no more support it than I would invite a pestilence.

Mr. FORAKER. I appreciate very much what the Senator from Texas interrupted me to say. He has truthfully stated that in the committee we had the difficulties he has mentioned. I do not know when I ever saw a proposition that had been sent to a committee more conscientiously considered. It was considered in good temper; it was considered with all the other propositions that its consideration started, and they were not a few; they were many. We had differences; we had honest differences. We dealt with the question as best we could, and if the joint resolution should come into the Senate you will find differences of opinion developed here beyond what anybody anticipates, for it is a great, broad question.

But what I rose to say I have, perhaps, stated sufficiently, yet I want to repeat, in a word, that I am opposed to the House joint resolution as it came to us, but I am willing to vote for it at any time with the amendment proposed by the Senator from New York added to it.

Mr. HOAR. Mr. President, I rose to ask the Senator from Oregon a question, suggested by his question. He asked the Senator from Ohio whether he did not believe that if this amendment were adopted as it came from the House Congress would have power to determine and prescribe the qualifications of voters for Senators. Now, I want to ask him if he believes what he asked the Senator from Ohio?

Mr. MITCHELL. I do believe that Congress would have the power.

Mr. HOAR. Very well.

Mr. MITCHELL. Without any additional amendment to the Constitution.

Mr. HOAR. I should like to call the attention of the Senator from Texas [Mr. BAILEY] to this fact. I understand that one eminent Senator, an earnest advocate of this proposition, thinks that if the constitutional amendment be adopted as proposed by the House we have the right, without further constitutional power, to prescribe the qualifications of electors of Senators in different States.

Mr. MITCHELL. That is to say——

Mr. BAILEY. The Senator from Massachusetts——

Mr. HOAR. Now, I was going to ask the question.

Mr. BAILEY. That is not my opinion. The Senator means the Senator from Oregon.

Mr. HOAR. I understand. Now, I desire to ask the Senator from Texas if in the face of the opinion of so eminent and admirable a lawyer who has studied this question so many years as the Senator from Oregon, he is willing to take the risk?

Mr. MITCHELL. Will the Senator from Massachusetts allow me a moment?

Mr. BAILEY. I wish to reply to the Senator from Massachusetts. I want to tell him I would not take the risk. But I really think there is no risk in rejecting the opinion of the Senator from Oregon upon that particular point. I would hesitate to reject it on any other point.

Mr. MITCHELL. My opinion was based upon the proposition that our present Constitution should be amended so as to provide for the election of United States Senators by the people.

Mr. HOAR. I understand.

Mr. PETTUS. Mr. President, this debate has taken a very unusual course. The transactions in the committees have heretofore been regarded as things that were not to be detailed.

I only arise for the purpose of stating my own position in reference to this question. I do not care to detail what occurred in the committee.

This Constitution was formed, as it is oftentimes said, that the majority may govern. In part that is true. But it was formed mainly that the rights of the minority might be protected.

I live in a section of country that has been for many years the minority section. I have thought over this question time and again, and since it has been in that committee I have studied it carefully.

The amendment of the Constitution of the United States to some Senators even seems to be of little more consequence than the amendment of a law by which a bridge was built over some creek in the United States.

Mr. President, the section of country in which I live has no hope except in the Constitution of the United States and the restrictions that it imposes upon the majority of legislators and rulers and courts. It has no hope except founded in the principles of that Constitution, and for myself individually I have made up my mind to hold on to the fragments of that Constitution as long as one of them remains.

We are told by one of the highest officers in this Administration that the trend of thought is ever to a central government, and that is in a large part true. It is almost universally true for the last forty years. We are told that the United States itself in the olden time and by the men who framed it was in the plural; that the United States was a plural number, but since Appomattox it has become a singular number. I am afraid there is a great deal of truth in that, too.

But I want to say that I am opposed to the joint resolution as it came from the House in all its parts. I am opposed to the amendment offered by the Senator from New York [Mr. DEPEW] in all its parts.

Mr. President, we have lying now on the table of that committee divers propositions to change the Constitution, and I am afraid some of them will be passed. One proposition is simply to elect the Senators by the people; another proposition is to elect the Senators by the people, and that Congress shall prescribe and settle the qualifications of all the voters in all the States voting for Senators. There is another proposition to give to each State Senators in this body in proportion to the population of that State; in other words, to give to New York 14 Senators, to give to Pennsylvania 12 Senators, to give to Illinois 9 Senators, to give to Ohio 8 Senators, and so on down until you get to the lowest, which has 2.

Mr. President, we seem to have lost all respect for the works of our fathers. We seem to have lost all respect for the Constitution of the United States. It is nothing more than a trifling law, which, as one Senator said, had served its purpose. Now, I tell Senators, without disclosing anything that was in the committee, I am opposed to all of your amendments of every sort, and I intend to cling to the fragments as long as one is left. Do you as you please for yourselves.

Mr. MORGAN. Mr. President, I desire to express my very hearty concurrence in every word that my colleague [Mr. PETTUS] has so well said, and to announce to my own constituency that I will stand on the ground he occupies on this very long vexed question.

The Senator from Arkansas [Mr. BERRY] says the question has been up for a hundred years. After a hundred years of assault if this principle of the Constitution has stood firmly, it is very wise in us not to hastily disturb it. The people must have been very much attached to it in their sober moments, and the States must have been fondly wedded to it in their long action in this Union to have maintained it against these assaults for a hundred years. This feature of the Constitution is not only fundamental, but it is radical. When we have adopted the change that is proposed in the House joint resolution, if it is ever adopted, I can see that there are other very serious adjustments to be made in the constitutional system to make it work harmoniously.

I think that this committee though, under the present circumstances, ought to go very slowly in this matter for another reason. The State of Delaware voted against the ratification of the fourteenth amendment and the fifteenth amendment, and she has no voice on this floor. She is dumb, as if the State had been stricken from the roll of States and expelled from the Union. She has the right to express her present view upon any necessity that is supposed to have arisen out of the adoption of the fourteenth and fifteenth amendments.

But, sir, she is not here to vote. We may say that is her fault. That may be. I do not believe it. But at all events it is a great misfortune to the country. If the House joint resolution should pass the Senate at this session by a two-thirds majority it would have to be submitted to the legislature of Delaware for its ratification or its rejection. The State is not dead in the constitutional sense, although it is voiceless and virtually dead in the Senate.

Now, sir, I shall object on all occasions that it is transcending the constitutional prerogatives and powers of the Senate to amend the fundamental law of the Union while a State of this Union has no voice upon this floor, no representative here, particularly a State like Delaware, to express herself negatively to the ratification of the fourteenth and fifteenth amendments, which appear to be, and I really believe are, the sole cause of

this new movement for the amendment of the Constitution of the United States.

Besides that, we have three States knocking for their admission into the Union to-day, and with the probability of being admitted at this session of Congress. It would be unwise, Mr. President, and unjust on our part, if we expect to admit those three States into the Union at the present session of Congress, to pass a joint resolution for the purpose of amending the Constitution in this organic, radical, fundamental proposition without waiting for their arrival in legal form in this body to pass upon the measure.

These Territories may not have rights now, but they are urging their rights to statehood here, and, so far as the Territories of this continent are concerned, there appears to be very little opposition to that right, which has been withheld at least from two of them now for more than sixty years after we have promised them statehood under a treaty with Mexico, which made the express provision that they should be admitted as States into the American Union, just as the Louisiana treaty made provision for the admission of States into the American Union.

So I think this committee will act wisely; I think it will act patriotically; I think, Mr. President, it will conserve the very best interests of the present generation and of all generations to come if it shall at least wait before the organic law is changed in this radical respect until statehood has been established and fully completed at least on the continent. I am not including Alaska, although I might very well do it.

Mr. BAILEY. Mr. President, I venture to detain the Senate for a moment. In view of the statement of the Senator from Oregon [Mr. MITCHELL] that in his judgment the House joint resolution would warrant Congress in prescribing the qualifications of electors for Senators, and as I have said I would not vote for any proposition that gave Congress such a power, and in view of the further fact that I have voted for this resolution, I desire to incorporate in the record of these proceedings the third section of the House joint resolution:

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof, for a term of six years, and each Senator shall have one vote; a plurality of the votes cast for candidates for Senator shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

In other words, upon the subject of the qualifications of electors for Senators, this resolution adopts the exact language of the Constitution in reference to qualifications of electors for members to the House. I assume that neither the Senator from Oregon nor any other Senator will contend that Congress possesses the power to control the qualifications of those who vote for Representatives in Congress; and I can not comprehend how they can insist that the same words in this resolution can confer a different power.

I venture to say that my distinguished friend from Oregon, who is, as the Senator from Massachusetts has said, a most excellent lawyer, when he rereads the language of this joint resolution, will withdraw his statement that under it Congress could prescribe the qualifications of electors.

Mr. BERRY. I withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

PERSONAL EXPLANATION.

Mr. CARMACK. Mr. President, I rise to a question of personal privilege.

Yesterday in the course of the debate a passage occurred between the Senator from Iowa [Mr. DOLLIVER] and myself, in which I used some harsh and unparliamentary language. Upon being very properly called to order by the senior Senator from Massachusetts [Mr. HOAR] I subsequently withdrew the language complained of.

Upon further consideration, and without any suggestion except from my own sense of propriety, I feel that I ought to have done what I now propose to do, to express my regret at having used language which I believe was unjust to the Senator from Iowa and to offer my apologies to that Senator.

The personal relations between the Senator from Iowa and myself have always been of the most friendly and cordial character. I trust that they will not be interrupted by anything that has occurred in this debate.

Now, that I am on my feet, Mr. President, I will say that I drifted yesterday into a long discussion without any intention whatever of doing so when I took the floor. Under an honest and genuine sense of outrage and indignation for many things that have occurred I used some language and some epithets which I recognize were not proper to be used. Whatever may be my opinion of Smith, or of Bell, or of Funston, I recognize that it adds nothing to the force of a statement to denounce them in harsh, bitter, and severe language. Just and proper comment upon any conduct of theirs is entirely right, but I recognize that whatever may have been their actions in the Philippines or elsewhere it is not proper to apply to them harsh and offensive epithets. I wish to express my regret that I have done so, and in the future, whatever may be the stress of this debate or the intensity of my own feelings, I shall attempt to refrain from the use of any such language.

Mr. DOLLIVER. Mr. President, it is only proper for me to add to what the Senator from Tennessee has said that I was drawn yesterday by the accident of the controversy into the debate. I have known the Senator from Tennessee for many years, and our relations have been of such a character that I had surely no intention to disturb his feelings. Everything that I said was intended to be playful and cheerful, and was intended to add, if anything, a little gayety to the discussion.

If I wounded the Senator's sensibilities, I express my regret, and I desire to personally acknowledge the statement which he has made.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment——

Mr. COCKRELL. What bill is it?

The PRESIDENT pro tempore. The Philippine government bill.

Mr. DUBOIS. One or two Senators have already given notice that they intended to speak, and there are a number in the Chamber——

Mr. LODGE. I am aware that notice has been given by the Senator from Ohio [Mr. FORAKER] that he would speak. If a vote can be reached on this bill I am certain that he will not interpose any objection. All I desire is to have the bill debated or voted upon or a time fixed to take a vote. I do not like to stand in the way of all the business of the Senate.

Mr. FORAKER. I was otherwise engaged for the moment, but I have heard some reference to myself. I do not know what it was.

Mr. LODGE. The Chair was presenting the parliamentary condition of the bill to the Senate. The Senator from Idaho made objection that several Senators had given notice of speeches. I merely wanted to explain what I think is true, that if we could have a vote on the bill the Senator from Ohio would interpose no objection.

Mr. FORAKER. No.

Mr. LODGE. I was not aware of any other notice, but I am aware that there will be more debate on the bill, of course. I do not want to waste the time of the Senate, and I think we ought to continue the debate. There are a lot of amendments here that can be dealt with. I will ask unanimous consent that on the 21st day of May—that is, a week from next Wednesday—at 4 o'clock, the vote be taken on the bill and amendments.

Mr. DUBOIS. I object, Mr. President.

Mr. LODGE. Is there any day that the Senator will suggest?

Mr. DUBOIS. I thought I had the floor. I had not completed my statement.

Mr. LODGE. I beg the Senator's pardon; I did not know that he had the floor.

Mr. DUBOIS. The Senator interrupted me.

Mr. LODGE. I did not intend to interrupt the Senator. I thought he had concluded.

Mr. DUBOIS. I know of Senators on this side of the Chamber who intend to debate the bill. I think I know of some on the other side. Now, no one is more aware of the fact than the Senator from Massachusetts that the debate has been almost continuous on the bill. I never have known during my term in the Senate where a bill was so continuously debated as this measure has been. There has been scarcely any other measure of legislation to interrupt it. Of course the debate must cease in time, and the Senator from Massachusetts will get along faster if he does not insist on some time for a vote until after a few more speeches have been made.

Mr. LODGE. Very well, Mr. President, if the proposition I make is objected to and no proposition of a time will be offered by the opposition, of course it is plain that no limit to the debate can be obtained. Under those circumstances, as we have been debating the bill now for nearly two weeks, nothing remains for me to do except what I dislike extremely to do—to lengthen the session and increase the time for debate. That is my duty under the circumstances. I do it very reluctantly, but I have nothing else that I can do. The bill is before the Senate, and I think we ought to vote or amend it or do something.

Mr. DUBOIS. The Senator from Massachusetts is in charge of

the bill, and he has a perfect right, of course, to take any line which he desires. I wish to warn the Senator from Massachusetts, however, that if he resorts to unusual measures, which are not justified at all, this having been an almost continuous debate, he will not make any progress with the bill.

Mr. LODGE. Mr. President, it is not necessary to threaten. I made no threats at all. All I said was what I conceived to be my duty. I have assumed all along that Senators on the other side were ready at a proper time to allow us to take a vote on the bill. I have made the usual request at the end of a considerable period of debate. That request is not granted. If I can not get the opposition to suggest even a time when they will be willing to close the debate, I am forced back on what I am most unwilling to do, to ask for a longer time each day to be devoted to the bill.

I have no right, in charge of the bill, to stand in the way of the other business of the Senate. It is my duty to try and get a vote on the bill as soon as possible in order to clear the way for other business and to enable Congress to adjourn, if possible, before the hot weather comes.

Mr. JONES of Arkansas. Mr. President, I think no one can complain as to the way this debate has been conducted up to this time on this side of the Chamber. There has certainly not been anything to suggest any effort at unnecessary delay. There has been no time taken that was not devoted to legitimate discussion and fair debate.

It seems to me that the Senator from Massachusetts hardly has any occasion to propose longer hours than the Senate has been sitting up to this time. I believe that when there has been a reasonable discussion, when the Senators on this side who desire to discuss the bill have had an opportunity to do so, they will vote without any trouble and there will be no unnecessary delay. But Senators on this side have a right to discuss the bill in reasonable hours, and I do not think the Senator from Massachusetts ought to resort to any means of this sort, at least not under the circumstances that exist up to this time.

Mr. LODGE. If the Senator from Arkansas will allow me, I do not wish——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. JONES of Arkansas. Certainly.

Mr. LODGE. If the Senator noticed what I said, I said I had assumed that Senators on the other side were perfectly ready to allow us to vote on the bill when the debate was exhausted, but that unless I could get some agreement of a limit I was bound to keep the bill before the Senate. I have no other choice. I can not do anything else. Nobody, I think, ought to expect me to do anything else. I have not only offered a time myself, but I have asked to have a time named. There must be some time when it is possible to agree that we shall vote.

Mr. JONES of Arkansas. But what I was objecting to was the Senator's statement that he would ask the Senate to sit longer hours than had been done heretofore. The Senate has been holding reasonably long sessions. It has been sitting every day in the week except Sunday, and the debate has run along very reasonably.

I have no objection to the Senator keeping the bill constantly before the Senate and all the time up to the period when the Senate gets through with the discussion, but I do not think there ought to be any effort to resort to longer hours now. There is no reason for that to be done, as far as I can see, and I do not think it will facilitate the passage of the bill, or final action on it, at all to resort to such methods.

Mr. LODGE. The Senator from Arkansas understands perfectly that I have no desire to resort to——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I only want to remark that I do not understand the Senator from Massachusetts is now asking that we sit longer hours. He only remarked that he hoped it would not become necessary that he should make such a request.

Mr. LODGE. That is all I have said.

Mr. FORAKER. All I want to say to the Senator from Massachusetts in this connection is that the remark made by the Senator from Idaho [Mr. DUBOIS] was, I thought, entirely justifiable under the circumstances. His remark was (a part of it that I think the Senator from Massachusetts probably overlooked) that they could not at this time suggest a day, but after two or three more speeches were made he thought they would be able to fix a time.

Mr. LODGE. I did not hear the Senator from Idaho say that.

Mr. FORAKER. There is so much literature on this subject that it is a good deal of labor for a man to turn aside from other questions that he has been considering to get ready to make a speech upon the pending bill, and I do not wonder that some of the Senators who want to speak are not ready to go on.

Mr. LODGE. I did not so understand the Senator from Idaho. He knows very well that I want to be as reasonable as possible.

Mr. DUBOIS. I think the Senator from Ohio slightly misunderstood me. I am in no position to speak for this side of the Chamber or for the minority of the Committee on the Philippines, of which I am a member. I would not pretend to get up here and speak for the minority of the committee, much less for this side of the Chamber. I did say that, having in view the fact that we have met on Saturdays as well as every other day of the week and the debate has been going on constantly, it has been very difficult for Senators to prepare to make a speech. I myself would like to make a speech on this bill, but I am in the condition of a good many other Senators. Attending the committee meetings every morning and being in constant attendance here, it has been extremely difficult to settle down and prepare to make such a speech as a Senator should make on such an important bill. Other Senators on this side of the Chamber, I know, are in the same position. I believe that after the debate has gone along reasonably, not under the lash, especially not under extraordinary hours, we can then discuss an agreement to vote or come to a vote abruptly.

Mr. LODGE. Mr. President, the bill is before the Senate. There are amendments pending. I see no reason why the time this afternoon should be wasted. I can not see why we can not deal with some of the multifarious amendments that are here.

Mr. MORGAN. Has any amendment been offered?

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. LODGE. A number of amendments have been laid on the table. None has yet been moved.

Mr. BACON. If the Senator will pardon me, I suppose of course there will be no special objection to any formal amendment, but amendments such as have been offered from this side are amendments of a fundamental character, which necessarily involve the consideration of the general features of the bill.

Mr. LODGE. I do not think the Senator can have examined with care the amendments offered by the Senator from Utah [Mr. RAWLINS], for they are amendments directed to perfecting certain sections of the bill. They are very important amendments, going to the details of the bill, but not fundamental amendments at all.

Mr. BACON. I think, if I recollect them aright—I only heard them read—they are much more than mere formal amendments.

Mr. LODGE. I have read them with great care and examined their application in each case.

Mr. BACON. I am very frank to say that I am not prepared to vote upon those amendments.

But I wish to make a suggestion to the Senator. Of course, there will be no possible disposition to interfere with the Senator reaching a vote on the bill, but I think we should be somewhat warned by the experience which was had when the Philippine tariff bill was before the Senate. The Senator will remember that when he asked that there should be a date fixed for the vote the statement was made by himself that he did not know of more than one Senator, I think possibly two Senators, on that side of the Chamber who would desire to speak, and the time was fixed within a limit which had that statement in view. Yet it so eventuated that when the time was fixed a great many Senators on that side of the Chamber were heard thereafter and occupied a very large part of the time.

Mr. LODGE. They occupied exactly one-half of the time. I kept an exact memorandum of it here at the clerk's desk.

Mr. BACON. There was no more time occupied than ought to have been taken. The Senator will not misunderstand me on that point. My complaint was that Senators in favor of the bill did not give as much time to the discussion as I thought they ought to give to it; but the Senator will mark the application which I make, that in consequence of the much larger number speaking than the Senator himself anticipated the time which was left, although equally divided, did not afford an opportunity to some on this side of the Chamber who desired to speak.

This is certainly a most important measure, very far-reaching, and so long as it is confined to legitimate discussion it might well consume more time than that to which it is entitled. I think the Senator will agree that so far as the practical questions and details of the bill are concerned there has not been a discussion of them by the Senators who occupy the affirmative, and upon those details we would be very glad to hear discussion. It is with the view that we may ascertain what will be the amount of work required in reply to Senators that we prefer to hear Senators on the other side before we are called upon to fix a time. I certainly would not desire that one single moment more of the time be occupied than is necessary for Senators to be heard who may desire to be heard.

Mr. LODGE. In any proposition I would make for fixing a

time I should want it to be in such a form that there should be an equal division of time between the two sides. Whenever the proposition is made I shall ask it in that way. But as to discussing the bill, I tried myself to explain its provisions. I thought I did. I now find from the Senator from Georgia that I did not explain them at all.

Mr. BACON. I will ask the Senator——

Mr. LODGE. The Senator from Maryland [Mr. MCCOMAS] also explained them; at least I thought he did. I listened to him and it seemed to me a pretty lucid explanation. The Senator from Kansas [Mr. BURTON] devoted considerable time to them, and I now find from the Senator from Georgia that he has not said anything about it either. Of course we can not hope to satisfy the Senator from Georgia by any reply; I do not flatter myself with that expectation, but we shall try.

Mr. BACON. It is doubtless my fault.

Mr. LODGE. Not at all.

Mr. BACON. Nobody can attribute it to any lack of ability on the part of the Senator from Massachusetts. I take all the blame to myself in that unfortunate condition of affairs.

Mr. WELLINGTON. I would suggest to the Senator from Massachusetts that if there is no one present prepared to proceed on the pending bill possibly it would be well to take up the Calendar, temporarily laying aside the bill.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. TELLER. I should like to say a few words upon the bill.

Mr. LODGE. I yield to the Senator with great pleasure.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, the discussion has gone on upon the general policy and principle of the bill. I wish to make some objections to the bill itself, if I can get the attention of the Senate long enough.

The Senator from Maryland [Mr. MCCOMAS] day before yesterday complained that nobody had discussed the bill. I think that is a pretty fair charge to make, and that he might not be out of sympathy with the rest, he himself followed the precedent and proceeded to discuss everything else but the bill, except to tell us, in a few laudatory words, what a good bill it is.

I wish to call the attention of the committee to some things in this bill which it seems to me to have been put in here ex industria. I can conceive of no purpose in inserting the clause I shall read unless it was to make the bill objectionable to some of us who have not been in accord with the policy of the Administration in reference to these islands. The first section contains the following:

> That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April 7, 1900, and in creating the offices of civil governor and vice-governor of the Philippines, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June 21, 1901, and in establishing four executive departments of government in the Philippine Islands as set forth in the act of the Philippine Commission, entitled "An act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September 6, 1901, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said archipelago shall continue to be governed as thereby provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by Philippine Commission."

I wish to say that that is a most remarkable provision to insert in a proposed law. Did the President of the United States have authority to appoint this Commission? If he did have authority, what is the purpose and object of approving it and ratifying it and confirming it? If he did not have that authority, the act having been performed, is it good legislation for us to approve it, and can we approve what he had not any authority to do? If it was the purpose only to ratify an act that might be doubtful and set at rest any question, that would be one thing. But here, as I said, ex industria, the committee provides not only that it is ratified and confirmed, but it is approved. We are asked to say that the act was not only lawful and regular within his constitutional prerogative, but we are glad that he did it, because it was the right thing to do.

Mr. President, I doubt very much whether you will find another statute or proposed statute anywhere in the country of that kind, although in these modern days I have grown a little suspicious of putting out a challenge as to the regularity and constitutionality of proposed enactments, for we have had almost everything proposed here of late, without much reference to law or reason. But it seems to me that this is one of the most vicious, uncalled-for, and indefensible propositions I have ever seen.

If I believed that the President of the United States had the authority to do everything he did do, I should not be willing to stand up here and say that I approved of it, for I did not approve of it, and I have been criticising it more or less for some time. Many of my associates in this Chamber, and not entirely all on this side either, have been doing the same thing. The committee apparently wanted to make sure that they would not get any aid from this side of the Chamber. If there is any great merit in this legislation, I suppose the committee want to have it all on their side. As far as I am concerned, Mr. President, they can have it. I shall never vote for any proposition, even if all the rest were in accordance with my views, asserting that I approve of everything the President did. Neither should I agree to that if I knew he had the constitutional power to do everything that he did.

We are not only to approve what he did under his war power, which was more extensive, in my judgment, than any we could confer on him by law, but we are to approve of the exercise of his power under what is called the Spooner amendment or the legislation which took place here. We are to approve his action "in creating the offices of civil governor and vice-governor of the Philippines, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June 21, 1901."

Mr. President, I am not going into that at all. I am not going to discuss that question. I think he authorizes the Commission to do things he had not any power to authorize it to do. That is enough for me. That cuts me out from voting for the bill. I wish to repeat, if his acts were lawful and proper and not in contravention of law, either statutory or constitutional or common law, which governs us to some extent, then there is no necessity here for ratification or confirmation, certainly not for approval.

The provision which follows reads:

> And all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission."

I should not like very much to vote for that provision. I have always understood that under the Constitution the power of the enactment of laws rested in Congress, with the approval, of course, of the Executive. I want some constitutional lawyer to tell me where we get the authority to turn this legislative power over to this Commission? It is not a legislative body; nobody calls it that; nobody pretends that it is a legislative body. But we have been asking these conundrums day after day, and we get nothing in reply except that some Senator gets up and tells us we are a syndicate of vituperation, etc. These things do not seem to be of sufficient importance for the majority of this body to pay any attention to them.

I am not going into this matter very much in detail. There are some things in this bill which trouble me. There are some things that are so unusual and so extraordinary in the bill that I do think I shall take a little time, if nobody else does, to call the attention of the Senate to them. I do not suppose that Senators on the other side will take up this bill in detail. Nobody, at least, has as yet done so. While the Senator from Massachusetts [Mr. LODGE] to some extent did that, yet it was very hastily and very imperfectly done, it seems to me, so far as details and explanations were concerned.

I wish to call attention to section 4 of the bill, which reads:

> SEC. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in the Philippine Islands—

I do not know what becomes of the Spanish subjects—they were all Spanish subjects—and of the Filipinos who happened to be temporarily absent—

> and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899.

Mr. President, if any lawyer in this body or anywhere else will tell me what the legal status of those people is, I should like to have him do so. They are citizens of the Philippine Islands, the bill says. They are inhabitants of the islands, I know. Are they citizens of all the islands, or are the people who live in Luzon citizens of that island, and those who live in another island citizens of that other island? There seems to me to be a remarkable degree of looseness about this proposition. I do not believe the committee could have given this matter any careful attention. I do not know who drew this section, but I know one thing as a lawyer—and every lawyer here knows it—that the inhabitant of an island can not be a citizen of the island unless there is a government in the island, a sovereignty. There is not any such thing possible under the law as that a man can be a citizen of other than

a sovereignty. As I said the other day, it may be a qualified sovereignty, but there must be a sovereignty and there must be a government.

Every Senator on the other side of the Chamber who has spoken in defense of the bill has declared that there was not any government there at all in any shape or form, except ours, but the Filipinos are not citizens of our Government; they are not citizens even of this Commission's government; but they are, it is said, citizens of the Philippine Islands. If there had been an island there that had only 10 men on it, where the Government of the United States never exercised the slightest power, then those men would be just as much citizens of that island as the population of four and a half millions are citizens of Luzon.

Mr. BEVERIDGE. The Senator says they are not citizens of the government of the Philippine Islands.

Mr. TELLER. I have not said that they were citizens of the government of the Philippine Islands. If I had, that would be another thing.

Mr. BEVERIDGE. The Senator says that there can not be citizenship without sovereignty and government. There is sovereignty and government there, and the Filipinos are declared to be citizens of the Philippine Islands. Since both the conditions which the Senator names are present, why can they not be citizens?

Mr. TELLER. Because ex industria, as I said in the other case, they are limited to being citizens of the Philippine Islands. The bill does not say "citizens of a government presided over by the Philippine Commission;" it does not say "citizens of the United States" nor "citizens of a province or a Territory of the United States." It simply says they are citizens of the Philippine Islands. I insist that that in law absolutely means nothing at all except a legislative absurdity.

Mr. BEVERIDGE. The Senator said that the phrase was meaningless because there was no government there and that we had all declared that there was no government there. But there is a government there. Therefore the condition, which the Senator says is necessary to vitalize their condition into citizenship, exists, as I understand.

Mr. TELLER. There is not a government that is in control, or that has sought any control, or that has attempted any control over a good portion of those islands, unless it be the government of the Mohammedan chieftains down there. But if it is the purpose to make these people citizens of the government of the Philippine Islands, then I shall want to inquire what kind of a government that is. Is it a government subject to the United States? Is it a government of the United States or a Territory? Is it a province or has it some unknown relation to the Government of the United States? I understand that if there is a government there at all, it is a Government of the United States, and not a government of the Philippine Islands. If it is not a Government of the United States, there is not any government there at all. But it is not a government of the Philippine Islands. We are not a government of the Philippine Islands.

Mr. President, I will skip some of the provisions of the bill and I will come down to section 7:

SEC. 7. That the Philippine Commission meantime are hereby authorized and directed, in their discretion, to continue to establish additional municipal and provincial governments in the Philippine Islands with popular representative government so far and so fast as communities in such civil divisions are capable, fit, and ready for the same, the qualification of electors in elections in municipalities and provinces to be the same as now provided by law for electors in municipal elections; and said Philippine Commission whenever they find other male inhabitants of lawful age in such municipalities and provinces capable, fit, and ready for such extension shall include the same among the electors, with the purpose of gradually extending to municipalities and provinces permanent popular representative government.

I want to know if there has been any restriction put upon this Philippine Commission? They were authorized, if they were authorized to do anything at all, to create these municipal governments. They have been doing it; and now it seems simply a waste of paper and a waste of words to say that they are to continue. Is this to give them any additional authority? That may not be a very serious objection to the bill, but there is a great portion of this bill which practically means nothing at all though sounding well when read and not considered in connection with present conditions.

Now, I come to an important provision, which is contained in section 8. I wish to call the attention of the Senator from Indiana [Mr. BEVERIDGE] to this section, for it seems to touch upon what I have been referring to.

SEC. 8. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Archipelago, and until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said archipelago by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare.

The President is authorized to do these things. How far that is a delegation to the President of the United States of legislative power I do not know, and I shall never know until I know what the President undertakes to do under it. Perhaps he will never do anything; but he may do some things which come within the general regulations of the provisions of existing law, and he may do a great deal more than he is authorized to do by law. But that is a declaration at least that sovereignty is not in the Philippine Islands and that those people are only citizens of the Philippine Islands. If they are only citizens of the Philippine Islands they are not citizens of a sovereignty at all. There can not well be a sovereignty over there. That is the trouble now. The Filipinos want to establish a sovereignty of their own. But they have not yet established that, I will admit, under present conditions. So the Filipino must be left floating around, uncertain whether he is a citizen of the United States or whether he is a man without a country.

I find this provision in the bill:

and as such entitled to the protection of the United States.

I suppose that is a declaration not that they are citizens, but that we have some obligation upon us to discharge, which we are discharging by sending our Army there and by committing the crimes against those people which have been complained of.

There is a provision in the bill authorizing the Government of the United States to exercise the power of eminent domain and to condemn land now owned by the friars. I want to ask any lawyer in this body where the Government of the United States will get the authority to condemn this land and do what the bill declares must be done with it; that is, to put title in itself and proceed to sell the land?

I am sorry that the Senator from Wisconsin [Mr. SPOONER], who deals with these subjects somewhat, is not here. I might, perhaps, get some information from him regarding it. I do not hope to get very much information from the committee on the subject, but will anybody tell me how the Government of the United States is to exercise the power of eminent domain for its own benefit, to seize these lands, and then sell them? I want to know where that power comes from. I do not believe it exists, Mr. President.

There may be a method by which the Government of the United States can dispossess the friars, but it is not under the power of eminent domain; it is under that power that governments have, where they have seized ecclesiastical property, whenever some religious organization has held land to the detriment of the people, put it up and sold it, the proceeds to go to the benefit of the ecclesiastical body and not to the government itself. That is the doctrine of mortmain that we have so often heard about. Perhaps there you might get the authority; but I think it would be better for the committee to go to work and see if they can not find the power to deal with this question of the friars' land. That, I think, is the most important question touching these islands we have now got to deal with; but this is an attempt to do what every lawyer, I think, will admit is an impossible thing—to take these lands under the power of eminent domain.

Mr. President, I am one of those who are exceedingly anxious, as the Senate will recollect on various occasions I have stated, to get rid of the friars. I know they are a source of everlasting friction over there. Those who are friendly and those who are hostile to the Filipinos all alike bear testimony to the fact that those people are a source of much complaint, and that there can be no peace between the people of these islands and any government that recognizes the friars and protects them, as we must do, I have no doubt, under our treaty with Spain. So long as the present status of the friars exists we shall have this same trouble. I suppose the Government will treat with the friars and buy their lands. I hope so, and I hope we shall get rid of them and get the friars out of that country. But this provision here in the bill is of no earthly account. The only method by which the Government could possibly seize these lands, if they can not contract with the owners, has been left out of the bill.

Mr. President, briefly, I want to call attention to the land system over there. I do not care about saying anything whatever about the provisions in reference to mining claims.

I will admit, considering the nature of the debate for the last two weeks, that I am probably out of order in speaking to the bill, and I have received a mild suggestion of that kind from one of our friends here; but I really started out to speak for only a few minutes about the bill, and possibly I may suggest an amendment, though I am not certain as to that.

There are some features of the bill, the mining provisions, that I do not approve of, but I do not care enough about them to make any opposition to them, or even to discuss them. I should not have drawn them in that shape if I had had the opportunity to draft them, but as they were drafted by gentlemen who have the control of this matter, I am not going to say anything regarding them.

There is a provision in the bill for allowing the people over there

to secure a good title to land in moderate quantities, but 160 acres, in my judgment, is a good deal more land than ought, in a tropical country, to be given to any individual. However, that may not be a very serious objection, but I think half of that amount would be sufficient, and in most places 40 acres would be ample.

But here is one objection, Mr. President, that I am going to make which, in my judgment, is very serious, and I hope the Senate will get rid of it; that is, that while an individual can only hold 160 acres, a corporation may hold 5,000 acres. I do not like to say anything harsh about this bill or about the people who have drafted it or those who are supporting it, but that is a provision which, even if every other provision in the bill should meet with my approval, I would vote against. Will anybody tell me why we should give a corporation the right to take 5,000 acres of that land over there? I have asked one or two Senators in relation to it, and they have said, "You can not carry on great agricultural enterprises over there without having large tracts of land."

Mr. President, do we want to carry on any great agricultural enterprises over there? Is that any part of our business? According to the professions, at least, of some of those who support this bill, we are over there, as some believe, by the hand of Divinity, or, as others believe, by the hand of destiny. It is claimed that we are there for the purpose of putting those people on a higher moral and intellectual plane. They have been agriculturists for thousands of years. They are a people, Mr. President, who maintained a government of their own for hundreds of years before any European went there, and I defy any Senator to show me that the advent of the Spaniards increased either the civilization or the happiness of those people, except in the fact that they became Christians and accepted the belief of the great Romish Church. Aside from that, no considerable change can be shown to have been made in them. There has been some improvement, I will admit, but comparatively little from what their original position was when the Spaniards went there, soon after the discovery of America.

I want some one to tell me why a corporation should be permitted to take 5,000 acres of land there? If one corporation may take 5,000 acres, ten corporations may each take 5,000 acres, and a hundred corporations may each take 5,000 acres. There is no limit to the number of corporations that may go there; and, after they have taken the lands and got their title, if they should conclude to form a combination, they could do that, I suppose, although there is a provision here which says:

> And this provision shall be held to prevent any corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

That, I suppose, was put in the bill as a sort of sop to the people who might be afraid of consolidation; but there is not a man living in these days who has given any attention to the affairs of our country for the last two or three years who does not know that it will amount to absolutely nothing; and that if 50 corporations having each 5,000 acres should conclude to enter into a combination, they could do it in spite of all the Filipinos and all the United States besides.

Mr. MONEY. They do it here.

Mr. TELLER. Yes, they do it here in spite of law and reason and everything else. I am not going to discuss that at length. I am calling the attention of the friends of the bill to the matter; and if they do not take that provision out after having their attention called to it, I mean to return to the question of this violent and indecent absorption of the lands by corporations, who have not any title now, who go there only for the purpose of exploiting the country, and who will confer no benefit on the islands by their presence there, upon the Filipinos, or upon us. I leave that now, but I do not believe there is a Senator here who does not know that that provision should go out of the bill; and there is not a Senator here but will have to vote on the proposition whether or not it goes out if the committee does not take it out.

I have wasted a good deal of time on this bill. Probably I have given more time to its details than anyone else, except, perhaps, the members of the committee when it was in committee. There are a good many things in this bill which ought to be discussed.

The bill proposes that we shall enter upon a system of bond making, of debt creating in the Philippine Islands—a debt to be created not by the Filipinos, but by the men who are sent there and who go there to exploit the country. You are going to repeat by that bond system just what was done in the South at the close of the war, and before you get through with it you will have a scandal that will grow burdensome to you who have favored this system.

Why do you need provide for the expenditure of four and a half million dollars in Manila for sewerage and for drainage? The people have lived there for three hundred or four hundred years without it. They have never indicated in the slightest degree to you or to anybody else that they wanted your interference, and if we will give them the control that every other people on the face of God's earth are entitled to have of their own affairs, they will have sewerage if they want it and need it. We have no business to declare that every municipality in the whole island of Luzon, or any other island that has a sufficient population, to get together and issue bonds, shall, under this bill, have authority to do so.

Then it is provided that these bonds shall be paid in American money. It is provided, in addition, that they shall never pay any taxes either in the Philippine Islands, in the United States, or anywhere else under the sun where we have control. These bonds may never come to the United States; but if they do, I do not know why they should not pay taxes. Every municipality in my State which issues a bond and sells it in New York pays taxes upon it.

I do not know that these things are worthy of the attention of the American Senate in these days. I should know more about it if I knew what our relations to these people were. But I find in this bill that they are entitled to our protection. What kind of protection is that? They are all excluded from the franchise, or nearly every one of them. You have not got 5 per cent of the people there, I suppose, who are entitled to exercise the right of suffrage. If you had 20 per cent—which nobody will pretend you have—of the population entitled to vote, you have made an arbitrary rule about the suffrage that does not select the best people of the islands necessarily for suffrage. But a limited number may go in there and constitute themselves the municipal authorities. Then they may sell bonds, put them on the markets of the world, and use the money, if they see fit, for the purpose for which they professedly issued them, and if not, for any other purpose they see fit.

When men have been persuaded to buy those bonds—and the bonds will be sure to turn up in a little while in the hands of some American holders—they will come to us and say, "You provided for the issue of these bonds; we are not responsible for the direction which the money took, and if those who issued them swindled the municipalities and stole the money"—as they may do—or if they used it extravagantly—as they may do—and then find they can not pay, the first thing you will be asked will be to pay these bonds, so as to protect your citizens from the loss. They will tell you that you have made these bonds payable in American coin, and, of course, they will expect you to pay them; that you have exempted them from American taxes, and therefore they will say, "We, under the strength of that fact, thought you were about to incorporate these islands into a community of the United States and we bought those bonds."

Mr. President, that is all I am going to say about this bill, and I expect, under the circumstances, I ought to apologize for having said so much. I shall say more about it if, after the attention of the Senate has been called to it, somebody does not propose to make some suggestions of amendments, which I think ought to come from the other side and not from this side. I would offer amendments, but I hope somebody may be found on the other side who will be able to agree with me that it is not wise to give any corporation 5,000 acres of that land.

Mr. BEVERIDGE. Does the bill say "give the land?"

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Yes, sir.

Mr. BEVERIDGE. The Senator does not mean by the word "give" that they get it without paying for it, of course?

Mr. TELLER. No; I do not. I meant to say give them the power to get the land.

Mr. BEVERIDGE. The Senator used the word "give."

Mr. TELLER. I do not know what they will pay for it. I know one thing, however, and that is, that they will not pay any more than it is worth.

Mr. BEVERIDGE. They will pay the price which the Commission fix.

Mr. TELLER. They will pay the price the Commission fix.

Mr. BEVERIDGE. Or the price fixed by the owners from whom they buy.

Mr. TELLER. They are not going to buy it from owners; it is government land, unless they take the friars' lands.

Mr. BEVERIDGE. There is nothing to prevent a man buying land from another man except one provision in the bill.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. DUBOIS. Of public lands there are 67,000,000 acres. There are only 5,000,000 acres which are in the holding of anybody.

Mr. TELLER. Those are the friars' lands.

Mr. BEVERIDGE. No; there are 500,000 acres held by the friars.

Mr. TELLER. Yes; the friars own about four or five hundred thousand acres of that land.

Mr. President, I will call the attention of the Senate to the fact that in a tropical country like the Philippines, as to the good land in that country, of which there is a large amount, 5 acres will support a family in comfort. It was recently declared by an English officer who had been in the Tropics that, in Jamaica, I think it was, 2 acres would support a family in absolute comfort. There is some little question now whether, the price of sugar having gone down, if we should extend our tariff to them as we are about to extend it to Cuba, if we should take in the poor sugar maker of Jamaica and release him from taxation, a man would be able to live comfortably on 2 or 2½ acres of ground.

Mr. BEVERIDGE. Will the Senator then offer an amendment to the bill to authorize the natives to be allowed 10 acres instead of 160 acres? That would be four times more than enough, according to the Senator.

Mr. TELLER. It is not my business to correct this bill. I have never been consulted about it, I am not on the committee, and I know very well it is useless for me to make a proposition of any kind regarding it. As I stated before, if I had had my way I should have limited the amount to 40 acres unless in connection with it there might be some land which was not arable.

Mr. BEVERIDGE. Forty acres would be twenty times what you say is necessary.

Mr. TELLER. If you are four times more liberal than I think you ought to be, and if you are sixteen times more liberal than you ought to be, you had better take this bill back in committee for a while.

Mr. STEWART rose.

Mr. TELLER. I see the Senator from Nevada has got on the floor, and I will wait to hear what he wants to say.

Mr. STEWART. No; I will not interrupt the Senator now. I will wait until he gets through.

Mr. TELLER. I am not through yet; and you may save your strength by sitting down.

Mr. STEWART. I will. I want to make a few remarks at some time when there is a lull and no one else wants to get the floor.

Mr. TELLER. If I thought that anybody wanted the floor I should have left it myself.

Mr. STEWART. I do not want to say very much.

Mr. TELLER. If some Senator on the majority side does not move an amendment, I do not want to do so, because I know the prejudice on the other side against our moving amendments on this side, but I think the Senator from Indiana [Mr. BEVERIDGE] will really agree with me that there is not any reason why a corporation should go over there and get 5,000 acres of land, I do not care what they pay for it, or what they want to do with it. They ought not to have it. If the land is wanted for sugar plantations, they have not any business with 5,000 acres. Let the small farmers raise the sugar cane and take it to the sugar houses.

Mr. President, I have made some examination in order to ascertain what these islands may be capable of doing in the way of producing sugar. In 1895 they exported, according to an authority that I have here, and I think it is right, though I do not know, 450,000 tons of sugar. During the last two years, I understand, they practically did not export anything, or very little, owing to the "pacified" condition of the country of which we hear so much, and having not produced much sugar.

Those islands are capable of producing—if they were allowed to have the labor that they would like to have, and which I hope they never will have—probably almost all the sugar of the world. I suppose they could produce more sugar over there each year than the United States could consume in fifty years.

We have started an industry in the United States called the beet-sugar industry, which is doing very well. We produced last year about 200,000 tons of beet sugar, and we shall probably, if the people who have been intending to go into the beet-sugar business are not frightened out of their intentions by the proposed legislation, double that in the United States next year. The people who have given attention to this matter believe that we can do what Germany has been doing, that we can become the exporters of sugar, and that in time, even with free trade, we can compete with any part of the world in sugar production, Cuba not excepted. We can not do it now, but in ten or fifteen years, I think, we shall be able to do it.

We bought last year $125,000,000 worth of sugar and we will buy next year $150,000,000 worth. It will not be long before—and Senators who are here now, before they serve out their terms, will see it—the United States will be paying $200,000,000 a year for sugar. Every particle of that can be made in the United States if the sugar industry is properly fostered and protected. All you need to do to give to the United States the ability to produce its own sugar, and that within the next ten years or within a few years, and to make it a sugar-exporting country, is to leave the law as it is now on the statute book. The sugar men ask no special protection that is not accorded to every other industry in the United States. They are prepared and ready, if it becomes the policy of the party in power to reduce the tariff, to accept a reduction in proportion to every other reduction that is made.

I do not want to largely increase the production of sugar in the Philippine Islands, and we certainly do not want to establish a great number of American sugar plantations over there of 5,000 or 10,000 acres each, or any other number of acres, because, as I said before, the limit of 5,000 acres does not amount to anything. No corporation should be allowed to buy an acre of land unless it be for a building or for the immediate necessities of some business that it is carrying on.

I know, Mr. President, that the American farmer is not going over there; but there are ten or twelve million people there now, and if you ever get a decent government there, which I hope some day there will be, those people will increase in numbers. That territory can readily sustain a population of fifty or sixty millions. They are entitled to have the land held for them, and if we have got any relation to those people at all that God Almighty has had any hand in thrusting upon us, it is that we are to protect them in their rights, to see that they are not robbed by the American speculator.

I did not rise to make any extended remarks on any of these subjects. I was not here yesterday, but I have looked over the RECORD, and I am free to say I do not feel very sorry that I was not here; but I was here the day before yesterday, when everybody on this side of the Chamber during the entire debate was charged with being engaged in traducing the American Army.

Mr. President, I resent that. We have not traduced the American Army. We have told of some of the outrages perpetrated by American soldiers, not by the American Army; and I think that some of us have said—and if we have not I want to say it now—that the very policy of this Government in its dealings with those people is calculated to make a cruel and vindictive soldiery, and such a result is as certain to follow as the daylight follows the rising of the sun. We sent our troops over there; and there are thousands and tens of thousands of American troops who know they have no business there doing what they are doing. In a little while some of them lose all conscience.

It is not worth while for anybody to pretend that there have not been cruelties there. If you examine the report of the committee you will find a letter from the War Department where the Department declared that there were cruelties being practiced over there, called the attention of the officers to them, and directed that they should right the wrongs as far as they could. Oftentimes they can not do it.

It is said every time anyone on this side gets up and makes a speech on that subject that we are fighting the Army, and yet the War Department has made the same statements, and they are contained in official documents read by the Senator from Utah [Mr. RAWLINS]. They can be found here in these reports and in other public documents.

There is not any possibility of the party in power escaping responsibility for the unfortunate conditions existing over there by their representatives standing up here and saying that we are moved by a desire to slander the Army.

I listened with some surprise the day before yesterday to the Senator from Maryland [Mr. MCCOMAS] who is not here now, and consequently I will not comment on his remarks to any extent, who labored with great effort to show that all we on this side were trying to do was to blacken the name of the American soldier, and he then entered into a eulogy upon the American soldier.

Mr. President, I think we know as much about the American soldier as does the Senator from Maryland, and that we have as much love and affection for him, and I suppose I ought to say now that he has as much hatred for cruelty over there as I have; but I noticed that the Senator did not find time to say anything about it until somebody on this side had called his attention to it. Probably he felt badly about it; but he thought it would hardly do to mention the subject.

Nearly fifteen months ago, at any rate fourteen months ago, I presented to this Senate unquestioned evidence of the practice of the water cure in the Philippine Islands by American soldiers and by the Macabebes, who were being paid by the Government of the United States for their services, and I suppose, therefore, may be called American soldiers. The statement was denied absolutely. It was said that nothing of the kind had ever happened. However, it is no longer denied. Of course these cruelties are minimized, and Senators on the other side try to make as light of them as possible.

We are told that an era of peace is fast approaching; and yet when a civil governor like Major Gardener sends to the War Department a statement of the conditions over there—I am not going to dwell upon that—it did not get to the public at once, but it did get out after a while, and Major Gardener comes in for the

criticism of Senators on the other side of the Chamber, and they say it is a remarkable thing that a governor of a province should write an article of that kind. I should like to know what his business was if it was not to keep the Government of the United States advised of the real condition over there? If some optimistic citizen of the United States over there holding an office should think there was a different condition and report that to the Government, was it not the duty of this civil governor and of other governors to inform us of the facts?

That is what Major Gardener did, and he was promptly removed as civil governor, as I understand. He was called upon to itemize his charges. If any one will take his report and read it, he will find that they are not charges of individual misconduct, but charges against almost the entire military force over there; I do not mean with cruelty, but with conduct which he said was calculated to alienate the Filipinos, to make them distrustful of the Government of the United States, and to put them in opposition and antagonism to us.

I read from page 883 of the hearings in relation to the affairs in the Philippine Islands, from a communication from Maj. Cornelius Gardener, Thirteenth Infantry, United States Army, provincial governor of the province of Tayabas, to the civil governor of the Philippine Islands, dated December 16, 1901. He says:

> The treatment of the peaceable natives by the incoming troops was, however, much different from what it had been at first. The provincial government was organized on March 12, 1901. By July of that year all of the 23 pueblos had been organized into municipal governments with the single exception of the pueblo of Dolores, which pueblo had been burned by order of General Hall, and there was no town in which to organize a government, every building having been burned in the town proper, except part of the church. Five pueblos had been organized prior to March 1, 1901, under General Orders, No. 40.
>
> The revenues in all the pueblos have been collected regularly since organization, and on November 1 of this year schools were in operation in every organized pueblo, and English was being taught by American teachers in every pueblo but three.
>
> * * * * * * *
>
> The people of the barrios, while very observant of their religious duties, and a moral, hard-working population, are very ignorant and superstitious and easily imposed upon, for personal gain, by priests religiously and insurgent sympathizers politically, and I have therefore in every way encouraged the establishment of barrio schools where children could be taught elementary knowledge by native teachers in the Tagalo language.
>
> At present there are of such over 100 in operation in this province, the teachers being paid by the pueblos.

Owing to this situation, of which he speaks, the entire province is now practically under military rule and has been treated as an insurgent province, the civil procedure and the writ of habeas corpus actually suspended. That is the province as to which we had a statement here from some civil governor that it had become peaceful and orderly.

If you will read this report you will find that there is a general charge of misconduct of the troops; and then Major Gardener, when called upon, did furnish some specific complaints. I do not know what they are, and I do not intend to deal with them now.

One of the Senators who spoke the day before yesterday complained that we on this side did not have any policy. I do not intend to go over that; but I have at least declared what is my policy. I declared it before the treaty with Spain came to the United States, and I have repeated it, I have no doubt ad nauseam to the Senate, again and again.

I believe in giving those people the power of self-government. I believe they are capable of self-government. I so said then. I said that on the authority of Admiral Dewey; I said it on the authority of practically every officer who was in the Philippine Islands until after the fight began; I said it upon the authority of private letters received by me, one of which I mentioned here, and I said it upon the authority of a personal interview with an officer of the United States who went with General Young from Manila to the north end of the island and back again. He told me that in every town he found a municipal government exercising all the powers of a civil government without any assistance from us, everywhere keeping order and protecting property and person. They may not have a national government, Mr. President, but they have to-day practically local government over all those islands.

I have said again and again that I did not expect them to have such a government as we have; but after I listened the other day to the senior Senator from North Carolina [Mr. PRITCHARD] I made up my mind that if he was correct in his statement of what were the conditions in North Carolina there was not any question but what the Filipino could maintain as good a government as the Senator said existed in North Carolina. I do not know that I should want to give the Senator from North Carolina credit for impartiality in the matter; he may have seen conditions down there differently from other people because of his hostility in a political way; but I could not help thinking, considering what he said as to the crimes which were being perpetrated there, that we could not expect much worse in the Philippine Islands.

Mr. President, I want to say to what few Republicans are here in sight that I wish to put into the RECORD—and I want to put it in the RECORD, where it shall go down to the next generation, if this generation does not look at it—that you can not escape the charge of misconduct in the Philippines by getting up and saying that we are abusing the American Army, nor can you escape it by simply ordering a court-martial of one man without any condemnation of him, nor can you escape it by a mild dissent and by saying that you regret that these things occur, and then finding some excuse, some palliation for them.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. TELLER. I do.

Mr. GALLINGER. The Senator having addressed himself to the few Republicans present, of course I feel at liberty to ask him to allow an interruption. The Senator has just said that he is in favor of giving up the Philippine Islands to the people of those islands. It is possible that the Senator has been misquoted, but in the New York Sun of yesterday I find an extract from a speech delivered by the Senator from Colorado in the Senate of the United States on December 20, 1898, and, with the Senator's permission, I should like the Secretary to read an extract from that speech.

Mr. TELLER. I am quite willing, Mr. President. I have the speech here.

Mr. GALLINGER. I ask that the Senator allow the Secretary to read the extract I send to the desk.

Mr. TELLER. Very well.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

> I do not want to give up these islands. I do not want to surrender them to anybody in the world. I do not want to govern them in the spirit of the colonial governments of Europe or as many of them are being carried on. I do not want to give them up, because to give them up would be to leave those people in a worse condition than they were when we took away the power of Spain. We may leave them a prey, perhaps, to their own vices. We leave them to be a prey of all Europe. We must stand for them. We have put up our flag. There it is going to stay.

Mr. TELLER. Is that all?

Mr. GALLINGER. That is all; and I think that is enough.

Mr. TELLER. Mr. President, that suggests to me the reading of something in addition. That is the condition which has existed here. I do not charge it on the Senator, but I say that you have taken—that is your argument, that is your defense for your misconduct—an extract from some man's speech, read a few lines of it and not read that which explains the whole of it. I am not addressing myself particularly to the Senator from New Hampshire, but I am addressing myself to the party of which he is one of the representatives.

Mr. GALLINGER. Mr. President, I have not participated in this debate, and of course no accusation against me that I have sympathized with or apologized for anything that is going on in the Philippine Islands would apply. I said to the Senator, before the extract was read, that possibly he was misquoted or misrepresented by the New York Sun. I have not had time to read his entire speech. I have always listened to him with great pleasure, and I have great confidence in his integrity and high purpose to do right; but it did seem to me, in reading that extract, that the Senator had changed his attitude on this question.

Mr. TELLER. That was the speech I made on the 20th of December, 1898.

Mr. GALLINGER. So I stated.

Mr. TELLER. I have repeated the substance of that speech several times. I have never supposed, and so stated then, that we were going to give up these islands in the sense that we were going to totally withdraw from them. I made that as clear as I could on that occasion, and I have done so repeatedly since. To have given them up then would have been to turn them back to Spain, which everybody pretty nearly here objected to, or if we had not turned them back to Spain they would have been open to be seized by Germany, that had her ships of war in that harbor at that particular time, or to have been seized by Russia. The Senator from New Hampshire probably was not present when I made the speech.

Mr. GALLINGER. I think I was.

Mr. TELLER. I will not weary the patience of the Senate by reading all of the speech, for it was quite a lengthy one, but I want to call attention to my attitude on the subject. I said:

> Now, Mr. President, we are coming to deal with the greatest question, in my opinion, that the American people have dealt with since the contest of 1861. I am not one of those who would be understood as feeling satisfied that this question is not a troublesome one. I anticipate much difficulty and embarrassment to us in the handling of this question. From the very beginning I have felt that this was a question that would seriously embarrass the American people; and yet I have not felt that distrust and that fear which seem to prevail in some sections of the country and among some of our countrymen. I have more confidence in the good sense of the American people than to believe we are about to adopt a policy in dealing with these countries that threatens the death of the Republic or even great danger to it.

I will state that we had not yet ratified the treaty and had not got it yet; it was on its way from Europe.

In the first place, I believe to-day that we are hardly prepared to pass upon what ought to be the character of government that we establish over these countries. I do not think I am sufficiently advised as to what should be the details of the administration of public affairs as applied to them—the form of government best adapted to their condition. Mr. President, I believe in the principle which was enunciated in the fourth clause of the joint resolution approved April 20, 1898.

Then I read that resolution, which I will read now:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

I will say that I drew that resolution and offered it to the Senate, and it is exactly as I drew it, with the exception of two words, one being a grammatical mistake and the other the word "sovereignty." It was inserted on motion of the chairman of the Committee on Foreign Relations, Mr. Davis, just previous to the word "jurisdiction." It was a declaration even stronger; and it had the approval of the committee and was offered as a committee resolution with my approval.

That is a declaration—

I said then—

solemnly made by the people of the United States when it was apparent to us all that we were going to war. We said to the world, "We are not going to war for conquest; we are going to war in the interest of freedom; we are going to war to relieve a people laboring under the plague of bad government; and when we have relieved them from this great burden and have secured peace in their borders we are going to leave to them the management and control of their own affairs. But not until we have secured the pacification thereof are we to abandon them to their own efforts."

That in terms only applied to Cuba, but in principle it applied to every possession of ours acquired during this war. If any Senator had suggested that in addition to Cuba there should be added the words "or any other possession we may acquire during this war," it would have met, as this joint resolution met, I believe, the unanimous support of this body and of the other, and also of the President of the United States, as is suggested to me by the Senator from Massachusetts [Mr. HOAR]. These words would have been added to the joint resolution with the approbation of all.

But are we any less bound to-day because we did mention this to treat these new possessions in the Asiatic seas under the same principles that we are to treat Cuba? If we are to take that position, and if the American people will say to these islands, "We intend, if you are capable of self-government, to treat you as entitled to it," we will not need 50,000 men for the Philippine Islands nor 50,000 men for the island of Cuba. That is the only way, in my judgment, Mr. President, that we can maintain peace and order in these new possessions; it is the only way we can escape the great embarrassment of maintaining a large army on what heretofore has been foreign soil, at great expense and at a great distance from our own land, absolutely in contravention to the great fundamental principles of a republic, that the fighting force of the nation should not be a standing army, but should be the militia of the country, the people themselves.

I am not one of those who would turn these islands back to Spain; I am not one who would give them up to any other nation in the world—

Now, I come to what the Senator read—

nor would I give them up to the people of those countries under present conditions.

We had not yet got our treaty.

I believe we went into this war in the interest of human freedom, in the interest of good government; that we went into it as no other people in the history of the world ever went into a war. We have stood before the world presenting a spectacle and an example unheard of in history, ready to pour out our money and sacrific life in the interest of those strangers.

Now, skipping some, not reading all, I said:

As I look upon it, Mr. President, we have a great obligation resting upon us. We are on trial. Are we going to be able to handle this question safely for ourselves and safely for the people whose interests we started out to protect?

That was more particularly in reference to Cuba.

I will admit that that is a difficult question, and if I should now outline at this moment my idea of what ought to be the policy of the Government it may be, and very likely will be, subject to change when we are better informed about those people. But there are some underlying principles which we must keep in view, and one of those is that we can not govern these colonies, these provinces, as England governs India; we may govern them as England governs Canada and her other English-speaking colonies. What shall be the policy must depend largely, in my judgment, upon the character of the people with whom we are to deal. I think in the island of Cuba, with a little assistance from the Government of the United States, there can be established a government of proper character to take care of all the local interests of that country.

I confess that I am not willing to see the people of Cuba to-day turned out to take care of themselves so far as international affairs are concerned. I should be afraid of interference by some foreign power with that new government. I think we should say to the world, and say it so that all could understand it, We intend to give to those people, so far as it can be done, self-government; but we do not intend that they shall become the prey, either by conquest or by treaty, of any foreign power. In all their international relations I believe, for many years to come at least, the Government of the United States must speak to the world for Cuba. In so doing I deny that we violate any principle of the Declaration of Independence or the Constitution of the United States, or that we should be disregarding the great fundamental principle, which I recognize, that the just powers of government are derived from the consent of the governed, or that it will be in violation of the spirit and letter of the fourth resolution of April 20, 1898.

I said some other things in connection with this subject. I said:

Mr. President, if you could poll the American people, you would not find 1 per cent of them who want to do that—

I asked if we wanted to hold them against their will—

you would not find 1 per cent of them who want to do that, and if you should take the vote now you would not find 1 per cent of them who believe it will not be better for these new possessions of ours that our flag shall float over them, not simply as the emblem of power, but as the emblem of good government, of protection to them, as it is protection to us.

Then I go on to say that our flag will stay up there until we are prepared to give them something better for them.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. I have been very much interested in the speech of the Senator which he has read, and which I had not before heard or noticed; and, as the Senator has read it, I think this question is a proper one. Does the Senator stand by the utterances of that speech now?

Mr. TELLER. I stand by them so far as I made them then. I thing the conditions have somewhat changed. I think I could have been a good deal more in accord with the Administration than I am now if they had kept the spirit of my declaration here, which they did not do.

Mr. BEVERIDGE. Does the Senator stand by the following declaration——

Mr. TELLER. Read anything you have there and I will tell you whether I do or not.

Mr. BEVERIDGE. The Senator made the following declaration in that speech:

We have put up our flag. There it is going to stay.

Is that the Senator's position now?

Mr. TELLER. I said that.

Mr. BEVERIDGE. I know.

Mr. TELLER. I said in addition to that——

Mr. BEVERIDGE. But my question to the Senator is whether he stands on that position now?

Mr. TELLER. I said in that speech we had put up our flag and it would stay up there until we could get something for them better. I meant by that we were going to say to the world (and I made that as clear as can be) that we were going to protect these people and do what everybody here then thought we intended to do—give them a government of their own and say to the world "keep your hands off."

Mr. BEVERIDGE. The extract from the Senator's speech, Mr. President, which I hold in my hand does not contain such a qualification as that. It is the end of a paragraph; the end of the paragraph which has been read by the clerk: "We have put up our flag. There it is going to stay." I was very anxious and solicitous to know if the Senator still retains that view.

Mr. TELLER. I have not time to look; but there is a sentence here, to which I call the Senator's attention, that we would stay there until we could do something better for them. I knew, and I have said repeatedly, we were not going to disconnect ourselves from those islands entirely. I could not see myself how we could do it, but I could see how we could give them a government under this proposition we made to the world as to Cuba, which I say to-day binds us in morals.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. Do I now understand that the Senator says, or did I hear aright when I understood him to say, that we could never entirely disconnect ourselves from those islands?

Mr. TELLER. I do not think we can. I do not think we can ever disconnect ourselves from Cuba. We have not been able for eighty-odd years to disconnect ourselves from the great number of republics in South America. We have exercised a limited protectorate over every one of them under the Monroe doctrine. Does anybody suppose that there would be 15 or 16 republics down there if we had not made the declaration that any interference with them would be an interference with us? We could say as to these islands just as we said to the world, and we can do that now. To-day I would give those people a government of their own. When the Senator from Indiana tells me that they are incapable of self-government, I tell him that all the facts connected with the history of those people belies that statement, and it is not true. They are capable of self-government.

Mr. GALLINGER. Will the Senator permit me?

Mr. TELLER. I will yield in a minute. Admiral Dewey so declared. I repeat that every officer of the United States up to the hour we had the war declared they were capable of self-government. I repeated it here in the Senate that in my judgment they were capable of self-government. Over and over again I declared it. I believe to-day they are as capable of self-government as any republic in South America. I believe they are as capable of self-government as are the people of Cuba. I believe the people

of Cuba are capable of self-government, and the government they are to put into operation on May 20, I predict here, will be a government of law and a government of order, unless there is an interference on the part of the United States in a degree that we ought not to interfere. If we let them alone, there will be a government there that will protect persons and property and lives, and that is all we have a right to ask. I will now hear what the Senator from New Hampshire has to say.

Mr. GALLINGER. Mr. President, I certainly do not take issue with the Senator as to Cuba. I did not vote for his resolution, which he says received the unanimous support of the Senate. He has a right to believe that, because there was not a recorded vote, but I took occasion to vote "no" on that proposition. I did not believe in it then, and I do not now. But, notwithstanding that, I take no issue with him as to the ability of the Cubans for self-government. The Senator has gone further than that in the discussion of this question and contends, as I understand him, that the Filipinos are fit for self-government.

Mr. TELLER. Mr. President, I thought so on the 20th day of December, 1898, and everything that has occurred since proves to me that they are.

Mr. GALLINGER. Just a word more. I have been put in possession of a good deal of information from the Philippine Islands, from friends of mine, who are there in an official capacity, gentlemen in whom I have the utmost confidence, who do not feel that way. I have here a statement from Mr. Simoney, of whom——

Mr. TELLER. I will let the Senator put that in in his own time.

Mr. GALLINGER. It will take but a moment.

Mr. TELLER. I do not know who Mr. Simoney is; and I decline to yield.

Mr. GALLINGER. I was going to tell the Senator, if he will give me an opportunity.

Mr. TELLER. I decline to yield. Let the Senator put it in in his own time.

Mr. GALLINGER. I will put it in in my own time.

Mr. TELLER. I could fill the RECORD full of letters which I have received from people concerning the islands. I have never brought them here, because a letter is the expression of one man, but we have official documents enough.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. TELLER. I do.

Mr. GALLINGER. I simply desire to ask the Senator if, considering the courteous manner in which this debate has been conducted, he prefers to refuse me the privilege of occupying one moment in putting in the RECORD a statement that I think is important?

Mr. TELLER. The Senator comes here with a statement of somebody I do not know anything about, and upon which he relies.

Mr. GALLINGER. I was intending to tell the Senator who Mr. Simoney was.

Mr. TELLER. Well, put it in. It is a pretty slim thing to stand on, but put it in.

Mr. GALLINGER. It is quite as stout as some of the Senator's statements, I can assure him. Mr. Simoney was for the past two years in charge of the United States post-office division for the island of Samar. So he is identified. He says:

> From my experience with the Filipinos I do not believe they will be fit to govern themselves in the slightest degree for at least several generations. Many of them are intelligent in a way, but they have no conception of a just government, in which all the people participate equally. Centuries of Spanish oppression and official corruption have instilled in them the idea that no rule can be just and honest and that no official will refuse a bribe.

That is all I desire to put into the RECORD.

Mr. CLAY. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. CLAY. In reply to that statement, I will read what Professor Barrows says upon the subject. He does not agree with the statement that has just been read. I understand that Professor Barrows is assistant superintendent of education in the Philippine Islands, has been all through the islands during the last two years, and is thoroughly conversant with the condition of affairs in those islands. In testifying before the committee here is what he said:

> They are keenly ambitious—ambitious for education, ambitious for participation in the political affairs of the islands. They are willing to make large sacrifices in order to secure what we must all, I think, regard as a legitimate field for their aspirations. They are exceedingly hospitable; they are an exceedingly pleasing people; they will entertain you, not only royally, but with sincere hospitality. They are among the most charming people I have ever met. I think they will compare favorably with the similar class in Japan, at least in the matter of intellectual qualities.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts.

Mr. TELLER. I yield to the Senator.

Mr. HOAR. I ask the leave of the Senator from Colorado to make one suggestion which seems to me to dispose of the witness of my honorable friend from New Hampshire.

The majority of the Committee on the Philippines, with the assent of the present Administration and the assent of the Philippine Commission, of which Governor Taft is chairman, propose to commit to these people forthwith large legislative and administrative powers and to make a government wherever there is peace, in which these people shall have a large control and share. To say that they are so degraded and base as a people that not one official will refuse a bribe seems to me to be a very queer thing for this postmaster to certify to in the face of this purpose on the part of our Government. Are we asked to vote for a bill next week or the week after which is to commit the people of the Philippine Islands to a government of officials at least nine-tenths of whom are so degraded that they wold not refuse a bribe on the very birthday of their nation?

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I wish to know what the Senator wants. If the Senator proposes to do what he did the other day, to take possession of the floor, as he did when he interrupted the Senator from Utah [Mr. RAWLINS], I decline to yield.

Mr. BEVERIDGE. I did not take the floor the other day at all. I rose to get it before the Senator from Utah had the floor. On the contrary, the day before the Senator from Utah declined to allow me to ask him a question.

Mr. TELLER. Go ahead.

Mr. BEVERIDGE. What I desire to do at this time, if the Senator from Colorado will permit me, is to read the rest of the testimony bearing directly upon this point which was given by Professor Barrows before the committee. The only reason why I am impelled to do that is because my good friend the honorable Senator from Georgia read a part of it not bearing at all upon the particular question which we are discussing. Now, here is what Professor Barrows——

Mr. TELLER. Go on and read it without quite so much delay.

Mr. BEVERIDGE. Well, Mr. President, I think the RECORD will show that I have not used very much time or caused very much delay. If the Senator is not willing to allow me to read it, all right, but if he yields, I must read it in my own way.

Mr. TELLER. I am perfectly willing for the Senator to read it, but not to make comments on it.

Mr. BEVERIDGE. I am not surprised——

Mr. TELLER. If the Senator is going to read what Professor Barrows testified, I want to hear what Professor Barrows said.

Mr. BEVERIDGE. I am not surprised that the Senator does not want to hear comments on it. This is the conclusion of the testimony of Professor Barrows that the Senator from Georgia did not read.

Mr. RAWLINS. On what page?

Mr. BEVERIDGE. Page 718.

Mr. TELLER. Read it.

Mr. BEVERIDGE. It is as follows:

> Senator BEVERIDGE. Just one other question, and then I shall have no more. I have been impressed by your clearly acute observations of these people and their conditions, and that, too, from a favorable point of view to them. What have you to say about the present or the immediately near capacity of those people for self-government, as that term is understood in America? Are they capable of such at the present time?
>
> Mr. BARROWS. That is the whole question, I suppose, Senator. I would say this, in speaking upon it for a moment or two, I think the last twenty-five or thirty years in the Philippine Islands, which are the years that have seen the introduction of the Filipino to superior education and to superior advantages, have been very encouraging as revealing his aptitude and intelligence. He has been within that period of time admitted to the learned professions and to journalism and to travel to a certain extent; and notwithstanding the fact that there was great repression used, as I really believe, by the Spanish Government, and that a very few individuals out of the whole community really secured the advantages of superior education, the Filipino has done a great deal. He has shown aptness in scientific lines, in professional lines, and in a great many other lines in a way to encourage us; and I believe that under the régime we are trying to inaugurate there, which is favorable to cultivation, favorable to study and enlightenment, we may see a great acceleration of that movement. But this, of course, is to be remembered, that political self-control and political experience sufficient to govern a great population, and including a great number of tribes lower than the Christianized Filipino is himself, is about the last thing that a man or a race attains. I look forward with some confidence to a time in the near future when the Filipino will be making researches in science and will be making contributions along different lines, much as the Japanese are, but I do not see any immediate prospect, and I never expect to live to see the day when he can govern.
>
> Senator BEVERIDGE. Just a question cognate to that. What would you say would be the result on the islands and the people themselves if a system of self-government was put upon them and they were left to themselves?
>
> Senator ALLISON. Do you mean locally or nationally?
>
> Senator BEVERIDGE. Locally or nationally.

The CHAIRMAN. The whole thing.
Senator DIETRICH. With absolute independence.
Senator BEVERIDGE. What would be the effect of that? You may couple it, if you please, with the proposition upon our part that as to the external world we will protect them; I mean to say by our navies, etc. What would be the effect upon the people of the islands?
Senator BURROWS. If the United States should move out?
Senator BEVERIDGE. I mean the proposition of the minority here.
Mr. BARROWS. It is very hard to prognosticate. The Filipino has got beyond the tribal stage. There is a stage in the social development of a race when large bodies can be governed through tribal adherence. But the Filipino is beyond that.

He goes on with something that is not germane, and then comes the following:

Senator BEVERIDGE. What would be the effect upon their social and industrial conditions?
Mr. BARROWS. Their culture would have to sink with it.
Senator BEVERIDGE. Retrograde?
Mr. BARROWS. Retrograde.
Senator BEVERIDGE. What would be the industrial conditions as the result of such action?
Mr. BARROWS. It would interfere with commerce It would destroy everything except small native bartering.
Senator BEVERIDGE. I understand you to say that you never expect to live to see the day when the Filipinos would be capable, as a people, of self-government, as we understand it. Is that understanding of your answer correct?
The CHAIRMAN. Do you mean internationally?
Mr. BARROWS. I do not think the Filipino is yet born who will control, to say nothing of governing justly, the Philippine Islands.

That, Mr. President, is the conclusion of the testimony of Professor Barrows, which the Senator from Georgia did not read.

Mr. TELLER. Mr. Barrows made a statement of facts. He may draw a very different conclusion from what he said from what I draw. The facts are what we want. The Senator from Georgia wants to add something, and I yield to him.

Mr. CLAY. I think my friend from Indiana read only a part of the testimony of Professor Barrows.

Mr. BEVERIDGE. I certainly did not read all of it.

Mr. CLAY. No, you did not; I am aware of that fact. I am sure that the superintendent of education, who has been in the Philippine Islands for the last two years and who has visited almost every province in those islands, has recommended that the American Congress shall do for the Filipino people what the Democratic party has been trying to do for the last two years. Professor Barrows testified as follows:

Mr. BARROWS. The declaration on the part of Congress that a liberal policy toward them was not to be followed would certainly disappoint them very much, and would alienate them, I think, to a considerable extent.
Senator CARMACK. Suppose Congress should fail to make any declaration at all and just let things drift along?
Mr. BARROWS. I think it would disappoint them very greatly. I do not think in that case they would fail, however, to cooperate with us as they have been doing, but in all the declarations that have been made there, the declaration of the Federal party, to give an example, the manifesto of the present Peace party, which was called together last November, they express the hope that Congress will take some action defining their political status and giving them, if possible, some assurances.
Senator CARMACK. And if Congress does nothing to define their political status or to indicate definitely what it intends to do with respect to the Philippine Islands it will be a great disappointment to the people?
Mr. BARROWS. I think it will be a great disappointment to the people, and by "the people" I mean the educated who are politically interested and who are politically aggressive.
Senator CARMACK. It will tend to create distrust and to alienate them. Will it not have that tendency? Disappointment would naturally tend to have that effect.
Mr. BARROWS. I think it might possibly alienate them. They have been looking forward with great hopefulness to this action of Congress, but they have realized that the persistence of hostility, etc.—

has probably kept anything from being done.

He says again:

In other words, I doubt, I very decidedly doubt, whether we can continue to rule that people, with their strong ambitions, with the tendency there to develop a constantly more enlightened class, without a liberal policy being entered upon.

Mr. President, I do not desire to take up the time of the Senator from Colorado.

Mr. TELLER. Go ahead.

Mr. CLAY. But that is not all.

Mr. TELLER. Read on.

Mr. CLAY (reading)—

Senator CARMACK. You say they are an ambitious people, a people who are aspiring, and especially in a political way, are they not?
Mr. BARROWS. Yes, Senator.
Senator CARMACK. It has been said that one of the dangers of giving them any sort of representative assembly would be so to encourage their political ambition that they would ask for a great deal more than they could get; in other words, such agitators, as the expression is, would take advantage of it to ask for more and more political rights and more than the United States would be willing to give. Do you apprehend any danger of that sort?
Mr. BARROWS. I think not. I think the result of intrusting them with a limited amount of political activity, intrusting them with public office, is educative in its effect, and that as they become more educated, and as they come to understand us and our purposes better, our position becomes securer and the whole situation becomes safer.

Mr. President, I say that Professor Barrows is not the only witness who said that we ought to show a liberal policy toward those people, but Governor Taft himself said that those people ought to be given a general assembly, and that in the question of the raising and levying of taxes and in the question of the distribution of their lands they ought to have a voice. He recommended that they be given a general assembly, and this bill contains nothing of the kind.

Mr. BEVERIDGE. Will you read the rest of his testimony?

Mr. CLAY. My dear sir, I could read a good deal more of it.

Mr. BEVERIDGE. I thought you would.

Mr. CLAY. I am not occupying my own time; I am simply occupying the floor by the courtesy of the Senator from Colorado. At a later day I will probably address the Senate, and I will read, I hope, to the satisfaction of the Senator from Indiana.

Mr. BEVERIDGE. I always listen with a great deal of pleasure to the Senator from Georgia, as he well knows. I hoped he would read the whole of it when he began.

Mr. CLAY. You read only a half of a page.

Mr. BEVERIDGE. And you read only a quarter of a page.

Mr. CLAY. My dear sir, you did not touch the question really pending here.

Mr. BEVERIDGE. The question which was raised, but not that you read about.

The PRESIDENT pro tempore. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I want to continue with some remarks of mine made a long time ago, in 1898. I wish the Senator from New Hampshire [Mr. GALLINGER] to be able to have some knowledge of what my position was then, and I say to him that my position is the same now. I said:

I have some delicacy in suggesting what the form of government there should be, because the conditions may change; but I should say it is our first duty to consult the Filipinos and to aggregate in a body politic as many of them as we can who are capable of government.

I wish to say here now that there has never been an effort on the part of the Government to do that. You have steadily declined to do it.

If one-half of the people of Luzon are capable—I believe more than that number are capable to-day—of managing their affairs in a fairly good condition, I would say to them, This is the line that we think your Government should be inaugurated upon; and then I would ask them to inaugurate a government in entire accordance with republican sentiment and republican principles.

I wish it understood that I did not mean Republican party principles, but republican principles.

I am aware that they know nothing about free government, I am aware that they are incapable of establishing, without our advice, without our moral support, and possibly without our physical support, a government such as we should be willing to see established in those islands—a government which would give protection to person and property and ultimately lift those people up to a higher plane than they now occupy.
I do not believe that they can manage a government like that which is maintained in some of the States of this Union, or, I may say, in all of the States of this Union; but here is a fundamental truth recognized in republican government—

I want the Senators on the other side to say whether they challenge this proposition or not—

that a people are entitled only to such government as they can maintain. Any government which they can maintain, which brings order and peace to the people, is the government which they have the right to have and ought to have, and we have no right to interfere and say to them, "Unless you can maintain a better government than you now have, one as good as ours, you must let us manage your affairs, and we will give you a better government." A government of the people and by the people may not always be the highest order of government, but if it brings peace and protection to the people, and is the best they can do, it is all that we can demand of them.

Mr. President, when any man stands up here and tells me that he insists that the Filipinos shall be governed by us until they shall reach as high a plane intellectually and morally and become as acquainted with the intricacies of government as we are, he declares that those people are ever to be the serfs of the United States. A thousand years will not make those Asiatics the equal of our people, and all the money and all the effort that the 80,000,000 people of the United States can exercise on ten or twelve million will never do it.

Are we to take charge of all the dark races of the world? Are we to put up a standard for every nation of the world and say, "Come to this or we will run your government?" You would have to take possession of the greatest portion of the governments of the world. Not one-half of the European governments are such governments as we think ought to exist.

But this is the principle. If the people can maintain a government that is suited to their intellectual and moral standard, it is their right, and I say that it is tyranny for the greatest and wisest government in the world to say to them, We can do better with you, and we will do it whether you want it or whether you do not.

Now, Mr. President, I wish to say a word or two about those people. I mentioned it the other day and I want to repeat it. I can pile up mountain high the testimony of men who are not moved by partisan feelings, who do not think it is their duty to lie in order that they may sustain the Administration to which

they belong. That statement is not out of parliamentary order either, for they do lie, some of them at least.

The persons to whom I refer have testified again and again to the condition of those people, their learning, their ability, their love for independence, and their capacity, and they have given testimony enough to justify any man living in saying that the Filipinos can take care of themselves. They did take care of themselves for hundreds of years before the Spaniards went there. When they came in contact with European civilization they improved somewhat, yet there is not any reason to suppose that the Spaniards gave them a better government than they had before the Spaniard put his foot on the islands. On the contrary, there is every reason to suppose that they had a better government before than they had under Spanish domination.

Mr. President, those are a religious people. They are a people who recognize their obligations to Almighty. They are a Christian people. They may not be as learned and as wise as we are, but they have great affection for their church and for their religion. I wish to read from Worcester. I read some of it the other day, and I am going to read it again. I want to say now—I do not know whether I said it then (if I happen to repeat it it will not come amiss)—Professor Schurman, who went there, who knows more about them than anybody in this Chamber from actual contact with them, has repeatedly said in public on the rostrum that the Filipinos could maintain a better government in the Philippine Islands than it was possible for us to give them or for us to maintain for them. So I say they can, for you can not maintain a good government anywhere if you deny the people a participation in the affairs of that government, as you have done up to the present time.

Now, you propose to open the door and give them some control, not such control as you ought to give them, but allow them at least to handle the finances of the country; and yet you tell us that they are utterly incapable of self-government. The inconsistency of the position of the party in power is not exceeded by anything except by its cruelty and its wickedness.

Mr. President, it is a slander to say that any people who are a religious people, who are members of one of the great Christian religions of the world, are incapable of self-government. I repeat, it may not be the best government in the world. It will be as good as some European governments I could mention. It will be as good as some Asiatic governments that I can mention, which we recognize.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. Certainly.

Mr. RAWLINS. I have in my hand a letter recently written by a prominent Filipino who has been friendly to the United States and who speaks, I think, the sentiment of his people with reference to the measures now before Congress. I do not want to inject it into the Senator's speech, but at some time I should like to have it read. It is in the line of what the Senator is saying, though.

Mr. TELLER. All right.

Now, Mr. President, I am going to read from Professor Worcester, and if I should read something that I read the other day it will not come amiss. I have read it once or twice before in the Senate. It comes from a source that the Senators on the other side have not any right to challenge, because it was written before there was any partisan feeling in this matter, long before anybody was exploiting certain political ideas and political principles:

Children are orderly, respectful, and obedient to their parents. Wives are allowed an amount of liberty hardly equaled in any other eastern country, and they seldom abuse it.

This is from Worcester. I want to read and to call the attention of the Senate to the following:

At vespers in the evening there is always a pretty scene. An instant hush comes over the busy village. In each house father, mother, and children fall on their knees before the image or picture of some saint and repeat their prayers. The devotions over, each child kisses the hand of his father and his mother, at the same time wishing them good evening. He then makes an obeisance to each of his brothers and sisters, as well as to each guest who happens to be present, repeating his pleasant salutation with each funny bow. Host and hostess also greet one in the same way, and in remote places, where white men are a rarity, the little tots often kneel to kiss one's hand.

Savages! Men we are to govern because they are incapable of governing themselves!

The civilized native—

Mr. President, the entire population, with the exception of very few in the hills in Luzon, are civilized—

The civilized native is self-respecting and self-restrained to a remarkable degree. He is patient under misfortune and forbearing under provocation.

I skip some of it because it is of the same general tenor.

He is a kind father and a dutiful son. His aged relatives are never left in want, but are brought to his home and are welcome to share the best that it affords to the end of their days.

Among his fellows he is genial and sociable. He loves to sing, dance, and make merry. He is a born musician, and considering the sort of instruments at his disposal, and especially the limited advantages which he has for perfecting himself in their use, his performances on them are often very remarkable.

He is naturally fearless, and admires nothing so much as bravery in others. Under good officers he makes an excellent soldier, and is ready to fight to the death for his honor or his home.

Mr. President, it is useless for anybody to tell me that people of that class are incapable of self-government. Half of the population of the world are not any better than those people. Why is it that since the trouble began there all the Republicans everywhere are claiming that those people are incapable of self-government? It is because they dare not justify themselves before the world in imposing upon those people a government except upon the pretense that they are incapable of self-government. I say pretense, Mr. President, and it is a pretense. I can produce Republican authority almost without measure testifying to the ability of those people to maintain a government for themselves, and if you would not set up a standard that was never set up for any Asiatic people before, and can never be secured by any Asiatic people in the world, you would have to admit that those people are capable of self-government.

Mr. President, it will not do for the next Republican speaker who gets up in the Senate to say that I have been abusing the American Army and then go into a eulogy of the American soldier, or to say that I have been complaining of the Administration and then go into a defense of that. I have made no attack upon anybody. I simply say that the policy outlined in this bill is a vicious and wicked policy, a policy that is not dictated by patriotic motives, a policy that has its foundation in greed and in avarice and in the love of dominion and power.

I will measure my words, Mr. President. I do measure them. I repeat, our administration of affairs over those people, whether it be cruelly done or whether it be otherwise, is a violation of the great fundamental principles which underlie a free government and which should be adhered to by a free people. I do not wonder that the Republicans want to dodge the issue. I do not wonder that you want to talk about something else than that which is before you. The great question to be considered is not whether you are going to give up those islands, but whether you are going to do justice to the people in the islands. While I do not want to give them up, because I believe they would fall under the control of some other power very speedily, I should infinitely prefer to give them up to continuing the present system over there, and holding those people in a state of servitude, as they are now being held.

Mr. President, the people of the country have not waked up very much to this question. They will; and when they do, when the party in power hears the voice of the people, it will be rushing to get under cover pretty rapidly. We have criticised your conduct here and you complain of it. You are being criticised all over the country, not by Democrats alone, but you are being criticised by Republicans. I have a large correspondence from Republicans—active Republicans, influential Republicans, national Republicans—saying to me that our course here is the course of patriotism and of wisdom. Men who have sat in this Chamber, men who have filled Cabinet positions under your Administration, more than one of them, are publicly proclaiming the folly and the wickedness of your system over there. They are in absolute accord with you upon every other great question touching our affairs—upon the financial question, upon the question of foreign policy, upon your domestic policy—but they are against you on this question.

You have no right to complain because I, sitting on this side of the Chamber, enter my protest against what every man in this Chamber would have protested against in the fall of 1898 if he had believed it was possible that such a condition should ever come. There was no Senator here who would have dared to have stood on this side of the Chamber and told you that you would be doing what you are doing now. He would have felt that he was insulting you, and would have felt that he was doing that to a greater degree than the rules of this body would allow.

I voted, Mr. President, for the ratification of the treaty, and now I am told on the other side that because I voted for the ratification I am bound to acquiesce in every wicked thing that you do over there; that I ought to have known you were going to do it. Mr. President, the history of that period did not justify any man then in charging you with the atrocities which you are committing now. Your history had not been of that character. Every man had a right to suppose that when we had ratified the treaty and the Government of the United States had control we would do the right thing with those people over there.

Mr. President, I think that the signs of the times are encouraging. My correspondence encourages me. I like to get a Republican letter commending me for what I have said here and condemning you for what you are doing; and I like to see at the bottom of it, because I know then it comes from a man's heart,

where he says, "I have always been a Republican. I went into the party when it was organized. I have never voted anything else, and I expect to vote for it because I expect that you will compel the Republican party to do the right thing before you get through with them."

Mr. President, they have more hopes than I have. They are more optimistic than I am. I do not hope to compel you to do the right thing. I expect that this bill will become a law with all its enormities, with its provisions that ought not to be in it, and provisions left out that ought to be in it.

I have an article here in a Republican paper that I want to read. I will say that within a few days I have come in contact with some pretty leading Republicans in the United States, men who expect to vote your ticket, no matter what you put up, men who expect to vote it no matter what you do, who say the blackest spot upon your escutcheon that ever has been put there is this attempt to maintain a government over 12,000,000 people without their consent.

This is a Republican paper. It is the Washington Post. It has not said much good for this side of the Chamber. When I have read this article I am going to read another from a Republican paper. Day before yesterday, May 7, this is what the Post said:

Administration orators and organs will not succeed in smothering public disapproval of the Philippine scandal by the impudent pretense that such disapproval is equivalent to "abusing the Army." It is evident that this policy has been adopted. The keynote has been struck, and of course the chorus will soon be in full voice. But the expedient will prove a disappointment to its authors. The American people are not fools.

In the first place, nobody has abused or dreams of abusing the United States Army. It may please the apologists of our Philippine policy to reply to specific charges of wickedness and imbecility by reciting the glorious achievements of American arms, from Lexington and Chalmette down to Guasimas and San Juan Hill, but it will please no one else. The subterfuge is too transparent. It has not even the charm of originality or of intellectual merit.

The people here at home who criticise and deplore the Administration's blunders in Luzon, Samar, Mindanao, and others of our new island possessions are perhaps quite as familiar with the courage and devotion of the American soldier as any of the gentlemen now vociferously engaged in reminding them of those high qualities. The men who saw war at Antietam, Missionary Ridge, and Gettysburg are not likely to forget the claims of their compatriots to everlasting honor and renown. There is a species of insolence in this attempt to silence public opinion by appealing to the chronicles of our military exploits in the past. It is as insolent as it would have been some eighteen centuries ago to quote Scipio Africanus in defense of Nero.

Our soldiers are as fine and gallant fellows as carry muskets anywhere in the world. We are proud of them. We hold the Army in gratitude and affection and need no special pleader to speak to us for them. This issue is not to be beclouded by cheap oratory.

Nor is it less absurd for gentlemen on the floors of Congress or in the editorial columns of Government organs to claim that the hostile commentators on our Philippine policy are mere reckless partisans attacking the Republican party for campaign purposes. Such a device might impose upon children under 10—the limit fixed by Gen. Jacob Smith in his order of extermination—but it excites only pity and contempt in the minds of thoughtful men. The Administration should pray to be saved from its champions. The Republican party should repudiate the attempt to identify it with the torture chamber and the shambles. This is a question of fact, not of party politics; it is a question of humanity, of civilization, of common intelligence and mercy, not of the courage and patriotism of the American soldier. The Administration and its policy are on trial, not the troops who endure the perils, the hardships, the death, and the agony of the campaign.

Let no Administration advocate delude himself with the idea that he can obtain respectful recognition as an impassioned defender of the Army. We repeat: The American people are not fools!

Let me say, Mr. President, that nobody can obscure this issue by getting up and referring to the cruelties that happened during the great civil war. Nor can anybody obscure it by referring to the wicked conduct of some officer in some other war either. The Senators who get up and attempt to palliate these cruelties by showing what was done at a certain time, and that if it was not as bad it was nearly as bad, can find a great deal worse cases than they have yet mentioned if they are readers of history. I can cite to them a great number of cases. I need not go further back than the Duke of Alva. I can see that he was more wicked and cruel in some respects than even Jacob Smith, and yet I do not believe that he killed any children of 10 and 12 years of age. I believe he confined himself to fighting men, and not boys of 10 and 12, and women. If you search history you can find plenty of defense, if it is a defense to show that somebody committed atrocities quite as great as these of which we complain.

Mr. President, I have one other extract that I want to read. I know the Republicanism of the Post is sometimes questioned, but I have been a pretty careful reader of it, and if the Administration anywhere, with perhaps one or two exceptions, has a more intelligent defender than the Post, I have not been able to find it. They have been pretty nearly equal to the task of making black appear white and making wrong appear right. They have some able writers down there, but Jacob Smith's order was a little too much for their stomachs, and they expressed themselves in the way I have read.

There is a paper published in New York City that is a Republican paper par excellence. It is absolute heresy on the other side of the Chamber to doubt it, and I speak with knowledge of that paper, which I commenced to read when I was a boy. It is the first newspaper that I ever in my life subscribed for. It was a Whig paper in those days, but it became a Republican paper just as soon as there was a Republican party to which it could go. I refer to the New York Tribune. I know there is no one who will dare to question its Republicanism, so I shall not waste any time on that point. I read from an article published in that paper on the 1st day of the present month. It is as follows:

THE CAMPAIGN IN SAMAR.

Final judgment upon the campaign in Samar or upon the plan of it must await fuller information. At this time, however, it seems fitting to say that a widespread and profound disappointment is felt at the failure of General Smith promptly to repudiate and to refute the astounding charges which were made by some of his subordinates. It was hoped that we should be spared the pain of knowing that a high officer of the United States Army had given a formal order worthy of Pappenheim or Tilly. We all know that "war is hell;" that it sometimes involves dreadful acts of retaliation, and that commanding officers have at times found it expedient, perhaps necessary, tacitly to condone acts committed by their subordinates in excess of the stated rules of conflict. But that a general officer should deliberately issue a formal order such as that which General Smith is charged with having issued in Samar—let it be hoped it will for all time stand unique and solitary upon our military annals.

The issuing of that order seems to be admitted by General Smith and his friends, and to be defended by them upon the grounds partly that it was legitimate and necessary, and partly that it did not fully mean what it said. We can not regard either of these grounds as satisfactory. To devastate a country with fire and sword, to make it a "howling wilderness," to slaughter its inhabitants indiscriminately, noncombatants as well as combatants, women as well as men, is not legitimate. It is not war. War is hell, but it is not that kind of hell. The Japanese did not do so in their war with China, though they had dreadful provocation. Our troops did not do so in our Indian wars, though the provocation there was incomparably greater than any that has been offered in the Philippines. The British did not do so in India, not even after the nameless horrors of Cawnpore. To legitimize such an order now would be to turn back by a century and more the hands upon the dial plate of time.

If such an order was not legitimate, neither can we concede that it was necessary. To say that civilization must fight savagery with equal savagery would be to declare civilization a failure. There is a strong and respectable belief that civilization ought to be able to do something better with even the worst individual criminal than simply to kill him. Certainly it should, it must, be able to do something better with a whole people than to exterminate it. Burke did not know "the method of drawing up an indictment against a whole people." Who shall venture to draw up against a whole people not merely an indictment, but a death warrant? We did not find it necessary to exterminate the Sioux or the Apaches. Neither can we be persuaded that it was necessary for a civilized nation of nearly eighty millions to exterminate, or to menace with extermination, a people of half a million. Strength can and must master weakness by other means than annihilation.

The plea that the order did not mean what it said is not satisfactory. The English language is not ambiguous. It is a pretty direct and explicit vehicle of expression. An order to "kill and burn" does not mean to spare life and property. An order to kill "everybody over 10 years" does not mean to spare women and children. An order to make a country "a howling wilderness" does not mean to leave it habitable by women and children under 10 years of age. As a matter of fact the order was worse than its terms, for the killing of all over 10 years of age meant surely that all under that age would perish, too, of starvation and neglect. Herod was more merciful. He killed only the children, leaving the parents to live. Under General Smith's order the parents were to be killed, leaving the children to die. The exception of those under 10 years was not merciful.

It may be that the order was effective. So was the sacking of Magdeburg. It may be "without General Smith's drastic measures the war there would not be ended yet," though we do not believe it. But even so, it would have been better to have a year or two more of civilized warfare than even a day or two of such a campaign as this order prescribed. We would not anticipate the verdict of the court-martial at Manila or the ultimate disposition of the case by the War Department and by the Commander in Chief of the Army and Navy, but in the name of the American people and of the civilized world it must be hoped that never will supreme sanction and approval be given to universal slaughter as a means of warfare.

Mr. President, I have not any doubt that that Republican newspaper really speaks the sentiment of the great body of the Republican party of this country. I do not believe that they find any excuse for cruelties of this kind.

I could put into the RECORD the denunciations of a great number of newspapers in this country; I could put into the RECORD the open denunciations of a great number of men connected with the Republican organization to-day; I could put into the RECORD, as I said before, the protests and denunciations of more than one man and more than two men who have represented the Republican party in the cabinets of Republican presidents; I could put into the RECORD denunciations of men who have held high positions in the Republican party within my day and within yours, of these cruelties which have been practiced in the Philippines. When we stand here and protest against such things it is no answer to the American people for you to say: "Oh, you are on the Democratic side now." It would not be an answer to say, even if it were true, that I have changed my mind on the question; that I had once been in favor of holding the Philippine Islands, and that I am not now in favor of holding them.

Mr. President, if we can hold the Philippine Islands with honor, with decency, and with advantage to those people and advantage to ourselves—nay, I will put it the other way, and say if we can hold those islands with honor, with decency, and with advantage to those people, and even with injury to ourselves—I am in favor of holding them; but I am not in favor of holding them under the dishonorable conditions we are now holding them. I am not in favor of holding them by denying those people the right to the freedom for which they are fighting. I am not able to bring myself to the point of saying that those people, because they resist our domination, are not capable of self-government.

I am not able to bring myself to the condemnatory point of finding fault with them because they resist the system of government that you dare not to-day tell them what it is; that you dare not to-day say when you intend to close it up; that you dare not say what their ultimate condition is to be, or if you dare to do so, you decline to say it, and leave them in the dark. They have every reason to fear, knowing but little of us, that what the Spaniards did we intend to do; and the President of the United States has said by what we have done they may see what we are going to do. So they may, Mr. President. And if any people under the sun were ever justified in resisting the domination of a foreign power, judging from what that foreign power has done, these people are justified in resisting us.

If their resistance has got to such a state that 10-year-old boys have to be slaughtered because they are soldiers in arms it is time for us to get out of the islands, for we can not stay there with honor and with decency; we can not stay there without deserving and receiving the contempt of mankind under the profession that we have made for the last one hundred years, and that you find no difficulty in making now, but doing one thing and declaring another. You have got to face this proposition and give to those people self-government or declare your determination never to do so. Your military men, your Funstons, and others are proclaiming to the world that those people are never to have a free government of their own. I hope that they are false prophets; and yet I see nothing which, it seems to me, would justify a Filipino in believing that we were to give him what we have declared all mankind are entitled to—the right to command himself and to govern himself and not to be governed by another. Whenever you shall have taken your stand and said, "this is our policy"—which you say you can not afford to do—we shall know where to meet you; but until you do that we have a right to suppose that what you are doing now you intend to continue to do for all time.

A Senator said to me, "We must have peace, and the first thing to do is to get peace." That is what the Englishmen said to us. "The first thing is you must lay down your arms and declare your allegiance to our King, and then we will deal with you as Englishmen ought to deal with Englishmen." We did not lay down our arms, and the Filipino will not lay down his arms. If you trample him out, if you force him to retire to the hills or to take a hypocritical attitude and assert that he is your friend, you will find, when the opportunity arrives, that he is still your enemy.

The declaration that is made day after day that the Filipino does not respond to kindness is denied by every writer who has written in regard to that people previous to the present condition. It is denied by the declaration of men who have lived with them for years and who know them as a race. It is said that they are not the kindliest and the gentlest people in the world. I know that, but they are a liberty-loving people; and if Worcester does not lie, and if many others do not lie, they have qualities which commend them to us and which should endear them to us, and we should stop and consider whether the Almighty has put this burden on us or not.

Mr. President, if we listen to the voice of mercy and kindness and not to the voice of avarice, greed, and ambition, we will answer: "We will not, unless you consent, attempt to lift you to a plane that you say you do not intend to occupy and can not occupy." We will recognize in that way the great republican principle without which no republican government can exist, that the just powers of government are derived from the consent of the governed. I repeat, nobody need longer come here and say we do not apply that principle because those people are incapable of giving consent. I say the testimony is overwhelming that what South Americans, Spaniards, and Portuguese could do these people can do, and do it quite as well; and that we can cite, not only Dewey, but many other American officers who have no hesitation in declaring that the Filipinos were better prepared for self-government than the people of Cuba, where I hope we are within a few days to inaugurate a government of the people, by the people, and for the people.

Mr. RAWLINS. Mr. President, I send to the desk and ask to have read a letter written from Manila on the 12th day of March, 1902, to Mr. William C. Dix, of Merchantville, N. J. It is the voice of a Filipino of prominence. As he undertakes to speak the sentiments and aspirations of his people and is friendly and has been friendly in his attitude toward the Government of the United States, I ask that the latter may be read.

The PRESIDENT pro tempore. The Chair hears no objection, and the Secretary will read as requested.

The Secretary read as follows:

[Copy of translation.]

WAR DEPARTMENT,
PHILIPPINE CIVIL SERVICE BOARD,
Manila, P. I., March 12, 1902.

Mr. WILLIAM C. DIX.

DEAR SIR: I have the honor to acknowledge the receipt of your letters of January of this year. From them I see the course of American politics in relation to these islands sums itself down to the following two expressions:

First. The Republican party, now in power, wishes to administer at a distance of 11,000 miles our local interests, both private and public, giving us as little as possible participation in the same.

The Democratic party, now out of power, also wish to administer, from that immense distance, with the promise of eventual independence. The idea of annexation is completely abandoned. The practical result of this condition is uncertainty of permanence in conditions, because there is no precedent in the history of America which would assure us of a good colonial government at a distance. Moreover, the natural suspicion and lack of confidence of the Filipinos to all colonial systems after having had the experience of the Spanish colonial system will continue latent and will necessarily be very important factors in our mutual relations, and very harmful factors at that, because they will produce obstacles more or less grave to the intentions of the American authorities, producing, in fact, a false, hypocritical, and irritating condition of things. My loyalty to the American people and my deep knowledge of the Filipino problems oblige me to tell the truth in these solemn and serious moments when the bonds of union are being formed between America and the Philippines. For this reason I beg you to allow me to express my reasons for arriving at this sad conclusion.

The Army, also all the American civilians who have come here and who are residing here, have made an active propaganda of the Constitution of the United States. General Otis and General MacArthur have presented to all the provinces more than a thousand copies of the Constitution. The dealers in American books have done the same, as well as the American newspapers. But the most important propaganda has been that of the 825 schoo-lteachers, who have distributed more than 2,000 books, giving the principal ideas of the Constitution. Therefore, the Filipinos, both old and young, know something about said Constitution and consider it a book as sacred as the Holy Bible. Now, then, dear sir, what can I answer my people when they ask me the following questions?

Does the Constitution follow the American flag in these islands? Are we American citizens or not? Sir, I myself am willing to accept the supreme commands of Congress, but I can not answer the same for all my people, who, seeing they are neither American citizens nor enjoy the protection of the Constitution, will be filled with profound sadness and disgust. For all these reasons I beg you, Senator HOAR, Senator LODGE, Congressman COOPER, and all the honorable members of Congress, to kindly take into consideration the above-mentioned reasons for declaring annexation.

My country is passing through a critical and great prostration in view of the uncertainty of the future. This prostration results in a lack of confidence of the people toward us, the leaders, because they see us impotent to draw them out of this uncertain condition. For this reason they even deny us the necessary funds to represent their interests there.

I am not in sufficient good health to withstand the cold of the winter there, and for that reason did not care to go this winter. Some days ago I applied for a permit to leave here on the 1st of April. The acting governor, General Wright, who leaves to-day for the southern provinces, asked me to await his return, and I fancy he does not feel much like granting the permit. This causes me great sadness, because it deprives me from aiding there all the good Americans who love the Philippines in their endeavors to bring about annexation (constitutional) as the only certain and durable bond of union between America and the Phillppines.

I wish to conclude, dear sir, summarizing the situation. Here, a Filipino people very anxious for annexation under the Constitution, with a territorial form of government.

There a Congress who refuses annexation, producing in our loyal and sincerely American mind a feeling of terrible anxiety, because we feel that outside of your Constitution there is nothing left but the judgment of humanity and its accompanying uncertainty.

May God, in whose hands is the final disposition of the destinies of the world, illumine the American Congress, so that it may be just in its disposition of the Philippines.

May God also keep you and all the lovers of the Filipinos in good health, and especially our President, Mr. Roosevelt, and you may count on my eternal gratitude.

Respectfully, yours,

FELIPE BUENCAMINO.

ANNA ELIZA ISABELLA VON HEMERT.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert; a short bill, which was unanimously reported by the Committee on the District of Columbia and unanimously recommended by the Commissioners of the District of Columbia.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioners of the District of Columbia to pay to Anna Eliza Isabella Von Hemert $5,167.05, in refundment of the money inadvertently paid by her for the discharge of the special assessment against the Walton W. Evans tract of land, represented by lien certificates Nos. 8 and 38 of the series issued for the cost of improvements upon the street connecting Columbia road with Connecticut avenue extended and thence along said avenue to the District line, which certificates have been declared by the supreme court of the District of Columbia to have been illegally issued; and appropriates the aforesaid sum of money, one-half of which is to be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK IN OREGON.

Mr. MITCHELL. I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of House bill No. 4393, which is very short.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4393) reserving from

the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc. It provides that the tract of land bounded north by the parallel 43° 4′ north latitude, south by 42° 48′ north latitude, east by the meridian 122° west longitude, and west by the meridian 122° 16′ west longitude, having an area of 249 square miles, in the State of Oregon, and including Crater Lake, shall be reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM PERSONS.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 5467) to remove the charge of desertion against William Persons.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That William Persons, late of Company I, Second Regiment Wisconsin Cavalry Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service in said company and regiment on March 24, 1862: *Provided*, That no pay, bounty, or other emoluments shall accrue to him by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William Persons."

WAGON AND FOOT BRIDGE AT LITTLE FALLS, MINN.

Mr. CLAPP. I ask unanimous consent for the immediate consideration of the bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was in section 2, on page 2, line 3, after the word "plans," to strike out "and specifications;" and in line 6, after the name "Little Falls," to strike out "and approved by the Secretary of War;" so as to make the section read:

SEC. 2. That the said bridge authorized to be constructed under this act shall be built and constructed upon plans to be approved by the Secretary of War, and shall be subject to the free use of the public under such rules and regulations as may be prescribed by the city of Little Falls.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That said bridge constructed and maintained under this act shall be a lawful structure and shall be known and recognized as a public highway and post route, and the United States shall have the free right of way over said bridge for postal, telegraph, and telephone purposes.

And in lieu thereof to insert:

SEC. 3. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the road or roads leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and all changes in said bridge required by the Secretary of War at any time, or its entire removal, shall be at the expense of the corporation owning or operating said bridge.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert as a new section the following:

SEC. 5. That this act shall be null and void unless the bridge authorized is commenced within one year and completed within three years from the date of approval thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, May 10, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1902.

SECRETARY OF EMBASSY.

Montgomery Schuyler, jr., of New York, to be second secretary of the embassy of the United States at St. Petersburg, Russia, vice Edwin V. Morgan, resigned.

COMMISSIONER OF PENSIONS.

Eugene F. Ware, of Kansas, to be Commissioner of Pensions, vice H. Clay Evans, resigned.

RECEIVER OF PUBLIC MONEYS.

John Nelson, of Wahpeton, N. Dak., to be receiver of public moneys at Grand Forks, N. Dak., vice Christian L. Lindstrom, term expired.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Maj. John W. Pullman, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, May 5, 1902, vice Bird, appointed brigadier-general, United States Army.

Capt. Carroll A. Devol, quartermaster, to be quartermaster with the rank of major, May 5, 1902, vice Pullman, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1902.

POSTMASTERS.

William Smith, to be postmaster at Galena, in the county of Cherokee and State of Kansas.

George A. Watts, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa.

Stephen A. Noyes, to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado.

Augustus M. Bearse, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts.

Benjamin F. Brooks, to be postmaster at Barre, in the county of Worcester and State of Massachusetts.

George Downes, to be postmaster at Calais, in the county of Washington and State of Maine.

William H. Haughawout, to be postmaster at Webb City, in the county of Jasper and State of Missouri.

William W. Arnold, to be postmaster at Fulton, in the county of Callaway and State of Missouri.

Joseph M. Phelps, to be postmaster at Centralia, in the county of Boone and State of Missouri.

Peter J. Schwartz, to be postmaster at Shakopee, in the county of Scott and State of Minnesota.

Kee Wakefield, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota.

George Metzger, to be postmaster at Davenport, in the county of Scott and State of Iowa.

George Manville, to be postmaster at Wathena, in the county of Doniphan and State of Kansas.

Lincoln Hall, to be postmaster at Burt, in the county of Kossuth and State of Iowa.

Amund Dahl, to be postmaster at Bird Island, in the county of Renville and State of Minnesota.

Minnie A. Benton, to be postmaster at Saxtons River, in the county of Windham and State of Vermont.

Thomas D. Bloys, to be postmaster at Honey Grove, in the county of Fannin and State of Texas.

William P. Giessing, to be postmaster at Desloge, in the county of St. Francois and State of Missouri.

Executive nominations confirmed by the Senate May 9, 1902.

CONSUL-GENERAL.

H. Clay Evans, of Tennessee, to be consul-general of the United States at London, England.

COMMISSIONER-GENERAL OF IMMIGRATION.

Frank P. Sargent, of Illinois, to be Commissioner-General of Immigration.

COLLECTOR OF CUSTOMS.

John H. Deveaux, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia.

POSTMASTERS.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia.

William R. O'Neal, to be postmaster at Orlando, in the county of Orange and State of Florida.

Hiram A. Huse, to be postmaster at Bath, in the county of Sagadahoc and State of Maine.

Frank G. Atherton, to be postmaster at Osage, in the county of Mitchell and State of Iowa.

Martin K. Whelan, to be postmaster at Estherville, in the county of Emmet and State of Iowa.

William R. Hall, to be postmaster at Maynard, in the county of Middlesex and State of Massachusetts.

Frederick B. Horne, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts.

W. O. Fuller, jr., to be postmaster at Rockland, in the county of Knox and State of Maine.

Osmon B. Warren, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire.

John T. Welch, to be postmaster at Dover, in the county of Strafford and State of New Hampshire.

William Parsons, to be postmaster at Rockport, in the county of Essex and State of Massachusetts.

Denny K. Jewell, to be postmaster at Hallowell, in the county of Kennebec and State of Maine.

Hardy C. Fryer, to be postmaster at Blakely, in the county of Early and State of Georgia.

Horace French, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire.

Luther H. Morrill, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire.

Lewis H. Baldwin, to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire.

Ellsworth F. Pike, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire.

Henry C. Minnie, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan.

John D. Smead, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan.

Charles W. Siglinger, to be postmaster at Webster, in the county of Day and State of South Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 9, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATE AMENDMENTS CONCURRED IN.

The SPEAKER laid before the House amendments of the Senate to House bills of the following titles; which were respectively read, and, on motion of Mr. BROMWELL, concurred in:

A bill (H. R. 8007) granting an increase of pension to James W. Lewis;

A bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin; and

A bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar.

DIPLOMATIC AND CONSULAR SERVICE OF CUBA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service of the republic of Cuba; which were read.

Mr. HITT. Mr. Speaker, I ask that this bill be permitted to lie on the table for a time, so that we may see whether we can agree without a conference.

The SPEAKER. Without objection, that will be done.

There was no objection.

ADMISSION OF OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. KNOX. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HEMENWAY in the chair) and resumed the consideration of House bill 12543.

The CHAIRMAN. The pending question is upon an amendment offered yesterday by the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. I ask that the amendment which I proposed just before the committee rose last evening be now read.

The Clerk read as follows:

Strike out section 19 and insert in lieu thereof the following:

"SEC. 19. The inhabitants of all that part of the area of the United States now constituting the Territories of New Mexico and Arizona as at present described may become a State under the name of Montezuma, or such name as may be finally determined by the convention to be elected under this act."

Mr. OVERSTREET. Mr. Chairman, the purpose of this amendment is to consolidate the two Territories of Arizona and New Mexico and admit them as one State. The amendment is offered with the view of benefiting the people of those two Territories, as well as bringing them into the Union upon such a basis as will make their representation in Congress bear some fair relation to their population. The actual population of the two Territories of Arizona and New Mexico is to-day, as shown by the census report, more than 100,000 less than that of the Territory of Oklahoma. The aggregate area of Arizona and New Mexico is less than the area of the State of Texas. It seems to me, therefore, that the consolidation of these two Territories and their admission as one State will give us a State with a population in proportion to the area of the State, and will still leave that State on a fair basis with respect to the other States of the Union.

I believe, Mr. Chairman, that a mistake which an earlier Congress may have made by the admission of a State with a small population, with the possibility of that population lessening, will not justify a mistake of similar kind by this Congress. The State of Texas, under the authority granted at the time of her annexation, would be permitted to-day to divide her territory into five States, giving her ten instead of two Senators, and yet the people of that great State, appreciating the power of a great State rather than to reduce their power by five separate divisions, have never intimated their intention to carry out the authority in the terms of the annexation.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman permit an interruption?

Mr. OVERSTREET. Yes.

Mr. STEPHENS of Texas. I admit you are correct in the division of the State of Texas, because we have no natural barriers there to separate the State, and no man in Texas would be in favor of dividing it. We are all proud of the State, we are proud of its size and condition; but there is a natural barrier between Arizona and New Mexico in this, that the Rocky Mountains form two different, separate territories, and that the one watershed has a center of population in Arizona hundreds of miles away from the center of population in New Mexico, and there is no place where a capital could be located that would be convenient to both of those peoples.

Mr. OVERSTREET. The gentleman has given evidence in support of the proposition which I was about to express, which was that there would not be a voice raised to-day in the State of Texas favoring her division, and I believe faithfully, Mr. Chairman, that if the people of the two Territories of Arizona and New Mexico could follow the example of the people of Texas and within ten years be given an opportunity to express themselves they, too, would refuse a division of their territory. The area of these two Territories contains more waste land, untillable land, than the State of Texas to-day contains. The Territory of Arizona was, until within recent years, a part of the Territory of New Mexico. Gentlemen object to such consolidation on account of the mountainous conditions, and yet there are States, like the State of Washington, which are already divided by that same mountain range.

Gentlemen further complain that it would require distant travel to the courts, and to the seats of government. That same travel will be necessary if the two Territories are given two distinct separate governments. The courts go to the people and not the people to the courts, and if you have one State instead of two carved out of this area, the courts would still be established in those localities where the business of the people justified their creation. If two State governments are to be maintained by these people the expenses alone incident to their cost would justify the consolidation, so as to eliminate one-half of those expenses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Indiana be extended five minutes. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, the same advantages which will be granted to the people themselves by two separate State governments would still be enjoyed by the people under one State government. We are carrying out every pledge that either party has ever made in giving to these people the privilege of home rule and of self-government under the rules governing State organizations. There is not an advantage which has been enumerated by the most enthusiastic friends of this measure which they will not enjoy under this proposed amendment. They will escape the disadvantages of increased expenses, and enjoy the same advantages under one form as under two distinct forms of statehood. The only additional plea which any man can suggest is that it doubles the number of offices to be held by her citizens.

The people who will pay the taxes and discharge the obligations of their State are not to be denied the right of reduction of those expenses under fair and favorable conditions. I repeat, Mr. Chairman, that the total population of these two Territories will not make a State any larger in population than is necessary to carry on the internal improvements which they will enjoy. It is fair to say that the distribution of the burden of the obligations of the two Territories should be equitably adjusted, but that is a

detail of legislation which can easily be carried out. If, therefore, Mr. Chairman, you will take into account the real interests of the people of these two Territories, looking at it from a plain business standpoint, surrounded by the circumstances under which States are ordinarily admitted, you will be forced to the conclusion that the consolidation of these two Territories into one State is the wise thing to do. [Applause.]

Mr. BALL of Texas. Mr. Chairman, the gentleman from Indiana [Mr. OVERSTREET], while he is a devotee of sound money, is not, evidently, an advocate of sound politics. As I understand, all the political parties, especially the two great political parties—the Republican and Democratic—in their national platforms have promised statehood to the Territories of Oklahoma, New Mexico, and Arizona. The gentleman from Indiana now announces the novel proposition of combining two of these Territories and admitting them as one State.

The gentleman from Indiana [Mr. OVERSTREET] has had a great deal to say about the bad faith of redeeming our obligations in 50-cent dollars; but doubtless he thinks that to keep a Republican platform promise at 50 cents on the dollar is more than ought to be reasonably expected of his party.

Mr. Chairman, I am in favor of the admission of all these Territories as States. They have sufficient area, their population justifies it, the character of their citizenship warrants it, and the standard of representation they have always had upon the floor of this House justifies us in saying that the best interests of our country and the general welfare of all the people will not be menaced by giving statehood to these Territories.

A great deal has been said about the injustice to great States like New York, Pennsylvania, and Texas as the result when these Territories, with comparatively limited populations, are admitted to equal voice and equal vote upon the floor of the United States Senate. But, Mr. Chairman, in my judgment, the country will not suffer by the infusion of the hardihood, patriotism, and the manhood that will come from those Territories to the Senate of the United States when we have admitted them as States. The country west of the Mississippi has never suffered by comparison of its Senators with the representatives upon the floor of the United States Senate coming from the great populous States of the East. It is true that this Western territory has never resurrected from the crustacean period and sent to the Senate a creature of the corporations to perpetrate stale jokes upon the members of that body when no longer adapted to banquet halls and when age is a barrier to activity as a lobbyist and late hours.

No man has come through the "providential" route into the United States Senate from States carved from the Territories in the West. No Western State, however small, has representation in the Senate inferior to the States of New York, Pennsylvania, and New Jersey. Gentlemen lose sight of the fact that it is not a question of pro rata population when representation in the Senate is considered. The preservation and protection of the sovereignty of the States was the consideration which prompted the "fathers of the Republic" to give to little Rhode Island and to Delaware equal representation in the Senate with the greatest and most populous Commonwealths. Delaware, to her credit, refuses to accept the methods by which some of the States have elected Senators, but prefers to be unrepresented upon the floor of the Senate rather than to have Senators elected in the manner that has characterized some of the greater and more powerful States. Six Senators will come from these Territories as the representatives of the sovereignty of their States, and there can come no harm to this country in having the body at the other end of the Capitol swelled by an infusion of the manhood and patriotism that come from beyond the Mississippi River. The standard may be raised there; it can not be lowered. Texas is not jealous for fear her importance will suffer by giving statehood and Senatorships to the Territories. Texas does not choose to divide herself up, because her history is common to us all, and we glory in a patriotic citizenship having common interests and harmonious relationships.

Texas was a republic before she sought entrance into the sisterhood of States. Our public domain and common-school funds are a joint heritage, and as the years go by and population justifies, we are satisfied to have the advantage upon the floor of this House that comes from a large membership, such as the States of New York and Pennsylvania have; and so far as we are concerned, we are not afraid to give New Mexico and Arizona and Oklahoma the right of statehood, no matter what the politics of their Senators may be. Capital will then go there and develop their resources, and their citizenship will realize the fulfillment of long-delayed promises. In violation of the treaty obligations of the United States when the Territories were acquired, they have been kept from the statehood to which they have long been entitled and which the political parties of this country have promised them time and again. I know that, so far as the gentlemen upon this side of the Chamber are concerned, we believe in keeping our promises that we make to the people. The Democratic party stands here ready to carry out that platform promise, and pledged to give its solid vote for the admission of these three Territories as three sovereign States, and we are not going to put them off with Trojan horses, such as the gentleman from Indiana offers because he is not in favor of statehood for those Territories; and it would be more manly if they would all adopt the frankness of the gentleman from Ohio [Mr. GROSVENOR], who opposes the bill because he is afraid that perhaps some of the new States may go against his political party, and therefore he is against their admission.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I am heartily in favor of the admission of the region covered by New Mexico and Arizona into the American Union as a State. I think they should constitute one State, but would vote for the two States if the bill can not be so amended. They have had the tutelage of Territorial government long enough. Both political parties have in their platforms pledged themselves to the admission of these Territories; but the question as to how it shall be done is a matter for Congress to decide upon, and the proposition of the gentleman from Indiana [Mr. OVERSTREET] is more in the interest of Arizona than the original bill as reported by the committee. Take the State of Texas, for example. In order to admit Texas into the Union in 1845 the pledge had to be given to permit her division into five States; and yet to-day there is not a man, woman, or child in Texas who would consent to the setting apart of a single additional State out of that vast area. Texas has 30,000 square miles more territory than New Mexico and Arizona combined—235,600 square miles in both Territories, as against 265,780 square miles in Texas.

New Mexico and Arizona had to be divided into two Territories for governmental purposes when there were no railways, when they were inaccessible to each other. To-day those two Territories are closer together and more conveniently accessible than the different parts of the small State of Connecticut were when, in the days of slow transit, that State was constituted a part of the Union. You can now go from one corner of New Mexico to the opposite corner of Arizona in a few hours. It is said that the Territories are separated by mountain ranges. The mountains do not divide those Territories, but rather they unite them. They are not in the way. The railways open up and intersect the entire country, making it easily and speedily accessible to all. We had the same question years ago in regard to the capital of the nation. It was argued that it must move west in order to be near the center, but the railroads have destroyed distance and made time no longer a serious matter in going from the confines of our land to the nation's capital. So the railroads have annihilated time and space in New Mexico and Arizona.

They tell us that Arizona is ready for separate admission. There are only 98,287 white people in Arizona, according to the census of 1900, and 24,644 Indians untaxed. The Indians are not an asset; they are a liability. Take the entire population of Arizona and New Mexico, and leaving out the Indians not taxed, they lack 5,000 of having as many people as there are in the city of Milwaukee. Who would think of giving to Milwaukee four United States Senators? The proposition now is to give Arizona two Senators. The gentleman from Texas [Mr. BALL] cites Delaware as an example. Yes; look at Delaware! You must ask the proprietor of the gas works whether Delaware can be represented in the Senate at all. That is a striking instance of the disadvantages of a small State, a State about which Senator Ingalls once said at low tide it had three counties and at high tide it had only two. [Laughter.] Now, we do not want any more of these little boroughs that a couple of corporations will divide between them into two Senatorial districts, but give us New Mexico and Arizona together, and let them be made into a State and elect the present Delegates as Senators and they would make a magnificent pair.

Mr. RODEY. To draw to. [Laughter.]

Mr. LACEY. The gentleman says "to draw to." [Laughter.] I do not know exactly what he means by that [laughter]; but gentlemen know that the people out there would have no need of additional Senators if they should have these two. Then we would have a really splendid State. You must remember that they have a great deal of "area" and not enough land in Arizona and New Mexico. Much of it does not rise to the dignity of being called land. I have frequently visited both Territories. I went through Arizona the first time some years ago, and when I looked out of the car windows while we were going through the worst part of that Territory I said to an Arizonian behind me: "My friend, what did God make this country for?" He replied: "Stranger, that is where you are off. God Almighty didn't never make no such a blankety blank country as this." [Laughter.] But another sitting behind me said: "There is where you are mistaken. God did make this country. This country was necessary in order to hold the world together. It had to be here, and if it had not been made the world would have broken in two at this place." [Laughter.] That was a legitimate illustration

of the condition of the waste parts of Arizona; and yet Arizona has some places that are so fair to look upon that paradise itself would scarcely be an improvement. Arizona has some rich land and the most delightful climate the lungs of man ever inhaled. It has a vast area. Area is what is the matter with it. That is not an element of strength. The gentleman from Arizona tells us that there are 75,000 settlers so scattered out in that Territory that they could not be found by the census enumerators.

Joaquin Miller, a lover of Arizona, pictured some of the desolate regions to which I refer:

How broken plunged the steep descent!
How barren! Desolate and rent
By earthquake shock, the land lay dead,
Like some proud king in old time slain,
An ugly skeleton, it gleamed
In burning sands. The fiery rain
Of fierce volcanoes here had sown
Its ashes burnt and black and seamed
With thunder strokes and strewn
With cinders.

In his graphic way he describes old ruins of prehistoric ages on the shores of extinct seas:

Of ruins older than the East
That time had eaten, as a bone
Is eaten by some savage beast.

It is the great area of land that may not be irrigated that must in future hinder the growth of this vast region, and we must look at the facts as they really are in carving a new and sovereign State out of this territory. The fertile and irrigable valleys will be occupied. The minerals will give employment to many miners; the arid grazing land will furnish food for many cattle, horses, and sheep. But it is a mistake to assume that these dry and elevated regions will be populated like Oklahoma. The population of necessity must always be widely scattered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. I ask unanimous consent that the time of the gentleman may be extended for five minutes; but I wish to be permitted to state that I was admonished by the Speaker that we were trespassing upon the time of the Pensions Committees, and so far as possible it is our desire to have a vote upon this bill as early as we can. If I had the time, I would be glad to extend the time unlimited for debate, but in this instance I will ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Now, Mr. Chairman, this proposition is in the interest of Arizona. It is for the good of Arizona more than it is in the interest of anybody else. Arizona is now readily accessible to New Mexico. The two were formerly associated together as one Territory. They do not have the population to-day sufficient to make it desirable to erect them into two States. They have population enough for one. To admit Arizona now into the Union as a single State, the population is too small and the expenses of the State government will fall too heavily upon her. The same thing is true as to New Mexico, although not in so great a degree. There are no politics in this proposition. One of these Territories is Democratic and the other is Republican. And, indeed, it will be an even question as to which of the old political parties will control the single State. If Arizona is not taken care of in the present bill, it stands here as a constant menace to the Senate of the United States, demanding two Senators with only about a hundred thousand people. In this proposition neither New Mexico or Arizona is named, and the name of New Mexico is dropped. They want to get rid of the word "Mexico," and Arizona would be glad to get rid of the word "Arizona," because it means a "dry zone or place."

Mr. SMITH of Arizona. Where did you get all that?

Mr. LACEY. By long association with my friend from Arizona. The word "Arizona" as a name is a bad advertisement. You get rid of the word "Mexico" on the one hand and "Arizona" on the other and bring in a grand, splendid State of "Montezuma," one that would be a good companion piece to her next-door neighbor, the great State of Texas, instead of having slenderly populated boroughs, where capital could select and make United States Senators; in which you would have a single State great enough and strong enough to become a potent factor in the affairs of the nation.

I know that my friend here [Mr. SMITH of Arizona] would prefer a division. His personal ambition may be gratified, and if the State is admitted into the Union it will be and ought to be gratified, for a more able gentleman in the Territory could not be found to represent it. [Applause.] But it does not necessarily follow, as much as we love him, that we should, for all time to come, have another Nevada in the American Union, a Nevada that was admitted full of promises and hopes, and yet to-day it has only 42,000 people and they have one Congressman and two Senators in the United States, able and estimable gentlemen, I grant you, but what and whom do they represent? Area! Aridity! Area! One hundred and ten thousand seven hundred square miles of area and aridity. It should not be a question of mere area. When you admit a large area of country you must take into consideration what are the future capabilities of that area, and that it is an element of weakness in this proposition in making two States out of these two countries.

Mr. ROBINSON of Indiana. Does the gentleman wish to go on record that New Mexico and Oklahoma will ever become States in the condition of Nevada?

Mr. LACEY. I think and hope not; but we ought to take due care that we do not make that mistake again. This State, composed of two Territories, would make a powerful and splendid State, and these gentlemen should not be here apologizing and claiming that in each proposed State there were 75,000 people who were not enumerated, because they were so badly scattered that they could not be found by the census takers. That is the explanation made as to the small population of these two Territories. They say there are many more people in them, but they were so widely scattered that the census takers could not find them at 3 cents apiece. At $3 apiece they could not find many more.

Mr. Chairman, here we have a plain proposition in the interest of both of these Territories, to lighten the burdens of statehood by allowing one State instead of two. They have the whole country gridironed with railways.

Mr. LANDIS. Will the gentleman allow me an interruption?

Mr. LACEY. Yes.

Mr. LANDIS. The gentleman speaks of the omission in taking the census in Arizona and New Mexico. Does not the gentleman from Iowa know that the enumerators were paid $5 a day there instead of 3 cents apiece?

Mr. LACEY. I was not aware of that fact, but even at $5 a day a man could not afford to carry his supplies with him in some parts of that country and beat about the bush in search of population. It is not to be wondered at that many escaped the census taker. I have no doubt the figures are somewhat inadequate, but the fact remains that the area we have heard so much about is the worst thing that we have to contend with. There is too much barren area and too little population. They would conserve their own best interests by coming in as a single State. The new State of Montezuma would only have about 50 per cent more area than California or Montana. Montezuma would have 235,600 square miles; Montana has 146,080 and California 158,360 square miles. Colorado has 103,925 square miles, Oregon 96,030, Nevada 110,700, and Wyoming 97,890.

Let us provide for a strong and wealthy State instead of two feeble ones. Let us profit by the mistakes in this respect made in the past. [Applause.]

Mr. RODEY. Mr. Chairman, the Territories of New Mexico and Arizona ought to know more about what they want than the gentleman from Indiana and the gentleman from Iowa. The Delegates from these two Territories ought to know better what the people of these two Territories want than do the gentlemen named. We ought also to know the topography of the country, and the conditions there. With the permission of the House I will state some of them. We also ought to know the sentiments of the people on this question.

Arizona does not want to be joined to New Mexico. It has forty years of its own history behind it; it has its own county debts; it has its own municipal debts; it has its own Territorial debt. It has an area as large as New York and New England combined, and you can throw New Jersey in when sizing up to the area of New Mexico.

The surface ground of New Mexico is more like the State of Colorado, only it has more fertile valleys in it. It is not the class of country that the gentleman from Iowa has referred to. When people go out over that country, they, like the gentleman from Iowa, go over the northern end of Arizona, and see the worst end of it. They never look down into the vast green valley where Phoenix is situated, the like of which can not be found in the Union. When they travel over New Mexico they see only a glimpse; they never go down to the valley of the Rio Grande; they never go down into the valley of the Pecos, where there are tracts as large as any Eastern State that is splendid farming ground, but, because, forsooth, they have traveled over the arid portion in one corner of the Territory they say: "Oh, it is a desert."

Why we have timber tracts in New Mexico bigger than some of the States. Now, New Mexico does not want to be tied to Arizona, and its people are opposed to this amendment. We would never adopt a constitution under such a bill. We have fifty-six years of American history behind us in New Mexico, and one hundred and fifty years of history before that, during which the Territory was not disfranchised either. We do not want to be tied to Arizona, with the Rocky Mountains between us. Arizona is on the Pacific slope, New Mexico is on the Atlantic

slope of the continent. We admit that it is easier to travel in these Territories now than in former times, as stated by the gentleman from Iowa, but it takes twelve or fifteen hours of railroad travel to get to the capital of either Territory from most parts, and days from other parts.

You gentlemen living in New England can go in a night from this capital to your homes in your district, but in New Mexico to travel to the capital of Arizona you can not do it in much less than thirty-six hours, even now, because there is only one railroad through that region either way—the Santa Fe Pacific on the north and the Southern Pacific on the south. In going from one of these Territories to the other, from New Mexico to Arizona, you must either go via Prescott Junction or the other way, from Maricopa clear around by Deming. Either way it is a great distance from one Territory to the other. The conveniences for making the transit are scarcely more now than they were in 1863, when Arizona was cut off from New Mexico. It is utterly impossible to have convenient communication between them; at least it is so now.

Gentlemen tell us about the census of New Mexico and Arizona. I have tried to make that matter plain to this House. I have shown that the census was not correctly taken either in New Mexico or Arizona. The gentleman from Iowa admits there are errors to a small extent; that there are perhaps a few more people there than the census shows. I contend that there are nearly twice as many people in New Mexico as are shown by the census. As I stated on this floor the other day, the last report from the registration of voters, two years ago now, showed 60,000 registered voters, and a recent school census shows 70,000 pupils enrolled in the public schools. Yet they give us only 195,000 people in the census books. Why, sir, the parents of those 70,000 pupils if they had but one child per family would number about 140,000, making, with the pupils themselves, 210,000 people. The rule that you can count five people to one voter, I state from personal knowledge, is as true in New Mexico as anywhere. Such facts as that prove our contentions.

To this bill the gentleman from Indiana [Mr. OVERSTREET] proposes to tack this amendment. Surely he has never looked at the bill or he would not make such a proposition. Adopt this amendment and you kill the whole bill then and there. It is not adapted to any such amendment. It contains any number of sections that have no application to any such a proposition, If such an amendment were adopted, you would have to remodel the whole bill from beginning to end. Surely the gentleman has never read the bill or he would not have attempted to secure the adoption of such an amendment—an amendment the only effect of which must be to kill the bill; nothing else. That must be the object of the gentleman.

Gentlemen talk of the great State that the adoption of this proposition is to make out of us. Why, sir, there are in the United States Senate to-day gentlemen with whom I have had communication within a year past with reference to this measure and who advocate strenuously the proposition to divide New Mexico into two States and Arizona into two more, and they will urge that proposition when this bill goes over there. That is their project, to make two States out of each of these Territories instead of one out of the two.

The continental divide runs between New Mexico and Arizona, north and south. There is nothing in common between the people of the two Territories save their splendid Western spirit of enterprise. Such a provision as the gentleman from Indiana proposes would mix the conditions of these people in such a manner that they never could extricate themselves. I repeat, the adoption of the amendment would kill the bill. That is all there is about it, and I ask every friend of the measure on this floor to vote against it.

[Here the hammer fell.]

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

Mr. OVERSTREET. Mr. Chairman, I wish just a word, and then I am ready for a vote. I shall not allow myself to be led astray by the gentlemen who have preceded me in undertaking to impugn my motives in the proposition I have suggested. This amendment has been offered by me in absolutely good faith. I shall not take up the time of the committee to try to defend my motive. It is not argument for gentlemen to charge insidious effort to defeat a measure; it is not argument to state we can not perfect this bill if this amendment should prevail. I have examined this bill very carefully, and in my four terms of experience I have had something to do with the drafting of laws; and I undertake to say in all fairness and belief that I am ready to put the statement to the proof that this measure, from the nineteenth section to its conclusion, can be amalgamated and whipped into shape after the passage of this amendment within less than an hour's time additional to that which would be required if you only read the bill and put it upon its passage. It is not a difficult matter to amalgamate the different sections of the measure relative to these two Territories, and therefore that is not a serious nor an important criticism.

Gentlemen talk about the census not recording the number of their inhabitants. I have never heard of a community yet which has been entirely satisfied with the census returns concerning its own population, from the smallest hamlet in the country to an entire State. There always is a criticism that they have not been given all the credit which their population deserves. Now, Mr. Chairman, it is not an argument that there are distances in that section of the country. Those distances were there before these two Delegates moved to those Territories, and they will be there after these people are given statehood. Distances will not he changed by any law which we may make. I put the plea upon the basis that it is better for those people that they eliminate the double expense incident to two forms of statehood and that they take example from the great empire of Texas, which comes into this Union with more power by far than five States would bring if she should divide herself, as her constitution now prescribes.

Mr. Chairman, the very fact that we, undertaking in a fair way to give to these people what they are entitled to, notwithstanding the imputation of gentlemen that we are not meeting the pledges that we have made, to my mind is sufficient argument and reason why this amendment should prevail. It is not the States nor the Territories that your bill seeks to aid; it is the inhabitants of those sections which we seek to benefit by granting the right of statehood; it is the people of that section of our Government whom we propose to accommodate in the pledges of both parties to give them statehood. I have no intention to oppose this bill. It shall receive my support, but this amendment would leave it in a more perfect condition to the people of the two Territories. We shall not undertake to question the motives of these gentlemen who are insisting for two States, and it is unfair and unbecoming in them to impugn the motives of those of us on this side of the Chamber and some upon that who really believe that it will be an improvement upon the Government and upon the flag that these people come into this Union united into one State rather than to be divided into two.

Mr. STEPHENS of Texas. Will the gentleman yield to a question?

Mr. OVERSTREET. Yes.

Mr. STEPHENS of Texas. Does the gentleman think that the State of North Carolina and the State of Tennessee could be joined together without question, on account of the mountain range?

Mr. OVERSTREET. That is past. It could have been done. It can not now.

Mr. STEPHENS of Texas. Where would have been the capital, on the Atlantic coast or in the Mississippi Valley?

Mr. OVERSTREET. The question of capital is always one people interest themselves in. I am speaking for those people, and not for the prospective Senators or sites for capitals. The capital of Arizona, which she has builded, and that of New Mexico, which she has constructed, will be of material use in the arrangement of the new State for their State institutions.

Mr. KNOX. Mr. Chairman, I agreed with the distinguished gentleman from Indiana [Mr. OVERSTREET], who presented this amendment, that he should have the time that has been given him, and after a very few words to the committee I shall ask for a vote. I submit to the Republican side that here is this important proposition to consolidate two of our largest Territories, to take away the name of Arizona, to wipe that Territory from the map after a generation of existence as a Territory, set off from New Mexico by Congress upon solemn consideration more than a generation ago. During that time the people of Arizona have fought battles with the most savage tribes upon this continent; they have founded homes there; they have built institutions of learning; they have, architecturally, the most elegant statehouse at Phœnix that there is in the country; they have learned to take pride in the name of Arizona, and the people of New Mexico have learned to take pride in that name.

Now, I submit to every man upon this floor, is it fair to those people to take away their name, to wipe out their history, to join one with another without giving them a chance to be heard? This matter of statehood for these Territories has been pending and talked about here in Congress ever since last December. The gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Iowa [Mr. LACEY] have never intimated to the committee that there was to be any propositition to unite these Territories. They have never given us a chance to hear the matter. They have never given us a chance to frame a bill for it. They come in here within two days with a proposition so radical that, while I do not charge for a moment that the gentleman from Indiana would offer an amendment for the purpose of destroying the bill, because I know him too well and I have too high a respect for him to believe that, yet the effect of the amendment must, it seems to me, be to defeat the bill.

Now, there is continual talk, and the gentleman from Iowa

[Mr. LACEY] has made a continual talk about Democratic Senators from Arizona and New Mexico. Such a course as this, if anything, would make Democracy triumphant forever in those Territories. [Applause.] Are you to say to the Republicans of Arizona and New Mexico, who have fought the battle of Republicanism in those two Territories and sent two Republican Delegates to this Congress, when they come here and ask for statehood, "You shall not have statehood and you shall not keep your Territory; we will wipe you off the map." Is that a fair return when they come asking bread? Oh, do justice to Arizona; do justice to New Mexico. If you can not give them statehood, then refuse it in a direct way. I agree that there are men in this House who oppose statehood for these Territories, and I respect their opinion; but the way to express that opinion is by voting against this bill, by voting against some one feature of it, by voting against Arizona, by voting against New Mexico. I agree there are two sides to this question, and I entertain the highest respect for the men who do not believe that the present is the time when these two Territories should come in; but do justice. Do not wipe the two Territories off the map simply because you do not wish to give them a State form of government.

Now, the people of Arizona and the people of New Mexico are entitled to some hearing. How is their voice expressed in this Congress? By two Delegates. Are we not bound to believe that they express the opinion of the people there when they say that the question of the uniting of these two States has never even been discussed there? There are a hundred daily publications in those Territories, all asking for statehood. In no single one of them has the project ever been broached of uniting the two into one State. Why, when this thing was started, about two days ago, my friend from Indiana [Mr. OVERSTREET] wished to get a caucus of the Republican party and then a conference. Some say the conference was held. Some say it was not. I do not know. I was not invited, but the result came about in suggesting Montezuma.

Mr. LIVINGSTON. Mr. Chairman, I ask that all debate on this amendment be closed.

Mr. KNOX. I ask for one minute more.

The CHAIRMAN. Does the gentleman from Georgia insist on his motion?

Mr. LIVINGSTON. No.

Mr. KNOX. Now, that ancient and romantic ruler of the Aztec race has been resurrected from his grave where he has rested for centuries, and it is proposed that the attraction of his history and his name shall be the means of depriving these two Territories of the boon of statehood.

It does seem to me, Mr. Chairman, that it offers no solution of the difficulty whatever to say that there will be too great a representation in the Senate from these two Territories. Now, we make a great mistake in talking about the increased representation in the Senate. Gentlemen seem to suppose the Territories are to stop where they are, that they are to have no future, no increase, and have no more population. Why, these two Territories are as large as the whole of New York, New England, Pennsylvania, New Jersey, Maryland, and North Carolina. When that Territory becomes peopled, as it will in twenty, fifty, or perhaps a hundred years from now, you may say while these two new States will be represented by four Senators they will be as large, and perhaps more populous, than other States in the United States represented by 24 Senators and more than 100 Representatives. [Applause.]

There is where the disproportion is likely to come. I think gentlemen make a mistake when they act upon the assumption that admission to statehood is the end of progress. When the Territories are admitted they go forward and grow in population. That is one of the great purposes of statehood; and, with the exception of Nevada, there is no instance in the history of this country but that after statehood has been granted to a Territory it has enlarged, expanded, and progressed. Now, I have nothing more to say. I hope the House will extend this boon to these Territories, and if we do not, let them at least go back and preserve their names, preserve their history and their love of locality. I ask for a vote. [Cries of "Vote!"]

The question was taken on agreeing to the amendment of Mr. OVERSTREET; and the Chairman announced that the noes appeared to have it.

Mr. OVERSTREET. Division.

The committee divided, and there were—ayes 28, noes 106.

So the amendment was rejected.

The Clerk read as follows:

SEC. 20. That all qualified electors of said Territory are hereby authorized to vote for and choose delegates to form a convention in said Territory. Such delegates shall possess the qualifications of such electors. The said convention shall consist of 36 delegates, apportioned among the several counties within the limits of the proposed State as follows: Apache County, 2 delegates; Cochise County, 4 delegates; Coconino County, 2 delegates; Graham County, 3 delegates; Gila County, 2 delegates; Maricopa County, 5 delegates; Mohave County, 2 delegates; Navajo County, 2 delegates; Pima County, 3 delegates; Pinal County, 3 delegates; Santa Cruz County, 2 delegates; Yavapai County, 4 delegates; Yuma County, 2 delegates; and the governor of said Territory shall, within thirty days after the passage of this act, by proclamation, order an election of the delegates aforesaid in said Territory, to be held on such day as he may in such proclamation designate, not less than thirty nor more than ninety days after the issuance thereof; and the boards of supervisors of the counties of the Territory shall, immediately upon the issuance of the governor's proclamation ordering the election of delegates to a constitutional convention as herein provided, authorize and require a supplemental registration of the male citizens of the United States over the age of 21 years who will have resided in the Territory for six months next preceding the date fixed for said election, whose names shall be added to the great registers exhibiting the names of the qualified voters of the Territory at the last general election held therein, which shall qualify them to vote for delegates to the constitutional convention; and such election for delegates shall be conducted, the returns made, and the certificate of persons elected to such convention issued in the same manner as is prescribed by the laws of said Territory regulating elections therein of members of the legislature. Persons possessing the qualifications entitling them to vote for delegates under this act shall be entitled to vote on the ratification or rejection of the constitution, under such rules or regulations as said convention may prescribe, not in conflict with this act.

Mr. GAINES of Tennessee. I am heartily in favor of the admission of each of these Territories as States of this Union. Both their population and condition justify the passage of this measure, and hence each of these Territories has the "right" to demand admission already too long and causelessly delayed.

Let me first state the law governing the case.

I read the law first from the Supreme Court of the United States, in Shively *v.* Bowlby, 57 U. S., 153, where the court declared:

Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the Territory.

The Territory is held in "trust" for the "future State."

Again, on page 49, in the same case, the court says:

And the Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States upon an equal footing with the original States in all respects; and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and, as this court has often said, in cases above cited, "in trust for the future States." (Pollard *v.* Hagan, 3 How., 212, 221, 222; Weber *v.* Harbor Commissioners, 18 Wall., 57, 65; Knight *v.* United States Land Association, 142 U. S., 161, 183.)

Mr. Chairman, the law is here well and clearly stated, and has been thus announced since an early day, that when the "population and the condition justify," then the Territory has the "right" at once to be admitted into the Union. Are these Territories in this "condition?" Mr. Chairman, it is shown that the population of Arizona is 125,000, Oklahoma 398,331, New Mexico 195,310 by the last census.

I have the population in 1790, a few years after the adoption of the Federal Constitution by the old or original States. It was by States as follows:

Connecticut	237,946	North Carolina	393,751
Delaware	59,096	Pennsylvania	434,373
Georgia	82,548	Rhode Island	68,825
Maryland	319,728	South Carolina	24,073
Massachusetts	378,787	Virginia	747,610
New Hampshire	141,885		
New Jersey	184,139	Total	3,929,214
New York	340,120		

We see the "condition" as to the number of population of the old States. These constitute one and the first class of States of the Union. Take these now admitted after the Constitution was ratified. Now what was the population of the following States when admitted?

Ohio, when made a State in 1802, had 45,365 population. Kentucky was admitted in 1792 and had a population in 1800 of 73,670. Tennessee was admitted in 1796 and had in 1790 35,650 population.

When one of the original States, South Carolina, was admitted her population was about 24,000; Delaware, about 59,000; Georgia, about 82,548; New Hampshire, about 341,000; Rhode Island, about 68,000. Here are examples of States—the thirteen original and those admitted since 1787. Here are ancient constructions of the words "condition fit" to be made a State as to population. Let us go a little further on in actual or practical constructions of this kind along another line. Let us get down to the business condition of States admitted when admitted.

Let us take the State of Vermont, which was the first State admitted, carved out of the State of New York. Let us see what that State amounted to as to one business—I can only take one. Vermont was admitted in 1791. What was her population in 1790? Population, 85,425; area, 10,212 square miles.

KENTUCKY.

Kentucky was formed from the territory of Virginia and was made a State by consent of the Virginia legislature by act of December 18, 1789. See Senate Journal December 9, 1790. Application of the convention of Kentucky for statehood received December 9, 1790.

Her constitution was not then formed. Application for admission into the Union was on June 1, 1790, and was approved February 4, 1792. Entitled to two Representatives by act of Congress February 25, 1791. A copy of the constitution formed for the State of Kentucky laid before Congress by the President on November 7, 1792.

Area of Kentucky, 37,680 square miles; per cent of total area, 1.28; rank of States and territorially, 28.

Kentucky in 1802 had one bank, with a capital stock of $150,000; in 1804 another bank, capital stock, $1,000,000.

Take my own State of Tennessee. She was admitted into the Union in 1796. She had 45,600 square miles, or 1.55 per cent of total area, and ranked 25 among the States. What did she then have as a banking capital? Only one bank, with $200,000 capital. When the State of Iowa was admitted she had one little private bank.

Now, take the State of Ohio, formed out of the Northwestern Territory, the cession of which was made in 1784, conditioned that this Territory should be made into States of this Union. An act was passed April 30, 1802, allowing this Territory to form a constitution and State government by which Ohio was allowed one Representative in Congress. November 1, 1802, the constitution was formed and presented to Congress. November 29, 1802, she was admitted as one of the States of the Union.

At that time Ohio only had 39,964 square miles and stood No. 27 amongst the States. So you see how quickly the great State of Ohio took advantage of this condition of the cession from the State of Virginia and sister States to get out of what she then termed her "colonial" condition and get into the Union of this country.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KNOX. Mr. Chairman, I agreed that the gentleman from Tennessee might have some time, and I ask to have his time extended five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks that the time of the gentleman from Tennessee may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Let us go further on with the State of Ohio. That State is here represented in part by the most vigorous opponents of this measure. What had she in banks in 1803? In 1803 she had one bank, with a capital stock of $200,000. In 1811 she had four banks, with a capital stock of $895,000. In 1815 she had twelve banks, with a capital of $1,484,719. In 1820 she had twenty banks, with a capital of $1,797,463, and so on. So you see, Mr. Chairman, here is the State of Ohio represented by the gentleman [Mr. GROSVENOR] who makes objection to this measure after the rights of these people have been denied for years and years—makes more objection to this bill than any other Representative on the floor of this House. And yet Ohio was insignificant in 1802, when made a State, as compared to any one of these Territories. I say here we have the State of Ohio that as soon as an opportunity was presented she improved that opportunity in the manner I have stated, and did what? She appealed to Congress, Mr. Chairman, to relieve her from her "colonial condition," as she then termed it. Let me read from the Congressional Annals of 1802 what the people in Ohio then said on this question. On December 23, 1802, while Thomas Jefferson was President, at page 290 of the Annals of Congress we find the following:

The Speaker laid before the House a letter from Edward Tiffin, president of the convention of the State of Ohio, inclosing an address to this House from the said convention approving "the prompt and decisive measures taken by Congress at their last session to enable the people of the Northwestern territory to merge from their colonial government and to resume a rank among the sister States;" also expressing "their unequivocal approbation of the measures pursued by the present administration of the General Government, and of both Houses of Congress, in diminishing the public burdens, cultivating peace with all nations, and promoting the happiness and prosperity of our country."

Let us "emerge from this colonial government," said the Ohio people in 1802, when they wanted statehood. Why not allow the people of these three Territories the same right?

Yet, Mr. Chairman, these three little Territories that have been kept in what Ohio people in 1802 termed their "colonial condition" since the day these Territories were ceded to the United States, met yesterday with vigorous and trenchant opposition from the distinguished gentleman from Ohio [Mr. GROSVENOR].

Ohio at the time she was admitted as a State of the Union had less population, less possibilities, and less banking capital than any one of the Territories that are knocking here to-day for admission into the Union and for justice to be done them.

Take the little State of New Jersey. She ratified the Constitution of the United States December 18, 1787, and became one of the thirteen original States. In 1805 she only had 2 banks, with a capital of $1,000,000. In 1811 she had 3 banks, with a capital of $789,740. In 1815 she had 11 banks, with $2,121,932. In 1820 she had 14 banks, with $2,130,949. And yet yesterday, with his usual force and ability we find the gentleman from New Jersey [Mr. PARKER] trying to keep these little Territories out of the sisterhood of States when any one of the Territories asking for statehood has more population, more capital, and greater possibilities than the State of New Jersey had when she came in as one of the original thirteen States.

Now, take Wisconsin. She was admitted into the Union in 1848. Her first bank was established in Milwaukee in 1851 with a capital of $225,000. Her area in square miles was 53,924; per cent of total area of United States, 1.84, and rank of States, No. 17. I have already stated that Iowa was admitted in 1858 and was destitute of banks except one little private concern.

Take the State of Michigan, which was admitted into the Union in January, 1837. In 1838 there were 11 banks, with an aggregate capital of $1,400,000. Its area in square miles was 56,243.

Take Indiana, represented here to-day by the gentleman who has proposed an amendment to amalgamate two of these Territories as a State. Indiana was admitted into the Union in 1816. In 1820 it had two banks, with a capital stock of $202,857. Its area in square miles was 33,809. In 1800 she had a population of 5,641, while Arizona has to-day 125,000, Oklahoma 398,000, and New Mexico 195,900. And banking capital—a good index—far beyond any of these States when made States.

Now, take the State of Illinois. She had in 1813 only 1,500 inhabitants. In 1818 she was admitted into the Union. In 1820 she had 55,600 population, In 1813 she had only one bank, at Shawneetown. Her area in square miles was 55,405.

Mr. Chairman, I could go on and refer to all the States——

The CHAIRMAN (Mr. PEARRE). The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask only a moment more.

Mr. KNOX. The gentleman can extend his remarks in the RECORD.

Mr. GAINES of Tennessee. Only one moment more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. The time of the gentleman has expired, and he can not continue his remarks without the unanimous consent of the committee.

Mr. GAINES of Tennessee. I only want a minute more.

Mr. KNOX. I will yield the gentleman a minute.

Mr. GAINES of Tennessee. Mr. Chairman, if we apply the same rules to these three Territories that have been applied to the old and new States, we must pass this bill and admit these Territories as three separate and distinct States of this Union. Justice, right, and the law demand as much.

The Clerk read as follows from section 21:

SEC. 21. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the third day after their election, and after organization shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

The following amendment reported by the Committee on the Territories was read, and agreed to:

In line 2, page 18, strike out "day" and insert "Monday."

Mr. ROBERTS. I move to amend by adding, after the word "worship," at the end of line 17, page 18, these words: "*Provided*, That polygamous or plural marriages are forever prohibited."

Mr. KNOX. We make no objection to that.

The amendment was agreed to.

The Clerk read as follows:

SEC. 25. That 100 sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section 4 of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State and payment of the bonds issued for the erection of the capitol.

Mr. KNOX. On behalf of the committee I move to amend by striking out the word "four," in line 20, page 22, and inserting in lieu thereof the word "thirty."

The amendment was agreed to.

The Clerk read the following paragraph of section 39:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Mr. RODEY. I move to amend by inserting after the word "worship," at the end of line 6, page 33, these words:

Provided, That polygamous or plural marriages are forever prohibited.

Mr. KNOX. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

SEC. 43. That upon the admission of said State into the Union, in accordance with the provisions of this act, 50 sections of the unappropriated lands within said State, to be selected and located in legal subdivisions, as provided in section 6 of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State, when permanently located, for legislative, executive, and judicial purposes.

Mr. KNOX. I move to amend by striking out "six," in line 12, page 37, and inserting in lieu thereof the word "forty-eight."

The amendment was agreed to.

The Clerk read as follows:

SEC. 44. That additional lands to the extent of two townships in quantity, as authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico for university purposes, to be held and used in accordance with the provisions in this section; and said land may again be selected by said State. That, in addition to the above, 100,000 acres of land, to be selected and located as provided in section 6 of this act, are hereby granted to the said State for the use of said university, and 100,000 acres, to be in like manner selected, for the use of an agricultural college. That the proceeds of the sale of said land, or any portion thereof, shall constitute permanent funds to be safely invested and held by said State, and the income thereof to be used exclusively for the purposes of such university and agricultural college, respectively.

That the schools, colleges, and university provided for in this act shall forever remain under the exclusive control of said State; and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or of the income thereof, shall be used for the support of any sectarian or denominational school, college, or university.

Mr. KNOX. Mr. Chairman, in line 20, page 37, the words "of New Mexico" should be stricken out and the word "said" inserted before the word "State" in the same line. I move that amendment.

The amendment was agreed to.

Mr. KNOX. I move to amend by striking out, in line 25, page 37, the word "six" and inserting in lieu thereof the word "forty-eight."

The amendment was agreed to.

The Clerk read as follows:

SEC. 47. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to said proposed State, and in lieu of any claim or demand of the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State, the following grants of land are hereby made to said State for the purposes indicated, namely, for the establishment and maintenance of an asylum for the insane, 50,000 acres; for the establishment and maintenance of a school of mines, 50,000 acres; for the establishment and maintenance of an asylum for the deaf and dumb, 50,000 acres; for the establishment and maintenance of a reform school, 50,000 acres; for the establishment and maintenance of State normal schools, 100,000 acres; for the establishment and maintenance of an institution for the blind, 50,000 acres; for a miners' hospital for disabled miners, 50,000 acres; for the establishment and maintenance of a military institute or school, 100,000 acres; for the enlargement and maintenance of the State penitentiary, 50,000 acres.

Mr. KNOX. I move to amend by inserting after the word "schools," in line 2, page 40, the words "as now established in said Territory."

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. KNOX. I move that the committee now rise and report the bill with the amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union had had under consideration House bill No. 12543 and had directed him to report the same back with sundry amendments and with the recommendation that the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If not, the Chair will submit the amendments in gross.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION BUSINESS, ETC.

Mr. SULLOWAY. I move that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar under the special rule.

The motion was agreed to.

The committee accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. CAPRON in the chair.

ABBIE BOURKE.

The first business on the Private Calendar was the bill (H. R. 11196) granting a pension to Abbie Bourke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Abbie Bourke, widow of David Bourke, late private of marines, and pay her a pension at the rate of $30 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all in the bill after the words "pension roll" in line 4 and substitute the following: "subject to the provisions and limitations of the pension laws, the name of Abbie Bourke, widow of David Bourke, late master-at-arms, United States Navy, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said David Bourke until he reaches the age of sixteen years."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. TALBERT. Mr. Chairman, I notice that on the Calendar to-day, to be acted upon by the Committee of the Whole House, there are 98 bills, if I count correctly. Of those 98 bills, if I have made a correct count of them, 28 are asking for original pensions, where no pension has been granted, 54 of them are for increase of pension, and 16 for removal of the charge of desertion or the correction of military record, and the setting aside of the verdict of military courts, and so on, making a total of 98. Now, it does seem to me that in considering these bills those soldiers or claimants who have never received any pension at all should receive the first consideration of this committee—that is, their bills ought to be first taken up and considered. Those who are receiving pensions and asking for an increase can better afford to wait a while than those who have never received any pension at all, and those who are asking for the removal of the charge of desertion ought not to receive any consideration whatever, as a matter of course they ought not, because they have deserted the flag; but I ask unanimous consent that we first take up the bills asking for original pensions, and then that we take up the bills asking for an increase, and then take up and consider those which are for the removal of the charge of desertion, etc.

Mr. SULLOWAY. Mr. Chairman, there are only about 70 bills here reported from the Committee on Pensions and the Committee on Invalid Pensions. With the bills dealing with military matters neither of these committees have anything to do. Here are only a few bills and I think we better take them up in their order and dispose of them. There are only a small number of bills, and I think we can get through the whole of them.

Mr. ROBINSON of Indiana. Mr. Chairman, I have no objection to considering last the third class which the gentleman names, but I wish to call the gentleman's attention to the second class; that is, those who ask for an increase of pension. They are often entitled to more consideration than those who seek original pensions. If the motion be stated in that way, I shall have no objection to it.

Mr. TALBERT. I think we can get through them all, but I think it is a reasonable request that I make, and I hope that no one will object.

Mr. BROMWELL. Do I understand that the gentleman from Indiana does object?

Mr. ROBINSON of Indiana. I do if the whole of them are included in the request.

Mr. TALBERT. Mr. Chairman, then I change my request to a motion, and I move that we take them up in the order that we have designated—first, those asking for an original pension; second, those for an increase, and third, those for the removal of the charge of desertion, etc. I make that motion, and I hope that the House will vote favorably upon it,

Mr. BROMWELL. Mr. Chairman, I hope the House will not.

The CHAIRMAN. The gentleman from South Carolina moves that the House take up, first, those bills providing for original pensions; second, those for the increase of pensions, and third, those asking for the removal of the charge of desertion and other bills from the Committees on Military and Naval Affairs.

Mr. BROMWELL. Mr. Chairman, I hope that motion will not prevail. We have but 13 bills from the Pension Committee on this Calendar——

The CHAIRMAN. I would state to the gentleman from Ohio that this motion is not debatable, unless by unanimous consent.

Mr. BROMWELL. Then I ask unanimous consent that I may be permitted to address the committee on this motion.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be permitted to address the committee on the motion before it. Is there objection?

There was no objection.

Mr. BROMWELL. Mr. Chairman, as the gentleman from Indiana [Mr. ROBINSON] has well said, there may be many cases where increases of pension are far more meritorious than the cases asking for original pensions. They are really the same class of cases. They are for the purpose of going above or beyond the decision of the Pension Bureau in regard to each of these cases and extending such relief as the House has been in the habit of extending to cases where the applicant for a pension has not been able to establish a right to a pension, in the first place, or where the limits of the law prevent giving an adequate pension beyond

what is already given by the Pension Bureau. Now, it will take only a few minutes anyhow to go through with this entire Calendar, if we pass these bills as we have been in the habit of passing them. There are only 86, of which 13 are from the Pension Committee and 73 from the Committee on Invalid Pensions. By taking them up in their order we can keep track of them, and it gives advantage to those who have been industrious in getting their bills before the committee, and I do not see any real reason why we should change this rule.

Mr. TALBERT. I withdraw the motion.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3864. An act to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina at Cape Hatteras; and

S. R. 95. Joint resolution providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture.

FRANCIS C. BAKER.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 13529) granting an increase of pension to Francis C. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Francis C. Baker, late of Company A, One hundred and forty-seventh New York Infantry, on the pension roll, at the rate of $30 per month in lieu of the amount he is now receiving.

The following amendment, recommended by the committee, was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis C. Baker, late of Company A, One hundred and forty-seventh, and Company C, Ninety-first, Regiments New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Mr. TALBERT. Mr. Chairman, I should be glad to hear the report in that case read.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

The Clerk began the reading of the report (by Mr. APLIN), which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 13529) granting an increase of pension to Francis C. Baker, submit the following report:

This bill proposes to increase the pension of this soldier from $12 to $30 per month.

It appears from the records of the War Department that Francis C. Baker, the soldier named in this bill and now 55 years of age, served as a private in Company A, One hundred and forty-seventh New York Infantry, from September 21, 1863, to July 3, 1865, when honorably discharged as of Company C, Ninety-first New York Volunteers, to which organization he was transferred on June 17, 1865; that his company and regiment were in action at Mine Run, Va., November 9, 1863, and at Appomattox Court-House, Va., on April 1, 1865.

His claim to pension under the general law, filed on June 21, 1889, and based upon shell wound of the left thigh, received at the battle of Mine Run, and gunshot wound of the right ankle, received at Appomattox Court-House on April 1, 1865, was rejected October 4, 1901, upon the ground that a ratable disability from these wounds had not existed since the filing of the claim.

The records of the War Department do not show that the soldier received the wounds alleged by him in his application or that he was under treatment at any time during his period of service, and he filed no proof in corroboration of his allegations in his claim under the general law.

He is now a pensioner under the act of June 27, 1890, at the maximum rating, namely, $12 per month, on account of these gunshot wounds of left thigh and right ankle and rheumatism, and this notwithstanding the fact that the Pension Bureau held in his claim under the general law that a pensionable disability from the wounds had not existed.

When first examined, on June 11, 1890, he stated before that board of surgeons that he did not go to the hospital for either of his wounds, but was excused from duty and stayed with his regiment; and that board of surgeons described his condition as follows:

"Gunshot wound of right ankle: A minie ball was embedded in the muscles nearly to the bone. Cicatrix not adherent. The limb at site of injury becomes sore and painful when walking or hard work is performed.

"Wound of left thigh: There is a large scar on the left thigh—a flesh wound. Has the appearance of having had a portion of the cuticle or fascia scooped out.

"Rate for gunshot wound of thigh, $4; for wound of ankle, $2."

The last certificate of medical examination, made on April 3, 1901, described the ciciatrices of the wounds as neither adherent nor tender, but found rheumatism, with swelling, enlargement, tenderness, and stiffness of both kneejoints, the kneejoints being surrounded by an organized mass of exudate; that it was impossible for the claimant to extend the legs fully, the limitation of motion being one-third; that he is unable to stand erect, and that there was contraction of the flexor tendons of thigh as a result of the inability to straighten the legs; that the case was one of chronic arthritis with occasional acute epacerbations; that the metacarpophalangeal joint of the left thumb was inflamed, tender, and enlarged; the left elbow joint inflamed and tender, but not swollen, and that the claimant's condition was such from rheumatism that the assistance of another person was required at the time of this examination.

There has been filed with your committee the statement of the postmaster of East Tawas, Mich., setting forth that the beneficiary was employed by him building a dam on Hope Creek twenty-five years ago; that he was then suffering from wounds received in the war; that he was wounded at Mine Run and at Chapin's Farm; that he was wounded by a partially spent ball in the right ankle; that after the action he dug the ball out of the wound with a case knife and put a chew of tobacco in it and continued on duty; that this illustrated the sort of stuff of which he was made; that he now has a ragged scar on the upper third of the left thigh caused by a shell wound, and by reason of the contraction of the muscles in healing he can not wholly extend the left leg; that by reason of said wounds and the advancing infirmities of age he is nearly paralyzed and can not walk without crutches; that this condition is not consequent upon vicious habits, as he has never used liquors as a beverage, and that he has no income from any source except his pension.

It being shown that this soldier is now so disabled from rheumatism and the wounds received by him during his service that at times he requires the assistance of another person, your committee, following established precedents, recommend that relief to the extent of increasing his pension from $12 to $24 be granted, and the bill is therefore reported back with the recommendation that it pass after the same shall have been amended.

Mr. GIBSON (interrupting the reading). Mr. Chairman, I hope the gentleman from South Carolina will now be satisfied by the showing of the excellent record of this man. He served from September, 1863, until July, 1865, and was wounded in battle. He has a splendid record and is now disabled, and he needs the attendance of another person.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RANSFORD T. CHASE.

The next business on the Private Calendar was the bill (H. R. 13174) granting an increase of pension to Ransford T. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransford T. Chase, late of Company F, Ninth Regiment Volunteer Infantry, United States Army, and also Company D, Eighty-first Regiment New York State Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIETTA ADAMS.

The next business on the Private Calendar was the bill (S. 5337) granting an increase of pension to Marietta Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marietta L. Adams, widow of Edgar A. Adams, late of Company A, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN GRINNELL.

The next business on the Private Calendar was the bill (H. R. 7040) granting an increase of pension to Benjamin F. Grinnel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Grinnel, late of Company H, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "F."

In same line strike out the word "Grinnel" and insert in lieu thereof the word "Grinnell."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin Grinnell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE ATKINSON.

The next business on the Private Calendar was the bill (H. R. 8414) granting an increase of pension to George Atkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Atkinson, late of Company M, First Regiment Wisconsin Heavy Artillery Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Wisconsin," insert the word "Volunteer."
In same line strike out the word "Volunteers."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDMUND B. APPLETON.

The next business on the Private Calendar was the bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund B. Appleton, late of Company M, Fourteenth Regiment Illinois Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M" and insert in lieu thereof the letter "H."
In line 7, after the word "Illinois," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. CRIST.

The next business on the Private Calendar was the bill (H. R. 8487) granting a pension to John M. Crist.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Crist, late of the Two hundred and ninth Regiment Pennsylvania Volunteers, at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of John M. Crist, late of Company K, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."
Amend title so as to read: "A bill granting an increase of pension to John M. Crist."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM A. SHELDON.

The next business on the Private Calendar was the bill (H. R. 13891) granting a pension to Hiram A. Sheldon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram A. Sheldon, late of Company C, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOCH VOYLES.

The next business on the Private Calendar was the bill (H. R. 12377) granting a pension to Capt. Enoch Voyles:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Enoch Voyles, late of Company G, Third Tennessee Regiment Mounted Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Voyles, late captain Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $10 per month.
Amend the title so as to read: "A bill granting a pension to Enoch Voyles."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bill of the following title:

On May 9, 1902:

H. R. 9206. An act to make oleomargarine and other imitation dairy products subject to the laws of any State, or Territory, or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

HENRY FORCHT.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 7021) granting an increase of pension to Henry Forcht.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Forcht, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Forcht, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LILLIE MAY FIFIELD.

The next business on the Private Calendar was the bill (H. R. 5321) granting a pension to Lillie May Fifield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillie May Fifield, dependent daughter of Henry Fifield, deceased, late of Company D, First Michigan Cavalry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Lillie May Fifield, helpless and dependent daughter of Henry Fifield, late of Company D, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORNELIA S. RIBBLE.

The next business on the Private Calendar was the bill (H. R. 2787) granting a pension to Cornelia S. Ribble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia S. Ribble, widow of George T. Ribble, late of Company —, Eleventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia S. Ribble, widow of George T. Ribble, late assistant surgeon, Eleventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Cornelia S. Ribble."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. F. H. ANTHONY.

The next business on the Private Calendar was the bill (H. R. 7319) granting an increase of pension to Mrs. F. H. Anthony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances H. Anthony, widow of De Witt Clinton Anthony, late colonel of the Twenty-third and Sixty-sixth Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Frances H. Anthony, widow of De Witt C. Anthony, late lieutenant-colonel Twenty-third and colonel Sixty-sixth Regiments Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the

helpless child, Myrtilla H. Anthony, on whose account the pension of Frances H. Anthony is increased, the pension of said Frances H. Anthony shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT R. STRONG.

The next business on the Private Calendar was the bill (H. R. 2563) granting an increase of pension to Robert R. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert R. Strong, late of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB MOCK.

The next business on the Private Calendar was the bill (H. R. 7382) granting a pension to Jacob Mock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Mock, late of Company D, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In the same line, after the word "month," insert the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GRIFFITH EVANS.

The next business on the Private Calendar was the bill (H. R. 1741) granting an increase of pension to Griffeth Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Griffeth Evans, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Griffeth" and insert in lieu thereof the word "Griffith."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Griffith Evans."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY E. MURPHY.

The next business on the Private Calendar was the bill (H. R. 8401) granting an increase of pension to Henry E. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Murphy, late of Company K, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. MATHEWS.

The next business on the Private Calendar was the bill (H. R. 8924) granting an increase of pension to George W. Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Mathews, late of Company K, Seventeenth Regiment Iowa Volunteer Infantry, and second lieutenant Company D, Second United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

In lines 7 and 8 strike out the words "and second lieutenant Company D, Second United States Volunteer Infantry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. TEMPLE.

The next business on the Private Calendar was the bill (H. R. 12562) granting an increase of pension to William H. Temple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Temple, late of Company B, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACKSON L. WILSON.

The next business on the Private Calendar was the bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson L. Wilson, late of Company E, Third Tennessee Regiment Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Tennessee" and insert in lieu thereof the word "Regiment."

In line 7 strike out the words "Regiment Mounted Volunteer" and insert in lieu thereof the words "Tennessee Volunteer Mounted."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE CHAMBERLIN.

The next business on the Private Calendar was the bill (H. R. 12779) granting an increase of pension to George Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of George Chamberlain, late of Company M, Second Pennsylvania Heavy Artillery, and pay him a pension of $50 a month in lieu of the pension of $12 a month now received by him.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Chamberlin, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. WOODRUFF.

The next business on the Private Calendar was the bill (H. R. 13467) granting a pension to Joseph H. Woodniff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Woodniff, late of Company E, Fourth Iowa Regiment Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Joseph H. Woodruff, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN SNYDER.

The next business on the Private Calendar was the bill (H. R. 7679) granting an increase of pension to Franklin Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Franklin Snyder, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension of $72 per month in lieu of the amount he now receives under certificate numbered 261407.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and

directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Snyder, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS L. NELSON.

The next business on the Private Calendar was the bill (S. 4004) granting an increase of pension to Thomas L. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Nelson, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE M'DOWELL.

The next business on the Private Calendar was the bill (S. 2461) granting an increase of pension to George McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George McDowell, late of Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID M. M'KNIGHT.

The next business on the Private Calendar was the bill (S. 3992) granting an increase of pension to David M. McKnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. McKnight, late second lieutenant Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBEN C. WINSLOW.

The next business on the Private Calendar was the bill (S. 1593) granting an increase of pension to Eben C. Winslow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eben C. Winslow, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA S. HANNA.

The next business on the Private Calendar was the bill (S. 3999) granting an increase of pension to Emma S. Hanna.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma S. Hanna, widow of Thomas Hanna, late of Company C, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHILO F. ENGLESBY.

The next business on the Private Calendar was the bill (S. 4238) granting an increase of pension to Philo F. Englesby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philo F. Englesby, late of Company A, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MORRIS M. COMSTOCK.

The next business on the Private Calendar was the bill (H. R. 5887) granting an increase of pension to Morris M. Comstock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered and directed to increase the pension of Morris M. Comstock, formerly of Company L, First Michigan Engineers and Mechanics, to $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris M. Comstock, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANTHONY J. RAILEY.

The next business on the Private Calendar was the bill (H. R. 13081) granting an increase of pension to Anthony J. Railey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony J. Railey, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA COPPINGER.

The next business on the Private Calendar was the bill (S. 2336) granting a pension to Rebecca Coppinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Coppinger, widow of William H. Coppinger, late of Company K, First Regiment United States Dragoons, Sabine Indian disturbance, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN E. COLLIER.

The next business on the Private Calendar was the bill (S. 4506) granting an increase of pension to Ann E. Collier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Collier, widow of George W. Collier, late lieutenant-colonel, United States Marine Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "forty" and insert "thirty-five."

Mr. TALBERT. Mr. Chairman, I would be glad to have the report read.

The Clerk read the report (by Mr. LOUDENSLAGER), as follows:

The Committee on Pensions, to whom was referred the bill (S. 4506) granting an increase of pension to Ann E. Collier, beg leave to submit the following report and recommend that said bill do pass with an amendment:

The bill is accompanied by Senate Report No. 924, this session, and the following facts bearing upon the merits of the bill are taken therefrom:

"It is proposed by this bill to grant an increase of pension to Ann E. Collier, widow of George W. Collier, late lieutenant-colonel, United States Marine Corps.

"It appears from the records of the Marine Corps that George W. Collier was commissioned a second lieutenant in the United States Marine Corps September 5, 1860, and joined his command in this city on the 9th of September, 1860. He was promoted first lieutenant September 1, 1861, and captain November 20, 1862. He served all during the war of the rebellion and subsequent thereto rendered service on several vessels and at the several stations of the Marine Corps. He was promoted major April 18, 1880, and lieutenant-colonel August 18, 1889. He was retired from active service October 23, 1889, and died at Hagerstown, Md., December 23, 1892. The cause of his death was disease of heart and lungs.

"Ann E. Collier, the widow of this officer and the claimant under this bill, is now receiving a general-law pension of $25 per month, her husband having held the rank of major at the time his fatal diseases were incurred. She is 64 years of age, and was married to the officer May 18, 1864. She resides at Greencastle, Pa.

"Mrs. Collier is in straitened circumstances. She has no property, and her income aside from her pension is only about $100 per year. In view of her advanced age, her poverty, and the long and honorable service of her husband, your committee are of the opinion that an increase of her pension would be both just and proper."

Your committee believe with the Senate that the case is a proper one for the allowance of an increased rating, but following the precedent established in many similar cases it is recommended that the rating be fixed at $35 per month, and that as amended the bill do pass.

Her pensionable rank is that of a major's widow and $35 per month is the maximum rating recommended by your committee for that rank.

Mr. BROMWELL. Mr. Chairman, if the gentleman wants any further information I will say that the limit fixed by law is $30 for the rank of lieutenant-colonel. The Senate fixed this rate at $40, and the Committee on Pensions fixes the rate at the limit for rank of major, which was the rank he had at the time the disabilities were incurred, the maximum rate being $35. We are following the line of precedent, and have cut the Senate bill down from $40 to $35. He had a long and valuable service.

Mr. TALBERT. Was he receiving a pension when he died?

Mr. BROMWELL. No; he was not receiving a pension for the reason that he was on the retired list, and under the law could not receive a pension.

Mr. TALBERT. His widow was receiving $25?

Mr. BROMWELL. His widow is entitled to $25.

Mr. TALBERT. Then why give her the maximum? Would it not be well——

Mr. BROMWELL. She gets $25 from the Pension Bureau. This is in line with what the Pension Committee, both Pension Committees, have done where there are peculiar circumstances of age, poverty, and a good record of the husband, to increase the rate over the amount allowed by law, and that is all there is in it. We give that.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN COOLEN.

The next business on the Private Calendar was the bill (S. 3279) granting a pension to John Coolen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coolen, late of Company B, Tenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

Mr. TALBERT. I should like to ask of the gentleman having charge of this bill why this man has never received a pension before, and why he could not get a pension at the Bureau?

Mr. BROMWELL. This is a Senate bill. The report shows that the claim was rejected November 19, 1901, and again January 8, 1902, on the ground that there was no record or other satisfactory evidence that the disability was of service origin. Now, as against that, it appears from the evidence of his neighbors that the claimant has complained of heart and lung trouble ever since his return from his Army service. He has been troubled with cough, shortness of breath, and other symptoms of chest disease, and has been largely incapacitated for manual labor. The physicians who treated him prior to 1896 are dead, and no evidence of his condition prior to that time can be furnished. Two of his comrades, however, testify positively that he was sick with lung trouble in the fall of 1869, and the muster rolls of his company show that he was in the hospital. Now, while there is no hospital record and no medical testimony in this case, yet the testimony of his comrades shows that he was at times very sick with the trouble of which he finally died.

Mr. TALBERT. What would have been his pensionable status if his disability could have been traced to service origin?

Mr. BROMWELL. It would have been what the bill gives him—$12 a month.

There being no objection, the bill was laid aside to be reported favorably to the House.

ETTA ADAIR ANDERSON.

The next business on the Private Calendar was the bill (S. 2036) granting an increase of pension to Etta Adair Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Etta Adair Anderson, widow of J. Patton Anderson, late lieutenant-colonel Battalion Mississippi Rifles, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

Mr. TALBERT. As I understand, this widow who is now receiving a pension of only $8 is a poor woman, and why is it she can not have a little larger increase than that proposed in the bill? Why not raise her pension from $8 to $20, or at least to $16? I thought the Committee on Pensions had adopted the rule of doubling the pension where the widow is dependent and very poor? I recollect that this was done in a case of which I had charge—the case of the widow of a soldier in my neighborhood. I simply suggest that the pension in this case be increased to $16, instead of $12. Is there objection to that?

Why, gentlemen, you run wild when you come to consider the pension of an officer or his widow, but you seem to grow dull when you come up against the poor private and his widow and his children.

Mr. BROMWELL. I shall have to object. The cases which the gentleman from South Carolina has in mind were cases where the pension was granted to the soldier himself. Under certain circumstances the Pension Committee has recommended an increase of the soldier's pension to $16, and in some cases to $20, where his disability was such that he required constant attention, and where he was very poor and infirm, unable to work. But in the case of widows' pensions, where there was nothing in the case except the service of the soldier, where he was not wounded and did not die of disability incurred in the service, we have fixed the maximum at $12, the amount allowed by law being $8.

This bill is in accordance with all the bills reported from our committee in similar cases. In some exceptional cases, where the pension was granted to the soldier himself, we have allowed $20, but never more than $16 in the case of a widow.

Mr. TALBERT. Of course I do not wish to infringe upon the prerogatives or rights of the committee. I know that their action is, in general, judicious and sometimes wise. But I do submit that there is often too much discrimination made between the widow of a private soldier and the widow of an officer. In this matter of increases there is often, it seems to me, too wide a difference. For instance, we have just passed a bill increasing the pension of the widow of an officer—a major in the Navy, I believe—from $25 to $35, an increase of $10. Now, it does seem to me that this widow is as much entitled to an increase of at least $8 as was the other widow, in whose case the pension was larger and who receives an increase of $10.

I move, Mr. Chairman, to amend the bill by striking out "twelve" and inserting "sixteen." I hope that the committee will pass the bill with the rate of pension which I propose, and let this poor old woman receive only what is right.

Mr. DAVIS of Florida. Mr. Chairman, I wish to say that Mrs. Anderson, the beneficiary in this bill, is an aged lady, a resident of my town, as good a woman as ever lived. She is without property or means of support, except as contributed by her sons and daughters. Her husband, Mr. Chairman, was a lieutenant-colonel in the Mexican war, and as gallant a soldier as ever drew a sword. This aged widow, as I have said, is without property. She has two grandchildren residing with her, and, in a measure, dependent upon her. I know her well, because she is my neighbor, and I trust this committee, in its liberality, will adopt the amendment offered by the gentleman from South Carolina.

Mr. BROMWELL. Mr. Chairman, of course it is not a gracious task, on the statement of a case like that, to oppose an amendment of this kind, and yet, as representing the Committee on Pensions, I feel it is my duty to suggest to this House that there ought to be at least some consistency, some uniformity, in this matter of fixing rates on these pensions. The mere fact that some pension applicant who has a bill before Congress can interest her Representative to make a special appeal in her behalf for a different rate, an increase of rate beyond what is given to the great ordinary class of pensioners of the same kind, it seems to me, ought not to appeal to this House, and that we ought to follow some consistent, uniform rule as far as we can. We must remember that every one of these increases is a matter of favor. There are thousands of pensioners who never get into this Congress who are drawing the rates of pension allowed by the law—$8—and picking out one individual case where the committee has reported consistently with all other cases of the same kind and as a matter of favor to a particular member of the House, yielding to his request for an increase, is establishing a bad policy.

I would be glad if we could give every widow of every soldier an increase of pension; I would be glad if we could give every surviving soldier a per diem pension, but under the present condition of things and under existing law it can not be done. Now, when we raise this pension from eight to twelve dollars we are increasing it 50 per cent, and that is a much greater increase than in the case referred to by the gentleman from South Carolina [Mr. TALBERT]. The law recognizes differences of rank; it fixes the rate of pension of a soldier and of the widow of a soldier according to the rank he held at the time of disability, in case he died from disability incurred in the service. It is not a question of choice or option with the committee; they are bound to recognize the law. But here is a case where a widow is entitled to $8. It comes before Congress, and upon the Committee on Pensions acting upon her bill, as a matter of charity, we give an increase of $4 a month. Now, to make that $16 a month is absolutely unfair to the hundreds of other cases we have passed through Congress with a similar increase to that recommended, and it is still more unfair to the thousands of cases of those who get only $8 a month. I hope the amendment will not prevail.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Tennessee?

Mr. BROMWELL. Yes.

Mr. GAINES of Tennessee. Is the widow of a soldier who

served in the civil war forty years ago pensioned exactly the same rate that this lady has been pensioned?

Mr. BROMWELL. Of course this is not a civil-war pension.

Mr. GAINES of Tennessee. I know; it is the widow of a man who, however, fought in our Army, and there should not be any distinction between the two—a civil or Mexican war pension.

Mr. BROMWELL. I will answer the gentleman's question. Under the act of 1890 she would be entitled to just the pension provided for.

Mr. GAINES of Tennessee. Who would?

Mr. BROMWELL. The widow of the civil-war soldier.

Mr. GAINES of Tennessee. Upon what basis is that made $8?

Mr. BROMWELL. Dependence, and her husband having been in the service.

Mr. GAINES of Tennessee. Does not the gentleman think a widow of a Mexican soldier, who fought in the war in the fifties, would be far more dependent than the widow of a soldier, however brave he was, who fought in the war forty years ago?

Mr. BROMWELL. The soldier himself, under the law, is entitled to only $12.

Mr. GAINES of Tennessee. You say this rate is fixed upon the basis of dependence. Now, age makes everyone more or less dependent physically and mentally. Here is this widow of a Mexican-war soldier so old that she has grandchildren, two of them in a measure dependent upon her, and yet this committee binds her down to a rule that does not bind down the widow of an officer or a soldier who fought in the civil war of forty years ago. Now, I submit, in all candor and frankness, to the distinguished gentleman, that there should be more leniency to a widow who is 60 or 70 years old, as I dare say this lady is, than one who is much less in age. That is what I want to impress upon the gentleman, showing that the rule that he applies to this case, that is, to the Mexican-war cases, is a hard rule that does not give to the widow of a Mexican-war soldier, who is presumably more dependent than the other widow, the same consideration that it gives to the widows of the civil war of 1861–1865.

Mr. BROMWELL. Mr. Chairman, I do not know that I care to say anything more. The Mexican-war soldier himself is only entitled to $12, and it is only in rare cases that the Mexican-war soldier has had his pension increased beyond that. Now, why should the widow of a Mexican-war soldier be given a greater pension than the soldier himself?

Mr. GAINES of Tennessee. Why is the Mexican-war pension only $12.

Mr. BROMWELL. Because the law fixes it at that.

Mr. GAINES of Tennessee. Why is the law that way?

Mr. BROMWELL. The gentleman can answer that question as well as I can.

Mr. GAINES of Tennessee. Why does not the gentleman change the law?

Mr. BROMWELL. The gentleman from Tennessee can at any time that he pleases bring in a bill changing the rate.

Mr. GAINES of Tennessee. I have been trying five years to get a bill in changing that rate. I say that even when we had a Democratic Congress we have not dealt fairly with the old Mexican soldier, and I do not believe in this case that we are dealing fairly with this widow, who must be an old woman, with three dependent upon her, as we must conclude from the testimony given by the gentleman whose constituent she is. I have been in Congress for nearly five years now and every year I have undertaken to have something done in this matter. There are bills pending now, and I may add there is a bill here which has passed the Senate, and yet it slumbers in the committee room. Why is it, Mr. Chairman, in all conscience and in all fairness, that we have not given the same consideration to the Mexican war soldier that we do to one who has fought in the war with Spain or one who is fighting in the Philippines or one who fought forty years ago? Is it because there are no Mexican soldiers in Congress?

Mr. BROMWELL. May I ask the gentleman a question?

Mr. GAINES of Tennessee. Yes.

Mr. BROMWELL. I have been a member of the Pensions Committee about six years. The gentleman says he has been trying nearly all that time to get Mexican war pensions increased. Now, I do not remember ever to have seen the gentleman before the committee either upon a general bill or a private bill. If he has been so earnest for this increase of pension for Mexican war soldiers, it seems to me he ought to have come before our committee to call the bill up.

Mr. GAINES of Tennessee. I want to say that I have been before the committee when the gentleman was absent. I have in mind now the case then considered—of an old one-eyed Mexican soldier who to-day is a bankrupt, who carried the Stars and Stripes in the Mexican war, who is penniless, whose beard is as white as snow, who is unable to work, and who in the last four or five years has grown so feeble and old that, although I have known him since I was a child, I barely recognized him on the street a few days ago. He is a farmer and one of God's noblemen, and yet in his condition he only received up to last year a poor, little, mean eight-dollar pension from this great Government.

I went before the committee in the absence of the distinguished gentleman from Ohio and stated his case when there were but a few members present; but they repudiated a Senate bill that proposed to give him $20 a month and gave him the measly little sum of $12. Now, in all candor and in all frankness, with the greatest respect for the gentleman from Ohio, I say that Congress has not done fairly by these Mexican-war soldiers. It applies to both sides of the House alike. The Democrats have had charge of the Government once since the civil war, and if they did not raise the amount from nothing to something then they did not do their duty.

I do not believe we are now doing our duty if we do not raise the amount in this case. We are not doing our duty if we do not take up the Mexican pension bill that has passed the Senate and pass it here, and that, I dare say, the gentleman knows is before his committee, if he has been there to see about it.

Mr. SMITH of Kentucky. You do not intend to charge that he has not been there?

Mr. GAINES of Tennessee. I do not know whether he has been there or not. I presume he has. The natural course of things is always presumed, and I presume he has been there; but he has been absent, because he was absent when I was there.

Now, Mr. Chairman, I say this in all candor. I criticise the Democrats conditionally, just as I do the Republicans conditionally. I make no distinction. I am here to pass this pension bill, and all other just pension bills. I am here every pension day. These soldiers who carried our flag to victory in Mexico added Territory after Territory to this Union—a Territory for which this House to-day passed a bill to admit into this Union. They are good citizens. It looks, Mr. Chairman, very much like a simple question of favoritism, when we propose to give exceptional pensions to those who served in the Cuban and the Philippine wars and those who served in the civil war and overlook these few old Mexican-war soldiers that are scattered over the country who are allowed the little pitiful sum of $8. We turn to them deaf ears and cold hands, and give unusual pensions to others not as worthy. If this Government is to be charitable, it ought to be charitable to the soldier in his declining years, and we must know by age alone the old Mexican-war soldier is infirm and needs sadly a fair and just pension, more so than when young and able to work.

Mr. DAVIS of Florida. Just one word, Mr. Chairman, in reference to the amendment. It will not be claimed that there have not been any exceptions made, whatever general rule may have been pursued by the Committee on Pensions. There have been exceptions made, and if ever there was a case brought to the attention of this House deserving of an exception this is one of those cases. I can personally testify to the high and noble character of this good lady, now aged and infirm, dependent, without property and without means. I do beg this committee in this case to grant the increase proposed in the motion of the gentleman from South Carolina and make it $16 per month. Her husband was a gallant soldier and she is a devoted and deserving widow.

The CHAIRMAN. The Chair understands the gentleman from Florida to make——

Mr. TALBERT. I moved to amend the bill by striking out "twelve" and inserting "sixteen."

The CHAIRMAN. The gentleman moves to strike out "twelve" and insert "sixteen."

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BROMWELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 5.

So the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADA V. PARK.

The next business on the Private Calendar was the bill (S. 3331) granting a pension to Ada V. Park.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada V. Park, widow of Andrew G. Park, late of Company A, First Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Andrew G. Park until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH G. GETTY.

The next business on the Private Calendar was the bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth G. Getty, widow of George W. Getty, late brigadier-general, United States Volunteers, and colonel, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JEREMIAH HORAN.

The next business on the Private Calendar was the bill (H. R. 13807) granting a pension to Jeremiah Horan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Horan, late of Company A, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer;" and in the same line, after the word "Infantry," insert "war with Spain."

In line 8 strike out "twenty-four" and substitute therefor "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARTHUR J. BUSHNELL.

The next business on the Private Calendar was the bill (H. R. 13395) granting a pension to Arthur J. Bushnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur J. Bushnell, late of Company A, First Regiment South Dakota Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

After the word "Infantry," in line 7, insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA G. YOUNG.

The next business on the Private Calendar was the bill (H. R. 7906) granting a pension to Martha G. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Young, mother of the late John G. Young, of Battery A, Utah Light Artillery, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "the late;" and in the same line, after the words "John G. Young," insert "late."

In line 7, after the word "Artillery," insert the words "war with Spain."

In line 8 strike out "twenty-five" and substitute "twelve;" and add at the end of the bill the words "such pension to cease in the event of the allowance of a pension to the former widow of the said John G. Young to cover any period subsequent to the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. DE GARIS.

The next business on the Private Calendar was the bill (H. R. 6030) granting an increase of pension to William G. De Garis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. De Garis, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and substitute therefor "war with Mexico."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY PITMAN.

The next business on the Private Calendar was the bill (H. R. 11395) granting a pension to Mary Pitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Pitman, widow of William D. Pitman, a soldier of the Indian war of 1836, and allow her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the words "William D. Pitman," in line 5, and substitute therefor "late of Capt. Thomas Holland's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY M. GUNSALLY.

The next business on the Private Calendar was the bill (H. R. 12279) granting a pension to Nancy M. Richmond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy M. Richmond, widow of Lyman M. Richmond, late a member of Company G, First Regiment Michigan Volunteer Infantry, in the war with Mexico, and to pay her a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting a pension to Nancy M. Gunsally."

In line 6 strike out "Nancy M. Richmond" and insert in lieu thereof "Nancy M. Gunsally, former."

In line 7 strike out "a member."

In line 8 strike out "in the;" and in the same line strike out "to."

In line 9, after the word "pension," insert "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH WALL.

The next business on the Private Calendar was the bill (H. R. 13423) granting an increase of pension to Elizabeth Wall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wall, widow of Dr. John T. Wall, late of Company —, First Regiment Kentucky Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Doctor."

In line 7, after the word "Company" insert "D;" and in the same line, after the word "Kentucky," insert "Volunteer."

In line 8 strike out "forty" and insert "twelve."

Also, in line 7, after the word "Cavalry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. CANTLEY.

The next business on the Private Calendar was the bill (H. R. 13332) granting an increase pension to W. G. Cantley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. G. Cantley, late of Company —, —— Regiment Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "W. G. Cantley, late of Company —, —— Regiment Volunteer Infantry," and insert in lieu thereof "William G. Cantley, late orderly sergeant, Capt. James L. Brown's company, South Carolina Volunteers, Florida Indian war."

Change the title so as to read "Granting an increase of pension to William G. Cantley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. BAILEY.

The next business on the Private Calendar was the bill (H. R. 11495) granting an increase of pension to Mary A. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Bailey, widow of Charles T. Bailey, late of Companies D and G, Thirty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month and $2 per month for each of her three minor children until they arrive at the age of 16.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "Infantry," insert "war with Spain."

In lines 9 and 10 strike out "for each of her three minor children until they arrive at the age of 16," and substitute therefor "additional on account of each of the minor children of the said Charles T. Bailey until they reach the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Mary A. Bailey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. SNYDER.

The next business on the Private Calendar was the bill (H. R. 13355) granting an increase of pension to William H. Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Snyder, late of Company C, One hundred and twenty-third Regiment Illinois Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteers," and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELBERT N. REMSON.

The next business on the Private Calendar was the bill (H. R. 13266) granting an increase of pension to Elbert N. Remson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert N. Remson, late of Company H, Third Regiment Veteran Reserve Corps Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Elbert N. Remson, late of Company F, Ninetieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JONAS ALBERT.

The next business on the Private Calendar was the bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Jonas Albert, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and to grant him an honorable discharge, to date the 19th day of November, A. D. 1862: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. TALBERT. Mr. Chairman, I would like to have the report read in this case. I know there are some worthy cases; I do not say there are not. I want to get the record in this case.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

The Clerk read the report (by Mr. BRICK), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert, report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out the words "and directed" in line 4.

Your committee, after having carefully considered the record and evidence in this case, believe that the soldier should be relieved from the charge of desertion now standing against him. While it is a fact that he deserted from parole, his faithful service after this desertion of his parole should be taken into consideration; and it is satisfactorily shown that he broke the parole to enter the service, and in doing so did it simply to fight for his country, and not for extra pay or for any reason other than that, about which the record following particular attention is asked. The evidence and record presented to your committee are hereto annexed and made a part of this report.

STATE OF INDIANA, *County of St. Joseph, ss:*

In the matter of the military record of Jonas Albert, of Middlebury, Elkhart County, Ind.

[To be filed with the Committee on Military Affairs, in connection with House bill No. 9297, Fifty-sixth Congress, first session.]

On this 13th day of November, A. D. 1900, personally appeared before me, a notary public in and for the county and State aforesaid, duly authorized to administer oaths, Jonas Albert, aged —— years, whose post-office address is Middlebury, Elkhart County, Ind., and who is a resident of that place, and, being first duly sworn, upon his oath deposes and says, with respect to his military record, as follows:

I was enrolled in the latter part of July, 1862, and was mustered into the service on August 16, 1862, as a private in Company D, Seventy-third Indiana Volunteer Infantry, to serve three years. I proceeded with my company and regiment to Kentucky, and marched with them on Richmond, when we were captured, near Lexington, on or about September 1, 1862. I was paroled, and then, with others in similar circumstances, marched to Maysville; from there we took a boat to Cincinnati. At Cincinnati we took cars to Indianapolis, and there we reported to the adjutant-general. The adjutant-general gave us permission to go home on condition that we promise to hold ourselves in readiness to come to Indianapolis, or Camp Carrington, at any time on notice. Then I went home to Plymouth, Marshall County, Ind. I was there right along till the last week in December, when I received a letter to report at Indianapolis on January 1, 1863.

I went to Indianapolis, and had transportation from Plymouth to Fort Wayne, and from Fort Wayne to Lafayette, and from Lafayette to Indianapolis. I walked into the adjutant-general's office on the morning of January 1, and there were in the office at the time Governor O. P. Morton and Laz. Noble, the adjutant-general. I went there alone, no other soldier being with me. I then remained at Camp Carrington all the time until March 23, 1863; and during that period, from January 1, 1863, and March 23, 1863, I received some pay from the paymaster which will show that I was present at the camp, subject to orders. On March 23, 1863, I went home to Plymouth again after having the same kind of an understanding as before, that I was to be in readiness to come to Indianapolis on a moment's call.

David Redding and John I. Stockman went with me when I went that time, with the same understanding, as I was told. John I. Stockman went West later on, and I never heard from him again. David Redding has since died. I was home then from March, or the end of March, of 1863, until the fall of that year. I waited patiently for some word to report at Indianapolis, but none came. During my stay at home that time, before going West to enlist, the provost-marshal met me one day at a neighbor's house. The provost-marshal asked me why I was here, and I told him that I was a paroled man, and was waiting for my exchange, as I was constantly under the impression that I had not been exchanged. He asked me to show him my parole, and I took it from my pocket and showed it to him. He studied the matter a moment, and then said, "Have you had no notice of your exchange?"

To this I replied, "No, sir." Then he said to me, "Well, I have not had any notice of your exchange, either, and therefore I can not arrest you."

All this time I kept myself in constant readiness to report and to be exchanged. I waited until the fall, and being anxious to enter the service, and despairing of getting an exchange, I went West, going through Chicago, then to La Crosse, Wis., and Menominee, Wis., and then hearing of the organization of a regiment in Stillwater, Minn., I finally went there and enlisted in the Second Minnesota Cavalry Volunteers, Company K, and served in that company from the winter of 1863, and served faithfully thereafter until May 4, 1866. It was not my desire to desert my duty, but I was anxious to serve my country, and the delay became irksome to me while waiting for orders from Indianapolis. I was constantly ready to go, and willing, and was publicly and openly at home, the county seat of Marshall County (Plymouth), and the circumstances surrounding my presence there were well known. I make this statement from my best recollection, and my personal knowledge, and it is true, and the affidavit is written up at my instruction, and from my statements.

JONAS ALBERT, *Affiant.*

This affidavit of four pages was fully read and explained to Jonas Albert, who makes the same, and was fully understood by him, and was read to him in my presence, and signed by him in my presence, and being duly sworn he declares that he is the same Jonas Albert who was a private in Company K, Second Minnesota Volunteer Cavalry, and who was also a private in Company D, Seventy-third Indiana Volunteer Infantry, and that the above affidavit is the truth, and he subscribes and swears to the same before me this 13th day of November, A. D. 1900.

[SEAL.] BLANCHE IRENE GEE,
Notary Public.

(My commission expires August 8, 1904.)

Case of Jonas Albert, late of Company D, Seventy-third Indiana Infantry Volunteers.

A report in this case was furnished the Committee on Military Affairs, United States Senate, on Senate bill No. 5115, Fifty-fifth Congress, third session, January 9, 1899.

Following is a copy:

"It is shown by the records that Jonas Albert was enrolled July 29, 1862, and mustered into service August 16, 1862, as a private in Company D, Seventy-third Indiana Infantry Volunteers, to serve three years. He appears to have been present with his company until September 1, 1862, when he was captured by the enemy and paroled at Lexington, Ky. He never rejoined his command, and was therefore reported as having deserted on September 1, 1862. The company remained in service until July 1, 1865. It is further shown by the records that he enlisted on September 15, 1863, in Company K, Second Minnesota Cavalry Volunteers, in violation of the twenty-second (now fiftieth) article of war. He was mustered into service January 4, 1864, as a private in that organization, and appears to have served faithfully with it until May 4, 1866, when he was mustered out and honorably discharged the service.

"The name of this soldier has not been found on the rolls of any company of the Second Minnesota Infantry on file in this Department."

"Applying for removal of the charge of desertion the soldier testified July 25, 1885, as follows:

"That he entered the United States service under the name of Jonas Albert on or about the 24th day of July, 1862, as private in Company D, Seventy-third Regiment of Indiana Infantry Volunteers, at Plymouth, Ind., commanded by Capt. William Kendall, and was taken prisoner on or about the 1st day of September, 1862, while on retreat from Lexington, State of Kentucky. He further declares that he was paroled the third day of his capture, and that he arrived at Indianapolis, Ind., on the 6th day of September, 1862, and that he reported immediately thereafter to the adjutant-general of Indiana, and that he was told by the adjutant-general to go home and stay till he received further orders, and that on or about the 1st of January, 1863, he received orders to report to the adjutant-general at Indianapolis, and that he did report immediately as ordered, and remained at Camp Carrington, Indiana, to the 23d day of March, 1863. There being no signs of his being exchanged, he returned to Plymouth, Ind., and waited further orders. Not getting any orders to return, he went to Minnesota on or about the last of November, 1863, on a hunting expedition, and while there, on or about the 15th day of December, 1863, was enrolled in Company K, Second Regiment of Minnesota Cavalry Volunteers, commanded by Capt. Henry S. Howe, and was honorably discharged at Fort Snelling, Minn, on the 4th day of May, 1866."

"Adam Holem, a resident of Burroak, Marshall County, Ind., testified July 20, 1885, as follows:

"'That Jonas Albert, now a resident of the township of York, county of Elkhart, State of Indiana, entered the United States service under the name of Jonas Albert, on or about the 24th day of July, 1862, as private in Company D, Seventy-third Regiment of Indiana Infantry Volunteers, at Plymouth, Ind., commanded by Capt. William Kendall. He further declares that on or about the 1st day of September, 1862, while on retreat from Lexington, in the State of Kentucky, Jonas Albert and this affiant were taken prisoners under the following circumstances: That they had become footsore and completely tired out, fell behind the command, and were overtaken by the rebels and ordered to surrender; we had been out of the road a short distance after water and when we returned to the road were confronted by the rebels and ordered to surrender. We were released on the third day and returned to the Union lines on the 6th day of September, 1862; immediately thereafter Jonas Albert and this affiant reported to the adjutant-general of the State of Indiana, and were told by him to go home and await further orders.'

"Under date of August 22, 1885, David Redding, 45 years of age, a resident of Plymouth, Marshall County, Ind., declared under oath as follows:

"'I am well acquainted with said Jonas Albert. I was a member of Company I, Twenty-ninth Indiana. I first got acquainted with said Albert at Camp Carrington, Indianapolis, Ind., either the last part of 1862 or the first part of 1863. I was there as a paroled prisoner, as was also said Albert. I recollect seeing his parole there. He and I and one or more other prisoners, out of curiosity, compared our paroles.'

"David Henney, 44 years of age, a resident of Plymouth, Marshall County, Ind., testified August 22, 1885, as follows: 'I was a member of Company D, Seventy-third Indiana Volunteers, and knew and was well acquainted with said Albert while in the service. I was a musician and therefore was not always with the company. The last time I recollect of seeing said Albert with his company was on the retreat at Lexington, Ky., about the 1st of September, 1862. The next time I saw him was some time during the winter of 1863, at Camp Carrington, Indianapolis, Ind. I had been captured myself and released on parole, and myself and Albert and other paroled prisoners were there in camp awaiting exchange. I understood at the time that he had been captured in Kentucky on the retreat from Bragg and Smith's army. I knew that he was reported missing soon after he was missed, but I did not know that he was charged with having deserted until we were there at Camp Carrington together.'

Mr. TALBERT (interrupting the reading). Mr. Chairman, I ask that the further reading of the report be dispensed with. I want to ask the chairman of the committee if this man ever received any bounty. It seems from what I gather from the report that he must have left his command several times.

Mr. BRICK. Mr. Chairman, I can explain that. At the time Jonas Albert entered into the Indiana regiment he received $25 of the bounty in advance; that left $75 to be paid later on. He never received any of the other $75, but he did receive, after having entered the Minnesota regiment at the end of his term, $100. The $25, if you desire to figure it, would have been amply earned in the time that he served after his capture and service in the Indiana regiment.

Mr. TALBERT. It is evident that he never intended to desert.

Mr. BRICK. Oh, no; he never did. He entered the Minnesota regiment under his own name. It was not a case of desertion, but a desire to fight for his country.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was considered, and the amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LIZANA D. STREETER.

The next business on the Private Calendar was the bill (H. R. 2430) for the relief of Lizana D. Streeter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizana D. Streeter, widow of Buell G. Streeter, late surgeon of the Fourth Regiment New York Volunteer Cavalry, and pay her at the rate of $25 a month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Fourth," strike out the words "of the."
In line 8, before the word "at," insert the words "a pension."
In the same line, before the word "month," strike out the word "a" and insert in lieu thereof the word "per."
Amend the title so as to read: "A bill granting a pension to Lizana D. Streeter."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 2623) granting an increase of pension to John Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John Smith, Company A, Fifth United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Smith, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and Troop A, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHRISTOPHER C. PERRY.

The next business on the Private Calendar was the bill (H. R. 1695) granting an increase of pension to Christopher C. Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Perry, late of the First Independent Battery New Hampshire Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the."
In line 7, after the words "New Hampshire," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN HARRIS.

The next business on the Private Calendar was the bill (H. R. 3517) granting an increase of pension to Stephen Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Harris, late of Company I, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company C, Seventh Regiment New York Heavy Artillery."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "fourteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS P. MAY.

The next business on the Private Calendar was the bill (H. R. 4262) granting an increase of pension to Thomas P. May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. May, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GARRETT STANLEY.

The next business on the Private Calendar was the bill (H. R. 7150) granting a pension to Garrett Stanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Garrett Stanley, late of Company C, First Regiment of United States Florida Cavalry Volunteers, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garrett Stanley, late of Company C, First Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY M. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 7353) granting a pension to Nancy M. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy M. Williams, widow of Thomas B. Williams, surgeon, of the One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Williams," insert the word "late."
In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BROWN.

The next business on the Private Calendar was the bill (H. R. 7401) granting an increase of pension to William Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Brown, late private of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month, the same to be in lieu of the pension now received by him.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."
In line 8, after the word "thirty," insert the word "six."

In same line strike out the words "the same to."
Strike out all of line 9 and insert in lieu thereof the following: "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER BUCKLEY.

The next business on the Private Calendar was the bill (H. R. 7778) granting a pension to Peter Buckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Buckley, late of Company E, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $10 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY P. HUDSON.

The next business on the Private Calendar was the bill (H. R. 1715) granting an increase of pension to Henry P. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Hudson, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Hudson," insert the words "formerly Henry P. Dow."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty."
Amend the title so as to read: "A bill granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIAS A. CALKINS.

The next business on the Private Calendar was the bill (H. R. 9437) granting a pension to Elias A. Calkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elias A. Calkins, late lieutenant-colonel of Third Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias A. Calkins, late lieutenant-colonel Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Elias A. Calkins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OTIS R. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 10201) to increase the pension of O. R. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. R. Freeman, late a major and surgeon of the Tenth New Jersey Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Otis R. Freeman, late surgeon Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Otis R. Freeman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET T. MILBURN.

The next business on the Private Calendar was the bill (H. R. 10752) granting a pension to Harriet T. Milburn, widow of John T. Milburn, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet T. Milburn, widow of John T. Milburn, deceased, late captain Company B, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "deceased."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."
Amend the title so as to read: "A bill granting a pension to Harriet T. Milburn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. DE GRAW.

The next business on the Private Calendar was the bill (H. R. 11921) granting an increase of pension to George W. De Graw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. De Graw, late corporal of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "corporal."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELEANOR EMERSON.

The next business on the Private Calendar was the bill (H. R. 12983) granting an increase of pension to Eleanor Emerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor Emerson, formerly the wife of Warren C. Emerson, late a major and paymaster of volunteers, and pay her a pension at the rate of $30 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of Eleanor Emerson, widow of Warren C. Emerson, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN BECKWITH.

The next business on the Private Calendar was the bill (H. R. 13378) granting an increase of pension to Edwin Beckwith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Beckwith, late of Company K, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8, before the word "dollars," insert the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN G. HEISER.

The next business on the Private Calendar was the bill (H. R. 13646) granting an increase of pension to John G. Heiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Heiser, late of Company A, Seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, after the word "Pennsylvania," insert the word "Reserve."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MILLER.

The next business on the Private Calendar was the bill (H. R. 14079) granting an increase of pension to John Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Miller, late of Company G, Fifty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMANTHA B. VAN BROCKLIN.

The next business on the Private Calendar was the bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha B. Van Brocklin, widow of George S. Van Brocklin, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY C. BICKERSTAFF.

The next business on the Private Calendar was the bill (H. R. 14118) granting a pension to Mary C. Bickerstaff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Bickerstaff, widow of William J. Bickerstaff, late of Company E, Twelfth Regiment Tennessee Cavalry Volunteers, and pay her a pension at the rate of $12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In lines 7 and 8 strike out the word "Volunteers;" and in line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. YOUNG.

The next business on the Private Calendar was the bill (H. R. 12777) granting a pension to George H. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Young, late of Company H, One hundred and Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George H. Young."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. HORN.

The next business on the Private Calendar was the bill (S. 5294) granting an increase of pension to William F. Horn.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Horn, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY W. EDENS.

The next business on the Private Calendar was the bill (S. 4256) granting an increase of pension to Henry W. Edens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Edens, late of Company D, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALFRED M. WHEELER.

The next business on the Private Calendar was the bill (S. 2347) granting an increase of pension to Alfred M. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred M. Wheeler, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HALLOWELL GODDARD.

The next business on the Private Calendar was the bill (S. 4455) granting an increase of pension to Hallowell Goddard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hallowell Goddard, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL S. BEAVER.

The next business on the Private Calendar was the bill (S. 500) granting a pension to Samuel S. Beaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Beaver, late of Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

PAUL FUCHS.

The next business on the Private Calendar was the bill (S. 4979) granting a pension to Paul Fuchs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Fuchs, late second lieutenant Company A, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY F. ZOLLINGER.

The next business on the Private Calendar was the bill (S. 182) granting a pension to Mary F. Zollinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Zollinger, widow of Charles A. Zollinger, late colonel One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS FINNEGAN.

The next business on the Private Calendar was the bill (H. R. 10172) granting a pension to Thomas Finnegan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Finnegan, late second-class fireman, United States steamship Housatonic, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all in lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Thomas Finnegan, late second-class fireman, United States steamship Housatonic, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

Amend the title so as to read: "A bill granting an increase of pension to Thomas Finegan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE G. SABIN.

The next business on the Private Calendar was the bill (H. R. 13398) granting an increase of pension to George G. Sabin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Sabin, late of Company D, Sixth Regiment Ohio Volunteers and Ninth Regiment New York Heavy Artillery Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In same line, before the word "Ninth," insert the words "Company H."

In same line, after the words "New York," insert the word "Volunteer."

In line 8 strike out the word "Volunteers."

In lines 8 and 9 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORATIO N. WHITBECK.

The next business on the Private Calendar was the bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Whitbeck, late colonel Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendments recommended by the committee, which are set forth in the report, were read.

Mr. TALBERT. Mr. Chairman, I should like to have the report in that case read. That is a pretty big pension.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

The report (by Mr. SAMUEL W. SMITH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck, submit the following report:

This bill proposes to increase the pension of this officer from $30 to $75 per month.

Horatio N. Whitbeck, the officer named in this bill, now 65 years of age, is shown by the records of the War Department to have served as second lieutenant and captain of Company E, Sixty-fifth Ohio Volunteers, and as major and lieutenant-colonel of the same regiment from October 2, 1861, to August 16, 1865, when honorably discharged by reason of physical disability.

The medical certificate upon which his discharge was based sets forth as follows:

"Lieut. Col. Horatio N. Whitbeck, of the Sixty-fifth Regiment Ohio Veteran Volunteers, having applied for a certificate upon which to base an extension of sick leave of absence, I do hereby certify that I have carefully examined this officer and find him to be suffering from the effects of a gunshot wound of the left breast and lung (the missile not extracted) received at the battle of Kenesaw Mountain, June 27, 1864. The wound having recently broken out anew renders this officer unfit for duty.

"I further declare my belief that he will not be able to return to his duties in a less period than twenty days.

"Dated at Berea, Ohio, this 20th day of July, 1865.

"Z. B. DISBRO, M. D."

The officer has been a pensioner ever since his discharge at $30 per month for this gunshot wound of the chest, left arm, and back; was reduced, however, to $22.50 per month on the biennial examination of 1877, but was again restored to the original rating of $30 per month from the date of reduction, and is now in receipt of that pension.

He never applied for increase of pension since the action of the Pension Bureau in 1878 restoring him to the original rating of $30 per month from June, 1877.

When last examined, on January 2, 1878, the board of surgeons described his disabilities as follows:

"Gunshot wound of left side of chest. The ball entered the inner third of left clavicle, fracturing that bone and first rib. No wound of exit, or evidence as to course of ball. Results are removal of fragments of bone, with consequent depression and weakness in left arm and shoulder. Respiration at present seems unimpaired. Complains of pain, shortness of breath, and cough at times, which seem probable.

"Gunshot wound of left arm, side, and back. Ball passed through the posterior surface of the arm at the middle third, with exit 2 inches from point of entrance, reentered the lower margin of the scapula of the same side, passing transversely across the back, fracturing the lower border of the right scapula, with exit at ribs side at point of fracture of scapula. Ball passed in its course posterior to spinal column and through muscles of back."

The wounds of the left arm and left shoulder were received at Chickamauga on September 19, 1863.

There has been filed with your committee the affidavit of Dr. G. J. Jones, of Cleveland, Ohio, setting forth that he made an examination of the beneficiary on May 3, 1902; that he found scars of the gunshot wound of the chest, left breast, and back; that he had treated him frequently for the last twenty seven years; that he had been totally unable to perform any manual labor during the whole of that time; that he is suffering from frequent attacks of bronchitis and laryngitis, many times losing his voice, which is always weak and uncertain; that he also suffers from acute attacks of articular rheumatism and disturbed action of the heart, which is enlarged and dilated; that in consequence of this he has frequent attacks of general prostration, running several days, when he is scarcely able to sit up; that he requires to be under the care of a physican most of the time, and that he is entirely dependent upon the pension of $30 per month, which is inadequate for him to do justice to himself.

Other proof filed with your committee shows that by reason of the wound of the chest the officer's organs of speech were so injured as to almost deprive him of the power of speaking audibly; that his loss of voice totally disabled him from engaging in business; that he has been subject to frequent attacks of physical prostration, requiring residence in a hospital and daily medical attendance, and at times medical attendance two or three times a day; that as he advances in years, in addition to the suffering from the gunshot wounds received during his four years' service in the Army of the Cumberland, he has been subject to acute rheumatic attacks, and of late years has been suffering from rheumatism and lung affections; that he has no property of any kind, is a physical wreck, and that a change of climate is absolutely necessary in his case during the severe winter months, etc.

There has also been filed with your committee a resolution adopted by Memorial Post, No. 141, G. A. R., of Cleveland, Ohio, petitioning Congress, in view of the long term of gallant and patriotic services and of the severe wounds and suffering of this officer, to grant him a pension at the rate of $100 per month; also a statement signed by Hon. WASHINGTON GARDNER, a member of this House, setting forth that he was constantly with the officer in the service, except when he was absent on account of his wounds, and that he can say without hesitation or reservation that it is simply impossible for the Government to compensate him in money for the services that he performed, for the risks he took upon his life, and for the sufferings which he has endured and will continue to endure till the end of his life, in behalf of his country, etc.

In view of the gallant and meritorious services of this officer, the wounds received by him in action, his suffering and destitution, your committee believes that a grateful country can well afford to come to his relief, and an increase of his pension from $30 to $60 per month is recommended, and the bill is reported back with the recommendation that it pass after the same shall have been amended as follows:

In line 6, before the word "Colonel," insert the word "Lieutenant."

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "sixty."

Mr. TALBERT. Mr. Chairman, I do not know much about the medical names mentioned in this report. I move to amend the amendment by striking out "sixty" and inserting in lieu thereof "fifty."

The CHAIRMAN. The gentleman from South Carolina moves to amend by striking out "sixty" and inserting "fifty."

Mr. GARDNER of Michigan. Mr. Chairman, I hope this amendment will not prevail. I am not out of sympathy with the gentleman from South Carolina in his watchfulness of the special pension legislation; but I am happy always to say a word in behalf of worthy individual cases of which I have knowledge.

This officer, having been promoted from captain to major, commanded the regiment of which I was a member in the battle of Stone River, where he was first wounded. He recovered sufficiently to command it again at the battle of Chickamauga, where he was severely wounded.

Thirty-eight years ago next Wednesday I myself was wounded on the line at Resaca. I think I owe my life to this man, for when it was reported to him that I was hurt he directed that I be carried back and have immediate medical attention. On the 27th of June following he received a gunshot wound in the side, which entered his lung and remains there to this day.

I have seen him several times since the war, and for many years after the war he was unable to speak above a whisper. He has been a constant sufferer from this last wound, particularly, for nearly thirty-eight years. When the first colonel of the regiment was fatally shot in the assault on Kenesaw Mountain, Colonel Whitbeck received what was thought to be a mortal wound. The captain who succeeded to the command of the regiment was shot dead immediately after him. Colonel Whitbeck wrote me two years ago that his pension did not pay his expenses when he was compelled to be cared for in hospitals. I know this soldier well, for I served three years with him. The Government is not able to pay him for what he has done and what he has suffered for this country of ours. For thirty-eight years his life has been a living sacrifice. No words that I can say can add to his heroism and his worth as a man. He gave up a business of much promise when he went into the war, sacrificing everything. He was unable to do business after he returned. He has been a constant sufferer, and now needs this increase of pension to enable him to be properly cared for in his necessitous and suffering old age.

I know if my friend from South Carolina [Mr. TALBERT] knew him as I know him, and saw him as I saw him fall in three battles in the war, if he knew his valor and virtue as a man as I know it, he would unite with his comrades in Cleveland who petitioned that this be made a hundred dollars a month as the minimum of what he is entitled to because of his services.

I hope the amendment will not be adopted, but that the bill will be passed at $60 a month, as fixed by the committee.

Mr. TALBERT. Mr. Chairman, I have no doubt every word the gentleman has stated is true; and no man has a greater regard for the patriotism, the bravery, and the heroism of the soldier than I do, whether he wore the blue or whether he wore the gray. But in considering this matter it seems to me, these being the facts, that this pension ought to have been increased at the Pension Bureau; and I fail to understand, these being the facts, why it is his pension could not have been continually increased until it reached the maximum of $72 per month at the Bureau.

But what I object to, and what I think is wrong, is for applicants who have failed at the Pension Bureau to get their pensions increased, after trial after trial, that they should come here for special legislation. It does not seem to me that it is right to come to Congress, as a court of appeals, and override the decisions of the Pension Bureau, which has its boards of examiners and every means of investigation to determine whether or not these claims are just and proper; and after thinking of this and after listening to the reading of the report, it seems to me that it will be ample to allow this hero, for he was a hero, I know, $50 per month. It seems to me that that is sufficient when you consider the mere pittance that you are giving the poor private soldiers, whose heroism and disinterested patriotism eclipses the mere laurels of the ranking officer—the man that stands in the front rank all the time.

I can not understand why gentlemen here should advocate such excessive pensions for officers; that they do not advocate as much for the private soldier and his widow as they give to the officer and his widow. I do maintain here and submit now and forever that the private soldier and his widow and children deserves as much, if not more, consideration than the officer, his widow, and children. Now, I am not willing to make this more than $50. I think that is quite liberal, and I hope my amendment will prevail. I submit to the committee that I have no idea of calling a quorum; there is not a quorum here, but I do not propose to call for a quorum. If the committee desires to retain it at $60, well and good. I am not willing to vote for more than $50, and will content myself with entering only my protest.

Mr. GARDNER of Michigan. Mr. Chairman, just one word. This man, according to the report of the committee, has never applied for an increase of pension since the action of the Pension Bureau in 1878, restoring him to the original pension rate of $30 a month. Here is a soldier of splendid battle record who has not been seeking an increase of pension except a restoration. There

was a time when he was treasurer of Cuyahoga County, of which Cleveland is the county seat.

Mr. TALBERT. Does not the gentleman think it was the place for him to go? Why did he not seek this increase of pension at the proper place?

Mr. GARDNER of Michigan. I can not answer that, because I have not talked with him about it.

Mr. TALBERT. Mind you, I am not objecting to anything he is entitled to. If his disabilities entitle him to $72 a month he ought to have it, and the Bureau ought to give it to him liberally, and I believe he could get it there.

Mr. GARDNER of Michigan. Just one word further. He has not made the application. Why I do not know. But he certainly has not been a "pension mendicant," seeking time and again to have his pension increased. It is said by those who know him that he will not live a year. I do not know how that is; I hope he will live many years; but that does not alter his necessities nor the justice of his case.

One word about the private and the officer. I was a soldier in the ranks, and when it comes to the man who commanded a regiment and took the responsibilities of a thousand or less men in battle, in camp, on the march, everywhere—I speak now as a soldier who carried a musket—he is entitled to more than the man who simply fired his gun when he was told to. In saying that I detract nothing from the man in the ranks. The world has always recognized the burden of responsibility, and in proportion to the measure of responsibility has it bestowed the measure of its rewards. This is no exception; not even in the amount granted as a pension.

Mr. TALBERT. The law recognizes that distinction.

Mr. GARDNER of Michigan. Yes.

Mr. SULLOWAY. Mr. Chairman, if I may be pardoned just a word. This I believe to be as meritorious a case as has been brought into this committee by the committee I am a member of. This officer was shot in the breast and has a bullet in his lungs or in the vicinity, and it has been there all these years. He is a total wreck and has been a great sufferer. He ought to have been allowed $72 a month at the Bureau beyond any question. My friend asks why he was not. That is one of the things God never intended that I should know, for I can not find out. [Laughter.] They are not allowed what they ought to be down there, and possibly because they are not and because the evidence in this case is absolutely conclusive we have recommended $60 when we ought to have recommended $72. We almost always scale under in order that we may have the confidence of this body, and I hope the gentleman from South Carolina will not insist on his amendment.

Mr. GROSVENOR. Mr. Chairman, I would like to add a little something to the professed problem that the gentleman from South Carolina has put to the committee, and I will give him an illustration of how these things are done. There was a soldier in my district by the name of Palmer; he was a good soldier; served entirely through the war as a private. He secured for the disease of rheumatism a pension of $10 or $12 a month. He had a very bad case of rheumatism, that grew on him from time to time, and his eyesight began to fail; and while his rheumatism grew in intensity the eyesight grew more and more feeble. At last he went totally blind, just as blind as a man could be with both eyes dug out.

I worked with the best testimony that could be produced. Physicians of eminent distinction testified that they had treated him, that they knew all about the development of his case, absolutely knew to a moral certainty that the rheumatism and the accompaniments, the incidental conditions that grew out of it, produced that blindness. The Bureau of Pensions stood there stolidly, saying that under their rules blindness never came from rheumatism, and that is all there was of it. They rejected all the testimony of these eminent physicians; they rejected all the teachings of the books, and just stood there impervious to common sense and to the evidence that they had. What are you going to do with a concern like that? I succeeded in getting the committee to report a bill for $40 a month and the Senate cut it down to $30, but I am willing to take it, when I can get it, as the best I can do.

The gentleman puts a problem that he can not answer and no other man can answer—a problem that no power can answer except the omnipotent power of the Almighty. Such a combination of organized self-stultification was never formed in the history of mankind. That is all there is about this matter.

Mr. TALBERT. I have no doubt of the facts as stated, and I believe that in the case to which the gentleman from Ohio has referred a pension of $72 a month ought to have been granted under the law. But the man here mentioned did apply to the Pension Bureau, where, for some unknown reason—on account of some technicality or of some abstract rule—the pension could not be granted, although doubtless the officers were honest in their action. But in this other case the officer did not apply. I believe he has not applied at all for any increase of pension, and in view of that fact and knowing that these disabilities are the result of wounds received in the service, are traceable to service origin, I withdraw my amendment. I am willing to let the matter go, because the man has not appeared at all to ask for anything, as was done in the case stated by the gentleman from Ohio. I will not knowingly or intentionally do an old hero an injustice if I know my own heart.

The question being taken on the amendments reported by the committee, they were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH C. VINCENT.

The next business on the Private Calendar was the bill (S. 4293) granting an increase of pension to Elizabeth C. Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be; and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Vincent, widow of Strong Vincent, late colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DE WITT C. BENNETT.

The next business on the Private Calendar was the bill (S. 288) granting an increase of pension to De Witt C. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of De Witt C. Bennett, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RUTH H. FERGUSON.

The next business on the Private Calendar was the bill (S. 2755) granting a pension to Ruth H. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth H. Ferguson, helpless and dependent daughter of William P. Ferguson, late captain Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH D. HAZZARD.

The next business on the Private Calendar was the bill (S. 4865) granting an increase of pension to Joseph D. Hazzard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Hazzard, late first lieutenant Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARIA J. WILSON.

The next business on the Private Calendar was the bill (S. 2950) granting an increase of pension to Maria J. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria J. Wilson, widow of Julius A. Wilson, late of Company C, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 11858) for the relief of William E. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to so amend the military record of William E. Anderson, Company H, Third United States Artillery, as to show him honorably discharged to date June 18, 1847.

The amendment recommended by the committee was read, as follows:

Add to the bill the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. I move that the committee now rise and report to the House the various bills which have been acted on.

GOTTLIEB C. ROSE.

Mr. VANDIVER. Before the gentleman presses that motion I ask him to yield a moment. I discover, Mr. Chairman, that the bill (S. 35) for the relief of Gottlieb C. Rose—No. 1371 on the Calendar—has not been considered, for the reason that, technically speaking, it does not come exactly within the rule. Yet it has been reported from the Committee on Military Affairs, and is practically of the same nature as other bills which have been acted on. I therefore ask unanimous consent that it be now considered.

The CHAIRMAN. Upon further consideration, since the matter was mentioned between the gentleman from Missouri [Mr. VANDIVER] and the Chair, the Chair is constrained to state that as the Committee of the Whole is operating under specific rules which apply specially to particular classes of bills and none others, it seems to the Chair hardly competent for the Committee of the Whole to take up a bill of this kind. The Chair is so advised, and feels that perhaps it would be better for the gentleman from Missouri to bring this bill up at another time, when there can be no question in regard to the rule under which it is presented.

Mr. VANDIVER. I respectfully submit to the ruling of the Chair, although I thought that this bill was so nearly of the same character with some which had been acted upon that it might be disposed of in the same way.

The CHAIRMAN. Upon further examination of the bill by the Chair and by those with whom the Chair has consulted, the Chair is constrained to believe that the bill referred to by the gentleman would not come within the rule under which the Committee of the Whole is now operating.

Mr. SULLOWAY. Mr. Chairman, I renew my motion that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. LACEY) having taken the chair as Speaker pro tempore, Mr. CAPRON, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills and had directed him to report the same back to the House, some with amendments and some without, and recommend that the bills, with the several amendments, do pass.

DIPLOMATIC AND CONSULAR SERVICE OF CUBA.

Mr. HITT. Mr. Speaker, before proceeding to the consideration of the bills reported back from the Committee of the Whole, I ask unanimous consent of the House to have a conference committee appointed on the diplomatic and consular appropriation bill, reported from the Senate to-day, and move that the House nonconcur in the Senate amendment and ask a conference thereon.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take up the bill (H. R. 13996) making appropriations for the diplomatic and consular service of the republic of Cuba.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman from Illinois if this is a general diplomatic and consular bill?

Mr. HITT. No. It is a bill prepared to provide for the diplomatic and consular service for the republic of Cuba.

Mr. RICHARDSON of Tennessee. It is simply now to put it in conference?

Mr. HITT. That is all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question now is on the motion of the gentleman from Illinois that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker pro tempore announced the following conferees on the part of the House: Messrs. HITT, ADAMS, and DINSMORE.

BILLS ON THE PRIVATE CALENDAR.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on all of the bills reported from the Committee of the Whole and the amendments to their final passage.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the previous question be considered as ordered on the bills reported from the Committee of the Whole and amendments to their final passage. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PENSION BILLS, ETC., PASSED.

The House proceeded to the consideration of the bills reported from the Committee of the Whole House; and House bills of the following titles, reported from the Committee of the Whole without amendment, were taken up, ordered to be engrossed, and read a third time; and they were accordingly read the third time, and passed:

H. R. 8401. A bill granting an increase of pension to Henry E. Murphy;

H. R. 12428. A bill granting an increase of pension to Elizabeth G. Getty;

H. R. 4262. A bill granting an increase of pension to Thomas P. May;

H. R. 7778. A bill granting a pension to Peter Buckley;

H. R. 14079. A bill granting an increase of pension to John Miller; and

H. R. 14099. A bill granting a pension to Samantha B. Van Brocklin.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 11196. A bill granting a pension to Abbie Bourke;

H. R. 13529. A bill granting an increase of pension to Francis C. Baker;

H. R. 13174. A bill granting an increase of pension to Ransford T. Chase;

H. R. 7040. A bill granting an increase of pension to Benjamin Grinnell;

H. R. 8414. A bill granting an increase of pension to George Atkinson;

H. R. 13597. A bill granting an increase of pension to Edmund B. Appleton;

H. R. 8487. A bill granting a pension to John M. Crist (title amended);

H. R. 13891. A bill granting a pension to Hiram A. Sheldon;

H. R. 12377. A bill granting a pension to Capt. Enoch Voyles (title amended);

H. R. 7021. A bill granting an increase of pension to Henry Forcht;

H. R. 5321. A bill granting a pension to Lillie May Fifield;

H. R. 2787. A bill granting a pension to Cornelia S. Ribble (title amended);

H. R. 7319. A bill granting an increase of pension to Mrs. F. H. Anthony (title amended);

H. R. 2563. A bill granting an increase of pension to Robert R. Strong;

H. R. 7382. A bill granting a pension to Jacob Mock;

H. R. 1741. A bill granting an increase of pension to Griffith Evans (title amended);

H. R. 8924. A bill granting an increase of pension to George W. Mathews;

H. R. 12562. A bill granting an increase of pension to William H. Temple;

H. R. 12047. A bill granting an increase of pension to Jackson L. Wilson;

H. R. 12779. A bill granting an increase of pension to George Chamberlain (title amended);

H. R. 13467. A bill granting a pension to Joseph H. Woodniff (title amended);

H. R. 7679. A bill granting an increase of pension to Franklin Snyder;

H. R. 5887. A bill granting an increase of pension to Morris M. Comstock;

H. R. 13081. A bill granting an increase of pension to Anthony J. Railey;

H. R. 13807. A bill granting a pension to Jeremiah Horan;

H. R. 13395. A bill granting a pension to Arthur J. Bushnell;

H. R. 7906. A bill granting a pension to Martha G. Young;

H. R. 6030. A bill granting an increase of pension to William G. De Garis;

H. R. 11395. A bill granting a pension to Mary Pitman;

H. R. 12279. A bill granting a pension to Nancy M. Richmond (title amended);

H. R. 13423. A bill granting an increase of pension to Elizabeth Wall;

H. R. 13332. A bill granting an increase of pension to W. G. Cantley (title amended);

H. R. 11495. A bill granting an increase of pension to Mary A. Bailey (title amended);

H. R. 13355. A bill granting an increase of pension to William H. Snyder;

H. R. 13266. A bill granting an increase of pension to Elbert N. Remson;

H. R. 2199. A bill to remove the charge of desertion from the military record of Jonas Albert;

H. R. 2430. A bill for the relief of Lizana D. Streeter (title amended);

H. R. 2623. A bill granting an increase of pension to John Smith;
H. R. 1695. A bill granting an increase of pension to Christopher C. Perry;
H. R. 3517. A bill granting an increase of pension to Stephen Harris;
H. R. 7150. A bill granting a pension to Garrett Stanley;
H. R. 7353. A bill granting a pension to Nancy M. Williams;
H. R. 7401. A bill granting an increase of pension to William Brown;
H. R. 1715. A bill granting an increase of pension to Henry P. Hudson (title amended);
H. R. 9437. A bill granting a pension to Elias A. Calkins (title amended);
H. R. 10201. A bill granting an increase of pension to O. R. Freeman (title amended);
H. R. 10752. A bill granting a pension to Harriet T. Milburn, widow of John T. Milburn, deceased (title amended);
H. R. 11921. A bill granting an increase of pension to George W. De Graw;
H. R. 12983. A bill granting an increase of pension to Eleanor Emerson;
H. R. 13378. A bill granting an increase of pension to Edwin Beckwith;
H. R. 13646. A bill granting an increase of pension to John G. Heiser;
H. R. 14118. A bill granting a pension to Mary C. Bickerstaff;
H. R. 12777. A bill granting a pension to George H. Young (title amended);
H. R. 10172. A bill granting a pension to Thomas Finnegan (title amended);
H. R. 13398. A bill granting an increase of pension to George G. Sabin;
H. R. 12800. A bill granting an increase of pension to Horatio N. Whitbeck; and
H. R. 11858. A bill for the relief of William E. Anderson.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, and the bills as amended were ordered to a third reading, read the third time, and passed:

S. 3992. An act granting an increase of pension to David M. McKnight;
S. 2336. An act granting a pension to Rebecca Coppinger;
S. 4506. An act granting an increase of pension to Ann E. Collier;
S. 2036. An act granting an increase of pension to Etta Adair Anderson; and
S. 2951. An act granting an increase of pension to Maria J. Wilson.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 5337. An act granting an increase of pension to Marietta L. Adams;
S. 4004. An act granting an increase of pension to Thomas L. Nelson;
S. 2461. An act granting an increase of pension to George McDowell;
S. 1593. An act granting an increase of pension to Eben C. Winslow;
S. 3999. An act granting an increase of pension to Emma S. Hanna;
S. 4238. An act granting an increase of pension to Philo F. Englesby;
S. 3279. An act granting a pension to John Coolen;
S. 3331. An act granting a pension to Ada V. Park;
S. 5294. An act granting an increase of pension to William F. Horn;
S. 4256. An act granting an increase of pension to Henry W. Edens;
S. 2347. An act granting an increase of pension to Alfred M. Wheeler;
S. 4455. An act granting an increase of pension to Hallowell Goddard;
S. 500. An act granting a pension to Samuel S. Beaver;
S. 4979. An act granting an increase of pension to Paul Fuchs;
S. 182. An act granting a pension to Mary F. Zollinger;
S. 4293. An act granting an increase of pension to Elizabeth C. Vincent;
S. 288. An act granting an increase of pension to De Witt C. Bennett;
S. 2755. An act granting a pension to Ruth H. Ferguson; and
S. 4865. An act granting an increase of pension to Joseph D. Hazzard.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House concur in the Senate amendment to the bill (H. R. 9037) to allow the commutation of homestead entries in certain cases.

The Senate amendment was read.

Mr. McRAE. Mr. Speaker, what is this amendment?

Mr. BURKE of South Dakota. Mr. Speaker, I will state to the gentleman that in the Fifty-sixth Congress an act was passed granting to homestead settlers who had commuted their homesteads, or who from any cause had never received any benefit under the homestead act, the right to make a second homestead entry. The Department, in construing that act, held that a homesteader who made final entry by paying for his land, and who could have had the benefit of the free homes' law had he not made such payment, was not entitled to make a second entry; that is, a settler who had commuted could make a second entry, but a settler who had lived upon his land for the full period of five years and then paid for his land could not make a second homestead entry.

Mr. McRAE. Did you ever find anybody who would live on a piece of land for five years and then pay for it, too?

Mr. BURKE of South Dakota. Yes; we have had a very few of those cases, and it only affects those few.

Mr. McRAE. It seems to me that a man of that kind ought to have a guardian.

Mr. BURKE of South Dakota. Well, he certainly ought to have the same privileges that are given to the man who only lives on his land fourteen months and then commutes by paying for it.

Mr. McRAE. A man who would pay a dollar and a quarter an acre for his land when he did not need to ought to have his money back.

Mr. BURKE of South Dakota. There were some such cases.

Mr. McRAE. I have no possible objection to the amendment, if that is what it relates to.

The SPEAKER pro tempore. The amendment enlarges somewhat the scope of the original bill. It will require unanimous consent to consider it in this way. The Chair therefore submits the question as to whether these amendments to this bill shall now be considered. Is there objection?

Mr. SIMS. What is this, a pension bill?

The SPEAKER pro tempore. It is a bill on the Speaker's table; a House bill with a Senate amendment.

Mr. SIMS. Is it on the Private Calendar?

The SPEAKER pro tempore. It is on the Speaker's table.

Mr. SIMS. How can we consider it in a pension session?

The SPEAKER pro tempore. The other bills have been disposed of, and this, being upon the Speaker's table, has been called up because it is unfinished business. Is there objection to the consideration of this bill at this time?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota [Mr. BURKE] to concur in the Senate amendment.

The Senate amendment was concurred in.

LEVI HATCHETT.

The SPEAKER pro tempore also laid before the House the bill (S. 2975) granting an increase of pension to Levi Hatchett, with a House amendment thereto, to which the Senate disagrees, requesting a conference.

Mr. GIBSON. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. GIBSON, Mr. DARRAGH, and Mr. KLEBERG.

HELEN A. B. DU BARRY.

The SPEAKER pro tempore also laid before the House the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry, with a House amendment thereto, to which the Senate disagrees, asking a conference.

Mr. GIBSON. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. SULLOWAY, Mr. GIBSON, and Mr. LINDSAY.

FREDERICK O. CLARK.

The SPEAKER pro tempore also laid before the House the bill (H. R. 12148) granting an increase of pension to Frederick O. Clark, with a Senate amendment thereto.

Mr. GIBSON. I move that the House concur in the Senate amendment.

The motion was agreed to.

ENOS G. BUDD.

The SPEAKER pro tempore also laid before the House the bill (H. R. 5254) granting an increase of pension to Enos G. Budd, with a Senate amendment, which was read.

Mr. GIBSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The amendment of the Senate was concurred in.

OSCAR W. LOWERY.

The SPEAKER pro tempore also laid before the House the bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery, with a Senate amendment, which was read.

Mr. GIBSON. Mr. Speaker, I move concurrence in the Senate amendment.

The amendment of the Senate was concurred in.

Mr. HILL. Mr. Speaker, it was my pleasure on Wednesday afternoon of this week to give an explanation of the Fowler bill in the city of New York at the request of the Associated Savings Banks of the State of New York. I have been requested by a number of members, both on the Democratic and Republican sides of the House, to have that explanation printed in the RECORD. The remarks relate wholly to the bill now pending before the House, and I ask unanimous consent that they be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to incorporate in the RECORD remarks upon the Fowler banking bill. Is there objection?

Mr. RICHARDSON of Tennessee. I did not understand what the remarks were.

Mr. HILL. I stated that I had on Wednesday of this week given an explanation of the Fowler bill to the Associated Savings Banks of the State of New York in the city of New York, and did so at considerable length. I explained it as plainly and as briefly as I could. I have been requested by members on that side of the House and this side to give that explanation to the House. I do not care to take the time of the House to do it, but ask unanimous consent to print it in the RECORD. The remarks relate wholly to the bill reported by the Committee on Banking and Currency, and to no other subject whatever.

Mr. BARTLETT. What was the request? I have just come in.

The SPEAKER pro tempore. The gentleman asks unanimous consent to insert an explanation of the Fowler bill in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

ADDRESS OF HON. E. J. HILL, MEMBER OF CONGRESS FROM THE STATE OF CONNECTICUT, DELIVERED BEFORE THE SAVINGS BANKS ASSOCIATION OF THE STATE OF NEW YORK AT THEIR ANNUAL MEETING HELD IN NEW YORK CITY WEDNESDAY, MAY 7, 1902.

MR. PRESIDENT AND GENTLEMEN: When the Japanese worshiper goes to the Buddhist temple in the city of Narra, in Japan, he has his prayers printed on slips of tissue paper, and, wetting them in his mouth, he throws them at the idol.

If they stick he goes away happy, believing that the prayers are answered.

So I am here to-day to fling some thoughts at you from this manuscript, in the firm belief that if I can make them stick in your memory somewhere and somehow the answer will come in a sounder currency and a better banking system for our beloved country.

My subject will be House bill 13363, entitled "A bill to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws."

While we may not all agree concerning every feature of this measure, of one thing I am sure—that, representing as you do more than 2,000,000 depositors in this State and over a billion in amount of the savings of your people, you not only strive to guard with jealous care and keep in perfect safety the trusts committed to you, but when the savings of the past are called for in times of stress and sore necessity your duty and your pride as well will lead you to meet those calls with money that is good the world around and with the highest purchasing power everywhere.

In one respect you are the eyes and ears and brains for nearly one-third of the population of this State.

So far as deposits are made for investment purposes, they are a tribute to your sagacity, and their great increase a testimonial to the confidence which is placed in you; but the weekly savings which are intrusted to you represent the vigor and strength of active life which are stored and held till age and weakness make their use imperative, and any shrinkage in the purchasing power of the money which measures these means just so much less of comfort and so much more of deprivation when old age comes.

It is therefore to the everlasting credit of the mutual savings banks of this State, that when the kind of money in which those deposits should be paid became a disputed political question in '96, you promptly declared "that in our judgment the future prosperity of the country and the welfare of the people demand not only that the gold standard shall be maintained, but the currency system now in use shall be so changed and remodeled as to meet and adapt it to the increasing needs of commerce, and equal in security and credit with the best in circulation by any of the civilized nations of the earth."

In the House of Representatives the Committee on Rules often bring in a rule that a certain subject shall be made a "continuing question until disposed of," and I take it that this resolution was one of that kind; that what you said in 1896 you mean to-day, to-morrow, and all the to-morrows in the future.

Now let me tell you what has been done to carry that resolution into effect.

Then the only dangerous feature of our currency system was fiat money.

Then we had $346,681,016 of greenback promises to pay.

Every dollar of it is still outstanding.

Then we had 401,688,649 silver dollars, worth 52.2 cents each, but legal tender for 100 cents.

Now we have 534,606,654 silver dollars outstanding, worth about 41 cents each, and are steadily coining a million and a half a month, and have been doing so from that day to this, and, unless legislation is had forbidding it, will continue to do so till the aggregate will be 570,000,000.

Since you passed your vote not one dollar of the demand notes has been canceled, and no provision whatever has been made for maintaining the parity of our enormous mass of silver. Indeed, so far as legislation is concerned, barring the right to issue 3 per cent certificates of indebtedness given in the war-revenue act, the Treasury Department has less power than it had prior to the act of March 14, 1900, to maintain the parity with gold of all forms of money.

That act, in its first section, did declare that 25.8 grains of gold, nine-tenths fine, should be the standard unit of value, but in its last section it proclaimed Senatorial faith in international bimetallism.

It did increase our gold reserve from one hundred to one hundred and fifty millions; but where, under the old law, all of it could, in the discretion of the Treasury, be used before the signal of distress in the shape of bond issues was put out, now such use is limited to fifty millions, and I need not say to a convention of bankers that a reserve which can under no conditions be used is a delusion and a snare.

It did, perhaps, strengthen the position of the greenback by restricting to this one form of currency all of the powers which the Treasury before possessed to maintain all our money at parity with gold, but in so doing left a much larger amount of silver stark naked and alone to maintain itself by use, with the confidence of the people as its only redeemer.

I take the position here to-day that the United States has no more right to put in circulation any form of legal-tender money which it will not redeem in the money of the standard which it has itself proclaimed than an individual has to issue his note with the deliberate intention of defaulting in its payment.

No good reason can be given why the greenback, which is all fiat, should be redeemed in gold, and the silver dollar, which is more than half fiat, should not be also.

Indeed, the only excuse—for there is no reason—which can be offered is that it would be dangerous, and that it would increase the so-called "endless chain," and so prove a burden which the Treasury could not carry.

The claim refutes itself, for the silver dollar is a legal tender for all dues to the Treasury, and Hon. Lyman J. Gage, who filled the position of Secretary of the Treasury with an ability equaled by few men in our country's history, told the simple truth when he said:

> The Government might just as well face the redemption at the front door as to delay it until it must take it under the revenue laws at the back door.

The danger is ever present in our financial system, and it is far safer to find it out and be prepared for it, than it is to ignore it and have it find us unprepared, as it did 1893.

God, in His goodness to us as a nation, has given us splendid crops and an abounding prosperity, and the miner, with his pick and shovel, has more than doubled our stock of gold since then, and so shielded us from the otherwise inevitable result of our foolish financial policy; but Congress has had little to do with either of these causes, and, indeed, so far as effective financial legislation is concerned, has been practically content to let things drift, and will be so content in the future, unless an aroused public opinion shall demand some action or adversity shall come again to compel it.

Do you doubt it?

The late Comptroller of the Currency, in a speech a few days ago, used this language:

> The adoption of asset currency would involve the reorganization of the entire banking business of the country, and this, of course, is not be thought of during times of prosperity. Those things are best done during periods of adversity, when a little uncertainty added to the total can not influence business much for good or bad.

It may be that this is good policy and good politics as well, but I do not think it is either; for when trouble does come, as come it will, the people will hold the party in power to a strict responsibility for failure to prepare for it when they had the opportunity.

Many years ago the wise man said: "A prudent man foreseeth the evil and hideth himself, but the simple pass on and are punished."

I commend this proverb, with all that it implies, not only to those who, having given little thought to the question, are content to "let well enough alone," but especially to those who, fully realizing the situation, are indifferent to it because a Congressional election is approaching. Is the currency system of the United States always to be a political football, only to be kicked back and forth between the parties and, when the game is finished, to be laid away as a trophy of victory, battered and bruised and soiled with the dirt of party conflict?

Three months ago the National Board of Trade recommended "that Congress enact such legislation as may be necessary to put this country on a permanent gold basis," and by specific votes declared that the retirement of the greenbacks and the exchangeability of the silver dollar for gold were essentials to that end.

On the 5th of March the New York Chamber of Commerce, upon an elaborate report prepared by John Harsen Rhoades, Henry W. Cannon, E. H. Perkins, jr., August Belmont, and George G. Williams, unanimously voted that "the first stone in the foundation of the structure of national credit is the inviolate character of its unit of value, and now is the time to complete the act of March 14, 1900," and to that end favored the exchangeability of the silver dollar with gold.

And yet, since the 13th of January, a bill to that end has been upon the House Calendar, and can not be touched because, forsooth, some Republicans who voted for it two years ago now fear that the agitation of the silver question will hurt them in their districts this fall, and some Democrats, who were driven by public sentiment to cast a like vote then, now say that political conditions have changed.

When you add to this the fact that one great committee of the House of Representatives has reported a bill deliberately putting the government of the Philippine Islands into the banking business to maintain the parity of a full legal-tender silver coinage at a ratio of 2 for 1, and that coinage issued with the openly avowed purpose of perpetuating the wage system of the islands on its present silver basis, and then supplement these things by a report of the Senate Committee on the Philippines in favor of the unlimited coinage of a full legal-tender silver dollar on private account as the currency system of the islands, and add to that that this dollar may be coined in San Francisco from American bullion, with the great probability that it will enter into American circulation precisely as the trade dollar did, is it not high time that the sound-money men of the United States should demand from their Representatives and Senators and their President and Cabinet that the overwhelming victories of 1896 and 1900 for honest money and a sound financial system should not be frittered away and go for naught?

Gentlemen, there is no room in a gold-standard system for fiat money.

It must either be paid and canceled or the responsibility for its current redemption squarely assumed by the issuing power. And when the Government does this it, in effect, gives notice to all the world that it will furnish all of the gold required for international trade, for it has no control of interest rates, and can not check demand as a bank can by raising the price of discounts.

With fiat money in circulation there is neither place for nor safety in a bank-note issue "adapted to the increasing needs of commerce," to use the language of your resolution of five years ago, for every bank note practically becomes a sight draft upon the Treasury reserve of gold, and every bank will look to the Treasury for relief in time of panic, as they have been doing for thirty years, even when their notes have not been made redeemable in gold.

The financial barometer of this country to-day is the accumulation of gold in the Government Treasury, and we watch each day for its rise and fall.

Every dollar of it above a fair working balance should be employed in the industries of the country, and is so used by every one of our commercial rivals.

Who thinks of looking at the treasury holdings of any European country to judge of the possibilities of a panic?

It is the business of the banks there to safeguard and keep sufficiently abundant the supply of redemption money. And it should be here, but it never will be till the demand notes of the Government are eliminated from our system.

It is fiat money which has made impossible every scheme for the improvement of our banking system since the civil war.

It was this which paralyzed the excellent plan of Hon. Joseph H. Walker, for he was compelled to propose a heavy penalty tax upon the deposits of all the banks of the country to force them to maintain the parity of all our moneys, which of course was impossible unless they could control the amount which the Government should issue.

It was this which made hopeless the plans of Carlisle and Gage and the monetary commission, and it is this which complicates the Fowler bill and brings its intrinsic benefits to the country far too slowly for the country's good.

The greenbacks should be paid and the ultimate retirement of the legal-tender silver dollar provided for now and meanwhile made exchangeable for gold.

It could be done, as Mr. Gage said to the Banking and Currency Committee, "without making a ripple upon the financial surface of the country."

He had the courage and power to do it, but Congress would not permit it.

Charles S. Fairchild had the courage but not the power.

If this was done, a bank-note issue redeemable in gold could be provided which would respond to every legitimate trade requirement and by its economy save to the business interests of this country in the next five years more than the amount of the entire volume of the outstanding greenbacks.

Think of the difference between a greenback and a bank note.

So far as the issuing is concerned the greenback has absolutely no relation to trade and commerce, for the Government borrows but never lends, and can not issue currency except to pay an existing debt which represents past consumption, as the greenback represents debt incurred in the civil war.

When the greenback is issued there is no returning stream of assets to provide for its redemption, and it is in essence the equivalent of an individual note perpetually renewed. But a bank lends and is not supposed to borrow except from its depositors, and when it issues its note it swaps its credit for its customers' credit, and at the time of issue receives back something which it can use to cancel its own obligation when it is presented for redemption.

One deals with the past and pays for "horses" which are eternally dead, the other with the future and buys live and productive assets.

Two reasons are given for the continued existence of the greenback:

First. That it is a loan without interest.

Second. The sentimental one that it saved the nation in the civil war and must now be held as sacred as a soldier's grave.

For reply to the first I cite you to the report on the pending bill on page 7, where the Treasury actuary clearly proves that the cost to the Government of maintaining the greenback since resumption in 1879 has been nearly 7 per cent per annum.

For reply to the second I have no recollection that the "greyback" of the Confederacy had any such effect upon its fortunes, and am therefore compelled to believe that the resources of the North rather than its liabilities were the deciding factor in that conflict.

The fact is that we are flying in the face of the experience of the whole commercial world by maintaining a system of fiat money, and this bill recognizes that and proposes to get back slowly but surely to the solid ground of gold as the legal tender, silver as subsidiary coin, and bank notes as the instruments of trade.

Then deficits may come and surpluses may go, but the money of the people will be unchanged and unchangeable.

Then the ghost of parity will no longer haunt our sleeping hours and the governmental relation to commercial interests will be one of taxation only.

The bill proposes, first, to stop the further coinage of the silver dollar, to use the bullion remaining in the Treasury for subsidiary coin, and when public necessities require more, to begin the recoinage of the dollar into subsidiary.

The committee believe that with our rapidly increasing population the whole amount can in time be converted into change money and held in daily use among the people, and with the greenbacks retired, with no bank notes below $10 and silver certificates restricted to $5, it can be safely carried.

It has been strongly urged that the United States should follow the example of Germany and Japan in melting down and selling all of our legal-tender silver which is not in actual circulation, but this means assuming a loss of 59 cents on every dollar so treated, and recoinage means a nominal gain of about 7 cents on every dollar which can be permanently held in circulation.

The difference between the two plans would aggregate about $300,000,000.

The second feature of the bill providing for the maintenance of the gold standard is the retirement of the greenbacks.

In my judgment this should be by the direct and independent action of the Treasury, for they are a Government debt and in no sense a bank obligation.

The complications which are certain to arise by throwing a part of this burden upon the banks are wholly unnecessary, and there is no essential relation, even in point of time, between the withdrawal of the greenback and the issue of the bank notes, for whenever a greenback is paid, a gold dollar will go into circulation and the bank note is only a credit instrument and not a legal tender; but the committee thought that it would be politically wise to induce the banks to assume the current redemption of such an amount as could not be canceled with the gold now in the Treasury, and in that way divest the Treasury more promptly of its banking functions, even if it did delay the date of their entire payment somewhat longer.

It is proposed that any bank which shall assume the current redemption in gold of greenbacks to the amount or 20 per cent of its capital shall have the privilege of issuing within two years thereafter a like amount of bank notes redeemable in gold over its own counter and at some clearing house or agency in a clearing-house city, and such notes shall not require a previous deposit of bonds and shall bear a tax of but one-fourth of 1 per cent per annum. The greenbacks thus assumed for current redemption will have the indorsement of the separate banks, and each bank must hold itself ready to currently redeem its respective share in gold, either over its own counter or by immediate reimbursement to the Government if redemption is demanded at the Treasury. These greenbacks so assumed are to be finally paid by the Treasury from a fund derived from taxes on all bank-note circulation and the interest on deposits in national banks of all Government funds in excess of a working balance of $50,000,000, which deposits the bill prescribes shall hereafter be covered by Government bonds at par and shall bear an interest charge of 1 per cent, but no reserve is to be held against them.

Concurrently with the assumption of the greenbacks referred to, the banks shall present an additional 10 per cent to the Treasury for immediate payment and cancellation and receive the gold therefor.

With 65,000,000 greenbacks paid and 130,000,000 assumed for current redemption by the banks, the remaining 151,000,000, less those lost and destroyed in forty years, can easily be met from the reserve fund in the Treasury.

The success of the plan depends upon the willingness of the banks to assume the current redemption of greenbacks to the amount of 20 per cent of their capital.

In the opinion of the committee the inducements are sufficient. What are they?

First. The banks so consenting will have the exclusive privilege of note issue on assets until the entire 130,000,000 of greenbacks are assumed.

Second. An abatement of 1 per cent in the tax upon asset note issues on an amount equal to the greenbacks assumed.

Third. The final redemption of the assumed greenbacks in the inverse order of their assumption, so that the tax abatement remains longest with those who avail themselves of it first.

Provision is made for the change from bond secured to asset note issues, without reference to the present limitation of 3,000,000 per month, and in view of the fact that the present bond secured circulation is over $320,000,000, there is little question but that 130,000,000 of it would be promptly changed in order to realize the greatly increased profit which this plan would give.

If it was so changed, as I have no doubt but that it would be, the entire volume of the greenbacks would be retired and canceled within twenty-five years, and any increase of the present amount of bank-note circulation would hasten the happy day. Then the grand international choir of England, France, Germany, Austria, Russia, Japan, and last of all the United States, could join in singing the old hymn, "Believing, we rejoice to see the curse removed," and so far as the great powers of the world are concerned, fiat paper money would be dead and buried.

ASSET NOTE ISSUES.

You have already seen that the bill involves a change in our note-issue system.

Seven years ago, when I entered Congress and was appointed by Mr. Reed as a member of the Banking and Currency Committee, I was a sincere and enthusiastic advocate of a bond-secured currency and an independent bank system.

Persistent inquiry, constant study, and patient investigation have brought me squarely to a belief in asset note issues and branch banks, and, I believe, will bring any man there who will pursue the subject with an open mind.

I declare it as my honest belief, as a bank officer with a modest interest in the game, that the sole stake which the banks are now playing for, in dealing out bank notes, is the profit on the bonds, and that not a single dollar of the three hundred and twenty millions circulation now outstanding remains out with reference to any commercial transaction. How could it be otherwise, in view of the fact that the profit on such circulation, even when all of it is loaned all of the time—which, you know, is impossible—is, in a 6 per cent locality, but two-thirds of 1 per cent when based on 2 per cent bonds, one-sixth of 1 per cent on threes, one twenty-fifth of 1 per cent on short fours, one-half of 1 per cent on fives, and a loss of about one-fifth of 1 per cent on long fours, and the additional fact that at least $32,000,000 is locked up in premiums when it should be available for commercial purposes. As the national banking system was instituted for the purpose of making a market for Government bonds, it is only fulfilling the plans of its creator; but conditions have changed in forty years, and there is no reason now why $110 of capital should be locked up in bonds in order to put $100 of notes into circulation.

Over against a bond speculation and a possible two-thirds of 1 per cent profit on circulation this bill gives an asset note issue of 60 per cent of the capital, with a tax of one-fourth of 1 per cent on the first 20 per cent and 1¼ per cent tax on the other 40 per cent, and a profit to the banks above all expenses, taxes, interest on redemption funds, cost of carrying greenbacks, etc., of at least 4¼ per cent, or a corresponding reduction of interest rates to the country, or, preferably, a fair division between the two.

On the three hundred and twenty millions outstanding it means a gain to somebody of more than ten millions annually, and a very much larger amount, proportionately, in those portions of the country where higher interest rates prevail.

There is but one question concerning it. Is it safe?

If three billions of deposits are safe, the three hundred millions of asset notes would be, for they would be controlled by the same men and would have a prior lien upon the assets.

The fact is that when anyone suggests asset note issues we at once recall the days of "wild-cat" banks and "red-dog" bank bills, with banks started at will under varying State laws or without any law or supervision or responsibility.

Under the provisions of this bill a board of three comptrollers will pass upon the charter; the capital stock must be fully paid in; a rigid Government supervision is provided for; no issues beyond the amount of the capital are permitted under any conditions, and none above 60 per cent without special approval of the comptrollers; all notes are redeemable in gold; a 5 per cent redemption fund must be deposited with the Government in advance; 5 per cent more is added to it from taxes on circulation; a special emergency tax of 1 per cent on all circulation annually is authorized, if necessary; a first lien on all assets is given; the double liability of the stockholder is continued, and, best of all, prompt and frequent redemptions are compelled in district clearing houses or redemption agencies, where each bank must make provision for redemption of its notes satisfactory to the clearing house as well as to the board of control before it can take out any notes for issue at all.

The records of the Treasury show that a tax of twenty-two one-hundredths of 1 per cent on circulation laid annually would have paid in full every note of every failed bank from the organization of the national banking system to this day, and the margin of safety in the tax prescribed here is nearly ten times greater than that, without any reference to the 5 per cent redemption fund.

In my opinion it is safe, far safer than the bank-note system of any other country, and fully as safe as the present bond secured bank note, for I do not believe that a single dollar in either case could ever be defaulted.

It is feared by some that the withdrawal of bond security would disastrously affect the price of bonds. Not so at all; for, even if every note so secured was changed as rapidly as possible under the provisions of the bill, it would take five years, and, including bonds to secure Government deposits, the requirements of the sinking fund would, in that time, take all thus held, saying nothing of saving banks' and insurance companies' purchases at any reasonable price. Objection is also made that asset note issues by large banks under restrictive legislation or monopoly privilege in other countries afford no criterion by which we can judge of such note issues here, where we already have more than 4,000 national banks and an open field for more.

Personally, I would have preferred to have limited the issue privilege to banks of not less than half a million of capital, or, better yet, to one large bank in each redemption district, or, best of all, to one bank in New York City; but none of these propositions is politically possible to-day, and can only become so by a process of evolution, a process which we must admit to be in excellent working order just now.

The principle of asset banking is equally applicable to large or small banks.

Both can be made equally safe.

The difference between the two is that the large bank is an ever-present help in time of trouble, and the little one is apt to be an ever-present trouble when help is needed.

Of course, economy of management is found in the large bank rather than the small one, but if we are to be controlled by our prejudices we must be willing to pay for the privilege.

With an increased profit to the banks shown, and with safety

provided for, the unquestionable advantages to the people of an elastic bank-note issue are so great that it would be presumption to discuss them before a bankers' convention.

BRANCH BANKS.

There is one other feature of the bill—and, I think, the most important one—which I wish to bring to your careful attention, and that is branch banks.

Whenever a man finds himself at variance with the almost universal opinion of mankind it is high time for him to begin to doubt his own infallibility, and this is precisely the position in which the opponent of the branch-bank system is placed to-day, for, after a careful examination, including the laws of 40 countries as compiled by Comptroller Eckels in 1896, I can find no government in the world where branch banks are not permitted except our own; and even here they are excluded by the laws of only 20 States and by the national-bank act, and even that act permits them where State banks come into the system with branches already in existence. The United Kingdom has 116 banks, with 5,515 branches, in a territorial area less than half the size of Texas, 3,517 of them having been established in the past forty-four years.

France made it a condition precedent to the extension of the charter of the Bank of France that a branch should be established in every department of the Republic. Europe and South and Central America are solidly in favor of the system.

Voyaging around the world last year, I found branches of British banks throughout the Philippines acting as commercial drummers for English trade and financial agents for our Government at the same time.

German, English, Russian, every one our commercial rivals in the Orient, but not an American bank and hardly an American ship.

All through Japan, English, German, and Russian banks are taxing American trade by excessive charges for exchange on London, and from Vladivostok to Moscow, straight through Siberia, German branch banks and department stores are laying foundations for the future trade of what is sure to be one of the great markets of the world.

In the city of London alone there are 58 incorporated banks, with $453,000,000 of capital, and one hundred and seventy-six millions of surplus and undivided profits employed in international trade, with 2,253 branches scattered all over the world, extending English prestige and developing English trade everywhere, and we pay tribute to them.

The Committee on Banking and Currency could see no reason why American capital and American enterprise should not do its share in promoting American trade in other lands, and long for the time when American national banks will fly the American flag and care for American interests in all the great capitals of the world.

The bill limits the foreign-branch privilege to those national banks which have a full paid-up capital of $5,000,000, for, if we are to enter upon this work, it should be in such a way as to command the respect and confidence of all, and so insure success.

The field is the world, and duty and self-interest bid us go forth and take it, for the time is soon coming, if it is not already here, when we must fight for markets abroad or find stagnation at home.

But, important as this is, the establishment of a domestic branch banking system is still more worthy of serious consideration.

In 1901 the average capital and surplus of national banks was $880,314,389.96, and the current expense of doing business, not including taxes, was $72,043,890.98, or about 8.07 per cent on the capital employed.

The average loans for the same year were $2,881,594,312, and the percentage of expense was 2.5.

In Germany the Imperial bank, with average loans of $138,030,935, had a percentage of expense of 2.3, maintaining 330 branches.

The Bank of France, with 392 branches and average loans of $175,040,000, had a percentage of expense of 1.9.

When we consider that both of these institutions perform much of the work transacted by the Treasury here, and, in addition to this, that the Bank of France is compelled by law to discount notes as small as $1 in amount, which adds greatly to the expense account, the difference in cost of maintenance of the branch and independent systems is plainly seen.

The bank loans of the United States on June 29, 1901, as shown by the Comptroller's Report, aggregated $6,491,630,743, and if the economy of the French system could be applied to this business the banks or the people of the United States would save in a single year $38,949,784.45.

I presume many of you will think that this would be impossible in this country, and I thought so, too, until I procured from the Comptroller's office the loans and expenses of banks, and demonstrated conclusively to myself that a thoroughly developed branch-bank system, with large parent banks, would make even greater economies possible.

First, let me give you the relative expense of bank management to loans in different parts of the country by grand divisions, from September, 1900, to September, 1901:

	Average loans.	Expenses, not including taxes.	Percentage of expenses to loans.
New England States	$416,335,831	$9,025,653	2.17
Eastern States	1,240,251,875	29,285,344	2.36
Southern States	230,969,403	8,441,336	3.70
Middle States	769,921,542	20,300,994	2.64
Western States	126,856,280	5,114,780	4.12
Pacific States	64,786,931	2,081,549	3.23

This did not entirely satisfy me, so I tried another plan. I compared the 10 largest banks in New York City with 10 fairly representative New England banks of $100,000 capital each, and 10 representative banks in Iowa and Nebraska of $50,000 capital each, and 10 representative national banks of $25,000 capital each, in different parts of the country, and found this surprising result:

	Average loans.	Expenses, not including taxes.	Percentage of expenses to loans.
The 10 largest New York City banks	$370,273,620	$6,228,429	1.68
Ten representative New England banks of $100,000 capital each	2,244,664	88,418	3.94
Ten representative national banks in Iowa and Nebraska of $50,000 capital each	1,337,803	71,270	5.33
Ten representative national banks of $25,000 capital each in different parts of the country	448,068	31,382	7.00

So that, if it were possible to conduct all of the banking business of the United States on the same relative basis of expenses to loans as obtained with the 10 largest banks in New York City last year, the annual saving to either the banks or the borrowers or both would be $53,231,172. Of course, I do not assume that this could be done, but I do believe that the twenty-five and fifty and even the one hundred thousand dollar banks could all be converted into branches of large and strong institutions with a great saving to the people and profit to the stockholders.

It is wholly useless to make comparisons of interest rates between this and other countries to show the greater economy of the branch-bank system, for like differences will be found between countries where the system is the same, and interest rates depend largely on conditions in no way connected with expense of management; but that the expense account is a very important factor in effecting the general result is clearly shown by the strenuous claims put forward by the independent banks that they could not compete with the branch system, and therefore that the existing banks would be driven out of business.

I admit that in many cases this would be true, but in the end it would mean the survival of the fittest and result in inestimable advantage to millions of borrowers who have a right to have their welfare considered in framing legislation.

And I know of no reason why a bank should be restricted to one place of business any more than an insurance company, for a fair distribution of risks is just as essential to safety in one case as in the other.

But I do not believe that the stockholders of any bank which has a reason for existence would suffer by the change, for every such institution well established could enlarge its field of work without a proportionate increase of expense.

The process is going on every day now, on the "community of interest" plan, and it is far better to have it done under the law than outside of it.

A few days ago I sold some stock in a Kansas bank at 125 which for the past three years has been unsalable at par.

It was bought by the managers of a Missouri bank, and the organization will hereafter be to all intents and purposes a branch of the larger institution.

The necessities of the community were greater than the limited capital of the little bank could meet and the expense of management consumed the profits.

Now, all the legitimate wants of that vicinity will be met by the aid of the larger bank, and the increased patronage and reduced expenses will fully justify the price paid for the established business and unused good will, and all parties will be benefited.

On the other hand, all through the manufacturing towns of the East banks have been capitalized beyond the normal necessities of the places where they are located to meet the wants of one or more factories there and not violate the law concerning the 10 per cent limit and single-name notes bought "on the street" have absorbed the surplus funds at rates utterly ruinous to the dividends of the country banks.

In the West and South, where bank capital is limited, an expensive system of rediscounts compels heavy rates to borrowers. A well-regulated branch-bank system would adjust itself to these conditions, and not only provide a better distribution of loanable funds, but with like conditions of security and credit is sure to result in lower and more uniform interest charges.

This has been proven beyond dispute in Canada, Great Britain, France, and Germany.

How is it in this country? As shown by the Comptroller's report for 1899, the average discount rate of national and State banks was:

	National banks.	State banks.
	Per cent.	*Per cent.*
New England	4.7	5.2
Southern	7.4	7.4
Middle West	5.8	6.8
Western	8.9	10.1
Pacific	7.8	7.3

Every banker here knows that the difference between the rates received by the State and national banks in the same locality is due to the more conservative character of the national-bank loans caused by the restrictions of the law; but he knows also that the great difference in national-bank rates of 4.2 per cent between New England and the Western States is due to an unequal distribution of capital and small independent banks operated at large expense, both of which a well-regulated branch-bank system would correct, as it has done in Canada, where, from the Atlantic to the Pacific, discount rates vary less than 2 per cent.

The bill does not provide for speculative branches, opened here to-day and there to-morrow, but specifies that in each case where a branch is instituted the articles of association shall be amended upon the unanimous vote of the board of directors, and then only when approved by the board of comptrollers in Washington.

Under these circumstances how absurd it is to talk of lack of local interest and refusal to aid in development of the towns where branches are and to fear that the parent bank will suck deposits from the branches and give back nothing in return.

Was it for this or the reverse of this that the French Parliament compelled the Bank of France to establish branches in every department?

Is it to aggrandize London or to build up the colonies and so make money for themselves that the British joint-stock banks have followed the English drumbeat around the world?

Do independent country banks send their funds to their reserve agents at 1½ or 2 per cent when good loans are offered at home at 5 or 6 per cent?

Men do not conspire against their own welfare, and to claim that the interests of the permanent customer in the country will be sacrificed to the temporary needs of the city speculator is contrary to the experience of the branch system everywhere.

Indeed, Mr. E. S. Clauston, the general manager of the Bank of Montreal, in a reply to Hon. J. H. Walker's remarks before our committee, says:

> Mr. Walker's fear that the customers of a country branch are in times of stringency sacrificed to the necessity of the parent institution is a phantom of his imagination, for the loans of a branch being less liquid, the knowledge of the difficulty of realizing them and the small proportion they bear to the whole amount leaves them practically undisturbed in the acutest panic, and their only knowledge of a stringency is imparted through the medium of newspaper articles.

NO BANK MONOPOLY.

It will not do to cry "trusts" and talk of bank monopoly as an argument against this bill, for its very purpose is to strip one man of the power which he now has to paralyze the industries of the land at will, and that man, the Secretary of the Treasury, controlled by party politics.

I can conceive of but one money trust in a country as large as ours, and that is to have all of the currency issued by the Government on the Populist plan.

The very object of this measure is to get as far away from that as possible; to divest the Government of all banking functions; to put the money taken for taxes at once into industrial use; to make the gold standard a reality and not a dream, by compelling gold redemptions by the banks from their own reserves instead of at Government expense, and lastly by taking the whole banking business out of politics by putting it under the supervision of a board of three comptrollers, appointed for periods of twelve years each, with one man's term expiring each four years, so that no Administration can destroy their influence or prestige by packing it with ignorant or inexperienced men, or using it as a headquarters for future political campaigns.

A CHANGE NECESSARY.

And now as savings bank managers and investors in Government bonds, as officers and stockholders in national banks, what is to be your policy in the future?

That some change must be made in our note-issue system is plain to every thinking man.

If the character of security is to be changed, admitting the bonds of States and cities, it only adds to your troubles by bringing another buyer into the field and lessening the returns from your investments.

To longer depend on Government bonds as a basis for circulation is impossible, for the requirements of the sinking fund will soon exhaust the supply, and the increasing premium is even now forcing the withdrawal of circulation as fast as the law permits.

There is no probability whatever of bond issues in the future, for whatever else of good or ill came to us from the Spanish war, it demonstrated as never before that the possibilities of taxation in this country have hardly been touched.

It is a bit of unwritten history of that war that at its beginning Secretary Gage intended to issue but $100,000,000 of bonds for immediate contingencies, and to rely upon taxation for funds to carry it to a successful conclusion.

He was overruled by those who did not realize as he did the resources of this great country, or who lacked the faith which he possessed in the patriotism of the people.

As a result, two hundred millions of bonds were issued, of which one-half are still outstanding, on which we must continue to pay interest till 1908, or buy them in at heavy premiums.

Meanwhile the money which they represent lies idle in the Treasury.

A few days ago I requested the Treasury Department to make up a balance sheet of receipts and expenditures as they would have appeared from March 31, 1898, to March 31, 1902, if no bonds at all had been issued, and if the Treasury had availed itself of the power given it under the war-revenue act to issue certificates of indebtedness at 3 per cent, payable within one year. It is as follows:

	Receipts.	Expenditures.
Quarter ended June 30, 1898	$97,407,328.04	$140,009,448.89
Fiscal year ended June 30—		
1899	515,960,620.18	605,072,179.85
1900	557,240,851.89	487,713,791.71
1901	587,685,337.53	509,967,353.15
Nine months ended Mar. 31, 1902	419,002,879.50	357,844,901.97
Available cash, exclusive of $100,000,000 gold reserve, Mar. 31, 1898	126,166,934.78	
Proceeds of 3 per cent certificates of indebtedness, act June 13, 1898	100,000,000.00	
Redemption of 3 per cent certificates with interest for one year		103,000,000.00
Transfer of gold to reserve fund under act Mar. 14, 1900		50,000,000.00
Available cash, exclusive of $150,000,000 gold reserve, Mar. 31, 1902		159,856,285.35
Total	2,413,463,960.92	2,413,463,960.92

It shows that, starting with the cash on hand and adding proceeds of the certificates, we could have paid from taxation alone the entire expenses of the four years, amounting to $2,100,607,675.57, retired all of the certificates with a year's interest added, placed fifty millions in the gold reserve, as we have done, and on the 1st of April this year found the Treasury with the comfortable sum of $159,856,285.25 on hand and the country ready to repeal all war taxation, and all this without any bond issue whatever.

Our past experience will fix our future policy, for the power to issue one-year certificates still remains, and with our rapidly increasing wealth and almost limitless taxing power the necessity for greenbacks and long-time bonds is passing away, never, I trust, to come again.

Something, then, must be done or our bank-note circulation will soon disappear.

It is for you and such as you to say what legislation shall be enacted.

The Committee on Banking and Currency do not claim that this bill is perfect or that the individual members all agree as to every detail of it, but they are a unit in the firm belief that the principles upon which it is based are everlastingly right, and they ask your cooperation and the kindly criticism of every sound-money man in the United States in what they believe to be the patriotic work of making the monetary system of our beloved land the best which the world can show.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3864. An act to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. Res. 95) providing for the printing of 17,500 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KNOX, for ten days, on account of important business.

Mr. GIBSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Civil Service Commissioners, transmitting information in response to inquiries of House resolution of May 1, 1902—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of Engineers, approved by the Secretary of War, recommending that Lieut. Col. W. H. H. Benyaurd, Maj. F. A. Mahan, and Capt. Charles H. McKinstry be relieved of certain disallowances—to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMITTEE ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 3237) to grant jurisdiction and authority to the Court of Claims in the case of Southern Railway Lighter No. 10, her cargoes, etc., reported the same without amendment, accompanied by a report (No. 1940); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13063) granting a pension to Julia B. Shurtleff, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 14305) making an appropriation for the support of the W. T. Whitaker Orphan Home, in the Indian Territory—to the Committee on Indian Affairs.

Also, a bill (H. R. 14306) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. WHEELER: A bill (H. R. 14307) authorizing the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14308) authorizing the Cairo and Tennessee River Railroad Company to construct a bridge across Tennessee River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14309) granting a pension to Benjamin B. Eyre—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 14310) for the relief of William L. McClure—to the Committee on War Claims.

By Mr. BULL: A bill (H. R. 14311) granting an increase of pension to Gilbert A. Kenney—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 14313) granting an increase of pension to Thomas Cassidy—to the Committee on Invalid Pensions.

By Mr. COOMBS: A bill (H. R. 14314) granting an increase of pension to Alden Youngman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14315) granting an increase of pension to Edward Straub—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14316) granting a pension to C. B. Hart—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 14317) granting a pension to William Winkleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14318) granting a pension to Lucy S. Galaspy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14319) for the relief of William Hayes—to the Committee on War Claims.

Also, a bill (H. R. 14320) for the relief of James Trotter—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 14321) granting a pension to Mrs. Harriet Fisk—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 14322) for the relief of Alice G. Boogher, née Newman, and Anna Holmes, née Newman—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 14323) granting a pension to A. Hausman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14324) for the relief of James Trigg—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 14325) granting an increase of pension to Mrs. Charles S. Weatherholt—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 14326) for the relief of Samuel B. Bootes—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 14327) granting an increase of pension to Marcina C. Gray—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14328) for the relief of W. P. Hooper—to the Committee on War Claims.

Also, a bill (H. R. 14329) for the relief of Mrs. Bathsheba Gordon—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 14330) granting an increase of pension to John Young—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 14331) for the relief of the trustees of the Colored Baptist Church of Lebanon, Ky.—to the Committee on War Claims.

By Mr. WARNOCK: A bill (H. R. 14332) granting an increase of pension to George W. Jacobs—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 14333) granting an increase of pension to Joseph S. Wright—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14334) granting a pension to James Gillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14335) granting a pension to Chance Miner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of 38 master mariners of American merchant marine, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BELLAMY: Paper to accompany House bill 14116, granting a pension to Joseph A. Lumsden—to the Committee on Pensions.

By Mr. BROMWELL: Petitions of B. Kuhlmann and other distillers of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of George H. Browne Post, No. 25, Grand Army of the Republic, Department of Rhode Island, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DEEMER: Resolution of Encampment No. 105, of Wellsboro, Pa., Union Veteran Legion, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the Republican Woman's Association of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Resolutions of the Retail Merchants' Association of Nashville, Tenn., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Petition of manufacturing corporations of New Bedford Mass., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. HAY: Petition of citizens of Lynchburg, Va., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. IRWIN: Papers to accompany House bill 14325, granting a pension to A. Hausman—to the Committee on Invalid Pensions.

By Mr. KERN: Petition of C. H. Laws and sundry other citizens of Krebs, Ind. T., favoring the passage of the Moon bill, for certain legislation in behalf of Indian Territory—to the Committee on the Territories.

By Mr. LLOYD: Petition of Patton & Truitt and other business firms of Macon, Mo., for reduction of taxes—to the Committee on Ways and Means.

By Mr. MOON: Paper to accompany House bill 1236, for the relief of Alpha Flynn—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of C. B. Ford & Co. and other business firms of Rochester, N. Y., urging the passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill for the relief of W. P. Hooper—to the Committee on War Claims.

By Mr. SCOTT: Petition of citizens of Paola, Kans., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. SIBLEY: Resolutions of J. H. Mullin Post, No. 356, of Duke Center, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of the United Cloak and Suit Cutters' Association No. 6, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolution of Henry Harriman Post, West Mansfield, Ohio, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14332, granting an increase of pension to George W. Jacobs—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill 14335, granting a pension to Chance Miner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14334, granting a pension to James Gillen—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *May 10, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

CATHARINE F. EDMUNDS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds, which was, in line 8, before the word "dollars," to strike out "thirty-five" and insert "thirty."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BURTON, and Mr. GIBSON were appointed.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Pocohontas Lodge, No. 533, Brotherhood of Railway Trainmen, of Bluefield, W. Va., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BURROWS presented a petition of sundry citizens of Detroit, Mich., praying for the adoption of a resolution expressing sympathy with the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of 374 employees of the Portsmouth Navy-Yard, N. H., praying that some of the proposed new war vessels be built at the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Charlestown, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Concord Division, No. 335, Order of Railway Conductors, of Concord, N. H., and a petition of Tahanto Division, No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. COCKRELL presented a resolution adopted at a meeting of the West St. Louis Turn Verein of St. Louis, Mo., and a resolution adopted at a meeting of the Germania Gymnastic Society of Missouri, expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of the Massachusetts State Board of Trade, remonstrating against the admission into the Union as States of the Territories of Arizona and New Mexico, and praying for the maintenance of the legal-tender silver dollar at a parity with gold, etc.; which was referred to the Committee on Territories.

He also presented a petition of Bay State Division, No. 413, Order of Railway Conductors, of Charlestown, Mass., and a petition of City Point Lodge, No. 507, Brotherhood of Railroad Trainmen, of Boston, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. ALLISON. I present a concurrent resolution of the general assembly of the State of Iowa, which I ask to be read and referred to the Committee on Interstate Commerce.

The concurrent resolution was read, and referred to the Committee on Interstate Commerce, as follows:

THE STATE OF IOWA, SECRETARY OF STATE.

I, W. B. Martin, secretary of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of a concurrent resolution passed by the legislature of the State of Iowa in relation to the Nelson-Corliss bill, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 30, 1902.

W. B. MARTIN,
Secretary of State,
[SEAL.] By D. A. HITES, *Deputy.*

Preamble and concurrent resolution in relation to the interstate-commerce law.

Whereas it is generally believed that the effectiveness of the interstate-commerce law has been seriously impaired by certain decisions of the Federal courts, and that the law in its present state is practically inoperative in remedying the evils of the transportation service of the country, which was the purpose of its enactment; and

Whereas a bill, designated as H. R. 8337 and S. 3575, known as the Nelson-Corliss bill, is now pending in the two Houses of Congress to amend the interstate-commerce act, by conferring upon the Commission created thereby additional powers for the purpose of enabling it to enforce the provisions of the act and giving its rulings immediate effect, pending review by the courts: Therefore, be it

Resolved by the senate, the house concurring, That the Senators and Representatives in Congress from this State be, and are hereby, respectfully requested to give said measure careful consideration and to use their efforts in every proper way to secure its early enactment, or the enactment of some other measure which will afford the relief sought.

Adopted April 9, 1902.

Mr. ALLISON presented a petition of the Commercial Club of Muscatine, Iowa, praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a memorial of the Retail Grocers' Association of Pella, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Centerville, Iowa, praying for the enactment of legislation to repeal the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, Iowa, praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the congregation of the Reformed Presbyterian Church of Morning Sun, Iowa, remonstrating against the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Lodge No. 28, Brotherhood of Railroad Trainmen, of Creston, Iowa, and a petition of Lodge No. 9, Brotherhood of Railroad Trainmen, of Mason, Iowa, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented a petition of the Equal Suffrage Club of Sheldon, Iowa, and a petition of the Equal Suffrage Association of Des Moines, Iowa, praying for the enactment of legislation providing for the appointment of a commission to investigate the workings of equal suffrage in the four enfranchised States; which were referred to the Committee on Woman Suffrage.

He also presented the petition of Mrs. H. C. Guernsey and sundry other citizens of Bloomfield, Iowa, and a petition of the general conference of the Reorganized Church of Latter-Day Saints of Lamoni, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Unions Nos. 246, 160, 29, 155, 40, 41, 214, 150, 68, 192, 136, 316, 43, 548, 7217, 310, 6303, 299,

and 379, of Des Moines, Dubuque, Mount Pleasant, Sioux City, Centerville, Cedar Rapids, Fairfield, Muscatine, and Marshalltown, all of the American Federation of Labor; of Local Division No. 71, Order of Railroad Telegraphers, of Lacey, and of Local Division No. 96, Order of Railroad Telegraphers, of Oelwein, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Coopers' Local Union No. 26, of Ottumwa; of Butchers' Local Union No. 144, of Ottumwa; of Painters' Local Union No. 136, of Ottumwa, and of Mine Workers' Local Union No. 613, of South Ottumwa, all of the American Federation of Labor; of Lodges Nos. 138, 352, and 56, of Eagle Grove, Estherville, and Cedar Rapids, all of the Brotherhood of Railroad Trainmen; of Local Divisions Nos. 131, 229, and 56, of Sanborn, Mason City, and Centerville, all of the Brotherhood of Locomotive Engineers; of Lodges Nos. 112, 64, 34, 27, and 293, of Lake City, Sioux City, Clinton, Cedar Rapids, and Marion, all of the Brotherhood of Locomotive Firemen; of Local Divisions Nos. 232, 164, 410, and 67, of Sioux City, Eagle Grove, Belle Plaine, and Waterloo, all of the Order of Railway Conductors, in the State of Iowa, and of Local Division No. 96, Order of Railroad Telegraphers, of South Freeport, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. QUARLES presented a petition of 386 citizens of Fond du Lac, Wis., praying that an appropriation be made for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Building Trades Council of Milwaukee, Wis., praying for the enactment of legislation providing for the regulation and control of trusts; which was referred to the Committee on the Judiciary.

He also presented a petition of the Milwaukee Ministerial Association, of Wisconsin, praying for the enactment of legislation to enlarge and improve the post exchange; which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Gymnastic Association of Sheboygan, Wis., and a resolution of the South Side Gymnastic Association, of Milwaukee, Wis., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay; of Local Division No. 176, Brotherhood of Locomotive Engineers, of Baraboo; of Fox River Division, No. 373, Order of Railway Conductors, of Green Bay; of Local Division No. 253, Order of Railway Conductors, of Ashland, and of Local Division No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, all in the State of Wisconsin, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. PETTUS presented sundry affidavits in support of the bill (S. 5658) for the relief of the Episcopal Church in Selma, Ala.; which were referred to the Committee on Claims.

Mr. HARRIS presented petitions of Local Division No. 261, Brotherhood of Locomotive Engineers, of Herington; of Local Division No. 368, Order of Railway Conductors, of Argentine; of Local Division No. 179, Brotherhood of Locomotive Engineers, of Parsons; of Local Division No. 179, Order of Railway Conductors, of Topeka; of Local Division No. 161, Order of Railway Conductors, of Parsons; of Carver Division, No. 28, Order of Railway Conductors, of Atchison; of Arkansas Valley Lodge, No. 96, Brotherhood of Railroad Trainmen, of Dodge City; of Lodge No. 281, Brotherhood of Railroad Trainmen, of Kansas City, and of Lodge No. 65, Brotherhood of Railroad Trainmen, of Osawatomie, all in the State of Kansas, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any subsitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis; of Inland City Lodge, No. 374, Brotherhood of Railroad Trainmen, of Indianapolis, and of Local Division No. 138, Order of Railroad Conductors, of Garrett, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. CLAPP presented a petition of St. Paul Lodge, No. 122, Brotherhood of Railroad Trainmen, of St. Paul, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. McCUMBER presented a petition of the Woman's Christian Temperance Union of Muskogee, Ind. T., and the petition of Mrs. K. L. E. Murrow, of Atoka, Ind. T., praying for the enactment of legislation to regulate the prohibition laws in that Territory; which were referred to the Committee on Indian Affairs.

Mr. BEVERIDGE presented petitions of F. E. Dupell Lodge, No. 231, Brotherhood of Railroad Trainmen, of Terre Haute; of Lafayette Division, No. 302, Order of Railroad Conductors, of Lafayette, and of Local Lodge, Brotherhood of Railroad Trainmen, of Huntington, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7897) granting an increase of pension to Michael J. Daly;

A bill (H. R. 8466) granting a pension to Lucinda A. Sirwell;

A bill (H. R. 11644) granting an increase of pension to Edgar A. Hamilton;

A bill (H. R. 2661) granting an increase of pension to Oswald Ahlstedt;

A bill (H. R. 8409) granting an increase of pension to Cyrenus Larrabee;

A bill (H. R. 12778) granting an increase of pension to Edward R. Blain;

A bill (H. R. 13822) granting a pension to Hannah T. Knowles;

A bill (S. 4764) granting an increase of pension to Queen Esther Grimes; and

A bill (H. R. 5219) granting an increase of pension to Daniel Donne.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3292) granting a pension to Henry L. Reger; and

A bill (S. 4934) granting an increase of pension to Francis McAdams.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 4509) granting an increase of pension to Robert Lemon, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments, and I submit a report thereon. I desire to give notice that on Monday morning after the routine business I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5373) granting a pension to Michael Connor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9249) granting a pension to Amos Allport;

A bill (H. R. 6721) granting an increase of pension to Andrew Ray;

A bill (H. R. 6021) granting a pension to William Kaste;

A bill (H. R. 4089) granting a pension to Ada L. McFarland; and

A bill (H. R. 6063) granting an increase of pension to John Brill.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, to report it with amendments,

and I submit a report thereon. I give notice that on Tuesday morning after the routine morning business I shall ask for the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 7397) granting a pension to Louisa White, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2857) granting an increase of pension to Frances J. Haughton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7085) granting a pension to Hannah H. Graham, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5356) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13249) granting an increase of pension to Ada Trowbridge; and

A bill (H. R. 12685) granting a pension to Hiram J. Springfield.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 10165) granting an increase of pension to Delia E. Slocum, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5911) granting an increase of pension to Gilbert G. Gabrion;

A bill (H. R. 12458) granting an increase of pension to William M. Barstow;

A bill (H. R. 9569) granting an increase of pension to Albert Deits; and

A bill (H. R. 7918) granting an increase of pension to James C. Pettee.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes, reported it with amendments.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 4358) to amend sections 4139 and 4314 of the Revised Statutes; and

A bill (S. 5273) to amend section 4139 and section 4314 of the Revised Statutes.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (S. 3819) granting a pension to William A. P. Fellows, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6663) granting a pension to John York, reported it without amendment, and submitted a report thereon.

ADELBERT L. ORR.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1346) granting a pension to Adelbert L. Orr, to report it with an amendment, and as this is a case of the greatest possible distress I ask for the immediate consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in line 7, before the word "dollars," to strike out "thirty" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelbert L. Orr, late a private, unassigned, Maine Volunteer Infantry, and pay him a pension at the rate of $72 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MANUFACTURING PLANTS IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, to report it favorably without amendment, and I am directed by the committee to ask unanimous consent for its present consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. BAILEY. Mr. President, I suppose there is no way to avoid investing some authority in the Secretary of the Interior over this matter, though I sincerely wish there was, because if there is one man in this country who knows less about the Indian Territory than all other men in it it is the Secretary of the Interior.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PATTERSON introduced a bill (S. 5737) granting a pension to Alexander Craig; which was read twice by its title, and, with the accompaning papers, referred to the Committee on Pensions.

Mr. HARRIS introduced the following bills; which were severally read twice by their titles, and, with the accompaning papers, referred to the Committee on Pensions:

A bill (S. 5738) granting an increase of pension to William E. Fehrenback; and

A bill (S. 5739) granting an increase of pension to John N. Gillett.

Mr. PETTUS introduced a bill (S. 5740) authorizing the payment of the claim of M. A. Gantt & Son, for board and lodging to volunteers during the Spanish-American war; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 5741) granting a pension to Mrs. William H. Kendrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5742) granting an increase of pension to Moses Stockdale;

A bill (S. 5743) granting an increase of pension to Edward Whitehouse;

A bill (S. 5744) granting a pension to Fidelia Sellers; and

A bill (S. 5745) granting an increase of pension to James M. Lawder.

Mr. JONES of Arkansas (by request) introduced a bill (S. 5746) to correct the military record of Alexander J. Campbell; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5747) granting an increase of pension to James E. Bader; and

A bill (S. 5748) granting an increase of pension to Thomas D. Utler.

Mr. CARMACK introduced a bill (S. 5749) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5750) for the relief of the estate of Lemuel Cox, deceased;

A bill (S. 5751) for the relief of M. E. Hall and the estate of James B. Hall, deceased;

A bill (S. 5752) for the relief of the estate of Levi Carmack, deceased;

A bill (S. 5753) for the relief of James J. Crunk;

A bill (S. 5754) for the relief of the estate of J. H. Frith, deceased;

A bill (S. 5755) for the relief of George W. Webster;

A bill (S. 5756) for the relief of the trustees of Washington College, in the State of Tennessee; and

A bill (S. 5757) for the relief of the estate of C. L. Davis, deceased (with an accompanying paper).

Mr. GAMBLE introduced a bill (S. 5758) granting an increase of pension to David Ham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5759) granting an increase of pension to Charles T. Crooker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5760) granting a pension to Matilda Smith; and

A bill (S. 5761) granting a pension to Julia A. Heath.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5762) granting an increase of pension to William Northcraft (with accompanying papers);

A bill (S. 5763) granting an increase of pension to Joseph Kibble;

A bill (S. 5764) granting an increase of pension to Isaac Hoagland (with accompanying papers);

A bill (S. 5765) granting a pension to Sylvester C. Peters (with accompanying papers);

A bill (S. 5766) granting an increase of pension to Clara Wible (with accompanying papers);

A bill (S. 5767) granting a pension to J. M. Baxter (with an accompanying paper);

A bill (S. 5768) granting a pension to Isador Alringer (with accompanying papers); and

A bill (S. 5769) granting an increase of pension to Edward D. Millis (with accompanying papers).

Mr. PATTERSON introduced a bill (S. 5770) granting an increase of pension to George E. Coryell; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

RELIEF OF CITIZENS OF FRENCH WEST INDIES.

Mr. FAIRBANKS. Mr. President, I desire to introduce a bill and ask for its present consideration. After it is read for the information of the Senate I will say a word in its support.

The bill (S. 5736) for the relief of citizens of the French West Indies was read the first time at length, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be purchased such provisions, clothing, medicines, and other necessary articles as he shall deem advisable, and tender the same in the name of the Government of the United States to that of France for the relief of the citizens who have suffered by the late earthquake and eruption in the islands of the French West Indies.

SEC. 2. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into operation this act.

SEC. 3. The Secretary of War is authorized to use necessary steamers and vessels belonging to the Government to carry into effect the purpose of this act.

Mr. FAIRBANKS. Mr. President, we are shocked by the intelligence which comes to us of the great destruction of life and property in the island of Martinique and of the probable loss of both life and property in adjacent islands. In all history there seems to have been but one disaster of similar character which was equal to it. It would seem from the reports which have come to us that it is exceeded only by the destruction of Pompeii. It is, indeed, to be hoped that later and more authentic reports may not justify the present estimate of the tremendous loss of human life.

That there is immediate necessity that aid should be extended to the survivors there is no doubt.

Let the United States lead in the work of caring for the stricken. She and her people have never yet failed to be moved by the cry of distress which has come up from other lands. Let us extend our sympathy for our unfortunate fellow-men and send with it from our abundant stores the means necessary to succor those upon whom has fallen a sudden and overwhelming calamity.

I believe that in tendering our sympathy and assistance we shall but interpret the wishes and purposes of the humane, generous American people.

I ask, Mr. President, for the present consideration of the bill.

Mr. SPOONER. I ask that the bill be read again.

The bill was read the second time at length.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $25,950 to enable the Secretary of the Navy to consummate the purchase of additional land adjoining the naval station for naval purposes at Key West, Fla., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate $13,500 to grade and macadamize New Hampshire avenue, Whitney avenue (Jackson street) to Seventh street (Brightwood avenue), intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NONDISAPPEARING CARRIAGES.

Mr. PROCTOR. I offer a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to inform the Senate how many barbette carriages have been manufactured in each year since July 1, 1893, and what has been the cost or price paid for manufacture. Also how many and what caliber of guns have been mounted during that time on nondisappearing carriages. Also report of contracts made with the Bethlehem Iron Company and Bethlehem Steel Company for guns and forgings and other ordnance material in each year since July 1, 1893, and the contract price.

Mr. WARREN. I do not know that I shall object to the present consideration of the resolution, but I ask permission to propound a question or two to the mover of it.

I wish to know what ground this particular resolution covers that has not already been covered by the three several resolutions which the Senator from Vermont has already introduced bearing on the same general subject?

Mr. PROCTOR. The resolutions that have been adopted by the Senate have asked for no information in regard to barbette carriages, the number manufactured, or the number of guns mounted on nondisappearing carriages. It is all a new inquiry.

Mr. WARREN. I shall not interpose an objection at this time, but if all this information is desired in conducting a certain inquiry that has been determined upon, and which should be consummated during the present session of Congress, then I hope the mover of the resolution has now included everything he needs or wants, or if still further information along the line is intended I hope the further inquiries may come in very soon. We have already had three, and this is the fourth resolution of similar import in the last three weeks, I believe.

The resolution was considered by unanimous consent and agreed to.

SALES OF OSAGE INDIAN LANDS.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to inform the Senate—

First. The total amount of money received from the sale of the Osage ceded and the Osage trust and diminished reserve lands in the State of Kansas.

Second. The amount received by the Government from the sale of each class of said lands by each register and receiver.

Third. The amount paid (in fees or in salary) to each register and receiver out of the money received from such sales.

MILITARY ORDERS IN THE PHILIPPINES.

On motion of Mr. ALLISON, it was

Ordered, That there be printed 2,000 additional copies of Senate Document No. 347, first session, Fifth-seventh Congress, being a letter of the Secretary of War communicating certain information regarding the issuance of certain military orders by the military authorities of the United States in the Philippine Islands, for the use of the War Department.

ALLEGED CRUELTIES IN THE PHILIPPINES.

Mr. HOAR. Mr. President, I obtained leave a few days ago to print in the RECORD a statement of Bishop Lawrence, of Massachusetts, a very eminent clergyman of the Episcopal Church, in regard to the report of alleged cruelties in the Philippine Islands. My colleague [Mr. LODGE] had printed in the RECORD at that time all that had come to him—all that was printed in the paper—of the bishop's charge on the subject. The bishop has sent in a little fuller statement, not in any way in conflict with what my colleague presented, but making one or two other statements.

I had the right granted me by the Senate to have it printed yesterday, but I did not find it until this morning, for printing. I ask leave that it may be printed in the RECORD, and I should like to have it read. I think Senators would like to hear it. It is very brief and very temperate.

The PRESIDENT pro tempore. If there be no objection, the paper will be read.

The Secretary read as follows:

During the past few months vague rumors and well-authenticated reports of cruel treatment of the Filipino insurgents by our soldiers have been passing through the press and mail.

Within the last few weeks there have been made by responsible men, by soldiers and officials of the Government, statements of cruel and barbarous treatment of the natives by our soldiers acting under orders of superior officers, of methods of warfare which are condemned by civilized nations and are contrary to the regulations of our Army, such as have confirmed some of our worst fears and sent a shock of horror throughout the land.

It behooves the church to speak, and in the name of the Master and of humanity to utter her solemn protest. This in behalf of the diocese I now do. Against the background of the splendid work that is being done by our Government for the education and uplifting of the Filipinos, these deeds take on a blacker hue. Great as may have been the provocation in some instances, hard as were the conditions, treacherous as may have been the enemy, this people, we believe, will not countenance cruel or barbarous modes of warfare with even an inferior people.

Were we to do so, the worst punishment would fall upon ourselves in hardened natures and pitiless tempers. Condemned as such acts are by the people, I sincerely believe that they are even more keenly regretted and condemned by the rank and file of our Army, for not only is the country's honor at stake, but their honor as soldiers is in jeopardy.

Again, I express my confidence that, regardless of party issues and questions of political policy, the members of our National Administration, who are more intelligent than we as to the conditions, are just as alert as any citizen in the land to get at the facts and, in the spirit not of revenge but of justice, mete out punishment upon the offenders, such punishment as will convince the Filipinos as well as the people of this country that our work in those islands is not to degrade but to uplift, not to kill but to make alive.

One mistake might be made under the pressure of an indignant people which would be a disaster and a shame—it would be the hasty and unjust punishment of men who had not been proved guilty. With witnesses and accused separated by an ocean and a continent, justice can not be meted out in a day. We have, certainly I have, complete confidence in the justice, the humanity, and the courage of our President. Whether some of you have confidence in the other members of the Administration or not, I have; this President is the Administration.

Patience, self-restraint, caution as to our accusation of men still on trial—these, it seems to me, are the qualities that we need just now, and a strong support of the Administration in its efforts to redeem the fair name of this nation.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PATTERSON, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby directed to send to the Senate copies of the reports of its inspectors showing the condition and defects of safety appliances and the practice of operating trains by train or power brakes, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, on the following-named railroads and their leased lines: Baltimore and Ohio; Chesapeake and Ohio; Cincinnati, New Orleans and Texas Pacific; Erie; Illinois Central; Lehigh Valley; Louisville and Nashville; Lake Shore and Michigan Southern; New York, New Haven and Hartford; Norfolk and Western; Pennsylvania; Queen and Crescent; Southern, and Southern Pacific.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of House bill 12804, making appropriation for the support of the Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12804) making appropriation for the Army for the fiscal year ending June 30, 1903, which had been reported from the Committee on Military Affairs with amendments.

Mr. PROCTOR. I ask that the formal reading of the bill be dispensed with, and that it be read for action first upon the committee amendments.

The PRESIDENT pro tempore. The Senator from Vermont asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Adjutant-General's Department," on page 2, line 23, after the word "staff," to strike out "school" and insert "college;" and in line 25, after the word "artillery," to strike out "college" and insert "school;" so as to make the clause read:

United States service schools: To provide means for the theoretical and practical instruction at the artillery school at Fort Monroe, Va.; the school of submarine defense at Willetts Point, N. Y.; the general service and staff college at Fort Leavenworth, Kans., and the cavalry and field artillery school at Fort Riley, Kans., etc.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 4, line 17, after the word "dollars," to insert the following proviso:

Provided, That officers appointed to the Regular Army from the volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their appointment in the Regular Army, be entitled to the leave credits which accrued to them as volunteer officers where such leave credits were not availed of during their volunteer service.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of enlisted men," on page 5, line 6, after the word "dollars," to insert the following proviso:

Provided, That no enlisted man who has passed the examination for promotion shall be commissioned or paid as an officer until he shall have taken such course of instruction as the President may deem necessary to determine his fitness for the grade of second lieutenant.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of the staff," on page 8, line 9, after the word "dollars," to insert the following proviso:

Provided, That no officer detailed or appointed under the provisions of section 26 of the act of February 2, 1901, shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.

Mr. PROCTOR. In lieu of the amendment as printed I offer the amendment which I send to the desk, which means the same, but it is worded more accurately.

The PRESIDENT pro tempore. Then the amendment which has been reported by the committee will be rejected in the absence of objection. The amendment offered by the Senator from Vermont will now be stated.

The SECRETARY. After the word "dollars," in line 10, page 8, it is proposed to insert:

Provided, That no officer hereafter detailed or appointed under the provisions of section 26 of the act of February 2, 1901, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, under the subhead "Retired officers," on page 11, line 13, after the word "cents," to strike out the following proviso:

Provided, That hereafter the Secretary of War shall have power to order any officer on the retired list before a retiring board, and if found competent by said board shall be returned to the active list.

Mr. PROCTOR. In lieu of the words which the committee reported to strike out, I offer the amendment which I send to the desk.

The SECRETARY. On page 11, line 13, after the word "cents," it is proposed to insert:

Provided, That the President or the Secretary of War may, when for the interest of the service, appoint officers on the retired list on court-martial, courts or boards of inquiry, or other service of that character, or upon the Board of Ordnance and Fortification, to fill any vacancy on that board, and without any restriction as to the corps to which such officers so appointed belonged while on the active list, and all officers appointed under this provision shall, while so serving, have the full pay of their rank.

The PRESIDENT pro tempore. The Chair understands that the amendment is to be inserted in the place of the words proposed to be stricken out by the committee.

Mr. PROCTOR. Yes.

The PRESIDENT pro tempore. The amendment as originally reported will be agreed to; and the amendment just read agreed to, in the absence of objection. The Chair hears no objection.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 11, line 17, after the word "*Provided*," to strike out "*further*."

Mr. COCKRELL. I understand that the amendment offered by the Senator from Vermont was in lieu of the proviso which the committee reported to strike out.

Mr. PROCTOR. It was.

The PRESIDENT pro tempore. That is the way it was agreed to.

Mr. PROCTOR. That inserts one proviso, and so the amendment reported by the committee, in line 17, striking out the word "*further*" after the word "*Provided*," should be disagreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee, on page 11, line 17, after the word "*Provided*," to strike out the word "*further*."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 11, line 21, after the word "President," to insert:

And when the ordnance storekeeper with the rank of major now on duty as disbursing officer and assistant to the Chief of Ordnance is retired he shall be retired with the rank of lieutenant-colonel.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "retirement," to insert "unless retired on account of wounds received in battle;" so as to make the clause read:

For additional pay to such officers for length of service, to be paid with their current monthly pay, $425,000: *Provided*, That no part of this sum shall be used for payment of further increase of longevity pay to officers now on the retired list and officers hereafter retired from active service shall not be therefrom allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement, unless retired on account of wounds received in battle.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 14, line 18, before the word "officers," to insert "commissioned," and in line 19, after the word "dollars," to insert the following proviso:

Provided, That hereafter the pay proper of all commissioned officers and enlisted men serving beyond the limits of the States comprising the Union

and the Territories of the United States contiguous thereto shall be increased 10 per cent for officers and 20 per cent for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 16, line 5, after the word "dollars," to insert the following proviso:

Provided, That all enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in 1898 and 1899, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 23, line 24, after the word "Department," to strike out "and an inspection by such Department;" so as to make the clause read:

Horses for cavalry and artillery: For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $600,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department, under the direction and authority of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 24, line 10, before the word "million," to strike out "three" and insert "four;" so as to read:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same, $4,000,000.

The amendment was agreed to.

Mr. PROCTOR. I move to strike out all after the word "for" where it occurs the second time in line 6, on page 14, down to and including the word "posts," in line 9, and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 24, line 6, after the word "for," where it occurs the second time, it is proposed to strike out "temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts," and to insert "the construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 24, line 10, after the word "dollars," to insert:

And in addition thereto the Secretary of War is hereby authorized to expend for the construction of necessary garrison buildings the sum of $250,000 from the unexpended balance of the appropriation for barracks and quarters for the fiscal year ending June 30, 1900, and the further sum of $100,000 from the unexpended balance of the appropriation for barracks and quarters for the fiscal year ending June 30, 1901, which sums are hereby reappropriated; and whenever in the opinion of the President the lands and improvements, or any portion of them, of any military post or reservation have become undesirable for military purposes, he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury, and all such proceeds are hereby appropriated for the purchase of such other lands as may be required for military purposes, or for building barracks and quarters on such other lands devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases.

Mr. PROCTOR. I move to strike out all that portion of the amendment after the word "Treasury," in line 2 on page 25.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. After the word "Treasury," in line 2 on page 25, it is proposed to strike out:

And all such proceeds are hereby appropriated for the purchase of such other lands as may be required for military purposes, or for building barracks and quarters on such other lands devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 25, after line 18, to insert:

Post exchanges: For the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War, $500,000.

The amendment was agreed to.

The next amendment was, on page 26, line 3, after the words "Philippine Islands," to insert "including the acquisition of title to building sites where necessary;" so as to make the clause read:

For the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites where necessary, to be expended in the discretion of the President, and to be immediately available, $1,500,000; and the President is directed to report a detailed statement of the expenditure of this sum to each session of Congress until the entire appropriation is expended.

The amendment was agreed to.

The next amendment was, on page 30, after line 13, to insert;

For the purchase and preservation of the battlefield of Balls Bluff, and the soldiers' burial place there, and for putting the same in suitable condition, to be expended under the direction of the Secretary of War, the sum of $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 32, line 3, before the word "dollars," to insert "two hundred thousand;" and in line 8, after the word "reappropriated," to insert:

And out of such sum so reappropriated an amount not exceeding $200,000 is hereby made available, under such regulations as the Secretary of War may prescribe, for the payment, or the reimbursement of payments made, of just bills and charges for the support, care, and treatment, including proper hospital charges, of sick officers and enlisted men of the Regular and Volunteer armies of the United States while they were absent from duty on leave or on furlough, or otherwise, by direction or by permission of proper authority, on or after April 21, 1898, and up to and including April 11, 1899, in like manner as if the said officers and enlisted men had been on duty at the times when and places where the said bills and charges were incurred; and that the appropriations above designated shall remain and continue available for the purposes hereinbefore set forth for and during the term of two years from and after the date of the approval of this act.

So as to make the clause read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for the purchase, installation, operation, and maintenance of ice-making plants; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement, at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render such other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department; for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,200,000, or so much thereof as may be necessary, from the balance remaining unexpended on June 30, 1902, of the appropriation of $2,000,000 made by the act of March 2, 1901, is hereby reappropriated, and out of such sum so reappropriated an amount not exceeding $200,000 is hereby made available, under such regulations as the Secretary of War may prescribe, for the payment, or the reimbursement of payments made, of just bills and charges for the support, care, and treatment, including proper hospital charges, of sick officers and enlisted men of the Regular and Volunteer armies of the United States while they were absent from duty on leave or on furlough, or otherwise, by direction or by permission of proper authority, on or after April 21, 1898, and up to and including April 11, 1899, in like manner as if the said officers and enlisted men had been on duty at the times when and places where the said bills and charges were incurred; and that the appropriations above designated shall remain and continue available for the purposes hereinbefore set forth for and during the term of two years from and after the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 33, line 4, after the word "services," to insert "not personal;" and in line 9, before the word "reported," to strike out "immediately;" so as to make the clause read:

Purchase of medicines and medical stores, or the engagement of services not personal for the Medical Department of the Army, may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed $300, but every such purchase or employment shall be reported to the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 35, after line 14, to insert:

That the Secretary of War is hereby authorized to expend the sum of $500,000, or so much thereof as may be necessary, from the unexpended balance of the appropriation for barracks and quarters for the fiscal year ending June 30, 1900, which sum is hereby reappropriated, for the construction of the necessary buildings for the Engineer School at Washington Barracks, D. C.

The amendment was agreed to.

The next amendment was, on page 35, line 23, before the word

"trains," to strike out "ponton" and insert "pontoon;" so as to make the clause read:

For pontoon trains, intrenching tools, instruments, and drawing materials, and for purchase and printing of engineer manuals for use in the engineer equipment of troops, $25,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BAILEY. Mr. President, if it is in order at this place, I desire to submit an amendment to the bill. It is to insert on page 1, after the word "three," in line 6, the following proviso:

Provided, That no money appropriated by this act, or by the act making appropriations for the support of the Army for the fiscal year ending June 30, 1902, shall be expended in defraying the expenses of anyone in going to, or coming from, or in attendance upon, the coronation of any hereditary king, prince, or potentate.

Mr. President, it is proposed, for the first time in the history of this Republic, to send a special embassy to attend the coronation of a King. That King, it is true, is the sovereign of a friendly Government and is entitled to all respectful consideration at the hands of our Government.

Mr. LODGE. May I ask the Senator a question? Is he quite correct in saying that this is the first time? Surely a special embassy was sent to the coronation of the Czar of Russia.

Mr. BAILEY. I was not aware of that. I was of the opinion that this is the first; but I am willing to accept the statement of the Senator from Massachusetts, who doubtless is more familiar with such matters than I am.

But even if I am mistaken in my statement of fact, I can not be mistaken in the proposition with which I intended to follow it. That proposition is this: That if we send this special embassy to the coronation of this monarch we must hereafter send a special embassy to the coronation of every monarch, or else we must affront the nations whose monarchs are hereafter to be crowned by making a discrimination against them.

Right at our door we have seen empires crumble to the dust, and upon their ruins we have seen patriots erect republican forms of government, and yet no man ever proposed that the United States should signalize the establishment of those republics by sending special embassies to the installation of their chief ruler.

If it be true that we have once before sent a special embassy to the coronation of a hereditary ruler, then I want to know if it is also true that any monarch ever sent a special embassy to witness the inauguration of a President of this Republic? And I pause for a reply from the Senator from Massachusetts, who is familiar with these questions.

Mr. LODGE. I do not think there has ever been any such case.

Mr. BAILEY. Then, Mr. President, can it be possible that as advocates and citizens of a republican form of goverment we are to confess before the world that monarchies are entitled to receive courtesies from us that they do not extend to us?

This is not the time and place to discuss the different forms of government. The people of Great Britain are entitled to a King if that kind of a government suits them best. I would not deny to the most powerful nor would I deny to the most helpless people in this world the right to establish their own form of government. While I might regret that in this enlightened age they saw fit to establish a monarchy instead of a republic, I would not offend the decent regard that nations ought to entertain for each other by assailing their choice. But what I protest against is that the greatest Republic in the world shall perform for monarchies a courtesy that monarchies have never performed for the Republic. When they esteem it to their advantage or according to their judgment to send embassies to witness the installation of a chief ruler chosen by the suffrages of a great people, then it may be asked that we shall return the compliment.

But, Mr. President, not only am I opposed to sending an embassy on an errand like that, I am likewise and equally opposed to the manner in which it is sought to be done. In the House of Representatives, if it be parliamentary for me to refer to that, they did insert a provision in an appropriation bill providing for these expenses, but it was intimated to those who control such matters that a direct appropriation was not necessary and that authority would be found under some of these appropriation bills to meet the expenses of this special embassy.

Not only, sir, do they intend to find the money without a direct appropriation for the purpose, but the President of the United States, it seems, intends to appoint an ambassador without the sanction of the Senate. Just exactly how he will describe the man who is sent as the chief representative of this Government, I am at a loss to know.

Mr. HOAR. I am sorry to interrupt the Senator, but I wish the amendment on which he is speaking might be read from the desk. It has not yet been read.

The PRESIDENT pro tempore. Will the Senator from Texas please send his proposed amendment to the desk, and will the Senator suspend for one moment while it is read to the Senate?

Mr. BAILEY. Certainly.

Mr. HOAR. I thank the Senator.

The SECRETARY. On page 1, after the word "three," in line 6, it is proposed to insert the following proviso:

Provided, That no money appropriated by this act, or by the act making appropriations for the support of the Army for the fiscal year ending June 30, 1902, shall be expended in defraying the expenses of anyone in going to, or coming from, or in attendance upon the coronation of any hereditary king, prince, or potentate.

The PRESIDENT pro tempore. The Senator from Texas will proceed.

Mr. BAILEY. Now, Mr. President, if our money is to be spent, let Congress authorize the expenditure; and if a representative of this Government is to be sent, then the Senate is entitled to say who shall go. He goes as a special ambassador. Such an official is as much to be confirmed by the Senate as the ordinary—I believe the diplomatic language is "extraordinary"—ambassador; and yet we have here the remarkable anomaly that we are to be represented by a man designated by the President to the Government of Great Britain when the Constitution requires that he shall be nominated by the President to the Senate of the United States; and then the expense of this illegally appointed ambassador is to be paid out of some appropriation not made for such a purpose and not justified under the will of Congress.

It seems to me if it is not intended to misuse this money for such a purpose there will be no objection to the amendment, and if it is intended to use it, then not only ought the amendment to be voted down, but the special authority ought to be given to the Secretary of War to use a part of the money appropriated in this bill for the purpose of sending officers of the Army to participate in the celebration.

Mr. LODGE. Mr. President, I should suppose this amendment might be open to the point of order, but whether it is or not it seems to me that to attempt to stop embassies to coronations by withholding the salary of a retired officer of the Army is hardly the way to reach it.

Mr. BAILEY. Let me say to the Senator from Massachusetts that this is the only way. If the matter had been brought before the Senate in a frank and open fashion, and the Senate had voted to send the embassy, I should never have uttered another word.

Mr. LODGE. The power of the President of the United States to send a special diplomatic agent for particular purposes or for a specific single purpose is entirely established. I think I am not mistaken in saying that Mr. Mann, who was sent to report on the condition of the revolution in Hungary, and from whose mission there came the famous Hulseman letter of Mr. Webster, was appointed in that way.

We have a much more recent case, when President Cleveland sent Mr. Blount to the Hawaiian Islands as paramount commissioner, giving him authority, as I remember, to overrule the minister who had been confirmed by the Senate. It seemed to me at the time to be going altogether too far, but that the President of the United States has authority to send a special agent for a special purpose to make a report or to present compliments or that he may detail an Army or Navy officer for that purpose, it seems to me is clear.

Mr. BAILEY. Will the Senator from Massachusetts permit me to suggest this difference, which exists in my mind? Undoubtedly the President would have a right to select a confidential friend or agent and to send him anywhere in the world to obtain information desired by the executive department of the Government; but an agent to obtain information, as in the first case to which the Senator alluded, is a different thing from making a man the representative of the Government.

Mr. LODGE. Where an ambassador or minister or agent is sent for a special purpose, whether that purpose be to acquire information or whether it be to deliver a special message of compliment, as in this case, it seems to me the President has the right to do it. This was done at the coronation of the Czar. I believe, in fact, I know, that a special ambassador has been appointed to Spain for the coming coronation of the King of Spain. Now this special embassy has been appointed to Great Britain.

Mr. HOAR. Mr. Curry has gone.

Mr. LODGE. Yes; Mr. Curry, who was appointed special ambassador to Spain, has gone, and I think the special ambassador to Great Britain has also gone. This is the third case; there may have been others in our history. Of that I am not aware. As to one of these special embassies (there are two, one to Spain and one to England) to put in an amendment saying that the retired Army officer is to be deprived of his pay on that account after the thing has been done, it seems to me would be a needless affront, and I can see no good reason for doing it at this time.

Now, having said that much, I will say to the Senator from Texas that with his general proposition I agree. I do not believe in these special embassies to coronations, and for one, speaking solely for myself, I sincerely hope that there will not be any more. I think that there is a great deal in what the Senator has said, but

the thing has been done, and I think now in the case of either Spain or Great Britain, if the amendment covers them both, to withhold the salary of some officer detailed for that duty would be a discourtesy which I should not wish to put upon any friendly power where we have advanced so far in what is merely a gracious and complimentary action.

Mr. COCKRELL. I should like to ask the Senator if the language of the amendment of the Senator from Texas would prevent an officer on the retired list or an officer on the active list of the Army who was sent over there from drawing his regular salary?

Mr. LODGE. If it would not, then it has no possible effect of any kind.

Mr. COCKRELL. I do not think it would.

Mr. BAILEY. The purpose was simply to prevent the Secretary of War from sending an active or a retired officer in the Army to report to the American ambassador at London, who would then say to this retired or active Army officer, "Attend the coronation of the King."

Mr. COCKRELL. How does it affect the salary?

Mr. BAILEY. It does not affect the salary at all, because the amendment provides that it shall not be used in defraying the expenses of anyone in going to or coming from or in attendance upon the coronation. It is not intended to touch the salary. That would be an effort to punish an officer who, being detailed, would have no choice but to go. I would not be willing to do that.

Mr. LODGE. I understood it was to withhold the salary if he went.

Mr. BAILEY. Oh, no; it is simply the expenses.

Mr. LODGE. I understand the Senator to mean that it is to prevent the Secretary from making that detail. Now, can we prevent the President, as Commander in Chief, from making any detail he chooses?

Mr. BAILEY. No; it prevents the appropriation which we make from being used to pay such expenses.

Mr. LODGE. Very well; then the President orders this officer or makes the detail and we take away the pay, which returns to the exact point I made, that it takes away the salary and the pay.

Mr. BAILEY. Which leads me to observe that under that kind of an amendment the Secretary of War would make no such order.

Mr. PROCTOR. I suppose the amendment of the Senator from Texas can only refer to the detail of an Army officer.

Mr. BAILEY. It would not otherwise be germane here. If I were satisfied that we will have an opportunity to vote directly on the question, I would not have offered this amendment. I will say to the Senator from Vermont that this is not my way of meeting propositions of this kind; but as we have been offered no opportunity to express ourselves directly, I resorted to this as the only possible way.

Mr. PROCTOR. The committee in examining this saw no vision of King Edward or anything that could be used for this purpose. I suppose the Senator sees no item in the appropriation that could be used except for the pay of an officer of the Army. I suppose there is no other possible one.

Now, as I understand it, the President has no authority to detail a retired officer of the Army. He may, I believe, detail a retired officer of the Navy; but I know of no law which authorizes the President or the Secretary of War to put a retired officer upon this duty, and he goes with no more security for his expenses than a civilian would have.

Mr. MONEY. Mr. President, this amendment of the junior Senator from Texas has opened a very interesting question. I share exactly his opinion about the propriety of a great republican Government sending a special ambassador to a coronation of any hereditary monarch.

In the first place, our diplomatic system has never embraced until recent years any such person as an ambassador. It has had ministers, ministers resident, envoys extraordinary and ministers plenipotentiary, and has gone no further. The reason of that was this, that an ambassador does not represent the government, but the person of the king. A minister represents the government of the country which accredits him. Until very recently it never occurred to the American Republic, until we had imperial tendencies here, that we could be represented abroad by an ambassador. When it comes to a special ambassador, then the person designated by the President of the United States becomes particularly the representative of the President of the United States. In other words, it is the courtesy which one crowned head gives to another one on occasions of great ceremony, like the coronation of a king, and occasions of great rejoicing, as in the case of the jubilee of Queen Victoria.

The word "ambassador" ought not to be in the vocabulary of the Republic. It has no business to be there. The only excuse for its being there to-day is that other countries seeing the importance which our Republic had attained desired to raise the rank of their ministers here to that of corresponding courts in the Old World, and they could not do that unless we raised our ministers to the rank of ambassadors at their courts. That is the only reason why it was done.

Mr. SPOONER. The Senator has not forgotten that the word "ambassador" is in the Constitution?

Mr. MONEY. Yes, I recollect that, too; but I am speaking now of the meaning of the word "ambassador." It has been conceded, and nobody knows better than the Senator from Wisconsin, that an ambassador is a person representing not a government, but the person of the monarch of that government; and while it is true, and I very well understand that the word is used in the Constitution, it was never fixed in the diplomatic literature of this country until very recently, and for the reason I have given.

Mr. HOAR. Mr. President, I do not want to take any credit in this matter, because that provision was passed in a Democratic Administration a few years ago, and all of our first ambassadors were, without exception, Democrats.

Mr. BAILEY. It was a partially Democratic Administration.

Mr. BERRY. A so-called Democratic Administration.

Mr. HOAR. I do not want to say as to that matter; but certainly, so far as I know, it was before modern imperialism got started.

Mr. MONEY. Mr. President, I appreciate the force of the remarks of the senior Senator from Massachusetts [Mr. HOAR]; but this shows the tendency of the political ideas of this country, which has materialized in the last few years into something I call results, not vague and distant, but present in concrete form. As I said, a special ambassador——

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. MONEY. Certainly.

Mr. HOAR. I should like to say right here that I once studied that matter very carefully and proposed the present provision, which passed the Senate and finally became a law, which resulted in the creation of the office of ambassador.

While it is true that in monarchical countries the word "ambassador" signifies a person who represents the person of the monarch, in ordinary diplomatic usage that signification has long gone by and become obsolete, and the word "ambassador" is now used ordinarily, and the official is appointed as indicating the superior importance of the state he represents at the court to which he goes. The universal diplomatic etiquette of mankind, except in this country, gave ambassadors precedence, so that if there were twenty ministers waiting at the foreign office of Great Britain or France they were received in the order of their seniority; but if an ambassador came in he went right into the presence of the foreign minister, though he came in after the whole of them, and they were obliged to wait.

This was the case with Mr. Lincoln and Mr. Coolidge. Mr. Lincoln was a man of great personal respectability and the son of Abraham Lincoln, and Mr. Coolidge was the grandson of Thomas Jefferson, though I do not know that that should make any difference, except that it would be likely to be respected abroad. The same was the case with Mr. Eustis. They would go to the foreign office in Paris or in London or in some other important country, wait there all day, and just as they were about to be admitted to an interview some ambassador, for instance, from the Argentine Republic or from Haiti, or some older minister would appear and be heard first, and they would have to come back another day.

So that Mr. Lincoln and Mr. Coolidge had to contrive methods which made it a favor, not a right, to get speech in the English foreign office under pretense of some social engagement or some other than a formal way. They complained of this most bitterly. I happened to be abroad and to see both of them, and they were full of that complaint. When I came home I said I would try to get that changed, and I introduced the amendment, which was adopted by our Committee on Foreign Relations and which passed the Senate and the other House and became a law.

So this matter of the ambassador representing the person of a king had nothing to do with the creation of that office. It was only that the United States might be received as a great and powerful nation, worthy to be respected and worthy to take the precedence which belonged to its character, and not to be cooling its heels until San Domingo, or Terra del Fuego, or Guatemala, or any such country had been heard, although the representatives of the United States had got there first. That is the whole of it.

Mr. MONEY. Mr. President, I had already stated in a sentence the reason which the Senator has given in such great detail for making ambassadors of our ministers plenipotentiary and envoys extraordinary. He has added nothing to the statement I made, except a mass of details with which we are all familiar.

As a matter of fact, no representative of a great country like

the United States cools his heels in any antechamber in Christendom or elsewhere. A government is heard in accordance with its importance and the importance of the business which its representative comes to present. The ambassador is nearer the person of the king, but he is not nearer the person of the government; and a minister has the same access to an administration, as it is called, as has an ambassador. It is not from the government, but from the person, the monarch, that the ambassador receives his exequatur.

As I said before, this matter of an extraordinary ambassador, when we have already an ambassador there, seems to be entirely unnecessary and pushing still further the idea to which I referred in the outset of my remarks. The ambassador is the direct representative of the person of the monarch who sends him to the monarch who receives him.

The word "ambassador," it is true, has been used, like many other words, with extraordinary latitude, and we have become accustomed to that until at last one-half of the English language has become the synonym of the other half. We have lost the value of terms, and nobody seeks now to derive a word to see exactly what it means. We hear it here every day. Senators say they are the ambassadors of their States, when they are nothing of the sort and have no such function. The word can be abused and has been abused, but the true diplomatic meaning of it is not changed. As I said in the beginning, the only reason that has been given to us was that our country had risen to such great importance in the world that we wanted to be able to say that our ministers should have such rank as would agree with the rank of those commissioned by the greatest countries of the world. The highest type of ambassador is a matter which concerns their diplomatic regulations, and not ours. Some of us may tickle ourselves for a moment by saying that we would have ambassadors to foreign courts, and they might have the same titles here.

I am not at all attacking the system as I find it; I am only enforcing what my genial young friend from Texas [Mr. BAILEY] said, that it is not the proper thing to do, and for the additional reason that other countries have never yet found it necessary to send an ambassador, a minister extraordinary, or a chargé d'affaires to the inauguration of any President. Have any of these countries ever deigned to send a special ambassador to us to attend the inauguration of our Chief Magistrate? They have ambassadors resident here at Washington whom they think quite sufficient to convey to us all the courtesy and all the good will of the nations they represent here when we change our Chief Magistrate; and it is quite sufficient that the ambassador we have at the Court of St. James should be charged, in addition to his routine and usual business, with the extraordinary function of presenting the good wishes and good will of the people of this country—not of its President, but of its people, who are the sovereigns here. There is but one sovereign in a republic, and that is the people. The others are but public servants, whatever their official place or their official capacity or function.

So I think the whole thing is inappropriate. I speak of these things because one opportunity has been offered. If the question again comes up on the payment of the ambassador, I shall have something to say to you about that. I do not suppose, however, that it will prevent the work going on; but it is well enough that occasionally the Senate should be brought to consider things as they once were and not as they now are.

Mr. HOAR. Mr. President, I agree with the argument of the Senator from Texas [Mr. BAILEY]. I agree that it is well for us to promote all the harmonious expressions of sympathy and good will which can be made between nations without going into "holy alliances" or compacts. I do not understand that the Senator from Texas objects to that; but it seems to me his point that we ought not ordinarily to pay marks of respect to other countries, whatever may be their form of government, that they do not pay to us, is well taken and is unanswerable, and I should think that practice ought not to go on.

But the trouble with the Senator's amendment, in my mind, is this: There are a great many things that it is not well to do in intercourse with other people, whether social or in the intercourse of governments; but having publicly done or begun to do a thing, if you take it back it turns it into an affront.

Queen Victoria touched very much the sympathies of our people when she sent her wreath to lay on the coffin of President Garfield, and the expressions of sympathy which came from foreign countries at the time of our recent bereavement moved and stirred the hearts of our people profoundly.

Now, suppose the reverse had been the case; suppose that the Emperor Alexander had been assassinated, as the old Emperor Alexander was, and the President of the United States had ordered a wreath to be placed on his coffin, and somebody had said in the Senate, "That is not a proper thing to do; this man has been a tyrant, and he has been murdered by some victim of his tyranny, stung to madness;" and while that wreath was on its way both Houses of Congress put into an appropriation bill a provision that no money should be spent for furnishing wreaths for the funerals of dead emperors, they would have converted an act of courtesy into an affront.

Everybody knows that, whether wisely or unwisely, the President has sent to Spain, to represent us at the coronation, Dr. Curry, a very distinguished and highly respected gentleman from Virginia, who is a Democrat, I suppose, and belongs to the Senator's party. So there is no politics in it. Dr. Curry has gone, and one of the persons who has been selected to attend the coronation in England has gone, and is there now. After that has been done, to adopt such a provision as is proposed, which, as everybody knows, the people in those countries who read such things at all will read, that Congress disapproves of that, it seems to me would be a very awkward thing. While I entirely sympathize with the Senator's argument and am convinced by it—and the point which I have just suggested came from him and is new, so far as I recollect, and I think it very sound and wise—I hope that, after this expression and calling attention to this practice, we shall not actually put the proposition into legislation, as our ambassador has gone.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 2295) temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PROCTOR. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate may continue the consideration of the Army appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the unfinished business may be temporarily laid aside and that the consideration of the Army appropriation bill be continued. Is there objection? The Chair hears none.

Mr. BAILEY. Mr. President, the suggestion of the Senator from Massachusetts [Mr. HOAR] is a very proper one, and it had occurred to me. Indeed, it had occurred to me with such force that at one time I hesitated about proposing this amendment.

But there is another view of this question which, it occurs to me, the Senate can not afford to pass without any notice, and it is the assumption—I choose to call it an assumption rather than a usurpation—the assumption on the part of the President of the United States that he alone, without the concurrence of the Senate, may appoint ambassadors to represent this Government.

The junior Senator from Massachusetts [Mr. LODGE] cited the case of Mr. Blount, who was sent by President Cleveland to the island of Hawaii; but the Senator from Massachusetts must recall that Mr. Blount was not sent as an accredited representative of this Government to any government. He was sent there simply as the President's special messenger to the representative of the United States who was then in that island. I believe that representative probably had hoisted the American flag, and Mr. Blount was sent there, not to tell the Government of Hawaii what was the pleasure or displeasure of this Government, but he was sent there to tell the American representative in that island to undo, not the acts of that Government, but the acts of the American representative. I undertake to say that you can analyze every such case and it will be found that where the President of the United States has assumed to send any man to any foreign country he has sent him there as the agent of the President, either to convey instructions to those under the President or has sent him there to collect information which the President desired to use in the discharge of the duties of his great office. In no single instance, I venture to say—although I say that without having especially examined the subject—has the President of the United States ever accredited a representive from this Government to another government without the advice and consent of the Senate.

Now, disagreeable as it may be, that the Senate should seem to interpose its negative upon a programme which the President has not only initiated, but which he has partially carried into execution, it seems to me there is nothing else left for us to do. I repeat for the second and third time that I should very much prefer that the matter should have come directly before the Senate, and I waited in the hope that it would; but one appropriation bill after another has been passed and yet, if nothing is done now, this whole transaction will be concluded, and so far as the history of the times may show there would appear to be no objection to the President of the United States assuming the power to accredit representatives from this Government to a foreign government for this special occasion.

I am unwilling that this shall appear, and, not as the best method, but as the only method left open by which the Senate can express its disapproval of such a course, I shall insist upon the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Texas [Mr. BAILEY]. [Putting the question.] The "noes" seem to have it.

Mr. BAILEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. I want to say a single word, Mr. President, before the vote is taken.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SPOONER. I do not understand that the Senator from Mississippi [Mr. MONEY], in his observations about the incompatibility in the office of ambassador with a republican form of government, was in agreement with anything the Senator from Texas [Mr. BAILEY] said.

Mr. MONEY. I can not help that.

Mr. SPOONER. The Constitution, as I suggested to the Senator—of course he knew it, but perhaps for the moment had forgotten it—was framed by men very familiar with international etiquette and with the methods of diplomacy, and by men who knew very well what was in harmony with a republican form of government. They made the Constitution for a Republic which, with all our wonderful growth, has been found entirely adequate. They contemplated that other governments might send ambassadors to this Republic, and so they gave to the President the power to "receive ambassadors and other public ministers." They also gave him the power to "nominate, and, by and with the advice and consent of the Senate," to "appoint ambassadors and other public ministers," etc.

I suppose they thought that other governments might send ambassadors to us, and then if ambassadors were sent to us it might become entirely proper, and indeed almost necessary as the life of the Republic went on, that we should send to them in turn diplomatic representatives of equal rank. When the Senator, contradicting the distinguished Senator from Massachusetts, observed that because of our power and dignity American ministers of whatever character had never cooled their heels in the anterooms of foreign governments, I think he was abundantly mistaken. If I am correctly informed, that has frequently been the case.

Mr. HOAR. If the Senator will pardon me, in addition to what I stated of the complaint made to me in person by Mr. Lincoln and Mr. Eustis when the subject was being considered here, Vice-President Morton was in the chair of this body; he had just been minister to France, and he expressed very earnestly to Senators the same complaint, that he had himself suffered from this want of rank, and he took great interest in having the amendment for the creation of ambassadors passed.

Mr. SPOONER. Vice-President Morton expressed the same views to me; and others who have represented the United States abroad have spoken with very great bitterness of the fact that their inferiority in rank—and we can not determine that for other nations—had been to them a source of embarrassment in the transaction of public duty, and not only that, but a constant source of humiliation.

So I think it was all right in the fathers in the establishment of this republican Constitution to contemplate the sending of ambassadors to us and to provide for our sending of ambassadors abroad when, in the opinion of the Congress and the President, the public interests would be thereby well subserved or better subserved.

I agree entirely with the Senator from Texas [Mr. BAILEY] that under the Constitution an ambassador is a constitutional officer and can not be sent abroad without the action of the Senate. The Constitution upon that subject is very plain. Nothing can be plainer.

> And he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, etc.

What a "special ambassador" is as contradistinguished from an "ambassador," mentioned here in the Constitution, I have not yet learned.

Mr. BACON. Does the Senator think there is any such distinction?

Mr. SPOONER. I do not think, because I have not learned that there is.

Mr. BACON. But the Senator does think. The Senator is not one of the nonthinking kind. The Senator is an eminent lawyer.

Mr. SPOONER. I thank the Senator.

Mr. BACON. And as the point is raised, I should like to have the Senator state whether he believes the proposition as stated by the junior Senator from Massachusetts [Mr. LODGE] is correct, that the President of the United States has a right to draw the distinction between one kind of ambassador and another kind. Has the Senator not determined in his own mind which is the one whose name is to be sent by the President to the Senate in obedience to the Constitution, and which one he can send abroad without any reference to the consent of the Senate?

Mr. SPOONER. I do not think any ambassador can be sent from the United States to a foreign court without a nomination to the Senate and confirmatory action by the Senate.

Mr. BACON. I was quite sure that was the opinion of the learned Senator.

Mr. SPOONER. The Senator knew that that was my opinion.

Mr. BACON. Yes; but I wanted the Senator to state it. The Senator is too good a lawyer to think any other way.

Mr. SPOONER. I thank the Senator again. The Senator will convince me after a while. [Laughter.]

Mr. BACON. I know the Senator——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Always, Mr. President.

Mr. BACON. I thought the Senator was doing himself an injustice, and that he was not candid with himself when, in what he was stating to the Senate, he implied that there was a doubt in his mind on that legal proposition.

Mr. SPOONER. I did not say that.

Mr. BACON. I was absolutely assured, in my confidence in the eminent ability and learning of the distinguished Senator from Wisconsin, that he had no such doubt, and I thought I was doing him a service in eliciting from him an explicit statement that he had none.

Mr. SPOONER. I thank the Senator again. [Laughter.] I did not intimate any doubt. I only said I had not yet learned of any such distinction.

Mr. BACON. The Senator said he did not think.

Mr. SPOONER. Nor have I any doubt now. There might, perhaps, be an ambassador, a special ambassador; perhaps the Congress might pass an act providing for a special or temporary ambassador to be sent to a court where there was already an ambassador provided, but he would have to be, I think, nominated to the Senate and confirmed by the Senate. I am not finding any fault at all with the Senator from Georgia in his interruption. I agree generally with what the Senator says on the subject of sending ambassadors, as a Congressional policy, to coronations, although I am in favor of paying, in every decent and proper way, respect and compliment and courtesy to foreign governments.

It was a very gracious thing for the President to send some one to Spain. There was never anything more gracious or more proper, because we have come out of a war with Spain, and it was disastrous and humilitating to Spain. If there were technical objections to it, I would not be disposed to make them. I do not know what Dr. Curry is called, and I do not know what this gentleman who goes to England is called. I am quite satisfied that whatever he may be called he is not an ambassador in the sense in which that word is used in the Constitution. The amendment offered by the Senator from Texas is very narrow.

Mr. BAILEY. Mr. President, I recognize that, and I was seeking what we have about obtained—an expression from the Senate. That expression seems so general in one direction that, as far as I am concerned, I am willing to withdraw the amendment.

Mr. SPOONER. I think the Senator is quite right to withdraw it. I wanted to say that the amendment only applies to the allowance to be made to the Army officer to be sent over there.

Mr. BAILEY. To the Army officer.

Mr. SPOONER. It is entirely proper, and it might be very useful, where there is to be a great massing of troops, to send an Army officer to report. He is the very man to report. In the same way, where there is to be an assembling of squadrons or of any great naval power, it is proper to detail a naval officer, who goes in a professional way, to observe and to report to the proper department; and I think that it is rather necessary, and certainly proper, to pay his expenses in the discharge of that duty.

Mr. BAILEY. Mr. President, the trouble with this amendment is that it is offered at the place where it was least desirable to offer it. If it had been offered to any of the other appropriation bills—to the diplomatic bill—we then could have raised the question of the power of the President to accredit this representative, which I should have been very much pleased to do. But in this particular instance and at this particular place it simply reaches the Army officers who are more subject to the control of the Executive than any other employees of the Government. I am myself so well satisfied with the general and practically unanimous expression from both sides of the Chamber, and I believe it will serve such a useful purpose in preventing a repetition of this mistaken policy that I am willing to withdraw the amendment.

Mr. ALLISON. Mr. President, before the amendment is withdrawn, I wish to say simply one word.

The PRESIDENT pro tempore. The amendment can only be withdrawn by unanimous consent, the yeas and nays having been ordered. Is there objection?

Mr. ALLISON. I hope unanimous consent will be given, but before it is given I desire to say a word.

The amendment is truly a very narrow one. It can only apply to the mileage, even if it would apply to the mileage of officers of the Army who might be ordered or detailed by the War Department for service at the time of the coronation.

Mr. BAILEY. Yet, if the Senator will excuse me, if I had made it any broader it would have been subject to a point of order.

Mr. ALLISON. I understand it would have been subject to a point of order. Therefore the Senator of course desired to move such an amendment as could be debated on the floor without being ruled out by a point of order.

The Senator seems to think that this matter would have been considered properly on the diplomatic appropriation bill and that in that case he would have had a better opportunity then than now. I wish to say that when the diplomatic and consular bill came to the Senate from the House there was an appropriation in it which it was said was intended to be used in paying the expenses of whatever agents or persons might be sent to the coronation or be present on the occasion of those ceremonies. I took occasion, as chairman of the committee, to make inquiry of the Secretary of State upon that subject, and I have his letter, which is in the committee room, in which he states that that particular appropriation—which was the only appropriation that by any possibility could have been used for the purpose of paying the expenses of anyone in a civil capacity to the coronation ceremony—was not so intended, and the phraseology employed would not authorize its use for that purpose. Then the Secretary of State added in his letter that it was not the intent or purpose to have any portion of the expenses of the people accredited to London paid by the Government of the United States, and that no request would be made for an appropriation either directly or indirectly.

I assume, of course, that the President of the United States is quite familiar with the Constitution as respects the appointment of diplomatic and other officers. I think he would hardly make an appointment in absolute violation of the letter and the spirit of the Constitution itself. A President after a few months' service has a large experience in the matter of selecting officers, and generally he has it a few days after he is inaugurated as President. So I assume that he is not violating that instrument, and that he has not appointed ambassadors or similar officers in this particular case, as such appointment would be a violation of the particular provision quoted by the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. And he is reminded of it by the debates here.

Mr. ALLISON. And, as the Senator from Wisconsin very properly adds, he is frequently reminded of what the Constitution is by the debates in this body, and especially as they appear from time to time on subjects now occurring.

The PRESIDENT pro tempore. Is there objection to the withdrawal of the amendment?

Mr. BAILEY. Mr. President, if that is the view, if there is any doubt about the President's right to appoint these officers, and if at the time I am about to withdraw it and have no vote on it it is suggested that the President has the power, then I am not going to withdraw the amendment.

Mr. ALLISON. What power?

Mr. BAILEY. The power to appoint the people who have been accredited as the representatives of this Government to attend the coronations of these hereditary monarchs.

Mr. ALLISON. I certainly make no such intimation. On the contrary, I suppose the President would not do it or has not done it.

Mr. BAILEY. I understood the Senator from Iowa to say that the President was doubtless familiar with the Constitution, and he assumed that he knew exactly what his power was in respect to such appointments. That is precisely what I am not willing to assume, because I am not willing to assume that the President in the face of knowing he had no authority to make such appointments would have made them. But he having made them, I must assume that he thought he had the authority to do it. Precisely what I am certain about is that he had no authority to accredit the representatives to these foreign governments. My whole willingness to withdraw the amendment was upon the theory that there was no difference practically in the Senate about it, and I had no desire to force a vote in respect to it. But if there is anybody here who believes that the President of the United States has the power to select representatives and accredit them to foreign governments, even on special occasions, then, while this is a narrow way of reaching it, it is still the broadest way open to us, and I shall ask for the yeas and nays on agreeing to the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Texas [Mr. BAILEY].

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I have a general pair with the senior Senator from Utah [Mr. RAWLINS]. I will transfer my pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. CLAY], whom I do not see in the Chamber. I will transfer my pair to the senior Senator from New Jersey [Mr. KEAN], and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. Were he present, I should vote "nay."

Mr. BERRY. If agreeable to the Senator from North Dakota, we can transfer our pairs. I am paired with the Senator from Maryland [Mr. McCOMAS]. We can then both vote.

Mr. McCUMBER. I will so transfer my pair, Mr. President. I vote "nay."

Mr. BERRY (when Mr. MORGAN'S name was called). The Senator from Alabama [Mr. MORGAN] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO], but not regarding this as a political question, I shall take the privilege of voting. I think the Senator from Florida will justify me in voting. I vote "nay."

Mr. VEST (when his name was called). I am paired generally with the Senator from Minnesota [Mr. NELSON], who is detained from the Chamber by sickness. I withhold my vote. I should vote "yea" if he were present.

Mr. HOAR (after having voted in the negative). I voted inadvertently, in the absence of the Senator from Alabama [Mr. PETTUS]. If the Senator from Missouri will transfer his pair to the Senator from Alabama [Mr. PETTUS], with whom I am paired, then he and I can both vote.

Mr. VEST. Very well.

Mr. HOAR. I voted "nay."

Mr. VEST. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER], but I will transfer my pair to the Senator from Connecticut [Mr. HAWLEY], and vote "nay."

The roll call was concluded.

Mr. CULLOM. I am paired with the junior Senator from Virginia [Mr. MARTIN], who does not seem to be present. I will state that if I were at liberty to vote, I believe I would vote "nay."

Mr. BLACKBURN. Let me suggest to the Senator from Illinois that we can arrange a transfer so that we may both vote.

Mr. CULLOM. Very well.

Mr. BLACKBURN. I have a general pair with the Senator from Michigan [Mr. McMILLAN], who is necessarily absent. Let the Senator from Illinois and I transfer our pairs.

Mr. CULLOM. That is entirely agreeable to me. I vote "nay."

Mr. BLACKBURN. I vote "yea."

Mr. PATTERSON (after having voted in the affirmative). I should like to ask whether the Senator from South Dakota [Mr. KITTREDGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. PATTERSON. Then I will transfer my pair with the Senator from South Dakota [Mr. KITTREDGE], to the Senator from Idaho [Mr. DUBOIS], and let my vote stand.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I will transfer that pair to the junior Senator from Utah [Mr. KEARNS], and vote "nay."

Mr. MONEY. I desire to announce that the senior Senator from Louisiana [Mr. McENERY], is paired with the junior Senator from New York [Mr. DEPEW]. If both Senators were present the senior Senator from Louisiana would vote "yea." I also desire to state that the junior Senator from Louisiana [Mr. FOSTER], is absent on account of sickness.

Mr. BAILEY. I wish to announce that my colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent from the Senate to-day, and if he were present he would vote "yea." He has a general pair with the Senator from Wisconsin [Mr. QUARLES].

Mr. PATTERSON. I am requested to state that the Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. TELLER (after having voted in the affirmative). The senior Senator from Connecticut [Mr. HAWLEY] is not present. I do not know whether he is paired or not. I told him that on any subject that seemed to assume a political character I would pair with him or secure him a pair. I do not consider this to be a political question, but some Senators seem to so regard it. I should like to know if the Senator from Connecticut is paired with anybody. I understand that the senior Senator from Utah [Mr. RAWLINS] is not paired, and, therefore, we will pair the Senator from Connecticut [Mr. HAWLEY] with the Senator from Utah [Mr. RAWLINS], and I will let my vote stand.

The result was announced—yeas 15, nays 26; as follows:

YEAS—15.

Bacon,	Blackburn,	McLaurin, Miss.	Taliaferro
Bailey,	Carmack,	Mallory,	Teller,
Bate,	Cockrell,	Money,	Vest.
Berry,	Jones, Ark.	Patterson,	

NAYS—26.

Allison,	Foraker,	Hoar,	Scott,
Bard,	Foster, Wash.	Lodge,	Simon,
Beveridge,	Frye,	McCumber,	Spooner,
Burrows,	Gallinger,	McLaurin, S. C.	Stewart,
Cullom,	Gamble,	Millard,	Warren.
Dolliver,	Hale,	Mitchell,	
Fairbanks,	Hanna,	Proctor,	

NOT VOTING—47.

Aldrich,	Dillingham,	Kearns,	Platt, Conn.
Burnham,	Dryden,	Kittredge,	Platt, N. Y.
Burton,	Dubois,	McComas,	Pritchard,
Clapp,	Elkins,	McEnery,	Quarles,
Clark, Mont.	Foster, La.	McMillan,	Quay,
Clark, Wyo.	Gibson,	Martin,	Rawlins,
Clay,	Hansbrough,	Mason,	Simmons,
Culberson,	Harris,	Morgan,	Tillman,
Daniel,	Hawley,	Nelson,	Turner,
Deboe,	Heitfeld,	Penrose,	Wellington,
Depew,	Jones, Nev.	Perkins,	Wetmore.
Dietrich,	Kean,	Pettus,	

The PRESIDENT pro tempore. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Hoar,	Scott,
Bacon,	Deboe,	Jones, Ark.,	Simon,
Bailey,	Dolliver,	Lodge,	Spooner,
Bard,	Fairbanks,	McLaurin, Miss.,	Stewart,
Bate,	Foraker,	Mallory,	Taliaferro,
Berry,	Foster, Wash.,	Millard,	Teller,
Blackburn,	Frye,	Mitchell,	Vest,
Burrows,	Gallinger,	Patterson,	Warren.
Clark, Wyo.,	Gamble,	Proctor,	
Clay,	Hale,	Quarles,	
Cockrell,	Hanna,	Rawlins,	

The PRESIDENT pro tempore. In answer to the roll call, 41 Senators have responded. There is not a quorum present.

Mr. HALE. If Senators be sent for I think there is a quorum about the building.

Mr. MASON, Mr. TURNER, Mr. CARMACK, and Mr. MONEY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-five Senators have responded to their names. There is a quorum present.

Mr. BAILEY. Mr. President, in order to avoid any further delay on this bill, and to raise the question in a more proper and fuller form, I will withdraw the amendment and offer a resolution touching the subject, which I will ask to have printed.

Mr. BACON. Let it be read.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent to withdraw his amendment on which the vote has just been had. Is there objection? The Chair hears none. The Senator from Texas offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved by the Senate, That it is contrary to the policy of the United States to accredit to any foreign government any ambassador, minister, or other diplomatic officer or agent to especially represent the United States at the coronation of any hereditary prince or potentate.

2. That no power exists in the President of the United States to appoint any ambassador, minister, or other diplomatic officer or agent and accredit him as the representative of the United States to any foreign government except by and with the advice and consent of the Senate, as prescribed in section 2, Article II, of the Constitution of the United States.

Mr. BAILEY. I ask that the resolution be printed. Possibly we had better refer it under the practice, or it might just lie on the table, if that is permissible.

The PRESIDENT pro tempore. To lie on the table to be taken up at any time would require unanimous consent. The Senator from Texas asks unanimous consent that the same be printed and lie on the table subject to his call.

Mr. HOAR. I should hardly think that ought to be granted in the present state of the business of the session.

Mr. BAILEY. I will say to the Senator from Massachusetts there is no probability that I will attempt to interfere with the business of the Senate.

Mr. HOAR. Of course if the Senator desires to call it up for the mere purpose of addressing the Senate upon it, according to the usage of the Senate, that would be accorded at any convenient time; but the resolution goes a good deal further than the amendment went, and to have a vote on it without discussion or to agree that this particular subject shall take precedence of all the other business of the Senate is what I objected to.

Mr. BAILEY. I have no desire that it shall even interrupt the usual and necessary business of the Senate, but I think it proper that at some suitable time the matter shall be discussed and decided by the Senate.

Mr. HOAR. May I suggest to the Senator that having introduced the resolution, as he has done, it goes over until to-morrow morning in the usual way, and after the routine morning business it will come up and it will be in his power either to speak to it at that time or indicate what other disposition he desires?

Mr. BAILEY. That is entirely satisfactory to me, Mr. President. I want to get it out of the way of this bill immediately.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rules.

Are there further amendments? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5254) granting an increase of pension to Enos G. Budd;

A bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery;

A bill (H. R. 9037) to allow the commutation of homestead entries in certain cases; and

A bill (H. R. 12148) granting an increase of pension to Frederick O. Clark.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2036) granting an increase of pension to Etta Adair Anderson;

A bill (S. 2336) granting a pension to Rebecca Coppinger;

A bill (S. 2951) granting an increase of pension to Maria J. Wilson;

A bill (S. 3992) granting an increase of pension to David M. McKnight; and

A bill (S. 4506) granting an increase of pension to Ann E. Collier.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. DINSMORE managers of the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. GIBSON, and Mr. LINDSAY managers of the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 2975) granting an increase of pension to Levi Hatchett, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. DARRAGH, and Mr. KLEBERG managers of the conference on the part of the House.

The message also announced that the House had passed the concurrent resolution of the Senate to print 3,200 additional copies of the bulletin entitled "Irrigation Investigations in California, Bulletin No. 100, United States Department of Agriculture, Office of Experiment Stations, 1901."

The message further announced that the House had passed the concurrent resolution of the Senate to print and bind in cloth 6,000 copies of the Revised Course of Study for Indian Schools.

The message also announced that the House had passed the concurrent resolution of the Senate to print and bind in cloth 4,000 copies of the bulletins of the Bureau of Rolls and Library of the Department of State, namely, Calendars of the correspondence of Thomas Jefferson, James Madison, and James Monroe.

The message further announced that the House had passed the concurrent resolution of the Senate to print from stereotype plates and to bind 200 copies each of volume 10 and volumes 20 to 31 inclusive of Land Decisions, etc.

The message also announced that the House had passed a concurrent resolution providing for the printing of 6,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the year 1900, and also 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the year ended June 30, 1901; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 1,000 copies of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and Adjoining Regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to publish and bind 6,000 copies of the State papers and all correspondence bearing upon the purchase of the Territory of Louisiana by the United States, including the treaty of purchase, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 3,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the year ended June 30, 1901, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 25,000 copies of so much of the First Assistant Postmaster-General's Report for 1900–1901 as relates to rural free-delivery service, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution:

A bill (S. 182) granting a pension to Mary F. Zollinger;

A bill (S. 288) granting an increase of pension to De Witt C. Bennett;

A bill (S. 500) granting a pension to Samuel S. Beaver;

A bill (S. 1593) granting an increase of pension to Eben C. Winslow;

A bill (S. 2347) granting an increase of pension to Alfred M. Wheeler;

A bill (S. 2461) granting an increase of pension to George McDowell;

A bill (S. 2632) to amend an act entitled "An act granting to the Clear Water Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho;

A bill (S. 2755) granting a pension to Ruth H. Ferguson;

A bill (S. 3279) granting a pension to John Coolen;

A bill (S. 3331) granting a pension to Ada V. Park;

A bill (S. 3999) granting an increase of pension to Emma S. Hanna;

A bill (S. 4004) granting an increase of pension to Thomas L. Nelson;

A bill (S. 4238) granting an increase of pension to Philo F. Englesby;

A bill (S. 4256) granting an increase of pension to Henry W. Edens;

A bill (S. 4293) granting an increase of pension to Elizabeth C. Vincent;

A bill (S. 4455) granting an increase of pension to Hallowell Goddard;

A bill (S. 4865) granting an increase of pension to Joseph D. Hazzard;

A bill (S. 4979) granting an increase of pension to Paul Fuchs;

A bill (S. 5294) granting an increase of pension to William F. Horn;

A bill (S. 5337) granting an increase of pension to Marietta L. Adams; and

A joint resolution (S. R. 74) relating to publications of the Geological Survey.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1695) granting an increase of pension to Christopher C. Perry;

A bill (H. R. 1715) granting an increase of pension to Henry P. Hudson, formerly Henry P. Dow;

A bill (H. R. 1741) granting an increase of pension to Griffith Evans;

A bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert;

A bill (H R. 2430) granting a pension to Lizana D. Streeter;

A bill (H. R. 2563) granting an increase of pension to Robert R. Strong;

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 2787) granting an increase of pension to Cornelia S. Ribble;

A bill (H. R. 3517) granting an increase of pension to Stephen Harris;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;

A bill (H. R. 5321) granting a pension to Lillie May Fifield;

A bill (H. R. 5887) granting an increase of pension to Morris M. Comstock;

A bill (H. R. 6030) granting an increase of pension to William G. De Garis;

A bill (H. R. 7021) granting an increase of pension to Henry Forcht;

A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;

A bill (H. R. 7150) granting a pension to Garrett Stanley;

A bill (H. R. 7319) granting an increase of pension to Frances H. Anthony;

A bill (H. R. 7353) granting a pension to Nancy M. Williams;

A bill (H. R. 7382) granting a pension to Jacob Mock;

A bill (H. R. 7401) granting an increase of pension to William Brown;

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 7778) granting a pension to Peter Buckley;

A bill (H. R. 7906) granting a pension to Martha G. Young;

A bill (H. R. 8401) granting an increase of pension to Henry E. Murphy;

A bill (H. R. 8414) granting an increase of pension to George Atkinson;

A bill (H. R. 8487) granting an increase of pension to John M. Crist;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews;

A bill (H. H. 9437) granting an increase of pension to Elias A. Calkins;

A bill (H. R. 10201 granting an increase of pension to Otis R. Freeman;

A bill (H. R. 10752) granting a pension to Harriet T. Milburn;

A bill (H. R. 11196) granting a pension to Abbie Bourke;

A bill (H. R. 11395) granting a pension to Mary Pitman;

A bill (H. R. 11495) granting a pension to Mary A. Bailey;

A bill (H. R. 11858) for the relief of William E. Anderson;

A bill (H. R. 11921) granting an increase of pension to George W. De Graw;

A bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson;

A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;

A bill (H. R. 12377) granting a pension to Enoch Voyles;

A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;

A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States;

A bill (H. R. 12562) granting an increase of pension to William H. Temple;

A bill (H. R. 12777) granting an increase of pension to George H. Young;

A bill (H. R. 12779) granting an increase of pension to George Chamberlin;

A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck;

A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson;

A bill (H. R. 13081) granting an increase of pension to Anthony J. Railey;

A bill (H. R. 13174) granting an increase of pension to Ransford T. Chase;

A bill (H. R. 13266) granting an increase of pension to Elbert N. Remson;

A bill (H. R. 13332) granting an increase of pension to William G. Cantley;

A bill (H. R. 13355) granting an increase of pension to William H. Snyder;

A bill (H. R. 13378) granting an increase of pension to Edwin Beckwith;

A bill (H. R. 13395) granting a pension to Arthur J. Bushnell;

A bill (H. R. 13398) granting an increase of pension to George G. Sabin;

A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall;

A bill (H. R. 13467) granting a pension to Joseph H. Woodruff;

A bill (H. R. 13529) granting an increase of pension to Francis C. Baker;

A bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton;

A bill (H. R. 13646) granting an increase of pension to John G. Heiser;

A bill (H. R. 13807) granting a pension to Jeremiah Horan;

A bill (H. R. 13891) granting a pension to Hiram A. Sheldon;

A bill (H. R. 14079) granting an increase of pension to John Miller;

A bill (H. R. 14099) granting a pension to Samantha B. Van Brocklin; and

A bill (H. R. 14118) granting a pension to Mary C. Bickerstaff.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. STEWART. I desire to give notice that I should like to speak on the pending bill on Tuesday morning immediately after the morning business.

The PRESIDENT pro tempore. Notice has already been given that on Tuesday morning, immediately after the routine business, the Agricultural appropriation bill will be called up.

Mr. STEWART. I will say Wednesday morning, then.

Mr. GALLINGER. There are twelve or fifteen pension bills on the Calendar. I ask unanimous consent that they be now considered.

Mr. LODGE. What has become of the unfinished business?

The PRESIDENT pro tempore. It is before the Senate.

Mr. MITCHELL. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I have not the floor. I am not entitled to the floor.

Mr. LODGE. I do not know whether the Senator from Nevada [Mr. STEWART] desires to proceed at this time or not.

Mr. STEWART. I think the hour is rather late.

Mr. LODGE. Very well.

Mr. GALLINGER. I renew my request.

Mr. STEWART. I will say in regard to my notice that if the Agricultural appropriation bill is disposed of speedily on Tuesday morning, I should like to speak on Tuesday.

Mr. LODGE. If no Senator is prepared to go on this afternoon with the Philippine bill, I have no desire to press it at this late hour and in a thin Senate, but I ask the unanimous consent of the Senate that while this bill is pending the Senate on Wednesday and thereafter shall meet at 11 o'clock.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that on Wednesday and thereafter, until the final disposition of the pending bill, the Senate shall meet at 11 o'clock. Is there objection?

Mr. RAWLINS. I object to that.

Mr. LODGE. Then I give notice that on Tuesday next I will make the motion that on Wednesday and thereafter the Senate shall meet at 11 o'clock until the bill is concluded.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that we now proceed to the consideration of unobjected pension bills and bills to correct the record of soldiers. There are only a few on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the pending business be temporarily laid aside and that the Senate consider pension bills and bills to correct soldiers' records. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

ELECTION OF UNITED STATES SENATORS.

Mr. MITCHELL. Mr. President, on yesterday, when the resolution of the Senator from Arkansas [Mr. BERRY] was under discussion, looking to the discharge of the Committee on Privileges and Elections from the further consideration of the House amendment of the Constitution, relating to the election of Senators by the people, I inquired of the Senator from Ohio [Mr. FORAKER] whether he did not believe that if that amendment were adopted Congress would have the power to prescribe the qualifications of electors for Senators. Subsequently the Senator from Massachusetts [Mr. HOAR] inquired of me if I believed my own question, and I answered "Yes," that I did.

Mr. HOAR. The Senator's inquiry was directed to another Senator.

Mr. MITCHELL. At the time I did not have the House amendment before me, and I was not aware of the fact that in that amendment there is a clause prescribing the qualifications of electors. Had I known that, of course, I should not have made the answer that I did. The attention of the Senate was subsequently called by the Senator from Texas to the fact that the following clause is a part of section 3 of the House joint resolution, which is really a copy of the clause in the Constitution of the United States relating to the election of Representatives:

And the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

As a matter of course no one would claim that if that clause were adopted the Congress of the United States would have any power to prescribe the qualifications of electors. My mistake arose from the fact that I was not aware that that clause was in the joint resolution passed by the House of Representatives.

FRIEDRICH WEIMAR.

The PRESIDENT pro tempore. The first pension bill on the Calendar will be announced.

The bill (H. R. 6172) granting an increase of pension to Friedrich Weimar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Friedrich Weimar, late of Company H, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN CHRISTIANSON.

The bill (H. R. 7228) granting an increase of pension to Christian Christianson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian Christianson, late of Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN M. DUNNING.

The bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin M. Dunning, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO WEEKS.

The bill (H. R. 3238) granting an increase of pension to Lorenzo Weeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Weeks, late of Company I, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL RIDINGER.

The bill (S. 2375) granting an increase of pension to Daniel Ridenger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Ridenger" and insert "Ridinger;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Ridinger, late of Company A, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Ridinger."

JOSHUA WEAVER.

The bill (S. 2653) granting an increase of pension to Joshua Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Weaver, late of Company D, Thirty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELJEROY C. CURTIS.

The bill (S. 5047) granting a pension to E. C. Curtis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eljeroy C. Curtis, late of Battery B, Fourth Regiment United States Artillery, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Eljeroy C. Curtis."

DANIEL F. THOMPSON.

The bill (H. R. 1724) granting an increase of pension to Daniel F. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel F. Thompson, late of Company B, Forty-eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BARRY.

The bill (H. R. 9544) granting an increase of pension to George W. Barry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Barry, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM KUNSELMAN.

The bill (H. R. 11170) granting an increase of pension to William Kunselman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kunselman, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES BLITZ.

The bill (H. R. 9606) granting a pension to Charles Blitz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN C. CAMPBELL.

The bill (H. R. 5865) granting an increase of pension to John C. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Campbell, late colonel Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE W. MILWARD.

The bill (H. R. 10488) granting an increase of pension to Kate W. Milward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate W. Milward, widow of Hubbard K. Milward, late lieutenant-colonel Eighteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. DOWNING.

The bill (H. R. 6625) granting an increase of pension to Mary T. Downing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Mary," to strike out the letter "T" and insert the letter "S;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Downing, widow of Robert L. Downing, late of Company E, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary S. Downing."

MARIETTA ELIZABETH STANTON.

The bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marietta Elizabeth Stanton, widow of Thaddeus H. Stanton, late brigadier-general, United States Army, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. SMITH.

The bill (H. R. 12978) granting an increase of pension to Charles F. Smith, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Smith, late second lieutenant Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON P. BROCKWAY.

The bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon P. Brockway, late major Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ABBY T. DANIELS.

The bill (H. R. 10821) granting an increase of pension to Abby T. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abby T. Daniels, widow of John C. Daniels, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless and dependent child, Abbie J. Daniels, on whose account the pension of Abby T. Daniels is increased, the pension of said Abby T. Daniels shall continue only at the rate of $12 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. GREENHALGH.

The bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Greenhalgh, late of Company A, Seventh Regiment Massachusetts Volunteer Infantry, and Company D, Sixtieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. CHASE.

The bill (H. R. 8341) granting a pension to Hannah C. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Chase, widow of William T. Chase, late chaplain Eighty-first Regiment United States Colored Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE K. THOMPSON.

The bill (H. R. 4451) granting an increase of pension to George K. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George K. Thompson, late a landsman, U. S. S. *Connecticut*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. HICKOX.

The bill (H. R. 4103) granting a pension to William C. Hickox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Hickox, late of Company G, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HUGH R. RUTLEDGE.

The bill (S. 4765) granting an increase of pension to H. R. Rutledge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh R. Rutledge, late assistant surgeon, United States Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hugh R. Rutledge."

JAMES D. LAFFERTY.

The bill (H. R. 11133) granting an increase of pension to James D. Lafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Lafferty, late of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA ADAIR ANDERSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2036) granting an increase of pension to Etta Adair Anderson; which was, in line 8, before the word "dollars," to strike out "twelve" and insert "sixteen."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, May 12, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 10, 1902.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Julius O. Cobb, of South Carolina, to be a surgeon in the Marine-Hospital Service of the United States, to rank as such from April 20, 1902, to succeed Joseph J. Kinyoun, resigned.

PROMOTIONS IN THE NAVY.

Commander Edwin C. Pendleton, to be a captain in the Navy from the 21st day of January, 1902, vice Capt. Ralph Aston, retired.

Lieut. John A. Dougherty, to be a lieutenant-commander in the Navy from the 21st day of January, 1902, vice Lieut. Commander William E. Sewell, promoted.

Lieut. (junior grade) Emory Winship, to be a lieutenant in the Navy from the 21st day of January, 1902, vice Lieut. John A. Dougherty, promoted.

Lieut. James M. Pickrell, to be a lieutenant-commander in the Navy from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander William H. Schuetze, deceased.

Lieut. (Junior Grade) George L. P. Stone, to be a lieutenant in the Navy from the 5th day of April, 1902, vice Lieut. James M. Pickrell, promoted.

Commander James M. Miller, to be captain in the Navy from the 29th day of April, 1902, vice Capt. Charles H. Rockwell, retired.

POSTMASTERS.

James C. Tyrrell, to be postmaster at Grass Valley, in the county of Nevada and State of California, in place of William George. Incumbent's commission expires May 28, 1902.

Willie E. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Willie E. Harp. Incumbent's commission expired January 20, 1902.

William H. Harrison, to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky, in place of William H. Harrison. Incumbent's commission expired May 4, 1902.

James B. Burnett, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of Alexander Smith. Incumbent's commission expired February 11, 1902.

Edward Brown, to be postmaster at Thomaston, in the county of Knox and State of Maine, in place of Edward Brown. Incumbent's commission expires May 24, 1902.

Loring W. Morgan, to be postmaster at Fullerton, in the county of Nance and State of Nebraska, in place of Loring W. Morgan. Incumbent's commission expires May 16, 1902.

Frederic B. Taylor, to be postmaster at South Orange, in the county of Essex and State of New Jersey, in place of Frederic B. Taylor. Incumbent's commission expires May 19, 1902.

Albert F. Hill, to be postmaster at Cando, in the county of Towner and State of North Dakota, in place of Albert F. Hill. Incumbent's commission expired February 25, 1902.

George L. Fish, to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota, in place of George L. Fish. Incumbent's commission expired May 4, 1902.

Ansel T. Simmons, to be postmaster at Geneva, in the county of Ashtabula and State of Ohio, in place of Ansel T. Simmons. Incumbent's commission expired May 5, 1902.

Fielding C. Elkin, to be postmaster at Lexington, in the county of Fayette and State of Kentucky, in place of Fielding C. Elkin. Incumbent's commission expires May 10, 1902.

Thomas J. Helm, to be postmaster at Rome, in the county of Floyd and State of Georgia, in place of Joseph J. Hamilton, deceased.

Charles E. Carman, to be postmaster at Aiken, in the county of Aiken and State of South Carolina, in the place of Benjamin P. Chatfield, deceased.

CONFIRMATION.

Executive nomination confirmed by the Senate May 10, 1902.

COMMISSIONER OF PENSIONS.

Eugene F. Ware, of Kansas, to be Commissioner of Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 10, 1902.*

The House was called to order at 12 o'clock m. by Hon. ALEXANDER MCDOWELL, Clerk, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 10, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to preside over the House this day.

D. B. HENDERSON, *Speaker.*

Mr. DALZELL thereupon assumed the chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BARK HOMEWARD BOUND.

Mr. MCLACHLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4992.

The Clerk read as follows:

A bill (S. 4992) to provide an American register for the bark Homeward Bound.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built bark Homeward Bound, owned by George F. Ellis, a citizen of the United States, and repaired by him, to be registered as a vessel of the United States.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "Homeward Bound," and insert in lieu thereof the words "Otto Gildemeister:" after the word "States," in the seventh line of the bill, insert the following: "And give the said bark the name of Homeward Bound: *Provided, however*, That such register shall not entitle or authorize said bark to engage in the coastwise trade of the United States, nor shall said bark receive or be entitled to receive any subsidy, bounty, or aid of any kind that may hereafter be granted to American vessels.

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman what there is about this that it can not be registered under the general law.

Mr. GROSVENOR. This bill, Mr. Speaker, was introduced in the Senate, passed by the Senate, and came to the Committee on the Merchant Marine and Fisheries. Quite an investigation took place in regard to it. It was under a German register. The vessel was wrecked, and brought into the port of San Francisco. It was owned by the captain. He has expended a large sum of money in its repair. There are various reports as to the amount of it; but it seemed so large that failure to get his ship recognized in some way so that he could borrow money upon it he claims would be ruin to him. The committee was not in favor of giving to him an American register without conditions, and so the terms which are put into this bill were imposed. Will the Clerk read the conditions at the end of the bill?

The Clerk read as follows:

Provided, however, That such register shall not entitle or authorize said bark to engage in the coastwise trade of the United States, nor shall said bark receive or be entitled to receive any subsidy, bounty, or aid of any kind that may hereafter be granted to American vessels.

Mr. GROSVENOR. So the effect of it is to give an American register to the ship, but deprives it of the beneficial results of our navigation laws. The captain thought if this was done he could borrow money on his ship; and as a concession to his condition the committee made a favorable report on the bill.

Mr. PAYNE. As I understand, no repairs have yet been made.

Mr. McLACHLAN. About $75,000 worth of repairs were made.

Mr. PAYNE. Have already been made?

Mr. McLACHLAN. Have already been made.

Mr. PAYNE. What does he want to borrow the money for if he has done the repairs?

Mr. GROSVENOR. I do not indorse the $75,000 as having been spent for the repairs.

Mr. McLACHLAN. The captain is here, and has expended about $75,000.

Mr. GROSVENOR. It is thought he could get credit in some way. I do not know how. Gentlemen from San Francisco have urged us to allow this bill to pass, among those being Mr. Scott, of the Union Iron Works, who seems to have taken a good deal of interest in behalf of this captain.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. Objection is made.

Mr. GAINES of Tennessee. I did not object. I only want to know a little about the matter.

The SPEAKER pro tempore. Objection is made by the gentleman from Tennessee [Mr. RICHARDSON].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BURTON, and Mr. GIBSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 4393. An act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5587. An act for the relief of Anna Eliza Isabella Von Hemert;

S. 5467. An act for the relief of William Persons;

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; and

S. R. 87. Joint resolution to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

SUBPORT OF ENTRY AT PORT ARTHUR, TEX.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3123) to make Port Arthur a subport of entry and delivery in the customs district of Galveston.

The Clerk read the bill, as follows:

Be it enacted, etc., That Port Arthur, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Galveston, and a customs officer or such other officers shall be stationed at such subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER pro tempore. Is there objection?

Mr. BREAZEALE. Mr. Speaker, I would like to ask the gentleman from Texas if my colleague [Mr. BROUSSARD], who is not present, has any interest in this bill?

Mr. COOPER of Texas. It does not affect his district at all. It is in the district of Galveston.

Mr. BREAZEALE. Then I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the last vote was laid on the table.

CLEARWATER VALLEY RAILROAD COMPANY.

Mr. TONGUE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2632) to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of an act approved February 28, 1899, entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian lands in Idaho," be, and the same is hereby, amended so that the time for constructing said railroad through the Nez Perces Indian Reservation in the State of Idaho, and also through the lands formerly embraced within said reservation but now allotted to individual members of the Nez Perces tribe of Indians, shall be extended to the 28th day of February, 1905.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be a read a third time, was read the third time, and passed.

On motion of Mr. TONGUE, a motion to reconsider the last vote was laid on the table.

MAJOR-GENERAL FOR MARINE CORPS.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10159) to give the commandant of the Marine Corps the rank of major-general.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the date of the passage of this act the commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made by the gentleman from Tennessee.

STOREKEEPERS AND GAUGERS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12097, to amend the internal-revenue laws in regard to storekeepers and gaugers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the internal-revenue officer holding the combined office of storekeeper and gauger shall hereafter be known and denominated as a storekeeper-gauger, and when performing the combined duties of storekeeper-gauger, or when assigned by the Commissioner of Internal Revenue to perform the duties of a storekeeper only at any distillery, or at any general or special bonded warehouse, he shall receive for his services the compensation of storekeeper only; but when assigned by the Commissioner of Internal Revenue to perform the duties of gauger only, under the internal-revenue laws, as provided by those laws, he shall receive only the compensation for his services and the traveling expenses which are allowed by law to United States gaugers.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. I desire to ask, Mr. Speaker, if this bill has been reported from the committee.

Mr. PAYNE. It is the unanimous report of the Committee on Ways and Means. To recall the matter to the gentleman's mind, I will say that it appears that it has been the custom of the Department to administer the law in accordance with the provisions of this bill, supposing that was the law. When a man was employed as a storekeeper, he received a storekeeper's pay, and when he was employed as a gauger he received a gauger's pay; but a recent decision of the Comptroller has set aside the former practice and made it necessary to enact this bill, and it was introduced at the request of the Commissioner.

Mr. CLAYTON. It does not increase the compensation of the office?

Mr. PAYNE. Not from what the practice has been for years back; it is the same. I think the pay of a gauger is a little more than that of a storekeeper.

Mr. CLAYTON. It is in the interest of more efficient public service?

Mr. PAYNE. Certainly; it is to pay them for the actual duties they perform under the general law.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE OVER MISSOURI RIVER NEAR COUNCIL BLUFFS, IOWA.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1295) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891, and amended by an act approved January 28, 1893, and by an act approved April 21, 1898, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway and street railway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

The Clerk read at length the bill and the amendments proposed by the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments proposed by the committee were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the last vote was laid on the table.

ARIVELLA D. MEEKER.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1305) for the relief of Mrs. Arivella D. Meeker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to Mrs. Arivella D. Meeker, of Greeley, Colo., the sum of $9,012.83, out of the annuities of the confederated bands of Ute Indians, as a recognition of the services of her husband, the late Nathan Cook Meeker, as Indian agent at the White River Agency, in Colorado, and for the losses his family sustained by reason of his assassination and the destruction of his property by the Indians of said agency in the year 1879.

The following amendment was recommended by the Committee on Indian Affairs:

In the fourth and fifth lines strike out the words "the sum of $9,012.83" and insert "an annuity of $500 per annum for life, commencing on the 15th day of June, 1900."

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, that is the sixth recognition on the Republican side and only one on the Democratic side this morning, and I object.

The SPEAKER pro tempore. The Chair will say to the gentleman from Tennessee that there have been no applications for unanimous consent. Objection is made.

Mr. LACEY. I would like to say, Mr. Speaker, to my friend from Tennessee that this is not my bill. It is a Senate bill.

The SPEAKER pro tempore. The Chair would like the attention of the gentleman from Tennessee. The Chair will say to the gentleman that there has been no request for recognition from the Democratic side.

Mr. RICHARDSON of Tennessee. But here is the gentleman who has the bill in charge, the gentleman from Colorado, Mr. SHAFROTH.

Mr. LACEY. The gentleman from Colorado did not have the bill in charge; he was not on the committee. I would be glad to yield to him, however.

Mr. SHAFROTH. I am not in charge of this bill. I introduced a bill of similar character, and this is an amendment to the Senate bill, which is a copy of my bill.

Mr. RICHARDSON of Tennessee. Has this bill been reported by any committee?

Mr. LACEY. Oh, yes; it has been reported with an amendment, which is satisfactory to the gentleman from Colorado. I was requested on behalf of this old lady, who is now 87 years of age, to have the bill called up. I shall be glad to yield to anybody on the other side who may wish to take charge of the matter. I have no interest whatever in the bill.

Mr. RICHARDSON of Tennessee. I withdraw my objection.

Mr. PAYNE. Mr. Speaker, I reserve the right to object. I should like to know what committee this bill comes from?

Mr. LACEY. From the Indian Committee.

Mr. PAYNE. Then I object.

The SPEAKER pro tempore. Objection is made.

Mr. LACEY. It seems to me that when we are able to take care of the leader on the Democratic side we ought to be able to do as much with the leader on this side. [Laughter.]

The SPEAKER pro tempore. Objection is made.

Subsequently,

Mr. PAYNE said: Mr. Speaker, I objected a moment ago to a bill called up by the gentleman from Iowa [Mr. LACEY]. Since that time I have learned the facts about that case. The bill does not propose to pay a pension out of the Treasury, as I supposed the proposition to be from the reading. It proposes to pay an annuity from the Indian funds, and for a very good reason. This is an old case where some women were outraged and shamefully treated years ago. Congress provided, in consideration of the circumstances, that an annuity of $500 should be paid both to this lady and her daughter, the payments to continue twenty years. The daughter has died, but her mother is still living—now a very old lady. As the twenty years limited in the original act of Congress have expired, the annuity has ceased. This bill contemplates simply that the annuity shall be paid to this old lady for the rest of her life. When I objected, I supposed this was a bill which ought properly to have gone to the Committee on Claims; but I have found that it is in no sense a claim, and it comes properly from the Indian Committee. I therefore withdraw my objection.

Mr. SHAFROTH. At the time of the granting of this annuity, to continue for twenty years, it was expected to cover the lifetime of this lady. She will probably live only a year or two longer.

Mr. LACEY. She is now 87 years old.

Mr. SHAFROTH. So I understand.

The SPEAKER pro tempore. The objection of the gentleman from New York to the consideration of this bill is withdrawn. Is there further objection? The Chair hears none.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Indian Affairs were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5736. An act for the relief of citizens of French West Indies.

PUBLICATIONS OF THE GEOLOGICAL SURVEY.

Mr. HEATWOLE. The Committee on Printing, to which was referred the joint resolution (S. R. 74) relating to publications of the Geological Survey, has unanimously directed me to report the same back favorably and to ask its immediate consideration.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That hereafter the publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to 1 volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; mineral resources, of ordinary octavo size; water-supply and irrigation papers, of ordinary octavo size; and such maps, folios, and atlases as may be required by existing law.

That hereafter the reports of the Geological Survey, except the annual report of the Director, shall be published in editions as recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed 10,000 copies.

That whenever the edition of any of the reports of the Survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey shall state will, in his judgment, be necessary to meet the demand.

That the bulletins and professional papers shall be distributed gratuitously, and not sold; and that of the number published 1,000 copies shall be delivered to the Senate and 2,000 copies shall be delivered to the House of Representatives for distribution.

That the provision of law approved June 11, 1896, restricting the water-supply papers to 100 pages and to editions of 5,000 copies shall be, and hereby is, rescinded.

That the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under existing law.

The SPEAKER pro tempore. Is there objection to the present consideration of this joint resolution?

Mr. STEPHENS of Texas. What change does it make in the existing law with reference to these publications?

Mr. HEATWOLE. It permits the Director of the Geological Survey to issue to different sections of the country such publications as he thinks will be of most benefit to those particular sections; that is to say, if it were desirable to have printed and published 2,000 copies of a document especially applicable to the gentleman's section of the country, bearing directly on a subject in which the people there are especially interested, it could be done under this resolution.

Mr. STEPHENS of Texas. Then it does not add anything to the expense of publication?

Mr. HEATWOLE. No; in fact it will save nearly $22,000 a year to the Government in the publication of the reports of the Geological Survey.

Mr. STEPHENS of Texas. Will these documents be distributed through the folding room?

Mr. HEATWOLE. Two thousand copies of each document will be distributed through the House folding room.

Mr. STEPHENS of Texas. To the credit of the members, respectively?

Mr. HEATWOLE. Yes, sir.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

PRINTING OF CONGRESSIONAL FRANKS.

Mr. HEATWOLE. I am also directed by the Committee on Printing to report back with an amendment the joint resolution (S. R. 82) providing for the printing annually of franks required for sending out seeds, and to ask immediate consideration of the same.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Public Printer shall furnish to the Secretary of Agriculture on his order such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders and for sending out seeds on order of the Secretary of Agriculture, such franks to bear the names of Senators, Representatives, and Delegates printed thereon and the words "U. S. Department of Agriculture, Congressional Seed Distribution," or such other phraseology as the Secretary may direct, and that such franks shall be furnished each year at such times and in such quantities as the Secretary of Agriculture may require.

The amendment reported by the committee was read, as follows:

Strike out all after the resolving clause and substitute the following in lieu thereof:

"That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress."

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendment reported by the committee was agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

COURSE OF STUDY FOR INDIAN SCHOOLS.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask unanimous consent for the consideration of the concurrent resolution which I send to the desk.

The SPEAKER pro tempore. The gentleman from Minnesota, chairman of the Committee on Printing, submits the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the revised Course of Study for Indian Schools; 1,500 for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the superintendent of Indian schools.

The report (by Mr. HEATWOLE) is as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 33, providing for the printing of 6,000 copies of the revised Course of Study for Indian Schools, recommend that the same be agreed to.

The Public Printer estimates the cost of this work at $1,548.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

GEOLOGICAL AND WATER RESOURCES OF THE BLACK HILLS.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committtee on Printing to ask unanimous consent for the present consideration of the following:

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent for the present consideration of the concurrent resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,000 copies of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and adjoining regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton, under the direction of the United States Geological Survey, 500 copies for use of the House, 250 copies for use of the Senate, and 250 copies for use of the Secretary of the Interior.

The report (by Mr. HEATWOLE) is as follows:

Your Committee on Printing having had under consideration House concurrent resolution No. 49, to provide for the printing of the Preliminary Description of the Geological and Water Resources of the Southern Half of the Black Hills and adjoining regions in South Dakota and Wyoming, recently prepared by Nelson Horatio Darton, under the direction of the United States Geological Survey, it is recommended that the same do pass.

The Public Printer estimates the cost of this publication at $1,423.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

LOUISIANA PURCHASE PAPERS.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask consideration of the following privileged resolution.

The SPEAKER pro tempore. The gentleman from Minnesota presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be published and bound 6,000 copies of the State papers, and all correspondence bearing upon the purchase of the territory of Louisiana by the United States, including the treaty of purchase; 4,000 copies for the use of the House of Representatives and 2,000 for the use of the Senate.

The report (by Mr. HEATWOLE) was as follows:

Your Committee on Printing, having had under consideration House concurrent resolution No. 25, to print 6,000 copies of the State papers, and all correspondence bearing upon the purchase of the territory of Louisiana by the United States, including the treaty of purchase, recommend that the same do pass.

The Public Printer estimates the cost of this publication at $2,735.

The resolution was agreed to.

BARK HOMEWARD BOUND.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a moment ago I objected to the consideration of a bill presented by the gentleman from California [Mr. MCLACHLAN], S. 4992, to provide an American register for the bark *Homeward Bound*. I have examined the bill since then, and it seems to be a case of great emergency. There is not much involved in it, and I withdraw the objection I made.

The SPEAKER pro tempore. The gentleman from Tennessee withdraws his objection. Is there further objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MCLACHLAN, a motion to reconsider the last vote was laid on the table.

CORRESPONDENCE OF JEFFERSON, MADISON, AND MONROE.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of the following resolution.

The SPEAKER pro tempore. The gentleman from Minnesota, chairman of the Committee on Printing, asks unanimous consent for the present consideration of Senate concurrent resolution No. 20, which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State.

The report (by Mr. HEATWOLE) was as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 20, providing for the printing of 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe, it is recommended that the same do pass.

The Public Printer estimates the cost of this work at $11,846.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

DISEASES OF THE HORSE.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse, the passage of which has been recommended by the Committee on Printing with an amendment.

The joint resolution was read, as follows:

Resolved, etc., That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought up to date, under the supervision of the Secretary of Agriculture; 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.

The report (by Mr. HEATWOLE) is as follows:

Your Committee on Printing, having had under consideration Senate joint resolution No. 92, providing for the publication of the Special Report on Diseases of the Horse, recommend that the same be agreed to with the following amendment:

Strike out all after the resolving clause and insert in lieu thereof:

"That there be printed and bound in cloth 200,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought up to date, under the supervision of the Secretary of Agriculture; 128,000 copies for the use of the House of Representatives, 64,000 copies for the use of the Senate, and 8,000 copies for the use of the Department of Agriculture."

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The amendment recommended by the committee was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

THE FIVE CIVILIZED TRIBES.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 43.

The SPEAKER pro tempore. The gentleman from Minnesota, from the Committee on Printing, asks unanimous consent for the present consideration of a concurrent resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,500 additional copies of the annual report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ended June 30, 1901, 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 2,000 copies for the use of the Department of the Interior.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The report (by Mr. HEATWOLE) was as follows:

The Committee on Printing, having had under consideration House concurrent resolution No. 43, to provide for the printing of 3,500 additional copies of the annual report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ended June 30, 1901, recommend that the same do pass.

The Public Printer estimates the cost of this work at $2,143.

The concurrent resolution was agreed to.

LAND AND PENSION DECISIONS.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate resolution 15.

The SPEAKER pro tempore. The gentleman from Minnesota, chairman of the Committee on Printing, asks unanimous consent for the present consideration of a concurrent resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 200 copies each of volume 10 and volumes 20 to 31, inclusive, Land Decisions, and volumes 10 and 11, Pension Decisions, for distribution and sale by the Secretary of the Interior.

The report (by Mr. HEATWOLE) is as follows:

The Committee on Printing, having had under consideration Senate Concurrent Resolution No. 15, to authorize the printing from stereotype plates of 200 copies each of volumes 10 and volumes 20 to 31, inclusive, Land Decisions, and volumes 10 and 11, Pension Decisions, for distribution and sale by the Secretary of the Interior, it is recommended that the same do pass.

The Public Printer estimates the cost of this work at $3,850.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand this is to print the decisions of the Land Office.

Mr. HEATWOLE. Yes.

Mr. RICHARDSON of Tennessee. I suppose the committee in each one of these cases have made a report.

Mr. HEATWOLE. Yes.

Mr. RICHARDSON of Tennessee. And does the report in each case show the amount of cost of printing these publications?

Mr. HEATWOLE. It does.

Mr. RICHARDSON of Tennessee. I think, Mr. Speaker, that these reports ought to be printed in each case, in order that the House may be informed as to the cost of the several publications; and I shall ask that in each case the report be printed, in order that the House may know the cost. The rules require that in each case where there is printing under these resolutions the report shall show to the House the cost of the publication. Unless that fact appears in each report, I shall object to consideration. Now, I understand from the gentleman from Minnesota that in each case he has conformed to the rule of the House which requires that the report shall show the cost of the publication, and that being so, I ask now, before I give consent in this case, that the report in each one of these cases of publication be printed. I think it ought to be done in order that the House may have the benefit of it.

The SPEAKER pro tempore. The Chair will state to the gentleman from Tennessee that these reports are printed as documents. Does the gentleman wish to have them printed in the RECORD?

Mr. RICHARDSON of Tennessee. Yes; they ought to be printed in the RECORD.

Mr. LACEY. I will suggest to the gentleman that this is only to print a few copies of these reports for sale.

Mr. RICHARDSON of Tennessee. But that is a bound volume of 700 pages.

Mr. LACEY. It has been printed from stereotype plates, and it is printed for sale. They are out of print, and they are sold for $5 or $6 a volume.

Mr. RICHARDSON of Tennessee. Still we ought to have the cost of the publication.

Mr. LACEY. It is not for Congress at all.

Mr. RICHARDSON of Tennessee. But we ought to have the cost of it.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the reports accompanying the various resolutions from the Committee on Printing be printed in the RECORD. Is there objection?

Mr. RICHARDSON of Tennessee. If the gentleman from Minnesota states that any one of the reports is long, as sometimes they have to be, I would not insist on printing the report at length, but that the cost be printed as given in the report in each case.

Mr. HEATWOLE. I would like to say that the cost of each document, whenever it is attainable, is attached to the report.

Mr. RICHARDSON of Tennessee. That is right. The rule of the House requires that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

SPECIAL REPORT ON DISEASES OF CATTLE.

Mr. HEATWOLE. In behalf of the Committee on Printing, I ask unanimous consent for the present consideration of Senate joint resolution No. 91.

The joint resolution was read, as follows:

Resolved, etc., That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date under the supervision of the Secretary of Agriculture, 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "twenty-seven" and insert "thirty" in lieu thereof.

In line 8 strike out the word "eight" and insert "five" in lieu thereof.

The report of the Committee on Printing is as follows:

Your Committee on Printing, having had under consideration Senate joint resolution No. 91, providing for the publication of 50,000 copies of the Special Report on Diseases of Cattle, recommend that the same do pass with the following amendments:

In line 6 strike out the words "twenty-seven" and insert "thirty" in lieu thereof.

In line 8 strike out the word "eight" and insert "five" in lieu thereof.

The amendments were agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

IRRIGATION INVESTIGATIONS IN CALIFORNIA.

Mr. HEATWOLE. On behalf of the Committee on Printing, I ask unanimous consent for the present consideration of the following:

The Clerk read as follows:

Senate concurrent resolution No. 28.

Resolved, etc., That there be printed 3,200 additional copies of the bulletin entitled "Irrigation Investigations in California, Bulletin No. 100, United States Department of Agriculture, Office of Experiment Stations, 1901," of which 3,000 copies shall be for the use of the Department of Agriculture and 200 copies for the use of the Senate.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The report of the Committee on Printing is as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 28, providing for the printing of additional copies of the bulletin on "Irrigation Investigations in California, Bulletin Numbered 100, Department of Agriculture, Office of Experiment Stations, 1901," recommend that the same be agreed to.

The Public Printer estimates the cost of this work at $3,305.

The question was taken, and the concurrent resolution was agreed to.

FORESTS, RIVERS, AND MOUNTAINS OF SOUTHERN APPALACHIAN REGION.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of the following:

The Clerk read as follows:

Senate concurrent resolution No. 17.

Resolved, etc., That there be printed 15,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the United States Department of Agriculture.

The amendments recommended by the committee were read, as follows:

In line 8 (engrossed copy of resolution) strike out the words "two thousand" and insert in lieu thereof "one thousand five hundred."

In line 11, after the word "thousand," and before the word "copies," insert "five hundred;" so that the same shall read as follows:

"*Resolved, etc.*, That there be printed 10,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,500 copies for the use of the United States Department of Agriculture.

The report of the committee is as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 17, authorizing the printing of 10,000 copies of Senate Document No. 84, being a message from the President of the United States, transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, recommend that the same be agreed to with the following amendments:

In line 8 (engrossed copy of resolution) strike out the words "two thousand" and insert in lieu thereof "one thousand five hundred."

In line 11, after the word "thousand" and before the word "copies," insert "five hundred;" so that the same shall read as follows:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 copies of Senate Document No. 84, being a message from the President of the United States, transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,500 copies for the use of the United States Department of Agriculture."

The Public Printer estimates the cost of this publication at $16,350.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

REPORT ON RURAL FREE-DELIVERY SERVICE.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of the following:

The Clerk read as follows:

House concurrent resolution No. 50.

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 copies of so much of the First Assistant Postmaster-General's Report for 1900-1901 as relates to rural free-delivery service; 10,000 copies for the use of the Post-Office Department, 10,000 for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

The report of the committee is as follows:

Your Committee on Printing, having had under consideration House concurrent resolution No. 50, authorizing the printing of 25,000 copies of so much of the First Assistant Postmaster-General's report for 1900-1901 as relates to rural free-delivery service, recommend that the same do pass.

The Public Printer estimates the cost of printing this work at $1,835.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the concurrent resolution was agreed to.

LEAVE TO PRINT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. SMITH] may be allowed to extend his remarks on the statehood bill in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Arizona [Mr. SMITH] be allowed to extend his remarks on the statehood bill in the RECORD. Is there objection? [After a pause.] The Chair hears none.

PAUL CRUM.

The SPEAKER pro tempore laid before the House the bill (H. R. 5096) to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry, with Senate amendments, which were read.

Mr. MARSHALL. Mr. Speaker, I move to concur in the Senate amendments.

The motion to concur was agreed to.

MOUNTAIN MEADOW MASSACRE.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of House resolution 156.

The resolution was read, as follows:

House resolution No. 156.

Resolved, That there be printed, as a House document, 5,000 copies of the Special Report of the Mountain Meadow Massacre, as compiled by J. H. Carleton, brevet major, United States Army, captain, First Dragoons.

The report was read, as follows:

Your Committee on Printing, having had under consideration House simple resolution No. 156, authorizing the printing, as a House document, 5,000 copies of the Special Report of the Mountain Meadow Massacre, as compiled by J. H. Carleton, brevet major, United States Army, captain, First Dragoons, it is recommended that the same do pass.

The Public Printer estimates the cost of this publication at $165.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

MORALS OF JESUS OF NAZARETH, BY THOMAS JEFFERSON.

Mr. HEATWOLE. Mr. Speaker, I ask present consideration of the following privileged report:

The Clerk read as follows:

House concurrent resolution 15.

Resolved, etc., That there be printed in facsimile for the use of Congress 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appears in the National Museum, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

The amendment recommended by the committee was read, as follows:

In second line strike out the words "in facsimile" and insert in lieu thereof "and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution."

So that the resolution shall read as follows:

Resolved, etc., That there be printed and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appeared in the National Museum, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House.

The report is as follows:

Your Committee on Printing, having had under consideration House concurrent resolution No. 15, providing for the printing of 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, recommend that the same do pass with the following amendment.

In second line strike out the words "in facsimile" and insert in lieu thereof "and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution."

So that the resolution shall read as follows:

"*Resolved, etc.*, That there be printed and bound, by photolithographic process, with an introduction of not to exceed 25 pages, to be prepared by Dr. Cyrus Adler, librarian of the Smithsonian Institution, for the use of Congress, 9,000 copies of Thomas Jefferson's Morals of Jesus of Nazareth, as the same appeared in the National Museum, 3,000 copies for the use of the Senate and 6,000 copies for the use of the House."

The Public Printer estimates the cost of this work, exclusive of the proposed introduction, at $3,227.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. GROSVENOR. Mr. Speaker, what is this?

Mr. HEATWOLE. I yield to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, Congress has published all the works of Thomas Jefferson with the exception of this volume, and that was not published because it was not then in the Congressional Library. Since then it has been added to the Library.

Mr. GROSVENOR. What is it?

Mr. LACEY. "Morals of Jesus of Nazareth," as compiled by Thomas Jefferson. It makes a small volume, compiled textually from the four Gospels. This is a work of which there is only one copy in the world; and should it be lost, it would be a very great loss.

Mr. GROSVENOR. Would the gentleman consent to put Dillingworth's spelling book as an appendix to the work?

Mr. LACEY. That would be very amusing, Mr. Speaker; but this is really one of the most remarkable contributions of Thomas Jefferson.

Mr. GROSVENOR. Not more so than a great many other works of private enterprise by various individuals.

Mr. PAYNE. Why not substitute the four Gospels?

Mr. LACEY. The Government owns this manuscript, and it is the only copy in the world.

Mr. GROSVENOR. I wish it had never been found. [Laughter.]

Mr. LACEY. Mr. Speaker, there is a little volume of 164 pages in the library of the National Museum, bound in red morocco by a Richmond bookbinder, which is one of the curious things in Washington, that is rarely seen. Thomas Jefferson's library was purchased by the Government and is now contained in the splendid Congressional Library. Some time ago, in giving the Jefferson collection a careful examination, I found that the "Jefferson Bible," as it is sometimes called, was not there. No one could tell me where it was until I asked A. R. Spofford, who knows everything about books, and he told me it was in the National Museum library. It appears that the volume was not included in the sale of Mr. Jefferson's library, but was afterwards purchased for $400 from Miss Randolph. This book is too valuable to be kept upon the shelves of the Museum library, but Dr. Cyrus Adler keeps it under lock and key and carries the key himself.

Mr. Jefferson was a freethinker, but his clear and just mind appreciated the teachings of the founder of the Christian religion, and the study of the Scriptures was the frequent occupation of his busy mind. He read Marcus Aurelius, Epictetus, and other ancient writers on moral philosophy, and he conceived the idea of condensing the life and teachings of Jesus into a small volume, in which everything of a supernatural character should be omitted, evidently believing that the great truths of the religion of our Saviour would lose nothing by being separated from the miracles and wonders with which they are accompanied in the text of the Gospels.

John Adams and Mr. Jefferson, at one time bitter enemies, became in their retirement ardent friends, and were as regular in their correspondence as a pair of boarding-school girls. This compilation became the subject of their correspondence, and Mr. Jefferson promised to complete the work.

On January 29, 1804, in a letter written at Washington to Dr. Priestly, he said:

I rejoice that you have undertaken the task of comparing the moral doctrines of Jesus with those of the ancient philosophers.

I think you can not avoid giving, as a preliminary to the comparison, a digest of his moral doctrines, extracted in his own words from the Evangelists and leaving out everything relative to his personal history and character. It would be short and precious. With a view to do this for my own satisfaction, I had sent to Philadelphia to get two testaments Greek of the same edition and two English, with a design to cut the doctrines of morality and paste them on the leaves of a book in the manner you describe in framing your harmony. But I shall now get the thing done by better hands.

In his letter to Mr. Adams August 22, 1813, he says that he had prepared a syllabus of the Christian teachings for Dr. Priestly and Dr. Rush, and that Dr. Rush's family had returned it after the death of that gentleman, to Mr. Jefferson's great delight, for he found that it would involve him in a religious controversy.

On January 9, 1816, he wrote to Charles Thompson on the subject:

I, too, have made a little book from the same materials, which I call the Philosophy of Jesus. It is a paradigma of his doctrines, made by cutting the texts out of the books and arranging them on the pages of a blank book in a certain order of time or subject. A more beautiful or precious morsel of ethics I have never seen. * * * If I had time, I would add to my little book the Greek, Latin, and French texts in columns side by side.

On October 31, 1819, he wrote from Monticello to William Short:

As you say of yourself, I too, am an epicurean. I consider the genuine (not the imputed) doctrines of Epicurus as containing everything rational in moral philosophy which Greece and Rome have left us. * * * But the greatest of all reformers of the depraved religion of his own country was Jesus of Nazareth. * * * Epictetus and Epicurus give laws for governing ourselves, Jesus a supplement of the duties and charities we owe to others. * * * I have sometimes thought of translating Epictetus (for he has never been tolerably translated into English) by adding the doctrines of Epictetus from the syntagma of Gassendi and an abstract from the Evangelists. * * * The last I attempted too hastily some twelve or fifteen years ago. It was the work of some two or three nights only, at Washington, after getting through the evening's task of reading the letters and papers of the day. But with one foot in the grave these are now idle projects for me.

Evidently Mr. Jefferson did resume the work and reproduced it with great care. The book is a duodecimo volume of 82 double pages, or 164 pages, though Mr. Jefferson has paged only the left-hand page. On the left hand he has pasted the clippings in two columns, first in Greek and then in Latin. On the right hand he has put the French version first and the English in the last column. So the whole is neatly pasted in four finely printed columns in Greek, Latin, French, and English. There are marginal notes in Jefferson's own handwriting, with a table in front giving the pages and citing the chapters and verses from which the clippings are taken. In his writings he says that he has sent for two Testaments in each language for the purpose. The scope of the book is indicated by the title page, which is in Jefferson's handwriting: The Life and Morals of Jesus of Nazareth, Extracted Textually from the Gospels in Greek, Latin, French, and English.

In a marginal note he gives the Roman law on sedition under which Jesus was tried. A map of Judea is attached, convenient for reference, and the whole work bears evidence of the compiler's care and characteristic neatness.

He has omitted everything of a miraculous nature and has confined his clippings to the pure teachings of Jesus. He has clipped from all the Gospels, using the verses which make the clearest statement where the texts are practically the same, but he inserts texts from all of them, so as to include the entire teachings of the Saviour. The result is unique. In a clear, lucid form, apart from all surroundings of the supernatural, appear the words and moral teachings of the Son of Man.

In the concluding verse of the work he takes John xix, 42, and Matthew xxvii, 60, and combines them, clipping out all but the plain statement of the burial. The result is as follows:

John xix, 42: There laid they Jesus, * * *
Matthew xxvii, 60: * * * and * * * rolled a great stone to the door of the sepulcher, and departed.

So he leaves Jesus buried forever in the grave and gives no hope of the "resurrection and the life."

Though it is a blue-penciled and expurgated New Testament, it has not been prepared in any irreverent spirit. The result is a consolidation of the beautiful, pure teachings of the Saviour in a compact form, mingled with only so much of narrative as a Virginia lawyer would hold to be credible in those matter-of-fact days, and the opportunity is given, plain and unadorned, to compare these teachings with Marcus Aurelius's and other pagan "morals." They are in striking contrast to Plutarch's morals, or, rather, his immorals. No greater practical test of the worth of the tenets of the Christian religion could be made than the publication of this condensation by Mr. Jefferson. The jewels are taken from their settings, but they shine with their own luster. A verse of John is combined with a verse of Matthew with no interlineations, but is blended into a harmonious whole.

In these days of photolithography this little volume can be easily reproduced in facsimile. The work was intended to place the morals of Jesus in a form where, simple and alone, they could be contrasted with the teachings of the pagan philosophers. In doing this work Mr. Jefferson has builded better than he knew, and I trust that we may now have a reproduction of this beautiful little volume in a form to be accessible to the Christian world.

It has been said by an eminent minister of the gospel that Christianity must be true or it could never have survived so much poor preaching. Mr. Jefferson has put it to a still better test by this abridgment of the doctrines of the Divine Author.

The SPEAKER. The first question is on agreeing to the amendments.

The question was considered, and the amendments agreed to.

The resolution was agreed to.

REPORT OF THE DIRECTOR OF THE MINT.

Mr. HEATWOLE. Mr. Speaker, I submit the following concurrent resolution (No. 26), which I send to the Clerk's desk:

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1900, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1901, to be bound in cloth and wrapped; 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

RELIEF OF CITIZENS OF FRENCH WEST INDIES.

Mr. PAYNE. Mr. Speaker, I understand a bill has just come over from the Senate which is on the Speaker's table, and I ask unanimous consent for its present consideration.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill (S. 5736) "for the relief of the citizens of the French West Indies," and for its present consideration.

Mr. RICHARDSON of Tennessee. Let it be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be purchased such provisions, clothing, medicines, and other necessary articles as he shall deem advisable, and tender the same in the name of the Government of the United States to that of France for the relief of the citizens who have suffered by the late earthquakes and eruption in the islands of the French West Indies.

SEC. 2. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry into operation this act.

SEC. 3. That the Secretary of War is authorized to use necessary steamers and vessels belonging to the Government to carry into effect the purpose of this act.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I believe it is wise at all times to help our neighbors if they are really in distress. I know of no reason why this Government should turn its Treasury into an eleemosynary institution, and I do not see any necessity for our having a legislative spasm about the condition of our neighbors to the south of us. If we can furnish them relief, it will take days to purchase the provisions and supplies and equip the ships and send them down there. It is impossible at this time, in view of the scarcity of details in the dispatch which we only got this morning, for the President of the United States or anybody else to know about the conditions. This class of legislation, of getting up and throwing a hundred thousand dollars away without information, without investigation by a committee, I see no reason for.

Mr. PAYNE. Mr. Speaker, there is no doubt about the terrible calamity and that many thousands of lives have been lost, and there must be much suffering resulting from it. In these days of swift communication the President can quickly learn the conditions that exist, and raise the supplies that are necessary to these people, and if we are going to give anything it seems to me we ought to give quickly. If we are to move at all it will take time to purchase supplies and we ought to begin at once. There is no difficulty in finding out just what is necessary. Experience in the past would teach us what was necessary, and if not by cable we can soon find out what is necessary.

Mr. SHACKLEFORD. Are these people not French subjects and on French territory, and is not the Republic of France able to take care of her own sufferers?

Mr. PAYNE. Probably France is able, but still it is a neighborly act. I do not think it improper, in dealing with a friendly power, to offer this aid.

Mr. UNDERWOOD. Mr. Speaker, what I wish to say is this: I believe in helping people in distress. I prefer to help our own people, and we have many in distress. There may be a good reason for helping these people, but there is nothing to show that the President of the United States has requested us to do it, or that he sees any occasion for doing it, or that he has got any information about this matter. We only heard of this matter this morning; the information has just come to this Congress, and it may be exaggerated and it may not be. If these people at our doors

are in distress and ought to be assisted, I am willing to assist them; but I think that our State Department should first furnish some information for us to act upon. It can not delay the matter but for a day. It can be reported on when we have more full information. I do not think it wise for the House to get into a legislative spasm about matters of this kind when information can readily be obtained, and when a resolution can be passed upon proper information; and, therefore, I think the bill ought to go to a committee.

Mr. GAINES of Tennessee. I want to say to my friend that we were about twelve months getting supplies to Russia.

The SPEAKER pro tempore. Objection is made by the gentleman from Alabama.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5587. An act for the relief of Anna Eliza Isabella Von Hemert—to the Committee on Claims.

S. 5467. An act for the relief of William Persons—to the Committee on Military Affairs.

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city—to the Committee on Interstate and Foreign Commerce.

S. R. 87. Joint resolution to permit steam railroads in the District of Columbia to occupy additional parts of streets, in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902—to the Committee on the District of Columbia.

S. 5736. An act for the relief of citizens of French West Indies—to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBERTSON of Louisiana, indefinitely, on account of sickness in his family.

To Mr. CANDLER, indefinitely, on account of important business.

To Mr. PERKINS, until Thursday, on account of important business.

EULOGIES ON THE LATE REPRESENTATIVE POLK.

Mr. GREEN of Pennsylvania. Mr. Speaker, the hour of 1 o'clock having arrived, I call up the special order.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. GREEN of Pennsylvania, by unanimous consent, it was ordered that Saturday, May 10, at 1 p. m., be set apart for the purpose of paying a tribute of respect to the memory of the late RUFUS K. POLK, a Representative from the State of Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I offer the following resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for paying tribute to the memory of Hon. RUFUS K. POLK, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions with the exception of the portion relating to the immediate adjournment of the House.

The remaining resolutions were unanimously adopted.

Mr. GREEN of Pennsylvania. Mr. Speaker, before these exercises begin, I wish to ask unanimous consent that members not now present be permitted to print in the RECORD such eulogies on the late Mr. POLK as they may desire to publish. The reason for making this request is that a number of members have been unable to attend here to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GREEN] asks unanimous consent that all members desiring to exercise the privilege be permitted to print in the RECORD eulogies on the late Mr. POLK. Is there objection? The Chair hears none, and leave is accordingly granted.

Mr. GREEN of Pennsylvania. Mr. Speaker, amid the carnival which the Grim Reaper has been holding with the members of this body, I am called upon to perform the most difficult and the saddest task of my life.

With graceful words and elegant phrases it is easy to pay a last tribute to colleagues respected, admired, and esteemed; but this man was my friend, my comrade, my roommate, and I loved him.

Not with the flowers of rhetoric, but with heart throbs and with tears I approach his grave.

The rose and the forget-me-not, with the violet and the leaves of the sturdy oak, I would weave in a chaplet to his memory and bind them together with heartstrings.

Justice I can not do him, for the feelings of the heart are not told by words.

While he lived I never knew how much attached I was to him, and his death has left a void which time alone may fill.

When the rumor of his sudden and unexpected death was brought to me I felt benumbed, and the truth came as a bolt from out of the clear blue of sunny skies. Never will I forget the shock.

Never the lonely feeling I had for days afterwards when I came back to the cosy apartments where together we lived. I never thought I could miss one so much, and I never felt so thoroughly alone and less inclined to resume the work piling up before me.

What endeared this man to me? I can not tell.

I met him but two short years ago, when we came to the Fifty-sixth Congress.

One makes few warm friendships in middle life. This was one, and the stronger perhaps for that reason. I liked him from our first meeting, and as we were drawn oftener together the bond of union strengthened.

He was ten years my junior, and it surely was not his advice nor his judgment I sought.

But what made every man, woman, and child who knew him love him?

He had many warm friends among his colleagues, and when you heard even his acquaintances refer to him it showed that he had impressed them with his irresistible charm.

At his funeral, when the long line of brawny workmen whom he had employed filed by his coffin, pausing to take a last look at his face motionless in death, you could plainly read in each man's countenance the fact that they, too, had come under the spell of this charm, and sincerely mourned the loss of one whom they regarded as a dear friend.

He was a lovely fellow. I never met one more lovable.

His voice, soft and sweet, and its musical accent and expression bespoke him a son of the "Old South." No one who ever heard him talk will ever forget its gentle, winning tones.

More winning than his voice were his manners. They were never acquired, but inherited from aristocratic ancestors, polished gentlemen and charming ladies of the old school who ruled the South in the antebellum days; and this inheritance was strengthened by education, breeding, and refined surroundings.

His nature was sympathetic. He could not bear to see man or beast suffer, and was always ready to give to distress such relief as was in his power.

His generosity was proverbial, and not only did he spend his money with lavish hand, but I never heard him fail to give everyone the benefit of a doubt, and never, unless richly deserved, have I heard him say an unkind or uncharitable word about even a social or business acquaintance.

So much did he crave the good opinion and esteem of his associates and so prodigal was he with his favors to them that I sometimes thought him vain and seeking admiration.

To an exceptional degree he possessed the charming spirit of camaraderie, and that made him popular at home and abroad.

His faults were but skin deep, and never reached his heart or scarred his soul.

With all these traits his character and personality were strong, not weak, and no one could ever say "no" more firmly or was more tenacious to his own carefully formed opinions. Often, when a man or a question was being discussed with general agreement, to the surprise of all would he announce a different opinion and advance convincing arguments in its support. Yet his manner of announcing such a difference, although firm, never seemed to offend. I envied his tact on such occasions.

But more than all these he was manly and just and strictly honest in word and thought and deed. In our close association I never heard him utter a word from which one could form the suspicion that he sought to injure or obtain an unjust advantage of anyone with whom he dealt, and he exacted the same business integrity from others in their dealings. He despised a dishonest man and left him severely alone.

He had a vein of stubbornness running through him, and at times it took a rough bit and a strong hand to control him when his teeth were set. These fits happened but seldom. As a rule he was gentle, full of warm, generous impulses, kind-hearted, sympathetic, courteous, and tolerant even of the prejudices of others.

Much of his life and of his ambitions I learned from his own lips as we sat after dinner in the evening twilight and exchanged mutual confidences before we took up the never-ending tasks of Congressional life.

He would light a cigar and stretch out on an easy chair and

talk of his wife and his babies, of his parents, and his illustrious uncle Leonidas, the fighting bishop, and many other things. These were our social chats and heart to heart talks. This was the history of his life as I gleaned it chiefly from these talks.

RUFUS KING POLK was born August 23, 1866, in Maury County, Tenn., on his father's plantation, some 7 miles from Columbia. This was just after the close of that gigantic struggle between the North and the South, and he was the first-born. His father had little but this plantation left after that struggle, in which he and every able-bodied kinsman took an active part on the side of the Confederacy.

Both his father, Lucius E., and his uncle, Leonidas, had reached the rank of general. Both were famous for their intrepid bravery, as a result of which his father was left for dead lying under his horse in front of the breastworks of a fortification where both horse and rider had been shot down. Here he sustained an injury which he carried to his grave in the winter of 1892–93, a few weeks after RUFUS was married.

His youth was passed on the old plantation with his parents, three brothers, and a sister, until he was sent to a local academy and fitted for college. He entered Lehigh University, in Pennsylvania, and graduated with the class of 1887 with the degree of Bachelor of Science, and then took a post-graduate course in mining engineering. After leaving college he located in Danville, Pa., and was employed as chemist by the Montour Iron and Steel Company. With the exception of a few months during which he had charge of the furnaces of the Hocking Valley Coal and Iron Company in Ohio, he engaged in business in Danville, as assistant superintendent of the Montour Iron and Steel Company, general manager of the North Branch Steel Company, and finally became a partner in the firm of Howe & Polk, manufacturers of structural iron, in which business he was engaged at the time of his death.

As a business man his partners and all who knew him in business circles agree that he possessed especial talents, had keen discernment, was aggressive yet cautious withal, and by his strict integrity, agreeable and friendly manner and strong personality was able to obtain advantageous contracts and settle tangles and disputes which necessarily arise. He told me that his business had increased to such an extent that the last year his firm had made and disposed of $1,000,000 worth of product.

During his residence in Danville POLK fell in love with the reigning belle of his town, Isabella, only daughter of I. X. Grier, and left her, with five young children, to survive him.

In the spring of 1898, when the United States declared war with Spain, POLK, with his associates in the National Guard, left his wife, family, and large, growing business interests and was mustered in as first lieutenant of Company F, Twelfth Regiment of Pennsylvania Volunteers, and served until his muster out and honorable discharge after peace was established.

Almost immediately after his return home from this service he was nominated and elected as a Democrat to represent the Seventeenth district of Pennsylvania, composed of the counties of Columbia, Montour, Northumberland, and Sullivan, in the Fifty-sixth Congress, and although that district was then represented by a Republican, his majority was nearly 2,000.

This was his first appearance in the political arena. Two years afterwards he was reelected to the Fifty-seventh Congress with an increased majority of nearly 1,500, so popular had he become, and he would have been renominated and elected to the Fifty-eighth Congress had he lived and not positively refused to run again on account of the exactions of his large and onerous business interests.

One evening he told me the reasons why he enlisted in the Spanish war and went to the front in spite of the fact that he left a wife and family of young children and large business interests which required his care and attention behind—a sacrifice which no man under such circumstances could reasonably have been called upon to make. The story was, as near as I can remember it, as follows:

"You see, GREEN, all my people in the civil war were what you Yankees called rebels. Every mother's son of them fought from start to finish the battles of the Confederacy, and were loyal sons of the South, where they lived when the outbreak occurred. They were generals and colonels and majors in that war. We were of fighting stock from Revolutionary times down, and until that time had always been loyal to the Stars and Stripes, and its patriotic supporters in the trying times when the Republic was formed. My greatgrandfather, Thomas Polk, of Mecklenburg County, N. C., was one of the organizers of the Mecklenburg Convention and one of the signers of the Mecklenburg declaration of independence. My grandfather was Col. William Polk.

"This medal which I wear is the badge of the Order of Cincinnati, founded by the officers of the American Revolutionary Army in 1773. No man can become a member of the order who is not a male descendant of an original member, and inherits it under the law of primogeniture. I proved my right before I was admitted. Well, after the rebellion my brothers and I entered into a solemn agreement that should there ever be a war in which the United States was interested we would all enlist.

"So when war was declared with Spain my brothers and myself and many young cousins were mustered into the United States service and showed that we were loyal to our country and ever ready to sacrifice our lives in the defense of its honor and its flag. Our pledge has been so far kept, and we stand always ready to redeem it while life and strength shall last."

This little incident ennobled this man in my eyes, and I knew him well enough to be able to vouch for every word he had told me.

Is it any wonder that the people of his district, Northern men and loyal men though they were, nevertheless were ready to intrust him with their interests in the great Legislature of this nation, with a firm conviction that their interests and the Republic's interests were intrusted to a loyal and patriotic man.

Representative POLK was an aristocrat in the fullest and best sense of the word.

The bluest blood of the Southern States flowed through his veins. Both on the paternal and maternal side his ancestors were gentlemen and gentlewomen to the manner born, and their position and standing among that old aristocracy was unquestioned. The men were ever men of action and fought in the front ranks of every field of progress. He inherited this spirit, and that brought him from the retirement of the Southern plantation to the fields of industrial action and enterprise in Pennsylvania. For this he refused a division of his father's property and sought new fields for his energies. This furnishes a ready explanation why he succeeded and prospered before he had reached his thirty-sixth year.

While he loved his ancestors and the history and traditions of his family, he was a thorough Democrat, for he believed that—

> Kind hearts are more than coronets,
> And simple faith than Norman blood.

The doctrine of humanity was deeply graven on his heart, and he believed in that the greatest of all commandments, "Love one another." He practiced the golden rule and did unto others as he would be done by. No creed bound his faith or circumscribed his duty to his fellow-man. He has made the world the better for his having lived, and added to the happiness of others, from the highest to the lowliest, who came within the influence of his sympathetic and generous life. Living, he did many generous deeds which his closest friends will never know; and, dying, he leaves to them pleasant memories of cherished associations; to his wife and children a name and a heritage of which they may justly be proud, and to the people he represented an honorable and untarnished reputation.

But a few short weeks ago the slender figure and manly presence of the young statesman of the Seventeenth district of Pennsylvania was in our midst. His sunny smile and cheerful greeting met us on every side. He left us in the strength of manhood's prime never to return.

As I sit, in the silence of the midnight hour, in his favorite chair and my thoughts wander and dwell upon him these oft-repeated lines of the Rubaiyat haunt my memory:

> 'Tis but a tent where takes his one day's rest
> A sultan to the realm of death addrest;
> The sultan rises and the dark Ferraish
> Strikes and prepares it for another guest.

Mr. BATES. Mr. Speaker, early death excites commiseration, particularly when the object of some special usefulness is thereby taken. The fate of youthful Marcellus—untimely cut off—called forth the most graceful strains of Virgil, and moved to fervor—that has become historic—the family of the imperial household of Augustus.

Some few years ago a young business man of Pennsylvania, in conversation with Governor Nash, of Ohio, used these words: "I come," he said, "from a Southern State and family whose representatives joined and fought with the South in the civil war. I believe, however, in maintaining right relations with all with whom I come in contact. I live in Pennsylvania, and have a brother who lives in Tennessee. We have made a compact and taken a vow together that if ever an opportunity comes that we can draw a sword or shoulder a musket in behalf of the United States Government under the old flag we will engage in that cause to the fullest extent and with our utmost devotion."

It was only a few months until that opportunity came in the war with Spain. That Southern brother proved his mettle and narrowly escaped with his life, having received the most terrible injuries, and the young man from Pennsylvania at the head of his company marched away, willing to give his service, and his life if need be, for the common cause of his country, to emphasize the devotion that he in common with all his people felt for the

flag and what it represented. The name of this young man was RUFUS K. POLK, one of the distinguished family which bears that name in Tennessee. He came to Pennsylvania and engaged in business and lived in that State which claimed him and now claims him as her own. It is he whom we mourn to-day.

More than that, when the time came to decide whether he should go, he called his business associates and partners about him and said, "You do not want me to go; you may think I can not go; but I am going, and every man in my company who works in our mills is going without let or hindrance; more than that, every Saturday night while we are gone there is to be sent to the wife, the mother, or the family of each man who goes with me the full week's wages, just as if they were here. These are things I insist on—there need be no discussion. I am going. Good-bye." And this request was considered a sacred one, so that his business associates saw that it was honored and fulfilled.

We can refer to this because it emphasizes and brings out in this young man one of the most admirable traits in human character—patriotism, love of country, and devotion to principles in which he fully believed. We can speak of this because this side of his nature was one which became most prominent in the latter days of his life and one which commends his memory to the love and esteem of not only his immediate family and friends, but all with whom he came in contact and who hear the story of his short but patriotic life.

Any man who carries on a business at home and attends to the arduous duties often imposed on members of Congress lives a strenuous life indeed. Is it any wonder that the mortality among the membership of the last, the Fifty-sixth, Congress was greater in proportion than all our soldiers who fell in the war with Spain? It is this modern materialistic tendency on the part of our American people that makes the "strenuous life." It is the life of toil and effort, the life of labor and of strife, the life which does not shrink from hardship, from toil, from danger even, and who out of these wins splendid ultimate triumph—The life which thanks God for the iron in the blood of our fathers, for the men who upheld the wisdom of Lincoln and bore the sword or rifle in the armies of Grant.

We seem to have adopted as a national motto that no country may long endure if its foundations are not laid deep in the material prosperity which comes from thrift, from business energy and enterprise, and from hard unsparing efforts in the field of industrial activity. We pay due honor to the architects of our material prosperity, to the captains of industry who have built our factories and our railroads. This spirit has made it possible to take into our domain islands of the sea, to enter into a closer struggle for naval and commercial supremacy, to build up our power within our own borders, and to grasp the vantage points which will enable us to have our own say in deciding the destiny of the oceans of the East and West. It was this spirit, this indomitable energy, which possessed the life and soul of our young friend who has so lately fallen in the battle of life. I count him one of the martyrs to that spirit of restless energy which has lately possessed the soul of so many Americans, and while many splendid achievements have ensued it has been at great cost, even at the cost of life itself.

With apparent health and strength, with prosperity and abundance in his pathway, with the highest honors his people could bestow showered upon him, with the love and affection of wife and children—those to whom he was dearer than life itself—it seemed as though an honorable and useful career was marked out for him. But "Man's ways are not God's ways, and His purposes are past finding out."

The summons came from on high, and we are again called upon to contemplate the saddest, the strangest, the most inscrutable event in all this riddle of human life—death. As we utter these words our hearts go out in tenderest and deepest sympathy to those who mourn his loss so much in the old home.

In his departure this House has lost a valuable, upright, and energetic member, his State a true representative, his country a devoted patriot, his family a loving husband, father, and son.

Mr. RICHARDSON of Alabama. Mr. Speaker, were I to speak from a personal acquaintance with the deceased whose memory this memorial service is held to commemorate I could indeed say but little.

The first time I met Mr. POLK was in the closing session of the Fifty-sixth Congress. Yet we did not meet as strangers meet. Each of us knew the close ties of friendship and intimacy that had bound our respective families together for more than two generations past. I knew from what people he sprung, and I found him what I had good reason to expect him to be—a splendid type of manhood.

I can, with becoming propriety, refer to my personal acquaintance with Mr. POLK's mother—the friend of my youth—a granddaughter of James Jackson, whose residence, "The Forks," in the vicinity of Florence, Ala., was famous in the palmiest and most glorious days of the South for its princely hospitality. The name and memory of its owner is to-day honored and cherished by those people as a household word, and his descendants are true representatives of the highest Southern sentiment and culture.

If there is anything, Mr. Speaker, in birth, our deceased friend had all of its advantages. In his ancestry on both his father's and his mother's side he had the greatest cause to be proud, for the South held them as among the most honored and distinguished of all its honorable people. That Mr. POLK was modest, unassuming, and of retiring manners was but natural, and readily noticed by the most casual observer. His career is significant and bears a lesson that is not often given under the conditions that surrounded him. Born among the most cultured people of the South, at the conclusion of the great civil war between the States of the Union, it might be truly said that the strong passions and bitter prejudices that swept the sections of the country that opposed each other in that eventful struggle had subsided before Mr. POLK reached his majority. Hence his marked course in life was not guided or influenced by sectional feelings.

He was educated at a Northern university. The associations of his young manhood, his college ties, which cling so tenderly to one's memory and are cherished so dearly by the heart, were cast and formed in the great State of Pennsylvania.

The crowning joy of a man's life, the love of a true and noble woman, a native Pennsylvanian, brought to him its blessed tribute of a happy and contented home. Yet, 'midst all these endearing scenes he honored and loved the traditions and memories of the people of his native section.

Stricken by the hand of death ere he had reached the prime of manhood, yet he lived long enough to demonstrate to his countrymen that in private and public life he was preeminently a practical man and a wise and safe counselor. That he was conscientious in the discharge of all of the duties allotted to him was deeply impressed upon me in a conversation I had with him on the floor of the House but a few days before his death, in which he told me that the demands of his growing private interests were such that he could not give the attention that he desired to the interests of his constituents, and that at the close of this Congress he would retire from public life. Reared as Mr. POLK was he could but be a broad-minded, liberal, and patriotic man in all his views. He ardently loved the institutions of his country and gloried in everything that gave renown and honor to our Government. At the beginning of the Spanish-American war he enlisted in the Twelfth Pennsylvania Regiment of Volunteers, and served with credit and honor to himself.

It can well and truly be said of him that private business with increasing profits was not so engrossing to him as to silence the voice of patriotism. He was ready to lay his life on the altar of his country. No nobler and braver sacrifice can a man make than this. Rarely does it fall to the lot of man to achieve, as Mr. POLK did at his age, combined success in private business matters and in public life. In the private and public affairs of the life of a man we are prone to judge him by the results. Under the application of this just and fair rule, RUFUS K. POLK leaves as a heritage to his stricken family, loyal and admiring friends, an enviable and honored record—a record worthy of emulation. He made his home among a people who but a few years before had met on bloody battlefields the brave men of the section where Mr. POLK was born and where his kindred lived.

Yet, by the purity, frankness, and honesty of his own personal efforts and conduct, he achieved a success and prosperity in business matters that stamped him as a man of great strength of character and ability. It was unerring judgment and strong common sense that controlled his actions and governed his life. It was his high love of justice and truth, his scorn of hypocrisy and deceit, that secured for him the confidence and respect of his fellow-man. And again, when we scan his remarkable career we find him twice called from his private life and triumphantly elected by these same people to the distinguished honor of representing them on the floor of this House. I dare say, Mr. Speaker, no man could have achieved such a success without possessing to an eminent degree the noblest virtues of life. He must certainly have been generous, kind, thoughtful, charitable, and considerate.

It was my sad duty to attend his funeral services at Danville, in the State of Pennsylvania. The tribute paid on that mournful occasion to his memory by the people among whom he lived was simply inspiring. It was a wonderful expression of the love of a people for a faithful public servant, a generous friend, and a noble, kind man in all the walks of life. No man could have witnessed that scene, could have beheld the immense crowd of people from all the walks of life that gathered on that inclement day to do honor to his memory and remained unmoved in tears and sympathy. I was impressed, Mr. Speaker, by that scene with the comforting assurance that so long as the people of our country generously and willingly pay such honor and reverence to the

memory of a public servant we can safely rely on the growth and strength of our republican institutions.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. BELLAMY. Mr. Speaker, the custom existing in the American Congress of paying tribute to the memory of a deceased member is one which has long continued, as it has ever appealed to the noblest instincts of the mind and heart.

In the association which is brought about in the discharge of common duties, which are performed with a unity of feeling and a patriotic purpose, friendships naturally arise which last through life and are ever cherished with deep devotion.

Death is the saddest of life incidents. It is ever mysterious; it is always inexorable; it is certain, and whether it occurs on the tented field, in the legislative hall, in the forum, or the workshop, it exacts reverence and awe from the most callous heart. And when it overtakes and cuts down in the meridian of a bright manhood and terminates the useful and honored career of a friend it becomes the sad but cheerful duty of his companions to chronicle the events of that life and thereby perpetuate his memory. And so to-day "death's dishonorable victory we with our stately presence glorify." I knew our deceased friend so well that it bordered close to intimacy. He frequently communicated to me his hopes and his aspirations, and I never knew a soul of loftier sentiments.

Among the first acquaintances made by your speaker when he became a member of the Fifty-sixth Congress was our lamented friend, RUFUS KING POLK. He being a member of the North Carolina chapter of the Order of Cincinnati, from which State came his ancestry and where lived many of his kindred, he naturally felt an interest in that State, and in that way sought the companionship and gained the friendship of some of its members. His career is much to be admired. Sprung from an honorable ancestry, prominent alike in Revolutionary days as well as in our Union afterwards, he inherited much of the culture and refinement, much of the courage and patriotism, much of the modesty and gentleness that is so characteristic of his people.

Born at the close of the late civil war, he was early impressed by the scenes and incidents of

> The land where the ruins are spread
> And the living tread light on the hearts of the dead.

He grew up taught to cherish with sacred pride the acts of heroism and the deeds of daring of the Confederate soldier, but to accept in good faith and as forever settled the causes which brought about a fratricidal war.

Like most Southern families whose fortunes were either entirely swept away or shattered by the great conflict, our friend, by the sacrifices of his family, was enabled to obtain an education at Lehigh University, and immediately thereafter sought employment in the State of Pennsylvania, where he soon secured the confidence and respect of his employers; and afterwards became a joint owner in the large structural iron business. His success in his new home was rapid. It was due to his earnest nature, his indomitable energy, his fidelity to principle, and his unswerving integrity of character.

While he became thoroughly identified with the social and financial spirit of his new home and affected by its environments, he never forgot the traditions, the recollections, and the experiences of his native Southland. He loved to refer to its past history and to its great future possibilities, and heard with eagerness the narration of its wonderful development. He was intensely patriotic in every fiber of his being; he loved his whole country and fondly boasted of its achievements; and no man hailed with greater pleasure the arrival of the era of good feeling between the sections, and the obliteration of the last vestige of sectional bitterness than did he, and was wont to say that he believed that the Union was now more harmonious than it had ever been before since its origin.

When the war against Spain was declared he was among the first to volunteer and offer his services to his country, and he was eager for his command to proceed "to win renown, even in the jaws of danger and of death." But by the decrees of fate he was denied the privilege of active service in Cuba, and was mustered out at the end of the war holding the commission of a first lieutenant.

In 1898 he was nominated for Congress in the Seventeenth Pennsylvania district. During the campaign his opponents, to counteract his personal popularity, urged against him the fact that he was the son of Lucius Polk, a Confederate general, and that he flaunted his father's record in the face of Pennsylvanians by keeping his father's uniform on exhibition at his home. Our friend on the stump admitted the soft impeachment; he declared he was proud to say he was the son of General Polk, and he cherished his memory, and preserved his uniform as a priceless heritage for his children. The people of his district, admiring courage and character, recognizing the war as over, and taking an equal pride in the valor of the followers of Lee and Jackson with that of the followers of Grant and Sheridan, as contributing to the common glory of the American name, applauded this bold avowal of his veneration for his father and his distinguished career, and it won for him the admiration of all classes, and he was triumphantly elected in a Republican district.

RUFUS KING POLK was a courageous man. The blood and courage that renowned his forbears ran in his veins. His father was a Sempronius; his mother a Cornelia.

He was a modest man. And while he never intruded his opinion on others, yet when occasion demanded him to speak he never faltered in giving expression to his sentiments.

He was an honest man. His sincerity and his rectitude of purpose pervaded all his actions, whether in social or business life. And the moral beauty of his character is a source of pride to his friends and family.

Cut down in his early manhood, he has left behind him a reputation as an honest citizen, a patriotic and chivalrous Christian gentleman, and has added to the glory of a name already honored in the nation's annals.

Among the Mohammedan legends there is a bridge which extends from this world across the dark and unfathomable abyss of chaos and hell to the shores of paradise. The structure is so attenuated and difficult of passage over this dreadful chasm without danger of being engulfed in the inextricable abyss below that the souls of mortals are only permitted to cross over with an ease proportioned to their virtues while living. That the soul of our friend has safely crossed the Al-Sirat and now rests in paradise we are assured by reason of the many virtues he possessed and displayed in his intercourse with his fellow-man while living.

But our friend has gone. May we so live that we may meet again in the great hereafter, where sorrows are unknown and joys are eternal.

Mr. STARK. Mr. Speaker, if a stranger had come into the city of Danville, Pa., on Saturday, March 8, 1902, his attention would have at once been called to the fact that something out of the ordinary was taking place. He would have noted that there were an unusual number of people in the streets; that there were teams hitched at all of the racks; that there was an expression of sorrow upon the faces of those he met. All places of business were closed, and the insignia of mourning was on every hand.

During the forenoon there passed through the streets, in solemn and orderly procession, the employees of the Structural Tubing Works, also of Howe & Polk, and of other manufacturing concerns of the city, all marching to a residence where, just inside of a window, lay the remains of a man.

There was a profusion of flowers over the casket, some of the floral emblems showing the skill of the professional florist; others showed that the hands that prepared them were moved thus to testify to their affection and respect.

As the grim, stern men turned away from the bier their look and manner indicated that they were mourners at heart. After a time the house filled and the streets were crowded with people. A short service was conducted and the procession started for the last resting place—long and imposing in the number of carriages, touching in the orderly march of the great number of workingmen through the mud and the slush. The last sad office was performed by eight stalwart employees of Howe & Polk, who as pallbearers laid him away in his last resting place.

The stranger would have inquired, What of this man that he should receive such honor and so much genuine grief be shown? The reply would have been that the dead, when in life, was Congressman RUFUS K. POLK; that he was born down in the "Old Volunteer State" in 1866; that he had an ambition, and to carry out his plans worked his way through the Lehigh University, taking a post-graduate course in mining engineering.

Then he came to Danville, laid away his cap and gown, put on the garb of a workingman, and went to work in the mills for $1.25 a day. He had prepared his brain by study; now he was to educate his hands. He had determined to master the business from all sides. Soon he was chemist for the Montour Iron and Steel Company; then passed to the charge of the furnaces of the Hocking Valley Coal and Iron Company; then general manager for the North Branch Steel Company, which position he held for seven years. His fellow-workmen told with pride that Mr. POLK could do a good day's work in any department of that great concern.

He had keen business discernment, coupled with practical knowledge. He invented a plan for the manufacture of structural tubing and then became a member of the firm of Howe & Polk.

He was intensely patriotic, being one of the first to follow the colors as first lieutenant of Company F, Twelfth Regiment Pennsylvania Volunteers, in the Spanish-American war, and, while making a splendid record as a soldier, found time to keep in touch with every detail of the work of his firm.

The people insisted that he should represent them in Congress, to which position he was elected and reelected. Last winter he gave out an address stating that he would not accept a nomination; that his desire was to return to his work.

Our stranger must have concluded, with this knowledge of the facts, that the lesson he learned from the life of RUFUS K. POLK was to be thoroughly fit for the struggle of life, to be persistent and to keep in touch with the ideals of the people.

I have noted that there is a general idea which is prevalent among men that a college degree is a testimonial that the possessor is partly educated. The ordinary graduate is a helpless sort of a being; he knows about books, but is an untried man on practical lines.

Books are the most useful tools in the world, when well selected and the reader constantly keeps in mind that they express another's observations and ideas. In this time one must be educated by his own observations; he must be able to handle every detail; he must work; he must do things; he must be constructive; he must be affirmative, self-reliant, and not dependent upon others.

Such a man was Mr. POLK. But he made the common American mistake. He put in too many hours at work and took too little time for recreation and rest.

It came home to me as I stood by his grave that his grief-stricken widow and children, his aged mother, and his brothers would have gladly given up the fortune he had amassed, the honors that had come to him, if he could return to them and start over again with the dinner pail and the working clothes. His life, his death, fully evidences that a man can only do a certain amount in this life with safety to himself. When the limit is overstepped, nature demands the penalty.

It was my good fortune to serve with him on committees during his service in Congress. I found him to be an able man, possessed of as kindly a disposition as any man I ever met. The tribute paid to him by the Morning News, published in his home city, is truthful and merited, and shows the great true-loving life as known to his family, friends, and neighbors:

Thus passes away one who has made the world better for having lived, in that he added to the happiness of others. Of him it may truly be said that in all his dealings with others he was uninfluenced by caste, by social, political, or religious distinctions, while his natural courtesy, his kind, tolerant disposition, his sympathy for the unfortunate, his open-handed generosity, his fair dealing, and his inflexible honesty, made him a prince among men; a strong and gracious personality, whose impression will remain long after the sod grows green above his grave.

Mr. PADGETT. Mr. Speaker, to-day we assemble to pay a just tribute of respect to the memory of an associate and colaborer who has fallen in the great conflict. Were we to consult our feelings we would stand in reverent silence, for we realize that upon an occasion of this character words are inadequate fully to express our deep sense of sorrow over the untimely death of our deceased friend or to convey an adequate expression of our high appreciation of his worth as a man, his merit as a citizen, and his usefulness as a legislator.

RUFUS KING POLK was born in Maury County, Tenn., August 23, 1866, of noble parentage. His ancestors were of Scotch-Irish descent, and in the early history of our country settled in the State of Pennsylvania. We are informed that about the middle of the eighteenth century they removed to the State of North Carolina, and in that State they became identified in a marked degree with the best thought and life of the country and contributed materially to the development and upbuilding of the country. They were associated with and contributed much to the betterment of the social conditions of that State and to its growth and progress.

In the early part of the nineteenth century some of the family removed to middle Tennessee and located in Maury County, Tenn.

True to the traditions and past history of the family, and moved by the same noble and generous impulses which had characterized the family, they at once became identified with the best thought, the best purpose, and the best life in their new home and began to contribute to its progress and development. Everyone who reads the early history of Tennessee in its social, material, and political phases will find the impress thereon of the Polk family—an impress full of encouragement, worthy of preservation, and an inspiration to noble living.

Our departed friend was not unfaithful to the traditions of his family nor a stranger to their virtues.

He attended, in his boyhood days, the common schools of the country, and when about 17 years of age entered Lehigh University, in the State of Pennsylvania. After finishing the course of study he took a post-graduate course in mining engineering. After finishing his studies in the school, he came face to face with life's work. He was Southern born, and reared in the best social life and surroundings of Southern society. He loved the Southland and its cherished institutions. He had a profound respect and love for the people of his native South, but his training and education fitted him for work in another field, and he cast his lot and life among the people of the great State of Pennsylvania, where he might find suitable employment for his talent. Coming among these people, he did not surrender his love or veneration for his Southern home, nor was it necessary or proper that he should do so. His love for his native land only fitted him the better to love and cherish the people and the country of his adoption.

He had only returned to the land of his forefathers, and in this incident we have an illustration of the oneness of our country and the unity of our people.

The seventeen years of his home life in Pennsylvania as he came and went among her people, and touched elbows with his associates and clasped hands with his friends, and drew to himself their love, their confidence and esteem, and himself shared his own life and love in their homes and around their hearthstones, demonstrate his character and proved his worth as a man, and, more than this, they bring to us a better realization of the truth, in object lesson, that no sectional lines confine friendships or banish love.

His election to Congress and the circumstances attending it vividly testify to the confidence and esteem of his people, and the multitude beside his bier, listening to hear the last sad requiem, and the throng at the open grave tell their love.

Mr. Speaker, our departed comrade was a man of many virtues and of much excellence. He was a man of energy and industry, and the practice of these virtues secured for him much of this world's goods in the few years of his business career. Prosperity crowned his business efforts. He was strictly honest in his business transactions and honorable in his dealings with men. He was a man of integrity, of character and purpose. He was broad-minded and warm-hearted. He conceived generous thoughts and executed them with liberal charity, and at his home town many there are who know of his love by his charitable deeds.

He did not suffer a narrow circle to circumscribe his thoughts, nor permit a narrow view to limit his vision of life, its duty, and its work. He was, with it all, unostentatious and unassuming; gentle in his manners, but firm in his convictions; suave in his demeanor, yet positive in his purpose. These qualities made us love him, for we believe that he loved mankind.

Our friend has departed. Almost in the twinkle of an eye he left us. In the very prime of manhood, in the midst of his hopes, expectations, aspirations, and honors, he has fallen. Verily, "in the midst of life we are in death." These things we can not comprehend. The mysteries of death we can not fathom. But this we believe: Wherever the true, the noble, and the good shall be found there we shall find him. To us it is a comfort to have labored with him. We are glad to count him among our friends. The memory of his virtues we shall preserve and cherish, and we shall endeavor to make the aspirations of his life an inspiration to our own.

We shall not contemplate his death as the end. Except the seed perish, the plant shall not grow and flower. Except the acorn die, the oak can not be the monarch of the forest. Through the chambers of seeming death lies the path to the larger, richer, and better life.

[Mr. GRIGGS addressed the House. See Appendix.]

Mr. BELMONT. Mr. Speaker, truly "in the midst of life we are in death." Here in this Hall we were accustomed to see RUFUS KING POLK day by day as he did his part in the work of this great body. Giving no hint of approaching dissolution, no sign of failing powers, young, strong, vigorous, virile, he went in and out among us, and if one had been asked to pick out among us all him who seemed the most unlikely to be the next victim of the Grim Reaper's scythe many of us would have pointed to Mr. POLK. Stricken down without warning almost at the very threshold of his active, manly life, the shock of his sudden death was to us, his friends, intensified. Painful as would have been such tidings even though he had lain on a bed of sickness for many weeks with the inevitable end clearly foreseen, the news would not have come to us with such startling force, with such blighting intensity. Like a bolt out of a clear sky came the announcement of his death, and at first it seemed to us who knew him well impossible of belief. Death is always sad, whether it comes to the young or to the aged; but when the visitation falls upon the strong man, "rejoicing as a giant to run his course," full of confidence in his own strength, we stand appalled.

Mr. Speaker, in a few short, pithy sentences in the Congressional Directory we find embodied the story of his life. Born in Maury County, Tenn., in 1866; educated at Webb's Academy in Culleoka, Tenn., and at Lehigh University in the State which during the short remainder of his life he was to make his home; graduating as mining engineer; serving his country as first lieutenant in Company F of the Twelfth Regiment Pennsylvania Volunteer Infantry during the Spanish war; a successful business

man; delegate to the national convention of his party in 1900; a member of the Fifty-sixth and of the present Congresses. Is not this a record of successful achievement of which any man might be proud? And yet when he died he was still less than 36 years of age—just one-half of the allotted span of human life had been run, but he had made for himself a name, he had gained the devoted love and loyalty of a great circle of friends, and he had won the admiration and esteem of all on this floor with whom he had come in contact.

Mr. POLK, when he went from Tennessee to Pennsylvania, was absolutely without means, and he was compelled to borrow most of the money he needed to carry him through college. Every cent of this indebtedness he afterwards repaid out of his wages as a laborer in the iron mills of his adopted State. He began work in these mills at $1.25 a day, and by his diligence, ability, and devotion to duty he rose to the position of manager and partner in the iron mills at Danville. At the time of his death he was also interested in several other large iron industries. These facts show the man's business ability. But he had greater qualities than the mere ability to make money; he was manly, self-reliant, faithful, considerate, absolutely loyal to his friends, and essentially fair-minded. By his own unaided energy, integrity, and self-reliance he advanced step by step until he had attained to the proud position of a Representative in the Congress of the United States.

He has gone from us, leaving to mourn his loss a loving and devoted wife and four young children. May his life and his example be to them and to us alike an encouragement and an inspiration to higher things.

EULOGIES ON THE LATE SENATOR KYLE.

Mr. BURKE of South Dakota. Mr. Speaker, I call up the special order for this hour, and offer the resolutions which I send to the desk.

The SPEAKER pro tempore. The gentleman from South Dakota offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That it is with deep regret and profound sorrow that the House of Representatives hears the announcement of the death of Hon. JAMES HENDERSON KYLE, late a Senator from the State of South Dakota.

Resolved, That the House extends to his family and to the people of the State of South Dakota sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased, the business of the House be now suspended, to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk transmit to the family of the deceased and to the governor of the State of South Dakota a copy of these resolutions with the action of the House thereon.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises, the House do adjourn.

Mr. BURKE of South Dakota. Mr. Speaker, little did I realize or imagine when elected to the present Congress that before the expiration of my term death would enter our delegation and remove one of our respected and esteemed members, and yet within a few months Senator KYLE, apparently in good health and comparatively a young man, was suddenly stricken with a severe illness of brief duration, which terminated fatally, and he was taken from us, and we were called upon to mourn his loss, his death occurring in Aberdeen, S. Dak., July 1, 1901.

His unexpected and untimely death only illustrates the great uncertainty of life, and is another manifestation of the will of a divine providence, to which we must all submit, realizing that His will is supreme and His way is best.

This being the occasion set aside for the purpose of paying tribute to our departed and distinguished Senator, in the time alloted to me it will be proper to briefly refer to his history and record in the Senate of the United States, and say a few words appropriate to the occasion.

JAMES HENDERSON KYLE was born in the State of Ohio, February 24, 1854, and therefore at the time of his death was but 47 years of age. He moved with his parents to Illinois, where he received his early education, attending for a time the State University of that State, where he took a course in civil engineering. In 1873 he returned to Ohio and entered Oberlin College, taking a classical course, graduating in 1878. He at first determined to take up the profession of the law, and spent some time in taking a law course, but later changed his mind and decided to enter the ministry, and he attended the Western Theological Seminary, from which he graduated in 1882. He began his career as a minister in the State of Utah, and for a time was connected with a seminary at Mount Pleasant, in that State. From Utah he moved to Crested Butte, Colo., where he assumed charge of a church and remained until 1885, when he went to the then Territory of Dakota and located at Ipswich, where he remained until 1889, and removed to Aberdeen, where he became pastor of the Plymouth Congregational Church, and was pastor of this church when elected to the State senate in 1890.

At the time he was nominated as State senator, in addition to his ministerial duties, he was acting as financial secretary of the Congregational College at Yankton, S. Dak., which made it necessary for him to be away from home a greater part of the time, and he therefore gave but little, if any, attention to his political interests and was apparently indifferent to his election. He was, however, elected and took his seat in the State senate when the legislature convened in January, 1891, affiliating with what was then known as the Independent party. There were several candidates for United States Senator, resulting in a very bitter contest lasting for several weeks. Finally a compromise was effected, and the name of Mr. KYLE was proposed, and in a very short time he was elected to the Senate to succeed the Hon. Gideon C. Moody. He entered the Senate March 4, 1891, and at once interested himself in legislation for the benefit and advancement of his immediate constituency and began his record which marked him as a capable, industrious servant of the people, generally commanding the respect of his colleagues.

In 1896 he was a candidate to succeed himself. His party was successful in electing a majority of the legislature, but there were several candidates for the Senatorship, which developed a strong and heated contest that continued for many weeks, and it ultimately became apparent that Senator KYLE could not be reelected by the majority party, and that possibly there would be no election and the State would suffer the loss of having but one representative in the upper branch of Congress. Rather than have this happen, and realizing and recognizing in Senator KYLE a man upon whom the State could depend to faithfully represent its interests, and that he would ever be true and loyal to his country, the Republican minority came to his support, and with the votes of a few of his personal friends of the majority he was successful and again elected to the Senate.

It was at this time that I became intimately acquainted with him, being then a member of the legislature, and I want to take occasion at this time to say that I was personally in a position to know all that occurred in connection with his last election to the Senate, and that nothing transpired leading up to the Republicans in the legislature giving their support to Senator KYLE that was not strictly honorable, and he in no manner compromised himself and was as free to act and express himself as if he had been elected by the party with whom he was affiliating, and it was on account of his independence and manly position, as expressed by him at that time, that I formed a respect and regard for him which resulted in a warm personal friendship between us, and I considered him as one of my intimate friends, and I deeply deplore his death and mourn his loss as one friend mourns for another.

During Senator KYLE'S service in the Senate he was a tireless worker, especially in the interests of his own State, which he dearly loved and for which he accomplished much. He occupied the position of chairman of the Committee on Education and Labor, and always favored any legislation benefiting the laboring classes, and was ever on the alert to advance and promote the laboring interests. It was largely due to his efforts that Labor Day was made a national holiday, and it was he who was the author of the bill and the originator of the idea. He also introduced the bill, which subsequently became a law, creating the Industrial Commission, of which he was chairman, and the work done by that Commission was very largely under his direct supervision, and the number of reports is an evidence of what the Commission accomplished, and the reports contain much valuable information in the way of data and statistics that are now and will be in the future of great value to the country.

Senator KYLE took especial interest in legislation for the benefit of the civilization, education, and advancement of the Indians, and was a member of the Senate Committee on Indian Affairs. He was devoted to the cause of the old soldiers of the country, and as a member of the Committee on Pensions accomplished much in securing the passage of many meritorious private pension bills and securing general favorable pension legislation.

Senator KYLE was not a strong partisan, though pronounced and firm in his convictions, and in his public as well as private life always aimed to be upon the side that his conscience and judgment prompted him was right, and I do not think he was ever challenged or accused of throwing his influence or using his position to promote or advance his own personal or selfish interest, but was invariably, as before stated, found standing for and advocating what seemed to him to be the right.

He was devoted to his country, and during the trying times leading up to the Spanish-American war and its continuance he arose above partisanship, and his vote and influence in the Senate were ever with the Administration, which in his opinion represented American statesmanship and patriotism, and his loyalty to his country was greater than what might be called duty to his party. He did not change from this position in relation to the many questions and problems which arose as a result of the war, but continued to stand with the Administration on all these questions.

He had a very high sense of honor, was extremely conscientious, was devoted to duty, and his integrity was supreme. It was always his ambition to do that which seemed best for his State and the country. Personally he was extremely generous and kind, and invariably responded cheerfully and willingly when called upon to assist a friend or aid one in distress. If he had a weakness it was that he could not refuse the request of a friend.

His death is a great loss to the State of South Dakota, and he is mourned by all who knew him, without regard to politics. He will long be remembered for what he accomplished in his public career, and for his many acts of kindness extended to those who called upon him for assistance, and although he is no longer with us in life his memory will long be cherished by the people of his State and his friends throughout the country.

He was possessed of a noble character, generous to a fault, unselfish, and ever striving to do good for his country and his fellow-men. It may be well and truly said that he was a statesman, a loyal citizen, a good neighbor, a devoted husband and father, and a true Christian man.

Mr. DE ARMOND. Mr. Speaker, most of those who enter Congress come from the profession of the law or of medicine, the bank counter, the business world, or the farm. JAMES H. KYLE came to the Senate from the clerical profession, and was one of a few from that class who served in Congress during the time of his incumbency. Many times, no doubt, in following his calling as a clergyman he had occasion to speak feelingly and soothingly over the remains of the dead. Many times, no doubt, in his ministry he dwelt upon the virtues of the departed, gave consolation to the stricken, and drew a moral for the benefit and guidance of all. And of him, as one numbered with the dead, we speak to-day.

Pursuing his duties as a clergyman in the agitating time and political upheaval of 1890, he was caught in the sweep of the reform movement that passed over the West, touched with the general dissatisfaction with conditions then existing, and thrilled with the general desire for a change. New to the political field, he very naturally became as enthusiastic upon the questions then agitating the masses as his temperament and his calling would permit. Elected to the State senate, he served but a short time, when, at the end of a bitter contest, he was taken up and elected to the United States Senate.

It happened during a portion of his service here that I was quartered in the same house at which he also lodged, and naturally we became quite well acquainted, and naturally, too, we and others, of similar minds upon many of the political questions of the day, often talked over the issues and the prospects. At that time Senator KYLE was full of the sentiments which animated and directed the course of those who had placed him in office. He was full of the reform movement of the day, full of the belief that legislation had been turned into the wrong channels, that the many had not derived from lawmakers and laws and the executors of the laws the benefits and security justly due them, and that something ought to be done to change the general course—the lawmakers should look to and strive to promote and protect the interests of the many to a greater extent, and the interests of the few to a lesser extent.

That Senator KYLE was an amiable man, kindly disposed, and of generous impulses, I think all who knew him can truthfully testify. He was not aggressive nor obtrusive. He had that amiable disposition, was of that well-balanced and placid temperament which always go with regard for the feelings, opinions, and interests of others. He never pushed, in an aggressive way or in an offensive manner, his own opinions or projects. He passed through his Senatorial service in a quiet and unostentatious, undemonstrative way, at a time when there was a good deal of turmoil and a good deal of feeling in the political world.

As his first Senatorial term approached its close, and the time came for the election of his successor, those who knew his sentiments and feelings and his course here were hopeful that he might be returned. I recollect talking with him upon the eve of departure for the West, for the contest which, before his return, would be settled; for before he would be with us here again it would be known whether he would come as the Senator-elect or as the defeated aspirant for the Senatorial succession. It was known that the party with which he affiliated had a small majority in the legislature of his State, and the only question seemed to his friends here to be whether that majority party would unite upon him, or whether some other member of his party would be successful in getting its support. It was found that the Senator's party was not for him. His party wished him to retire that it might honor another with the Senatorship.

Again a bitter contest ensued. Again a deadlock occurred, and finally, after much balloting and many conferences, and a great struggle, Senator KYLE was reelected, as was stated by the eloquent gentleman from South Dakota [Mr. BURKE], by a few votes of his own party and the solid vote of the opposition party. He won—his party was defeated.

Naturally, when he came back, it was appreciated by those with whom he had been associated politically that a change had taken place in his relations to political parties, and that probably a change would take place in his relations to political questions. So, no surprise was expressed when, later on, he became affiliated with the majority party in Congress, the Republican party, which he had first opposed, but which in his second election had returned him to the Senate.

I do not think there was any harsh criticism of him; certainly not here. I know not how it was in the State in which he dwelt. It is not for me, or for anyone, recklessly, to say that his change of sentiment did not correspond and entirely keep pace with his change of party. He was educated at Oberlin. Republicanism was deeply instilled into him in his youth. He went to Dakota no doubt an intense Republican. A movement for reform which swept over the country carried him from the party of his fathers, from the party of his earlier devotions, into another, and it is not so remarkable that under changed circumstances he again became fast in the faith which was his early faith, and turned from the course which for a time he had followed.

He was a kindly man, of generous impulses and blameless private life. No feelings except kindly feelings can be entertained of him personally by those who knew him here. He has passed off the stage, gone in the prime of life, gone with the largest portion of the strongest years of life, in the ordinary course, cut off.

To be a Senator of the United States is a great honor. To have the esteem and veneration of the people who elect Senators is something to strive for and to be proud of. If one retain that esteem and veneration after the Senatorial office is gone until life itself is gone, his memory becomes a rich legacy.

As one who knew Senator KYLE, and whose relations with him were pleasant and kindly, as one who esteemed him for his virtues in private life and who has no judgment to pass upon his political faults or failings—no one is perfect—I lay my tribute of personal respect upon his bier.

Mr. MARSHALL. Mr. Speaker, it was not my pleasure or profit to have known JAMES HENDERSON KYLE well in the sense of having met him often, or to have spent any considerable time with him. On the contrary, although we were near neighbors, but little opportunity was offered to know him through the ordinary means by which men know each other, and I must therefore leave to others the office of speaking of him from the standpoint of close acquaintanceship, and others can better give the particulars of his birth, education, and life.

But we may know a man well and divine his character through the medium of a multitude of mutual friends, and thus view him through an atmosphere that neither magnifies, reduces, or refracts.

The true likeness of a man in active public life is reflected as in a mirror from the people among whom he lived and labored.

For over a year it was my pleasure to spend the greater part of my time among the people who knew Senator KYLE best and came in close contact with his home constituents, and there was thrown on my mind and heart a composite picture of the man which I shall never forget and which I shall ever cherish as one of the pleasant memories of my life. That picture is the average of the views of a great number of people, and is neither colored by friendship nor distorted by dislike. All narrow individual views merged, interwoven, and overshadowed into one, and the picture of the true man stands forth in my mind clean-cut, complete in outline, and beautiful, and I regret that these feeble words of mine can not reproduce for you the picture of this man.

The men are few in active political life who have the intellectual and moral strength to withstand the searchlight of daily familiarity with a large local constituency and rise above local jealousies and criticisms.

Few there are who can stand forth unsullied, transparent, and flawless under the X-ray of public opinion, but Senator KYLE was such a man.

Having been educated for the ministry and followed the profession, Senator KYLE, inexperienced in politics, was suddenly injected into official life by one of the strange circumstances which are so apt to arise in Western politics, and at a time when political issues were at fever heat.

He stepped from the place of a minister of the gospel and financial agent of a church college to State senator, and from there to the highest office in the gift of the entire people of a State. Thrown into the place by a veritable political maelstrom of contending factions—elected under the most trying circumstances by the union of opposing and radically differing parties. Through it all, and in all the years that followed, he was the same clean, earnest, honest, unassuming, kindly, manly man and Christian gentleman that he had been in the past.

Although in high political station, he did not grow away from